



CITY COUNCIL
SUPPLEMENTAL MEMORANDUM

MEETING DATE: MARCH 17, 2015

SUBJECT: APPEAL OF PLANNING APPLICATION PA-14-40 FOR THE GANAHL LUMBER
HARDWARE STORE AND OUTDOOR STORAGE YARD AT 1100 BRISTOL STREET

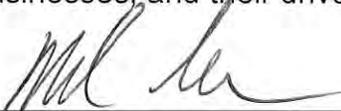
FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: MARCH 16, 2015

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 mel.lee@costamesaca.gov

The attached letter and exhibits were prepared by the applicant's traffic consultant, Linscott, Law, & Greenspan Engineers (LL&G) to help clarify the proposed improvements on Bristol Street for the project, as well as illustrate the existing businesses, and their driveway locations, across the street from the proposed project.



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Director of Economic & Development /
Deputy CEO

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
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Distribution List

MEMORANDUM

To: Mike Shumaker, General Manager
Ganahl Lumber Costa Mesa

Date: March 16, 2015

From: Richard E. Barretto, P.E., Principal
Linscott, Law & Greenspan, Engineers

LLG Ref: 2.14.3455.1

Cc: Patrick Ganahl, Ganahl Construction Corporation

Subject: ***Ganahl Lumber Costa Mesa Relocation Project, Costa Mesa***

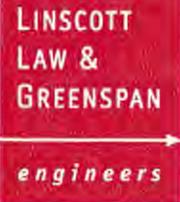
Linscott, Law & Greenspan, Engineers (LLG) is pleased to present two figures that provide further clarification to the proposed access improvement on Bristol Street associated with the proposed Ganahl Lumber Costa Mesa Relocation Project. The Project site is a 5.93± acre parcel of land that is located north of Bristol Street and west of the existing Ganahl Lumber facility in the City of Costa Mesa, California. The subject property's street address is 1100 Bristol Street. The information provided herein is similar to the that which was included the *Revised Focused Traffic Impact Study for Ganahl Lumber Costa Mesa Relocation, dated November 18, 2014, prepared by LLG.*

Project Site Plan and Access

Figure A illustrates the proposed site plan for the Project prepared by Onyx Architects. This figure illustrates the Proposed Site Plan of the Project, the current layout/striping conditions on Bristol Street, bordering the subject property, and the existing commercial properties and associated driveways along the south side of Bristol Street.

As shown in *Figure A*, access to the Project site is to be provided by two driveways on Bristol Street. To minimize turning conflicts along the existing two-way left-turn median lane on Bristol Street along the Project frontage as well as impacts to the properties bordering Bristol Street on the south, primary access is proposed via a full access signalized driveway at the western property line along Bristol Street to be constructed opposite northbound Newport Boulevard. Secondary access is to be provided via a proposed unsignalized driveway on Bristol Street that is located at the eastern property line. It is noted that the "eastern driveway" is a "truck-only gated entry" driveway (no exit) for truck-related traffic; trucks will exit the site at the signalized driveway.

A further review of *Figure A* shows that access to the existing commercial properties along the south side of Bristol Street (1072 – 1262) will not change as the existing two-way left-turn lane on Bristol Street will remain as is and continue to provide left-turn and/or right-turn access to these sites.

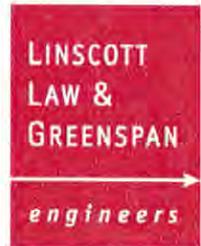


Engineers & Planners
Traffic
Transportation
Parking

Linscott, Law & Greenspan, Engineers

2 Executive Circle
Suite 250
Irvine, CA 92614
949.825.6175 T
949.825.6173 F
www.llgengineers.com

Pasadena
Irvine
San Diego
Woodland Hills



Conceptual Improvement Plan – Bristol Street at NB Newport Blvd-Ganahl Access

Figure B presents a conceptual improvement plan for Bristol Street at Northbound Newport Boulevard that illustrates the recommended improvements at this existing signalized intersection to accommodate full access to the Project site.

As illustrated, the improvements to be completed as a part of the Project at the Bristol Street/Northbound Newport Boulevard intersection, subject to the approval of the City of Costa include the following:

- Modification of the existing median on Bristol Street to provide a dedicated eastbound left-turn lane,
- Restriping the northbound approach to provide one left-turn lane, an option left-turn/through lane, and a separate right-turn lane,
- Construction of the new site driveway to provide a southbound (outbound) left-turn lane and southbound (outbound) right-turn lane and one departure (inbound) lane (southbound through traffic movements will be prohibited); and,
- Modification of the existing traffic signal, to include split phase operation on Northbound Newport Boulevard/Driveway No. 1.

Please note that access to the existing commercial properties along the south side of Bristol Street (1072 – 1262) will remain as they currently exist with the implementation of the above-referenced improvements at the intersection of Bristol Street at Northbound Newport Boulevard.

* * * * *

Please let me know if you have any comments or questions regarding this memorandum and the attached figures.

Attachments

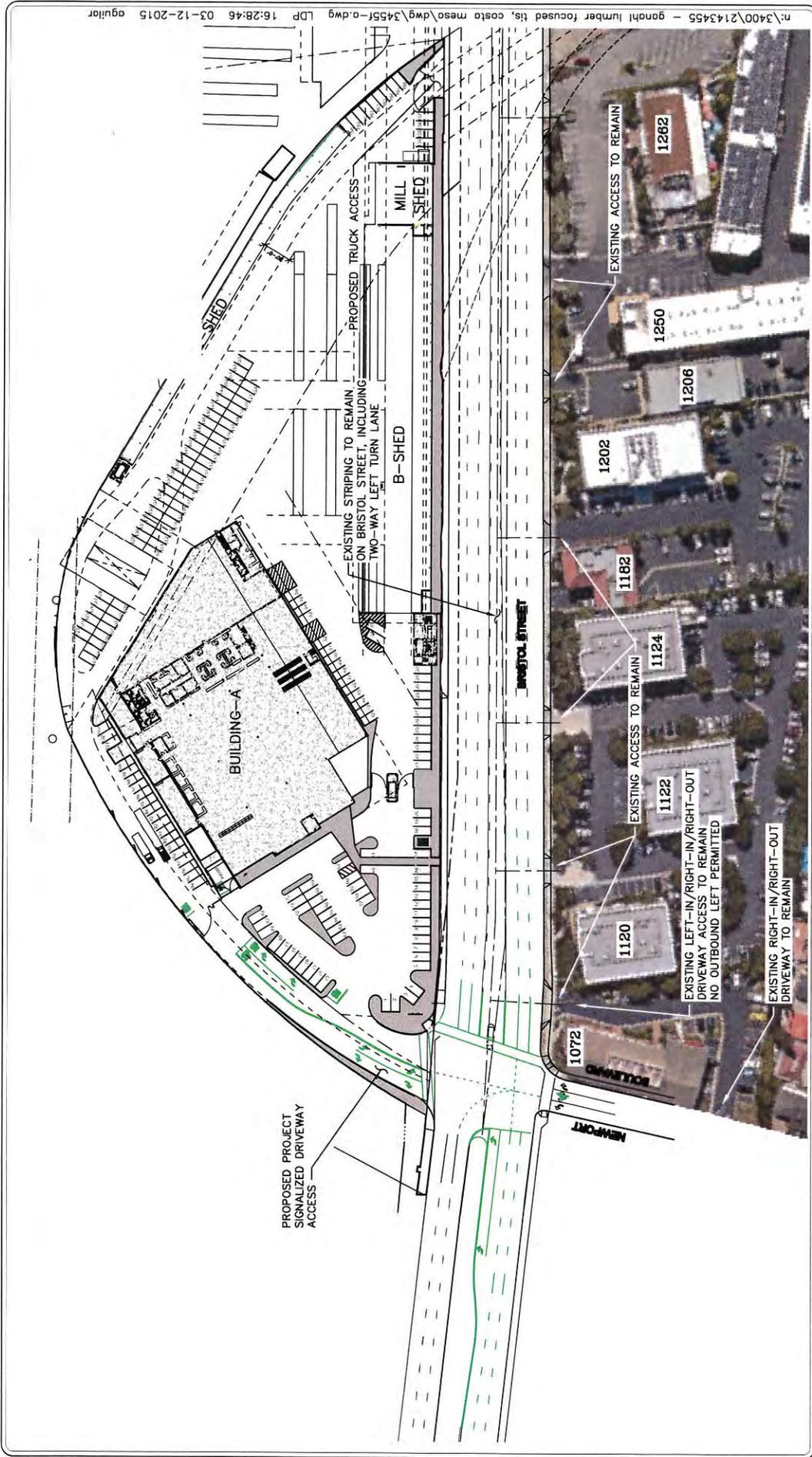
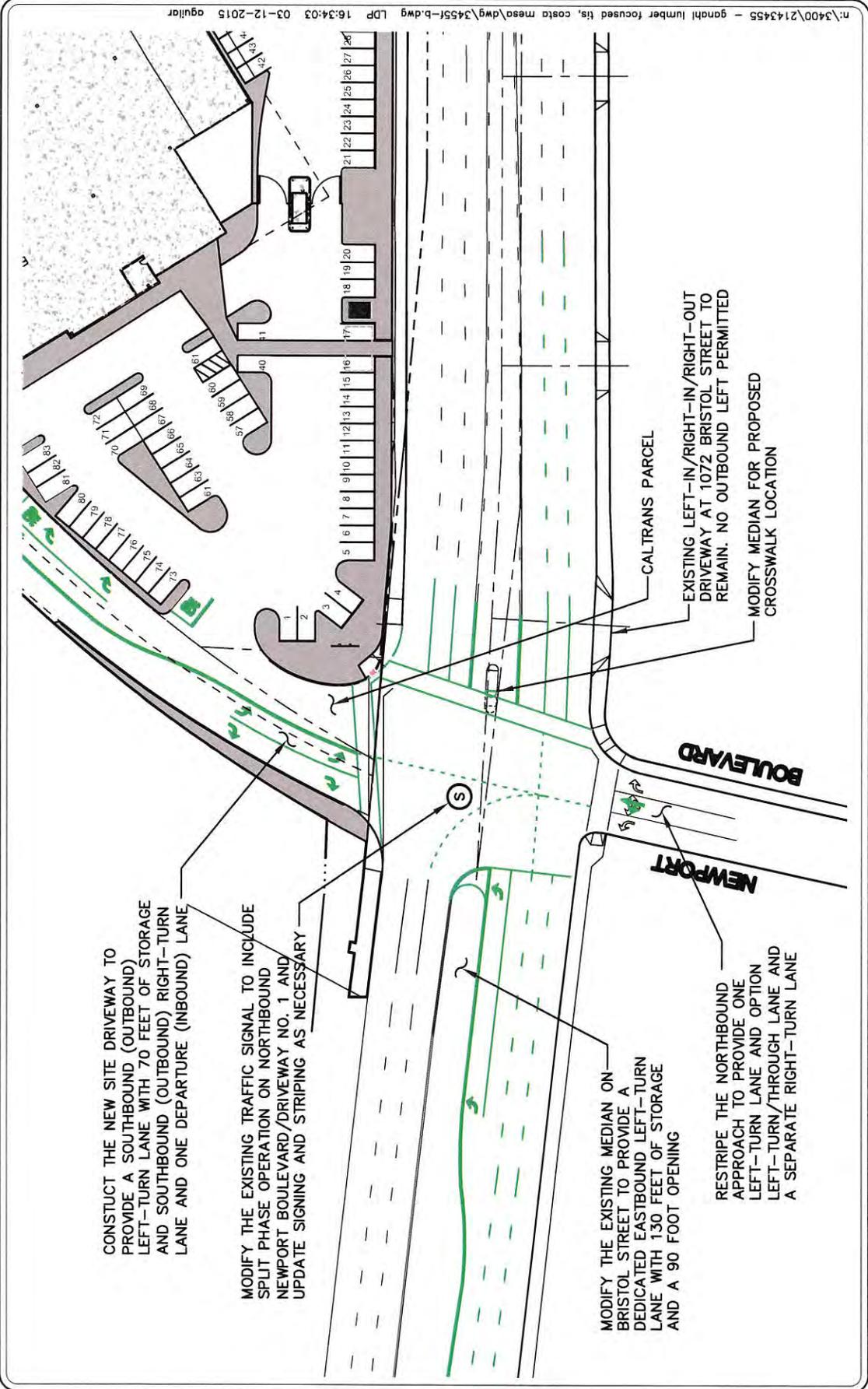


FIGURE A

PROPOSED SITE PLAN
 GANAHL LUMBER FOCUSED TIS, COSTA MESA



NO SCALE



CONSTRUCT THE NEW SITE DRIVEWAY TO PROVIDE A SOUTHBOUND (OUTBOUND) LEFT-TURN LANE WITH 70 FEET OF STORAGE AND SOUTHBOUND (OUTBOUND) RIGHT-TURN LANE AND ONE DEPARTURE (INBOUND) LANE

MODIFY THE EXISTING TRAFFIC SIGNAL TO INCLUDE SPLIT PHASE OPERATION ON NORTHBOUND NEWPORT BOULEVARD/DRIVEWAY NO. 1 AND UPDATE SIGNING AND STRIPING AS NECESSARY

MODIFY THE EXISTING MEDIAN ON BRISTOL STREET TO PROVIDE A DEDICATED EASTBOUND LEFT-TURN LANE WITH 130 FEET OF STORAGE AND A 90 FOOT OPENING

RESTRIPE THE NORTHBOUND APPROACH TO PROVIDE ONE LEFT-TURN LANE AND OPTION LEFT-TURN/THROUGH LANE AND A SEPARATE RIGHT-TURN LANE

CALTRANS PARCEL

EXISTING LEFT-IN/RIGHT-IN/RIGHT-OUT DRIVEWAY AT 1072 BRISTOL STREET TO REMAIN. NO OUTBOUND LEFT PERMITTED

MODIFY MEDIAN FOR PROPOSED CROSSWALK LOCATION

FIGURE B
REVISED CONCEPTUAL IMPROVEMENT PLAN FOR BRISTOL STREET AT NORTHBOUND NEWPORT BOULEVARD/PROJECT DRIVEWAY NO. 1
 GANAHL LUMBER FOCUSED TIS, COSTA MESA

SOURCE: ONYX ARCHITECTS

**LINSCOTT
 LAW &
 GREENSPAN** *engineers*

NO SCALE

From: RODELIUS, SHARON
 Sent: Tuesday, March 17, 2015 9:29 AM
 To: 'Gary Monahan'; CITY COUNCIL
 Cc: DEPARTMENT DIRECTORS
 Subject: Additional Warrant Info 3-17-15

Payment Ref.	Date	Remittance to:	Remittance ID:	Payment Amount	Explanation of payment
0186544	2/27/15	Indiana Furniture	22390	\$4,920.62	What office was this for? How many pieces? This furniture was purchased for the Recreation Department at City Hall. Eight pieces total.
0186567	2/27/15	MJ Jurado Inc	3445	\$1,000.00	What is this? Work required to tie City sidewalk improvements to existing grades on adjacent property.
0186594	2/27/15	R & S Overhead Door of So Cal	22092	\$11,569.00	What was this for and where? Emergency repair at Fire Station #3 apparatus door.
0186642	3/6/15	ASSA ABLOY Entrance Systems US	21745	\$15,361.00	Where was this located? Senior Center sliding door installation.
0186646	3/6/15	Culver Newlin Inc	21554	\$31,384.80	How many chairs were there, and where did they all go? 130 total chairs. City Hall conference rooms and desk chairs for City staff.

Sharon Rodelius
 Executive Secretary to the CEO's Office
 CITY OF COSTA MESA
 (714) 754-5107 Fax: (714) 754-5330
sharon.rodelius@costamesaca.gov

MEJIA, JESSICA

Subject: FW: Objection to the Proposed Ganahl Lumber Yard Project - Letter
Attachments: DOC000.pdf

From: Michelle M. Pase [<mailto:MPase@ptwww.com>]
Sent: Tuesday, March 17, 2015 4:40 PM
To: LEE, MEL; GREEN, BRENDA; CITY COUNCIL
Cc: Michael H. Leifer; Erin Balsara Naderi; Michelle M. Pase
Subject: Objection to the Proposed Ganahl Lumber Yard Project - Letter

In advance of tonight's City Council meeting, please find enclosed an objection letter to the Ganahl Project for distribution to the City Council.

Exhibits will be sent by 3 separate e-mails due to the size of the PDF attachment.

Michelle Pase | Assistant to Michael H. Leifer, Erin B. Naderi, and Steven R. Guess
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
2603 Main Street, Suite 1300 | Irvine, CA 92614
Direct Dial (949) 851-7325 | Facsimile (949) 851-1554



[Email](#) | [Website](#)

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2603 MAIN STREET
EAST TOWER – SUITE 1300
IRVINE, CALIFORNIA 92614-4281
(949) 851-9400
www.ptwww.com

P O BOX 19712
IRVINE, CA 92623-9712

WRITER'S DIRECT
DIAL NUMBER
(949) 851-7294

WRITER'S DIRECT
FACSIMILE NUMBER
(949) 825-5412

FIRM'S DIRECT
FACSIMILE NUMBERS
(949) 851-1554
(949) 757-1225

mleifer@ptwww.com

REFER TO FILE NO
36650-003

March 17, 2015

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DENNIS G. TYLER*, RETIRED

*A PROFESSIONAL CORPORATION

VIA E-MAIL

Members of the Costa Mesa City Council
c/o Brenda Green, City Clerk
77 Fair Drive
Costa Mesa, CA 92628

Re: Objection to the Proposed Ganahl Lumber Yard Project

Dear Mayor and Members of the City Council:

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. As such, 1072 Bristol has appealed the Planning Commission's approval of the Ganahl Lumber project.

This letter and its enclosures must be included in the administrative record for this project.

The public has not been provided correct, adequate or timely information about this mega- lumber yard project. The project applicant even submitted a late "supplemental" traffic study demonstrating merit in our prior objections. The supplemental traffic study was just received yesterday!

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The Planning Commission's approval did not come within field artillery-range of complying with the City's Municipal Code or relevant state law. It was defective both in substance and procedure.

The City is empowered and yet constrained by the substance and the procedures in its Municipal Code. The Planning Commission is supposed to guard and enforce the Municipal Code. It is not supposed to pretend that it does not exist. The mega-Ganahl lumber project that staff recommended and the Planning Commission approved simply does not comply with the City's Zoning Code.

The Planning Commission was required to properly apply the Zoning Code even if it received a Staff Report that was inadequate or just plain wrong. This Council is bound to properly adhere to its Zoning Code even though staff and the Planning Commission have failed to do so. Compounding previous errors is not a defense.

The mega-Ganahl lumber project applicant, apparently enabled by Staff and the Planning Commission, wants to be excused from complying with the fundamental requirements of the City's Zoning Code:

Fundamental Zoning Requirement: The material sales yard/lumber yard use is **not permitted** in the C1 zone.

Fundamental Zoning Requirement: The buildings proposed are far too big in FAR, height and layout on the proposed site.

Fundamental Zoning Requirement: The mega-Ganahl lumber project does not comply with City's commercial parking requirements. It's not even close.

Further, Staff recommendation and the Planning Commission decision was based upon improper considerations:

- The age, background story and success of the Ganahl Lumber business is irrelevant to this project site application. The City's Zoning Code does not have a "we like this business" exception to any or all of its requirements.
- The fact that Ganahl wants to relocate from a non-conforming site is irrelevant to its compliance with the Zoning requirements at a new site.

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- Ganahl Lumber locations outside of the City (totally irrelevant, lack foundation as to applicability.)
- Non-Ganahl Lumber locations that were developed either outside the City or prior to the City's Code.
- Unsupported opinions and assertions by Staff, the Applicant and the County.

The Planning Commission's approval constitutes a windfall award of privileges to the applicant. The City cannot award a privilege or series of privileges to the applicant.

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

1. The lumber yard project is not permitted or conditionally permitted in the C1 Zone.

Ganahl's lumber yard project does not even come close to complying with the City's C1 zone. Ganahl and Staff improperly attempt to effectuate a zone change through conditional use permit and variance.

To the Planning Commission, the Staff Report claimed that the proposed lumber yard complies with the City's C1 zoning. The Staff Report provided absolutely no analysis or support for that claim.

On appeal, in the Staff Report to this Council, staff claims that Ganahl's proposed use is **not** specifically listed in the Zoning Code's Land Use Matrix. Wrong. Staff further argues its unsupported opinion that there is retail which is a permitted use and that the lumber stock, mill shed and storage sheds are simply an incidental "outdoor storage yard" use that can be considered through a Conditional Use Permit. Staff is wrong again.

Section 13-30 of the Zoning Code provides a comprehensive list of uses. If a use is listed in Section 13-30 and is **not permitted in a zoning district**, there is no way around that prohibition.

Ganahl Lumber is a lumber and building materials dealer. Ganahl's website so confirms. (Exs. 1-3.) At the Planning Commission hearing on February 23, 2015,

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Ganahl's representatives made clear that 90 percent of Ganahl's customers are contractors--not the end retail consumer.¹ (Testimony by Ganahl Costa Mesa Store Manager Schumacher.)

A lumber and building materials dealer use is specifically listed in the Land Use Matrix. (See Zoning Code § 13-30, Table 13-30, Use 89.) A lumber and building materials use is not permitted in the C1 Zone in the City of Costa Mesa--end of story. Ganahl's use is only permitted in the MG, MP and PD1 zones.

The Standard Industrial Code for Ganahl is "lumber and other building materials"-SIC 52110000. The City's Zoning Code description 89 matches the SIC description for Ganahl.

Description of SIC Classification 52110000
Lumber and Other Building Materials Dealers
This Classification is out of Major Group 52: Building Materials, Hardware, Garden Supply, and Mobile Home Dealers
and part of Industry Group SIC 521: Lumber and Other Building Materials Dealers

Contrary to staff's assertion, Ganahl's proposed lumberyard use **is** listed in the Land Use Matrix in the Zoning Code. It is listed as not permitted and not conditionally permitted in the C-1 zone.

For argument's sake, even following staff's ridiculous claim that the Ganahl lumberyard is not specifically listed, Section 13-30 of the Zoning Code mandates a procedure that was not followed by the City.

Section 13-30, subdivision (d) provides that where a use is not listed in the Land Use Matrix, the use "shall be reviewed by the development services director to determine its similarity to another listed use." Nothing in the record demonstrates that this was done. Moreover, the proposed Ganahl lumber yard project exemplifies Number 89 of the Land Use Matrix--lumber and building materials dealer. It is not permitted in the C-1 zone.

¹ 1072 Bristol requests that the transcript from the Planning Commission hearing be included in the administrative record on this matter.

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It is only where there is no substantial similarity between a proposed use and the uses listed in the Land Use Matrix that a conditional use permit is required and may be sought. So far, the City has ignored the obvious, failed to follow its required procedures, failed to show evidence in the record. Then, on appeal, staff has turned its required procedures upside down.

A. The Ganahl lumber yard is not a retail use.

This project is for a lumber yard-- a giant one fronting on a commercial street. 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**. The B-Shed and Mill Shed are 34,253 square-feet of mill-type activities and material storage for material sales. There are also substantial outdoor lumber and material yard activities including the large area of outdoor storage of lumber (the total area is unknown as there is no information provided in the Staff Reports or the plans regarding that area).

This project is significantly different from a hardware store.

From what can be seen in the site plan submitted, the Ganahl project is a large lumber yard operation with an ancillary retail component--not the other way around. This is evident by the proposed site configuration and design and the building layout and the testimony of its general manager.

The site layout demonstrates that it is a lumberyard. There are few parking spaces. It does not meet retail parking requirements for building area square footage. The location of the spaces and their accessibility demonstrate that it is not predominantly "retail."

When it comes to land use compatibility for the C1 zone, the City, staff and the applicant claim that it is retail. When it comes to parking requirements, the City, staff and the applicant claim it is a lumberyard and that the Zoning Code does not provide a parking ratio for lumberyards. Staff therefore tries to justify application of a parking requirement significantly less than that required by a retail use. The City and Applicant cannot have it both ways. The rights of the stakeholders and citizens of the City are abridged by contradictory application of the rules to benefit the Applicant.

Retail uses under the City's Zoning Code require 4 parking spaces for every 1,000 square-feet of retail. The building that would house the claimed "retail" component of

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the proposed Ganahl Project (along with the lumber yard office operations) contains 65,263 square-feet. That building alone would require 261 parking spaces. While this project claims to provide 286 parking spaces, the majority of those spaces are **on the roof of the building and behind gates**. The site layout alone demonstrates that the use is not retail.

To the extent that the Applicant claims that it is like a Home Depot, it isn't. Home Depots do not provide a significant number of parking spaces behind guard gates or on a roof of a building. For over 105,000 square feet of building on the proposed site, fewer than 50 surface parking spaces are outside the gates of the lumberyard.

B. The argument that this is a proposed relocation site is totally irrelevant. .

At the February 2015 Planning Commission hearing, in an attempt to support its approval of this project, a number of Planning Commissioners made reference to the fact that the existing Ganahl site is right next door to the proposed site. So what?

There is no, "I used to be right next door, or at least really close by," exception to the City's C1 zone unpermitted uses. Without support or analysis, the current Staff Report repeats this flawed basis for approval. 1072 Bristol objects to such an assertion-- it is irrelevant and without any support.

The existing Ganahl location provides no justification whatsoever for the proposed project. First, the existing Ganahl site is a different zone classification than the subject site. 1275 Bristol Street is in the C2 zone.

Next, there is no evidence that the existing Ganahl is a "legally permitted use" as claimed in the Staff Report. In fact, the evidence and information provided demonstrates that the existing Ganahl use is nonconforming to its zone and current development standards.

Based on the Staff Report, the existing Ganahl site was developed in the early 1970's. The Staff Report states, "[a]t that time in the 1970's and 1980's these commercial facilities which were retail in nature were considered permitted uses and did not require a CUP." This proves that the existing Ganahl site is nonconforming to the current Zoning Code. Nonconforming uses may not be enlarged or transferred.

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The current Zoning Code was not enacted until May 5, 1997. On that date, the entire Zoning Code was replaced in its entirety by Ordinance 97-11. As such, the existing Ganahl site was not developed under the current Zoning Code.

This office attempted to obtain copies of the entitlements for the existing Ganahl site from the City's Planning Department in advance of this hearing. Planning Staff could not (or would not) locate the entitlements for the development of the existing Ganahl site. (Ex. 14.) The only entitlement related documents Planning Staff could locate was a 1991 CUP for a mobile food cart near the entrance of the building. (Ex. 5.)

The existing Ganahl use at 1275 Bristol is nonconforming to even the C2 zone. Chapter X of the Zoning Code (regarding Nonconforming uses) does not allow the transfer of a legal nonconforming use to a new property. The City very well knows that. Yet, transfer is what it is saying that it is doing.

Even if the existing Ganahl use at 1275 Bristol had been approved under the current Zoning Code (which it wasn't), it is unknown what, if any, objections were raised. Prior City Zoning Code violations certainly do not justify further violations.

C. The comparison of the proposed Ganahl lumber yard to the Home Depot is improper.

Again, this Staff Report follows the misguided lead of the Planning Commission. At the February 2015 Planning Commission hearing, a Planning Commissioner sought to compare the proposed Ganahl project to the existing Home Depot located in the Harbor Center shopping center on Harbor Blvd. in Costa Mesa. The Staff Report now makes that same assertion to this Council to leap to the totally unsupported and improper conclusion that the proposed Ganahl use is permitted in the C1 zone.

Again, this conclusion is flawed. The layout, parking, and compliance with development standards of the Home Depot use and the proposed Ganahl use are very different. Home Depot does not have 50 parking spaces. It does not have a giant outdoor lumber yard, among other things.

A comparison of aerial photos of the Home Depot at Harbor Center and the existing Ganahl in Costa Mesa demonstrates vast differences. (Ex. 6 [Home Depot Aerial]; Ex. 4 [Ganahl Aerial].)

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The Home Depot is a concrete tilt-up retail building. It is well set back from the street. The parking and access lay-out is for a shopping center. At Home Depot, the uses (other than the enclosed, but roof-less garden center) are all indoors. (Ex. 6.) In fact, the signage on the Home Depot store states that it has an "Indoor Lumber Yard." (Ex. 7.) All of the lumber on site is stored inside the building. The City does not address whether any objections were raised to the propriety of the Home Depots approval. Again, past noncompliance doesn't excuse the City's current noncompliance with its zoning code.

From our site review, the Home Depot store has only two lumber-cutting saws for on-site cutting of lumber for customers. (Ex. 7.) Again, both saws are located inside the Home Depot store. The saw cuts for customers take place in the building. There is no apparent on-going sawmill operation inside Home Depot.

Further, the Home Depot parking is in front of the building--not behind gates. The Harbor Center Home Depot highlights the differences in these uses. The Home Depot is your typical big box retail hardware store. The proposed Ganahl use is not. As discussed above, it is a lumber and other building materials dealer.

D. 1072 Bristol objects to the Staff Report's comparison of this use to other Ganahl Lumber locations in other jurisdictions.

In an attempt to bolster the Planning Commission's flawed approval, the Staff Report provides even more irrelevant information. The Staff Report makes the unsubstantiated claim that "other jurisdictions also consider Ganahl Lumber stores as commercial uses."

Whether other jurisdictions consider Ganahl Lumber stores to be commercial uses or have otherwise permitted Ganahl Lumber in commercial zones is completely irrelevant. The issue here is whether the City of Costa Mesa Zoning Code permits the proposed Ganahl Lumber use in its C1 zone.

The list of Ganahl Lumber stores located in commercial zones of other jurisdictions provides no support for the approval. From the scant information provided on those other properties in other jurisdictions, it is not clear whether the Ganahl Lumber uses in those jurisdictions were entitled under the existing codes of those jurisdictions or whether the uses are legal nonconforming. It is also unclear whether the commercial

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zones in those other jurisdictions allow for a lumber and building materials dealer use in the commercial zone.

The information of Ganahl Lumber Stores in other jurisdictions does nothing to shed light onto whether this proposed use in this City under this Zoning Code is allowed. 1072 Bristol objects to the consideration of this information.

If the City Council is going to consider such information over 1072 Bristol's objection, then it should also consider information that Staff and the applicant have omitted from other jurisdictions. Ganahl is actually proposing a very similar development in Torrance nearly concurrent with this project. The Initial Study is available on the City of Torrance website for the proposed Ganahl Torrance project.

Like this proposed project, the Ganahl Torrance project proposes a Building A, a B Shed, a Mill Shed and a Pole shed. The proposed Ganahl site in Torrance is located in a **Heavy Industrial** zone adjacent to a chemical plant.

The Ganahl Torrance project is described as "a new lumberyard and building supply sales store in the City of Torrance that would serve as a distribution center to the South Bay and surrounding areas." (Ex. 8 [Excerpt from Torrance Initial Study].) Unconstrained by its pretense to fit in a commercial zone designation, Ganahl admits contrary to what is being presented in Costa Mesa--it is a lumberyard first and foremost.

- E. 1072 Bristol objects to letter submitted by the site's property owner (the County of Orange). 1072 Bristol also objects to the implication made in the Staff Report that the proposed site's property owner's claim that the proposed use complies with the City Zoning Code is somehow relevant and should be considered.**

The Staff Report includes a discussion of the property owner's selection process for a use on the subject site. The Staff Report also attaches a letter dated March 6, 2015--after the Planning Commission hearing and filing of this appeal--from the County of Orange regarding its selection of Ganahl as a tenant. 1072 Bristol objects to consideration of both the statements in the Staff Report and the March 6, 2015 County of Orange letter. Both items are irrelevant. They are unsupported. They lack foundation and are the opinion of a staff member from another public agency. A property owner's opinion in selecting a tenant is not relevant to whether the use is actually permitted under the City Zoning Code.

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At the Planning Commission hearing, and again in this Staff Report, much has been made of the County and City's bureaucratic processes followed by an alleged long development and planning process by Ganahl. They are not relevant. As an aside however, it is noteworthy that during the long bureaucratic processes, no one from the City, County or Ganahl reached out to discuss this proposed project with the neighboring properties.

2. 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. The Planning Commission's findings were not supported by relevant evidence.

A. Ganahl can comply with the required setback requirement. Therefore, it must. Supported by the City, it simply chooses not to.

There are no special circumstances to justify this significant of a variance. Put another way, there is no hardship that justifies the granting of the variance to Ganahl. There is no evidence that Ganahl cannot comply with the required setback--it simply does not want to. It wants a privilege. In fact, it is the nonconforming outdoor lumberyard use and the significant mass of the shed buildings that appears to cause this request for variance. Ganahl could reduce the length of the shed buildings and reduce the outdoor lumber storage area and meet the 20-foot setback requirement. It does not want to. It wants a privilege. Ganahl has chosen to not comply with the very setback requirements that the City has imposed on developments right across the street. The Planning Commission's approval of a variance provided Ganahl with a privilege not shared by other property owners under similar zoning. That privilege violates law and offends the rights of all others who were required to comply with the City's requirements.

A recent development in this area of Bristol within the C1 zoning was of the three office buildings approved at 1122 Bristol Street. Those properties were approved for development in 2002. (Ex. 9.) Those properties were developed in compliance with the C1 zone requirements including the required 20-foot front setback. (*Ibid.*)

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B. The setback variance is inconsistent with other properties in the area.

To the Planning Commission, Staff attempted 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 to Planning Commission.)

The current Staff Report repeats this improper comparison and also compares the requested variance to the apartment complex on Bristol--1312 Bristol.

Staff's comparison fails for a number of reasons.

It is well-known that a variance cannot be justified based on reliance on legal nonconforming properties. 1072 and 1182 Bristol were not developed under the City of Costa Mesa's Zoning Code. This is demonstrated by the fact that the Staff Report could not provide more than an "approximate" setback for these properties.

In fact, 1072 and 1182 Bristol were not annexed into the City of Costa Mesa until 2000. (Exs. 10, 11.) 1072 and 1182 Bristol were developed many decades before annexation to the City of Costa Mesa. The properties were developed under the zoning regulations of the County of Orange--not the City of Costa Mesa. This fact was confirmed by Principal Planner and Zoning Administrator, Willa Bouwens-Killeen.²

Further, these properties have been through the widening of Bristol Street which has condemned some of the setback the properties once enjoyed. The reduced setback of 1072 and 1182 Bristol are legal non-conforming.

² Our office sought entitlement information regarding 1072 and 1182 Bristol from the Planning Department and the County of Orange. The County of Orange stated that any files that it had for properties were transferred to the City upon annexation. (Ex. 13). The County of Orange did provide a copy of the LAFCO Resolution approving the annexation in 2000. The City Planning Department did not have any entitlement information for these properties. Planner Ryan Loomis reviewed the City's computer system and the documents on microfiche and was unable to locate the entitlement information. Principal Planner and Zoning Administrator, Willa Bouwens-Killeen, located the annexation map and confirmed that these properties were not annexed into the City of Costa Mesa until 2000. Ms. Bouwens-Killeen also confirmed that those properties were not developed under the City Zoning Code. (Ex. 14.)

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1312 Bristol is a new comparison property by Staff. It was not presented to the Planning Commission and could not have supported the Commission's unsupported decision. Notably, 1312 Bristol is not a C1 zoned property.

This office attempted to obtain the entitlement information for this property from the Planning Department. Despite providing the property address identification as **presented in the current Staff Report--1312 Bristol--**Planning Staff claimed that such an address did not exist in their planning system.

Again, the Staff Report could not give any more than an "approximate" setback for 1312 Bristol. That indicates that there is no entitlement information available and/or that there was no variance given for that property (indicating that the setback is legal nonconforming). The information therefore lacks foundation and all other evidentiary support.

The Staff comparisons to 1072, 1182 and 1312 Bristol also fail due to the amount of Ganahl lumberyard building that is being proposed in the setback area.

1072 and 1182 Bristol each have less than 50 lineal feet of building within the required setback area. While 1312 Bristol has more frontage on Bristol than the 1072 and 1182 properties, there are only portions of the building within the setback required under the current Zoning Code. Ganahl seeks a monolithic 400-plus foot wall of building within the required setback. (See Ex. 12.)

The Ganahl project seeks a windfall privilege on a massive scale provided to no others on this reach of Bristol. Ganahl plans to put nearly 450 lineal feet of building (without any break) within the required setback. The differential treatment of Ganahl over all others in the City of Costa Mesa is frankly offensive. Ganahl seeks to use four-and-a-half football fields of a building in a setback that is already oversized due to an objectionable height variance and parking space relief.

There is simply no comparison that can be made to any other property on Bristol. Ganahl seeks relief from all major zoning requirements on a massive scale simply because it wants relief from the City's requirements. No justification has been or can be provided for the privileges sought by Ganahl. The Ganahl Lumber yard project is not comparable to the 1072, 1182 and 1312 Bristol properties.

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

The variance approved by the Planning Commission from the height standards is not justified. Again, there are no special circumstances requiring the variance of the height standards. Rather, the "special circumstance" cited by the Staff Report to the Planning Commission was the use that is not permitted by the Zoning Code.

No new evidence or justification for the height variance is posed by the current Staff Report. There is no support for the variance.

Further, the conditions of approval approved by the Planning Commission provide that Ganahl can later install "rooftop solar canopies" on the B-shed (that required a height variance and a setback variance), increasing the height of the B-Shed even further, through a simple approval from the Development Services Director. That condition is also not supported.

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

There was no justification for the Planned Sign Program that the Planning Commission approved allowing a 24-foot high freestanding sign--a 100 percent increase from what is allowable 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, to put it politely, totally and completely without support.

The current Staff Report adds evidence not submitted to the Planning Commission to attempt to justify the privilege of the oversized Ganahl sign. Staff purports to include information of pylon signs of neighboring properties along Bristol.

Again, this office attempted to obtain information on the sign approvals listed in Attachment 8 of the current Staff Report, armed with information of the property address and the permit number information identified in the Staff Report. Again, the Planning Department was unable to locate the sign approvals for those properties. The Planner assisting **said that the permit numbers were not correct.** (Ex. 13.)

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There is no evidence in the record that the signs used to justify the Ganahl were approved under the current Zoning Code.

The photos of the claimed "comparable" signage in the area demonstrate that the massing of the proposed Ganahl signage is much greater than the existing signs in the area.

5. The parking analysis contradicts the City's use analysis.

The City and the applicant are inconsistent. Both Staff and the applicant pick and choose what use to apply in order to fit this project into the Zoning and reduce the requirements. When it comes to use, Staff and the applicant tout the retail component of the project. When it comes to parking, Staff and the applicant tout the lumber yard component of the project to reduce the required parking.

If this was a retail use, as claimed by Staff and the applicant in the use analysis, 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.

In the Staff Report to the Planning Commission and the applicant's presentation to the Planning Commission at the February 2015 hearing, it was mentioned that the "proposed facility would employ approximately 120 employees at full capacity. . ." 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.

Now, the current Staff Report claims that the Zoning Code allows a "unique parking rate for this project." Staff ridiculously claims that there is no parking requirement specified for hardware stores with outdoor lumberyards. There is a retail

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parking requirement in the Zoning Code, however. Notably, when considering uses, Staff wanted to compare this use to the Home Depot in Harbor Center. Now, there is no such comparison because that Home Depot appears to comply with retail parking requirements.

Further, while a proposed project can demonstrate that the parking required by the City's Zoning Code will substantially exceed the demand of the actual use, the City has not followed its own Code in this regard. Section 13-89.5 of the Zoning Code provides that in such situations, a reduction in the amount of required zoning must be approved by the zoning administrator by a minor conditional use permit. No CUP has approval of the reduction in the amount of parking has been requested or approved here. As demonstrated by the Zoning Code, such a process allows the zoning administrator to place conditions on the approval including requiring the excess parking be provided as landscaping (not consumed by open lumber yard storage) or requiring a recordation of a land use restriction to restrict future use to ensure adequate parking. None of that has occurred here.

6. 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 explains that the FAR calculation does not include the 6,672 square-foot "Pole Shed" because the "Pole Shed" is not an enclosed building.

As pointed out in our objection to the Planning Commission, the Zoning Code does not provide such an exception to the FAR calculation. Notably, the current Staff Report does not tie their "not an enclosed building" exception to the Zoning Code. Instead, it provides the objectionable claims of the property owner's irrelevant interpretation of the City's Zoning Code.

By Staff's omission, it is evident that the Zoning Code does not provide for any such exception. In fact, Section 13-67 explains that the purpose of Article 8 of the Zoning Code regarding Floor Area Ratios is to "define the maximum **building** intensity for nonresidential developments. (Emphasis added.)

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The Zoning Code specifically defines "building." That definition does not have any requirement of being enclosed or having a certain number of walls. Rather the definition provides it is "any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind." (Zoning Code, § 13-6 [emphasis added].)

Based on the City's own Code, it is required to include the pole shed in the FAR calculation. That means that this project exceeds the allowable FAR.

- 7. The Supplemental Traffic Study received on the eve of this City Council hearing proves that there was no analysis of the impact to access to the properties on the south side of Bristol caused by the project's proposed modifications to Bristol and that the Mitigated Negative Declaration was and is deficient.**

The proposed changes to be made to Bristol were completely absent from the Staff Report to the Planning Commission and the conditions of approval approved by the Planning Commission.

1072 Bristol's objection caused Ganahl's consultants to get up before the Planning Commission and make unsubstantiated assertions that there would be no impact to access for existing properties--assertions that were contradicted by the information provided to the public in the Mitigated Negative Declaration.

1072 Bristol objected then (as it does now). 1072 Bristol pointed out that while the Mitigated Negative Declaration provides *some* information regarding the modifications to Bristol, the information provided lacks detail and analysis.

On March 6, 2015, I received a call from Peter Ganahl. Mr. Ganahl asked about our objections to the project. I gave him an overview--he received improper preferential treatment from the City. His use wasn't legal. His project was too big, took up too much room, didn't set back far enough, was too tall, etc. We also discussed how his project was set up to prevent and impede my client's access to and from Bristol. Initially, Mr. Ganahl claimed that his new access point at the intersection of Bristol and Newport Blvd. would not affect access to 1072 Bristol. During our conversation it came out that Mr.

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Ganahl was mistaken about the location of the 1072 Bristol building--he thought that the 1072 Bristol property was mid-block on the south side of Bristol. When I corrected him, I took him to concede that the left turn into the 1072 Bristol property for vehicles travelling west on Bristol would be terminated.

Now, the applicant and the City have commissioned a "supplemental traffic study." The "supplement" was not available until March 16, 2015--the day before this City Council hearing. Despite the late information, the Staff Report that was publicly available as early as Thursday, March 12, 2015 was already recommending that the City Council uphold the Planning Commission's approval. How could Staff recommend approval when it did not have this information?

This "supplement" was provided on the eve of the City Council hearing. The "supplement" shows a **new and different** plan for Bristol. (*Cf.* Supplemental Staff Report, Figures A and B to Appendix H of the Mitigated Negative Declaration, Figures 9-1, 9-2, 9-3, 10-1.) This "supplement" is proof that City Staff, the Planning Commission and the City in general (by way of the Mitigated Negative Declaration) did not analyze the impacts to access in the first instance.

Yet, Staff's proposed draft Resolution for this City Council to adopt claims that "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/Mitigate Negative Declaration . . ." This is just false. The conceptual plan for modifications to the Bristol/Newport Blvd. intersection has changed.

In the Mitigated Negative Declaration, and to the Planning Commission, Ganahl proposed changes to the center median in front of 1072 Bristol that completely eliminated the left-turn in to the 1072 Bristol property. Now, the Supplemental Traffic Study purports to show a different plan that seems to *provide* a left-turn in to 1072 Bristol. Based on this new plan received on the eve of this hearing, it appears that the left turn would not allow a normal 90-degree turning movement and would require realignment and widening of the drive apron on 1072 Bristol. The right side of the driveway entrance does not appear line up with where a car would be permitted to turn from in the median. As such, it would require a left-turn at an unconventional angle.

1072 Bristol appealed what was approved by the Planning Commission. Ganahl is apparently changing its project. Yet, Ganahl and the City are relying on the rest of the

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flawed analysis in the Mitigated Negative Declaration. If the project has changed in this regard--a rather significant change as it relates to traffic--the proves that the Mitigated Negative Declaration is deficient. The Mitigated Negative Declaration did not and has not analyzed this new plan. The Mitigated Negative Declaration did not analyze the truck turning movements for trucks exiting the proposed Ganahl site. Any analysis was based on the prior conceptual plan--not the new and different plan.

Further, as is apparent by this new iteration of the modifications to Bristol, Ganahl and the City could potentially change the center median again later to eliminate 1072 Bristol's access.

Despite the fact that there are significant changes being made to the conceptual plan for Bristol compared to what was before the Planning Commission, Staff ridiculously requests that this City Council merely uphold the Planning Commission's decision. Doing so would not provide any approval or constraint on Ganahl regarding the new and different plan for the Bristol modifications.

8. The Initial Study/Mitigated Negative Declaration is also deficient as the analysis was based on the application of an incorrect zoning assumption.

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.

9. Conclusion.

The City has improperly approved a project for Ganahl that flat-out accords preferential status to Ganahl. The approval is totally unsupported by evidence, findings and the City's Municipal Code.

The following should be offended by the unsupported approval by the Planning Commission:

Members of the Costa Mesa City Council

March 17, 2015

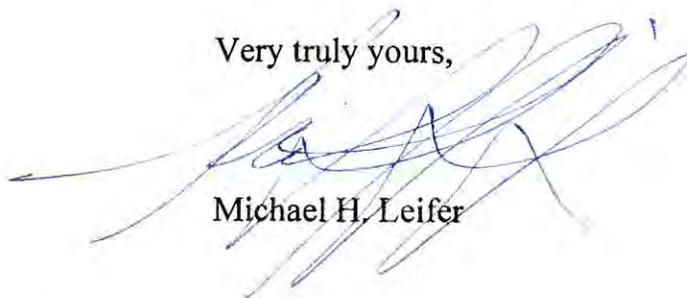
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- Anyone who has built a compliant project in Costa Mesa.
- Anyone who is in the planning process in Costa Mesa and is being told that the City has actual requirements.
- Anyone who was deterred from building a project in Costa Mesa due to published requirements.
- Anyone who was interested in the County's property but were deterred by published requirements.
- Those who believe in a level playing field in dealing with the City

To uphold the Planning Commission's decision and 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.

Based on the foregoing objections, the objections previously made by 1072 Bristol Partners and incorporating any and all objections to this project made by others, 1072 Bristol Partners requests that the City Council to reject the Planning Commission's adoption of the Initial Study/Mitigated Negative Declaration and the Ganahl Lumber application.

Very truly yours,



Michael H. Leifer

MHL:ebn

cc: Mel Lee, Senior Planner

MEJIA, JESSICA

Subject: FW: Objection to the Proposed Ganahl Lumber Yard Project - Exhibits 1 of 3
Attachments: Exhibits 1 to 5.pdf

From: Michelle M. Pase [<mailto:MPase@ptwww.com>]
Sent: Tuesday, March 17, 2015 4:41 PM
To: LEE, MEL; GREEN, BRENDA; CITY COUNCIL
Cc: Michael H. Leifer; Erin Balsara Naderi; Michelle M. Pase
Subject: Objection to the Proposed Ganahl Lumber Yard Project - Exhibits 1 of 3

In advance of tonight's City Council meeting, please find enclosed an objection letter to the Ganahl Project for distribution to the City Council.

Exhibits will be sent by 3 separate e-mails due to the size of the PDF attachment.

Michelle Pase | Assistant to Michael H. Leifer, Erin B. Naderi, and Steven R. Guess
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
2603 Main Street, Suite 1300 | Irvine, CA 92614
Direct Dial (949) 851-7325 | Facsimile (949) 851-1554



[Email](#) | [Website](#)

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EXHIBIT 1

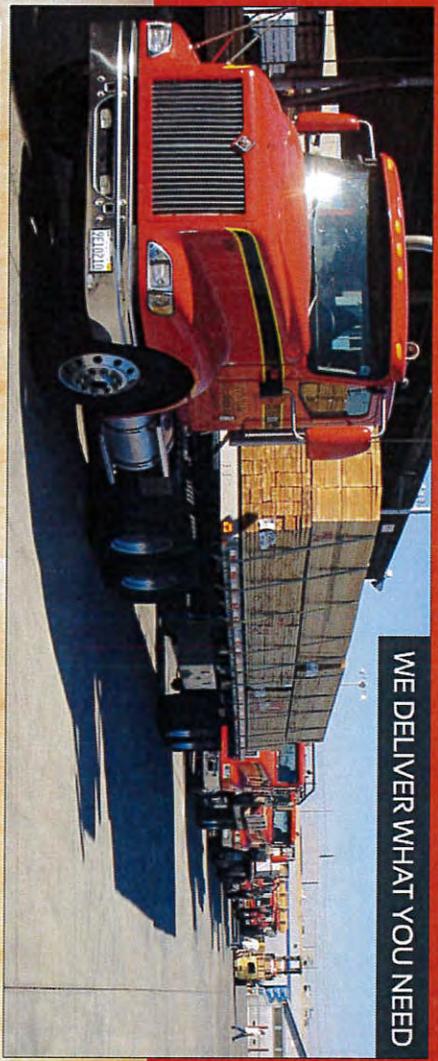
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EXHIBIT 1

EXHIBIT 2



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 - 4x8 - 4x10
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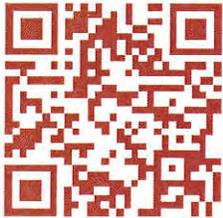
1220 E. BALL RD.
ANAHEIM, CA 92805

EXHIBIT 3

TOLL FREE : 1 855 422 3661
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FAX : (714) 772 4237
EMAIL : gsales@ganahl.com

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EXHIBIT 4

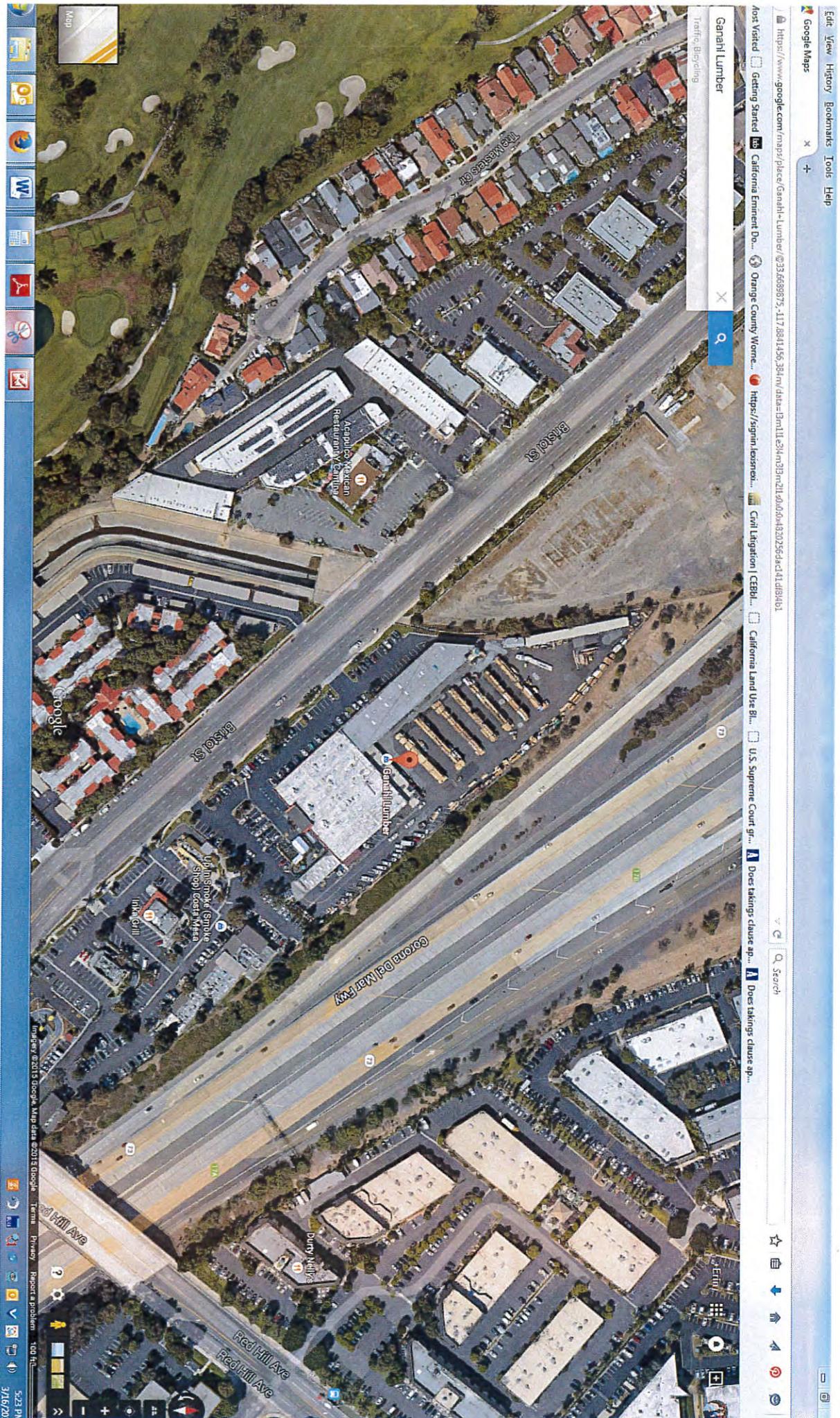


EXHIBIT 4

EXHIBIT 5



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

DEVELOPMENT SERVICES DEPARTMENT

May 4, 1992

Wendy Humphreys
128 Melville Drive
Fullerton, CA 92635

**RE: PLANNING ACTION PA-91-26
CONDITIONAL USE PERMIT TO OPERATE A
MOBILE FOOD CART NEAR THE ENTRANCE
OF AN EXISTING COMMERCIAL BUILDING
1275 SOUTH BRISTOL, COSTA MESA**

Dear Ms. Humphreys:

As the above permit was due for review March 11, 1992, Staff inspected the subject site. The property has been found to satisfy the Conditions of Approval of the subject permit, and to be in compliance with applicable Ordinance requirements. In addition, no complaints have been received regarding the property or use. The subject permit is extended for an additional two years, and will expire March 11, 1994. At that time, a further extension must be requested should you wish to continue the operation.

If you have any questions or concerns, please feel free to call me at 754-5245.

Sincerely,

STEVEN CLARKE
ASSISTANT PLANNER

(1275SBRL.LTR)11

cc: Harrington Investment Company
Attn: J. Harrington
P.O. Box 1188
Huntington Beach, CA 92647

77 FAIR DRIVE

Building Division (714) 754-5826

• Code Enforcement/Business License (714) 754-5234

• Planning Division (714) 754-5245

FAX (714) 556-7508

EXHIBIT 5

**PLANNING DIVISION
STAFF REPORT**

AGENDA NO. 9i

SITE LOCATION 1275 South Bristol

APPLICATION NO. PA-91-26

AP # 427-362-01

MANDATORY ACTION DATE August 25, 1991

APPLICANT Harrington Investment Company
(Owner of Record)

AUTHORIZED AGENT Wendy Humphreys

ADDRESS P O Box 1188

ADDRESS 128 Melville Drive

Attn: J. Harrington

Fullerton, CA 92635

Huntington Beach, CA 92647

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

PREPARED BY Steven C. Clarke
Assistant Planner

SUBMITTED BY Steven C. Clarke
Assistant Planner

REQUEST:

For a Conditional Use Permit to operate a mobile food cart near the entrance of an existing commercial building.

STAFF RECOMMENDATION:

Approve, subject to conditions.

FINAL COMMISSION ACTION: March 11, 1991

Approved, based on Planning Staff analysis and findings and subject to conditions contained in the Planning Division Staff Report.

(5-0)

APPLICANT NOTIFIED ns DATE March 14, 1991

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92628-1200 (714) 754-5245



I. DESCRIPTION

A. Subject Property

1. Location - 1275 South Bristol Street
2. General Plan Designation - General Commercial
3. Zone - C2
4. Present Development - 42,225 sq. ft. commercial building.
5. Lot Area - 5.15 ac.
6. CEQA - Exempt

B. Surrounding Property

1. North - 73 (Corona Del Mar) Freeway
2. South - Across Bristol, R2 & C1, apts. and restaurant
3. East - C1, Retail
4. West - C1, Vacant

C. Request

Conditional Use Permit to operate a mobile pushcart near the entrance of an existing commercial building (Barr Lumber).

II. PROJECT DESCRIPTION

Applicant proposes to operate a mobile pushcart that sells hot dogs and sodas on the property of an existing retail hardware and lumber store (Barr Lumber). The location of the pushcart will be near the store entrance. The proposed hours of operation are 9:00 a.m. to 4:00 p.m. and the cart will be removed from the site daily. Because the proposed use will not be conducted underroof, a Conditional Use Permit is required.

III. PLANNING STAFF ANALYSIS

The site currently has adequate parking for the existing use (169 spaces required, 198 provided) and the proposed use should not generate an increased parking requirement or impact any existing spaces. Additionally, the proposed location of the pushcart will not obstruct the flow of either vehicular or pedestrian access, on site.

On February 4, 1991, the City Council adopted an ordinance amending the regulation of pushcart operations within the City. The proposed pushcart operation appears to meet the revised regulation in regard to location and dimension. The amended regulations will be included as Conditions of Approval to insure future compliance.

The proposed pushcart use will be appurtenant to the existing retail use and should not significantly impact the existing development or surrounding developments.

IV. PLANNING STAFF FINDINGS

- A. The information presented substantially complies with Sections 9-191.13 and 13-347 of the Municipal Code in that the proposed pushcart is substantially compatible with developments in the same general area; granting the Conditional Use Permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity; and 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.
- B. The project is consistent with Article 22-1/2, Transportation Systems Management, of the Costa Mesa Municipal Code in that no intersection to which the project contributes measurable traffic shall operate at less than the Standard Level of Service as a result of project implementation.

V. PLANNING STAFF RECOMMENDATION

Approve, subject to conditions.

VI. CONDITIONS, IF APPROVED

Shall meet all requirements of the various City Departments, copy attached hereto.

CONDITIONS OF APPROVAL

- Plng. 1. The operator's permit shall be affixed to the pushcart in plain view, as required by the newly adopted pushcart ordinance.
2. The pushcart may not obstruct the normal flow of vehicular or pedestrian access, within ten (10) feet of any intersection, driveway, or building entrance, or in any space designated for vehicular parking.
3. The maximum dimension of any pushcart shall not exceed six (6) feet in length by four (4) feet in width.
4. Only signs affixed to or painted on the pushcart or its canopy will be permitted.
5. The operator of the pushcart is required to wear a uniform as defined in Section 9-191.1 of the Municipal Code.
6. No artificial lighting of any pushcart is permitted.
7. A refuse bin of at least one cubic foot shall be provided in or on the pushcart.
8. The Conditional Use Permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The Conditional Use Permit may be referred to the Planning Commission for modification or revocation at any time if the Conditions of Approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
9. A copy of the conditions of approval for the Conditional Use Permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
- Trans. 10. The mobile food cart may not be operated in any location that will obstruct pedestrian or vehicular traffic or obstruct vehicle sight distance.

ORDINANCE OR CODE PROVISIONS

- Plng. 1. Development shall comply with all requirements of Article 2, Chapter II., Title 9 of the Costa Mesa Municipal Code.

2. Development shall comply with all requirements of Article 16, Chapter II., Title 13 of the Costa Mesa Municipal Code.
3. Permits shall be obtained for all signs, including banners and other special event signing, according to the provisions of the Costa Mesa Sign Ordinance.
- Bldg. 4. Comply with the requirements of the Uniform Building Code as to design and construction.
- Fire 5. Cart may not block egress or exit path from building at any time.

From: Michelle M. Pase [<mailto:MPase@ptwww.com>]
Sent: Tuesday, March 17, 2015 4:41 PM
To: LEE, MEL; GREEN, BRENDA; CITY COUNCIL
Cc: Michael H. Leifer; Erin Balsara Naderi; Michelle M. Pase
Subject: Objection to the Proposed Ganahl Lumber Yard Project - Exhibits 2 of 3

In advance of tonight's City Council meeting, please find enclosed an objection letter to the Ganahl Project for distribution to the City Council.

Exhibits will be sent by 3 separate e-mails due to the size of the PDF attachment.

Michelle Pase | Assistant to Michael H. Leifer, Erin B. Naderi, and Steven R. Guess
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
2603 Main Street, Suite 1300 | Irvine, CA 92614
Direct Dial (949) 851-7325 | Facsimile (949) 851-1554



[Email](#) | [Website](#)

IRS Circular 230 Disclosure: Pursuant to Internal Revenue Service Circular 230, only formal opinions satisfying specific requirements may be relied on for the purpose of avoiding certain penalties under the Internal Revenue Code. Any tax advice contained in this communication (including attachments) does not constitute a formal opinion satisfying such requirements. Accordingly, we must advise you that any such tax advice was not intended or written to be used, and cannot be used, by you or any other person as such an opinion for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matters addressed herein.

This message and any attached documents contain information from the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP that may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

EXHIBIT 6

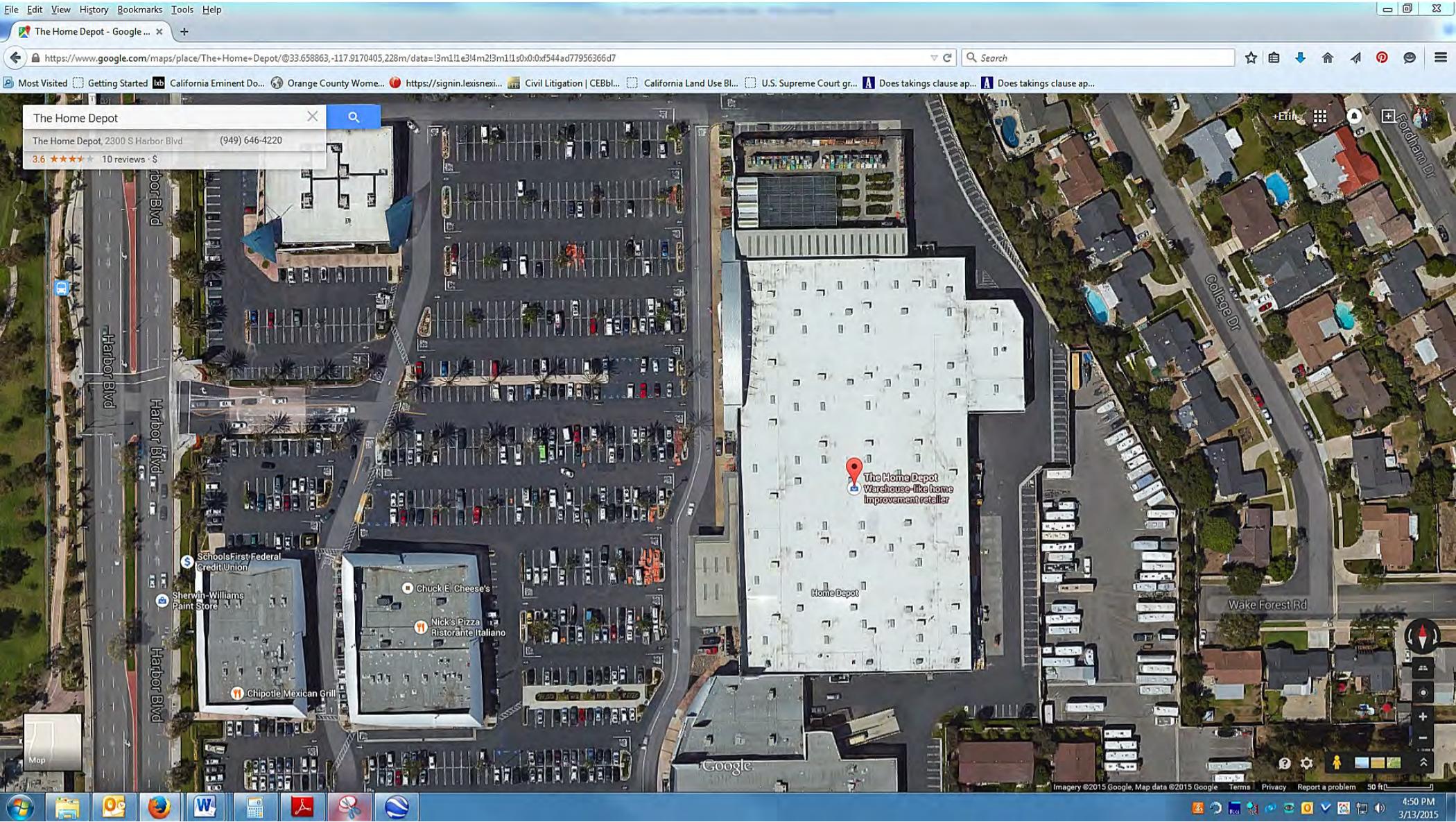


EXHIBIT 6

EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7

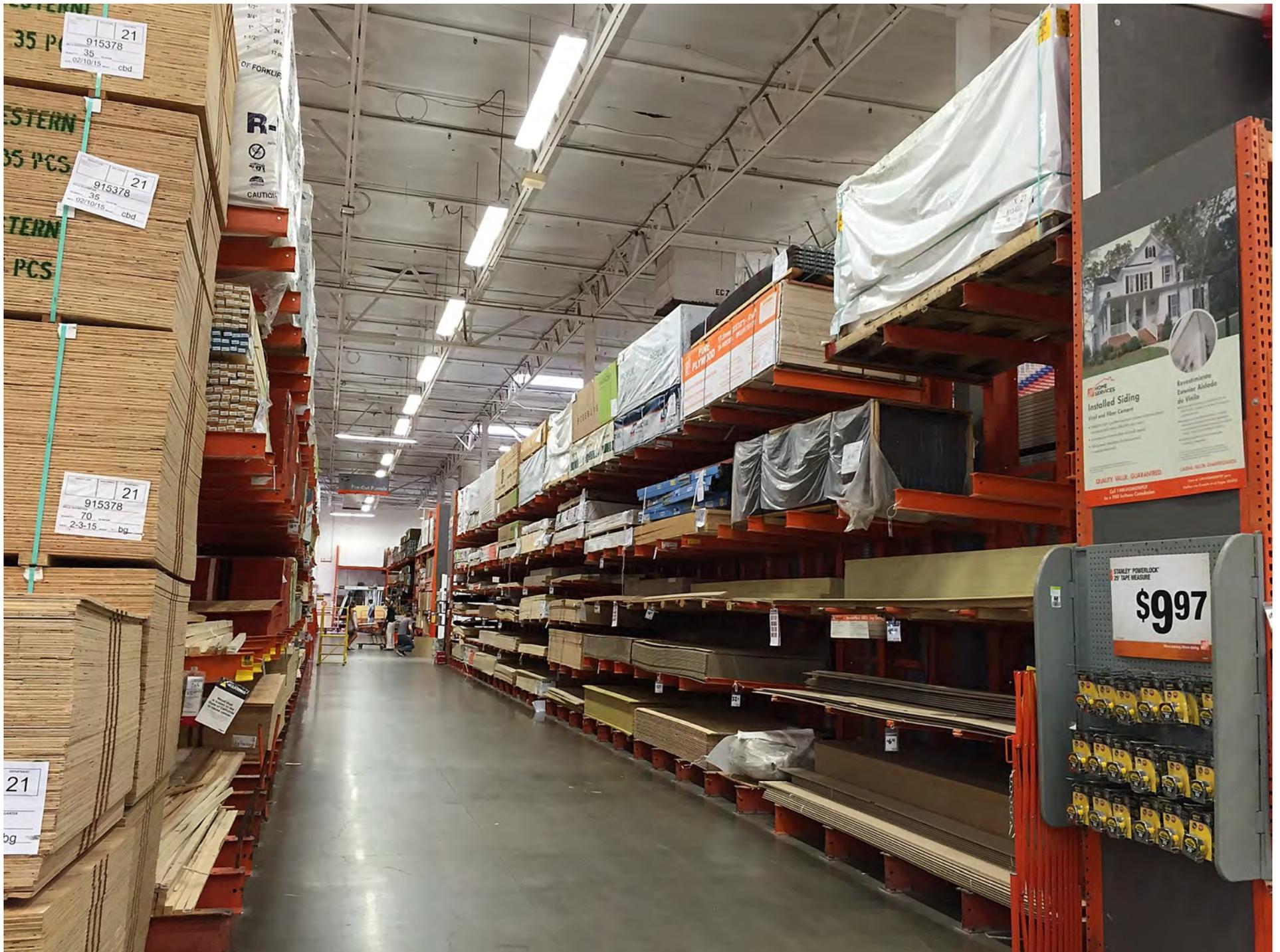


EXHIBIT 7

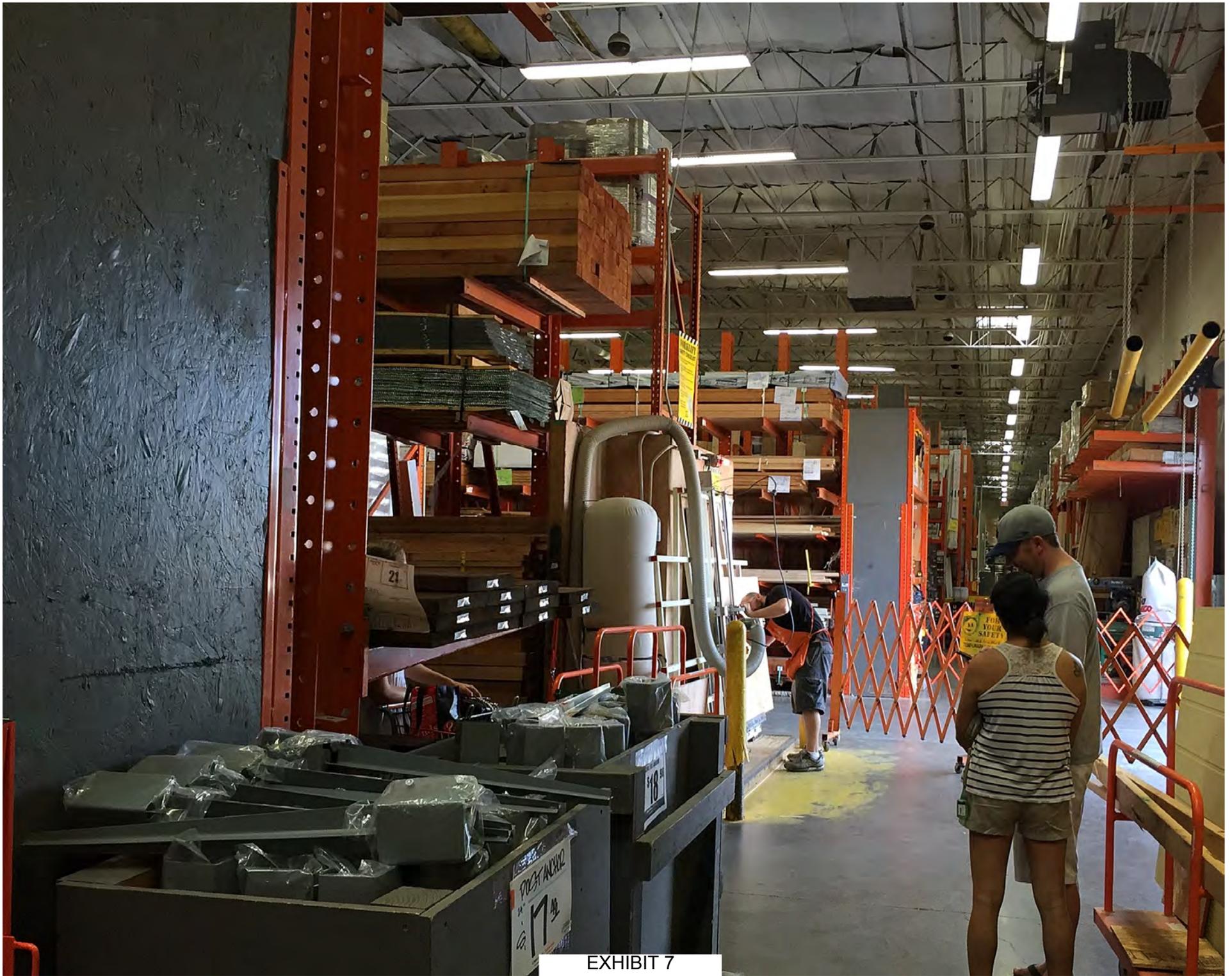
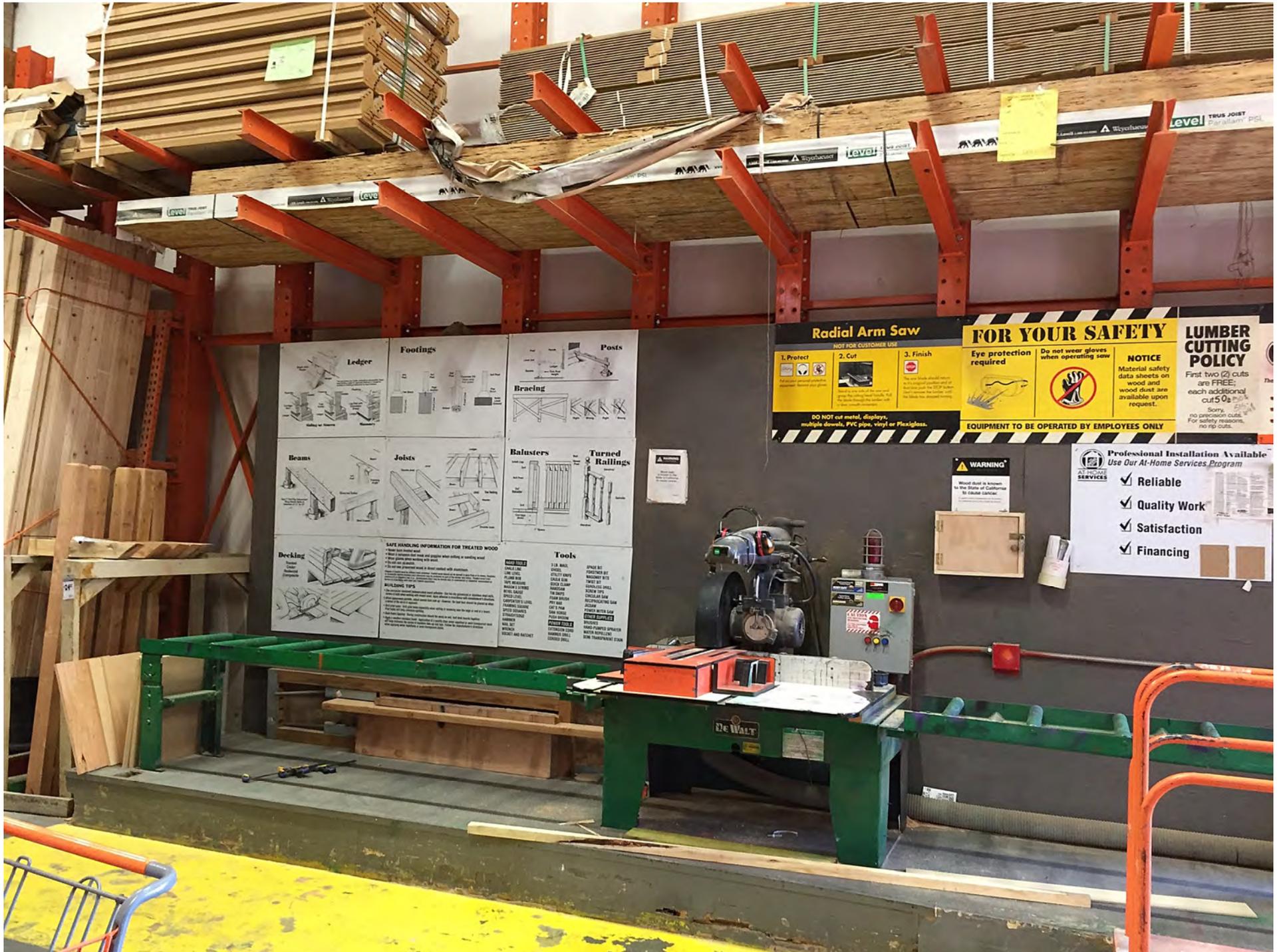


EXHIBIT 7



Ledger

Footings

Posts

Bracing

Beams

Joists

Balusters

Turned Railings

Decking

SAFE HANDLING INFORMATION FOR TREATED WOOD

TOOLS

WARNING TIPS

POWER TOOLS

Radial Arm Saw
NOT FOR CUSTOMER USE

FOR YOUR SAFETY

1. Protect

2. Cut

3. Finish

Eye protection required

Do not wear gloves when operating saw

NOTICE

LUMBER CUTTING POLICY

First two (2) cuts are FREE; each additional cut 50¢.

Sorry, no precision cuts. For safety reasons, no rip cuts.

EQUIPMENT TO BE OPERATED BY EMPLOYEES ONLY

WARNING

Wood dust is known to the State of California to cause cancer.

Professional Installation Available
Use Our At-Home Services Program

- ✓ Reliable
- ✓ Quality Work
- ✓ Satisfaction
- ✓ Financing

EXHIBIT 7

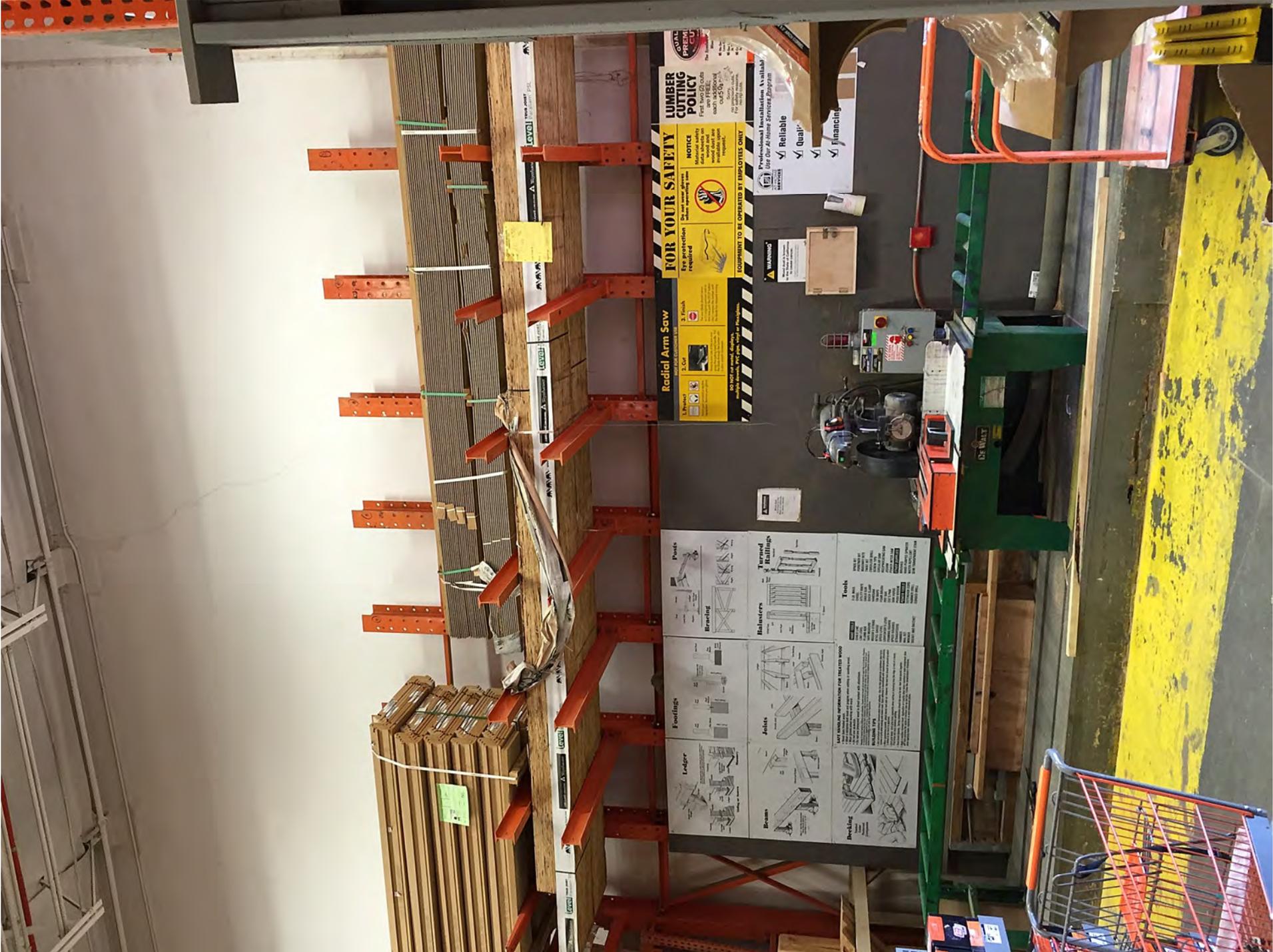


EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7



EXHIBIT 7

EXHIBIT 8



City of Torrance, Community Development Department

Jeffery W. Gibson, Director

3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990

Environmental Checklist Form

1. **Project Title:** Ganahl Lumber South Bay Project
2. **Lead Agency Name and Address:** City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503
3. **Contact Person and Phone Number:** Gregg Lodan, Planning Manager
(310) 618-5990
4. **Project Location:** 2600 Del Amo Boulevard
Torrance, CA 90503
5. **Project Sponsor's Name & Address:** Ganahl Lumber Company
1220 East Ball Road
Anaheim, CA 92805
6. **General Plan Designation:** Heavy Industrial (max 0.6 FAR)
7. **Zoning:** M2 – Heavy Manufacturing
8. **Description of the Project:** The Proposed Project consist of the construction and operation of a new lumberyard and building supply sales store in the City of Torrance that would serve as a distribution center to the South Bay and surrounding areas. The new facility would include one main building, three sheds, and a maintenance building.
(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Detailed Project Description:

Project Background

History of Ganahl Lumber Company

Ganahl Lumber Company is the oldest lumberyard in California. In 1884, an Austrian immigrant named Christian Ganahl and his brother Frank moved to Los Angeles from St. Louis. Christian Ganahl purchased a lumber company and named it the C. Ganahl Lumber Company.

Eventually there were several yards located throughout the Los Angeles area, including one he opened in Anaheim in 1904. In the 1930s the inventory of the lumber business continued to change with the addition of hardware. In the late 1940's there was a growing interest in millwork products so Ganahl opened a mill division.

Through the years the company has acquired other locations throughout the counties of Orange, Los Angeles, and Riverside, making the company the nine-store business it is today.



Environmental Checklist Form

Relevance of Ganahl Lumber to Torrance and the South Bay

The City of Torrance has a 100-year history as a model industrial town. The city was envisioned by J. Sydney Torrance as a haven for workers and industrialists alike, in contrast with other portions of Southern California which were experiencing labor unrest. Improved housing conditions for workers were also part of the vision. Architect Irving Gill and city designer Frederick Law Olmsted Jr. contributed to envision the town plan. Old Torrance still bears some of the signature features of these designers, with features like landscaped parkways, a prebuilt sewer system, and civic center.

Early enterprises such as the Hendrie Rubber Company and Glass Factory, Llewellyn Ironworks, and service by the Union Pacific Railway, helped establish the model for industrial use in the community. With the discovery of oil in the city in the 1920s, the community started to develop further. Around the time that the City of Torrance was being formed, Ganahl was shipping lumber down along the Pacific Coast from the northwest forests and milling locations down to Southern California. Ganahl helped the South Bay region grow in the early 20th Century as a major lumber supplier to the region. Several generations later, Ganahl Lumber proposes to return to this area with a new store and distribution center.

Project Characteristics

The Proposed Project includes the construction and operation of a new lumberyard, building materials retail store, and distribution center for the Ganahl Lumber Company. The Proposed Project seeks to establish a variety of simple details and materials, reflecting the values of Ganahl Lumber Company and the City of Torrance. This would be accomplished by providing durable and sustainable design, arranged in a way that would provide for a state-of-the-art building materials facility, while adhering to the City's General Plan intent.

Building A, Sheds, and Maintenance Building

The new facility would include one main building and three sheds: Building A, B Shed, Mill Shed, and Pole Shed, and a separate Maintenance Building. Total gross square footage (GSF) and features for these structures are listed in Table 1. A Site Plan is included as Figure 1.

Structure	Gross Square Feet (GSF)
Building A: <ul style="list-style-type: none"> • Main Store Sales • Doors and Windows • Sales Offices/Counters • Mezzanine • Control Room • Will-Call Storage (storage/operations offices) 	86,102
B Shed	40,507
Mill Shed and Mill Office	13,395
Pole Shed	21,374
Maintenance Building	3,528
TOTAL	164,906

The total area of the site is 808,384 SF (18.6 acres), which equates to a floor area ratio of 0.204.

EXHIBIT 9

DR- 02-04

1122

Bristol

ST

1120 BRISTOL STREET
1122 BRISTOL STREET
1124 BRISTOL STREET

THESE OFFICE BUILDINGS HAVE BEEN
APPROVED AT A LOW TRAFFIC F.A.R.
OF 0.40

	MAX. ALLOWED	PROPOSED
F.A.R.	0.40 (39,378 SQ.FT.)	0.40 (39,250 SQ.FT.)

See DR-02-04 for details

PROHIBITED USES:

- MEDICAL USE / *Retail*
- OR ANY USE IDENTIFIED AS
MODERATE OR HIGH TRAFFIC F.A.R.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

November 1, 2002

Terry Loomis
Irvine Ranch Water Service Co./LLC
15600 Sand Canyon Ave.
Irvine, CA 92618

**RE: DEVELOPMENT REVIEW DR-02-04
1122 BRISTOL STREET, COSTA MESA**

Dear Mr. Loomis:

The Development Review for the above-referenced project has been completed. The various City departments have recommended approval of the proposal based on the following description and findings, and subject to the following conditions:

DESCRIPTION

The applicant proposes to construct three (3), 2-story office buildings, totaling 39,250 square feet on a vacant lot (formerly Santa Ana Heights Water Company). The property is approximately 2 acres in size, is zoned C1 (Local Business District) and has a General Plan designation of General Commercial. The proposed development meets or exceeds all commercial development standards.

FINDINGS

- A. Approval of the development review will allow a use, density, and intensity that is in accordance with the General Plan designation for the property. Specifically, the General Plan designation for the subject property is General Commercial, which allows general office use. The proposed development also complies with all commercial development standards.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian

- circulation have been considered.
- c. The project is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. An initial study was prepared, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, according to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, there will not be a significant effect on the environment because mitigation measures have been added to the project.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

*** Mitigation Measures**

- Plng. 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.
1. 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.
 2. Street addresses shall be displayed on the freestanding sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than ¼" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.
 3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s)

- shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
4. To avoid an alley-like appearance, if the driveway is paved with asphalt, it shall be developed without a center concrete swale. Design shall be approved by the Planning Division.
 5. All new construction shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how architectural compatibility will be accomplished.
 6. The applicant shall contact AT&T/Broadband Cable Television of Costa Mesa at 200 Paularino, Costa Mesa, (888.255.5789) prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 7. The conditions of approval and code requirements of DR-02-04 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 8. The applicant shall contact the Planning Division to arrange for 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.
 9. All rooftop mechanical equipment shall be screened from view on- and off-site as depicted in the approved plans.
 10. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff.
 11. No exterior roof access ladders, staircases, roof drain scuppers, or roof drain downspouts shall be permitted.
 - *12. SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited.
 - *13. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.
 - *14. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.

- Eng. 15. 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.

SUMMARY OF CODE REQUIREMENTS

*** Mitigation Measures**

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 occupancy will not be granted until all such licenses have been obtained.
 2. Approval of the development is valid for one (1) year and will expire at the end of that period unless building permits are obtained and construction commences, or the applicant applies for and is granted an extension of time.
 3. Mechanical equipment, transformers, etc., shall not be located in any landscaped setbacks visible from the street.
 4. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
 5. Development shall comply with all requirements of Section 45 and Article 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
 6. All on-site utility services shall be installed underground.
 7. 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.
 8. Parking stalls shall be double-striped in accordance with City standards.
 9. Any mechanical equipment such as air-conditioning equipment, duct work, and fire sprinkler risers shall be screened from view in a manner approved by the Planning Division.
 10. All required setbacks abutting a public right-of-way shall be landscaped (except for walks and driveways which provide access from a public right of way). The property owner shall be responsible for the maintenance of the landscaping on the property.
 11. Trash enclosures or other acceptable means of trash disposal shall be provided. Design of trash enclosures shall conform with City standards. Standard drawings are available from the Planning Division.

12. Four (4) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and one (1) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
13. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
14. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency Mesa Consolidated Water District, Chris Blank – (949) 631-1291.
15. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
16. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
- *17 Prior to the initiation of any work on the site (including, but not limited to, grading), applicant shall contact the County of Orange Solid Waste Local Enforcement Agency (714-667-3600) for application procedures and guidelines. Issuance of building permits will be held until a clearance report is issued by the health agency and is submitted to the Planning Division.
- *18. If present and/or projected exterior noise exceeds 65 CNEL, commercial and industrial buildings shall meet the following interior noise standards:

<u>Use</u>	Level <u>L (eq)*(12)**</u>
Private office, conference room, etc.	45 dB(A)
General office, reception, clerical, etc.	50 dB(A)

*L (eq) is the equivalent sound level for a specified time period in dB(A).

**Measured from 7:00 a.m. to 7:00 p.m. or other appropriate, approved time period.

If required interior noise levels are achieved by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.

- *19. In compliance with the provisions of the California Administrative Code, Title 25, Chapter 1, Subchapter 1, Article 4, the applicant shall submit an acoustical analysis of the proposed development, prepared under the supervision of a person experienced in the field of acoustical engineering. Two copies of the report shall be submitted with the application for building permits. The acoustical analysis shall evaluate existing and projected noise levels, noise attenuation measures to be applied, and the noise insulation effectiveness of the proposed construction. The person preparing the report shall, under the direction of a person experienced in the field of acoustical engineering, perform an inspection of the project prior to or at the time of the framing inspection to certify that construction techniques comply with recommendations contained within the acoustical analysis. Upon completion of the subject structures, field tests may be required under the provisions of Title 25.
- *20. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m. on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
- 21. In compliance with the City's mitigation monitoring program, the applicant shall submit a compliance report to the Planning Division along with plans for plan check, that lists each mitigation measure and states when and how the mitigation measures are to be met.
- Bldg. *22. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
- 23. Prior to or concurrent with submittal of plans for building plan check, applicant shall submit a Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMPs) outlined in the Countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMPs not dependent on specific land uses, for review and approval by the Development Services Department.
- Eng. 24. At the time of development submit for approval an off-site 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, both prepared by a civil engineer or architect. 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 to the Engineering Division. An approved offsite plan and fee shall be required prior to engineering/utility permits being issued by the City.

25. A construction access permit and deposit of \$750 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.
26. Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City engineer. Cash deposit or surety bond amount to be determined by the City engineer.
27. Obtain a permit from the Engineering Division, at the time of development and then construct 8' wide P.C.C. commercial sidewalk per City of Costa Mesa standards as shown on the offsite plan. Only City standard sidewalk allowed within public right of way.
28. Obtain a permit from the Engineering Division at the time of development and then construct P.C.C. driveway approach 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. A.D.A. compliance is required for all new driveway approaches.
29. Obtain a permit from the 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 at applicant's expense.
30. Dedicate a sidewalk easement behind existing right of way line on Bristol Street to accommodate the design of the new A.D.A. driveway approaches.
31. Dedicate all land for street and highway purposes within 8 feet of the southerly curb of Bristol street.
32. Submit legal description for the new area of dedication, plat of new dedication area, both prepared by a civil engineer, and title report update of subject property.
33. Fulfill drainage ordinance fee requirements prior to approval of plans.
34. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains will require a Hold Harmless Agreement prior to issuance of permit.
35. There shall be four feet of clear sidewalk behind all immovable objects within public right of way. Provide sidewalk easement and construct new sidewalk where applicable.

36. Provide a storm runoff study showing existing and proposed facilities and the method of draining the site and tributary areas without exceeding the capacity of any on-site or off-site drainage facility. Provide study with first plan check submittal.
37. Site shall be designed to connect on-site drainage facilities directly into the existing storm drain within Bristol Street. No surface flow from site to public right of way allowed.
38. Applicant is advised Bristol Street is under a "no open cut" moratorium until 9/20/04. Open cutting the street pavement will only be allowed by the City Engineer with special resurfacing requirements.
- Trans. 39. Construct Type II commercial wide flare driveway approaches at locations submitted on site plan.
40. Relocate fire hydrant and power pole to accommodate construction of southerly drive approach.
41. Close unused drive approach(es) with full height curb and gutter.
42. Fulfill mitigation of off-site traffic impacts at the time of issuance of Certificate 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 based upon the average daily trip generation of 315 trip ends for the proposed project and includes a credit for any previously existing use. At the current rate the Traffic Impact Fee is estimated at \$55,755.00. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of Certificate of Occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- Fire 43. Access consisting of a minimum 20 ft. wide roadway capable of supporting fire apparatus shall be maintained to all fire hydrants from the time that the hydrants are placed into service. Special consideration shall be given to maintaining the integrity of such roadways during periods of inclement weather.
44. Provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A, 10BC as these extinguishers are suitable for all types of fires and are less expensive.
45. Provide an automatic fire sprinkler system according to NFPA 13.

SPECIAL DISTRICT REQUIREMENTS

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

November 1, 2002

DR-02-04

Page 9

- Sani. 1. Developer will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.
2. Orange County Sanitation District fees, fixture fees, inspection fees, and sewer permit required prior to issuance of building permits. To receive credit for buildings to be demolished, call (714) 754-5307 for inspection.
3. Developer shall submit a plan showing sewer improvements that meets with the District Engineer's approval to the Building Division as a part of the plans submitted for plan check.
- AQMD 4. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
- CDFA 5. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 714.708.1910 for information.

Once again, the above conditions and code requirements must be printed on the face of the site plan prior to submittal of the working drawings.

The decision will become final at 5:00 p.m. on November 8, 2002, unless appealed by an affected party or a member of the Planning Commission or City Council, including filing of the necessary application and payment of the appropriate fee.

If you have any questions regarding this letter or the project, please feel free to contact me at (714) 754-5136 between 1 p.m. and 5 p.m., Monday through Friday.

Sincerely,



WENDY SHIH

Assistant Planner

Attachment: Conceptually Approved Plans

cc: Engineering/Dev. Ser.
Fire Protection Analyst
Water District
Building Division

Hossein Afshari
DesignWorx
43 Tesla Way, Ste. 100
Irvine, CA 92618

PLANNING APPLICATION SUMMARY

Location: 1122 Bristol Street Application: DR-02-04

Request: Development review to construct 3, 2-story office buildings, totaling 39,250 sq.ft.

SUBJECT PROPERTY:

Zone: C1
 General Plan: General Commercial
 Lot Dimensions: Irregular
 Lot Area: 2.26 acres
 Existing Development: Vacant (formerly Santa Ana Heights Water Company).

SURROUNDING PROPERTY:

North: Corona Del Mar Freeway
 South: R1 - Single-Family Residential
 East: C1 - commercial
 West: C1 - commercial

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	60 ft.	168.03 ft.
Lot Area	12,000 sq.ft.	98,445 sq.ft. (2.26 acres)
Floor Area Ratio:		
(Low Traffic FAR)	.40 (39,378 sq.ft.)	.40 (39,250 sq.ft.)
Building Height:		
	2 stories/30 ft.	2 stories/ 30 ft.
Interior landscaping:		
	3,925 sq.ft.	20,128 sq.ft.
Setbacks:		
Front	20 ft.	20 ft.
Side	0 ft./15 ft.	10 ft./15 ft.
Rear	60 ft.	67 ft.
Parking:		
Standard	151	151
Compact	0	0
Handicapped	6	6
TOTAL:	157	157
Driveway width:		
	20 ft.	25 ft.

CEQA Status Mitigated Negative Declaration
 Final Action Staff

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #:
Address:

Environmental Determination:

1. Fully describe your request:

3 TILT-UP OFFICE BUILDINGS, 2-STORY, SMOOTH FINISH, PAINTED
FREESTANDING AND 30' HIGH,
WITH BRONZ REFLECTIVE GLASS

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

In a flood zone. In the Redevelopment Area.
 Subject to future street widening. In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

Is not included in the publication indicated above.
 Is included in the publication indicated above.



Signature

4/25/2002

Date

HAZARDOUS WASTE AND SUBSTANCE SITES

Address			
204 East 17 th Street	LTank	2248 Harbor Boulevard	LTank
295 East 17 th Street	LTank	2249 Harbor Boulevard	LTank
411 East 17 th Street	LTank	2252 Harbor Boulevard	LTank
481 East 17 th Street	LTank	2502 Harbor Boulevard	LTank
490 East 17 th Street	LTank	2666 Harbor Boulevard	LTank
671 West 17 th Street	LTank	2799 Harbor Boulevard	LTank
		2801 Harbor Boulevard	LTank
790 West 19 th Street	LTank	2850 Harbor Boulevard	LTank
801 West 19 th Street	LTank	3001 Harbor Boulevard	LTank
		3131 Harbor Boulevard	LTank
1645 Adams Avenue	LTank	3195 Harbor Boulevard	LTank
		3201 Harbor Boulevard	LTank
751 Baker Street	LTank	3599 Harbor Boulevard	LTank
800 Baker Street	LTank		
1151 Baker Street	LTank	18990 Ike Jones	LTank
1195 Baker Street	LTank	18992 Ike Jones	LTank
1201 Baker Street	LTank		
1450 Baker Street	LTank	200 Kalmus Drive	LTank
330 Bay Street	LTank	1267 Logan Avenue	LTank
1476 Bristol Street	LTank	1740 Newport Boulevard	LTank
2931 Bristol Street	LTank	1900 Newport Boulevard	LTank
2990 Bristol Street	LTank	2021 Newport Boulevard	LTank
2995 Bristol Street	LTank	2025 Newport Boulevard	LTank
3045 Bristol Street	LTank	2436 Newport Boulevard	LTank
3048 Bristol Street	LTank	2590 Newport Boulevard	LTank
3067 Bristol Street	LTank	2651 Newport Boulevard	LTank
3333 Bristol Street	LTank	3003 Newport Boulevard	LTank
2972 Century Place	LTank	366 Paularino Avenue	LTank
3000 Club House Drive	LTank	1901 Placentia Avenue	LTank
		1965 Placentia Avenue	LTank
2252 Fairview Road	LTank	2310 Placentia Avenue	LTank
2490 Fairview Road	LTank		
3000 Fairview Road	LTank	3128 Red Hill Avenue	LTank
3315 Fairview Road	LTank		
3333 Fairview Road	LTank	1375 Sunflower Avenue	LTank
3470 Fairview Road	LTank	14850 Sunflower Avenue	LTank
		1640 Superior Avenue	LTank
2990 Grace Lane	LTank	1695 Superior Avenue	LTank
2050 Harbor Boulevard	LTank	1701 Tustin Avenue	LTank
2073 Harbor Boulevard	LTank		
2160 Harbor Boulevard	LTank		

Source: State of California Department of Toxic Substances Control, April 1998

Revised 7/88 rlylss/fornal(T84)

PUBLICATION

The Costa Mesa Planning Staff will render a decision on **Wednesday October 30, 2002**, or as soon as possible thereafter, on the following items:

1. Development Review DR-02-04 for Hossein Afshari/DesignWorx, authorized agent for Terry Loomis/Irvine Ranch Water District, to construct 3 office buildings, totaling 39,250 sq. ft., located at 1122 Bristol Street in a C1 zone. Environmental determination: mitigated negative declaration. The project location is not listed as a hazardous waste site. The environmental document is available for public review and comment from October 10, 2002 to October 29, 2002 at the following locations: (a) Public Counter, Planning Division, City Hall, 77 Fair Drive, (b) Mesa Verde Library, 2969 Mesa Verde Drive, East, (c) Orange County Public Library (Park Avenue Branch), 1855 Park Avenue.

FOR PUBLICATION ON THURSDAY OCTOBER 10, 2002

<small>Date</small> October 8, 2002	
<small>To</small> Tina	<small>From</small> Wendy Shih
<small>Phone#</small>	<small>Phone#</small> (714) 754-5136
<small>Fax#</small> (949) 646-5008	<small>Fax#</small> (714) 754-5618

10/08/20027:41 AM

City of Costa Mesa
Development Services Department

CERTIFICATION OF PUBLICATION

This is to certify that DR-02-04

for DESIGN WORKS
(Applicant/Authorized Agent)

was published 9/27/02 with N/A postcards
(Date) (Number)

being mailed to property owners of record as shown in our files on

N/A
(Date)



DONALD D. LAMM
Deputy City Manager
Development Services Director

PUBLICATION

The Costa Mesa Planning Staff will render a decision on **Thursday, October 17, 2002**, or as soon as possible thereafter, on the following items:

1. Development Review DR-02-04 for Hossein Xfshari/DesignWorx, authorized agent for Terry Loomis/Irvine Ranch Water District, to construct 3 office buildings, totaling 39,300 sq. ft., located at 1122 Bristol Street in a C1 zone. Environmental determination: negative declaration. The project location is not listed as a hazardous waste site. The environmental document is available for public review and comment from September 27, 2002 to October 17, 2002 at the following locations: (a) Public Counter, Planning Division, City Hall, 77 Fair Drive, (b) Mesa Verde Library, 2969 Mesa Verde Drive, East, (c) Orange County Public Library (Park Avenue Branch), 1855 Park Avenue.

FOR PUBLICATION ON FRIDAY, SEPTEMBER 27, 2002

	Date September 24, 2002
To Tina	From Suemy Arruda
Phone#	Phone# (714) 754-5618
Fax# (949) 646-5008	Fax# (714) 754-5618

09/24/2002:28 PM



**SUSAN W. CASE, INC.
OWNERSHIP LISTING SERVICE**

**917 Glenneyre Street, Suite 7 • Laguna Beach, CA 92651
PHONE (949) 494-6105 • FAX (949) 494-7418**

1122 SE BRISTOL ST FILE#602684
SANTA ANA/COSTA MESA CA
500' LISTING
439 321 03
JUNE 17 2002

119 200 21
SANTA ANA COUNTRY CLUB
20382 Newport Blvd
Santa Ana CA 92707

119 391 01
Vahdean Terry
102 Masters Cir
Costa Mesa CA 92627

119 391 02
Elizabeth Lopez
106 The Masters Cir
Costa Mesa CA 92627

119 391 03
Hugh Dubberly
4250 El Camino Real #B220
Palo Alto CA 94306

119 391 04
Timothy & Claudia Tebbs
114 The Masters Cir
Costa Mesa CA 92627

119 391 05
Harold Dickerson
118 Masters Cir
Costa Mesa CA 92627

119 391 06
Rudy Rivera
122 Masters Cir
Costa Mesa CA 92627

119 391 07
Daniel Taylor
126 The Masters Cir
Costa Mesa CA 92627

119 391 08
William & Cindy Newland
130 The Masters Cir
Costa Mesa CA 92627

119 391 09
Joseph Miracle
134 The Masters Cir
Costa Mesa CA 92627

119 391 10
John & Sherie Vanek
138 The Masters Cir
Costa Mesa CA 92627

119 391 11
Arthur Olstad
142 The Masters Cir
Costa Mesa CA 92627

119 391 12
Willard Holmes Hochderffer
146 The Masters Cir
Costa Mesa CA 92627

119 391 13
Betty Dean
528 Paseo Companeros St
Chico CA 95928

119 391 14
Denise Johnston
154 Masters Cir
Costa Mesa CA 92626

119 391 15
Robert Schaulis
158 The Masters Cir
Costa Mesa CA 92627

119 391 16
Jeanne Bishop
405 N Heathdale Ave
Covina CA 91722

119 391 17
Peggy Zill
166 Masters Cir
Costa Mesa CA 92627

119 391 18
BENTLEY 2001
170 The Masters Cir
Costa Mesa CA 92627

119 391 19
T James Orr
174 The Masters Cir
Costa Mesa CA 92627

119 391 20
Sabine Martens
178 The Masters Cir
Costa Mesa CA 92627

119 391 21
Florence Gumaer
4001 Marion Way
Long Beach CA 90807

119 391 22
Charlene Kass
188 The Masters Cir
Costa Mesa CA 92627

119 391 23
Catherine Prowse
192 The Masters Cir
Costa Mesa CA 92627

119 391 24 William Tate 196 Masters Cir Costa Mesa CA 92627	119 391 25 John Gabriel 197 The Masters Cir Costa Mesa CA 92627	119 391 26 WHITE 2001 193 The Masters Cir Costa Mesa CA 92627
119 391 27 Robert Quartieri Redmond 189 The Masters Cir Costa Mesa CA 92627	119 391 28 Robert Earling Hammerquist 185 The Masters Cir Costa Mesa CA 92627	119 391 29 Stacy Astor 316 Miller Ave #H Mill Valley CA 94941
119 391 30 GENTRY JEAN 2002 177 The Masters Cir Costa Mesa CA 92627	119 391 31 Robert Hoyt 173 The Masters Cir Costa Mesa CA 92627	119 391 32 Philip Arnold 169 The Masters Cir Costa Mesa CA 92627
119 391 33 D Dickerson McCoy 165 The Masters Cir Costa Mesa CA 92627	119 391 34 Robert Peelor 161 The Masters Cir Costa Mesa CA 92627	119-391-35 MERRILEE T DUNGAN 157 THE MASTERS CIR COSTA MESA CA 92627
119 391 36 Leslie Demille 20202 SW Cypress St Newport Beach CA 92660	119 391 37 W Jack Van Rossem 149 Masters Cir Costa Mesa CA 92627	119 391 38 Orma Crank Sr. 145 The Masters Cir Costa Mesa CA 92627
119-391-39 NANCY M HOAGLAND 300 E COAST HWY SPACE 3 NEWPORT BEACH CA 92660	119 391 40 Edith Robinson 137 The Masters Cir Costa Mesa CA 92627	119 391 41 Donald Ward 133 The Masters Cir Costa Mesa CA 92627
119 391 42 Schellie Trust Walsh 717 Lido Park Dr Newport Beach CA 92663	119 391 43 L Jerome Wolcott Jr. 125 The Masters Cir Costa Mesa CA 92627	119 391 44 Anthony Montapert 41 Royal Saint George R Newport Beach CA 92660
119 391 45 James Okeefe 117 The Masters Cir Costa Mesa CA 92627	119 391 46 Alvin Blair 113 The Masters Cir Costa Mesa CA 92627	119 391 47 Forrest & Beth Drain 109 The Masters Cir Costa Mesa CA 92627
119 391 48 William Krisman 105 Masters Cir Costa Mesa CA 92627	119 391 49 Dennis Hogland 1769 Newport Blvd Costa Mesa CA 92627	119 391 50 STATE OF CALIFORNIA DIV OF HW
119 391 51 STATE OF CALIFORNIA DIV OF HW	427 362 01 HARRINGTON INVESTMENT CO 31 Rue Grand Vallee Newport Beach CA 92660	427 363 01 ORANGE COUNTY FLOOD CONTR 3101 State Rd Bakersfield CA 93308

439 311 06
SIBLING ASSOCIATES
2699 White Rd #150
Irvine CA 92614

439 311 09
SIBLING ASSOCIATES
2699 White Rd #150
Irvine CA 92614

439 321 01
Forrest Drain
1072 SE Bristol St
Santa Ana CA 92707

439-321-02
DRAIN
1072 SE BRISTOL ST
SANTA ANA HEIGHTS 92707

439 321 03
SANTA ANA HGTS WATER CO
15600 Sand Canyon Ave
Irvine CA 92618

439 321 04
SLUSHER SECOND FAMILY LTD PA
8 Morning Dove
Laguna Niguel CA 92677

439 321 05
DMC MANAGAMENT LLC
18500 Studebaker Rd
Cerritos CA 90703

439 321 06
DMC MANAGAMENT LLC
18500 Studebaker Rd
Cerritos CA 90703

439 321 07
CD PROP
1816 Buttonshell Ln
Newport Beach CA 92660

439-321-08
BELL PAC
1206 SE BRISTOL
SANTA ANA CA 92707

SUSAN W. CASE, INC.
OWNERSHIP LISTING SERVICE

917 Glenneyre Street, Suite 7 • Laguna Beach, CA 92651
PHONE (949) 494-6105 • FAX (949) 494-7418

CERTIFICATION OF PROPERTY OWNERS LIST

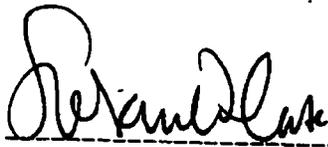
THE ATTACHED LIST REPRESENTS THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS
LOCATED WITHIN 500 FEET OF THE EXTERIOR BOUNDARIES OF THE PROPERTY LOCATED
AT 1122 SE BRISTOL ST (SANTA ANA) COSTA MESA CA

THIS INFORMATION WAS OBTAINED THROUGH FIRST AMERICAN REAL ESTATES SOLUTIONS, A
DATA SOURCE UTILIZING THE COUNTY ASSESSMENT ROLLS AND OTHER AVAILABLE DATA
SOURCES.

THIS INFORMATION IS GENERALLY DEEMED RELIABLE, BUT IS NOT GUARANTEED.

RETURN OF SOME PROPERTY ADDRESSES THAT ARE DEEMED UNDELIVERABLE BY THE U.S.
POSTAL SERVICE IS A POSSIBILITY. SUSAN W. CASE, INC. IS NOT RESPONSIBLE FOR
PROVIDING FURTHER INVESTIGATION OF SAID LABELS.

ACCEPTANCE OF THE PACKAGE ACKNOWLEDGES THIS FACT.



SUSAN W. CASE, INC.



IRVINE RANCH WATER DISTRICT

15600 Sand Canyon Avenue • P.O. Box 57000 • Irvine, California 92619-7000 • (949) 453-5300 • www.irwd.com

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

OCT 01 2002

September 27, 2002

4

Ms. Willa Bouwens-Killeen
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

**RE: IRVINE RANCH WATER DISTRICT
BRISTOL BUSINESS PARK
1122 BRISTOL STREET**

Dear Ms. Bouwens-Killeen:

As you know, the Irvine Ranch Water District and its development project manager, Newport Real Estate Services, Inc. (NRES), are currently processing a development application for the referenced property. This property was acquired by the District in 1998 when the former Santa Ana Heights Water Company (SAHWC) was consolidated with the Irvine Ranch Water District (District). Pursuant to the terms and conditions established in the 1997 Pre-Annexation Agreement between the District and the former SAHWC, all of the economic advantage derived from the District's development of the property will go to the benefit of the former SAHWC customers.

As a long-term service provider in the City of Costa Mesa, the District is very sensitive and dedicated to its role of being a good community neighbor. To this end, our development team has designed a high quality project that is in full compliance with the zoning and the community development regulations applicable to the site. The District believes the proposed office buildings will be a strong, positive addition to the Bristol Street corridor. In addition to having a high quality exterior appearance with abundant landscaping, these buildings will accommodate a wide range of professional office uses, including cutting edge design, technology and professional service firms seeking a unique business environment that is located close to the retail, cultural and entertainment core of Costa Mesa. Members of our development team have met once with the Bristol Street Committee (with another meeting scheduled on October 1) to fully explain our project and the benefits it will bring to the area.

Ms. Willa Bouwens-Killeen

September 27, 2002

Page 2

Finally, the District has been approached by numerous parties over the past months that are interested in acquiring the site for a variety of uses. This extensive interest serves to validate the development potential of the property. As stated above, the District has a commitment to its customers to maximize the value of the property and to pass along the increased economic benefits from development to them. The District's internal financial resources, a key factor in today's investment climate, will ensure development of the project, and the resulting benefits to the City and our common constituents, in a very timely manner.

The District and NRES have enjoyed an excellent working relationship with the City staff, and we look forward to finalizing our development processing and moving forward with construction of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Zenk', with a stylized flourish at the end.

Ron Zenk
Treasurer

cc: Glen Allen – Newport Real Estate Services, Inc.
Dave Anderson – Newport Real Estate Services, Inc.
Terrell Loomis – Irvine Ranch Water District

NEWPORT
Real Estate Services, Inc.

1101 DOVE STREET, SUITE 230
NEWPORT BEACH, CALIFORNIA 92660
(949) 752-1491 EXT. 24
(949) 752-1494 (FACSIMILE)

From the desk of
JENNY SHIH
jshih@nres.net

TO:	WENDY SHIH	DATE:	SEPTEMBER 27, 2002
COMPANY:	CITY OF COSTA MESA	FAX #:	714-754-4856
PROJECT:	IRWD- BRISTOL STREET	PAGES:	6 INCLUDING COVER
RE:	LEGAL ENTITY		

ATTACHED YOU WILL FIND A LETTER FROM BOWIE, ARNISON, WILES & GIANNONE AND A RECORDED LIMITED LIABILITY COMPANY CERTIFICATE OF MERGER.

NOTICE TO RECIPIENT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

ALEXANDER BOWIE*
JOAN C. ARNESON
WENDY H. WILES*
PATRICIA B. GIANNONE
ROBERT E. ANSLOW
BRIAN W. SMITH
TYREE K. DORWARD
SALLY D. ROBINSON
DAWN M. MESSER

4920 CAMPUS DRIVE
NEWPORT BEACH, CALIFORNIA 92660
(949) 851-1300

(800) 649-0997
FAX (949) 851-2014

NET. 0418 PTL.P

* A PROFESSIONAL CORPORATION

IR B 25

September 26, 2002

Mr. Dave A. Anderson
Newport Real Estate Services, Inc.
1101 Dove Street
Suite 230
Newport Beach, CA 92660

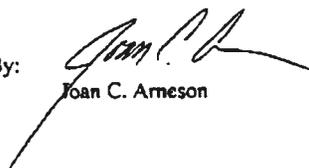
Re: Property on Bristol

Dear Mr. Anderson:

Enclosed is a recorded copy of the June 20, 1997 Limited Liability Company Certificate of Merger, which shows that the Santa Ana Heights Water Company, as the disappearing entity, was legally merged into the Irvine Ranch Water District Water Service Company LLC. as the surviving entity. This document was recorded in the office of the Orange County Recorder on July 25, 1997. As a result of the merger, the Irvine Ranch Water District Water Service Company LLC became the legal owner of the property of the former Santa Ana Heights Water Company.

Very truly yours,

BOWIE, ARNESON,
WILES & GIANNONE

By: 
Joan C. Arneson

JCA/
Enclosures

cc: Terry Loomis

RECORDING REQUESTED BY

Latham & Watkins

RECORDED RETURN TO

Latham & Watkins
650 Town Center Drive
20th Floor
Costa Mesa, California 92626-1918
Attn: Kate Walther

CONFORMED COPY
Compared with Original

Recorded in the County of Orange, California
Gary L. Granville, Clerk/Recorder



19970352929 12:14pm 07/25/97

005 12025233 12 33
C19 4 7.00 9.00 0.00 0.00 0.00 0.00

RESERVED FOR RECORDER'S USE

Limited Liability Company Certificate of Merger

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

State of California

Bill Jones

Secretary of State
SACRAMENTO



I, BILL JONES, Secretary of State of California, hereby certify:

*That the annexed transcript of 2 page(s) was prepared by
and in this office from the record on file, of which it purports to be a copy,
and that it is full, true and correct.*



*IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California*

JUL - 1 1997

Bill Jones

Secretary of State



State of California
Bill Jones
Secretary of State

LLC-9

LIMITED LIABILITY COMPANY
CERTIFICATE OF MERGER

IMPORTANT - Read the instructions before completing the form.
This document is presented for filing pursuant to Section 17357 of the California Corporations Code.

1. Name of surviving entity: Irvine Ranch Water District Water Service Company LLC	2. Type of entity: Domestic LLC	3. File number: 101997147017	4. Jurisdiction of organization: California
5. Name of disappearing entity: Santa Ana Heights Water Company	6. Type of entity: Domestic Stock Corporation	7. File number: 0099496	8. Jurisdiction of organization: California

9. If a vote was required pursuant to Section 17351, enter each class entitled to vote and the percentage of vote required:

Surviving Entity		Disappearing Entity	
Each class entitled to vote	Percentage of vote required	Each class entitled to vote	Percentage of vote required
Members	Majority of Interests	Common	Majority of Shares
		3,852 Shares Outstanding	

If the surviving entity is a domestic limited liability company, complete Item 10 and proceed to Item 13.

10. Requisite changes to the information set forth in the articles of organization of the surviving limited liability company:

If the surviving entity is a foreign limited liability company or other business entity, skip Item 10 and complete Items 11 through 12.

Address of the surviving limited liability company or other business entity:

Address: _____
 City: _____ State: _____ Zip Code: _____

12. Information required to be stated in the certificate of merger pursuant to the laws under which each constituent other business entity was formed:

13. Future effective date, if any: _____

14. Number of pages attached: 0

15. It is hereby declared that I am the person who executed this instrument, which execution is my act and deed. Attach additional signatures on separate pages.

IRVINE RANCH WATER DISTRICT,
MANAGER

Leslie Flessel
Signature of authorized person for the surviving entity

Leslie Flessel, Secretary
Type or print name and title
SANTA ANA HEIGHTS WATER COMPANY

Marilyn S. Roak
Signature of authorized person for the disappearing entity
Marilyn J. Roak - J. Arthur Cence
Secretary - President

For Secretary of State Use

FILED
in the office of the Secretary of State
of the State of California

JUN 20 1997

Bill Jones
BILL JONES, Secretary of State

LLC-9
 Approved by the Secretary of State
 979



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 1468
SACRAMENTO CA 95812-1468

TAX CLEARANCE CERTIFICATE

June 6, 1997

EXPIRATION DATE: September 15, 1997

LATHUM & WATKINS
ATTN: RITA K PFETZING
650 TOWN CENTER DRIVE
SUITE 2000
COSTA MESA CA 92626-1925

ISSUED TO: SANTA ANA HEIGHTS WATER COMPANY
Entity ID 0099496

This is to certify that all taxes imposed under the Bank and Corporation Tax Law on this corporation have been paid, assumed, or are secured by other means.

If a final return has not been filed, one should be filed within two months and 15 days after the close of the month in which the dissolution or withdrawal takes place. If the corporation was inactive, a statement to that effect should be attached to the tax forms. All returns remain subject to audit until the expiration of the normal statutory period. Failure to file required returns may result in additional assessments.

A copy of this Tax Clearance Certificate has been sent to the Office of the the Secretary of State. This original Tax Clearance Certificate may be retained in the files of the corporation.

By the Expiration Date noted above, this corporation must have filed the documents required by the Secretary of State to dissolve, withdraw or merge. Requests for the appropriate documents must be directed to: Office of the Secretary of State at 1500 11th Street, 3rd Floor, Sacramento CA. 95814, or by telephone, (916) 657-5448.

NOTE: If the required documents are not filed with the Secretary of State prior to the Expiration Date noted above, the corporation will remain subject to the filing requirements of the Bank and Corporation Tax Law.

By M. Hermansen
Special Audit Unit
Corporation Audit Section
Telephone (916) 845-4124

City of Costa Mesa

Interoffice Memorandum

To: Bristol Street Specific Plan Oversight Committee

From: Wendy Shih, Assistant Planner

Date: September 5, 2002

Subject: **PROPOSED 39,250 SQ. FT. OFFICE DEVELOPMENT
1122 BRISTOL STREET
COMMITTEE MEETING OF SEPTEMBER 17, 2002**

The City has received an application for development of 39,250 square feet of offices, in three buildings, on the now-vacant Irvine Ranch Water District (IRWD) parcel at 1122 Bristol Street. This is the first Bristol Street development proposal that had not already received initial approval from the City at the time the Bristol Street Specific Plan Oversight Committee was formed.

At the June 24, 2002, Planning Commission meeting, concern was expressed that development would be taking place in the Bristol Street Specific Plan area while the Specific Plan is still in formulation stages, thus foreclosing opportunities for Plan implementation. It was suggested that new development proposals in the Specific Plan area be referred to the Committee for comment before the City takes action on them.

Attached are copies of plans for the proposed development. The property is zoned C1, and is designated General Commercial on the City's General Plan land use map. The proposed project complies with all C1 development standards and zoning requirements.

The required level of review is a Development Review, which is a discretionary permit reviewed and acted upon by City staff. No public hearings would be required for the plan as currently designed.

There is no requirement for the Committee to take formal action or vote on the project. We are simply providing you an opportunity to review the plan and offer comments as to the appropriateness of the proposed land use and design as they relate to the Bristol Street corridor—both existing and future.

If you have any questions about the plan before the meeting, feel free to call me at (714) 754-5136.

Attachment

**Mike Robinson, Planning and Redevelopment Manager
Claire Flynn, Associate Planner
Willa Bouwens-Killeen, Senior Planner**

**Mr. Hossein Afshari
Design Worx
43 Tesla, Suite 100
Irvine, California 92618**

DESIGNWORX

43 Tesla, Suite 100
Irvine, CA 92618
Tel (949) 341-0600
Fax (949) 341-0606

Fax Transmittal:

TO: WENDY

FROM: HOSSEIN AFSHARI

COMPANY: CITY OF COSTA MESA

DATE:

08/20/2002

FAX NUMBER: 714-754-4856

TOTAL NO. OF PAGES INCLUDING COVER: 2

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: BRISTOL OFFICE PARK

CC: DAVE ANDERSON, PRES

FOR YOUR APPROVAL FOR REVIEW & COMMENT AS REQUESTED PLEASE CALL FOR YOUR USE

COMMENTS:

Dear Wendy,

Our client has requested to reactivate the project.

Please start processing the project including "Bristol Street Specific Plan Committee" review.

If you have any question(s), please call me at: (949) 341-0600 ext. 12.

You can also E-mail me at: hossein@dworx.net

Sincerely,

Hossein Afshari

Principal
Designworx

IF YOU HAVE ANY PROBLEMS OR QUESTIONS CONCERNING THIS FAX, PLEASE CALL 949-341-0600

City of Costa Mesa

Interoffice Memorandum

To: Bristol Street Specific Plan Oversight Committee

From: Perry Valantine, Assistant Development Services Director 

Date: July 10, 2002

Subject: **PROPOSED 39,300 SQ. FT. OFFICE DEVELOPMENT
1122 BRISTOL STREET
COMMITTEE MEETING OF JULY 16, 2002**

The City has received an application for development of 39,300 square feet of offices, in three buildings, on the now-vacant Irvine Ranch Water District (IRWD) parcel at 1122 Bristol Street. This is the first Bristol Street development proposal that had not already received initial approval from the City at the time the Bristol Street Specific Plan Oversight Committee was formed.

At the June 24, 2002, Planning Commission meeting, concern was expressed that development would be taking place in the Bristol Street Specific Plan area while the Specific Plan is still in the formulation stages, thus foreclosing opportunities for Plan implementation. It was suggested that new development proposals in the Specific Plan area be referred to the Committee for comment before the City takes action on them.

Attached are copies of plans for the proposed development. The property is zoned C1, and is designated General Commercial on the City's General Plan land use map. The proposed project complies with all C1 development standards and zoning requirements.

The required level of review is a Development Review, which is a discretionary permit reviewed and acted upon by City staff. No public hearings would be required for the plan as currently designed. The applicant has asked that we temporarily suspend processing of the plan, while they conduct further research. However, we have chosen to refer it to the Bristol Street Specific Plan Oversight Committee's July 16th meeting to avoid further delays if the applicant asks us to resume processing.

There is no requirement for the Committee to take formal action or vote on the project. We are simply providing you an opportunity to review the plan and offer

comments as to the appropriateness of the proposed land use and design as they relate to the Bristol Street corridor—both existing and future.

If you have any questions about the plan before the meeting, feel free to call me at (714) 754-5609.

Attachment

Mike Robinson, Planning and Redevelopment Manager
Claire Flynn, Associate Planner
Willa Bouwens-Killeen, Senior Planner

Mr. Hossein Afshari
Design Worx
43 Tesla, Suite 100
Irvine, California 92618

DESIGNWORX

43 Tesla, Suite 100
Irvine, CA 92618
T. (949) 341-0600
F. (949) 341-0606

7/02/02

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUL 08 2002

BRISTOL OFFICE PARK

Willa Bouwens-Killeen
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Dear Willa,
Our client has requested to put the project on hold and wait for their instructions.
Please stop processing the project till further notice.

Sincerely,



Hossein Afshari

Principal

cc
Terry Loomis, IRWD
Ron Zenk, IRWD

City of Costa Mesa

Interoffice Memorandum

To: Planning Commission

From: Perry Valentine, Assistant Development Services Director 

Date: June 27, 2002

Subject: **BRISTOL STREET SPECIFIC PLAN AREA
CHRONOLOGY AND PENDING DEVELOPMENTS**

This is in response to some of the questions raised at last Monday's meeting, regarding processing of developments in the Bristol Street Specific Plan area.

CHRONOLOGY

The Bristol Street Specific Plan grew out of discussions regarding an auto lube and oil facility proposed for the southwest corner of Bristol Street and Paularino Avenue. This development application was heard by the Planning Commission on June 11, 2001, and by the City Council on July 16, 2001. Following are key dates in the history of the Bristol Street Specific Plan:

August 20, 2001	City Council provides basic direction for specific plan
December 17, 2001	City Council determines make-up of Specific Plan Oversight Committee
December 28, 2001	Press release seeking Committee applications
January 14, 2002	Planning Commission appoints representative to Committee
February 19, 2002	City Council appoints remaining Committee members
May 9, 2002	Request for Proposals for consultant support completed
May 21, 2002	Specific Plan Committee's first meeting
June 18, 2002	Specific Plan Committee's second meeting

Although the process may seem to have taken a long time to get to this point, it should be noted that the time between the August and December 2001, Council meetings was a period in which Planning staff was processing the Home Ranch development application, EIR, and Development Agreement, while coping with vacancies in two staff positions.

PENDING DEVELOPMENTS

The August 2001, staff report to City Council identified five vacant properties on Bristol Street. One was The Camp, which was under construction at the time, and one was the Irvine Ranch Water District (IRWD) property at 1122 Bristol Street, which had not yet applied for development approval. The other three had already received Development Review approval for new office and/or retail buildings. One of those three was the proposed office building at 2800 Bristol Street, which was the subject of a variance request at last Monday's (June 24) Planning Commission meeting, due to a code change subsequent to the Development Review approval.

Remaining vacant properties are:

2765 Bristol	In plan check; building permit application pending
1122 Bristol	Development Review application pending

The proposed development at 1122 Bristol Street consists of three, two-story office buildings, totaling 39,300 square feet, on a 2.3-acre parcel. Staff will present the proposed plans to the Specific Plan Oversight Committee for their review and comment at the Committee's July 16, 2002, meeting.

Until the Bristol Street Specific Plan is adopted, any future applications for development, redevelopment, or discretionary use permits will be referred to the Specific Plan Oversight Committee for comment.

- C: Don Lamm, Deputy City Manager - Development Services
- Mike Robinson, Planning and Redevelopment Manager
- Willa Bouwens-Killeen, Senior Planner
- Claire Flynn, Associate Planner
- Tom Wood, Assistant City Attorney

Bristol Street Specific Plan Oversight Committee members

SHIH, WENDY

From: Dave Anderson [danderson@nres.net]
Sent: Tuesday, June 18, 2002 4:41 PM
To: wendyshih@ci.costa-mesa.ca.us
Cc: Hossein Afshari; Terrell Loomis
Subject: Bristol Office Park

Wendy,

The official Owner name for the Bristol Office Park Project is "Irvine Ranch Water Service Company LLC" . Please change the name accordingly on our application for the Negative Declaration the address and contact person for the Owner can remain the same.

Sincerely,
David A. Anderson
Newport Real Estate Services, Inc.
1101 Dove Street, Suite 230
Newport Beach, CA 92660
949.752.1491 Ext. 21
Fax 949.752.1494
danderson@nres.net



Real Estate Services, Inc.

*1101 Dove Street, Suite 230
Newport Beach, California 92660*

Direct: (949) 752-1491, Ext. 21

Facsimile: (949) 752-1494

E-Mail: danderson@nres.net

From the desk of_____
DAVE ANDERSON



DATE: 6/13/02

TO: Wendy Shih - Assistant Planner **NUMBER OF PAGES:** 4
(Including cover)

CC:

FAX NO.: 1-714-754-4856

OFFICE NO.: 1-714-754-5136

RE: Bristol Office Park



Wendy,

Attached is a copy of Title Co. description of the easement identified as item number 13. Hopefully this will help clear up the parcel discrepancy issue.

Thanks,
Dave

Order No. 9733500

ITEMS: (Continued)

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:

Granted to: Costa Mesa Sanitary District
Purpose: Underground sewer pipe line
Recorded: June 9, 1969, Instrument No. 5896, Book 8983, Page 414, of Official Records
Affects: A portion of the land

10. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to: Larmor Development Company, a California corporation and Marjorie Zoul
Purpose: Vehicular ingress and egress to and from the public street
Recorded: May 23, 1980, Instrument No. 25324, Book 13615, Page 1166. of Official Records
Affects: A portion of the land

11. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in the document referred to in the numbered item last above shown.

12. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to: County of Orange
Purpose: Street and highway purposes
Recorded: September 10, 1980, Instrument No. 13077, Book 13737, Page 547, of Official Records
Affects: A portion of the land

13.

Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned by Final Decree of Condemnation.

Superior Court of: Orange
County Case No.: 779831
In favor of: City of Costa Mesa
Purpose: Public use and purpose, street
Recorded: July 9, 1998, Instrument No. 19980440392. of Official Records

And corrected June 5, 2000 as Instrument No. 2000-233788 of Official Records.

14. Matters which may be disclosed by an inspection and/or by a correct ALTA/ACSM Land Title Survey of said land that is satisfactory to this Company, and/or by inquiry of the parties in possession thereof.

15. Any easements not disclosed by those public records which impart constructive notice as to matters affecting title to real property and which are not visible and apparent from an inspection of the surface of said land.

ORDER NO. 9733500

PIQ: ●

ITEM NO. 8: ⑧

ITEM NO. 7: ⑦

ITEM NO. 9: ⑨

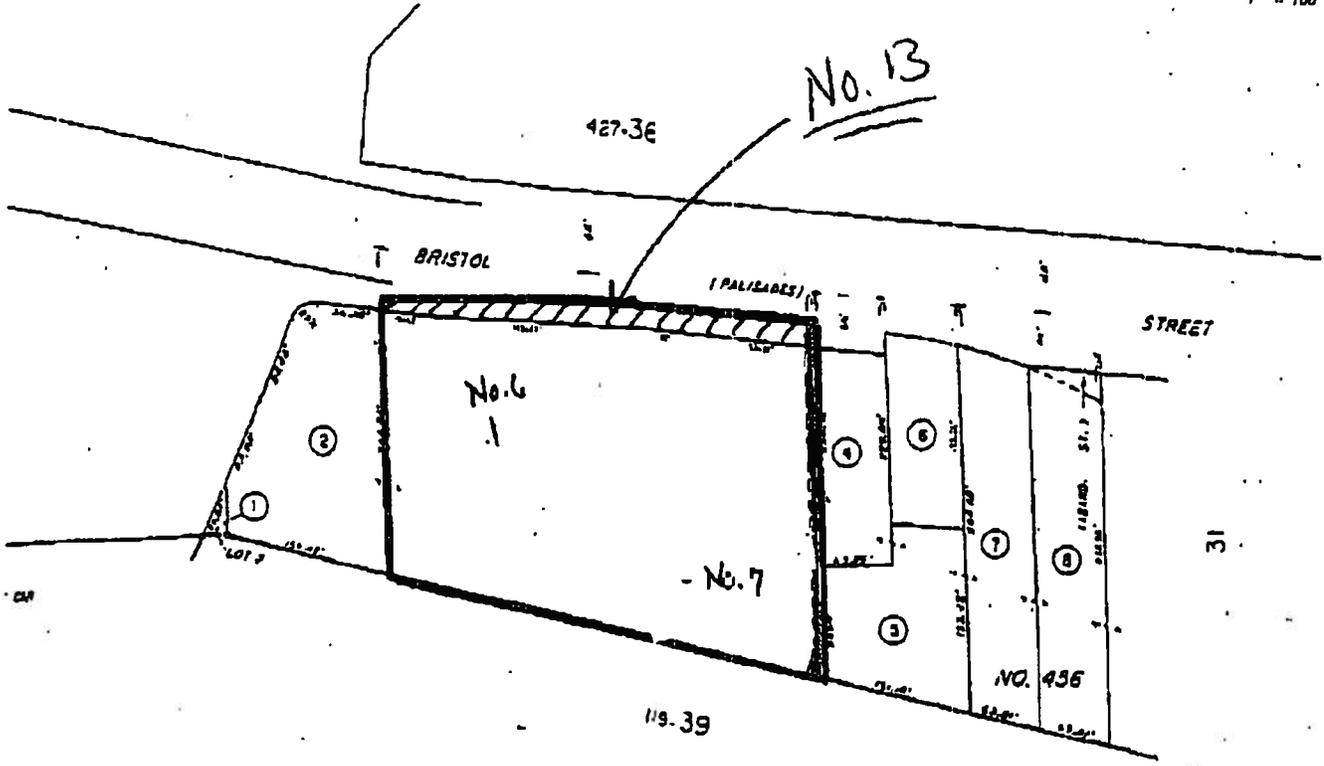
ITEM NO. 10: ⑩

ITEM NO. 12: ⑫

ITEM NO. 13:

439-32

1" = 100'



TRACT NO. 456 H.M. 17-9

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 439 PAGE 32 COUNTY OF ORANGE

3-2 100' 100'

THIS MAP IS FURNISHED AS A MATTER OF ACCOMMODATION ONLY, AND NO LIABILITY IS ASSUMED BY ITS ATTACHMENT TO THE POLICY OF TITLE INSURANCE OF ROBERT NATIONAL TITLE INSURANCE COMPANY.

Order No. 9733500

EXHIBIT "ONE"

THAT PORTION OF LOT 3 OF TRACT NO. 456, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 17, PAGE 9 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF LOT 3, TRACT NO. 456, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 17, PAGE 9, MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, WHICH SAID POINT IS DISTANT, SOUTHEASTERLY MEASURED ALONG THE SOUTHWESTERLY LINE OF SAID LOT 3, 150.42 FEET, FROM THE MOST WESTERLY CORNER OF SAID LOT 3; AND RUNNING THENCE FROM SAID POINT OF BEGINNING SOUTH 34°27'00" EAST ALONG SAID SOUTHWESTERLY LINE OF LOT 3, 396.00 FEET TO A POINT; THENCE NORTH 39°48'45" EAST, 303.28 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 3, SAID POINT BEING IN THE SOUTHWESTERLY LINE OF PALISADES ROAD; THENCE NORTHWESTERLY, ALONG SAID NORTHEASTERLY LINE OF LOT 3, TO A POINT WHICH BEARS NORTH 39°48'45" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 39°48'45" WEST 253.64 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED NOVEMBER 27, 1970, IN BOOK 9471, PAGE 979 OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

Assessor's Parcel No. 439-321-03



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

Date 5/20/02

Hossein Xfahari / Designworks
43 Tesla Wy., Ste. 100
Irvine, CA 92618

RE: IR-02-04

Dear Applicant and/or Authorized Agent:

In accordance with State law, staff has 30 days to review an application to determine if it is complete. After reviewing your application packet, staff has found your application to be incomplete. Specifically, the following information is needed:

1. Application needs to be signed by the property owner/authorized agent.
2. Project description/justification form needs to be submitted/is incomplete.
3. Proof of ownership needs to be provided.
4. Submitted plans are unacceptable.
5. Additional plans need to be submitted.
6. Notification information has not been submitted or is incomplete.

⑦ Other/details regarding above:

1. Maximum bldg. height allowed w/o variance is 30', including rooftop mech. screen. Rooftop equip. should be screened within parapet. 2. Reduce paving in front setback area (for walkway only). 3. No compact parking permitted. -
 4. Increase rear landscape strip to 10' wide, minimum.
 - A Negative Declaration will be required for this project which means it will need a 20 minimum days public review period.

Until these items have been provided, the application is considered incomplete and no further processing will take place. Once these items have been provided, staff will again review the plans to determine whether the application is complete and processing can continue.

You project planner is Wendy Smith who can be reached at 714.754.5136 between the hours of 1pm and 5pm. Please feel free to call with any questions.

Sincerely,

CITY OF COSTA MESA PLANNING DIVISION

CC: _____



Application for Planning/Zoning Approval

Application # DR-02-04

PART ONE - Print or Type

Address/Location of Property 1098, 1122, 1126 BRISTOL ST.

Property Owner IRVINE RANCH WATER SERVICE CO. LLC Phone (949) 453-5300

Contact Person TERRY LODMIS Fax _____

Address 15600 SAND CANYON AVE.

City IRVINE State CA Zip Code 92618

Property Owner's Signature _____ Date _____

Authorized Agent DESIGNWORK (HOSSEIN KHESHAR) Phone (949) 341-0600 Fax (949) 341-0606

Address 43 TESLA WAY SUITE 100

City IRVINE State CA Zip Code 92618

Authorized Agent's Signature [Signature] Date 4/25/2002

Request DEVELOPMENT REVIEW

3 FREE STANDING CONCRETE TILT-UP OFFICE BUILDINGS WITH SMOOTH FINISH AND PAINTED WALLS, REFLECTIVE BRONZE GLASS EACH BUILDING IS TWO STORY HIGH ABOUT 30 FEET

NOTICE TO APPLICANT: If you challenge this action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing for this item, or in written correspondence delivered to the staff or Planning Commission at, or prior to, the Public Hearing or final decision.

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART TWO (Office use only)

Date Application Received 4/25/02 By UB Receipt # P02-00056

Date Application Accepted as Complete 6-17-02 By UBR

- | | | | |
|---|------------------|---|-------------|
| <input checked="" type="checkbox"/> Development Review | \$ <u>500.00</u> | <input type="checkbox"/> General Plan Amendment | \$ _____ |
| <input type="checkbox"/> Administrative Adjustment | _____ | <input type="checkbox"/> General Plan Amendment Screening | _____ |
| <input type="checkbox"/> Variance | _____ | <input type="checkbox"/> Rezone | _____ |
| <input type="checkbox"/> Minor Conditional Use Permit | _____ | <input type="checkbox"/> Subdivision | _____ |
| <input type="checkbox"/> Conditional Use Permit | _____ | <input type="checkbox"/> Lot Line Adjustment | _____ |
| <input type="checkbox"/> Master Plan (Preliminary or Final) | _____ | <input type="checkbox"/> Planned Signing Program | _____ |
| <input type="checkbox"/> Redevelopment Agency Review | _____ | <input type="checkbox"/> Negative Declaration | _____ |
| <input type="checkbox"/> Minor Design Review | _____ | <input type="checkbox"/> Other | _____ |
| <input type="checkbox"/> Design Review | _____ | TOTAL FEE \$ | <u>500-</u> |

Assessors Parcel No. AP # 439-921-03 CEQA EXEMPT

Zone C1 General Plan Designation GEN COMM.

Request:
 To construct three office buildings, totaling 39,300 sq. ft.



APR 30 2002

Application # DR-02-04

Application for Planning/Zoning Approval

PART ONE - Print or Type

Address/Location of Property 1098, 1122, 1126 BRISTOL ST.

Property Owner IRVINE RANCH WATER SERVICE COMPANY LLC Phone (949) 453-5300

Contact Person FERRY LOMIS Fax (949) 453-0128

Address 15600 SAND CANYON AVE.

City IRVINE State CA Zip Code 92618

Property Owner's Signature [Signature] Date 4-25-02

Authorized Agent DESIGNWORX (HOSSEIN AFSHAR) Phone (949) 341-0600 Fax (949) 341-0600

Address 43 TESLA WAY SUITE 100

City IRVINE State CA Zip Code 92618

Authorized Agent's Signature [Signature] Date 4/25/2002

Request DEVELOPMENT REVIEW

2 FREE STANDING CONCRETE TILT-UP OFFICE BUILDINGS WITH SMOOTH FINISH AND PAINTED WALLS. REFLECTIVE BRONZE GLASS. EACH BUILDING IS TWO STORY HIGH ABOUT 30 FEET

NOTICE TO APPLICANT: If you challenge this action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing for this item, or in written correspondence delivered to the staff or Planning Commission at, or prior to, the Public Hearing or final decision.

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART TWO (Office use only)

Date Application Received 4/25/02 By UB Receipt # PO2-00056

Date Application Accepted as Complete 6-17-02 By WS

- | | | | |
|---|------------------|---|-------------|
| <input checked="" type="checkbox"/> Development Review | \$ <u>500.00</u> | <input type="checkbox"/> General Plan Amendment | \$ _____ |
| <input type="checkbox"/> Administrative Adjustment | _____ | <input type="checkbox"/> General Plan Amendment Screening | _____ |
| <input type="checkbox"/> Variance | _____ | <input type="checkbox"/> Rezone | _____ |
| <input type="checkbox"/> Minor Conditional Use Permit | _____ | <input type="checkbox"/> Subdivision | _____ |
| <input type="checkbox"/> Conditional Use Permit | _____ | <input type="checkbox"/> Lot Line Adjustment | _____ |
| <input type="checkbox"/> Master Plan (Preliminary or Final) | _____ | <input type="checkbox"/> Planned Signing Program | _____ |
| <input type="checkbox"/> Redevelopment Agency Review | _____ | <input type="checkbox"/> Negative Declaration | _____ |
| <input type="checkbox"/> Minor Design Review | _____ | <input type="checkbox"/> Other | _____ |
| <input type="checkbox"/> Design Review | _____ | TOTAL FEE \$ | <u>500-</u> |

Assessors Parcel No. AP # 439-321-03 CEQA EXEMPT NEG. DEC.

Zone C1 General Plan Designation GEN COMM.

Request:

March 21, 2000

To:

Building Safety Division
Code Enforcement
Communications
County Clerk
County Planning and Dev. Services
County Registrar of Voters
County Tax Assessor
Engineering Division (2)
ESRI
Fire Admin. - Training Officer
Fire Admin. - Mark Brown (Station 6)
Fire Prevention
Irvine Ranch Water District
Mesa Consolidated Water District

AT&T Broadband
Newport-Mesa Unified School. Dist.(2)
Pacific Bell
Police Dept. - Planning & Research
Sanitary District Engineer
Sanitation Division Office
So California Edison Company
Southern California Gas
State Board of Equalization
U. S. Post Office - AIS
U. S. Post Office, Adams
Thomas Brothers
File (2)

OLD ADDRESS

1122 Bristol Street

NEW ADDRESS

1120 Bristol Street

1122 Bristol Street

1124 Bristol Street

A. P. NO.

439-321-03

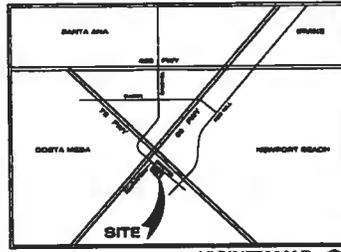
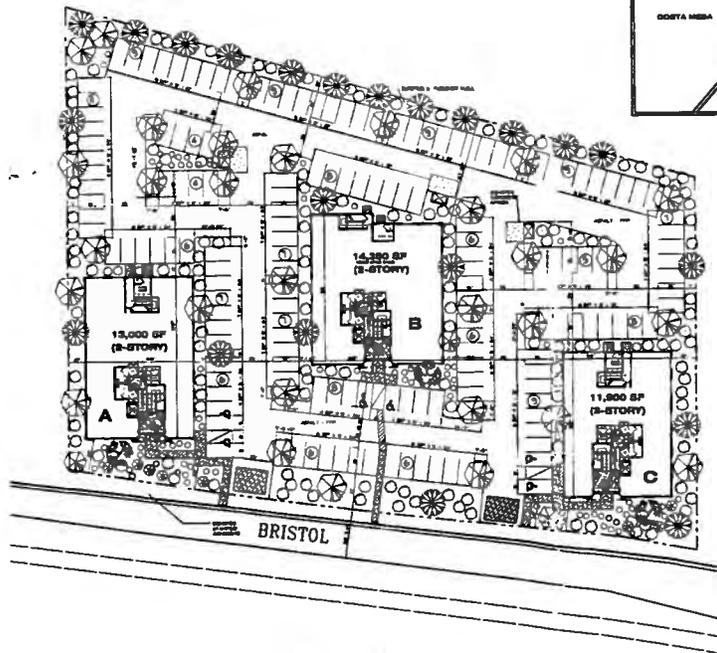
Your cooperation in this matter is appreciated.

Sincerely,



WENDY SHIH
Assistant Planner

c: Terrell Loomis
Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618



SITE PLAN

SCALE: 1"=50'-0"

IRVINE RANCH
WATER DISTRICT
SANTA ANA HEIGHTS

PROJECT SUMMARY:

SITE AREA	98,448.8 SF
BLDG. AREA	39,250 SF
PARKING	187 CARS
PARKING RATIO	4/1000 SF
COVERAGE	40%

PROPOSED OFFICE PARK
FOR
IRVINE RANCH WATER DISTRICT
COSTA MESA, CALIF.

DesignWork
Architecture &
Land Planning
43 TESLA, SUITE 100
IRVINE, CA 92614
T: (949) 561-0500
F: (949) 561-0508

BRISTOL OFFICE PARK
1800, 1125, 1130
BRISTOL ST
COSTA MESA, CA

OWNER
IRVINE RANCH
WATER DISTRICT

SITE PLAN
SCALE: 1"=50'-0"

Revisions:

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CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT
JUN 07 2002

Job Number: 02-015
Date: 04-22-02
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Sheet No.

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DesignWork
Architecture & Land Planning
 43 TESLA SUITE 102
 IRVINE, CA 92618
 T: (949) 261-8880
 F: (949) 261-8888

BRISTOL OFFICE PARK
 1580, 1150, 1120
 BRISTOL ST.
 COSTA MESA, CA

OWNER
 IRVINE RANCH WATER DISTRICT

BUILDING B FLOOR PLAN

SCALE: 1/8" = 1'-0"

Revisions:

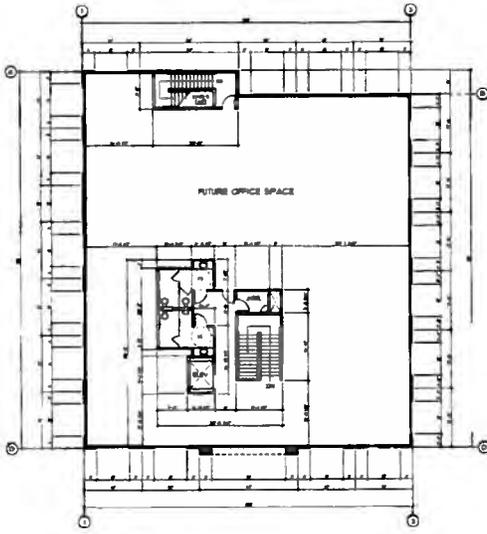
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1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
 4. ALL WINDOWS ARE 60" WIDE UNLESS NOTED OTHERWISE.
 5. ALL CEILING HEIGHTS ARE 10' UNLESS NOTED OTHERWISE.
 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
 9. ALL MECHANICAL, ELECTRICAL, AND PLUMBING ARE TO BE DETERMINED BY THE ARCHITECT.
 10. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE DETERMINED BY THE ARCHITECT.

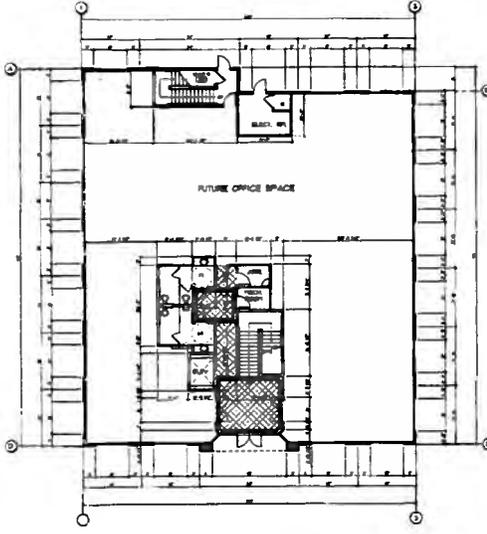
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2nd FLOOR PLAN
 SCALE: 1/8" = 1'-0"



1st FLOOR PLAN
 SCALE: 1/8" = 1'-0"

DESIGNWORK
Architecture &
Land Planning
 43 TESSA BLVD. 100
 IRVINE, CA 92618
 T. (949) 261-0800
 F. (949) 261-0800

BRISTOL OFFICE
PARK
 1000 1100 1100
 BRISTOL, VT
 COOK COUNTY, IL

OWNER
IRVINE RANCH
WATER DISTRICT

BUILDING C
FLOOR PLAN

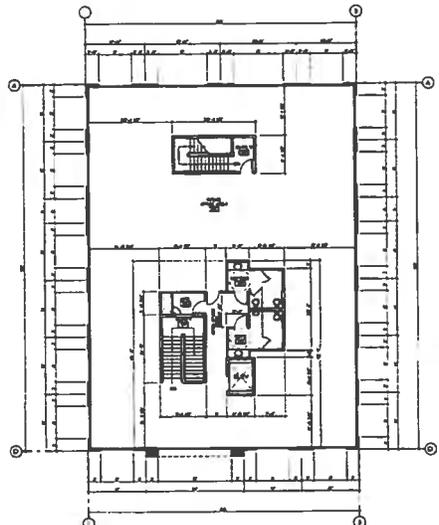
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Revisions:

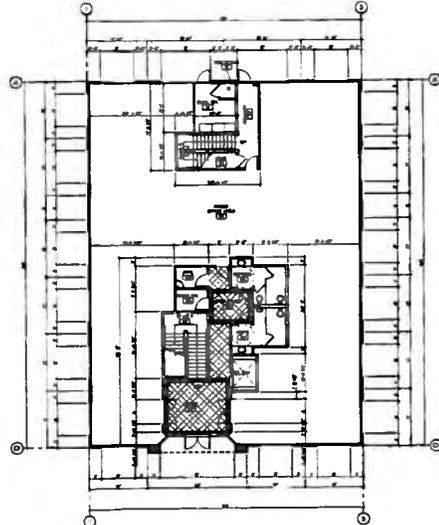
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APPROVED FOR CONSTRUCTION BY:

 PROJECT ARCHITECT



2nd FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 NORTH



1st FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 NORTH

Job Number: 02-015
 Date: 04-22-02
 Drawn:

Sheet No.

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EXHIBIT 10



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

TAX AREA SERVICES SECTION
450 N Street, MIC: 59
P. O. Box 942879
Sacramento, CA 94279-0059

Telephone: (916) 322-7185
FAX: (916) 327-4251

JOHAN KLEHS
First District, Hayward

DEAN ANDAL
Second District, Stockton

CLAUDE PARRISH
Third District, Torrance

JOHN CHIANG
Fourth District, Los Angeles

KATHLEEN CONNELL
Controller, Sacramento

JAMES E. SPEED
Executive Director

RECEIVED
DEC 11 2000

LOCAL AGENCY FORMATION COMMISSION

Ms. Dana M. Smith, Executive Officer
Orange County LAFCo
12 Civic Center Plaza, Room 235
Santa Ana, CA 92701

This is to acknowledge receipt of the statements(s) required by Section 54900, et seq., of the Government Code for the action described below. Copies of your documents will be forwarded by us to other agencies. You are required by Section 54902 of the Government Code to file a complete set of documents, except for the processing fee, with the County Assessor and Auditor affected by this action.

Tax rate area boundaries and property tax allocations will become effective for the assessment roll indicated below.

Assessment Roll: **2001/02**
County: **30 Orange**

BOE File No 01-032
Received at BOE 12/04/2000
Date of acknowledgment 12/05/2000
Distribution 14

District: **COSTA MESA**
Conducting Authority: **CITY**

Short Title: **BRISTOL ANX.**
Type of Action: **02 Annexation to City**

Resolution/Ord. No.: **00-82**
LAFCo No.: **CA97-21**
Effective Date: **11/29/2000**
Fee: **\$500**
Acreage: **1.62**

David J. Martin, Supervisor
Tax Area Services Section

cc: County Assessor, County Auditor

RECEIVED
DEC 11 2000

Recorded in Official Records, County of Orange
Gary Granville, Clerk-Recorder

NO FEE

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LOCAL AGENCY FORMATION COMMISSION

Pursuant to Govt. Code Section 6103, because the Local Agency Formation Commission is a government agency, no filing fee shall be charged for the filing of this document.

Recorded at the request of and return by Interoffice mail to:

**ORANGE LOCAL AGENCY FORMATION COMMISSION
12 Civic Center Plaza, Room 235
Santa Ana CA 92701**

CERTIFICATE OF COMPLETION

Pursuant to Government Code Section 57200, this Certificate is issued by the Executive Officer of the Local Agency Formation Commission of Orange County, California.

1. The short-term designation, as determined by LAFCO, is:

"Bristol Annexation to the City of Costa Mesa" (CA 97-21)
2. The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city or district are as follows:

CITY: City of Costs Mesa
TYPE OF CHANGE OF REORGANIZATION: Annexation
3. The above listed cities and/or districts are located within the following county(ies): Orange
4. A description of the boundaries of the above cited change of organization or reorganization is shown on the attached legal description and map, marked Exhibit A and B, and by this reference incorporated herein.
5. The territory is uninhabited.
6. This change of organization has been approved subject to the following terms and conditions, if any:
 - a) Payment of Recorder and State Board of Equalization fees.
 - b) The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO

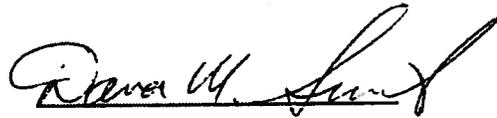
and/or its agents, officers and employees to attach, set aside, void or annul approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.

- c) Upon annexation of the territory to the city, all right, title, and interest of the county, including the underlying fee where owned by the county in any and all storm drains, trails, landscaped areas, street lights, signals, open space, local parks and bridges shall vest in the city. The city shall assume ownership and maintenance responsibility upon the issuance of the certificate of completion by the executive officer.
- d) The effective date shall be the date of recordation.

- 7. The resolution (No. 00-82) ordering this change of organization without election, or confirming an order for this change after confirmation by the voters, was adopted on November 6, 2000 by the City Council of the City of Costa Mesa.

I hereby certify under penalty of perjury that I have examined the resolution cited above, including any terms and conditions, and the map and legal description, and that they are true and complete copies.

Orange County Local Agency Formation Commission



Dana M. Smith, Executive Officer

DATE: November 14, 2000

EXHIBIT 'A'

Bristol Annexation

To the City of Costa Mesa

(CA 97-21)

PARCEL 1

That portion of the Unincorporated Territory in the County of Orange, State of California, more particularly described as follows:

BEGINNING at an angle point in the existing boundary line of the City of Costa Mesa as established by the "Country Club North Annexation (Revised)", said angle point being the Northeasterly terminus of that certain course described as South 39°48'45" West, 280.20 feet in said annexation;

THENCE following along said existing boundary line of said City per "Paularino No. 12 Annexation", per "Country Club No. 2 Annexation (Revised)" and per said "Country Club North Annexation (Revised)" through it's various courses in a general Southeasterly, Southwesterly, Northwesterly and Northeasterly direction to the **POINT OF BEGINNING**.

The above described parcel of land contains 5.69 acres, more or less.

PARCEL 2

That portion of the Unincorporated Territory in the County of Orange, State of California, more particularly described as follows:

BEGINNING at an angle point in the existing boundary line of the City of Costa Mesa as established by the "Country Club No.2 Annexation (Revised) and the "Paularino No. 12 Annexation", said angle point being the most Easterly corner of said "Country Club No. 2 Annexation (Revised)" and the most Southerly corner of said "Paularino No. 12 Annexation";

1 EXHIBIT 'A'

2 Bristol Annexation

3 To the City of Costa Mesa

4 (CA 97-21)

5
6 **THENCE** following along said existing boundary line of said City per said "Country Club No. 2
7 Annexation (Revised)", per the "Bristol/Red Hill Annexation" and per "Red Hill No. 1
8 Annexation", through it's various courses in a general Southwesterly, Southeasterly,
9 Northeasterly and Northwesterly direction to the **POINT OF BEGINNING**.

10 The above described parcel of land contains 1.62 acres, more or less.

11 Attached and made a part thereof is a map designated as Exhibit 'B'.

12
13 This document was prepared by me or
14 Under my direction and supervision.

15 Dated this 6th day of April, 1999.

16 Robert Jelinek
17 Robert Jelinek, P.L.S. 6803
18 My license expires 9/30/00



19 This document does meet the approval of
20 The Orange County Surveyor's Office.

21 Dated this 6th day of APRIL, 1999.

22 John Canas
23 John Canas, County Surveyor

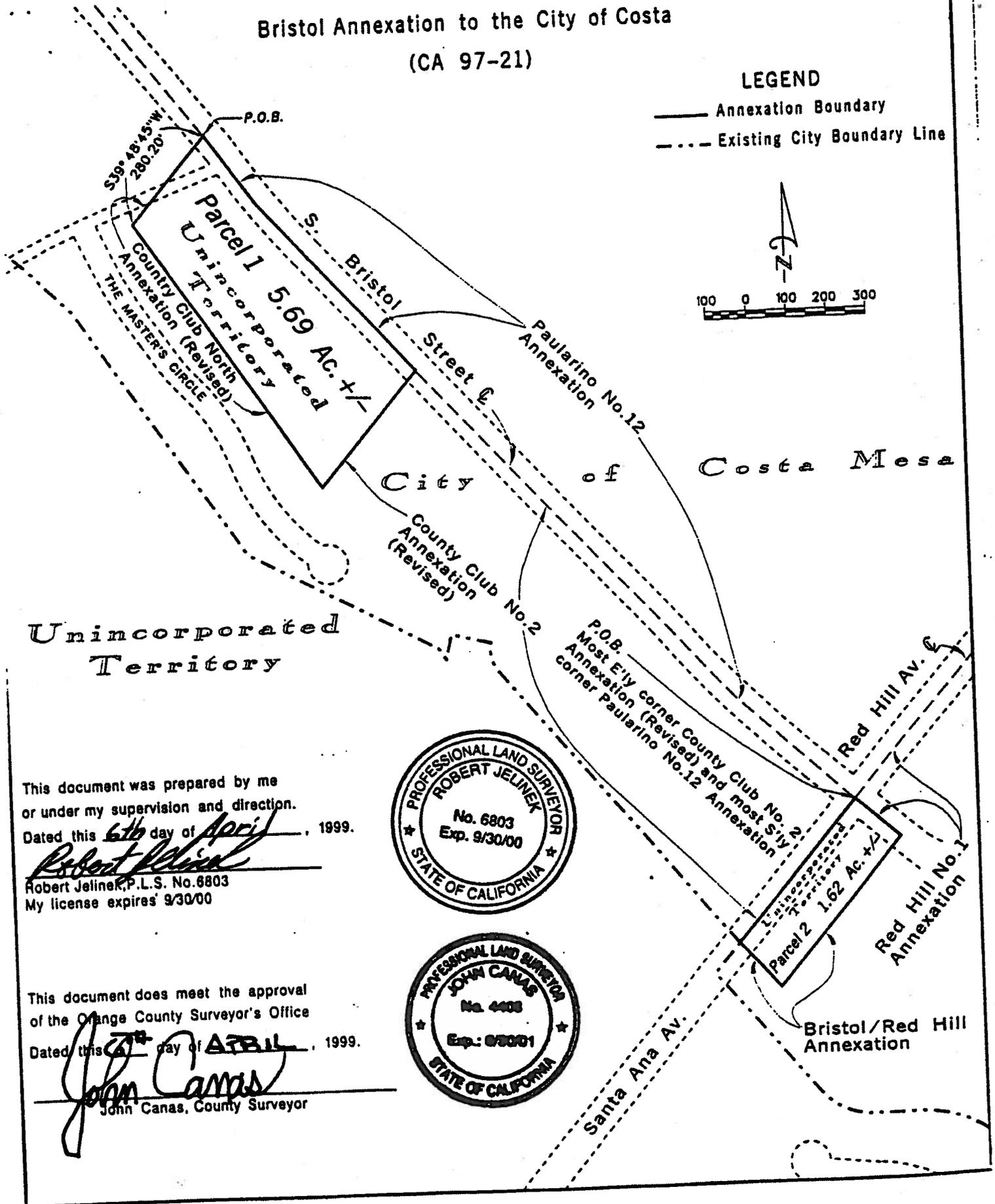
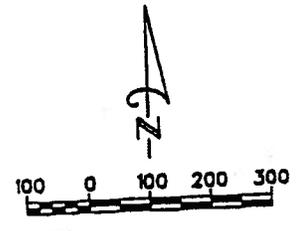


EXHIBIT "B"

Bristol Annexation to the City of Costa (CA 97-21)

LEGEND

- Annexation Boundary
- - - Existing City Boundary Line



Unincorporated Territory

This document was prepared by me
or under my supervision and direction.
Dated this 6th day of April, 1999.
Robert Jelinek
Robert Jelinek, P.L.S. No. 6803
My license expires 9/30/00



This document does meet the approval
of the Orange County Surveyor's Office
Dated this 4th day of April, 1999.
John Canas
John Canas, County Surveyor



RESOLUTION NO. 00-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY DESIGNATED AS "BRISTOL ANNEXATION TO THE CITY OF COSTA MESA" (CA-97-21).

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Local Agency Formation Commission (LAFCO) of Orange County, California, adopted Resolution No. CA-97-21 on June 14, 2000, making determinations and approving the proposed annexation to the City of Costa Mesa of territory described in Exhibit A attached hereto, and by this reference incorporated herein; and

WHEREAS, the terms and conditions of the annexation as approved by the Local Agency Formation Commission are as follows:

- (a) Payment by the City of Costa Mesa of the State Board of Equalization fees.
- (b) The City agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers, and employees from any claim, action, or proceeding against LAFCO and/or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- (c) The owners of each of the territories to be annexed to the City of Costa Mesa pursuant to this change of organization shall be required to pay, on

an annual basis, an amount equal to such other taxes, assessments, and service charges, rentals, and rates imposed by the City of Costa Mesa on similarly situated real property in the City as existing on the date of effectiveness of this change of organization, and shall further be subject to all new or increased taxes, assessments, and service charges, rentals, and rates as may be imposed by the City of Costa Mesa, pursuant to applicable law, after the date of effectiveness of this change of organization.

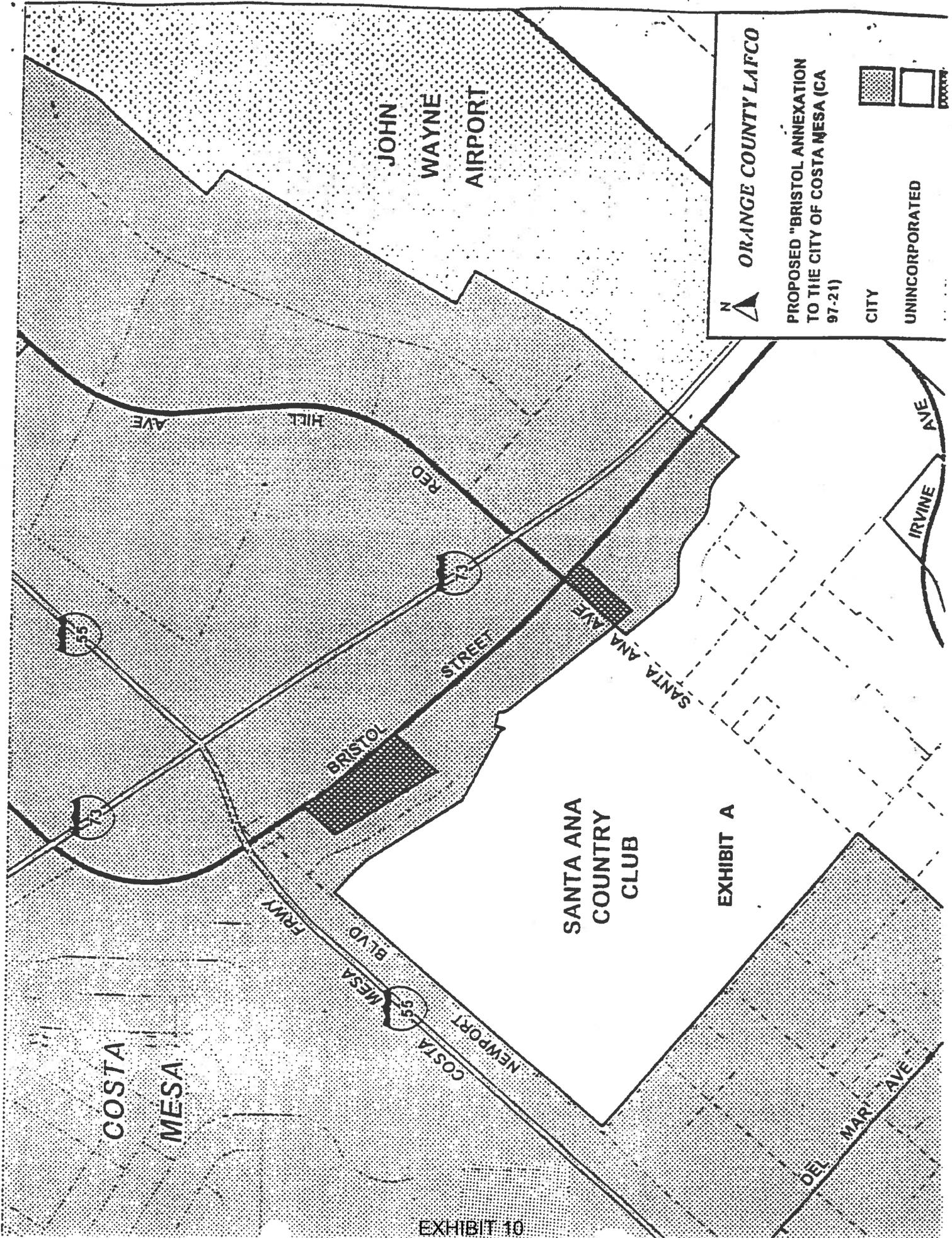
(d) Upon annexation of the territory to the city, all right, title, and interest of the county, including the underlying fee where owned by the county in any and all storm drains, trails, landscaped areas, street lights, signals, open space, local parks, and bridges shall vest in the city. The city shall assume ownership and maintenance responsibility upon the issuance of the Certificate of Completion by the Executive Officer.

(e) The effective date shall be the date of recordation.

WHEREAS, the reasons for this proposed annexation are to eliminate unincorporated county island areas surrounded entirely by the City of Costa Mesa, thereby eliminating the duplication of governmental services and ensuring the efficient delivery of services; and

WHEREAS, the regular county assessment roll is utilized by this city; and

WHEREAS, the City Council certifies that the project is exempt from the requirements of CEQA (California Environmental Quality Act) per Class 15319; and




ORANGE COUNTY LAFCO
 PROPOSED "BRISTOL ANNEXATION
 TO THE CITY OF COSTA MESA (CA
 97-21)
 CITY 
 UNINCORPORATED 

EXHIBIT 10

From: Michelle M. Pase [<mailto:MPase@ptwww.com>]
Sent: Tuesday, March 17, 2015 4:42 PM
To: LEE, MEL; GREEN, BRENDA; CITY COUNCIL
Cc: Michael H. Leifer; Erin Balsara Naderi; Michelle M. Pase
Subject: Objection to the Proposed Ganahl Lumber Yard Project - Exhibits 3 of 3

In advance of tonight's City Council meeting, please find enclosed an objection letter to the Ganahl Project for distribution to the City Council.

Exhibits will be sent by 3 separate e-mails due to the size of the PDF attachment.

Michelle Pase | Assistant to Michael H. Leifer, Erin B. Naderi, and Steven R. Guess
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
2603 Main Street, Suite 1300 | Irvine, CA 92614
Direct Dial (949) 851-7325 | Facsimile (949) 851-1554



[Email](#) | [Website](#)

IRS Circular 230 Disclosure: Pursuant to Internal Revenue Service Circular 230, only formal opinions satisfying specific requirements may be relied on for the purpose of avoiding certain penalties under the Internal Revenue Code. Any tax advice contained in this communication (including attachments) does not constitute a formal opinion satisfying such requirements. Accordingly, we must advise you that any such tax advice was not intended or written to be used, and cannot be used, by you or any other person as such an opinion for the purpose of (i) avoiding penalties imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matters addressed herein.

This message and any attached documents contain information from the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP that may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

EXHIBIT 11

RESOLUTION NO. 00-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY DESIGNATED AS "BRISTOL ANNEXATION TO THE CITY OF COSTA MESA" (CA-97-21).

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Local Agency Formation Commission (LAFCO) of Orange County, California, adopted Resolution No. CA-97-21 on June 14, 2000, making determinations and approving the proposed annexation to the City of Costa Mesa of territory described in Exhibit A attached hereto, and by this reference incorporated herein; and

WHEREAS, the terms and conditions of the annexation as approved by the Local Agency Formation Commission are as follows:

- (a) Payment by the City of Costa Mesa of the State Board of Equalization fees.
- (b) The City agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers, and employees from any claim, action, or proceeding against LAFCO and/or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- (c) The owners of each of the territories to be annexed to the City of Costa Mesa pursuant to this change of organization shall be required to pay, on

an annual basis, an amount equal to such other taxes, assessments, and service charges, rentals, and rates imposed by the City of Costa Mesa on similarly situated real property in the City as existing on the date of effectiveness of this change of organization, and shall further be subject to all new or increased taxes, assessments, and service charges, rentals, and rates as may be imposed by the City of Costa Mesa, pursuant to applicable law, after the date of effectiveness of this change of organization.

- (d) Upon annexation of the territory to the city, all right, title, and interest of the county, including the underlying fee where owned by the county in any and all storm drains, trails, landscaped areas, street lights, signals, open space, local parks, and bridges shall vest in the city. The city shall assume ownership and maintenance responsibility upon the issuance of the Certificate of Completion by the Executive Officer.
- (e) The effective date shall be the date of recordation.

WHEREAS, the reasons for this proposed annexation are to eliminate unincorporated county island areas surrounded entirely by the City of Costa Mesa, thereby eliminating the duplication of governmental services and ensuring the efficient delivery of services; and

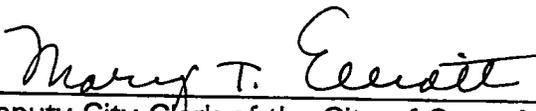
WHEREAS, the regular county assessment roll is utilized by this city; and

WHEREAS, the City Council certifies that the project is exempt from the requirements of CEQA (California Environmental Quality Act) per Class 15319; and

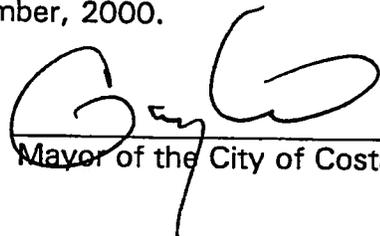
WHEREAS, a public hearing on this annexation was called for and held by the City Council at the place and time noticed therefore on November 6, 2000, and this City Council finds and determines that the value of written protests filed and not withdrawn is less than 25 percent of the registered voters residing within the territory to be annexed, and less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the territory.;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa hereby orders the territory described in Exhibit A annexed; and directs the City Clerk of the City of Costa Mesa to transmit a certified copy of this resolution with applicable fees required by Section 54902.5 of the Government Code to the Executive Officer of the Local Agency Formation Commission of Orange County.

PASSED AND ADOPTED this 6th day of November, 2000.

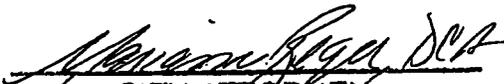


Deputy City Clerk of the City of Costa Mesa



Mayor of the City of Costa Mesa

APPROVED AS TO FORM

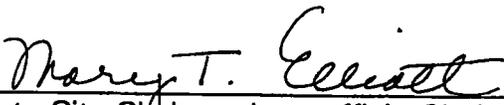


CITY ATTORNEY

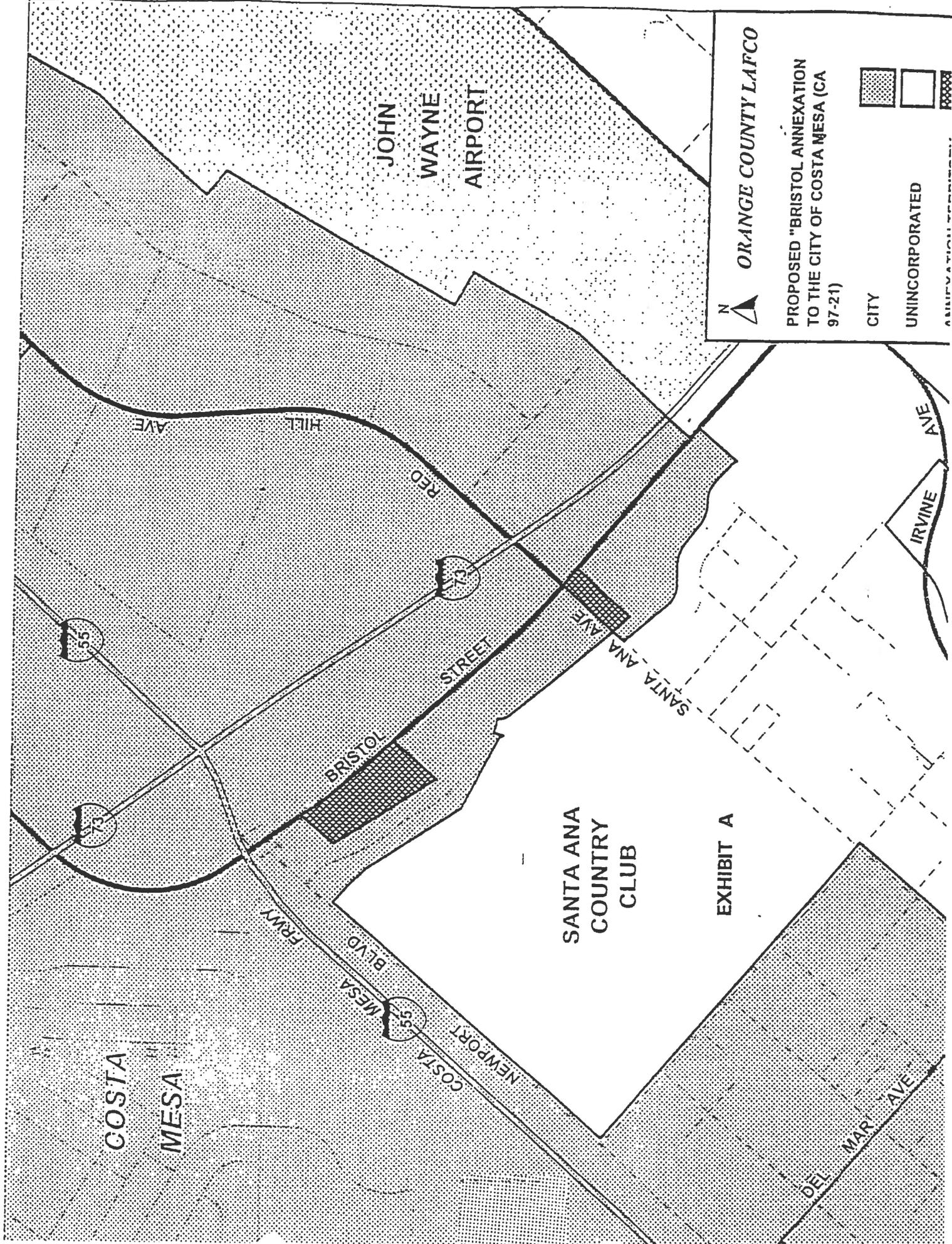
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, MARY T. ELLIOTT, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 00-82 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 6th day of November, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 7th day of November, 2000.

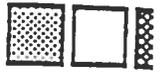


Deputy City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa



ORANGE COUNTY LAFCO

PROPOSED "BRISTOL ANNEXATION
TO THE CITY OF COSTA MESA (CA
97-21)



CITY

UNINCORPORATED

EXHIBIT 11

EXHIBIT 12

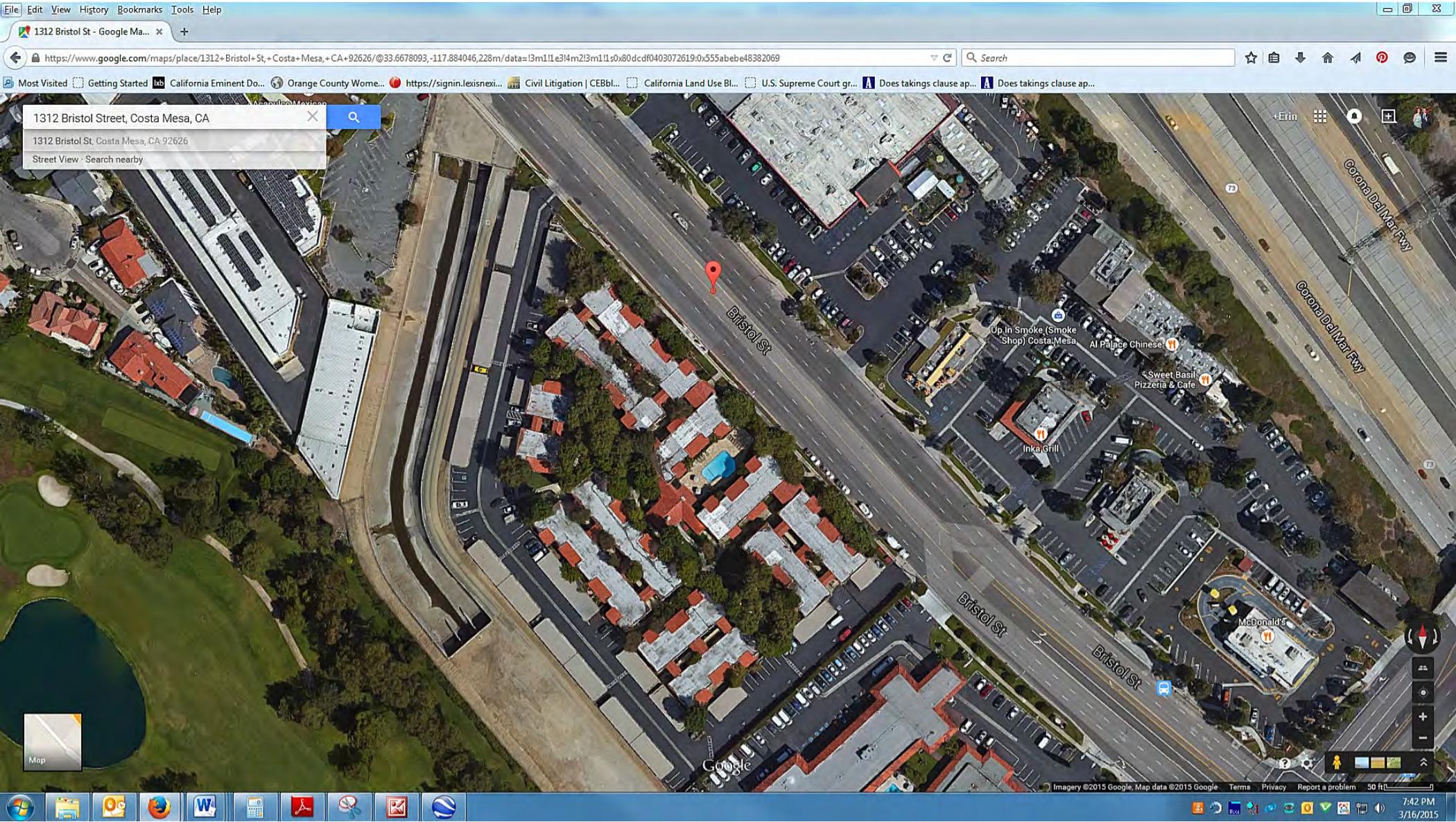


EXHIBIT 12

EXHIBIT 13

I, Lauren Murphy, declare as follows:

1. I have personal knowledge of all matters stated herein and if called as a witness could testify competently thereto.

2. I am a paralegal at the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP.

3. On March 4, 2015, I visited the Orange County Planning Department in the City of Santa Ana and requested property records for three properties: 1072 Bristol Street, 1182 Bristol Street, and 1275 Bristol Street, all in the City of Costa Mesa, California. The County Planning Department did not have the documents relating to the original development entitlements for these properties. The Planning Department confirmed that 1182 Bristol was annexed into the City of Costa Mesa on November 29, 2000 via Annex No. 110. I requested information concerning the annexation of the other two properties and was told I would need to get that information from the Survey Department upstairs.

4. I then proceeded to go upstairs to the Survey Department. I was informed by the desk attendant in the Survey Department that they were having computer problems with their parcel information and they were unable to access information regarding annexation. To help me without the benefit of the computer, they pulled out a big annex map and confirmed that 1072 and 1182 Bristol were part of the November 29, 2000 annexation to the City of Costa Mesa. They were able to locate a document entitled Acknowledgment of the "Bristol Annexation" to the City of Costa Mesa effective November 29, 2000 and related documents (including the City of Costa Mesa Resolution

00-82 and the Orange Local Agency Formation Commission's CA97-21). The Survey Department advised me that once a property is annexed to a city, all records for that property are transferred to that City.

5. On March 12, 2015, I visited the City Clerk's office for the City of Costa Mesa and made a Public Record's Request for Resolution No. 00-82, the attachments and any supporting documentation including Staff Reports. The department clerk was only able to locate the body of the requested resolution and told me that the attachments were massive and that she would have them scanned and emailed to me. The following day, March 13, 2015, I received an email from Michael Dunn, Deputy City Clerk, who informed me that "The council report no longer exists, however, I have attached a page of the minutes for the item of November 6, 2000 related to the Bristol Annexation."

6. I then went up to the second floor of City Hall to the City of Costa Mesa Planning Department. I met with Associate Planner, Stephanie Roxas. I requested copies of the approvals and staff reports for the development of the property located at 1120 Bristol Street, 1122 Bristol Street, and 1124 Bristol Street. Ms. Roxas did a search on the computer at the planning desk and was able to locate the entitlement documents related to 1122 Bristol Street. She provided me with copies of those entitlement documents. Those documents appear to include the development of the three buildings located at 1120, 1122 and 1124 Bristol. I also asked Ms. Roxas for a copy of the CUP for a mobile food cart. Initially, Ms. Roxas did not think they would have the document, but she again searched the computer at the Planning counter. She was able to locate and provide me with copies of the 1991 CUP for a mobile hot dog cart on 1275 South Bristol Street, and the

associated Staff Report. I also asked to see copies of the zoning code that was in effect prior to May 5, 1997. Ms. Roxas was directed by another gentleman behind the counter to a drawer where old zoning codes were kept. Ms. Roxas found an envelope that contained a zoning code that went into effect on February 18, 1993. I asked for a copy of the document. Ms. Roxas said that she would have a copy made and that I could pick it up when it was completed. To date, no one from Planning has contacted me to pick up the copy of the requested document. (When I visited the Planning Department a second time on March 13th, I learned that the requested document was still on their desk and had not even been sent for copying yet). On March 13, 2015, I went to the Planning Department for a second time. This time, I was assisted by Assistant Planner, Chelsea Crager.

7. I asked Ms. Crager for approvals and Staff Reports relating to the current Home Depot at 2300 S. Harbor Boulevard in Costa Mesa. Ms. Crager pulled the area of the subject property up on the computer screen at the Planning Counter. Ms. Crager said that the address 2300 S. Harbor Boulevard relates to a lot of parcels. She was having trouble narrowing down which building was the Home Depot. Ms. Crager did identify the Home Depot on the computer screen and found its associated Assessor's Parcel Number. Ms. Crager informed me that there were hundreds of permits on the property. I told her I was interested in when it was developed. Ms. Crager said the computer system only goes back to 1998 and what she could tell me was that it was "last assessed in 2014," but that was all.

8. Next I asked Ms. Crager if we could check for entitlement documents and Staff Reports that related to 1312 Bristol, Costa Mesa, California (this is the address provided in the current Staff Report). I told her I was interested in when it was developed and when it was annexed into the City. Ms. Crager was unable to find any files that related to this address. She believed, from her memory, that the address is an apartment complex. Ms. Crager did not provide me with any documents relating to that property.

9. Then, I asked Ms. Crager if we could check for entitlements, including sign approvals and Staff Reports for certain properties on Bristol Street. I told her I already had a few permit numbers for those properties and I would like to get copies of those specific items as well.

10. The first property we reviewed together was 1182 Bristol, specifically Permit Number PA99-0128 (again, the permit number that is provided in the current Staff Report). Ms. Crager informed me that Permit Number PA99-0128 was not a correct permit number. She explained that PA stands for "Permit Application," the "99" stands for the year of the Permit Application, and the last four digits indicate the number of permits issued on the property. She told me that there would not be 128 permits issued that year on the property. Ms. Crager was unable to find any permits in the system for this property.

11. We then went through each of the property addresses and permit numbers (as provided in Attachment 8 to the Staff Report). Ms. Crager was not able to locate any of the main sign permits for any of the properties.

12. I spoke with both Chelsea Crager, and Assistant Planner Stephanie Roxas, about making a list of what Zoning Codes were in existence in the 1970's and the 1980's. During my prior visit to the Planning Department Ms. Roxas was shown a drawer that contained copies of the old Zoning Codes. I asked if I could look at these codes during this visit and make a list of what codes were in effect for what years. The Assistant Planners pulled papers out of the code drawer, but the codes were no longer intact. There were parts of books and pieces of paper in disarray. They were unable to piece them together during my visit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 17th day of March, 2015, at Irvine, California.



Lauren Murphy

EXHIBIT 14

I, Erin B. Naderi, declare as follows:

1. I have personal knowledge of all matters stated herein and if called as a witness could testify competently thereto.

2. I am an attorney at law duly licensed to practice before all courts in the State of California. I am a partner of the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron, counsel for the ownership of the property located at 1072 Bristol, Costa Mesa, California--1072 Bristol Partners, LP.

3. On March 4, 2015, I went to City Hall to try and obtain entitlement information and annexation information for various properties. I went to the Second Floor of City Hall to the Planning Department.

4. I was first helped by "Ryan" in the Planning Department. I informed him that I was looking for the entitlements for the development of the 1072 Bristol property. Ryan ran a search on the computer at the Planning counter. He showed me his computer screen indicating that the computer did not have the entitlement information for the development of the 1072 Bristol property.

5. I also asked Ryan for the entitlement information for 1182 Bristol. Again, Ryan ran a search on the computer at the Planning counter and was unable to find the entitlement information for the development of that property.

6. Ryan then indicated that the documents may be available on microfiche. Ryan then went into a back area of the Planning Department (out of my view) to review the microfiche. After approximately 10-15 minutes, Ryan advised that he could not find any documents on the microfiche for those properties.

7. I also asked Ryan for the entitlement information for 1275 Bristol--the existing Ganahl Lumber site. Again, Ryan ran a search on the computer at the Planning Counter and was unable to find the entitlement information for the development of that property. The only entitlement document he located was a CUP for a hot dog cart in front of the Barr Lumber building. We both reviewed that CUP on his screen to see if it had any information on the prior entitlements (which it did not).

8. I then asked Ryan if we could determine when these properties were annexed into the City of Costa Mesa. Ryan looked for annexation information. At first he did not find anything. He then went to the back and came back to the Planning counter with Willa Bouwens-Killeen. Willa then pulled out an accordion folder from under the Planning counter and pulled out various maps. Eventually she found a color-coded map showing when various properties were annexed into the City of Costa Mesa. Willa confirmed that 1072 Bristol and 1182 Bristol were both annexed into the City of Costa Mesa in 2000. We also noted that it looked like the existing Ganahl Lumber site at 1275 Bristol was annexed into the City of Costa Mesa between 1960 and 1977.

9. We also looked at an aerial of 1072 Bristol and 1182 Bristol on the Planning computer screen. Willa told me that the three buildings that were between 1072 and 1182 Bristol were developed under the City of Costa Mesa. She said that 1072 and 1182 Bristol were developed before they were annexed into the City of Costa Mesa.

10. I asked Willa who would have the entitlement information for these properties. She said that I should try the County. I told her that we had already been to the County and that they said that any County records were transferred over to the City

upon annexation. She said that is probably true, but that they didn't know where those documents would be.

11. On Saturday, March 14, 2015, I went to the existing Home Depot at Harbor Center in Costa Mesa referenced in the current Staff Report. I took the photos of the existing Home Depot that are being submitted to the City Council.

12. Upon my driving into Harbor Center, I immediately noticed the signage on the Home Depot that stated there was an "Indoor Lumber Yard." I also noted that the Home Depot was conventionally parked like a retail building with the parking spaces available for customers in front of the building.

13. Walking up to the Home Depot entrance, I noticed that there were approximately 8 parking spaces near the exit of the store that were designated as "Pro Customer Parking."

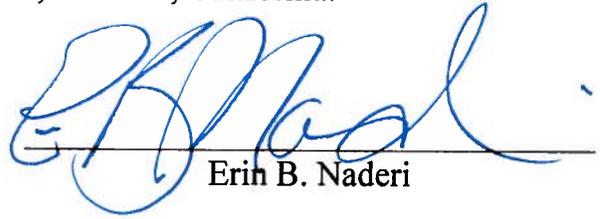
14. I walked into the Home Depot and took photos of the indoor lumber yard. All of the lumber was located indoors within the building. Towards the back of the store, I found two saws. There was a large saw that was being operated by a Home Depot employee. While I was there observing this area, I noticed that there were a number of customers waiting for cuts. The customers appeared to be regular retail customers--I noticed a few couples as well as a mother and daughter waiting. There was also a radial saw in the back area that was not in use while I was there. There is a roll up door in the back area near where the saws are located. While I was at the Home Depot, I observed a product delivery--the roll up door is opened when there are product deliveries and is then closed when the product delivery is completed.

15. The only outdoor area at the Home Depot is the Garden Center. The Garden Center has an open shed-like area as well as an open area for the plants. The outdoor area is enclosed with a wall/fencing.

16. After walking through the store, I then took photos of the parking lot in front of the Home Depot. I also drove around the building to view and take photos of the back of the building. There was no outdoor lumber use at the Home Depot.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 17th day of March, 2015, at Irvine, California.



Erin B. Naderi

EXHIBIT 15



Lauren Murphy <mlauren1616@gmail.com>

PRR #153 RESPONSE-Murphy (Res. 00-82, Staff Reports)

1 message

DUNN, MICHAEL <MICHAEL.DUNN@costamesaca.gov>

Fri, Mar 13, 2015 at 2:10 PM

To: "MLAUREN1616@gmail.com" <MLAUREN1616@gmail.com>

Dear Ms. Murphy,

This is in response to your public records request (attached). The council report no longer exists, however, I have attached a page of the minutes for the item of November 6, 2000 related to the Bristol Annexation.

Thank you

Michael Dunn

Deputy City Clerk



City Hall

77 Fair Dr.

Costa Mesa, CA 92628

714-754-5225

www.costamesaca.gov

2 attachments

 **PRR-Murphy (Res 00-82, staff reports).pdf**
447K

 **MINUTES 11 06 00.pdf**
44K

11/6/00

ADMINISTRATIVE
ACTIONS/Awarded
Bid Item 1054,
Motorcycles, to
Burbank Kawasaki

Bids received for Bid Item No. 1054, Five New Kawasaki Motorcycles, and trade-in of three used Kawasaki Motorcycles, are in file on the City Clerk's office. The contract was awarded to Burbank Kawasaki, 1329 Hollywood Way, Burbank, for a total net cost of \$37,320.90.

Awarded Seismic
Retrofit of City Hall
and Corp Yard,
Project No. 00-14,
to Anderson/White

Bids received for Seismic Retrofit of City Hall and the Corporation Yard (base bid only, eliminating the Police Facility), Project No. 00-14, are on file in the City Clerk's office. The contract was awarded to Anderson/White, 229 South Raymond Avenue, Alhambra, for \$2,800,000.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Approved Agree-
ment with Analytical
Planning Services
for Seismic Retrofit
Services

An agreement was approved with Analytical Planning Services, Inc., 15707 Rockfield, Suite 225, Irvine, for \$271,876.00, to provide construction management services for the seismic retrofit, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Approved Agree-
ment with Ware &
Malcomb for
Seismic Retrofit
Services

An agreement was approved with Ware & Malcomb Architects, Inc., 18111 Von Karman Avenue, Suite 600, Irvine, for \$100,500.00, to provide architectural and engineering services for the seismic retrofit, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

PUBLIC HEARING
Bristol Street
Annexation

The Deputy City Clerk announced that this was the time and place set for the public hearing to consider the Bristol Street Annexation located within the sphere of influence of the City of Costa Mesa, located on the corner of Newport Boulevard and Bristol Street and the corner of Santa Ana Avenue and Bristol Street. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Development Services Director reviewed the Agenda Report dated October 23, 2000. There being no speakers, the Mayor closed the public hearing.

MOTION/Adopted
Resolution 00-82

On motion by Council Member Erickson, seconded by Mayor Pro Tem Cowan, and carried 5-0, Resolution 00-82 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE ANNEXATION OF TERRITORY DESIGNATED AS "BRISTOL ANNEXATION TO THE CITY OF COSTA MESA" (CA-21).

OLD BUSINESS
West Side Specific
Plan

The Deputy City Clerk presented from the meeting of October 16, 2000, West Side Specific Plan public review alternatives and adoption schedule. The Development Services Director summarized the Agenda Report dated October 23, 2000, proposing that the retention of a trained public participation facilitator would allow the City to identify areas of common agreement and conflict within local community interest groups and associations and move toward consensus regarding the final recommendations of the plan.

Martin Millard, 2973 Harbor Boulevard, Costa Mesa, stated that he had attended every meeting on the West Side Specific Plan, reporting that the consensus of opinion indicated that most residents wanted the City to replicate Newport Beach. He observed that the final report suggested that the area should resemble Huntington Park. Mr. Millard suggested that the City Manager assume the position of the facilitator.

#153

PUBLIC RECORDS REQUEST

FOR OFFICE USE ONLY
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CITY OF COSTA MESA
BY mtraylor

To ensure a proper response to your request, it is preferred, but not mandatory that you provide in the space below the name of the document or documents you are requesting.

We will make every effort to provide the documents requested in a reasonable time. However, please be aware that under CALIFORNIA GOVERNMENT CODE §6250 ET SEQ., the City has ten (10) calendar days after you submit this form to determine whether the records you have requested is subject to disclosure under the PUBLIC RECORDS ACT. After the City has made this determination, you will be immediately notified of the determination and reasons therefore.

If the City determines that the documents you have requested are subject to disclosure, they will be produced within a reasonable time thereafter.

PLEASE NOTE: GENERALLY, COPY COSTS FOR STANDARD BLACK AND WHITE 8.5" x 11" COPIES ARE TEN (10) CENTS PER PAGE. HOWEVER, THE CITY'S CURRENT FEE RESOLUTION SETS FORTH SPECIFIC COPY COSTS FOR CERTAIN DOCUMENTS SUCH AS POLICE REPORTS AND FIRE INCIDENT REPORTS, AS WELL AS OTHER TYPES OF RECORDS. COSTS FOR ELECTRONIC RECORDS MAY INCLUDE THE COST TO CONSTRUCT A RECORD AND THE COST OF PROGRAMMING AND COMPUTER SERVICES NECESSARY TO PRODUCE A COPY OF THE RECORD.

NAME: Lauren Murphy DAYTIME PHONE NO.: 949 228-2473

MAILING ADDRESS: 112 Contessa
Irvine, CA 92620

WILL PICK UP PLEASE MAIL

DESCRIPTION OF THE REQUESTED DOCUMENT(S):

Reso
00-82

Nov 6, 2000 resolution from the City
Council and accompanying staff report - regarding
Bristol Street

Lauren Murphy
Signature

3-12-15
Date