

RESOLUTION NO. PC-2026-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING VARIANCE APPLICATION PVAR-26-0001 TO EXCEED THE MAXIMUM 30-FOOT BUILDING HEIGHT FOR A RETAIL USE (DICK'S HOUSE OF SPORT) AT 2200 HARBOR BOULEVARD, UNIT K

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

WHEREAS, on March 23, 2026, Variance application PVAR-26-0001 was filed by Beth Dorminey, authorized agent, on behalf of applicant Dick's House of Sport, requesting approval to exceed the applicable 30-foot height limit in the C1-S zone, including a new storefront entry façade up to 50 feet in height and a new roof structure up to 40 feet in height above an indoor climbing wall;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 14, 2026, 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, Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment 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** Variance Application PVAR-26-0001 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 Variance Application PVAR-26-0001 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance with 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 14th day of September, 2026.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2026-25 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on September 14, 2026, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. Pursuant to CMMC, Section 13-29(g)(1), Findings, to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Variance findings:

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

Facts in Support of Finding: The strict application of development standards deprives the property of privileges enjoyed by others in the vicinity under identical zoning classifications because the depth of the lot in which the property is located is much deeper than other similarly zoned commercial lots in the city. The subject property has physical characteristics that distinguish it from other commercial properties in the vicinity. The approximately 12.5-acre C1-S zoned shopping center is unusually deep, and the subject tenant space is located approximately 530 feet from the Harbor Boulevard public right-of-way. As a result, the building is substantially recessed from one of the City's primary commercial corridors. The strict application of the applicable 30-foot building height standard to this suite would limit the ability of the subject tenant space to achieve building identification and visibility comparable to other commercial properties located closer to Harbor Boulevard.

The C1-S zoned Harbor Center shopping center immediately north of the subject property at 2300 Harbor Boulevard provides a comparable development condition. Similar to the subject property, larger tenant buildings within Harbor Center are located a substantial distance from Harbor Boulevard. Pursuant to Planning Application PA-98-50, portions of those buildings were approved with façade heights of up to 50 feet. The proposed project would similarly allow a maximum height of 50 feet for a limited portion of the subject building façade. Therefore, the requested deviation responds to the unusual depth and configuration of the property and would provide the subject property with a development privilege comparable to that enjoyed by another similarly situated C1-S zoned property in the immediate vicinity.

The increased height would also be substantially separated from surrounding residential uses. The proposed 40-foot roof structure above the climbing wall would be located approximately 260 feet from the nearest residential development across College Avenue, and the highest 50-foot façade element would be located on the opposite side of the building from those residential properties. The increased height would not create additional floor area or functional upper-story space.

- b. **Finding:** The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges

inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

Facts in Support of Finding: The requested height deviation would not constitute a grant of special privileges because comparable increased building heights have previously been approved for a similarly situated C1-S zoned shopping center in the immediate vicinity. The Harbor Center shopping center at 2300 Harbor Boulevard, located immediately north of the subject property, was approved pursuant to PA-98-50 for building façades up to 50 feet in height. Those increased heights serve large commercial tenant spaces located substantial distances from Harbor Boulevard, similar to the development condition of the subject property.

The proposed deviation would be limited in extent. Approximately 116 linear feet of the approximately 400-foot building frontage would exceed the existing height limitation, with approximately 61 linear feet reaching the maximum proposed height of 50 feet and other portions reaching approximately 36 to 40 feet. The remainder of the building would retain its existing lower roof and parapet heights. The deviation would not authorize additional gross floor area, additional stories, or additional development intensity and would be limited to architectural façade and roof improvements associated with the existing tenant space. Accordingly, the proposed deviation is comparable in scale and purpose to height allowances previously granted to similarly situated commercial development and would not confer a special privilege unavailable to other properties with comparable circumstances.

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

Facts in Support of Finding: The granting of the requested height deviation would not authorize a use, density, or intensity inconsistent with the General Plan. The property is designated General Commercial and the proposed primary use is general retail, which is permitted by right in the C1-S Shopping Center District. The proposed indoor climbing wall, golf simulators, batting areas, and other activity areas would be ancillary to the primary retail use and are intended to allow customers to test or experience sporting goods and equipment sold within the store.

The project would occupy an existing approximately 90,458-square-foot tenant space and would not increase the gross floor area of the building or shopping center. The requested height deviation would allow only limited architectural façade elements and a roof structure providing clearance above the proposed climbing wall. It would not create additional floor area, additional stories, dwelling units, or a new principal land use. Therefore, the proposed project would remain consistent with the General Commercial land use designation and would not

result in a use, density, or intensity beyond that contemplated by the General Plan.

- B. Pursuant to CMMC Section 13-29(e), all planning applications shall be reviewed for consistency with the following review criteria. Below is a summary of the project's conformity with each criterion:

(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 project would be compatible and harmonious with the existing shopping center and surrounding neighborhood. The project would occupy an existing approximately 90,458-square-foot commercial tenant space within an established multi-tenant shopping center and would continue the historical retail use of the space. The requested variance will allow for tenant improvements to establish a new retail business that is compatible with the immediate area in which it is located. The requested deviation in height will not permit changes that are not appropriate in scale with the existing shopping center development and will only allow for increased heights for designated segments of the project site. The requested deviation does not propose to substantially alter the height of the existing development above what already exists in the immediate area as the majority of structures on the subject property are 30 feet in height.

(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 proposed project would maintain safe and compatible site design and circulation. The project would not increase the gross floor area of the existing shopping center, remove existing parking spaces, or materially alter the established internal automobile circulation pattern. Existing access to the shopping center from Harbor Boulevard, Wilson Street, and College Avenue would remain. The requested variance would not create additional occupiable floor area or increase the intensity of the development; it would only allow for an increased entry façade height and a new roof structure above the proposed climbing wall. The project has been conditioned to minimize light pollution from the proposed roof structure, which would extend beyond the height of the parapets of the existing structure.

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

The proposed project complies with applicable development and performance standards of the Zoning Code except for the building height standard that is the

subject of the requested variance. The project would not increase the gross floor area of the existing development and would continue a retail use permitted by right in the C1-S Shopping Center District. The requested height deviation would be limited to portions of the proposed façade and roof structure and would not authorize additional stories or occupiable floor area not in compliance with the standards of the underlying zone.

(4) Consistency with the General Plan and any applicable specific plan.

The proposed project would be consistent with the General Commercial land use designation of the property. General retail uses are consistent with the types of commercial goods and services contemplated by the General Commercial designation and are permitted by right in the C1-S Shopping Center District. Additionally, the project would also further General Plan Policies LU-1.1 and LU-6.7 by facilitating the reuse of an existing large commercial tenant space and providing additional retail goods and services within an established regional commercial center. The proposed height deviation would not increase the gross floor area of the development or introduce a use inconsistent with the General Commercial designation and would only allow for tenant improvements to support a new and unique retail business.

(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 requested variance is based on project-specific physical circumstances applicable to the subject property, including the unusually deep configuration of the approximately 12.5-acre shopping center and the location of the subject tenant space approximately 530 feet from Harbor Boulevard, one of the City's primary commercial corridors. Because the tenant space is substantially recessed from Harbor Boulevard, the requested height increase is intended to provide building visibility and identification appropriate to its location along this major commercial corridor. The requested deviation is limited to specific portions of the existing building façade and roof structure and would not increase the gross floor area or number of stories. These site-specific conditions distinguish the request from other development proposals, and any future request for a similar deviation would be required to demonstrate its own unique circumstances and independently satisfy the applicable variance findings and review criteria.

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

The proposed project requires only one planning application, Variance PVAR-26-0001. Accordingly, there are no separate planning applications requiring cumulative consideration. The effects of the proposed height deviation, together with the associated tenant improvements, façade modifications, landscaping, and

site improvements, have been evaluated as part of this application and staff report.

- C. **Environmental Determination.** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 (Existing Facilities), which applies to the minor alteration of existing public or private structures or facilities involving negligible or no expansion of existing or former use. The project involves the renovation of an existing approximately 90,458-square-foot commercial tenant space previously occupied by a retail use, with the proposed primary use remaining retail and no increase in the gross floor area of the existing building or shopping center. Proposed improvements include interior tenant improvements; modifications to the existing building façade, including limited increases in building height; construction of a new roof structure above the proposed indoor climbing wall; removal of the former garden center enclosure; new landscaping; and accessibility improvements along Wilson Street. These improvements constitute minor alterations to an existing developed commercial facility and would result in negligible or no expansion of the existing or former retail use.

Furthermore, none of the exceptions to the use of a categorical exemption identified in CEQA Guidelines Section 15300.2 apply. The project is located within an existing developed commercial shopping center and would not result in successive projects of the same type in the same place that would result in a significant cumulative impact. There are no unusual circumstances associated with the project that would result in a reasonable possibility of a significant environmental effect. The project would not affect a designated scenic highway or scenic resource, the site is not identified as a hazardous waste site pursuant to Government Code Section 65962.5, and the project would not cause a substantial adverse change in the significance of a historical resource. Therefore, the project is exempt from further review under CEQA.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. Approval of Variance application PVAR-26-0001 is 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 Community Development 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.
 2. The applicant and the property owner (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.
 3. A copy of the conditions of approval for this variance application 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.
 4. 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.

5. The proposed windows of the climbing wall roof structure shall be tinted or obscured to minimize light pollution emitted.
6. "The project shall be limited to the scope and design described in the staff report and approved 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.
7. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
8. Detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
9. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
10. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
11. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, groundcover and turf requirements per the City's Zoning Code.
12. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.

13. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Community Development Department. The Lighting Plan shall demonstrate compliance with the following: (a) Lighting design and layout shall limit spill light to no more than 0.5 foot candle at the property line of the surrounding neighbors, consistent with the level of lighting that is deemed necessary for safety and security purposes on site. (b) Glare shields may be required for select light standards.
14. All on-site utility services shall be installed underground.
15. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Director of Community Development.
16. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of back-flow prevention devices, ground-mounted equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.
17. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
18. A written shopping cart containment system and plan in compliance with CMMC 15-16, shall be submitted to the chief of code enforcement for review and approval setting forth the physical measures it plans to implement to 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.
19. These conditions of approval are specific to Dick's House of Sport and do not supersede or replace the conditions of approval for the existing Master Plan of the subject property. These conditions are in addition to all other previous entitlement conditions associated with this property.
- Eng. 20. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and

dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.

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">1. Permits shall be obtained for all signs and window signs according to the provisions of the Costa Mesa Sign Ordinance.2. The conditions of approval and ordinance or code provisions of planning application PVAR-26-0001 shall be blueprinted on the face of the site plan as part of the plan check submittal package.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. All noise-generating construction activities shall be limited to 7AM to 7PM Monday through Friday and 9AM to 6PM Saturday. Noise-generating construction activities shall be <u>prohibited</u> on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.5. 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.6. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. |
| Bldg. | <ol style="list-style-type: none">7. Comply with the requirements of the most recent adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, California Existing Building Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. |

8. A change of occupancy shall require compliance with the Disabled access requirements of Chapter 11B of the California Building Code.
9. 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.
- Fire 10. Comply with the requirements of the California Fire Code and referenced standards as amended by the City of Costa Mesa.
- Bus 11. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final Inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
Lic.
- Sani. 12. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645 8400 for current district requirements.
- Water 13. Applicant is reminded that additional conditions of development may be imposed by Mesa Consolidated Water District (949) 631-1200 and/or other serving utilities. Subject to approval by the board of directors, Mesa Consolidated Water District may require payment of a developer impact fee prior to installation of water service or construction of required master plan facilities.