



# **CITY OF COSTA MESA**

## **PLANNING COMMISSION**

### **Agenda**

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**Monday, May 8, 2023**

**6:00 PM**

**City Council Chambers  
77 Fair Drive**

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4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the [PCPublicComments@costamesaca.gov](mailto:PCPublicComments@costamesaca.gov). Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

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## PLANNING COMMISSION REGULAR MEETING

MAY 8, 2023 – 6:00 P.M.

ADAM ERETH  
ChairRUSSELL TOLER  
Vice ChairJOHNNY ROJAS  
Planning CommissionerANGELY ANDRADE VALLARTA  
Planning CommissionerTIM TABER  
Planning CommissionerJON ZICH  
Planning CommissionerJENNIFER LE  
Director of Economic and  
Development ServicesJIMMY VIVAR  
Planning CommissionerTARQUIN PREZIOSI  
Assistant City Attorney**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****ANNOUNCEMENTS AND PRESENTATIONS****PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Comments are limited to three (3) minutes, or as otherwise directed.

**COMMISSIONER COMMENTS AND SUGGESTIONS****CONSENT CALENDAR:**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the Planning Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. The public can make this request via email at [PCPublicComments@costamesaca.gov](mailto:PCPublicComments@costamesaca.gov) and should include the item number to be addressed. Items removed from the Consent Calendar will be discussed and voted upon immediately following Planning Commission action on the remainder of the Consent Calendar



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1. [APRIL 10, 2023 UNOFFICIAL MEETING MINUTES](#) [23-1206](#)

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of April 10, 2023.

**Attachments:** [April 10, 2023 UNOFFICIAL MEETING MINUTES](#)

**PUBLIC HEARINGS:**

1. [MAJOR AMENDMENT TO MASTER PLAN PA-23-03 \(PA-98-50 A3\) FOR A REDUCTION OF REQUIRED OFF-STREET PARKING AND TO MODIFY OPERATIONAL CHARACTERISTICS; A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY; MINOR CONDITIONAL USE PERMIT ZA-23-01 TO ALLOW AN OUTDOOR DINING PATIO; AND A PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR ALCOHOL BEVERAGE CONTROL LICENSE TYPE 21 AND 47 FOR THE NORTHGATE MARKET LOCATED AT 2300 HARBOR BOULEVARD](#)

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) for Existing Facilities; and Section 15303 (Class 3), New Construction or Conversion of Small Structures.

2. Approve Planning Applications PA-23-03 (PA-98-50 A3), PA-23-02 and ZA-23-01, and the Public Convenience or Necessity Determination, subject to conditions of approval.

**Attachments:** [Agenda Report](#)

[1. Draft Planning Commission Resolution](#)

[2. Applicant Letter & Supplemental Information](#)

[3. Vicinity Map](#)

[4. Zoning Map](#)

[5. Site Photos](#)

[6. Acoustic Analysis](#)

[7. Parking Analysis](#)

[8. Project Plans](#)

[9. Public Comments](#)

**OLD BUSINESS: None.**

**NEW BUSINESS: None.**

**DEPARTMENT REPORTS:**

**1. PUBLIC WORKS REPORT**

**2. DEVELOPMENT SERVICES REPORT**

**CITY ATTORNEY REPORTS:**

**1. CITY ATTORNEY**

**ADJOURNMENT**

**Next Meeting: Planning Commission regular meeting, May 22, 2023 - 6:00 p.m.**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1206

**Meeting Date:** 5/8/2023

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**TITLE:**

**APRIL 10, 2023 UNOFFICIAL MEETING MINUTES**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING  
DIVISION**

**RECOMMENDATION:**

PLANNING COMMISSION APPROVE MINUTES OF A REGULAR MEETING OF APRIL 10, 2023.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF  
COSTA MESA PLANNING COMMISSION**

**April 10, 2023**

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Vivar led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Adam Ereth, Vice Chair Russell Toller, Commissioner Jonny Rojas, Commissioner Tim Taber, Commissioner Vivar, Commissioner Jon Zich

Absent: Commissioner Angely Andrade

Staff Present: Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Associate Planner Chris Yeager, Assistant Planner Chris Aldana, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Rojas compared neighboring cities cannabis store front quantities to Costa Mesa's number of already approved cannabis locations. He asked about the number of dispensaries Costa Mesa will be approving.

Commissioner Zich followed up on his request to have the Cannabis Application Status updated or removed from the City's website.

Commissioner Taber asked whether there was a back-log of non-cannabis related items.

## UNOFFICIAL UNTIL APPROVED

Commissioner Vivar asked transportation for an update on the 19<sup>th</sup> Street Project. He also spoke to Commissioner Rojas comments and possible saturation of the cannabis market.

Vice Chair Toler spoke on housing. He stated he was looking forward to the discussions coming in the next few month in regards to implementing the Housing Element.

Chair Ereth thanked the Parks and Recreation Department on the Spring Fest event that was held the past weekend. He also stated he attended the Fairview Park Restoration event over the weekend with the Fairview Park Alliance.

He further stated the primary role of the Planning Commission is to make judicial reviews. To make those decisions, the Commission uses the general plan, ordinances and code to make findings on and to approve or deny the items brought before them. He stated he would argue the secondary role of the Commission is to consider the wider development initiatives and ideas within the City as promulgated by the City Council.

## CONSENT CALENDAR:

### 1. APPROVAL OF MINUTES

Commissioner Vivar made motion to approve minutes as written. Seconded by Vice Chair Toler.

**MOVED/SECOND:** Vivar/ Toler

**MOTION:** Moves staff recommendations.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas Vivar, Zich

Nays: None

Absent: Andrade

Abstained: Taber

Motion carried: 5-0-1-1

## PUBLIC HEARINGS

### 1. PLANNING APPLICATION 22-42 FOR A CANNABIS NON-STOREFRONT RETAIL BUSINESS ("A & D COURIERS") LOCATED AT 2706 HARBOR BOULEVARD, SUITE 208

**Project Description:** Planning Application 22-42 is a request for a cannabis non-storefront retail business ("A&D Couriers") within an existing multi-tenant mixed use building located at 2706 Harbor Boulevard, Suite 208 in the Local Business District (C1) zone.

## UNOFFICIAL UNTIL APPROVED

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications reported.

Chris Aldana, Assistant Planner, presented the staff report.

**Commission and Staff:**

Discussion ensued on vehicles used for delivery, delivering staff, the difference between commercial zoned delivery only and Measure X zoned delivery only locations, delivery and distribution hours and if there will be site improvements.

**The Chair opened Public Hearing.**

Annie Santillan, applicant, stated she read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Discussion ensued on the applicants plan for marketing and the applicant's decision to do a delivery only business.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

David Dywike, spoke in support of the item.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

Chair Ereth made a motion to approve application PA-22-42 subject to conditions of approval. Seconded by Vivar.

Commissioner Vivar spoke in support of the motion.

Commissioner Ereth spoke on his motion.

**MOVED/SECOND:** Ereth/ Vivar

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Taber, Vivar, Zich

## UNOFFICIAL UNTIL APPROVED

Nays: None  
 Absent: Andrade  
 Recused: None  
 Motion carried: 6-0

**ACTION:** The Planning Commission adopted a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-42, subject to conditions of approval.

**RESOLUTION PC-2023-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-42 FOR A NON-STOREFRONT RETAIL BUSINESS (“A & D COURIERS”) AT 2706 HARBOR BOULEVARD, SUITE 208**

The Chair explained the appeal process.

**2. PLANNING APPLICATION 22-27 FOR A RETAIL CANNABIS NON-STOREFRONT AND CANNABIS DISTRIBUTION FACILITY LOCATED AT 3505 CADILLAC AVE, UNIT O-209A (AK EXCLUSIVES)**

**Project Description:** Planning Application 22-27 is a request for a CUP to operate both a non-storefront retail and distribution facility within a 1,170-square-foot tenant space in a multi-tenant industrial office building located at 3505 Cadillac Avenue, Unit O-209A. (“Non-storefront” delivery refers to the delivery of pre-packaged goods from the storefront business to customers at private addresses.)

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications reported.

Gabriel Villalobos, Assistant Planner, presented the staff report.

**The Chair opened Public Hearing.**

Amin Kaun, applicant, stated that he had read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Discussion ensued on the different aspects of retail delivery verses distribution facilities.

## UNOFFICIAL UNTIL APPROVED

The Chair opened Public Comments.

**PUBLIC COMMENT:**

No public comments.

The Chair closed the Public Comments.

The Chair closed the Public Hearing.

Vice Chair Toler made a motion to approve application PA-22-27 subject to conditions of approval. Seconded by Commissioner Rojas.

Vice Chair Toler spoke in his motion.

Commissioner Rojas spoke in support of the motion.

Chair Ereth spoke in support of the motion.

**MOVED/SECOND:** Toler/Rojas

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Taber, Vivar, Zich

Nays: None

Absent: Andrade

Recused: None

Motion carried: 6-0

**ACTION:** The Planning Commission adopted a Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-27, subject to conditions of approval.

**RESOLUTION PC-2023-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-27 FOR A CANNABIS DISTRIBUTION AND NON-STOREFRONT RETAIL FACILITY (AK EXCLUSIVES) AT 3505 CADILLAC AVENUE, UNIT O-209A**

The Chair explained the appeal process.

**3. PLANNING APPLICATION 21-38 FOR A RETAIL CANNABIS 23-1167**



## UNOFFICIAL UNTIL APPROVED

**STOREFRONT BUSINESS LOCATED AT 2424 NEWPORT BOULEVARD  
UNITS C AND F (GAIA WELLNESS)**

**Project Description:** Planning Application 21-38 is a request for a CUP to allow a 1,552-square-foot retail cannabis storefront in an existing multi-tenant commercial building at 2424 Newport Boulevard (Units C and F). The affiliated State license is a Type 10 “storefront retailer” license. If approved, the business would be allowed to sell pre-packaged cannabis and pre-packaged cannabis products to customers onsite, subject to conditions of approval and other City and State requirements.

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Chair Ereth reported ex-parte communications.

Michelle Halligan, contract planner, presented staff report.

**Commission and Staff:**

Discussion ensued on the project site layout, letters of support received, wayfinding signage, prior occupant vacancies in the proposed building, associated restrictions with commercial residential, and the practical differences between commercial limited and commercial residential zoning.

**The Chair opened Public Hearing.**

Sean Maddocks, applicant’s representative, stated he read and agreed to the staff report.

**Commission, Applicant and Staff:**

Discussion ensued on signage, landscaping, noticing, previous tenants’ relocation, applicant’s discussion with the landlord, and incorporation and licensing of the company.

The Chair opened Public Comments

**Public Comments:**

None.

The Chair closed public comments.

## UNOFFICIAL UNTIL APPROVED

The Chair closed the Public Hearing.

Commissioner Rojas made a motion to approve application PA-22-27 subject to conditions of approval. Seconded by Vice Chair Toler.

Commissioner Vivar spoke in support of the motion.

Chair Erath spoke in support of the motion.

**MOVED/SECOND:** Rojas/Toler

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Erath, Toler, Rojas, Vivar, Zich

Nays: None

Absent: Andrade

Abstain: Taber

Motion carried: 5-0-1-1

**ACTION:** The Planning Commission adopted a Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-38, subject to conditions of approval.

**RESOLUTION PC-2023-11- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-38 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (GAIA WELLNESS) IN THE C1 ZONE AT 2424 NEWPORT BOULEVARD, UNITS C AND F**

The Chair explained the appeal process.

#### **DEPARTMENTAL REPORT(S)**

1. Public Services Report – Mr. Yang spoke on the West 19<sup>th</sup> Street Improvement Project. He informed the public on the City Councils upcoming Study Session with the Public Works staff giving a presentation.
2. Development Services Report – None.

#### **CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – None.

UNOFFICIAL UNTIL APPROVED

**ADJOURNMENT AT 8:35 P.M.**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 23-1208

**Meeting Date:** 5/8/2023

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**TITLE:**

**MAJOR AMENDMENT TO MASTER PLAN PA-23-03 (PA-98-50 A3) FOR A REDUCTION OF REQUIRED OFF-STREET PARKING AND TO MODIFY OPERATIONAL CHARACTERISTICS; A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY; MINOR CONDITIONAL USE PERMIT ZA-23-01 TO ALLOW AN OUTDOOR DINING PATIO; AND A PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR ALCOHOL BEVERAGE CONTROL LICENSE TYPE 21 AND 47 FOR THE NORTHGATE MARKET LOCATED AT 2300 HARBOR BOULEVARD**

**DEPARTMENT:** ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/  
PLANNING DIVISION

**PRESENTED BY:** CHRISTOPHER ALDANA, ASSISTANT PLANNER

**CONTACT INFORMATION:** CHRISTOPHER ALDANA 714.754.4868  
Christopher.Aldana@costamesaca.gov

**RECOMMENDATION:**

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) for Existing Facilities; and Section 15303 (Class 3), New Construction or Conversion of Small Structures.
2. Approve Planning Applications PA-23-03 (PA-98-50 A3), PA-23-02 and ZA-23-01, and the Public Convenience or Necessity Determination, subject to conditions of approval.



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: May 8, 2023

ITEM NUMBER: PH-1

**SUBJECT: MAJOR AMENDMENT TO MASTER PLAN PA-23-03 (PA-98-50 A3) FOR A REDUCTION OF REQUIRED OFF-STREET PARKING AND TO MODIFY OPERATIONAL CHARACTERISTICS; A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY; MINOR CONDITIONAL USE PERMIT ZA-23-01 TO ALLOW AN OUTDOOR DINING PATIO; AND A PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR ALCOHOL BEVERAGE CONTROL LICENSE TYPE 21 AND 47 FOR THE NORTHGATE MARKET LOCATED AT 2300 HARBOR BOULEVARD**

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

**PRESENTATION BY: CHRISTOPHER ALDANA, ASSISTANT PLANNER**

**FOR FURTHER INFORMATION CONTACT: CHRISTOPHER ALDANA  
714.754.4868  
Christopher.Aldana@costamesaca.gov**

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## **RECOMMENDATION**

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) for Existing Facilities; and Section 15303 (Class 3), New Construction or Conversion of Small Structures.
2. Approve Planning Applications PA-23-03 (PA-98-50 A3), PA-23-02 and ZA-23-01, and the Public Convenience or Necessity Determination, subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT**

The authorized agent is Le Architecture, and the applicant is Harbor Center Partners.

## **PLANNING APPLICATION SUMMARY**

Location:	2300 Harbor Boulevard (Building C)	Application Numbers:	PA-23-03 (PA-98-50 A3); PA-23-02; ZA-23-01; PCN
Request:	Major amendment to a master plan PA-23-03 (PA-98-50 A3) for a reduction of required off-street parking and to modify operational characteristics; Planning Application PA-23-02 for a conditional use permit to allow live entertainment within 200 feet of residentially zoned property; minor conditional use permit ZA-23-01 to allow an outdoor dining patio; and a Public Convenience or Necessity Determination for alcoholic beverages control license, Type 21 and Type 47 for Northgate Market.		

### **SUBJECT PROPERTY:**

### **SURROUNDING PROPERTY:**

Zone:	Shopping Center District (C1-S)	North:	C1-S, commercial & Multiple-Family Residential (R3), apartments
General Plan:	General Commercial	South:	(Across Wilson St.) C1-S, commercial
Lot Dimensions:	Irregular	East:	Single-Family Residential (R1), single family residence; R3, apartments
Lot Area:	25.7 acres (1,119,492 sf)	West:	(Across Harbor Blvd.) Local Business District (C1) and General Business District (C2); commercial; Institutional and Recreational School District (I&R), golf course
Existing Development:	Harbor Shopping Center - Approximately 320,000 sq.ft. multi-tenant shopping center.		

## **DEVELOPMENT STANDARDS COMPARISON**

Development Standard		Master Plan Approved	Proposed/Provided
Building Height		2 stories/ 25ft. to 50ft.	No Change
Setbacks:			
Front		20 ft.	No Change
Side (left/ right)		20 ft./50 ft.	No Change
Rear		41 ft.	No Change
Parking		1,528	1,484
Floor area ratio (FAR)		0.28	No Change
CEQA Status		Exempt per CEQA Guidelines Section 15301 (Class 1), for the permitting and/or minor alterations of Existing Facilities and Section 15303 (Class 3), New Construction or Conversion of Small Structures.	
Final Action		Planning Commission	

## **PROJECT DESCRIPTION**

### ***Project Site***

The applicant (Le Architecture representing Northgate Market) is requesting Planning Commission approval to operate a supermarket within “Building C” of “The Harbor Center” shopping center. The project site is located at the northeast corner of the Harbor Boulevard and Wilson Street intersection. The existing development on the site consists of a mix of commercial uses within eleven multi-tenant buildings. There are several “anchor” stores that are currently operating at this center, including Home Depot, T. J. Maxx, Home Goods, and Rite Aid Pharmacy, as well as numerous restaurants and other retail uses. Physical on-site improvements also include surface parking, landscaping and trash enclosures. “Building C” was previously occupied by Albertsons Grocery Store and has been vacant since February of 2020. There are no open code enforcement cases on this property.

The approximate 25.7-acre-property (“The Harbor Center”) is zoned “Shopping Center District” (C1-S) and has a General Plan land use designation of “General Commercial” (GENCOM). According to the General Plan Land Use Element, this designation is intended to permit a wide range of commercial uses that serve both local and regional needs and should have exposure and access to major transportation routes.

Table 1 provides a summary of the existing Zoning Districts and land uses that surround the project site. The project site is situated generally between single- and multifamily-residential developments to the east and commercial uses to the north, west and south.

**Table 1. Surrounding Properties**

<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
North	C1, R3	Retail, Residential
West	C1, C2, and I&R	Retail, Auto Repair, Residential, Golf Course
East	R1, R3	Residential
South	C1-S	Retail

### ***Previous Approvals***

The Planning Commission approved the Harbor Center Master Plan (PA-98-50) on May 10, 1999. PA-98-50 entitled the demolition of a 250,000-square-foot-multi-tenant retail center and construction of a new shopping center with approximately 320,000 square feet of commercial floor area. The Master Plan included a request for building height, a conditional use permit for off-site parking, and minor conditional use permits for permanent outdoor display in front of a home center and drug store for seasonal items, and for a drive-through restaurant. The site was originally developed with 1,528 parking spaces and the parking demand for the shopping center was determined utilizing a mixed-use parking analysis.

Since re-development of the Center, two subsequent Master Plan amendments have been approved. The two subsequent Master Plan Amendments include PA 99-22, which permitted the demolition of two detached existing buildings and allowed the construction of an 11,535-square-foot multi-tenant commercial building (near the intersection of Harbor Boulevard and Wilson Street), and for Master Plan Amendment PA 05-22 which included a conditional use permit to operate a recreational vehicle storage facility with a request to increase the maximum wall height. There have also been various entitlements associated with the site such as a minor conditional use permit for a Planned Sign Program.

### ***Northgate Market Community Open House***

On March 25, 2023 and April 22, 2023, community Open Houses were held (from 10 a.m. – 2 p.m.) at the subject site by the authorized agent to introduce the proposed market. The community open houses were hosted by Northgate leadership, associates, and the Gonzalez family members. Due to the site's proximity to residentially zoned property (abutting the east property line and across Wilson Avenue and Harbor Boulevard), the events were noticed and organized with the intention to obtain property owner and resident feedback, and answer questions about the proposed Northgate Market.

## **ANALYSIS**

### ***Proposed Use***

The applicant is proposing to introduce a flagship Northgate Market at the tenant space previously occupied by “Albertsons Grocery”. As described in the applicant letter, Northgate Market was founded in 1980 and, for more than 40 years, has been family owned and operated. According to the applicant, the Gonzalez family prioritizes operating successful markets for the community and being an involved community stakeholder.

The proposed renovation and re-occupancy of this space is intended to provide access to fresh produce and meats, and a vibrant modern and multifaceted *mercado* (market) experience. The proposed exterior renovation of the tenant space would include new paint, landscaping, new shopping cart corrals, an operational corn silo, and new outdoor dining areas. Proposed interior improvements would consist of, but are not limited to, culinary kiosks, a dining area and bar, an entertainment stage, a “Prospera” Bank, commissary kitchen, bakery, and an alcohol spirits *puesto* kiosk. In regard to dining, customers would be able to purchase food and beverage from various kiosks and eat at open tables provided in both indoor and outdoor areas of the Market.

As shown in the below Table 2, the proposed floor plan consists of a typical supermarket with various ancillary uses. Each use identified in Table 2 below is color coordinated with the below floor plan (see Image 1).



**Table 2 – Floor Plan Breakdown**

Program	Square Feet
Market Footprint (Ground Floor) – Retail/ Office	65,012
Market Footprint (Mezzanine Floor) – Retail/ Office	3,170
<b>Total Building Area</b>	<b>68,182</b>
Outdoor Dining Area (Front Left at parking lot)	526
Outdoor Dining Area (Front Right at parking lot)	507
Outdoor Dining Area (adjacent to West Wilson Street)	3,162
<b>Separated Programs (included in floor plan)</b>	
Seating: Cevicheria	72
Seating: Communal A	191
Seating: Communal B	217
Seating: Communal C	689
Seating: Communal D	236
Seating: Communal E	886
Seating: Bar Indoor (Rear)	67
Seating: Bar Outdoor (Rear)	123
Bar (Rear)	293
Bar (Front)	350
Stage	149
Retail / Office	456

**Image 1 - 1<sup>st</sup> Floor Plan**



Architectural floor plan of the second floor of the building. The plan shows various rooms and their dimensions. A large yellow-shaded area is labeled "RETAIL / OFFICE" with a total area of 3,169.78 sf. Other rooms include "STAIRS #1", "STAIRS #2", "MEN'S RESTROOM", "WOMEN'S RESTROOM", "MEN'S LOCKER", "WOMEN'S LOCKER", "ELEVATOR", "ELEVATOR MACHINE RM", "MEZZANINE FIRE RUBER RM", "LACTATION ROOM", "CHECKSTANDS OPEN TO BELOW", "RECEPTION", "OFFICE", "BUILT ROOM", "STORAGE ROOM", "STAIRS #3", "STAIRS #4", "STAIRS #5", "STAIRS #6", "STAIRS #7", "STAIRS #8", "STAIRS #9", "STAIRS #10", "STAIRS #11", "STAIRS #12", "STAIRS #13", "STAIRS #14", "STAIRS #15", "STAIRS #16", "STAIRS #17", "STAIRS #18", "STAIRS #19", "STAIRS #20", "STAIRS #21", "STAIRS #22", "STAIRS #23", "STAIRS #24", "STAIRS #25", "STAIRS #26", "STAIRS #27", "STAIRS #28", "STAIRS #29", "STAIRS #30", "STAIRS #31", "STAIRS #32", "STAIRS #33", "STAIRS #34", "STAIRS #35", "STAIRS #36", "STAIRS #37", "STAIRS #38", "STAIRS #39", "STAIRS #40", "STAIRS #41", "STAIRS #42", "STAIRS #43", "STAIRS #44", "STAIRS #45", "STAIRS #46", "STAIRS #47", "STAIRS #48", "STAIRS #49", "STAIRS #50", "STAIRS #51", "STAIRS #52", "STAIRS #53", "STAIRS #54", "STAIRS #55", "STAIRS #56", "STAIRS #57", "STAIRS #58", "STAIRS #59", "STAIRS #60", "STAIRS #61", "STAIRS #62", "STAIRS #63", "STAIRS #64", "STAIRS #65", "STAIRS #66", "STAIRS #67", "STAIRS #68", "STAIRS #69", "STAIRS #70", "STAIRS #71", "STAIRS #72", "STAIRS #73", "STAIRS #74", "STAIRS #75", "STAIRS #76", "STAIRS #77", "STAIRS #78", "STAIRS #79", "STAIRS #80", "STAIRS #81", "STAIRS #82", "STAIRS #83", "STAIRS #84", "STAIRS #85", "STAIRS #86", "STAIRS #87", "STAIRS #88", "STAIRS #89", "STAIRS #90", "STAIRS #91", "STAIRS #92", "STAIRS #93", "STAIRS #94", "STAIRS #95", "STAIRS #96", "STAIRS #97", "STAIRS #98", "STAIRS #99", "STAIRS #100". The plan also shows various corridors, stairs, and other architectural details.

## Required Permits

### Table 3: Project Components

	Project Component	CMMC Section or City Council Policy	Planning Application	Final Review Authority CMMC Table 13-29 (c)
A	Amendment to an existing master plan for – “change of site characteristics” and “parking reduction”, and outdoor seating area that encroaches into parking area	CMMC 13-28 (g)(2) and 13-48(a)	Major Amendment to Master Plan PA-23-03 (PA-98-50 A3) and Minor Conditional Use Permit ZA-23-01	Zoning Administrator
B	Establishments where food or beverages are served - live entertainment within 200 feet of a residential zone	CMMC 13-47 (Table 13-47)	Conditional Use Permit (CUP), PA-23-02	Planning Commission
C	Public Convenience or Necessity for new on-sale and off-sale State Alcoholic Beverage Control Licenses	City Council Policy Number 500-8	Public Convenience or Necessity (PCN) Findings	Planning Commission

Although the majority of the Code required entitlements to re-establish the supermarket allows for Zoning Administrator approval or is allowed “by-right”, a CUP is required for the entertainment aspects of the application, and the CMMC requires a public hearing before the Planning Commission for entertainment approval. Therefore and for the purposes of streamlining and review consistency, all planning applications for this project that require the Zoning Administrator’s review are forwarded for the Planning Commission for final consideration and action. An analysis of each proposed planning application and a summary of the CMMC applicable provisions are provided below:

**A. Major Amendment to “Harbor Center” Master Plan (PA-23-03)**

Pursuant to CMMC 12-28 (g)(2), a major amendment is considered a substantial amendment to the master plan if the proposal encompasses one or more minor changes listed in CMMC 13-28(g)(1), or any proposed change determined by the Development Services Director as a major amendment. The proposed project includes two minor changes listed in CMMC 13-28(g)(1), which are (1) to change the character of the development, and (2) to reduce the required parking spaces; therefore, the request is considered a major amendment to the approved Master Plan (described further below).

- i. CMMC Section 13-28(g)(1) a: “a change in the use or character of the development”

The proposed changes to character of the development include modifying the exterior building façade features and establishing three outdoor dining seating areas as described below:

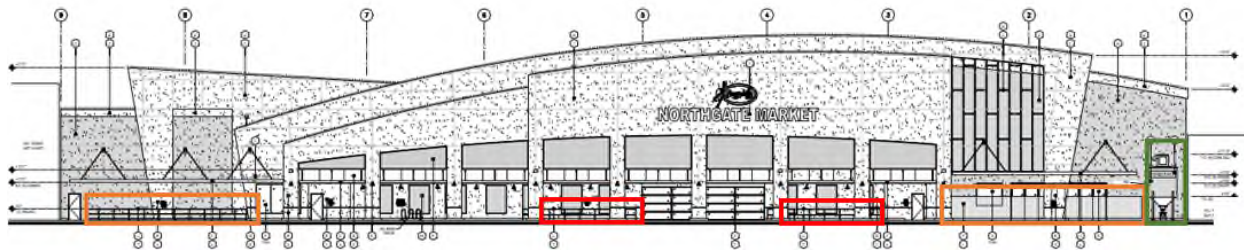
Exterior façade modifications: The exterior façade modifications generally include new paint, metal awnings, and updating existing fenestrations. A new 17-foot high silo is also proposed near the front (west) façade of the building (see Image 3 - West Elevation). The silo would serve as a new architectural feature adding to the theme of the proposed market, and would also be fully functional and would deliver dried corn to the interior for fresh tortilla processing.

The exterior façade modifications will also include future art mural installations on the west façade of the building. Per Condition of Approval No. 19, the proposed murals are required to be reviewed by the City of Costa Mesa Arts Commission prior to installation.

Outdoor dining: The market will provide customers several dining options, and include exterior modifications to provide outdoor seating areas where customers can enjoy their meals “al fresco”. The outdoor dining seating areas will involve the conversion of two (2) existing built-in shopping cart corrals, and replacing 16 existing parking stalls located adjacent to West Wilson Street. The built-in shopping cart areas that will be converted are located on the west façade of the building (adjacent to the main parking lot) and are approximately 525 square feet and 506 square feet in area. For easier

customer access, new shopping cart corrals would be located closer to the main entrance (see the Image 3 below).

**Image 3 – West Elevations**

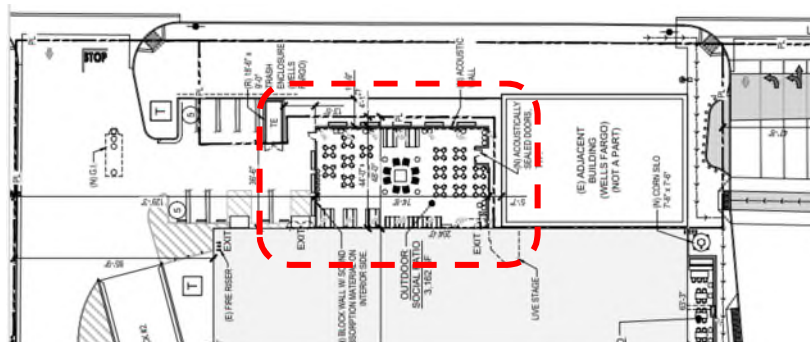


Proposed Feature	Color
Proposed Outdoor Seating	Orange
Proposed Shopping Cart Corral	Red
Proposed Silo	Green

The third outdoor dining area is proposed to replace 16 existing off-street parking stalls that are located on the south side of the building adjacent to West Wilson Street. This area is located directly behind “Building B” (currently occupied by Wells Fargo Bank - see Image 4 below).

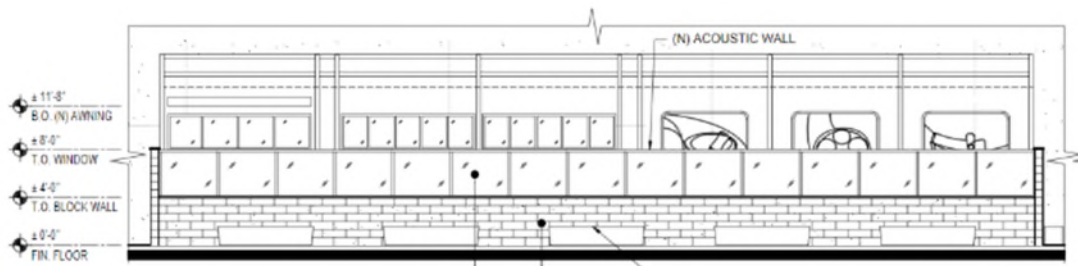
**Image 4 – Outdoor Patio**

West Wilson Street



As shown above, the proposed 3,268-square-foot outdoor dining patio will include canvas sunshades and will be enclosed with an eight-foot tall enclosure to minimize noise. The southerly portion of the wall, facing West Wilson Street, would have a hybrid design consisting of a four-foot high acoustic block wall with an additional four feet of double pane glass barrier located above. Customer ingress/egress to the patio area would be limited from the interior of the Market through an automatic sliding glass door system. Glass windows are also proposed at this location to provide natural light into the Market (see the below Image 5 and Image 6).

**Image 5 – South Patio Elevation (as viewed from West Wilson Street)**



**Image 6 – Conceptual Rear Patio Simulation**



- ii. CMMC Section 13-28(g)(1)(e) – “A reduction of required off-street parking”, and CMMC Section 13-48(a) – “Outdoor seating area permitted to encroach into parking area”

The proposed outdoor dining area located near West Wilson Street would result in a reduction of the required off-street parking that was approved by Master Plan PA 98-50. Specifically, the project will reduce the total number of shopping center required parking from 1,528 to 1,484 spaces. A parking study for the proposed project demonstrates that the introduction of the Market and associated ancillary uses would not result in adverse parking impacts to visitors of the “Harbor Center” during peak hours, due to the site having surplus parking throughout the day. The Linscott Law & Greenspan Engineers Parking Study is included with this staff report as Attachment 7.

Pursuant to the CMMC Section 13-6, when there are mixed-uses within a single development that share the same parking facilities, the total requirement for parking is determined by the Costa Mesa shared parking analysis procedures which is adopted by City Council Resolution. Linscott Law & Greenspan Engineers (LLG) conducted the original 1998 shared parking analysis for the current shopping center (PA 98-50), and for the currently proposed project. The current shared parking analysis accounts for the existing parking demands of the shopping center with the proposed parking demand of the Northgate Market, inclusive of proposed potential in-store dining/food uses and outdoor dining/patio areas.



Based on information provided by “ICI Development” (property owner), the existing on-site parking supply for the “Harbor Center” totals 1,519 spaces. This parking supply includes eight (8) parking spaces that are currently inaccessible because they were converted to use by the Center’s several shopping cart corrals. Additionally, 16 spaces will be removed due to the proposed outdoor dining/patio area proposed Near West Wilson Street. After subtracting the aforementioned parking spaces, an adjusted available parking supply of 1,484 spaces is now used as the Harbor Center parking supply baseline. As indicated by the analysis conducted by LLG, there is sufficient parking supply to meet the projected peak parking demands of the existing commercial spaces and the proposed Northgate Market. The parking analysis concludes that on weekdays, the peak parking demand for the existing commercial spaces and the proposed Market will be 1,213 parking spaces at 1 p.m., and on weekends, the peak parking demand will be 1,208 parking spaces at 2 p.m. Accordingly, the analysis concludes that at peak parking demand, a surplus of 271 parking spaces is anticipated to accommodate customers of the “Harbor Center” with the proposed Northgate Market.

In an effort to attenuate noise (specifically in regards to the outdoor seating area located adjacent to West Wilson Street), the City requested an acoustical analysis from the applicant (included with this report as Attachment 8). As demonstrated in the acoustic analysis report prepared by Sound Media Fusion, LLC on February 10, 2023, the proposed patio located along West Wilson Street, as designed and with the appropriate noise reduction measures, is expected to operate in compliance with the CMMC noise standards, and will not exacerbate ambient noise in the area. Lastly, no live entertainment is proposed in the outdoor areas, and potential noise sources are limited to light background music, and the typical sounds associated with eating establishments. Pursuant to Condition of Approval No. 18, “patio areas are limited to low-volume, pre-recorded ambient background music and monitored with a noise meter by trained staff. The music shall not be audible off-site.”

#### ***B. Conditional Use Permit for Live Entertainment (PA-23-02)***

The applicant proposes an approximate 149-square-foot stage located within the confines of the market to host occasional live entertainment. The proposed entertainment includes, but are not limited to live music and creative cooking demonstrations. The live entertainment is proposed during the Market hours of operation (6 a.m. to 11 p.m.). The proposed stage is located against the southerly building wall and adjacent to the automatic sliding ingress/egress doors that access the outdoor patio seating area that is located adjacent to West Wilson Street. Pursuant to CMMC 13-47 and subject to the approval of a Conditional Use Permit, live entertainment may be permitted in establishments where food or beverages are served in the C1-S zone that are located within 200 feet of residentially zoned property. The project site is located within 200 feet of a residentially zoned property, and therefore requires a CUP to allow live entertainment in the indoor dining area. As indicated in the “Findings” section of this report, the required CUP findings can be made to approve the proposed live entertainment permit.

Additionally, conditions of approval for the live entertainment component include a requirement to obtain a live entertainment permit and renew it annually pursuant to CMMC Section 9-199 (1). Also, annual live entertainment permits are subject to City review for ensuring “peace and tranquility of any residential area, mitigate traffic impacts, protect other uses in the area, and/or to protect the public health and safety”. Lastly and pursuant to CMMC Section 9-201, a live entertainment permit can be suspended or revoked by the City Manager if permit compliance or neighborhood compatibility issues are determined (including but not limited to noise and/or security issues).

### ***C. Determination of “Public Convenience or Necessity (PCN)”***

In order for the Market to offer the proposed on-site and off-site sales/service of alcohol, the applicant must obtain a Type 21 and a Type 47 license from the State Department of Alcoholic Beverage Control (ABC). A Type 21 license authorizes the sale of beer, wine and distilled spirits for consumption off the premises (retail), and a Type 47 license authorizes the sale of beer, wine and distilled spirits for consumption on the premises (dining), and must operate in conjunction with a bona fide eating place (the licensed premise must maintain suitable kitchen facilities, and must make actual substantial sales of meals for consumption on the premises).

Section 23958.4 of the California Business & Professions Code, also known as the California Alcoholic Beverage Control Act, establishes the criteria under which sale of alcoholic beverages licenses may be issued by the State Department of Alcoholic Beverage Control (ABC), which includes the ratio of on-sale/off-sale ABC licenses to population in the census tract in which the proposed business is located; when this number is exceeded, it is commonly referred to as an “overconcentration” or “undue concentration.” ABC defines an “undue concentration” of alcoholic beverages licenses as the following:

- The ratio of on-sale retail licenses to population within the census tract exceeds the ratio of licenses to population in the county as a whole.
- The ratio of off-sale retail licenses to population within the census tract exceeds the ratio of licenses to population in the county as a whole.

When an “undue concentration” is determined pursuant to State Law, the ABC cannot approve the issuance of a license unless the City makes a finding that public convenience or necessity would be served by the issuance of the license. In accordance with City Council Policy 500-8, the Planning Commission, after consideration, may make a PCN finding for the requested license type.

In this case, the ratio of both on-sale and off-sale ABC licenses to population exceeds the Countywide ratio, resulting in a determination of “undue concentration”. Based on the Countywide ratio, the State requirements limit the applicable census tract 639.05 to five (5) on-sale licenses and two (2) off-sale licenses. Pursuant to State records, three (3) on-

sale licenses and 10 off-sale licenses already exist within this census tract. If the applicant's request is approved, the number of on-sale licenses within the census tract would increase to four (4) licenses and the number of off-sale licenses within the census tract would increase to 11 licenses.

Although there is an over concentration of licenses in this census tract, the sales of alcohol for off-site consumption is a typical offering by a grocery store (which was offered by the previous existing supermarket), and the proposed on-site service of alcohol will provide a unique offering that will complement the Market's operational proposal. Further, the applicant is proposing on-site security and the Police Department has reviewed the request and has no objections. Therefore, the Public Convenience or Necessity can be determined.

### **GENERAL PLAN CONFORMANCE**

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa for the next two decades. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and providing cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, the implementation of the General Plan will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives, and policies contained in this Plan. The following analysis evaluates the proposed project's consistency with applicable policies and objectives of the 2015-2035 General Plan.

1. **Policy LU-1.1:** *Provide for the development of a mix and balance of housing opportunities, commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community.*

**Consistency:** The proposed supermarket space has been vacant for many years and the new Market will provide a unique grocery shopping experience and other exciting ancillary services for the community. The Northgate Market would add to the variety of commercial services and goods in the neighborhood by providing access to food, limited entertainment, and a dining experience. Additionally, the new use would provide additional employment opportunities in the community.

2. **Objective LU-6B:** *Encourage and facilitate activities that expand the City's revenue base.*

**Consistency:** Approval of the proposed Market would allow a business operation that would expand the City's revenue base by generating increased tax revenues. The added revenue can then be used for community services and infrastructure improvements that serve the community.



3. **Policy LU-6.7:** *Encourage new and retain existing businesses that provide local shopping and services.*

**Consistency:** The project site has historically been occupied by a market. The proposed Northgate Market would be a new business that provides a dynamic shopping experience by providing entertainment and dining opportunities for local businesses and residents. Furthermore, the proposed market is located within the existing Harbor Center and could contribute to retaining existing businesses and attracting new businesses since restaurants and other retail-oriented businesses tend to locate near each other.

## **REVIEW CRITERIA**

The proposed project requires the Planning Commission to approve an amendment to a master plan, minor conditional use permit for outdoor seating areas, conditional use permit for live entertainment and PCN findings. All of the aforementioned planning applications have been reviewed pursuant to CMMC Section 13-29 (e). The following are the applicable “Review Criteria” pursuant to CMMC Zoning Code Section 13-29 (e):

- (1) *Compatible and harmonious relationship between the proposed 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.*

The proposed use would re-establish a previously approved supermarket use within an existing shopping center. The shopping center (“The Harbor Center”) was approved on May 10, 1999 by the Planning Commission and included conditions of approval to ensure neighborhood compatibility. A supermarket is a neighborhood serving use and the re-introduction of the use would provide residents with accessibility to variety of retail goods, services, and indoor and outdoor dining experiences. The project as a whole would be compatible and function harmoniously in relationship with the existing site development which includes numerous eating and retail establishments within an established shopping center.

- (2) *Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.*

The majority of the building is existing with much of the proposed tenant work consisting of an interior remodel for the replacement of a previously occupied supermarket space with a similar new supermarket, and several ancillary exterior improvements and upgrades. As proposed and conditioned, all new improvements including, parking, landscaping, lighting, exterior outdoor dining, and automobile and pedestrian circulation would be consistent with the existing master plan and general plan, and has been reviewed for safety and compatibility compliance by the City’s Building, Public Works, Transportation, and the Fire and Police Departments.

(3) Compliance with any performance standards as prescribed in the Zoning Code.

Since the supermarket proposed on-site food and beverage services, the proposed use is subject to CMMC Section 13-49. Pursuant to the CMMC, food and beverage serving establishments that are located within two hundred feet of residentially-zoned property are subject to the applicable development standards listed in 13-49 (a-h), as follows:

1. All exterior lighting shall be shielded and/or directed away from residential areas;
2. Outdoor public communication systems shall not be audible in adjacent residential areas;
3. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas;
4. Outdoor seating areas shall be oriented away or sufficiently buffered from adjacent residential areas;
5. Hours of operation for customer service shall not occur any time between 11:00 p.m. and 6:00 a.m.; and
6. Truck deliveries shall not occur anytime between 8:00 p.m. and 7:00 a.m.

The proposed project is located within two-hundred feet of the “Sea Wind Apartments” at 398 West Wilson Street (a residentially zoned property) and, as conditioned and designed, complies with the above applicable standards in that: (1) the proposed lighting will be shielded and directed away from residential areas, (2) noise attenuation devices would be installed to ensure that any ambient music is not audible in adjacent residential areas, (3) a trash enclosure would be constructed in the parking lot south of Building C to minimize potential noise and odor impacts to the nearest residential areas, (4) new hardscaping and landscaping will be installed along the perimeter of the patio areas to provide an additional buffer to residential areas, and (5) the patio areas cease operation at 11 p.m. Lastly and as conditioned within the original Master Plan, hours of operation for all outdoor activity to the east and north of the buildings (including use of loading docks, deliveries, loading and unloading of trucks, movement of all product from outside to inside the building, trucks driving to the back of the site, and forklift operations) are limited from 7 a.m. to 8 p.m., Monday through Friday and 8 a.m. to 5 p.m., Saturday, Sunday, and holidays.

(4) Consistency with the General Plan.

The proposed grocery store is a community serving commercial use consistent with the General Commercial land use designation of the General Plan. According to the General Plan, uses in the “General Commercial” land use district are intended to provide a wide range of goods and services to meet the needs of residents as well as the regional neighborhoods. Re-establishing this unique destination supermarket and reactivating a vacant tenant space would be consistent with the General Plan land use objective LU-1A, in that it will “establish and maintain a balance of land uses throughout the community to preserve the

residential character of the City at a level no greater than can be supported by infrastructure.” Based on this, the proposed use is consistent with the “General Commercial” land use district designation and complies with the existing Master Plan and Zoning Code.

- (5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

The proposed project would re-establish a supermarket use within an existing facility that was designed to be occupied by a supermarket. The project would not set precedent for future development.

- (6) When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

More than one planning entitlement is proposed with this development and the cumulative effect of the planning applications have been considered by staff. As indicated in this report, approval and consistency findings can be made for all applications, including their cumulative effects.

## **REQUIRED FINDINGS**

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29 (g)(5) “Master Plan” in that:

**Finding:** The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

**Facts in Support of Finding:** The proposed Master Plan amendment is compliant with the City’s applicable General Plan and the Zoning Code provisions. In addition, the new supermarket is similar to the previous use that occupied the space, and will enhance the integrity of the neighboring development based on façade upgrades and the added unique experiential amenities. Additionally and based on an engineered shared parking analysis for the shopping center, a surplus of on-site parking is available.

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(2) - Conditional Use Permit in that:

**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 project includes a request for a conditional use permit to establish live entertainment as part of an eating establishment within a supermarket, as required pursuant to CMMC 13-47. As conditioned, the live entertainment would be compatible with developments in the same general area and would not be materially detrimental to other properties. The proposed 149- square-foot stage would be located within the approximate 69,000-square-foot building. The proposed stage would be activated occasionally and is subordinate to the primary market, and as conditioned, would not be incompatible with adjacent residential uses. The provision of live entertainment would be subject to the issuance and renewal of an annual live entertainment permit.

**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:** Although the project site is located within 200 feet of residentially zoned property, the proposed live entertainment stage would be located indoors and as conditioned shall comply with the City's noise ordinance. Furthermore, the existing block wall located between the shopping center and the residential-zoned uses to the east would remain and would continue to serve as a noise buffer. A condition has also been included to limit the live entertainment to indoors only within the designated stage area. All activities, with the exception of the outdoor dining patio would be conducted underroof and inside the tenant suite. Lastly, conditions of approval have been included to ensure the use (including the live entertainment) operates in a manner that would allow the quiet enjoyment of the surrounding neighborhood.

**Finding:** Granting the conditional use permit 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:** A supermarket with outdoor dining is a commercial use consistent with the General Commercial land use designation of the General Plan and the proposed live entertainment would not increase density or intensity, as the live entertainment will generally consist of an ancillary supermarket amenity. Further, "General Commercial" uses are intended to provide a wide range of goods and services to meet the needs of residents as well as the regional neighborhoods.

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(2) - Minor Conditional Use Permit in that:

**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 project includes a minor conditional use permit request for outdoor dining. The outdoor dining patio area is located within an existing multi-tenant commercial center and is compatible with the general area. As conditioned, the outdoor dining will operate with minimal impact on surrounding properties and uses in that adequate amount off-street parking will be provided on the project site and would be shared amongst all tenants of the “Harbor Center”. Conditions of approval, based on expert recommendations are also included to monitor/attenuate potential noise and parking impacts. Therefore, the proposed use will not be detrimental to the surrounding area.

**Finding:** Granting the minor 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:** The proposed outdoor dining patio area improvements 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. The proposed use, as conditioned, would not generate adverse noise, traffic, or parking impacts that are unusual for commercially zoned properties. Only low-level ambient noise is permitted in the patio areas and will be consistent with the local ambient noise of traffic.

**Finding:** Granting the minor conditional use permit 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 outdoor dining patio, as conditioned, is consistent with the intent of the City’s General Plan “General Commercial” land use designation for the property.

### **Finding of Public Convenience or Necessity (PCN)**

Pursuant to Section 23958.4 of the Business and Professions Code (BPC), the governing body of a local jurisdiction has the authority to determine PCN findings. In accordance with City Council Policy Number 500-8, the Planning Commission may make a finding of public convenience or necessity as required before the State can issue an on-sale or off-sale license for the establishment.

As indicated above in this report, the Public Convenience or Necessity can be determined because the operation of the supermarket would be consistent with the requirements of the Zoning Code and the General Plan. Further, the Police Department has reviewed the request and has no objections. Additionally, the requested licenses provide a convenience to customers without impacting the surrounding uses. Lastly, similar alcohol licenses were previously approved under the prior tenant with no neighborhood or surrounding commercial use impacts.

## **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 (Class 1) for the permitting and/or minor alteration of Existing Facilities and Section 15303 (Class 3), New Construction and Conversions of Small Structures. This project will occupy an existing building and proposes minor exterior modifications including adding outdoor dining areas. No increase in building square footage is proposed, and the site is considered previously disturbed and is without environmental resources. 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. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact historic resources.

## **ALTERNATIVES**

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. 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, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings for denial into a Resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

## **LEGAL REVIEW**

The draft Resolution has been approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d) of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the May 8, 2023 Planning Commission meeting will be provided separately.

### **CONCLUSION**

Approval of the project would allow the Northgate Market to provide live entertainment and outdoor dining patios in the C1-S Zoning District. The project is consistent with the General Plan and Zoning Code in regards to density, setback and development standards, and the project design is consistent in design with the surrounding neighborhood. Therefore, staff recommends approval of the project.

**RESOLUTION NO. PC-2023-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-02 FOR A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY; MAJOR AMENDMENT TO A MASTER PLAN PA-23-03 (PA-98-50 A3) FOR A REDUCTION OF REQUIRED PARKING AND TO MODIFY OPERATIONAL CHARACTERISTICS; ZONING APPLICATION ZA-23-01 MINOR CONDITIONAL USE PERMIT TO ALLOW OUTDOOR DINING PATIO FOR NORTHGATE MARKET; AND PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR ALCOHOL BEVERAGE CONTROL LICENSE TYPE 21 AND 47 IN THE C1-S ZONE FOR PROPERTY AT 2300 HARBOR BOULEVARD**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 23-02; PA-23-03, ZA-23-01 and a request for a finding or public convenience or necessity (PCN) was filed by Le Architecture, authorized agent for the property owner, ICI Development Company requesting approval of the following:

A Conditional Use Permit to allow live entertainment in establishments where food or beverages are served within 200 feet of residentially zoned property, a Major Amendment to a Master Plan for a reduction of required off-street parking and to modify operational characteristics, a Zoning Application for a Minor Conditional Use Permit to allow outdoor dining patio, and a Public Convenience or Necessity determination for alcohol beverage control license Type 21 and Type 47.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 8, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities and Section 15303 (Class 3), New Construction of Conversion of Small Structures.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.



NOW, THEREFORE, 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 23-02; PA-23-03, ZA-23-01 and a request for a finding or public convenience or necessity (PCN) 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 23-02; PA-23-03, ZA-23-01 and a request for a finding or public convenience or necessity (PCN) 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 document 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 8th day of May 2023.**

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Adam Ereth, Chair  
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- \_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on May 8, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2023-\_\_

## EXHIBIT A

### **FINDINGS**

#### **A. Proposed Master Plan Amendments Findings**

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29 (g) (5) Master Plan in that:

**Finding:** The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

**Facts in Support of Finding:** The proposed Master Plan amendment is compliant with the City's applicable General Plan and the Zoning Code provisions. In addition, the new supermarket is similar to the previous use that occupied the space, and will enhance the integrity of the neighboring development based on façade upgrades and the added unique experiential amenities. Additionally and based on an engineered shared parking analysis for the shopping center, a surplus of on-site parking is available.

#### **B. Conditional Use Permit Findings**

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(2) Conditional Use Permit in that:

**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 project includes a request for a conditional use permit to establish live entertainment as part of an eating establishment within a supermarket, as required pursuant to CMMC 13-47. As conditioned, the live entertainment would be compatible with developments in the same general area and would not be materially detrimental to other properties. The proposed 149- square-foot stage would be located within the approximate 69,000-square-foot building. The proposed stage would be activated occasionally and is subordinate to the primary market, and as conditioned, would not be incompatible with adjacent residential uses. The provision of live entertainment would be subject to the issuance and renewal of an annual live entertainment permit.

**Finding:** Granting the conditional use permit or minor 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:** Although the project site is located within 200 feet of residentially zoned property, the proposed live entertainment stage would be located indoors and as conditioned shall comply with the City's noise ordinance. Furthermore, the existing block wall located between the shopping center and the residential-zoned uses to the east would remain and would continue to serve as a noise buffer. A condition has also been included to limit the live entertainment to indoors only within the designated stage area. All activities, with the exception of the outdoor dining patio would be conducted underroof and inside the tenant suite. Lastly, conditions of approval have been included to ensure the use (including the live entertainment) operates in a manner that would allow the quiet enjoyment of the surrounding neighborhood.

**Finding:** Granting the conditional use permit 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:** A grocery market with outdoor dining is a commercial use consistent with the General Commercial land use designation of the General Plan and the proposed live entertainment would not increase density or intensity. General Commercial uses are intended to provide a wide range of goods and services to meet the needs of residents as well as the regional neighborhoods.

#### C. **Minor Conditional Use Permit Findings**

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(2) Minor Conditional Use Permit in that:

**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 project includes a minor conditional use permit request for outdoor dining. The outdoor dining patio area is located within an existing multi-tenant commercial center and is compatible with the general area. As conditioned, the outdoor dining will operate with minimal impact on surrounding properties and uses in that adequate amount off-street parking will be provided on the project site and would be shared amongst all tenants of the "Harbor Center". Conditions of approval, based on expert recommendations are also included to monitor/attenuate potential noise and parking impacts. Therefore, the proposed use will not be detrimental to the surrounding area.

**Finding:** Granting the minor 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:** The proposed outdoor dining patio area improvements 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. The proposed use, as conditioned, would not generate adverse noise, traffic, or parking impacts that are unusual for commercially zoned properties. Only low-level ambient noise is permitted in the patio areas and will be consistent with the local ambient noise of traffic.

**Finding:** Granting the minor conditional use permit 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 outdoor dining patio, as conditioned, is consistent with the intent of the City's Zoning Code and General Plan "General Commercial" land use designation for the property. Additionally and based on an engineered shared parking analysis for the shopping center, a surplus of on-site parking is available.

**D. Finding of Public Convenience or Necessity (PCN)**

Pursuant to Section 23958.4 of the Business and Professions Code (BPC), the governing body of a local jurisdiction has the authority to determine PCN findings. In accordance with City Council Policy number 500-8, the Planning Commission may make a finding of public convenience or necessity as required before the State can issue an on-sale or off-sale license for the establishment.

As indicated above in this report, the Public Convenience or Necessity can be determined because the operation of the supermarket would be consistent with the requirements of the Zoning Code and the General Plan. Further, the Police Department has reviewed the request and has no objections. Additionally, the licenses provide a convenience to customers without impacting the surrounding uses. Lastly, similar alcohol licenses were previously approved under the prior tenant with no neighborhood or surrounding commercial use impacts.

- E.** The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 (Class 1) for the permitting and/or minor alteration of Existing Facilities and Section 15303 (Class 3), New Construction and Conversions of Small Structures. This project will occupy an existing building and proposes minor exterior modifications including adding outdoor dining areas. No increase in building square footage is proposed, and the site is considered previously disturbed and without environmental resources. 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. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual

circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact historic resources.

- F. The project is subject to a traffic impact fee, pursuant to 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 described in the staff report, subject to conditions. Any change in the operational characteristics including, but not limited to, hours of operation, shall be subject to Planning Division review and may require an amendment to the use permits, 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. Approval of the planning/zoning applications are valid for two (2) years 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) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29(k)(6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
  3. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of 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 indemnitors' joint and several 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.

4. The hours of operation of the market and in-store dining shall be limited to Monday – Sunday 6 AM to 11 PM. Any minor adjustments in these hours of operation that meet the intent of this condition may be granted with written approval of the Director of Development Services.
5. The hours of operation of the outdoor patio areas shall be limited to Monday – Sunday 11AM to 11PM with last call for food and beverages at 10:30PM.
6. The south patio shall be designed with an eight-foot tall acoustic block wall/glass enclosure to attenuate noise. The east portion of the enclosure is to be constructed of solid acoustic block wall and an emergency exit. The south portion of the enclosure, facing Wilson Street will have a hybrid design which would consist of four-foot tall block wall with an additional four-foot double pane glass barrier. The west portion of the enclosure is to be constructed of acoustic block wall with mass loading vinyl attached to the interior.
7. At least 35% of the interior of the southern patio enclosure must have acoustic absorption or padding such as mass loading vinyl, placed at random areas of the interior wall in order to absorb interior reflections and yield a better listening/talking environment.
8. In the event that the southern outdoor patio, along Wilson Street is removed, the area must be retrofitted and restriped to allow for the 16 parking spaces.
9. Hours of operation for all outdoor activity to the east and north of the buildings (including use of loading docks, deliveries, loading and unloading of trucks, movement of all product from outside to inside the building, trucks driving to the back of the site, and forklift operations) shall be limited to 7 a.m. to 8 p.m., Monday through Friday and 8 a.m. to 5 p.m., Saturday, Sunday, and holidays, as conditioned within the original Master Plan.
10. All outdoor patios must be maintained as open-air patios and may not be fully enclosed and incorporated into the building as an addition and thereby increase the buildings existing floor area ratio.
11. Any patio doors or emergency exits must be acoustically well sealed.
12. Patio areas must have their own sound monitoring equipment with at least two devices calibrated to the maximum allowed level. Sound measurement conducted by a professional sound monitor must be made upon completion of the southern outdoor patio construction. One device must be installed near the patio sound source and one must be installed near the existing eastern wall nearest to the residential homes.
13. Live entertainment, dancing, sale of alcoholic beverage, and food and beverage sales after 11PM are prohibited.
14. Live entertainment and dancing is limited to professional performances and demonstrations within the designated 149-square-foot stage. Live entertainment must be conducted under roof. No dancing or live music/entertainment is permitted in outdoor patio areas.
15. Wine, beer and other distilled spirits sold under the Type 21 ABC license shall be sold in factory manufactured packages for retail sales. Factory multiple-packed bottles or cans shall not be unpackaged to be sold



individually. This restriction is not intended to prohibit the sale of beverages in a single container packaged by the manufacturer for individual sale.

16. The Alcohol Beverage Control Type 47 license (restaurants) authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premise and must operate and maintain the licensed premises as a bona fide eating place. Food and beverage may only be consumed in designated areas shown on floor plan as inside and outside dining. The kiosks that sale ready-to-eat foods and the bar work in concert with one another and patrons are permitted to purchase food from a kiosk and alcohol from the bar and enjoy them together either in one of the desingated dining areas in-doors or outdoors.
17. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Subject to the approval of the Development Services Departmnet, the business shall institue whatever security and noise measures that are necessary to comply with this requirement.
18. Music in all outdoor patio areas is limited to low-volume, pre-recorded ambient music played from a speaker and monitored with a noise meter by trained staff. The music shall not be audible off-site.
19. Murals must be reviewed by the City of Costa Mesa Arts Commission prior to installation.
20. A written shopping cart containment system and plan in compliance with CMMC 15-16, shall be sumbitted to the chief of code enforcement for review and approval setting forth the physical measures it plans to implement ot comply with the requirements of this article. No business license shall be issued or renewed for any retail establishment, until it has a containment plan which has been approved by the city.
21. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.
22. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."
23. The applicant shall maintain areas that are under the applicant's control and ensure areas are well maintained and free of litter and any graffiti on site.
24. No alcoholic beverage shall be displayed or offered for sale outside the building.
25. Exterior signage/advertisements promoting or indicating the availability of alcoholic beverages shall be prohibited. Interior signage/advertisements promoting or indicating the availability of alcoholic beverages which are visible from the exterior of the building shall be prohibited.
26. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The applicant

shall at all times maintain records which reflect separately the gross sales of food and gross sales of alcoholic beverages of the business. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the Director of Economic & Development Services or designee on demand.

27. The business operator shall post signs inside and outside the premises in compliance with the City of Costa Mesa Municipal Code notifying the public with regard to the prohibition of open containers of alcoholic beverages without food and outside of designated dining areas.
28. The business operator shall post signs inside and outside the premises prohibiting loitering.
29. As applicable, special events shall be reviewed/approved pursuant to CMMC 9-205 et seq.
30. The live entertainment shall at all times be conducted within the building and shall not be audible off-site.
31. Music or other entertainment shall not be audible beyond the area under the control of the licensee and/or permittee.
32. The outdoor storage of boxes, equipment materials, merchandise, and other similar items shall be prohibited.
33. A copy of the conditions of approval for all Northgate planning applications shall 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.
34. If any section, division, sentence, clause, phrase or portion of this approval is 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.
35. Any change in the operational characteristics of the use shall be subject to Planning Division review 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.
36. All exterior lighting shall be shielded and/or directed away from residential areas.
37. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas (behind fences).
38. Any wall, gate, or barrier proposed for the outdoor dining patio shall comply with CMMC and Building Code, and the project acoustical report.
39. Applicant shall install appropriate security lighting, and monitor areas under which applicant has control, to prevent trash, graffiti and littering. 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. The applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.

40. The conditional use permit herein approved shall be valid until revoked. 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 it, in the opinion of the development services director or his/her designee, any of the findings upon which the approval was based are no longer applicable.
41. The project shall be limited to the type of building as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the applicable entitlement.
42. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if 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.
43. Public Address (PA) systems are prohibited in any outdoor patio area. Operations must comply with the security plan provided to the police department for review. All doors, except for the main entrance to the grocery store must remain closed while live entertainment is conducted within the market. Access to the market would be permitted only through the westerly primary entrance and access from the interior of the market to the outdoor patio areas during live entertainment would be limited to the entry doors along the west and south side of the building
44. The above conditions of approval are specific to Northgate Market and do not supersede or replace the conditions of approval for the existing Harbor Center Master Plan. The above conditions are in addition to all other previous entitlement conditions associated with this property.

## **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. | <ol style="list-style-type: none"> <li>1. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance and the existing Harbor Center Sign Program.</li> <li>2. The conditions of approval and ordinance or code provisions of Planning Application PA-23-02, PA-23-03 (PA-98-50 A3), ZA-23-0, and PCN shall be blueprinted on the face of the site plan as part of the plan check submittal package when building permits are necessary.</li> </ol> |
|-------|--|

3. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
4. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
5. 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 Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
6. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
7. All requirements of the California Alcoholic Beverage Control Board (ABC) shall be complied with.
8. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Water 9. Mesa Water District Plan Check Required.
- Bldg. 10. Prior to issuing the Building permit the conditions of approval shall be on the approved Architectural plans.
11. Comply with the requirements of the adopted, 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 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. Requirements for accessibility to sites, facilities, building and elements by individuals with disability shall comply with Chapter 11B of the 2019 California Building Code.
12. Prior to the Building Division issuing a demolition permit. contact South Coast Air Quality Management District (AQMD) located at:  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178  
Tel: 909- 396-2000  
or

Visit their web site:  
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.

13. A change of occupancy shall meet all the requirements of the adopted California Building codes that are relevant to the new occupancy. All added square foot area/s shall be justified with Allowable Area Analysis based on the occupancies and the Type of Construction of the existing building structure.
14. Provide a plan to the County of Orange Health Dept. for review and approval.
15. Where two exits are required to exit from the building, they shall be placed a distance apart equal to not less than one-third of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them, for building equipped throughout the building with fire sprinkler system. [CBC 1007.1.1]
16. The minimum number of plumbing fixtures shall comply with CPC Table 422.1.
17. All public facilities and employee circulation path shall be accessible. [CBC Ch. 11]
18. All Tenant Improvements within the Market shall be checked and/or prepared under the supervision of the Architect of record prior to submittal to the City of Costa Mesa
19. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
- Fire 20. Comply with the requirements of the California Fire Code and referenced standards as amended by the City of Costa mesa.
- Bus. 21. All contractors and subcontractors must have valid business licenses to do  
Lic. 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.
- Ent. 22. Pursuant to CMMC Section 9-199 (1), the applicant shall obtain a live  
Lic. entertainment permit annually.



### ***In the Heart of Our Community***

Since the founding of Northgate González Market in 1980, the family patriarch and matriarchs Don Miguel and Doña Teresa Gonzalez understood the importance of giving back to the community to be a successful business. More than 40 years later, their legacy continues through 2<sup>nd</sup> and 3<sup>rd</sup> generation family members and associates who continue to make it a priority to be not just a business but a valuable and caring neighbor.

The González family has led by example under three main pillars of giving – faith, education, and well-being. The current 13 owners established the Familia González Reynoso Foundation (FGRF). The foundation supports organizations involved with higher education and human services. Over the past two decades, FGRF has awarded more than \$2 million in community donations and scholarships.

As part of the company's well-being initiative, Viva La Salud, the grocer sponsored events such as mammography and health screenings, chronic illness detection, nutrition and healthy cooking classes and demonstrations, Covid-19 vaccines, and boosters. Through the Viva La Salud program, Northgate Market is the only retailer in the US that has more than 3,000 bilingual nutrition tags placed throughout the store.

In addition, the company offers back-to-school giveaways and annual toy giveaways. When the COVID pandemic hit, Northgate Market committed over \$1 million to support and help the most vulnerable community members by supporting food insecurity programs. During the holidays, the company gave schools, churches, and nonprofits more than \$250,000 in holiday food vouchers and turkeys to support needy families in cities that they serve.

In partnership with UC San Diego and the USDA, Northgate Market is part of the Mas Fresco, More Fresh program that provides community members participating in the CalFresh program up to \$100 a month in nutrition incentives when they purchase fresh fruits and vegetables with their CalFresh benefits at any Northgate Market, including the new store in Costa Mesa.

Teaching children the importance of good nutrition is also a priority for Northgate Market. We are proud to partner and host every year the Cooking Up Change® program, this year we will host our 10<sup>th</sup> annual event on March 16th. In partnership with Healthy Schools Campaign and Kid Healthy, the program challenges high school culinary students, from underserved communities, to create healthy, great-tasting meals that meet the real-life requirements of the national school meal program. The following is a link to video highlights of this program's events from 2012-2019 for you to view: <https://youtu.be/6Kv9EI86-p8>

And lastly, at the grand opening of the Costa Mesa store, Northgate Market plans to announce and give away over \$15,000 in scholarships and donations to local schools and nonprofit organizations highlighting our commitment to the community.

## Applicant Supplemental Information



April 18, 2023

To whom it may concern:

On behalf of the Costa Mesa Chamber of Commerce, I am writing to express our strong support for Northgate Market's efforts in the establishment and introduction of its newest store location in the City of Costa Mesa.

The entrance of Northgate into our local market will bring about a substantial economic contribution to the City of Costa Mesa, as it generates 300 new job opportunities and enhances the potential for increased sales revenue.

Complimenting the economic contributions Northgate Market offers is their long family history and their collaborative organizational culture. Starting almost a half a century ago, the story of Northgate Market perfectly captures the essence of the "American Dream." When Mr. Don Miguel made the decision to immigrate to the United States, he brought with him a hope and a dream for a better life for himself, his wife, and their children. Now with over 40 locations, the traditional values held dear by Mr. Miguel of servant leadership, respect, and hard work are continued to this day by the family.

The Costa Mesa Chamber of Commerce takes great pride in Northgate Market's dedication to choosing our local area for their business expansion and investment. The addition of Northgate Market will significantly contribute to the future growth and development of Costa Mesa.

Sincerely,

David Haithcock  
President and CEO





April 11, 2023

**City of Costa Mesa**  
**Planning Commissioners**  
 77 Fair Drive  
 Costa Mesa, CA 92628

**RE: Support for Northgate Market, Harbor Center**

Dear Planning Commissioners,

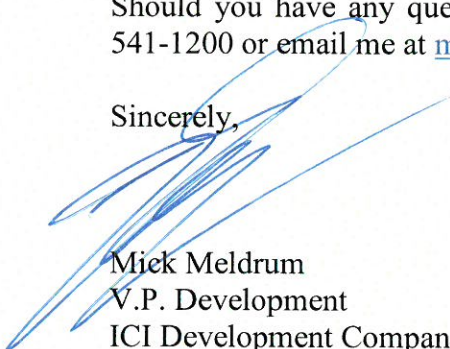
As a representative for Harbor Center Partners, L.P., owners of the Harbor Center shopping center, we would like to offer our support for Northgate Markets and their visions for their future store at 2300 Suite C, Harbor Blvd.

Over the past two years we have worked closely with Northgate to come up with a plan to have them remodel and occupy the former Albertson's store. Northgate's vision for this new store is much more than we ever envisioned. Their commitment to bring the very best to the City of Costa Mesa will be well represented with his new store.

We hope you will approve their plans as submitted and look forward to getting their store open in the very near future.

Should you have any questions or need additional information please call me at (714) 541-1200 or email me at [mmeldrum@icidevco.com](mailto:mmeldrum@icidevco.com).

Sincerely,



Mick Meldrum  
 V.P. Development  
 ICI Development Company, Inc.



April 14, 2023

Mr. Christopher Aldana  
Assistant Planner  
City of Costa Mesa  
77 Fair Drive, Costa Mesa, CA 92626

Dear Mr. Aldana:

Travel Costa Mesa (TCM) has been informed about the plans for a new Northgate Market at 2300 Harbor Boulevard. I attended their community event on Saturday, March 25<sup>th</sup> and was impressed by the vision and proposal for this store. I believe it will be a wonderful addition to the city of Costa Mesa.

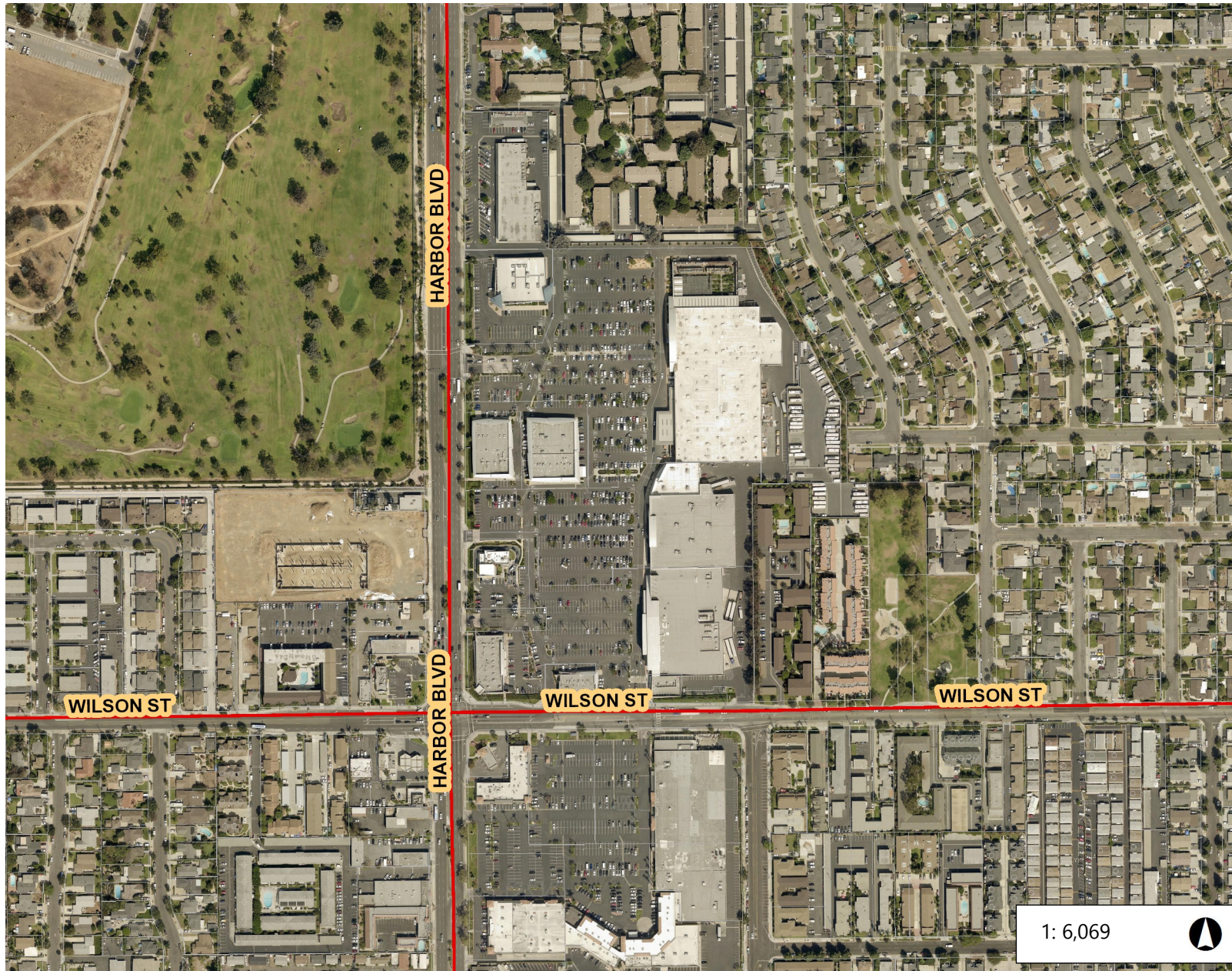
As you know, TCM is the destination marketing organization for the city and one of our core segments of marketing is the culinary scene and its incredible diversity. Eatcation® was a term created by TCM in 2018 with marketing strategies that support foodie-focused travelers, cultured cuisines and unforgettable local hangouts. My organization looks forward to sharing this unique and exciting concept with visitors. We feel strongly that residents as well as visitors will be welcomed and have the opportunity to thoroughly enjoy this *first of its kind* distinctive experience Northgate Market has thoughtfully created.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paulette", written in a cursive style.

Paulette Lombardi-Fries  
President, Travel Costa Mesa






0.2 0 0.10 0.2 Miles

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Legend

 Costa Mesa

Notes

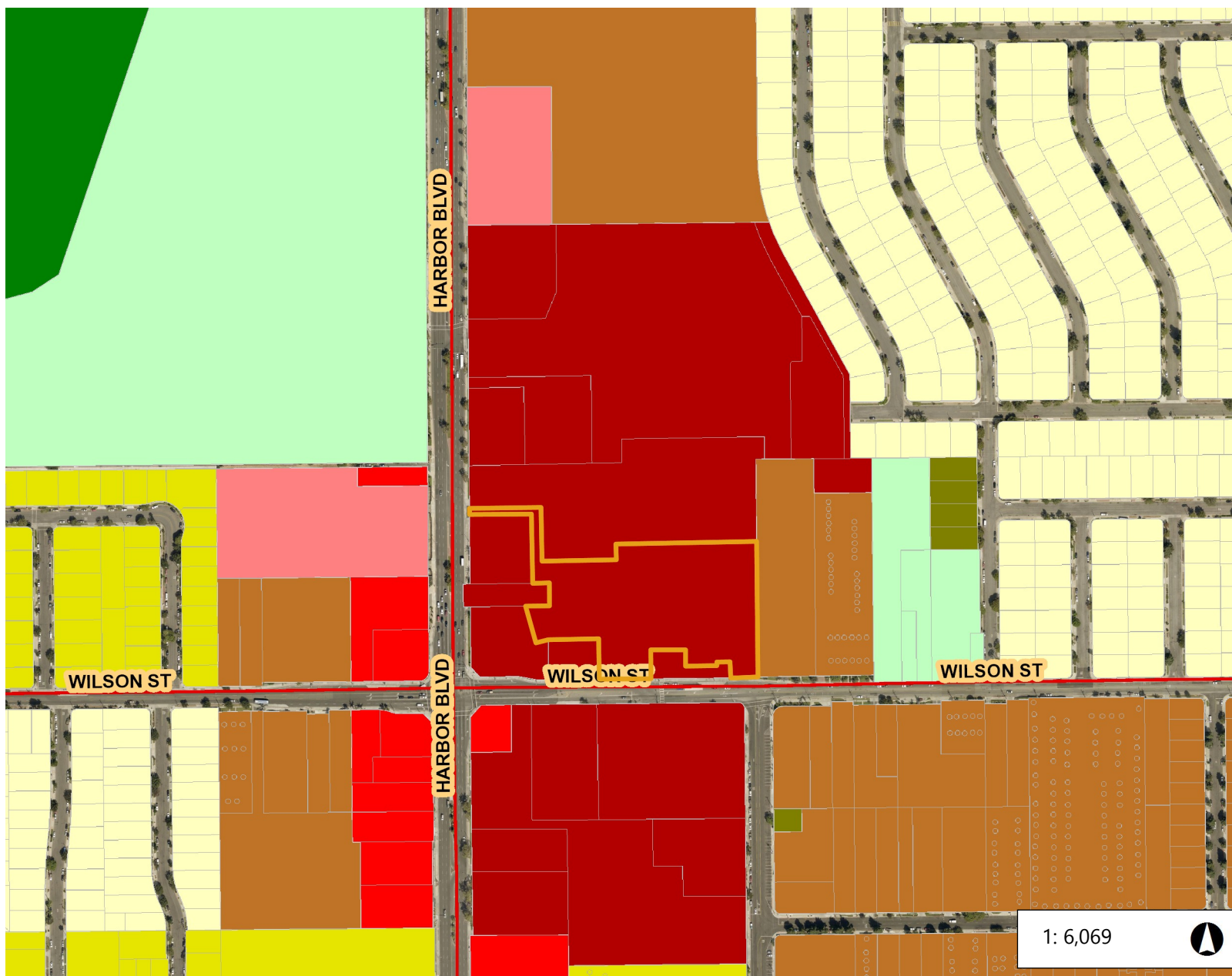




## ATTACHMENT 4

### Legend

-  Costa Mesa
- Zoning**
-  AP - Administrative Professional
  -  IR-MLT - Institutional Recreational I
  -  R1 - Single-Family Residential
  -  R2-MD - Multiple-Family Residentie
  -  R2-HD - Multiple-Family Residentia
  -  R3 - Multiple Family Residential
  -  MG - General Industrial
  -  MP - Industrial Park
  -  PDI - Planned Development Indust
  -  C1 - Local Business
  -  C2 - General Business
  -  C1-S - Shopping Center
  -  TC - Town Center
  -  PDR-NCM - Planned Development Mesa
  -  I&R - Institutional Recreational
  -  I&R-S - Institutional Recreational - S
  -  P - Parking
  -  CL - Commercial Limited
  -  PDC - Planned Development Comr
  -  PDR-LD - Planned Development R
  -  PDR-MD - Planned Development R Density
  -  PDR-HD - Planned Development R



1: 6,069



### Notes

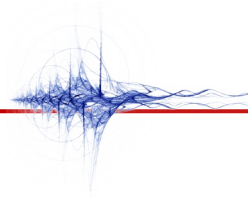
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**Existing Site Photos 2300 Harbor Boulevard**





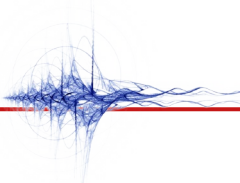
**Northgate Markets- Site at 2300-c Harbor Blvd.  
Costa Mesa, CA**

**OUTDOOR AREA NOISE SIMULATIONS AND RECOMMENDATIONS**

**Report for: Le Architecture**

**February 10, 2023 V1.5**

**Report prepared by Gary Hardesty**



Brief background and qualifications of Sound Media Fusion, LLC.:

Located in Van Nuys, California.

Facility includes:

1. Acoustic development and testing laboratory.
2. Electronic design development and testing laboratory.
3. Feature film motion picture augmented reality sound stage.
4. Acoustic and electronic simulation software systems of various kinds (NoisePlan, EASE, etc.).

SMF and its different generations, all founded by Gary Hardesty, have provided numerous services in the areas of acoustics, noise mitigation/monitoring, intellectual property creation and management (patents) and electronics, internationally, for more than 50 years.

We have provided the services of acoustic design, noise mitigation/monitoring, sound design and technical management for some of the largest events in the world, including:

-Olympic Opening and Closing Ceremonies and sports venues since the Los Angeles 1984 Olympics.

- Venue acoustic and sound system designs.
- Noise mitigation and monitoring design and management.
- Work includes all competition venues as well as Opening and Closing Ceremony.

-Continuous acoustic and mitigation work for the Vatican, including the large World Youth Day global events (the Toronto event featured a main site for the mass, which had more than 1.4 million people in attendance).

-24 years' work with the NFL on the Superbowl game, including acoustics, noise mitigation, sound design and management for the halftime shows.

-Academy Awards.

-Grammy Awards.

We have provided services for the Cities of Costa Mesa and Newport Beach, along with services for entities within those cities, including:

-20 years of acoustic design, noise monitoring/mitigation and technical management for the OC Fair, including reopening of Pacific Amphitheatre in 2003. In 2014, we redesigned the acoustics in Pac Amp, giving the Fair another 3.5 acres of usable land, while improving in-venue acoustics and out of venue noise mitigation- a \$15 million project, also acting as project manager.

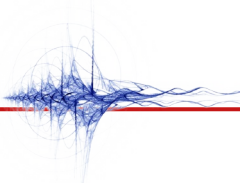
-Newport Dunes noise monitoring/mitigation and acoustic designs.

-Newport Beach pickleball courts acoustic designs and noise monitoring/mitigation.

-Balboa Bay Club noise mitigation.

-Various Costa Mesa venues.

-Acoustic design and noise mitigation/monitoring for large festivals in San Diego's Waterfront Park.

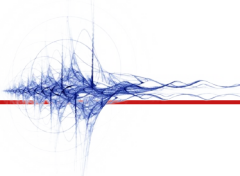


-Acoustic and sound system design for many international performing arts theaters, amphitheaters, and stadiums.

-Acoustic design for many large international theme parks, including Ocean Kingdom in China and EuroDisney in Paris.



## 61



Loudspeaker acoustic design and development for several large international clients (JBL, Yamaha, Panasonic).

SMF/Gary Hardesty past/present clients include (examples):

Panasonic, US Army, The Scenic Route, Inc., OC Fair, City of Newport Beach, City of Costa Mesa, Newport Dunes, F1 Racing, Palmer Audio, Lucasfilm, Meyer Sound, Eastern Acoustic Works, JBL Professional, Yamaha Corporation, US Olympic committee, Ocean Kingdom Theme Park-China, EuroDisney-Paris, NFL Superbowl, Wheel of Fortune, Academy of Country Music Awards, Grammy Awards, Academy Awards, Vatican, Mexico 2010 Bicentennial Committee, World Cup Soccer, Hult Center for the Performing Arts, Asian Games- Korea- Thailand, China, Main Stadium-Japan.

More than 200 large venues/stadiums globally, including: Japan, Korea, Greece, China, Russia, USA, Italy, Germany.

While it is beyond the scope of this proposal to detail all the various acoustic parameters that makeup noise, noise monitoring and mitigation, it is important to highlight some of the theory, for the ideas as proposed in this study to make sense.

Some theory:

From a physics perspective, sound is nothing more than small pressure changes traveling through:

\*Any elastic medium. These pressure variances propagate in all directions from- Anything that vibrates mechanically in or on that medium or even just contacting that medium-- things like vocal cords, guitar strings, saxophone reeds, or loudspeakers.

The word 'medium' -means any molecular substance that contacts the vibrating source. It could be almost anything-- air is the most common example; but water could be an example too. Even the wood that contacts a violin string is an example.

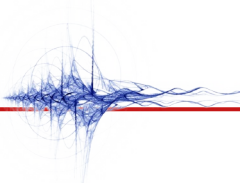
\*An elastic medium is one in which the molecules can be displaced slightly but where they tend to spring back to their original or rest position.

In a gas like air, molecules can be compressed (pushed closer together) and rarefied (pulled further apart) but they will always spring back to normal pressure. Water, steel, and wood also have a springiness that makes them good conductors of sound waves.

\*The pressure changes don't have to be very big to be perceived as sound. In a typical conversation at 1 meter, the difference between highest compression to lowest is only 00.0001%, one ten thousandth of a percent.

In sound, waves of compression are always followed by mirror image waves of rarefaction (decompression) so that overall, the pressure remains normal.

Remember that in sound it's not the air molecules that travel from the source to your ear but



rather the waves of compression and rarefaction of those molecules.

Finally, sound waves are:

\*Mechanical energy-- an actual physical disturbance.

They are not like radio waves or light waves. These are electromagnetic energy.

How fast does sound travel? Sound waves travel at approximately 1128 feet per second in air that is 68 degrees Fahrenheit.

In sustained sounds, molecular displacement is usually repetitive and it often occurs with high regularity. That means it repeats the same way at very evenly spaced time intervals-- say every thousandth of a second.

This regularity is called periodic vibration. When vibrations repeat like this, the sound they produce has an identifiable pitch-- a musical tone.

If there is no regularity, then the vibration is aperiodic and produces noise. The physical vibrations that make sound can be nearly any frequency.

Experiments have shown that sound at 10 billion cycles per second is possible.

However, human ears respond to only a relatively small range of between 20 cycles per second and 20,000 cycles per second.

Even this range is significantly shortened by age and other conditions.

Within this range of 20 to 20,000 cycles per second (cps) humans are most sensitive to the frequencies between 1,000 and 5,000 cycles per second.

Cycles per second are now more commonly referred to as Hertz. So, what was 1,000 cps, is now referred to as 1,000 Hertz (or 1 KHz- 'K' meaning 1,000).

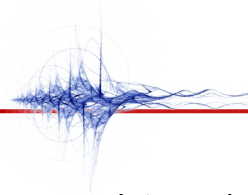
There are four important attributes that we can manipulate to create or describe any sound.

And, we can work with these attributes in two different ways: we can measure them and we can hear them.

If we measure them, they're called physical attributes: if we hear them, they're called perceptual attributes.

The four physical attributes are frequency, amplitude, waveform, and duration. Their perceptual counterparts are pitch, loudness, timbre, and time.

There is similarity between hearing and measuring these attributes; however, it is a complex correlation. The two are not exactly parallel.



Frequency refers to how often the vibration repeats a complete cycle from rest position through compression through rarefaction and back to rest position.

This is usually stated in cycles per second (cps) or in Hertz (Hz) after the 19th century physicist Heinrich Hertz. Cps and Hz are the same measurement.

Pitch refers to our perception of frequency on a continuum from low to high.

Amplitude refers to how much energy is contained in the displacement of molecules that make up sound waves.

It is usually measured in decibels.

Decibels is a logarithmic scale in which each ten-number increase represents a tenfold increase in energy.

On this scale a 10 decibel increase equals 10 times the energy, but a 20-decibel increase = 100 times the energy and a 30-decibel increase = 1000 times the energy; etc.- logarithmic scaling.

We need this logarithmic scale because the loudest sound humans can hear is about 1 trillion times as powerful as the softest.

Each doubling of sound energy can be represented by a 3-decibel change. Loudness refers to our perception of amplitude and is sometimes stated in phons.

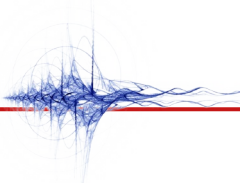
The least amount of amplitude humans can perceive as sound, starts the decibel scale at 0 dB. This is about a trillionth of a watt per square meter.

**TABLE 22-1**  
Units of sound intensity. Sound intensity is expressed as power per unit area (such as watts/cm<sup>2</sup>), or more commonly on a logarithmic scale called *decibels SPL*. As this table shows, human hearing is the most sensitive between 1 kHz and 4 kHz.

	Watts/cm <sup>2</sup>	Decibels SPL	Example sound
	10 <sup>-2</sup>	140 dB	Pain
	10 <sup>-3</sup>	130 dB	
	10 <sup>-4</sup>	120 dB	Discomfort
	10 <sup>-5</sup>	110 dB	Jack hammers and rock concerts
	10 <sup>-6</sup>	100 dB	
	10 <sup>-7</sup>	90 dB	OSHA limit for industrial noise
	10 <sup>-8</sup>	80 dB	
	10 <sup>-9</sup>	70 dB	
	10 <sup>-10</sup>	60 dB	Normal conversation
	10 <sup>-11</sup>	50 dB	
	10 <sup>-12</sup>	40 dB	Weakest audible at 100 hertz
	10 <sup>-13</sup>	30 dB	
	10 <sup>-14</sup>	20 dB	Weakest audible at 10kHz
	10 <sup>-15</sup>	10 dB	
	10 <sup>-16</sup>	0 dB	Weakest audible at 3 kHz
	10 <sup>-17</sup>	-10 dB	
	10 <sup>-18</sup>	-20 dB	

↑  
Louder  
↓  
Softer

We measure sound with a device called an 'SPL meter'.



Sound pressure level meters (SPL meters) incorporate 'weighting filters', which reduce the contribution of low and high frequencies to produce a reading that corresponds approximately to what we hear ('curves').

'A weighting', though originally intended only for the measurement of low-level sounds is now commonly used for the measurement of environmental noise and industrial noise, as well as when assessing potential hearing damage and other noise health effects at all sound levels; indeed, the use of A-frequency-weighting is now mandated for all these measurements.

History of A-weighting:

A-weighting began with work by Fletcher and Munson which resulted in their publication, in 1933, of a set of equal-loudness contours. Three years later these curves were used in the first American standard for sound level meters.

B-, C-, D- and Z-weightings:

A-frequency-weighting is mandated to be fitted to all sound level meters. The old B- and D-frequency-weightings have fallen into disuse, but many sound level meters provide for C frequency-weighting and its fitting is mandated — at least for testing purposes — to precision (Class one) sound level meters.

Sound Media Fusion uses a special laboratory calibrated meter made in Europe for our testing.

The meter can simultaneously show Z (flat frequency spectrum) measurements, as well as 'A', peak, LEQ, etc.

The meters also record the actual audio during a test, as well as all the raw data for later analysis.

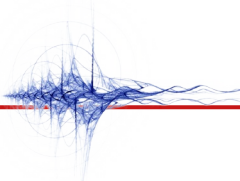
We can hear what the sound was that was affecting a meter reading at a particular point in time.

While the A-weighting curve, as discussed previously, has been widely adopted for environmental noise measurement, and is standard in many sound level meters, it does not really give valid results for noise because of the way in which the human ear analyzes sound.

The distance of the measuring microphone from a sound source is often omitted when SPL measurements are quoted.

In the case of ambient environmental measurements of "background" noise, distance need not be quoted as no single source is present.

SPL meters are not smart- they present all the sound (noise) picked up by the meter at the meter's location, as a single SPL, or dB 'number'- be it traffic noise, whatever- it is all picked up and displayed as a number, representing the local environmental noise condition.



This local reading presents uncorrelated information, IE: it is not smart information, much as the human ears and brain- we can correlate and discriminate, a SPL meter cannot. The information obtained is ALL the local environment noise.

A trained human must make the measurements, as only this person can understand exactly what is taking place and how to solve it, as well as determine compliance, within the din of all the local background noise that may be present- another reason we record the actual audio, as well as the raw data- for later analysis.

Compliance monitoring is a very difficult science and requires sophisticated equipment and even more sophisticated operators, especially when the compliance monitoring involves noise buried in the overall ambient and local environmental noise.

The type of noise meter we use is called an 'integrating meter'. It can simultaneously record the actual audio taking place, as well as record and calculate the decibel reading- taking more than 16 samples every second.

As an example of our success, for 20 years we have provided noise monitoring and mitigation, acoustic design, sound system design, and video design services for the OC Fair and Events Center and Pacific Amphitheater in Costa Mesa.

The Costa Mesa Noise Ordinance, in brief:

**TABLE N-2  
CITY NOISE ORDINANCE STANDARDS-RESIDENTIAL**

Exterior Noise Standards	Interior Noise Standards
55dBA-7:00 a.m. to 11:00 p.m.	55dBA-7:00 a.m. to 11:00 p.m.
50dBA-11:00 p.m. to 7:00 a.m.	45dBA-11:00 p.m. to 7:00 a.m.
NOTE: These represent the basic standards applicable for time periods exceeding 15 minutes each hour. Higher levels may be generated for specified shorter time periods.	

The Noise Ordinance prohibits stationary noise sources to exceed the following:

- ♦ The noise standard for a cumulative period of more than 30 minutes in any hour;
- ♦ The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour;
- ♦ The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour;
- ♦ The noise standard plus 15 dBA for a cumulative period of more than one minute in any hour; or
- ♦ The noise standard plus 20 dBA for any period of time.



For the **Northgate Market- site at 2300-c Harbor Blvd., Costa Mesa**, we are discussing the following herein:

1. The proposed location of patron noise in an outdoor location;
2. Acoustic simulations which demonstrate likely noise levels based on several different scenarios;
3. Our recommendations for using the existing acoustic barrier, with the possible requirement of additional acoustic treatment if noise is a challenge;
4. Our recommendations for the acoustic barriers. The venue will have low level ambient music in the outdoor area, unobtrusive.

The location of the outdoor 'venue' is here, existing wall (acoustic barrier) along the rear, here



We did several acoustic simulations to help us determine (from a purely simulated standpoint) what the expected housing area noise levels would be, based on several scenarios, and, considering the allowed noise levels based on the city noise standards.

They follow on the next page.

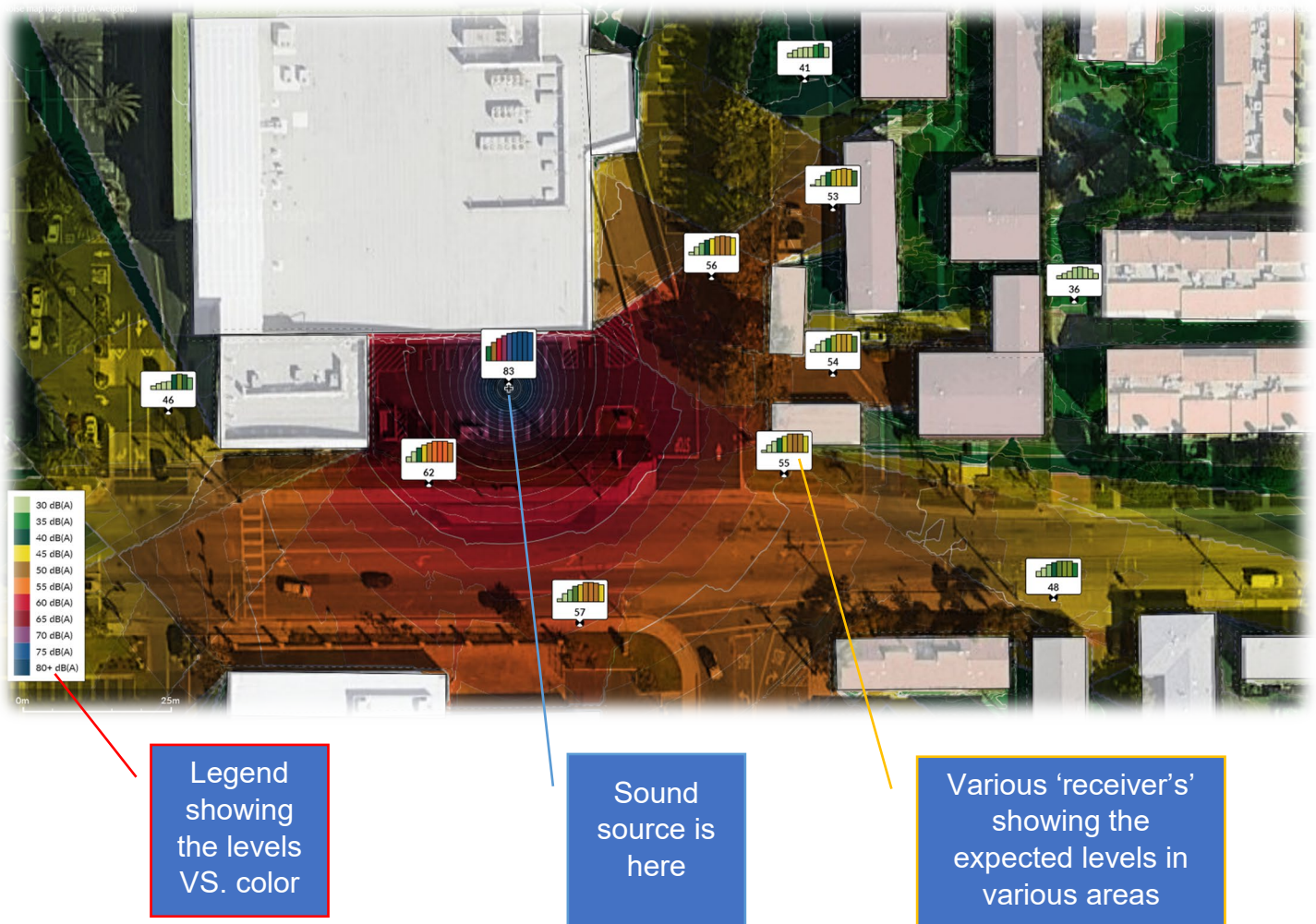


Acoustic simulations are a good way to look at an area and study levels, reflections, barriers in order to 'see' what the likely sound levels will be in several different areas.

The simulations do not consider any local traffic noise, airplane noise or community noise- the displayed levels are based purely on the noise emanating from the location of the simulated sound source.

Likely, the addition of local ambient noise will help to mask noise from the venue, helping to put the venue noise into the overall acoustic landscape of the area.

The first simulation is showing expected noise levels, with no wall or other acoustic barrier around the outdoor venue, and, the sound source is located near the middle of the venue, closer to homes:



Conditions for the above are:

- No acoustic barrier;
- Sound source not in an optimum location;
- It shows that levels are marginally too high in housing areas.

In the next simulation, we show the resulting sound levels using an **8-foot-tall acoustic barrier (wall)** around the venue, with no openings and the sound system not in an optimum location:

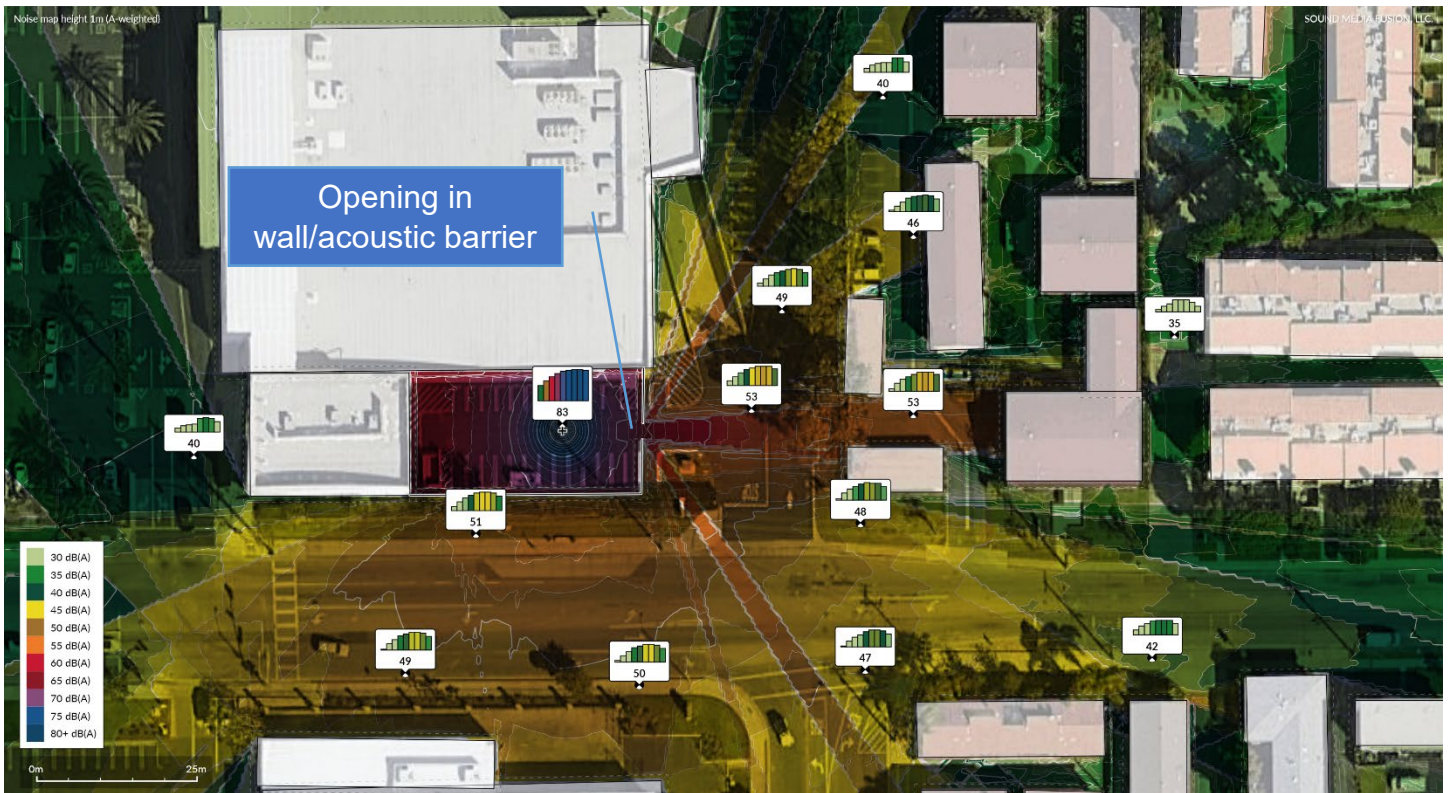


Note that housing area levels have dropped to around 50 dBA- the noise limit for after 11 PM usage.

Housing area levels are more acceptable, even though the sound system is not yet in an optimum location. You can clearly see, based on the color sound field display, how sound is more contained within the confines of the venue, via the acoustic barrier. Venue sound system is operated at a lower (much less ideal) sound level in this simulation- in order to try and meet noise compliance.



The next simulation is as above, with a 'door' (open) in the barrier, showing resulting noise higher in an area near the door, and past to door- indicating the importance of a relatively 'sealed' barrier:



The opening in the wall/acoustic barrier is allowing sound to propagate into housing areas- note the level increase (53 dBA) in the acoustic path of the open door, with the color field showing the acoustic path of the noise.

The following simulation is with a 10-foot wall/acoustic barrier surrounding the venue (no opening), and, the sound system is in a nearly ideal location (both in terms of housing area noise, and venue coverage).



The simulation shows the benefit of a higher wall/acoustic barrier (drop in level in housing areas) and the more ideal location of the sound system (near the market wall, facing left and right into the venue for better venue coverage). The in-venue sound level for this simulation was at 92 dBA near the speaker system, and, this level is a good level for the venue, and, as we can see in the simulation- using a 10-foot wall/acoustic barrier, this is the approximate maximum allowable level in order to meet compliance after 11 PM (compliance prior to 11 PM would allow a higher venue operating level- likely 94 dBA).



The final simulation is using a 12-foot-high wall/acoustic barrier:

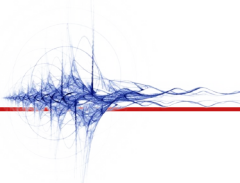


The simulation is using the same sound level and location as in the previous simulation- note the levels have dropped to around 48 dBA in housing areas.

We have shown through our simulations that an acoustic barrier is important, and, the venue does have a mitigation wall already installed, which is indicated earlier in this report. The simulations herein serve to prove the benefits of various wall heights. We believe the existing wall will provide some benefit. How much is difficult to tell at this point.

Based on our past work for these types of venues, along with the noise ordinance and the simulations contained herein, we offer the following recommendations:

1. The venue has a wall near the east homes, as shown earlier in this report. This wall was installed per an earlier acoustic report and will help with noise mitigation, and, as stated in this report, a wall or barrier is required to mitigate noise. The potential challenge with this wall is that it may be too far away from the music source to properly mitigate. If it does not, a further wall may be required as stated below. We recommend monitoring the noise based on using the existing wall, and, if noise levels are too high, adjusting of sound levels and/or further acoustics barriers may be required.
2. If the venue does experience noise intrusion into the housing areas, a wall such as this (and as simulated herein) may be required: wall/acoustic barrier that is at minimum, 8 feet tall (the higher the better). The wall needs to be non-transparent to sound and of heavy construction (concrete block, etc., or construction which includes mass loaded vinyl):



**<https://acousticalsolutions.com/mass-loaded-vinyl-and-the-correct-uses-for-it>** within the wall structure):

- a. The interior of the venue needs to have acoustic absorption placed at random areas on the walls (35% of the wall area), in order to absorb interior reflections and yield a better listening/talking environment.
  - b. The wall adjacent to the rear of the Wells Fargo bank building needs to be a separate wall, removed from the bank wall, in order to help prevent sound intrusion into the bank (assuming the venue is operating with music during bank hours). The interior of this wall should also use mass loaded vinyl, if the wall is not of heavy block or concrete type construction.
  - c. If the wall contains doors/emergency exits, these need to be well sealed, acoustically, when closed, and, ideally would be a double door (air lock type). Needs to be heavy construction, as doors can easily allow acoustic energy to escape into other areas.
  - d. The venue, outdoors, will have low level ambient music which will not increase noise levels outside of the venue.
3. The venue needs its own noise monitoring equipment (at least two devices), calibrated to the maximum allowed level, near the sound source and near the wall that is nearest to homes, such as:
- a. **<https://soundear.com/>**
4. Venue needs to understand that, always, noise compliance will be maintained. The actual venue sound system/band operating levels must be determined based on actual noise measurements at homes and within the venue, when venue is complete. In all cases, venue is to meet noise standards and ensure that sound outside the venue is non-disturbing.
5. Venue to employ a person to be responsible for maintaining proper venue noise levels, operate sound system and interface with performers.
6. Sound measurements by a professional sound monitor are to be made upon venue completion.

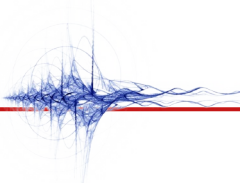
**Addendum- February 10, 2023- Added concrete block wall, 4 feet high, topped by a 4 foot double pane glass barrier, parallel to Wilson Street, along with 8 foot tall block wall parallel to housing area:**

The architects have informed us that the venue will not have dedicated live music/DJ. The venue will have only low-level ambient music. This will allow the overall noise footprint to be significantly less. The ambient music will be no higher in volume than the patron noise in the venue- this will not impact exterior noise.

This addendum is in response to the City requesting a change in the venue wall structure along the area parallel to Wilson Street, to consist of an 8 foot barrier- lower 4 feet block construction and the upper 4 feet double pane glass type construction for visibility.

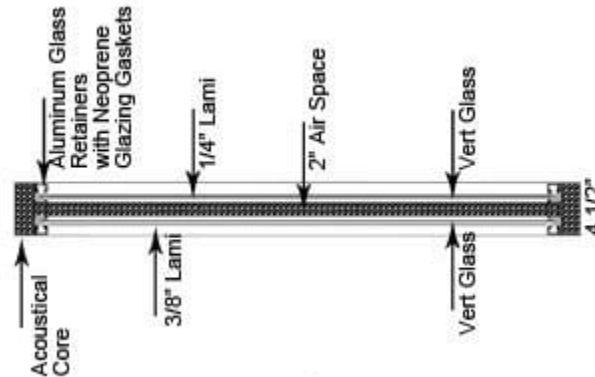
The glass area will need to be laminated glass of a double pane type construction in metal framing suitable for an outdoor environment.

To allow for better sound blockage, it is recommended to use glass panels of dissimilar thickness. Each pane in a dissimilar glass unit blocks different sound frequencies. One pane targets lower-frequency sounds. The other pane targets higher-frequency sounds. The result is sound control over



a greater range of frequencies and a significantly higher noise blocking compared to a window with standard dual-pane glass.

Construction such as this (example only- not for construction):



The glass area will have slightly less noise blocking ability compared to concrete block construction- however, the wall structures and the fact that only low-level ambient music is planned in the outdoor area, will allow for good noise compliance.

As most of the noise is speech, at those frequencies, the glass upper portion will provide good blockage of sound.

We expect that the local surrounding noise levels outside of the venue, using the added block/glass wall parallel to Wilson, and the full 8-foot block wall parallel to the housing areas, will provide adequate noise isolation and the venue will be able to meet or exceed local noise ordinances.

We expect that the total noise output from the outdoor venue to be less than local ambient noise.

This company may be able to provide resources:

<https://www.acousticalsurfaces.com/>

[geo@acousticalsurfaces.com](mailto:geo@acousticalsurfaces.com)

The concrete block interior surfaces need absorption material on them in order to provide a more pleasant patron experience (less 'echo') and to help with overall noise mitigation. The above referenced company can provide such materials.

Regarding simulating the noise using a combination block/glass barrier- the simulations showed similar performance as shown earlier in this report- no additional simulation is required.

And, again, it is important to note that the venue will have only low-level ambient music outdoors (background music)- the noise is primarily people talking and this noise will be non-disturbing and will be relatively buried in the local ambient noise of traffic, etc.

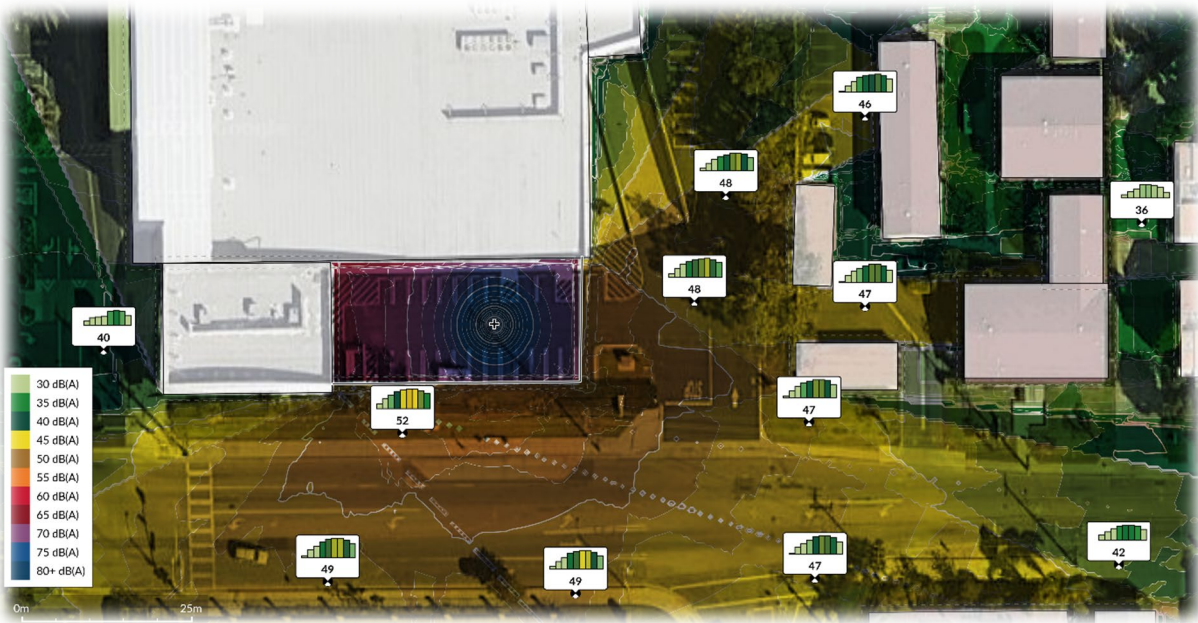
Also note that block/glass portion of the wall is not facing a residential area.

Based on the primary facts:

1. The venue will be surrounded by a complete wall structure, as discussed in this addendum.
2. There will be only low-level ambient music.



3. The noise from the outdoor venue will blend into surrounding ambient noise, rendering it unobtrusive.
4. The venue combination of ambient music and patron noise (low level talking, etc.) should be limited to a level no higher than 82 dBA in the interior of the venue, as measured as an LEQ, based on the noise ordinance (time/level averaged according to the noise ordinance) which should allow the venue to easily meet or exceed the local noise ordinance.
5. The simulation below shows expected noise levels based on the block/glass wall, and ambient music (with interior venues noise averaging 82 dBA) and serves to indicate good noise compliance:



DISCLAIMER: information contained herein is based on simulations only and as such, levels and other details may need to be adjusted to comply with the noise ordinance. Information contained herein is believed to be correct and usable as a guideline only, to design acoustic barriers, sound system and such. Simulations approximate an acoustic situation, not an actual situation.

This document is not a design document- it is meant as a guide for further work by others, in order to meet compliance.

END of report.



UPDATED PARKING DEMAND ANALYSIS  
**NORTHGATE MARKET AT HARBOR CENTER**  
Costa Mesa, California  
December 20, 2022

December 20, 2022

**Engineers & Planners**

Traffic  
Transportation  
Parking

**Linscott, Law &  
Greenspan, Engineers**

2 Executive Circle  
Suite 250  
Irvine, CA 92614  
**949.825.6175** T  
949.825.6173 F  
www.llgengineers.com

Carl Middleton  
Northgate Gonzalez Real Estate Company  
1201 Magnolia Avenue  
Anaheim, CA 92801  
e-mail: [carl.middleton@northgatemarkets.com](mailto:carl.middleton@northgatemarkets.com)

LLG Reference No. 2.22.4540.1

**Subject: Updated Parking Demand Analysis for Northgate Market at  
Harbor Center  
Costa Mesa, CA**

Pasadena  
Irvine  
San Diego  
Woodland Hills

Dear Mr. Middleton:

As requested, Linscott, Law, & Greenspan, Engineers (LLG) is pleased to submit this Updated Parking Demand Analysis associated with the proposed Northgate Market at Harbor Center (herein referred to as Project) in the City of Costa Mesa, California. Harbor Center is an established community shopping center generally located north of Wilson Street and east of Harbor Boulevard and addressed at 2300 Harbor Boulevard.

Pursuant to our discussions and preliminary coordination efforts with the City of Costa Mesa Development Services Department staff, we understand that as a part of the Project's review and approval by the City, a parking study has been requested to document the existing parking requirements and operational needs of the community shopping center as it currently exists and assess the parking implications associated with the parking demand for the proposed Northgate Market, inclusive of proposed potential in-store dining/food uses and outdoor dining/patio area.

According to recently updated information, the Harbor Center shopping center has a total floor area of 336,771 square-feet (SF) of gross floor area within eleven (11) buildings. A review of the Project information provided by ICI Development Company, Owner, indicates that two (2) units/suites totaling 2,460 SF is now vacant (Suite K-3/P-6B and Suite N-7/P-9), as is the 68,847 SF grocery store (Suite C/Major-2) that was formerly occupied by Albertsons. Excluding the former Albertsons from the development, Harbor Center has a total floor area of 267,924 SF.

Philip M. Linscott, PE (1924-2000)  
William A. Law, PE (1921-2018)  
Jack M. Greenspan, PE (Ret.)  
Paul W. Wilkinson, PE (Ret.)  
John P. Keating, PE  
David S. Shender, PE  
John A. Boarman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE  
Keil D. Maberry, PE  
Walter B. Musial, PE  
An LG2WB Company Founded 1906

The proposed Project calls for the renovation of the vacant grocery store for occupancy by Northgate Market.

The future parking needs of the above modifications will be evaluated in the context of full site occupancy using City “code”, and also by applying the “shared parking” techniques as published by the Urban Land Institute (ULI) and in accordance with the *"City of Costa Mesa Procedure for Determining Shared Parking Requirements"*.

The study focused on the following:

- ❑ Calculates the Code-based parking requirements for Harbor Center based on the application of City Code parking ratios,
- ❑ Estimates parking demand through the application of the *"City of Costa Mesa Procedure for Determining Shared Parking Requirements"*, and
- ❑ Compares the estimated shared parking demand against the existing parking supply, in order to identify any potential, operational surplus or deficiency in parking spaces with the proposed Northgate Market

Our method of analysis, findings, and conclusions are described in detail in the following sections of this report.

## PROJECT LOCATION AND DESCRIPTION

Harbor Center is an existing mixed-use development center with a total floor area of 336,771 SF of floor area within eleven (11) buildings that is located north of Wilson Street and east of Harbor Boulevard and addressed at 2300 Harbor Boulevard in the City of Costa Mesa, California. **Figure 1**, located at the rear of this letter report, presents a Vicinity Map, which illustrates the general location of the subject property in the context of the surrounding street system.

### Existing Development

The existing community shopping center had a current occupied floor area of 265,464 SF that is anchored by Home Depot, T.J. Maxx/Home Goods, Rite Aid and a mix of retail/commercial, service retail, medical/dental office, financial services/banks and restaurant space. The remaining of 71,307 SF is currently vacant and consists of two (2) units/suites totaling 2,460 SF and a 68,847 SF grocery store that was formerly occupied by Albertsons. **Figure 2** presents an existing aerial photograph of the site and illustrates the existing buildings and parking areas.

## Proposed Project

As currently envisioned, the Project includes the renovation and re-occupancy of the vacant grocery store by Northgate Market. The proposed renovation to the 68,847 SF vacant building will result in a loss of 665 SF of floor area. As such, the proposed Northgate Market will consist of a 68,182 SF grocery store, inclusive of 3,626 SF of office space, 1,472 SF of indoor “common area seating”, a 149 SF stage for cooking demonstrations, and 1,286 SF of in-store dining/food uses. The Project also includes the provision of 4,318 SF of outdoor dining/patio area plus outdoor bar seating. Of the proposed outdoor dining/patio area, approximately 3,285 SF will be constructed in place of existing parking located on the south side of the building and result in a loss of 16 of the 26 spaces located therewith. The remaining 1,033 SF of outdoor dining/patio area will be provided on the front side of the market. **Figure 2A** presents the existing site plan which highlights the location of the two (2) vacant suites (Suite K-3/P-6B and Suite N-7/P-9), and the proposed Project (Suite C/Major-2).

**Table 1**, located at the end of this letter report, following the figures, presents the tenant unit/address, most recent development tabulation/tenant mix and associated floor areas for the center, and hours of operations for the existing tenants. A review of **Table 1** indicates the occupied floor area of 265,464 SF is a mix of retail, home improvement, restaurant, medical/dental office and financial service uses that consists of the following:

- ❑ 18,172 SF of retail floor area
- ❑ 16,450 SF of retail pharmacy floor area
- ❑ 50,000 SF of retail discount store floor area
- ❑ 131,230 SF of home improvement with garden center floor area
- ❑ 31,802 SF of restaurant floor area
- ❑ 6,305 SF of medical/dental office floor area
- ❑ 11,505 SF of financial services floor area

The remaining 2,460 SF of vacant floor area and proposed Project consist of the following:

- ❑ 1,200 SF of retail floor area (Suite K-3/Pad 6B)
- ❑ 1,260 SF of restaurant floor area (Suite N-7/P-9)
- ❑ 68,182 SF grocery store, inclusive of 3,626 SF of office space, 1,472 SF of indoor “common area seating”, a 149 SF stage for cooking demonstrations, and 1,286 SF of in-store dining/food uses, plus 4,318 SF of outdoor dining/patio area

**Figure 2B** presents the proposed floor plan/layout of Northgate Market that illustrates the grocery store floor area, as well as the proposed in-store dining (restaurant) and proposed outdoor patio/dining area.

### **Parking Supply**

Based on information provided by ICI Development, the existing on-site parking supply for the center totals 1,519 spaces. This parking supply includes parking spaces that may be temporarily inaccessible and used as storage for the Home Depot Garden Center, and nineteen (19) spaces that were converted to cart corrals. For detailed study purposes, the parking areas were divided into two (2) zones and fifteen (15) parking lots as illustrated on **Figure 3. Table 2** provides a breakdown of the parking supply provided within each zone, which are identified as Parking Lots 1 through 15 in *Table 2*.

As stated earlier, 16 spaces will be lost due to the Project's proposed outdoor dining/patio area within Zone 13. As such, when considering the 19 cart corral spaces in addition to the 16 spaces lost due to the Project, an adjusted parking supply of 1,484 spaces is used in this assessment as the future parking supply at Harbor Center.

### **PARKING SUPPLY-DEMAND ANALYSIS**

This parking analysis for the Harbor Center involves determining the expected parking needs, based on the size and type of proposed development components, versus the parking supply. In general, there are three methods that can be used to estimate the site's peak parking needs. These methods have been used in this analysis and include:

- Application of City code requirements (which typically treats each tenancy type as a "stand alone" use at maximum demand).
- The use of the shared parking analysis approach consistent with the *"City of Costa Mesa Procedure for Determining Shared Parking Requirements"*.

The shared parking methodology is certainly applicable to a community shopping center such as Harbor Center, given the mixed use characteristics of the retail center and the individual land use types (i.e., retail shops, home improvement, bank, medical/dental office, restaurant, etc.) experience peak demands at different times of the day.

## CODE PARKING REQUIREMENTS

The code parking calculation for Harbor Center is based on the City's requirements as outlined in *Title 13 – Planning, Zoning and Development, Chapter VI. – Off-Street Parking Standards, Section 13-89. Parking Required* of the City of Costa Mesa Municipal Code. The City's Municipal Code specifies the following parking requirements as outlined in *Table 13-89: Nonresidential Parking Standards*:

- Retail, offices, central administrative offices: 4 spaces per 1000 SF
- Banks, savings and loans; credit unions: 5 spaces per 1000 SF
- Medical and dental offices, acupuncture, massage: 6 spaces per 1000 SF
- Establishments Where Food or Beverages are served with a maximum of 300 square feet of Public Area (limited seating of 12 or less person): 4 spaces per 1000 SF
- Establishments Where Food or Beverages are served with more than 300 square feet of Public Area: 10 spaces per 1000 SF for 1<sup>st</sup> 3000 SF, with 12 spaces per 1000 SF for each additional 1000 SF above 1<sup>st</sup> 3000 SF
- Mixed-Use Developments: When there are mixed uses within a single development which share the same parking facilities, the total requirement for parking should be determined as outlined in “*City of Costa Mesa Procedure for Determining Shared Parking Requirements*” which are included herein by this reference and which may be amended from time to time by resolution of the city council. A greater reduction in parking than would be allowed under this procedure maybe approved by minor conditional use permit where it can be demonstrated that less parking is needed due to the hours of operation or other unusual features of the users involved.
- Garden centers; plant nurseries: 4 spaces per 1000 SF of floor area, and 2 spaces per 1000 SF of outdoor display area.

**Table 3** presents a summary of the code parking requirements for the existing development plus the parking implications associated with proposed Project, plus occupancy of two (2) vacant suites. As shown, the application of City parking ratios to the existing tenant mix calculates to a requirement of 1,247 spaces.

Relative to the proposed Project and current vacancies, the parking requirements calculates to 357 spaces, of which 339 spaces are required of the Northgate Market and the remaining 18 spaces are required of the two (2) vacant suites.

With a total code-based parking requirement of 1,604 spaces and a future parking supply of 1,484 spaces, a theoretical code shortfall of 120 spaces is calculated for Harbor Center at full occupancy, inclusive of the proposed Northgate Market. This Code-based deficiency is not realistic because the simple application of City Code parking ratios considers each tenant as a standalone use, does not take into account the actual physical setting (conducive to shared parking and “synergy” between uses), and therefore likely overstates the actual parking needs for Harbor Center.

**Table 3A**, provided for informational purposes, presents the code parking requirements for each of the existing individual tenants, as well as the proposed Project and the two (2) vacant suites.

The specific tenancy mix of Harbor Center provides an opportunity to share parking spaces based on the utilization profile of each included land use component. The following section calculates the parking requirements for Harbor Center based on the shared parking methodology approach, which is consistent with the *“City of Costa Mesa Procedure for Determining Shared Parking Requirements”* (herein after referred to as City Adopted Procedures) per the City’s Municipal Code.

## SHARED PARKING ANALYSIS

### Shared Parking Methodology – City Adopted Procedures

The Shared Parking methodology was primarily applied to estimate the parking needs of Harbor Center. This goes beyond simply calculating the City Code requirement and looks at the operational demand picture within the actual physical setting. The objective of this Shared Parking analysis is to estimate the peak parking requirements for the various project components of Harbor Center based upon their combined parking demand patterns.

Parking experience indicates that combining different land uses, whose parking demands peak at different times (of the day, week, and year), generally result in a parking demand that is significantly lower than “stand-alone” or “free-standing” facilities. In other words, a mixed-use development results in an overall parking need that is less than the sum of the individual peak parking requirements for each land use as represented in the City of Costa Mesa Municipal Code (parking ratios/factors specific to each land use, or city parking code rates are typically applied to these “stand-alone” developments).



The analytical procedures in a Shared Parking analysis are well documented in the Urban Land Institute's (ULI's) *Shared Parking* (1<sup>st</sup> and 2<sup>nd</sup> Editions, and more recently the 3<sup>rd</sup> Edition) publication. The publication defines Shared Parking as “parking space that can be used to serve two or more individual land uses without conflict or encroachment.”. Therefore, Shared Parking calculations recognize that when different uses share a common parking footprint, the total number of spaces needed to support the collective whole is determined by adding the different parking profiles (by time of day or day of week) of each use comprising the mixed-use development. This is done rather than applying individual peak ratios to each land use component.

There is an important common element between the traditional "code" and the shared parking calculation methodologies; the peak parking ratios or "highpoint" for each land use's parking profile typically equals the "code" parking ratio for that use. The analytical procedures for shared parking analyses are well documented in the ULI *Shared Parking* publication. It should be noted that the City's Adopted Procedures are based on the 2<sup>nd</sup> Edition of ULI's *Shared Parking*

Shared parking calculations for the analysis utilize hourly parking accumulations developed from field studies of single developments in free-standing settings, where travel by private auto is maximized. These characteristics permit the means for calculating peak parking needs when land use types are combined. Further, the shared parking approach will result, at other than peak parking demand times, in an excess amount of spaces that will service the overall needs of the project.

Key inputs in the "*City of Costa Mesa Procedure for Determining Shared Parking Requirements*" and similar shared parking analyses for each land use include:

- Peak parking demand by land use.
- Adjustments for alternative modes of transportation, if applicable.
- Adjustment for internal capture (captive versus non-captive parking demand), if applicable.
- Hourly variations of parking demand.
- Weekday versus weekend adjustment factors
- Monthly adjustment factors to account for variations of parking demand over the year.
- City of Costa Mesa Parking Ratios per *Chapter VI. – Off-Street Parking Standards, Section 13-89. Parking Required* of the City's Municipal Code.

Please note that for this analysis, no monthly adjustment factors to account for variations of parking demand over the year were applied. However, a 10% parking adjustment was utilized to account for (1) “walk-in” trips attributable to synergy between uses within



Harbor Center and with adjoining commercial and residential uses, and (2) alternative modes of travel (i.e. transit, bicycle) due to the availability of public transit on Harbor Boulevard and Wilson Street, as well as existing pedestrian facilities located along these streets.

### **Shared Parking Ratios and Profiles – City Adopted Procedures**

The hourly parking demand profiles (expressed in percent of peak demand) incorporated into the *City of Costa Mesa Procedure for Determining Shared Parking Requirements* and applied to the Harbor Center are based on profiles developed by the Urban Land Institute (ULI) and published in *Shared Parking, 2<sup>nd</sup> Edition*.

The City's Adopted Procedures includes hourly parking demand profiles for the following general land uses: office, banks, medical office, retail, restaurant, bowling alley, health club, nightclub, cinema, performing arts theater, and hotel/motel (consisting of separate factors for guest rooms, restaurant/lounge, and conference/banquet area). The ULI publication presents hourly parking demand profiles for several general land uses. These factors present a profile of parking demand over time and have been used directly, by land use type, in the analysis of this project. The ULI parking demand profiles as included in the City Adopted Procedures have been used directly, by land use type, in the analysis of this site and are applied to the City's applicable parking ratio. **Appendix A** contains the Shared Parking Ratio and Profile Summary of the *City of Costa Mesa Procedure for Determining Shared Parking Requirements*.

The ULI retail use profiles are applied directly. In doing so, there is an intermediate step in expressing ULI profiles as a percentage of the week-long peak, thus arriving at a weekday profile and weekend profile each expressed as a percentage of the baseline parking ratio (ULI actually starts with separate ratios for weekday and weekend day, and develops profiles for each accordingly; we've found it more convenient to translate both profiles to a percent of expected maximum demand, which, for retail, turns out to be on a Saturday). The resulting profiles represent the most likely hourly parking demand profile and are applied to the City's retail parking ratio of 4 spaces per 1000 SF of floor area. Peak demand for retail uses occurs between 1:00 PM–2:00 PM on weekdays, and 2:00 PM–4:00 PM on weekends. The retail parking profile was used and applied to all existing and proposed retail tenants at Harbor Center, inclusive of the proposed Project.

The ULI *Shared Parking* publication includes several categories for restaurants. For this analysis, the parking profile for fine/casual dining restaurant, family restaurant and fast-food restaurant were all utilized as each of the categories match the current

restaurant tenant mix at Harbor Center. Like the retail profiles, the restaurant profiles are derived exactly from the ULI baseline. The restaurant-parking ratio utilized in this analysis exactly matches the City code rate.

According to the *Shared Parking* publication, fine/casual dining restaurant uses are shown to experience peak demand between 7:00 PM and 10:00 PM on weekdays, and 8:00 PM and 9:00 PM on weekends, whereas a family restaurant use peak demand occurs between 12:00 PM and 1:00 PM on weekdays and weekends. For fast-food uses peak demand occurs between 12:00 PM and 2:00 PM on weekdays and weekends.

The fine/casual dining restaurants parking profile was applied to the Project's proposed in-store dining, whereas the family restaurant parking profile was applied to the Project's proposed outdoor dining/patio area and indoor "common area seating".

For office uses, the parking profile in the ULI publication was used and applied to the City's Parking Code ratio of 4 spaces 1000 SF of floor are to forecast its weekday and weekend hourly demand. Peak demand for office occurs between 10:00 AM–12:00 PM and 2:00 PM–4:00 PM on weekdays. This profile was applied to the Project's proposed office floor area.

For medical/dental office uses, the parking profile in the ULI publication was used and applied to the City's Parking Code ratio of 6 spaces 1000 SF of floor are to forecast its weekday and weekend hourly demand. Peak demand for medical/dental office occurs between 10:00 AM–12:00 PM and 2:00 PM–4:00 PM on weekdays, and 10:00 AM–12:00 PM on weekends.

The bank profiles were also directly derived from ULI. The peak-parking ratio for bank uses exactly equals the City's Parking Code requirement of 5 spaces per 1000 SF of floor area. Peak demand for a bank occurs between 10:00 AM –11:00 AM and 5:00 PM – 6:00PM on weekdays and 11:00 AM–12:00 PM on weekends.

### **Shared Parking Analysis Results - City Adopted Procedures**

**Tables 4** and **5** present the Shared Parking summaries for weekday and weekend conditions, respectively, for Harbor Center based on the City's Adopted Procedures for conducting shared parking analyses, assuming full occupancy of the center and including the proposed 68,182 SF Northgate Market plus 4,318 SF of outdoor dining/patio area. The total size of each land use category, the City Code ratios applied to each column, hourly parking profiles per ULI, and the resultant hourly parking demand appear in the individual columns of *Tables 4* and *5* for the hours of

6:00 AM to midnight. It is noted that the potential parking needs associated with the Project's 3,626 SF of office space, 1,472 SF of indoor "common area seating", 149 SF stage, 1,286 SF of in-store dining/food services as well as the 4,318 SF of outdoor dining/patio area have been included in the analysis to provide a conservative assessment.

The last two columns of *Tables 4* and *5* present the expected joint-use parking demand for Harbor Center, at full occupancy on an hourly basis, and the hourly parking surplus/deficiency for the proposed Project compared to a shared parking supply of 1,484 spaces.

Review of *Table 4* shows that the peak-parking requirement for the Harbor Center, assuming full occupancy and completion of the proposed Project, during a weekday occurs at 1:00 PM and totals 1,213 spaces. On a weekend day, the peak parking requirements for the Project occurs at 2:00 PM, when a parking demand of 1,208 spaces is forecast (see *Table 5*).

Based on a shared parking supply of 1,484 spaces, a surplus of 271 spaces and a surplus of 276 spaces would result during the weekday and weekend peak hours, respectively.

**Figures 4** and **5** graphically illustrate the weekday and weekend hourly parking demand forecast for the Project, respectively, based on the City's Adopted Procedures. A review of these figures indicates that the parking supply of 1,484 spaces will adequately accommodate Harbor Center's weekday and weekend hourly shared parking demand of all existing and future uses, including the proposed Project, for all morning, midday, afternoon and evening hours.

Consequently, we conclude that based on the City requirements, there is adequate parking on site to accommodate the proposed occupancy of the vacant grocery store at Harbor Center with the proposed Northgate Market.

## SHARED PARKING FINDINGS

Our findings above indicate that the parking supply at Harbor Center would be adequate in meeting the overall future parking demand, inclusive of those associated with the Project. Further, it would be reasonable and enforceable for all tenants of the center to share the parking facilities especially within the parking lots (Lots 7 through 13) within close proximity to the proposed Northgate Market. Therefore, we conclude

that there is adequate parking on site to accommodate Harbor Center's proposed tenant mix, inclusive of the Project.

## SUMMARY OF FINDINGS AND CONCLUSIONS

1. Harbor Center is an existing mixed-use development center that is located north of Wilson Street and east of Harbor Boulevard and addressed at 2300 Harbor Boulevard in the City of Costa Mesa, California. The existing community shopping center has a total floor area of 336,771 square-feet (SF) that is anchored by Home Depot, T.J. Maxx/Home Goods, Rite Aid Vons and includes a tenant mix of retail/commercial, service retail, office, financial institutions/bank, and restaurant space and fast-food/quick-serve food uses. The existing parking supply at Harbor Center Plaza totals 1,519 spaces. However, when the 19 cart corral spaces are removed from the supply, the center has a parking supply of 1,500 spaces.
2. The existing shopping center has a current occupancy of 265,464 SF and a vacant floor area of 71,307 SF. The Project is proposing to renovate 68,847 SF of retail floor area with a supermarket/grocery store to be occupied by Northgate Market. The proposed renovation will result in a reduction of 665 SF of the vacant grocery store and a proposed total floor area of 68,182 SF. As proposed, Northgate Market will consist of a 68,182 SF grocery store, inclusive of 3,626 SF of office space, 1,472 SF of indoor "common area seating", a 149 SF stage for cooking demonstrations, and 1,286 SF of in-store dining/food uses. The Project also includes the provision of 4,318 SF of outdoor dining/patio area plus outdoor bar seating. Of the proposed outdoor dining/patio area, approximately 3,285 SF will be constructed in place of existing parking located on the south side of the building and result in a loss of 16 of the 26 spaces located therewith. As such, the loss of these spaces will result in a future parking supply of 1,484 spaces with the implementation of the Project.
3. This parking demand analysis evaluates the existing tenancy condition as well as with full occupancy of the center with the proposed Project.
4. Direct application of City parking codes to the existing and proposed mix of uses, inclusive of the proposed Project, results in a total parking requirement of 1,604 parking spaces. When compared against the future parking supply of 1,484 spaces, the Center has a theoretical code shortfall of 120 spaces.

5. Given the mix of tenancies within the shopping center, a shared parking analysis, consistent with the *"City of Costa Mesa Procedure for Determining Shared Parking Requirements"*, has been prepared and indicates that the shared parking supply of 1,484 spaces, will be sufficient to meet the projected peak parking demands of existing and proposed uses, including the proposed Northgate Market. The weekday scenario results in a minimum surplus of 271 spaces, while the weekend scenario results in a minimum surplus of 276 spaces.
6. Hence, it is concluded that adequate parking is provided on site to accommodate the proposed tenant mix and the proposed Northgate Market. Further, it would be reasonable and enforceable for all tenants to share the parking facilities.

\* \* \* \* \*

We appreciate the opportunity to prepare this analysis for the proposed Northgate Market at Harbor Center. Should you have any questions or need additional assistance, please do not hesitate to call me at (949) 825-6175.

Very truly yours,  
**Linscott, Law & Greenspan, Engineers**



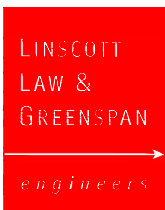
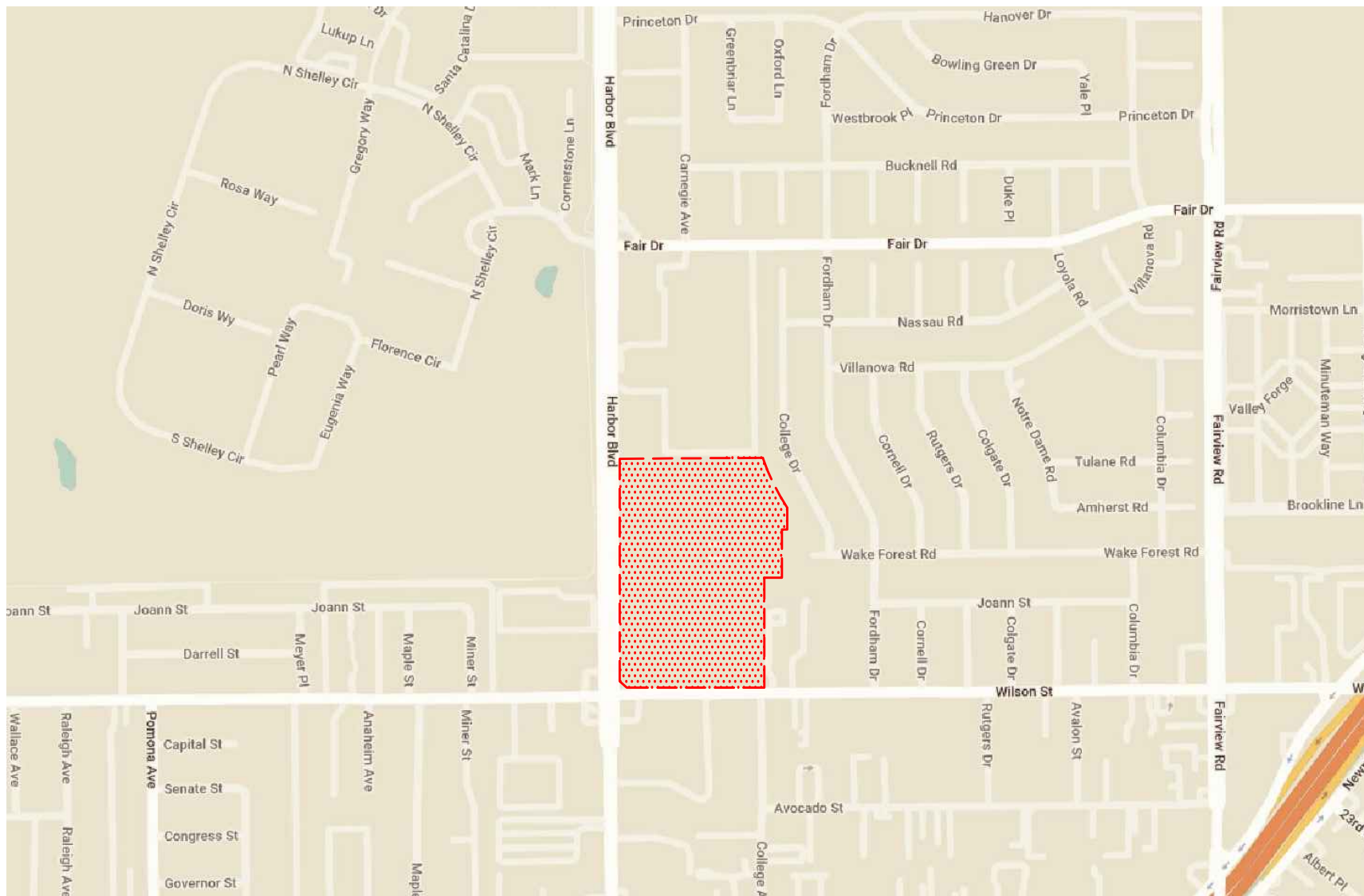
Richard E. Barretto, P.E.  
Principal

cc: Shane S. Green, P.E., Senior Transportation Engineer

Attachments



n:\4500\2224540 - northgate market at harbor center, costa mesa\dwg\4540 f-1.dwg LDP 10:04:56 06-29-2022 agular



SOURCE: GOOGLE

KEY

 = PROJECT SITE

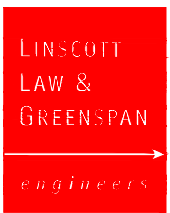
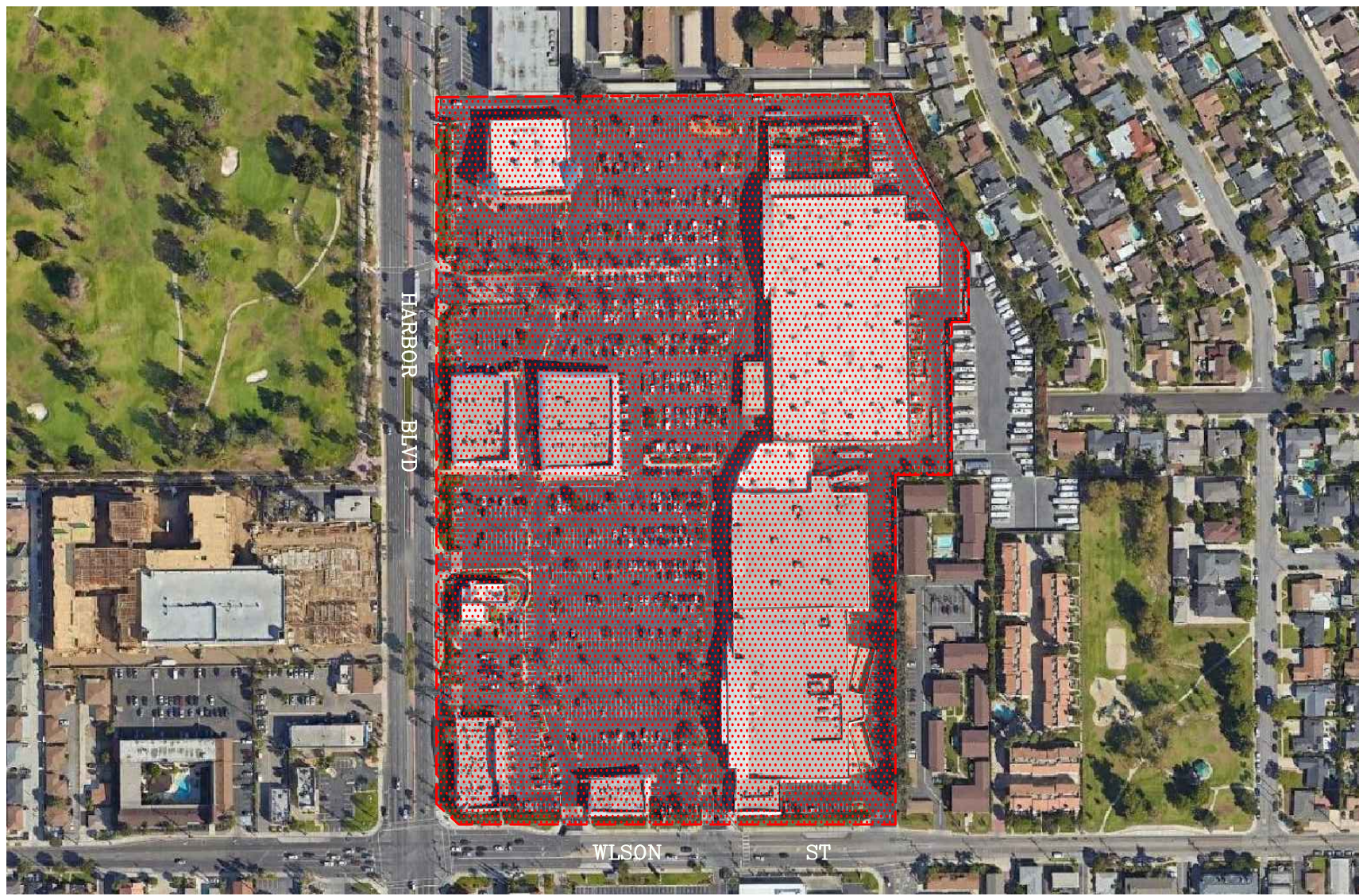
## FIGURE 1

### VICINITY MAP

NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA



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SOURCE: GOOGLE  
KEY  
[Red dot pattern] = PROJECT SITE

FIGURE 2

EXISTING AERIAL SITE PLAN  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA





 = VACANT

NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA



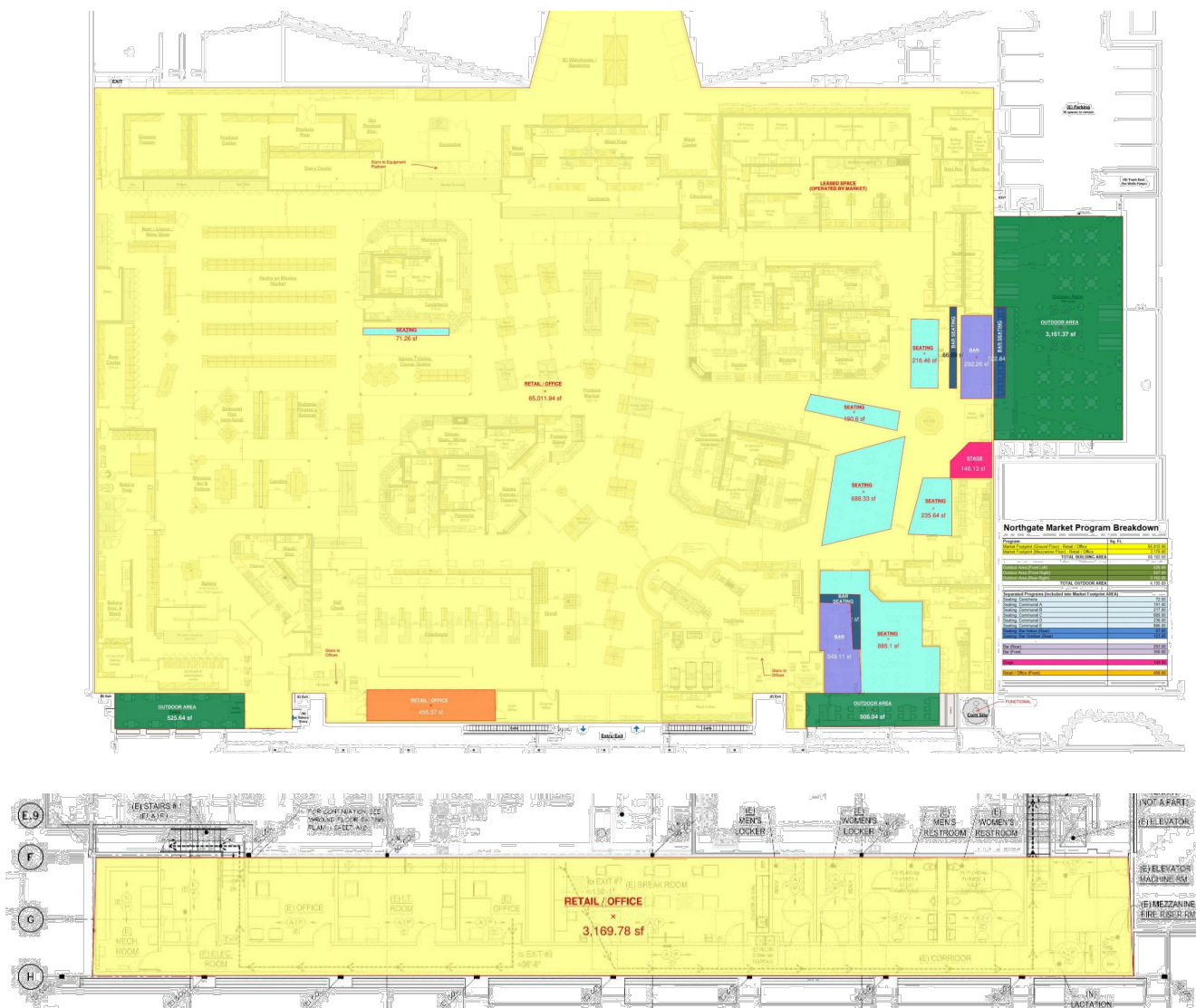


FIGURE 2B

PROPOSED NORTHGATE MARKET FLOOR PLAN/LAYOUT  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA







n:\4500\2224540 - northgate market at harbor center, costa mesa.dwg\4540 f-3.dwg LDP 08:12:41 11-10-2022 kopulsky

LINSCOTT  
LAW &  
GREENSPAN  
engineers

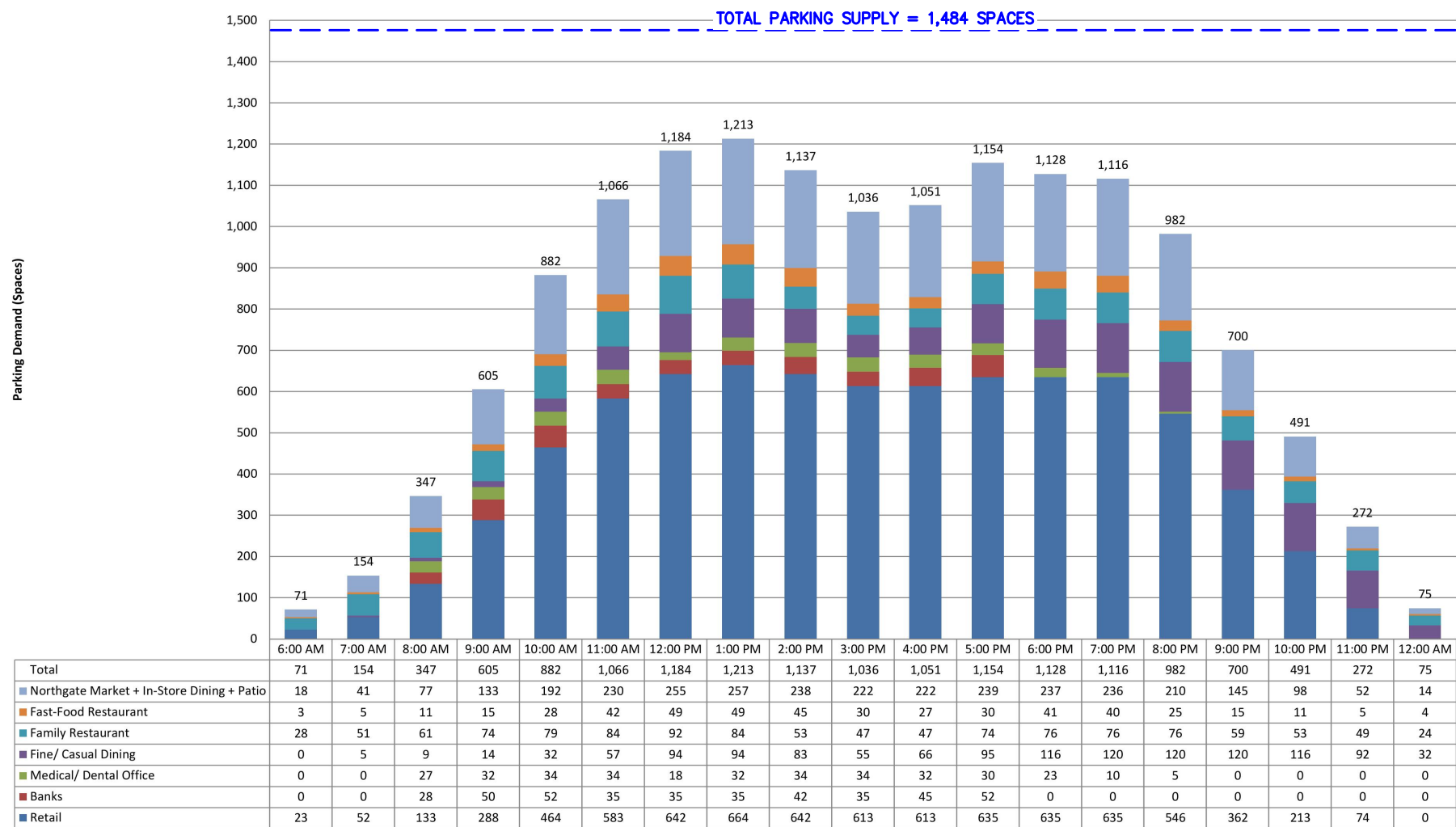


NO SCALE

SOURCE: GOOGLE

## FIGURE 3

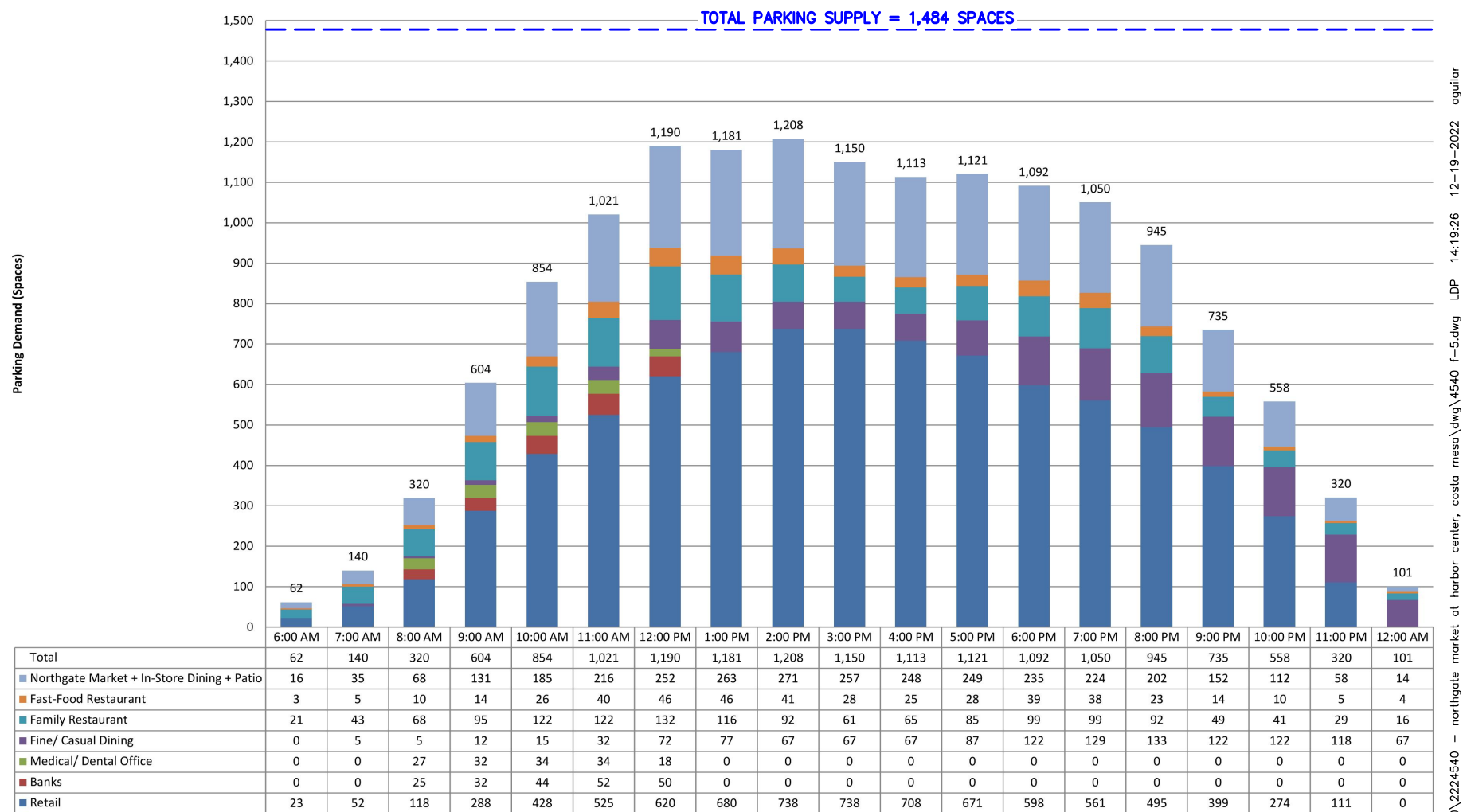
**EXISTING AERIAL SITE PLAN**  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA



n:\4500\2224540 - northgate market at harbor center, costa mesa.dwg\4540 f-4.dwg LDP 14:16:54 12-19-2022 aguilera

# FIGURE 4

WEEKDAY HOURLY PARKING DEMAND – CITY ADOPTED PROCEDURE  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA



# FIGURE 5

**WEEKEND HOURLY PARKING DEMAND – CITY ADOPTED PROCEDURE**  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA



TABLE 1  
EXISTING AND PROPOSED PROJECT DEVELOPMENT SUMMARY [1]  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA

Building	Zone	Tenant	Land Use	Hours of Operation	Retail	Supermarket/ Grocery	Pharmacy	Discount Stores/ Superstores	Home Improvement Stores/ Garden	Fine & Casual Dining	Family Restaurant	Fast-Food Restaurant	Family Entertainment	Active Entertainment	Office	Medical/ Dental Office	Bank	Building Size (SF)
S-1A	South	Well Fargo	Banks	Mon - Fri: 9am - 5pm, Sat: 9am - 12pm, Sun: Closed													4,560	4,560 SF
MAJOR 2	South	Northgate Market (vacant) [2]	Retail/Grocery	Mon - Sun: 7am - 10pm (subject ot confirmation)		61,649				1,286	5,939				3,626			72,500 SF [2]
MAJOR 3A	South	T.J.Maxx/Home Goods	Retail	Mon - Sat: 9:30am - 9:30pm, Sun: 10am - 8pm				50,000										50,000 SF
S-3B	South	Five Below	Retail	Mon - Sat: 10am - 9pm, Sun: 11am - 7pm	10,098													10,098 SF
MAJOR 4	North	Home Depot	Retail	Mon - Sat: 6am - 10pm, Sun: 7am - 8pm					107,310									107,310 SF
Garden Center	North	Home Deport Garden Center	Garden Center	Mon - Sat: 6am - 10pm, Sun: 7am - 8pm					23,920									23,920 SF
MAJOR 5	North	Rite Aid	Retail	Mon - Sun: 7am - 10pm			16,450											16,450 SF
PAD 6A	North	Chuck E. Cheese	Restaurant	Mon - Thurs: 10am - 9pm, Fri-Sat: 10am - 10pm, Sun: 11am - 9pm							11,625							11,625 SF
PAD 6B - K1	South	Nick's Pizza	Restaurant	Mon - Sat: 11am - 9pm, Sun: Closed						2,800								2,800 SF
PAD 6B - K2	South	Supercuts	Retail	Mon - Sat: 9am - 7pm, Sun: 9am - 6pm	1,243													1,243 SF
PAD 6B - K3	South	Vacant	Retail	Not Available	1,200													1,200 SF
PAD 6B - K4	South	Banfield Pet Hospital	Medical/Veterinerian	Mon - Sat: 9am - 6pm, Sun: Closed												3,305		3,305 SF
PAD 7A - H5	North	Bright Now Dental	Medical/Dental	Tues: 8am - 5 pm, Wed - Fri: 9am - 6pm, Sat: 8am - 4pm, Sun - Mon: Closed												3,000		3,000 SF
PAD 7A - H3	North	USSD Karate	Retail	Mon - Fri: 12pm - 8pm, Sat: 9am - 1pm, Sun: Closed	1,406													1,406 SF
PAD 7A - H1	North	Schools First Credit Union	Banks	Mon - Thurs: 9am - 5pm, Fri: 9am - 6pm, Sat: 9am - 2pm, Sun: Closed													3,520	3,520 SF
PAD 7B - L1	South	Chipotle	Restaurant	Mon - Sun: 10:30am - 10pm						2,600								2,600 SF
PAD 7B - L2	South	Verizon	Retail	Mon - Sat: 10am - 8pm, Sun: 10am - 5pm	4,400													4,400 SF
PAD 8	South	McDonald's	Restaurant	Sun - Thurs: 5:30am - 11pm, Fri - Sat: 5:30m - 12am								3,348						3,348 SF
PAD 9 - N1	South	Starbucks	Restaurant	Mon - Sun: 4:30am - 10pm								1,999						1,999 SF
PAD 9 - N2	South	Jersey Mike's	Restaurant	Mon - Sun: 10am - 9pm						1,400								1,400 SF
PAD 9 - N3	South	T-Mobile	Retail	Mon - Sat: 10am - 8pm, Sun: 11am - 7pm	1,025													1,025 SF
PAD 9 - N4	South	L&L Hawaiiin BBQ	Restaurant	Mon - Sat: 10am - 8:30pm, Sun: 11am - 8:30pm						1,195								1,195 SF
PAD 9 - N5	South	Niko Niko Sushi	Restaurant	Mon - Sun: 11am - 9:30pm						1,195								1,195 SF
PAD 9 - N6	South	America's Cup Yogurt	Restaurant	Mon - Sun: 11am - 10pm						1,400								1,400 SF
PAD 9 - N7	South	Vacant	Restaurant	Not Available						0	1,260							1,260 SF
PAD 9 - N8	South	Panda Express	Restaurant	Mon - Sun: 10am - 9:30pm						1,875								1,875 SF
PAD 10 - A1	South	San Diego County Credit Union	Banks	Mon - Fri: 9am - 5pm, Sat: 9am - 2pm, Sun: Closed													3,425	3,425 SF
PAD 10 - A3	South	Wingstop	Restaurant	Mon - Sun: 10:30am - 12am						2,365								2,365 SF
EXISTING SUBTOTAL					18,172	0	16,450	50,000	131,230	14,830	11,625	5,347	0	0	0	6,305	11,505	265,464 SF
VACANT/PROPOSED SUBTOTAL					1,200	61,649	0	0	0	1,286	7,199	0	0	0	3,626	0	0	74,960 SF
TOTAL					19,372	61,649	16,450	50,000	131,230	16,116	18,824	5,347	0	0	3,626	6,305	11,505	340,424 SF [2]
PERCENT LAND USE MIX					5.7%	18.1%	4.8%	14.7%	38.5%	4.7%	5.5%	1.6%	0.0%	0.0%	1.1%	1.9%	9903.4%	100.0%

Notes:  
[1] Source: ICI Development Company, tenant information as of November 2022. Currently, Harbor Center has an occupied floor area of 265,464 SF and two vacant suites in Pad 6 and Pad 9 totaling 1,260 SF and 1,200 SF, respectively.The proposed Project replaces the former Albertsons grocery store that had a total floor area of 68,847 SF.  
[2] Source: Northgate Market/Le Architecture, the proposed 68,182 SF Northgate Market will include 3,626 SF of office and 1,286 SF in-store dining floor area and provide a total of 4,195 SF of outdoor patio/dining area, plus 123 SF of outdoor bar seating.  
From a review of the Northgate Market floor plan, approximately 1,472 SF of "common area" indoor seating and a 149 SF stage for cooking demonstrations will be provided, thus resulting in a grocery floor area of 61,649 SF.

**TABLE 2**  
**SUMMARY OF EXISTING PARKING SUPPLY [1]**  
**NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA**

Parking Lot	Zone	Regular	Handicapped	Time Restricted	Reserved	Total
1	North	92	4			96
2 [2]	North	276	11		4	291
3	North	39	2	6		47
4	North	135	2		2	139
5	North	92				92
6	North	33			1	34
7	South	48	2	4	2	56
8	South	179	5			184
9	South	36	2		4	42
10	South	258	7			265
11	South	42	2	2	3	49
12	South	32	5	9	6	52
13	South Rear	66				66
14 [2]	North Rear	106				106
15	North Loading					0
<b>OVERALL TOTAL</b>		<b>1434</b>	<b>42</b>	<b>21</b>	<b>22</b>	<b>1519 [3]</b>

**Notes:**

[1] Parking inventory of supply was conducted in May 2022, by LLG staff, and supplemented by information provided by ICI Development Company.

[2] Parking spaces were utilized as an extension of Home Depot's Garden Center as well as temporary storage.

[3] 19 spaces are currently utilized as cart corrals resulting in 1,500 existing spaces.

**TABLE 3**  
**CITY CODE PARKING REQUIREMENTS – SUMMARY CALCULATIONS [1]**  
**NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA**

Land Use	Size	City of Costa Mesa Code Parking Ratio	Spaces Required
<u>Existing Tenant Mix</u>			
Retail	18,172 SF	4 spaces per 1000 SF	73
Pharmacy	16,450 SF	4 spaces per 1000 SF	66
Discount Stores/Superstores	50,000 SF	4 spaces per 1000 SF	200
Home Improvement Stores/Garden Center	131,230 SF	4 spaces per 1000 SF plus 2 spaces per 1000 SF of outdoor display area	477
Fine & Casual Dining	14,830 SF	10 spaces per 1000 SF	148
Family Restaurant	11,625 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	134
Fast-Food Restaurant	5,347 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	54
Medical-Dental Office	6,305 SF	6 spaces per 1000 SF	38
Bank	11,505 SF	5 spaces per 1000 SF	58
<u>Vacant/Proposed Project</u>			
Vacant/Proposed Retail (PAD 6B - K3)	1,200 SF	4 spaces per 1000 SF	5
Vacant/Proposed Family Restaurant (Pad 9 - N7)	1,260 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	13
Vacant/Proposed Supermarket/Grocery	61,649 SF	4 spaces per 1000 SF	247
Vacant/Proposed Fine & Casual Dining	1,286 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	13
Vacant/Proposed Family Restaurant	5,939 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	65
Vacant/Proposed Office	3,626 SF	4 spaces per 1000 SF	15
<b>A. TOTAL OCCUPIED PARKING CODE REQUIREMENT</b>			<b>1,247</b>
<b>B. TOTAL VACANT/PROPOSED PARKING CODE REQUIREMENT</b>			<b>357</b>
<b>C. TOTAL PARKING CODE REQUIREMENT BASED ON FULL OCCUPANCY</b>			<b>1,604</b>
<b>D. FUTURE PARKING SUPPLY</b>			<b>1,484</b>
<b>E. PARKING SURPLUS/DEFICIENCY (+/-) BASED ON FULL OCCUPANCY (D - C)</b>			<b>-120</b>

**Notes:**

[1] Source: City of Costa Mesa Municipal Code, Chapter VI. Off-Street Parking Standards, Article 2, Non-Residential Districts, Section 13-89. Parking Required.

**TABLE 3A**  
**CITY CODE PARKING REQUIREMENTS – DETAILED CALCULATIONS [1]**  
**NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA**

Building	Zone	Tenant	Land Use	Building Size (SF)	City of Costa Mesa Code Parking Ratio	Spaces Required
S-1A	South	Well Fargo	Banks	4,560 SF	5 spaces per 1000 SF	22.8
<b>MAJOR 2</b>	<b>South</b>	<b>Northgate Market (vacant) [2]</b>	<b>Retail/Grocery</b>	<b>72,500 SF [2]</b>	<b>4 spaces per 1000 SF for retail &amp; office / 10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF</b>	<b>339.2</b>
MAJOR 3A	South	T.J.Maxx/Home Goods	Retail	50,000 SF	4 spaces per 1000 SF	200.0
S-3B	South	Five Below	Retail	10,098 SF	4 spaces per 1000 SF	40.4
MAJOR 4	North	Home Depot	Retail	107,310 SF	4 spaces per 1000 SF	429.2
Garden Center	North	Home Depot Garden Center	Garden Center	23,920 SF	2 spaces per 1000 SF of outdoor display area	47.8
MAJOR 5	North	Rite Aid	Retail	16,450 SF	4 spaces per 1000 SF	65.8
PAD 6A	North	Chuck E. Cheese	Restaurant	11,625 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	133.5
PAD 6B - K1	South	Nick's Pizza	Restaurant	2,800 SF	10 spaces per 1000 SF	27.6
PAD 6B - K2	South	Supercuts	Retail	1,243 SF	4 spaces per 1000 SF	5.0
<b>PAD 6B - K3</b>	<b>South</b>	<b>Vacant</b>	<b>Retail</b>	<b>1,200 SF</b>	<b>4 spaces per 1000 SF</b>	<b>4.8</b>
PAD 6B - K4	South	Banfield Pet Hospital	Medical/Veterinarian	3,305 SF	6 spaces per 1000 SF	19.8
PAD 7A - H5	North	Bright Now Dental	Medical/Dental	3,000 SF	6 spaces per 1000 SF	18.0
PAD 7A - H3	North	USSD Karate	Retail	1,406 SF	4 spaces per 1000 SF	5.6
PAD 7A - H1	North	Schools First Credit Union	Banks	3,520 SF	5 spaces per 1000 SF	17.6
PAD 7B - L1	South	Chipotle	Restaurant	2,600 SF	10 spaces per 1000 SF	26.0
PAD 7B - L2	South	Verizon	Retail	4,400 SF	4 spaces per 1000 SF	17.6
PAD 8	South	McDonald's	Restaurant	3,348 SF	10 spaces per 1000 SF for 1st 3000 SF plus 12 spaces per 1000 SF for each additional 1,000 SF over the 1st 3000 SF	34.2
PAD 9 - N1	South	Starbucks	Restaurant	1,999 SF	10 spaces per 1000 SF	20.0
PAD 9 - N2	South	Jersey Mike's	Restaurant	1,400 SF	10 spaces per 1000 SF	14.0
PAD 9 - N3	South	T-Mobile	Retail	1,025 SF	4 spaces per 1000 SF	4.1
PAD 9 - N4	South	L&L Hawaii BBQ	Restaurant	1,195 SF	10 spaces per 1000 SF	12.0
PAD 9 - N5	South	Niko Niko Sushi	Restaurant	1,195 SF	10 spaces per 1000 SF	12.0
PAD 9 - N6	South	America's Cup Yogurt	Restaurant	1,400 SF	10 spaces per 1000 SF	14.0
<b>PAD 9 - N7</b>	<b>South</b>	<b>Vacant</b>	<b>Restaurant</b>	<b>1,260 SF</b>	<b>10 spaces per 1000 SF</b>	<b>12.6</b>
PAD 9 - N8	South	Panda Express	Restaurant	1,875 SF	10 spaces per 1000 SF	18.8
PAD 10 - A1	South	San Diego County Credit Union	Banks	3,425 SF	5 spaces per 1000 SF	17.1
PAD 10 - A3	South	Wingstop	Restaurant	2,365 SF	10 spaces per 1000 SF	23.7
				<b>265,464 SF</b>	<b>Total Spaces Required - Existing Tenants:</b>	<b>1,247</b>
				<b>74,960 SF</b>	<b>Total Spaces Required - Proposed Tenants:</b>	<b>357</b>
				<b>340,424 SF [2]</b>	<b>Total City Code Parking Requirement</b>	<b>1,604</b>

**Notes:**

[1] Source: City of Costa Mesa Municipal Code, Chapter VI. Off-Street Parking Standards, Article 2, Non-Residential Districts, Section 13-89. Parking Required.

[2] Source: Northgate Market/Le Architecture, the proposed 68,182 SF Northgate Market will include 3,626 SF of office and 1,286 SF in-store dining floor area and provide a total of 4,195 SF of outdoor patio/dining area, plus 123 SF of outdoor bar seating. From a review of the Northgate Market floor plan, approximately 1,472 SF of "common area" indoor seating and a 149 SF stage for cooking demonstrations will be provided, thus resulting in a grocery floor area of 61,649 SF.



**TABLE 4**  
**WEEKDAY SHARED PARKING DEMAND ANALYSIS – CITY ADOPTED PROCEDURES [1]**  
**NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA**

	General Office					Restaurant (include food service for Project's Outdoor Dining of 4,318 SF)								
	Up to		Banks	Medical	Retail	Small	Fine/Casual	Family					Total	Comparison
USE	100,000	>100,000	(Sq. Ft.)	Office	(Sq. Ft.)	Restaurant	Dining >300	Restaurant >300	Fast Food >300				Parking	To Parking
	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	300 max	1st 3,000	>3,000	1st 3,000	>3,000	1st 3,000	>3,000	Demand	Supply
						(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	By Hour	By Hour
SIZE	3,626	0	11,505	6,305	278,701		16,116	0	7,260	11,564	4,999	348	340,424	
RATIO	4	3	5	6	4	min of 6	10	12	10	12	10	12		
SUPPLY	--	--	--	--	--	--	--	--	--	--	--	--		1,484
PEAK DEMAND	15	0	58	38	1,067	0	161	0	73	139	50	4	1,605	
MODE ADJ.	10%		10%	10%	10%	10%	10%	10%	10%	10%	10%	10%		
WEEKDAY														
6:00 AM	0	0	0	0	29	0	0	0	14	26	3	0	71	1,413
7:00 AM	4	0	0	0	68	0	5	0	25	48	5	0	154	1,330
8:00 AM	10	0	28	27	173	0	10	0	31	58	10	1	347	1,138
9:00 AM	13	0	50	32	374	0	14	0	37	70	14	1	605	879
10:00 AM	14	0	52	34	605	0	35	0	40	75	26	2	882	602
11:00 AM	13	0	35	34	759	0	62	0	41	79	40	3	1,066	418
NOON	12	0	35	18	835	0	102	0	46	87	45	4	1,184	301
1:00 PM	12	0	35	32	864	0	102	0	41	79	45	4	1,213	271
2:00 PM	14	0	42	34	835	0	90	0	26	50	41	4	1,137	347
3:00 PM	13	0	35	34	797	0	59	0	23	44	28	2	1,036	448
4:00 PM	12	0	45	32	797	0	71	0	23	44	25	2	1,051	433
5:00 PM	6	0	52	30	826	0	103	0	37	70	28	2	1,154	330
6:00 PM	3	0	0	23	826	0	126	0	38	71	39	3	1,128	356
7:00 PM	1	0	0	10	826	0	131	0	38	71	37	3	1,116	368
8:00 PM	1	0	0	5	711	0	131	0	38	71	23	2	982	502
9:00 PM	0	0	0	0	471	0	131	0	29	55	14	1	700	784
10:00 PM	0	0	0	0	278	0	126	0	26	50	10	1	491	993
11:00 PM	0	0	0	0	96	0	100	0	24	46	5	0	272	1,212
MIDNIGHT	0	0	0	0	0	0	35	0	13	23	4	0	75	1,409
Peak Weekday Parking Demand													1,213	
[1] Source: "City of Costa Mesa Procedure for Determining Shared Parking Requirements" ( ULI - Urban Land Institute "Shared Parking," 2nd Edition).														

TABLE 5  
WEEKEND SHARED PARKING DEMAND ANALYSIS – CITY ADOPTED PROCEDURES [1]  
NORTHGATE MARKET AT HARBOR CENTER, COSTA MESA

	General Office					Restaurant (include food service for Project's Outdoor Dining of 4,318 SF)							Total Parking Demand By Hour	Comparison To Parking Supply By Hour
	Up to		Banks	Medical Office	Retail	Small	Fine/Casual		Family					
	100,000	>100,000				Restaurant	Dining >300		Restaurant >300		Fast Food >300			
USE	(Sq. Ft.)	(Sq. Ft.)				(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	300 max (Sq. Ft.)	1st 3,000 (Sq. Ft.)	>3,000 (Sq. Ft.)	1st 3,000 (Sq. Ft.)		
SIZE	3,626	0	11,505	6,305	278,701		16,116	0	7,260	11,564	4,999	348	340,424	
RATIO	4	3	5	6	4	min of 6	10	12	10	12	10	12		
SUPPLY	--	--	--	--	--	--	--	--	--	--	--	--		1,484
PEAK DEMAND	15	0	58	38	1,067	0	161	0	73	139	50	4	1,605	
MODE ADJ.	10%		10%	10%	10%	10%	10%	10%	10%	10%	10%	10%		
WEEKEND														
6:00 AM	0	0	0	0	29	0	0	0	11	20	3	0	62	1,422
7:00 AM	0	0	0	0	68	0	5	0	22	41	5	0	140	1,344
8:00 AM	1	0	25	27	154	0	5	0	33	64	9	1	320	1,165
9:00 AM	1	0	32	32	374	0	13	0	48	91	14	1	604	880
10:00 AM	1	0	44	34	557	0	16	0	60	115	24	2	854	630
11:00 AM	2	0	52	34	682	0	35	0	60	115	37	3	1,021	463
NOON	1	0	50	18	806	0	78	0	66	125	42	4	1,190	294
1:00 PM	1	0	0	0	884	0	84	0	58	109	42	4	1,181	303
2:00 PM	1	0	0	0	960	0	73	0	46	87	38	3	1,208	276
3:00 PM	1	0	0	0	960	0	73	0	31	58	26	2	1,150	334
4:00 PM	0	0	0	0	922	0	73	0	32	61	23	2	1,113	371
5:00 PM	0	0	0	0	874	0	95	0	42	81	26	2	1,121	364
6:00 PM	0	0	0	0	778	0	132	0	50	94	36	3	1,092	392
7:00 PM	0	0	0	0	730	0	140	0	50	94	35	3	1,050	434
8:00 PM	0	0	0	0	644	0	145	0	46	87	22	2	945	539
9:00 PM	0	0	0	0	518	0	132	0	24	46	14	1	735	749
10:00 PM	0	0	0	0	356	0	132	0	21	40	9	1	558	926
11:00 PM	0	0	0	0	144	0	129	0	14	28	5	0	320	1,164
MIDNIGHT	0	0	0	0	0	0	73	0	8	16	4	0	101	1,383
									Peak Weekend Parking Demand:				1,208	
[1] Source: "City of Costa Mesa Procedure for Determining Shared Parking Requirements" ( ULI - Urban Land Institute "Shared Parking," 2nd Edition).														

## **APPENDIX A**

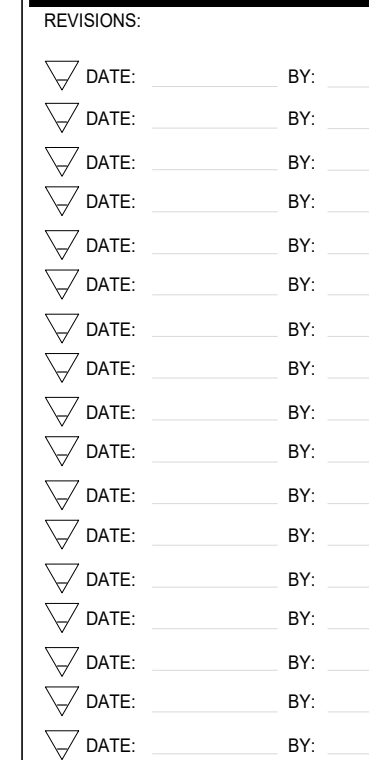
### **SHARED PARKING RATIO AND PROFILE SUMMARY CITY OF COSTA MESA PROCEDURE FOR DETERMINING SHARED PARKING REQUIREMENT BASED ON 2<sup>ND</sup> EDITION OF ULI SHARED PARKING**

TABLE A  
SHARED PARKING RATIO AND PROFILE SUMMARY  
CITY OF COSTA MESA

Land Use Types ➡	General Office				Banks		Medical Office		Retail		Restaurants														Bowling Alley	
	Up to 100,000 SF		>100,000 SF								Small Restaurants (max of 300 SF)		Fine/Casual Dining (>300 SF)				Family Restaurants (>300 SF)				Fast Food (>300 SF)					
Peak Parking Ratio [a] ➡	4 spaces per 1,000 SF (min of 6 spaces)		3 spaces per 1,000 SF		5 spaces per 1,000 SF (min of 6 spaces)		6 spaces per 1,000 SF (min of 6 spaces)		4 spaces per 1,000 SF (min of 6 spaces)		4 spaces per 1,000 SF (min of 6 spaces)		10 spaces per 1,000 SF for the first 3,000 SF		12 spaces per 1,000 SF beyond the first 3,000 SF		10 spaces per 1,000 SF for the first 3,000 SF		12 spaces per 1,000 SF beyond the first 3,000 SF		10 spaces per 1,000 SF for the first 3,000 SF		12 spaces per 1,000 SF beyond the first 3,000 SF		3 spaces per lane, plus restaurant ratio for food service	
Day of Week ➡	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
Time of Day [b] ⬇	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	
6:00 AM	3%	0%	3%	0%	0%	0%	0%	0%	3%	3%	6%	6%	0%	0%	0%	0%	21%	16%	21%	16%	6%	6%	6%	6%	0%	0%
7:00 AM	28%	2%	28%	2%	0%	0%	0%	0%	7%	7%	12%	11%	3%	3%	3%	3%	38%	33%	38%	33%	12%	11%	12%	11%	0%	0%
8:00 AM	71%	6%	71%	6%	54%	48%	80%	80%	18%	16%	22%	20%	7%	4%	7%	4%	46%	51%	46%	51%	22%	20%	22%	20%	0%	0%
9:00 AM	92%	8%	92%	8%	94%	61%	93%	93%	39%	39%	32%	29%	10%	9%	10%	9%	56%	73%	56%	73%	32%	29%	32%	29%	0%	0%
10:00 AM	100%	9%	100%	9%	100%	84%	100%	100%	63%	58%	58%	54%	24%	11%	24%	11%	60%	92%	60%	92%	58%	54%	58%	54%	0%	0%
11:00 AM	96%	10%	96%	10%	68%	100%	100%	100%	79%	71%	87%	81%	43%	24%	43%	24%	63%	92%	63%	92%	87%	81%	87%	81%	0%	0%
12:00 PM	84%	9%	84%	9%	68%	94%	53%	53%	87%	84%	100%	93%	70%	54%	70%	54%	70%	100%	70%	100%	100%	93%	100%	93%	16%	21%
1:00 PM	87%	8%	87%	8%	68%	0%	93%	0%	90%	92%	100%	93%	70%	58%	70%	58%	63%	87%	63%	87%	100%	93%	100%	93%	33%	46%
2:00 PM	100%	6%	100%	6%	81%	0%	100%	0%	87%	100%	91%	84%	62%	50%	62%	50%	40%	70%	40%	70%	91%	84%	91%	84%	41%	55%
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6:00 PM	23%	1%	23%	1%	0%	0%	67%	0%	86%	81%	86%	80%	87%	91%	87%	91%	57%	75%	57%	75%	86%	80%	86%	80%	45%	62%
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9:00 PM	3%	0%	3%	0%	0%	0%	0%	0%	49%	54%	32%	29%	90%	91%	90%	91%	44%	37%	44%	37%	32%	29%	32%	29%	74%	100%
10:00 PM	1%	0%	1%	0%	0%	0%	0%	0%	29%	37%	22%	20%	87%	91%	87%	91%	40%	32%	40%	32%	22%	20%	22%	20%	60%	100%
11:00 PM	0%	0%	0%	0%	0%	0%	0%	0%	10%	15%	12%	11%	69%	89%	69%	89%	37%	22%	37%	22%	12%	11%	12%	11%	48%	80%
Midnight	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	7%	7%	24%	50%	24%	50%	19%	13%	19%	13%	7%	7%	7%	7%	30%	50%
Land Use Types ➡	Fitness Studios/Gyms/Health Clubs						Nightclub		Cinemas		Performing Arts Theater		Hotel and Motel													
	Up to 10,000 SF		>10,000 SF up to 30,000 SF		>30,000 SF								Guest Rooms				Restaurant/Lounge				Conference/Banquet					
Peak Parking Ratio [a] ➡	10 spaces per 1,000 SF		10 spaces per 1,000 SF (empirical ratio: 6.7 spaces per 1,000 SF)		10 spaces per 1,000 SF (empirical ratio: 5.5 spaces per 1,000 SF)		Code ratio n/a (ULI ratio: 19 spaces per 1,000 SF)		1 space per 3 seats (empirical ratio: 0.23 spaces per seat)		1 space per 3 seats		1 space per guest room		0.5 space per guest room		10 spaces per 1,000 SF for the first 3,000 SF		12 spaces per 1,000 SF beyond the first 3,000 SF		10 spaces per 1,000 SF for the first 3,000 SF		12 spaces per 1,000 SF beyond the first 3,000 SF			
Day of Week ➡	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend									Weekday	Weekend
Time of Day [b] ⬇	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	Hourly % of Peak	
6:00 AM	71%	65%	71%	65%	71%	65%	0%	0%	0%	0%	0%	0%	77%	69%	77%	69%	74%	82%	0%	0%	0%	0%	0%	0%	0%	0%
7:00 AM	43%	38%	43%	38%	43%	38%	0%	0%	0%	0%	2%	2%	78%	69%	78%	69%	79%	86%	10%	10%	10%	10%	0%	0%	0%	0%
8:00 AM	43%	30%	43%	30%	43%	30%	0%	0%	0%	0%	2%	2%	82%	70%	82%	70%	88%	91%	30%	30%	30%	30%	30%	30%	30%	30%
9:00 AM	71%	41%	71%	41%	71%	41%	0%	1%	0%	0%	5%	4%	74%	63%	74%	63%	80%	82%	10%	10%	10%	10%	60%	60%	60%	60%
10:00 AM	71%	30%	71%	30%	71%	30%	0%	1%	0%	0%	5%	4%	68%	58%	68%	58%	74%	75%	10%	10%	10%	10%	60%	60%	60%	60%
11:00 AM	80%	41%	80%	41%	80%	41%	0%	1%	0%	0%	5%	4%	68%	58%	68%	58%	74%	75%	5%	5%	60%	60%	60%	60%	60%	60%
12:00 PM	61%	41%	61%	41%	61%	41%	0%	1%	16%	21%	6%	6%	64%	55%	64%	55%	70%	70%	100%	100%	100%	100%	65%	65%	65%	65%
1:00 PM	71%	26%	71%	26%	71%	26%	1%	1%	33%	46%	6%	31%	64%	55%	64%	55%	70%	70%	100%	100%	100%	100%	65%	65%	65%	65%
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4:00 PM	80%	45%	80%	45%	80%	45%	1%	2%	42%	56%	6%	6%	70%	59%	70%	59%	76%	78%	10%	10%	10%	10%	65%	65%	65%	65%
5:00 PM	91%	82%	91%	82%	91%	82%	3%	4%	45%	62%	6%	6%	70%	61%	70%	61%	76%	79%	30%	30%	30%	30%	100%	100%	100%	100%
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11:00 PM	10%	2%	10%	2%	10%	2%	87%	100%	48%	80%	2%	2%	82%	78%	82%	78%	78%	92%	40%	40%	40%	40%	0%	0%	0%	0%
Midnight	0%	0%	0%	0%	0%	0%	87%	100%	30%	50%	1%	1%	81%	75%	81%	75%	77%	90%	30%	30%	30%	30%	0%	0%	0%	0%



NOTE: TEXT WITH STRIKETHROUGH IS NOT USED.









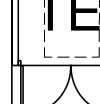

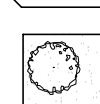

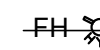

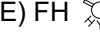





NOTE: TEXT WITH STRIKETHROUGH IS NOT USED.

**PROJECT DESCRIPTION:**  
LIMITED TENANT IMPROVEMENT AND ADDITION OF OUTDOOR PATIOS AND SILO.  
PROJECT IN CONJUNCTION WITH PA-23-02; ZA-2301; AND PA-23-03

<b>SITE DATA</b>		
ZONING:		C1-S - SHOPPING CENTER
SPECIFIC PLAN AREA:		HARBOR CENTER
APN:	419-121-20	
PROPERTY BOUNDARY DESCRIPTION:	PARCELS 1,2,3 AND 5 AS SHOWN ON LOT LINE ADJUSTMENT NO. L1-09-05 RECORDED AUGUST 29,2000 AS INSTRUMENT NO. 20000451310, OFFICIAL RECORDS.	
PROPERTY TYPE:		COMMERCIAL
YEAR BUILT / EFFECTIVE YEAR BUILT:	1998	
TOTAL LOT AREA:	4,71 AC	
<b>PARKING</b>		
(PER CITY OF COSTA MESA MUNICIPAL CODE - TABLE 13-69, CHAPTER 6-2)		
RETAIL / OFFICE (4 PER 1,000 SF)		<b>PARKING</b>
MARKET (GROUND)	66,182	273
MARKET (EXISTING MEZZANINE)	3,170	13
SUB TOTAL RETAIL	<b>79,352</b>	<b>286</b>
OUTDOOR SOCIAL PATIO	3,162	44
RESTAURANT OUTDOOR PATIO	506	17
BAKERY OUTDOOR PATIO	525	17
SUB TOTAL SEATING AREAS	<b>4,193</b>	<b>78</b>
SUB TOTAL RETAIL + OUTDOOR SEATING AREA	<b>78,455</b>	<b>364</b>
TOTAL PARKING REQUIRED		<b>363</b>
ADA STANDS REQUIRED (301-400 TOTAL PARKING)		<b>8</b>
1 VAN STAND REQUIRED FOR EVERY 8 (301-400 TOTAL PARKING)		<b>1</b>
TOTAL PARKING PROVIDED	<b>1,484</b>	<b>COMPLES</b>

NOTE: TEXT WITH STRIKETHROUGH IS NOT USED

\_\_\_\_\_

	ACCESSIBLE PARKING STALL		UNDERGROUND GREASE INTERCEPTOR
	ACCESSIBLE PATH OF TRAVEL		SEWER MAN HOLE
	PARKING COUNT		CATCH BASIN
	TRASH ENCLOSURE		TRANSFORMER
	LANDSCAPED AREA (RE: LANDSCAPE DINGS)		POWER POLE
	NEW FIRE HYDRANT		LIGHT POLE
	EXISTING FIRE HYDRANT		FIRE LANE
	EXISTING SPEED BUMP		SCOPE OF WORK LIMIT LINE
			PARCEL LINE
			CARTONICS LINE (RE: OWNER'S VENDOR'S PLAN)











**GRAY ENTERPRISES, LP**

2200 Harbor Blvd., Suite B-170 • Costa Mesa, CA 92627

Tel (949) 722-0143 • Fax (949) 722-7394

May 5, 2023

TO: The Costa Mesa Planning Commission

RE: **Northgate Market Public Hearing**

I represent the Owners of Gray Plaza, located at 2200 Harbor Blvd., Costa Mesa and we just received the Official Public Notice regarding the above.

We have great concerns about the outside dining area, the outside live entertainment and the serving of alcoholic beverages in such close proximity to our center. We are concerned about the possibility of increased litter, noise and the lack of supervision of customers who may eat and drink both inside and outside of the established seating area.

We are also concerned about their customers using our parking lot to park and then cross the street to patronize that center. When Albertson's was operating, the parking lot in front of their store was busy and pretty full. With Northgate combining a grocery store with a restaurant and the City allows a reduction in the number of parking spaces they should have for these two uses, our parking lot will most certainly be impacted by their overflow of customers. This situation already exists with the Newport Rib Company Restaurant whose customers frequently use our parking lot, reducing available parking for our Tenant's employees and customers.

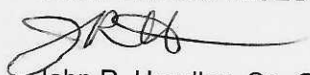
Our Security Guards and Janitorial Staff already have their hands full dealing with vagrants, drunks, drug addicts, noise complaints, litter and people who leave their car here all day to work somewhere else. Allowing an outside area to serve alcohol could encourage more of the same. Over the years, we have had to increase the amount of security, janitor services and recently added several security gates on this property in the amount of \$50,000.00+ to deal with these problems, all paid for by Ownership and the Tenants. We do not want increased problems and more expenses. We get very little support from the police department when we have had to call for their assistance in dealing with these issues. Many times, the police do not respond at all, or show up so late that our guards have already had to handle a potentially dangerous situation by themselves. And, when the police do arrive during a situation, the security guard reports that sometimes the police do not support their position in protecting our private property.

When Northgate was considering moving into our shopping center years ago, we visited several of their stores and not one of the stores we visited had an outside eating area that served alcohol with entertainment. Instead, they had a few tables inside their markets located near their deli and salsa bar and they did not serve alcohol. Managing a large supermarket and a restaurant serving alcohol are two very different types of businesses requiring experience and enough personnel to help ensure their businesses do not affect the public or neighboring private properties. Monitoring, reporting and dealing with the potential negatives these use requests might bring have become the responsibility of surrounding private property owners using their own resources with not much help or response from City officials regarding our complaints.

We strongly disagree with the City allowing Northgate Market to have a reduction in parking requirements and an outdoor restaurant with live entertainment where they are allowed to serve alcohol.

Thank you for the opportunity to make our objections known.

Sincerely,

**GRAY ENTERPRISES LP**

John R. Hundley, Sr., General Partner