



CITY COUNCIL

SUPPLEMENTAL MEMORANDUM

MEETING DATE: OCTOBER 7, 2014

PH-3

SUBJECT: REVIEW OF PLANNING APPLICATION PA-88-134 A2: SECOND AMENDMENT FOR THE ORANGE COAST BUICK/GMC/CADILLAC DEALERSHIP LOCATED AT 2600 HARBOR BOULEVARD

DATE: OCTOBER 7, 2014

FROM: DEVELOPMENT SERVICES DEPARTMENT

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 mel.lee@costamesaca.gov**

If the City Council takes action to uphold the Planning Commission's approval of the above project, Council may consider the following new and modified conditions of approval for the proposed project. These additional conditions have been prepared based on input from the applicant's representative and consultation with member(s) of City Council.

New Recommended Conditions of Approval:

27. The use of the rooftop parking deck shall be strictly limited to the parking and storage of fleet vehicles. Customers shall not be permitted to park on the rooftop deck. Employees shall not be permitted to remain in the rooftop level for any time period beyond what would be reasonably required to park/store vehicles. For example, employees shall not take breaks, congregate, loiter, or smoke on the roof.
28. Developer shall construct and maintain a fully-enclosed ramp to the rooftop parking deck. Any modification to the enclosure, other than minor repair and fascia work, shall require approval by the Development Services Director or Planning Commission, as applicable.
29. Any servicing of vehicles or business-related activity (i.e. showing vehicles to customers, business meetings, photography, etc.) on the rooftop parking deck shall be expressly prohibited. The rooftop parking deck shall be for vehicle storage only.
30. Access to the rooftop parking deck shall be strictly limited to employees only. Signage at the entrance of the parking ramp shall indicate to the effect of "No Customer Access Beyond this Point".
31. Business operator shall provide abutting residential property owners with a phone contact to report any concerns related to security, pest/vermin control, noise, lighting, and landscape maintenance. This contact shall be the manager or his/her designee during business hours. Concerns shall be left in an automated voicemail system for after hours. The business operator shall retrieve

- the messages the following business day and address each complaint in a timely manner. Failure to address complaints from the abutting residents in a reasonable and responsive fashion, as deemed appropriate by the Development Services Director, shall be considered a violation of this condition.
32. Business operator shall rectify any complaints related to vector control within seven (7) days of receiving the complaint.
 33. Applicant shall remit a \$ \$1,000 deposit to the City of Costa Mesa towards the cost of a third party planning consultant during project construction. The consultant shall be chosen by the Development Services Director and his/her role is to validate the correct location of the block wall pursuant to a professional survey and to determine that any damage to private property occurring during construction had been repaired to his/her satisfaction. This assessment shall be submitted to and approved by the Development Services Director prior to issuance of a certificate of occupancy. Any unexpended funds shall be reimbursed to the applicant.
 34. Prior to issuance of certificate of occupancy, the property owner shall remit a letter to the City indicating the voluntary abandonment of any rights and/or entitlements related to previously granted variances under PA-88-134. Once the project approval is final and effective, variances approved by the City for this property under PA-88-134 shall be null and void.

Modified Conditions of Approval:

- 4a. Employees shall be ~~instructed~~ required to park on-site and not on adjacent residential streets. Additionally, it shall be ensured that adequate customer parking exists on-site.
16. 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, and shall be a minimum of 5 feet in depth clear of the bumper overhang of parked vehicles. The landscape buffer shall also be densely landscaped and maintained, subject to the approval by the Development Services Director or designee.
- 18d. 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. Lighting studies shall be certified by a lighting engineer working under the direction of the Planning Division. The dealership shall be responsible for all costs for lighting studies.
- 18e. The parking deck lighting shall be dimmed at 9:00 pm and turned off from 10:00 pm until dawn each day to minimize lighting impacts to surrounding properties.
- 22b. Plant ~~Tristania Conferta ("Brisbane Box")~~ Podocarpus Gracilior ("Fern Pine") evergreen trees 10 feet on center within the landscape buffer proposed adjacent to the residences that will grow to a height of 25 feet within 5 years.



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Director of Economic & Development /
Deputy CEO

cc: Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
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CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 7, 2014

ITEM NUMBER:

SUBJECT: REVIEW OF PLANNING APPLICATION PA-88-134 A2: SECOND AMENDMENT FOR THE ORANGE COAST BUICK/GMC/CADILLAC DEALERSHIP LOCATED AT 2600 HARBOR BOULEVARD

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

DATE: SEPTEMBER 30, 2014

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov**

RECOMMENDATIONS

The Planning Commission recommends that the City Council take the following action:

1. Approve second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory.
2. Approve Administrative Adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed). A previous variance for a 0 foot rear setback was approved under PA-88-134. A 32-foot rear yard setback for the dealership building was approved under PA-88-134 A1.
3. Approve a Planned Sign Program for the following signage: Remove the existing 40-foot high freestanding sign and replace with two new freestanding signs, both 23 feet in height. The two proposed freestanding signs are separated by approximately 190 feet. The overall square footage of the proposed freestanding and wall signs complies with the Costa Mesa Municipal Code (CCMC). The overall square footage of freestanding and wall signs is 442 sq. ft.

PLANNING APPLICATION SUMMARY

Location: 2600 Harbor Blvd. Application: PA-88-134 A2

Request: Second amendment to a Conditional Use Permit for a new automotive dealership to accommodate a 34,000 SF second level parking deck for GMC/Buick/Cadillac and a Planned Sign Program for new signage.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>C1</u>	North: <u>(Acr. Merrimac Wy.) R2-MD, car dealership</u>
General Plan: <u>General Commercial</u>	South: <u>(Acr. Princeton Dr.) 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>52,779 SF Car Dealership (Under Construction)</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	120 FT	352 FT
Lot Area	12,000 SF	178,603 SF (4.1 AC)
Floor Area Ratio:		
Moderate Traffic FAR	.30 (53,581 SF)	.29 (52,779 SF) (1)
Building Height:		
	2 Stories/30 FT	2 Stories/25 FT
Interior landscaping	5,275 SF	5,625 SF
Setbacks (Buildings):		
Front (Harbor Blvd.)	20 FT	97 FT
Side (left/right)	15 FT/50 FT	54 FT/52 FT
Rear	50 FT	32 FT (2)
Setbacks (Landscaping):		
Front (Harbor Blvd.)	20 FT	5.5 FT (2)
Side (left – Merrimac Wy.)	15 FT	3 FT to 5 FT (2)
Rear	NA	NA
Parking		
TOTAL	211 Spaces	359 Spaces (211 Vehicle Display, Customer and Employee Parking Spaces Plus 148 Spaces on the Second Floor Parking Deck)

(1) The proposed parking deck is not included in FAR calculation because it is not enclosed.

(2) Previous deviations approved under PA-88-134 and PA-88-134 A1.

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

Final Action City Council

BACKGROUND

Summary of Entitlements Related to the Orange Coast Buick/GMC/Cadillac Dealership

PA-88-134: Conditional use permit to add 4,760 square feet of floor area to the existing 47,300 square foot dealership (52,060 square feet total), which included a 17,311 square foot rooftop display/storage of vehicles with a 3-foot minimum setback from the adjacent residential properties along Princeton Drive, was approved by the Planning Commission on September 12, 1988, on 5-0 vote.

PA-88-134 A1: First amendment to PA-88-134, which involved demolition of all site improvements approved under PA-88-134 and construction of a new 52,779 sq. ft. dealership with surface display and parking. Per Zoning Code Section 13-29(p), the project was reviewed by the Zoning Administrator and, although decisions by the ZA are not public hearing items, property owners within a 500-foot radius were notified of the decision date. The project was approved by the Zoning Administrator on October 10, 2013 and construction began earlier this year.

PA-88-134 A2: Second amendment to PA-88-134, which proposes to add a 34,000 square foot rooftop storage deck to the under construction dealership building. Because the amendment proposed re-introducing a rooftop deck at the site, the amendment was scheduled for Planning Commission review as a public hearing item. The overall project is still within the maximum allowable Floor Area Ratio (FAR) for the site because rooftop decks are not included in FAR.

A comparison of the dealership approved under the various entitlements is summarized in the table below:

	PA-88-134	PA-88-134 A1	PA-88-134 A2
Square Footage	52,060 SF + 17,311 SF Deck	52,779 SF (No Deck)	52,779 SF + 38,000 SF Deck
Setbacks from P.L. of Single Family Residences	0 Feet (Service Bldg.) 3 Feet (Showroom and Roof Deck)	139 Feet (Showroom) 159 Feet (Service Bldg.) No Deck	139 Feet (Showroom) 159 Feet (Service Bldg.) 53 Feet (Roof Deck)
Roof Deck Height	22 Feet	Not Applicable	25 Feet
Vehicle Display/Storage, Customer and Employee Parking Spaces	189 Spaces	277 Spaces	359 Spaces

Summary of Planning Commission Action

The Planning Commission held a public hearing on July 14, 2014. The project, with revisions was brought back to the Planning Commission at their September 8, 2014 meeting, at which Planning Commission approved the revised project, with the proposed parking deck, on a 5-0 vote.

Please refer to the Planning Commission staff report dated September 8, 2014 (Attachment 5) for detailed information and analysis related to the project.

Review of Planning Application

A request for review was filed on September 15, 2014 by Council members Leece and Genis. The request noted the following concerns with approval of the project.

1. Concerns about effects on the neighborhood and California Environmental Quality Act (CEQA) compliance.

The following includes a discussion of the above mentioned topics.

Effects on Neighborhood

At the July 14, 2014 Planning Commission meeting, 14 people spoke in opposition to the project, indicating the following adverse impacts as a result of the proposed project as revised:

- The proposed parking deck would have a negative effect on the adjacent residential properties due to additional light and glare, as well as adverse noise and privacy impacts.
- Concerns about cut-through traffic in residential neighborhoods and test driving of vehicles on adjacent residential streets.

The Commission tabled the item in order to allow the applicant time to work with the neighbors to address their concerns, and directed staff to re-notice the project at a future hearing. At the September 8, 2014 Planning Commission meeting, the representative for the applicant provided exhibits to address the concerns of the neighboring residents to the Planning Commission, which are included in Attachment 1. The exhibits include the following:

- Construct a 27-foot high wall with living plant material to screen the parking deck elevation facing abutting single-family residential properties.
- Plant *Tristania Conferta* (“Brisbane Box”) evergreen trees 10 feet on center within the landscape buffer proposed adjacent to the residences that will grow to a height of 25 feet within 10 years.
- Setback the light fixtures on the parking deck 52 feet from the edge of the deck (106 feet total from the adjacent single-family residential property line) and lower the proposed light fixture height from 15 feet to 12 feet in height.
- Provided more accurate “before and after” renderings of the proposed project from various angles of the adjacent residential properties.
- Prohibit employees and customers from smoking or loitering in the southerly portion of the property (nearest to single-family residential).
- Provided a traffic plan to Planning staff identifying where employees will and will not be allowed to drive test vehicles from the dealership.

At the September 8, 2014 Planning Commission meeting, 10 persons spoke in opposition to the project, reiterating the concerns with the revised project with regard to light, noise, and privacy impacts. Copies of the correspondence received from

neighboring residents at both hearings are included in the exhibits attached to the September 8, 2014 Planning Commission staff report (Attachment 5).

California Environmental Quality Act (CEQA) Compliance

The Planning Commission determined that the proposed project is categorically exempt from CEQA review and applied a Class 32 categorical exemption for infill development. Following are justifications for the Class 32 categorical exemption:

- Concerns raised regarding CEQA Categorical Exemption. At the September 8, 2014 one of the speakers raised the following concerns related to the CEQA Categorical Exemption:
 - The project should not be categorically exempt from CEQA because the request included an Administrative Adjustment to deviate from rear yard setback requirements for the proposed second floor parking deck (50-foot rear yard setback required; 32-foot setback proposed).
 - The project is discretionary (i.e., requires approval by a decision making body as opposed to issuance of a ministerial permit, such as a building permit) and is therefore not categorically exempt under CEQA.

With regard to the first point, an Administrative Adjustment to deviate from rear yard setback requirements for the proposed second story deck (50-foot rear yard setback required; 32-foot setback proposed) was included with the public notices; however, it should be noted that because of the prior variance approval of 0 feet for the rear yard setback was originally approved under PA-88-134, as well as the approved 32 foot rear building setback for PA-88-134 A1, approval of a new deviation is not necessary and no additional findings are required.

With regard to the second point, Government Code Section 15300.1. (Relation to Ministerial Projects) specifies that since ministerial projects are not subject to CEQA, categorical exemptions can be applied to discretionary projects per a public agency's statutes and ordinances.

- Effects found to be below a level of significance. The use of the Class 32 categorical exemption is dependent upon the project not having significant effects relating to traffic, noise, air quality or water quality. The neighbors' comment letters and testimony involved concerns about noise, traffic and parking issues. An evaluation of the approved project against the original GMC/Cadillac operations (with parking deck) and the previously-approved project (without parking deck) indicated that the modified proposal would not have significant effects in these areas. Specifically, noise, parking, aesthetics, and traffic impacts would be lessened compared to the previously approved project under construction. The proposed project would not result in a reasonable possibility of any significant effects.
- Proposed project included design features to minimize impacts. The staff analysis indicates that after meetings with the neighbors, the

applicant/dealership added design features to the project to address the neighbors' concerns. Specifically, these include:

- A 27-foot high wall with living plant material to screen the parking deck.
 - A landscape buffer consisting of *Tristania Conferta* evergreen trees.
 - Enhanced setback of light fixtures on the parking deck to be 106 feet away from the property line of adjacent single-family residential properties.
 - Enhanced setback of the building and parking deck compared to the original building and the previously-approved project.
- *Other findings made for CEQA Categorical Exemption.* The Planning Commission made a finding that the project is categorically exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development based on the following:
 - The project is consistent with the applicable General Plan designation (General Commercial) and all applicable general plan policies as well as with applicable zoning designation (C1 – Local Business District) 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.

LEGAL REVIEW

The draft resolutions have been reviewed and approved as to form by the City Attorney's Office.

ALTERNATIVES

The City Council has the following alternatives:

- Uphold the Planning Commission's approval of the project as revised, subject to conditions of approval; or
- Deny the project as revised. If the project were denied, the applicant could not submit substantially the same type of application for six months. The applicant can continue with the construction of the new dealership building, without the deck, as approved under PA-88-134 A1.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Director of Economic & Development /
Deputy CEO

- Attachments:
1. [Location Map and Plans](#)
 2. [Draft Resolutions](#)
 3. [Request for Review](#)
 4. [Planning Commission Minute Excerpts](#)
 5. [Planning Commission Staff Report and Related Exhibits](#)
 6. [Planning Commission Resolution](#)

[Additional Correspondence received](#)

cc:

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- Assistant Chief Executive Officer
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