



PLANNING COMMISSION

AGENDA REPORT

VII.4

MEETING DATE: DECEMBER 13, 2010

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-10-36
CONDITIONAL USE PERMIT FOR A SPECIALTY AUTOMOTIVE REPAIR SHOP WITHIN
200 FEET OF RESIDENTIALLY ZONED PROPERTY
1996 AND 1998 PLACENTIA AVENUE

DATE: DECEMBER 2, 2010

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136
WSHIH@CI.COSTA-MESA.CA.US

PROJECT DESCRIPTION

Conditional use permit (CUP) for a specialty automotive repair shop (Bimmer and Benz Specialists) within 200 feet of residentially zoned property.

APPLICANT

The applicant is Morteza Khamenian, representing the property owner CV Investment Partners.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Services Director

BACKGROUND

Project Site

The property is located on the southeast corner of Placentia Avenue and West 20th Street, bounded by industrial properties on all sides. The property is zoned MG (General Industrial District) and has a General Plan designation of Light Industry. It is also located within the Mesa West Bluffs Urban Plan area. However, because the application is not for live/work units or residential loft development, it does not activate the provisions of the urban plan.

The property contains a 6,160 square-foot industrial building constructed in 1967. The site was originally approved with a 5-foot landscape planter along Placentia Avenue and West 20th Street and 25 on-site parking spaces. Staff notes that the parking lot has not been maintained and the landscaping has been removed. The property owner has been issued a notice of violation and citation, and will be restoring the property to the original permitted conditions to the fullest extent possible.

Project Description

Bimmer and Benz Specialists is an automotive shop that provides service and repair for luxury European motor vehicles. The business has occupied an approximately 3,000 square-foot suite at 740 West 16th Street since 1989. According to the business owner/project applicant, the business has outgrown its current location and would like to relocate to the subject property. The building currently contains two suites. The applicant would occupy one suite in the beginning and plans to expand into the adjacent suite in the near future. However, all site improvements with regard to landscaping and parking lot improvements would be completed prior to start of business.

A conditional use permit (CUP) is required for motor vehicle repair service within 200 feet of a residential zone. The site does not abut a residential zone but is located approximately 160 feet away from a residentially zoned property to the rear (east).

The project proposal is as follows:

- Operating hours from 8 a.m. to 5:30 p.m., Monday through Friday. The business is closed on weekends.
- Service and repair luxury European motor vehicles only.
- Average customer trip to the site is approximately nine cars per day.
- Building façade improvements including new canopies, roll-up doors, entry doors, trash enclosure, and parking lot repair and landscaping installation as required by Code.

Based on a records search of the past ten years, there has not been code enforcement related complaints of this business at their current 740 West 16th Street location.

ANALYSIS

Justification for Approval of the CUP

Staff supports approval of the CUP for the following reasons:

- Approval of the CUP is consistent with other similar and previously-approved requests for auto repair facilities in the immediate vicinity. The majority of the properties in this block on Placentia Avenue are zoned industrial and abut residential properties. The properties on this street contain various industrial uses including automotive repair shops that were established in the 1970's and 80's.

The application is a conditional use permit for an auto repair use in the base zoning district (MG zone), and therefore it does not activate the Mesa West Bluffs Urban Plan. Subject to the approval of a CUP, the proposal would be consistent with the land uses allowed per the General Plan designation and Zoning regulations.

- The automotive repair shop will not negatively impact the residential uses across the public alley (Palace) to the rear. Unlike other properties along Placentia Avenue, this lot does not extend to the alley adjacent to the apartments. The property is located approximately 160 feet away from the apartment property to the rear, separated by another lot containing two industrial buildings. The proposed automotive repair service would be provided within the existing industrial building with two roll-up doors facing Placentia Avenue; there are no openings to the rear of the property.

The applicant will be required to comply with the conditions of approval (numbers 1 through 4) and all applicable Code requirements. The Code requires all operations to be conducted inside the building and all activities be confined to 7 a.m. to 7 p.m. when located within 200 feet of residentially zoned property. It also prohibits damaged or inoperable vehicles to be stored for purposes other than repair (CMMC Sec. 13-54(b)).

- Noise-related problems are not anticipated due to unique operating characteristics. Based on the project description and location of the building, staff does not anticipate any noise-related issues. The business will be closed between 5:30 p.m. and 8 a.m. during weekdays and all day on weekends, which complies with the Zoning Code for automotive repair facilities within 200 feet of residentially zoned property.

Condition of approval no. 1 restricts the use to the type of operation described in this report and in the applicant's written description (hours of operation, type of service, etc.). Any change in the operational characteristics including, but not limited to, type of services provided or an increase in floor area, would be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.

The applicant is also reminded that the City's noise standards apply at all times.

- Adequate on-site parking will be provided to accommodate the use. The original development contained 25 off-street parking spaces, which exceeds the Code-required parking for industrial uses, including the proposed automotive repair business (18 spaces required). After implementation of the required parking lot improvements (i.e. restriping to standard sized parking stalls, handicap parking stall, and new wheel stops), 5-foot wide landscape planter, and new trash enclosure, staff estimates that 22 standard parking spaces could be provided.

No additional building area is proposed for the auto repair service that would trigger additional parking requirements. Since the business is a specialty shop that only services luxury European vehicles, additional parking above the industrial parking rate (3 spaces per 1,000 square feet) is not required.

- Overall site upgrades will include new landscaping, parking area, and exterior building renovation. As mentioned in the background, the property is currently in violation for lack of parking lot maintenance and landscaping. The property is required to be restored under the direction of the Planning Division regardless of the outcome of the Planning Commission's action on this CUP application. However, the applicant has indicated that he is working with the property owner to implement these site improvements. Furthermore, the applicant is proposing to update the building façade with new canopies, roll-up doors, entry doors, and a trash enclosure.

Condition no. 2 requires completion of the following site improvements prior to final occupancy and/or start of business on this property:

1. Restore five-foot landscape planter along Placentia Avenue and West 20th Street with a minimum of four mature 24-inch box trees and 32 five-gallon size shrubs in this area. A detailed landscape and irrigation plan shall be submitted for review and approval by the Planning Division prior to installation.
2. Repair wheel stops and restripe a minimum of 18 parking spaces, under the direction of the Planning Division.
3. Install trash enclosure and gates (no chain link), painted to match the building.
4. Upgrade the building façade as shown on the proposed elevation plans.

GENERAL PLAN CONFORMITY

The existing development is legal, nonconforming with respect to floor area ratio limitations (maximum 0.25 FAR allowed for moderate-traffic generating uses; 0.40 FAR existing). In accordance with the General Plan, approval of a CUP for the automotive shop would allow a use and intensity that is consistent with the Light Industry land use designation. Approval of the use would not significantly intensify average daily trip generation compared to historic uses or General Plan projections. Because increased vehicle trips are typically associated with auto repair uses, the payment of applicable traffic impact fees is required.

The application is a conditional use permit for an auto repair use in the base zoning district (MG zone), and therefore it does not activate the Mesa West Bluffs Urban Plan. Subject to the approval of a CUP, the proposal would be consistent with the land uses allowed per the General Plan designation and Zoning regulations.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the establishment of the automotive repair shop on the property, as described in the staff report, subject to conditions and Code requirements.
2. Deny the application. If Commission denies the application, an automotive repair shop would be prohibited on the property. A similar request may not be submitted for six months.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Staff supports approval of the CUP for the proposed automotive shop, given that the business will be subject to conditions of approval to minimize impacts to residential uses. Based on the project description, the proposed use will not negatively impact residential properties in the area. Adequate on-site parking will also be provided to accommodate the use along with additional site improvements prior to start of the business.

- Attachments:
1. Draft Planning Commission Resolutions
 2. Applicant's Project Description and Justification
 3. Location Map
 4. Plans

- Distribution:
- Development Services Director
 - Deputy City Attorney
 - City Engineer
 - Transportation Svs. Mgr.
 - Fire Protection Analyst
 - Staff (4)
 - File (2)

Morteza Khamenian
740 W. 16th St.
Costa Mesa, CA 92627

CV Investment Partners
33701 Kinkery Ln.
San Juan Capistrano, CA 92675

File: 121310PA1036	Date: 120210	Time: 9:00 a.m.
--------------------	--------------	-----------------

ATTACHMENT 1

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-36

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Morteza Khamenian, authorized agent for property owner CV Investment Partners, with respect to the real property located at 1996 and 1998 Placentia Avenue, requesting approval of a conditional use permit for a specialty automotive repair shop within 200 feet of residentially zoned property, in the MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 13, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-10-36 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-10-36 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 13th day of December 2010.

Vice-Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 13, 2010, by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Kimberly Brandt, Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (for approval)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. The existing development is legal, nonconforming with respect to floor area ratio (FAR) limitations (maximum 0.25 FAR allowed for moderate-traffic uses; 0.40 FAR existing). In accordance with the General Plan, approval of a CUP for the specialty automotive shop would allow a use and intensity that is consistent with the Light Industry land use designation. Approval of the use would not result in a significant increase in average daily trip generation beyond the General Plan land use designation.
 3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use, as conditioned, is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, approval is consistent with other similar and previously-approved auto repair facilities in the immediate vicinity. The business will be subject to conditions of approval to minimize impacts to residential uses in the area. Additionally, no additional building area is proposed for the auto repair service that would trigger additional parking requirements above the industrial parking rate (3 spaces per 1,000 square feet). Therefore, adequate on-site parking will be provided to accommodate the use. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project, as conditioned, is consistent with Article 3 Transportation System Management, of Chapter XII, Title 13, of the Costa Mesa Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections.

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF PROJECT IS APPROVED)

- Plng.
1. The use shall be limited to the type of operation described in the staff report and applicant's description (i.e. hours of operation and types of service), subject to conditions. Any change in the operational characteristics including, but not limited to, type of services provided or an increase in floor area, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. The applicant shall complete the following site improvements prior to final occupancy and/or start of business on this property:
 - Restore five-foot landscape planter along Placentia Avenue and West 20th Street with a minimum of four mature 24-inch box trees and 32 five-gallon size shrubs in this area. A detailed landscape and irrigation plans shall be submitted for review and approval by the Planning Division prior to installation.
 - Repair wheel stops and restripe a minimum of 18 parking spaces, under the direction of the Planning Division.
 - Install trash enclosure and gates (no chain link), painted to match the building.
 - Upgrade the building façade as shown on the proposed elevation plans.
 3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement. The applicant is also reminded the City's Noise Standards apply at all times.
 4. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-10-36**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Morteza Khamenian, authorized agent for property owner CV Investment Partners, with respect to the real property located at 1996 and 1998 Placentia Avenue, requesting approval of a conditional use permit for a specialty automotive repair shop within 200 feet of residentially zoned property, in the MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 13, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-10-36 with respect to the property described above.

PASSED AND ADOPTED this 13th day of December 2010.

Vice-Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (for denial)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
 - b. The project is not consistent with the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.
- C. The Costa Mesa Planning Commission has denied PA-10-36. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

ATTACHMENT 2

BIMMER AND BENZ SPECIALISTS

740 W. 16th street Costa Mesa, CA

www.bimmerfixer.com (949) 642-1410 bimmerfixer@gmail.com

October 20, 2010

Re: 1998 Placentia Avenue, Costa Mesa, CA 92627

To whom it may concern:

Since May 1989, my auto repair business has been located in Costa Mesa where it has grown from a small enterprise into a thriving business that contributes to the local economy. At Bimmer & Benz Specialists we service and repair luxury European motor cars.

Having outgrown our current location on 16th Street, we are excited by the prospect of moving our business to a new location at 1998 Placentia Avenue among a number of other fine auto repair shops. We regularly do business with Dr. Detail, a detail shop across the street from our proposed new location. We also work with Marx Mercedes, Alliance Collision, and C&F Auto also located on Placentia Avenue.

Our "car count" is considerably lower than that of the average auto repair shop because: (1) we repair high-end vehicles and cater to a select clientele; and (2) our average dollar rate per repair ticket is higher than average shops. Attached is a document that verifies our typical car count. At an average of approximately nine cars per day, we generate far less traffic than other auto repair businesses. Moreover we are closed on the weekends: our business hours are Monday through Friday, 8:00 a.m. to 5:30 p.m.

The building in which we are interested consists of 6175 square feet and is split into two work areas. We would like to begin by occupying one side of the property until our clientele grows to the point where we require all of the space. The conditional use permit we are requesting would apply to the entire property so that we can accommodate our anticipated full occupancy.

Our customers have come to expect from us a very clean and modern facility; we intend to surpass their expectations with the new site. Attractive planters and landscaping as well as the image of the building and its surroundings are extremely important to our clientele and to us. As with our current property, we will do our utmost to achieve the beautification goals of our neighbors and the City of Costa Mesa.

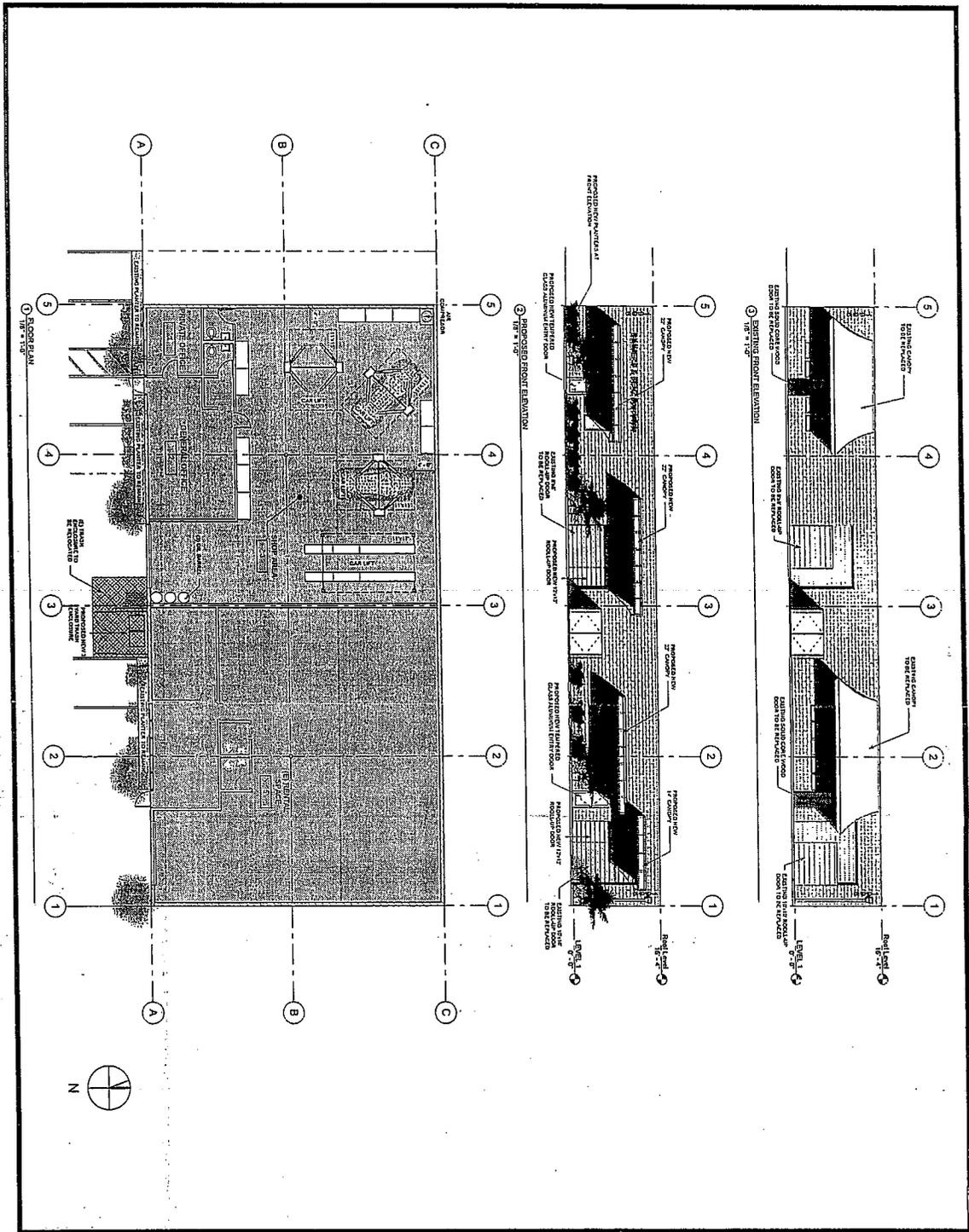
Thank you for your consideration,

Morteza "Rocky" Khamenian
Owner

ATTACHMENT 3

LOCATION MAP



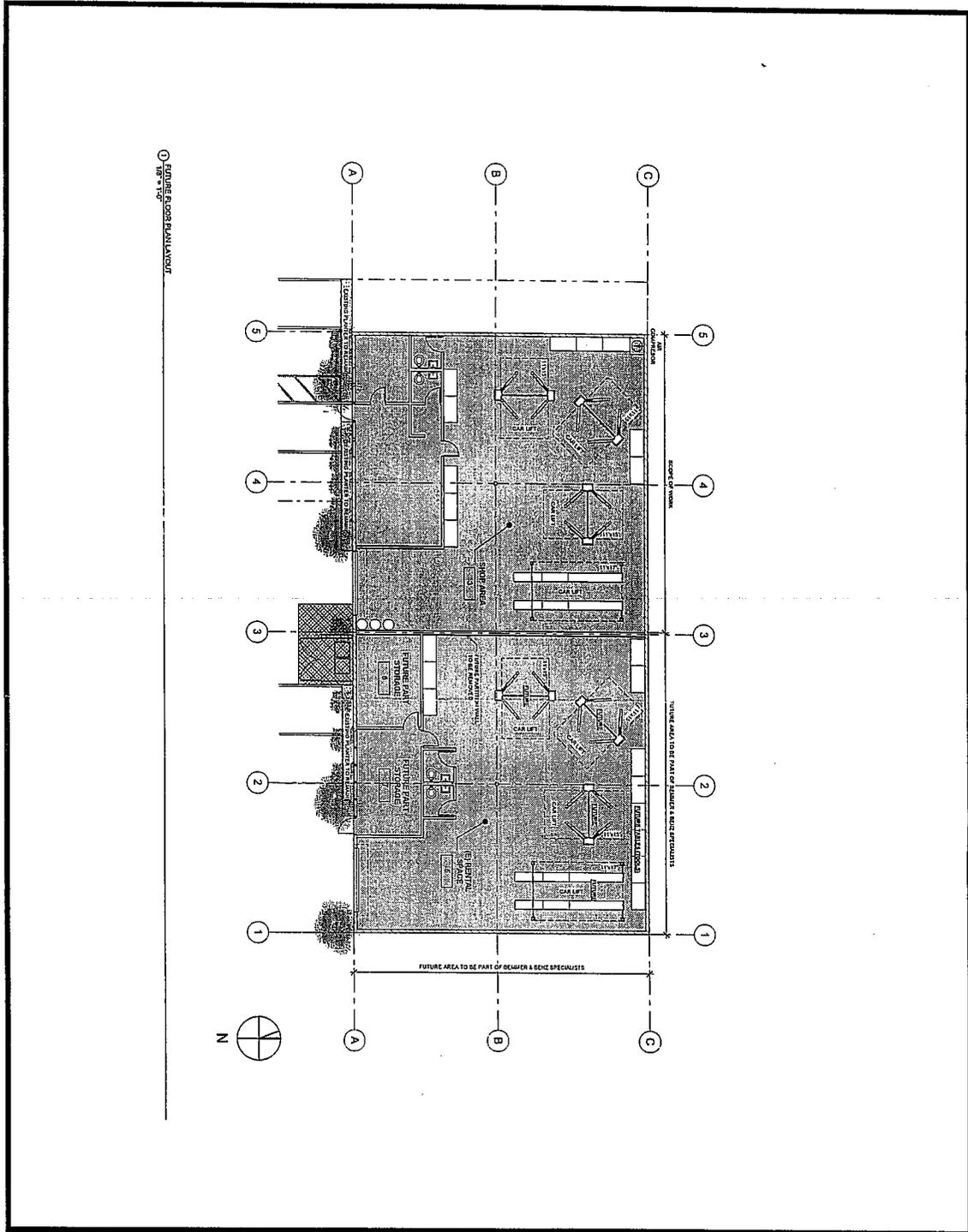


THIS DRAWINGS & SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF GYO DESIGN AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH GYO DESIGN, WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE, ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF GYO DESIGN PRIOR TO THE COMMENCEMENT OF ANY WORK.

<p>SHEET NUMBER A-02</p> <p>DATE 10-04-2010</p>	<p>SHEET TITLE FLOOR PLAN & ELEVATIONS</p>	<table border="1"> <thead> <tr> <th>REVISION</th> <th>DATE</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REVISION	DATE	DATE																															<p>BIMMER & BENZ SPECIALISTS</p> <p>1998 PLACENTIA AVE COSTA MESA CA 92627</p>	<p>SEAL SIGNATURE</p>	<p>1048 VIEWPONTE LN. CORONA CA. 92881</p>	<p>GYO DESIGN STUDIO</p>
REVISION	DATE	DATE																																					

10-04-2010

16 PA-10-36



① FUTURE FLOOR PLAN LAYOUT
1/8" = 1'-0"

THIS DRAWINGS & SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF GYO DESIGN AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH GYO DESIGN. WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF GYO DESIGN PRIOR TO THE COMMENCEMENT OF ANY WORK.

SHEET NUMBER
A-03

PROJECT NUMBER
BIMMER & BENZ
1/8" = 1'-0"

SHEET TITLE
FUTURE FLOOR PLAN LAYOUT

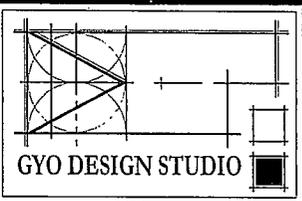
REVISION		
DATE	DATE	DATE
△	△	△
△	△	△
△	△	△
△	△	△
△	△	△
△	△	△
△	△	△

**BIMMER & BENZ
SPECIALISTS**

1998 PLACENTIA AVE
COSTA MESA CA 92627

SEAL SIGNATURE

1046 VIEWPOINT LN
CORNONA CA 92881



10-04-2010

17 PA-10-36