



PLANNING COMMISSION

AGENDA REPORT

VII. 5

MEETING DATE: DECEMBER 12, 2011

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-11-19: CONDITIONAL USE PERMIT TO EXPAND AN EXISTING AUTO REPAIR USE (BEACH HOUSE IMPORTS) ON A PROPERTY LOCATED WITHIN 200 FEET OF RESIDENTIAL PROPERTY 1878 AND 1884 PLACENTIA AVENUE

DATE: DECEMBER 1, 2011

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

Conditional use permit for the following:

- Expand an existing automotive repair use (Beach House Imports) at 1884 Placentia Avenue, previously approved under PA-98-93, onto an adjacent property (1878 Placentia Avenue) within 200 feet of residentially-zoned property.
- Demolish an existing 672 square foot building and construct a new 1,500 square foot repair garage building on the 1878 Placentia Avenue property.
- Deviation from parking requirements based on unique operating characteristics (18 parking spaces required, 12 parking spaces proposed).

APPLICANT

The applicant is Michael A. Murphy, authorized agent for Tim Bunning, the owner of the property.

RECOMMENDATION

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

PLANNING APPLICATION SUMMARY

Location: 1878 and 1884 Placentia Ave. Application: PA-11-19

Request: Conditional use permit to expand an existing automotive repair use (Beach House Imports) at 1884 Placentia Avenue, previously approved under PA-98-93, onto an adjacent property (1878 Placentia Avenue) within 200 feet of residentially-zoned property in conjunction with a reduction in required on-site parking spaces based on unique operating characteristics.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>C1</u>	North:	<u>C1, Commercial uses</u>
General Plan:	<u>General Commercial</u>	South:	<u>CL, Commercial uses</u>
Lot Dimensions:	<u>Irregular</u>	East:	<u>C1, Commercial uses</u>
Lot Area:	<u>15,969 SF (Both Lots)</u>	West:	<u>(Acr Placentia) C1, Commercial uses</u>
Existing Development:	<u>Auto Repair Use</u>		

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size (Both Lots):		
Lot Width	120 FT	127 FT (Both Lots)
Lot Area	12,000 SF	15,969 SF (Both Lots)
Floor Area Ratio (Both Lots):		
(Moderate Traffic FAR)	.30 (4,791 SF)	.29 (4,677 SF)
Building Height (New Building):		
Building Height (New Building):	2 stories/30 FT	1 story/18 FT
Interior Landscaping	300 SF	300 SF (1)
Setbacks (New Building):		
Front	20 FT	55 FT
Side (left/right)	15 FT / 0 FT	33 FT / 0FT
Rear	0 FT	20 FT
Parking:		
Standard	16	10 (1)
Handicap	2	2
TOTAL	18 Spaces	12 Spaces (2)
(1) Applicant required to provide interior landscaping and standard size parking stalls per Code. (2) Reduction in required parking spaces requested by applicant based on unique operating characteristics (see staff report discussion).		
CEQA Status	Exempt, Class 3 (New Construction)	
Final Action	Planning Commission	

BACKGROUND

Project Site/Environs

The project site consists of two contiguous parcels located on the west side of Placentia Avenue between West 19th Street and Center Street. The properties are bounded on all sides by commercial properties. It is also located within the 19 West Urban Plan; however, this project does not activate the provisions of the urban plan because it is not a mixed-use development.

The properties do not immediately abut residentially-zoned property. However, because the nearest residentially-zoned property (a property zoned R2-HD and containing a duplex on 788 Center Street) is within 200 feet of the subject properties (approximately 64 feet to the southwest – see attached Zoning Map) a conditional use permit is required per Code.

History

On February 8, 1999, Planning Commission approved Planning Application PA-98-93, a conditional use permit to allow the current auto repair use within 200 feet of a residential zone for 1884 Placentia Avenue. Also included with the request was the construction of a detached 1,300 square foot repair garage building towards the rear of the property (a smaller building towards the front of the property is utilized for offices). PA-98-93 was processed by Tim Bunning, who remains the owner of the property and operator of the business - Beach House Imports, which provides independent service and repair of VW's and Audi's - to this day.

On August 3, 2011, the applicant filed a new conditional use permit to expand the auto repair use onto the abutting property (1878 Placentia Avenue), which is also owned by Mr. Bunning, and demolish an existing 672 square foot building and construct a new, 1,500 square foot repair garage building towards the rear of the property.

ANALYSIS

Planning Application PA-11-19

The proposed project involves the following:

- Demolition of an existing block wall that currently separates the two properties.
- Demolition of an existing 672 square foot building and the construction of a new 1,500 square foot repair garage building.
- Improvements along the front of both properties consisting of new landscaping and building façade enhancements.
- A request to reduce the amount of on-site parking based on unique operating characteristics (18 parking spaces required, 12 parking spaces proposed).

Justifications for Approval

Staff supports approval of the proposed project for the following reasons:

- With the exception of the on-site parking, the project complies with applicable Code requirements. The proposed project complies with code provisions for floor area ratio, building setbacks, and will comply with provisions for interior landscaping and parking stall sizes.
- The project will incorporate improvements along the front of both properties consisting of new landscaping and building façade enhancements. As indicated in the attached colored renderings, the applicant is proposing new façades for the buildings adjacent to Placentia Avenue with materials similar to redwood siding, additional landscape planters and trellises. Staff has conducted a field inspection and is of the opinion that the proposed development, with the proposed building facade enhancements, would not negatively impact the surrounding properties or aesthetics of the neighborhood.
- The project will be compatible with nearby residential properties as there have been no code enforcement complaints against the current business for the past 11 years, and all repair work will be done inside the garages. The expansion of the proposed repair use will not negatively impact surrounding properties because all repair work will be done inside the buildings. Staff inspected the site and did not observe any cars being worked on outside of the existing repair garage at 1884 Placentia Avenue. Additionally, according to Code Enforcement, there have been no complaints against the property for the past 11 years.

The applicant is unable to estimate the number of construction jobs the project will generate, however, the business owner has indicated that the expansion will result in double the amount of jobs for his business - three employees currently, and three additional employees after the expansion is completed.

- Staff supports the requested parking reduction based on unique operating characteristics. Per Code, 18 on-site parking spaces are required, 12 on-site parking spaces are proposed. The 18 space parking requirement is based on the ratio of 4 parking spaces for every 1,000 square feet of floor area for all of the buildings on both properties.

According to the applicant, the reduction in required on-site parking can be justified based on the following. As indicated previously, the existing block wall currently separating the two properties will be removed, creating a central courtyard area where vehicles to be repaired will be dropped off and picked up. While the vehicles are on the property employees will be able to move the vehicles in and out of the repair bays as needed to keep the driveways and courtyard open allowing customer and employee vehicles to park in the designated spaces as needed. The facility will service approximately 3-5 customers per day and is open 8:00 am-5:00 pm, Monday through Friday (closed weekends).

Staff has also incorporated, as a condition of approval, that if parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem including, but not limited to, keeping the designated parking spaces clear of vehicles to be repaired.

ENVIRONMENTAL DETERMINATION

If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction. If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

GENERAL PLAN CONFORMITY

The expansion will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project, subject to the recommended conditions of approval.
2. Deny the project. If the project were denied, the applicant could not submit substantially the same type of application for six months. The existing automotive repair use as approved under PA-98-93 for 1884 Placentia Avenue would still be permitted to operate.

CONCLUSION

It is staff's opinion that the expansion is consistent with the General Plan, will improve and enhance the appearance of the properties from Placentia Avenue, and will not create adverse impacts on surrounding properties as related to noise or parking. Therefore, staff recommends approval of the project.

MEL LEE, AICP
Senior Planner

CLAIRE FLYNN, AICP
Acting Asst. Development Services Director

Attachments: 1. Draft Planning Commission Resolution
 2. Applicant's Project Description
 3. Location Map, Zoning Map, and Plans

cc: Interim Development Services Director
 Deputy City Attorney
 City Engineer
 Transportation Svs. Manager
 Fire Protection Analyst
 Staff (4)
 File (2)

Michael A. Murphy, P.E.
MAM SOCAL, INC.
711 W. 17th Street, Suite D-5
Costa Mesa, CA 92627

Timothy Bunning
1884 Placentia Avenue
Costa Mesa, CA 92627

RESOLUTION NO. PC-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-11-19 TO EXPAND AN EXISTING AUTO REPAIR USE WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTY

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

WHEREAS, an application was filed by Michael A. Murphy, authorized agent for Tim Bunning, owner of real properties located at 1878 and 1884 Placentia Avenue, for a conditional use permit for the following:

- Expand an existing automotive repair use (Beach House Imports) at 1884 Placentia Avenue, previously approved under PA-98-93, onto an adjacent property (1878 Placentia Avenue) within 200 feet of residentially-zoned property.
- Demolish an existing 672 square foot building and construct a new 1,500 square foot repair garage building on the 1878 Placentia Avenue property.
- A reduction in required on-site parking spaces based on unique operating characteristics.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 12, 2011;

WHEREAS, as an expansion of the existing conditionally-permitted auto repair use, Planning Application PA-11-19 incorporates the original conditions of approval from PA-98-93. Thus, the conditions of approval provided in Exhibit "B" of this resolution represent a comprehensive listing of all of the required conditions for the auto repair use on both parcels located at 1878 and 1884 Placentia Avenue;

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-11-19 to expand an existing auto repair use within 200 feet of residentially-zoned property, 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-11-19 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 12th day of December, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- 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. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. 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) because:
- a. The proposed use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
 - b. Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
 - c. 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.
- Specifically, the proposed project complies with code provisions for floor area ratio, building setbacks, and will comply with provisions for interior landscaping and parking stall sizes. The applicant is proposing new building façade materials similar to redwood siding, additional landscape planters and trellises. The proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. The expansion of the proposed repair use will not negatively impact surrounding properties because all repair work will be done inside the buildings. The expansion will not create adverse impacts on surrounding properties as related to noise or parking.
- 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 15303 for New Construction.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval contained herein shall represent all of the applicable conditional requirements for the auto repair use at 1878 and 1884 Placentia Avenue. Specifically, this exhibit contains the previously-adopted conditions of approval from PA-98-93 and new conditions for the expanded use pursuant to PA-11-19, and shall be therefore considered a comprehensive list of conditions.
2. The following conditions of approval for PA-98-93 shall be complied with.
 - a. Auto repair buildings shall be completely enclosed with the exception of the roll-up doors at the front of the building.
 - b. Color of all buildings shall be painted to match. The applicant shall submit the building colors to the Planning Staff for approval.
 - c. The use of the property shall be for general automotive repair such as tune-ups, oil changes, and engine overhaul. Body work, painting, or restoration shall be prohibited.
 - d. There shall be no test driving of vehicles on residential streets.
 - e. The entry gates shall be constructed of a decorative material.
 3. 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.
 4. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit. The operator 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)].
 5. The conditions of approval, code requirements, and special district requirements of PA-11-19 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 6. To avoid an alley-like appearance, the driveway shall be developed without a center swale. Design shall be approved by the Planning Division.
 7. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 8. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
 9. All exterior lighting shall be shielded and/or directed away from residential areas.
 10. The developer shall contact the Planning Division to arrange a Planning

inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.

11. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
12. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
13. Existing and proposed landscape planters along Placentia Avenue shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain 24-inch box trees to the satisfaction of the Development Services Director.
14. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem including, but not limited to, keeping the designated parking spaces clear of vehicles to be repaired.
15. Hours of operation shall be limited to 8:00 am-5:00 pm, Monday through Friday (closed weekends).
- Eng. 16. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
 3. Approval of the planning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.
 4. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
 5. All work shall be conducted under-roof. Outdoor work or display is prohibited.
 6. Development shall comply with all requirements of Articles 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
 7. Parking stalls shall be double-striped in accordance with City standards.
 8. All new on-site utility services shall be installed underground.
 9. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
 10. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
 11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

- 12. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- 13. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- Bldg. 14. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
- 15. Submit grading plans, and an erosion control plan.
- 16. Submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and grading plans.
- Eng. 17. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.
- 18. A Construction Access Permit and deposit of \$580 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
- 19. Fulfill Drainage Ordinance Fee requirements prior to approval of plans.
- 20. Fulfill City of Costa Mesa Drainage Ordinance no. 06-19 requirements prior to approval of plans.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- Sani 1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.
- AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
- State 3. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation.

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-11-19 TO EXPAND AN EXISTING AUTO REPAIR USE WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTY

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

WHEREAS, an application was filed by Michael A. Murphy, authorized agent for Tim Bunning, owner of real properties located at 1878 and 1884 Placentia Avenue, for a conditional use permit for the following:

- Expand an existing automotive repair use (Beach House Imports) at 1884 Placentia Avenue, previously approved under PA-98-93, onto an adjacent property (1878 Placentia Avenue) within 200 feet of residentially-zoned property.
- Demolish an existing 672 square foot building and construct a new 1,500 square foot repair garage building on the 1878 Placentia Avenue property.
- A reduction in required on-site parking spaces based on unique operating characteristics.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 12, 2011.

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 **DENIES** Planning Application PA-11-19 to expand an existing auto repair use within 200 feet of residentially-zoned property, with respect to the property described above.

PASSED AND ADOPTED this 12th day of December, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- 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:
 - a. The proposed use is not substantially compatible with developments in the same general area and would be materially detrimental to other properties within the area.
 - b. Granting the conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
 - c. 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-11-19. 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.