



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: NOVEMBER 12, 2013

ITEM NUMBER PH-1

SUBJECT: TWO-YEAR TIME EXTENSION REQUEST FOR PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP NO. 17423 FOR A 33-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2626 HARBOR BLVD.

DATE: NOVEMBER 1, 2013

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA (714) 754-5610
minoo.ashabi@costamesaca.gov**

DESCRIPTION

The proposed is a two-year retroactive time extension request for Planning Application PA-11-06, a 33-unit residential common interest development, including minor modifications to reduce rear yard setbacks for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)

APPLICANT

The applicant is Dennis Flynn, authorized agent for the property owner, Suburban Harbor LLC.

RECOMMENDATION

Approve two-year time extension request by adoption of Planning Commission resolution, subject to conditions of approval.

BACKGROUND/ DISCUSSION

Project Description

On September 6, 2013, the City Council approved a general plan and rezone for the property located at 2626 Harbor Boulevard to allow construction of a residential development. The site was previously zoned commercial and occupied as an auto dealership which is currently a non-conforming use.

The project involved development of a 33-unit common interest detached development on a 3.71-acre site located at the northeast corner of the Harbor Boulevard and Merrimac Way intersection in the City of Costa Mesa. The project approval included the following:

- ***Initial Study/Mitigated Negative Declaration (IS/MND)***
- ***General Plan Amendment GP-11-01*** to change the land use from General Commercial to Medium Density Residential
- ***Rezone R-11-01*** from C1 (Local Business District) and P (Parking) to R2-MD
- ***Design Review PA-11-06*** for development of a 33-unit residential common interest development, including minor modifications to reduce rear yard setbacks

for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)

- **Tentative Parcel Map No. 17423** for residential subdivision

The request is for a time extension of the entitlement for the Planning Application and tentative tract map, which expired on September 6, 2013.

Justification for Approval of Time Extension Request

Staff supports the request for the time extension for the amended final master plan for the following reasons:

- The previously-approved Planning Applications PA-11-06 and Tentative Tract Map 17423 are in substantial compliance with the requirements of the Zoning Code. There have been no amendments to the General Plan and Zoning Code that would materially affect the development plan.
- The previously-approved master plan has not changed. The proposed time extension will allow the applicant to proceed with the project implementation of the residential development once the improvements to the auto dealership on the south side of Merrimac Way are completed.

ALTERNATIVES:

Planning Commission has the following alternatives:

1. Approve two-year time extension. This action would allow the entitlement to be valid for another two years, until the improvements to the auto dealership is completed.
2. Deny time extension. Denial of the time extension will require the property owner to submit a new development application for a residential project at this site.

ENVIRONMENTAL DETERMINATION

Pursuant to CEQA and the State CEQA Guidelines, an IS/MND was prepared and adopted by the City Council on September 6, 2011. The analysis in the S/MND found that the project may have a significant effect on the environment unless mitigation is included to lessen or avoid the environmental effects of the project related to noise and geology. Mitigation measures were identified in the IS/MND (Exhibit C of Planning Commission Resolution). It was determined that with these measures, potential environmental effects would be reduced to less than significant levels.

CONCLUSION

The proposed 33-unit development at a maximum 12 du/acre was determined consistent with the medium density residential development standards and the density limits of the medium density residential land use and R2-MD zoning designation (44 units allowed, 33 units proposed). The time extension will allow the applicant to maintain the approval of this project for an additional two years until September 6, 2015.


MINOO ASHABI, AIA
Principal Planner


GARY ARMSTRONG, AICP
Economic and Development Services
Director

Attachments: 1. Planning Commission Resolution
 2. Applicant's Letter
 3. Vicinity Map

Distribution: Director of Economic & Development/Deputy CEO
 Senior Deputy City Attorney
 Public Services Director
 City Engineer
 Transportation Services Manager
 Fire Protection Analyst
 Staff (6)
 File (2)

Dennis Flynn Architects, Inc.
190 South Glassell Street Suite 200
Orange, CA 92866

Suburban Harbor LLC
1795 Maplelawn Dr
Troy, Mi 48084-4609

RESOLUTION NO. PC-13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A RETROACTIVE TWO-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-11-06, FOR A 33-UNIT DETACHED RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2626 HARBOR BOULEVARD

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

WHEREAS, an application was filed by Dennis Flynn, authorized agent for property owner Suburban Harbor LLC, for a two-year time extension of Planning Application PA-11-06 with respect to the real property located at 2626 Harbor Boulevard;

WHEREAS, the project involved the following:

- *General Plan Amendment GP-11-01* to change the land use from General Commercial to Medium Density Residential
- *Rezone R-11-01* from C1 (Local Business District) and P (Parking) to R2-MD
- *Design Review PA-11-06* for development of a 33-unit Residential Common Interest Development, including minor modifications to reduce rear yard setbacks for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)
- *Tentative Parcel Map No. 17423* for residential subdivision

WHEREAS, the City Council approved PA-11-06 on September 6, 2011;

WHEREAS, the applicant requests approval of a two-year time extension to be applied from September 6, 2013 to September 6, 2015 for the Planning Application and Tentative Tract Map No. 17423;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 12, 2013, to allow for public comments on the proposed time extension and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the original findings and conditions of approval in the entirety for and PA-11-06 and Tentative Tract Map 17423 (Resolution No. 11-36, Exhibit 1) are still applicable to the project and attached hereto;

WHEREAS, Mitigated Negative Declaration was prepared and adopted in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. It was determined that although the proposed project could have a significant effect on the environment, mitigated measures have been included as conditions of approval that reduce impacts to the fullest extent reasonable and practicable;

BE IT RESOLVED that the Planning Commission hereby **APPROVES** a two-year time extension for the time period from September 6, 2013 to September 6, 2015 for Planning Application PA-11-06 and Tentative Tract map no. 17423, with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that the adoption of this Resolution is expressly predicated upon the record, findings, and activity described herein, and in the Council staff report for Planning Application PA-11-06 dated September 6, 2011. This time extension request is also based on the evidence in the record and findings as set forth in Exhibit "A" and subject to the applicant's compliance with each and all mitigation measures and conditions of approval as referenced in Exhibit "B" of this resolution.

PASSED AND ADOPTED this 12th day of November, 2013.

Jim Fitzpatrick, Chair
Chair, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The findings of the previously approved Planning Application PA-11-06 and Tentative Tract Map 17423 are still applicable and valid to the proposed residential project. These findings in their entirety are incorporated herein by reference.

- B. The two-year time extension for Planning Application PA-11-06, meets the broader goals of the 2000 General Plan, and Zoning Code, in that the time extension is consistent with the original intent of the project. The time extension affords an opportunity for the site south of Merrimac Way to be redeveloped and use of the current site for the interim auto dealer use. Furthermore, there have been no amendments to the planning and policy documents of the City of Costa Mesa that would materially affect the amended Master Plan.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. Applicant shall comply with the mitigation measures and conditions of approval of the previously-approved Planning Application PA-11-06 and Tentative Tract Map 17423 attached hereto as Exhibit 1. In their entirety, these are still applicable and valid to the proposed residential project and are incorporated herein by reference.

RESOLUTION NO. 11-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP 17423 FOR THE 33-UNIT RESIDENTIAL PROJECT LOCATED AT 2626 HARBOR BLVD.

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

WHEREAS, an application was filed by Waterpointe Homes LLC on behalf of, owner of real properties located at 2626 Harbor Boulevard, requesting approval of the following:

- Initial Study/Mitigated Negative Declaration (IS/MND).
- General Plan Amendment GPA-11-01 to change the land used designation from General Commercial to Medium Density Residential.
- Rezone R-10-01 to rezone the property located at 2626 Harbor Boulevard from C-1 and P zone to R2-MD zone;
- Planning Application PA-11-06 for development of a 33-unit detached residential common interest development, including minor modifications to reduce rear yard setbacks for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)
- Tentative Tract Map T-17423 for residential subdivision of the property for fee ownership.

WHEREAS, duly noticed public hearings were held by the Planning Commission on August 8 and August 22, 2011, with all persons provided an opportunity to speak for and against the proposed project. The Planning Commission adopted Resolution No. PC-11-36 recommending that the City Council approve the proposed project;

WHEREAS, duly noticed public hearing was held by the City Council on September 6, 2011, with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, the City Council adopted the Initial Study/Mitigated Negative Declaration (IS/MND) and General Plan Amendment GPA-11-01 to change the land

use designation from General Commercial to Medium Density Residential by separate resolution;

NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the record, the findings contained in Exhibit" A", and subject to conditions of approvals/mitigation measures indicated in the Mitigation Monitoring Program contained in Exhibits "B" and "C", the City Council hereby approved Planning Application PA-11-06 and Tentative Tract Map T-17423 with respect to the property described above.

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 GPA-11-01, R-11-01, PA-11-06, and T- 17423 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", Mitigation Monitoring Program contained in Exhibit "C", as well as with 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.

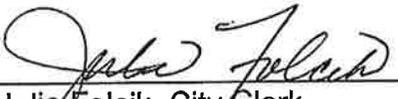
PASSED AND ADOPTED this 6th day of September 2011.



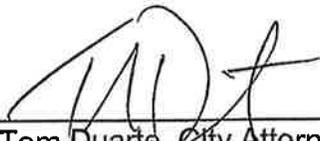
Gary Monahan, Mayor

ATTEST:

APPROVED AS TO FORM:



Julie Folcik, City Clerk



Tom Duarte, City Attorney

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

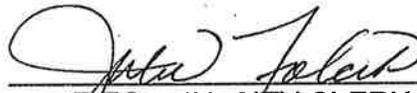
I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 11-36 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 6th day of September, 2011, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MONAHAN, RIGHEIMER, LEECE, MENSINGER.

NOES: COUNCIL MEMBERS: NONE.

ABSENT: COUNCIL MEMBERS: BEVER.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 8th day of September, 2011.



JULIE FOLCIK, CITY CLERK

(SEAL)

Rezone R-11-01

Exhibit "A"

2626 Harbor Blvd.

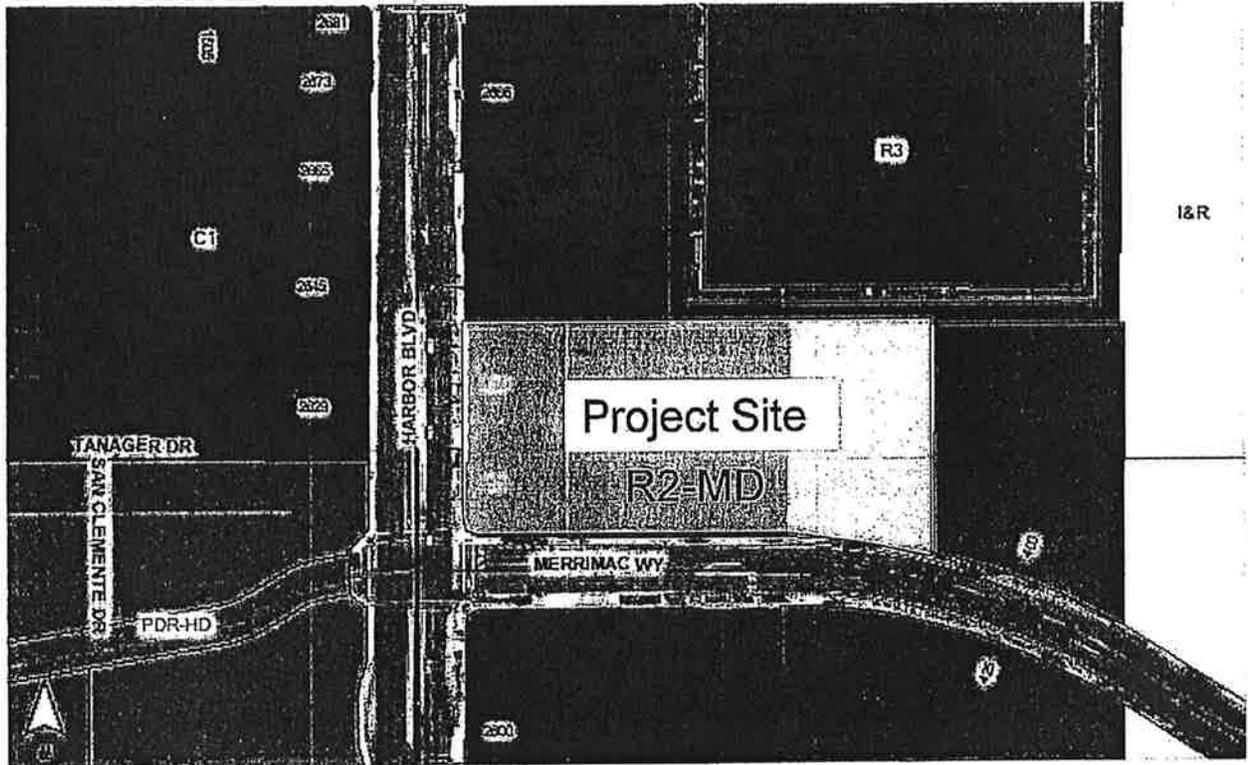


EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The expiration of Master Plan PA-11-06 shall coincide with the expiration of the approval of the Tentative Tract Map 17423 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial 2-year period.
 2. The conditions of approval for PA-11-06 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 3. 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.
 4. Applicant shall defend, indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval. City shall have the right to select the attorney defending it, if it elects to do so.
 5. Prior to issuance of building permits, applicant shall provide a Buyer's Notice for review/approval to the Development Services Director. It will serve as written notice of the then-existing noise environment and commercial operations of neighboring properties. Prospective tenants must sign a disclosure to acknowledge that they have read and understand the existing land use conditions. The disclosure notice shall be kept on file by the facility operator and shall be approved in form and substance by the City Attorney's office prior to use. For example, the disclosure can be an exhibit within the lease agreement.
 6. An 8-foot high perimeter wall surrounding the entire development is required. Design of the perimeter wall shall incorporate landscape elements to soften the appearance of the block wall and incorporate materials, color, and texture that will be compatible with the surrounding community. A wall treatment plan shall be prepared that includes wall locations, heights, landscape treatments, and materials and submitted for review and approval by the Development Services Director. The block wall shall be Orco Block, La Paz color, with a brick cap, or other similar design as approved by the Development Services Director.
 7. The private, interior fences or walls between the homes shall be a minimum of six feet in height.
 8. Second floor windows on Lots 4, 5, and 6 shall be smaller view-obscuring windows and be offset to avoid direct lines of sight into abutting second story windows abutting the project, subject to approval by Planning staff.
 9. Prior to issuance of grading permits, developer shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
 10. 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 and also businesses 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.

11. The subject property's ultimate finished grade level may not be filled/raised in excess of 42 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. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
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. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
14. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.

15. 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 upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
16. 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.
17. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
18. Along Harbor Boulevard and Merrimac Way, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. Specifically, the 10-foot wide landscape area in front of the proposed block wall along Harbor Boulevard shall be landscaped with dense trees and vegetation to the fullest extent possible. The landscape plan shall be approved prior to issuance of building permits.
19. Prior to issuance of building permits, the building plans shall demonstrate that all residences are equipped with a mechanical ventilation system that will properly filter the indoor air. The ventilation system can be a component of the air conditioning system, with the distinction being that clean, ventilated air flow does not necessarily need coolant. The ventilation system shall be effective with all doors and windows closed. It shall be required to have a filtration efficiency of at least 90 percent and the ability to remove particulate matter with diameters equal to or greater than 0.5 micron.
20. Provide proof of recordation of TTM 17423 and CC&RS prior to issuance of building permits.
21. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities.
22. 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:
 - The mounting height of lights on light standards shall not exceed 18 ft in any location on the project site unless approved by the Development Services Director;

- The intensity and location of lights on buildings shall be subject to the Development Services Director's approval;
 - All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency;
 - Lighting design and layout shall limit spill light to no more than 0.5 foot-candle at the property line of the surrounding neighbors, consistent with the level of lighting that is deemed necessary for safety and security purposes on site; and,
 - Glare shields may be required for select light standards.
23. In the event that archeological resources are unearthed during project subsurface activities, all earth-disturbing work within a 100-ft radius shall be temporarily suspended or redirected until an archeologist has evaluated the nature and significance of the find.
24. In the event that paleontological resources are unearthed during subsurface construction activities, all earth-disturbing work within a 100-ft radius of the find shall be temporarily suspended or redirected until a paleontologist has evaluated the nature and significance of the find.
25. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains.
26. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
27. Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the homeowner's association (HOA) effectively manage parking. If onsite parking is not appropriately managed by the HOA, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking

problems in the future; (2) require that the HOA contract with a towing service to enforce the parking regulations; (3) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.

28. 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.
29. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
30. 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.
- Bldg. 31. Submit grading plans including a hydrology report and soils report.
32. Provide an erosion control plan.
- Eng. 33. 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.
34. 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.
35. Applicant shall work with Engineering staff towards the provision of an 8-foot wide sidewalk along Harbor Boulevard. The sidewalk shall meander within the 22' area between the curb and proposed blockwall. Applicant shall provide a sidewalk easement, as needed.
36. The Subdividers' engineers shall furnish to the Engineering Division a storm runoff study showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Map.
37. Construction Access Permit and deposit of \$1500 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
38. 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.
39. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
40. Submit subdivision application and comply with conditions of approval and code requirements.

41. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. commercial sidewalk on Harbor Blvd and residential sidewalk on Merrimac Way per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
42. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.
43. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays
44. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches
45. 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 at applicant's expense.
46. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct Wheelchair Ramp on the corner of Harbor Blvd and Merrimac Way.
47. Per requirements of Real Property, City of Costa Mesa, Engineering Division, dedicate a diagonal corner cut-off at the corner of Harbor Blvd and Merrimac Way.
48. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Map.
49. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa, they shall be maintained by the owner of the property.
- Fire 50. Homes shall be provided with Residential Fire Sprinkler Systems per NFPA 13 w/CA amendments.
51. Provide Click to enter and Knox fire keyswitch for Fire Department access at drive gate.

52. Provide (4) fire hydrants to be located per Fire Department direction. See Fire Prevention.

53. Provide smoke detectors.

54. Fire lane marking and signage shall be provided per direction of Fire Prevention.

Trans. 55. A meandering sidewalk shall be provided within the 10-foot right-of-way and 10-12 foot landscape setback along the Harbor Boulevard frontage subject to approval of the Transportation and Planning Divisions.

Utilities 56. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

EXHIBIT "C"

MITIGATION MONITORING PROGRAM (PA-11-06, TTM 17423)

AIR QUALITY

AQ-1 Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered at least twice daily to prevent excessive amounts of dust;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All on-site roads shall be paved where feasible, watered as needed (to maintain a moisture content of 12 percent), or chemically stabilized;
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- Track-out devices shall be used at all construction site access points;
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;
- Replace ground cover on disturbed areas quickly; and
- Implement street sweeping program with Rule 1186-compliant PM₁₀ efficient vacuum units.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall coordinate with the appropriate City of Costa Mesa Engineer on hauling activities compliance.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 Prior to demolition activities, removal and/or abatement of asbestos containing building materials and hazardous materials associated with the existing building materials shall be conducted by a qualified environmental professional in consultation with the City of Costa Mesa Fire Department. An asbestos and hazardous materials abatement specification shall be developed by the qualified environmental professional in order to clearly define the scope and objective of the abatement activities.

HAZ-2 Prior to issuance of a building permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified environmental professional with Phase II/site characterization experience. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary.

HAZ-3 Prior to issuance of a grading permit, a Construction Contingency Plan shall be developed by a qualified environmental professional in consultation with the City of Costa Mesa Fire Department. At a minimum, the Construction Contingency Plan shall include guidance for handling, segregating, and characterizing subsurface structures and potentially impacted soil generated during the demolition and redevelopment activities, if found, in order to minimize impacts to worker safety and the environment.

HYDROLOGY AND WATER QUALITY

HYD-1 Prior to the issuance of any Grading Permit, the Applicant shall:

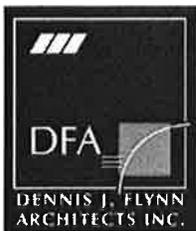
- Prepare a detailed hydrology study, approved by the City Engineer.
- Analyze, design, and construct the new storm drain between the project site and the existing 4.5-foot-high by eight-foot-wide RCB box.
- Design all storm drain facilities, approved by the City Engineer, for 25-year storm event protection
- All storm drain in public right-of-way shall be a minimum of 24 inches by City of Costa Mesa requirements and will be designed in accordance with the Orange County Local Drainage Manual including a minimum spacing between manholes of 300 feet.

NOISE

NOI-1 Prior to Grading Permit issuance, the Contractor shall demonstrate, to the satisfaction of the City of Costa Mesa Public Works Department that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.).
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

NOI-2 Prior to the issuance of grading permits, the applicant shall provide final project plans for approval by the Development Services Director, indicating that a sound barrier has been incorporated into and noted on the project plans. The barrier shall be a minimum of 7 feet high from finished grade for Lots 15 and 30 and located along the project's westerly border with a return of approximately 50 feet. The location and orientation of the barrier is depicted on Exhibit 4.12-1, *Required Noise Mitigation*.



October 25, 2013

RE: 2626 Harbor Blvd, Costa Mesa, CA
PA-11-06
Justification for 24 Months Extension

City of Costa Mesa
Development Services Department
77 Fair Drive, P.O. 1200,
Costa Mesa, CA 92628-1200

Ms. Minoo Ashabi,

On behalf of the owner of the property at 2626 Harbor Blvd, Costa Mesa, CA. We would like to request an extension to the currently approved PA-11-06 for an additional 24 months. The justification for the request is that the property currently has a vacant vehicle sales and service building. The owner of 2626 Harbor Blvd. also owns the property to the south of said property which has an active dealership in operation, Orange Coast Buick/GMC/Cadillac, 2600 Harbor Blvd. The owner of the dealership is preparing construction documents to submit to the city building and safety department for submittal in the 4th quarter of 2013 for a completely new, state of the art, energy efficient facility.

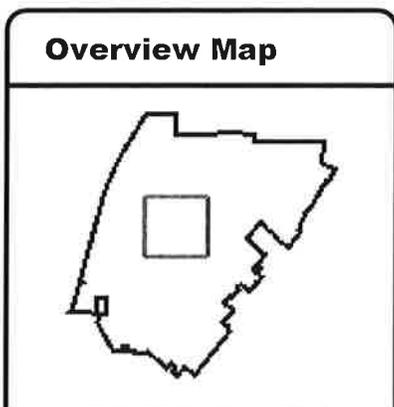
The owner is planning to request an approval from the city to temporarily move and operate the Orange Coast Buick/GMC/Cadillac sales and service during the time period that the existing facility at 2600 Harbor is demolished and the new facility is being constructed. Because of this the owner has to delay the implementation of PA-11-06. Therefore the owner would like to request an extension of 24 months for PA-11-06.

I appreciate your time and your consideration of the extension request. If you have any questions, please do not hesitate to call.

Dennis J. Flynn, Architect, President

City of Costa Mesa

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Legend

Address Points	Roads	Major Newport BLVD	SECONDARY Hydrology Channels
Freeway	Collector Freeway (cont)	Primary (cont)	

