



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: August 9, 2021 ITEM NUMBER: PH-1

SUBJECT: PLANNING APPLICATION 21-06 FOR A CONDITIONAL USE PERMIT FOR THE SERVICE AND REPAIR OF MOTOR VEHICLES WITHIN 200 FEET OF A RESIDENTIALLY ZONED PROPERTY AT 261-263 BRIGGS AVENUE

DATE: AUGUST 4, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTATION BY: CHRIS YEAGER, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: CHRIS YEAGER
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RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-06, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

Rivian, LLC is the authorized applicant for the property owner, Mark Moshayedi.

BACKGROUND:

Project Site/Environs

The subject property is located at 261 to 265 Briggs Avenue, which is on the south side of Briggs Avenue, mid-way between Pullman Street and Red Hill Avenue. The site is 2.96 acres (128,938 square feet) in size and contains one building divided into three industrial condominiums with ancillary common spaces. The auto repair use is proposed to take place within 261 and 263 Briggs Avenue. The property has a General Plan Land Use Designation of Industrial Park and is zoned MP (Industrial Park). The zoning district is intended for a variety of industrial and compatible offices in a campus-like setting. The property is surrounded by similar MP-zoned properties.

Entitlement History

On August 10, 2020, the Planning Commission voted 6 to 0 to approve Planning Application 20-06 and Tentative Parcel Map 2020-113, allowing for the conversion of three industrial tenant spaces to a three-unit subdivision (industrial condominium) with ancillary common ownership areas such as the parking lot and landscaping. Additional information is available in the links below.

Staff Report:

<http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2020/2020-08-10/PH-2.pdf>

Minutes:

<https://www.costamesaca.gov/home/showpublisheddocument/46578/637478705093400000>

Video: https://costamesa.granicus.com/player/clip/3584?view_id=10&redirect=true

DESCRIPTION:

The applicant is requesting a Conditional Use Permit (CUP) to establish a facility for Rivian, an electric vehicle maker, to allow for the service and repair of motor vehicles within 200 feet of a residentially zoned property. The application proposes to allow for 24/7 operation for minor services such as wheel alignment, hardware replacement, and software program updates. In addition, the business location would act as a pre-inspection/delivery center which will ensure that custom made vehicles are fully inspected before owners receive them. All activities would take place within existing buildings with the exception of outdoor vehicle storage.

The Costa Mesa Municipal Code (CMMC) land use matrix lists "service and repair of motor vehicles" as a permitted use in the industrial zone, unless the property is located within 200 feet of residential property, in which case, a CUP is required. While the vast majority of the property is outside of the 200-foot buffer around the Baker Block Apartment Complex located at 125 Baker Street, the northwest corner of the property is approximately 160 feet from the apartment complex. Additionally, CMMC requires that

auto repair businesses within 200 feet of a residential zone be limited to operating hours of 7 AM to 7 PM.

ANALYSIS:

The proposed use would allow Rivian to establish its first service and delivery center in Orange County. The facility will act as Rivian’s pre-inspection and delivery center and will also conduct standard vehicle service and repairs associated with electric vehicles. The proposed use does not include any traditional body shop work or paint spraying and any on-site bodywork would consist only of replacements of damaged parts. Vehicles that require extensive repairs would be towed off-site to an authorized body repair business.

All onsite uses are proposed to take place within the existing building on the site. Visitors and employees access the building via a main entrance at the northwest corner of the building as well as via a secondary entrance on the north side of the building. The existing warehouse space will be converted to a service area that is accessible via the four roll up doors at the rear of the building and interior access doors.

Before custom-made vehicles are delivered to customers, they will be delivered to the service location and temporarily be stored between two and 14 days. During this time, the vehicles will be fully inspected, charged, and detailed before leaving the facility to be delivered to the customer’s home. Additional storage discussion is below in the *Parking and Circulation* section.

The applicant has provided additional details about its operation in its applicant letter within Attachment 2.

There are no open Code Enforcement cases at the property.

Tenant Improvements

The applicant proposes to remove the interior wall separating the two units to combine the units into one. Proposed improvements include a customer lounge, office area, restrooms, and employee breakrooms. The combined warehouse space will serve as the indoor servicing area to include vehicle lifts, parts, tool storage, a technology center, and an indoor drive through car wash bay.

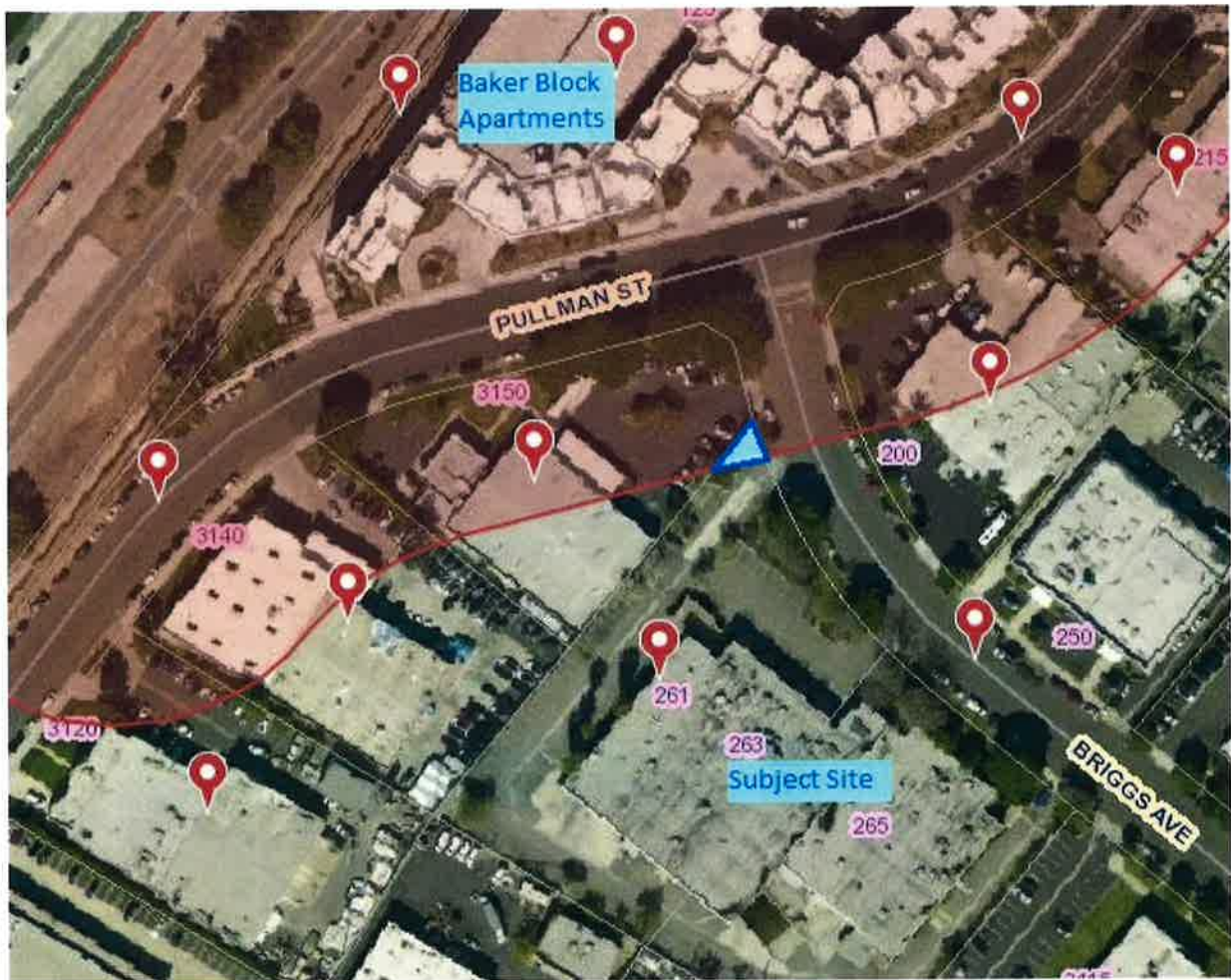
No exterior modifications are proposed for the facility except for the installation of five Level 3 electric vehicle chargers and three Level 2 chargers on the west side of the building and the installation of a new transformer at the rear of the building.

Hours of Operation

CMMC section 13-54 (b)(3) requires that “all service and repair activities of motor vehicles or boats shall be confined to 7:00 AM to 7:00 PM when located within 200 feet of residentially zoned property, as measured from lot line to lot line”. The requirement is

in place to protect residents from noise and other nuisances associated with service and repair uses.

As part of the CUP request, the applicant is requesting approval of expanded hours of operation because of the limited portion of the property that is within 200 feet of the Baker Block Apartments and the limited potential for impacts on residents given the distance from the proposed use. Approximately 740-square-feet of the 128,938-square-foot property, or 0.5 percent, fall within 200 feet of the Baker Block Apartments property with the remainder of the property being outside the 200-foot buffer. The closest corner of the subject building to the Baker Block Apartment property line is approximately 320 feet away. The image below shows a 200-foot red buffer around the Baker Block Apartments and the portion of the subject property that falls within the buffer is indicated in blue.



All of the immediately adjacent properties are industrial in nature and are not sensitive uses for noise purposes. The applicant is proposing a 24/7 operation with all service activities conducted indoors, with the exception of outdoor vehicle storage within the parking lot.

Noise

The proposed location is approximately 450 feet from the 55 freeway and lies within an existing industrial zone. Because the use will be conducted inside the building, and the overhead doors are oriented away from the Baker Block Apartments, the use is unlikely to have a negative noise impact on the apartments.

Rivian has indicated that the overnight hours are critical to its operation due to certain activities, such as over-the-air software updates, that are scheduled to be completed overnight. In addition, occasional on-site delivery in the evening hours would be scheduled to accommodate customer pickup during the day. The vehicle deliveries would occur in the parking lot at the rear of the building. Condition of approval (COA) No. 6, requires that night repairs between 7PM and 7AM be conducted indoors with the overhead roll up doors closed and requires that no noise from night repairs be audible at the nearest residential receptor. Additional conditions have been added to minimize any noise issues related to the vehicle delivery including COA No. 7 which prohibits any back up alarms after 7 PM and which prohibits vehicle delivery between the hours of 10 PM and 7 AM, and COA No. 8 which requires that the delivery of vehicles take place in the rear of the building as far east as possible.

The Environmental Impact Report for the development of the Baker Block Apartments required noise mitigations due to its proximity to the 55 freeway and required that an acoustical analysis be prepared prior to the certificate of occupancy. The analysis was required to show that the interior noise is at or below 45 dBA CNEL and that one or a combination of noise attenuation measures were implemented including: noise insulation to walls, roofs, doors, windows, and other penetrations, the installation of dual-paned windows, and the addition of air conditioning systems. These mitigations further minimize any potential noise impacts from the proposed use.

Parking and Circulation

The proposed use falls into the industrial use category and will have more than sufficient parking to operate. The shared industrial parking ratio requires that three parking spaces shall be provided per 1,000 square feet of gross floor area for the first 25,000 square feet of building; two parking spaces shall be provided per 1,000 square feet of gross floor area between 25,000 and 50,000 square feet of building; and one and one-half parking spaces shall be provided per 1,000 square feet of gross floor area over 50,001 square feet of building. Therefore, the 51,902-square-foot building requires 128 parking spaces; 145 spaces have been provided and a bike rack can be counted as an additional parking space bringing the total parking to 146 spaces.

CMMC Section 13-53 allows for outdoor storage, including storage of vehicles, to be permitted when it does not interfere with required parking or vehicular access, storage is not in the required setback area abutting a public right-of-way, storage does not decrease required landscaping, storage is completely screened from view from the street or adjacent properties, and storage complies with all applicable codes and regulations

including, but not limited to, the Uniform Fire Code. The property features 18 excess parking spaces which are not required by code. The Rivian Suites are 63.5% of the total square footage of the buildings on the property so 11 surplus parking spaces (as apportioned) may be utilized for outdoor vehicle storage that is incidental to the application. COA No. 16 ensures compliance with this requirement.

In regards to circulation, the property can be accessed via vehicle at either the east or west drive approach to the parking lots. In regards to public and active transportation options, the property features three bicycle racks, and is approximately a quarter mile from bus stops for the 71 Bus Line running from Yorba Linda to Newport Beach along Red Hill Avenue.

Additional Discussion

The two units proposed for the auto repair business were recently subdivided as part of a three-unit airspace condominium. The applicant may need to modify the CC&Rs to allow Building Code requirements to be satisfied when removing the wall to combine two of the three condominium units. The applicant has been notified of this requirement and is working with staff to facilitate the process to allow the two units to be combined. This requirement is reflected in COA No. 15.

GENERAL PLAN CONFORMANCE:

The property has a General Plan designation of Industrial Park. The General Plan designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. As a result, the proposed motor vehicle service and delivery station use conforms to the City's General Plan. The following analysis evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan.

Policy LU-6.1 *Encourage a mixed of land uses that maintain and improve the City's long-term fiscal health.*

Consistency: The proposed facility will conduct pre-inspections and minor repair services for electric vehicles. The use maintains and improves the City's long-term fiscal health because electric vehicles will continue to gain popularity and become more common as the State's energy mandates are implemented. The application will establish a long-term industrial use within an existing industrial neighborhood.

Policy LU-6.3 *Continue to prioritize commercial and industrial park use of properties north of I-405 and within the Airport Industrial District.*

Consistency: The proposed auto service facility is an industrial use within the Airport Industrial District. The use will occupy a newly renovated vacant building. The auto service facility will achieve a General Plan goal of providing for long term industrial use within the Airport Industrial District.

Objective N-1A: *Control noise levels within the City for the protection of residential areas, park areas, and other sensitive land uses from excessive and unhealthful noise.*

Consistency: Although a small portion of the property is located within 200 feet of a residential zone, 24-hour services are appropriate because the vast majority of the property (99.5 percent) is outside of the 200-foot buffer. The repair work will be performed within enclosed buildings that are wholly outside of the buffer. As conditioned, noise from the use within the building will not be audible at the closest residential receptor. Delivery of vehicles will be limited to 7AM to 10PM and backup alarms will not be used after 7PM. In addition, the residential apartments were developed with noise attenuation measures in response to the proximity to the 55 freeway, which will also provide protection for the tenants from the proposed use.

JUSTIFICATIONS FOR APPROVAL:

Pursuant to CMMC Section 13-29 (g)(2), CUP Findings, in order to approve the project, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of facts and findings that are also reflected in the draft Resolution.

- *The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.*

The proposed project will be compatible and harmonious with uses that exist within the general neighborhood and would not be materially detrimental to other properties in the area. The project is surrounded by other industrial uses on all sides and will have no impact on their use and operation. Although the use is proposed on a property that is within 200 feet of a residential zone, 24-hour service can be operated without impact on the residential tenants because all service activity (which involves minor service repairs at this location) will occur inside the building with overhead doors remaining closed. The closest residential unit is actually a minimum of 220 feet to the north from the closest entry driveway to the subject property, vehicle delivery will be limited to daytime hours of 7AM to 10PM, and backup alarms will not be used after 7PM. Therefore, conditions have been required that will minimize potential noise. Further, the apartment project was developed with additional noise attenuation measures due to its proximity to the 55 freeway.

- *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.*

As conditioned, the use will be required to comply with all applicable California Building and Fire Code requirements to ensure the project is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or

improvements within the immediate neighborhood. The use will further enable ownership opportunities for electric vehicles, which reduce particulate emissions and greenhouse gas emissions.

- Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation and any applicable specific plan for the property.

The project site is zoned MP (Industrial Park) and has a General Plan designation of Industrial Park. The CUP will allow a facility offering pre-inspection delivery and minor repairs and service for Rivian electric vehicles. The use is industrial in nature and will be consistent with other uses permitted in the industrial zones and the Industrial Park Land Use designation.

ENVIRONMENTAL DETERMINATION:

The project is exempt from the provisions of the California Environmental Quality Act under section 15301 (Class 1) Existing Facilities. The exemption applies to the minor alteration of existing public or private structures involving negligible or no expansion of use.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Approve the project: The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications: The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow for additional information or analysis and/or preparation of a revised resolution incorporating new findings and/or conditions.
3. Deny the project: If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application and provide facts in support of denial to be included in a resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW:

The draft Resolution has been approved as to form by the City Attorney's Office.

PUBLIC NOTICE:


Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. Mailed notice. A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. On-site posting. A public notice was posted on each street frontage of the project site.
3. Newspaper publication. A public notice was published once in the Daily Pilot newspaper.

As of this report, no written public comments have been received. Any public comments received prior to the August 9, 2021 Planning Commission meeting will be provided separately.

CONCLUSION:

The proposed CUP is consistent with the City's Zoning Code and General Plan and, as conditioned, would not have a detrimental impact to surrounding properties. The CUP would allow Rivian to open its service center in a remodeled building located in an industrial area surrounded by other industrial uses. Conditions of approval have been required to minimize disruption to nearby residences.



CHRIS YEAGER
Assistant Planner



JENNIFER LE
Director of Economic and Development Services

- Attachments: [1. Draft Planning Commission Resolution and Exhibits](#)
[2. Applicant Letter](#)
[3. Vicinity Map and Zoning Map](#)
[4. Site Photos](#)
[5. Project Plans](#)

Distribution: Director of Economic and Development Services
Assistant City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Marshal
File

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