

**ATTACHMENT 2  
DRAFT RESOLUTIONS**

## RESOLUTION NO. 15-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION PA-14-40 FOR THE RELOCATION AND EXPANSION OF GANAHL LUMBER LOCATED AT 1100 BRISTOL STREET

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

WHEREAS, an application was filed Patrick Ganahl, lessee of the property owned by the County of Orange, requesting approval of the following:

**Planning Application PA-14-40:** The proposed project ("Project") involves the development of a 6.6 acre vacant lot to accommodate the relocation of the Costa Mesa Ganahl Lumber store to a site owned by the County of Orange and leased to Ganahl Lumber. The existing Costa Mesa Ganahl Lumber store is located on an adjacent property to the east and would be closed once the new store is completed. The development proposal includes the following:

- *Development Review* for the construction of a 65,263 square foot building materials retail store with administrative offices (Main Building A). A total of 286 parking spaces are proposed; 108 parking stalls would be provided on the roof of the retail building; and 178 at-grade parking stalls would be provided throughout the project site;
- *Variance* from front setback requirement for the parking lot, B Shed and Mill Shed along Bristol Street (20-foot setback required; 10-foot setback proposed);
- *Variance* from maximum building height for the solar photovoltaic canopy and elevator overrun on Main Building A (30-foot maximum height allowed; 34 feet to the solar canopy and 41 feet to the top of the elevator proposed);
- *Variance* from maximum building height for the B Shed (30-foot maximum allowed; 34 feet proposed);
- *Conditional Use Permit* for the proposed outdoor storage yard consisting of three sheds (B Shed, Mill Shed, and Pole Shed) totaling 40,925 square feet; and
- *Planned Signing Program* to allow the proposed 24-foot high freestanding sign (12 feet allowed, 24 feet proposed).

WHEREAS, on or about January 19, 2015, the City filed the Notice of Intent to Adopt A Mitigated Negative Declaration for the Project prepared by LSA Associates Inc., with the public review period from January 23, 2015 through February 22, 2015; and

WHEREAS, in response to the "Comment Letter to the Initial Study/Mitigated Negative Declaration", LSA prepared written "Responses to Additional Comments on the Initial Study/Mitigated Negative Declaration Prepared for Ganahl Lumber Hardware Store and Lumber Yard Project" (Planning Application No. PA-14-40, Exhibit D); and

WHEREAS, on February 23, 2015, a duly noticed public hearing was held before the Planning Commission, which included presentation of the project by staff and the applicant, as well as information related to the environmental impact analysis of the project by LSA Associates; and

WHEREAS, on February 23, 2015, prior to the Planning Commission meeting, the City received an "Objection to the Proposed Ganahl Lumber Project" raising numerous objections to the Project (Exhibit E); and

WHEREAS, at the public hearing, the Planning Commission received public comments and elicited responses from staff and LSA regarding the objections raised; and

WHEREAS, the Planning Commission, based on the evidence and testimony presented during the hearing, voted to approve the project by a 5-0 vote; and

WHEREAS, on February 27, 2015, an appeal of the decision of the Planning Commission's approval of the project was filed; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 17, 2015 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration was prepared and circulated from January 23, 2015 to February 22, 2015 for public review and comment; and

WHEREAS, the City of Costa Mesa received written comments from the general public, government entities, and other interested parties during the public review period; and

WHEREAS, written comments received from the general public, government entities, and other interested parties were responded to, where appropriate, in the manner prescribed in California Code of Regulations Section 15073; and

WHEREAS, no significant new information has been added to the Initial Study/Mitigated Negative Declaration and no changes to the proposed project have occurred which would require recirculation of the Initial Study/Mitigated Negative Declaration under CEQA Guidelines Section 15073.5; and

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Mitigated Negative Declaration and has found that the Initial Study/Mitigated Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/Mitigated Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines; and

WHEREAS, the Initial Study/Mitigated Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA FINDS AND RESOLVES AS FOLLOWS:

BE IT RESOLVED, therefore, that based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval and mitigation measures indicated in the Mitigation Monitoring Program contained within Exhibits B and C, respectively, the City Council hereby **ADOPTS** the Initial Study/Mitigated Declaration and **APPROVES** Planning Application PA-14-40.

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-14-40 and upon the applicant's compliance with each and all of the conditions in Exhibits B, the Mitigation Monitoring Program in Exhibit C, 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 operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

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.

The City Clerk shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

**PASSED AND ADOPTED on this 17<sup>TH</sup> day of March, 2015.**

\_\_\_\_\_  
STEPHEN M. MENSINGER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

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

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



## EXHIBIT A

### FINDINGS (APPROVAL)

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

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

**Facts in Support of Findings:** The proposed use, with the recommended conditions of approval, is compatible with the other uses in the immediate vicinity. The proposed location for the Project is adjacent to its existing facility. The existing Ganahl Lumber facility at 1275 Bristol Street, which is zoned C2 (General Commercial), was originally built as Ward and Harrington Home Improvement Center in the early 1970's and previously used by Barr Lumber until the facility was acquired by Ganahl Lumber in the 1990's. The property is surrounded to the north, northeast and northwest by the 73 and 55 freeways. Additionally, the northern portion of the property line runs along the Santa Ana Delhi Channel. Compliance with the conditions of approval will allow this use to operate with minimal impact on other surrounding properties and uses.

The main building (Building A) contains the main store retail sales area, which is a permitted use in the C1 (Local Business District) Zone per Zoning Code Land Use Matrix Section 13-30(130 – Retail: General). Code requires that the outdoor storage yard (containing lumber stock, a mill shed, and storage sheds) be considered through a conditional use permit per Zoning Code Section 13-30(d) – Citywide Land Use Matrix. Outdoor lumber yards are not specifically listed in the corresponding Land Use Matrix, and the Conditional Use Permit process allows the City to impose consider this type of use on a case-by-case basis and impose conditions of approval, as applicable.

**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.

**Facts in Support of Findings:** With the exception of the building setback and height as discussed above, the development is a commercial project consistent with the C1 zoning of the property and the other commercially-zoned properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that 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 properties on the south side of Bristol Street will not be adversely affected by the project. Specifically, there are no modifications to the center left turn lane on Bristol Street which would adversely impact access to the properties on the south side of Bristol Street.

**Finding:** Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.

**Facts in Support of Findings:** The project site is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project, as conditioned, is consistent with the applicable provisions of the General Commercial General Plan Designation.

The existing Home Depot at Harbor Center in Costa Mesa is also located in the General Commercial land use designation. Home Depot required discretionary approval of a Master Plan in the C1-S zone.

Other jurisdictions also consider Ganahl Lumber stores as commercial uses. For reference purposes, following is a list of similar Ganahl Lumber stores located in commercial zones in other jurisdictions:

Other Ganahl Lumber Store Locations	Commercial Zones
<p><b>City of Buena Park</b> 6586 Beach Blvd, Buena Park, CA 90621</p>	<p>CG (Commercial General)</p>
<p><b>City of Pasadena</b> 3003 E Colorado Blvd, Pasadena, CA 91107</p>	<p>(East Colorado Specific Plan-Commercial General- The Chihuahuita area.)</p>
<p><b>City of Capistrano Beach</b> 34162 Doheny Park Dr., Capistrano Beach, CA 92624</p>	<p>C C/P (Community Commercial/Pedestrian)</p>
<p><b>City of Los Alamitos</b> 10742 Los Alamitos Blvd. Los Alamitos, CA 90720</p>	<p>C-G (General Commercial Zoning District)- Hardware Store</p>

This property is owned by the County Flood Control District and is limited in development potential due to its location and required unbuildable easements by Caltrans and the County Flood Control District. As noted in the Planning Commission Staff Report, the Floor Area Ratio (FAR) for the project is 0.346, excluding the Pole Shed, which is not enclosed, and the proposal will not exceed the City's maximum FAR requirement (.35 FAR maximum allowed).

This site has been vacant for about seven years since the Bristol Street Mini Storage was removed. As indicated in the letter submitted by the County of Orange Executive Office, which facilitated the lease of their property to Ganahl Lumber, the County determined that the Ganahl Lumber proposal

was the least intensive land development that their office received (Attachment 7). In November 2013, the County's evaluation panel gave Ganahl the highest rating above one proposal from Lyon-NCA Bristol Venture for 207 apartments and two other proposals for hotels. All of the other proposals are not consistent with the current GP/zoning, and would require a General Plan amendment and Rezone of the property.

The following describes the proposed project's consistency with specific goals and objectives of the General Plan, Land Use Element.

**Goal LU-1: Land Use:** *It is the goal of the City of Costa Mesa to provide its citizens with a balanced community of residential, commercial, industrial, recreational, and institutional uses to satisfy the needs of the social and economic segments of the population and to retain the residential character of the City; to meet the competing demands for alternative developments within each land use classification within reasonable land use intensity limits; and to ensure the long term viability and productivity of the community's natural and man-made environments.*

**Consistency:** The infill nature of the proposed commercial project protects the balance of land uses satisfying the needs of the community as it pertains to commercial retail uses. The project will ensure the long-term viability of the natural and man-made environment and decreases the need for significant infrastructure improvements. The project is consistent with this General Plan goal.

**Objective LU-1A.3:** *Locate high-intensity developments or high traffic generating uses away from low-density residential in order to buffer the more sensitive land uses from the potentially adverse impacts of the more intense developments or uses.*

**Consistency:** The project is a commercial development located along Bristol Street, a major traffic arterial in the City. The project site does not abut residential properties. As indicated in the IS/MND, adequate infrastructure is available to serve the proposed project. Therefore, the project is consistent with this General Plan objective.

**Objective LU-1C.1:** *Permit the construction of buildings over two stories or 30 feet only 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.*

**Consistency:** The proposed buildings that exceed the 30-foot height limit will not adversely impact surrounding developments and deprive existing land uses of adequate light, air, privacy, and solar access as the site is abutting a major street on one side and freeways on the other side. The buildings that exceed to the 30-foot height limit do not immediately abut the existing Ganahl Lumber site to the east. Therefore, the project is consistent with this General

Plan objective.

**Goal LU-2: Development:** *It is the goal of the City of Costa Mesa to establish development policies that will create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical and social resources.*

**Consistency:** The project would allow for the redevelopment of a vacant commercially-zoned property. On-site vegetation is minimal. The proposed project would enhance the visual appearance of the site through the construction of new buildings and implementation of the proposed landscape plan. In addition, the project would provide a high-quality architectural design to the community. As a result, the proposed project is consistent with this General Plan goal.

**Objective LU-2A:** *Encourage new development and redevelopment to improve and maintain the quality of the environment.*

**Consistency:** As indicated in the IS/MND, the proposed project with mitigation incorporated would not result in any significant adverse environmental impacts. Because the project is an infill development, it would not result in the loss of any habitat, or require extensive infrastructure improvements to provide service to the site. The project is consistent with this objective.

- B. The requested variance substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

**Findings:**

- Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
- The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

**Facts in Support of Findings:**

Despite the request for deviations from Code requirements for the building setback for the B Shed and Mill Shed (20-foot setback required; 10 feet proposed) and the height for the Main Building A (30-foot height required; 34 feet to the solar panels and 41 feet to the elevator shaft) and the B Shed (30-foot height required; 34 feet proposed), of the variances are justified based on the following:

*The unique shape and location along the Bristol Street frontage justify a deviation from the front landscape setback requirement.* Because of special circumstances applicable to the property, the strict application of

development standards deprives the property of privileges enjoyed by others in the vicinity. The property is shaped triangular with the B Shed and Mill Shed sitting within the apex. Additionally, the northern property line runs adjacent to the Santa Ana Delhi Channel and 73-freeway. The purpose of the 20-foot landscape setback (10 feet proposed) is to provide a visual buffer between the public sidewalk and any perimeter walls or buildings. In this case, the B Shed and Mill Shed are proposed to have a 10-foot landscape setback from property line, which is consistent with several properties across Bristol Street, including the two-story office buildings at 1072 and 1182 Bristol Street, both of which have less than the 20 foot landscape requirement. Additionally, because of the irregular shape of the property, the 20-foot setback is infeasible. The reduced setback enjoyed by these two properties, in combination with the unusual shape of the subject, property, creates a special circumstance applicable to the property where the strict application of the 20-foot landscape setback would deprive the property of privileges enjoyed by others in the vicinity. The B Shed and Mill Shed will also act a visual screen to the storage yard and the proposed 10-foot landscape setback will be required to be densely landscaped and have exterior building treatments. Similarly, as to the height of the Main Building, the irregular shape of the property, limits the space available for parking on the ground floor, thus, necessitating rooftop parking.

The applicant's request includes a variance from the Bristol Street setback (20-feet required, 10-feet proposed). Existing setbacks along Bristol Street for neighboring properties also do not meet this requirement. These include the following properties:

1. 1072 Bristol Street – approximate 12 foot setback.
2. 1182 Bristol Street – less than 10 foot setback.
3. 1312 Bristol Street – approximate 15 foot setback.

With regard to the building height, special circumstances exist in that the proximity of the elevated freeways and Santa Ana Delhi Channel will limit visual impacts to surrounding properties and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The proposed buildings that exceed the 30-foot height limit will not adversely impact surrounding developments and deprive existing land uses of adequate light, air, privacy, and solar access as the site is abutting a major street on one side and freeways along with the flood control channel on the other side. The buildings that exceed the 30-foot height limit do not immediately abut the existing Ganahl Lumber site to the east. Therefore, the increased building height will not constitute a grant of special privileges inconsistent with other properties in the vicinity.

The deviations will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property. The granting of the deviations will not be detrimental to the public health, safety, or

welfare, or be materially injurious to properties or improvements in the vicinity. The development is consistent with the General Plan goals and policies as discussed earlier in this report, and will be required to comply with all applicable Building and Fire Safety regulations to ensure that no adverse impact to the public health, safety, or welfare is created as a result of this project. The proposed project is a conditionally permitted use in the C1 zone. This property is owned by the County Flood Control District and is limited in development potential due to its location and required unbuildable easements by Caltrans and the County Flood Control District. The Floor Area Ratio (FAR) for the project is 0.346, excluding the Pole Shed, which is not enclosed, and the proposal will not exceed the City's maximum FAR requirement (.35 FAR maximum allowed). Due to the unique nature of the use, a parking ratio of 2.87 spaces per 1,000 square feet was determined to be required for the proposed project. When applied to Building A and Building B, a parking demand of 239 spaces is forecast. With a proposed supply of 286 spaces, parking will be sufficient for this use.

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

**Finding:** The proposed signing is consistent with the intent of Title 13, Chapter VIII (Signs) and the General Plan.

**Facts in Support of Findings:** The proposed 24-foot high freestanding sign will not constitute a grant of special privilege or allow substantially greater overall visibility than the standard ordinance provisions allow. The purpose of this planned signing program is to allow for approval of a freestanding sign that is not subject to the typical code requirements. The square footage of the total site signage will not exceed the maximum sign area allowed under the Costa Mesa's Municipal Code: 1,329 square feet of total site signage allowed; 982 square feet of total signage proposed. On the City's Master Plan of Highways, Bristol Street is designated as an Augmented Major Street ( $\pm 120$  feet in width) and the proposed signage provides adequate visibility for two-way traffic on Bristol Street for the business. The planned sign program is also consistent with the following objectives of the City's General Plan:

**Objective LU-1B:** *Ensure the long term productivity and viability of the community's economic base.*

**Consistency:** The sign will be consistent in appearance with the proposed wall signage as well as existing freestanding signs in the vicinity. As a result, the sign will be compatible with the surrounding land uses.

**Objective CD-13:** *Facilitate the installation of signs that contribute to a positive image of the public realm, consistent with the Costa Mesa Zoning Code.*

**Consistency:** The proposed sign will be compatible and harmonious with

uses that exist within the general neighborhood. The sign features quality construction and materials. The proposed sign will improve and enhance the appearance of the property from Bristol Street.

**Objective LU-1B:** *Ensure the long term productivity and viability of the community's economic base.*

**Consistency:** Ganahl Lumber provides large and specific purchases of lumber 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 uses. Additionally, it will not allow substantially greater visibility than what the standard sign provisions would allow for commercial uses since the overall site signage is less than the maximum allowed under the City's Municipal Code.

**Objective CD-13:** *Facilitate the installation of signs that contribute to a positive image of the public realm, consistent with the Costa Mesa Zoning Code.*

**Consistency:** With the implementation of the recommended conditions of approval, the proposed sign will be compatible and harmonious with uses that exist within the general neighborhood. The sign features quality construction and materials. The proposed sign will improve and enhance the appearance of the property from Bristol Street.

**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.

**Facts in Support of Findings:** The freestanding sign, as conditioned, will be consistent in color, height, and appearance with the proposed signage on site.

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

**Facts in Support of Findings:** The proposed signage is consistent with current image standards for Ganahl Lumber as well as the City's Municipal Code.

**Finding:** Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard ordinance provisions allow.

**Facts in Support of Findings:** Ganahl Lumber provides large and specific purchases of lumber 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 uses. Additionally, it will not allow substantially greater visibility than what the

standard sign provisions would allow for commercial uses since the overall site signage is less than the maximum allowed under the City's Municipal Code.

A survey of existing freestanding signs in neighboring properties along Bristol Street provides information on pylon signs of comparable height:

Description	Address	Sign Height (Approx.)
Agape Wellness Center	1182 Bristol St.	22 feet
Animal Hospital	1206 Bristol St.	15 feet
Extra Storage	1250 Bristol St.	25 feet
Acapulco Rest.	1262 Bristol St.	19'6" feet
Travelodge	1400 Bristol St.	20 feet
Bill's Burgers	1476 Bristol St.	16 feet
Bristol Village Center	270 Bristol St.	25 feet
Car Wash	2770 Bristol St.	24 feet
Bristol Design Center	2777 Bristol St.	25 feet

- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). Mitigation measures from the IS/MND have been included as Exhibit C. If any of these conditions are removed, the decision-making body must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility and jurisdiction of another public agency, or that specific economic, social or other considerations make the mitigation measures infeasible.
- 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 at all affected intersections and by the payment of traffic impact fees.
- F. The proposed buildings are an excessive distance from the street necessitating fire apparatus access and provisions of on-site fire hydrants.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. Planning Application PA-14-40 shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the IS/MND for this project and as listed in the attached Mitigation Monitoring Program (Exhibit C).
  2. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation indicated, 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)].
  3. 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.
  4. The business operator shall install bike racks for employees on the site. This condition shall be completed prior to final occupancy/start of business, under the direction of the Development Services Department.
  5. Mitigation measures from the IS/MND for this project have been included as Exhibit C. If any of these conditions are removed, the Planning Commission must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
  6. The conditions of approval including Mitigation Measures incorporated by reference in these Conditions of Approval as Exhibit C, code requirements, and special district requirements of PA-14-40 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  7. Prior to issuance of building permits, a final landscape plan indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division.
  8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
  9. Landscaping along Bristol Street shall be planted with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.
  10. Developer shall contact the City's Transportation Services Division and the California Department of Transportation (Caltrans) to replace the

chain link fencing between the subject property and the Caltrans property abutting the 73 and 55 Freeways with a combination wrought iron fence with pilaster supports or other fence/barrier acceptable to both the City and Caltrans. The fencing shall be submitted for review and approval by the Planning Division. Issuance of certificate of occupancy shall not be withheld pending the completion of this condition; however, the applicant shall provide documentation of the progress and estimated time of completion of the condition prior to the issuance of the certificate of occupancy.

11. No mechanical equipment or other rooftop appurtenances shall be located on the elevator overrun area of Main Building A above the approved 41-foot height limit.
12. Future installation of rooftop solar canopies on the outdoor storage sheds (i.e. Pole Shed, Shed B, and Mill Shed) may be approved by the Development Services Director as an amendment to the Conditional Use Permit, provided that there are no adverse impacts (light, glare) to surrounding properties.
13. Final location of the gate and proper signage of the hours of operation at the gated entrance shall be approved by the Development Services Director and Transportation Services Manager to avoid customer confusion and circulation impacts on Bristol Street.
14. The business operator shall require that Ganahl Lumber employee vehicles be exclusively parked in the rooftop parking level in order to make the at-grade parking lot available for customers/contractors to the fullest extent possible.
15. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
16. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, 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 or a variance, or in the requirement to modify the construction to reflect the approved plans.
17. 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.

18. Prior to the issuance of building permits, the applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:
  - 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.
  - Lighting design and layout shall limit spill light to no more than 0.5 foot-candle 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 located at the top level of the parking structure shall be a maximum of 15 feet in height, located and oriented in such a way as to minimize light spillage onto surrounding properties. Light standards shall be custom-fitted with glare shields to focus light spillage in the parking structure area to the fullest extent possible.
19. 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. CAL Green Code or higher as determined by applicant.
20. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
21. The subject property's ultimate finished grade level may not be filled/raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water 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 storm water 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.

22. The applicant shall contact the Planning Division to arrange a 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.
23. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
24. A comprehensive sign program shall be submitted for all on-site signs (i.e., monument, directional, wall mounted) for review and approval of the Development Services Director prior to issuance of building permits.
25. The applicant 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, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. 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. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
- Eng. 26. 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. 27. Design and construct the improvements required for providing a signalized access to the project site at the intersection of Bristol Street and Newport Boulevard Northbound. The applicant will be responsible for procuring all applicable permits and approvals from Caltrans and City of Costa Mesa prior to beginning of construction.
- Street Trees 28. Trees within the 10-foot landscape setback along the Bristol Street frontage shall complement the tabebuia avellanadae street trees required to be planted within the public right-of-way per Code Requirement number 34. The applicant shall contact the City Arborist for preferred tree types and additional information.
- City Atty. 29. Prior to issuance of a building permit, applicant shall remit documentation verifying the approval of: (a) Required encroachment

permit from the California Department of Transportation (Caltrans) and (b) Ground lease from the Orange County Flood Control District. The Development Services Director may modify/extend the timing of the required submissions as necessary.

- Plng. Comm.
30. The applicant shall submit a transition management plan to the satisfaction of the Development Services Director that provides a cohesive plan for the closure of the existing operation and opening of the project prior to issuance of certificate of occupancy.
  31. The applicant shall provide enhanced building treatment and materials on the B Shed and Mill Shed elevations facing Bristol Street, subject to review and approval by the Development Services Director.

### **CODE REQUIREMENTS**

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

- Plng.
1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
  2. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  4. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
  5. 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 and the City's Water Efficient Landscape Guidelines, 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.
  6. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
  7. All on-site utility services shall be installed underground.
  8. Installation of all 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. Prior to approval of plans, the project shall fulfill the City of Costa Mesa Drainage Ordinance No. 06-19 requirements.
- Bldg. 11. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
12. Submit precise grading plans, an erosion control plan, and a hydrology study.
13. Submit a soils report for this project. Soil's report recommendations shall be blueprinted on both the architectural and grading plans.
14. 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. 2013 California Building Code Section 1808.7.4.
15. 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 distance of 10 feet measured perpendicular to the face of the wall per BCB Section 1804.3
16. All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:
  - a. Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
  - b. Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
  - c. Water excavated soil piles hourly or covered with temporary coverings.

- d. Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- e. Wash mud-covered tired and under-carriages of trucks leaving construction sites.
- f. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
- g. Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.
- h. Cease grading during period when winds exceed 25 miles per hour.

- Trans.
- 17. Construct all proposed driveway approaches to comply with city standards.
  - 18. 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.
  - 19. Fulfill San Joaquin Hills Transportation Corridor Fee Ordinance (if applicable) at the time of issuance of building permit by submitting the required fee to the Transportation Services Division. Note that the fee is subject to revision and possible increase July 1 of each year.
  - 20. Close unused drive approaches, or portion of, with full height curb and gutter that comply with City Standards.
  - 21. Delivery truck gate shall be designed to prevent trucks from backing up onto Bristol Street.
- Eng.
- 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. A construction access permit and deposit of \$1,230.00 will be required by City of Costa Mesa, engineering division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public

improvements.

24. Obtain a permit from the City of Costa Mesa, engineering division, at the time of development and then construct P.C.C. driveway approaches per City Of Costa Mesa standards as shown on the offsite plan. Location and dimensions are subject to the approval of the transportation services manager. ADA compliance required for all new driveway approaches.
25. 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.
26. Fulfill City Of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of plans.
27. Submit to the Engineering Division a storm runoff study showing 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 to the satisfaction of the city engineer. If possible, drain the entire site directly to the flood control channel.
- Fire 28. Provide (4) Class A fire hydrants at the direction of the Fire Department. See Fire Prevention.
29. Flammable Fuel Storage and use shall comply with California Fire Code, 2013.
30. Provide fire sprinkler systems for all buildings per NFPA 13, 2013.
31. Provide Fire Department key access per CMFD standards.
32. Provide 12 inch address on building and at street. Address must be visible form the street and contrast in color with its background.
33. A Fire Master Plan shall be approved by CMFD prior to formal building submittal.
- Street 34. Create not more than fifteen (15) – 4'X4' tree wells adjacent to curb and  
Trees plant fifteen (15) 24" Box size Tabebuia avellanedae along Bristol Street.

### **SPECIAL DISTRICT REQUIREMENTS**

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

- Sani. 1. Applicant will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.
2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer.
3. Applicant shall submit a plan showing sewer improvements that meets the District Engineer's approval to the Building Division as part of the

plans submitted for plan check.

4. The applicant is required to contact the Costa Mesa Sanitary District at (714) 754-5307 to arrange final sign-off prior to certificate of occupancy being released.
5. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements.
- AQMD 6. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- Water 7. 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.
- School 8. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
- State 9. 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. Call CDFA at (714) 708-1910 for information.

**EXHIBIT C**  
**MITIGATION MONITORING PROGRAM**

Table 4.A: Mitigation and Monitoring Reporting Program

Standard Conditions, Conditions of Approval, Best Management Practices, and Requirements	Timing of Mitigation	Responsible Party
<p><b>3.1 Aesthetics</b> No standard conditions, conditions of approval, or best management practices related to aesthetics would be required.</p>		
<p><b>3.2 Agricultural &amp; Forest Resources</b> No standard conditions, conditions of approval, or best management practices related to agriculture or forest resources would be required.</p>		
<p><b>3.3 Air Quality</b> No standard conditions, conditions of approval, or best management practices related to air quality would be required.</p>		
<p><b>3.4 Biological Resources</b></p>		
<p><b>B-1:</b> <b>Compliance with Migratory Bird Treaty Act.</b> If construction activities occur within the bird breeding season (February 15 through August 31), the Applicant (or its contractor) shall retain a qualified biologist to conduct a pre-construction nesting bird survey no more than 30 days prior to the start of construction. The nesting survey shall include the Project site and areas immediately adjacent to the site that could potentially be affected by Project activities such as noise, human activity, and dust, etc. If active bird nests are found within 100 feet of the designated construction area on the project site, the qualified biologist will establish an appropriate buffer zone around the active nests, typically a 250-foot radius for songbirds and a 500-foot radius for raptors. Project activities shall be avoided within the buffer zone until the nest is deemed no longer active by the biologist. Weekly nesting surveys and biological monitoring may be necessary if nesting birds are found on the project site.</p>	<p>Prior to the commencement of grading activities</p>	<p>City of Costa Mesa Director of Community Development, or designee</p>
<p>Prior to commencement of grading activities and issuance of any building permits, the City of Costa Mesa Director of Community Development, or designee, shall verify that all project grading and construction plans include specific documentation regarding the Migratory Bird Treaty Act (MBTA) requirements for a nesting bird survey should construction or grading occur from February 15 through August 31, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.</p> <p><b>B-2:</b> <b>Permitting for Drainage Impacts.</b> Prior to the commencement of grading activities that may result in the placement of fill material into the potentially jurisdictional drainage feature on the northern portion of the project site, the Applicant shall prepare and submit to the United States Army Corps of Engineers (USACE) for verification a "Preliminary Delineation Report for Water of the United States" and a Streambed Alteration Notification package to the California Department of Fish and Wildlife (CDFW) for the drainage feature. If these agencies determine that the feature is not regulated under their jurisdiction, then no further mitigation is necessary. However, if the USACE considers the feature to be jurisdictional, then a Clean Water Act Section 404 permit shall be obtained from the USACE, and any permit conditions shall be agreed to, prior to the start of grading activities in the affected area. If the CDFW determines that the drainage is a regulated "streambed," then a Streambed Alteration Agreement shall be</p>	<p>Prior to the commencement of grading activities</p>	<p>United States Army Corps of Engineers; California Department of Fish and Wildlife; Santa Ana Regional Water Quality Control Board</p>

Table 4.A: Mitigation and Monitoring Reporting Program

	Timing of Mitigation	Responsible Party
<p>entered into with the CDFW and any associated conditions shall be agreed to prior to the start of grading activities in the affected area. If the USACE considers the feature to be jurisdictional, the Applicant shall obtain a Water Quality Certification or waiver pursuant to Section 401 of the CWA from the Santa Ana Regional Water Quality Control Board prior to the start of grading activities in the affected area.</p>		
<p><b>3.5 Cultural Resources</b></p>		
<p><b>CR-1:</b> <b>Archaeological Monitors.</b> Prior to issuance of grading permits, and in adherence to the recommendations of the cultural resources survey, the Applicant shall retain a qualified archaeological monitor, subject to review and approval by the City of Costa Mesa (City) Community Development Director, or designee. This monitor shall be present at the pregrade conference in order to explain the cultural mitigation measures associated with the Proposed Project. The monitor, in conjunction with the City and the Applicant will prepare a plan that includes: (1) a description of circumstances that would result in the halting of work at the project site (e.g., what is considered a "significant" archaeological site); (2) a description of procedures for halting work on site and notification procedures; and (3) a description of monitoring reporting procedures. If any significant historical resources, archaeological resources, or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. To the extent feasible, project activities shall avoid these deposits. Where avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register of Historic Places. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, adverse effects on the deposits must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to, the following: excavation of the deposit in accordance with a data recovery plan (see California Code of Regulations Title 4(3) Section 5126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials.</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Costa Mesa Director of Community Development Department, or designee</p>

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Table 4.A: Mitigation and Monitoring Reporting Program

CR-2:	Timing of Mitigation	Responsible Party
<p><b>Paleontological Resources Impact Mitigation Program.</b> If excavation activities associated with the Proposed Project are expected to extend below 10 feet, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City of Costa Mesa's (City) Community Development Director, or designee, to prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Proposed Project prior to issuance of any grading permits. The PRIMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (SVP) and shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• The paleontologist, or his/her representative, shall attend a preconstruction meeting.</li> <li>• A qualified paleontological monitor working under the direction of an Orange County certified paleontologist shall "spot check" grading within the project site. Initially, spot checks are recommended for 2 to 3 hours twice per week during grading. If fossil resources are noted during the spot check, the monitoring level shall be increased to full time for the remaining duration of the grading.</li> <li>• In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and the paleontologist contacted to assess the find for scientific significance. The paleontologist shall make recommendations as to whether monitoring shall be required in these sediments on a full-time basis.</li> <li>• Collected resources shall be prepared to the point of identification and permanent preservation. This includes washing and picking of mass samples to recover small vertebrate and invertebrate fossils and removal of surplus sediment around larger specimens to reduce the storage volume for the repository and the storage cost for the Applicant.</li> <li>• Any collected resources shall be cataloged and curated into the permanent collections of an accredited scientific institution.</li> </ul> <p>At the conclusion of the monitoring program, a report of findings with an appended inventory of specimens shall be prepared. When submitted to the City, the report and inventory shall signify completion of the program to mitigate impacts to paleontological resources.</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Costa Mesa Director of Community Development Department, or designee</p>
<p><b>CR-3:</b></p> <p><b>Human Remains.</b> If human remains of any kind are found during construction, the requirements of California Environmental Quality Act (CEQA) Guidelines Section 15064.5(e) and Assembly Bill (AB) 2641 shall be followed. According to these requirements, all construction activities must cease immediately and the Orange County Coroner and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the Coroner determines the remains to be of</p>	<p>In the event of the accidental discovery or recognition of any human remains in any location on the project site during excavation</p>	<p>City of Costa Mesa Director of Community Development Department, or designee</p>

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**Table 4.A: Mitigation and Monitoring Reporting Program**

Timing of Mitigation or construction activities	Responsible Party
<p>Native American origin, he or she will notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then identify the most likely descendants (MLD) to be consulted regarding treatment and/or reburial of the remains. If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to them, the Native American human remains and associated grave goods shall be buried with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>	
<p><b>3.6 Geology and Soils</b></p>	
<p>No standard conditions, conditions of approval, or best management practices related to geology and soils would be required.</p>	
<p><b>3.7 Greenhouse Gas Emissions</b></p>	
<p>No standard conditions, conditions of approval, or best management practices related to greenhouse gas emissions would be required.</p>	
<p><b>3.8 Hazards and Hazardous Materials</b></p>	
<p>Refer to Standard Conditions WQ-1 and WQ-2 below.</p>	
<p><b>3.9 Hydrology and Water Quality</b></p>	
<p><b>WQ-1: Construction General Permit.</b> Prior to issuance of a grading permit, the Applicant shall demonstrate to the City of Costa Mesa (City) Public Works Department that coverage has been obtained under California's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. A copy of the current Storm Water Pollution Prevention Program (SWPPP) required by the General Permit shall be kept at the project site and be available for review by City representatives upon request.</p>	<p>Prior to the issuance of a grading permit</p>
<p><b>WQ-2: Final Water Quality Management Plan.</b> Prior to issuance of a grading permit, the Applicant shall submit a Final Water Quality Management Plan (WQMP) to the City Public Works Department for review and approval. Both Source Control best management practices (BMPs) and Site Design BMPs designed to reduce impacts to water quality from operation of the Proposed Project shall be identified in the Final WQMP.</p>	<p>Prior to the issuance of a grading permit</p>
<p><b>3.10 Land Use/Planning</b></p>	
<p>No standard conditions, conditions of approval, or best management practices related to land use and planning would be required.</p>	
<p><b>3.11 Mineral Resources</b></p>	
<p>No standard conditions, conditions of approval, or best management practices related to mineral resources would be required.</p>	

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Table 4.A: Mitigation and Monitoring Reporting Program

	Timing of Mitigation	Responsible Party
<b>3.12 Noise</b>		
<b>NOISE-1: Short-Term Construction Related Noise Impacts.</b> The following standard conditions are required of all development within the City of Costa Mesa (City) and would reduce short-term construction related noise impacts resulting from the Proposed Project:	During construction activities	City of Costa Mesa Director of Community Development, or designee
<ul style="list-style-type: none"> <li>The Applicant's construction contractor shall limit all construction-related activities to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No construction activities shall be permitted outside of these hours on Sundays and Federal holidays.</li> </ul>		
<b>3.13 Population and Housing</b>		
No standard conditions, conditions of approval, or best management practices related to population and housing would be required.		
<b>3.14 Public Services and Utilities</b>		
No standard conditions, conditions of approval, or best management practices related to public services and utilities would be required.		
<b>3.15 Recreation</b>		
No standard conditions, conditions of approval, or best management practices related to recreation would be required.		
<b>3.16 Transportation/Traffic</b>		
No standard conditions, conditions of approval, or best management practices related to transportation/traffic would be required.		
<b>3.17 Utilities/Service Systems</b>		
No standard conditions, conditions of approval, or best management practices related to utilities/service systems would be required.		
<b>Mitigation Measures</b>		
<b>3.1 Aesthetics</b>		
The Proposed Project would not result in significant adverse impacts related to aesthetics. No mitigation would be required.		
<b>3.2 Agricultural &amp; Forest Resources</b>		
The Proposed Project would not result in significant adverse impacts related to agriculture or forest resources. No mitigation would be required.		
<b>3.3 Air Quality</b>		
The Proposed Project would not result in significant adverse impacts related to air quality. No mitigation would be required.		
<b>3.4 Biological Resources</b>		
The Proposed Project would not result in significant adverse impacts related to biological resources. No mitigation would be required.		
<b>3.5 Cultural Resources</b>		
The Proposed Project would not result in significant adverse impacts related to cultural resources. No mitigation would be required.		

Table 4.A: Mitigation and Monitoring Reporting Program

3.6 Geology and Soils	Timing of Mitigation	Responsible Party
<p><b>GEO-1:</b> <b>Incorporation of and Compliance with the Recommendations in the Geotechnical Report.</b> During project construction activities, the City of Costa Mesa (City)'s Community Development Director, Director of Public Works, or designee, shall ensure that all grading operations and construction are conducted in conformance with the recommendations included in the Geotechnical Report prepared for the Proposed Project that has been prepared by G.A. Nicoll, titled <i>Geotechnical Investigation Report</i> (June 13, 2014).</p> <p>The Applicant shall require the project geotechnical consultant to assess whether the requirements in the <i>Preliminary Geotechnical Investigation</i> need to be modified or refined to address any changes in the project that occur prior to the start of grading. If the project geotechnical consultant identifies modifications or refinements to the requirements, the Applicant shall require appropriate changes to the final project design and specifications and shall submit any revised geotechnical reports to the Land Development Section of the Engineering Division, or designee, for approval prior to issuance of any grading or construction permits.</p> <p>The Development Review Section of the Engineering Division, or designee, shall review grading plans prior to the start of grading to verify that the requirements developed during the geotechnical design evaluation have been appropriately incorporated into the project plans. Design, grading, and construction shall be performed in accordance with the requirements of the City's Building Code and the California Building Code (CBC) applicable at the time of grading, as well as the recommendations of the project geotechnical consultant as summarized in a final report subject to review by the City's Building Official, or designee, prior to the start of grading activities. On-site inspection during grading shall be conducted by the project geotechnical consultant and the Development Review Section of the Engineering Division to ensure compliance with geotechnical specifications as incorporated into project plans.</p>	<p>Prior to the commencement of grading activities</p>	<p>City of Costa Mesa Building Official, or designee</p>
<p><b>3.7 Greenhouse Gas Emissions</b></p> <p>The Proposed Project would not result in significant adverse impacts related to greenhouse gas emissions. No mitigation would be required.</p>		
<p><b>3.8 Hazards and Hazardous Materials</b></p>		
<p><b>HAZ 1:</b> <b>Contingency Plan.</b> Prior to commencement of grading activities, the Director of the Orange County Environmental Health Division, or designee, shall review and approve a contingency plan that addresses the procedures to be followed should on-site unknown hazards or hazardous substances be encountered during demolition and construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the Costa Mesa Fire Department (CMFD). The CMFD responder</p>	<p>Prior to the commencement of grading activities</p>	<p>Director of the Orange County Environmental Health Division, or designee</p>

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Table 4-A: Mitigation and Monitoring Reporting Program

	Timing of Mitigation	Responsible Party
<p>shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and Federal regulations.</p> <p><b>HAZ-2:</b> <b>Protection Against Landfill Gas Hazards.</b> Prior to the issuance of any grading permits, the Applicant shall conduct a soil gas investigation on the project site in accordance with the Orange County Fire Authority's Combustible Gas Hazard Mitigation Guidance to evaluate whether combustible landfill gas concerns exist on the project site. If the investigation concludes that such concerns do not exist, no further mitigation is necessary. If the investigation concludes that combustible landfill gases are present beneath the project site, the Applicant shall coordinate with the Orange County Solid Waste Local Enforcement Agency (LEA) to determine appropriate mitigation to protect the Proposed Project's structures from combustible landfill gases, which may include the installation of systems designed to protect against the accumulation of methane beneath structures, which may include passive ventilation systems, flexible building membrane liners, landfill gas alarms, or other measures listed per Section 20939, Title 27 California Code of Regulations in accordance with LEA recommendations. If mitigation is required, the City of Costa Mesa's Building Official, or designee, shall review the building and grading plans prior to the start of grading to verify that the mitigation developed as a result of the combustible landfill gas evaluation has been appropriately incorporated into the project plans. On-site inspection during grading and construction shall be conducted by the City of Costa Mesa's Building Official, or designee, to ensure compliance with the mitigation specifications, if any are required to be incorporated into project plans.</p>	<p>Prior to the issuance of any grading permits</p>	<p>Director of the Orange County Solid Waste Local Enforcement Agency, or designee; City of Costa Mesa Building Official, or designee</p>
<p><b>HAZ-3:</b> <b>Construction Staging and Traffic Control Plan.</b> Prior to the issuance of any grading permits, the Applicant (or its contractor) shall prepare a Construction Staging and Traffic Control Plan for approval by the City of Costa Mesa (City) Transportation Services Manager, or designee, to ensure proper access to residences and businesses in the area by emergency vehicles during construction and to maintain traffic flow prior to any lane closures.</p> <p>The Construction Staging and Traffic Control Plan would also include the name and phone number of a contact person who can be reached 24 hours a day regarding construction traffic complaints or emergency situations. In addition, the Construction Staging and Traffic Control Plan shall take into account and be coordinated with other Construction Staging and Traffic Control Plans that are in effect or have been proposed for other projects in the City of Costa Mesa. The Construction Staging and Traffic Control Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>All emergency access to the project site and adjacent areas shall be kept clear and unobstructed during all phases of construction. Flag persons shall be provided in adequate</li> </ul>	<p>Prior to the issuance of any grading permits</p>	<p>City of Costa Mesa Transportation Services Manager, or designee</p>

**Table 4.A: Mitigation and Monitoring Reporting Program**

	Timing of Mitigation	Responsible Party
<p>numbers to minimize impacts to traffic flow and to ensure safe access into and out of the site.</p> <ul style="list-style-type: none"> <li>• Flag persons shall be trained to assist in emergency response by restricting or controlling traffic movements that could interfere with emergency vehicle access.</li> <li>• Construction vehicles, including construction personnel vehicles shall not park on public streets</li> <li>• Construction vehicles shall not stage or queue where they would interfere with pedestrian and vehicular traffic or block access to nearby businesses or residential areas.</li> </ul> <p>If feasible, any traffic lane closures would be limited to off-peak traffic periods, as approved by the City Transportation Services Department.</p>		
<p><b>3.9 Hydrology and Water Quality</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to hydrology and water quality. No mitigation would be required.</p>		
<p><b>3.10 Land Use/Planning</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to land use/planning. No mitigation would be required.</p>		
<p><b>3.11 Mineral Resources</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to mineral resources. No mitigation would be required.</p>		
<p><b>3.12 Noise</b></p>		
<p><b>NOISE-1: Noise Reduction Features.</b> Prior to the issuance of building permits for Building A, the Applicant shall submit the building plans for review and approval by the City of Costa Mesa (City) Building Official, or designee, to ensure the building will be designed with closed windows and an air conditioning system to reduce noise levels associated with traffic noise to an acceptable level.</p>	<p>Prior to the issuance of permits for Building A</p>	<p>City of Costa Mesa (City) Building Official, or designee</p>
<p><b>3.13 Population and Housing</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to population or housing. No mitigation would be required.</p>		
<p><b>3.14 Public Services and Utilities</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to public services or utilities. No mitigation would be required.</p>		
<p><b>3.15 Recreation</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to recreation. No mitigation would be required.</p>		
<p><b>3.16 Transportation/Traffic</b></p>		
<p>Refer to Mitigation Measure HAZ-3 above.</p>		
<p><b>3.17 Utilities/Service Systems</b></p>		
<p>The Proposed Project would not result in significant adverse impacts related to utilities/service systems. No mitigation would be required.</p>		

1651

**EXHIBIT D  
RESPONSES TO COMMENTS**

## MEMORANDUM

**DATE:** February 23, 2015

**TO:** Mel Lee, AICP, Senior Planner, City of Costa Mesa

**CC:** Claire L. Flynn, AICP, Assistant Development Services Director, City of Costa Mesa

**FROM:** Ryan Bensley, Senior Environmental Planner, LSA Associates, Inc.

**SUBJECT:** Responses to Additional Comments on the Initial Study/Mitigated Negative Declaration Prepared for the Ganahl Lumber Hardware Store and Lumber Yard Project (Planning Application No. PA-14-40)

Following the distribution of a Supplemental Memorandum to the Planning Commission on Friday, February 20, 2015, the City of Costa Mesa (City) received one additional comment letter regarding the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Ganahl Lumber Hardware Store and Lumber Yard Project (proposed project). The purpose of this supplemental memorandum is to address this additional comment letter regarding the environmental information and analyses contained in the Draft IS/MND.

As required by the *California Environmental Quality Act (CEQA) Guidelines (State CEQA Guidelines)* Section 15087, a Notice of Completion (NOC) of the Draft IS/MND for the proposed project was filed with the State Clearinghouse on January 22, 2015, and the Notice of Intent (NOI) to Adopt an MND was filed with the County of Orange (County) Clerk on January 23, 2015.

The Draft IS/MND was circulated for public review for a period of 30 days, from January 23, 2015, to February 22, 2015. The NOI and/or copies of the Draft IS/MND were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft IS/MND were also made available for public review at the City's Public Counter, the Mesa Verde Library, and the Costa Mesa/Donald Dungan Library, and on the City's website.

As described in *CEQA Guidelines* Section 15074(b), "[p]rior to approving a project, the decision-making body of the lead agency [in this case, the City's Planning Commission], shall consider the proposed... mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed... mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the... mitigated negative declaration reflects the lead agency's independent judgment and analysis."

Although the City is not required by CEQA to respond to the comments submitted on the Draft IS/MND, a summary of each comment is provided below along with a draft response.

**1072 Bristol Partners, LP**

I-1

1072 Bristol Street, Suite 100

Costa Mesa, CA 92626

February 19, 2015

**VIA E-MAIL & FACSIMILE**

Claire Flynn, Asst. Development Services Director  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628

Re: Comment to Initial Study/Mitigated Negative Declaration for the  
proposed Ganahl Lumber Project

Dear Ms. Flynn:

I am an owner representative of the ownership of 1072 Bristol Street. Our property is across Bristol from the proposed **Mega** Ganahl Lumber project. | I-1-1

We are not being provided with adequate information about this giant project right across the street. What is referred to as "The Initial Study/Mitigated Negative Declaration" does not come close to addressing the many impacts of the Mega Ganahl. A great deal of it is false. What remains is inadequate. The "conclusions" asserted are not made in good faith. | I-1-2

The "analysis" regarding land use is based on many wrong assumptions. A fundamental wrong assumption is that the Mega Ganahl is permitted under the City's zoning. It does not come close. | I-1-3

The traffic "analysis" is also totally inadequate and seems to be purposefully so. It fails to address the traffic impacts on the south side of Bristol. | I-1-4

The aesthetics "analysis" is also not adequate. | I-1-5

Sincerely,

  
Joseph E. Miller

**1072 BRISTOL PARTNERS, LP**

**LETTER CODE: I-1**

**DATE: February 19, 2015**

**RESPONSE I-1-1**

This comment explains that the commenter represents 1072 Bristol Partners, LP, the owner of 1072 Bristol Street, which is located across Bristol from the project site.

Comment noted.

**RESPONSE I-1-2**

This comment claims that the Draft Initial Study/Mitigated Negative Declaration (IS/MND) does not contain adequate information about the proposed project, fails to address the proposed project's environmental impacts, and contains false information.

The commenter appears to suggest that the proposed project would result in impacts related to environmental topic areas without providing any basis for their claims. The commenter also appears to be unfamiliar with the CEQA-mandated scope of environmental review and the concept of thresholds of significance.

In accordance with CEQA Guidelines Section 15204(c), *[r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments.* CEQA Guidelines Section 15204(c) also states that *effects shall not be considered significant in the absence of substantial evidence.* Therefore, because the commenter fails to provide any facts or evidence in support of the claims included in their comments, such comments are considered to be personal opinions and no further response is required by the City.

As described on page 1 of the Draft IS/MND, “[t]he purpose of this Initial Study (IS)/Mitigated Negative Declaration (MND) is to evaluate the potential environmental impacts that would occur as a result of construction and the subsequent operation of the Ganahl Hardware Store and Lumber Yard...,” as required by CEQA. Pursuant to CEQA Guidelines Section 15382, a “significant impact” or “significant effect” means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” For each environmental impact issue analyzed, the Draft IS/MND includes a detailed explanation of the existing conditions, thresholds of significance that will be applied to determine whether the project's impacts are significant or less than significant, analysis of the environmental impacts against established thresholds, and a determination of whether the project would have a significant impact if implemented.

A proper understanding and application of thresholds of significance is an essential part of the CEQA process. Thresholds of significance are identifiable quantitative, qualitative, or performance level metrics for a particular environmental effect, which form the basis of conclusions of significance in the Draft IS/MND. While public agencies in California are free to adopt their own significance

thresholds, most agencies, including the City of Costa Mesa, rely on the significance thresholds included in Appendix G of the *State CEQA Guidelines*. In addition, the City has adopted its own format for Initial Study and Initial Study Checklist forms. For each environmental topic analyzed in the Draft IS/MND, the measured impacts of the project were evaluated against the significance thresholds for that topic. In this manner, the Draft IS/MND presented a qualitative or quantitative impact discussion for each applicable environmental topic.

The Draft IS/MND was prepared in a manner consistent with professional industry standards. Chapter 2.0, Project Description, of the Draft IS/MND contains a detailed description of the proposed project's various design elements, including the height and square footage of the proposed project's structures, floorplans, elevations, and renderings, and information regarding the operational characteristics of the proposed project.

This comment does not explain the basis for their claim that the Draft IS/MND contains false information. Therefore, the City is unable to respond to the commenter's claims regarding the alleged inclusion of false information in the document.

### **RESPONSE I-1-3**

This comment asserts that the land use analysis in the Draft IS/MND is based on many wrong assumptions and claims that the proposed project is not permitted under the City's Zoning Ordinance.

As described in Section 3.10, Land Use/Planning, of the Draft IS/MND, the Zoning Ordinance designation for the project site is C1 (Local Business). The C1 zoning designation allows for a variety of commercial and industrial land uses, including hardware stores and the retail sale of building supplies, which are applicable to the proposed project.

Further, as described in Table 3.10.A of the Draft IS/MND, the proposed project would be consistent with all applicable City development standards set forth in the City's Zoning Ordinance for the C1 zoning designation; however, as described in Table 3.10.A, the proposed project would require variances from the maximum height limit of two stories/30 feet in the C1 zone to allow a maximum height of 41 feet related to the elevator/stairwell overrun, and 34 feet for the solar roof canopy, B Shed, and the roof-deck parking level. In addition, a Planned Sign Program would be required to allow a proposed sign height of 25 feet, which is higher than the maximum 12-foot height allowed by the development standards contained in the City's Zoning Ordinance. With approval of such variances, the proposed project would be consistent with the City's Zoning Code.

The proposed project would be a compatible use subject to a Conditional Use Permit (CUP) that would allow for a hardware store and outdoor storage yard in an area zoned for commercial uses. These uses are similar to the uses at the existing Ganahl hardware store and lumber yard adjacent to the project site. With approval of the CUP and Development Review, the proposed project would be consistent with applicable goals and policies outlined in the City's General Plan and development standards outlined in the City's Zoning Code. Therefore, implementation of the proposed project would not result in conflicts with any applicable land use plan, policy, or regulation applicable to the project.

This comment does not explain the basis for their claim that the land use analysis in the Draft IS/MND is based on wrong assumptions. Therefore, the City is unable to respond to the commenter's claims regarding the assumptions in the document.

**RESPONSE I-1-4**

This comment claims that the traffic analysis in the Draft IS/MND is intentionally inadequate and fails to address the traffic impacts on the south side of Bristol Street.

Section 3.16, Transportation/Traffic, of the Draft IS/MND analyzes whether the proposed project would result in significant environmental impacts related to traffic and transportation. As described above in the Response to Comment I-1-2, the environmental impact analysis contained in the Draft IS/MND is based on the thresholds included in Appendix G of the *State CEQA Guidelines*. Other than claiming that the traffic analysis fails to address the traffic impacts on the south side of Bristol Street, this comment fails to explain why the analysis included in Section 3.16 of the Draft IS/MND is inadequate. The traffic analysis evaluated traffic impacts at three existing study intersections along Bristol Street (Southbound Newport Boulevard at Bristol Street, Northbound Newport Boulevard at Bristol Street, and Red Hill Avenue/Santa Ana Avenue at Bristol Street). These key locations were selected for evaluation based on discussions with City staff and in consideration of the Orange County Congestion Management Program. The traffic impact analysis considered potential increases in traffic volumes and delay at each of the legs of the study intersections. Therefore, the impact analysis considered the potential for traffic impacts to occur along both northbound and southbound Bristol Street in the vicinity of the project site.

**RESPONSE I-1-5**

This comment asserts that the aesthetics analysis contained in the Draft IS/MND is inadequate.

Section 3.1, Aesthetics, of the Draft IS/MND analyzes whether the proposed project would result in significant environmental impacts related to aesthetics, including scenic vistas, scenic resources, visual character, or light or glare sources. As described above in the Response to Comment I-1-2, the environmental impact analysis contained in the Draft IS/MND is based on the thresholds included in Appendix G of the *State CEQA Guidelines*. This comment fails to explain why the analysis included in Section 3.1 of the Draft IS/MND is inadequate. No further response is required.

**EXHIBIT E**  
**OBJECTIONS TO PROJECT**



PALMIERI, TYLER, WIENER, WILHELM & WALDRON

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REFER TO FILE NO  
36650-003

- ANGELO J. PALMIERI (1926-1999)
- ROBERT F. WALDRON (1927-1993)
- MICHAEL J. GREENE\*
- DENNIS W. GHAN\*
- DAVID D. PARR\*
- CHARLES H. KANTER\*
- PATRICK A. HENNESSEY
- DON FISHER
- GREGORY N. WEILER
- WARREN A. WILLIAMS
- JOHN R. LISTER
- MICHAEL H. LEIFER
- SCOTT R. CARPENTER
- RICHARD A. SALUS
- NORMAN J. RODICH
- RONALD M. COLE
- MICHAEL L. D'ANGELO
- STEPHEN A. SCHECK
- DONNA L. SNOW
- RYAN M. EASTER
- ELISE M. KERN
- MELISA R. PEREZ
- MICHAEL I. KEHOE
- CHADWICK C. BUNCH
- ANISH J. BANKER
- RYAN M. PRAGER
- ERIN BALSARA NADERI
- ERICA M. SOROSKY
- JERAD BELTZ
- CANDICE L. LEE
- MICHAEL P. BURNS
- JOSHUA J. MARX
- ERIN K. OYAMA
- STEVEN R. GUESS
- KATHERINE M. HARRISON
- BRIAN GLICKLIN

ALAN H. WIENER\*, OF COUNSEL  
ROBERT C. IHRKE, OF COUNSEL  
MICHAEL C. CHO, OF COUNSEL

JAMES E. WILHELM, RETIRED  
DENNIS G. TYLER\*, RETIRED  
\* A PROFESSIONAL CORPORATION

February 23, 2015

**VIA E-MAIL**

Planning Commissioners  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628

Re: Objection to the Proposed Ganahl Lumber Project

Dear Honorable Members of the Costa Mesa Planning Commission:

This office represents the ownership of the 1072 Bristol Street property--1072 Bristol Street Partners, LP (1072 Bristol).

1072 Bristol objects to the proposed very large Ganahl Lumber Project directly across Bristol. We request that this letter be included in the administrative record for this project.

The public has not been provided correct or adequate information about this mega-lumber yard project. In reviewing the Staff Report, the Staff Report omits material and fundamental information. Further, it lacks analysis and support. In many areas, the words that are strung together are bureaucratese. The mega Ganahl simply does not comply with the City's Zoning Code.

This Planning Commission is required to apply the Zoning Code even if it receives an inadequate Staff report. The number of years a company has been in business is no

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justification for non-compliance with a request to build a mega project (as the Staff Report ridiculously seems to suggest).

Here, this applicant is seeking to be excused from compliance with nearly all of the requirements of the Zoning Code. The use is not permitted in the zone. The buildings proposed are far too big. There is woefully insufficient parking and the buildings are too close to the street.

Staff seems to focus the Ganahl business as a justification for wholesale noncompliance with the City's code. There is no "likeability" exception. The City cannot award a privilege or series of privileges to the applicant.

This applicant is requesting that the Planning Commission approve a project that requires the City to essentially disregard the Zoning Code, while there is a pretense of compliance.

Based upon the actual requirements of the City's Zoning Code, this is not a close call. The proposed Ganahl mega lumber yard project should be denied.

1. **The lumber yard project does not comply with the City's C1 Zoning.**

Without any analysis, the Initial Study/Mitigated Negative Declaration for this project and the Staff Report claim that the proposed lumber yard complies with the City's C1 zoning. It does not even come close.

This is a lumber yard. Ganahl Lumber is a lumber company. It is a lumber and building materials dealer. A significant component of the project is a request for a **sawmill**. A retail use under the zoning code does not include or allow lumber yards or sawmills.

The Initial Study/Mitigated Negative Declaration spins the project as a "hybrid" use. There is no "hybrid" use in the Municipal Code.

At best, the Ganahl lumber yard mega project is a lumber yard with an ancillary retail use--not the other way around. This is evident by the proposed site configuration and design and the building layout.

It is evident by the proposed location and distribution of parking. Retail uses do not provide a significant number of parking spaces behind guard gates or on a roof of a

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building. There are less than 50 surface parking spaces that are not behind guard gates for a 65,263 square-foot "retail" building. That is a parking ratio of .75 spaces for every 1,000 square-feet of the "retail" building--a far cry from the City's 4 spaces for every 1,000 square-feet of retail requirement (this ratio is even more egregious when considering the rest of the proposed buildings in the calculation).

Further, the Staff Report admits that the City's Municipal Code does not provide a parking requirement for lumber yards. (Staff Report, p. 13.) This proves that this is not retail--this is a lumber yard. A lumber yard is not permitted.

2. **The Staff Report does not inform the Planning Commission of the proposed modifications to be made to Bristol that will impact access to the properties on the south side of Bristol.**

One of the aspects of Ganahl's mega lumber yard project that is completely absent from the Staff Report (and the conditions of approval) are the proposed changes to be made to Bristol.

The Initial Study/Mitigated Negative Declaration provides *some* information regarding the modifications. Even then, the information provided lacks detail and analysis.

From the little information provided, the Ganahl lumber yard project will make significant modifications to Bristol in order to accommodate the two new entrances to the Ganahl property.

Instead of taking access from the existing curb-cut at the middle of the property, Ganahl is proposing two new access points on Bristol. To provide access to those two new proposed access points, there will be modifications made to Bristol (changes to the Newport Blvd./Bristol intersection and a dedicated left-turn in to the new driveway at the east end of the property from Bristol).

Those modifications will negatively impact access to the properties on the south side of Bristol including the 1072 Bristol property for vehicles travelling west on Bristol. Yet, no information was provided in the Staff Report of these modifications and neither

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the Staff Report or the Initial Study/Mitigated Negative Declaration analyze or discuss the impacts to the properties opposite the proposed Ganahl lumber yard site.

3. **The proposed building setback variance does not comply with the Zoning Code requirements for a variance.**

This project requests a very large variance from the building setback requirements in the Zoning Code. The variance is not justified. There are no special circumstances to justify this significant of a variance. Approving a variance here would provide a privilege to Ganahl. The proposed variance is inconsistent with other properties in the area. As such, the Planning Commission cannot make the required findings.

The Staff Report attempts to justify the variance from the setback requirements by comparing the proposed project to the 1072 Bristol property and the property located at 1182 Bristol Street claiming that both of these properties have less than the 20 foot landscape requirement. (Staff Report, p. 10.)

The comparison fails for a number of reasons. One of the more significant reasons is the amount of building that is being proposed in the setback area. The comparison properties (1072 and 1182) each have less than 50 lineal feet of building in the required setback area. The Ganahl project plans to put nearly 450 lineal feet of building (without any break), a building that is already oversized (proposed with an objectionable height variance), in the required setback area. Allowing a height variance and a setback variance for a building with a use not allowed by the C-1 zoning, spanning nearly four-and-a-half football fields of frontage on Bristol is not comparable to the 1072 and 1182 Bristol properties.

4. **The proposed height variance does not comply with the Zoning Code requirements for a variance.**

The requested variance from the height standards is not justified. There are no special circumstances requiring the variance. Rather, the "special circumstance" cited by the Staff Report is the use that is not permitted by the Zoning Code.

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Further, the condition of approval that provides that the B-shed, that requires a height variance, can later install "rooftop solar canopies" that will increase the height of the B-Shed even further, through a simple approval from the Development Services Director is also not supported.

5. **Approval of the signage that doubles the height allowed by the Zoning Code provides a privilege to Ganahl.**

There is no justification for the Planned Sign Program that proposes to approve a 24-foot high freestanding sign--a 100 percent increase from what is allowably by the City Code. The Staff Report's claim that the approval "will not constitute a grant of special privilege or allow substantially greater overall visibility" is without support.

6. **The Staff Report does not explain what the CUP is required for. There is no evidence to support the approval of the proposed CUP.**

Generally, a Staff Report will clearly state what use requires a CUP. Here, the Staff Report makes no such statement. The use proposed for the CUP is not permitted in the C1 zone. There is no analysis of the "CUP" sought. There are no real conditions of approval being applied to the use proposed.

7. **The parking analysis does not make sense.**

As discussed above, the parking discussion demonstrates that the proposed use is a lumber yard--not retail. If this was a retail use, the parking requirements would be much greater--4 parking spaces for every 1,000 square-feet of building.

Further, the discussion of the number of parking spaces provided on-site is misleading. While the project proposes 286 parking spaces, there is no discussion of the location of those spaces. For example, it appears that nearly 60 spaces are behind gates. 108 of the spaces are on the roof of the building. As a condition of approval, the employees are to exclusively use the roof parking. (Staff Report, p. 13.) Elsewhere the Staff Report discusses that the "proposed facility would employ approximately 120

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employees at full capacity. . ." (Staff Report, p. 7.) This means that all of the roof parking would be taken by employees with some spilling over to the surface parking spaces. As discussed above, that means that there are really less than 50 parking spaces available for customers for the 99,516 square-feet of building in this project.

8. **The Ganahl Project does not comply with the FAR requirements of the Zoning Code.**

The proposed project does not comply with the FAR requirements. In an attempt to claim the project complies, the Staff Report includes a footnote explaining that the FAR calculation does not include the 6,672 square-foot "Pole Shed" because the "Pole Shed" is not an enclosed buildings. The Zoning Code does not provide such an exception to the FAR calculation.

9. **The Initial Study/Mitigated Negative Declaration does not consider the real impacts of the project.**

The Initial Study/Mitigated Negative Declaration is deficient. Its analysis is premised on the application of an incorrect zoning assumption--that the proposed project complies with the C-1 zoning. It does not consider the impacts to access to properties on the south side of Bristol caused by the project's proposed modifications to Bristol. It does not consider the light and glare impacts caused by the numerous reflective surfaces being added.

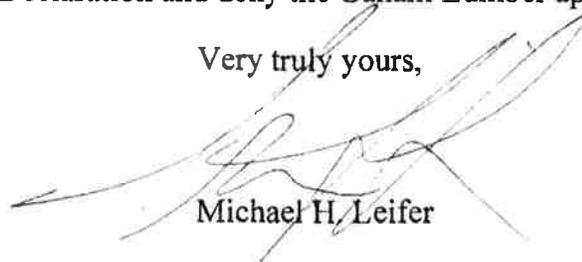
10. **Conclusion.**

To approve this proposed project would relieve Ganahl lumber of virtually all of the requirements of the Zoning Code that are applied, on a regular basis, to other property owners and users. The Ganahl lumber yard project cannot exist here. It is too big. It is too close to the street. There is no evidence to support the deviation from the Zoning Code.

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1072 Bristol Partners requests that the Planning Commission not adopt the Initial Study/Mitigated Negative Declaration and deny the Ganahl Lumber application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Leifer", is written over the typed name. The signature is fluid and cursive.

Michael H. Leifer

MHL:ebn

cc: Brenda Green, City Clerk  
Mel Lee, Senior Planner

## RESOLUTION NO. 15-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION PA-14-40 FOR THE RELOCATION AND EXPANSION OF GANAHL LUMBER LOCATED AT 1100 BRISTOL STREET

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

WHEREAS, an application was filed Patrick Ganahl, representing the County of Orange, the property owner, requesting approval of the following:

**Planning Application PA-14-40:** The proposed project involves the development of a 6.6 acre vacant lot to accommodate the relocation of the Costa Mesa Ganahl Lumber store to a site owned by the County of Orange and leased to Ganahl Lumber. The existing Costa Mesa Ganahl Lumber store is located on an adjacent property to the east and would be closed once the new store is completed. The development proposal includes the following:

- *Development Review* for the construction of a 65,263 square foot building materials retail store with administrative offices (Main Building A). A total of 286 parking spaces are proposed; 108 parking stalls would be provided on the roof of the retail building; and 178 at-grade parking stalls would be provided throughout the project site;
- *Variance* from front setback requirement for the parking lot, B Shed and Mill Shed along Bristol Street (20-foot setback required; 10-foot setback proposed);
- *Variance* from maximum building height for the solar photovoltaic canopy and elevator overrun on Main Building A (30-foot maximum height allowed; 34 feet to the solar canopy and 41 feet to the top of the elevator proposed);
- *Variance* from maximum building height for the B Shed (30-foot maximum allowed; 34 feet proposed);
- *Conditional Use Permit* for the proposed outdoor storage yard consisting of three sheds (B Shed, Mill Shed, and Pole Shed) totaling 40,925 square feet; and
- *Planned Signing Program* to allow the proposed 24-foot high freestanding sign (12 feet allowed, 24 feet proposed).

WHEREAS, on February 23, 2015, a duly noticed public hearing was held before the Planning Commission, which included presentation of the project by staff and the applicant, as well as information related to the environmental impact analysis of the project by the City's consultant. In addition, public comments were received by the Planning Commission; and

WHEREAS, the Planning Commission, based on the evidence and testimony presented during the hearing, voted to approve the project by a 5-0 vote; and

WHEREAS, on February 27, 2015, an appeal of the decision of the Planning Commission's approval was filed; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 17, 2015 with all persons having the opportunity to speak for and against the proposal.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA FINDS AND RESOLVES AS FOLLOWS:

BE IT RESOLVED, therefore, that based on the evidence in the record and the findings contained in this resolution, the City Council hereby reverses the approval of the Planning Commission and **DENIES** PA-14-40 with respect to the property described above.

The City Clerk shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

**PASSED AND ADOPTED on this 17<sup>TH</sup> day of March, 2015.**

\_\_\_\_\_  
STEPHEN M. MENSINGER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

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

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



## EXHIBIT A

### FINDINGS (DENIAL)

- A. The requested variances do not comply with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

**Findings:**

- Because of special circumstances applicable to the property, the strict application of development standards does not deprive the property of privileges enjoyed by others in the vicinity.
- The deviations constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The granting of the deviations will allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

- B. The requested conditional use permit does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:

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

**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.

**Finding:** Granting the conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property.

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

**Finding:** The proposed signing is not consistent with the intent of Title 13, Chapter VIII (Signs) and the General Plan.

**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.

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

**Finding:** Approval does constitute a grant of special privilege or allow substantially greater overall visibility than the standard ordinance provisions allow.

- D. The Costa Mesa City Council has denied Planning Application PA-14-40.

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.

- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.