



PLANNING COMMISSION

AGENDA REPORT

VI.4

MEETING DATE: JUNE 11, 2007

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-07-01 AND ZONING APPLICATION ZA-07-23
CARMAX AUTO SUPERSTORE
3200 HARBOR BOULEVARD**

DATE: MAY 31, 2007

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

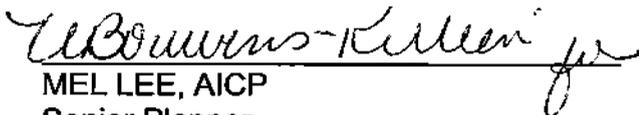
The applicant is requesting approval of a conditional use permit to construct an approximately 20,470 square foot automotive dealership (Carmax Auto Superstore) on the former Wickes Furniture Store site in conjunction with a variance from maximum building height, an administrative adjustment to reduce the landscape setback along a portion of the Gisler Avenue frontage, and a Planned Signing Program.

APPLICANT

The applicant is Total Real Estate Development, representing C.J. Segerstrom and Sons, the property owner.

RECOMMENDATION

Adopt the Mitigated Negative Declaration and approve the project by adoption of Planning Commission resolution, subject to conditions of approval and mitigation measures.


MEL LEE, AICP
Senior Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The project site is 8.18 acres in size and contains a 158,000 square foot building (former Wickes Furniture Store) constructed in the early 1970's, a paved parking lot, and ornamental landscaping. The existing improvements will be demolished to accommodate the proposed project.

The project site is bounded by the I-405 Freeway to the north, Harbor Boulevard/I-405 on ramp to the west, Gisler Avenue to the south, and a municipal water treatment facility to the west. Across the street from the project site south of Gisler Avenue are single family residences east of College Avenue and multi-family residences and commercial uses west of College Avenue.

ANALYSIS

The applicant is proposing to construct a Carmax Auto Superstore facility. The total building area, including offices, showrooms, and auto service facilities, is approximately 20,407 square feet. This facility will be smaller than the other Carmax facilities in Orange County, notably in the Cities of Buena Park and Irvine, which have approximately 58,000 and 55,000 square feet of building area, respectively. A detailed description of the proposed operation has been provided by the applicant and is attached to this report for reference.

The project site is roughly divided into three main areas: the vehicle outdoor display/sales area, located in the westernmost part of the site (adjacent to the Harbor/I-405 frontages); the main sales and service building, located towards the center of the site; and the employee and customer parking areas, located towards the easternmost part of the site.

Architecturally, the building consists of two-toned split-faced concrete block for the majority of the building facades with storefront windows and a gable metal seam canopy roof on the sales (front) portion of the building. The maximum height to the gabled portion of the roof is 41 feet, which exceeds the 30 foot maximum building height allowed under Code. The applicant is requesting approval of a height variance, which is discussed in the Variance section of this report.

New landscaping will be provided along the street frontages and throughout the site as required per Code, although an administrative adjustment is requested to allow a reduction in the landscape planter depth along Gisler Avenue from 15 feet to 10 feet as discussed in the Administrative Adjustment section of this report.

Conditional Use Permit

Code Section 13-30(102) allows automotive dealerships in the C1 zone, subject to the approval of a conditional use permit (CUP). The purpose of the CUP is to ensure that the use is compatible with developments in the same general area and will not be

detrimental to the health, safety, and general welfare of the public or injurious to properties or improvements within the immediate neighborhood.

On February 12, 2007, representatives of Carmax met with board members of the adjacent homeowner associations, including Halecrest & Hall of Fame, Mesa Verde Community, Inc, and French Quarter Condominium Association. Issues raised by the associations include no test driving of vehicles on residential streets, incorporation of additional walls and other noise barriers, restricting driveway access east of College Avenue, and limiting allowed driveway access on Gisler Avenue to right turns only.

A summary of the neighborhood concerns and the recommended methods to address these concerns through conditions of approval and/or mitigation measures follows:

- Customer and employee traffic: To restrict vehicles entering or leaving the site through residential neighborhood via College Avenue, staff is recommending conditions of approval prohibiting driveways east of College Avenue. A gated entrance opposite College Avenue may be permitted for the entry of delivery trucks only. Exiting from all drive approaches would be limited right turns only. Test drives by prospective customers or Carmax employees will not be permitted on College Avenue, Gisler Avenue, or on any surrounding residential streets.
- Parking: No parking of employee or customer cars will be permitted within the residential neighborhoods.
- Vehicle loading and unloading: Loading and unloading of vehicles delivered to the site via transport trucks will be prohibited within public streets as well as off-loading of vehicles outside of normal business hours and trucks left idling during the off-loading of vehicles.
- Lighting: On-site lighting is required to comply with all requirements of Costa Mesa Municipal Code Section 13-93(d). Lighting is required to be designed to provide adequate illumination of the parking facilities (no dark spots) without creating spill-over light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over is required to be incorporated.
- Noise: The applicant is in discussion with adjoining residents regarding the installation of a wall along Gisler Avenue. Should a wall be constructed, materials would be required to be consistent with the City's Streetscape and Median Standards.

The proposed business is consistent with the other auto sales uses along Harbor Boulevard. Compliance with the conditions of approval, code requirements, and mitigation measures should allow this use to operate with little impact on neighboring residents.

Variance

As indicated earlier, the front portion of the building consists of a gable metal seam canopy roof containing the sales areas which is proposed at a 41 foot height; 30 foot maximum building height is allowed under Code.

Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

The existing Wickes Furniture building has an overall building height of 34 feet. For the proposed Carmax building, the overall building height, is less than 30 feet in height, with the exception of the gabled roof element (the remaining portion of the sales building is 27 feet in height and the service building is 20 feet in height; both are flat roofs). It is staff's opinion that the relatively small portion of the roof that exceeds the allowable height limit, with the proximity of the site to the elevated I-405 Freeway, creates a special circumstance where approval of the variance is justified. The gabled roof element also provides architectural interest to the building as seen from Harbor Boulevard and the I-405 Freeway. Therefore, staff supports the variance request.

Administrative Adjustment

Gisler Avenue is identified as a collector street on the Master Plan of Highways. Code Section 13-44 requires a building and landscape setback of 15 feet along this frontage. The proposed landscape setback along this frontage meets or exceeds this requirement, with the exception of the first 260 feet of frontage from the Gisler/Harbor corner to the first driveway east of the intersection, where a 10-foot deep landscape setback is proposed. An administrative adjustment is requested to reflect the reduced landscape setback within this area.

It is staff's opinion that the request can be supported because the reduced setback is consistent with other newer automotive dealerships along Harbor Boulevard such as the Mitsubishi dealership at 2860 Harbor Boulevard and the Toyota dealership at 1966 Harbor Boulevard. Typically, reductions in required landscape setbacks for auto dealerships have been allowed by the City to allow better visibility for outdoor display of vehicles and for consistency with older non-conforming dealerships with little or no setback landscaping.

Additionally, it should be noted that the total length of the reduced setback is only 260 feet of the approximately 1,245 total feet of lot frontage along Gisler Avenue, or 21 percent. The proposed setback reduction is for the landscaping only; the buildings still comply with required code setbacks. Therefore, staff supports the request.

Planned Signing Program

As indicated earlier, the subject site is located across Gisler Avenue from existing single-family and multiple-family residences. Three illuminated wall signs (shown on the plan as signs C1, C3, and D) are proposed for the south (Gisler Avenue) elevation, which are within 200 feet of a residential zone, necessitating the approval of a Planned Signing Program application per CCMC Section 13-116(c).

Normally, Planned Sign Programs are reviewed by the Zoning Administrator. However, to expedite the processing of the application, this request has been combined with the conditional use permit.

The proposed signs comply with the allowable sign area based upon the street frontages per Code. However, staff notes a concern with the 281 square foot illuminated wall sign on the south (Gisler Avenue) elevation (shown as sign "C3") because it would directly face residential properties across the street. Staff is recommending that this sign be eliminated from this elevation, but the developer may relocate the proposed sign to the north (I-405) elevation if they so choose. It is also recommended that the 62 square foot wall sign on the south (Gisler Avenue) elevation (shown as sign "D") be non-illuminated. Additionally, the developer is advised that any alterations to the existing freestanding freeway sign are required to comply with all applicable requirements of Code Sections 13-121 and 13-122 of the Costa Mesa Municipal Code relating to nonconforming signs. With these modifications, staff does not anticipate any adverse impacts to the residential properties as a result of the proposed signs and, therefore, supports the request.

ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared for this project. Under CEQA guidelines, if the lead agency determines that there is substantial evidence that the project may have a significant effect on the environment an Environmental Impact Report (EIR) would be required to be prepared. If the lead agency determines that there is substantial evidence that the project may have a significant effect on the environment, but that revisions to the project or the incorporation of mitigation measures would reduce those impacts to a level of no significance, a Mitigated Negative Declaration may be prepared.

The Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the City by Michael Brandman Associates. The (IS/MND) identified impacts that would be reduced to a level considered less than significant with appropriate mitigation measures, if the project is approved. The complete list of mitigation measures is attached to this report for reference.

A summary of potential environmental impacts and associated requirements and/or conditions of approval follows:

Air Quality

Impacts on air quality are anticipated during site preparation and construction activities. Mitigation measures include watering the site three times per day during demolition activities to reduce fugitive dust emissions.

Biological Resources

Mature trees will be removed to accommodate the project. A City ordinance already exists requiring the 1-to-1 replacement of any mature trees removed for any reason; therefore, a mitigation measure was unnecessary.

Cultural Resources

Impacts on cultural resources could possibly occur if archeological or paleontological resources are uncovered at the site. If resources are found, mitigation measures require notification of a qualified archeologist or paleontologist to visit the site to determine the extent and significance of the resource and to record, map, and catalogue artifacts as required by standard archeological and paleontological practices.

Geology and Soils

Impacts on geology and soils could possibly occur during grading and construction. Mitigation measures include the submittal a soils report for this project. Soils report recommendations will be required to be blueprinted on the plans.

Water Quality

Impacts on water quality could possibly occur. Mitigation measures include the submittal of a Water Quality Management Plan (WQMP) with the submittal of plans for building plan check.

Noise

Only short term impacts, due to construction activities, are anticipated. Mitigation measures have been included to limit construction activities, muffle construction equipment, and install temporary noise barriers on an as needed basis.

Traffic

As indicated earlier, mitigation measures include prohibiting left hand turns from any of the driveways to discourage traffic in the adjoining residential neighborhoods. Test drives by prospective customers or Carmax employees will be prohibited on College Avenue, Gisler Avenue, or on any surrounding residential streets.

The complete list of mitigation measures is attached to this report for reference.

The Initial Study/Mitigated Negative Declaration is a separate document and is not included in this report due to its size. The Mitigated Negative Declaration was made available for public review from May 21, 2007, to June 10, 2007, as required by CEQA.

To be consistent with the wording of the standard conditions of approval, staff recommends the following minor text amendments to mitigation measures AQ-1, N-1, N-3, N-4, N5 and TT-5 (changes are underlined):

AQ-1: The project site shall be watered three times per day during demolition activities to reduce fugitive PM₁₀ (dust) emissions.

N-1: Construction activities shall not occur outside of the hours of 7 a.m. through 7 p.m. Monday through Friday, and 8 a.m. through 6 p.m. on Saturdays. No construction shall occur on Sundays or 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.

N-3: All construction equipment shall be muffled and shall be maintained in good working order to reduce equipment related noise generation.

N-4: If heavy construction activities occur adjacent to noise sensitive land uses, then temporary noise barriers shall be installed to protect those land uses during the periods of loudest construction events.

N-5: All construction activities shall comply with applicable state and local construction noise regulations.

TT-5: The center driveway shall be aligned with the service entrance lanes. If realignment is not feasible, the center driveway shall be eliminated and the east driveway shall be configured to prohibit left turns onto Gisler Avenue and southbound movements through to College Avenue.

Mitigation Measure Biological Resource BR-1 can be deleted because there is no indication that a potential nesting habitat exists on the property.

ADDITIONAL DISCUSSION

The City wishes to encourage the development of sustainable buildings and projects. Therefore, the applicant is encouraged to follow sustainable building practices, such as those established by the United States Green Building Council's LEED program, in the development and construction of this project.

GENERAL PLAN CONFORMITY

The property has a general plan designation of General Commercial. Car dealerships fall under the moderate traffic category, which translates to a maximum allowed .30

floor area ratio (FAR). The site is 8.18 acres (356,529 sq. ft.), which would allow a maximum building area of 106,959 sq. ft. As proposed, the total building area is 20,109 sq. ft., or .06 FAR, well below the maximum. As a result, the development is consistent with the zoning and general plan.

ALTERNATIVES

The Commission has the following alternatives:

1. Approve the project with the recommended conditions of approval and mitigation measures to ensure the project is a quality development and designed to minimize any impacts to the adjacent properties; or
2. Deny the project. If the project is denied, the project cannot be constructed, and the applicant could not submit substantially the same project for six months.

CONCLUSION

It is staff's opinion that the proposed project, as conditioned, will be compatible with the uses in the surrounding area, as well as provide a substantial improvement to the subject property. Therefore, staff recommends approval of the project.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Exhibit "C" – Summary of Mitigation Measures
 Applicant's Project Description and Response to Neighborhood
 Letters
 Zoning Map/Location Map
 Plans
 Planning Signing Program
 Initial Study/Mitigated Negative Declaration (Separately Bound
 Document – Applicants and HOAs only)

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

C.J. Segerstrom & Sons
Attn: David Wilson
3315 Fairview Road
Costa Mesa, CA 92626

Carmax
Attn: Mark Bell
12800 Tuckahoe Creek Parkway
Richmond, VA 23238

Total Real Estate Development
Attn: Shadron Sellman
1240 Bergen Parkway, Suite A250
Evergreen, CO 80439

Michael Brandman Associates
Attn: Tom Holm, AICP
220 Commerce, Suite 200
Irvine, CA 92602

Halecrest & Hall of Fame Homeowners Association
Attn: Mike Brumbaugh, President
3101 Loren Lane
Costa Mesa, CA 92626

Mesa Verde Community, Inc.
Attn: Darnell Wyrick, President, MVCI Board of Directors
P.O. Box 4102
Costa Mesa, CA 92628-4102

File: 061107PA0701ZA0703	Date: 053107	Time: 10:30 a.m.
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RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-01 AND ZONING APPLICATION ZA-
07-23**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Total Real Estate Development, authorized agent for C. J. Segerstrom and Sons, with respect to the real property located at 3200 Harbor Boulevard, requesting approval of a conditional use permit to construct an approximately 20,470 square foot automotive dealership (Carmax Auto Superstore) in conjunction with a variance from maximum building height (30 feet allowed; 41 feet proposed), an administrative adjustment for landscape setback along a portion of the Gisler Avenue frontage (15 feet required; 10 feet proposed), and a Planned Signing Program; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 11, 2007; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and available for public review from May 21, 2007, to June 10, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **ADOPTS** the Mitigated Negative Declaration and **APPROVES** PA-07-01 and ZA-07-23 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for PA-07-01 and ZA-07-23 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval and/or Mitigation Measures,

then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 11th day of June, 2007.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 11, 2007, by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- A compatible and harmonious relationship exists between the proposed buildings, site development, and uses, and existing buildings, site development, and uses on surrounding properties.
 - 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.
 - The proposed project will comply with the performance standards as prescribed in the Zoning Code.
 - The proposed use is consistent with the General Plan.
 - The planning application is for a project-specific case and does not establish a precedent for future development.
 - The cumulative effect of all the planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed development and use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood. Specifically, the development complies with the intent of the Zoning Code, as conditioned, to ensure compatibility with the surrounding neighborhood. Conditions of approval include no test driving of vehicles on residential streets, restricting driveway access east of College Avenue, and limiting allowed driveway access on Gisler Avenue to right turns only. These and other issues have been incorporated into the conditions of approval and mitigation measures for the project.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) to justify the variance for increased building height because of special circumstances applicable to the property. Specifically, a relatively small portion of the roof exceeds the height requirement, and the majority of the proposed building is under the maximum allowable height of 30 feet. Additionally, the proximity of the site to the elevated I-405 Freeway creates a special circumstance where approval of the variance is justified, and the gabled roof element provides architectural interest to the building as seen from Harbor Boulevard and the I-405 Freeway. Granting the variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity under identical zoning classifications.

- D. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) with regard to the administrative adjustment for reduced landscape setback because the strict application of the development standard deprives such property of privileges enjoyed by others in the vicinity under an identical zoning classification. Specifically, the reduced setback is consistent with other existing automotive dealerships in the City. Additionally, the subject site will have the full 20 feet of landscaping along the Harbor Boulevard frontage required per code and the total length of the reduced setback is only 260 feet of the approximately 1,245 total feet of lot frontage along Gisler Avenue, or 21 percent. Granting the administrative adjustment will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity under identical zoning classifications.
- E. The planned signing program substantially complies with Costa Mesa Municipal Code Section 13-29(g)(8) because the proposed signage, as conditioned, is consistent with the intent of the Sign Code and the General Plan. The signs allowed under the planned signing program are consistent with similar signage within the area, taking into account sign style and shape, materials, letter style, colors, and illumination. The signs allowed under the planned signing program are compatible with the buildings and developments they identify – taking into account materials, colors, and design motif. Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions allow.
- F. 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.
- G. The evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on wildlife resources or habitat.
- H. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Ping.
1. 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.
 2. The conditional use permit herein approved shall be valid until revoked. However, the conditional use permit shall expire at the end of one (1) year unless a business license is obtained and/or the business legally commences or the applicant applies for and is granted an extension of time. 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 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. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 4. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the applicant and, where applicable, the authorized agent, for reference.
 5. * Construction activities shall not occur outside the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. on Saturdays. No construction shall occur 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.
 6. The use of any external public address system is prohibited. This includes music, voice paging systems, telephone and other bells or buzzers, and all other amplified or broadcast sound systems.
 7. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 8. No storage of vehicles in a wrecked or dismantled condition

- shall be permitted.
9. Street setback landscape planters shall have approved turf and/or ground cover on the street side front half of the planter and shrubbery plantings and trees on the back half. The number of trees and shrubs shall comply with Costa Mesa Municipal Code Section 13-106 for required landscaping materials.
 10. Depth of the landscape planter along the Harbor Boulevard/I-405 frontage shall be a minimum of 20 feet. Depth of the landscape planter along the Gisler Avenue frontage between Harbor Boulevard and the first driveway approach shall be a minimum of 10 feet.
 11. Installation of any 6-foot or higher solid opaque walls along Gisler Avenue shall be consistent with the City's Streetscape and Median Standards; specifically, Orco slumpstone block in the "La Paz" color with a brick trim cap. Vines (Creeping Fig and Boston Ivy) shall be grown on the wall to discourage graffiti
 12. 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.
 13. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. 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 be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 14. The conditions of approval and ordinance or code provisions of Planning Application PA-07-01 and ZA-07-23 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 15. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
 16. Show method of screening for all ground-mounted mechanical equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted

- electrical and mechanical equipment shall not be located in any landscaped setback visible from the street.
17. Cornices and other architectural elements shall be wrapped around to the side and rear of building facades.
18. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
19. Vehicle deliveries and off-loading shall be limited to normal business hours. Additionally, trucks shall be shut down so they are not idling during off-loading of vehicles.
20. Project driveways shall be prohibited east of College Avenue.
21. Every effort shall be made to follow sustainable building practices in the construction of the building and development of the project site. Compliance and certification with the United States Green Building Council's LEED program is highly encouraged.
22. As part of the Planned Signing Program approval, the 281 square foot illuminated wall sign on the south (Gisler Avenue) elevation (shown as sign "C3") shall be eliminated from this elevation, but may be relocated to the north (I-405) elevation. The 62 square foot wall sign on the south (Gisler Avenue) elevation (shown as sign "D") shall be non-illuminated. Additionally, the developer is advised that alterations to the freestanding freeway sign shall comply with all applicable requirements of Code Sections 13-121 and 13-122 of the Costa Mesa Municipal Code relating to nonconforming signs.
23. This project is subject to compliance with all applicable federal, state, and local laws. A copy of the Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
24. * The project shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project and attached to this resolution as "Exhibit C".
- Eng. 25. Maintain the public right-of-way in a "wet down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
- Trans. 26. * This project may result in queues that extend beyond the existing southbound left-turn storage. The City shall evaluate this impact over a period of five (5) years from the issuance of Certificate of Occupancy. If it was determined by the City of Costa Mesa at any time during the five (5) year period that the southbound queues at the Harbor Boulevard/Gisler Avenue intersection extend beyond the available storage, then the project applicant shall be responsible for all design and construction costs for extending the left-turn storage up to the intersection of the Harbor Boulevard and I-405 southbound

- offramp intersection.
27. * All project driveways shall prohibit left turns eastbound onto Gisler Avenue.
 28. * The security gate at the first sales lot driveway shall be setback approximately 60 to 80 feet from Gisler Avenue.
 29. * The center driveway shall be aligned with the service entrance lanes. If realignment is not feasible, the center driveway shall be eliminated and the east driveway shall be configured to prohibit left turns onto Gisler Avenue and southbound movements through to College Avenue.
 30. * The east driveway shall be aligned along College Avenue to become a four-legged intersection.
 31. * The east driveway shall prohibit vehicles exiting the site to travel eastbound along Gisler Avenue or southbound along College Avenue.
 32. * Security gates shall be installed along the east driveway.
 33. All deliveries shall be left turn movements into the site. No commercial traffic is permitted on College Avenue or on Gisler Avenue, east of College.
 34. Test drives by prospective customers or Carmax employees shall not be conducted on College Avenue, Gisler Avenue, or on any surrounding residential streets.
 35. No parking of employee or customer cars shall be permitted within the residential neighborhoods.
 36. Loading and unloading of vehicles delivered to the site via transport trucks shall not be conducted within public streets.

*Deletion of any mitigation measures will require a finding by the decision-making body that no significant environmental impacts will be created and the Mitigated Negative Declaration is still valid.

EXHIBIT "C"

SUMMARY OF MITIGATION MEASURES IS/MND FOR CAR MAX 3200 HARBOR BOULEVARD – PA-07-01/ZA-07-23

Air Quality

- AQ-1 The project site shall be watered three times per day during demolition activities to reduce fugitive PM₁₀ (dust) emissions.

Cultural Resources

- CR-1 If during construction, archaeological resources are uncovered at the site, all work within 50 meters (165 feet) of the find shall cease until a qualified professional archaeologist can evaluate the find. The City of Costa Mesa Development Services Department and a qualified archaeologist (approved by the City of Costa Mesa) shall be immediately contacted by the project applicant, or designated representative thereof. When contacted, the representative of the City and the archaeologist shall immediately visit the site to determine the extent and significance of the resources and to record, map, and catalogue artifacts as required by standard archaeological practices.
- CR-2 If during construction, paleontological resources are uncovered at the site, all work within 50 meters (165 feet) of the find shall cease until a qualified professional paleontologist can evaluate the find. The City of Costa Mesa Development Services Department and a qualified paleontologist (approved by the City of Costa Mesa) shall be immediately contacted by the project applicant, or designated representative thereof. When contacted, the representative of the City and the paleontologist shall immediately visit the site to determine the extent and significance of the resources and to record, map, and catalogue artifacts as required by standard paleontological practices.
- CR-3 If human remains are unearthed during earthmoving activities, then earthmoving activities shall cease immediately, and no further disturbance shall occur until the City's coroner has made the necessary findings about the origin and disposition of the remains pursuant to CEQA regulations and the Public Resources Code Section 597.9.

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- N-5 All construction activities shall comply with applicable state and local construction noise regulations.

Transportation/Traffic

- TT-1 *Harbor Boulevard/Gisler Avenue Intersection.* This project may result in queues that extend beyond the existing southbound left-turn storage. The City shall evaluate this impact over a period of five (5) years from the issuance of Certificate of Occupancy. If it was determined by the City of Costa Mesa at any time during the five (5) year period that the southbound queues at the Harbor Boulevard/Gisler Avenue intersection extend beyond the available storage, then the project applicant shall be responsible for all design and construction costs for extending the left-turn storage up to the intersection of the Harbor Boulevard and I-405 southbound offramp intersection.
- TT-2 *City Trip fee Mitigation.* 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 will be calculated based upon the submitted traffic study and will include a credit for existing uses. The current rate per trip end is \$181.00. 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.
- TT-3 All project driveways shall prohibit left turns eastbound onto Gisler Avenue.

- TT-4 The security gate at the first sales lot driveway shall be setback approximately 60 to 80 feet from Gisler Avenue.
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- TT-6 The east driveway shall be aligned along College Avenue to become a four-legged intersection.
- TT-7 The east driveway shall prohibit vehicles exiting the site to travel eastbound along Gisler Avenue or southbound along College Avenue.
- TT-8 Security gates shall be installed along the east driveway.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**

City of Costa Mesa

Inter Office Memorandum

TO: PLANNING COMMISSION

FROM: MEL LEE, SENIOR PLANNER ^{ML}

DATE: JUNE 7, 2007

SUBJECT: SUPPLEMENTAL INFORMATION
 PLANNING APPLICATION PA-07-01 AND
 ZONING APPLICATION ZA-07-23 – CARMAX AUTO SUPERSTORE
 PLANNING COMMISSION MEETING OF JUNE 11, 2007

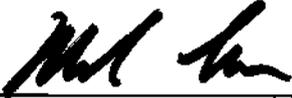
BACKGROUND

After the original staff report and Initial Study/Mitigated Negative Declaration (IS/MND) for the above project was prepared, modifications to some of the conditions of approval and mitigation measures (shown as Exhibits "B" and "C" in the draft resolutions) were made. A summary of the modifications follows:

Condition/ Mitigation no.	Condition/Mitigation	Reason for Modification
11.	The applicant shall work with the French Quarter Condominiums and the homeowners of the single-family homes along Gisler Avenue to raise and/or replace existing walls to provide additional screening and buffering from the proposed project, subject to Planning Staff review and approval. Installation of any 6-foot or higher solid opaque walls along Gisler Avenue shall be consistent with the City's Streetscape and Median Standards; specifically, Orco slumpstone block in the "La Paz" color with a brick trim cap. Vines (Creeping Fig and Boston Ivy) shall be grown on the wall to discourage graffiti.	This modification reflects the ongoing efforts of the applicant to work with the adjacent townhomes as discussed in Section 3(1)(a), page 16, of the IS/MND to raise the existing walls to provide additional screening, as well as replace and/or repair the existing rear yard walls of the single family homes along Gisler Avenue if needed or desired.

23. (New Condition)	<u>Parking lot lighting shall be shielded to minimize spillover and direct views by the adjacent residences. Additionally, exterior lighting shall be reduced 50% after the store closes to the public and an additional 25% after employee operating hours. Light levels shall not exceed 1 foot-candles on adjacent residential property.</u>	This modification reflects the discussion in Section 3(1)(d), page 20, of the IS/MND related to the specific light reduction methods that will be utilized by the project applicant to minimize light spillage onto adjacent residential properties. A mitigation measure is not required since City Code Section 13-93(d) already requires lighting to be directed away from residential properties.
29./TT-4	The security gate at the first sales lot driveway shall be setback approximately 60 to 80 feet from Gisler Avenue <u>be designed for employee and emergency fire access only.</u>	This condition was modified after additional discussion and review by the project applicant and the City's Transportation Services Division determined the setback for the gate was no longer necessary.
30./TT-5	Deleted.	This condition was deleted after additional review and discussion between the project applicant and the City's Transportation Services Division determined it was no longer necessary.
33./TT-8	Deleted.	This condition was deleted after additional review and discussion between the project applicant and the City's Transportation Services Division determined it was no longer necessary.
38. (New Condition)	<u>The applicant shall design and install medians on Gisler Avenue at the project driveways to restrict vehicles from making left-turns out of the site, as determined by the Transportation Services Division.</u>	This condition was added after additional review and discussion between the project applicant and the City's Transportation Services Division to further restrict vehicles from making left-turns out of the site.

Modifications to the mitigation measures will not require renoticing and recirculation of the Mitigated Negative Declaration because the revisions are not considered substantial per Government Code Section 15073.5.


 MEL LEE, AICP
 Senior Planner


 R. MICHAEL ROBINSON, AICP
 Asst. Development Services Director

Attachment: Revised Exhibits "B" and "C"

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 Transportation Services Engineer
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

C.J. Segerstrom & Sons
Attn: David Wilson
3315 Fairview Road
Costa Mesa, CA 92626

Carmax
Attn: Mark Bell
12800 Tuckahoe Creek Parkway
Richmond, VA 23238

Total Real Estate Development
Attn: Shadron Sellman
1240 Bergen Parkway, Suite A250
Evergreen, CO 80439

Michael Brandman Associates
Attn: Tom Holm, AICP
220 Commerce, Suite 200
Irvine, CA 92602

Halecrest & Hall of Fame Homeowners Association
Attn: Mike Brumbaugh, President
3101 Loren Lane
Costa Mesa, CA 92626

Mesa Verde Community, Inc.
Attn: Darnell Wyrick, President, MVCI Board of Directors
P.O. Box 4102
Costa Mesa, CA 92628-4102

EXHIBIT "B"**CONDITIONS OF APPROVAL(REVISED)**

- Plng.
1. 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.
 2. The conditional use permit herein approved shall be valid until revoked. However, the conditional use permit shall expire at the end of one (1) year unless a business license is obtained and/or the business legally commences or the applicant applies for and is granted an extension of time. 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 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. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 4. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the applicant and, where applicable, the authorized agent, for reference.
 5. * Construction activities shall not occur outside the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. on Saturdays. No construction shall occur 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.
 6. The use of any external public address system is prohibited. This includes music, voice paging systems, telephone and other bells or buzzers, and all other amplified or broadcast sound systems.
 7. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 8. No storage of vehicles in a wrecked or dismantled condition shall be permitted.

9. Street setback landscape planters shall have approved turf and/or ground cover on the street side front half of the planter and shrubbery plantings and trees on the back half. The number of trees and shrubs shall comply with Costa Mesa Municipal Code Section 13-106 for required landscaping materials.
10. Depth of the landscape planter along the Harbor Boulevard/I-405 frontage shall be a minimum of 20 feet. Depth of the landscape planter along the Gisler Avenue frontage between Harbor Boulevard and the first driveway approach shall be a minimum of 10 feet.
11. ~~The applicant shall work with the French Quarter Condominiums and the homeowners of the single-family homes along Gisler Avenue to raise and/or replace existing walls to provide additional screening and buffering from the proposed project, subject to Planning Staff review and approval.~~ Installation of any 6-foot or higher solid opaque walls along Gisler Avenue shall be consistent with the City's Streetscape and Median Standards; specifically, Orco slumpstone block in the "La Paz" color with a brick trim cap. Vines (Creeping Fig and Boston Ivy) shall be grown on the wall to discourage graffiti.
12. 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.
13. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. 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 be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
14. The conditions of approval and ordinance or code provisions of Planning Application PA-07-01 and ZA-07-23 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
15. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.

16. Show method of screening for all ground-mounted mechanical equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted electrical and mechanical equipment shall not be located in any landscaped setback visible from the street.
17. Cornices and other architectural elements shall be wrapped around to the side and rear of building facades.
18. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
19. Vehicle deliveries and off-loading shall be limited to normal business hours. Additionally, trucks shall be shut down so they are not idling during off-loading of vehicles.
20. Project driveways shall be prohibited east of College Avenue.
21. Every effort shall be made to follow sustainable building practices in the construction of the building and development of the project site. Compliance and certification with the United States Green Building Council's LEED program is highly encouraged.
22. As part of the Planned Signing Program approval, the 281 square foot illuminated wall sign on the south (Gisler Avenue) elevation (shown as sign "C3") shall be eliminated from this elevation, but may be relocated to the north (I-405) elevation. The 62 square foot wall sign on the south (Gisler Avenue) elevation (shown as sign "D") shall be non-illuminated. Additionally, the developer is advised that alterations to the freestanding freeway sign shall comply with all applicable requirements of Code Sections 13-121 and 13-122 of the Costa Mesa Municipal Code relating to nonconforming signs.
23. **Parking lot lighting shall be shielded to minimize spillover and direct views by the adjacent residences. Additionally, exterior lighting shall be reduced 50% after the store closes to the public and an additional 25% after employee operating hours. Light levels shall not exceed 1 foot-candles on adjacent residential property**
24. This project is subject to compliance with all applicable federal, state, and local laws. A copy of the Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
25. * The project shall comply with the mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project and attached to this resolution as "Exhibit C".
- Eng. 26. Maintain the public right-of-way in a "wet down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
- Trans. 27. * This project may result in queues that extend beyond the

existing southbound left-turn storage. The City shall evaluate this impact over a period of five (5) years from the issuance of Certificate of Occupancy. If it was determined by the City of Costa Mesa at any time during the five (5) year period that the southbound queues at the Harbor Boulevard/Gisler Avenue intersection extend beyond the available storage, then the project applicant shall be responsible for all design and construction costs for extending the left-turn storage up to the intersection of the Harbor Boulevard and I-405 southbound offramp intersection.

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32. * The east driveway shall prohibit vehicles exiting the site to travel eastbound along Gisler Avenue or southbound along College Avenue.
33. * Security gates shall be installed along the east driveway.
34. All deliveries shall be left turn movements into the site. No commercial traffic is permitted on College Avenue or on Gisler Avenue, east of College.
35. Test drives by prospective customers or Carmax employees shall not be conducted on College Avenue, Gisler Avenue, or on any surrounding residential streets.
36. No parking of employee or customer cars shall be permitted within the residential neighborhoods.
37. Loading and unloading of vehicles delivered to the site via transport trucks shall not be conducted within public streets.
38. The applicant shall design and install medians on Gisler Avenue at the project driveways to restrict vehicles from making left turns out of the site, as determined by the Transportation Services Division.

*Deletion of any mitigation measures will require a finding by the decision-making body that no significant environmental impacts will be created and the Mitigated Negative Declaration is still valid.

EXHIBIT "C"

SUMMARY OF MITIGATION MEASURES (REVISED) IS/MND FOR CAR MAX 3200 HARBOR BOULEVARD – PA-07-01/ZA-07-23

Air Quality

AQ-1 The project site shall be watered three times per day during demolition activities to reduce fugitive PM₁₀ (dust) emissions.

Cultural Resources

CR-1 If during construction, archaeological resources are uncovered at the site, all work within 50 meters (165 feet) of the find shall cease until a qualified professional archaeologist can evaluate the find. The City of Costa Mesa Development Services Department and a qualified archaeologist (approved by the City of Costa Mesa) shall be immediately contacted by the project applicant, or designated representative thereof. When contacted, the representative of the City and the archaeologist shall immediately visit the site to determine the extent and significance of the resources and to record, map, and catalogue artifacts as required by standard archaeological practices.

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