



City of Costa Mesa Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: FEBRUARY 19, 2015
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

WKB

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on February 26, 2015. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-14-38 **111 DEL MAR AVENUE**

Minor conditional use permit to legalize existing outdoor kiosks for DVDs (Redbox) and Glacier Water in front of a Circle K convenience store.

Denied.

Comments received: None.



REVISED ON 2/20/15

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

February 20, 2015

Ahmad Ghaderi
A&S Engineering
28405 Sand Canyon Road
Canyon Country, CA 91387

**RE: ZONING APPLICATION ZA-14-38
MINOR CONDITIONAL USE PERMIT FOR OUTDOOR USES
111 DEL MAR AVENUE, COSTA MESA**

Dear Mr. Ghaderi:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been **denied**, based on the findings. The decision will become final at 5:00 p.m. on **February 27, 2015**, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Chelsea Crager, at either 714.754.5609 or chelsea.crager@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description and Analysis
 Findings
 Project Description
 Conceptual Plans

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

PROJECT DESCRIPTION

Project Location

The subject property is located on Del Mar Avenue, zoned C1 (Local Business) with a General Plan land use designation of Commercial Retail. The building is oriented to face west towards Newport Boulevard. Properties to the north across Del Mar Avenue and to the west are zoned C1 and contain commercial uses. The properties to the south and to the east across Del Mar Avenue are zoned R2-MD (Multiple-Family Residential District, Medium Density) and contain residential uses. The subject property is a 31,799 square foot lot developed with 11,670 square feet of commercial building area, 44 parking spaces, and two points of ingress/egress.

History

Circle K was issued a business license in July 1993; the current owners renewed the business license in July 2014. The business is approved to operate twenty-four hours a day, seven days a week.

On July 23, 2014, a violation notice was issued by the Code Enforcement Division for illegal storage in public view (CMMC 20-12(e)) and outdoor work, storage, or display without a permit (CMMC 13-44). The property owner was required to remedy the citation by removing an icebox, a Glacier water vending machine, and a Redbox movie vending machine; only the icebox was removed. Consequently, on October 7, 2014, a second violation notice was issued by the Code Enforcement Division. The property owner was required to remedy the citation by removing the two remaining vending machines. Instead, the business owner applied for a minor conditional use permit (MCUP) to retain both vending machines.

ANALYSIS

Glacier Water Vending Machine

The Glacier Water vending machine is placed approximately 19 feet from the front door of the Circle K; it is visible from both Del Mar Avenue and the parking lot, generating visual impacts. Although Glacier Water vending machines are commonly found outside of retail and grocery stores, Planning Commission recently denied a similar request to retain a Glacier Water vending machine at a Circle K located at 1654 Santa Ana Avenue (ZA-14-34). Findings to support the denial were based on the intensification of the convenience store use and the potential impact on residents in the neighborhood. This is a significant concern since this convenience store is open 24 hours a day so the vending machines are also available 24 hours a day – in proximity to a residential neighborhood.

Additionally, the very concerns with a water vending machine that make it preferable to be placed outside – i.e. leakages and spills from the machine – can cause potential slipping problems for customers walking to the front door of the convenience store. Although there can be potential problems with locating a water vending machine inside the store, it is felt that the potential for impacts on residents in the neighborhood outweigh the benefits of providing such a service.

Redbox Movie Vending Machine

The Redbox movie vending machine is placed to the right of the Glacier water vending machine; it is viewable from Del Mar Avenue and the parking lot of the subject property, generating visual impacts. This type of vending machine is commonly found indoors at grocery stores or other retail centers. There are no fire hazards, leaks, or other safety hazards commonly associated with a vending machine of this nature that would require an outdoor location. A Redbox movie vending machine does not pose any sort of safety or other issues requiring an exterior location and is, therefore, incompatible with developments in the same general neighborhood.

General Plan Consistency

The General Plan land use designation for the subject property is General Commercial, which is intended to permit a wide range of commercial uses. The proposed use is not consistent with the General Plan Objective LU-1F to minimize blighting influences and maintain integrity of stable neighborhoods. Due to the proximity of nearby residential areas, and the intensification of the 24-hour convenience store use that results by retaining the two vending machines, the retention of the two vending machines is considered incompatible and inappropriate for this location.

FINDINGS

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
1. The proposed use is not compatible and harmonious with developments in the same general area and would be materially detrimental to other properties within the area in that the outdoor vending machines result in an intensification of the 24-hour convenience store use that can impact residents in the immediate neighborhood.
 2. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. A risk of slippage can be present due to the potential for spills and leaks from the water vending machine.

3. Granting the minor conditional use permit will allow a use that is not in accordance with the General Plan designation and any applicable specific plan for the property. General Plan Objective LU-1F establishes policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods. The vending machines do not protect the existing, nearby stabilized neighborhoods since they result in an intensification of the 24-hour convenience store use.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(e) in that:
1. The proposed use is not considered compatible and harmonious to the relationship between the proposed building and the site development, and use, and the building and site developments, and uses that exist or have been approved for the general neighborhood. The property containing the vending machines abuts residentially-zoned properties to the south and to the east across Del Mar Avenue. The outdoor vending machines are clearly visible from Del Mar Avenue and the public right of way, creating visual impacts to the subject and surrounding properties. Additionally, the vending machines intensify the 24-hour convenience store use and would negatively impact the surrounding area.
 2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries, and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered and may be affected. The water vending machines may pose a safety concern for pedestrians utilizing the walkway in the event of water spills or leaks.
 3. The use is not consistent with General Plan Objective LU-1F in establishing policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods. The proposed uses do not protect existing stabilized neighborhoods of nearby residential properties due to the intensification of an existing convenience store in proximity to established residential neighborhoods.
 4. This zoning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The Costa Mesa Zoning Administrator has denied ZA-14-38. Pursuant to Public Resources Code Section 2108(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.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



A & S Engineering, Inc.

Planning

Engineering

Project Management

28405 Sand Canyon Road, Canyon Country, Ca. 91387 Ph. 661-250-9300 Fax. 661-250-9333

October 24, 2014

To: City of Costa Mesa

Re: Circle K
111 Del Mar Ave.
Costa Mesa, Ca.

To whom it may concern,

We respectfully request, planning department's approval for our door merchandising and vending at the subject site.

We currently have a Glacier Water and a Red Box vending units outside the building area, which we would like to obtain approval for.

Sincerely,
Ahmad Ghaderi

