



# City of Costa Mesa Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION  
CC: TOM HATCH AND GARY ARMSTRONG  
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR  
DATE: OCTOBER 11, 2013  
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

A handwritten signature in blue ink, likely belonging to Willa Bouwens-Killeen, the Zoning Administrator.

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on October 18, 2013. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at [willa.bouwens-killeen@costamesaca.gov](mailto:willa.bouwens-killeen@costamesaca.gov) if you have any questions or would like further details.

**PA-88-134 A1**      2600 Harbor Boulevard

Amendment to Planning Application PA-88-134 for the existing Orange Coast Buick/GMC/Cadillac dealership in conjunction with the demolition of the existing automotive dealership buildings and the construction of a new 52,779 square foot automotive dealership for Orange Coast Buick/GMC/Cadillac with vehicle sales and service.

Approved, subject to conditions.

Comments received: Two, neither in support nor in opposition.

**ZA-11-42**      440 Fair Drive, Suite A

Minor conditional use permit to legalize late hours of operation for an existing hookah lounge/retail store (Harbor Hookah Lounge) until 2:00 a.m. The business is located within 200 feet of residential uses and was approved as a retail store consistent with the Zoning Code. The applicant has been operating the hookah lounge after the required 11:00 pm closure.

Denied.

Comments received: Three opposed.



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

October 10, 2013

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

**RE: PLANNING APPLICATION AMENDMENT PA-88-134 A1 FOR ORANGE  
COAST BUICK/GMC/CADILLAC  
2600 HARBOR BOULEVARD, COSTA MESA**

Dear Sir or Madam:

Staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on October 17, 2013, unless appealed by an affected party including filing of the necessary application and payment of the appropriate fee or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, or at [mel.lee@costamesaca.gov](mailto:mel.lee@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

Attachments:      Background/Project Description  
                         Findings  
                         Conditions of Approval, Code Requirements, and Special District  
                         Requirements  
                         Planning Application Summary  
                         Applicant's Project Description Letter  
                         Correspondence from Public  
                         Approved Conceptual Plans

cc:                      Director of Economic & Development / Deputy CEO  
                         Public Services Director  
                         City Engineer  
                         Transportation Services Manager  
                         Fire Protection Analyst

Peggy Lee Nabers/White Hawk Partnership  
32355 Pauma Heights Road  
Pauma Valley, CA 92061

Margaret C. Engard  
448 Princeton Drive  
Costa Mesa, CA 92626

Teresa Drain  
427 Princeton Drive  
Costa Mesa, CA 92626

## **BACKGROUND**

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

The property is located on the southeast corner of Harbor Boulevard and Merrimac Way and contains an approximately 52,000 square foot automotive dealership (Orange Coast Buick/GMC/Cadillac) consisting of vehicle sales and service, as well as outdoor vehicle display and storage. The property is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The site is approximately 4.1 acres in size. The site abuts single-family residential (R1) zoned properties to the south (along Princeton Drive) and a multiple-family residential (R3) zoned property to the east (along Merrimac Way).

### ***Prior Land Use Approvals***

A summary of the previous entitlements granted for the property is described below:

#### **Conditional Use Permit C-32-67**

The original conditional use permit (CUP) approved for the car dealership on the property, approved by the Planning Commission on May 22, 1967.

#### **Zone Exception Permit ZE-137-70**

A proposal to construct a 7,900 square foot garage structure on the property, approved by the Planning Commission on December 28, 1970.

#### **Planning Application PA-87-78**

Conditional use permit to construct an addition to the existing 47,300 square foot dealership building (Buick) with variances from fence height, and front, rear, and side setbacks, as well as a lot line adjustment for the property was approved by the Planning Commission on April 27, 1987. However, because building permits were never obtained for the project, this approval expired.

#### **Planning Application PA-88-134**

Conditional use permit to construct an addition (Buick) to the existing 47,300 square foot auto dealership building (approximately 52,000 square feet total) with variances from fence height, and front, rear, and side setbacks on the property, as well as a lot line adjustment for the property, approved by the Planning Commission on September 12, 1988. This planning application reflects the current development on the property.

Planning Application PA-90-09

Planned signing program consisting of building and freestanding signs for the auto dealership, approved by the Planning Commission on January 8, 1990.

**PROJECT DESCRIPTION**

The applicant is proposing to demolish the existing auto dealership facility and construct a new facility on the same property. Specifically, the project consists of the following:

- Amendment to Planning Application PA-88-134 for the existing Orange Coast Buick/GMC/Cadillac dealership in conjunction with the demolition of the existing automotive dealership buildings and the construction of a new 52,779 square foot automotive dealership for Orange Coast Buick/GMC/Cadillac with vehicle sales and service.

According to the applicant, the dealership facility is being updated to comply with General Motors' current image standards for their automotive product brands.

An administrative adjustment to deviate from rear yard setback requirements for the proposed vehicle service building (44-foot rear yard setback required; 32-foot setback proposed) had been included with the public notices; however, after additional review, it was determined that due to the approval of the prior variances for building setbacks for the current development the request for a new deviation was not necessary.

**ANALYSIS**

***Amendment to Planning Application PA-88-134***

As noted earlier, the existing buildings on the site will be demolished to accommodate the new dealership facility. This includes the two-story vehicle parking deck abutting the single family residences south of the site along Princeton Drive, which was approved with a variance for the zero side yard setback under PA-88-134. In place of the parking structure, a surface parking/vehicle storage area is proposed to be provided. The new dealership building will be setback approximately 133 feet from the south side property line, abutting the existing single-family residences along Princeton Drive. A condition of approval has been included requiring permanent masonry walls a minimum height of 8 feet to be maintained and/or constructed along the perimeter interior side and rear property lines. Additionally, the landscape planter along the side (south) property line, adjacent to the single family residences along Princeton Drive, will be required to be extended the full length of the side property line to provide a landscape buffer for all of the abutting homes south of the property line. The landscape buffer will also be required to be densely landscaped.

The existing garage building abutting the R3 zoned property to the east (rear) was also approved with a variance for a zero setback; the proposed building will have a 32-foot setback, greater than what currently exists. Additionally, the proposed building will be

setback approximately 70 feet from the nearest habitable multiple-family units to the rear of the site (garages for the apartment units abut the common property line). As a result, any adverse impacts to the adjacent residential properties will be minimized with the new building.

The current operating conditions of approval and/or mitigation measures approved for PA-88-134 will continue to be complied with:

- Employees shall be instructed to park on-site and not on adjacent residential streets. Additionally, it shall be ensured that adequate customer parking exists on-site.
- The landscape area within the 45-foot setback adjacent to Princeton Avenue (including the four existing trees) shall continue to be maintained.
- Trees and shrubs of a sufficient height, texture, and shape shall be installed and maintained in order to obscure the dealership from residences to the east and south.
- Public address system with outdoor speakers shall be prohibited.

Loading and unloading of vehicles delivered to the dealership will be required to be done on-site. Additionally, loading and unloading of vehicles delivered to the dealership will not be allowed to occur adjacent to residential properties.

New light standards near residential properties will be required to be located and oriented in such a way as to minimize light spillage onto surrounding properties.

Test driving of vehicles will not be permitted on adjacent residential streets or within residential neighborhoods.

The variance for landscape setbacks along Harbor Boulevard and Merrimac Way were approved as part of PA-88-134; however, the applicant is proposing to enlarge them from the 3 foot depth that was originally approved to 5.5 feet in depth to improve the landscaping appearance from the street. Additionally, staff is recommending, as a condition of approval, to remove existing street parking bays along the Harbor Boulevard frontage and install new parkway landscaping under the direction of the Public Services Division/City Engineer. Also, there is a condition of approval requiring that the new vehicle display area proposed at the corner of Harbor Boulevard and Merrimac Way not encroach into the street landscape setback areas.

Additionally, staff notes the following:

- The proposed project is consistent with the General Plan/Zoning Code with regard to use and intensity. The proposed development is consistent with the uses allowed in the C1 zone and is within the permitted floor area ratio (FAR) for the site. The intent of the Code related to scale and character of the development with adjacent residential uses will be met with the proposed development and the recommended conditions of

approval. The project meets and/or exceeds current Zoning Code development standards and the past variances approved for the property.

- The project features quality construction and materials. As noted earlier, the project replaces an outdated auto dealership with a modern facility per General Motors current image standards for their product brands. Perimeter fencing adjacent to residential properties will be required to be a block wall at a minimum of 8 feet in height.
- Project will comply with Code-required parking. Code requires a total of 211 parking spaces for this development; the submitted plans indicate 277 parking spaces. Staff has incorporated, as a condition of approval, that customer and employee parking areas shall be clearly delineated on the site.

### **ENVIRONMENTAL DETERMINATION**

If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development. This project site is less than five acres (4.1 acres total) and the development is in compliance with the City's General Plan and zoning designation. Projects that fall under the following categories can be exempted under Section 15332 of the CEQA Guidelines:

- The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as a habitat for endangered, rare, or threatened species.
- Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

### **GENERAL PLAN CONFORMITY**

With the recommended conditions of approval, the project will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

### **FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site

development such as automobile and pedestrian circulation have been considered.

3. The project, as conditioned, is consistent with the General Plan.
4. The planning application is for a project-specific case and does not establish a precedent for future development.

Additional facts and findings are as follows:

- The proposed project is consistent with the General Plan/Zoning Code with regard to use and intensity. The proposed development is consistent with the uses allowed in the C1 zone and is within the permitted floor area ratio (FAR) for the site. The intent of the Code related to scale and character of the development with adjacent residential uses will be met with the proposed development and the recommended conditions of approval. The project meets and/or exceeds current Zoning Code development standards and the past variances approved for the property.
  - The project features quality construction and materials. As noted earlier, the project replaces an outdated auto dealership with a modern facility per General Motors current image standards for their product brands. Perimeter fencing adjacent to residential properties will be required to be a block wall at a minimum of 8 feet in height.
  - Project will comply with Code-required parking. Code requires a total of 211 parking spaces for this development; the submitted plans indicate 277 parking spaces. Staff has incorporated, as a condition of approval, that customer and employee parking areas shall be clearly delineated on the site.
- 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 from CEQA under Section 15332 for In-Fill Development.
- C. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
- D. Portions of the proposed building are an excessive distance from the street necessitating fire apparatus access and provisions for on-site fire hydrants.

### **CONDITIONS OF APPROVAL**

- Plng. 1. The conditions of approval, code requirements, and special district requirements of PA-88-134 A1 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
2. The use shall be limited to the type of operation as described herein. 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)].

3. The following operating conditions of approval and/or mitigation measures for PA-88-134 shall continue to be complied with:
  - a. Employees shall be instructed to park on-site and not on adjacent residential streets. Additionally, it shall be ensured that adequate customer parking exists on-site.
  - b. The landscape area within the 45-foot setback adjacent to Princeton Avenue (including the four existing trees) shall continue to be maintained. Planning Commission approval shall be required if any modification to this area is proposed.
  - c. Trees and shrubs of a sufficient height, texture, and shape shall be installed and maintained in order to obscure the dealership from residences to the east and south.
  - d. Public address system with outdoor speakers shall be prohibited.
4. Customer and employee parking areas shall be clearly delineated on the site plan and at the project site. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem including, but not limited to, reducing the number of vehicles displayed outdoors.
5. Test driving of vehicles shall not occur on adjacent residential streets or within residential neighborhoods.
6. The vehicle display area at the corner of Harbor Boulevard and Merrimac Way shall not encroach into the landscape setback area.
7. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood, including, but not limited to, excessive use of car alarms, employee honking horns, and the use of air compressors outside of buildings. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
8. 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.
9. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
10. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
11. 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.

12. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
13. Permanent masonry wall(s) shall be maintained or constructed along the perimeter interior side and rear property lines of the development lot at a minimum height of eight feet as measured from the highest adjacent grade. The perimeter walls shall have a finished quality on both sides. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them. The Development Services Director may approve other alternative design and opaque materials for the perimeter walls.
14. The landscape setback areas along the street frontages shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain 24-inch box trees to the satisfaction of the Development Services Director.
15. The landscape planter along the side (south) property line, adjacent to the single family residences, shall be extended the full length of the property line to provide a landscape buffer for all of the abutting homes on this property line. The landscape buffer shall also be densely landscaped, subject to the approval by the Planning Division.
16. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. Freestanding signs shall be subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development, and existing freestanding signs in the vicinity.
17. Prior to the issuance of building permits, the applicant shall submit a lighting plan and photometric study for the approval of the City's Development Services Department. The lighting plan shall demonstrate compliance with the following:
  - The mounting height of lights on light standards shall not exceed 18 feet in any location on the project site unless approved by the Development Services Director.
  - The intensity and location of lights on buildings shall be limited to minimize nighttime light and glare to residents and shall be subject to the Development Services Director's approval.
  - All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.

- Lighting design and layout shall limit light spillage to no more than 0.5 foot-candles at the property line of the surrounding properties, consistent with the level of lighting that is determined necessary for safety and security purposes on site. Light standards near residential properties shall be located and oriented in such a way as to minimize light spillage onto surrounding properties.
18. 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.
  19. Prior to issuance of grading permits, developer shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
  20. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. The project construction traffic shall not use the streets that are within the adjacent residential neighborhoods.
  21. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
  22. Developer 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 (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. 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.

- Eng. 23. 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.
- Trans. 24. Remove existing street parking bays along the Harbor Boulevard frontage, construct new full height curb and gutter, and install new parkway landscaping under the direction of the Public Services Division/City Engineer.
25. Loading and unloading of vehicles delivered to the dealership shall be done on-site. Overlay turning templates and path of travel for trucks delivering vehicles on the site plan.
26. Loading and unloading of vehicles delivered to the dealership shall not occur adjacent to residential properties.

### **CODE REQUIREMENTS**

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

- Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains demo permit(s), grading permit(s), or building permit(s) for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
3. Street address shall be visible from the fascia adjacent to the main entrance or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch 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 four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
4. 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.

5. Development shall comply with all requirements of Articles 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
6. All new on-site utility services shall be installed underground.
7. Parking stalls shall be double-striped in accordance with City standards.
8. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
9. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
10. 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.
11. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
12. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
13. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
14. 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.
- Bldg. 15. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
16. Submit grading plans, an erosion control plan, and a hydrology study for this project.
17. The applicant shall submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and

grading plans.

18. 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 device a minimum of 12 inches plus 2 percent. 2010 California Building Code CBC 1808.7.4
19. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than 5% for a minimum of 10 feet measured perpendicular to the face of the wall. CBC 1803.3.
20. Prior to or concurrent with the submittal of plans for plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs).
- Eng. 21. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.
22. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
23. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
24. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Plans.
25. The storm runoff study shall show existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site.

- Trans. 26. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
27. Close unused drive approaches with full height curb and gutter per City Standards.
28. Parking spaces shall comply with City Standards.
- Fire 29. Provide four Class A fire hydrants to be located per the direction of the Costa Mesa Fire Department. See Fire Prevention.
30. Provide Fire Sprinkler System per the California Fire Code.
31. Provide 12-inch addresses per Costa Mesa Fire Department standard.
- Parks/  
Pkwys 32. Plant 24-inch box Pyrus calleryana "Aristocrat" in parkway landscape areas along the Merrimac Way frontage of the project site. The street side parking along Merrimac Way will remain. Where existing driveways are closed along Merrimac Way it will be replaced with parking and, where necessary, parkway.

### **SPECIAL DISTRICT REQUIREMENTS**

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

- Sani 1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.
- AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
- School 3. Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.
- State 4. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation.
- Water 5. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

**PLANNING APPLICATION SUMMARY**

Location: 2600 Harbor Blvd. Application: PA-88-134 A1

Request: Demolish the existing auto dealership facility and construct a new facility on the same property (GMC Buick/Cadillac)

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: <u>C1</u>	North: <u>(Acr. Merrimac Wy.) R2-MD, car dealer</u>
General Plan: <u>General Commercial</u>	South: <u>R1, single family homes</u>
Lot Dimensions: <u>352 FT X 443 FT</u>	East: <u>R3, apartment project</u>
Lot Area: <u>178,603 SF (4.1 AC)</u>	West: <u>(Acr. Harbor Blvd.) PDR-HD, apartment project</u>
Existing Development: <u>52,000 SF Car Dealership</u>	

**DEVELOPMENT STANDARD COMPARISON**

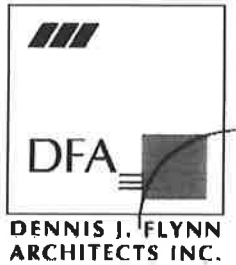
<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Width	120 FT	352 FT
Lot Area	12,000 SF	178,603 SF (4.1 AC)
<b>Floor Area Ratio:</b>		
Moderate Traffic FAR	.30 (53,581 SF)	.29 (52,779 SF)
<b>Building Height:</b>		
	2 Stories/30 FT	2 Stories/28 FT
Interior landscaping	6,925 SF	7,025 SF
<b>Setbacks (Buildings):</b>		
Front (Harbor Blvd.)	20 FT	97 FT
Side (left/right)	15 FT/50 FT	60 FT/133 FT
Rear	44 FT	32 FT (1)
<b>Setbacks (Landscaping):</b>		
Front (Harbor Blvd.)	20 FT	5.5 FT (1)
Side (left – Merrimac Wy.)	15 FT	1 FT to 5 FT (1)
Rear	NA	NA
<b>Parking</b>		
TOTAL	211 Spaces	277 Spaces

(1) Previous deviation approved under PA-88-134.

CEQA Status Exempt, Class 32 (In-Fill Development)

Final Action Zoning Administrator





**Received**  
City of Costa Mesa  
Development Services Department

SEP 11 2013

September 11, 2013

City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

RE: Orange Coast Cadillac –  
Description / Justification for building setback code deviation from 44' to 30'

Mr. Mel Lee

As you know, Orange Coast Cadillac is planning to demolish their existing facilities located at 2600 Harbor Blvd. The existing facility is currently constructed with the service building sitting on the eastern property line with a 0' building setback. The same condition exists on the southern property line with a 0' setback. There is currently high density residential development to the east and a single family residential property to the south. The project to the east currently has a parking garage constructed on the property line.

The design for the new dealership building proposes to demolish the existing buildings that are currently sitting on the eastern and southern property lines and to erect a new building with a 30' building setback from the eastern property line and a 133' building setback from the southern property line. This is a considerably greater setback than what exists today. Additionally, the owner is proposing to erect a new 8' high concrete block wall along the entire length of the eastern and southern property lines in order to provide additional separation between the dealership and the residences.

The owner's goal is to be a better business neighbor. He believes that the proposed new design will be an improvement to the conditions that exist today between the dealership and the residential developments. The proposed new dealership will be an enhancement to quality of life for the neighbors. Please consider this while reviewing the approval of the proposed building setback deviation from the required 44' setback to the requested 30' building setback.

Sincerely,

Dennis Flynn  
Dennis J. Flynn Architects, Inc.

**LEE, MEL**

---

**From:** Teresa Drain [teresadrain@gmail.com]  
**Sent:** Monday, October 07, 2013 1:25 PM  
**To:** LEE, MEL  
**Subject:** Application PA-88-134 A1 comments and Court Challenge Issues

Dear Mr. Lee,

I have contacted Linda Francis, of Dennis Flynn Architects, with regard to my questions on this project. Although the project SEEMS to be considerate of the citizens, she has instructed me to contact you. The information available from the Applicant, Dennis Flynn Architects, was minimal.

This letter will serve as my written comments with regard to issues related to this project.

According to the Official Public Notice for a decision date of October 10, 2013:

"...If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, prior to the decision date..."

Therefore, based on the ambiguity of the Official Notice, I reserve my right to raise the issues related to:

- Noise
- Traffic impact
- Setback changes
- Variances in code
- Deviations in code
- Modifications related to use
- use
- Demolition of the old facility
- Construction of a new facility
- changes to the property at the North East corner of Princeton Drive and Harbor boulevard
- access -notification process -lack of availability of information with regard to this project -lack of public hearing

I understand that these objections are vague and broad. The intent is to counter the vague and broad notice that requires all objections to be raised to a project in which the details are available AFTER the decision is made.

Also, I would like to review the plans for this project prior to October 9, 2013. Please let me know when the plans are available. I can reserve a conference room on the first floor if there is no space available in the planning division.

Thank you, Teresa Drain  
427 Princeton Drive

Cc:College Park file, atty

Received

City of Costa Mesa  
Development Services Department

Oct. 7, 2013

OCT 07 2013

To the Costa Mesa Zoning Administrator  
and the City Hall, Planning, App. PA 88-134 A1

Dear Sirs:

I am a neighbor of Orange Coast Buick/GMC/Cadillac  
(formerly Nabers Cadillac) since 1956, and wish to express  
my hopes and needs for the new dealership structure.

1. No more high rooftop visitors or employees to look down on my  
backyard-throw trash + cigarettes etc. Add a buffer wall to prevent <sup>this</sup>
2. No more air compressors to run daily even on major holidays  
when no one is there. Put a curfew on all operations.
3. No more honking going around building corners.  
mirrors to avoid other cars MAY help, definitely will help.
4. No employee or customer parking on Princeton Dr. - YOU the  
dealership provide this on YOUR property.
5. Don't build closer to homes - it's already too close!

Sincerely,

Margaret C. Engard

"My Forever Home" — 448 Princeton Drive  
and Neighbors.

1. Lili R Bennett 442 PRINCETON DR.
2. Nancy Smith 442 Princeton Dr
3. Nina Palu 438 PRINCETON DR
4. Perry Gallagher 432 Princeton Dr.
5. Joan Amburgey 2574 CARNEGIE
6. Jean E. Amburgey 2574 CARNEGIE AVE.
7. Barbara Parian 436 Swarthmore Lane

8.  
9.

Oct 1, 2013

Received  
City of Costa Mesa  
Development Services Department

OCT 07 2013

To the Costa Mesa Zoning Administrator  
and the City Hall, Planning

Dear Sirs:

I am a neighbor of Orange Coast Buick/GMC/Cadillac  
(formerly Nabers Cadillac since 1956, and wish to express  
my hopes and needs for the new dealership structure.

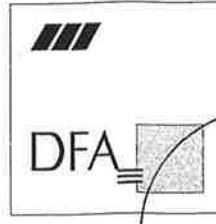
1. No more high rooftop visitors or employees to look down on my back yard - throwing trash cigarettes, etc. Add a buffer wall to prevent.
2. No more air compressors to run daily - even on major holidays when no one is there. Put a curfew on all operations.
3. No more horn honking going around building corners. Mirrors to avoid other cars May help or definitely will help
4. No employee or customer parking on Princeton Dr. - You the dealership provide this on YOUR property.
5. Don't build any closer to homes - It's already too close!

Sincerely,  
Margaret C. Engard  
448 Princeton Drive "My forever home"

And Neighbors

Name	Address
1 Norman & Elizabeth Rutledge	453 Princeton Dr. Costa Mesa 92626
2 Scott Nguyen	458 Princeton Dr. Costa Mesa, 92626.
3 James & Miluska Fowler	463 Princeton Dr, Costa Mesa, 92626
4 Ivone & David Paine	457 Princeton Dr. Costa Mesa 92626
5 Jeff & Barbara Shearer	447 Princeton Dr. Costa Mesa 92626
6 JOE DUNCAN	441 PRINCETON DR C. M.
7 Karl & Janie Mullie	454 Princeton Dr. Costa Mesa 92626

10-2-2013



**DENNIS J. FLYNN ARCHITECTS, INC.**  
 300 NORTH EUCLID STREET  
 FULLERTON CALIFORNIA 92832-1623

**Orange Coast Cadillac**  
 2600 Harbor Blvd,  
 Costa Mesa, Ca

**The Suburban Collection**  
 1795 Maple Lawn  
 Troy, Michigan

**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY WRK/ME DATE 10/10/17

**SHEET INDEX**

ARCHITECTURAL  
 T1 COVER SHEET  
 A-1 PROPOSED SITE PLAN  
 A-2 PROPOSED FIRST FLOOR PLAN  
 A-3 PROPOSED SECOND FLOOR PLAN  
 A-4 PROPOSED ROOF PLAN  
 A-5 PROPOSED ELEVATIONS

**PROJECT INFORMATION**

APN NUMBER: 141-732-07  
 PROJECT OWNER: THE SUBURBAN COLLECTION  
 PROJECT NAME: ORANGE COAST CADILLAC  
 PROJECT ADDRESS: 2600 HARBOR BLVD, COSTA MESA, CA  
 EXISTING LAND USE: AUTOMOTIVE SALES AND REPAIR  
 PROPOSED LAND USE: AUTOMOTIVE SALES AND REPAIR  
 TOTAL LAND AREA: 4.1 ACRES (178,603 SF)  
 TOTAL BUILDING FLOOR AREA: 60,336 SF  
 FLOOR AREA RATIO: (41,886 SF/178,603 SF) = 0.23  
 LOT COVERAGES:  
 BUILDING FOOTPRINT AREA: 41,886 SF/178,603 SF = 0.23  
 DRIVEWAY & PARKING AREA: 113,889 SF/178,603 SF = 0.65  
 OPEN SPACE AREA: 21,228 SF/178,603 SF = 0.12  
 PARKING: SEE PARKING TABULATION ON A-1  
 RATIO: 2 STORY  
 NO. OF STORES: 2 STORY  
 MAXIMUM HEIGHT OF BUILDING: 28'-0"  
 OCCUPANCY: B, S1, S2  
 CONSTRUCTION TYPE: V-8  
 SPRINKLER/ALARMS: YES

**CONSULTANT LIST**

OWNER:  
 THE SUBURBAN COLLECTION  
 1795 MAPLE LAWN  
 TROY, MICHIGAN 48064  
 CONTACT: TIM LEROY PH 248-518-8855 FAX 248-525-2811

ARCHITECT:  
 DENNIS J. FLYNN ARCHITECTS INC  
 300 NORTH EUCLID STREET  
 FULLERTON, CA 92832  
 714-870-4460 CONTACT: LINDA FRANCIS  
 FAX: 714-870-4460

**VICINITY MAP**



2600 HARBOR BLVD  
 COSTA MESA, CA

THE PROJECT SHALL COMPLY WITH  
 2016 CALIFORNIA BUILDING CODE  
 2016 CALIFORNIA MECHANICAL CODE  
 2016 CALIFORNIA PLUMBING CODE  
 2016 CALIFORNIA ELECTRICAL CODE  
 2016 CALIFORNIA FIRE CODE  
 2016 CALIFORNIA CODE

I HAVE REVIEWED THE TITLE-24 ENERGY CONSERVATION STANDARDS FOR NON-RESIDENTIAL BUILDINGS AND THE DESIGN SUBMITTED CONFORMS SUBSTANTIALLY WITH THOSE REGULATIONS.

ARCHITECT LICENSE NO.

**ORANGE COAST CADILLAC  
 2600 HARBOR BLVD**

**21028**

**T-1**

**DENNIS J. FLYNN ARCHITECTS, INC.**

300 NORTH EUCLID STREET, FULLERTON, CALIFORNIA 92832 TEL: 714-870-4460 FAX: 714-870-4420





DENNIS J. FLYNN ARCHITECTS, INC.

300 NORTH EUCLID STREET  
FULLERTON, CALIFORNIA 92832  
(714) 830-4480 FAX(714) 870-4435

03/20/13 DEVELOPMENT PLAN SUBMITTAL

ORANGE COAST  
BUICK GMC CADILLAC  
2800 HARBOR BL  
COSTA MESA, CA

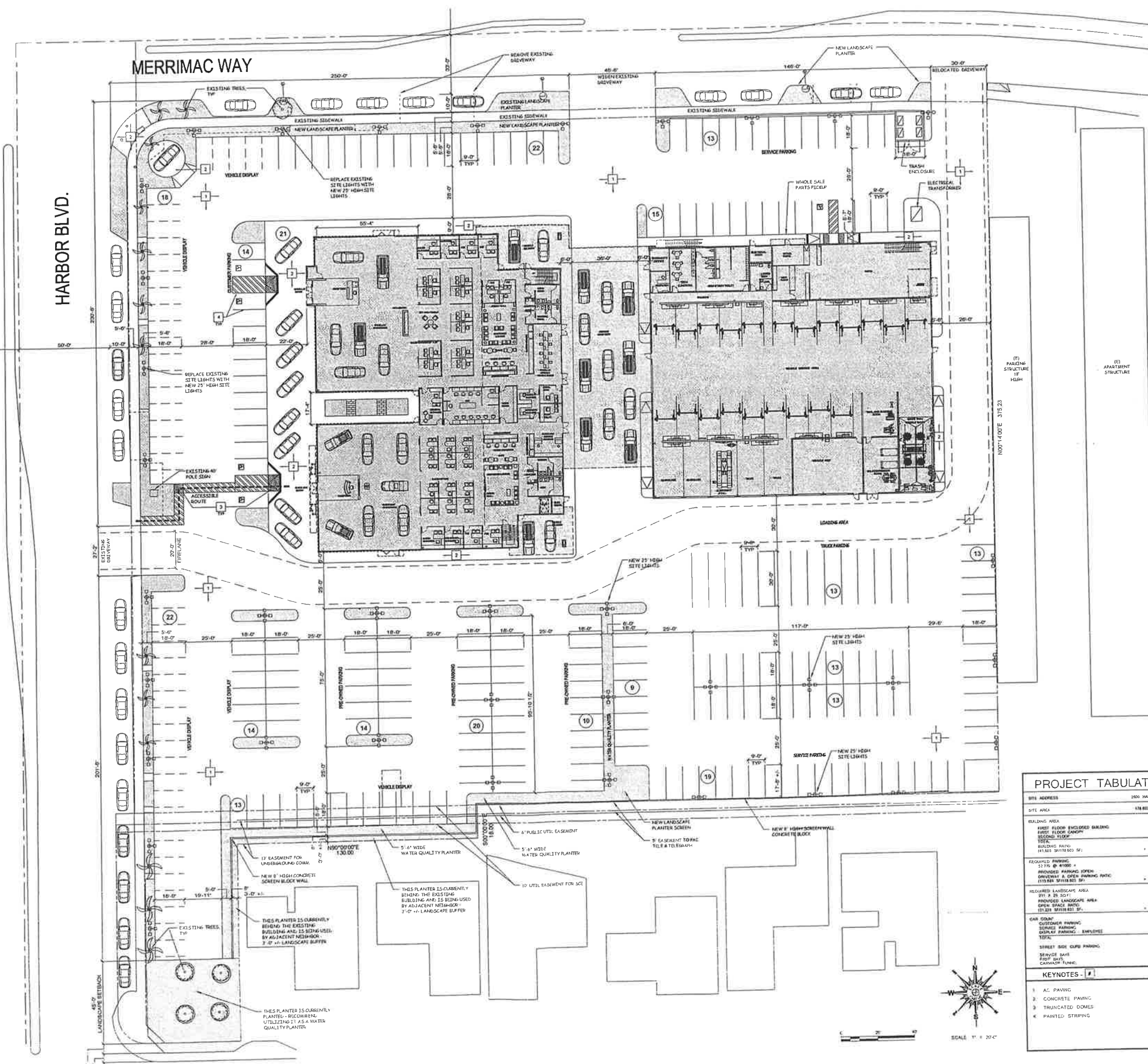
ORANGE COAST BUICK GMC CADILLAC  
PROPOSED SITE PLAN

THE SUBURBAN  
COLLECTION  
1785 MAPLE LAWN  
TROY, MICHIGAN



PROJECT 21023

PRELIMINARY BID PLANS  
THESE DOCUMENTS HAVE NOT  
BEEN COMPLETELY REVIEWED BY  
THE OWNER, PROJECT TEAM OR  
THE BUILDING DEPARTMENT  
THESE DOCUMENTS ARE SUBJECT  
TO REVISION FUTURE PLAN  
REVISIONS MAY NOT BE CLEARLY  
INDICATED AS SUCH ANY BID  
BASED ON CONSTRUCTION  
PERFORMED BASED ON THESE  
DOCUMENTS IS AT THE RISK OF  
THOSE MAKING THE BID OR  
PERFORMING THE WORK.



PROJECT TABULATIONS

SITE ADDRESS	2800 HARBOR BLVD
SITE AREA	6.882 AC. ± 14.1 ACRES
BUILDING AREA	
FIRST FLOOR ENCLOSED BUILDING	41,889 SF
FIRST FLOOR CANOPY	7,887 SF
SECOND FLOOR	13,850 SF
TOTAL	63,626 SF
BUILDING RATIO	(63,626 SF/1,500) SF
PER CAR	1.23 PER CAR
REQUIRED PARKING	211 SPACES
5.17% @ 41,889	211 SPACES
PROVIDED PARKING (OVER DRIVEWAY & OTHER PARKING PATIO) (TOTAL SPACES) SF	211 SPACES
PERMITTED LANDSCAPE AREA	8,375 SF
(11.43% @ 73,500)	8,375 SF
PROPOSED LANDSCAPE AREA	12,308 SF
OPEN SPACE INTENT	21,228 SF
(28.99% @ 73,500)	21,228 SF
CAR COUNT	
CUSTOMER PARKING	14
SERVICE PARKING	152
STREET SIDE PARKING	77
TOTAL	243
STREET SIDE CURB PARKING	34
SERVICE DRIVE	7
FRONT DRIVE	1
CANVAS DRIVE	1
TOTAL	43

KEYNOTES - #



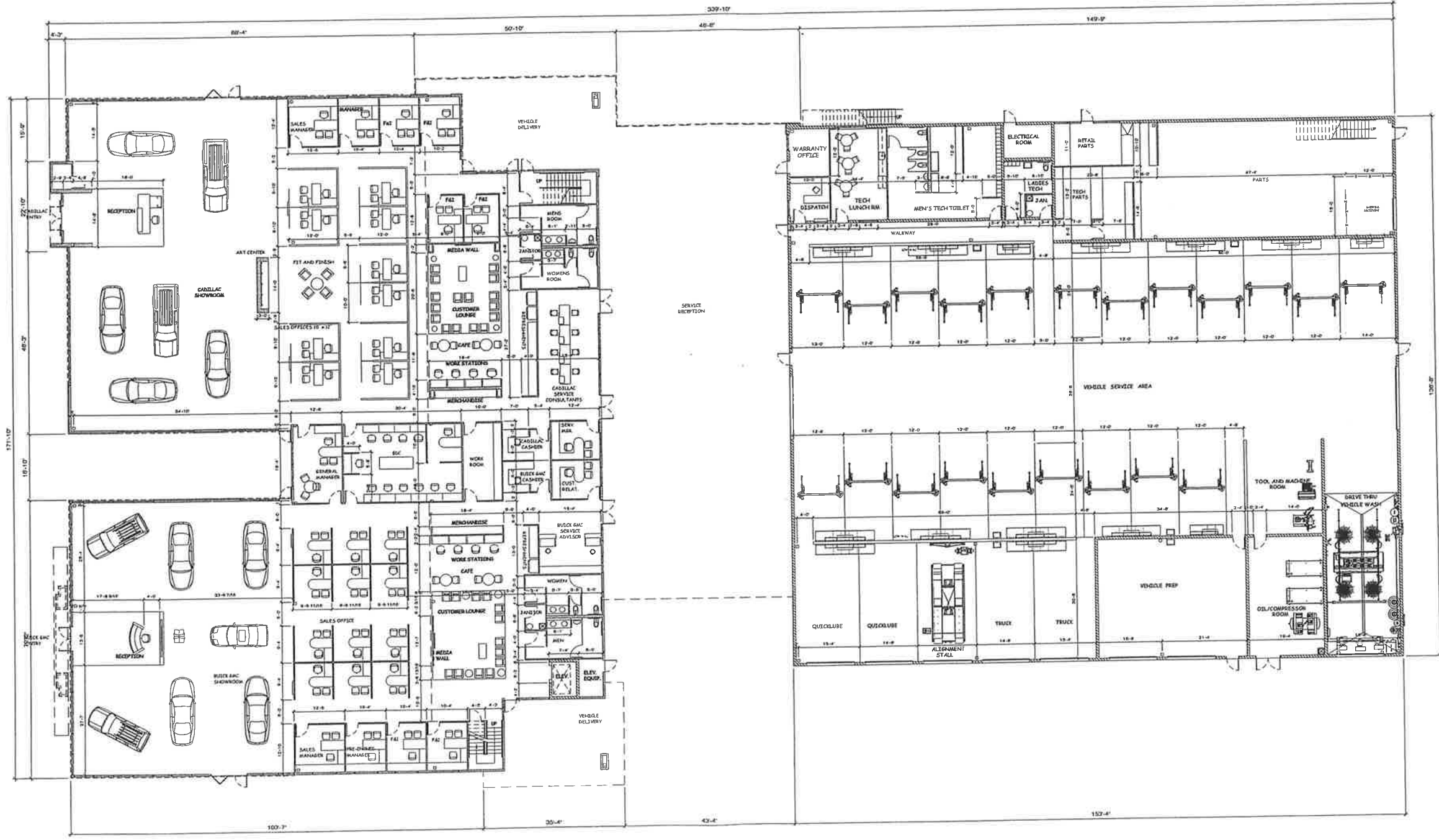




DENNIS J. FLYNN ARCHITECTS, INC.

300 NORTH EUCLID STREET  
FULLERTON, CALIFORNIA 92632  
(714) 870-4450 FAX(714) 870-4420

65/2013 DEVELOPMENT PLAN SUBMITTAL



FIRST FLOOR PLAN

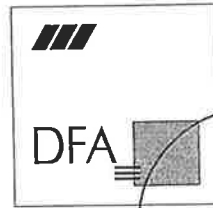
SCALE 3/32" = 1'-0"

ORANGE COAST  
BUICK GMC CADILLAC  
2600 HARBOR BL  
COSTA MESA, CA

THE SUBURBAN  
COLLECTION  
1795 MAPLE LAWN  
TROY, MICHIGAN

ORANGE COAST BUICK GMC CADILLAC  
PROPOSED FIRST FLOOR PLAN

PROJECT 21022  
PRELIMINARY BID PLANS  
THESE DOCUMENTS HAVE NOT  
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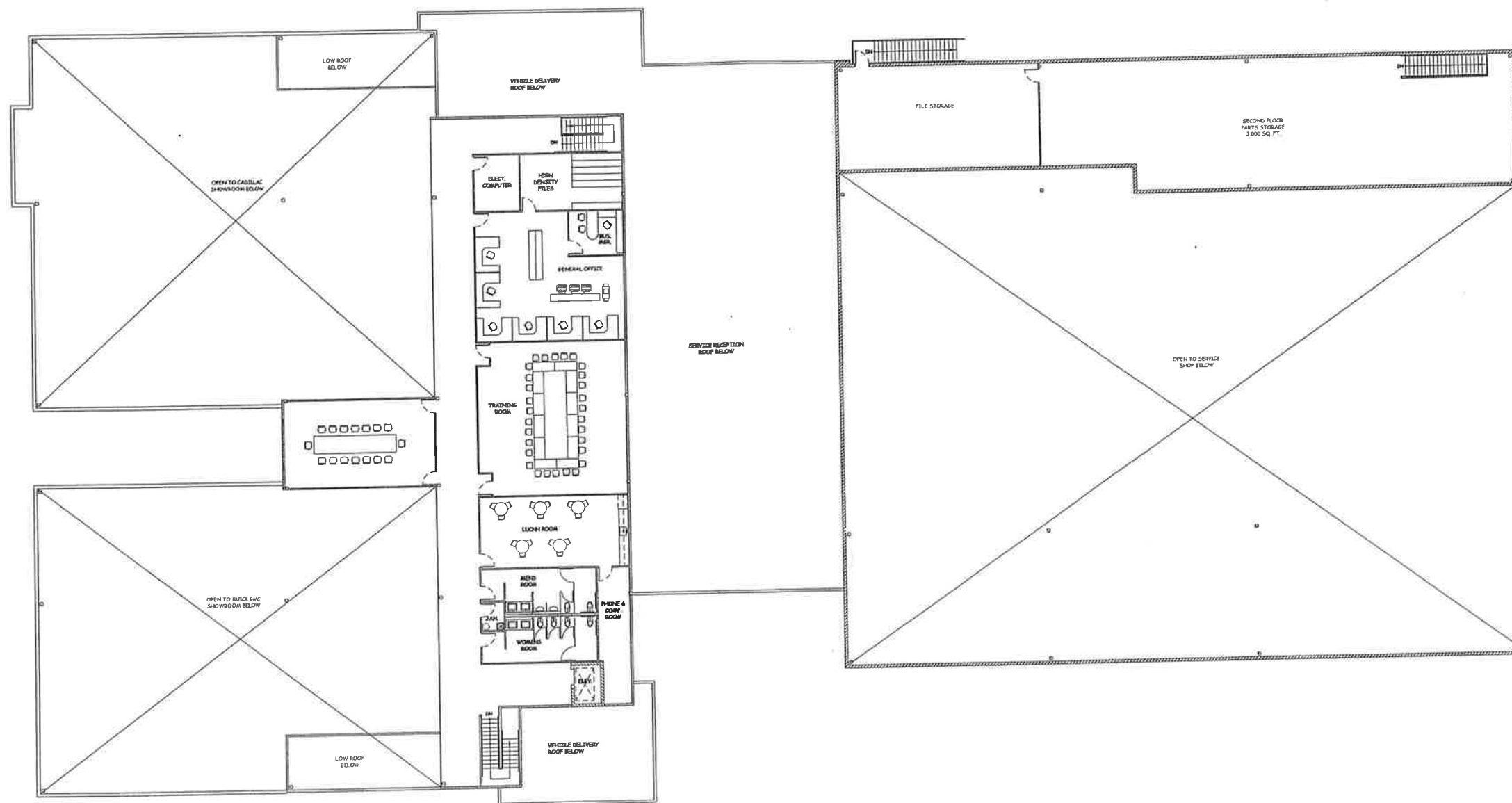


DENNIS J. FLYNN ARCHITECTS, INC.

300 NORTH EUCLID STREET  
FULLERTON, CALIFORNIA 92632

(714) 870-4460 FAX(714) 870-4420

08/30/13 DEVELOPMENT PLAN SUBMITTAL



ORANGE COAST  
BUICK GMC CADILLAC  
2000 HARBOUR BL  
COSTA MESA, CA

THE SUBURBAN  
COLLECTION  
1785 MAPLE LAWN  
TROY, MICHIGAN

ORANGE COAST BUICK GMC CADILLAC  
PROPOSED SECOND FL PLAN

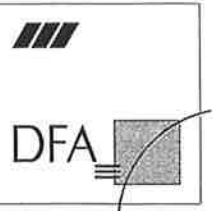


PROJECT 21028  
PRELIMINARY BID PLANS  
THESE DOCUMENTS HAVE NOT  
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THE BUILDING DEPARTMENT  
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SECOND FLOOR PLAN

SCALE 3/32" = 1'-0"

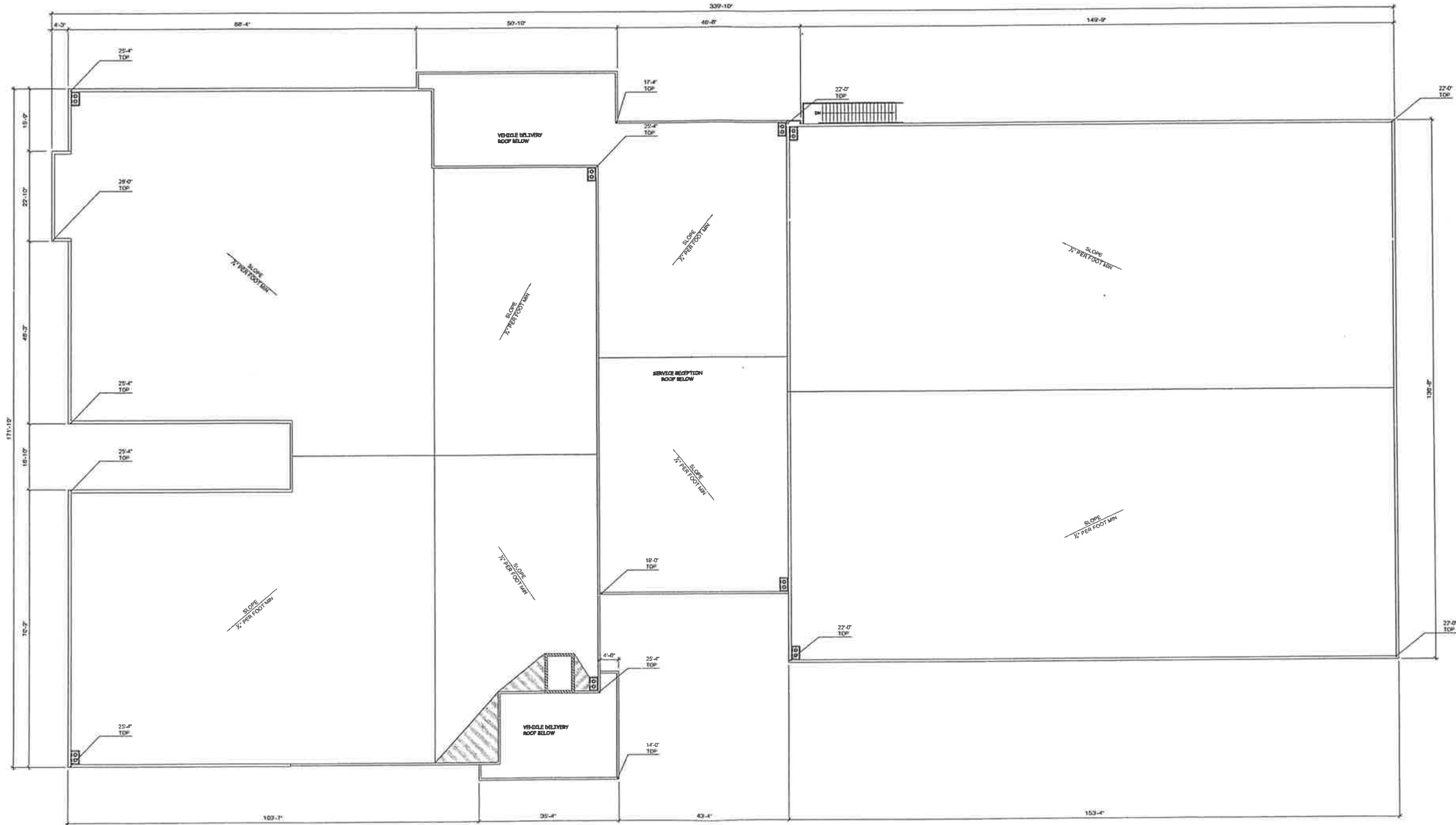




DENNIS J. FLYNN ARCHITECTS, INC.

305 NORTH EUCLID STREET  
FULLERTON, CALIFORNIA 92632  
(714) 870-4480 FAX(714) 870-4420

05/20/13 DEVELOPMENT PLAN SUBMITTAL



ROOF PLAN

SCALE 3/32" = 1'-0"

ORANGE COAST  
BUICK GMC CADILLAC  
2000 HARBOR BL  
COSTA MESA, CA

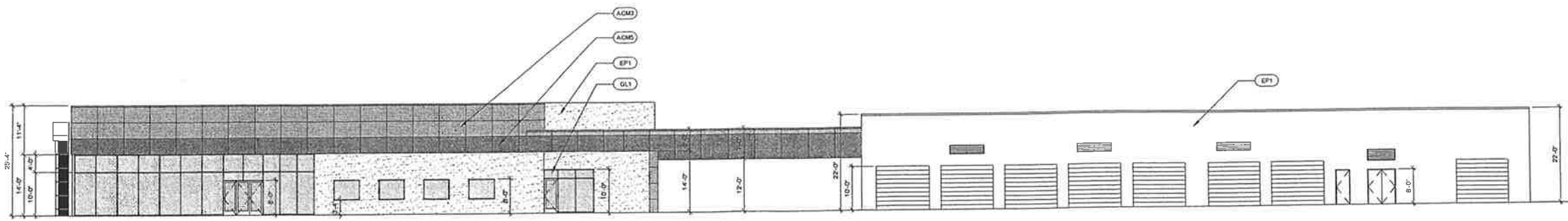
ORANGE COAST BUICK GMC CADILLAC  
PROPOSED ROOF PLAN

THE SUBURBAN  
COLLECTION  
1795 MAPLE LAWN  
TROY, MICHIGAN



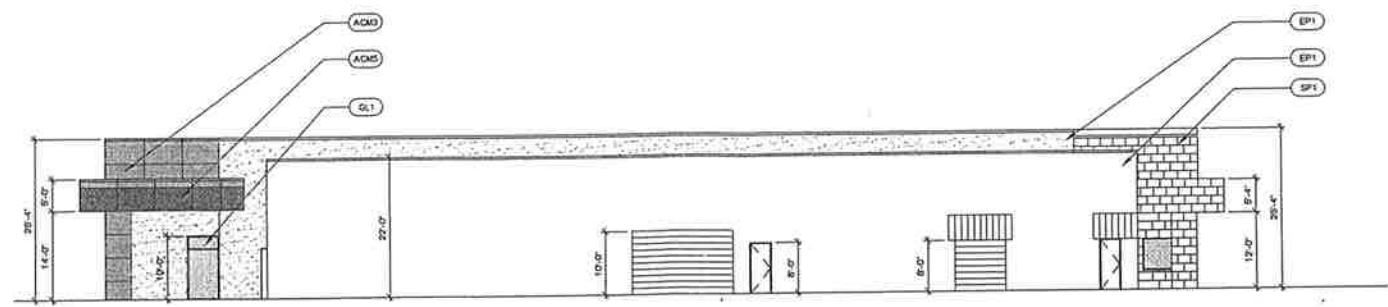
PROJECT 21028

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**SOUTH ELEVATION**

SCALE: 3/32" = 1'-0"

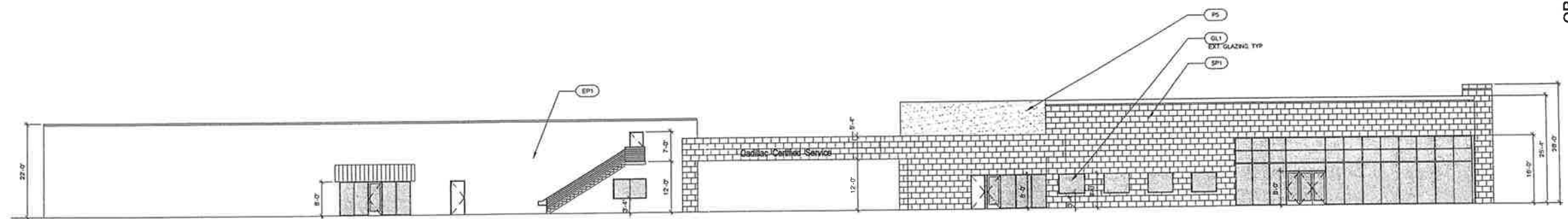


**EAST ELEVATION**

SCALE: 3/32" = 1'-0"

**BUICK GMC COLOR SCHEME**

EXT BLACK ACM ACM1 LOCATION SHOWROOM PRIMARY FACADES	EXT WHITE ACM ACM1 LOCATION SHOWROOM SERVICE WRITE UP, NEW CAR DELIVERY	EXT PAINT EP1 LOCATION SERVICE BUILDING, ANY OTHER BUILDING EXT EXCEPT SHOWROOM
EXT CMU (COLOR TO MATCH EP1) CMU1 LOCATION SERVICE BUILDING, ANY OTHER BUILDING EXT EXCEPT SHOWROOM	EXT CMU (COLOR TO MATCH EP1) CMU2 LOCATION SERVICE BUILDING, ANY OTHER BUILDING EXT EXCEPT SHOWROOM	

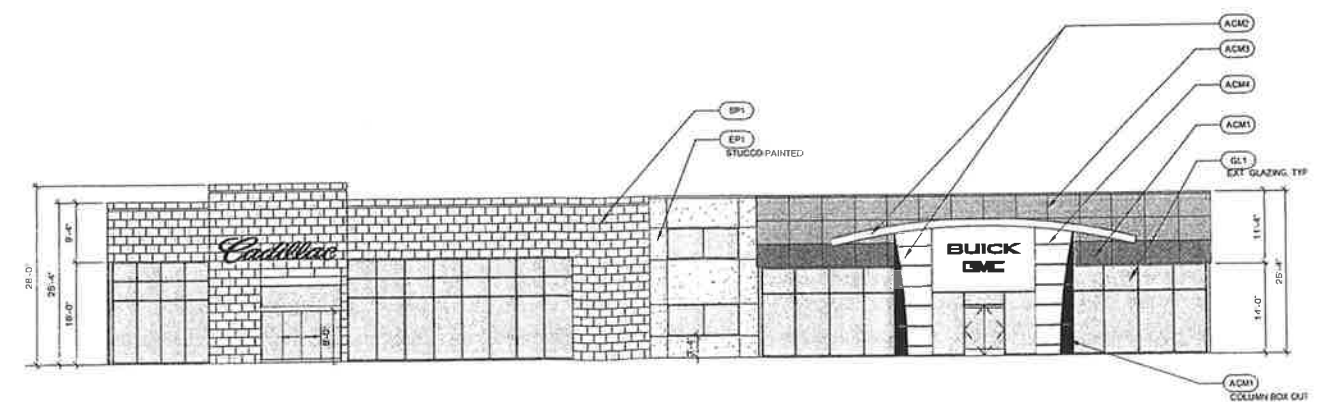


**NORTH ELEVATION**

SCALE: 3/32" = 1'-0"

**CADILLAC COLOR SCHEME**

EXT LIMESTONE PANELS SP1 LOCATION SHOWROOM, ENTRY ELEMENTS, SERVICE WRITE UP, NEW CAR DELIVERY	ALUMINUM CLEAR ANODIZED LOCATION STOREFRONT SYSTEM AND SUB SIGNAL, ENTRY DOOR JAMBS AND HEAD	STAINLESS STEEL LOCATION FACADE REVEAL
EXT ACM CHAMPAGNE METALLIC ACM5 LOCATION NEW CAR DELIVERY METAL CORNICE AT DD WALLS	EXT PAINT AGREEABLE GREY PS LOCATION EXT PAINTED METAL DOORS	EXT CMU (OPTIONAL) INTEGRAL COLOR, BUFF LOCATION SERVICE STRUCTURE



**WEST ELEVATION**

SCALE: 3/32" = 1'-0"

**KEYNOTES - (ACM)**

- SP1 - EXTERIOR LIMESTONE PANELS
- ACM1 - ALUM COMPOSITE METAL PANEL, BLACK
- ACM2 - ALUM COMPOSITE METAL PANEL, BRUSHED ALUMINUM
- ACM3 - ALUM COMPOSITE METAL PANEL, WHITE
- ACM4 - ALUM COMPOSITE METAL PANEL, HIGH POLISHED ALUM.
- ACM5 - ALUM COMPOSITE METAL PANEL, CHAMPAGNE METALLIC
- EP1 - EXTERIOR PAINT, BROWN WHITE
- PS - EXTERIOR PAINT, AGREEABLE GREY (METAL DOORS)
- GL1 - CLEAR BUTT JOINTED GLAZING, BOLARIAN 80
- CMU1 - SPLIT FACED UNIT, INTEGRAL COLOR TO MATCH EP1
- CMU2 - SPLIT FACED UNIT, INTEGRAL COLOR TO MATCH EP1



**DENNIS J. FLYNN ARCHITECTS, INC.**

300 NORTH EUCLID STREET  
FULLERTON, CALIFORNIA 92632  
(714) 870-4400 FAX(714) 870-4402

PROJECT NO. 2102R  
DATE: 08/14/14  
DRAWING NO. 01  
SHEET NO. 01 OF 01  
SHEET TITLE: DEVELOPMENT PLAN SUBMITTAL

**ORANGE COAST  
BUICK GMC CADILLAC**  
2600 HARBOR BL  
COSTA MESA, CA

**ORANGE COAST BUICK GMC CADILLAC  
PROPOSED EXT. ELEVATIONS**

**THE SUBURBAN  
COLLECTION**  
1785 MAPLE LAWN  
TROY, MICHIGAN

PROJECT 2102R  
PRELIMINARY BID PLANS  
THESE DOCUMENTS HAVE NOT  
BEEN COMPLETELY REVIEWED BY  
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PERFORMING THE WORK.





# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

October 11, 2013

Moheb Farag  
1555 Mesa Verde Drive East, # 2C  
Costa Mesa, CA 92626

**RE: ZONING APPLICATION ZA-11-42  
MINOR CONDITIONAL USE PERMIT FOR A HOOKAH LOUNGE TO STAY  
OPEN UNTIL 2:00 A.M.  
440 FAIR DRIVE, SUITE A**

Dear Mr. Farag:

This letter is to notify you that Zoning Application ZA-11-42 has been denied, based on the findings as described in the attached pages. The decision will become final at 5 pm on October 18, 2013 (seven days from the date of this letter), unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee), or is called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please contact the project planner, Minoo Ashabi at 714.754.5610 or [minoo.ashabi@costamesaca.gov](mailto:minoo.ashabi@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN  
Zoning Administrator

Attachments:      Project description  
                         Findings

## **PROJECT DESCRIPTION**

- The proposed hookah lounge is located in a 950 square foot tenant space on the ground floor of a two-story commercial building located at 440 Fair Drive in C1 zone.
- The two story building includes a variety of tenants including general and medical offices, several massage/spa facilities and a pizza place on the first floor. All parking is provided to the east and north of the building.
- The applicant requests a minor conditional use permit (MCUP) to allow operation of the hookah lounge past 11:00 p.m.

### ***Background***

Operation of the hookah lounge past 11:00 pm is subject to approval of a minor conditional use permit since it is located within 200 feet of residential zone. A conditional use permit is also required for businesses that provide live entertainment or dancing. The original application included a request for outdoor seating and live entertainment but the request was modified to having a DJ three times a week until midnight.

The following is the chronology of the events leading to this request:

- On October 5, 2011, a business license was approved for Harbor Hookah Lounge at this location. The business license specifically referred that retail uses only were permitted.
- On March 20, 2012 and November 5, 2012, the City received two complaints that the business was operating outside their approved hours.
- On November 16, 2011, the applicant was informed that the business license permitted only retail use at this location and operation of a lounge after 11:00 pm was not authorized. Because the business was located less than 200 feet from residentially zoned properties, the hookah lounge operation was required to cease at 11:00 pm unless a minor conditional use permit was approved.
- On December 7, 2011, the applicant submitted a request for a minor conditional use permit.
- On January 23, 2012, the applicant received a letter that the minor conditional use permit application was deemed incomplete and was informed that the administrative hearing officer had dismissed the civil citation related to live entertainment; however, operation of the hookah lounge past 11:00 pm was subject to approval of a minor conditional use permit.
- The application was inactive due to inadequate information, but the hookah lounge continued the operation without a minor conditional use permit. The applicant was informed that, given the proximity to residential uses, staff will most likely not approve the request; consequently, he was offered the option to withdraw the request and receive a full refund. The applicant opted not to withdraw the application and continued the operation past 11:00 pm. From March 2012 to June 2013, the applicant received several citations for violating the authorized hours of operations by staying open past 11:00 pm.



- On July 29, 2013, the applicant submitted a letter addressing pending issues (outdoor seating, live entertainment, parking, etc.).
- On August 21, 2013, the applicant was notified about the status of the application and the applicant requested that the application proceed despite staff's recommendation to withdraw the request.

## **ANALYSIS**

### **Justifications for Denial**

Given the proximity of this location to sensitive residential uses staff cannot support the requests for the following reasons:

- Proposal to extend business hours past 11:00 pm is incompatible with sensitive residential uses. The building in which the hookah lounge is located is approximately 160 feet from the residential zone to the east and 150 feet from the residential zone to the south; however, the parking lot is less than 75 feet from the residences to the east. The proposed hours of operation past 11:00 pm could result in significant adverse impacts to the nearby residentially-zoned properties, including, but not limited to noise, litter, and loitering.
- The business has not been operating in a manner that is compliant with the original approval. As noted earlier, the use was permitted as a retail use to operate between the hours of 12:00 pm to 2:00 am. After the City discovered that the business owner is operating a hookah lounge instead of a retail outlet, the applicant was notified that approval of a minor conditional use permit was required for his operation. He has received multiple citations and continued operating the hookah lounge past 11:00 pm.
- Similar hookah lounges within 200 feet of residentially-zoned properties operating past 11:00 pm have a long history of complaints regarding litter, noise, and loitering. On August 8, 2011, Planning Commission denied a request for a hookah lounge to operate past 11:00 pm because of the adverse impacts the operation had on adjacent residential uses, a 270-unit senior housing building (Bethel Towers) on West 19<sup>th</sup> Street. On August 9, 2012, the Zoning Administrator also denied extending the hours of operation for a hookah lounge located at 3033 Bristol Street, Suite F, within 200 feet of residential uses. The Zoning Administrator found that the late hour operations of this business could result in similar issues and incompatibility with abutting residential uses. Even though there has been no direct complaints related to excessive noise for this location, operation of hookah lounges have been associated with loud music, loitering, and nuisance noise in the parking lot. Considering the proximity to residentially zoned properties and the history of zoning violations, this site is considered an inappropriate location for the proposed extended hours of operation.
- Inconsistency with the General Plan. The proposal is not consistent with General Plan Objective LU-1F to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned properties and history of zoning code violations, this site is considered an inappropriate location for the proposed hookah lounge's extended hours of operation.

## **FINDINGS**

1. The proposal does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
  - a. A compatible and harmonious relationship does not exist between the building and site development, and use(s), and the building and site developments and uses that exist, or have been approved, for the general neighborhood. Specifically, a proposal to extend business hours past 11:00 pm is incompatible with residentially properties that exist within 200 feet for the subject property. Hours of operation past 11:00 pm will result in significant adverse impacts to the nearby residentially-zoned properties, including, but not limited to noise, litter, and loitering.
  - b. The proposal does not comply with performance standards as prescribed in the Zoning Code. Specifically, the use was permitted as a retail outlet to stay open past 11:00 pm and not a hookah lounge. The applicant has been operating the hookah lounge after 11:00 pm without authorization and received multiple citations during the past two years.
  - c. The proposal is not consistent with the General Plan. The proposed use is not consistent with General Plan Objective LU-1F to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned properties and history of zoning code violations, this site is considered an inappropriate location for extended hours of operation for the hookah lounge.
2. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:
  - a. The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area. Staff has received complaints regarding the late hours of operation and a written request from a nearby resident to not approve the extended hours. Specifically, the proposed hours of operation past 11:00 pm will result in significant adverse impacts to the nearby residentially-zoned properties, including, but not limited to noise, litter, and loitering.
  - b. Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public and otherwise injurious to property or improvements within the immediate neighborhood since the business is located within 200 feet of residential uses and the parking lot is located less than 75 feet from the residences on Carnegie Avenue. Although a block wall separates the parking lot from the residences to the east, the late night traffic on Fair Drive and use of parking lot will directly affect the neighboring residences.
  - c. Granting the minor conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property. Specifically, the proposed use is not consistent with General Plan Objective LU-1F

to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned properties on the east and south and history of zoning code violations, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

3. The Costa Mesa Zoning Administrator has denied ZA-11-39. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.