

**ATTACHMENT 2  
DRAFT RESOLUTIONS**

## RESOLUTION NO. 14-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION APPROVAL OF PLANNING APPLICATION PA-88-134 A2, SECOND AMENDMENT OF THE CONDITIONAL USE PERMIT AND PLANNED SIGN PROGRAM FOR THE ORANGE COAST BUICK/GMC/CADILLAC DEALERSHIP LOCATED AT 2600 HARBOR BOULEVARD

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

WHEREAS, an application was filed by Dennis J. Flynn Architects, Inc, authorized agent for the owner of real property located at 2600 Harbor Boulevard, for the following:

- a) Second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory.
- b) Administrative adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed). A previous variance for a zero-foot rear setback was approved under PA-88-134. A 32-foot rear yard setback for the dealership building was approved under PA-88-134 A1.
- c) Consideration of a Planned Sign Program for the following signage: Remove the existing 40-foot high freestanding sign and replace with two new freestanding signs. The two proposed freestanding signs are separated by approximately 190 feet. The overall square footage of the proposed freestanding and wall signs complies with code. The overall square footage of freestanding and wall signs is 442 sq. ft.

WHEREAS, duly noticed public hearings were held by the Planning Commission on July 14, 2014, and September 8, 2014 with all persons having the opportunity to speak and be heard for and against the proposal, and approved PA-88-134 A2 on a 5-0 vote.

WHEREAS, on September 15, 2014, a review of the decision of the Planning Commission was requested by Council member Leece and Council member Genis.

WHEREAS, a duly noticed public hearing was held by the City Council on October 7, 2014 with all persons having the opportunity to speak for and against the proposal.

WHEREAS, 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 15332 for New Construction.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B, the City Council hereby **APPROVES** Planning Application PA-88-134 A2.

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 Planning Application PA-88-134 A2 and upon applicant's compliance with each and all of the conditions in Exhibit B, and 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 project, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED on this 7<sup>TH</sup> day of October, 2014.**

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JIM RIGHEIMER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK OF THE  
CITY OF COSTA MESA

\_\_\_\_\_  
CITY ATTORNEY



## EXHIBIT A

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

**Required Finding:** A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses that exist or have been approved for the general neighborhoods.

**Response:** With the implementation of the recommended conditions of approval, the proposed project will be compatible and harmonious with uses that exist within the general neighborhood. The project features quality construction and materials. The proposed site improvements and upgrades will improve and enhance the appearance of the property from Harbor Boulevard. Interface of the project with abutting residential uses per the conditions of approval for PA-88-134 A1 require permanent masonry walls a minimum height of 8 feet height as well as a landscape buffer for all of the abutting homes south of the property line.

**Required Finding:** 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.

**Response:** The on-site parking for the project exceeds the amount required by code, which requires a total of 211 parking spaces for this development; the submitted plans indicate 359 parking spaces, including the proposed deck. New light standards near residential properties will be required to be located and oriented in such a way as to minimize light spillage onto surrounding properties. This includes the light standards proposed for the parking deck.

**Required Finding:** The use complies with performance standards as prescribed elsewhere in the Zoning Code.

**Response:** The project complies with the intent of the City's Zoning Code as it pertains to building height, setbacks, and on-site landscaping, and complies with the intent of the Zoning Code as it pertains to on-site parking spaces and overall project Floor Area Ratio (FAR).

**Required Finding:** The use is consistent with the General Plan.

**Response:** Because the project is required to be operated in compliance with the recommended conditions of approval, the project would conform to the City's General Plan. The specific General Plan objective with which the proposed project complies are the following:

- Land Use Objective LU-1F.5: Provide opportunities for the development of well-planned and designed projects which, through vertical or horizontal integration, provide for the development of compatible commercial uses within a single project or neighborhood. Specifically, the proposed development is consistent with the uses allowed in the C1 zone and is within

the permitted floor area ratio (FAR) for the site. The project replaces an outdated auto dealership with a modern facility per General Motors current image standards for their product brands. Perimeter fencing adjacent to residential properties will be required to be a block wall at a minimum of 8 feet in height. The project will comply with Code-required parking. Code requires a total of 211 parking spaces for this development; the submitted plans indicate 359 parking spaces, including the proposed deck.

**Required Finding:** The cumulative effect of all the planning applications have been considered.

**Response:** The cumulative effects of the previous conditional use permits for this site (PA-88-134 and PA-88-134 A1) have all been considered for this project and incorporated as conditions of approval for PA-88-134 A2 where appropriate.

- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

**Required Finding:** 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.

**Response:** The current proposal involves the construction of a new second-story vehicle parking deck; however, unlike the deck that was demolished, which was on the property line, the proposed structure will be set back 52 feet from the property line with the single-family residences to the south, and exceeds the 50-foot setback required by Code (two times the height of the structure, which is 25 feet, 4 inches in height). Per the conditions of approval for PA-88-134 A1, permanent masonry walls a minimum height of 8 feet are required along the perimeter interior side and rear property lines. Additionally, the landscape planter along the side (south) property line, adjacent to the single family residences along Princeton Drive, will be extended the full length of the side property line to provide a landscape buffer for all of the abutting homes south of the property line. The landscape buffer will also be required to be densely planted with trees placed 10-feet on center. Additionally, a green wall will be constructed to screen the parking deck from the residential uses on Princeton Drive, and the setback of the light fixtures on the parking deck will be 52 feet from the edge of the deck (106 feet total from the adjacent single-family residential property line) and lowered from 15 feet to 12 feet in height. The proposed development, with the recommended conditions of approval, will be compatible with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses.

**Required Finding:** 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.

**Response:** The development will be required to comply with all applicable California Building and Fire Code requirements to ensure the development

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

**Required Finding:** Granting the conditional use permit or 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.

**Response:** The project site is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project complies with the intent of the City's Zoning Code as it pertains to building height, setbacks, and on-site landscaping and parking, and complies with the intent of the Zoning Code as it pertains to on-site parking spaces and the General Plan as it pertains to overall project Floor Area Ratio (FAR).

- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(8) because:

**Required Finding:** The proposed signing is consistent with the intent of Chapter VIII (Sign Code) and the General Plan.

**Response:** The purpose of this program is to allow for approval of a comprehensive sign plan that is not subject to the typical code requirements. The proposed plan includes: the removal of an existing 40-foot high freestanding sign currently located midblock of the property along the Harbor Boulevard frontage and replacing it with two new freestanding signs 23 feet in height. The square footage of the total site signage will not exceed the maximum allowed under the CCMC. On the City's Master Plan of Highways, Harbor Boulevard is designated as a Major Street ( $\pm 104$  feet in width) and the proposed signage provides adequate visibility for two-way traffic on Harbor Boulevard for the dealership. Freestanding sign(s) higher than 23 feet would not improve the visibility of the site for vehicles coming to or leaving from the site. Because the freestanding signs will be illuminated, a sign taller than 23 feet would create additional light and glare impacts on surrounding properties.

**Required Finding:** The proposed signs are consistent with each other in design and construction - taking into account sign style and shape, materials, letter style, colors, and illumination.

**Response:** The freestanding signs, as conditioned, will be consistent in color, height, and appearance. The remaining signage is consistent with General Motors current image standards for their product brands as well as the CCMC.

**Required Finding:** The proposed signs are compatible with the buildings and developments they identify - taking into account materials, colors, and design motif.

**Response:** As noted earlier, the remaining signage is consistent with General Motors current image standards for their product brands as well as the CCMC.

**Required Finding:** Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow.

**Response:** Auto dealerships, by their nature, involve large and specific

purchases of products with a customer base spread over a large geographical area. As a result, the signage will not constitute a grant of special privilege since it is consistent with the signage for similar auto dealerships along Harbor Boulevard. Additionally, it will not allow substantially greater visibility than what the standard sign provisions would allow for auto dealerships since the overall signage is less than the maximum allowed under CCMC.

- D. 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.
- E. 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. This project site is less than five acres (4.1 acres total) and the development is in compliance with the City's General Plan and zoning designation. The project also complies with the requirements for inclusion under this exemption because the project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Further, the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as a habitat for endangered, rare, or threatened species. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality and the site can be adequately served by all required utilities and public services
- F. Portions of the proposed building are an excessive distance from the street necessitating fire apparatus access and provisions for on-site fire hydrants.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. The conditions of approval, code requirements, and special district requirements of PA-88-134 A2 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  2. These conditions shall supersede the conditions for PA-88-134 A1.
  3. The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
  4. The following operating conditions of approval and/or mitigation measures for PA-88-134 shall continue to be complied with:
    - a. Employees shall be instructed to park on-site and not on adjacent residential streets. Additionally, it shall be ensured that adequate customer parking exists on-site.
    - b. The landscape area within the 45-foot setback adjacent to Princeton Drive (including the four existing trees) shall continue to be maintained. The Development Services Director may approve modifications to this area to accommodate the proposed College Park Entry signage.
    - c. Trees and shrubs of a sufficient height, texture, and shape shall be installed and maintained in order to obscure the dealership from residences to the east and south.
    - d. Public address system with outdoor speakers shall be prohibited.
  5. Customer and employee parking areas shall be clearly delineated on the site plan and at the project site. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem including, but not limited to, reducing the number of vehicles displayed outdoors.
  6. Test driving of vehicles shall not occur on adjacent residential streets or within residential neighborhoods. The dealership operator shall ensure compliance with the routes for demonstration and repair test vehicle trips, vehicle trips from the storage lot, and vehicle trips to the gasoline stations, per the exhibit presented at the September 8, 2014 Planning Commission meeting (attached herewith as Exhibit C).
  7. The vehicle display area at the corner of Harbor Boulevard and Merrimac Way shall not encroach into the landscape setback area.
  8. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood, including, but not limited to, excessive use of car alarms, employee honking horns, and the use of air compressors outside of buildings. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
  9. 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.

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. 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.
13. 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. 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.
14. Permanent masonry wall(s) shall be maintained or constructed along the perimeter interior side and rear property lines of the development lot at a minimum height of eight feet as measured from the highest adjacent grade. The perimeter walls shall have a finished quality on both sides. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them. The Development Services Director may approve other alternative design and opaque materials for the perimeter walls.
15. The landscape setback areas along the street frontages shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain 36-inch box trees to the satisfaction of the Development Services Director.
16. The landscape planter along the side (south) property line, adjacent to the single family residences, shall be extended the full length of the property line to provide a landscape buffer for all of the abutting homes on this property line, and shall be a minimum of 5 feet in depth clear of the bumper overhang of parked vehicles. The landscape buffer shall also be densely landscaped, subject to the approval by the Development Services Director or designee.
17. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. Freestanding signs shall not exceed two (2) and shall not exceed 23 feet in height. Signs shall also be subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development, and existing freestanding signs in the vicinity.
18. The lighting plan shall demonstrate compliance with the following:
  - a. Setback the light fixtures on the parking deck 52 feet from the edge of the

- deck (106 feet total from the adjacent single-family residential property line) and lower the proposed light fixture height from 15 feet to 12 feet in height.
- b. The intensity and location of lights on buildings shall be limited to minimize nighttime light and glare to residents and shall be subject to the Development Services Director's approval.
  - c. All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
  - d. Lighting design and layout shall limit light spillage to no more than 0.5 foot-candles at the property line of the surrounding properties, consistent with the level of lighting that is determined necessary for safety and security purposes on site. Light standards near residential properties shall be located and oriented in such a way as to minimize light spillage onto surrounding properties.
  - e. The parking deck lighting shall be turned off from 10:00 pm until dawn each day to minimize lighting impacts to surrounding properties.
  - f. The applicant shall provide an "as-built" lighting survey upon the completion and energizing of the lighting fixtures.
19. 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.
20. Developer shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
21. The developer shall provide, at their expense, two entry signs stating "College Park" at the corner of Harbor Boulevard and Princeton Drive to identify the College Park residential neighborhood. The final design and placement shall be subject to the approval of the Public Services and Transportation Services Divisions. The applicant shall continue to work with staff on finalizing the signage, which will also require the approval of the owner of the 463 Princeton Drive property. If the owner of the property at 463 Princeton Drive does not approve installation of the sign on their property only the sign on the northeast corner will be required.

22. The applicant shall comply with the following additional conditions of approval as described in the staff report Dated September 8, 2014 and shown on the submitted exhibits:
  - a. Construct a 27-foot high wall with living plant material to screen the parking deck elevation facing abutting residential properties.
  - b. Plant *Tristania Conferta* ("Brisbane Box") evergreen trees 10 feet on center within the landscape buffer proposed adjacent to the residences that will grow to a height of 25 feet within 5 years.
  - c. Setback the light fixtures on the parking deck 52 feet from the edge of the deck (106 feet total from the residential property line) and lower the proposed light fixture height from 15 feet to 12 feet in height.
  - d. Prohibit employees and customers from smoking or loitering in the southerly portion of the property (nearest to residential).
  - e. Provide a traffic plan for approval by the Development Services and Public Services Directors that identifies where employees will and will not be allowed to drive test vehicles from the dealership.
- Eng. 23. 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.
- Trans. 24. Remove existing street parking bays along the Harbor Boulevard frontage, construct new full height curb and gutter, and install new parkway landscaping under the direction of the Public Services Division/City Engineer.
25. Loading and unloading of vehicles delivered to the dealership shall be done on-site. Overlay turning templates and path of travel for trucks delivering vehicles on the site plan.
26. Loading and unloading of vehicles delivered to the dealership shall not occur adjacent to residential properties.

### 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.

- PInG. 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. Approval of the zoning 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 demo permit(s), grading permit(s), or building permit(s) 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 zoning application.

3. Street address shall be visible from the fascia adjacent to the main entrance or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
4. 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.
5. 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.
6. All new on-site utility services shall be installed underground.
7. Parking stalls shall be double-striped in accordance with City standards.
8. 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.
9. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
10. 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.
11. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
12. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
13. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
14. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform with City standards. Standard drawings are available from the Planning Division.
- Bldg. 15. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2013 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.

16. Submit grading plans, an erosion control plan, and a hydrology study for this project.
17. The applicant shall submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and grading plans.
18. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. 2010 California Building Code CBC 1808.7.4
19. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than 5% for a minimum of 10 feet measured perpendicular to the face of the wall. CBC 1803.3.
20. Prior to or concurrent with the submittal of plans for plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs).
- Eng. 21. 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.
22. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
23. Obtain a permit from the City of Costa Mesa, Engineering Division, at

- the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
- 24. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Plans.
  - 25. The storm runoff study shall show existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site.
  - Trans. 26. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
  - 27. Close unused drive approaches with full height curb and gutter per City Standards.
  - 28. Parking spaces shall comply with City Standards.
  - Fire 29. Provide four Class A fire hydrants to be located per the direction of the Costa Mesa Fire Department. See Fire Prevention.
  - 30. Provide Fire Sprinkler System per the California Fire Code.
  - 31. Provide 12-inch addresses per Costa Mesa Fire Department standard.
  - Parks/  
Pkwys 32. Plant 24-inch box Pyrus calleryana "Aristocrat" in parkway landscape areas along the Merrimac Way frontage of the project site. The street side parking along Merrimac Way will remain. Where existing driveways are closed along Merrimac Way it will be replaced with parking and, where necessary, parkway.

### **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.
- School 3. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
- State 4. 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.
- Water 5. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

# PLANNED ROUTES

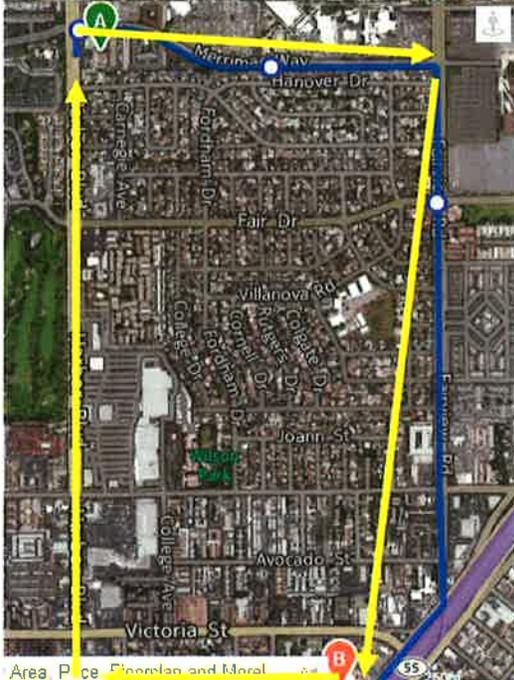
# EXHIBIT C



## DEMO ROUTE

RIGHT ONTO HARBOR BL, RIGHT ONTO ADAMS AVE, RIGHT ONTO FAIRVIEW RD, RIGHT ONTO MERRIMAC WAY

**CHECK WITH A SALES MANAGER IF YOU PLAN TO DEVIATE FROM THIS ROUTE**



## STORAGE LOT ROUTE

2115 NEWPORT BL  
COSTA MESA

EAST ON MERRIMAC WAY,  
RIGHT ON FAIRVIEW RD,  
RIGHT ON NEWPORT BL

PARKING STRUCTURE TOP  
FLOOR

RETURN TO DEALER  
RIGHT ON BAY, RIGHT ON  
HARBOR



## FUEL ROUTE

SHELL GAS STATION  
1201 BAKER ST  
COSTA MESA

NORTH ON HARBOR BL  
RIGHT ON BAKER ST

RETURN TO DEALER

RIGHT ON FAIRVIEW RD  
RIGHT ON MERRIMAC WAY

## RESOLUTION NO. 14-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-88-134 A2, SECOND AMENDMENT OF THE CONDITIONAL USE PERMIT AND PLANNED SIGN PROGRAM FOR THE ORANGE COAST BUICK/GMC/CADILLAC DEALERSHIP LOCATED AT 2600 HARBOR BOULEVARD

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

WHEREAS, an application was filed by Dennis J. Flynn Architects, Inc, authorized agent for the owner of real property located at 2600 Harbor Boulevard, for the following:

- c) Second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory.
- d) Administrative adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed). A previous variance for a zero-foot rear setback was approved under PA-88-134. A 32-foot rear yard setback for the dealership building was approved under PA-88-134 A1.
- d) Consideration of a Planned Sign Program for the following signage: Remove the existing 40-foot high freestanding sign and replace with two new freestanding signs. The two proposed freestanding signs are separated by approximately 190 feet. The overall square footage of the proposed freestanding and wall signs complies with code. The overall square footage of freestanding and wall signs is 442 sq. ft.

WHEREAS, duly noticed public hearings were held by the Planning Commission on July 14, 2014, and September 8, 2014 with all persons having the opportunity to speak and be heard for and against the proposal, and approved PA-88-134 A2 on a 5-0 vote.

WHEREAS, on September 15, 2014, a review of the decision of the Planning Commission was requested by Council member Leece and Council member Genis;

WHEREAS, a duly noticed public hearing was held by the City Council on October 7, 2014 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby **DENIES** Planning Application PA-88-134 A2.

**PASSED AND ADOPTED on this 7<sup>TH</sup> day of October, 2014.**

\_\_\_\_\_  
JIM RIGHEIMER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK OF THE  
CITY OF COSTA MESA

\_\_\_\_\_  
CITY ATTORNEY



## EXHIBIT A

### FINDINGS

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:

**Required Finding:** A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses that exist or have been approved for the general neighborhoods.

**Required Finding:** 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.

**Required Finding:** The use does not comply with performance standards as prescribed elsewhere in the Zoning Code.

**Required Finding:** The use is not consistent with the General Plan.

**Required Finding:** The cumulative effect of all the planning applications have been considered.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:

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

**Required Finding:** 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.

**Required Finding:** Granting the conditional use permit or 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.

- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(8) because:

**Required Finding:** The proposed signing is not consistent with the intent of Chapter VIII (Sign Code) and the General Plan.

**Required Finding:** The proposed signs are not consistent with each other in design and construction - taking into account sign style and shape, materials, letter style, colors, and illumination.

**Required Finding:** The proposed signs are not compatible with the buildings and developments they identify - taking into account materials, colors, and design motif.

**Required Finding:** Approval constitutes a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow.

- D. The Costa Mesa City Council has denied Planning Application PA-88-134 A2. 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.