

FIRST READING OF ORDINANCE 16-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR REZONE R-15-01 TO REZONE (OR CHANGE) A 3.18-ACRE SITE LOCATED AT 375 BRISTOL STREET FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO C2 (GENERAL BUSINESS DISTRICT) FOR A SELF-STORAGE FACILITY AND RETAIL BUILDING AT 375 BRISTOL STREET

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

WHEREAS, an application was filed by Annette Wiley, representing the property owner, Sanderson J. Ray Development, requesting approval of the following:

- ***Initial Study/Mitigated Negative Declaration (IS/MND).***
- ***Rezone R-15-01:*** An ordinance to rezone a 3.18-acre site from PDC (Planned Development Commercial) to C2 (General Business District).
- ***Planning Application PA-15-30:*** Conditional Use Permit PA-15-30 for the demolition of the existing automotive center (Bristol Autoplex) and the development of a two-story, 774-unit mini-storage facility and 5,000 square foot food court building. No code deviations are requested.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2016 with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, on October 10, 2016, the Planning Commission recommended the following actions:

1. Approve the Initial Study/Negative Declaration;
2. Give first reading to Ordinance 16-xx for R-15-01 to rezone (or change) a 3.18-acre site located at 375 Bristol Street from PDC (Planned Development Commercial) to C2 (General Business District); and
3. Approve Planning Application PA-15-30 by adopting a resolution to approve the project, subject to conditions of approval.

WHEREAS, a duly-noticed public hearing was held by the City Council on November 1, 2016.

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Mitigated Negative Declaration and has found that the Initial

Study/Mitigated Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/ Mitigated Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. In accordance with CEQA Guidelines Section 15073, the IS/MND was originally made available for a 30-day public review and comment period from May 14, 2016 to June 12, 2016.

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

SECTION 1: REZONE. The City of Costa Mesa Official Zoning Map is hereby amended as follows:

1. There is hereby placed and included in the C2 (General Business District) zoning district a 3.18-acre parcel, identified as County Assessor Parcel Number 119-200-33 and as shown in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.
2. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection #1 above and in respective Exhibit B. A copy of the Official Zoning Map is on file in the office of the Planning Division.

Based on the evidence in the record and the findings contained in Exhibit A, **THE CITY COUNCIL HEREBY GRANTS APPROVAL TO ADOPT R-15-01**, which amends the Zoning Map of the City of Costa Mesa (Exhibit B) with respect to the property described above.

SECTION 2: ENVIRONMENTAL DETERMINATION. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15073, the IS/MND was originally made available for a 30-day public review and comment period from May 14, 2016 to June 12, 2016. The IS/MND for this project reflects the independent judgment of the City of Costa Mesa.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT A

FINDINGS

- A. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

Facts In Support of Findings: The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the C2 zone, including lot size, building setbacks, building height, and onsite parking. The General Plan land use designation for the project area is General Commercial, which is compatible with the proposed zone change to C2 (General Business District).

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

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

Consistency: The project would provide a self-storage facility under the title and design features of a "mini-warehouse" with a freestanding food court building that is designated for general commercial uses. The project would add to the commercial character of the community and meet the competing demands for alternative development. Therefore, the project is consistent with this General Plan goal.

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

Consistency: The project would develop a profitable self-storage facility and food court building and would provide local employment opportunities. The proposed project would strengthen the City's economic base. Therefore, the project is consistent with this General Plan objective.

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

Consistency: The project would redevelop the property with a self-storage facility and a food court building. The project would enhance the site's visual appearance through the use of landscaping to soften the visual impact of the storage facility. The proposed project would include the use of materials and colors that create visual interest as outlined in City policies related to

aesthetics. The project's design would reflect that of similar project recently constructed in the area. Therefore, the project is consistent with this General Plan goal.

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

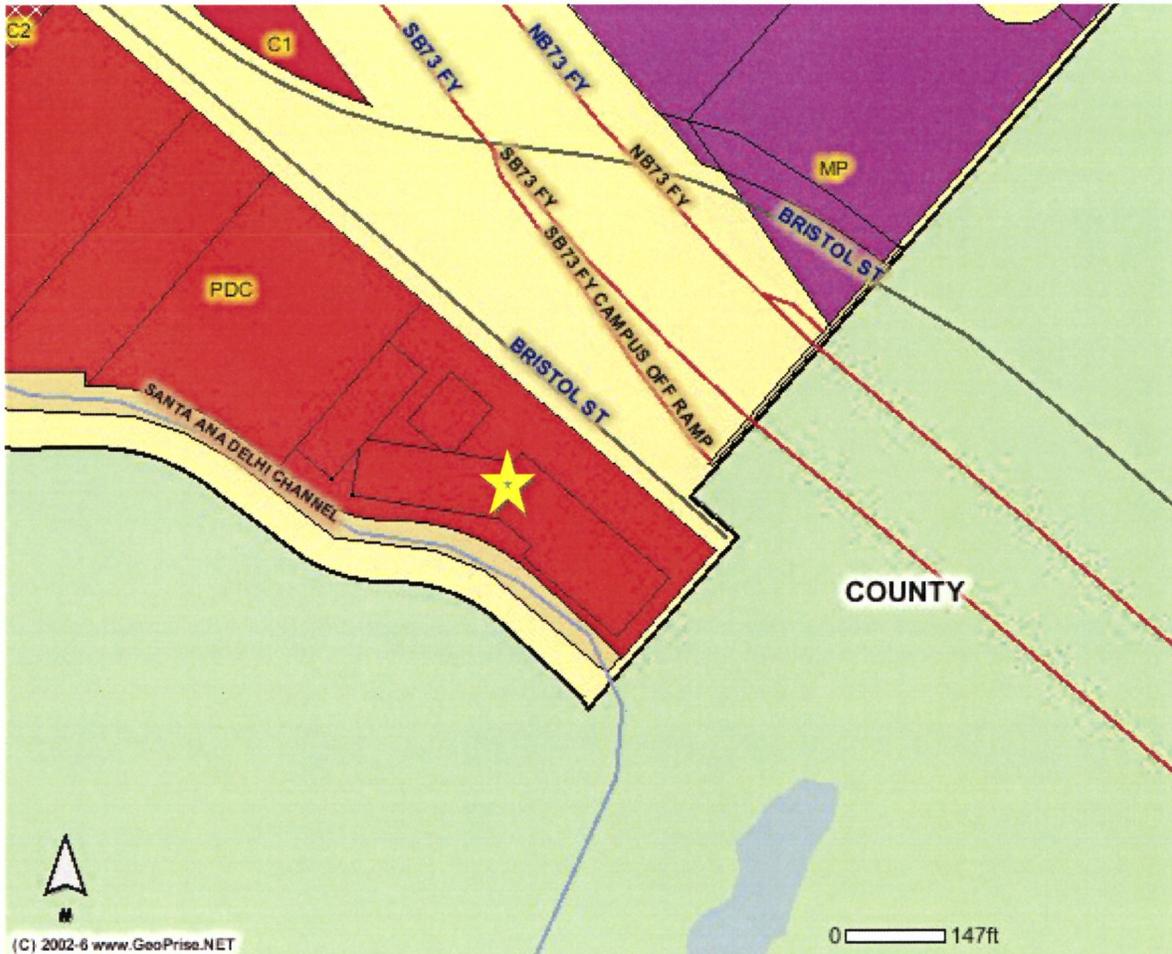
Consistency: The proposed project includes the redevelopment of a site that currently has an automotive mall. Implementation of the proposed project would reduce stormwater runoff by improving on-site hydrology. The building would be designed with energy saving components including solar panels and low-energy lighting.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). If any of these conditions are removed, the decision-making body must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility and jurisdiction of another public agency, or that specific economic, social or other considerations make the mitigation measures infeasible.

EXHIBIT B

Amendment to the Zoning Map

Change the zoning district of the 3.18-acre development site at 375 Bristol Street from Planned Development Commercial (PDC) to General Business District (C2)



RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR THE FOLLOWING ACTIONS: (1) ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, (2) APPROVE PLANNING APPLICATION PA-15-30 FOR A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A TWO-STORY, 714-UNIT MINI-STORAGE FACILITY AND 12,500 SQUARE FOOT RETAIL BUILDING AT 375 BRISTOL STREET.

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

WHEREAS, an application was filed by Annette Wiley, representing the property owner, Sanderson J. Ray Development, requesting approval of the following:

- ***Initial Study/Mitigated Negative Declaration (IS/MND).***
- ***Rezone R-15-01:*** An ordinance to rezone a 3.18-acre site from PDC (Planned Development Commercial) to C2 (General Business District).
- ***Planning Application PA-15-30:*** Conditional Use Permit PA-15-30 for the demolition of the existing automotive center (Bristol Autoplex) and the development of a two-story, 774-unit mini-storage facility and 5,000 square foot food court building. No code deviations are requested.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2016 with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, on October 10, 2016, the Planning Commission recommended the following actions:

1. Approve the Initial Study/Negative Declaration;
2. Give first reading to Ordinance 16-xx for R-15-01 to rezone (or change) a 3.18-acre site located at 375 Bristol Street from PDC (Planned Development Commercial) to C2 (General Business District); and
3. Approve Planning Application PA-15-30 by adopting a resolution to approve the project, subject to conditions of approval.

WHEREAS, a duly-noticed public hearing was held by the City Council on November 1, 2016.

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Mitigated Negative Declaration and has found that the Initial Study/Mitigated Negative Declaration considers all environmental impacts of the

proposed project and a reasonable range of alternatives, and the Initial Study/ Mitigated Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. In accordance with CEQA Guidelines Section 15073, the IS/MND was originally made available for a 30-day public review and comment period from May 14, 2016 to June 12, 2016.

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

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the conditions of approval contained within Exhibit B, and the Mitigation Monitoring Program contained in Exhibit C, respectively, the City Council hereby: (1) Adopts the Initial Study/Mitigated Negative Declaration; (2) Approve and give first reading to Rezone R-15-01; and (3) Approve Planning Application PA-15-30.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-15-30 and upon the applicant's compliance with each and all of the conditions in Exhibit B and Mitigation Measures in Exhibit C, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

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

PASSED AND ADOPTED this 1st day of November, 2016.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE

CITY ATTORNEY

EXHIBIT A

FINDINGS (APPROVAL)

- A. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

Facts In Support of Findings: The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the C2 zone, including lot size, building setbacks, building height, and onsite parking. The General Plan land use designation for the project area is General Commercial, which is compatible with the proposed zone change to C2 (General Business District).

- B. The proposed project complies with Title 13, Section 13-29(g)(5), Conditional Use Permit, of the Municipal Code due to the following:

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

Facts in Support of Findings: The proposed use, with the recommended conditions of approval, will be compatible with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses.

Finding: Granting the use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: The use is consistent with the C2 zoning of the property and, as conditioned, compatible with the properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

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

Facts in Support of Findings: The property has a General Plan Designation of General Commercial. The project, as conditioned, is consistent with the applicable provisions of the General Plan Designation. The request, as conditioned, is consistent with the following goals and objectives of the General Plan.

- The project exhibits excellence in design, site planning, integration of uses and structures, and protect the integrity of neighboring development. The project will provide an infill development that will be complementary to an urban setting. The proposed architecture and site design will enhance the street view and will be compatible with existing development in the area. The overall architectural design promotes excellence and compatibility. The variety of building elevations,

materials and staggered massing diminishes the boxy design appearance.

A condition of approval requires that enhancements to the rear and side elevations shall include enhanced detailing including articulation, projections and use of varied building materials, and shall not be modified unless otherwise approved by the Development Services Director as consistent with the architectural design and features of the proposed development.

- The proposal does not require any deviations from the code requirements for the C2 zone. The project meets or exceeds the minimum development standards required by Code with regard to parking, building height, and setbacks. Additional conditions of approval ensure compatibility with the existing community over the long-term.
- New landscaping along Bristol Street will beautify the streetscape. The attached landscape plan, which is preliminary at this point, includes new water-efficient landscaping on the subject site. Staff has included, as a condition of approval, that landscaping be subject to final approval by the Planning Division.
- The project will generate less traffic in the form of daily trips than the existing development. Linscott, Law & Greenspan, Engineers (LLG) estimated project trip generation as part of the project-specific Trip Generation Assessment. The proposed project would generate 886 daily trips, with 68 trips produced in the AM peak hour and 75 trips produced in the PM peak hour. The existing land use currently generates 1,228 trips per day (sum of both directions), with 60 trips generated during the AM peak hour and 95 trips generated during the PM peak hour. When the proposed project is compared to the existing “occupied floor area,” the project is forecast to result in 342 fewer daily trips, 8 additional AM peak hour trips, and 20 fewer PM peak hour trips.
- The project is consistent with the Airport Environs Land Use Plan for John Wayne Airport. The Airport Environs Land Use Plan (AELUP) is the comprehensive land use plan adopted and administered by the Airport Land Use Commission (ALUC) for Orange County, as required by Section 21675 of the California Public Utilities Code. The proposed project is located less than a quarter-mile southwest of JWA, and thus is within the Airport Planning Area of JWA according to the ALUC. Land uses within the planning area boundaries of the AELUP must conform to the noise, safety and height restriction standards. The mitigation measures stipulated in Exhibit C will be required to ensure that the interior noise standards for all buildings comply with the standards in the City’s Noise Ordinance. The proposed buildings would not exceed 30 feet in height and will be compatible with the AELUP height restrictions.

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

- **Goal LU-1: Land Use:** It is the goal of the City of Costa Mesa to provide its citizens with a balanced community of residential, commercial, industrial, recreational, and institutional uses to satisfy the needs of the social and economic segments of the population and to retain the residential character of the City; to meet the competing demands for alternative developments within

each land use classification within reasonable land use intensity limits; and, to ensure the long-term viability and productivity of the community's natural and man-made environments.

Consistency: The project would provide a self-storage facility under the title and design features of a “mini-warehouse” with a portion of the existing retail building that is designated for general commercial uses. The project would add to the commercial character of the community and meet the competing demands for alternative development. Therefore, the project is consistent with this General Plan goal.

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

Consistency: The project would develop a profitable self-storage facility and food court building and would provide local employment opportunities. The proposed project would strengthen the City’s economic base. Therefore, the project is consistent with this General Plan objective.

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

Consistency: The project would redevelop the property with a self-storage facility and a portion of the existing retail building. The project would enhance the site’s visual appearance through the use of landscaping to soften the visual impact of the storage facility. The proposed project would include the use of materials and colors that create visual interest as outlined in City policies related to aesthetics. The project’s design would reflect that of similar project recently constructed in the area. Therefore, the project is consistent with this General Plan goal.

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

Consistency: The proposed project includes the redevelopment of a site that currently has an automotive mall. Implementation of the proposed project would reduce stormwater runoff by improving on-site hydrology. The building would be designed with energy saving components including solar panels and low-energy lighting.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). If any of these conditions are removed, the decision-making body must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility and jurisdiction of another public agency, or that specific economic, social or other considerations make the mitigation measures infeasible.

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

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in this staff report. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the master plan, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. The mitigation measures of the negative declaration have been included as Exhibit C. If any of these mitigation measures are removed, the decision-making body must make a finding that the project will still not result in significant environmental impacts and that the mitigated negative declaration is still valid.
 3. The project shall comply with the .75 maximum Floor Area Ratio (FAR) as required by Code.
 4. The hours of operation for the leasing office shall be Monday through Saturday, 8:00 am to 6:00 pm, and Sunday, 9:00 am to 5:00 pm. Customers of the self-storage facility shall have access to the storage units via a key pad entry gates system between the hours of 7:00 am to 8:00 pm, seven days a week. The leasing office manager shall not reside overnight at the facility.
 5. Instead of a live-in manager, the applicant shall provide security cameras and alarms, inside and outside, with monitors in the manager's office and an internet-based feed to the owner's offices and cell phones for 24/7 surveillance.
 6. The conditions of approval, code requirements, and special district requirements of PA-15-30 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 7. A decorative wrought iron fence shall be built to replace the chain link fence abutting the golf course to the east, prior to issuance of certificates of occupancy, unless otherwise approved by the Development Services Director.
 8. Prior to issuance of building permits, a final landscape plan indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division.
 9. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 10. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 11. If the project is constructed in phases, the perimeter wall, landscaping along the frontages, and irrigation shall be installed prior to the release of

utilities for the first phase.

12. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Specifically, elevations shall not be modified unless otherwise approved by the Development Services Director as consistent with the architectural design and features of the proposed development. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
13. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
14. The subject property's ultimate finished grade level may not be filled/raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
15. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
16. The project includes 360 rooftop-mounted photovoltaic modules with anti-reflective coating. Final review and approval by the FAA shall be required to ensure no glare or interference with aviation operations occur. The FAA's 7460 Determination and the glare analysis shall be required prior to issuance of building permits.
17. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts.

18. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
19. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:
 - a. The mounting height of lights on light standards shall not exceed 18 feet in any location on the Project site unless approved by the Development Services Director.
 - b. The intensity and location of lights on buildings shall be subject to the Development Services Director's approval.
 - c. All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
 - d. Lighting design and layout shall limit spill light to no more than 0.5 foot candle at the property line of the surrounding neighbors, consistent with the level of lighting that is deemed necessary for safety and security purposes on site.
 - e. Glare shields may be required for select light standards.
20. All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:
 - a. Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
 - b. Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
 - c. Water excavated soil piles hourly or covered with temporary coverings.
 - d. Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
 - e. Wash mud-covered tired and under-carriages of trucks leaving construction sites.

- f. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
 - g. Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.
 - h. Cease grading during period when winds exceed 25 miles per hour.
21. All rubber tired dozers and graders used during the grading phase of construction shall be powered by Tier 3 engines.
22. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
23. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
24. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
- Eng. 25. 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.

CODE REQUIREMENTS

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

- Plng.
1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 2. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. All applicable provisions of CMMC Section 13-171 (Development Standards for Mini-Warehouses) shall be complied with.
 4. Grading materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays 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.
 5. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
 6. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 7. All on-site utility services shall be installed underground.
 8. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
 9. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg.
10. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, and California Energy Code at the time of plan submittal or permit

issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with Chapter 11B of the 2013 California Building Code.

11. The applicant shall provide the following:
 - a. Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
 - b. Accessible restrooms/bathrooms shall be provided in the commercial space.
 - c. Accessible parking shall be provided.
 - d. Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances, and elevation changes shall be provided.
 - e. Additional access requirements may be required per 2013 California Building Code.
12. Provide a plan to the County of Orange Health Dept. for review and approval.
13. Submit a precise grading plan, an erosion control plan and a hydrology study. If it is determined that a grading plan is not required, a drainage plan shall be provided.
14. Submit a soils report for this project. Soils report recommendations shall be blueprinted on both the architectural and grading plans.
15. The ground adjacent immediately to the foundation shall be slopes away from the building at a slope of not less than 5% for a minimum distance of 10 feet measured perpendicular to the face of the wall CBC sec. 1804.3. See also exception.
16. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent 2013 California Building Code Section 1808.7.4.
- Trans. 17. Construct all proposed driveway approaches to comply with city standards.
18. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Transportation Services Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
19. Fulfill San Joaquin Hills Transportation Corridor Fee Ordinance requirement at the time of issuance of building permit/certificate of occupancy by submitting the required fee to the Planning Division. NOTE: This fee is subject to revision and possible increase effective July 1 of each year.

20. Close unused drive approaches, or portion of, with full height curb and gutter that comply with City Standards.
- Fire 21. Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the project design features to assess compliance with the California Building Code and California Fire Code.
- WQMP 22. In order to comply with the 2003 DAMP, the proposed project shall prepare a Storm Drain Plan, Stormwater Pollution Prevention Plan (SWPPP), and Water Quality Management Plan (WQMP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.
23. The project shall comply with the NPDES requirements, as follows:
 - a. Construction General Permit Notice of Intent (NOI) Design: Prior to the issuance of preliminary or precise grading permits, the project Applicant shall provide the City Engineer with evidence that an NOI has been filed with the Storm Water Resources Control Board (SWRCB). Such evidence shall consist of a copy of the NOI stamped by the SWRCB or Regional Water Quality Control Board (RWQCB), or a letter from either agency stating that the NOI has been filed.
 - b. Construction Phase Storm Water Pollution Prevention Plan (SWPPP): Prior to the issuance of grading permits, the Applicant shall prepare a SWPPP that complies with the Construction General Permit and will include at a minimum the following:
 - Discuss in detail the BMPs planned for the project related to control of sediment and erosion, non-sediment pollutants, and potential pollutants in non-storm water discharges;
 - Describe post-construction BMPs for the project;
 - Explain the maintenance program for the project's BMPs.
 - c. List the parties responsible for the SWPPP implementation and the BMP maintenance during and after grading. The project Applicant shall implement the SWPPP and modify the SWPPP as directed by the Construction General Permit.
24. A WQMP shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
25. Location of the BMPs shall not be within the public right-of-way.
26. During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1529, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos. Asbestos-contaminated debris and other wastes shall be managed and

disposed of in accordance with the applicable provision of the California Health and Safety Code.

27. During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.
28. Prior to demolition activities, removal and/or abatement of asbestos containing building materials, lead based paints, and hazardous materials associated with the existing building materials, an investigation shall be conducted by a qualified environmental professional in consultation with the Costa Mesa Fire Department. An asbestos and hazardous materials abatement plan shall be developed by the qualified environmental professional, in order to clearly define the scope and objective of the abatement activities. The Applicant shall conduct demolition consistent with the abatement plan, applicable state requirements and City standard conditions.
- Eng. 29. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
30. A Construction Access Permit and deposit of \$730 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
31. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. commercial sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
32. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.
33. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
34. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements

prior to approval of Final Map.

35. Submit for review a hydrology report and calculations prepared by a registered Civil Engineer.
36. Applicant is informed Bristol Street is under a "NO OPEN CUT" moratorium. Open cutting the street pavement during the moratorium period shall require special resurfacing requirements.

SPECIAL DISTRICT REQUIREMENTS

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

- | | |
|-------|--|
| Sani. | <ol style="list-style-type: none">1. Applicant will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer.3. Applicant shall submit a plan showing sewer improvements that meets the District Engineer's approval to the Building Division as part of the plans submitted for plan check.4. The applicant is required to contact the Costa Mesa Sanitary District at (949) 654-8400 to arrange final sign-off prior to certificate of occupancy being released.5. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements. |
| AQMD | <ol style="list-style-type: none">6. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD. |
| Water | <ol style="list-style-type: none">7. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District. |
| State | <ol style="list-style-type: none">8. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING REZONE R-15-01 FOR A REZONE OF THE ZONING CLASSIFICATION OF A 3.18-ACRE DEVELOPMENT SITE FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO C2 (GENERAL COMMERCIAL, AND PLANNING APPLICATION PA-15-30 FOR A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A TWO-STORY, 714-UNIT MINI-STORAGE FACILITY AND 12,500 SQUARE FOOT RETAIL BUILDING AT 375 BRISTOL STREET.

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

WHEREAS, an application was filed by Annette Wiley, representing the property owner, Sanderson J. Ray Development, requesting approval of the following:

- **Initial Study/Mitigated Negative Declaration (IS/MND).**
- **Rezone R-15-01:** An ordinance to rezone a 3.18-acre site from PDC (Planned Development Commercial) to C2 (General Business District).
- **Planning Application PA-15-30:** Conditional Use Permit PA-15-30 for the demolition of the existing automotive center (Bristol Autoplex) and the development of a two-story, 774-unit mini-storage facility and 5,000 square foot food court building. No code deviations are requested.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2016 with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, on October 10, 2016, the Planning Commission recommended the following actions:

1. Approve the Initial Study/Negative Declaration;
2. Give first reading to Ordinance 16-xx for R-15-01 to rezone (or change) a 3.18-acre site located at 375 Bristol Street from PDC (Planned Development Commercial) to C2 (General Business District); and
3. Approve Planning Application PA-15-30 by adopting a resolution to approve the project, subject to conditions of approval.

WHEREAS, a duly-noticed public hearing was held by the City Council on November 1, 2016.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby **DENIES** Rezone R-15-01 and **Planning** Application PA-15-30.

PASSED AND ADOPTED this 1st day of November, 2016.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT A

FINDINGS (DENIAL)

- A. The proposed rezone is not consistent with the Zoning Code and the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
- Finding:** The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.
- Finding:** Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- Finding:** Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.
- C. The Costa Mesa City Council has denied Rezone R-15-01 and Planning Application PA-15-30. Pursuant to Public Resources Code Section 21080(b) (5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.