



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: FEBRUARY 9, 2015

ITEM NUMBER:

PH-3

**SUBJECT:** PLANNING APPLICATION PA-14-39 FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A CONVENIENCE STORE WITH A VARIANCE FROM THE LANDSCAPED SETBACK REQUIREMENT  
2281 NEWPORT BOULEVARD (UNION 76)

**DATE:** JANUARY 30, 2014

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** MINOO ASHABI, PRINCIPAL PLANNER

**FOR FURTHER INFORMATION CONTACT:** MINOO ASHABI (714) 754-5610  
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## **DESCRIPTION**

The applicant is requesting approval of the following to construct a 1,125-square foot convenience store at an existing gasoline service station:

1. Conditional Use Permit for construction of a new convenience store; and
2. Variance to deviate from the landscaped setback requirements for encroachment of the required trash enclosure and parking area (20 feet required; 7.5 feet proposed).

## **APPLICANT**

The applicant is Shawn Mehr (Optima Contractors), authorized agent for the property owner, Sam Rahimian.

## **RECOMMENDATION**

Adopt resolution to approve the project, subject to conditions.

## PLANNING APPLICATION SUMMARY

Location: 2281 Newport Boulevard  
APN 419-112-02

Application Number: PA-14-39

Request: Demolish an existing cashier kiosk and construct a new 1,125 SF convenience store.

### SUBJECT PROPERTY:

Zone: C2  
General Plan: General Commercial  
Lot Dimensions: Triangular  
Lot Area: 12,600 SF  
Existing Development: Gasoline service station with a cashier kiosk.

### SURROUNDING PROPERTY:

North: Car wash  
South: Newport Boulevard/55 Freeway  
East: Newport Boulevard/55 Freeway  
West: Commercial Office Building

### DEVELOPMENT STANDARD COMPARISON

C2	Required/Allowed	Proposed/Provided
Minimum Lot Area	12,000	12,600
Minimum Lot Width	120	149
Maximum Floor Area Ratio (High Traffic)	.20 (2,520 SF)	.09 (1,125 SF)
Maximum Building/Structure Height	2 stories/30 ft.	1 story/22 ft. - 8 in.
<b>Building Setbacks:</b>		
Front (Newport Boulevard)	20 ft.	46 ft. <sup>1</sup>
Side (Fairview Road)	20 ft.	<b>7 ft. 6 in.<sup>2</sup></b>
Rear (interior)	0 ft.	0
<b>Landscape Setbacks:</b>		
Fairview Road	20 ft.	7'6"
Newport Blvd.	20 ft.	15 ft.
Landscaping	25 SF/Parking Space 150 SF	1,900 SF
Parking (4 spaces per 1,000 sq. ft. for convenience store)	5 Min.	
Standard	5	5
	0	0
<b>Total:</b>	<b>5</b>	<b>6</b>
<b>Final Action</b>		
CEQA Review	Planning Commission Exempt, Class 3, New Construction of Small Structures	

<sup>1</sup> The location of the existing canopies (2 feet from the property lines) was approved under ZE-82-143.

<sup>2</sup> The width of right-of-way on Fairview Road is 50 feet.

## **BACKGROUND**

### ***Project Site/Environs***

The property is located at the Newport Boulevard and Fairview Road intersection on the north side of the freeway. The property is zoned C2 (General Business District) with a General Plan land use designation of General Commercial. The subject property is a triangular shaped property, 12,600-square foot in area, and developed with a 160-square foot cashier kiosk, four sets of gas dispensers and two canopies that connect at the center.

The property can be accessed by four driveways; two on Newport Boulevard and two on Fairview Road. There are vapor extraction units currently located along the north property line that are no longer in operation. The gasoline station was originally constructed in 1963 and canopies were added in 1983. The construction of the canopies required a setback variance which was granted as part of Conditional Use Permit ZE-82-143. The abutting property to the north is developed as a carwash and the property across the Fairview Road to the west is developed with a two-story office building. The site includes several mature trees on the west side and at the corner and a few large flower pots are located between the pumps to separate the traffic. There is a soda dispenser machine against the cashier kiosk and a propane tank cage in front of the kiosk. There is trash enclosure along the Fairview Road frontage that is located outside the landscape setback area that will need to be reconstructed with the proposed improvements.

### ***CUP Required for Convenience Store***

The applicant requests approval of a conditional use permit (CUP) to allow construction of a convenience store. Sales of alcoholic beverages is not proposed at this time. A conditional use permit request was submitted based on Costa Mesa Municipal Code Section 13-200.71 which states, "A new liquor store, convenience store, or mini-market shall be subject to the approval of a conditional use permit, whether or not the business engages in retail sales of alcoholic beverages through a State of California Department of Alcoholic Beverage Control (ABC) off-sale license."

### ***Background/ Prior Entitlements***

#### ***Zoning Exception ZE-82-143***

On March 28, 1983, the City Council approved the Conditional Use Permit for the remodeling of the gas station with a variance for the setbacks, landscaping and parking. The approval included demolition of the existing building with two service bays and construction of a 170 square foot kiosk. A minimum of six parking spaces were required and four were provided, one of which encroached into the required setback on Fairview Road. The landscaping along the required nine-foot right of way dedication fronting Fairview Road was allowed in lieu of the required 20-foot landscape setback. Because of the number and location of the driveways along Newport Boulevard, only 20 feet of the required setback along that frontage was landscaped (approximately 400 square feet). The current configuration of the site is consistent with this entitlement.

### *Planning Application PA-96-03*

On February 20, 1996, the City Council approved a Conditional Use Permit to construct a mini-mart (convenience store), and remodel the existing gas station. The approval to allow the concurrent sale of alcoholic beverages and motor vehicle fuel was conditioned on obtaining an existing license within the City of Costa Mesa. Construction plans were submitted for plan check; however, building permits were not obtained. The CUP approval expired on February 20, 1997.

### *Planning Application PA-05-28*

On October 24, 2005, a Conditional Use Permit (PA-05-28) was denied without prejudice by the Planning Commission. The applicant sought approval for the construction of convenience store with concurrent sales of alcoholic beverages. The request also included variances for parking and setbacks. At the meeting, the applicant withdrew the request for approval of alcoholic beverage sales and indicated that off-site parking could be obtained. The applicant was asked to redesign the parking layout, secure an agreement for off-site parking, and resubmit the application for reconsideration at a later date. The application was not refiled.

### *Zoning Application ZA-09-16*

On May 7, 2009, the Zoning Administrator denied a minor conditional use permit to allow outdoor beverages dispensers. This was intended to legalize a code violation for displaying beverages as well as other miscellaneous products, like gasoline additives and motor oil, outside the cashier's kiosk. On May 14, 2009, David Cabrinha, the applicant, filed an appeal of the Zoning Administrator's decision.

On September 14, 2009, the Planning Commission upheld the Zoning Administrator's decision and denied the minor conditional use permit to legalize four beverage dispensers and display of other miscellaneous items outside the cashier booth. The item had been continued for several meetings allowing time for the applicant to resubmit plans that would adequately screen the beverage dispensers and to enable the applicant to remove the beverage coolers. The applicant failed to remove the coolers and did not submit conceptual plans that would screen the dispensers as an integral part of the existing cashier's kiosk. The coolers were eventually removed but a beverage dispenser was installed next to the kiosk.

## **ANALYSIS**

### *Site Plan*

The applicant intends to demolish the existing kiosk and construct a 1,125 square foot convenience store in its place. The proposal also includes the in-place reconstruction of the canopies. The convenience store is located at 5 feet from the rear property line. It is designed in classic mission revival style with a barrel tile roof and cornice along the façade tile accents. The exterior is a smooth stucco finish with stone tile accents and medallions over the entry. A variance was granted for reduced landscaped setbacks for the canopies due to the location of the fuel islands and points of ingress and egress. The new canopies feature mission tile roofs and finishes that match the convenience store.

The proposed site plan takes into account the irregular shape of the site; however, the proposed trash enclosure and one of the parking spaces will encroach into the landscape setback along Fairview Road and Newport Boulevard. The new trash enclosure is proposed at 8-foot six-inches from the property line along Fairview and one of the parking spaces is encroaching approximately 5 feet into the 20-foot landscape setback along the Newport Boulevard frontage.

A clearance letter was obtained from the Orange County Health Department and the vapor extraction units are no longer necessary. The extraction units would be removed and three parking spaces would be located in this area. With the relocation of the driveway approach further to the south, the landscaping area along the setback would increase from approximately 400 square feet to 1,120 square feet.

### *Landscape Setback Variance*

The site currently contains minimal landscaping at the corner and along Fairview Road. With the proposed site plan, additional landscaping will be provided at the southerly corner of the site and at the perimeter of the three parking spaces along the rear.

The proposed site plan results in two encroachments into the perimeter setback.

- Fairview Road – the new trash enclosure is proposed at 7'- 6" from the public right-of-way
- Newport Boulevard – one parking space is proposed at 15 feet from the public right-of-way.

The C2 development standards (CMMC Section 13.44), require a minimum 20 foot setback for main buildings and accessory structures along public streets. The Zoning Code requires four parking spaces per 1,000 square feet of floor area and a minimum of five parking spaces for retail establishments. Since the proposed building is 1,125 square feet, a minimum of six parking spaces are required. Six parking spaces are proposed with three provided along the east side of the building, two parallel to the building, and one ADA parking stall along the west side of the building. One of the parking spaces encroach into the setback by approximately 5 feet, providing 15 feet of landscaping along Newport Boulevard. Sufficient space is provided for backing out and turning movements within the site. The Transportation Division reviewed the site plan and has no objections to the site configuration.

### **Convenience Store**

Section 13-200.71 of the Zoning Code requires approval of a conditional use permit for new liquor store, convenience store, or mini-market, *whether or not the business engages in retail sales of alcoholic beverages* through a State of California Department of Alcoholic Beverage Control (ABC) off-sale license. The proposed store includes an office, a unisex restroom, retail and display areas, and storage for a gross total of 1,125 square feet.

### **Justifications for Approval**

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project,

based on an assessment of facts and findings which are also reflected in the draft resolution as noted below:

- The proposed use, as conditioned, is compatible with the uses in the surrounding area. The proposed convenience store and replacement of the existing canopies are a significant upgrade to the property at a highly visible intersection. As conditioned, adequate landscaping will be provided along both street frontages. In addition, the conditions require use of decorative block for the new trash enclosure and decorative paving at the driveway entries.
- The unique shape of the property is a basis to approve a variance from front landscape setbacks. The triangular shape of the lot limits the development area of the site for a convenience store and the required six parking spaces for a retail use. The applicant revised the plans based on staff recommendations to provide the minimum number of parking spaces with sufficient turning and backing distances from the pump islands. The Transportation Division has approved the parking and circulation plan.

There is no significant, existing landscaping at the site with the exception of a triangular area at the corner and a 10-foot landscape strip along Fairview Road. While a variance is requested, the current landscaped setback areas will be improved with the proposed parking configuration and relocation of the northerly driveway along the Newport Boulevard.

Conditions of approval require upgraded landscaped and hardscape in the form of additional trees and decorative paving within the landscape setback area.

- Parking complies with Code requirements. The proposed site plan complies with the minimum code requirements and provides six parking spaces as required by the Zoning Code. Adequate back up distances and space for turning movements is provided on site. With sufficient on-site parking spaces, spill over parking is not anticipated. The Transportation Division has approved the parking layout and circulation plan.
- The proposed new convenience market and reconstruction of the gas pump canopies will be an upgrade to the site. The convenience market provides a newly designed building that will benefit the gas station customers and an enclosed area for sales of various good that will eliminate the need for any outdoor displays of products and beverages. As conditioned, additional landscaping will be provided and outdoor display is prohibited.
- The deviation granted will be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. As conditioned, the applicant will need to upgrade the landscaping and hardscaping along both street frontages to improve the street views and screen parked vehicles.

Furthermore, Code requires that the authorization of a variance shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. At 3003 Newport Boulevard in

January 2010, a 24-hour convenience store and car wash building was approved with the following deviations, based on the unique size and location of that property. Deviations included variances from rear and side setbacks:

- a. Variances (32-foot rear and side setbacks required for car wash tunnel; 12-13 feet proposed);
  - b. Administrative adjustments (20-foot front, rear and side setbacks required; 12-15 feet proposed for fuel canopy and 13 feet for car wash storage);
  - c. Minor modification (20-foot Newport side setback required; 12 feet proposed for fuel canopy).
- As conditioned, no sales of alcoholic beverages shall be allowed. A buyer's notification is recommended to inform future property owners of the restriction of this use.

The applicant is not requesting approval of sales of alcoholic beverages for off-site consumption at this time, i.e. a Type 20 or Type 21 ABC license (Beer & Wine/General Offsale). Per ABC regulations, an "undue concentration" of alcohol licenses exists if the ratio of on- or off-sale alcohol licenses allowed in a census tract based on population exceeds the ratio of on- or off-sale alcohol licenses based on population countywide. The property is located within a Census Tract (639.06) of undue concentration for off-sale licenses. As noted in Table A below, the surrounding Census Tracts are also within areas of undue concentration.

Approval of an off-sale license would be subject to a Public Convenience and Necessity Finding by the Planning Commission.

Table A			
Census Tract	Off-Sale Licenses Allowed	Off-Sale Licenses Existing	Undue Concentration
Subject Property 639.06	2	3	Yes
632.01	1	2	Yes
637.02	2	10	Yes
639.05	1	4	Yes

**Notes:** 7-11 Store (2244 Fairview Rd.), Chevron Station (2160 Harbor Blvd), and Sunrise Liquor (2205 Fairview Rd.) are the three locations within Census Tract 639.06 with existing off-sale alcoholic beverage licenses.

In the past, there have been historic instances where potential buyers of a gas station property are unaware of the limitations on alcoholic beverage sales. To notify future buyers regarding zoning regulations, staff recommends that a buyer's notice be recorded on the property memorializing the prohibition of alcohol sales unless there is an amendment of the Conditional Use Permit is approved by the City pursuant to Code. Zoning Code Section 13-200.71 requires approval of a conditional use permit for an existing liquor store, convenience store, or mini-market for in cases when a new off-sale license is requested to or when a premise to premise transfer of off-sale ABC license is requested. Therefore, any change to the alcoholic beverage sale will be subject to approval an amendment of this conditional use permit at a future date.

## **GENERAL PLAN CONFORMANCE**

The General Plan permits a wide range of commercial uses in the General Commercial designation, including gasoline service stations. The proposed convenience store at the gasoline station would provide commercial goods and services to the community, and employment opportunities in consideration of the needs of the businesses and residential segments of the community, as called for in the General Plan (LU-1A.1). In accordance with Land Use Objective LU-1F.1, compliance with the conditions of approval will help protect established residential neighborhoods from potentially disruptive land uses and activities. The proposed convenience store would result in a floor area ratio (FAR) of 0.09, which is below the maximum allowed 0.20 FAR for high traffic generating uses in the General Commercial designation. Therefore, the proposed project is consistent with the General Plan.

## **ENVIRONMENTAL DETERMINATION**

The project is Categorically Exempt under California Environmental Quality Act Guidelines Section 15303, New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. In urbanized areas, the exemption applies to commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The proposed convenience store is 1,125 square feet in area, and located on the site of an existing gasoline station. The convenience store does not involve the use of hazardous substances and is not in an environmentally sensitive area.

## **ALTERNATIVES**

The Planning Commission has the following alternatives:

1. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the draft resolution for denial. If the project were denied, all of the outdoor equipment would be required to be removed and the applicant could not submit substantially the same type of application for six months.

## CONCLUSION

The proposed renovation of the gasoline service station and construction of the convenience store conforms to the City's General Plan goals and objectives and provides a significant upgrade to the property without negatively impacting the surrounding properties. Therefore, staff recommends approval of the conditional use permit for the construction of the convenience store.



MINOO ASHABI, AIA  
Principal Planner



CLAIRE FLYNN, AICP  
Asst. Director of Development Services

- Attachments:
1. Draft Planning Commission Resolutions and Exhibits
  2. Location Map
  3. Applicant's Letter
  4. Previous Approvals/ denial
  5. Site Photos
  6. Project Plans

Distribution:

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

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## RESOLUTION NO. PC-15-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION 14-39 FOR A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE AT 2188 NEWPORT BOULEVARD**

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

WHEREAS, an application was filed by Shawn Mehr, as the authorized agent on behalf of the property owner, Sam Rahimian, requesting approval of a conditional use for the construction of a convenience store and replacement of the existing canopies at the gasoline service station located at 2188 Newport Boulevard in the C2 zone;

WHEREAS, the proposed 1,125 square foot convenience market will replace a cashier kiosk and will be a complementary use to the existing gasoline service station;

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 9, 2015 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, on March 28, 1983, the City Council approved the Conditional Use Permit for the remodeling of the gas station with a variance for the setbacks, landscaping and parking.

WHEREAS, on, October 24, 2005, the Planning Commission denied Conditional Use Permit (PA-05-28) for a convenience market and concurrent sales of alcoholic beverages.

WHEREAS, the applicant is not proposing sales of alcoholic beverages in conjunction with the new convenience market; and,

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-14-39 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 Planning Application PA-14-39 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall

be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

**PASSED AND ADOPTED this 9<sup>th</sup> day of February, 2015.**

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Jim Fitzpatrick, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS

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

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

**Facts in Support of Finding:** The proposed convenience store and replacement of the existing canopies are a significant upgrade to the property at a highly visible intersection. As conditioned, adequate landscaping will be provided along both street frontages. In addition, the conditions require use of decorative block for the new trash enclosure and decorative paving at the driveway entries. Because of previous actions by the Planning Commission and high concentration of off-sale ABC license in the area, conditions of approval prohibits the sales of alcoholic beverages and require recordation of a land use restriction indicating this restriction.

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

**Facts in Support of Finding:** Granting the conditional use permit for the convenience store will not detrimentally affect properties in the immediate neighborhood because alcoholic beverage sales are not permitted. The proposed convenience store is designed with Mission-revival style architecture and the replacement canopies incorporate the same materials and finishes that will be an upgrade to the property. The proposed site plan allows for adequate on-site circulation and provide required six parking spaces as required by code for the convenience market. By provided sufficient parking spaces on site, it is not anticipated that spill over parking to adjoining properties will occur.

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

**Facts in Support of Finding:** The General Plan permits a wide range of commercial uses in the General Commercial designation, including gasoline service stations. The proposed convenience store at the gasoline station would provide commercial goods and services to the community, and employment opportunities in consideration of the needs of the businesses and residential segments of the community, as called for in the General Plan (LU-1A.1). In accordance with Land Use Objective LU-1F.1, compliance with the conditions of approval will help protect established residential neighborhoods from potentially disruptive land uses and activities. The proposed convenience store would result in a floor area ratio (FAR) of 0.09. The maximum allowed FAR for high traffic generating uses in the General Commercial designation is 0.20. Therefore, the proposed project is consistent with the General Plan.

- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(1) because:

**Finding:** Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

**Facts in Support of Finding:** The triangular shape of the lot limits the development area of the site for a convenience store and the required six parking spaces for a retail use. The applicant revised the plans based on staff recommendations to provide the minimum number of parking spaces with sufficient turning and backing distances from the pump islands. There is no landscaping at the site with the exception of a triangular area at the corner. The current landscaped setback areas will be improved with the proposed parking configuration and relocation of the northerly driveway along the Newport Boulevard.

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be categorically exempt under Section 15303, Class 3, Construction of Small Structures, of the CEQA Guidelines.

**Finding:** The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

**Facts in Support of Finding:** Similar deviations were approved for an Arco Gas Station at 3003 Newport Boulevard in January 2010. A 24-hour convenience store and car wash building was approved with the following deviations, based on the unique size and location of that property. Deviations included variances from rear and side setbacks:

- a. Variances (32-foot rear and side setbacks required for car wash tunnel; 12-13 feet proposed);
- b. Administrative adjustments (20-foot front, rear and side setbacks required; 12-15 feet proposed for fuel canopy and 13 feet for car wash storage);
- c. Minor modification (20-foot Newport side setback required; 12 feet proposed for fuel canopy).

**Finding:** The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

**Facts in Support of Finding:** The proposed convenience store at the gasoline station would provide commercial goods and services to the community, and employment opportunities in consideration of the needs of the businesses and residential segments of the community, as called for in the General Plan (LU-1A.1). In accordance with Land Use Objective LU-1F.1, compliance with the conditions of approval will help protect established residential neighborhoods from potentially disruptive land uses and activities. The proposed convenience store would result in a floor area ratio (FAR) of

0.09, below the maximum allowed FAR of 0.20 for high traffic generating uses in the General Commercial designation.

- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation as described in the applicant's letter of description and staff report. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
  2. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
  3. The use 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 appropriate security and operational measures are necessary to comply with this requirement.
  4. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
  5. Sale of alcoholic beverages shall be prohibited.
  6. A buyer's notice shall be recorded on the property prior to the issuance of building permits, to inform future property owners of the prohibition of sales of alcoholic beverages. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared. The form and content of the buyer's notice shall be approved by the City Attorney's office and Development Services Director.
  7. The trash enclosure shall incorporate the use of decorative block and finishes that will be complementary to other structures on site.
  8. Remove and replace the existing block wall with a three-foot minimum decorative block wall.
  9. Provide a 10-foot wide decorative pavement (stamped concrete, pavers) at driveway entries on Fairview Road and along Newport Boulevard.
  10. The parking lot shall be slurry sealed and restriped.
  11. A minimum of three, 24-inch box canopy-type trees shall be planted within the landscaped area fronting Newport Boulevard; A minimum of three 24-inch box trees shall be planted in the landscaped areas facing Fairview Road.
  12. All roof mounted equipment shall be screened by the parapet.

13. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
14. 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.
15. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied
16. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
- Eng. 17. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- Parks 18. The applicant shall create not more than three (3) – 4'X4' tree wells adjacent to curb and plant three (3) seven foot tall or larger King Palm (*Archontophoenix cunninghamiana*) along Newport Boulevard.
19. The applicant shall remove the existing Liquidambar styraciflua in tree well adjacent to curb and plant one (1) seven foot tall or larger King Palm (*Archontophoenix cunninghamiana*) along Fairview Road.

## CODE REQUIREMENTS

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

- Plng.      1. Once the use is legally established, the planning application herein approved shall be valid until revoked. The Development Services Director or his/her designee may refer the planning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
2. Parking stalls shall be double-striped in accordance with City standards.
3. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
4. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
5. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
6. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
8. Trash enclosure or other acceptable means of trash disposal shall be provided. Design of trash enclosure shall conform with City standards. Standard drawings are available from the Planning Division.
- Const      9. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- Hrs
- Bldg.      10. Comply with the requirements of the following adopted codes 2013 California Building Code, 2013 California Electrical code, 2013 California Mechanical code, 2013 California Plumbing code, 2013 California Green Building Standards Code, and 2013 California Energy Code (or the applicable adopted, California Building code, California Electrical code, California Mechanical code, California Plumbing Code, California Green Building Standards, and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
11. Submit precise grading plans, an erosion control plan and a hydrology study. A precise grading and a hydrology report plan shall not be required if any of the following are met:

1- An excavation which does not exceed 50 CY on any one site and which is less than 2 ft in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area).

2- A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.

3-A fill less than 3 ft in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.

12. Submit a soil's report for the project. Soil's Report recommendations shall be blueprinted on both the architectural and grading plans.
13. The ground adjacent immediately to the foundation shall be slopes away from the building at a slope of not less than 5% for a minimum distance of 10 feet measured perpendicular to the face of the wall CBC sec. 1804.3. See also exception. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus two percent (2%).
- Bus. Lic. 14. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Fire. 15. LPG exchange stations shall be located at least 10 feet from building doorways. CFC Table 6109.12
16. Combustible materials shall be kept at least 10 feet from containers. CFC Table 6109.12
17. When exposed to potential vehicular damage, LP-gas containers shall be protected. CFC 312 and 6107.4
18. Containers shall be located to minimize exposure to heat and physical damage and shall be stored in a covered and locked enclosure designed to prevent tampering. CFC 6109.2 and 6109.13
19. Used, empty containers shall be considered to be full when calculating the maximum quantity allowed. CFC 6109.5
20. Screw-on type caps or collars that are securely in place shall protect valves on all containers stored CFC 6109.8
21. Approved warning signs (e.g., "LIQUEFIED PETROLEUM GAS" and "NO SMOKING") shall be posted.
22. The plan shall show compliance with all applicable CFC sections and include the size and type of rack, size and quantity of bottles stored, and their location relative to exits, unprotected openings, roadways, and storage of other sales materials.
23. An operational permit is required for the storage and use of LP-gas. CFC 6101.2 and Section 105.6.

## **SPECIAL DISTRICT REQUIREMENTS**

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

- AQMD 1. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- CDFA 2. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
- OC Health Dept. 3. Provide a plan to the County of Orange Health Department for review and approval.

**RESOLUTION NO. PC-15-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION 14-39 A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE AT 2281 NEWPORT BOULEVARD**

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

WHEREAS, an application was filed by Shawn Mehr, as the authorized agent on behalf of the property owner, Sam Rahimian, requesting approval of a conditional use for the construction of a convenience store and replacement of the existing canopies at the gasoline service station located at 2188 Newport Boulevard in the C2 zone; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 9, 2015 with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-14-32 with respect to the property described above.

**PASSED AND ADOPTED THIS 9<sup>TH</sup> DAY OF FEBRUARY 2015.**

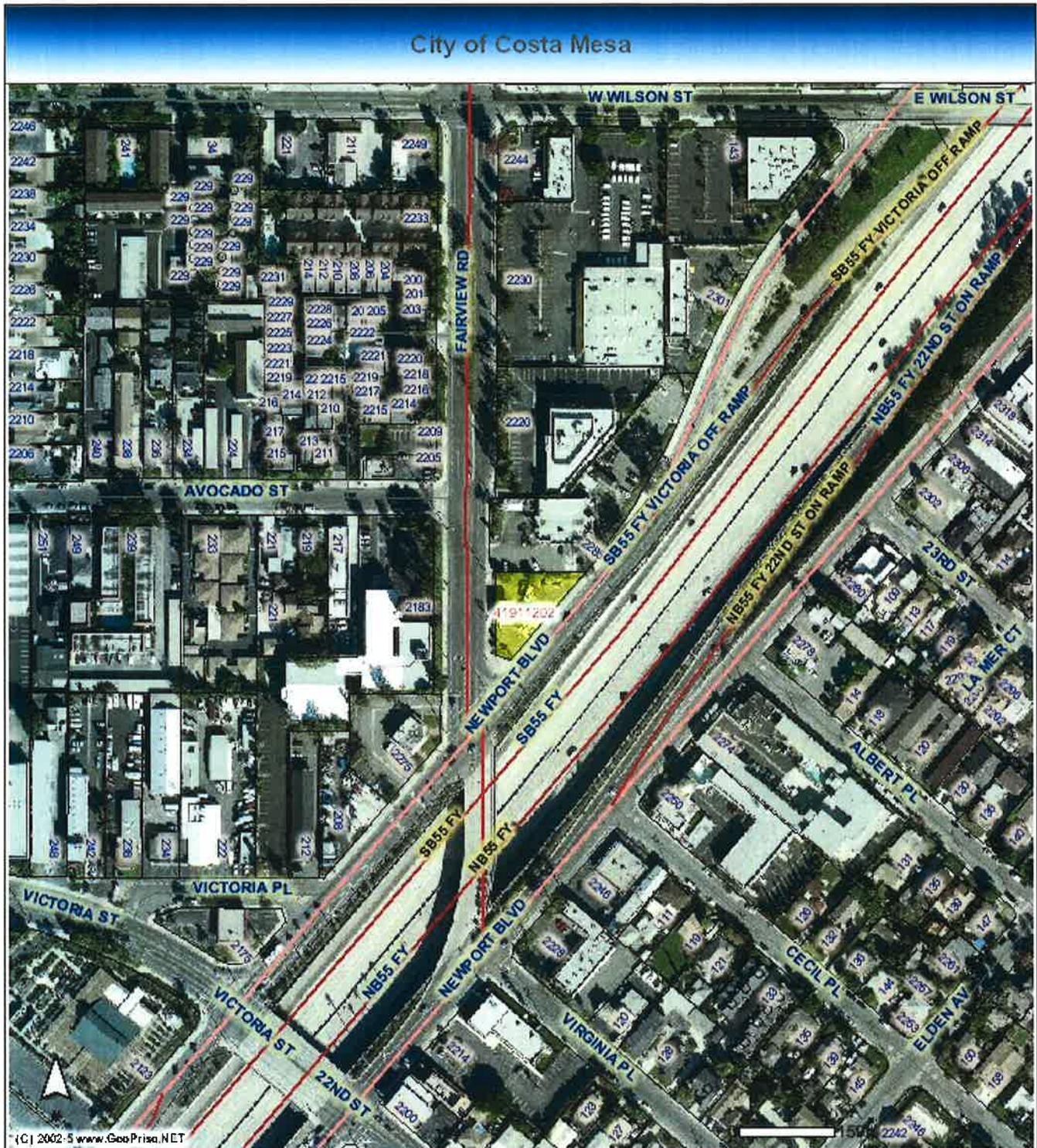
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JIM FITZPATRICK  
Chair, Costa Mesa Planning Commission

## EXHIBIT A

### FINDINGS

- A. The information presented substantially does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
  - 1. The proposed use is not substantially compatible with developments in the same general area and would be materially detrimental to other properties within the area.
  - 2. Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
  - 3. Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.
  
- B. The Costa Mesa Planning Commission has denied Planning Application PA-14-39. Pursuant with the Public Resources Code Section 21080(b)(5) and the CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
  
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



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Address Small  
Address Points

Freeway  
Roads  
(cont)

Collector  
Freeway  
(cont)

Major  
Newport BLVD  
(cont)

Primary  
SECONDARY

# **Costa Mesa Investment, llc**

1200 East Imperial Highway, Brea, CA 92821

Tel: 714-529-2127

From: Shawn Mehr  
Optima Contractors  
15 Columbia, Irvine, CA 92612

October 6, 2014

To: Planning Department  
City of Costa Mesa

Re: Costa Mesa Union 76  
2281 Newport Boulevard

Request: Conditional Use Permit for construction of approximately 1,200 Square Feet Convenience Store in Existing Union 76 Gas Station with VARIANCE to allow, two parking stalls within the required front setback area.

Dear Planning staffs,

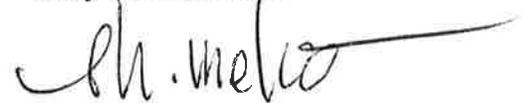
The smallest size for convenience store to work and makes some profit is 1,200 sq. ft.

Due to the odd shape of property which is triangle and located between two major streets and also location of the existing gas canopies and pumps, we need variance for two parking stalls which are designed and located within the front setback of property.

As we show in the site plan, the size of property does not allow providing the required parking somewhere else.

It will be appreciated to approve this variance to construct this building which will add a nice improvement to the City and Convenience for the neighbors.

Truly Yours, Shawn Mehr





**COUNTY OF ORANGE  
HEALTH CARE AGENCY**

**PUBLIC HEALTH SERVICES  
ENVIRONMENTAL HEALTH**

*Excellence  
Integrity  
Service*

**MARK A. REFOWITZ  
DIRECTOR**

**RICHARD SANCHEZ, MPH  
ASSISTANT DIRECTOR**

**DAVID M. SOULELES, MPH  
DEPUTY AGENCY DIRECTOR**

**DENISE FENNESSY, REHS  
DIRECTOR  
ENVIRONMENTAL HEALTH**

MAILING ADDRESS  
1241 E DYER ROAD, SUITE 120  
SANTA ANA CA 92705-5811

TELEPHONE (714) 433-8473  
FAX: (714) 754-1732  
E-MAIL: EHEALTH@ochca.com

January 13, 2015

James Kiernan  
Chevron Environmental Management Company  
6101 Bollinger Canyon Road  
San Ramon, CA 94583

**Subject: Remedial Action Completion Certification**

**Re: Underground Storage Tank (UST) Case  
76 Service Station #5067  
2281 Newport Boulevard  
Costa Mesa, CA 92626  
OCHCA Case #98UT042**

Dear Mr. Kiernan:

This letter confirms the completion of site investigation and corrective action for the underground storage tank(s) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this Agency was accurate and representative of site conditions, this Agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required. This notice is issued pursuant to subdivision (h) of Section 25296.10 of the Health and Safety Code.

Claims for reimbursement of corrective action costs submitted to the Underground Storage Tank Cleanup Fund more than 365 days after the date of this letter or issuance or activation of the Fund's Letter of Commitment, whichever occurs later, will not be reimbursed unless one of the following exceptions applies:

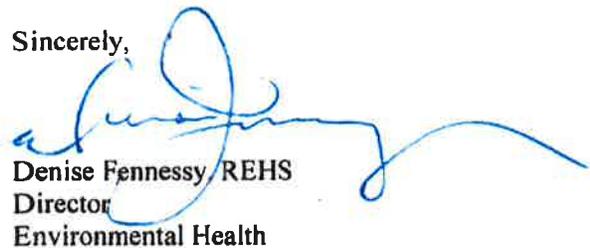
- Claims are submitted pursuant to Section 25299.57, subdivision (k) (reopened UST case); or,
- Submission within the timeframe was beyond the claimant's reasonable control, ongoing work is required for closure that will result in the submission of claims beyond that time period, or that under the circumstances of the case, it would be unreasonable or inequitable to impose the 365-day time period.

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James Kiernan  
January 13, 2015  
Page 2

Please contact Denamarie Baker at (714) 433-6255 if you have any questions regarding this matter.

Sincerely,



Denise Fennessy REHS  
Director  
Environmental Health

Attachment: Case Closure Summary

cc: Nancy Olson-Martin, Santa Ana Regional Water Quality Control Board (electronic copy)  
Dan Yokoyama, Water Quality Section, Orange County Environmental Health (electronic copy)  
Larry Brenner, Water Quality Section, Orange County Environmental Health (electronic copy)  
UST Cleanup Fund Manager, State Water Resources Control Board (electronic copy)  
Alex G. Chua, Arcadis U.S., Inc. (electronic copy)

# UST Case Closure Summary Form

**Agency Information**

Agency Name: Orange County Health Care Agency	Address: 1241 E. Dyer Road, Suite 120
City/State/Zip: Santa Ana, CA 92780	Phone: (714) 433-6255
Staff Person: Denamarie Baker	Title: Hazardous Waste Specialist

**Case Information:** (expand if needed)

Facility Name: Tosco - 76 #5067		
Facility Address: 2281 Newport Blvd., Costa Mesa, CA		
RB LUSTIS Case No.:	Local Case No.:	Global ID No.:
	98UT042	T0605902169
URF Filing Date: June 23, 1998	Sweeps No.:	
Responsible Party(s):	Address:	Phone:
James Kiernan Chevron Environmental Services	6101 Bollinger Canyon Road San Ramon, CA 94583	(925) 790-3955

**Tank Information** (Delete table if Tank info becomes a tab in GeoTracker and included in CSM Report)

Tank No.	Size (gal)	Contents	Closed in-Place/ Removed/Active	Date
1, 2	12,000	Gasoline	Active	NA
3	8,000	Gasoline	Active	NA

**Conceptual Site Model** (Attach printout of GeoTracker CSM Report including soil and groundwater data)

**Closure Criteria Met** (Attach printout of GeoTracker LTCP Checklist)

**Optional Site map(s)** (Show GT URL or attach most recent relevant report map(s), if any, showing groundwater flow direction and any residual hydrocarbon plume defined by water quality objectives)

**Additional Information:**

**CLEANUP ACTION REPORT --**

[http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0605902169#cleanupaction](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605902169#cleanupaction)

<u>ACTION TYPE</u>	<u>BEGIN DATE</u>	<u>END DATE</u>	<u>PHASE</u>	<u>CONTAMINANT MASS REMOVED</u>
SOIL VAPOR EXTRACTION (SVE)	2/4/2010	10/11/2012	Soil Vapor	14,424 Pounds
SOIL VAPOR EXTRACTION (SVE)	4/14/2005	10/27/2005	Soil Vapor	44,757 Pounds
SOIL VAPOR EXTRACTION (SVE)	11/1/2001	11/3/2001	Soil Vapor	86 Pounds
EXCAVATION	6/23/1998	7/6/1998	Soil	162 Tons

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# UST Case Closure Summary Form

**Additional Information (continued):**

**Support for LTCP Checklist:**

**Groundwater:** Recent groundwater sampling shows the greatest contaminant plume length is TBA at ~60 feet. Current groundwater contaminant concentrations and relevant plume maps are attached.

**Reference:**  
[Arcadis, Third Quarter 2013 – Quarterly Status Report dated October 18, 2013](#)

The nearest surface water body is the Fairview Road Storm Drain located approximately 850 feet north of the site. There are no groundwater production wells within 1,000 feet of the site.

**Vapor Intrusion to Indoor Air:** Site meets exemption for active fueling facility. In addition, residual contaminant concentrations in soil and groundwater do not appear to result in a risk from vapor intrusion to the adjacent commercial properties.

**References:**  
[Arcadis, Third Quarter 2013 – Quarterly Status Report dated October 18, 2013](#)  
[Arcadis, Conceptual Site Model and Low-Threat Case Closure Request dated December 13, 2013](#)

**Direct Contact and Outdoor Air Exposure:** Soil samples collected between 3 and 10 feet bgs did not exceed maximum concentrations of petroleum constituents listed under the commercial/industrial scenario of Table 1 of the UST LTCP.

**Reference:**  
[Arcadis, Conceptual Site Model and Low-Threat Case Closure Request dated December 13, 2013](#)

**LAND USE CONSIDERATIONS:** Site is currently developed for commercial use. Site conditions should be reviewed if land use changes.

**RWQCB Notification**

Date Submitted to RWQCB Staff	Response: <i>Concurs w/ Closure</i>
RWQCB Staff Name: Kenneth R. Williams	Title: Chief, Pollutant Investigation Section
Signature: <i>Kenneth R. Williams</i>	Date: <i>Sept. 16, 2014</i>

**Local Agency Representative**

Name: Osman Taban, PG #5986	Title: Geologist
Signature: <i>Osman Taban</i>	Date: <i>8/1/2014</i>
Name: Geniece Higgins	Title: Supervising Hazardous Waste Specialist
Signature: <i>[Signature]</i>	Date: <i>8/1/14</i>
Name: Anthony Martinez	Title: Program Manager
Signature: <i>[Signature]</i>	Date: <i>8-1-14</i>

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## RESOLUTION NO. PC-05- 11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-05-28 WITHOUT PREJUDICE**

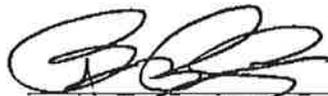
THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Shawn Mehr of Octagon Enterprises for Sam Rahimian, owner of real property located at 2281 Newport Boulevard, requesting approval of a conditional use permit to conditional use permit to allow the construction of a 1,000 square foot convenience store with concurrent sales of alcoholic beverages at an existing gas station with variances to allow parking within the required street setback along Newport Boulevard (20 feet required; 5 feet proposed) and from number of parking spaces (6 spaces required; 4 proposed); and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 24, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Planning Application PA-05-28 without prejudice with respect to the property described above.

**PASSED AND ADOPTED this 24<sup>th</sup> day of October, 2005.**



\_\_\_\_\_  
Bill Perkins, Chair  
Costa Mesa Planning Commission



## EXHIBIT "A"

FINDINGS

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, it would intensify a use on a property that already cannot satisfy parking and setback requirements. The sales of alcoholic beverage for off-site consumption is also incompatible with surrounding uses because adjacent census tracts have undue concentration of off-sale licenses and an adjacent crime reporting district is a high crime area. Granting the conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(1) in that no special circumstances exist to justify approval of the parking and setback variances. Although the property is irregularly shaped with two street frontages, the variances are created by the proposed convenience store. Approval of the variances would constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
- C. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use and construction are not compatible and harmonious with uses both on-site as well as those on surrounding properties.
  - b. The project is not consistent with the General Plan.
  - c. The planning application is for a project-specific case and does not establish a precedent for future development.
  - d. The cumulative effect of all the planning application has been considered.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under 15303 (New Construction).
- E. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



# **PLANNING COMMISSION AGENDA REPORT**

*II.3.*

MEETING DATE: OCTOBER 24, 2005

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-28  
2281 NEWPORT BOULEVARD (UNION 76)

DATE: OCTOBER 13, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

## **PROJECT DESCRIPTION**

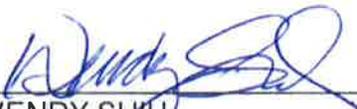
The applicant is requesting approval of a conditional use permit to allow the construction of a 1,000 square foot convenience store with concurrent sales of alcoholic beverages at an existing gas station (Union 76) with variances to allow parking within the required setback along Newport Boulevard and from number of parking spaces.

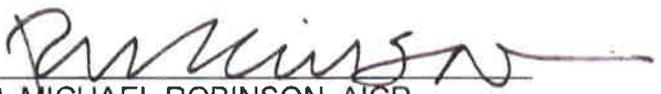
## **APPLICANT**

Shawn Mehr of Octagon Enterprises is representing the property owner, Sam Rahimian.

## **RECOMMENDATION**

Deny by adoption of Planning Commission resolution.

  
\_\_\_\_\_  
WENDY SHIH  
Associate Planner

  
\_\_\_\_\_  
R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

**PLANNING APPLICATION SUMMARY**

Location: 2281 Newport Boulevard Application: PA-05-28

Request: Demolish an existing cashier kiosk and construct a convenience store for Union 76 Service Station, with variances and alcohol sales.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: C2 North: Surrounding properties  
 General Plan: General Commercial South: are zoned commercial  
 Lot Dimensions: Irregular East: and contain  
 Lot Area: 12,600 sq.ft. West: commercial uses.  
 Existing Development: Service station with a cashier kiosk.

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>	
<b>Lot Size:</b>			
Lot Width	120 ft.	137 ft.	
Lot Area	12,000 sq.ft.	12,600 sq.ft.	
<b>Floor Area Ratio:</b>			
( High Traffic FAR)	.20 (2,520 sq.ft.)	.08 (1,000 sq.ft.)	
<b>Building Height:</b>			
	2-stories/30 ft.	1-story/21 ft.	
<b>Interior landscaping:</b>			
	150 sq.ft. (based on required parking)	Approx. 485 sq.ft.	
<b>Setbacks:</b>			
	<b>Landscape and Building</b>	<b>Landscape</b>	<b>Building</b>
Front (Fairview Rd.)	20 ft.	5 ft.**	2 ft.*
Side (interior/street)	0 ft./20 ft.	5 ft./10 ft.*	5 ft./ 43 ft.
Front (Newport Blvd.)	20 ft.	0 ft.*	2 ft.*
<b>Parking:</b>			
Standard	5	3	
Handicapped	1	1	
<b>TOTAL:</b>	<b>6</b>	<b>4**</b>	

CEQA Status Class 3  
 Final Action Planning Commission

\* Existing setbacks approved under ZE-82-143.  
 \*\* Variance requested.

**BACKGROUND**

The property is located on the northern corner of Newport Boulevard and Fairview Road. A gasoline service station was constructed on the property in 1963. In 1983, a conditional use permit for the gasoline station remodel with variances from required setbacks from Fairview Road and Newport Boulevard property lines for the service station canopies, street setback landscaping requirements, and parking requirements were approved (ZE-82-143). An encroachment permit (EP-82-13) was also approved to allow installation of a landscaped planter within the public right-of-way on Fairview Road. The remodel included construction of a cashier's kiosk and addition of two pump islands and a canopy expansion.

**DISCUSSION**

The applicant proposes to demolish the cashier's kiosk and construct a 1,000 square foot convenience store with concurrent sales of alcoholic beverages. Variances to allow parking within the required street setback along Newport Boulevard (20 feet required; 5 feet proposed) and from number of parking spaces (6 required; 4 proposed) are also requested.

**CONDITIONAL USE PERMIT – CONVENIENCE STORE**

According to ABC (State Department of Alcoholic Beverage Control), the census tract in which the gasoline station is located (639.060) is not within an area of undue concentration for off-sale licenses (4 licenses allowed; 3 existing). Government Code Section 23958.4 defines "undue concentration" as being an area where there is high crime (defined as an area exceeding the City-wide average crime rate by more than 20 percent), and/or the ratio of the number of ABC licenses to population within the census tract exceeds the countywide ratio of the number of ABC licenses to population. The property is also not located within a high crime area based on 2004 information. However, the adjoining census tracts are undue concentration (639.050 allows 4; 5 existing and 637.020 allows 4; 8 existing). In 2001, Assembly Bill no. 624 was passed to allow ABC take into account adjacent crime reporting districts if the applicant's premises for any off-sale beer and wine license is located within 100 feet of the boundaries of any adjacent crime reporting district. The adjacent crime-reporting district (13) is a high crime area that exceeds the City-wide average crime rate by 53 percent. As a result, staff is recommending denial of alcohol sales at this location.

Staff is also recommending denial of this request because the applicant proposes to intensify the use on a property that already cannot satisfy applicable development standards, even with a smaller building.

## PARKING VARIANCE

Code requires 4 spaces per 1,000 square feet of gross floor area with a minimum of 6 spaces. In 1983, a parking variance (6 required; 4 provided) was approved because the gasoline station (consisting of a 200 square foot kiosk and two canopies with four pump islands) would be self-service and there was no convenience store. Since the applicant proposes a convenience store, which will generate a higher parking demand, it is staff's opinion that although the property is irregularly shaped, there are no special circumstances to justify approval of the parking variance and that approval of the deviation would constitute a grant of special privileges inconsistent with the limitation upon other properties.

## STREET SETBACK VARIANCES

Code prohibits parking within street setbacks, requiring street setbacks be landscaped with the exception of necessary walkways and driveways. The applicant is proposing to relocate the northern driveway further south on Newport Boulevard and wishes to place two parking spaces within the required 20-foot setback. The proposal would result in a 5-foot landscape and parking setback from Newport Boulevard property line. Although the property is irregularly shaped and has two street frontages, it is staff's opinion that there is no justification for approving additional setback variances on the property, which are created by the proposed convenience store.

## ALTERNATIVES

If Planning Application PA-05-28 is denied, the property may not be remodeled as proposed.

If the proposal is approved with the necessary findings for approval and conditions, the property may be remodeled as proposed.

## CONCLUSION

It is staff's opinion that the proposed convenience store with or without off-sale of alcoholic beverages is too intensive for the site and would be materially detrimental to the health, safety and general welfare of the public because of the number of off-sale alcohol licenses in the area and because the building cannot be built without variances. The proposed remodel will make the property even more nonconforming with respect to parking and setbacks.

Attachments:       Draft Planning Commission Resolution  
                          Exhibit "A" – Findings  
                          Exhibit "B" – Conditions of Approval  
                          Applicant's Project Description and Justification  
                          Location Maps  
                          Census Tracts Map  
                          High Crime Areas Map  
                          Plans

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

Shawn Mehr  
Octagon Enterprises  
3303 Harbor Blvd., Ste. C-6  
Costa Mesa, CA 92626

Sam Rahimian  
1200 East Imperial Hwy.  
Brea, CA 92821

File: 102405PA0528	Date: 101305	Time: 8:30 a.m.
--------------------	--------------	-----------------

RESOLUTION NO. 96-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING ACTION PA-96-03, A CONDITIONAL USE PERMIT TO CONSTRUCT A MINI-MART AND REFURBISH AN EXISTING GAS STATION.

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

WHEREAS, an application was filed by Scott Peotter, authorized agent for Union Oil of California, doing business as UNOCAL/Philip Dedge, with respect to property located at 2281 Newport Boulevard, Costa Mesa, requesting a Conditional Use Permit to demolish an existing gas station building and construct a new 1,372-square-foot mini-mart at an existing UNOCAL 76 gas station in a C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 8, 1996; and

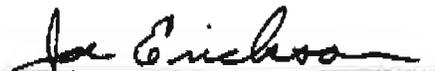
WHEREAS, an interested party filed an appeal of said Planning Commission decision on January 15, 1996; and

WHEREAS, the City Council held a duly noticed public hearing February 20, 1996;

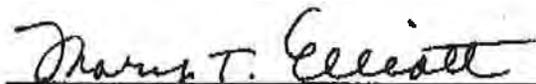
NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the record and findings contained in Exhibit "A", and subject to conditions contained in Exhibit "B" and the applicant's voluntary conditions attached hereto, the City Council hereby APPROVES the Conditional Use Permit to demolish the existing gas station building and construct a new mini-mart with respect to Planning Action PA-96-03 as described above.

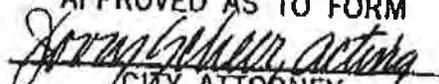
BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon operation of the business or activity in the manner described in the staff report for Planning Action PA-96-03, and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" and the applicant's voluntary conditions. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this Resolution, and any approvals herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 20th day of February, 1996.

  
Mayor of the City of Costa Mesa

ATTEST:

  
Deputy City Clerk of the City of Costa Mesa

APPROVED AS TO FORM  
  
CITY ATTORNEY

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

I, MARY T. ELLIOTT, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 96-15 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 20th day of February, 1996.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 21st day of February, 1996.

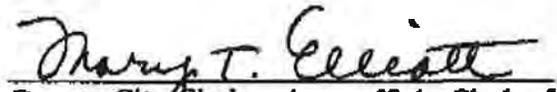
  
Deputy City Clerk and ex-officio Clerk of  
the City Council of the City of Costa Mesa

EXHIBIT "A"

FINDINGS

Conditional Use Permit - construct mini-mart and refurbish existing gas station

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-347, in that the proposed development is substantially compatible with developments in the same general area; granting the Conditional Use Permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity in that the site has been a gas station and the proposed mini-mart is compatible with similar gas stations in the City. Granting the Conditional Use Permit will not allow a use, density or intensity which is not in accordance with the General Plan designation for the property.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt.
- C. The project is exempt from Article 22½, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.1. Approval shall be for a period of 1 year. Prior to expiration, applicant may request renewal, subject to reevaluation at that time. The Development Services Director may extend the Planning Action for a period not to exceed two (2) years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable Ordinance requirements. Thereafter, the Development Services Director may extend the permit for successive two (2) year periods under the same terms.
2. Street addresses shall be displayed on the freestanding ground sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
  3. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces.
  4. Demolition permits for existing structure(s) 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.
  5. The Conditions of Approval and Code Requirements of Planning Action PA-96-03 shall be blueprinted on the face of the site plan.
  6. The applicant shall contact the Planning Division to arrange for a "Special Requirements" inspection of the site prior to the release of occupancy. This inspection is to confirm that the Conditions of Approval and Code Requirements have been satisfied.
  7. The proposed trash enclosure shall be located out of required setback area.

CODE REQUIREMENTS

- Plng.1. Approval of the Planning Action is valid for one (1) year and will expire at the end of that period unless building permits are obtained or the applicant applies for and is granted an extension of time.
2. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility

- releases will not be granted until all such licenses have been obtained.
3. Permits shall be obtained for all signs, including banners and other special event signing, according to the provisions of the Costa Mesa Sign Ordinance.
  4. Parking stalls shall be double-striped in accordance with City standards.
  5. Four (4) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative Water Agency and one (1) set shall be submitted to the Planning Division for review. Plans shall be approved by the Water Agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
  6. Two (2) sets of landscape and irrigation plans, approved by both the Water Agency and the Planning Division, shall be attached to two of the final building plan sets.
  7. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-263 through 13-266 as well as irrigation requirements set forth by the Water Agency. Consult with the representative Water Agency - Mesa Consolidated Water District, Ray Barela at 631-1291 - for requirements.
  8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
  9. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland cement concrete curbing.
  10. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform with City standards. Standard drawings are available from the Planning Division.
  11. All conditions of the California Alcoholic Beverage Control Board shall be complied with.
  - Comm.12. Liquidambar on Fairview to remain. Street trees in Svcs. the front setback shall meet with the approval of the Community Services Department. Newport street trees shall be *Pyrus calleyana* "Aristocrat", 15-gallon minimum size, spaced at 30' on center.
  - Bldg.13. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
  - Eng. 14. At the time of development submit for approval an Off-site Plan to the Engineering Division and Grading Plan to the Building Department that shows sewer, water, existing parkway improvements and the limits of work on the site, prepared by a civil engineer or architect. Site access approval must be obtained prior to Building or

- Engineering Permits being issued by City of Costa Mesa. Pay Offsite Plan Check Fee to the Engineering Division. An approved Off-site Plan and fee shall be required prior to Engineering/Utility Permits being issued by the City.
15. A Site Access permit and deposit of \$500 for street sweeping will be required by the Engineering Division, prior to the start of any on- or off-site work.
  16. Maintain the public right-of-way in a "wet-down" condition to the degree necessary to prevent excessive dust and periodically remove any spillage from the public right-of-way by sweeping or sprinkling.
  17. Haul routes must be approved by the Engineering Division, prior to approval of the Site Access Permit.
  18. Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City Engineer. Cash deposit or surety bond amount to be determined by the City Engineer.
  19. Obtain a permit from the Engineering Division, at the time of development and then construct P.C.C. commercial sidewalk per City of Costa Mesa Standards as shown on the off-site plan, including four (4) feet clear around obstructions in the sidewalk.
  20. Obtain a permit from the Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager.
  21. Obtain a permit from the Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk at applicant's expense.
  22. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property.
  23. Fulfill mitigation of off-site traffic impacts by submitting to the Planning Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic impact Fee is calculated based upon the average daily trip generation rate of 150 trip ends per pump island for the proposed gas station/mini-mart use and includes a credit for any existing use. At the current rate of \$200 per trip end, the Traffic Impact Fee is estimated as \$16,000.
  - Fire 24. Provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A,10BC as these extinguishers are suitable for all types of fires and are less expensive.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani.1. Developer will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.
2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit required prior to installation of sewer. To receive credit for buildings to be demolished, call 754-5307 for inspection. County Sanitation District fees, fixture fees, inspection fees, and sewer permit required prior to installation of sewer. To receive credit for buildings to be demolished, call 754-5307 for inspection.
3. Developer shall submit a plan showing sewer improvements to the District Engineer's Office - 631-1731.

RESOLUTION NO. 96-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING ACTION PA-96-03, A CONDITIONAL USE PERMIT FOR THE CONCURRENT SALE OF ALCOHOLIC BEVERAGES AND MOTOR VEHICLE FUEL.

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

WHEREAS, an application was filed by Scott Peotter, authorized agent for Union Oil of California, doing business as UNOCAL/Philip Dedge, with respect to property located at 2281 Newport Boulevard, Costa Mesa, requesting a Conditional Use Permit to allow the concurrent sale of beer and wine and motor vehicle fuel at the gas station, in a C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 8, 1996; and

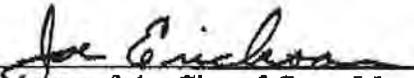
WHEREAS, an interested party filed an appeal of said Planning Commission decision on January 15, 1996; and

WHEREAS, the City Council held a duly noticed public hearing February 20, 1996;

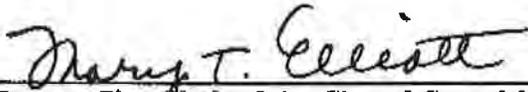
NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the record and findings contained in Exhibit "A2", and subject to conditions contained in Exhibit "B1" and the applicant's voluntary conditions attached hereto, the City Council hereby APPROVES the Conditional Use Permit to allow concurrent sale of beer and wine and motor vehicle fuel with respect to Planning Action PA-96-03 as described above.

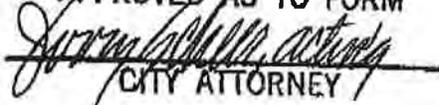
BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon operation of the business or activity in the manner described in the staff report for Planning Action PA-96-03, and upon applicant's compliance with each and all of the conditions contained in Exhibit "B1" and the applicant's voluntary conditions. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this Resolution, and any approvals herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 20th day of February, 1996.

  
Mayor of the City of Costa Mesa

ATTEST:

  
Deputy City Clerk of the City of Costa Mesa

APPROVED AS TO FORM  
  
CITY ATTORNEY

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

I, MARY T. ELLIOTT, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 96-16 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 20th day of February, 1996.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 21st day of February, 1996.

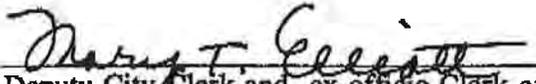
  
Deputy City Clerk and ex-officio Clerk of  
the City Council of the City of Costa Mesa

EXHIBIT "A2"

FINDINGS

Conditional Use Permit - concurrent sale of alcoholic beverages and motor vehicle fuel.

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-347 in that the proposed use is compatible with developments in the same general area; granting the Conditional Use Permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity in that mathematically while there is overconcentration of off-sale liquor licenses, the proposed use is unique within the census tract.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt.
- C. The project is exempt from Article 22½, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B1"

CONDITIONS OF APPROVAL

- Plng. 1. Incorporate voluntary suggested conditions on parameters of operational authority, as provided by applicant.
2. The applicant shall acquire an existing liquor license within the City of Costa Mesa for this site.

CODE REQUIREMENTS

- Plng.1. No alcoholic beverage shall be displayed within five feet of the cash register or the front door unless it is in a cooler which was permanently affixed prior to January 1, 1988.
2. No sale of alcoholic beverages shall be made from a drive-in window.
3. No alcoholic beverages shall be sold or displayed outdoors.
4. No display or sale of alcoholic beverages shall be made from an ice tub.
5. No alcoholic beverage advertising shall be located on motor fuel islands, and no self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
6. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell alcoholic beverages.

**APPLICANT'S VOLUNTARILY SUGGESTED CONDITIONS ON  
PARAMETERS OF OPERATIONAL AUTHORITY  
UNOCAL SERVICE STATION NO. 5067  
2281 NEWPORT BLVD  
COSTA MESA, CALIFORNIA**

9. No fortified wines shall be sold;
10. No ice in quantities of less than 2 pounds shall be sold, furnished or given away;
11. No beer and wine will be displayed within five feet of the cash register or the front door, unless, of course, it is in a permanently affixed cooler;
12. No beer or wine display will be made from an ice tub;
13. No single can sales of beer, 40 ounce or Magnum beers will be permitted;
14. No sale of beer and wine will be made from a drive - in window;
15. No self illuminating advertising for beer and wine shall be located on the building or windows;
16. Employees on duty between 7:00 p.m. and 1:00 a.m. who sell beer and wine shall be at least 21 years of age;
17. There will be no coin operated amusement devices or video games on the premises;
18. All products sold at the FASTBREAK food mart must be preapproved by Unocal;

**APPLICANT'S VOLUNTARILY SUGGESTED CONDITIONS ON  
PARAMETERS OF OPERATIONAL AUTHORITY  
UNOCAL SERVICE STATION NO. 5067  
2281 NEWPORT BLVD  
COSTA MESA, CALIFORNIA**

19. Applicant will secure the premises with appropriate security lighting and employee scrutiny of the adjacent areas under which applicant has control to preclude trash, graffiti or littering and any lighting under the control of applicant shall be directed in such a manner so as not to unreasonably interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in strength to make visible the identify and actions of all persons entering or exiting the premises;

20. The applicant shall maintain free of litter all areas of the premises under which applicant has control;

21. Any graffiti painted or marked upon the premises shall be removed or painted over within 72 hours of the discovery thereof;

22. A sign will be posted in the window to identify that the cash register contains \$50.00 or less in cash and the drop safe is not accessible to employees;

23. There shall be no sale or rental of any adult magazines, videos, tapes, discs or films at this location;

24. The public restroom will be available for public use while the FASTBREAK food mart is open for business;

23. The food mart is equipped with a security camera that is capable of receiving an image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras will be maintained in proper working order at all times and shall be subject to periodic inspection by the local police department.

**APPLICANT'S VOLUNTARILY SUGGESTED CONDITIONS ON  
PARAMETERS OF OPERATIONAL AUTHORITY  
UNOCAL SERVICE STATION NO. 5067  
2281 NEWPORT BLVD  
COSTA MESA, CALIFORNIA**

- 24. The applicant shall provide adequate lighting above the entrance to the premises sufficient in strength to make visible the identity and actions of all persons entering or exiting the premises;**
- 25. All improvements on the property will be continuously maintained, including repairs to structures and replacement of dead or diseased plant material.**
- 26. Signs and curb painting shall be utilized on site to encourage parking in designated parking spaces;**

# Costa Mesa Union 76

## Convenience Store

&

## Service Station

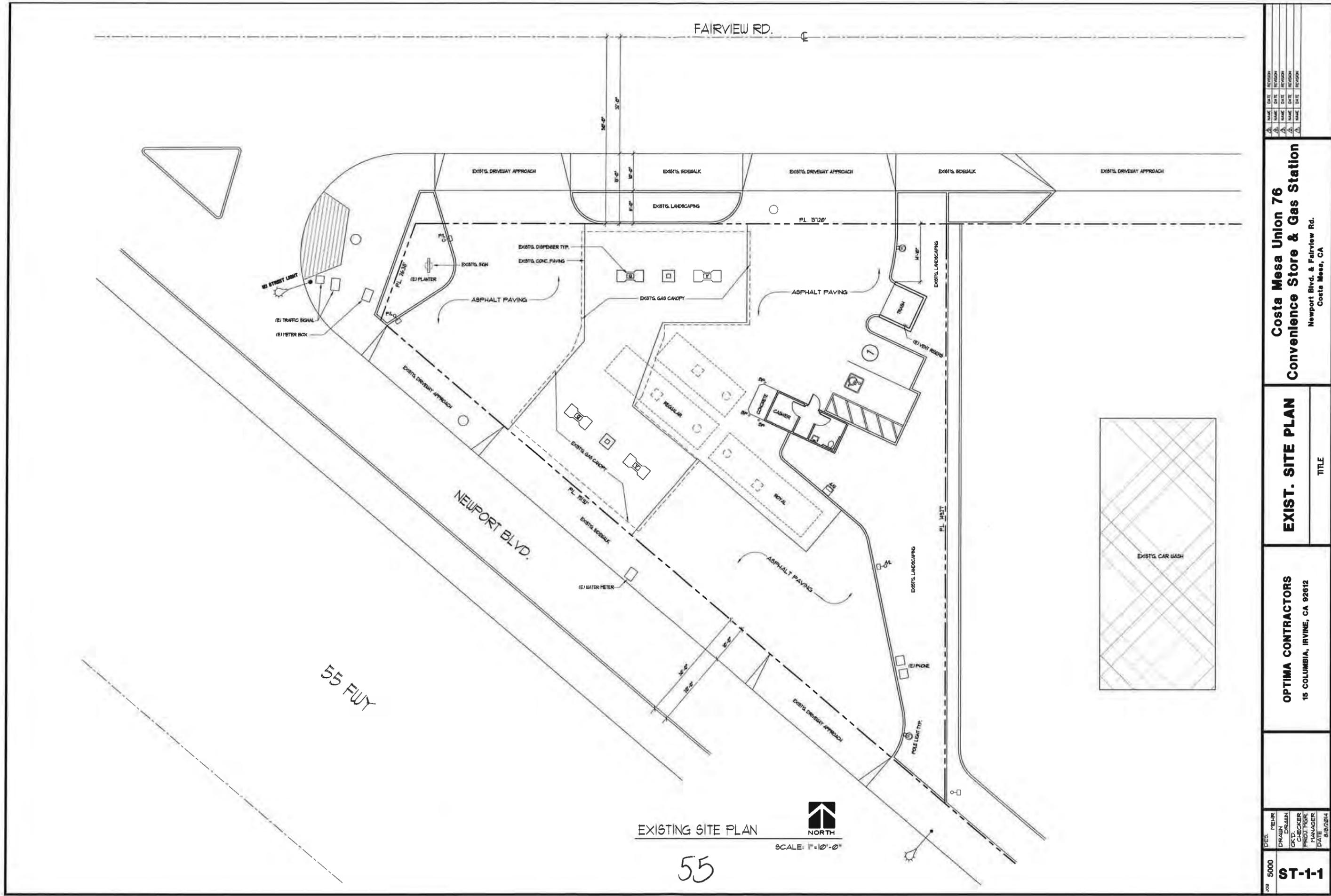
Newport Blvd. & Fairview road  
 2281 Newport Boulevard  
 Costa Mesa, California 92627

APN: 419-112-02

DATE	REVISION

**Costa Mesa Union 76**  
**Convenience Store & Gas Station**  
 Newport Blvd. & Fairview Rd.  
 Costa Mesa, CA

<p><b>GENERAL NOTES</b></p>	<p><b>STORMWATER POLLUTION PREVENTION</b></p>	<p><b>PROJECT SUMMARY</b></p>	<p><b>SHEET INDEX</b></p>	<p><b>VICINITY MAP</b></p>																																												
<p>1- CONSTRUCTION SHALL BE IN CONFORMITY WITH THE LATEST EDITION OF THE UNIFORM BUILDING CODE (UBC) AND (CBC) AND ALL APPLICABLE LOCAL CODES AND ORDINANCES.</p> <p>2- THE SUB-CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE PRIOR TO ORDERING ANY MATERIAL AND/OR COMMENCING WORK AND SHALL REPORT ANY DISCREPANCIES TO "OPTIMA CONTRACTORS" DO NOT SCALE THE DRAWINGS IN ANYTIME.</p> <p>3- FAILURE OF SUB-CONTRACTOR TO REPORT DISCREPANCIES OR CONFLICTS TO THE ARCHITECT PRIOR TO COMMENCING WORK SHALL WAIVE THE SUB-CONTRACTOR'S RIGHT TO RECEIVE PAYMENT FOR ADDITIONAL WORK.</p> <p>4- FAILURE OF THE SUB-CONTRACTOR TO REVIEW AND COMPLY WITH THE APPLICABLE ARCHITECTURAL AND STRUCTURAL REQUIREMENTS PRIOR TO COMMENCING WORK SHALL WAIVE THE SUB-CONTRACTOR'S RIGHT TO RECEIVE ADDITIONAL PAYMENT FOR ANY ITEM WHICH THE SUB-CONTRACTOR SHOULD OBSERVED IN COMPLETING THE GENERAL REQUIREMENTS PRIOR TO COMMENCING THE WORK.</p> <p>5- ALL DIMENSIONS ARE TO THE FACE OF STUDS OR FACE OF CONCRETE OR CENTER OF WALL, UNLESS OTHERWISE NOTED.</p> <p>6- FRAMING CONTRACTOR SHALL COORDINATE WITH CONCRETE CONTRACTOR TO VERIFY THE LOCATION OF ANCHOR BOLTS PRIOR TO CONCRETE WORK.</p> <p>7- FRAMING CONTRACTOR SHALL PROVIDE BACKING AND BLOCKING FOR ALL PLUMBING, LIGHTING, APPLIANCES AND ALL OTHER SUBS WHICH NEED BLOCKINGS TO PERFORM THEIR WORK.</p> <p>8- FRAMING CONTRACTOR SHALL VERIFY THE LOCATION OF RECESSED LIGHT FIXTURES, ROOF VENTS, ETC.</p> <p>9- THE SUB-CONTRACTOR SHALL FULLY PROTECT ALL ADJACENT PROPERTIES BEFORE COMMENCING ANY WORK.</p> <p>10- EACH SUB-CONTRACTOR SHALL PROTECT PEDESTRIAN'S RIGHT OF WAY AS REQUIRED BY LOCAL CODES.</p> <p>11- EACH SUB-CONTRACTOR SHALL CONSULT WITH REPRESENTATIVE OF CITY AND UTILITY COMPANIES BEFORE COMMENCING WORK OR CONNECTING TO OR SEWER PIPING, WIRING, ETC. AND REPORT ANY PROBLEMS TO THE GENERAL CONTRACTOR.</p> <p>12- OMISSION OR CONFLICTS BETWEEN VARIOUS ELEMENTS OF THE DRAWINGS, NOTES AND DETAILS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND RESOLVED BEFORE PROCEEDING WITH THE WORK.</p> <p>13- CONTRACTOR SHALL INSTALL TEMPORARY TOILET BEFORE START OF JOB.</p> <p>14- DRAWINGS TAKE PRECEDENCE OVER SPECIFICATIONS. DETAILED DRAWINGS TAKE PRECEDENCE OVER DRAWINGS.</p> <p>15- TYPICAL DETAILS SHOWN SHALL APPLY WHERE NO SPECIAL DETAIL IS SHOWN.</p> <p>16- WRITTEN DIMENSION, NOT SCALED DIMENSIONS SHALL BE USED.</p> <p>17- WHERE A DETAIL, TYPICAL DETAIL, SECTION, TYPICAL SECTION, OR A NOTE IS SHOWN FOR ONE CONDITION, IT SHALL ALSO APPLY FOR ALL LIKE OR SIMILAR CONDITIONS UNLESS NOTED OTHERWISE.</p> <p>18- CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ARCHITECT HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ARCHITECT.</p> <p>19- AS AN ABSOLUTE MINIMUM, ALL ELECTRICAL CONDUITS INSTALLED UNDER THE CONCRETE SLAB SHALL BE SET AT A MINIMUM DEPTH OF 36 INCHES BELOW THE FINISH FLOOR. ALL TELEPHONE CONDUITS UNDER THE CONCRETE SLAB SHALL BE SET A MINIMUM OF 24 INCHES BELOW THE FINISH FLOOR. IF BOTH ELECTRICAL AND TELEPHONE CONDUITS OCCUR IN THE SAME TRENCH THERE SHALL BE A MINIMUM OF 2 INCHES SEPARATION BETWEEN THEM.</p> <p>20- OBSERVATION VISITS TO THE PROJECT SITE BY THE ARCHITECT SHALL NOT BE CONSIDERED AS ANY INSPECTION AS REQUIRED BY CODE.</p> <p>21- ALL MATTERS OF COLOR, TEXTURES, DESIGN AND INTERPRETATION OF PLANS SHALL BE REFERRED BY THE CONTRACTOR TO THE ARCHITECT.</p>	<p>STORMWATER POLLUTION PREVENTION DEVICES AND PRACTICES SHALL BE INSTALLED AND/OR INSTITUTED AS NECESSARY TO ENSURE COMPLIANCE TO THE CITY OF COSTA MESA WATER QUALITY STANDARDS CONTAINED IN CHAPTER 3, WATER, OF DIVISION 8 OF TITLE 6 OF THE COSTA MESA MUNICIPAL CODE AND ANY EROSION CONTROL PLAN ASSOCIATED WITH THIS PROJECT. ALL SUCH DEVICES AND PRACTICES SHALL BE MAINTAINED, INSPECTED AND/OR MONITORED TO ENSURE ADEQUACY AND PROPER FUNCTION THROUGHOUT THE DURATION OF THE CONSTRUCTION PROJECT.</p> <p>COMPLIANCE TO THE WATER QUALITY STANDARDS AND ANY EROSION CONTROL PLAN ASSOCIATED WITH THIS PROJECT INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING REQUIREMENTS:</p> <p>1- SEDIMENTS AND OTHER POLLUTANTS SHALL BE RETAINED ON SITE UNTIL PROPERTY DISPOSED OF, AND MAY NOT BE TRANSPORTED FROM THE SITE VIA SHEET FLOW, SWALES, AREA DRAIN, NATURAL DRAINAGE COURSES OR WIND.</p> <p>2- STOCKPILES OF EARTH AND OTHER CONSTRUCTION-RELATED MATERIALS SHALL BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCES OF WIND AND WATER FLOW.</p> <p>3- FUELS, OILS, SOLVENTS, AND OTHER TOXIC MATERIALS SHALL BE STORED IN ACCORDANCE WITH THEIR LISTINGS AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MAY NOT BE WASHED INTO THE DRAINAGE SYSTEM, NOR BE ALLOWED TO SETTLE OR INFILTRATE INTO SOIL.</p> <p>4- EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTES.</p> <p>5- TRASH AND CONSTRUCTION SOLID WASTES SHALL BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND.</p> <p>6- SEDIMENTS AND OTHER MATERIALS MAY NOT BE TRACKED FROM THE SITE BY VEHICULAR TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO DEPOSITS SHALL BE SWEPT UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS.</p> <p>7- ANY SLOPES WITH DISTURBED SOILS OR REMOVED VEGETATION SHALL BE STABILIZED TO INHIBIT EROSION BY WIND AND WATER.</p> <p>8- STORMWATER POLLUTION PREVENTION DEVICES AND/OR PRACTICES SHALL BE MODIFIED AS NEEDED AS THE PROJECT PROGRESSES TO ENSURE EFFECTIVENESS.</p>	<p><b>SITE SUMMARY</b></p> <p>SITE AREA = 12,600 SF</p> <p>CONVENIENCE STORE = 1,180 SF</p> <p>CANOEPIED AREA = 2,000 SF</p> <p><b>PARKING REQUIRED</b></p> <p>SALE'S AREA 630 SF * 1/250 = 3 STALLS</p> <p>COLD 4 DRY STORAGE 500 SF * 1/1000 = 1 STALL</p> <p>REQUIRED = 4 STALLS</p> <p><b>PARKING PROVIDED</b></p> <p>STANDARD PARKING = 5 STALLS</p> <p>STALL FOR H/C = 1 STALL</p> <p>PROVIDED = 6 STALLS</p> <p>LANDSCAPE PROVIDED: 16.5% 2,100 SF</p> <p>ZONE: C2</p>	<p><b>ARCHITECTURAL:</b></p> <p>T-1 TITLE SHEET</p> <p>SP-1 SPECIFICATIONS</p> <p>SP-2 SPECIFICATIONS</p> <p>SP-3 SPECIFICATIONS</p> <p>ST-1-1 EXISTING SITE PLAN</p> <p>ST-1 PROPOSED SITE PLAN</p> <p>A-1 FLOOR PLAN - ELEVATION</p> <p>A-2 ELEVATIONS - SECTION</p> <p>A-3 ROOF PLAN - REFLECTED CEILING PLAN</p> <p>AD-1 DETAILS</p> <p>AD-2 DETAILS</p> <p>AD-3 DETAILS</p> <p>AD-4 DETAILS</p> <p>AD-5 DETAILS</p> <p><b>GRADING &amp; DRAINAGE</b></p> <p>C-1 TOPO / SURVEY</p> <p>C-2 GRADING &amp; DRAINAGE NOTES</p> <p>C-3 GRADING &amp; DRAINAGE PLAN</p> <p>L-1 LANDSCAPING</p>																																													
<p><b>OWNERSHIP OF DOCUMENTS</b></p> <p>DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF THE "OPTIMA CONTRACTORS" WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY THE OWNER ON OTHER PROJECTS OR EXTENSIONS OR ALTERATIONS TO THIS PROJECT EXCEPT BY THE AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT.</p> <p>ANY CLAIM ARISING OUT OF OR RELATED TO THE ABOVE "AIA ARTICLE" BE SUBJECT TO ARBITRATION PRIOR TO ARBITRATION, THE PARTIES SHALL ENDEAVOR TO RESOLVE DISPUTES BY MEDIATION IN ACCORDANCE WITH THE "AIA MANUAL".</p>	<p><b>PROJECT DIRECTORY</b></p> <p><b>OWNER:</b></p> <p>Sam Rahimian, Union 76          Newport Blvd. &amp; Fairview          Costa Mesa, CA          TEL: (949) 351-6464</p> <p><b>ARCHITECTURAL, STRUCTURAL, ELECTRICAL, MECHANICAL</b></p> <p>OPTIMA CONTRACTORS          15 COLUMBIA          IRVINE, CA 92612          TEL: (949) 307-2414          E-MAIL: smeh@att.net</p>	<p><b>LEGAL DESCRIPTION</b></p> <p>IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA THAT PORTION OF LOT 8 OF TRACT NO. 156 IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 11, PAGE 47 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, DESCRIBED AS FOLLOWS:</p> <p>BEGINNING AT A POINT IN THE CENTERLINE OF FAIRVIEW RD. FORMERLY (SANTA ANA ROAD) 80.00 FEET WIDE, DISTANT NORTH 00°22'30" EAST 422.71 FEET FROM THE INTERSECTION OF SAID CENTER LINE WITH THE NORTHWESTERLY LINE OF SOUTHERN PACIFIC RAILROAD RIGHT OF WAY AS SHOWN ON SAID MAP; THENCE SOUTH 84°43'13" EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE PARALLEL WITH SAID CENTERLINE NORTH 00°22'30" EAST 129.87 FEET; THENCE AT RIGHT ANGLES TO SAID CENTER LINE SOUTH 84°43'13" EAST 169.27 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT NORTHWESTERLY 205.00 FEET, MEASURED AT RIGHT ANGLES FROM THAT CERTAIN SOUTHEAST LINE OF SAID LOT 8 SHOWN ON POINT OF BEGINNING.</p> <p>SAID MAP AS HAVING A LENGTH OF 360.35 FEET; THENCE ALONG SAID PARALLEL LINE SOUTH 40°38'10" WEST 141.62 FEET; THENCE NORTH 84°43'13" WEST 40.18 FEET TO THE TRUE EXCEPTING THEREFROM A PORTION OF SAID LAND ANY AND ALL RIGHTS OF INGRESS OR EGRESS FROM SAID LAND TO OR FROM THE FREEWAY PROPOSED TO BE CONSTRUCTED UPON LANDS LYING SOUTH EASTERLY OF SAID LAND; PROVIDED, HOWEVER, THAT SAID LAND SHALL ABUT UPON AND HAVE ACCESS TO A FRONTAGE ROAD WHICH WILL BE CONNECTED WITH SAID FREEWAY ONLY AT SUCH AS MAY BE ESTABLISHED BY PUBLIC AUTHORITY, AS RESERVED IN THE DEEDS FROM THE STATE OF CALIFORNIA RECORDED JANUARY 4, 1962 IN BOOK 189 OF OFFICIAL RECORDS AND RECORDED APRIL 19, 1962 IN BOOK 6080, PAGE 106 OF OFFICIAL RECORDS AND RECORDED APRIL 19, 1962 IN BOOK 6080 PAGE OF OFFICIAL RECORDS.</p>	<p><b>ABBREVIATIONS</b></p> <table border="0"> <tr> <td>A.C. ASPHALT CONCRETE</td> <td>GALV. GALVANIZED</td> </tr> <tr> <td>A/C AIR CONDITIONING</td> <td>GL. GLASS</td> </tr> <tr> <td>AL. ALUMINIUM</td> <td>GYP. GYPSUM</td> </tr> <tr> <td>BRD. BROAD</td> <td>H.C. HOLLOW CORE</td> </tr> <tr> <td>BLDG. BUILDING</td> <td>H.M. HOLLOW METAL</td> </tr> <tr> <td>BLKG. BLOCKING</td> <td>PL. PLATE</td> </tr> <tr> <td>BM. BEAM</td> <td>PLYWD. PLYWOOD</td> </tr> <tr> <td>CLG. CEILING</td> <td>R.D. ROOF DRAIN</td> </tr> <tr> <td>CLR. CLEAR</td> <td>REINF. REINFORCED</td> </tr> <tr> <td>COL. COLUMN</td> <td>RM. ROOM</td> </tr> <tr> <td>D.F. DRINKING FOUNTAIN</td> <td>S.C. SOLID CORE</td> </tr> <tr> <td>DIA. DIAMETER</td> <td>SCH. SCHEDULE</td> </tr> <tr> <td>DN. DOWN</td> <td>SHT. SHEET</td> </tr> <tr> <td>EA. EACH</td> <td>SHT'G. SHEATHING</td> </tr> <tr> <td>ELEC. ELECTRICAL</td> <td>SIM. SIMILAR</td> </tr> <tr> <td>ELEV. ELEVATION</td> <td>SPEC. SPECIFICATION</td> </tr> <tr> <td>EQ. EQUAL</td> <td>STOR. STORAGE</td> </tr> <tr> <td>EXIST. EXISTING</td> <td>THK. THICKNESS</td> </tr> <tr> <td>F.D. FLOOR DRAIN</td> <td>TYP. TYPICAL</td> </tr> <tr> <td>FIN. FINISH</td> <td>W/ WITH</td> </tr> <tr> <td>FL. FLOOR</td> <td>WD. WOOD</td> </tr> <tr> <td>GA. GAUGE</td> <td></td> </tr> </table>	A.C. ASPHALT CONCRETE	GALV. GALVANIZED	A/C AIR CONDITIONING	GL. GLASS	AL. ALUMINIUM	GYP. GYPSUM	BRD. BROAD	H.C. HOLLOW CORE	BLDG. BUILDING	H.M. HOLLOW METAL	BLKG. BLOCKING	PL. PLATE	BM. BEAM	PLYWD. PLYWOOD	CLG. CEILING	R.D. ROOF DRAIN	CLR. CLEAR	REINF. REINFORCED	COL. COLUMN	RM. ROOM	D.F. DRINKING FOUNTAIN	S.C. SOLID CORE	DIA. DIAMETER	SCH. SCHEDULE	DN. DOWN	SHT. SHEET	EA. EACH	SHT'G. SHEATHING	ELEC. ELECTRICAL	SIM. SIMILAR	ELEV. ELEVATION	SPEC. SPECIFICATION	EQ. EQUAL	STOR. STORAGE	EXIST. EXISTING	THK. THICKNESS	F.D. FLOOR DRAIN	TYP. TYPICAL	FIN. FINISH	W/ WITH	FL. FLOOR	WD. WOOD	GA. GAUGE		<p><b>TITLE SHEET</b></p> <p><b>OPTIMA CONTRACTORS</b>          15 COLUMBIA, IRVINE, CA 92612</p> <p>DATE: 02/20/14</p> <p>5000</p> <p><b>T-1</b></p>
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GA. GAUGE																																																



EXISTING SITE PLAN



SCALE: 1" = 10'-0"

55

NO.	DATE	REVISION

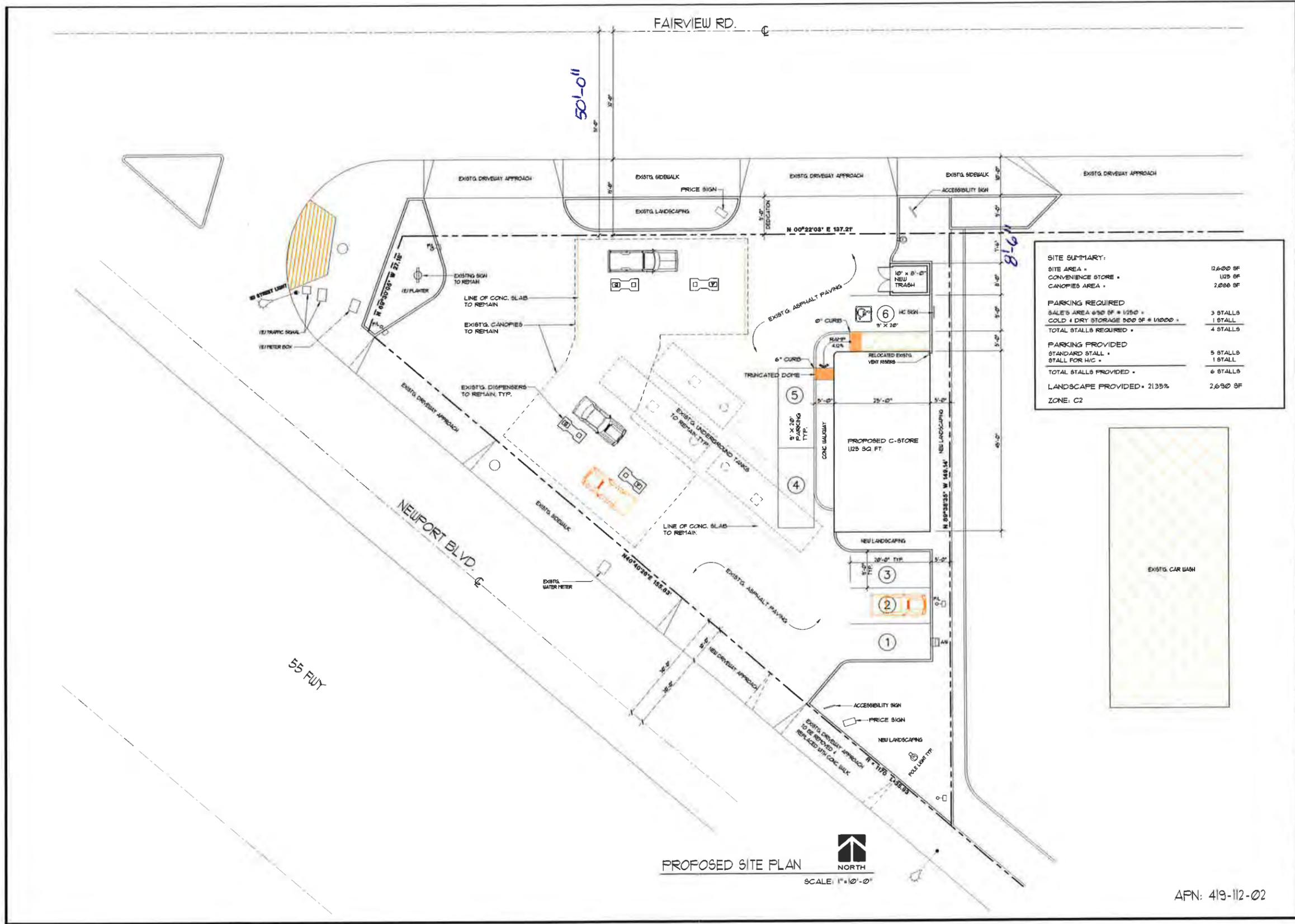
**Costa Mesa Union 76**  
**Convenience Store & Gas Station**  
 Newport Blvd. & Fairview Rd.  
 Costa Mesa, CA

**EXIST. SITE PLAN**  
 TITLE

**OPTIMA CONTRACTORS**  
 15 COLUMBIA, IRVINE, CA 92612

DES.	MEHR
DRAWN	DRAIN
CHK'D	CHUCKER
INSP'CT	INSPECTOR
MANAGER	MANAGER
DATE	8/9/2014

5000  
**ST-1-1**



**SITE SUMMARY:**

SITE AREA *	12,600 SF
CONVENIENCE STORE *	125 SF
CANOPIES AREA *	7,088 SF
<b>PARKING REQUIRED</b>	
SALE'S AREA 450 SF * 1/250 *	3 STALLS
COLD & DRY STORAGE 500 SF * 1/200 *	1 STALL
TOTAL STALLS REQUIRED *	4 STALLS
<b>PARKING PROVIDED</b>	
STANDARD STALL *	5 STALLS
STALL FOR H/C *	1 STALL
TOTAL STALLS PROVIDED *	6 STALLS
LANDSCAPE PROVIDED * 21.35%	2,690 SF
ZONE: C2	



<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="font-size: 8px;">NO.</td><td style="font-size: 8px;">NAME</td><td style="font-size: 8px;">DATE</td><td style="font-size: 8px;">REVISION</td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	NO.	NAME	DATE	REVISION																					<p><b>Costa Mesa Union 76</b>  <b>Convenience Store &amp; Gas Station</b>          Newport Blvd. &amp; Fairview Rd.          Costa Mesa, CA</p>	<p><b>NEW SITE PLAN</b></p>
NO.	NAME	DATE	REVISION																							
<p><b>OPTIMA CONTRACTORS</b>          15 COLUMBIA, IRVINE, CA 92612</p>	<p>TITLE</p>																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="font-size: 8px;">DES.</td><td style="font-size: 8px;">MEMOR.</td></tr> <tr><td style="font-size: 8px;">DRAWN</td><td style="font-size: 8px;">CHECKER</td></tr> <tr><td style="font-size: 8px;">SCALE</td><td style="font-size: 8px;">PROJECT NUMBER</td></tr> <tr><td style="font-size: 8px;">DATE</td><td style="font-size: 8px;">MANAGER</td></tr> <tr><td style="font-size: 8px;">BY</td><td style="font-size: 8px;">REVISION</td></tr> </table>	DES.	MEMOR.	DRAWN	CHECKER	SCALE	PROJECT NUMBER	DATE	MANAGER	BY	REVISION	<p>APN: 419-112-02</p>	<p>5000  <b>ST-1</b></p>														
DES.	MEMOR.																									
DRAWN	CHECKER																									
SCALE	PROJECT NUMBER																									
DATE	MANAGER																									
BY	REVISION																									

PROPOSED SITE PLAN  
 SCALE: 1"=10'-0"  
 NORTH

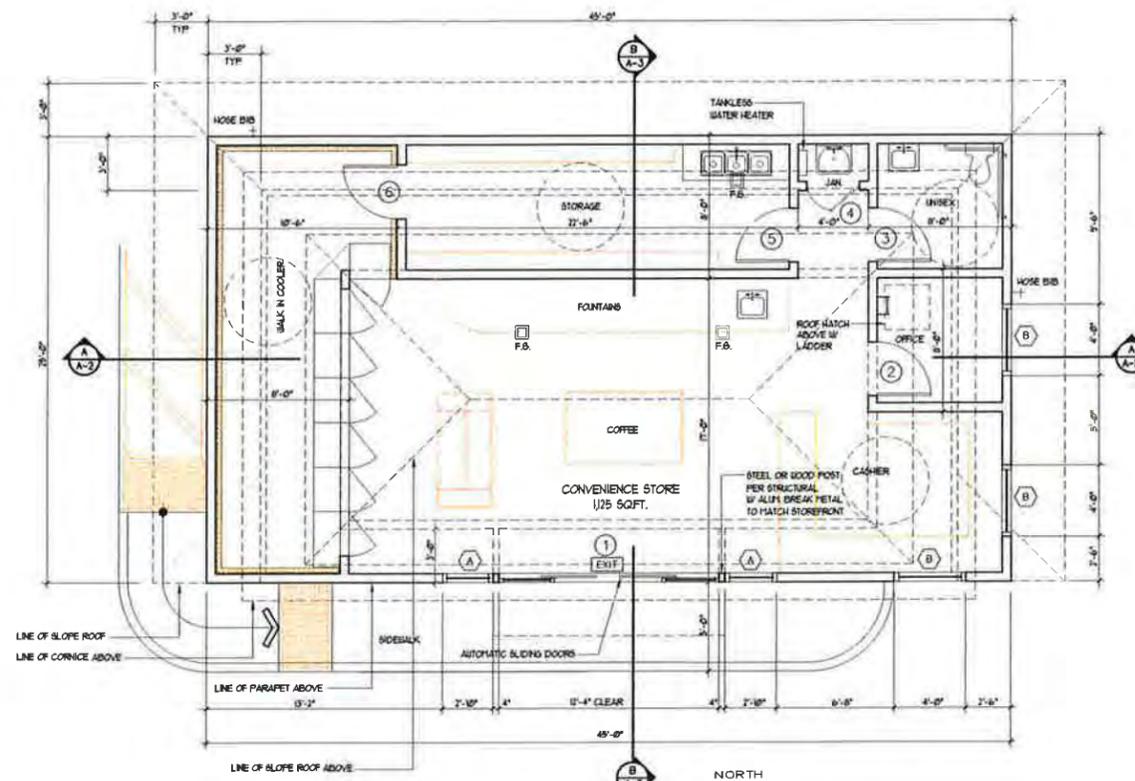
56

**STORM DRAINAGE POLLUTION PREVENTION**

THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLEUM BYPRODUCTS, SOIL PARTICULATE, CONSTRUCTION WASTE MATERIAL, OR WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED OR DISCHARGED INTO THE STREET GUTTER OR STORM DRAIN SYSTEM.

**NOTES**

- 1- UNLESS OTHERWISE SHOWN ON DRAWINGS ALL FIRE-RATED PARTITIONS SHALL BE CONTIGUOUS FROM FLOOR TO STRUCTURE ABOVE, AND SHALL EXTEND THROUGH CONCEALED CEILING AREA, SUSPENDED SOFFITS, AND OVERHANGS, FIT TIGHT TO CONFIGURATION OF STRUCTURE AND FILL VOIDS WITH AN APPROVED FIRE RATING MATERIAL.
- 2- ALL VERTICAL PIPES SHALL BE SECURED TIGHT TO FACE OF WALL AND SEALED WATER-TIGHT, AND ALL PIPE PENETRATION THRU THE FIRE WALL SHALL BE SEALED WITH APPROVED FIRESTOPPING MATERIAL.
- 3- PIPES AND CONDUIT PENETRATING FIRE RATED WALLS, PARTITIONS OR FLOORS SHALL HAVE THE OPENING BETWEEN THE PIPE, OR CONDUIT, AND THE SLEEVE, SEALED WITH AN UL APPROVED INTUMESCENT FIRE BARRIER MATERIAL TO MATCH THE RATINGS OF WALL OR FLOOR.
- 4- ALL PENETRATIONS THROUGH MATERIALS PROVIDING FIRE PROTECTION SHALL BE SEALED WITH AN APPROVED FIRESTOPPING MATERIAL TO MAINTAIN REQUIRED RATINGS AND TO PREVENT PASSAGE OF SMOKE.
- 5- PROVIDE A SHUT-OFF VALVE AT ALL HOSE BIBS. HOSE BIBS SHALL BE IN A ENCLOSED RECESSED BOX.
- 6- RELIEF VALVE AT WATER HEATER TO DISCHARGE 6" TO 24" ABOVE FLOOR AND EXTEND OUTSIDE OF BUILDING.
- 7- WATER CLOSET SHALL BE "ULTRA LOW FLUSH" TYPE AND PROVIDE A MAXIMUM FLUSH VOLUME OF 16 GALLONS PER FLUSH, CALIFORNIA ENERGY COMMISSION.
- 8- LAVATORY AND SINK FAUCETS SHALL HAVE A MAXIMUM FLOW RATE OF 2.5 gpm, CALIFORNIA ENERGY COMMISSION.
- 9- WATER CLOSETS (TOILETS) REQUIRE 4" SOILS / WASTE LINE
- 10- NO PERMANENT STRUCTURES CAN BE BUILT WITHIN THE LIMITS OF THE PUBLIC UTILITY EASEMENT.



**FLOOR PLAN**

MARKET + OFFICE: 635 SQFT.  
COOLER + DRY STORAGE: 500 SQFT.



**MAIN (WEST) ELEVATION**

1/4" = 1'-0"

NO.	DATE	REVISION

**Costa Mesa Union 76  
Convenience Store & Gas Station**  
2281 Newport Boulevard  
Costa Mesa, CA 92627

**FLOOR PLAN  
MAIN ELEVATION**

TITLE

**OPTIMA CONTRACTORS**  
15 Columbia, Irvine, CA 92612

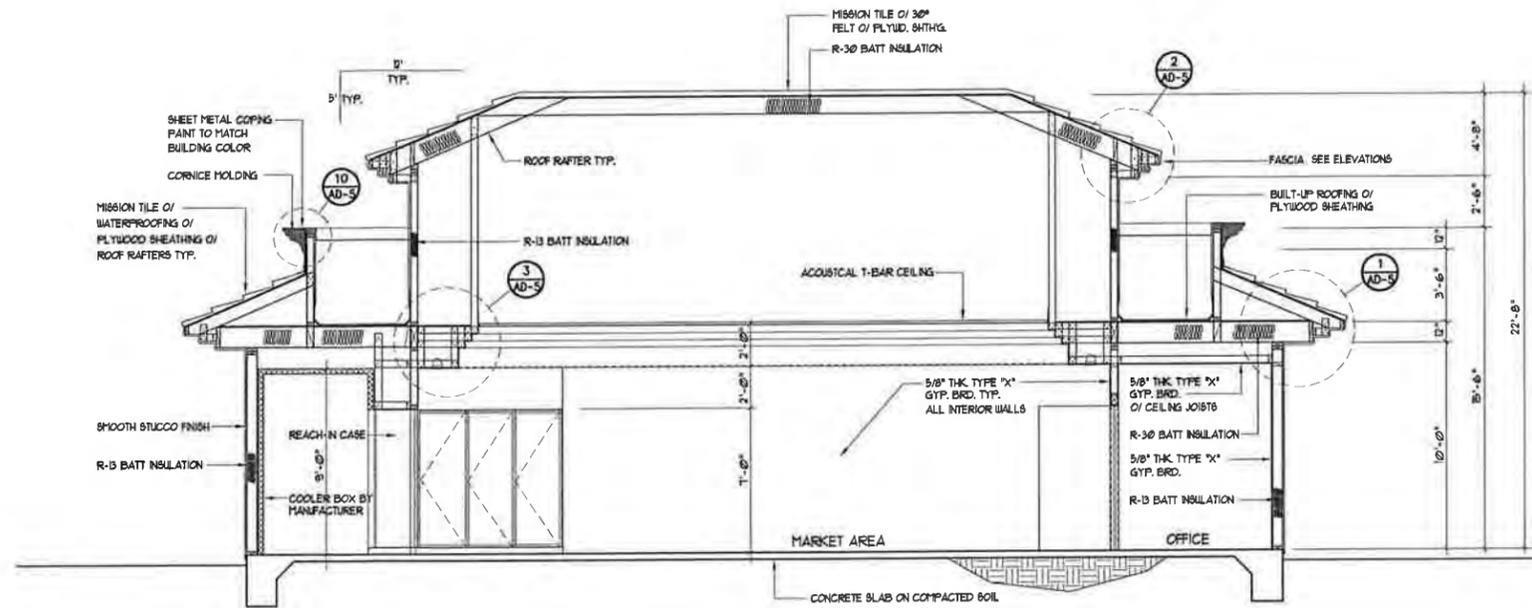
NO.	DATE	REVISION

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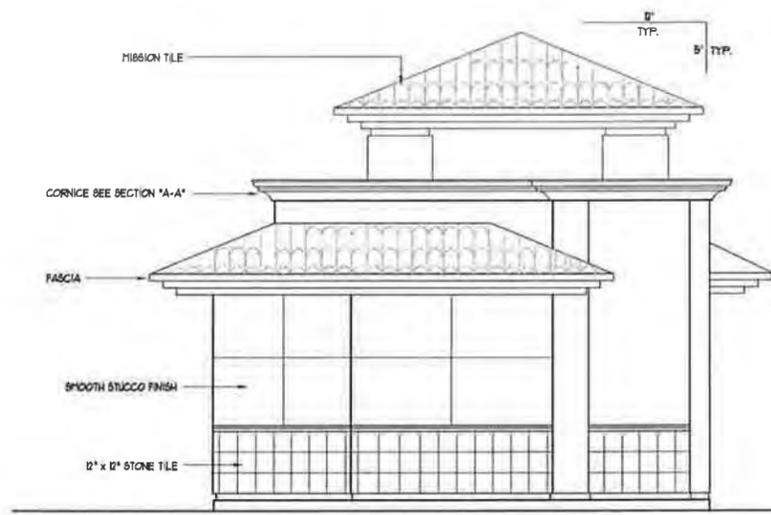
SOUTH ELEVATION

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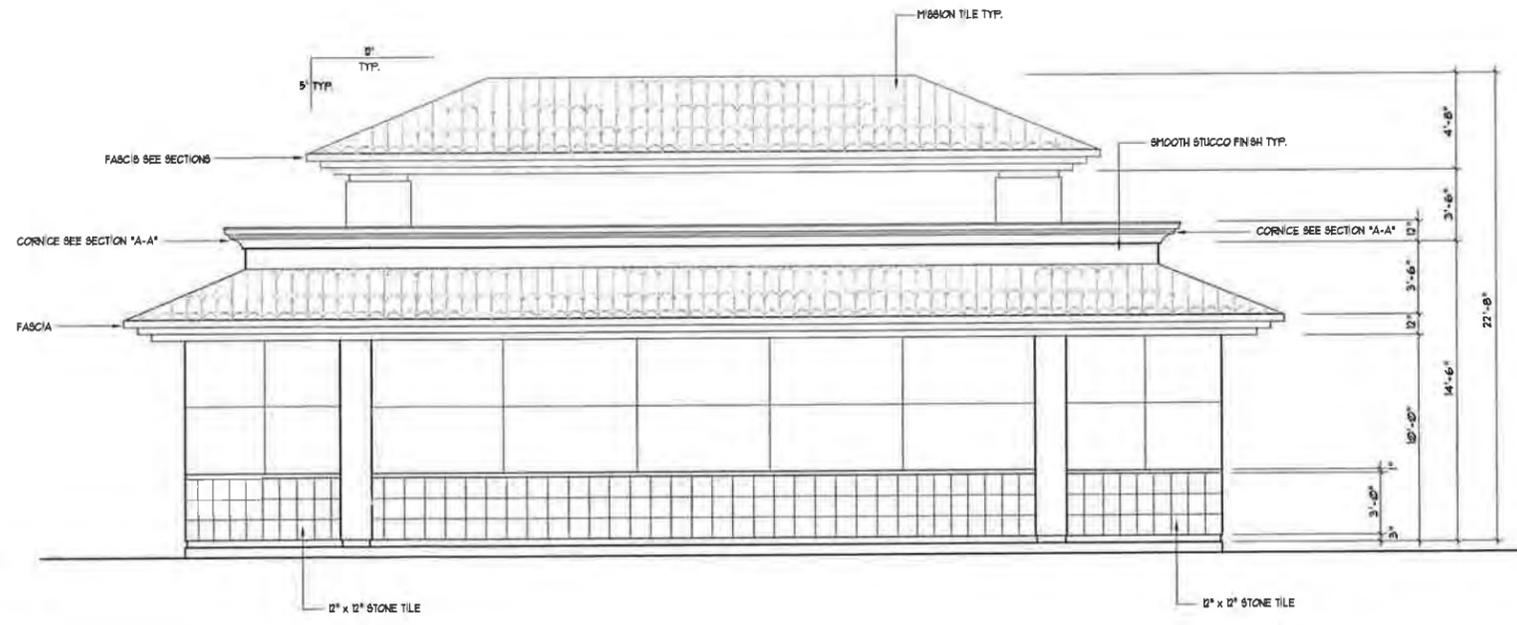
SECTION "A-A"

1/4" = 1'-0"



NORTH ELEVATION

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

**Costa Mesa Union 76**  
**Convenience Store & Gas Station**  
 Newport Blvd. & Fairview Rd.  
 Costa Mesa, CA

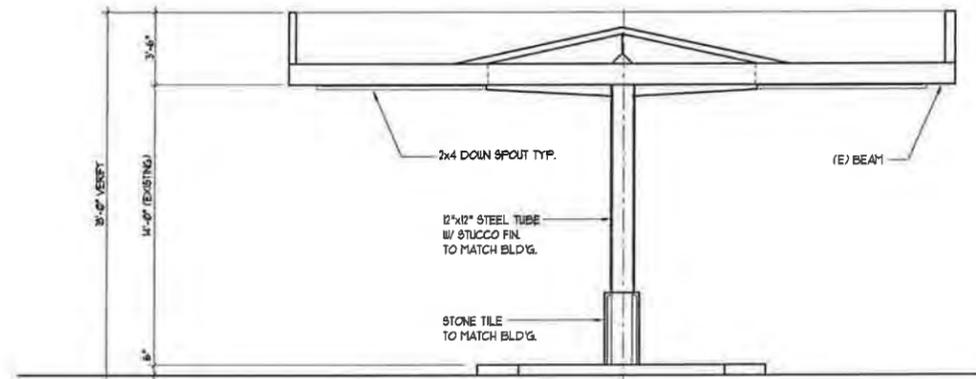
**ELEVATIONS**

TITLE

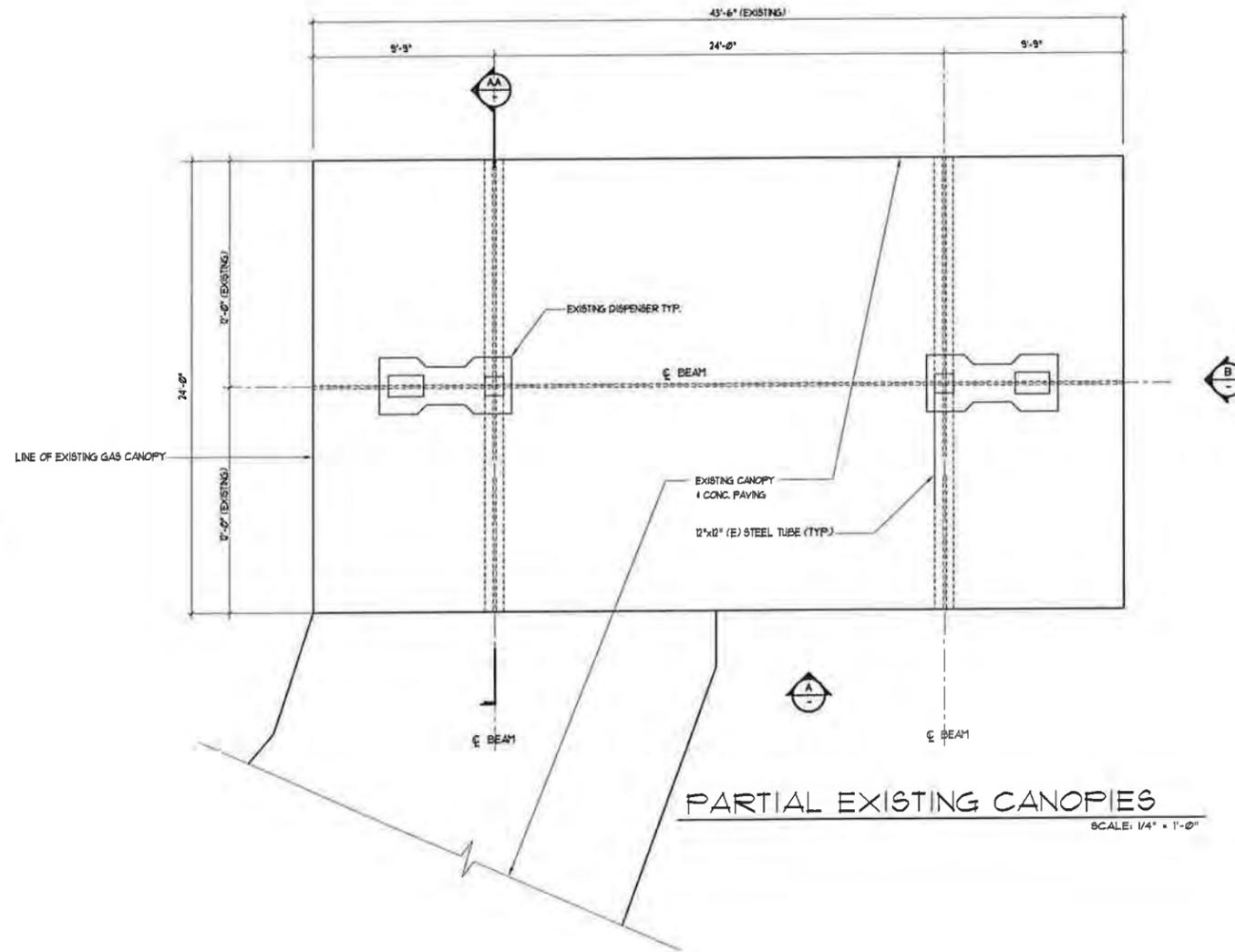
**OPTIMA CONTRACTORS**  
 15 Columbia, Irvine, CA 92612

DES	MEHR
DRAWN	DRAUN
CHECKED	CHECKER
DATE	MEHR
	08/20/14

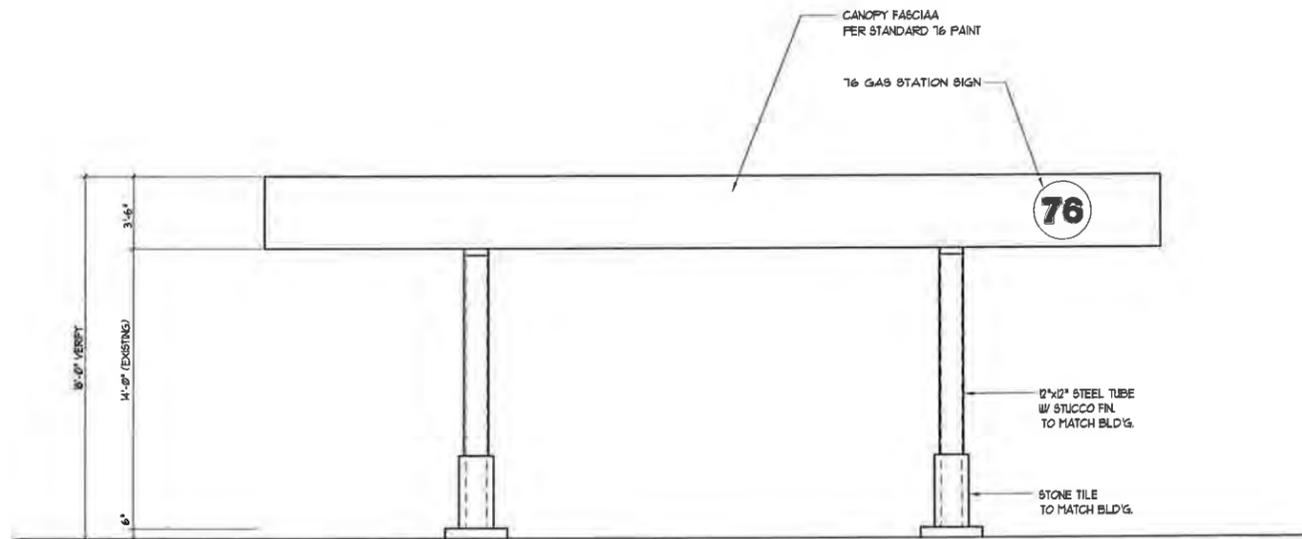
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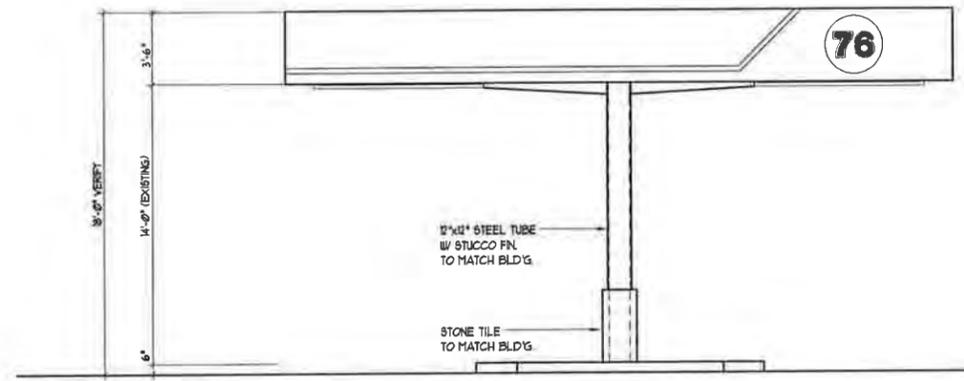
CANOPIES SECTION "AA"  
SCALE: 1/4" = 1'-0"



PARTIAL EXISTING CANOPIES  
SCALE: 1/4" = 1'-0"



CANOPIES ELEVATION "A"  
SCALE: 1/4" = 1'-0"



CANOPIES ELEVATION "B"  
SCALE: 1/4" = 1'-0"

59

NO.	DATE	REVISION

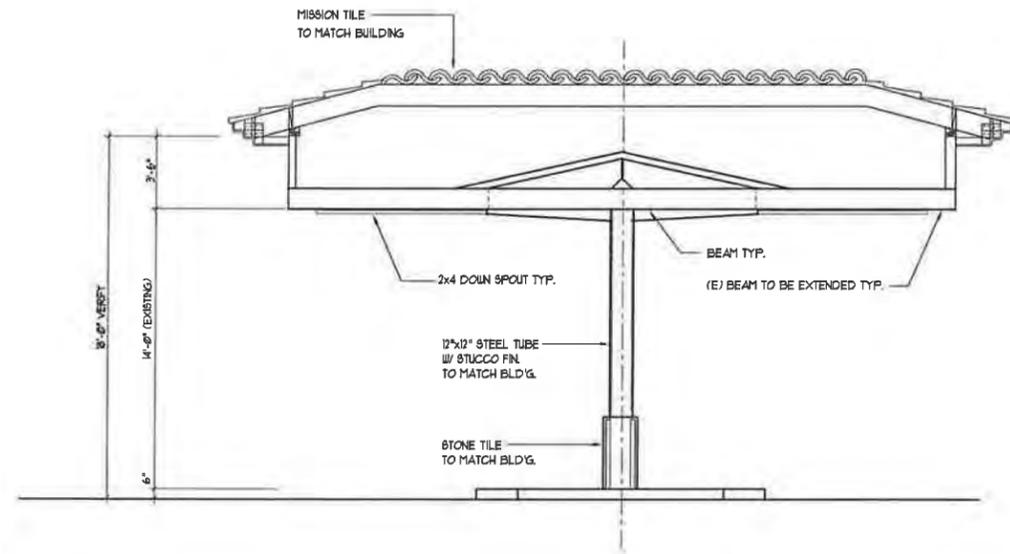
**Costa Mesa Union 76**  
**Convenience Store & Gas Station**  
Newport Blvd. & Fairview Rd.  
Costa Mesa, CA

**EXIST. CANOPIES PLAN & ELEVATIONS**  
TITLE

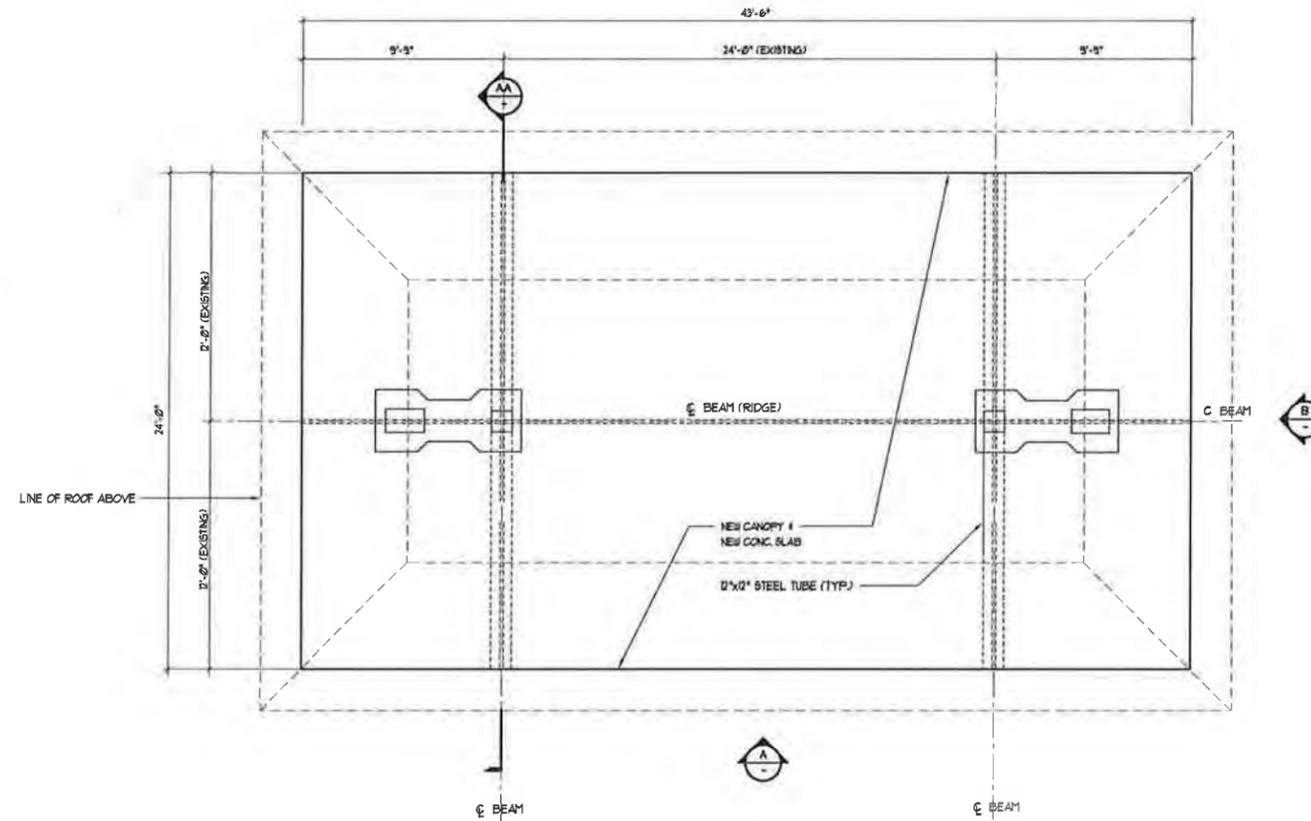
**OPTIMA CONTRACTORS**  
15 COLUMBIA, IRVINE, CA 92612

DES.	MEHR
DRAWN	DRAUN
CHECKED	CHECKER
PROJECT MGR	MEHR
DATE	08/20/14

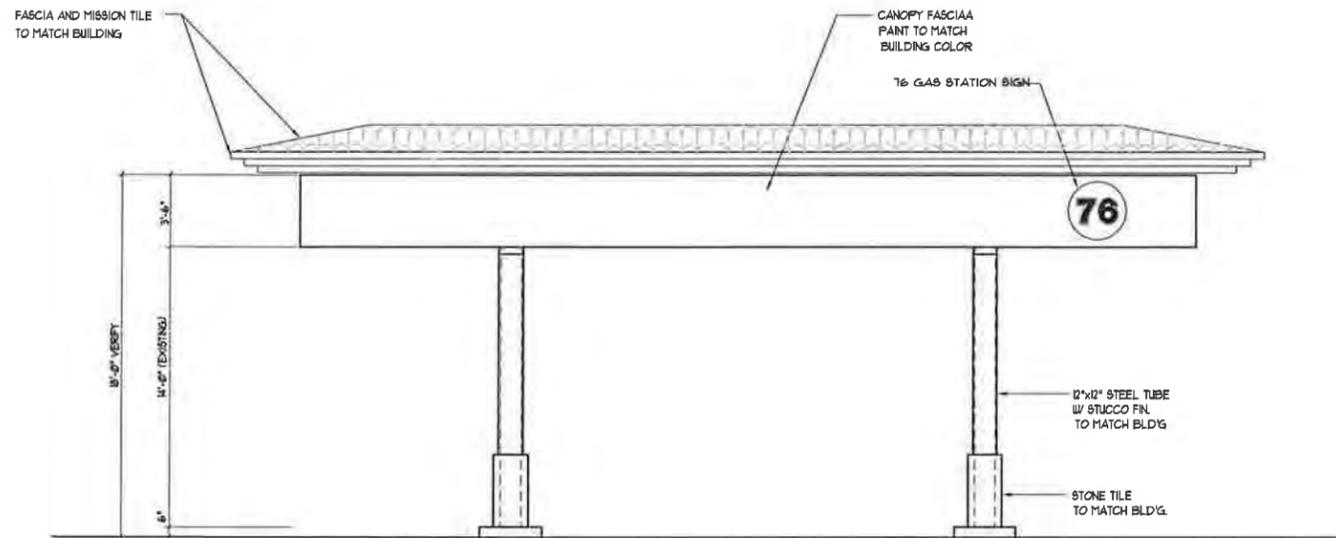
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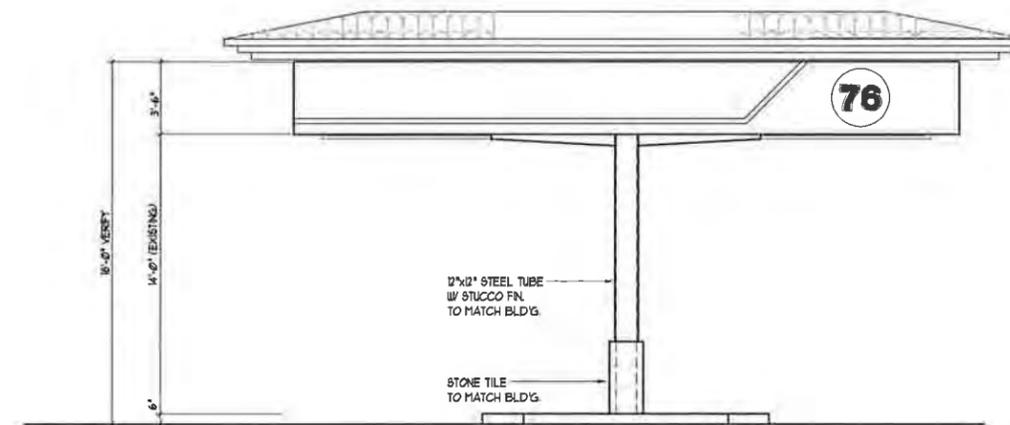
TYPICAL CANOPIES SECTION "AA"  
SCALE: 1/4" = 1'-0"



MODIFY EXISTING CANOPIES  
SCALE: 1/4" = 1'-0"



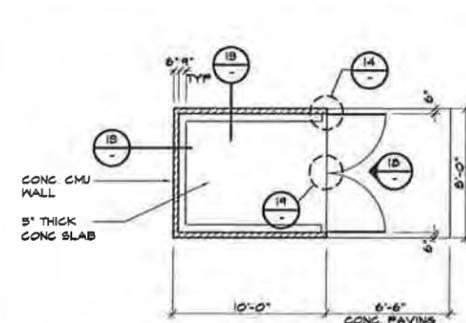
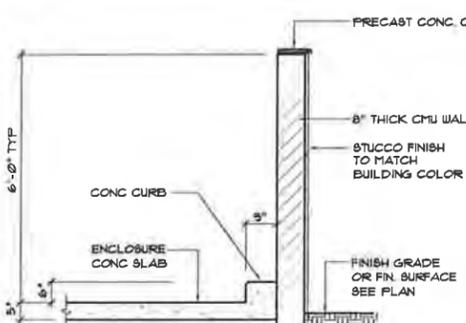
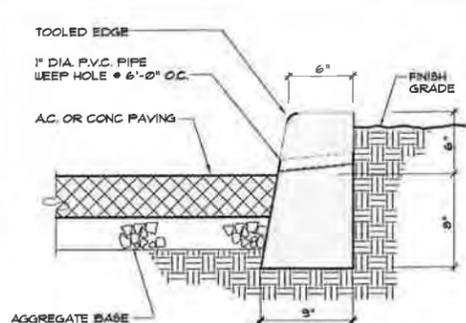
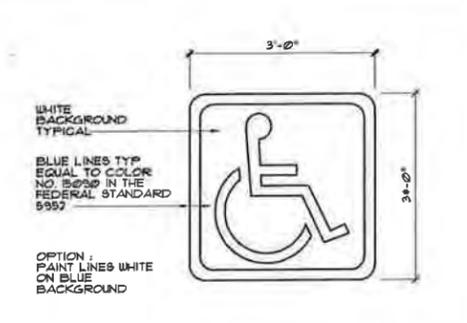
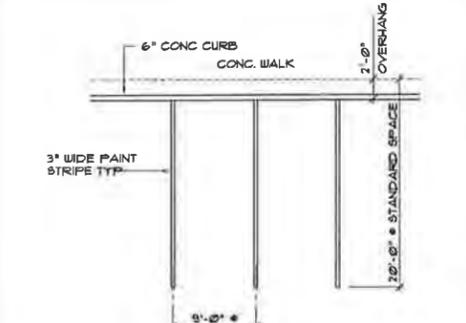
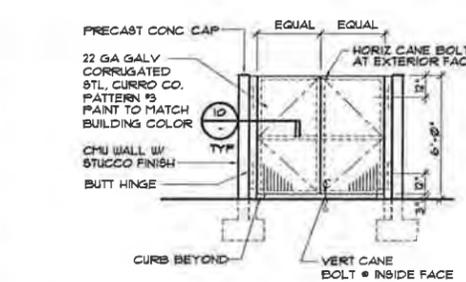
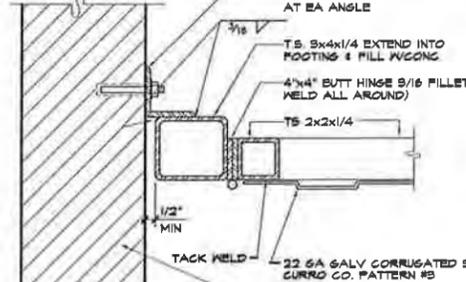
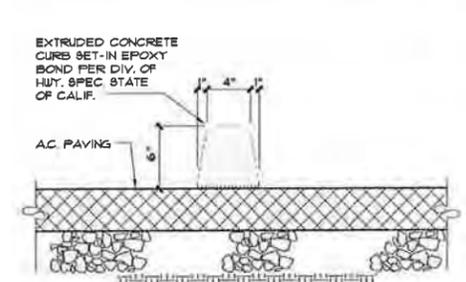
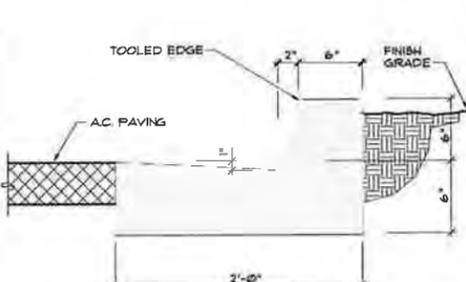
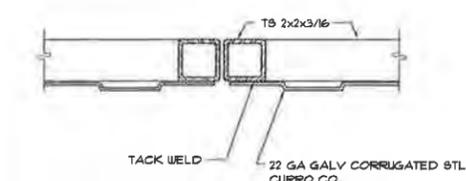
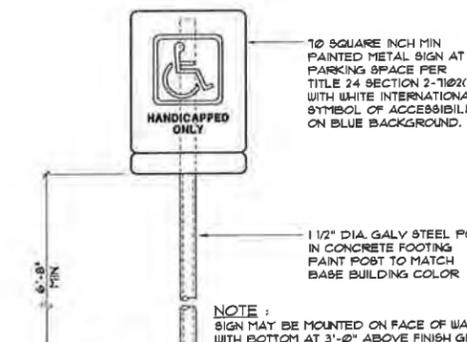
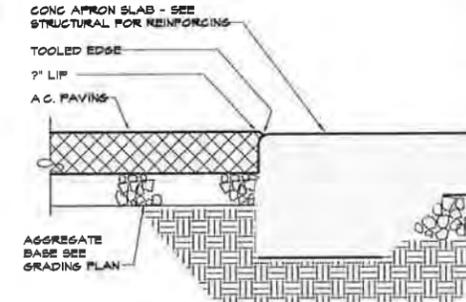
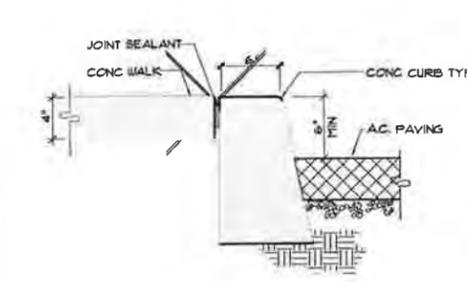
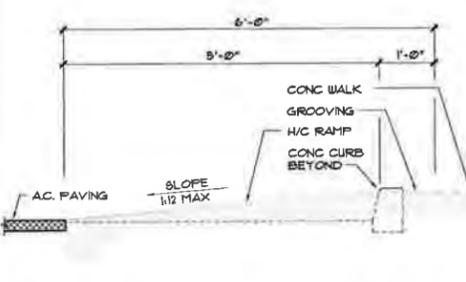
CANOPIES ELEVATION "A"  
SCALE: 1/4" = 1'-0"



CANOPIES ELEVATION "B"  
SCALE: 1/4" = 1'-0"

60

COSTA MESA UNION 76 CONVENIENCE STORE & GAS STATION Newport Blvd. & Fairview Rd. Costa Mesa, CA	
<b>EXIST. CANOPIES PLAN &amp; ELEVATIONS</b> TITLE	
OPTIMA CONTRACTORS 15 COLUMBIA, IRVINE, CA 92612	
DES. MEHR DRAWN MEHR CIPIC CHECKER MEHR PROJ. MGR. MEHR DATE 8/8/2014	5000 <b>A-5</b>

 <p>NOTE: SEE SITE PLAN FOR LOCATION</p>			 <p>NOTE: DIMENSIONS SHALL BE IN ACCORDANCE W/STATE HANDICAP REGULATIONS</p>	 <p>NOTE: SEE SITE PLAN FOR LOCATIONS &amp; QUANTITIES.</p>	<table border="1"> <tr><td>DATE</td><td>REVISION</td></tr> <tr><td> </td><td> </td></tr> </table>	DATE	REVISION										
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<p>TRASH ENCL. PLAN    1/4" x 1'-0"    17</p>	<p>TRASH ENCL. SECTION    3/4" x 1'-0"    13</p>	<p>CONCRETE CURB    1 1/2" x 1'-0"    9</p>	<p>INTERN. HANDICAP SIGN    3/4" x 1'-0"    5</p>	<p>TYP PARKING STRIPING    1/8" x 1'-0"    1</p>	<p><b>Costa Mesa Union 76</b> <b>Convenience Store &amp; Gas Station</b> Newport Blvd. &amp; Fairview Rd. Costa Mesa, CA</p>												
 <p>NOTE: COLOR OF EXTERIOR WALLS &amp; DOORS OF TRASH ENCLOSURES SHALL MATCH W/ BUILDING COLOR</p>	 <p>NOTES: 1. GATE IS ALL WELDED CONSTRUCTION. 2. GRIND ALL WELDS SMOOTH. 3. PRIME AND PAINT.</p>	 <p>NOTES: 1. 4'-0" LONG AT SINGLE SPACE. 2. 6'-0" LONG AT DOUBLE SPACE.</p>	 <p>NOTE: CONTRACTOR SHALL CONTACT GOVERNMENT AGENCY TO OBTAIN REQUIRED INFORMATION AND SHALL COMPLETE SIGN TEXT.</p> <p>MATERIALS: REFLECTORIZED PAINT OR PORCELAIN ON METAL</p> <p>COLORS: WHITE LETTERS ON BLUE BACKGROUND EQUAL TO NO. 150920 FED. STD 595</p> <p>OPTION: SUBSTITUTE COMMERCIAL SIGN COMPLYING WITH 24 CAC, SECTION 2-1102</p> <p>1 1/2" DIA. GALV STEEL POST IN CONCRETE FOOTING PAINT POST TO MATCH BASE BUILDING COLOR</p>			<p><b>DETAILS</b></p> <p>TITLE</p>											
<p>GATE AT TRASH ENCL.    1/4" x 1'-0"    18</p>	<p>TRASH ENCLOSURE    3/4" x 1'-0"    14</p>	<p>CONC. WHEEL STOP    1 1/2" x 1'-0"    10</p>	<p>HANDICAPPED ENTRY SIGN    1 1/2" x 1'-0"    6</p>	<p>CONC CURB &amp; GUTTER    1 1/2" x 1'-0"    2</p>	<p><b>OPTIMA CONTRACTORS</b> 15 COLUMBIA IRVINE, CALIFORNIA 92612</p>												
 <p>NOTES: 1. GATE IS ALL WELDED CONSTRUCTION. 2. GRIND ALL WELDS SMOOTH. 3. PRIME AND PAINT.</p>			 <p>NOTE: SIGN MAY BE MOUNTED ON FACE OF WALL WITH BOTTOM AT 3'-0" ABOVE FINISH GRADE</p>			<p><b>AD-2</b></p> <p>DATE: 8/9/2014</p>											
<p>TRASH ENCLOSURE    3" x 1'-0"    19</p>			<p>HANDICAPPED STALL SIGN    1 1/2" x 1'-0"    7</p>	<p>FLUSH CONC. AT PAVING    1 1/2" x 1'-0"    3</p>	<p>DATE: 8/9/2014</p>												
<p> </p>	<p> </p>	<p> </p>				<p>DATE: 8/9/2014</p>											
<p> </p>	<p> </p>	<p> </p>	<p>CONC WALK AT CURB    1 1/2" x 1'-0"    8</p>	<p>H/C RAMP    3/4" x 1'-0"    4</p>	<p> </p>												

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Leonard A. Filner Associates  
 1594 Elm Avenue  
 Costa Mesa, California 92626  
 (714) 337-7706



**PLANTING LEGEND**

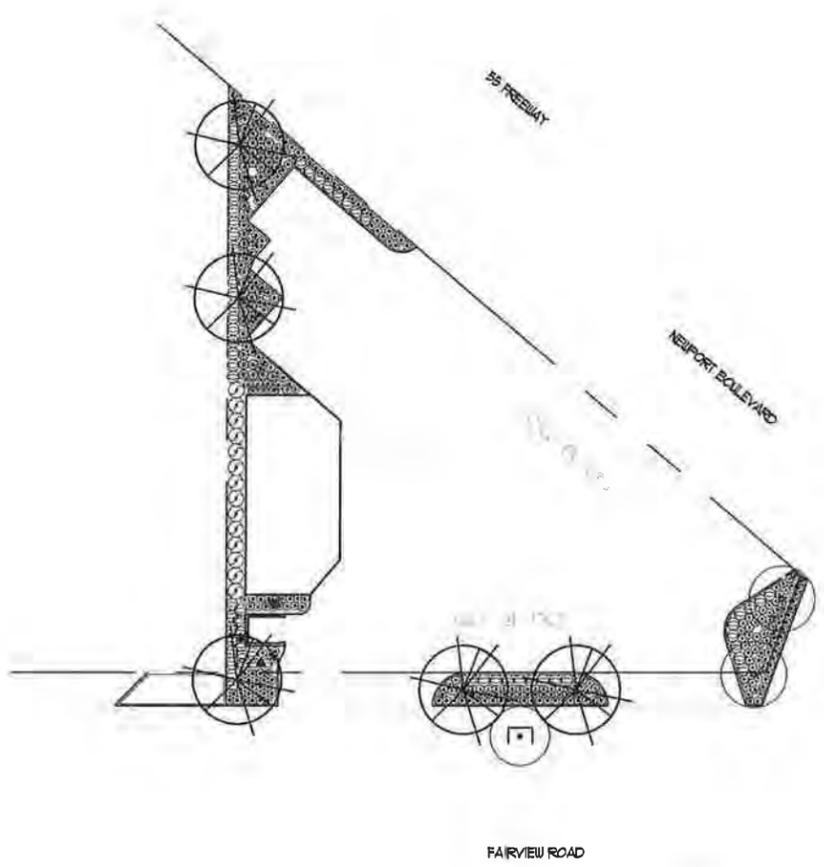
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	REMARKS
<b>TREES</b>					
	TIFUANA TIFU	TIFU TREE	24" BOX	5	STANDARDS
	CUPANIOPSIS ANACARDIOIDES	CARROTWOOD	EXISTING		PROTECT IN PLACE
	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEETGUM	EXISTING		PROTECT IN PLACE
<b>SHRUBS</b>					
	GARDENIA JASMINOIDES 'KLEIM'S HARDY'	GARDENIA	5 GAL	12	2'-0" O.C.
	PHORMIUM TENAX 'MAORI QUEEN'	FLAX	5 GAL	53	3'-0" O.C.
	PITTOSPORUM TOBIRA 'VARIEGATA'	TOBIRA	5 GAL	14	4'-0" O.C.
	HEMEROCALLIS HYBRIDA 'PARDON ME'	DAYLILY	1 GAL	192	1'-6" O.C.
	RHAPHIOLEPIS INDICA 'CLARA'	INDIAN HAWTHORN	5 GAL	61	3'-0" O.C.
<b>VINES</b>					
	PARTHENOCESSUS TRICUSPIDATA	BOSTON IVY	5 GAL	3	REMOVE FROM STAKE. ATTACH TO WALL

**PLANTING LEGEND**

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**PLANTING NOTES**

- A. CONTRACTOR IS TO REVIEW PLANS, VERIFY SITE CONDITIONS AND PLANT QUANTITIES PRIOR TO INSTALLATION. CONFLICTS BETWEEN THE SITE AND THESE PLANS OR WITHIN THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO LANDSCAPE INSTALLATION. ANY DEVIATION FROM THE PLANS OR SPECIFICATIONS IS TO HAVE WRITTEN APPROVAL.
- B. ALL TREES SHALL HAVE A MINIMUM 1 1/2" CALIPER AT A POINT 6 INCHES ABOVE ROOT BALL. ALL OTHER MEASUREMENTS SUCH AS NUMBER OF CANES, BALL SIZE, QUALITY DESIGNATIONS, ETC. SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "HORTICULTURAL STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN, INC."
- C. LANDSCAPE ARCHITECT SHALL APPROVE PLANT MATERIAL PLACEMENT BY CONTRACTOR PRIOR TO INSTALLATION.
- D. SEE PLANTING DETAILS FOR PLANTING AND STAKING AND GUYING REQUIREMENTS.
- E. FERTILIZER FOR ALL GROUND COVER AREAS SHALL BE AS SPECIFIED WITHIN THE SPECIFICATIONS.
- F. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTED AREAS BY MEANS OF CONTINUOUS WATERING, PRUNING, RAISING TREE BALLS WHICH SETTLE BELOW GRADE, APPLICATION OF SPRAYS WHICH ARE NECESSARY TO KEEP THE PLANTINGS FREE OF INSECTS AND DISEASES, FERTILIZING, WEEDING, ROLLING, MOWING, EDGING, RESEEDING, AND/OR OTHER OPERATIONS NECESSARY FOR PROPER CARE AND UPKEEP. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANTINGS AS SPECIFIED ABOVE FOR A PERIOD OF NINETY (90) DAYS. CONTACT STORE MANAGER FOR ONE YEAR SERVICE CONTRACT. CONTRACTOR TO WALK LANDSCAPE AND IRRIGATION W/STORE MANAGER TO ENSURE EVERYTHING IS IN WORKING ORDER AND THAT THE PLANTS ARE HEALTHY AND IS READY TO BE TAKEN OVER BY ANOTHER MAINTENANCE COMPANY IF APPLICABLE.
- G. REFER TO SPECIFICATIONS FOR STANDARDS OF MATERIALS AND WORKMANSHIP.
- H. FINISH GRADE TO BE 1" BELOW TOP OF CURB OR WALK FOR TURF AREAS, 2" FOR GROUND COVER AREAS.
- I. CONTRACTOR TO INCLUDE IN HIS BID THE REPAIR OF ANY AND ALL DAMAGE RESULTING FROM INSTALLATION OF UTILITIES. REPAIR TO INCLUDE ALL DAMAGED IRRIGATION AND PLANTING ITEMS. CONNECT TO EXISTING CONDITIONS.
- J. ALL TREES WITHIN 1' OF HARDSCAPE ELEMENTS, SUCH AS CURBS, WALLS, BUILDINGS OR WALKS SHALL BE PROVIDED WITH DEEP ROOT BARRIER CONTROL DEVICES OR EQUAL.
- K. ALL PLANTING AND IRRIGATION ON THIS PROJECT SHALL ADHERE TO CITY OF COSTA MESA LANDSCAPE STANDARDS.
- L. ALL SHRUB/GROUND COVER AREAS SHALL RECEIVE 3" MINIMUM MULCH COVER.



LANDSCAPE PLAN  
 SCALE: 1"=10'-0"

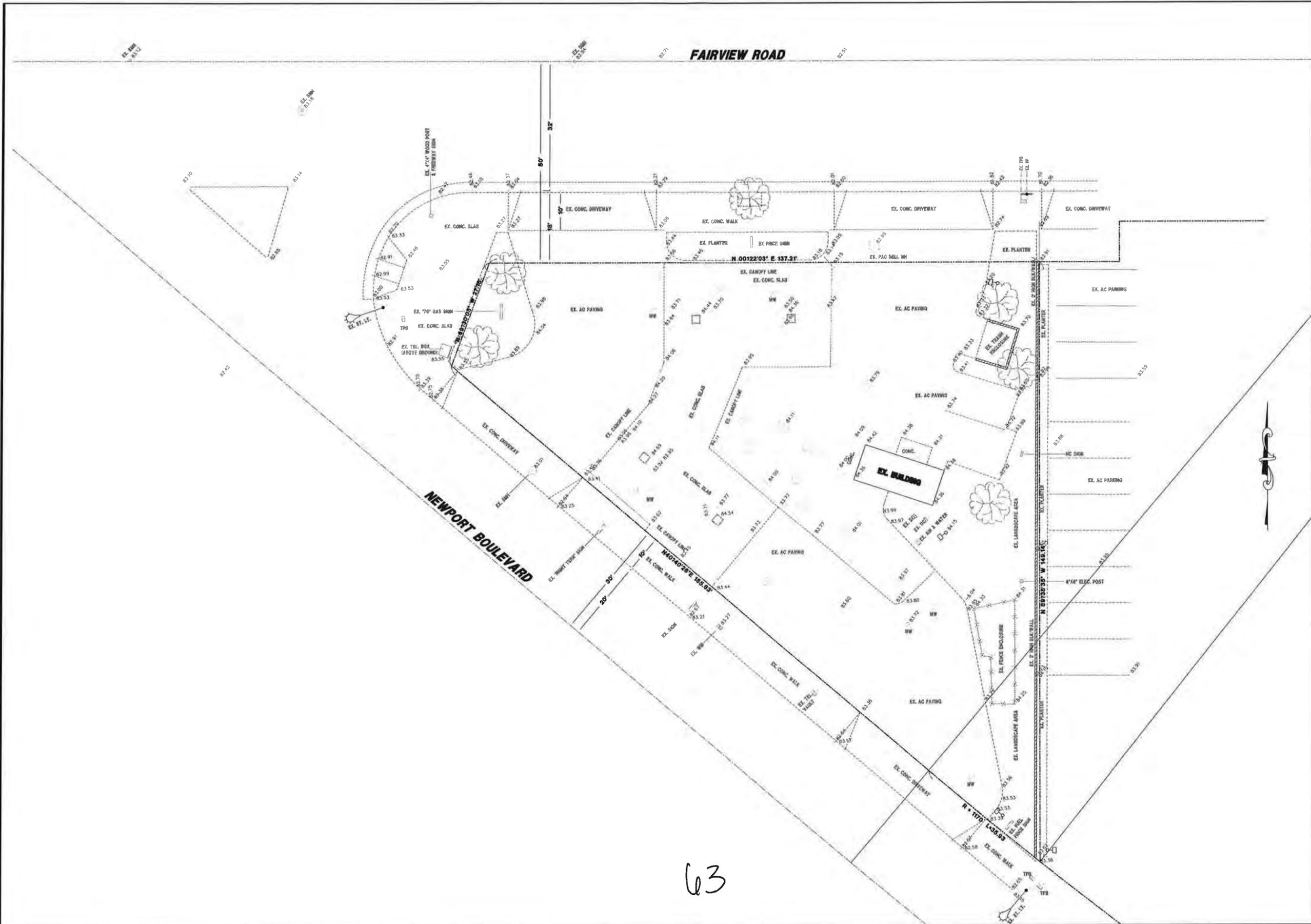


**Costa Mesa Union 76  
 Convenience Store & Gas Station**  
 Newport Blvd. & Fairview Rd.  
 Costa Mesa, CA

**LANDSCAPE PLAN**  
 TITLE

**OPTIMA CONTRACTORS**  
 15 COLUMBIA, IRVINE, CA

DES.	MEHR	DATE	8/8/2014
DRAWN	LAF	DATE	
CHK'D.		DATE	
PROJ. MGR.	LAF	DATE	



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<p><b>OWNER</b>          SAM RAHMAN          2281 NEWPORT BLVD.          COSTA MESA, CA. 92627</p>	<p><b>OWNER ENGINEERING, INC.</b>          2051 E. CHAPMAN AVE. STE. 101          FULLERTON, CA. 92631          PHONE (714) 680-8841          FAX (714) 680-9071 email: j@baker7and.com</p>
<p><b>SURVEY AND ADDRESS</b>          2281 NEWPORT BOULEVARD          COSTA MESA, CA. 92627</p>	<p><b>C-1</b></p>
<p>09-1086QR-SHT1</p>	<p>SCALE 1" = 10'</p>
<p>NO.</p>	<p>DATE</p>
<p>REVISION</p>	<p>BY</p>



**ROSALES, MARTHA**

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**From:** ROSALES, MARTHA  
**Sent:** Monday, February 09, 2015 3:38 PM  
**To:** ASHABI, MINOO  
**Cc:** COLGAN, JULIE  
**Subject:** PA-14-39 / Convenience Store at 2281 Newport Blvd.

Ms. Minoo,

The following person came in:

Aboudi Ballat, business owner  
2205 Fairview Road  
Costa Mesa, CA 92627  
805-512-0420

Mr. Ballad owns a neighboring business. He is in opposition of the project because it is too big for the size of the property and said it will generate additional traffic and parking problems.

Thank you,  
Martha