ATTACHMENT 2

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING GENERAL PLAN AMENDMENT GP-12-01 FOR A SITE SPECIFIC 0.49 FLOOR AREA RATIO FOR PROPERTY LOCATED AT 1726 SUPERIOR AVENUE IN THE GENERAL COMMERCIAL LAND USE DESIGNATION.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Foothill Project Management, representing Walgreens Co., the property owner, requesting approval of the following:

- Site specific General Plan amendment to exceed the maximum allowable Floor Area Ratio (FAR) (0.30 maximum FAR allowed; 0.49 FAR proposed).
- Demolish an existing 11,000 square-foot building (former Tower Records) and construct a new 14,310 square-foot Walgreens Store.
- Variance from building and landscaped setbacks (20 feet required; 0-18 feet proposed).
- Variance from interior parking area landscaping requirements (1,100 square feet required, 0 square feet proposed).
- Variance from maximum building height (30 feet allowed; 32 feet proposed).
- Minor conditional use permit to allow a reduction in required on-site parking spaces (57 spaces required; 44 spaces proposed).

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22; 2002;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of The City of Costa Mesa;

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs;

WHEREAS, a site specific amendment to the General Plan Land Use Element is proposed to allow for development of a new 14,310 sq. ft. retail store at a 0.49 FAR;

WHEREAS, text amendments to reflect a site-specific 0.49 FAR for 1726 Superior Boulevard are identified in the Land Use Element as shown in Exhibit A;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 11, 2012, with all persons having the opportunity to speak for and against the proposed project. The Planning Commission adopted Resolution No. PC-12-20 recommending that the City Council approve the General Plan Amendment;

WHEREAS, the Planning Commission also recommended approval of Planning Application PA-12-04 by separate resolution.

WHEREAS, a duly noticed public hearing was held by the City Council on July 3, 2012, with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record, **THE CITY COUNCIL HEREBY ADOPTS** GP-12-01 which amends the General Plan Land Use Element as set for in Exhibit A with respect to the property described above.

PASSED AND ADOPTED this 3rd day of July, 2012.

ERIC BEVER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 12__ as considered at a regular meeting of said City Council held on the ____ day of _____, 2012, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2012, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2012

EXHIBIT A

TABLE LU-1: LAND USE DESIGNATIONS (2011)

Land Use Designation	Residential Density DU/Acre*	Floor Area Ratio	Acres Developed	Acres Undeveloped (1999)	Total Acres	% of City
Low-Density Residential	≤8	Same as Neighborhood Commercial	2,143.4	1.8	2,145.2	26.6%
Medium-Density Residential[1, 6]	≤12	Same as Neighborhood Commercial	777.3	34.4	811.7	10.0%
High-Density Residential[1, 6]	≤20[2]	Same as Neighborhood Commercial	824.1	42.0	866.1	10.7%
Commercial-Residential	≤17.4	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic	42.6	0.9	43.5	0.5%
Neighborhood Commercial[6]	-	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	42.4	2.5	44.9	0.6%
General Commercial[6]	≤20	0.20/High Traffic 0.30/Moderate Traffic 0.40 Low Traffic 0.75/Very Low Traffic 0.49 FAR for 1762 Superior *	601.4	20.8	622.2	7.7%
Commercial Center[6]	≤20 ≤40 site-specific density for 1901 Newport Blvd[3]	0.25/High Traffic 0.35/Moderate Traffic 0.45 Low Traffic 0.75/Very Low Traffic 0.70 Site-Specific FAR for 1901 Newport Blvd[3]	29.4	63.3	92.7	1.1%
Regional Commercial	≤20	0.652/0.89[4]	114.7	0.0	114.7	1.4%
Urban Center Commercial	≤28[5] ≤100 Site-Specific Density[5]	1.0 FAR for Sakioka Lot 2[5] 0.79 Site-Specific FAR for South Coast Metro Center[5]	134.2	26.2	160.4	2.0%
Cultural Arts Center	Varies[7]	1.77[7]	49.0	5.0	54.0	0.7%
Industrial Park	≤20	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	696.5	17.7	714.2	8.8%
Light Industry[6]	≤20	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	375.5	6.6	382.1	4.7%
Public/ Institutional	-	0.25	1,281.3	0.5	1,281.8	15.9%
Golf Course	-	<0.01	560.1	0.0	560.1	6.9%
Fairgrounds	-	<0.10	146.4	0.0	146.4	1.8%
		Total	**7,822.0**	**218.0**	**8,040.0**	**100.%**

1. Within the Medium- and High-Density Residential designation, existing residential units legally built in excess of the dwelling units per acre standard may be rebuilt at the same higher density subject to other zoning code standards. The allowable density or number of units to be redeveloped would be limited to the 1990 General Plan density with a 25% incentive bonus for Medium-Density or a 50% incentive bonus for High-Density; or the existing number of units, whichever is less. 2. See High-Density Residential text regarding areas in North Costa Mesa where the density allowance exceeds 20 units per acre. 3. See Commercial Center text. 4. See Regional Commercial text. 5. See Urban Center Commercial text. 6. See text for Mixed-Use Development provisions. 7. See Cultural Arts Center text for additional discussion.

TABLE LU-4
COMMERCIAL BUILDING INTENSITY STANDARDS

Land Use Designation	Very Low Traffic FAR	Low Traffic FAR	Moderate Traffic FAR	High Traffic FAR
Commercial –Residential	NA	0.40	0.30	0.20
Neighborhood Commercial [e]	0.75	0.35	0.25	0.15
General Commercial[e]	0.75	0.40	0.30	0.20
Commercial Center[d, e]	0.75	0.45	0.35[d]	0.25
Regional Commercial	a.	a.	a.	a.
Urban Center Commercial	b.	b.	b.	b.
Cultural Arts Center	c.	c.	c.	c.

Notes:
a. 0.652/0.89 FAR. Refer to Regional Commercial discussion.
b. 1.0 FAR for Sakioka Lot 2; 0.79 FAR for S.C. Metro Center. Refer to Urban Center Commercial discussion and the North Costa Mesa Specific Plan for additional discussion.
c. 1.77 FAR. Refer to Cultural Arts Center discussion and the North Costa Mesa Specific Plan for additional discussion.
d. 0.70 Site-Specific FAR for 1901 Newport Boulevard. Refer to Commercial Center discussion.
e. With application of the mixed-use overlay district, the FAR may range from 1.0 to 1.25. Refer to appropriate land use designation discussion. 0.49 Site-Specific FAR for 1726 Superior Avenue. *

The Very-Low Traffic category allows commercial uses with daily trip generation rates of less than 3 trip ends per 1,000 square-feet of floor area. Allowable uses under this standard include mini-warehouse developments.

The Low Traffic category allows commercial uses with daily trip generation rates between 3 and 20 trip ends per 1,000 square-feet of floor area. Allowable uses under this standard include general offices, hospitals, motels, hotels, and furniture stores.

The Moderate Traffic category allows commercial uses with daily trip generation rates of between 20 and 75 trip ends per 1,000 square-feet of floor area. Allowable uses within this standard include general retail uses, car dealers, medical and government offices, auto repair, and dry cleaners.

The High Traffic category allows commercial uses with daily trip generation rates in excess of 75 trip ends per 1,000 square-feet of floor area. Allowable uses in this category include restaurants, convenience markets, service stations, and banks.

development is intended to revitalize areas of the city, without exceeding the capacity of the General Plan transportation system. Mixed-use developments shall be implemented through an adopted urban plan (such as the 19 West urban plan) and shall be identified on the City's Zoning Map by designating the CL and/or C1 base zoning district with the mixed-use overlay district. The mix of uses can occur in either a vertical or horizontal design, up to four stories in height. Product types shall be identified in the applicable urban plan and may include live/work units and commercial/residential units where the residential uses are located above or adjacent to the nonresidential component. Nonresidential uses may include office, retail, business services, personal service, public spaces and uses, and other community amenities. The mix of residential and nonresidential uses would result in an average employee population of 22 employees per acre in the nonresidential component, and in the residential component, the average number of residents per acre is anticipated 65 persons. The total average population per acre is 87 persons.

The Neighborhood Commercial developments are found at several intersections found throughout the City. The main concentration of these developments are found at the intersections of Baker Street and Fairview Road and Victoria Street and Placentia Avenue.

Compatible zoning districts include CL, C1, AP, MU, and P.

General Commercial

The General Commercial designation is intended to permit a wide range of commercial uses, which serve both local and regional needs. These areas should have exposure and access to major transportation routes since significant traffic can be generated. General Commercial areas should be insulated from the most sensitive land uses, either through buffers of less sensitive uses or on-site mitigation techniques. The most intense commercial uses should be encouraged to locate on sites of adequate size to allow appropriate mitigation. Appropriate uses include those found in the Neighborhood Commercial designation plus junior department stores and retail clothing stores, theaters, restaurants, hotels and motels, and automobile sales and service establishments.

In the General Commercial designation, the allowable floor area ratios (FAR) are 0.20 for high traffic generating uses, 0.30 for moderate traffic generating uses, 0.40 for low traffic generating uses, and 0.75 for very low traffic generating uses (see Table LU-4). Development within this range would typically result in combinations of one- and two-story commercial buildings. Buildings in excess of two stories may be permitted in select areas where the additional height would not impact surrounding uses.

GP-12-02 for 1726 Superior Avenue was adopted in July 2012 to allow for a site-specific 0.49 FAR. *

In conjunction with areas that are designated with the mixed-use zoning overlay district, the maximum FAR is 1.0. An increase to 1.25 FAR may be allowed for mixed-use plans exhibiting design excellence. In a mixed-use overlay district area, this FAR includes both residential and non-residential components, and the maximum number of stories is four.

Because of the wider range of uses and more building intensity permitted in the General Commercial designation, the population density within this designation

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RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-12-04 FOR PROPERTY LOCATED AT 1726 SUPERIOR AVENUE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Foothill Project Management, representing Walgreens Co., the property owner, requesting approval of the following:

- Site specific General Plan amendment to exceed the maximum allowable Floor Area Ratio (FAR) (0.30 maximum FAR allowed; 0.49 FAR proposed).
- Demolish an existing 11,000 square-foot building (former Tower Records) and construct a new 14,310 square-foot Walgreens Store.
- Variance from building and landscaped setbacks (20 feet required; 0-18 feet proposed).
- Variance from interior parking area landscaping requirements (1,100 square feet required, 0 square feet proposed).
- Variance from maximum building height (30 feet allowed; 32 feet proposed).
- Minor conditional use permit to allow a reduction in required on-site parking spaces (57 spaces required; 44 spaces proposed).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 11, 2012, with all persons having the opportunity to speak for and against the proposed project. The Planning Commission adopted Resolution No. PC-12-21 recommending that the City Council approve the Planning Application;

WHEREAS, a duly noticed public hearing was held by the City Council on July 3, 2012, with all persons having the 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 CITY COUNCIL HEREBY APPROVES** PA-12-04 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PA-12-04 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.

 ERIC BEVER

Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 12__ as considered at a regular meeting of said City Council held on the ____ day of _____, 2012, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2012, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2012

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses on surrounding properties.
   2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation.
   3. The proposed use will comply with the performance standards as prescribed in the Zoning Code.
   4. The proposed use is consistent with the General Plan and Redevelopment Plan.
   5. The planning application is for a project-specific case and does not establish a precedent for future development.
   6. The cumulative effect of all the planning applications have been considered.
   7. The proposed reuse of this marginal property may help catalyze revitalization of the Westside. The project involves private market investment into a deteriorated property where the existing Tower Records building and pole sign will be completely demolished.

B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) because:
   a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.
   b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
   c. The granting of the deviation 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.

   With regard to the requested variances from building and landscaped setbacks and interior parking area landscaping, special circumstances are applicable to the property, specifically, the unusual triangular shape of the project site prevents the strict application of the above development standards, depriving the development and property of privileges enjoyed by others in the vicinity under identical zoning, which contain commercial developments. Additionally, granting the deviations would not constitute a grant of special privileges inconsistent with other properties in the vicinity since the existing Tower Records building also had similar setbacks, landscaping, and building height constraints when it was originally built. Finally, granting of the variances will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property, due to the request for the site-specific General Plan amendment. With regard to the requested variance from building height, it should be noted that only one portion of an architectural tower exceeds the 30 foot height, and the deviation is only two feet above the maximum allowable height limit. General Plan Land Use Element

Objective LU-1C.1 permits the construction of buildings over two stories or 30 feet when it can be shown that the construction of such structures will not adversely impact surrounding developments and deprive existing land uses of adequate light, air, privacy, and solar access.

C. The minor conditional use permit to allow a reduction in required on-site parking spaces substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

a. 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.

b. Granting the minor 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 minor 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.

Specifically, the 44 proposed on-site parking spaces will be adequate for the project based on the parking study prepared by KOA Corporation which indicates that, based on a survey of three similar Walgreens stores (two in Santa Ana and one in Huntington Beach), the proposed parking supply would adequately serve the new Walgreens store. The study indicated that the City's retail parking rate of 4 spaces per 1,000 square feet is not an appropriate rate for this type and size of a Walgreens store, especially considering that the proposed store will be the smallest sized Walgreens store in Orange County. The parking study has been reviewed by the City's Transportation Services Division, and they concur with the study methodology, suggested parking rates, and the consultant's conclusions regarding adequate parking.

D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Development Projects.

E. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. The uses shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use 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 subject to approval by the Zoning Administrator.

2. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.

3. Demolition permits for existing structures 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.

4. The conditions of approval and ordinance or code provisions of Planning Application PA-12-04 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

5. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

6. 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.

7. 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 <u>without</u> 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.

8. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to

obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.

9. If parking shortages or other parking-related problems arise, the business operator shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. These measures may include off-site employee parking, select parking spaces for short-term parking (i.e. 30 minutes, 1 hour, etc.), and/or any other measures as deemed appropriate by the Development Services Director.
10. 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 business owner shall institute whatever reasonable security and operational measures are necessary to comply with this requirement.
11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to commencement of the business. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
12. Prior to the grand opening, the applicant shall submit an interim parking plan to the Planning Division for review and approval to ensure that adequate employee parking is available on-site or on at an authorized site through an agreement with its property owner. In addition, the plan shall indicate that employees shall be available to minimize any impacts to circulation on the adjacent streets and surrounding properties. This interim plan shall be in place for a minimum of 60 days during the "Grand Opening" and may be extended for an additional 30 days to meet customer demands as deemed appropriate by the Development Services Director. The interim plan shall be approved prior to issuance of certificate of occupancy.
13. After the Grand Opening period when the interim parking plan is no longer in place, employees shall park on-site. Employee parking shall occur in any of the parking stalls on the property. Employee parking on the public streets shall be considered a violation of the terms of approval of PA-12-04. If repeated violations occur, the Development Services Director shall have the discretion to require employee parking spaces be assigned on the property, or to make arrangements for off-site employee parking if needed.
14. No later than one year from the date of the grand opening, the applicant's parking consultant shall prepare an updated parking study to determine if additional off-site parking is required for this project.
15. The developer shall install bike racks for patrons and employees on the site. The bicycle racks shall be decorative in design. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
16. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located <u>outside</u> of the required street setback area and shall be screened upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
17. A land use restriction executed by and between the applicant and the City

of Costa Mesa shall be recorded prior to final building inspection to inform future property owners of the restriction that the 9,990 square-foot basement is to be used for product storage and employee use only and cannot be used as customer retail area. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.

Eng. 18. 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.

RESOLUTION NUMBER 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING GENERAL PLAN AMENDMENT GP-12-01 AND PLANNING APPLICATION PA-12-04 FOR PROPERTY LOCATED AT 1726 SUPERIOR AVENUE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Foothill Project Management, representing Walgreens Co., the property owner, requesting approval of the following:

- Site specific General Plan amendment to exceed the maximum allowable Floor Area Ratio (FAR) (0.30 maximum FAR allowed; 0.49 FAR proposed).
- Demolish an existing 11,000 square-foot building (former Tower Records) and construct a new 14,310 square-foot Walgreens Store.
- Variance from building and landscaped setbacks (20 feet required; 0-18 feet proposed).
- Variance from interior parking area landscaping requirements (1,100 square feet required, 0 square feet proposed).
- Variance from maximum building height (30 feet allowed; 32 feet proposed).
- Minor conditional use permit to allow a reduction in required on-site parking spaces (57 spaces required; 44 spaces proposed).

WHEREAS, a duly noticed public hearing was held by the City Council on July 3, 2012, with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record, **THE CITY COUNCIL HEREBY DENIES** GP-12-01 and PA-12-04 with respect to the property described above.

PASSED AND ADOPTED this 3rd day of July, 2012.

ERIC BEVER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution Number 12__ as considered at a regular meeting of said City Council held on the ____ day of _____, 2012, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2012, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2012

EXHIBIT A

FINDINGS (DENIAL)

A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
   2. The proposed use is not consistent with the General Plan or Redevelopment Plan.

B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(1) because:
   a. Special circumstances applicable to the property do not deprive such property of privileges enjoyed by others in the vicinity under identical zoning classifications.
   b. The deviations constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
   c. The granting of the deviations will allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

C. a. The proposed development or use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.
   b. Granting the minor 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 minor conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

D. The Costa Mesa City Council has denied GP-12-01 and PA-12-04. 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 3

February 2, 2012

City of Costa Mesa
Attn: Claire Flynn, Acting Assistant Development Services Director
Development Services Department
P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: Walgreens – 1726 Superior Avenue, Costa Mesa CA

Dear Ms. Flynn:

Thank you for meeting with Mr. Kates recently regarding our project on Superior and 17th Street. We are looking forward to moving forward with the project and commencing construction in the coming months. We appreciate the City's efforts in helping us with the unique challenges that face us. This is an important location for Walgreens and we are striving to make it a successful part of the community.

One aspect of our efforts has focused on reaching out to Cal-Trans to acquire additional right-of-way along Newport Boulevard, so as to possibly add 2-3 parking spaces. This is proving to be a long process and we are currently uncertain at our chances for success.

We have also spent many months meeting with the Del Taco property owners with regard to combining our parking lots and sharing access for mutual benefit. This would have included relocation of their trash enclosure. As discussed, the property is in a Family Trust with many diverse inputs making this an arduous process to negotiate any matters with them. We remain open to working with the adjacent owners and have designed our site plan to coordinate with their site should agreements be reached in the future, but we do not want this to hold up our current project proposal.

We hired a reputable firm (KOA) who coordinated with City staff to prepare a parking study evaluating current parking demands at local Walgreen stores and analyzing our anticipated parking demand. The study determined that there is more than adequate parking to facilitate this project. However, to stand behind our commitment to the adequacy of parking being proposed, we will commit to have our parking consultant conduct another study one year from store opening. If the result of the analysis indicates inadequate parking by the consultant's analysis, Walgreens will provide a solution to meet and satisfy the parking demand based on the study.

We feel that the new building will be a beneficial addition to the community and provide a needed service. It will also be providing jobs and will be a tremendous enhancement to the current site. With your partnership we hope to achieve a successful project that will support and help the City of Cost Mesa continue to thrive.

Mr. Kates is our agent representing Walgreens in Costa Mesa. If you need his assistance just give him a call at (714) 434-9228 or myself at Walgreens at (847) 315-3618.

Sincerely,

Amy Ciolek, AIA
Regional Development Manager

Cc: Jim Gorsky, Walgreen Co.
Corrie Kates, Foothill Management

WALGREEN CO. CORPORATE OFFICES 106 WILMOT ROAD DEERFIELD, ILLINOIS 60015
www.walgreens.com