City of Costa Mesa

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

Agenda

Tuesday, November 15, 2022	**6:00 PM**	**City Council Chambers** **77 Fair Drive**

***Note: All agency memberships are reflected in the title "Council Member"**
4:00 P.M. Closed Session

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. Pursuant to the State of California Assembly Bill 361(Gov. Code §54953(b)(3)) the City Council Members and staff may choose to participate in person or by video conference.
You may participate via the following options:

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2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv.

3. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)
Please click the link below to join the webinar:
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• Select “Join Audio via Computer.”
• The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
• During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)
Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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 City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

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En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 48 horas de anticipación.

CLOSED SESSION - 4:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATION OF LITIGATION - FOUR CASES
   Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
   Pursuant to California Government Code Section 54956.9 (d)(1)
   Name of Case: Carrin A. Leaman vs. City of Costa Mesa
   Orange County Superior Courts Case No. 30-2021-01196302-CU-OR-CJC

REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

NOVEMBER 15, 2022 – 6:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

KIMBERLY HALL BARLOW
City Attorney

LORI ANN FARRELL HARRISON
City Manager

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

MOMENT OF SOLEMN EXPRESSION

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. **Proclamation: 2022 Movember** **22-948**

   Attachments: 1. Proclamation: 2022 Movember

2. **Proclamation: 2022 Hunger and Homelessness Awareness Week** **22-950**

   Attachments: 1. Proclamation: Hunger & Homelessness Awareness Week

3. **Proclamation: Law Enforcement Records and Support Personnel Day** **22-951**

   Attachments: 1. Proclamation: Records and Support Personnel Day

4. **Proclamation: 2022 World Kindness Day** **22-949**

   Attachments: 1. Proclamation: World Kindness Day

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA
Comments are limited to 3 minutes, or as otherwise directed.
Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Harlan
2. Council Member Harper
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Gameros
6. Mayor Pro Tem Marr
7. Mayor Stephens

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-13)

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 City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS **22-936**

RECOMMENDATION:

City Council, Agency Board, and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. READING FOLDER **22-941**

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Alexander Gonzalez.

3. ADOPTION OF WARRANT RESOLUTION **22-945**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2690.

Attachments: 1. Summary Check Register 11-1-22
2. Summary Check Register 11-3-22

4. MINUTES **22-943**

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of November 1, 2022.

Attachments: 1. 11-01-2022 Draft Minutes

5. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JANUARY 3, 2023 **22-934**

RECOMMENDATION:

Staff recommends the City Council cancel the regular meeting of Tuesday, January 3, 2023.

6. APPROVAL OF MAYOR'S APPOINTMENT TO THE ORANGE COUNTY VECTOR CONTROL DISTRICT **22-937**

RECOMMENDATION:

Staff recommends the City Council approve Mr. Bill Turpit as the Mayor's appointment to the Orange County Vector Control District (OCVCD).

7. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA SUPPORTING THE IRANIAN-AMERICAN COMMUNITY AND CONDEMNING VIOLENCE AGAINST WOMEN** **22-942**

RECOMMENDATION:

City Council consideration to adopt Resolution 2022-XX in support of the Iranian-American community and condemning violence against women.

Attachments: 1. Resolution for Iran

8. **ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT - AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES** **22-924**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 1 to the Professional Services Agreement (PSA) with KOA Corporation increasing the maximum compensation by $30,230, for a total not-to-exceed amount of $141,017.

2. Authorize the City Manager and the City Clerk to execute the amendment and any future amendments to the agreement.

Attachments: 1. Amendment No. 1 to PSA with KOA
2. PSA with KOA

9. **POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE PROJECT, CITY PROJECT NO. 22-02** 22-925

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Police Department Underground Storage Tank Closure Project, City Project No. 22-02.

2. Award a Public Works Agreement (PWA) to American Integrated Services, Inc., 1502 E. Opp Street, Wilmington, CA 90744 in the amount of $156,680.

3. Authorize an additional ten percent (10%) contingency in the amount of $15,668 as needed for any unforeseen costs related to this project.

4. Approve a budget adjustment authorizing the use of unappropriated fund balance in the Capital Improvement Fund (401) in the amount of $48,616 and appropriate said funds to the Police Department Underground Storage Tank Closure Project (Project 200066).

5. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.

Attachments: 1. Bid Abstract
2. PWA

10. MAINTENANCE SERVICES AGREEMENT FOR HVAC MAINTENANCE AND REPAIR 22-926

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the proposed Maintenance Services Agreement (MSA) with Siemens Industry, Inc., for a term of eight months , effective November 15, 2022 - June 30, 2023, in the amount of $154,472.71 for the eight month term to provide HVAC maintenance and repair services for the City Hall and the Police Department facility based on pricing from Sourcewell Contract #070121-SIE.

2. Approve the three year MSA with Siemens Industry from July 1, 2023 to June 30, 2026, with annual compensation amount for year one, $224,734.43, year two, $249,167.58 and third year, $248,228.67.

3. Approve a 10% contingency annually for additional repairs and other unforeseen costs.

4. Authorize the City Manager and City Clerk to execute the MSA and to extend the agreement each year with an effective term of July 1st through June 30th, for up to a maximum of three (3) additional one-year terms.

Attachments: 1. MSA Siemens
2. Siemens Proposal (Sourcewell) 10-24-22

11. SUB-RECIPIENT AGREEMENT FOR THE 2021 URBAN AREA SECURITY INITIATIVE GRANT 22-917

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute the Sub-Recipient Agreement (Attachment 1) with the City of Santa Ana for the FY 2021 Urban Areas Security Initiative (UASI) Grant Program.

Attachments: 1. UASI Agreement

12. COSTA MESA FIRE & RESCUE STRATEGIC PLAN 2022-2027 **22-932**

RECOMMENDATION:

Staff recommends the City Council approve the Costa Mesa Fire & Rescue Strategic Plan 2022 - 2027.

Attachments: 1. CMFR Strategic Plan 2022 - 2027
2. Strategic plan - 2015-2020
3. City of Costa Mesa Goals & Objectives

13. APPROVAL OF RESPONSE TO GRAND JURY REGARDING ORANGE COUNTY EMS AND THE FIRE SERVICE **22-933**

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and Fire Chief to respond to the Presiding Judge of the Superior Court concerning the findings and recommendations made by the Orange County Grand Jury Report. 2021-2022.

Attachments: 1. OC Grand Jury Report May 2022
2. Responses to the Grand Jury Report 2021-2022

AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR

----------END OF CONSENT CALENDAR----------

PUBLIC HEARINGS:

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

1. PUBLIC HEARING REGARDING THE DEVELOPMENT IMPACT FEES ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022 AND THE TRAFFIC IMPACT FEE ANALYSIS 22-952

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file the Development Impact Fees Annual Report (Attachment 1) for the Fiscal Year ended June 30, 2022.

2. Adopt the attached resolution (Attachment 2) continuing the citywide traffic impact fee for new development that incorporates recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:

   - Continue a traffic impact fee of $235 per Average Daily Trip (ADT) for Capital Improvement Projects and Active Transportation projects

   - Approve allocation of up to ten (10) percent of traffic impact fees towards traffic signal synchronization projects

Attachments: 1. 2021-22 DIF Report Consolidated
2. Traffic Impact Fee Resolution
3. Citywide Traffic Impact Fee Annual Review Report
4. Appendix A - Chronology of City Council Actions
5. Appendix B - Revised TIF Calculation 2022
6. Appendix C and Exhibit A Traffic Impact Fee Annual Accounting FY21-22

2. **APPEAL OF PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING ON THE PROPERTY LOCATED AT 1645 SUPERIOR AVENUE AND FOR OUTDOOR SEATING FOR AN EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) LOCATED AT 1661 SUPERIOR AVENUE, SUITE C & D AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT** **22-918**

RECOMMENDATION:

Staff recommends the City Council uphold the Planning Commission's decision and:

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.

2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA-17-16 A1), subject to conditions of approval.

Attachments: 1. Resolution
2. Filed Appeal Application
3. Planning Commission Resolution
4. Site Photos
5. Project Plans
6. Public Comments

3. APPROVAL OF GENERAL PLAN AMENDMENT 21-01 FOR THE CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT UPDATE (AS REVISED), AND ADOPTION OF A RESOLUTION TO OVERRULE THE INCONSISTENCY DETERMINATION MADE BY THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY FOR THE CITY OF COSTA MESA'S 2021-2029 SIXTH CYCLE HOUSING ELEMENT UPDATE **22-946**

RECOMMENDATION:

Staff recommends the City Council:

1. Find that potentially significant effects on the environment have been adequately analyzed in the Initial Study/Mitigated Negative Declaration previously adopted on February 1, 2022 for the 2021-2029 (Sixth Cycle) Housing Element pursuant to State law, and find that none of the conditions described in CEQA Guidelines Section 15162 exist; therefore, no further action is required to comply with CEQA.

2. Approve Resolution No. 2022-XX to Overrule the Orange County Airport Land Use Commission's March 17, 2022 Determination that Costa Mesa's 2021-2029 (Sixth Cycle) Housing Element is inconsistent with the John Wayne Airport Environs Land Use Plan.

3. Approve Resolution No. 2022-XX to approve the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element (General Plan Amendment 21-01), as revised.

4. Direct the City Manager or designee to submit the adopted Housing Element to the State for certification, and authorize the City Manager or designee to make minor revisions to the adopted Housing Element as necessary to obtain State certification.

Attachments: 1. Housing Element revised (strikethrough underline version)
2. Housing Element Resolution
3. ALUC Overrule Resolution
4. HCD Comment Letter
5. ALUC and Caltrans comments

OLD BUSINESS: NONE.

NEW BUSINESS:

1. APPROVAL OF AMENDMENT TO CITYWIDE RENTAL ASSISTANCE PROGRAM WITH MERCY HOUSE FUNDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) **22-930**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 3 (Attachment 1) to the Subrecipient Agreement (SRA) with Mercy House Living Centers increasing the compensation by $500,000 and authorize the appropriation of American Rescue Plan Act (ARPA) funds for program administration for the City's ARPA Rental Assistance Program for lower-income households.

2. Authorize the City Manager and City Clerk to execute all agreements and any amendments to the agreements.

Attachments: 1. Mercy House Amendment 3

2. COMMITMENT OF $975,000 IN AMERICAN RESCUE PLAN ACT FUNDS TO FAMILIES FORWARD FOR DEVELOPMENT OF THE BUNGALOWS AFFORDABLE HOUSING PROJECT LOCATED AT 2039 POMONA AVENUE **22-940**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the appropriation and allocation of $975,000 in American Rescue Plan Act (ARPA) funds, or any other viable source of funds, to Families Forward for the development of The Bungalows Project, an affordable housing project to serve an estimated 36 individuals, contingent upon the successful completion of a financial feasibility analysis by the City's third-party underwriting consultant, Keyser Marston Associates.

2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition.

3. APPROVE A COMMITMENT OF $850,000 OF LOW/MODERATE INCOME HOUSING ASSET FUNDS TO CM MERCY HOUSE CHDO, LLC, FOR THE CONVERSION OF THE MOTEL 6 INTO A HOMEKEY PROJECT LOCATED AT 2274 NEWPORT BOULEVARD IN COSTA MESA **22-939**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve an appropriation and allocation of $850,000 in Low/Moderate Income Housing Asset Funds to CM Mercy House CHDO LLC for development of the Motel 6 Project Homekey Housing Project.

2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition and create an estimated 88 units of permanent affordable housing.

4. ADOPTION OF THE 2022 - 2025 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA (CITY) AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTIONS FOR CMCEA AND THE CONFIDENTIAL UNIT **22-953**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the 2022 - 2025 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa City Employees Association (CMCEA);

2. Approve and Adopt Resolution Numbers 2022-XX, 2022-XX, 2022-XX, 2022 -XX, 2022-XX, and 2022-XX revising the pay ranges for CMCEA and the Confidential Unit (Attachments I - VII);

3. Approve the Fiscal Impact Analyses (Attachment VIII); and

4. Authorize the City Manager and members of the City's Negotiation Team to execute the MOU documents and appropriate into the respective departmental budgets.

Attachments: 1. CMCEA MOU
2. CMCEA Salary Resolution January 2023
3. CMCEA Salary Resolution July 2023
4. CMCEA Salary Resolution July 2024
5. Confidential Salary Resolution January 2023
6. Confidential Salary Resolution July 2023
7. Confidential Salary Resolution July 2024
8. CMCEA Fiscal Analyses

5. **ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF COSTA MESA (CITY) AND THE COSTA MESA POLICE ASSOCIATION (CMPA) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTION FOR CMPA** **22-954**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the Side Letter of Agreement between the City of Costa Mesa and CMPA (Attachment I);

2. Approve and Adopt Resolution Number 2022-XX revising the pay ranges for CMPA (Attachment II);

3. Approve the Fiscal Impact Analyses (Attachment III);

4. Authorize the City Manager and members of the City's Negotiation Team to execute the Side Letter of Agreement documents, and amend the Fiscal Year 2022-23 Adopted Budget for the Police Department accordingly.

Attachments: 1. CMPA Side Letter
2. CMPA Salary Resolution January 2023
3. CMPA Fiscal Analyses

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-948 **Meeting Date:** 11/15/2022

TITLE:

Proclamation: 2022 Movember

DEPARTMENT: City Manager’s Office

CITY OF COSTA MESA, CALIFORNIA

Proclamation

WHEREAS, Movember started in Australia in 2003 and has since become a global movement with over 6 million MoBros and MoSisters part of the initiative today; and

WHEREAS, is uniquely observed to address the global health crisis among men and raise awareness for the three biggest health issues facing men: mental health and suicide prevention, prostate cancer and testicular cancer; and

WHEREAS, men's health is in crisis, and they are dying on average five years earlier than women, largely for preventable reasons; and

WHEREAS, 1 in 7 men will be diagnosed with prostate cancer in his lifetime, and treatment options for prostate cancer vary depending on a man's age, stage, and grade of his cancer, as well as other existing medical conditions, and testicular cancer, is the most common cancer in males between the ages of 15 and 34; and

WHEREAS, 1 in 4 adults in the U.S. will experience a mental health problem in any given year, and 87 men in the U.S. die by suicide every day; and

WHEREAS, the City of Costa Mesa is committed to raising awareness about men's health issues and their effect on fathers, sons, brothers, uncles, and husbands across Costa Mesa and the world; and

WHEREAS, the City of Costa Mesa encourages its residents to talk about their mental health and commit to a stigma-free culture; and

WHEREAS, the City of Costa Mesa joins communities across our nation to challenge men to grow and make a commitment to get active and MOVE.

NOW, THEREFORE, I, John B. Stephens, Mayor of the City of Costa Mesa, do hereby proclaim November 2022 as **Movember**, and urge all Costa Mesa residents to join in the movement to change the face of men's health.

PRESENTED *this 15th day of November 2022.*

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John B. Stephens, *Mayor of the City of Costa Mesa*

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-950 **Meeting Date:** 11/15/2022

TITLE:

2022 Hunger and Homelessness Awareness Week

DEPARTMENT: City Manager's Office

CITY OF COSTA MESA, CALIFORNIA

Proclamation

WHEREAS, for over 30 years, the National Coalition for the Homeless and National Student Campaign against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

WHEREAS, the campaign's goal is to educate the public about the many reasons people are hungry and homeless, including the shortage of affordable housing in Orange County for very low-income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for students and school service organizations; and

WHEREAS, hunger, food, nutritional insecurity, and poverty are issues of vital concern in California, where over 4 million people face hunger and one in every 8 children does not know where their next meal will come from; and

WHEREAS, nutrition is the key to our community's well-being, and steady, consistent access to nutritious food increases food security and helps build more resiliency for adults and children; and

WHEREAS, the County's three top causes of homelessness are related to employment, housing costs and family issues; and

WHEREAS, there are many non-profit and faith-based organizations committed to sheltering and providing supportive services as well as meals and foods supplies to people experiencing homelessness, including Bracken's Kitchen, Families Forward, Trellis, Mercy House, Lighthouse Church, City Net, SPIN, Someone Cares Soup Kitchen, Share Our Selves, Project Hope Alliance, and United to End Homelessness; and

WHEREAS, the City of Costa Mesa recognizes that hunger and homelessness continue to be a serious problem for many individuals and families in the community; and

WHEREAS, the City of Costa Mesa has demonstrated an unwavering commitment to its most vulnerable residents by addressing quality-of-life issues and collaborating with community partners to ensure that all who seek help are met with compassionate and comprehensive support services.

NOW, THEREFORE, I, John B. Stephens, Mayor of the City of Costa Mesa, do hereby proclaim November 12-20, 2022, as **Hunger & Homelessness Awareness Week.** I encourage all Costa Mesa residents to join us in ending hunger and homelessness by participating and supporting all the local organization's efforts to prevent hunger among individuals and families, thereby strengthening the community in which we live.

PRESENTED *this 15th day of November 2022***.**

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John B. Stephens, *Mayor of the City of Costa Mesa*

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-951 **Meeting Date:** 11/15/2022

TITLE:

Proclamation: Law Enforcement Records and Support Personnel Day

DEPARTMENT: City Manager's Office

CITY OF COSTA MESA, CALIFORNIA

Proclamation

WHEREAS, the protection of California's communities is dependent not only on the individuals who devote their time and energy to the duties of law enforcement service but also on members of the support staff, such as law enforcement records and support personnel, who devote countless hours to performing the duties that keep law enforcement agencies running smoothly; and

WHEREAS, law enforcement records and support personnel in Costa Mesa play a crucial role in helping law enforcement agencies identify, pursue, capture, and process suspected lawbreakers, and they continually share their invaluable expertise and experience to assist in tracking felons, maintain criminal statistics, and improve apprehension strategies; and

WHEREAS, the Costa Mesa Police Records Bureau staff processes and maintains thousands of police reports and public records requests annually; and

WHEREAS, the Costa Mesa Property and Evidence Unit properly preserves and maintains all incoming property and processes 10,000 evidence items per year and releases/destroys an average of 8,000 annually; and

WHEREAS, it is important to recognize the City of Costa Mesa's law enforcement records and support personnel for their valuable contributions to our law enforcement system.

NOW, THEREFORE, I, John B. Stephens, Mayor of the City of Costa Mesa, do hereby proclaim November 8, 2022, as **Law Enforcement Records and Support Personnel Day**. I encourage all Costa Mesa residents to pay tribute to our records and support personnel and recognize their contributions to protecting our safety and quality of life.

PRESENTED *this 15th day of November 2022.*

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John B. Stephens, Mayor of the City of Costa Mesa

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-949 **Meeting Date:** 11/15/2022

TITLE:

Proclamation: 2022 World Kindness Day

DEPARTMENT: City Manager's Office

CITY OF COSTA MESA, CALIFORNIA

Proclamation

WHEREAS, kindness is a fundamental part of the human condition, which bridges the division of race, religion, politics, and gender; and

WHEREAS, World Kindness Day is observed around the world on November 13 to inspire individuals and the nation to create a kinder world by establishing independent kindness programs and projects in cities, schools, and communities across the globe; and

WHEREAS, World Kindness Day reminds all of us that compassion, empathy, humility, and respect are essential ingredients in the creation and maintenance of a kind and civilized society; and

WHEREAS, simple acts of kindness promote healthy behaviors and positive dynamics within our community; and

WHEREAS, the Let's Be Kind campaign makes our schools and community stronger by facilitating meaningful change through simple acts of kindness to create a healthy environment for all students on school campuses; and

WHEREAS, by fostering acts of kindness within the Costa Mesa community, we help our residents develop a thoughtful foundation and perspective within themselves and those around them; and

WHEREAS, the City of Costa Mesa seeks to cultivate compassion and kindness throughout our City and local communities.

NOW, THEREFORE, BE IT RESOLVED, I, John B. Stephens, Mayor of the City of Costa Mesa, hereby proclaim November 13, 2022, as **World Kindness Day**. I urge all Costa Mesa residents to recognize and celebrate this day with kind gestures toward others. Kindness is contagious, and we can all participate in our ways.

PRESENTED *this 15th day of November 2022.*

_____

John B. Stephens*, Mayor of Costa Mesa*

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-936 **Meeting Date:** 11/15/2022

TITLE:

PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS

RECOMMENDATION:

City Council, Agency Board, and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-941 **Meeting Date:** 11/15/2022

TITLE:

READING FOLDER

DEPARTMENT: City Manager's Office/City Clerk's Division

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Alexander Gonzalez.

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-945 **Meeting Date:** 11/15/2022

TITLE:

ADOPTION OF WARRANT RESOLUTION

DEPARTMENT: Finance Department

PRESENTED BY: Carol Molina, Finance Director

CONTACT INFORMATION: Carol Molina at (714) 754-5243

RECOMMENDATION:

City Council approve Warrant Resolution No. 2690.

BACKGROUND:

In accordance with Section 37202 of the California Government Code, the Director of Finance or their designated representative hereby certify to the accuracy of the following demands and to the availability of funds for payment thereof.

FISCAL REVIEW:

Funding Payroll Register No. 22-22 On Cycle for $ 2,988,163.63; and City operating expenses for $ 2,926,531.21.

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239771	10/28/22	P	Admin Sure Inc	0000021568	16,154.80
		Line Description:	Consulting-Workers Comp		
0239772	10/28/22	P	Architectural Engineering Technology Inc	0000029448	106,627.63
		Line Description:	Baker-Placentia-Victoria-19th		
0239773	10/28/22	P	Atkinson Andelson Loya Ruud & Romo	0000027289	37,808.04
		Line Description:	Litigation Litigation General Legal General Legal		
0239774	10/28/22	P	BrightView Landscape Services Inc	0000026055	209,657.47
		Line Description:	Irrigation Repairs-Aug 2022 Landscape-Sep 2022 Irrigation Repair-Sep 22		
0239775	10/28/22	P	Clean Street	0000001098	66,846.87
		Line Description:	Bus Shelter Pressue Wash-Sep22 Power Washing Np/19th-Sep 22 Street Sweep-Sep 2022		
0239776	10/28/22	P	Dell Computer Corp	0000001962	15,682.83
		Line Description:	Environmnetal Fee Sales Tax 7.75% Dell Ultra Sharp 24" Monitors Sales Tax Enviro Fee Dell Dock- WD19S 130w Power Dell UltraSharp 24 Monitor - U OptiPlex 7000 SFF Sales Tax		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239777	10/28/22	P	Endemic Environmental Services Inc	0000021277	82,820.00
		Line Description:	FVWetland Bio Maint/Rehab 7/22 FVWetland Bio Maint/Rehab 8/22 FVWetland Bio Maint/Rehab 9/22		
0239778	10/28/22	P	Executive Facilities Services Inc	0000029510	96,758.62
		Line Description:	Janitorial Services - Senior C Janitorial Services - West Sid Janitorial Services - All Park Janitorial Services - Police D Janitorial Services - Old Corp Janitorial Services - New Corp Janitorial Services - Communic Janitorial Services - City Hal Janitorial Services - Bridge S Janitorial Services - Balearic Janitorial Services - FS 1-6 Janitorial Services - NHCC Janitorial Services - DRC Janitorial Services - West Sid Janitorial Services - Senior C Janitorial Services - Police D Janitorial Services - Old Corp Janitorial Services - New Corp Janitorial Services - Communic Janitorial Services - City Hal Janitorial Services - Bridge S Janitorial Services - Balearic Janitorial Services - FS 1-6 Janitorial Services - NHCC Janitorial Services - DRC Janitorial Services - Fairview Janitorial Services - All Park Janitorial Services - Fairview		

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
0239779	10/28/22	P	Jones & Mayer	0000014653		121,545.65

Line Description: 112378-Dion & Sons
112399-Police Dept
112352-1963 Wallace
112356-2879 Mendoza
112361-Armand/Blood
112371-City Manager
112402-RDX Catalyst
112359-840 Center St
112368-City Attorney
112391-Lawson, Roger
112354-2162 Maple St.
112358-544 Bernard St
112370-City Clerk PRR
112385-Hauck, Michael
112392-Leaman, Carrin
112393-Lehman/Freeman
112395-Ohio House LLC
112419-Duncan, Roxann
112351-153 Del Mar Ave
112365-Carranza, David
112383-Garten, Jessica
112388-Human Resources
112394-Moyer, Danielle
112401-Public Services
112403-Risk Management
112372-Code Enforcement
112405-Shalhoub, Martha
122353-2104 Wallace Ave
112350-1269 & 1273 Baker
112367-Cervantes, Martha
112374-Cruz, Rhonda Vera
112377-Development Serv.
112379-Donaldson, Eloise
112384-H3 Ministries App
112366-Carrera, Francisco
112389-Insight Psychology
112357-440 Fair Dr/1179 NP

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	112363-Bernard /Charle St. 112386-Homeless Task Force 112398-Planning Commission 112376-D'Alessio Investment 112390-Information Technology 112397-Parks & Community Svcs 112400-Police Dept/440 Fair DR 112380-FDC 112396-Opioid 112362-Beavers 112373-Council 112381-Finance 112387-Housing 112406-Tippett 122404-Schaefer 112364-Camp Lila 112382-Fire Dept 112369-City Clerk 112416-Casa Capri			
0239780	10/28/22	P	Liebert Cassidy Whitmore	0000002960		18,812.30
		Line Description:	Legal Services (Employment Law Legal Services (Employment Law Legal Services (Employment Law Legal Services (Employment Law Legal Services (Employment Law Legal Services (Employment Law Legal Services (Employment Law			
0239781	10/28/22	P	Mercury Insurance Company	0000009228		46,310.08
		Line Description:	Full/Final Settlem-3026417JM			
0239782	10/28/22	P	National Auto Fleet Group	0000021631		307,028.10
		Line Description:	Approved Vehicles FY21-22 Approved Vehicles FY21-22 Approved Vehicles FY21-22			

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	Approved Vehicles FY21-22 Approved Vehicles FY21-22		
0239783	10/28/22	P	Neogov	0000018828	69,892.00
		Line Description:	Perform Subscription (10/28/22 Position Import Subscription (Single Sign On Subscription (1 Onboard Subscription (10/28/22 New Hire Export (IN) Subscript Learn Subscription (10/28/22 - Employee Import Subscription (Candidate Text Messaging Subsc Course Management Import (LE)		
0239784	10/28/22	P	Newport Center Animal Hospital	0000025961	20,000.00
		Line Description:	September 22 Services		
0239785	10/28/22	P	Pinnacle Petroleum, Inc	0000029315	30,422.88
		Line Description:	Unleaded Fuel-PD		
0239786	10/28/22	P	Project Hope Alliance	0000027373	19,818.52
		Line Description:	Program Staff Salary/Benefits		
0239787	10/28/22	P	SHI International Corp	0000016007	99,999.91
		Line Description:	SALES TAX (7.75%) SECURITY CAMERAS AND ACCESSORI SHIPPING		
0239788	10/28/22	P	Wittman Enterprises LLC	0000026639	17,248.00
		Line Description:	Sept 2022 Billing Srvs		
0239789	10/28/22	P	AGA Engineers Inc	0000028838	555.00

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	I-405 Improvement Proj Sept 22			
0239790	10/28/22	P	ARC	0000022726		543.75
		Line Description:	Fire Open House Fire Open House CMFD Lam Images			
0239791	10/28/22	P	AT & T Mobility	0000001107		95.38
		Line Description:	Comm Cell Phones 8/12-9/11/22			
0239792	10/28/22	P	Accord Systems LLC	0000024035		8,500.00
		Line Description:	Consult-ACA Compliance/Trackin			
0239793	10/28/22	P	Agriserve Pest Control Inc	0000025268		760.00
		Line Description:	Tree Injections-Liquidambar 15-20 Gallon Tree Watering Bag 8-20 Gallon Tree Watering Bags			
0239794	10/28/22	P	Allstar Fire Equipment Inc	0000000986		464.34
		Line Description:	Boots			
0239795	10/28/22	P	Angel Auto Spa LLC	0000027465		2,838.44
		Line Description:	Carwash-CMPD Sept 2022 Carwash-City Sept 2022			
0239796	10/28/22	P	Animal Pest Management Services Inc	0000001049		5,520.00
		Line Description:	Wwed Abatement-Sep 22			
0239797	10/28/22	P	Benjamin Bennani	0000022538		2,279.53
		Line Description:	Full/Final Settlement 7/30/22			

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239798	10/28/22	P	Big Al's Motors Sales & Services	0000029329	757.85
		Line Description:	Motor/Parts		
0239799	10/28/22	P	Blue Cosmo	0000026920	705.25
		Line Description:	Satellite Phone Svcs-Oct 22		
0239800	10/28/22	P	Bob Hall & Associates	0000027193	12,000.00
		Line Description:	Consult-Executive Recruitments Consult-Executive Recruitments		
0239801	10/28/22	P	Bound Tree Medical LLC	0000011695	9,493.34
		Line Description:	EMS Supplies EMS Supplies		
0239802	10/28/22	P	Buchalter A Professional Corporation	0000028918	4,882.50
		Line Description:	LEGAL SERVICES 9/30/22		
0239803	10/28/22	P	CADD Microsystems Inc	0000029581	935.03
		Line Description:	Bluebeam Revu Extreme Renewal Apps Specialist-Bluebeam		
0239804	10/28/22	P	CBE	0000015149	1,361.58
		Line Description:	COPIER MAINTENANCE SCC COPIER MAINTENANCE CITY HALL COPIER MAINTENANCE BCC COPIER MAINTENANCE DRC COPIER MAINTENANCE SCC COPIER MAINTENANCE CITY HALL COPIER MAINTENANCE BCC COPIER MAINTENANCE DRC COPIER MAINTENANCE BCC		

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	Copier Maint 7/5-8/4/22 COPIER MAINTENANCE DRC Print Charges Aug 2022 Print Charge June 2022 Print Charge July 2022 COPIER MAINTENANCE CITY HALL COPIER MAINTENANCE SCC			
0239805	10/28/22	P	CHC: Creating Healthier Communities	0000008015		10.00
		Line Description:	Payroll Deduction 2222			
0239806	10/28/22	P	Cabco Yellow Inc	0000028576		11,788.85
		Line Description:	HOMELESS TRANSPORTATION (Late) SENIOR MOBILITY PROGRAM SENIOR MOBILITY PROGRAM HOMELESS TRANSPORTATION (Late) HOMELESS TRANSPORTATION (Late) HOMELESS TRANSPORTATION (Late)			
0239807	10/28/22	P	CalPERS Long-Term Care Program	0000006287		147.43
		Line Description:	Payroll Deduction 2222			
0239808	10/28/22	P	Calm.com, Inc	0000029324		9,875.00
		Line Description:	Digital Subscription			
0239809	10/28/22	P	Careers In Government Inc	0000009382		5,725.00
		Line Description:	Annual Membership Oct 22-23			
0239810	10/28/22	P	Cindys Jumpers LLC	0000029874		1,901.00
		Line Description:	Maze & Rock Climb Slide			
0239811	10/28/22	P	CoStar Realty Information Inc	0000024413		4,953.36

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	Late-Suite Annual License		
0239812	10/28/22	P	CoStar Realty Information Inc	0000024413	1,200.00
		Line Description:	License Svc-Oct 2022 License Agreement		
0239813	10/28/22	P	Community SeniorServ	0000018540	6,981.00
		Line Description:	Grab & Go Meal Svs-1st Qtr Home Delivery Meal Svs		
0239814	10/28/22	P	Costa Mesa Lock & Key	0000001817	878.44
		Line Description:	Bridge Shelter Gate Repair Key Copies-City Hall Key Copies-Fire Station		
0239815	10/28/22	P	Del Amo Motor Sports of Orange Co	0000022658	42.96
		Line Description:	Air Filter, Coil & Plug CAP ASSY		
0239816	10/28/22	P	EMS Technology Solutions LLC	0000005819	2,376.00
		Line Description:	Annual Service License		
0239817	10/28/22	P	Eagle Print Dynamics	0000026736	341.38
		Line Description:	General Uniform		
0239818	10/28/22	P	Enterprise Rent A Car	0000002131	2,933.95
		Line Description:	Undercover Car Rental Undercover Car Rental		
0239819	10/28/22	P	Fair Housing Foundation	0000019956	4,510.75
		Line Description:	Fair Housing Svs-Jul-Sept 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239820	10/28/22	P	Fed Ex	0000002190	94.42
		Line Description:	Ground Delivery Ground Delivery		
0239821	10/28/22	P	Ford Fleet Care	0000026262	12,624.63
		Line Description:	Ford Fleet Care-Parts Ford Fleet Care-Repairs		
0239822	10/28/22	P	Fuel Pros Inc	0000026476	200.00
		Line Description:	Monthly DO Inspection Corp Yar		
0239823	10/28/22	P	G & W Towing	0000002289	214.00
		Line Description:	Tow Tow Tow Tow		
0239824	10/28/22	P	Galls LLC	0000002297	1,846.90
		Line Description:	Safety Vest-Dieball Safety Vest-Lopez Uniforms Code Enforcement Uniforms		
0239825	10/28/22	P	Gillis & Panichapan Architects Inc	0000027487	2,260.00
		Line Description:	CMPD Shooting Range Upgrade		
0239826	10/28/22	P	Granicus LLC	0000015382	11,282.44
		Line Description:	Qtrly Software Maint Oct-Dec22		
0239827	10/28/22	P	Hirsch Pipe & Supply Company Inc	0000026475	815.16

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	PD-Water Heater PD-Water Heater Fire Sta#1-Hose Bib TOBY 2 SS WCP Fire Sta #1-Water Heater		
0239828	10/28/22	P	Integrated Impressions	0000003403	88.54
		Line Description:	State of City Bags-Sales Tax		
0239829	10/28/22	P	International Code Council Inc	0000011842	12,780.42
		Line Description:	Shipping 2022 California Codes Title 24 2022 California Building Code, 2021 ISPSC Code and Commentary 2021 IPMC? Code and Commentary 2021 IFGC? Code and Commentary 2021 IEBC? Code and Commentary 2019 California Title 24 - Hom 2021 IRC? Code and Commentary 2021 IPC? Code and Commentary 2021 IMC? Code and Commentary 2021 IBC? Code and Commentary Sales Tax		
0239830	10/28/22	P	Irv Seaver Motorcycles	0000010272	685.42
		Line Description:	PD Motorcycle-Filters & Gasket Stock-Batteries		
0239831	10/28/22	P	Joe Mar Polygraph & Investigation	0000027462	900.00
		Line Description:	Polygraph Exams Polygraph Exams		
0239832	10/28/22	P	Keyser Marston Associates Inc	0000002824	5,690.00
		Line Description:	Motel 6 Proj (HOME $)		

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	Motel 6 Proj (HOME $)			
0239833	10/28/22	P	Kimball Midwest	0000006819		193.06
		Line Description:	Stock Supplies			
0239834	10/28/22	P	Knorr Systems Inc	0000005036		7,386.78
		Line Description:	SALES TAX FREIGHT Pool Chemical DRC DRC Pool Chemical POOL COVER			
0239835	10/28/22	P	LN Curtis & Sons	0000002983		691.06
		Line Description:	Fightfighting Equipment (FFE)			
0239836	10/28/22	P	Landis Tolson	0000029877		90.00
		Line Description:	Basketball Referee 10/24/22			
0239837	10/28/22	P	Landscape Structures Inc	0000024524		1,900.31
		Line Description:	Playground Replacement Parts			
0239838	10/28/22	P	LineGear Fire & Rescue Equipment	0000026007		629.26
		Line Description:	Workrite Uniforms			
0239839	10/28/22	P	MMASC	0000010997		90.00
		Line Description:	Renewal Amber Miranda(Membersh			
0239840	10/28/22	P	Mesa Hose & Supply	0000003146		257.65
		Line Description:	Hose & Fittings			

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239841	10/28/22	P	Napa Auto & Truck Parts	0000012968	6,678.61
		Line Description:	Parts Credit Warehouse Stock		
0239842	10/28/22	P	National Data & Surveying Services	0000021249	930.00
		Line Description:	24Hour ADT/Speed/Turning 24Hr ADT/Speed-Various Locatio		
0239843	10/28/22	P	National Safety Compliance Inc	0000020714	298.80
		Line Description:	Controlled Substances & Alcoho		
0239844	10/28/22	P	Pacific Advanced Civil Engineering Inc	0000014386	10,510.00
		Line Description:	Progress Payment Engineer Tewi		
0239845	10/28/22	P	Pamela Lilly	0000025324	750.00
		Line Description:	Payroll Deduction 2222		
0239846	10/28/22	P	Parkink	0000029297	4,423.99
		Line Description:	SHIPPING EVENT PROMO ITEMS SALES TAX (7.75%)		
0239847	10/28/22	P	RJM Design Group Inc	0000010813	12,927.95
		Line Description:	Design Services Design Services Design Services		
0239848	10/28/22	P	Rincon Truck Center Inc	0000013236	818.81
		Line Description:	Stock-Reducer Stock-Filter Head		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239849	10/28/22	P	Scott Fazekas & Associates Inc	0000003961	3,381.40
		Line Description:	Plan Check Services		
0239850	10/28/22	P	Sigler Wholesale Distributors	0000027089	6,513.04
		Line Description:	HVAC 19 Units & Equipment		
0239851	10/28/22	P	Sims Orange Welding Supply Inc	0000004030	53.01
		Line Description:	Shop-Welding Supplies		
0239852	10/28/22	P	SiteOne Landscape Supply LLC	0000024133	4,653.06
		Line Description:	Tech Srvs for Brentwood Pump Supplies for TAC Irrigation Supplies		
0239853	10/28/22	P	Southern California Shredding Inc	0000025605	185.00
		Line Description:	ON-SITE SHREDDING SERVICES ON-SITE SHREDDING SERVICES ON-SITE SHREDDING SERVICES		
0239854	10/28/22	P	Swain Sign Inc	0000008850	54.00
		Line Description:	Refund 02814 Business License		
0239855	10/28/22	P	The Home Depot Credit Services	0000002560	11,661.74
		Line Description:	Tools-Street Maint Gen Supplies-Graffiti Abatemen Promo Items-Snoopy House General Supplies-Bldg Maint Tools-Police Ops Tech/Maint Hardware Supplies-Bldg Maint Hardware Supplies-Park Maint Plumbing Supplies-Bldg Maint		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	Tools- Fire Response/Control General Supplies-Street Maint Inventory Purchases-Warehouse Electrical Supplies-Bldg Maint		
0239856	10/28/22	P	Townsend Public Affairs Inc	0000021510	6,500.00
		Line Description:	Legislative&Writing Oct 22		
0239857	10/28/22	P	US Postal Service	0000004376	10,000.00
		Line Description:	Postage Meter - Oct 22		
0239858	10/28/22	P	US Postmaster	0000004377	10,000.00
		Line Description:	Bulk Mail-Spotlight & Election		
0239859	10/28/22	P	Verified First LLC	0000027240	105.00
		Line Description:	Pre-Employment Credit Checks Pre-Employment Credit Checks		
0239860	10/28/22	P	Verizon Wireless	0000008717	591.69
		Line Description:	Cell Service 8/18-9/17/22 Cell Services 9/18-10/17/22		
0239861	10/28/22	P	VincentBenjamin	0000024972	6,130.12
		Line Description:	Temp Staff Temp Staff Temp Staff Temp Staff Temp Staff Temp Staff		
0239862	10/28/22	P	Vulcan Materials Company	0000007403	584.27
		Line Description:	Asphalt Potholes Sidewalk Ramp		

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	Asphalt Potholes Sidewalk Ramp Asphalt Potholes Sidewalk Ramp			
0239863	10/28/22	P	WEX Health Inc	0000029308		416.50
		Line Description:	FSA Admin Fee			
0239864	10/28/22	P	WLC Architects Inc	0000023955		7,312.50
		Line Description:	Recon. Archit.&Engineer Design			
0239865	10/28/22	P	Waterline Technologies Inc	0000014520		636.26
		Line Description:	DRC Pool Treatment			
0239866	10/28/22	P	West Coast Lights & Sirens	0000019303		2,799.87
		Line Description:	Vehicle Upfitting w/Amber Traf			
0239867	10/28/22	P	Youngblood & Associates	0000029630		350.00
		Line Description:	Polygraph Exam			
0239868	10/28/22	P	Zumar Industries Inc	0000004622		2,459.40
		Line Description:	1 3/4 Tube/Sign Post			
					TOTAL	**$1,661,235.88**

End of Report

Payment Ref	Cancel Date	Status	Remit To	Remit ID	Payment Date	Payment Amt
0239632	10/31/2022	V	Eduardo Iniestra	0000029307	10/14/22	(600.00)

Line Description: 10/31/22 Void and Reissue. Vendor did not receive payment.

TOTAL **($600.00)**

0**

600.00-
600.00*
266,157.10*
953,024.20*
41,319.22*
4,794.81*

004
1,265,295.33*

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239871	11/03/22	O	US Bank *Line Description:* Overflow	0000002228	0.00
0239872	11/03/22	O	US Bank *Line Description:* Overflow	0000002228	0.00
0239873	11/03/22	O	US Bank *Line Description:* Overflow	0000002228	0.00
				TOTAL	**0.00**

End of Report

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
0239869	10/31/22	P	Eduardo Iniestra	0000029307		600.00
		Line Description:	DJ SERVICES DJ SERVICES			
					TOTAL	**$600.00**

End of Report

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
0239870	11/03/22	P	US Bank	0000002228		265,907.10

Line Description:
Paid Parking-ARTventure
Breakfast-AZ NRPA Convention
Juice/BBB-AZ NRPA Convention
Credit-Etsy Fraudulent Charge
Amazon Prime-Monthly Fee
Survey Monkey Subscription
Recreation Equipment-Fields
Recreation Equip-Adult Sports
Subs-Notify Public of Closures
Recreation Equipment-ROCKS
Certifications-Aquatic Staff
Paint Supp-Home on Range Mural
Supplies-Fields
Arts&Culture-Awards
Arts&Culture-Parking
Accidentally Purchase
Arts&Culture-Equipment
Pro Org-Membership Fee
Office Equipment-Playgrounds
Refreshments-Community Trip
Supplies-LEAP Trick or Treat
Supplies-Halloween Bash Event
Fraud in Process of Investigat
Rec Supp-Cooling Ctr/Snr Ctr
Food-Cooling Ctr Volunteer/Sta
Refresh/Supp-Veterans Social G
Refreshment-Veterans Social Gr
ARTventure-Parking
Spl Event Supp-Scarecrow Fest
Bottled Water-Teen Program
Food/Supplies-Teen Program
Office Supplies-Teen Program
Participant Clothing-Day Camp
Excursion Deposit-Day Camp 1/5
Binder Clips
Antibacterial Cleaning Packs
Wireless Presentation Remote

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt

Line Description:

Supplies-Knowledge/Health Fair
Rec Equipment-Animal Care Svs
Health Items-LEAP Program
Food&Supplies-LEAP Program
Art&Craft Supplies-ARTventure
Art&Craft Supply-LEAP Program
Office Equipment-LEAP Program
Recreation Equip-LEAP Program
Transportation Ad
Supplies-Cooling Center
Supplies-Special Events
Cricut Design Subscription
Supplies-Active Aging Week
Supplies-Recreational Class
Community Trip Admission Tix
Movie Monday & Streaming Subsc
Cal Chiefs Conference
Uber-Hotel to Sac Airport
Uber-Sac Airport to Hotel
Lunch @ Cal Chiefs Conference
Dinner-Recruits, Cadre-FO Trai
Food/Drink-Recruits Admin Week
Water-Academy
Water-Academy Sta 4
Drinks-Academy Sta 4
Drinks-Academy Sta 5
Gatorade-Academy Sta 4
Cable to Secure Sign-FFN
Water-Fire Family Night PFF
Breakfast-Promotion Ceremony
Kahoot!-Recruit Academy Test
Vimeo Pro 1-Yr Subs-Dept Train
Plastic Box-FS Supply Delivery
Def Fluid-OES 1312
OES Preposition Lodging
OES Prep Strike Team Lunch
OES Prep Strike Team Dinner
Fuel-ST 190C-Mountain Fire
Dinner-Vasin Travel-Mount Fire

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt

Line Description:
Fuel-Return Home ST 1890C-Moun
Lodging-Mountain Fire-ST 1890C
Fuel-OES Prepo
Lunch-OES Prepo
Lodging-OES Prepo
Fuel-Border 32 Fire
Cal Chiefs Conf Coates Meal
Lodging-Cal Chiefs Conference
Fuel
Parking Permit
Soft Wood Plugs
Furniture Legs&Casters
NFPA Annual Subscription
Station Fitness Equipment
Shutterstock-Monthly Service
Credit-Furniture Legs&Casters
Reorder-Furniture Legs&Casters
Replacement Part-Station Grill
Lunch-Cal Chiefs Conf
Lodging-Cal Chiefs Conf
Airport Trans-Cal Chiefs Conf
Parking-League of Cities Conf
League Annual Conf/Board of Di
Notice of Candidates-Nov 22 El
Keyboards-Fire MDCs
Monthly Tablet Subs-Ely
Microsoft 365 Monthly Subs
Laptop W/ Microsoft Complete
Online Meeting Conf Platform
Monthly Tablet Subs-Lorenzana
MeisterTask Pro Ed Annual Subs
Online Queu System-Public Covi
CEAOC Oct 22 Meeting
OCTECT Sept 22 Luncheon
Office Supplies
Business Meeting
ASCE Registration
OCTECT Sept Luncheon
Office Supplies-Refund

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt

Line Description: Office Supplies (Admin)
Shipping
Brake Pad Kits for Golf Carts
Keyboard-Director Ely
Keyboards-F&R Dept MDCs
Temp Desk-New Programmer
Door Sign-Michael's Office
4000 PSI Whir-A-Bird Surface
Coffee Supplies
Office Partition
USB WiFi Adapter
Keyboard & Webcam
2 16GB DDR4-3200...Memory Card
Uniform-Sieder
Tools for Range
Uniform-Schafer
Uniform-Valdenor
Tuition-Supervisory Course
Camera Memory Card
Large Air Movers-Fair
Door Operator Parts for CH-1A
Brass Pipes for CH 5th Floor A
Power Cord
Small Tools
10-Slim Soundbars
NVIDIA T600 Mini Port
3-Internal Solid Drives
Posting Stakes
Cannabis Portal
Cannabis Subscription
Working Business Meeting
Training Grant Admin M.D.
Refund Grant Training M.D.
Code Enforcement Training J.J.
Promo Items for Community Impr
Office Supplies
Proclamation Frames
ICMA Conference Flight
Lodging-ICMA Conference

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt

Line Description:
Arts&Crafts Supply-Ribbon
Earlybird Check-In Flight
Coffee-City Manager's Office
Refreshments-Housing Workshop
reMarkable Month Subscription
Refreshment-Jordan Park Ribbon
Refund for 1 Nikon Speedlight
eBooks
Manuals
Building Code Book
Design, Testing Industrial Rac
Training for B.I. Mark Perkins
Training for Chief Plans Charl
Website Update-Lunch Meeting
CC Meeting Meal-Members/Staff
OCCMA Networking Lunch-Lori K
Conf Reg-ELGL 22-L Karaguezian
ELGL Membership- L Karaguezian
Travel-ELGL Conf-L Karaguezian
Lodging-SLI 7
Tuition-Title 15
Lodging-CLEARS Conf
Tuition-Driving PSP
Tuition-CALNENA Mtng
Tuition-CAPE Seminar
Registration-Job Fair
Tuition-UAS Nighttime
Tuition-Tactical Drone
Credit Card Service Fee
Gas to Delivery to Botach
Lodging-Tactical Medicine
Lodging-Tactical medicine
Tuition-Dispatcher Crisis
Tuition-Legislative Impact
Tuition-Supervisory Courses
Tuition-Client Mental Health
Tuition-Court & Temp Holding
Tuition-Chemical Immobilizatn
Equipment-CMTV

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	MMASC Membership Dues			
			Deposit-Back2School Fresh Even			
			Registration-OCBC Annual Award			
			Registration-OCCMA MMASC Event			
			Job Advertisment			
			Meet and Greet Supplies			
			Open Enrollment Refreshments			
			Permit Processing Recruitment			
			Park Ranger Recruit. Refreshme			
			Sr. Combo Recruitment Refreshm			
			Domains			
			Parking Fee			
			Monthly Subscription Fee			
			Training Aides-Bodi			
			Canine Neuter/Boarding			
			Annual Membership			
			Airfare for Conference			
			Police Records Recruitment Dri			
			Refreshments for Open Enrollme			
			Awards Dinner			
			Council Dais Snacks			
			Special Order Envelopes			
			reMarkable Month Subscription			
			Annual Membership			
			Airfare for Conference			
			Canva Annual Subscription			
			Monthly Cloud Subscrption			
			Reconnection Diversion Client			
			Cleaning Supplies-CMBS Kitchen			
			Job Advertisement			
			Ergonomic Accessory			
			Tools for the Office			
			Airfare for Conference			
			Charging Station for Ipads			
			Meals for P.R. Recruitment			
			Fin. Director Asst. Mngr Lunch			
			Client Rides Outreach Services			
			Water-Emergency Mgnt Mtng			
			Bagles-Emergency Mgnt Mtng			

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt

Line Description:

Breakfast-Supervisor Team Bld
Refreshment-Swearing Ceremony
Breakfast-Supervisor Team Bldg
ARTventure-Food
ARTventure-Decor
ARTventure-Parking
ARTventure-Supplies
ARTventure-Food&Drink
ARTventure-Dry Cleaning
Refund ARTventure Supplies
Plant Materials Order Producti
Ricardos Card
Working Lunch
2022 W-2 Forms
Office Supplies
Dept. Meet and Greet
Monthly Connection Fee
Finance Manager Door Sign
Finance Director Membership
Fin. Director meeting with HR
Finance Management Working Lun
Cal Chiefs EM Conf-Meal
Cal Chiefs EM Conf-Travel
Cal Chiefs EM Conf-Lodging
Cal Chiefs EM Conf-Transport
Props/Supplies-CMFR Open House
Flight-IACP Conf
Travel-IACP Conf
Monthly Tablet Subscription
Food-Supervisor Mtng Team Bldg
Flashlights
Fingerprint Ink Pads
Lodging-EDC Training
Tools for Animal Control
SWAT Range Supplies
Drone Training Supplies
Mesa Water District
Tuition-PC 832
Tools for Range

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	Lodging-CLETS Conf Airfare-CLEARS Conf Prkng-Women Leaders Lodging-Women Leaders Team Bldng Wrkshp Supplies Tuition-Field Trng Officer Tuition-Officer Involved Shoot Vet Exam Boarding/Vaccination-K9			
0239874	11/03/22	P	David Nguyen	0000024429		250.00
		Line Description:	2022 City Mgr Leadership Award			
					TOTAL	**$266,157.10**

End of Report

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239875	11/04/22	P	AFLAC	0000012253	24,742.69
		Line Description:	STD-Oct 2022 Accidental Ins Prem-Oct 22 Cancer Ins Prim-Oct 2022		
0239876	11/04/22	P	Architectural Engineering Technology Inc	0000029448	282,839.44
		Line Description:	Baker-Placentia-Victoria-19th		
0239877	11/04/22	P	Benefit Coordinators Corp	0000029594	40,412.70
		Line Description:	Vision Ins Prem-Oct 2022 Dental Ins Perm-Oct 2022		
0239878	11/04/22	P	Bracken's Kitchen Inc	0000029468	37,740.60
		Line Description:	Sheler Meal Svcs 926-10/9/22 Bridge Shelter Food Svcs Shelter Meal Svcs 10/10-10/24		
0239879	11/04/22	P	GMS Elevator Services	0000028704	42,322.50
		Line Description:	Proj #20-03/#200091 Retention Proj #20-03/#200091		
0239880	11/04/22	P	LINA	0000015623	28,100.46
		Line Description:	Retiree Life Ins Prem Oct 2022 Voluntary Life Ins Prem Oct 22 Life/AD&D Ins Prem Oct 2022 LTD Ins Prem Oct 2022		
0239881	11/04/22	P	LN Curtis & Sons	0000002983	28,564.58
		Line Description:	Fightfighting Equipment (FFE)		
0239882	11/04/22	P	Nationwide General Contruction Services	0000028494	176,627.35

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	Retention Proj #20-07		
0239883	11/04/22	P	Tyler Technologies Inc	0000027279	46,200.00
		Line Description:	Validate Consulting Tasks Consulting Tasks&Project Manag Validate Implementation Tasks		
0239884	11/04/22	P	Ware Disposal Inc	0000000255	18,042.09
		Line Description:	Bridge Shelter Trash July 2022 Bulky Item Collection Oct 2022 Solid Waste Colection CF Oct22		
0239885	11/04/22	P	4Leaf Inc	0000029711	2,473.26
		Line Description:	Fire Plan Review-Sep 2022 BC22-536,-684,-691;BX22-490		
0239886	11/04/22	P	AJ Portables Inc	0000029728	2,400.00
		Line Description:	Portable Ada Units9/28-10/4/22 Portable Ada Units0/5-10/11/22		
0239887	11/04/22	P	AT & T	0000001107	3,315.16
		Line Description:	Fire Sta#1 Fire Alarm System Senior Center Elevator Local Usage Wakeham Park Senior Center Fire Alarm Syste Balearic Center Fax Senior Center Fire Alarm Syste Metro Net Jack Hamett Sports Complex Red Phone Fire Sta#6 Red Phone Fire Sta#2 Red Phone Fire Sta#4 Lions Park		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	Red Phone Fire Sta#3 2310 Placentia Irrigation PRI Circuit Inbound Fire Emergency Line DRC Fire Alarm Red Phone Fire Sta#1 Red Phone Fire Sta#5		
0239888	11/04/22	P	Adam Ereth	0000029232	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		
0239889	11/04/22	P	Adlerhorst International	0000000906	8,200.00
		Line Description:	K-9 Off-Site Trng Jul 22-Jun23 Agitator Training		
0239890	11/04/22	P	Akeso Occupational Health	0000029274	234.17
		Line Description:	Pre Employment Physical Safety Physical		
0239891	11/04/22	P	Alldata	0000018288	1,500.00
		Line Description:	Online Manual Subscription		
0239892	11/04/22	P	Allstar Fire Equipment Inc	0000000986	603.56
		Line Description:	Leather Boots Fire Helmet		
0239893	11/04/22	P	Amtex Manufacturing & Supply Company Inc	0000001038	353.15
		Line Description:	Nylon Webbing		
0239894	11/04/22	P	Aramark Correctional Services Inc	0000013108	1,527.88
		Line Description:	Jail Food Svc 8/25-9/21/22		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239895	11/04/22	P	Atlas Planning Solutions	0000026909	3,500.00
		Line Description:	City LHMP -Sept 2022		
0239896	11/04/22	P	Beacon Health Options Inc	0000026762	2,680.65
		Line Description:	EAP-Aug 2022 EAP-Sept 2022 EAP-Oct 2022		
0239897	11/04/22	P	Beau Hossler	0000029714	60.00
		Line Description:	Basketball Referee 10/26/22		
0239898	11/04/22	P	Bee Busters Inc	0000007572	550.00
		Line Description:	Bee Colony Abatement-City Park 2 Bee Colony Removal-City Park		
0239899	11/04/22	P	Bound Tree Medical LLC	0000011695	9,324.21
		Line Description:	EMS Supplies EMS Supplies EMS Supplies EMS Supplies EMS Supplies EMS Supplies EMS Supplies EMS Supplies EMS Supplies EMS Supplies		
0239900	11/04/22	P	Brian Williams	0000008562	1,000.00
		Line Description:	Refund Pemit FZ-0140 Refund Permit FZ-0141		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239901	11/04/22	P	Bureau Veritas North America Inc	0000016616	3,304.00
		Line Description:	Plan Check Svcs Plan Check Svcs		
0239902	11/04/22	P	Byron de Arakal	0000012401	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		
0239903	11/04/22	P	CAPF	0000004755	2,537.00
		Line Description:	Firefighters LTD-Oct 2022		
0239904	11/04/22	P	CBE	0000015149	910.88
		Line Description:	Copier Maint 9/5-10/4/22 COPIER MAINTENANCE CITY HALL COPIER MAINTENANCE BCC COPIER MAINTENANCE DRC COPIER MAINTENANCE SCC		
0239905	11/04/22	P	CDW Government Inc	0000005402	1,048.80
		Line Description:	LaserJet Printer		
0239906	11/04/22	P	CLEA	0000004754	3,267.00
		Line Description:	Police Officers LTD-Oct 22		
0239907	11/04/22	P	CSG Consultants Inc	0000001887	8,017.36
		Line Description:	Bldg Plan Review-Sep 22		
0239908	11/04/22	P	California Department of Justice	0000001533	1,991.00
		Line Description:	Fingerprint Apps-Sept 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239909	11/04/22	P	California Forensic Phlebotomy Inc	0000001500	7,232.00
		Line Description:	Blood Draw Svcs-Sep 2022		
0239910	11/04/22	P	City of Huntington Beach	0000002599	6,000.00
		Line Description:	Helicopter Svc-Sep 2022		
0239911	11/04/22	P	City of Newport Beach	0000003327	2,230.83
		Line Description:	Shrd Maint Jan-Jun 2022		
0239912	11/04/22	P	Columbia Telecommunications Corporation	0000027829	3,300.00
		Line Description:	RF Reviews (5 x $300) RF Review		
0239913	11/04/22	P	Console Cleaning Specialists INC	0000029445	1,206.98
		Line Description:	Sales Tax 7.75% Preventative Maintenance Console Detailed Cleaning		
0239914	11/04/22	P	Costa Mesa Lock & Key	0000001817	20.20
		Line Description:	Key Copies-Code Enforcement		
0239915	11/04/22	P	County of Orange	0000003473	258.41
		Line Description:	Refuse Disposal@CO--Sep 22		
0239916	11/04/22	P	Darlene S Alcala	0000029668	200.00
		Line Description:	Halloween Event 10/26/22		
0239917	11/04/22	P	Dianne Russell	0000011606	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239918	11/04/22	P	ECMS Inc	0000020118	1,319.03
		Line Description:	Sales Tax Turnout Alternations		
0239919	11/04/22	P	EIDIM Group Inc	0000027486	440.00
		Line Description:	Traveling Fee AV System Check		
0239920	11/04/22	P	Eric V Traut	0000029897	275.00
		Line Description:	Refund SubpenaDep 001-00359293		
0239921	11/04/22	P	Evelia Soto	0000029418	415.00
		Line Description:	Face Painting-Scarecrow 2022		
0239922	11/04/22	P	Everett Dorey LLP	0000026882	2,478.40
		Line Description:	Legal Srvs- Sept 2022		
0239923	11/04/22	P	FJS Cable Engineering	0000000660	8,075.00
		Line Description:	Refund Perrmit PS22-00763 Refund Permit PS22-00763		
0239924	11/04/22	P	Families Forward Inc	0000024105	9,865.00
		Line Description:	1st Qtr Rental Assist Grant		
0239925	11/04/22	P	Federal Technology Solutions Inc	0000024174	628.58
		Line Description:	Printer Repair		
0239926	11/04/22	P	Ferguson Enterprises Inc #1350	0000007785	215.42

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	415 Van-Pipe PD-Basement Shower		
0239927	11/04/22	P	Fraser Watson & Croutch LLP_	0000029898	275.00
		Line Description:	Refund SubpenaDep 00100359441		
0239928	11/04/22	P	Grainger	0000002393	111.64
		Line Description:	Filter Pad-FS #1 Air Filter Pad-FS #1		
0239929	11/04/22	P	Hanks Electrical Supplies	0000002445	388.02
		Line Description:	Ballast		
0239930	11/04/22	P	Hinderliter De Llamas & Associates	0000002537	2,725.00
		Line Description:	Cannabis Mgnt-Jul 22 Cannabis Mgnt-Aug 2022		
0239931	11/04/22	P	Interwest Consulting Group Inc	0000021505	4,396.25
		Line Description:	Traffic Eng Svc-Sep 22 Transportation Eng Svc-Sep 22		
0239932	11/04/22	P	Jeff Wightman	0000029716	60.00
		Line Description:	Basketball Referee10/26/22		
0239933	11/04/22	P	Jimmy Vivar	0000029412	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		
0239934	11/04/22	P	Jonathan Zich	0000026312	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239935	11/04/22	P	Jose Rojas	0000029411	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		
0239936	11/04/22	P	Kimley Horn & Associates Inc	0000005251	6,945.00
		Line Description:	Housing Element Thru 9/30/22 Housing Element Thru 3/31/22		
0239937	11/04/22	P	LexisNexis Risk Data Management Inc	0000019179	288.00
		Line Description:	Public Records Access		
0239938	11/04/22	P	LineGear Fire & Rescue Equipment	0000026007	924.50
		Line Description:	Workrite Uniforms Workrite Uniforms		
0239939	11/04/22	P	Linscott Law & Greenspan Engineers Inc	0000010877	1,902.00
		Line Description:	18th St HAWK TS Deign July 22 On-Call Services 22-23		
0239940	11/04/22	P	Long Beach BMW	0000015745	440.56
		Line Description:	Oil		
0239941	11/04/22	P	Merrimac Energy Group	0000021566	13,418.36
		Line Description:	FS5-Diesel FS2-Diesel FS1-Diesel FS6-Diesel CY-Diesel		
0239942	11/04/22	P	MetLife Legal Plans Inc	0000014707	2,905.50
		Line Description:	Legal Sept 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239943	11/04/22	P	Mike Raahauges Shooting Enterprises	0000006853	125.00
		Line Description:	Range Fees-SWAT Sept 2022		
0239944	11/04/22	P	Miranda Anderson	0000029896	2,500.00
		Line Description:	Refund Permit PS21-01017		
0239945	11/04/22	P	Nico Hospitality LLC	0000028926	950.33
		Line Description:	Barbara Trujillo 8/1-8/3/2022 Dan Lyu 9/16-9/21/22		
0239946	11/04/22	P	North Net Fire Training Center	0000010984	6,751.84
		Line Description:	FIRE APPARATUS DRIVER COURSE		
0239947	11/04/22	P	Occu Med	0000003388	6,961.00
		Line Description:	Pre-Employments Physicals Pre-Employement Exam		
0239948	11/04/22	P	Office Depot	0000003394	7,848.67
		Line Description:	Fire Office Supplies Building Office Supplies Policce Field Ops. Office Supp Police Records- Office Supplie Police Records Office Supplies Police Invest. Office Supplies Community Imprv Office Supplie Comms&Marketing Office Supplie Senior Center Office Supplies Police Invest Office Supplies Finance Admin Office Supplies Police Jail- Office Supplies City Manager Office Supplies Planning Office Supplies Admin Parks Office Supplies		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
		Line Description:	Maint. Srvs Office Supplies Public Srvs Office Supplies Telecom Ops Office Supplies		
0239949	11/04/22	P	Onward Engineering	0000003212	8,050.00
		Line Description:	Newport Blvd Widening Proj Newport Blvd Wideing Improv		
0239950	11/04/22	P	Orange County Training Managers Assn	0000003455	100.00
		Line Description:	OCTMA Annual Dues-Julie Schall		
0239951	11/04/22	P	Orange County Treasurer Tax Collector	0000003489	4,312.00
		Line Description:	AFIS Fees-Oct 2022		
0239952	11/04/22	P	Parr Lumber Co.	0000029785	4,668.06
		Line Description:	LBTX Lumber Assessment OSB PRS Sales Tax		
0239953	11/04/22	P	Post Alarm Systems Inc	0000026907	109.15
		Line Description:	Bridge Shelter November Alarm		
0239954	11/04/22	P	Priority Landscape Services LLC	0000026592	2,464.00
		Line Description:	Landscape Maintenance at FVP		
0239955	11/04/22	P	Prudential Overall Supply	0000025480	317.12
		Line Description:	Towel Svcs-Sep 2022		
0239956	11/04/22	P	Quality Information Technology	0000029496	3,312.50
		Line Description:	LMS Consulting Srvs AugSept 22		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239957	11/04/22	P	Richard Share	0000029895	89.00
		Line Description:	Refund City 85066 & 85067		
0239958	11/04/22	P	Rincon Truck Center Inc	0000013236	613.56
		Line Description:	Stock-Brake Pads Stock-Seal		
0239959	11/04/22	P	Robert Yoakum	0000027290	275.00
		Line Description:	Refund SubpoenaDep001-00355032		
0239960	11/04/22	P	Russell Toler	0000029127	400.00
		Line Description:	Planning Comm Mtng-Oct 2022		
0239961	11/04/22	P	Sparkletts	0000015725	517.17
		Line Description:	Water Delivery Svs-Finance Water Delivery Svs-Dev Svs Water Delivery Svs-HR Water Delivery Svs-CM Water Delivery Svs-Pub Svs Water Delivery Svs-City Counci Water Delivery Svs-Aquatic Ctr Water Delivery Svs-Corp Yard Water Delivery Svs-Bldg Maint Water Delivery Svs-Senior Ctr		
0239962	11/04/22	P	Susan Saxe Clifford PHD	0000003932	450.00
		Line Description:	Pre-Employment Psych Exam		
0239963	11/04/22	P	Switzer Assoc Leadership Solutions	0000029731	3,865.14
		Line Description:	One Day Workshop 9/8/22		

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
0239964	11/04/22	P	The Wallace Firm	0000029900		156.84
		Line Description:	Refund SubpeonaDep001-00360699			
0239965	11/04/22	P	Time Warner Cable	0000011202		4,718.70
		Line Description:	Cable Srvs for CH-Fin Cable Srvs for CH-PS Cable Srvs for CH-IT Cable Srvs for CH-CM Cable Srvs for CH-Fire Internet Srvs-PD (Data) Internet Srvs-CH (Data) Cable Srvs for CH-Parks Cable Srvs for CH- Dev Srvs HVAC Alarm-Library Cable Srvs for CH-CM Cable Srvs for CH-IT Cable Srvs for CH-PS Cable Srvs for CH- Fin Cable Srvs for CH-Fire Cable Srvs for CH-Parks Cable Srvs for CH-Dev Srvs Internet Services for CH 3175 Airway Ave B Bridge Shelt Internet Svs Senior Center Cable Service Bridge Shelter 3175 Airway Ave B Bridge Shelt Internet Srvs Fire Sta #4			
0239966	11/04/22	P	Tseng & Associates	0000029899		178.06
		Line Description:	Refund SubpoenaDep001-00357734			
0239967	11/04/22	P	Turnout Maintenance Company LLC	0000020182		2,549.69
		Line Description:	Fire Turnout Coat Pant Cleaned Coat, Pant, Gloves			

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0239968	11/04/22	P	UC Regents	0000022660	750.00
		Line Description:	Victim Physical		
0239969	11/04/22	P	US Bank	0000002228	3,199.04
		Line Description:	Payroll 22-21		
0239970	11/04/22	P	United Rentals Northwest Inc	0000010121	242.44
		Line Description:	Concrete Mixer		
0239971	11/04/22	P	Verizon Wireless	0000008717	6,638.15
		Line Description:	HR Phone Srvs 9/18-10/17/22 CM Phone Srvs 9/18-10/17/22 Bridge Shelter Phone Srvs 9/18 PD Cell Srvs 8/24-9/23/22 Dev Srvs 9/18-10/17/22		
0239972	11/04/22	P	VertiGIS North America Ltd	0000028889	5,570.00
		Line Description:	GEOCORTEX ESSENTIALS		
0239973	11/04/22	P	Vortex Industries Inc	0000004437	4,805.78
		Line Description:	Repair west wall, front appara		
0239974	11/04/22	P	Waxie Sanitary Supply	0000004480	3,805.79
		Line Description:	Sanitary Supplies		
				TOTAL	**$953,024.20**

End of Report

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
014435	10/31/22	P	Alan F Kent	0000006393	2,174.79
		Line Description:	1% Supplemental Pay Nov 2022		
014436	10/31/22	P	Beckee Cost	0000016309	946.08
		Line Description:	1% Supplemental Pay Nov 2022		
014437	10/31/22	P	Chris Morris	0000007439	2,500.00
		Line Description:	Monthly LTD Payment-Nov 2022		
014438	10/31/22	P	Costa Mesa Employees Association	0000006284	3,002.62
		Line Description:	Payroll Deduction 2222		
014439	10/31/22	P	Costa Mesa Executive Club	0000006286	80.00
		Line Description:	Payroll Deduction 2222		
014440	10/31/22	P	Costa Mesa Firefighters Association	0000001812	8,654.51
		Line Description:	Payroll Deduction 2222		
014441	10/31/22	P	Costa Mesa Police Association	0000001819	7,320.00
		Line Description:	Payroll Deduction 2222		
014442	10/31/22	P	Costa Mesa Police Management Assn	0000005082	225.00
		Line Description:	Payroll Deduction 2222		
014443	10/31/22	P	Danny Hogue	0000006802	1,137.03
		Line Description:	1% Supplemental Pay Nov 2022		
014444	10/31/22	P	Darlene Bell	0000005602	580.54
		Line Description:	1% Supplemental Pay Nov 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
014445	10/31/22	P	David A Dye	0000002065	260.90
		Line Description:	1% Supplemental Pay Nov 2022		
014446	10/31/22	P	Edward Dryzmala	0000006686	1,377.28
		Line Description:	1% Supplemental Pay Nov 2022		
014447	10/31/22	P	Gale Tuso	0000017460	233.08
		Line Description:	1% Supplemental Pay Nov 2022		
014448	10/31/22	P	Gary D Webster	0000004487	1,204.44
		Line Description:	1% Supplemental Pay Nov 2022		
014449	10/31/22	P	George J Yezbick Jr	0000005045	1,164.00
		Line Description:	1% Supplemental Pay Nov 2022		
014450	10/31/22	P	Harlan Pauley	0000003569	232.12
		Line Description:	1% Supplemental Pay Nov 2022		
014451	10/31/22	P	James M Miller	0000007440	2,500.00
		Line Description:	Monthly LTD Payment-Nov 2022		
014452	10/31/22	P	Kathleen Zuorski	0000025225	504.52
		Line Description:	1% Supplemental Pay Nov 2022		
014453	10/31/22	P	Linda Boylan	0000023340	57.98
		Line Description:	1% Supplemental Pay Nov 2022		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
014454	10/31/22	P	Matthew J Collett	0000001720	856.58
		Line Description:	1% Supplemental Pay Nov 2022		
014455	10/31/22	P	Paul A Cappuccilli	0000007705	1,214.50
		Line Description:	1% Supplemental Pay Nov 2022		
014456	10/31/22	P	Phil Dickens	0000005801	511.76
		Line Description:	1% Supplemental Pay Nov 2022		
014457	10/31/22	P	Richard J Johnson	0000005620	1,255.66
		Line Description:	1% Supplemental Pay Nov 2022		
014458	10/31/22	P	Thomas J Lazar	0000002925	1,703.25
		Line Description:	1% Supplemental Pay Nov 2022		
014459	10/31/22	P	William H Bechtel	0000001224	1,622.58
		Line Description:	1% Supplemental Pay Nov 2022		
				TOTAL	**$41,319.22**

End of Report

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
014460	11/04/22	P	Adam Gardner	0000026309	390.50
		Line Description:	CNOA Conf 11/18-11/22/22 Narcotics Investigation		
014461	11/04/22	P	Brian Hernandez	0000019509	261.00
		Line Description:	Supervisory Course Leadership in Midst of Change		
014462	11/04/22	P	Carlos Diaz	0000013277	500.00
		Line Description:	Clothing Allowance 22-23		
014463	11/04/22	P	Chasen Gaunt	0000027734	40.00
		Line Description:	Traffic Collision Intermediate		
014464	11/04/22	P	Cherie M Pittington	0000003641	52.75
		Line Description:	Crisis Intervention Trng		
014465	11/04/22	P	Christopher Coates	0000006669	197.00
		Line Description:	Executive Chief Officer 4E		
014466	11/04/22	P	Daniel Bruno	0000029161	16.00
		Line Description:	Canine Agitator		
014467	11/04/22	P	Eric Molina	0000027834	40.00
		Line Description:	Calif Gang Conf		
014468	11/04/22	P	Erik Nippert	0000026147	40.00
		Line Description:	ID Theft Investigation		

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
014469	11/04/22	P	Fanni Acosta	0000029434	189.00
		Line Description:	CALPELRA Annual Trng		
014470	11/04/22	P	Guyon Foxwell	0000029370	333.00
		Line Description:	Chemical Agent Instructor		
014471	11/04/22	P	Hank Gallegos	0000026587	16.00
		Line Description:	Adv Roadside Impaired Drvng		
014472	11/04/22	P	Heath McMahon	0000028659	16.00
		Line Description:	Adv Roadside Impaired Drvng		
014473	11/04/22	P	Jaime Santibanez	0000015126	310.50
		Line Description:	CNOA Conf 11/18-11/22/22		
014474	11/04/22	P	James A Brown	0000024426	310.50
		Line Description:	CNOA Conf 11/18-11/22/22		
014475	11/04/22	P	James Haney	0000029091	135.50
		Line Description:	Canine Agitator		
014476	11/04/22	P	Jesse Chartier	0000023836	91.88
		Line Description:	ICS 300/ Title 15 Course		
014477	11/04/22	P	Joe Lopez	0000026113	540.00
		Line Description:	ID Theft Investigations Clothing Allowance 2022-23		
014478	11/04/22	P	Jose Soto	0000029602	40.00

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
		Line Description:	Interview & Interrogation			
014479	11/04/22	P	Joshua Kuo	0000010901		185.00
		Line Description:	Shermand Block SLI#6			
014480	11/04/22	P	Laura Reeker	0000029788		40.00
		Line Description:	PC 832 Arrest			
014481	11/04/22	P	Matthew Grimmond	0000005711		72.00
		Line Description:	POST Management Seminar POST Management Seminar B			
014482	11/04/22	P	Matthew Selinske	0000006063		40.00
		Line Description:	Calif Gang Conf			
014483	11/04/22	P	Miranda Garcia	0000029433		189.00
		Line Description:	CALPELRA Conf 11/15-11/18/22			
014484	11/04/22	P	Ronald Stocking	0000027737		310.50
		Line Description:	CNOA Conf 11/18-11/22/22			
014485	11/04/22	P	Shannon Aitken	0000029399		53.18
		Line Description:	Refreshment for Dept Mtng			
014486	11/04/22	P	Soraya Julian	0000018089		35.00
		Line Description:	Notary Filling Fee			
014487	11/04/22	P	Tyrus Ranck	0000026650		40.00
		Line Description:	Calif Gang Conf			

Payment Ref	Date	Status	Remit To	Remit ID		Payment Amt
014488	11/04/22	P	Vijay Chawla	0000025171		310.50
		Line Description:	CNOA Conf 11/18-11/22/22			
					TOTAL	**$4,794.81**

End of Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-943 **Meeting Date:** 11/15/2022

TITLE:

MINUTES

DEPARTMENT: City Manager's Office/City Clerk's Division

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of November 1, 2022.

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY NOVEMBER 1, 2022 - MINUTES

CALL TO ORDER – The Closed Session meeting was called to order by Mayor Stephens at 4:02 p.m.

ROLL CALL
Present: Council Member Gameros, Council Member Harlan, Council Member Reynolds (arrived 4:03 p.m.), Mayor Pro Tem Marr, and Mayor Stephens.
Absent: Council Member Chavez and Council Member Harper.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. **CONFERENCE WITH LABOR NEGOTIATORS**
   Pursuant to California Government Code Section 54957.6, (a)
   Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
   Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

2. **CONFERENCE WITH LABOR NEGOTIATORS**
   Pursuant to California Government Code Section 54957.6 (a)
   Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
   Name of Employee Organization: Costa Mesa Police Association (CMPA).

City Council recessed at 4:03 p.m. for Closed Session.

Closed Session adjourned at 4:48 p.m.

CALL TO ORDER - The Regular City Council and Successor Agency to the Redevelopment Agency and Housing Authority meeting was called to order by Mayor Stephens at 6:00 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE - Led by Mr. Jimmy Vivar.

MOMENT OF SOLEMN EXPRESSION - Led by Pastor Phil Eyskens from Lighthouse Church.

ROLL CALL
Present: Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.
Absent: Council Member Chavez and Council Member Harper.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens presented the 2022 National Native American Heritage Month proclamation to Barbara Steck, President of the Costa Mesa Historical Society.

Mayor Stephens presented the 2022 Veterans Day proclamation to Jodie Merkle, Team Red, White, and Blue Orange County Chapter Captain.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Wendy Simao spoke on noise concerns at The 12 Gym.

Speaker, spoke on the Coronavirus.

Speaker, requested an update on the status of the Housing Element, spoke on an alternative plan if Measure K fails, and spoke on transparency in the process.

Jay Humphrey spoke against Measure K, spoke on citizens not able to hold town hall meetings at City facilities, and spoke on the lack of an inclusionary housing ordinance.

Linda Kraemer spoke in support of Measure K, spoke on sustainable living and community outreach.

Chris Corum spoke on a fire at his home.

Ben Chapman spoke on social media posts and against Measure K.

Speaker, spoke in support of Measure K.

Hank Castignetti representing Orange County Model Engineers, thanked Mayor Stephens, Council Member Gameros, and Supervisor Foley for proclamations, and spoke on the Toys for Tots toy drive on November 19th and 20th.

Speaker, spoke on National Native Heritage Month and having local Native Americans accept the Proclamation, spoke on the Animal Services Committee, and spoke against Measure K.

Speaker, spoke against Measure K.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Gameros spoke on Halloween, thanked staff and the Police and Fire Departments.

Council Member Harlan requested a report on The 12 Gym, an update on the crosswalk on Tustin Ave., spoke on a recent house fire and the family being displaced, and on housing affordability.

Council Member Reynolds provided an update on the Fairview Park Steering Committee and the Master Planning process that will be in collaboration with Banning Ranch and Talbert Park, provided an update on the Active Transportation Committee, spoke on the new Arts Commission, and spoke on murals being defaced.

Mayor Pro Tem Marr spoke on murals being defaced, thanked Police and Fire Departments, spoke on Senator Min's town hall meeting, spoke on being a Veteran and Team Red, White and Blue, and spoke on the history of The Iron Riders.

Mayor Stephens spoke on the Trestle Bridge rededication ceremony, attending the Vanguard University groundbreaking ceremony for the Freed Center for Leadership and Service, attending the Human Options Shine the Light event, and adjourning the meeting in honor of Judge Francis Munoz.

CITY MANAGER REPORT – Ms. Farrell Harrison spoke on the four Vote Centers in Costa Mesa, spoke on the Merrimac Way Project winning the Planning Project Award, Dump Day on November 19th, congratulated the CMTV3 team that won eight first place and two third place awards for video productions and programming, thanked all Veterans for their service, spoke on the Housing Element Update, and Ms. Le, Director of Economic and Development Services provided an update on The 12 Gym.

CITY ATTORNEY REPORT – Ms. Hall Barlow provided an update on the Camp Lila litigation and that the case was dismissed by Federal Court, responded to Mr. Corum's complaints, and spoke on honoring Veterans Day.

CONSENT CALENDAR (Items 1-7)

MOVED/SECOND: Council Member Harlan/Council Member Reynolds
MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 6.
The motion carried by the following roll call vote:
Ayes: Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.
Nays: None
Absent: Council Member Chavez and Council Member Harper.
Abstain: Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.
Motion carried: 5-0

1. PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS

ACTION:
City Council, Agency Board, and Housing Authority approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

ACTION:
City Council received and filed Claims received by the City Clerk: Mercury Insurance Company, Abel Cirio Diaz, Fernanda Gomes Da Silva, Keith Riggert.

3. ADOPTION OF WARRANT RESOLUTION

Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.

ACTION:
City Council approved Warrant Resolution No. 2689.

4. MINUTES

ACTION:
City Council approved the Minutes of the Regular meeting of October 18, 2022.

5. EXTENSION OF RESOLUTION NO. 2022-62 TO ALLOW MEMBERS OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO PARTICIPATE IN THE MEETINGS REMOTELY, AS NEEDED, DUE TO HEALTH AND SAFETY CONCERNS FOR THE MEMBERS AND THE PUBLIC PURSUANT TO ASSEMBLY BILL 361

ACTION:
City Council extended Resolution 2022-62 to allow the members of the City Council, Commission, and Committees to participate in the meetings remotely, as needed, via Zoom due to:

1. The current State of Emergency and global pandemic, which continues to directly impact the ability of the members of the City's legislative bodies to meet safely in person; and

2. Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

7. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING TITLE 5, BUILDINGS AND CONSTRUCTION AND TITLE 7, FIRE PROTECTION AND PREVENTION, OF THE COSTA MESA MUNICIPAL CODE TO ADOPT THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, AS LOCALLY AMENDED, AND THE ORANGE COUNTY GRADING AND EXCAVATION CODE

ACTION:
City Council gave second reading to and adopted Ordinance 2022-07, which amends Title 5, Buildings and Construction, and Title 7, Fire Protection and Prevention, of the Costa Mesa Municipal Code to adopt the 2022 Edition of the California Building Standards Code, as locally amended, and the current edition of the Orange County Grading and Excavation Code.

ITEMS PULLED FROM THE CONSENT CALENDAR

6. ACCEPTANCE OF THE NEW TRAFFIC SIGNAL AT BAKER STREET AND RANDOLPH AVENUE PROJECT, CITY PROJECT NO. 21-01

Public Comments:

Marc Vukcevich spoke in support of the project.

MOVED/SECOND: Mayor Pro Tem Marr/Council Member Harlan
MOTION: Approve recommended actions.
The motion carried by the following roll call vote:
Ayes: Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.
Nays: None
Absent: Council Member Chavez and Council Member Harper.
Abstain: Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.
Motion carried: 5-0

ACTION:
1. City Council accepted the work performed by PTM General Engineering Services, Inc. (PTM) for the New Traffic Signal at Baker Street and Randolph Avenue Project, City Project No. 21-01, and authorize the City Clerk to file the Notice of Completion.

2. Authorized the City Manager to release the retention monies thirty-five (35) days after the Notice of Completion filing date; release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond one (1) year after the filing date.

----------END OF CONSENT CALENDAR----------

PUBLIC HEARINGS:
(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

1. EXTENSION OF URGENCY ORDINANCE 2020-15 SUSPENDING CERTAIN PERMIT REQUIREMENTS AND DEVELOPMENT STANDARDS FOR OUTDOOR ACTIVITIES DUE TO THE COVID-19 PANDEMIC

Presentation by Ms. Le, Economic and Development Services Director.

Public Comments:

Tim Taber spoke in support of the outdoor dining spaces and streamlining the process, and requested a longer extension.

Marc Vukcevich spoke in favor of the item and on AB 2097 regarding parking minimums.

MOVED/SECOND: Mayor Pro Tem Marr/Mayor Stephens
MOTION: Approve the extension through December 31, 2023.
The motion carried by the following roll call vote:
Ayes: Council Member Gameros, Council Member Harlan, Council Member Reynolds, and Mayor Pro Tem Marr.
Nays: Mayor Stephens
Absent: Council Member Chavez and Council Member Harper.
Abstain: None
Motion carried: 5-0

ACTION:
1. City Council extended Urgency Ordinance 2020-15 to December 31, 2023.

2. Provided direction to prepare a Code amendment to modify development standards and streamline the approval process for outdoor dining in Costa Mesa.

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS – NONE.

ADJOURNMENT – The Mayor adjourned the meeting at 7:44 p.m. in memory of Judge Francis Munoz.

DRAFT

Minutes adopted on this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

DRAFT

File #: 22-934 **Meeting Date:** 11/15/2022

TITLE:

REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JANUARY 3, 2023

DEPARTMENT: **CITY MANAGER'S OFFICE /CITY CLERK DIVISION**

PRESENTED BY: **BRENDA GREEN, CITY CLERK**

CONTACT INFORMATION: **BRENDA GREEN, CITY CLERK, 714-754-5221**

RECOMMENDATION:

Staff recommends the City Council cancel the regular meeting of Tuesday, January 3, 2023.

BACKGROUND:

Typically, the City conducts regularly scheduled City Council meetings on the first and third Tuesdays of the month. However, the January 3, 2023 regular meeting follows the holidays and the closure of City Hall from Friday, December 23, 2022 through Monday, January 2, 2023. Hence, it is recommended that the January 3, 2023 regular Council meeting be cancelled due to this timing. The regular Council meeting of January 17, 2023 will still be held.

ANALYSIS:

To ensure the City can conduct its business and accommodate schedules and deadlines due to the holidays, staff is proposing to cancel the regular meeting on Tuesday, January 3, 2023.

ALTERNATIVES:

City Council could choose to provide alternate direction.

FISCAL REVIEW:

There is no fiscal impact to approving this item.

LEGAL REVIEW:

The City Attorney's Office has reviewed the report and approved as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

Staff recommends the City Council cancel the regular meeting of Tuesday, January 3, 2023.

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-937 **Meeting Date:** 11/15/2022

TITLE:

APPROVAL OF MAYOR'S APPOINTMENT TO THE ORANGE COUNTY VECTOR CONTROL DISTRICT

DEPARTMENT: **CITY MANAGER'S OFFICE/CITY CLERK DIVISION**

PRESENTED BY: **BRENDA GREEN, CITY CLERK**

CONTACT INFORMATION: **BRENDA GREEN, CITY CLERK, 714-754-5221**

RECOMMENDATION:

Staff recommends the City Council approve Mr. Bill Turpit as the Mayor's appointment to the Orange County Vector Control District (OCVCD).

BACKGROUND:

The City Council is represented on a number of committees, boards and agencies throughout the County. In most cases, the Mayor has the authority to appoint the Council representative. However, the by-laws of the Vector Control District require formal Council approval of the Mayor's appointment. The Vector Control appointment can be a resident of Costa Mesa that is registered to vote.

ANALYSIS:

The Mayor has put forth the following Council appointment:

AGENCY	APPOINTEE	ALTERNATE
OCVCD	Mr. Bill Turpit	No Alternate Required

ALTERNATIVES:

City Council may choose to not make an appointment, and therefore have no Costa Mesa representation at the Orange County Vector Control District (OCVCD) meeting.

FISCAL REVIEW:

There is no fiscal impact.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and has approved it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

Staff recommends the City Council approve Mr. Bill Turpit as the Mayor's appointment to the Orange County Vector Control District (OCVCD).

File #: 22-942 **Meeting Date:** 11/15/2022

TITLE:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA SUPPORTING THE IRANIAN-AMERICAN COMMUNITY AND CONDEMNING VIOLENCE AGAINST WOMEN

DEPARTMENT: **CITY MANAGER'S OFFICE**

PRESENTED BY: **ALMA REYES, ASSISTANT TO THE CITY MANAGER**

CONTACT INFORMATION: **ALMA REYES, ASSISTANT TO THE CITY MANAGER, (714) 754-5090**

RECOMMENDATION:

City Council consideration to adopt Resolution 2022-XX in support of the Iranian-American community and condemning violence against women.

BACKGROUND:

On September 13, 2022, Mahsa Amini, a 22-year-old Kurdish woman from the northwestern city of Saqez, was arrested in Tehran by Iran's morality police for not wearing a "proper" hijab or head scarf in compliance with religiously-grounded laws. Police reportedly beat her and took her to Vozara Police Station, where she was reportedly beaten again and later transferred to a hospital after suffering a heart attack or stroke.

Mahsa Amini reportedly later fell into a coma, and on September 16, 2022, she passed away in the hospital. Authorities claim Amini died from underlying health reasons.

Since the announcement of Mahsa Amini's death, there has been an eruption of nationwide protests in the Islamic Republic of Iran, demanding accountability for her death and calling for an end to violence and discrimination against women and girls in Iran.

The government of Iran has committed additional acts of violence and numerous human rights violations against its own people, particularly against women and girls, including but not limited to the killing of over 200 civilians; gassing of an all-girls elementary school; shooting and killing of students at the Sharif University of Technology; threats of sexual violence as a means to silence opposition; and the burning of Evin Prison that holds political prisoners, intellectuals, reporters, and journalists.

Following the tragic death of 22-year-old Mahsa Amini in the custody of the morality police, the Iranian government has since cracked down on the right to freedom of expression and the right to peaceful assembly, including shutting down access to the internet.

At the October 18, 2022 City Council meeting, multiple Council Members expressed strong opposition to these reported violations of human rights and requested that staff prepare a Resolution condemning the actions of Iran's morality police against women and girls in Iran and to support the people of Iran in their efforts to defend their human rights and fundamental freedoms. At the request of the City Council, the attached Resolution has been drafted for your consideration.

ANALYSIS:

Since the death of Mahsa Amini, demonstrations have taken place in at least 40 cities throughout Iran, including the capital of Tehran, with protestors demanding an end to violence and discrimination against women and the end of the mandatory wearing of the hijab. Hijabs are obligatory to wear in public, regardless of religion or nationality. Further, Iranian women have lost the right to travel, the right to work, and the right to child custody after the child turns seven years old.

The protests have expanded from being solely focused on women's equality to Iranians expressing frustration over a wide range of issues, including living conditions, corruption, and economic mismanagement under the existing regime. While these challenges are being faced by women and girls in a country far from the United States, there is a large Iranian-American community in Southern California and the country that is calling for assistance from the United States and the global community to stand united in the cause to protect basic human rights for all women and girls in Iran and around the world.

As the United States Constitution stands for equality and democracy for all, foreign actions against women and girls represent human rights violations that threaten the stability of freedom and democracy worldwide. As such, City Council consideration is requested of the attached Resolution condemning violence against women in Iran.

ALTERNATIVES:

The City Council can provide additional direction to staff regarding the Resolution.

FISCAL REVIEW:

The adoption of the proposed Resolution will not have any fiscal impact on the City's budget.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report and prepared the Resolution, and approves them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

CONCLUSION:

City Council consider the adoption of Resolution 2022-XX in support of the Iranian-American community and condemning violence against women. By adopting this Resolution, the City Council is affirming its strong support for the right of all people of Iran, particularly women, to live a life without repression, brutal violence, and restrictions to basic human rights.

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUPPORTING ITS IRANIAN-AMERICAN COMMUNITY AND CONDEMNING THE VIOLENCE PERPETRATED BY THE GOVERNMENT OF IRAN AGAINST ITS PEOPLE

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, the rights of life, liberty, and the pursuit of happiness are endowed to all men and women by their Creator; and

WHEREAS, suspicious circumstances surround the September 16, 2022 death of Mahsa Amini who was detained by law enforcement for allegedly failing to adhere to hijab (headscarf) rules and died three days later while in custody; and

WHEREAS, the eruption of nationwide protests in the Islamic Republic of Iran began on September 17, 2022 in response to the death of Ms. Amini, who was 22 years old, and a member of the Kurdish minority; and

WHEREAS, demonstrations have taken place in at least 40 cities throughout Iran, including the capital Tehran, with protesters demanding an end to violence and discrimination against women and an end to the mandatory wearing of the hijab; and

WHEREAS, hijabs are obligatory for women in Iran to wear in public, regardless of religion or nationality. Since the Islamic Revolution of 1979, civil liberties groups continue to spotlight the suppression of women in the Islamic Republic of Iran. Iranian women have since lost many of their rights; and

WHEREAS, the death of Mahsa Amini has inspired numerous and ongoing protests throughout Iran, which the government of Iran has now blamed on the United States; and

WHEREAS, the main slogan of protesters now is “Woman, Life, Freedom,” a call for women’s equality and a stance against religious fundamentalism; and

WHEREAS, as of September 24, 2022, 1,200 protesters have been arrested and dozens of protestors have been reportedly killed; and

WHEREAS, the government of Iran has committed additional acts of violence and numerous human rights violations against its own people, particularly against women, including but not limited to the killing of more than 200 civilians, the gassing of an all-girls elementary school, the shooting and killing of students at Sharif University of Technology, the threatening of sexual violence as a means of silencing opposition, and the burning of Evin Prison that holds political prisoners, intellectuals, reporters, and journalists; and

WHEREAS, the government of Iran has restricted the people's access to internet, phone, and other forms of communication;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Costa Mesa, as follows:

A. That the City of Costa Mesa stands with its Iranian-American community members, particularly Iranian-American women, as their relatives and associates are suffering through the current injustices in Iran.
B. That the City of Costa Mesa condemns the violent acts that are being perpetrated against the Iranian people.
C. That the City of Costa Mesa calls upon the government of Iran to end its systemic human rights violations.
D. That the City of Costa Mesa calls upon other governments to join in the support of Iranians, in Iran and abroad, and the condemnation of the government of Iran's violent acts against its own people.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of November, 2022.

_____

Brenda Green, City Clerk

(SEAL)

File #: 22-924 **Meeting Date:** 11/15/2022

TITLE:

ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT - AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES

DEPARTMENT: **PUBLIC WORKS DEPARTMENT/ TRANSPORTATION SERVICES DIVISION**

PRESENTED BY: **RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**

CONTACT INFORMATION: **JENNIFER ROSALES, TRANSPORTATION SERVICES MANAGER, (714) 754-5343**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 1 to the Professional Services Agreement (PSA) with KOA Corporation increasing the maximum compensation by $30,230, for a total not-to-exceed amount of $141,017.

2. Authorize the City Manager and the City Clerk to execute the amendment and any future amendments to the agreement.

BACKGROUND:

The City received a federal Bicycle Corridor Improvement Program (BCIP) grant as well as a contribution from the Coast Community College District to design and construct pedestrian and bicycle improvements at the intersection of Adams Avenue and Pinecreek Drive. This project is in the final design phase and is anticipated to be ready for construction authorization by spring 2023. The project will improve pedestrian and bicycle mobility and access in the area.
A PSA with KOA Corporation was approved by the City Council on March 16, 2021 for engineering design services of the Adams Avenue and Pinecreek Drive Intersection Project. The scope of work for the engineering design services of the project includes the following:

- New/additional crosswalk on the west leg of the intersection crossing Adams Avenue
- Conversion of the northbound right turn slip lane to a conventional right turn lane
- Modifications to the eastbound right turn lane
- Class II bicycle lanes in the City's right-of-way
- Sidewalk and Americans with Disabilities Act (ADA) ramp improvements
- Relocation of the bus stop on eastbound Adams
- Traffic signal modifications to accommodate these improvements

This project is being designed concurrently with the Adams Avenue Bicycle Facility Project from Harbor Boulevard to Fairview Road to provide a cohesive pedestrian and bicycle infrastructure design along the corridor. The Adams Avenue Bicycle Facility project includes Class II bicycle lanes and Class IV cycle tracks. Extensive public outreach has been conducted for both projects including two public outreach meetings, three stakeholder meetings with Orange Coast College, and a presentation to the Active Transportation Committee.

ANALYSIS:

Through the project's design concept development process with the Active Transportation Committee as well as public outreach, a project design concept with Class I off-street multi-use paths on Adams Avenue emerged as the most desired project design alternative. The Class I multi-use paths connect to the Adams Avenue at Pinecreek Drive intersection on the northeast and southwest corners and provide a separation between active transportation users (pedestrians and bicyclists) and vehicles. The Class I multi-use paths will improve accessibility for pedestrians and bicyclists and improve multi -modal circulation. The reconfiguration of the intersection will slow right turning vehicles entering and exiting Orange Coast College and reduce conflict points.

The scope of work for the Adams Avenue at Pinecreek Drive Intersection project included Class II bicycle lanes. However, the design effort required for the option with Class I off-street multi-use paths is greater than the design effort for Class II bicycle lanes within the City's right-of-way. This work includes additional civil engineering design sheets (grading, utility, plan and profile), design details and sections, right-of-way and utility coordination, and additional project team meetings.

Staff recommends the City Council approve the amendment to the PSA with KOA Corporation for the Adams Avenue and Pinecreek Drive Intersection Project in the amount of $30,230 for additional design services. Staff also requests City Council authorization for the City Manager and the City Clerk to execute the amendment and future authorized changes and amendments to the agreement.

ALTERNATIVES:

One alternative would be to not approve Amendment No. 1 to the PSA. However, this would result in staff's inability to complete the additional design effort and result in delays in the completion of the design. This could jeopardize the project's federal grant funding for both the design and construction.

FISCAL REVIEW:

Funding of the proposed amendment to the PSA with KOA Corporation is available in the existing Capital Improvement Project funds for the Adams Avenue and Pinecreek Drive Improvements Project approved in Fiscal Year 2020-21 budget.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report, prepared the proposed amendment, and approves them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Strengthen the Public's Safety and Improve the Quality of Life
- Advance Environmental Sustainability and Climate Resiliency

CONCLUSION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 1 to the PSA with KOA Corporation increasing the maximum compensation by $30,230, for a total not-to-exceed amount of $141,017.

2. Authorize the City Manager and the City Clerk to execute the amendment and any future amendments to the agreement.

AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
KOA CORPORATION

This Amendment Number One ("Amendment") is made and entered into this 15th day of November 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and KOA CORPORATION, a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on March 16, 2021 for Consultant to provide engineering design services in connection with the Adams Avenue and Pinecreek Drive Intersection Project (the "Agreement"); and

WHEREAS, City and Consultant desire to amend the Scope of Services to include the additional services set forth in Exhibit "A," attached hereto and incorporated herein by this reference; and

WHEREAS, City desires to increase Consultant's maximum compensation by Thirty Thousand Two Hundred and Thirty Dollars ($30,230.00).

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Scope of Services shall be amended to include the additional services set forth in Exhibit A.

2. Section 3.5 of the Agreement shall be amended to reflect that Consultant's total compensation shall not exceed One Hundred and Forty-One Thousand Seventeen Dollars and Three Cents ($141,017.03). Consultant shall be paid according to the fee schedule set forth in the Agreement and Exhibit A of this Amendment.

3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.

4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

5. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CONSULTANT

_____ Date: _____
Signature

_____
Name and Title

CITY OF COSTA MESA

_____ Date: _____

Lori Ann Farrell Harrison
City Manager

ATTEST:

_____

Brenda Green
City Clerk

APPROVED AS TO FORM:

_____ Date: _____

Kimberly Hall Barlow
City Attorney

APPROVED AS TO INSURANCE:

_____ Date: _____

Ruth Wang
Risk Management

APPROVED AS TO CONTENT:

_____ Date: _____

Ramin Nikoui
Project Manager

DEPARTMENTAL APPROVAL:

_____ Date: _____

Raja Sethuraman
Public Works Director

APPROVED AS TO PURCHASING:

_____ Date: _____

Carol Molina
Finance Director

EXHIBIT A

2141 W. Orangewood Avenue, Orange, CA 92868
T: 714.573.0317 | F: 714.573.9534 | www.koacorp.com
MONTEREY PARK ORANGE ONTARIO SAN DIEGO

October 6, 2022

Ramin Nikoui, PE
Associate Engineer
City of Costa Mesa
77 Fair Drive, 4th Floor
Costa Mesa, CA 92628

Subject: Change Order Request for Adams/Pinecreek Project

Ramin:

As discussed several times, the scope of work for the subject project has expanded significantly since the agreement was approved in 2021.

The original concept per the RFP proposed Class II bike lanes and a continuation of the EB slip ramp. As the project developed, including extensive feedback during the public outreach, the design changed significantly to improve safety for the bicyclists and pedestrians.

The Class II bike lane was revised to transition to a Class I trail eastbound and westbound approaching Pinecreek. This refinement alleviates the safety concerns expressed by bicyclists about having a long segment of Class II bike lane sandwiched between the outside through lane and the right turn lane. It also provides for a smoother transition from eastbound Adams to the college for bicyclists and the elimination of the existing eastbound slip ramp significantly improves pedestrian safety.

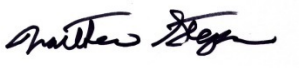
In conjunction with these revisions, KOA attended additional meeting with OCC staff to get concurrence on the changes as well as to coordinate the design revisions.

Additionally, we are requesting for construction support on an as-needed basis.

The additional effort to incorporate the changes noted above is **$20,230** for the revised design plus **$10,000** for construction support. Please provide written authorization for **$30,230**.

If you have any questions, please do not hesitate to call.

Sincerely,
KOA Corporation



Matt Stepien, P.E.
Project Manager

CITY OF COSTA MESA
PROFESSIONAL SERVICES AGREEMENT
WITH
KOA CORPORATION

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this 16th day of March, 2021 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and KOA CORPORATION, a California corporation ("Consultant").

W I T N E S S E T H :

A. WHEREAS, City proposes to utilize the services of Consultant as an independent contractor to provide engineering design services in connection with the Adams Avenue and Pinecreek Drive Intersection Project, as more fully described herein; and

B. WHEREAS, Consultant represents that it has that degree of specialized expertise contemplated within California Government Code section 37103, and holds all necessary licenses to practice and perform the services herein contemplated; and

C. WHEREAS, City issued a Request for Proposals for Engineering Design Services for Adams Avenue and Pinecreek Drive Intersection Project ("Project A") and Adams Avenue Bicycle Facility Project ("Project B"), dated November 9, 2020, incorporated by this reference as if fully set forth herein ("RFP"); and

D. WHEREAS, Consultant submitted a response to the City's RFP ("Consultant's Proposal"), attached hereto as Exhibit "A" and incorporated herein by this reference; and

E. WHEREAS, City and Consultant desire to contract for the specific services described in the RFP and Exhibits "A" and "B" (the "Project") and desire to set forth their rights, duties and liabilities in connection with the services to be performed; and

F. WHEREAS, no official or employee of City has a financial interest, within the provisions of sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1.0. SERVICES PROVIDED BY CONSULTANT

1.1. Scope of Services. Consultant shall provide the professional services for Project A in accordance with the RFP, Consultant's Proposal, and Consultant's approved Cost Proposal, attached hereto as Exhibit "B" and incorporated herein by this reference.

1.2. Professional Practices. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound

professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant's performance of this Agreement.

1.3. Performance to Satisfaction of City. Consultant agrees to perform all the work to the complete satisfaction of the City. Evaluations of the work will be done by the City Manager or his or her designee. If the quality of work is not satisfactory, City in its discretion has the right to:

(a) Meet with Consultant to review the quality of the work and resolve the matters of concern;

(b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or

(c) Terminate the Agreement as hereinafter set forth.

1.4. Warranty. Consultant warrants that it shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement. Consultant shall indemnify and hold harmless City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against City for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Consultant's performance under this Agreement.

1.5. Non-Discrimination. In performing this Agreement, Consultant shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military or veteran status, except as permitted pursuant to section 12940 of the Government Code.

1.6. Non-Exclusive Agreement. Consultant acknowledges that City may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

1.7. Delegation and Assignment. This is a personal service contract, and the duties set forth herein shall not be delegated or assigned to any person or entity without the prior written consent of City. Consultant may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Consultant's sole cost and expense.

1.8. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without written authorization by

City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

2.0. PERFORMANCE PERIOD

2.1. This Agreement shall go into effect on March 16, 2021, contingent upon approval by City, and Consultant shall commence work after notification to proceed by the City's Contract Administrator or Project Manager. This Agreement shall end on March 15, 2023, unless extended by an amendment to this Agreement. This Agreement may be extended by two (2) additional one (1) year periods.

2.2. Consultant is advised and agrees that any recommendation for contract award is not binding on City until the Agreement is fully executed and approved by City.

2.3. Consultant shall perform the services set forth herein in strict compliance with the Project Schedule approved by City as set forth in Exhibit A. The Project Schedule may be amended by mutual agreement of the parties.

3.0. ALLOWABLE COSTS AND PAYMENTS

3.1. The method of payment for this Agreement will be based on lump sum. The total lump sum price paid to Consultant will include compensation for all work and deliverables, including travel and equipment described in the Scope of Services. No additional compensation will be paid to Consultant, unless there is a change in the Scope of Services or the scope of the Project. In the instance of a change in the Scope of Services or scope of the Project, adjustment to the total lump sum compensation will be negotiated between Consultant and City. Adjustment in the total lump sum compensation will not be effective until authorized by Agreement amendment and approved by City.

3.2. Progress payments may be made monthly in arrears based on the percentage of work completed by Consultant. If Consultant fails to submit the required deliverable items according to the schedule set forth in Scope of Services, City shall have the right to delay payment or terminate this Agreement in accordance with the provisions of Section 6 (Termination).

3.3. Consultant shall not commence performance of work or services until this Agreement has been approved by City and notification to proceed has been issued by City's Contract Administrator. No payment will be made prior to approval of any work, or for any work performed prior to approval of this Agreement.

3.4. Consultant will be reimbursed within thirty (30) days upon receipt by City's Contract Administrator of itemized invoices in duplicate. Invoices shall be submitted no later than thirty (30) calendar days after the performance of work for which Consultant is billing. Invoices shall detail the work performed on each milestone, on each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this Agreement number and project title. Final invoice must contain the final cost and all credits due City that include any equipment purchased under the provisions of Section 5 (Equipment Purchase and Other Capital Expenditures). The final invoice must be submitted within sixty (60) calendar days after completion of Consultant's work unless a later date is approved by the City. Invoices shall be mailed to City's Contract Administrator at the following address:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Attn: Ramin Nikoui

3.5. The total amount payable by City shall not exceed One Hundred Ten Thousand Seven Hundred Eighty-Seven Dollars and Three Cents ($110,787.03).

3.6. City shall make any progress payment within thirty (30) days after receipt of an undisputed and properly submitted payment request from Consultant on a professional service contract. If City fails to pay promptly, City shall pay interest to the Consultant, which accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied. Upon receipt of a payment request, City shall act in accordance with both of the following:

(a) Each payment request shall be reviewed by City as soon as practicable after receipt for the purpose of determining that the payment request is a proper payment request.

(b) Any payment request determined not to be a proper payment request suitable for payment shall be returned to Consultant as soon as practicable, but not later than seven (7) days, after receipt. A request returned pursuant to this paragraph shall be accompanied by a document setting forth in writing the reasons why the payment request is not proper.

4.0. COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS

4.1. Consultant agrees that the provisions of 48 C.F.R. Part 31, Contract Cost Principles and Procedures, shall be used to determine the allowability of individual items of cost.

4.2. Consultant also agrees to comply with federal procedures in accordance with 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

4.3. Any costs for which payment has been made to Consultant that are determined by subsequent audit to be unallowable under 48 C.F.R. Part 31 or 2 C.F.R. Part 200 are subject to repayment by Consultant to City.

4.4. If Consultant or a subconsultant is a non-profit organization or an institution of higher education, the Cost Principles for Title 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall apply.

5.0. EQUIPMENT PURCHASE AND OTHER CAPITAL EXPENDITURES

5.1. Prior authorization in writing by City's Contract Administrator shall be required before Consultant enters into any unbudgeted purchase order, or subcontract exceeding Five Thousand Dollars ($5,000.00) for supplies, equipment, or consultant services. Consultant shall provide an evaluation of the necessity or desirability of incurring such costs.

5.2. For purchase of any item, service or consulting work not covered in Consultant's approved Cost Proposal and exceeding Five Thousand Dollars ($5,000.00), with prior authorization by City's Contract Administrator, three (3) competitive quotations must be submitted with the request, or the absence of proposal must be adequately justified.

5.3. Any equipment purchased with funds provided under the terms of this Agreement is subject to the following:

(a) Consultant shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two (2) years and an acquisition cost of Five Thousand Dollars ($5,000.00) or more. If the purchased equipment needs replacement and is sold or traded in, City shall receive a proper refund or credit at the conclusion of the Agreement, or if the Agreement is terminated, Consultant may either keep the equipment and credit City in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established City procedures; and credit City in an amount equal to the sale price. If Consultant elects to keep the equipment, fair market value shall be determined at Consultant's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to City and Consultant, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by City.

(b) Regulation 2 C.F.R. Part 200 requires a credit to Federal funds when participating equipment with a fair market value greater than Five Thousand Dollars ($5,000.00) is credited to the project.

6.0. TERMINATION

6.1. This Agreement may be terminated by City, provided that City gives not less than thirty (30) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate.

6.2. City may temporarily suspend this Agreement, at no additional cost to City, provided that Consultant is given written notice (delivered by certified mail, return receipt requested) of temporary suspension. If City gives such notice of temporary suspension, Consultant shall immediately suspend its activities under this Agreement. A temporary suspension may be issued concurrent with the notice of termination.

6.3. Notwithstanding any provisions of this Agreement, Consultant shall not be relieved of liability to City for damages sustained by City by virtue of any breach of this Agreement by Consultant, and City may withhold any payments due to Consultant until such time as the exact amount of damages, if any, due City from Consultant is determined.

6.4. In the event of termination, Consultant shall be compensated as provided for in this Agreement. Upon termination, City shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not.

7.0. RETENTION OF RECORDS/AUDIT; AUDIT REVIEW PROCEDURES

7.1. For the purpose of determining compliance with Government Code section 8546.7, Consultant, subconsultants, and City shall maintain all books, documents, papers, accounting records, Independent CPA Audited Indirect Cost Rate workpapers, and other evidence pertaining to the performance of the Agreement including, but not limited to, the costs of administering the Agreement. All parties, including Consultant's Independent CPA, shall make such workpapers and materials available at their respective offices at all reasonable times during the Agreement period and for three (3) years from the date of final payment under the Agreement. City, Caltrans Auditor, Federal Highway Administration, or any duly authorized representative of the Federal government having jurisdiction under Federal laws or regulations (including the basis of Federal funding in whole or in part) shall have access to any books, records, and documents of Consultant, subconsultants, and Consultant's Independent CPA, that are pertinent to the Agreement for audits, examinations, workpaper review, excerpts, and transactions, and copies thereof shall be furnished if requested without limitation.

7.2. Any dispute concerning a question of fact arising under an interim or post audit of this Agreement that is not disposed of by agreement shall be reviewed by City's Chief Financial Officer.

7.3. Not later than thirty (30) days after issuance of the final audit report, Consultant may request a review by City's Chief Financial Officer of unresolved audit issues. The request for review must be submitted in writing.

7.4. Neither the pendency of a dispute nor its consideration by City will excuse Consultant from full and timely performance, in accordance with the terms of this Agreement.

7.5. Consultant and subconsultant agreements, including cost proposals and Indirect Cost Rates (ICR), may be subject to audits or reviews such as, but not limited to, an Agreement audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the Agreement, Cost Proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 C.F.R. Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is Consultant's responsibility to ensure federal, City, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The Agreement, cost proposal, and ICR shall be adjusted by Consultant and approved by City's Contract Administrator to conform to the audit or review recommendations. Consultant agrees that individual terms of costs identified in the audit report shall be incorporated into the Agreement by this reference if directed by City at its sole discretion. Refusal by Consultant to incorporate audit or review recommendations, or to ensure that the federal, City or local governments have access to CPA work papers, will be considered a breach of Agreement terms and cause for termination of the Agreement and disallowance of prior reimbursed costs.

7.6. Consultant's Cost Proposal may be subject to a CPA ICR Audit Work Paper Review and/or audit by the Independent Office of Audits and Investigations (IOAI). IOAI, at its sole discretion, may review and/or audit and approve the CPA ICR documentation. The Cost Proposal shall be adjusted by Consultant and approved by the City's Contract Administrator to conform to the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report. Refusal by Consultant to incorporate the Work Paper Review recommendations included in the management letter or audit recommendations

included in the audit report will be considered a breach of the Agreement terms and cause for termination of the Agreement and disallowance of prior reimbursed costs.

(a) During IOAI's review of the ICR audit work papers created by the Consultant's independent CPA, IOAI will work with the CPA and/or Consultant toward a resolution of issues that arise during the review. Each party agrees to use its best efforts to resolve any audit disputes in a timely manner. If IOAI identifies significant issues during the review and is unable to issue a cognizant approval letter, City will reimburse the Consultant at an accepted ICR until a FAR (Federal Acquisition Regulation) compliant ICR {e.g. 48 C.F.R. Part 31; GAGAS (Generally Accepted Auditing Standards); CAS (Cost Accounting Standards), if applicable; in accordance with procedures and guidelines of the American Association of State Highways and Transportation Officials (AASHTO) Audit Guide; and other applicable procedures and guidelines} is received and approved by IOAI.

Accepted rates will be as follows:

(1) If the proposed rate is less than one hundred fifty percent (150%) - the accepted rate reimbursed will be ninety percent (90%) of the proposed rate.

(2) If the proposed rate is between one hundred fifty percent (150%) and two hundred percent (200%) - the accepted rate will be eighty-five percent (85%) of the proposed rate.

(3) If the proposed rate is greater than two hundred percent (200%) - the accepted rate will be seventy-five percent (75%) of the proposed rate.

(b) If IOAI is unable to issue a cognizant letter per Section 7.6(a) above, IOAI may require Consultant to submit a revised independent CPA-audited ICR and audit report within three (3) months of the effective date of the management letter. IOAI will then have up to six (6) months to review the Consultant's and/or the independent CPA's revisions.

(c) If Consultant fails to comply with the provisions of this Section 7.6, or if IOAI is still unable to issue a cognizant approval letter after the revised independent CPA audited ICR is submitted, overhead cost reimbursement will be limited to the accepted ICR that was established upon initial rejection of the ICR and set forth in Section 7.6(a) above for all rendered services. In this event, this accepted ICR will become the actual and final ICR for reimbursement purposes under this Agreement.

(d) Consultant may submit to City its final invoice only when all of the following items have occurred: (1) IOAI accepts or adjusts the original or revised independent CPA audited ICR; (2) all work under this Agreement has been completed to the satisfaction of City; and (3) IOAI has issued its final ICR review letter. Consultant must submit its final invoice to City no later than sixty (60) calendar days after occurrence of the last of these items. The accepted ICR will apply to this Agreement and all other agreements executed between City and the Consultant, either as a prime or subconsultant, with the same fiscal period ICR.

8.0. FUNDING REQUIREMENTS

8.1. It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the Agreement were executed after that determination was made.

8.2. This Agreement is valid and enforceable only if sufficient funds are made available to City for the purpose of this Agreement. In addition, this Agreement is subject to any additional restrictions, limitations, conditions, or any statute enacted by Congress, the State Legislature, or City's City Council that may affect the provisions, terms, or funding of this Agreement in any manner.

8.3. It is mutually agreed that if sufficient funds are not appropriated, this Agreement may be amended to reflect any reduction in funds.

8.4. City has the option to terminate the Agreement pursuant to Section 6 (Termination), or by mutual agreement to amend the Agreement to reflect any reduction of funds.

9.0. INSURANCE

9.1. Minimum Scope and Limits of Insurance. Consultant shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by City:

(a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars ($1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.

(b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars ($1,000,000.00), combined single limits, per occurrence for bodily injury and property damage.

(c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.

(d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars ($1,000,000.00), combined single

limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

9.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

(a) Additional insureds: "The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."

(b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City."

(c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."

(d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.

(e) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9.3. Deductible or Self Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by City. No policy of insurance issued as to which the City is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

9.4. Certificates of Insurance. Consultant shall provide to City certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by City, prior to performing any services under this Agreement.

9.5. Non-Limiting. Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

10.0. SUBCONTRACTING

10.1. Nothing contained in this Agreement or otherwise, shall create any contractual relation between City and any subconsultant(s), and no subagreement or subcontract shall relieve Consultant of its responsibilities and obligations hereunder. Consultant agrees to be as fully responsible to City for the acts and omissions of its subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by Consultant. Consultant's obligation to pay its subconsultant(s) is an independent obligation from City's obligation to make payments to the Consultant.

10.2. Consultant shall perform the work contemplated with resources available within its own organization and no portion of the work pertinent to this Agreement shall be subcontracted without written authorization by City's Contract Administrator, except that which is expressly identified in Consultant's approved Cost Proposal.

10.3. Any subcontracts and subagreements entered into as a result of this Agreement shall contain all the provisions stipulated in this Agreement to be applicable to subconsultants unless otherwise noted.

10.4. Consultant shall pay its subconsultants within fifteen (15) calendar days from receipt of each payment made to Consultant by City.

10.5. Any substitution of subconsultant(s) must be approved in writing by City's Contract Administrator in advance of assigning work to a substitute subconsultant.

10.6. Prompt Progress Payment. Consultant or subconsultant shall pay to any subconsultant, not later than fifteen (15) days after receipt of each progress payment, unless otherwise agreed to in writing, the respective amounts allowed Consultant on account of the work performed by the subconsultants, to the extent of each subconsultant's interest therein. In the event that there is a good faith dispute over all or any portion of the amount due on a progress payment from Consultant or subconsultant to a subconsultant, Consultant or subconsultant may withhold no more than 150 percent (150%) of the disputed amount. Any violation of this requirement shall constitute a cause for disciplinary action and shall subject the Consultant or subconsultant to a penalty, payable to the subconsultant, of two percent (2%) of the amount due per month for every month that payment is not made.

In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to his or her attorneys' fees and costs. The sanctions authorized under this requirement shall be separate from, and in addition to, all other remedies, either civil, administrative, or criminal. This clause applies to both DBE and non-DBE subconsultants.

10.7. No Retainage of Funds. No retainage will be held by the City from progress payments due to Consultant. Consultants and subconsultants are prohibited from holding retainage from subconsultants. Any delay or postponement of payment may take place only for good cause and with the City's prior written approval. Any violation of these provisions shall subject the violating consultant or subconsultant to the penalties, sanctions, and other remedies specified in Section 3321 of the California Civil Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by Consultant, deficient subconsultant performance and/or noncompliance by a subconsultant. This

clause applies to both DBE and non-DBE subconsultants.

11.0. DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

11.1. Consultant, subrecipient (City), or subconsultant shall take necessary and reasonable steps to ensure that DBEs have opportunities to participate in the contract (49 C.F.R. 26). To ensure equal participation of DBEs provided in 49 C.F.R. 26.5, City shows a contract goal for DBEs. Consultant shall make work available to DBEs and select work parts consistent with available DBE subconsultants and suppliers.

Consultant shall meet the DBE goal shown elsewhere in these special provisions or demonstrate that it made adequate good faith efforts to meet this goal. It is Consultant's responsibility to verify that the DBE firm is certified as DBE at date of proposal opening and document the record by printing out the California Unified Certification Program (CUCP) data for each DBE firm. A list of DBEs certified by the CUCP can be found at https://dot.ca.gov/programs/civil-rights/dbe-search.

All DBE participation will count toward the California Department of Transportation's federally mandated statewide overall DBE goal. Credit for materials or supplies Consultant purchases from DBEs counts towards the goal in the following manner:

(a) 100 percent counts if the materials or supplies are obtained from a DBE manufacturer.

(b) 60 percent counts if the materials or supplies are purchased from a DBE regular dealer.

(c) Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a DBE that is neither a manufacturer nor regular dealer. 49 C.F.R. 26.55 defines "manufacturer" and "regular dealer."

This Agreement is subject to 49 C.F.R. Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs". Consultants who obtain DBE participation on this Agreement will assist Caltrans in meeting its federally mandated statewide overall DBE goal.

11.2. The goal for DBE participation for this Agreement is five percent (5.0%). Participation by DBE consultant or subconsultants shall be in accordance with information contained in Exhibit 10-O2: Consultant Contract DBE Commitment, as set forth in Exhibit A. If a DBE subconsultant is unable to perform, Consultant must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met

11.3. Consultant can meet the DBE participation goal by either documenting commitments to DBEs to meet the Agreement goal, or by documenting adequate good faith efforts to meet the Agreement goal. An adequate good faith effort means that the Consultant must show that it took all necessary and reasonable steps to achieve a DBE goal that, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to meet the DBE goal. If Consultant has not met the DBE goal, complete and submit Exhibit 15-H: DBE Information – Good Faith Efforts to document efforts to meet the goal. Refer to 49 C.F.R. Part 26 for guidance

regarding evaluation of good faith efforts to meet the DBE goal.

11.4. Contract Assurance. Under 49 C.F.R. 26.13(b): Consultant, subrecipient or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. Consultant shall carry out applicable requirements of 49 C.F.R. 26 in the award and administration of federal-aid contracts.

Failure by the Consultant to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

(a) Withholding monthly progress payments;

(b) Assessing sanctions;

(c) Liquidated damages; and/or

(d) Disqualifying Consultant from future proposing as non-responsible

11.5. Termination and Substitution of DBE Subconsultants. Consultant shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless Consultant or DBE subconsultant obtains the City's written consent. Consultant shall not terminate or substitute a listed DBE for convenience and perform the work with their own forces or obtain materials from other sources without authorization from the City. Unless the City's consent is provided, Consultant shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE on the Exhibit 10-02 Consultant Contract DBE Commitment form, included in Consultant's Proposal.

City authorizes a request to use other forces or sources of materials if Consultant shows any of the following justifications:

(a) Listed DBE fails or refuses to execute a written contract based on plans and specifications for the Project.

(b) City stipulated that a bond is a condition of executing the subcontract and the listed DBE fails to meet the City's bond requirements.

(c) Work requires a consultant's license and listed DBE does not have a valid license under Contractors License Law.

(d) Listed DBE fails or refuses to perform the work or furnish the listed materials (failing or refusing to perform is not an allowable reason to remove a DBE if the failure or refusal is a result of bad faith or discrimination).

(e) Listed DBE's work is unsatisfactory and not in compliance with the Agreement.

(f) Listed DBE is ineligible to work on the Project because of suspension or debarment.

(g) Listed DBE becomes bankrupt or insolvent.

(h) Listed DBE voluntarily withdraws with written notice from the Agreement.

(i) Listed DBE is ineligible to receive credit for the type of work required.

(j) Listed DBE owner dies or becomes disabled resulting in the inability to perform the work on the Agreement.

(k) City determines other documented good cause.

Consultant shall notify the original DBE of the intent to use other forces or material sources and provide the reasons and provide the DBE with five (5) days to respond to the notice and advise Consultant and City of the reasons why the use of other forces or sources of materials should not occur.

Consultant's request to use other forces or material sources must include:

(a) One or more of the reasons listed in the preceding paragraph.

(b) Notices from Consultant to the DBE regarding the request.

(c) Notices from the DBEs to Consultant regarding the request.

If a listed DBE is terminated or substituted, Consultant must make good faith efforts to find another DBE to substitute for the original DBE. The substitute DBE must perform at least the same amount of work as the original DBE under the contract to the extent needed to meet or exceed the DBE goal.

11.6. Commitment and Utilization. City's DBE program must include a monitoring and enforcement mechanism to ensure that DBE commitments reconcile to DBE utilization.

Consultant shall:

(a) Notify the City's Contract Administrator or designated representative of any changes to its anticipated DBE participation.

(b) Provide this notification before starting the affected work.

(c) Maintain records including:

(i) Name and business address of each 1st-tier subconsultant;

(ii) Name and business address of each DBE subconsultant, DBE vendor, and DBE trucking company, regardless of tier; and

(iii) Date of payment and total amount paid to each business (see Exhibit 9-F Monthly Disadvantaged Business Enterprise Payment).

If Consultant is a DBE consultant, it shall include the date of work performed by its own

forces and the corresponding value of the work.

If a DBE is decertified before completing its work, the DBE must notify Consultant in writing of the decertification date. If a business becomes a certified DBE before completing its work, the business must notify Consultant in writing of the certification date. Consultant shall submit the notifications to the City. On work completion, Consultant shall complete a Disadvantaged Business Enterprises (DBE) Certification Status Change, Exhibit 17-O, form and submit the form to the City within 30 days of contract acceptance.

Upon work completion, Consultant shall complete Exhibit 17-F Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors and submit it to the City within 90 days of contract acceptance. The City will withhold $10,000 until the form is submitted. The City will release the withheld amount upon submission of the completed form.

In the City's reports of DBE participation to Caltrans, the City must display both commitments and attainments.

11.7. A DBE is only eligible to be counted toward the Agreement goal if it performs a commercially useful function (CUF) on the Agreement. CUF must be evaluated on an agreement by agreement basis. A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the Agreement and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the Agreement, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable), and paying for the material itself. To determine whether a DBE is performing a CUF, evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the Agreement is commensurate with the work it is actually performing, and other relevant factors.

11.8. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, agreement, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.

11.9. If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its agreement with its own work force, or the DBE subcontracts a greater portion of the work of the agreement than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a CUF.

11.10. Consultant shall maintain records of materials purchased or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE consultants shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.

11.11. If a DBE subconsultant is decertified during the life of the Agreement, the decertified subconsultant shall notify Consultant in writing with the date of decertification. If a subconsultant becomes a certified DBE during the life of the Agreement, the subconsultant shall notify Consultant in writing with the date of certification. Any changes should be reported to City's

Contract Administrator within thirty (30) calendar days.

11.12. After submitting an invoice for reimbursement that includes a payment to a DBE, but no later than the 10th of the following month, the prime contractor/consultant shall complete and email the Exhibit 9-F: Disadvantaged Business Enterprise Running Tally of Payments to business.support.unit@dot.ca.gov with a copy to the City.

11.13. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this Section.

12.0. CONFLICT OF INTEREST

12.1. During the term of this Agreement, Consultant shall disclose any financial, business, or other relationship with City that may have an impact upon the outcome of this Agreement or any ensuing City construction project. Consultant shall also list current clients who may have a financial interest in the outcome of this Agreement or any ensuing City construction project which will follow.

12.2. Consultant certifies that it has disclosed to City any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this Agreement. Consultant agrees to advise City of any actual, apparent or potential conflicts of interest that may develop subsequent to the date of execution of this Agreement. Consultant further agrees to complete any statements of economic interest if required by either City ordinance or State law.

12.3. Consultant hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this Agreement.

12.4. Consultant hereby certifies that the Consultant or subconsultant and any firm affiliated with the Consultant or subconsultant that bids on any construction contract or on any agreement to provide construction inspection for any construction project resulting from this Agreement, has established necessary controls to ensure a conflict of interest does not exist. An affiliated firm is one, which is subject to the control of the same persons, through joint ownership or otherwise.

13.0. REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any City employee. For breach or violation of this warranty, City shall have the right, in its discretion, to terminate this Agreement without liability, to pay only for the value of the work actually performed, or to deduct from this Agreement price, or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

14.0. NON-DISCRIMINATION CLAUSE AND STATEMENT OF COMPLIANCE

14.1. Consultant's signature affixed herein and dated shall constitute a certification under penalty of perjury under the laws of the State of California that Consultant has, unless exempt, complied with the nondiscrimination program requirements of Government Code section

12990 and Section 8103 of Title 2 of the California Code of Regulations.

14.2. During the performance of this Agreement, Consultant and its subconsultants shall not deny the Agreement's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Consultant and subconsultants shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.

14.3. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12990 et seq.), the applicable regulations promulgated there under (2 C.C.R. section 11000 et seq.), the provisions of Government Code sections 11135-11139.5, and the regulations or standards adopted by City to implement such article. The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a-f), set forth 2 C.C.R. sections 8100-8504, are incorporated into this Agreement by reference and made a part hereof as if set forth in full.

14.4. Consultant shall permit access by representatives of the Department of Fair Employment and Housing and the City upon reasonable notice at any time during the normal business hours, but in no case less than twenty-four (24) hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or City shall require to ascertain compliance with this Section.

14.5. Consultant and its subconsultants shall give written notice of their obligations under this Section to labor organizations with which they have a collective bargaining or other Agreement.

14.6. Consultant shall include the nondiscrimination and compliance provisions of this Section in all subcontracts to perform work under this Agreement.

14.7. Consultant, with regard to the work performed by it during the Agreement, shall act in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d et seq.). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the United States shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.

14.8. Consultant shall comply with regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (49 C.F.R. Part 21 - Effectuation of Title VI of the Civil Rights Act of 1964). Specifically, Consultant shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. section 21.5, including employment practices and the selection and retention of Subconsultants.

14.9. Consultant, subrecipient or subconsultant will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 C.F.R. 26 on the basis of race, color, sex, or national origin. In administering the City components of the DBE Program Plan, Consultant, subrecipient or subconsultant will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

14.10. Consultant shall comply with the requirements set forth in Appendix E of the Title VI Assurances, attached hereto as Exhibit "C" and incorporated herein by this reference.

15.0. DEBARMENT AND SUSPENSION CERTIFICATION

15.1. Consultant's signature affixed herein shall constitute a certification under penalty of perjury under the laws of the State of California, that Consultant or any person associated therewith in the capacity of owner, partner, director, officer or manager:

(a) Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;

(b) Has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years;

(c) Does not have a proposed debarment pending; and

(d) Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.

15.2. Any exceptions to this certification must be disclosed to City. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining responsibility. Disclosures must indicate the party to whom the exceptions apply, the initiating agency, and the dates of agency action.

15.3. Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highway Administration.

16.0. GENERAL PROVISIONS

16.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing, and signed by the parties in interest at the time of such modification. The terms of this Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Agreement.

16.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals,

directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

Consultant shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Consultant called for by this Agreement, except as otherwise expressly provided in this Agreement.

16.3. Project Managers. City shall designate a Project Manager to work directly with Consultant in the performance of this Agreement.

Consultant shall designate a Project Manager who shall represent it and be its agent in all consultations with City during the term of this Agreement. Consultant or its Project Manager shall attend and assist in all coordination meetings called by City.

16.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement or the work hereunder may be provided by personal delivery or mail and shall be addressed as set forth below. Such communication shall be deemed served or delivered: (a) at the time of delivery if such communication is sent by personal delivery, and (b) 48 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONSULTANT:

KOA Corporation
2141 W. Orangewood Ave.
Orange, CA 92868
Tel: (714) 573-0317
Attn: Matt Stepien

IF TO CITY:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Tel: (714) 754-5359
Attn: Ramin Nikoui

Courtesy copy to:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Attn: Finance Dept. | Purchasing

16.5. Drug-Free Workplace Policy. Consultant shall provide a drug-free workplace by complying with all provisions set forth in City's Council Policy 100-5, attached hereto as Exhibit "D" and incorporated herein by reference. Consultant's failure to conform to the requirements set forth in Council Policy 100-5 shall constitute a material breach of this Agreement and shall be cause for immediate termination of this Agreement by City.

16.6. Attorneys' Fees. In the event that litigation is brought by any party in connection with this Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

16.7. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California.

16.8. Assignment. Consultant shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Consultant's interest in this Agreement without City's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of City's consent, no subletting or assignment shall release Consultant of Consultant's obligation to perform all other obligations to be performed by Consultant hereunder for the term of this Agreement.

16.9. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the negligence, recklessness, or willful misconduct of the Consultant, its employees, and/or authorized subcontractors, in the performance of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon negligence, recklessness, or willful misconduct in the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. In no event shall the cost to defend charged to Consultant exceed Consultant's proportionate percentage of fault. However, notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, Consultant shall meet and confer with other parties regarding unpaid defense costs. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

16.10. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any

and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

16.11. PERS Eligibility Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

16.12. Cooperation. In the event any claim or action is brought against City relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation which City might require.

16.13. Ownership of Documents. All findings, reports, documents, information and data including, but not limited to, computer tapes or discs, files and tapes furnished or prepared by Consultant or any of its subcontractors in the course of performance of this Agreement, shall be and remain the sole property of City. Consultant agrees that any such documents or information shall not be made available to any individual or organization without the prior consent of City. Any use of such documents for other projects not contemplated by this Agreement, and any use of incomplete documents, shall be at the sole risk of City and without liability or legal exposure to Consultant. City shall indemnify and hold harmless Consultant from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from City's use of such documents for other projects not contemplated by this Agreement or use of incomplete documents furnished by Consultant. Consultant shall deliver to City any findings, reports, documents, information, data, in any form, including but not limited to, computer tapes, discs, files audio tapes or any other Project related items as requested by City or its authorized representative, at no additional cost to the City.

16.14. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade

secrets, as that term is defined in the California Government Code section 6254.7, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

16.15. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code sections 81000, et seq.) and Government Code section 1090. During the term of this Agreement, Consultant and its officers, employees, associates and subconsultants shall not, without the prior written approval of the City Representative, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or subconsultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

16.16. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation as may be required by the City's representative, regarding any services rendered under this Agreement at no additional cost to City. In the event that an error or omission attributable to Consultant occurs, then Consultant shall, at no cost to City, provide all necessary design drawings, estimates and other Consultant professional services necessary to rectify and correct the matter to the sole satisfaction of City and to participate in any meeting required with regard to the correction.

16.17. Prohibited Employment. Consultant will not employ any regular employee of City while this Agreement is in effect.

16.18. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern over the document referenced.

16.19. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

16.20. Binding Effect. This Agreement binds and benefits the parties and their respective permitted successors and assigns.

16.21. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of City and Consultant and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

16.22. Headings. Paragraphs and subparagraph headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or

interpretation of this Agreement.

16.23. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement and have had an adequate opportunity to review each and every provision of the Agreement and submit the same to counsel or other consultants for review and comment. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

16.24. Amendments. Only a writing executed by the parties hereto or their respective successors and assigns may amend this Agreement.

16.25. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

16.26. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

16.27. Counterparts and Electronic Signatures. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement. Counterpart written signatures may be transmitted by facsimile, email or other electronic means and have the same legal effect as if they were original signatures.

16.28. Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CONSULTANT

Signature — Date: 3/22/2021

STEPHEN BISE, VICE PRESIDENT
[Name and Title]

CITY OF COSTA MESA

Lori Ann Farrell Harrison — Date: 04/01/21
City Manager

ATTEST:

Brenda Green 4/5/2021
Brenda Green
City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow — Date: 3/31/21
Kimberly Hall Barlow
City Attorney

APPROVED AS TO INSURANCE:

Ruth Wang — Date: 3/30/21
Ruth Wang
Risk Management

APPROVED AS TO CONTENT:

Date: March 25, 2021

Ramin Nikoui
Project Manager

DEPARTMENTAL APPROVAL:

Date: 3-29-2021

Raja Sethuraman
Public Services Director

APPROVED AS TO PURCHASING:

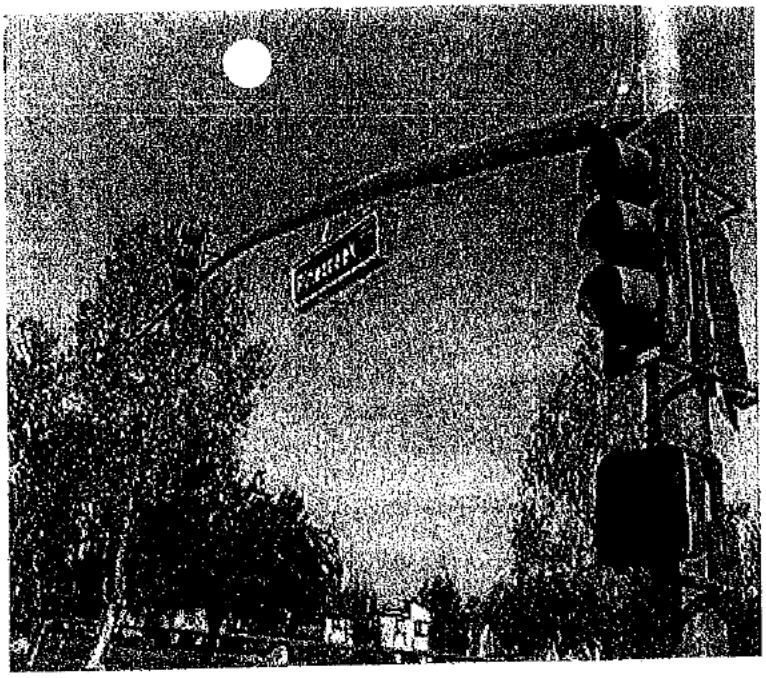
Date: March 29, 2021

Carol Molina
Finance Director

EXHIBIT A

CONSULTANT'S PROPOSAL







PROPOSAL FOR

ENGINEERING DESIGN SERVICES FOR ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT ("PROJECT A") AND ADAMS AVENUE BICYCLE FACILITY PROJECT ("PROJECT B")

CITY OF COSTA MESA

KOA

DECEMBER 9, 2020

2141 W. Orangewood Avenue, Orange, CA 92868
T: (714) 973-0317 | F: (714) 973-0534 | www.koacorp.com
MONTEREY PARK · ORANGE · ONTARIO · SAN DIEGO · LA QUINTA · CULVER CITY

TO
Mr. Ramin Nikoui
Assistant Engineer
City of Costa Mesa
Public Services Department
Transportation Services Division
4th Floor, City Hall
77 Fair Drive
Costa Mesa, CA 92628

FROM
Ms. Min Zhou, PE
CEO
mzhou@koacorp.com
T: (323) 260-4703

RFP
Engineering Design Services for Adams Avenue and Pinecreek Drive Intersection Project ("Project A") and Adams Avenue Bicycle Facility Project ("Project B")

DATE
December 9, 2020

Dear Mr. Nikoui:

KOA Corporation (KOA) has established itself as one of the leaders in ATP Projects – pedestrian and bicycle mobility - in Southern California. More specifically and more importantly to the current RFP, KOA is currently completing the ATP project on Adams Avenue between the Santa Ana River and Royal Palm Drive in Costa Mesa, which will help during the design and review phases of the project, since we know the City staff, issues and procedures. This Costa Mesa and Adams-specific knowledge, combined with KOA's superior experience on ATP and intersection widening projects, makes us a perfect fit for the design of the Adams/Pinecreek Intersection and Adams Avenue Bicycle Facility Projects.

One of KOA's discriminating factors is our desire to understand the project issues at the proposal level, so that we can provide the most-appropriate personnel and level of effort and so that surprises are eliminated or significantly reduced during the design process. For this specific proposal, our effort has included the following work.

- A thorough review of the RFP
- Gathering of existing right-of-way information from the Orange County Surveyor's office
- Detailed field reviews, focusing on pedestrian and bicycle safety, existing constraints, and existing right-of-way
- Review of the pavement rehabilitation plans for this segment of Adams from 2009
- Detailed evaluation of all existing curb ramps at Adams/Harbor and Adams/Fairview for ADA-compliance
- Brief structural review of the effort to reconstruct the existing OCC sign in the SW quadrant of S Street (OCC side of Pinecreek Drive), including the cost to reconstruct
- Numerous discussions amongst the team to identify specific safety, ADA-compliance, bicycle, and traffic issues
- Analysis of existing conditions, the proposed City concept for Project A, and development of a potential concept-level alternative plan

As a result of the effort described above, we have identified a conceptual plan for Project A and Project B which will result in improved safety and reduced construction costs. The potential advantages of our concepts, which will obviously need additional analysis, include the following:

- A lower design and construction cost, increasing the likelihood of the project fitting within the grant budget
- Ensuring slower/safer right-turn speeds entering OCC from eastbound Adams
- Eliminating the need for pedestrians to enter the roadway a second time at the southwest corner, reducing the potential for conflict with high-speed vehicles approaching the turn from eastbound Adams Avenue

2141 W. Orangewood Avenue, Orange, CA 92868
T: (714) 573-0317 | F: (714) 573-9534 | www.koacorp.com
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- Eliminating the short merging movement between eastbound right-turns and westbound left-turns on S Street
- Eliminating the need to reconstruct the vertical OCC marquee sign at the southwest corner (which is preliminarily estimated to be at least $70k), while also avoiding shifting the sign further west on Adams and thereby making it less visible to students
- Eliminating the potential for the relocated marquee's digital sign board to interfere with the visibility of pedestrians crossing the slip right-turn lane, especially at night
- Eliminating the visual distraction of motorists reading the sign while making the right turn on the slip ramp
- Aligning the south crosswalk to be more closely perpendicular with the Adams Avenue alignment through the intersection, offering better sight lines to pedestrians

Ultimately, the success of this project will be based on paying attention to the design details. The experience of the KOA project team, combined with our constructability reviews and proven QA/QC procedures, help to assure the City that cost-effective solutions are developed and that the details of the project design are being closely scrutinized and double-checked.

In addition to our efforts to understand the project at the proposal stage, KOA offers expertise and experience that provide us with unparalleled discriminators in Southern California, as summarized below.

Safety. KOA will make safety the most important aspect of these two projects. As discussed throughout our proposal, free right turns are rarely being designed in Southern California any longer, due to the potential vehicle/pedestrian conflicts at crosswalks. Similarly for Project B, bicycle safety will be a primary issue in the design of the Class II bike lanes.

ATP Project Specialists. KOA is the leader in Southern California in designing ATP projects. As reflected in the related experience section of this proposal, we specialize in these types of projects and are familiar with all of the nuances involved during the design process.

Federal Project Expertise. As reflected in the related experience section of this proposal, KOA has extensive expertise in preparing design documents for federally funded projects.

ADA Compliance. As a handicapped engineer, our Project Manager takes ADA compliance seriously. The KOA team has designed over 200 curb ramps for the City of Long Beach over the last 3 years and hundreds more for other local municipalities in Los Angeles and Orange Counties.

KOA has completed multiple ATP and intersection widening projects for the same agencies, which is a good indication of past performance and confidence with KOA staff. The assembled team members have an average of over 20 years of experience in their respective areas of expertise. In addition to their specific industry experience, the team has extensive experience working together on many similar projects throughout Southern California. This experience will enable Costa Mesa to have a quality end product that proceeds on-schedule, is designed within budget at a reasonable cost, and is constructed without problems.

Sincerely,
KOA Corporation

Min Zhou

Min Zhou, PE
CEO

SECTION 1 | PROJECT UNDERSTANDING

OVERVIEW

The City of Costa Mesa proposes to construct two bikeway projects (Projects A and B) on Adams Avenue between Harbor Boulevard and Fairview Road. Project A will reconstruct the south side of the intersection of Pinecreek and Adams to provide enhanced bicycle, pedestrian, and transit facilities, while Project B will bring dedicated bikeway access for the entire segment between Harbor Boulevard and Fairview Road. Together, the two projects will serve to complement the proposed bike lanes that KOA is currently designing on Adams Avenue to the west and the recently completed ATP improvements on Fairview Road, northerly to Baker Avenue.

PROPOSAL EFFORT

One of KOA's discriminating factors is our objective to have a comprehensive understanding of the project issues at the proposal level, so that we can provide the most appropriate personnel and level of effort, and that surprises are eliminated or minimized during the design process. For this specific proposal, our effort has included the following:

- A thorough review of the RFP
- Gathering of existing right-of-way information from the Orange County Surveyor's office
- Detailed field reviews, focusing on pedestrian and bicycle safety, existing constraints, and existing right-of-way
- Reviewed the pavement rehabilitation plans for this segment of Adams from 2009
- Detailed evaluation of all existing curb ramps at Adams/Harbor and Adams/Fairview for ADA-compliance
- Brief structural review of effort to reconstruct the existing OCC sign in the SW quadrant of S Street, including the construction cost to reconstruct
- Numerous discussions amongst the team to identify specific safety, ADA-compliance, and bicycle and traffic issues
- Development of potential concept-level alternative plan

KOA DISCRIMINATORS

SAFETY

KOA will make safety the most important aspect of these two projects. As discussed below, free right turns are rarely being designed in Southern California any longer. due to the potential vehicle/pedestrian conflicts at crosswalks. Similarly for Project B, bicycle safety will be a primary issue in the design of the Class II bike lanes.

ATP PROJECT SPECIALISTS

KOA is the leader in Southern California in designing ATP projects. As reflected in the related experience section of this proposal, we specialize in these types of projects and are familiar with all of the nuances involved during the design process.

FEDERAL PROJECT EXPERTISE

As reflected in the related experience section of this proposal, KOA has extensive expertise in preparing design documents for federally funded projects.

STRETCHING THE CITY'S CONSTRUCTION DOLLARS

One of KOA's primary objectives on roadway projects is to stretch the City's construction dollars. Specifically for Project A, we have preliminarily identified a less-costly right-turn alternative for eastbound traffic to southbound S Street, which in addition to eliminating the need to reconstruct the costly OCC sign in the SW quadrant, would also eliminate the need to construct a bus turnout in the SE quadrant. For Project B, the bike lanes can be added without having to widen the outside curbs.

[illegible]

One of the elements of the design of a project that KOA pays special attention to is the preparation of realistic construction estimates. For Project A we have included a structural engineer to potentially prepare plans for the reconstruction of the OCC sign and to provide a construction cost estimate. Our estimates are based on contractor bids for similar recent construction projects supplemented by direct discussion with KOA's construction personnel and contractors. Additionally, we prepare a preliminary cost estimate at the early design stage to determine whether the project is within the construction budget or if adjustments need to be made.

ADA COMPLIANCE

As a handicapped engineer, our Project Manager takes ADA-compliance seriously. The KOA team has designed over 200 curb ramps for the City of Long Beach over the last 3 years and hundreds more for other local municipalities in Los Angeles and Orange Counties.

DESIGN DISCUSSION

ADA COMPLIANCE (BOTH PROJECTS)

All curb ramps at the Pinecreek intersection, as well as at the Harbor and Fairview intersections, will need to be ADA-compliant. As discussed above, our field review included detailed measurements of the various criteria for all of the existing ramps. Only the southeast curb return at Fairview is non-compliant. At Pinecreek, we recognize that the relocation/replacement of some traffic signal poles, pull boxes, and loop detectors will be required. The pedestrian access route at Pinecreek is currently discontinuous between the southerly sidewalk west of Pinecreek and the raised island at the southwest corner of the intersection.

UTILITY IMPACTS (PROJECT A)

There are several utility obstructions at the southwest and southeast corners of Adams/Pinecreek that will need to be relocated, adjusted, and/or otherwise investigated for coordination with the proper utility company or agency. The placement of utility lines and vaults/manholes/access covers, and conflicts with landscaping (trees), signal poles, light poles, other utilities and infrastructure will be reviewed. Curb drains and several catch basins will need to be relocated to the new curb face(s) at the southwest corner at Pinecreek.

TRAFFIC SIGNALS (BOTH PROJECTS)

Reconstructing the southwest/southeast corners at Pinecreek will require traffic signal modifications to redesign and relocate traffic signal poles, realign signal heads to the new lane configurations, update push buttons and pedestrian signal heads to ADA compliance, and reinstall loop detection. As shown in Exhibit 1, KOA staff conducted a preliminary field walk of the corridor and noted that the pushbuttons at the northwest and northeast corners of the intersection are also substandard and not in conformance with current Caltrans requirements. These pushbuttons must be replaced with California Manual for Uniform Traffic Control Devices (CA MUTCD)-compliant pushbutton housings (APS will be considered). complete with minimum 2" diameter buttons and informative pedestrian crossing placards.

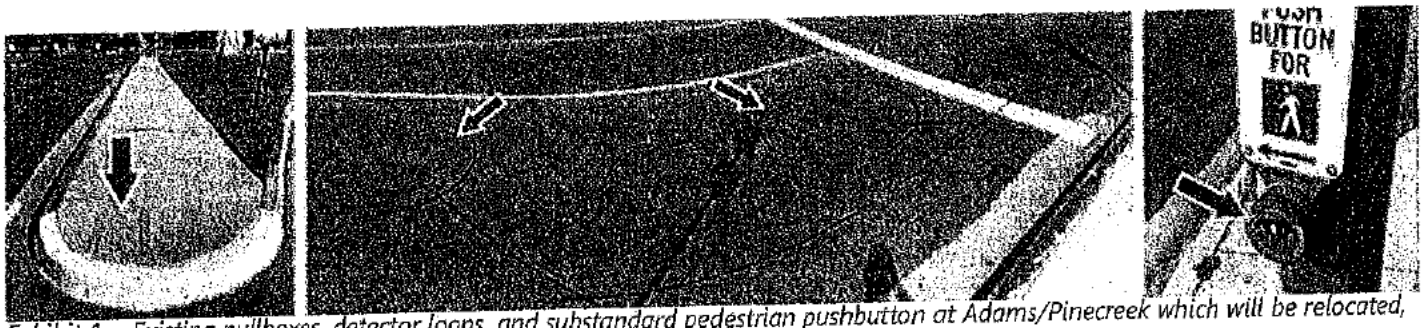


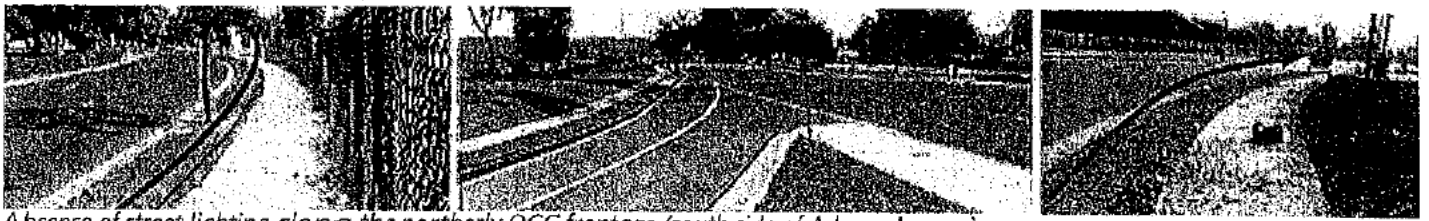
Exhibit 1 – Existing pullboxes, detector loops, and substandard pedestrian pushbutton at Adams/Pinecreek which will be relocated, modified. or replaced as part of the reconstructed southwest corner

BUS STOP RELOCATION (PROJECT A)

OCTA bus route 178 travels through Adams Avenue with an eastbound bus stop at Pinecreek/OCC (near-side). KOA will work with the City in providing a design that relocates the eastbound near-side bus stop/bench at Pinecreek to the east (far) side of the intersection, matching the lane realignments and bike lane, complete with a new bus turnout, OCTA-compliant shelter, and bus schedule amenities to accommodate OCTA patrons. The existing bus shelter extends from the back of walk to 32" toward the curb. Therefore, in order to provide a minimum of 4 feet of pedestrian clearance around the new bus shelter at Adams/Pinecreek, the new sidewalk will need be designed to provide adequate clearance.

STREET LIGHTING (PROJECT A)

With the exception of safety lighting at the Adams/Pinecreek traffic signal, there are currently no street lights on the south side of Adams Avenue through the entire 2,800' stretch of frontage along the OCC northerly campus property. Therefore, as confirmed by the City, mid-block street lighting will need to be provided in the sidewalk on both Adams and along the length of the eastbound right-turn slip lane. KOA will use AGI32 street lighting design software to calculate photometrics, review illumination, and prepare street lighting and electrical plans to provide sufficient visibility for drivers, pedestrians, and bicyclists.



Absence of street lighting along the northerly OCC frontage (south side of Adams Avenue)

ALTERNATIVES DISCUSSION (PROJECT A)

As stated earlier in this proposal, KOA makes a significant effort during the proposal stage to have a comprehensive understanding of the project issues and to attempt to eliminate surprises during the design process. To that end, we have prepared Exhibit 2 (see end of proposal), to provide the City with a potential concept-level plan of both projects integrated as one over the existing baseline conditions:

As seen in Exhibit 2, an important design challenge to consider in order to accommodate new bike lanes on Adams Avenue is the exclusive right-turn lane in the eastbound direction, shown in the City's concept design. By standard practice, the exclusive right-turn lane will require that the bike lane be aligned to the left-hand side of the right-turn lane. The remaining travel lanes and left-turn lane would then be offset from their original alignment on approach to the intersection, which will require some traffic signal modification design to ensure that proper vehicle detection is maintained. Bicyclists queuing up in the new bike lanes at the traffic signal should also be given adequate signal detection, which can be done by adding bicycle video detection zones, bike loops, or bicycle pushbuttons on the signal poles or on new stub poles within reaching distance of the bike lane, if located curbside.

The inset detail shown on Exhibit 2 illustrates one proposed alternative approach for Project A's eastbound right-turn lane. For this alternative, the right-turn slip lane would be eliminated altogether, replaced with an exclusive right-turn lane and a traditional crosswalk/sidewalk path at the southwest corner. There are several advantages to implementing this plan.

- Lowers the design and construction cost, increasing the likelihood of the project fitting within the grant budget
- Ensures slower/safer right-turn speeds entering OCC from eastbound Adams Avenue
- Eliminates the need for pedestrians to enter the roadway a second time at the southwest corner, reducing the potential for conflict with high-speed vehicles approaching the turn from eastbound Adams Avenue
- Eliminates the short merging movement between eastbound right-turns and westbound left-turns
- Eliminates the need to reconstruct the vertical OCC marquee sign at the southwest corner (which is preliminarily estimated to be at least $70k), while also avoiding shifting the sign further west on Adams Avenue and thereby making it less visible to students (see Exhibit 3)
- Eliminates the potential for the relocated marquee's digital sign board to interfere with the visibility of pedestrians crossing the slip right-turn lane, especially at night
- Eliminates the visual distraction of motorists reading the sign while making the right turn on the slip ramp
- Avoids having to relocate electrical and communication pull boxes and conduit
- Aligns the south crosswalk to be more closely perpendicular with the Adams Avenue alignment through the intersection, offering better sight lines to pedestrians

Potential drawbacks of this alternative include:

- Reduction to traffic flow/level of service at the intersection for high right-turn volumes in contrast to providing a free and channelized right-turn lane
- The possibility that pedestrians might, over time, create a "desired path" that cuts across the re-landscaped area if it is perceived that the sidewalk path around the reduced radius is an impediment to the fastest walking route. KOA will discuss design options with the City and consider if perhaps a separate side path connecting the south/west sidewalk routes on Adams and S Street would be warranted in conjunction with a traditional right-turn configuration at the corner.

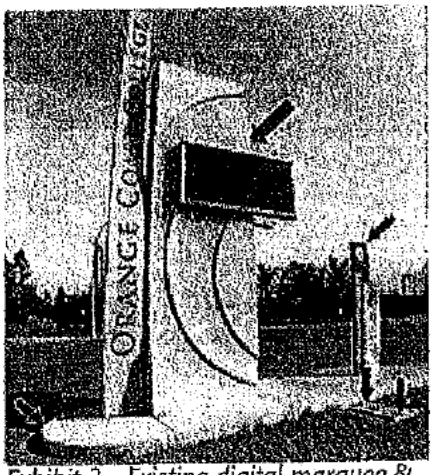


Exhibit 3 – Existing digital marquee & electrical/communications equipment impacted by the design

In addition to time and cost savings during design, the City can take a number of actions for additional savings during construction.

- Traffic signal materials currently have a procurement lead time of 6 to 8 months. Any traffic signal standard equipment such as poles, mast arms, vehicle/ped heads, etc. can be purchased by the City ahead of time and provide the equipment for the Contractor. Alternatively, the City could issue the Contractor a preliminary NTP so that materials can be ordered as soon as possible prior to the actual construction start date.
- Work with KOA to select a design and construction method to reduce work/time, such as keeping existing curb and gutter in place as much as possible, particularly along Adams Avenue outside of the Pinecreek intersection
- Reuse existing trees and boxes within the existing median area (adjust at station) to the extent possible
- Adjust the design to accommodate existing traffic signal poles, signal heads, pullboxes, conduit, mast arm, and pushbutton equipment as much as possible
- Reduce median landscaping area/material costs as much as possible by maintaining the minimum allowable travel widths acceptable by the City of Costa Mesa (e.g., would require foregoing the possibility of adding buffered striping to the bike lanes)
- Utilizing energy-saving LED lamps and luminaire heads for the street lights

ALTERNATIVES DISCUSSION (PROJECT B)

Project B will add a Class II bikeway (on-street marked bicycle lanes) on Adams Avenue, closing the gap on the Adams Bike Lane between Harbor and Fairview and enhancing bike mobility on Adams. Project B would also improve bike connections further west to where it connects to the Santa Ana River Trail and to the City of Huntington Beach's Class II bikeway along Adams. Other important connection points to future facilities include the Class I OCC West Bicycle Trail connecting Adams Avenue to Merrimac Way to the south, and the Class III bike boulevard on Peterson Place which will facilitate bike travel between Adams and Mesa Verde East.

The main design constraint to implementing Project B is the limited curb-to-curb width of the roadway and the width of the traveled way between the existing raised landscaped median and the outside curbs. Adding bike lanes to this segment of Adams Avenue will require changing the existing three-lane per direction traveled-way width from 35 feet, typically, to a minimum of 39 feet wide. Instead of widening the street (a costly alternative), the median width can be reduced along various stretches of the 3,600' segment on Adams.

The proposed design will involve the following:

- Reconstructing the raised median curb
- Removing interfering existing landscape and hardscape, including some mature trees
- Adjusting irrigation and utility cover access

- Adding bike lane guide signage at regular intervals in each direction
- Re-striping the westbound and eastbound lanes to maintain three lanes of travel in addition to the new bike lanes

On the north side of Adams Avenue, just east of Pinecreek Drive, there is also an existing on-street parking lane which KOA will maintain. Our conceptual-level plan would permit the on-street parking lane to remain by marking the bike lane between the parking and outside (#3) travel lane. Where there exists a raised "porkchop" island for pedestrian refuge at the intersection, the bike lane will be located between the island curb and the outer travel lane (see Exhibit 4).



Exhibit 4 – Intersection of Adams Avenue & Fairview: Center median to be reduced, and location of new bike lane (beginning and end) at the crosswalk adjacent to the existing porkchop islands

The two signalized intersections at the ends of the corridor (Adams at Harbor Boulevard and Adams at Fairview Drive) present important design challenges that must also be considered in order to accommodate the new bike lanes. The exclusive right-turn lanes at each intersection will require that the bike lanes be channelized and aligned to the left-hand side of the right-turn lane. The remaining travel lanes and left-turn lane will then be offset from their original alignment on approach to each intersection, which will require some traffic signal modification design to ensure that proper vehicle detection is maintained. Bicyclists queuing up in the new bike lanes at the traffic signals will also need to be given adequate signal detection, which can be done by adding bicycle video detection zones, bike loops, or bicycle pushbuttons on the signal poles or on new stub poles within reaching distance of the bike lane, if located curbside.

We are therefore assuming that no outside curb and gutter will be moved for the project length. However, the entire remaining roadway area in between the north and south outside curbs on Adams Avenue between Harbor Boulevard and Fairview Avenue will be modified in some way. This will primarily involve median trimming along the corridor, which will impact some of the existing tree wells in the median; narrowing and realigning the travel lanes; and providing traffic signal modifications at the three signalized intersections. Project B will tie into Project A at the intersection of Adams/ Pinecreek,

SECTION 2 | WORK PLAN

This section constitutes a refinement to the Scope of Work presented in the RFP. KOA commits to carrying out the tasks and producing the deliverables outlined by the City, through the means and methods discussed below.

PHASE 0: PROJECT APPROACH, PROJECT MANAGEMENT & ADMINISTRATION

KOA will supervise, coordinate, and monitor the work on a continuous basis in conformance with the City of Costa Mesa's requirements. KOA will coordinate between City staff, subconsultants, Orange Coast College (OCC), Southern California Edison (SCE), and other affected agencies and utility companies. KOA will prepare meeting agendas and minutes for every meeting and provide progress reports, invoices, and the schedule updates as needed. Once the contract has been signed, Mr. Matt Stepien, PE, the KOA Project Manager, will organize an initial meeting with the City of Costa Mesa to kick-start the project, along with key staff from our team. The meeting will serve to ensure the design team and City staff have a mutual understanding of tasks to be completed, the schedule of work, and any other logistics that need to be discussed.

We are proposing numerous virtual progress meetings with the City throughout the course of the project. The meetings will serve to update the City of the project progress and discuss issues. Matt will work closely with the City, design staff, and subconsultants to uphold the project schedule and budget. He will also conduct internal project meetings and maintain open lines of communication with all staff involved to advance the project. Matt will serve as the point of contact and liaison between the City's Project Manager and stakeholders.

In addition to obtaining environmental clearance, the City must obtain right-of-way certification and Authorization to Proceed with Construction. These efforts can be cumbersome, requiring coordination between the Caltrans Local Assistance Engineer (DLAE) and our environmental subconsultant, ECORP, who will be preparing the required studies, as needed. Grant management to comply with OCTA's BCI program and Caltrans may be provided as an optional task in this scope of work. KOA will maintain a log of deliverables and discussions to obtain environmental clearance.

Deliverables

- Agenda & Minutes
- Project Progress Reports
- Invoices
- Updated Project Schedules
- Grant Log (Optional)

PHASE 1: TOPO SURVEY, UTILITY RESEARCH, PROJECT DATA COLLECTION

RESEARCH AND UTILITY COORDINATION

KOA will begin the project by requesting from the City record drawings and documents relevant to the project site(s). In addition to the street improvement and traffic signal plans already provided by the City during the proposal phase, other record drawings and documents could include, but are not limited to studies, reports, topographic maps, centerline ties, corner records, or other as-built plans. KOA will send utility notification requests and compile any/all underground and above ground utilities in a separate digital file. This file will be referenced into all relevant design plans and clearly labeled to identify utility type, size, owner, etc. This will allow us to identify any potential impacts and modify the design as necessary. Utility notification responses will be logged in a Microsoft Excel file.

SURVEY

Huitt-Zollars will research at the City of Costa Mesa and County of Orange Department of Public Works for survey record information and will calculate a "record" centerline alignment to be used for the initial centerline monument recovery survey. Huitt-Zollars will then calculate the centerline alignment based on the location of those found monuments and ties. The basis of bearings for the project will be based on recorded subdivision mapping in the area. The vertical datum will be based on the County of Orange Department of Public Works. Work will include level run and horizontal control.

Project A – Huitt-Zollars will provide the field work described below.

- Topo and cross-sections to 10' beyond existing back of walk in SW quadrant of S Street/Adams intersection, from CL S Street to 450' west
- Topo and cross-sections to 20' beyond existing back of walk in SE quadrant of S Street/Adams intersection, from CL S to 260' east
- Topo and cross-sections on S Street from southerly curb on Adams to 350' south – 10' behind existing westerly curb to easterly back of walk
- Curb ramp survey of the 2 northerly ramps on Pinecreek

Project B – Huitt-Zollars will provide the field work described below.

- Topo and 50' sections on Adams Street (3,800 feet) from CL Harbor to CL Fairview – curb to curb except as noted below
- Curb ramp survey of the SE ramp at Fairview
- Porkchop islands on west side of Fairview

Deliverables

- Utility Notification Log and Responses
- Survey Base Map
- Right of Way Boundaries

PHASE 2A: PRELIMINARY DESIGN AND COMMUNITY OUTREACH

SITE INVESTIGATION/EVALUATION

KOA will conduct comprehensive site investigations with detailed photo logs for design and pre-construction reference. Design staff will walk the entire project area to investigate site conditions, drainage, needed modifications to median and sidewalk areas, PCC improvements, non-ADA compliant improvements, verify utility locations and project constraints, and note other typical and non-typical features. At signalized intersections, KOA will obtain the City's signal as-builts and verify traffic signal equipment. KOA will update the base plan and/or revise the project concepts and designs as needed throughout the project to reflect the verified conditions. Our proposal includes a field walk with City staff.

ALTERNATIVES ASSESSMENT

An important step in the preliminary/conceptual design phase will be to provide the project team, community, and stakeholders an opportunity to give feedback to refine our design. For Project A and Project B, we propose to develop a total of two designs, showing the proposed improvements and typical cross sections. We have provided a conceptual plan sample of one possible alternative for the combined projects in our Project Understanding section. We will also develop plant palettes at this stage for the reconstructed center median islands, as well as options for street lighting on the south side of Adams Avenue for Project A only. Our goal for this task is to (1) clearly highlight the project's design features; (2) identify the associated opportunities and constraints throughout the corridor; and (3) prepare a preliminary improvement plan that is cost-effective within the grant budget, while minimizing right-of-way impacts and impacts to OCC improvements. While meeting funding constraints and project goals, we will meet with the City to discuss the alternatives and the plan of action for producing one final concept design for public outreach.

PUBLIC OUTREACH

Public outreach will be vital in garnering support and receiving input on the proposed project design, considering the diverse communities and stakeholders that use the corridor for their everyday needs. KOA staff will conduct in-person/virtual meetings as follows: one (1) Bikeway and Walkability Committee (BWC) meeting to present the preliminary plans for committee member input; two (2) public workshops to identify public consensus and finalize the preferred project design; and one (1) City Council meeting. KOA will leverage our experience with the westerly Adams Avenue bikeway project and use our local knowledge and understanding of the subject project site's opportunities and constraints. We will utilize our local knowledge to highlight project intent and benefits to the community. KOA will provide clear,

attractive, and informative display boards along with a PowerPoint presentation for each meeting to display each concept. The displays will include one color rendering, cross-sections, and a conceptual plan of the project corridor. Throughout this process, the KOA project team will collect feedback from all meetings provided by stakeholders. KOA staff will then compile the input received and a Community Feedback Memorandum will be prepared and submitted to the City for discussion on design directives. Feedback from the first outreach meeting will be discussed with the City to refine the concept and move forward with the final design stage.

Deliverables

- Alternative Concept Plans
- Outreach Materials, Presentation, and Feedback Memorandum
- Preferred Alternative (30% Design)



KOA Community Workshop #1 – Adams Avenue Bicycle Trail Project from West City Limits to Royal Palm

PHASE 2B: ENVIRONMENTAL ANALYSIS & APPROVAL

ENVIRONMENTAL CLEARANCE

ECORP will prepare the PES form for the proposed project in accordance with the Local Assistance Procedures Manual (LAPM). The PES form will be used to consult with Caltrans/FHWA to determine the appropriate NEPA document for the project (in this case a CE has been assumed). In accordance with the procedures of Caltrans LAPM Chapter 6 and Chapter 7, KOA will complete this form for Caltrans' review in determining if more in-depth environmental studies are required. It should be noted that obtaining environmental clearance is one step of the grant process to obtain Authorization to Proceed with Construction (also known as E76). Based on initial review, it is assumed that any potentially significant impacts will be able to be mitigated below the level of significance. While it is not known yet what environmental impacts the project will cause, we anticipate that the project will result in minimal impacts and would therefore fall into CE/ CE categorization per NEPA/CEQA provisions. The KOA team shall ensure that the PS&E checklist, design deliverables, and environmental clearance forms for Project A comply with all requirements for the successful implementation of a federally-funded project. Grant management services are not included in our scope of work.

Deliverables

- Preliminary Environmental Study (PES) Form
- Approved Categorical Exemption/Categorical Exclusion Determination Form

PHASE 3: FINAL PLANS, SPECIFICATIONS AND ESTIMATES (PS&E)

The KOA team will prepare a quality PS&E package at the 65%, 90%, and Final submittal stages of the project. Based on our understanding of the RFP and the improvements, below is a list of anticipated plans.

- Title sheet
- General notes
- Typical sections, details, and notes
- Demolition
- Street improvements
- Drainage
- Landscape and Irrigation
- Street lighting (Project B only)
- Traffic Signal Modification (Project A only)
- Signing and Striping

HYDROLOGY/HYDRAULIC ANALYSIS

Since only minor amounts of additional impervious area will be added for the projects, we have not included any hydrologic or hydraulic analyses. Any impacted catch basins or storm drain laterals will be replaced in-kind.

WATER QUALITY MANAGEMENT PLAN

The KOA team will work with the City in meeting low impact development (LID) requirements and prepare a Water Quality Management Plan (WQMP). KOA will identify the required best management practices (BMPs) per site conditions.

STREET IMPROVEMENTS

Once the City has approved KOA's concept plans, we will develop improvement plans and details to encompass all aspects of the design. Our focus will be to provide Class 2 bikeways on Adams Avenue, safe multi-modal connectivity along the corridor at Pinecreek Drive, along with conformance with ADA requirements, and median modifications. The street improvement plans will be 1"=40' scale and contain the necessary vertical profile, horizontal control, construction notes, and applicable details. Details for non-compliant curb ramps will be prepared at 5-scale.

DRAINAGE

As a result of the curb and gutter reconstruction at Pinecreek, we anticipate there will be impacts to two of the existing catch basins adjacent to that intersection. KOA will prepare drainage plans at 1"=20' scale in accordance for both impacted catch basins. The laterals will also need to be partially reconstructed and/or modified as necessary to provide connectivity to the storm drain main line.

STREET LIGHTING (PROJECT A ONLY)

The RFP has identified the need to install new street lighting along the south side of Adams Avenue. Once the Project A concept has been approved, we will prepare street light illumination and uniformity calculations using AGI32 lighting design software. We will review the placement/location of each street light to confirm there is no visible conflict with existing improvements and/or utilities, as well as proposed improvements (such as future relocated OCC digital marquee sign board). Pedestals and lights will be designed for installation per the Greenbook (SPPWC) and City of Costa Mesa standard drawings and specifications. KOA will also coordinate with Southern California Edison (SCE) and propose for SCE designers to utilize our plan to identify service points of connection. The street lighting/electrical plans will be produced at a 1"=40' scale. Upon request, KOA will provide the light illumination and uniformity calculations.

TRAFFIC SIGNAL (PROJECT A ONLY)

As part of Project A, KOA will prepare a traffic signal modification plan for the intersection of Adams Avenue at Pinecreek Drive. The signals will be designed to comply with current Caltrans and CA MUTCD standards and will ensure the proper design of all signal poles, mast arms, vehicle heads (primary signal faces), pedestrian indications, and pushbuttons. **(Optional)** Since no traffic signal modification plan was identified in the scope of work for Project B, we are including this work as an optional task. However, as discussed above, Project B may require traffic signal modification at the intersections of Adams/Harbor and Adams/Fairview, in order to accommodate bicycle and pedestrian improvements.

LANDSCAPE/IRRIGATION

CSI will build upon the approved concepts and develop comprehensive construction plans for landscape and irrigation, both within modified/reconstructed median island areas (Project B) and landscaped areas at the intersection of Adams

Avenue & Pinecreek Drive (Project A). The assumption relative to Project B is that the median will be trimmed and that we are including the design to beautify the medians by totally replacing the sparse and inconsistent landscaping within the medians.

BUS STOP FURNITURE/SITE AMENITIES

We have assumed that the only decorative street furniture for this project will be at bus stops and that proposed amenities will match existing bus amenities along the project reach.

SIGNING & STRIPING

We will utilize the California Highway Design Manual (HDM), California MUTCD, and local Costa Mesa standards to provide an acceptable alignment throughout the project corridor. Signing and striping plans will be prepared for the new roadway alignment, bicycle facilities, and pedestrian facilities as needed. The plans will show the location of all proposed traffic signs, stripes and markings, and the proper location of all affected existing signs and markings.

STRUCTURAL (OPTIONAL)

DSC Engineering will research available as-built documentation for the existing OCC monument sign and perform a site visit to verify its layout and measurements. DSC Engineering will prepare drawings for the reconstruction of the sign, including the foundations and the vertical above-ground elements to mimic the existing sign construction. Attachments for the digital and graphic signage will be included. Re-routing of existing conduit and relocation of the existing pull-boxes will also be shown on the plans. A structural analysis will be completed for all structural concrete members and attachments based on the 2019 California Building Code including provisions for both seismic and wind loading on the monument sign. The structural analysis and plans will be stamped and signed by a California Registered Structural Engineer. DSC Engineering will include coordination with the Division of State Architect as required for review and approval of work on the public OCC campus.

SPECIFICATIONS & ESTIMATES

KOA will provide the City with technical specifications and a probable cost of construction concurrent with each submittal phase (65%, 90%, & Final PS&E). KOA will obtain the City's boilerplate specifications and append the technical specifications in Microsoft Word format. The engineer's estimate will be completed using Microsoft Excel. The cost will display anticipated bid items, quantity of material, and unit cost for each item. Prices will reflect anticipated construction year cost unless directed otherwise. We understand the special provisions will serve as a supplement to the Standard Specifications for Public Works Construction (SSPWC) and Caltrans Standard Specifications, latest edition.

POST CONSTRUCTION MONUMENT PERPETUATION:

Pursuant to Section 8771(b) of the Land Surveyor's Act relating to the preservation of monuments, Huitt-Zollars will re-set those centerline monuments which were disturbed or destroyed by the construction project based on the construction ties as shown on the Pre Construction Corner Records prepared for this project and will also set additional centerline ties if required. Huitt-Zollars will then prepare, process and file "Post-Construction" Corner Records. This proposal assumes 3 monuments to be replaced and 1 Post-Construction Corner Records to be prepared. If multiple monuments can be shown on a single Corner Record, we will do so. This line item specifically excludes checking and/or processing fees that may be associated with the Corner Records.

Deliverables

- Meeting agendas & minutes
- 65%, 90%, & Final Plan, Specification, Estimate submittals in both paper and electronic format
- Reponse to comments matrix/Bluebeam plan sheet markups
- Water Quality Management Plan

(OPTIONAL) TRAFFIC ANALYSIS AT PINECREEK

KOA recommends that a data-driven intersection analysis be performed to help in developing the optimal intersection reconfiguration. As a part of this task, KOA will build a traffic model of the Adams/Pinecreek intersection using SYNCHRO-10.0 and conduct an alternatives analysis by evaluating the different lane configurations, timing plans, and phasing patterns for up to three (3) select peak-hour time periods. The evaluation will include a SimTraffic microsimulation to identify and resolve any queuing issues and report on the levels of service and intersection delay for each design option considered by the City.

(OPTIONAL) LEGAL & PLAT AT PINECREEK

Huitt-Zollars will prepare one (1) legal and plat with legal descriptions for the west side and east side of S Street (i.e., OCC side of Pinecreek). For this task, it is assumed that the City will provide the title report. Huitt-Zollars will not perform utility research or utility conflict resolution. Huitt-Zollars will not coordinate or contact utility providers and will not be involved with utility notification efforts. Huitt-Zollars will not coordinate with, or be in contact with, owners of the impacted properties.

QUALITY CONTROL AND QUALITY ASSURANCE

To ensure that we produce a well-engineered PS&E package with a minimal number of construction contract change orders, KOA implements a robust QA/QC process that is followed from the beginning to the end of the project. The QA/QC plan includes a number of steps, including: (1) Holding design meetings with the City's PM, senior civil engineers and public services/transportation management staff at key phases in the project design/approval; (2) Obtaining comments and input from the City; and (3) Conducting internal plancheck and QA/QC with KOA's engineering and construction management staff. This includes tracked color-coded review comments coordinated in Revu Bluebeam® sessions, completion of review checklists, and independent peer review from senior staff to ensure the feasibility and constructability of the project design.

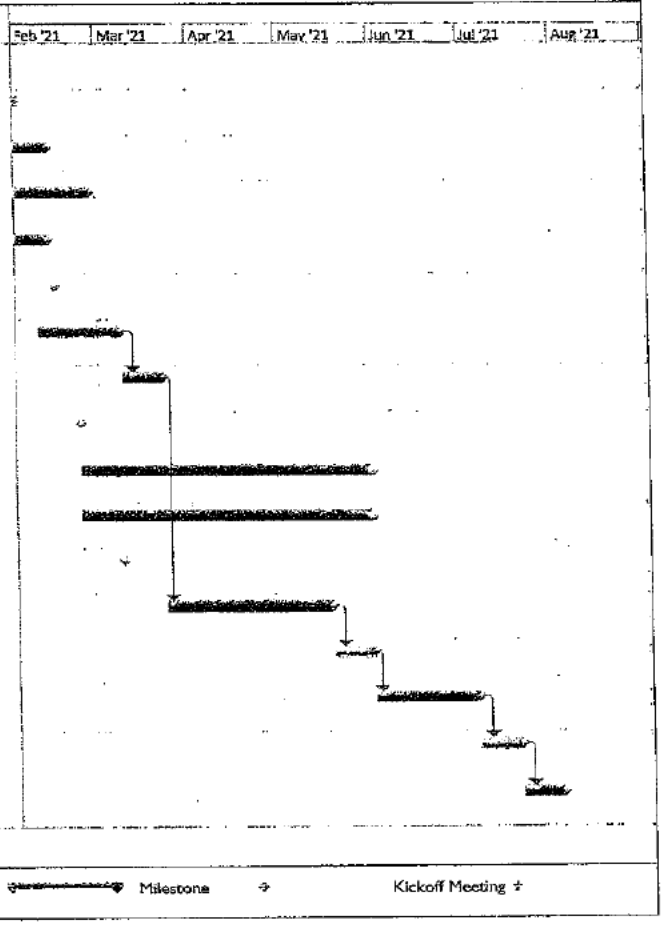
KOA's constructability reviews also allow us to: (1) amplify the odds of being able to identify and anticipate any potential construction problems or conflicts; (2) develop better design alternatives early on in the design phase, and continually throughout the PS&E delivery stages; and (3) provide the City with adequate estimates, quantity takeoffs, and pavement cross sections if needed beyond the typical pavement structural sections provided to us by the City.

SECTION 3 | SCHEDULE

Below is KOA's proposed schedule for the projects, to be performed in tandem.

Costa Mesa Adams Avenue and Pinecreek Drive Intersection (Project A) & Adams Avenue Bicycle Facility Project (Project B)

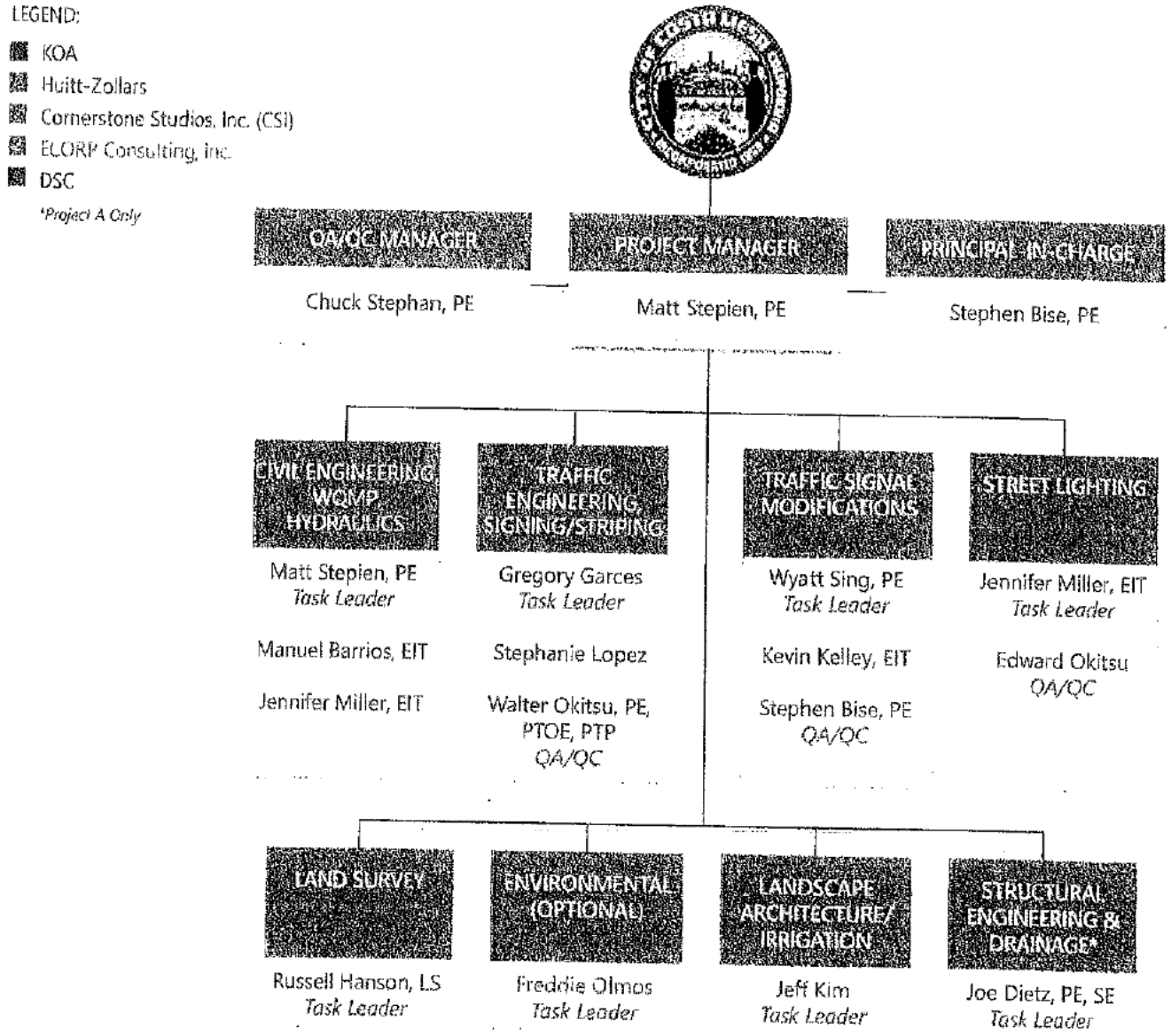
ID	Task Name	Duration
1	**PHASE 1 - Topo Survey, Utility Research, Project Data Collection**	0 wks
2	Kickoff Meeting	1 day
3	Design Survey	2 wks
4	Records Research and Utility Coordination	4 wks
5	Development and Analysis	2 wks
6	**PHASE 2A - Preliminary Design and Community Outreach**	0 wks
7	Concept Design	4 wks
8	City Review - Concept Design	2 wks
9	**PHASE 2B (Optional) - Environmental Analysis & Approval**	0 wks
10	Environmental Clearance - Project A	14 wks
11	Environmental Clearance - Project B	14 wks
12	**PHASE 3 - Final Plans, Specifications and Estimates**	0 wks
13	65% PS&E	8 wks
14	65% City Review	2 wks
15	90% PS&E	5 wks
16	90% City Review	2 wks
17	Final Submittal - 100% PS&E Package	2 wks



SECTION 4 | PROJECT ORGANIZATION AND STAFFING

ORGANIZATIONAL CHART/STAFFING PLAN

The organizational chart below is a graphic representation of our staffing plan for this project. Matt Stepien, PE will manage the KOA team and serve as the day-to-day contact with the City of Costa Mesa. Be assured that Matt is available and committed to the successful completion of this project. Resumes identifying each personnel's experience on recent similar projects are provided in the Appendices of this proposal.



PROJECT OFFICE LOCATION
2141 W Orangewood Ave
Orange, CA 92868
Tel: (714) 573-0317

PROJECT MANAGER
Matt Stepien, PE
(714) 923-6270
mstepien@koacorp.com

PERSON AUTHORIZED TO NEGOTIATE
Stephen Bise, PE
Principal-in-Charge
(714) 923-6273
sbise@koacorp.com

SUBCONSULTANTS

	Responsibility & Contact	Subconsultant Qualifications
Huitt-Zollars (HZ)	Land Survey Services Russell Hanson (714) 231-6377 rhanson@huitt-zollars.com DIR #1000036028	HZ is a full-service civil engineering firm with strong surveying capabilities in Southern Calfironia. They have local offices in Irvine, Ontario, and Thousand Oaks. HZ offers a complete range of land surveying services to support all types of clients and projects, ranging from on-call surveying contracts with city, county, and state governmental agencies to design survey for civil engineers. With HZ's experienced group of professional land surveyors, multiple field crews, office survey technicians, and state-of-the-art surveying and mapping equipment, they are able to provide clients with well-coordinated, cost-effective surveys and related documentation in a timely and efficient manner.
Cornerstone Studios, Inc. (CSI)	Landscape Architecture/ Irrigation Services WooJung (Jeff) Kim (714) 973-2200 x104 jeff@csstudios.com DBE/UDBE #12970 MBE | SBE | CBE	CSI, a California corporation established in 1998, specializes in landscape architecture, park planning, urban design, and resource analysis. It is a professional services firm whose projects encompass a wide range of the built environment, with emphasis on park and recreation areas, transportation facilities, and streetscapes. CSI has provided landscape architectural services for and closely coordinated with various agencies for the following transportation projects: Bristol Street Median; Daisy 9-mile Bike Boulevard; Adams Avenue Improvement; Orange County Streetcar; Randolph Avenue; and Century Boulevard Improvement.
ECORP Consulting, Inc. (ECORP)	Environmental Services Jesus "Freddie" Olmos (909) 307-0046 folmos@ecorpconsulting.com DIR #1000012875 Small Business-Public Works (SB-PW) Federal Small Business	Established in 1987, ECORP is a California "S" Corporation that specializes in assisting with a wide range of environmental services including technical expertise in land use planning; biological, cultural, and water resources; and regulatory compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). ECORP is experienced in the preparation of Preliminary Environmental Study (PES) forms for projects per Caltrans' Local Assistance Procedures Manual (LAPM). ECORP staff have prepared Categorical Exclusions/Exemptions (CE/CEs), Environmental Assessments (EA), joint Initial Study/Environmental Assessments (IS/EAs) and Mitigated Negative Declaration/Finding of No Significant Impacts (MND/ FONSIs) for a series of projects with Caltrans involvement.
Dietz Structural & Civil Engineering, Inc. (DSC Engineering)	Joe Dietz, PE, SE (949) 305-9070 joe.dietz@dscengineering.net DIR #1000055507 CA SBE	Dietz Structural & Civil Engineering, Inc. (DSC Engineering) is a California Small Business Corporation formed in February 2017 in Laguna Hills. DSC Engineering takes pride in the low rate of change orders associated with its projects, both in design and in construction. This is accomplished through well thought-out design, knowledge of construction methods and materials, and oversight throughout the design process. DSC Engineering has provided structural engineering services for a wide variety of infrastructure projects including retaining walls, concrete structures, and sign relocations as part of street widening projects.

SECTION 5 | WORK HISTORY

CITY OF COSTA MESA ADAMS AVENUE IMPROVEMENT PROJECT

COSTA MESA, CA

KOA | 06/2019-Ongoing | Project Cost: $320,000

KOA is providing plans, specifications, and cost estimates (PS&E) to construct a landscaped median and a multi-use separated bike and pedestrian facility between the Santa Ana River and Harbor Boulevard. Team firms are providing surveys, goetechnical engineering, and landscape architecture. Project elements include pavement and parkway rehabilitation, PCC improvements, landscape/irrigation, street lighting, storm drain facilities, utility coordination, ADA compliance, fire hydrant relocation, traffic signal modifications, water quality control, and active transportation.

REFERENCE - City of Costa Mesa, Kelly Dalton, (714) 754-5275, kelly.dalton@costamesaca.gov



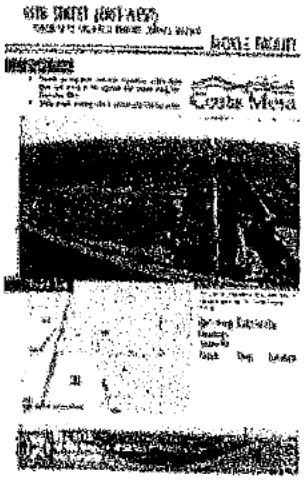
CITY OF COSTA MESA 19TH STREET ON AND OFF-STREET BIKEWAY BETWEEN PLACENTIA AVENUE AND THE GREENVILLE-BANNING CHANNEL

COSTA MESA, CA

KOA | 07/2015-10/2019 | Project Cost: $213,250

The City is using federal ATP grant funding to improve its bicycle connectivity with new facilities along a segment of 19th Street, to the Santa Ana River Banning Channel Bikeway. Multi-jurisdiction coordination is required to implement multiple classes of trail and bike lanes. KOA is providing "turn-key" project design services, which includes preliminary engineering and alternatives analysis; construction-ready bid documents with complete PS&E; and the completion of required federal forms.

REFERENCE - City of Costa Mesa, Jennifer Rosales, (714) 754-5180, jennifer.rosales@costamesaca.gov



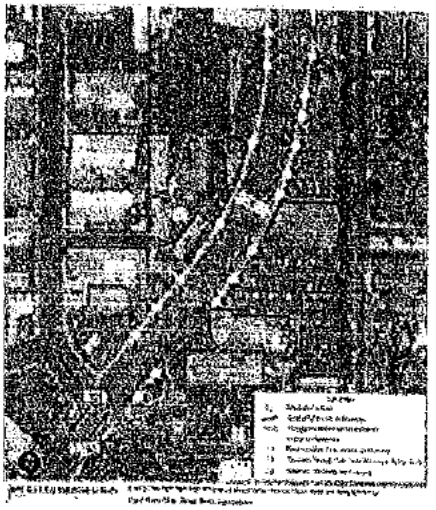
CITY OF COSTA MESA BRISTOL STREET IMPROVEMENT PROJECT

COSTA MESA, CA

KOA | 2014 | Project Cost: $33,690

This project sought to alleviate traffic congestion and increase safety by widening the intersection to accommodate additional turn lanes and other improvements. As a subconsultant, KOA provided traffic analysis and traffic engineering services. We designed new traffic signals along Bristol Street, between Randolph Street and Baker Street, for improved access to private driveways. KOA prepared signing and striping plans, street lighting plans, and traffic control plans. Prior to joining KOA, Matt Stepien was the project manager on behalf of the prime consultant.

REFERENCE - City of Costa Mesa, Raja Sethuraman, Transportation Services Manager, (714) 754-5032, raja.sethuraman@costamesaca.gov



ENGINEERING DESIGN SERVICES FOR ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT ("PROJECT A") AND ADAMS AVENUE BICYCLE FACILITY PROJECT ("PROJECT B")

CITY OF COSTA MESA

SECTION 5 | WORK HISTORY

CITY OF COSTA MESA RANDOLPH AVENUE IMPROVEMENTS PS&E

COSTA MESA, CA

KOA | 2020-Ongoing | Project Cost: $43,540

KOA is developing complete plans, specifications, and estimates (PS&E) for traffic calming improvements on Randolph Avenue and St. Clair Street, between Bristol Street and Baker Street. Our design work includes parallel and angled/diagonal on-street parking, a single-lane roundabout with a central island and raised splitter islands, crosswalks, ADA/pedestrian curb ramps, a street lighting plan, rectangular rapid-flashing beacons (RRFB), speed humps/ cushions, and minor traffic signal modifications.

REFERENCE - City of Costa Mesa, Jennifer Rosales, (714) 754-5180, jennifer.rosales@costamesaca.gov

CITY OF CARSON BIKE LANES PS&E

CARSON, CA

KOA | 2020 | Project Cost: $149,285

KOA provided the City of Carson with professional traffic engineering services to design bike lanes along nine corridors within the City. These services consisted of two separate projects performed in tandem. KOA's work included the preparation of plans, specifications, and estimates (PS&E) for Class II bike lanes and Class IV bikeway improvements. In total, KOA designed approximately 32 miles of new bike facilities. KOA also performed traffic analyses for some corridor segments to determine the impacts of proposed road diets at select signalized intersections. Each project was federally funded through the Highway Safety Improvement Program (HSIP) for both design and construction.

REFERENCE - City of Carson, Reata Kulcsar, Civil Engineering Assistant, (310) 952-1700, ext. 1312, RKulcsar@carson.ca.us

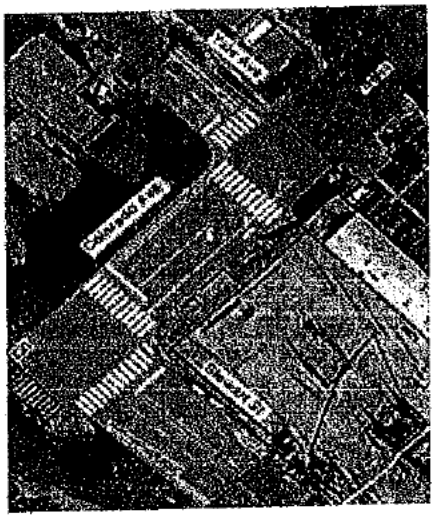
CITY OF SANTA MONICA STEWART & PENNSYLVANIA IMPROVEMENT PROJECT

SANTA MONICA, CA

KOA | 2017-Ongoing | Project Cost: $296,748

KOA is providing engineering design services to improve multi-modal connectivity to the new 26th Street/Bergamot Expo light rail station by resolving deficiencies, enhancing mobility, providing first-last mile access, and improving traffic patterns. The improvements consist of protected bikeways, intersection realignment, ADA accessibility, pedestrian and bicycle amenities, and pedestrian lighting. KOA has assisted with public outreach workshops to gather feedback. KOA has produced complete PS&E and is on-call during construction. KOA has provided funding management to obtain Caltrans Authorization for Construction.

REFERENCE - City of Santa Monica, Joseph SanClemente, PE, AICP, Principal Transportation Planner, (310) 458-2204, joseph.sanclemente@smgov.net



SECTION 5 | WORK HISTORY

CITY OF CLAREMONT FOOTHILL BOULEVARD MASTER PLAN IMPLEMENTATION

CLAREMONT, CA

KOA | 2016-2020 | Project Cost: $1,800,000

KOA prepared PS&E to implement a 2-mile project. The team conducted a traffic impact study, geotechnical investigation, and hydrology study to develop concept plans. The preferred design included roadway improvements, bio-retention planters, drywells, new storm drains, bicycle lanes, bulb-outs, landscaping/irrigation, traffic signal modification, sidewalk improvements, street/pedestrian lighting, and entry monuments. KOA provided construction management and inspection services. This project won the American Public Works Association (APWA) 2020 BEST Award for Storm Water Quailty.

REFERENCE - City of Claremont, Vincent Ramos, Assistant Engineer, (909) 399-5395, vramos@ci.claremont.ca.us



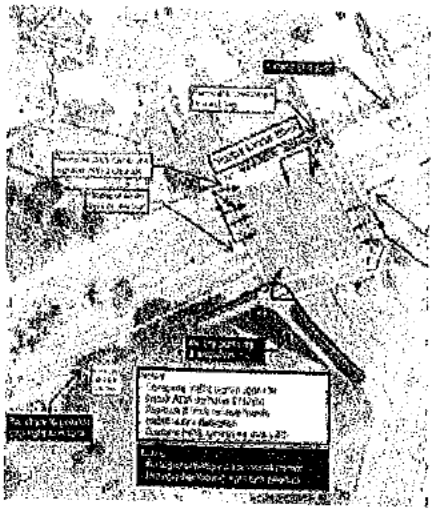
CITY OF PLACENTIA CITYWIDE CYCLE 9 HSIP IMPROVEMENTS

PLACENTIA, CA

KOA | 2019-Ongoing | Project Cost: $137,445

KOA provided professional civil/traffic engineering services for the Citywide Cycle 9 HSIP Project (H9-12-010). It includes the preparation of PS&E for intersection improvements at five signalized intersections; funding administration; and construction support. The improvements incorporate left turn phasing and some traffic signal hardware upgrades. Some improvements include eliminating the free right-turn and installing a right-turn overlap phase to decrease added delay and improve safety for pedestrians/cyclists. KOA helped obtain the E76 for Preliminary Engineering and Construction.

REFERENCE - City of Placentia, Masoud Sepahi, (714) 993-8148, msepahi@placentia.org



HSIP-RELATED PROJECTS

- City of South Pasadena HSIP Cycle 7 Application
- City of San Bernardino HSIP Cycle 9 Advanced Dilemma Zone Detection Project
- City of South Pasadena Engineering Design Services for In Roadway Warning Light Systems At Mission Street & Diamond Avenue, Mission Street & Fairview Avenue, And Fremont Avenue & Lyndon Street HSIP Flashing Crosswalk Design
- City of South Pasadena Citywide HSIP Signal Systems Inventory And Recommendations

ATP-RELATED PROJECTS

- City of Irvine Strategic Active Transportation Plan
- City of Barstow Active Transportation Program Funding
- City of Colton Active Transportation Plan
- County of Imperial Active Transportation Plan
- CVAG Cathedral City Active Transportation Project
- SCAG City of Montclair Active Transportation Plan
- City of Ontario Active Transportation Master Plan
- SCAG Morongo Basin Active Transportation Plan
- City of Highland Federal-Funded ATP Highland-Redlands Connector Bicycle & Pedestrian Improvements
- City of Rialto Federal Funded ATP Etiwanda Corridor Improvements

ENGINEERING DESIGN SERVICES FOR ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT (PROJECT A) AND ADAMS AVENUE BICYCLE FACILITY PROJECT (PROJECT B)

CITY OF COSTA MESA

SECTION 6 | PROFESSIONAL SERVICES AGREEMENT (PSA) & REQUIRED STATEMENTS

PROFESSIONAL SERVICES AGREEMENT

If allowed by the City, KOA requests that the following changes be made to the City of Costa Mesa's Professional Services Agreement sample. We do not request any changes to the federal sample contract. Please note that requested omissions are in red strikeout. Additions are shown in blue underline.

6.9. Indemnification and Hold Harmless. Consultant agrees to ~~defend~~, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the negligence, recklessness, or willful misconduct of the Consultant, its employees, and/or authorized subcontractors, in the performance of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply ~~without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees~~ based upon negligence, recklessness, or willful misconduct in the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. In no event shall the cost ~~to defend~~ of indemnification charged to Consultant exceed Consultant's proportionate percentage of fault. However, notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, Consultant shall meet and confer with other parties regarding unpaid defense costs. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

CONFLICT OF INTEREST STATEMENT

KOA is currently providing services to the City of Costa Mesa for several projects that primarily consist of traffic and civil engineering and construction management. To the best of our knowledge, neither KOA or its subconsultant firms have any current clients who may have a financial interest in the outcome of this contract or the resulting construction project(s). We also do not maintain financial interest or relationships with any construction companies that might submit a bid on the construction project(s).

LITIGATION

KOA has no past or pending litigation, or claims filed against our firm, principals of the firm, or each of our key consultants, related to services performed for public agencies, or in actions that may affect our performance under a contract with the City.

CONTRACT AGREEMENT (ADDITIONAL REQUIREMENTS)

KOA affirms that the terms of this proposal shall remain in effect for 90 days after its date of submittal.

FINANCIAL RESPONSIBILITY

KOA affirms that it and its subconsultant firms have adequate financial management and accounting systems, in accordance with 48 CFR Part 16.301-3, 2 CFR Part 200, and 48 CFR Part 31 and Chpter 10 of the LAPM. KOA utilizes Deltek Vision accounting software. This provides real-time project budgets, expenses, reimbursable items, hours spent, and remaining funds for each project task. We closely monitor the financial status of the project to make sure we are on budget. These tools allow us to maintain momentum on project and minimize unwarranted delays and contract amendments.

APPENDICES | LAPM FORMS & REQUIRED CITY FORMS

LAPM EXHIBIT 10-O1 CONSULTANT PROPOSAL DBE COMMITMENT
Exhibit 10-O1 has been included subsequently.

LAPM EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES
Exhibit 10-Q has been included subsequently for KOA and each proposed subconsultant.

VENDOR APPLICATION FORM
KOA's vendor application for this project has been included subsequently.

COMPANY PROFILE & REFERENCES
KOA's Company Profile & References form has been included subsequently.

EX PARTE COMMUNICATIONS CERTIFICATE
KOA's Ex Parte Communications Certification form has been included subsequently.

DISCLOSURE OF GOVERNMENT POSITIONS
KOA's Disclosure of Government Positions has been included subsequently.

DISQUALIFICATIONS QUESTIONNAIRE
KOA's Disqualification Questionnaire has been included subsequently.

BIDDER/APPLICANT/CONTRACTOR CAMPAIGN CONTRIBUTION
KOA's Bidder/Applicant/Contractor Campaign Contribution form has been included subsequently.

ADDENDUM
KOA has received Addendum No. 1, the Answers to Questions, and the associated attachments.

EXHIBIT 10-O1 CONSULTANT PROPOSAL DBE COMMITMENT

1. Local Agency: City of Costa Mesa
2. Contract DBE Goal: 5%
3. Project Description: Engineering Design Services for Adams Ave and Pinecreek Dr & Adams Ave Bike Facility
4. Project Location: Costa Mesa, CA
5. Consultant's Name: KOA Corporation
6. Prime Certified DBE: ☐

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %
Landscape Architecture	12970	Cornerstone Studios, Inc. 951 E Santa Ana Blvd. Santa Ana, CA 92701 Woo Jung (Jeff) Kim, Principal (714) 973-2200 x104 jeff@cs-studios.com	Proj. A: 9% Proj. B: 8.5%

Local Agency to Complete this Section

17. Local Agency Contract Number:
18. Federal-Aid Project Number:
19. Proposed Contract Execution Date:
20. Consultant's Ranking after Evaluation:

Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.

11. TOTAL CLAIMED DBE PARTICIPATION — Proj. A: 9% / Proj. B: 8.5%

IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.

Min Zhou 12. Preparer's Signature	12/9/2020 13. Date
Min Zhou, PE 14. Preparer's Name	(323) 260-4705 15. Phone
CEO 16. Preparer's Title	

DISTRIBUTION: Original – Included with consultant's proposal to local agency.

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EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

N/A

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 USC 1352

1. Type of Federal Action: ☐ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance

2. Status of Federal Action: ☐ a. bid/offer/application ☐ b. initial award ☐ c. post-award

3. Report Type: ☐ a. initial ☐ b. material change
For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, if known
Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
Congressional District, if known

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, if applicable: _____

8. Federal Action Number, if known:

9. Award Amount, if known:

10. Name and Address of Lobby Entity (if individual, last name, first name, MI)

11. Individuals Performing Services (including address if different from No. 10) (last name, first name, MI)

(attach Continuation Sheet(s) if necessary)

12. Amount of Payment (check all that apply): $ _____ ☐ actual ☐ planned

13. Form of Payment (check all that apply): ☐ a. cash ☐ b. in-kind; specify: nature _____ Value _____

14. Type of Payment (check all that apply): ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other, specify _____

15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 12:

(attach Continuation Sheet(s) if necessary)

16. Continuation Sheet(s) attached: Yes ☐ No ☐

17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: Min Zhou

Print Name: Min Zhou, PE

Title: CEO

Telephone No.: (323) 890-4700 Date: 12/09/2020

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EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

1. Type of Federal Action: ☐ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance

2. Status of Federal Action: ☐ a. bid/offer/application ☐ b. initial award ☐ c. post-award

3. Report Type: ☐ a. initial ☐ b. material change
For Material Change Only: year ____ quarter ____ date of last report ____

4. Name and Address of Reporting Entity ☐ Prime ☐ Subawardee Tier ____, if known
Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
Congressional District, if known

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, if applicable ____

8. Federal Action Number, if known:

9. Award Amount, if known:

10. Name and Address of Lobby Entity (if individual, last name, first name, MI):

11. Individuals Performing Services (including address if different from No. 10) (last name, first name, MI):

(attach Continuation Sheet(s) if necessary)

12. Amount of Payment (check all that apply): $ ____ ☐ actual ☐ planned

13. Form of Payment (check all that apply): ☐ a. cash ☐ b. in-kind; specify: nature ____ Value ____

14. Type of Payment (check all that apply): ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other, specify ____

15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) if necessary)

16. Continuation Sheet(s) attached: Yes ☐ No ☐

17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: [signature]
Print Name: Richard Hansen
Title: survey manager
Telephone No.: 949-608-5615 Date: 12/6/2020

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Cornerstone Studios does not have any lobbying activities to disclose

EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

1. Type of Federal Action:
☐ a. contract
☐ b. grant
☐ c. cooperative agreement
☐ d. loan
☐ e. loan guarantee
☐ f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
☐ b. initial award
☐ c. post-award

3. Report Type:
☐ a. initial
☐ b. material change

For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity
☐ Prime ☐ Subawardee
Tier _____, if known

Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, if known

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, if applicable _____

8. Federal Action Number, if known:

9. Award Amount, if known:

10. Name and Address of Lobby Entity
(If individual, last name, first name, MI)

11. Individuals Performing Services
(including address if different from No. 10)
(last name, first name, MI)

(attach Continuation Sheet(s) if necessary)

12. Amount of Payment (check all that apply)
$ _____ ☐ actual ☐ planned

13. Form of Payment (check all that apply):
☒ a. cash
☐ b. in-kind; specify: nature _____
Value _____

14. Type of Payment (check all that apply)
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☒ d. contingent fee
☐ e. deferred
☐ f. other, specify: _____

15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 12:

(attach Continuation Sheet(s) if necessary)

16. Continuation Sheet(s) attached: Yes ☐ No ☐

17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: [signature]

Print Name: Jeff Woo Kim

Title: Principal

Telephone No.: 714-973-2100 Date: 11/20/2020

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EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

1. Type of Federal Action:
- [X] a. contract
- b. grant
- c. cooperative agreement
- d. loan
- e. loan guarantee
- f. loan insurance

2. Status of Federal Action:
- [X] a. bid/offer/application
- b. initial award
- c. post-award

3. Report Type:
- [X] a. initial
- b. material change

For Material Change Only:
year ____ quarter ____
date of last report ____

4. Name and Address of Reporting Entity
- [ ] Prime
- [X] Subawardee
Tier ____, if known

Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
KOA, 2181 W Orangewood, Orange, CA 92868

Congressional District, if known

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, if applicable ____

8. Federal Action Number, if known:

9. Award Amount, if known:

10. Name and Address of Lobby Entity
(If individual, last name, first name, MI)

11. Individuals Performing Services
(including address if different from No. 10)
(last name, first name, MI)

(attach Continuation Sheet(s) if necessary)

12. Amount of Payment (check all that apply)
$ ____ [ ] actual [ ] planned

13. Form of Payment (check all that apply):
- [ ] a. cash
- [ ] b. in-kind; specify: nature ____
value ____

14. Type of Payment (check all that apply)
- [ ] a. retainer
- [ ] b. one-time fee
- [ ] c. commission
- [ ] d. contingent fee
- [ ] e. deferred
- [ ] f. other, specify ____

15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 12:

(attach Continuation Sheet(s) if necessary)

16. Continuation Sheet(s) attached: Yes [ ] No [X]

17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: [signature]

Print Name: Brent Brechbiel

Title: Vice President/Chief Contracting Officer

Telephone No.: (714) 648-0030 Date: 11/22/2010

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EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

1. Type of Federal Action: ☑ a. contract; ☐ b. grant; ☐ c. cooperative agreement; ☐ d. loan; ☐ e. loan guarantee; ☐ f. loan insurance

2. Status of Federal Action: ☑ a. bid/offer/application; ☐ b. initial award; ☐ c. post-award

3. Report Type: ☑ a. initial; ☐ b. material change
For Material Change Only: year ____ quarter ____ date of last report ____

4. Name and Address of Reporting Entity: ☐ Prime ☑ Subawardee
Tier ____, if known
Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
OOA
2612 W Orangewood, Orange, CA 92868
Congressional District, if known

6. Federal Department/Agency:
Caltrans Local Assistance

7. Federal Program Name/Description:
CFDA Number, if applicable N/A

8. Federal Action Number, if known:

9. Award Amount, if known:

10. Name and Address of Lobby Entity (if individual, last name, first name, MI):
None

11. Individuals Performing Services (including address if different from No. 10) (last name, first name, MI): None
(attach Continuation Sheet(s) if necessary)

12. Amount of Payment (check all that apply):
$ None ☐ actual ☐ planned

13. Form of Payment (check all that apply):
☐ a. cash
☐ b. in-kind; specify: nature ____ value ____

14. Type of Payment (check all that apply):
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☑ f. other, specify: None

15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 12: None
(attach Continuation Sheet(s) if necessary)

16. Continuation Sheet(s) attached: Yes ☐ No ☑

17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: Joseph E Ortiz
Print Name: Joseph E Ortiz
Title: President
Telephone No.: 949-305-0070 Date: 12/3/2020

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VENDOR APPLICATION FORM
FOR
RFP No. 202011 for Costa Mesa

TYPE OF APPLICANT: ☐ NEW ☑ CURRENT VENDOR

Legal Contractual Name of Corporation: KOA Corporation

Contact Person for Agreement: Stephen Bise

Corporate Mailing Address: 1100 Corporate Center Drive, Suite 201

City, State and Zip Code: Monterey Park, CA 91754

E-Mail Address: sbise@koacorp.com

Phone: (714) 573-0317 Fax: (714) 573-9534

Contact Person for Proposals: Matt Stepien

Title: Project Manager | Senior Engineer E-Mail Address: mstepien@koacorp.com

Business Telephone: (714) 573-0317 Business Fax: (714) 573-9534

Is your business: (check one)

☐ NON PROFIT CORPORATION ☑ FOR PROFIT CORPORATION

Is your business: (check one)

☑ CORPORATION ☐ LIMITED LIABILITY PARTNERSHIP

☐ INDIVIDUAL ☐ SOLE PROPRIETORSHIP

☐ PARTNERSHIP ☐ UNINCORPORATED ASSOCIATION

Names & Titles of Corporate Board Members
(Also list Names & Titles of persons with written authorization/resolution to sign contracts)

Names	Title	Phone
Jimmy Lin	Management Executive,	(323) 260-4703
Joel Falter	VP | Principal	(323) 260-4703
Walter Okitsu	VP | Principal,	(323) 260-4703
Doug Yeh	VP,	(323) 260-4703
Ming Guan	VP | Managing Director,	(909) 890-8693
Min Zhou	CEO,	(323) 260-4703
Juan Gutierrez	CFO,	(323) 260-4703
Chuck Stephan	VP | Principal,	(714) 573-0317
Stephen Bise	VP, Managing Director,	(714) 573-0317

Names & Titles of Corporate Board Members
(Also list Names & Titles of persons with written authorization/resolution to sign contracts)

Names	Title	Phone
See above		

Federal Tax Identification Number: 95-4515908

City of Costa Mesa Business License Number: We will obtain upon award of contract

(If none, you must obtain a Costa Mesa Business License upon award of contract.)

City of Costa Mesa Business License Expiration Date: N/A

COMPANY PROFILE & REFERENCES

Company Legal Name: KOA Corporation

Company Legal Status (corporation, partnership, sole proprietor etc.): S Corporation

Active licenses issued by the California State Contractor's License Board: N/A

Business Address: 1100 Corporate Center Drive, Suite 201, Monterey Park, CA 91754

Website Address: www.koacorporation.com

Telephone Number: (323) 260-4703 Facsimile Number: (323) 260-4705

Email Address: mstepien@koacorp.com

Length of time the firm has been in business: 33 years

Length of time at current location: Orange: 26 years

Is your firm a sole proprietorship doing business under a different name: ___Yes ☑ No

If yes, please indicate sole proprietor's name and the name you are doing business under:

Federal Taxpayer ID Number: 95-4515908

Regular Business Hours: 9am-5pm

Regular holidays and hours when business is closed: Closed on weekends and federal holidays

Contact person in reference to this solicitation: Matt Stepien

Telephone Number: (714) 573-0317 Facsimile Number: (714) 573-9534

Email Address: mstepien@koacorp.com

Contact person for accounts payable: Juan Gutierrez

Telephone Number: (323) 260-4703 Facsimile Number: (323) 260-4705

Email Address: jgutierrez@koacorp.com

Name of Project Manager: Matt Stepien

Telephone Number: (714) 573-0317 Facsimile Number: (714) 573-9534

Email Address: mstepien@koacorp.com

COMPANY PROFILE & REFERENCES (Continued)

Submit the company names, addresses, telephone numbers, email, contact names, and brief contract descriptions of at least three clients, preferably other municipalities for whom comparable projects have been completed or submit letters from your references which include the requested information.

Company Name: City of Claremont

Contact Name: Vincent Ramos

Contract Amount: $1,600,000

Email: vramos@ci.claremont.ca.us | (909) 399-5395

Address: 207 Harvard Avenue, Claremont, CA 91711

Brief Contract Description: KOA and its team conducted applicable feasibility analyses, created alternatives, developed PS&E, and provided construction management and inspection services to implement improvements on Foothill Blvd.

Company Name: City of Carson

Telephone Number: (310) 952-1700, ext. 1312

Contact Name: Reata Kulcsar

Contract Amount: $149,285

Email: RKulcsar@carson.ca.us

Address: 701 E Carson Street, Carson, CA 90745

Brief Contract Description: KOA designed Class II and Class IV bikeway improvements on nine corridors, under two contracts conducted in tandem. We provided feasibility analyses and prepared PS&E. The projects were funded through HSIP.

Company Name: City of Placentia

Telephone Number: (714) 993-8148

Contact Name: Masoud Sepahi

Contract Amount: $137,445

Email: msepahi@placentia.org

Address: 401 E. Chapman Ave., Placentia, CA 92870

Brief Contract Description: KOA is preparing PS&E for intersection improvements at multiple locations. We are managing the funding and are providing construction support. Pedestrian and bicyclist safety improvements are part of the design consideration.

BIDDER/APPLICANT/CONTRACTOR CAMPAIGN CONTRIBUTION DISCLOSURE FORM

N/A

Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than $249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

Date	Name of Donor	Company/Business Affiliation	Name of Recipient	Amount

Except as described above, I/we have not made any campaign contribution in the amount of $250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Min Zhou

Min Zhou

Bidder/Applicant/Proposer

12/3/2020

Date

EX PARTE COMMUNICATIONS CERTIFICATION

Please indicate by signing below one of the following two statements. **Only sign one statement.**

I certify that Proposer and Proposer's representatives have not had any communication with a City Councilmember concerning informal RFP No. 202011 FOR Costa Mesa at any time after November 09, 2020.

Min Zhou
Signature

Date: 12/09/2020

Min Zhou
Print

OR

I certify that Proposer or Proposer's representatives have communicated after November 09, 2020 with a City Councilmember concerning informal RFP No. _____ FOR _____. A copy of all such communications is attached to this form for public distribution.

_____
Signature

Date: _____

_____
Print

DISCLOSURE OF GOVERNMENT POSITIONS

Each Proposer shall disclose below whether any owner or employee of Contractor currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

NONE

DISQUALIFICATION QUESTIONNAIRE

The Contractor shall complete the following questionnaire:

Has the Contractor, any officer of the Contractor, or any employee of the Contractor who has proprietary interest in the Contractor, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

Yes _____ No ☑

If the answer is yes, explain the circumstances in the following space.

MATT STEPIEN, PE

PROJECT MANAGER | SENIOR ENGINEER
KOA



Matt Stepien, PE, has 30 years of civil engineering experience with an emphasis on the design and management of municipal roadway, utility, and active transportation improvement projects. His services involve preliminary to final design, master planning studies, PS&E, and quality control. His recent project experience includes the planning and design of active transportation and Safe Routes to School projects for the cities of Long Beach, Costa Mesa, Santa Ana, Laguna Beach, Anaheim, Santa Fe Springs, Downey, Seal Beach, and Santa Monica. He has also recently been Project Manager for design projects for the Orange County Transportation Authority (OCTA) and LACMTA. Matt has served as the project manager for numerous significant engineering projects during the last 20 years, all having one thing in common - they were successfully built without problems.

RELEVANT EXPERIENCE

City of Costa Mesa Adams Avenue Improvement Project
Project Manager. KOA is adding protected bike lanes and missing sidewalk for a 1.5 mile length of Adams Street in Costa Mesa. Several public outreach meetings were held to develop a preferred layout for the sidewalk and bike lanes. The project includes the narrowing of the roadway portion of the street, pavement rehabilitation, traffic signal modifications, the addition of medians, landscaping and traffic control.

City of Santa Ana Bush Street Bicycle Boulevard
QA/QC Manager. KOA designed bicycle improvements, pedestrian upgrades and roundabouts for seven consecutive intersections along Bush Boulevard. In addition to allowing for bicycles, the project entailed the design of the curb ramps at all quadrants of the intersection, including numerous bulbouts.

City of Long Beach Market Street Pedestrian and Bicycle Enhancements Project*
Project Manager. Performed engineering and design services for a pedestrian and streetscape enhancement project on Market Street between the LA River and Cherry Avenue, an approximately 1.9-mile stretch of the corridor. The project consists of complete street improvements including Class II/IV bike lanes and other new bike/pedestrian facilities, bulb-outs, wayfinding signage, sidewalk widening, crosswalk and transit stop enhancements, construction/ reconstruction of curb ramps for ADA compliance, repairing sidewalks, curbs, and gutters, reconstructing/resurfacing roadway pavement, pedestrian lighting, traffic signal installation/upgrades, flashing beacons, and miscellaneous sustainable design features for improved mobility and safety.

**Previous work experience*

EDUCATION

BS, Civil Engineering, California State Polytechnic University, Pomona, CA

REGISTRATIONS

Professional Engineer (PE), Civil, CA #35500

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

American Planning Association

American Public Works Association

CHUCK STEPHAN, PE

QA/QC MANAGER | PRINCIPAL

KOA



Chuck Stephan has 38 years of experience in civil engineering design and project management on projects for many municipalities and private firms. He has diverse project experience in planning, design, management, and construction of transportation, educational, institutional, industrial, aerospace, municipal, residential and commercial projects in both the civil and construction management disciplines. Chuck specializes in project management, civil engineering design, and construction management for municipal Capital Improvement Projects, including pavement design and rehabilitation; ADA improvements; water pipelines; storm drain and sanitary sewers; medians and landscaping; parking lots; site improvements; plan checking; NPDES requirements. He has provided staff assistance to municipal engineering departments on temporary or part-time basis as needed; provide staff training in project management, design, and construction management skills. He has experience in managing various funding sources including local, state, and federal-aid projects; SR2S; SRTS; STPL; various grant applications and reimbursement requests.

EDUCATION
BS, Agricultural Engineering, California Polytechnic State University, San Luis Obispo, CA

REGISTRATIONS
Professional Engineer (PE), Civil, CA #50481

RELEVANT EXPERIENCE

- City of Claremont Foothill Boulevard Master Plan Implementation
- City of La Habra Lambert Road Rehabilitation Project
- City of Signal Hill Cherry Avenue Improvement Project

STEPHEN BISE, PE

PRINCIPAL-IN-CHARGE | SENIOR ENGINEER

KOA



Stephen Bise has managed numerous civil and traffic engineering projects for several municipalities throughout Southern California. His project experience consists of preparing final plan, specification, and estimate (PS&E) packages for various improvements to roadways/highways, intersections, drainage, low impact development (LID) implementation, traffic signals, ITS, lighting, signing/striping, and planning for future development. He also has extensive experience in complete streets design and implementation, which include safe multi-modal integration with aesthetic elements such as landscape and street furniture. Stephen's keys to success include clear, concise communication and diligent quality control.

EDUCATION
BS, Civil Engineering, California State Polytechnic University, Pomona, CA

REGISTRATIONS
Professional Engineer (PE), Civil, CA #76775

RELEVANT EXPERIENCE

- City of Carson Bike Lanes PS&E
- City of Santa Monica Stewart & Pennsylvania Improvement Project
- City of Placentia Citywide Cycle 9 HSIP Improvements
- City of Claremont Foothill Boulevard Master Plan Implementation
- City of Long Beach Market Street Pedestrian & Streetscape Enhancements
- City of Long Beach Delta Avenue Bicycle Boulevard

GREGORY GARCES

TRAFFIC ENGINEERING SIGNING/STRIPING TASK LEADER | SENIOR DESIGNER

KOA



Greg Garces is a senior designer with more than 13 years of working experience in the trafc engineering and transportation planning field. He specializes in traffic engineering, traffic operations and safety analyses, signing and striping design, transportation studies, signal design, work zone/traffic control plans, and applying the principles of the CAMUTCD, APWA and Caltrans HDM to deliver PS&E projects. His project experience includes a variety of Active Transportation Plan (ATP), Safe Routes to School (SRTS), Highway Safety Improvement Program (HSIP) and local capital improvement projects all across Southern California. He has extensive experience working with CADD environments and traffic engineering software such as AutoCAD, Microstation, HCS and Synchro/SimTraffic. Before joining KOA, Greg was a lead project engineer with Minagar & Associates, Inc.

RELEVANT EXPERIENCE

- City of Costa Mesa Randolph Avenue Improvements PS&E
- Metropolitan Water District, City of Costa Mesa, Caltrans District 12 Bristol Street Temporary Signing/Striping and Traffic Control Plans (Sunflower to South City Limits)
- City of Long Beach Anaheim Street Improvements PS&E, Long Beach, CA
- City of Laguna Beach PCH Traffic Improvements PS&E Project

EDUCATION
3 Years BS Coursework, Civil Engineering, California State Polytechnic University, Pomona, CA

TRAINING
2014 CA MUTCD Update Training Course, Los Angeles County Metropolitan Transportation Authority (Metro)

27-Hour Training, Project Management Professional (PMP)

Traffic Control for Safer Work Zones, Institute of Transportation Studies Tech Transfer Program, University of California, Berkeley, CA

WYATT SING, PE

TRAFFIC SIGNAL MODIFICATIONS TASK LEADER | SENIOR ASSOCIATE

KOA



Wyatt Sing is a versatile engineer based in KOA's Orange office. He has experience with traffic engineering and neighborhood traffic calming design, signing and striping, traffic signal operations studies and signal timing synchronization. He has worked on a variety of active transportation projects, from preparing construction-ready Plans, Specifications and Estimates (PS&E), to organizing utility documents, coordinating with Caltrans and traffic engineering staff during construction, collecting and analyzing field and record plan data, preparing engineering design calculations, and designing engineering recommendations a variety of public improvement projects. Additionally, Wyatt has experience with roadway design and has developed plans for numerous projects. While working on any project and being a part of a team, Wyatt strives to learn and gain valuable experience on a daily basis.

RELEVANT EXPERIENCE

- City of Costa Mesa Adams Avenue Improvement Project
- City of Long Beach Anaheim Street Corridor Improvement Project
- City of Placentia Citywide Cycle 9 HSIP Improvements
- City of Long Beach Market Street Pedestrian & Streetscape Enhancements
- City of Laguna Beach Coast Highway Intersection Improvement PS&E

EDUCATION
BS, Civil Engineering, University of California, Irvine, CA

REGISTRATIONS
Professional Engineer (PE), Civil, CA #90821

JENNIFER MILLER, EIT

STREET LIGHTING TASK LEADER | ASSOCIATE ENGINEER

KOA



Jennifer Miller has worked on a number of civil and traffic engineering projects including roadway improvements, pedestrian improvements, signing and striping, and drainage modifications. Her experience includes the use of design programs such as AutoCAD, Civil 3-D, Microstation, ArcGIS, and working knowledge in Primavera P6. From her time working with the City of San Diego, she has been involved in projects such as El Cajon Boulevard and 59th Street Curb Ramps, La Jolla Mesa Drive Sidewalk, and Jamacha Road Storm Drain. Jennifer has been the transportation lead on her senior design project, Glorietta Boulevar and Pomona Avenue Roundabout. She was in charge of the geometric road design and CAD work. Jennifer has assisted with crash data diagrams, the conceptual design of Big Bear Moonridge Road Design, vehicle turn path diagrams, and project material checks.

EDUCATION
BS,Civil Engineering, San Diego State University,San Diego, CA

REGISTRATIONS
Engineer-in-Training (Civil), CA #1644

RELEVANT EXPERIENCE

- City of Costa Mesa Adams Avenue Improvement Project
- City of Santa Monica Stewart & Pennsylvania Improvement Project
- City of Costa Mesa Randolph Avenue Improvements PS&E
- LACDPW Rowland Heights Rehabilitation
- City of Long Beach Orange & Hellman Traffic Circle PS&E
- City of Anaheim Katella Avenue Widening Project

WALTER OKITSU, PE, PTOE, PTP

TRAFFIC ENGINEERING, SIGNING/STRIPING QA/QC REVIEWER | PRINCIPAL

KOA



Walter Okitsu has extensive experience in transportation planning and traffic design over a wide variety of highway, transitway, and bikeway projects. This includes designs for traffic signals, street lighting, signing and striping, worksite traffic control. He has field and managerial experience on traffic impact, feasibility analysis, and circulation projects.

EDUCATION
BS, Civil Engineering, California State University, Los Angeles, CA
MS, Transportation Engineering, UC Berkeley, CA
BS, Math-Computer Science, UCLA, CA

REGISTRATIONS
Professional Engineer (PE), Traffic, CA #1406
Professional Engineer (PE), Civil, CA #52655
Professional Traffic Operations Engineer (PTOE)
Professional Transportation Planner (PTP)

RELEVANT EXPERIENCE

- City of Santa Monica Pico Boulevard Pedestrian Safety Improvement Project
- City of Redondo Beach Traffic Engineering Improvements
- City of Long Beach Broadway & Third Street Protected Bicycle Lanes Feasibility Study & Design
- City of Los Angeles LA River Greenway Segments 1 & 2 Implementation
- City of Temple City Rosemead Boulevard Safety Enhancements Design/ Study
- City of Santa Monica Cycle Track Street Improvements on Michigan Avenue from Lincoln Boulevard to 7th Street
- City of Wildomar Grand Avenue Bike Improvements & Multi-Purpose Trail Improvements Projects & ATP Cycle 3 Grant Application
- City of Escondido Escondido Creek Bikeway Missing Link Project

EDWARD OKITSU

STREET LIGHTING QA/QC REVIEWER | SENIOR DESIGNER

KOA



Edward Okitsu is a Senior Designer for all street lighting projects undertaken by KOA's Los Angeles office. He also has significant experience in design of signing & striping, traffic signal and worksite traffic control as well as field investigation and data collection experience on numerous public works projects. Edward is responsible for the operation of computer drafting stations and is an expert user of CADD and lighting illumination calculation software.

EDUCATION
ITS Extension, Street Lighting, Institute of Transportation Studies, University of California, Berkeley, CA
AA, Dental Technology, Los Angeles City College, Los Angeles, CA

RELEVANT EXPERIENCE

- City of San Bernardino Broadmoor Blvd Street Lighting Analysis and Design
- City of Costa Mesa Randolph Avenue Improvements PS&E
- City of Whittier Street Light Conversion PS&E
- City of South Pasadena HSIP and SSARP Grant Applications
- City of South Gate Street Lighting Master Plan
- City of Los Angeles LA River Greenway Segments 1 & 2 Implementation
- Los Angeles Mission College Signing & Striping and Street Lighting Design Services
- City of Temple City Rosemead Boulevard Safety Enhancements Design/ Study
- City of Whittier Oak Station Trailhead PS&E

MANUEL BARRIOS, EIT

CIVIL ENGINEERING, WQMP, HYDRAULICS ENGINEER | SENIOR ASSOCIATE ENGINEER

KOA



Manuel Barrios has worked on engineering/public works projects involving roadway design, plan preparation, capital improvements, and land development projects for cities throughout Orange and Los Angeles counties. He has delivered projects for both horizontal and vertical design to Metro and the Los Angeles Bureau of Engineering/Department of Transportation (LABOE/ DOT). He has been the project engineer for several public projects to construct, widen, and improve roadways; determine utility relocations; and design and prepare grading, drainage, sewer, water utility, and site improvement plans. Manuel has extensive experience and knowledge of Orange County Standard Plans as well as Greenbook Standard Specifications for Public Works Construction so he can deliver projects from the preliminary stage through final construction.

EDUCATION
BS, Civil Engineering, University of California, Irvine, CA

RELEVANT EXPERIENCE

- City of Santa Ana Bush Street Bicycle Boulevard
- City of Costa Mesa Adams Avenue Improvement Project
- City of Santa Monica Safe Routes to Schools (SRTS) Pedestrian Improvements at Four Schools*
- City of el Segundo Richmond Street Arterial Improvements*

**Previous work experience*

ENGINEERING DESIGN SERVICES FOR ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT ("PROJECT A") AND ADAMS AVENUE BICYCLE FACILITY PROJECT ("PROJECT B")
CITY OF COSTA MESA

STEPHANIE LOPEZ

TRAFFIC ENGINEERING, SIGING/STRIPING ENGINEER | ASSOCIATE ENGINEER

KOA



Stephanie Lopez is an enthusiastic Associate Engineer at KOA focused on traffic engineering projects. Her responsibilities include agency coordination, traffic and civil design, signing and striping plans, traffic control plans, cost estimation, and fieldwork for utility research. Her specific work experience includes intersection design, simulation studies, and cost estimates for various southern California agencies. Stephanie is dedicated in learning the ever-changing industry standards and enjoys her work in developing a safe environment for walking and biking.

EDUCATION
BS, Civil Engineering, California State University, Fullerton, State

RELEVANT EXPERIENCE

- City of Orange Traffic Signal Upgrades Citywide, HSIP Cycle 6 & 8
- Los Angeles County Firestone Blue Line Traffic Signal and Signing/Striping Design
- City of Anaheim Katella Avenue Widening Project
- City of Inglewood Multi-Corridor TSSP

KEVIN KELLEY, EIT

TRAFFIC SIGNAL MODIFICATIONS ENGINEER | ASSOCIATE ENGINEER

KOA



Kevin Kelley is an Associate Engineer with KOA who graduated in June of 2017. While working with KOA, he has been involved with the Signal Synchronization project process. He has established existing conditions of a network through data collection and field inventory. He has completed field work and field inventory of intersections and their respective cabinets. Kevin has worked on producing Traffic Signal Modification Plans, Signing and Striping plans, Interconnect plans and Traffic Control Plans, Street Rehabilitation and Waterline improvement plans. He has utilized Tru-Traffic and completed Tru-Traffic Runs in before and after studies. Kevin has worked on creating Synchro networks and optimizing timing.

EDUCATION
BS, Civil Engineering, California State Polytechnic University, Pomona, CA

REGISTRATIONS
Engineer-in-Training (Civil), CA #160650

RELEVANT EXPERIENCE

- City of Long Beach Anaheim Street Corridor Improvement Project
- City of Placentia Citywide Cycle 9 HSIP Improvements
- City of Carson Bike Lanes PS&E
- City of Inglewood Multi-Corridor TSSP
- City of Long Beach Market Street Pedestrian & Streetscape Enhancements

RUSSELL HANSON, PLS, GISP

LAND SURVEY TASK LEADER | ASSOCIATE

Subconsultant - Huitt-Zollars



Russell Hanson has 22 years of experience in the preparation of Tract Maps, Parcel Maps, Records of Survey, Right-of-Way maps, Legal Descriptions, ALTA Surveys and Lot Line Adjustments. He has been involved in numerous rehabilitation projects for streets and intersections using conventional survey, GPS survey and scanning. Russell coordinates field crews, processing field work and delivers final CAD product and has extensive survey experience in Southern California.

RELEVANT EXPERIENCE

- City of Long Beach Division Street Survey
- City of La Habra Imperial Highway and Del Sur Avenue Survey
- City of El Monte Mountain View Road Survey
- City of Alhambra Alley Topographical Survey
- City of Long Beach Atlantic Avenue Survey

EDUCATION
BS, Civil Engineering, California State Polytechnic University, Pomona, CA

REGISTRATIONS
Professional Land Surveyor (PLS), CA #8873
Geographic Information System Professional (GISP), CA #64594

JEFF WOOJUNG KIM, PLA, ASLA

LANDSCAPE ARCHITECTURE/IRRIGATION TASK LEADER | CSI PROJECT MANAGER

Subconsultant - CSI



Jeff Kim has over twenty years of experience with Cornerstone Studios. He brings a thoughtful and creative approach to each of his clients and projects. His keen sense of design, project management skills, and attention to detail are integral to the success of his projects. With extensive experience working with numerous government agencies, he excels in projects at the city, county, or federal level and possesses a good understanding of the requirements needed to complete the project. He is responsible for implementation of conceptual design through completion of construction documents as well as coordination with teams of sub-consultants.

RELEVANT EXPERIENCE

- City of Costa Mesa Bristol Street Median Landscape Architecture Services
- City of Costa Mesa Adams Avenue Improvement Project Landscape Architecture Services (KOA is the prime consultant)
- City of Costa Mesa Randolph Avenue Improvements PS&E Landscape Architecture Services (KOA is the prime consultant)
- City of Inglewood Century Boulevard
- City of Long Beach Daisy/Myrtle 10-Mile Bike Boulevard PS&E Design Landscape Architecture Services (KOA is the prime consultant)
- OCTA OC Streetcar Project Landscape Architecture Services in Santa Ana

EDUCATION
BS, Landscape Architecture, College of Environmental Design, California State Polytechnic University, Pomona, CA

REGISTRATIONS
Professional Landscape Architect (PLA), CA #6082
American Society of Landscape Architects (ASLA)

JESUS "FREDDIE" OLMOS

ENVIRONMENTAL TASK LEADER | GROUP MANAGER-CEQA

Subconsultant - ECORP



Freddie Olmos' professional experience involves CEQA and NEPA analysis and document preparation for government agencies and private clients. He has prepared and managed a variety of environmental documents, including Initial Studies/Mitigated Negative Declarations (IS/MND), EIRs, Environmental Impact Statements, Environmental Assessments, and Findings of No Significant Impact, including Addendum CEQA/NEPA documentation. While his experience focuses on environmental report writing and permit preparation, he also has experience with biological resources monitoring and surveying for public facilities construction and research projects. Freddie is experienced in the bilingual English-Spanish translation of notices, documents, and handouts for CEQA and biological/cultural resources projects.

RELEVANT EXPERIENCE

- City of Costa Mesa Bristol Street Improvement Project Environmental Services
- City of Costa Mesa CEQA Compliance for Lions Park Improvements
- City of Long Beach Market Street Pedestrian & Streetscape Enhancements
- City of Highland CEQA Documents with Supporting Technical Assessments for the City Creek and Alabama Street Bikeways Project

EDUCATION

BA, Environmental Analysis & Design, with a minor in Urban & Regional Planning, University of California, Irvine, CA

REGISTRATIONS

Caltrans Environmental Compliance Training Course for Local Agency Partners and Consultants – Categorical Exemptions and Categorical Exclusions, Caltrans

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JOE DIETZ, PE, SE

STRUCTURAL ENGINEERING & DRAINAGE TASK LEADER | SENIOR ENGINEER

Subconsultant - DSC Engineering



Joe Dietz has well rounded experience in civil and structural engineering stemming from his involvement in a variety of commercial, educational and federal projects. His experience includes work on both public and private jobs of varying sizes and construction material types. Joe has extensive working knowledge of the California Building Code (CBC) and its application to civil and structural engineering projects. Joe's structural engineering experience includes structural retrofits of substandard structures, analysis of existing structures and the design of new structures. Joe has also worked on several Department of State Architect (DSA) projects on community college campuses.

RELEVANT EXPERIENCE

- City of Anaheim Lincoln Avenue Sign Relocations
- City of Huntington Beach Edinger Avenue Sign Relocations
- City of Anaheim Katella Widening
- City of Santa Fe Springs Santa Fe Springs Town Center
- Los Angeles Pierce College Project

EDUCATION

BS, Architectural Engineering, California Polytechnic State University, San Luis Obispo, CA

REGISTRATIONS

Professional Engineer (PE), Civil, CA #67032
Structural Engineer (SE), CA #5251

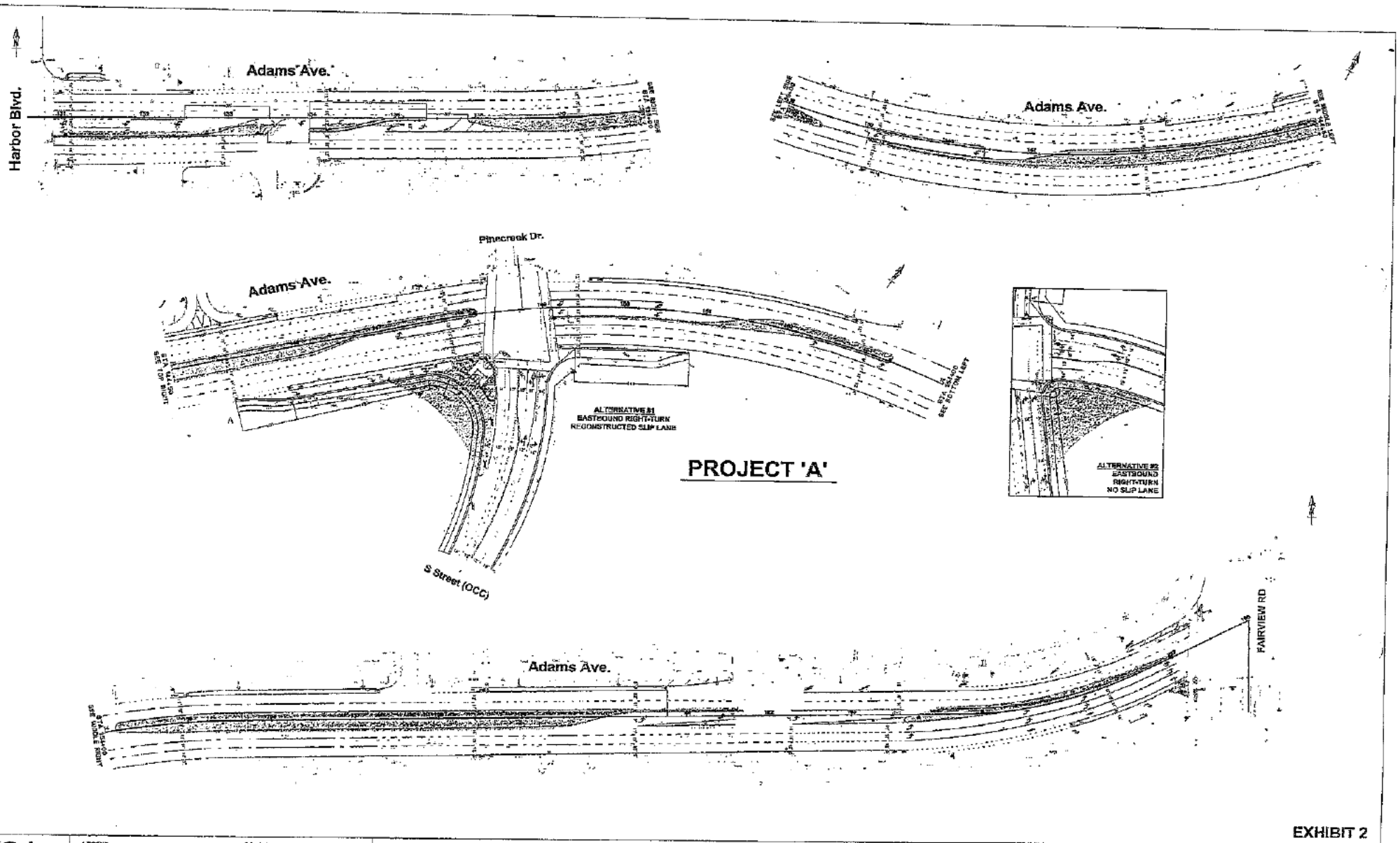

Harbor Blvd.
Adams Ave.
Adams Ave.
Pinecreek Dr.
Adams Ave.
ALTERNATIVE #1
EASTBOUND RIGHT-TURN
RECONSTRUCTED SLIP LANE
PROJECT 'A'
ALTERNATIVE #2
EASTBOUND
RIGHT-TURN
NO SLIP LANE
S Street (OCC)
Adams Ave.
FAIRVIEW RD
LEGEND:
Proposed Lane Striping Configuration
Existing surface utility
Existing median/island area(s)
Proposed median/island area(s)
SCALE:
CONCEPTUAL LAYOUT - ADAMS AVENUE BIKEWAY PROJECTS 'A' & 'B'
ADAMS AT PINECREEK AND HARBOR BOULEVARD TO FAIRVIEW AVENUE
CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT /
TRANSPORTATION SERVICES DIVISION
PROJECT NO. A & B
DWG
SHEET
OF

EXHIBIT 2

LOS ANGELES | CORPORATE OFFICE
1100 Corporate Center Drive, Suite 201
Monterey Park, CA 91754
(323) 260-4703

ORANGE COUNTY OFFICE
2141 W. Orangewood Avenue
Orange, CA 92868
(714) 573-0317

INLAND EMPIRE OFFICE
3190 Shelby Street, Bldg C.
Ontario, CA 91764
(909) 890-9693

SAN DIEGO OFFICE
5095 Murphy Canyon Road, Suite 330
San Diego, CA 92123
(619) 683-2933

COACHELLA VALLEY OFFICE
78-405 Via Caliente
La Quinta, CA 92253
(760) 694-1716

WEST LOS ANGELES OFFICE
300 Corporate Pointe, Suite 470
Culver City, CA 90230
(310) 473-6508



EXHIBIT B

COST PROPOSAL

Exhibit 10-H1 Cost Proposal Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed ☑ Prime Consultant ☐ Subconsultants ☐ 2nd Tier Subconsultant

Consultant: KOA Corporation

Project No.: CML-5312(104) Contract No. _____ Date 2/10/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
Principal-in-Charge	Stephen Bise*	14.00	$77.00	$ 1,078.00
Project Manager	Matt Stepien*	86.00	$77.00	$ 6,622.00
Sr. Associate Engineer	Various	154.00	$55.00	$ 8,470.00
Sr. Designer	Various	52.00	$46.00	$ 2,392.00
Associate Engineer	Various	188.00	$40.00	$ 7,520.00
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -

LABOR COSTS

a) Subtotal Direct Labor Costs $ 26,082.00

b) Anticipated Salary Increases (see page 2 for calculation) $0.00

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] $ 26,082.00

INDIRECT COSTS

d) Fringe Benefits Rate: 34.46% e) Total Fringe Benefits [(c) x (d)] $ 8,987.86

f) Overhead Rate: 31.44% g) Overhead [(c) x (f)] $8,200.18

h) General and Administrative Rate: 69.95% i) Gen & Admin [(c) x (h)] $18,244.36

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] $ 35,432.40

FIXED FEE

k) **TOTAL FIXED FEE** [[(c) + (j)] x fixed fee 10 %] $ 6,151.44

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)**

Description	Quantity	Unit	Unit Cost	Total
Mileage	200	miles	$ 0.575	$ 115.00
Other Direct Costs - Reproduction	1	lump sum	$ 685.00	$ 685.00
			$ -	$ -

l) **TOTAL OTHER DIRECT COSTS** $ 800.00

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: Huitt-Zollars $ 4,763.14

Subconsultant 2: Cornerstone Studios, Inc. $ 8,888.90

Subconsultant 3: ECORP Consulting, Inc. $ 10,954.13

Subconsultant 4: _____

m) **TOTAL SUBCONSULTANTS' COSTS** $ 24,606.17

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l) + (m)] $ 25,406.17

TOTAL COST [(c) + (j) + (k) + (n)] $ 93,072.01

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirement must be marked with two asterisks (**). All costs must comply with Federal cost priciples. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

- NO ANTICIPATED SALARY INCREASE -

Exhibit 10-H1 Cost Proposal Page 2 of 3
COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS
(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

Consultant KOA Corporation Contract No. 0 Date 2/8/2021

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	**5 Year Contract Duration**
$ 250,000.00	/	5000	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.00%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.00%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.00%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.00%	*	5000	=	750	Estimated Hours Year 3
Year 5	10.00%	*	5000	=	500	Estimated Hours Year 4
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number of ho

	Avg Hourly Rate (calculated above)		Estimated Hours (calculated above)		Cost Per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 2
Year 4	$53.06	*	750	=	$39,795.00	Estimated Hours Year 3
Year 5	$54.12	*	500	=	$27,060.00	Estimated Hours Year 4
			Total Direct Labor Cost with Escalation	=	$257,871.10	
			Direct Labor Subtotal before escalation	=	$250,000.00	
			Estimated total of Direct Labor Salary Increase	=		Transfer to Page 1
			Increase		**$7,871.10**	

NOTES:

- This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
- An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology.)
- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted
- Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Juan Gutierrez

Title *: CFO

Signature :

Date of Certification (mm/dd/yyyy): 02/08/2021

Email: jgutierrez@koacorp.com

Phone Number: 323-260-4703

Address: 1100 Corporate Center Drive, Suite 201, Monterey Park, CA 91754

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

ENGINEERING and PLANNING SERVICES.

Exhibit 10-H1 Cost Proposal Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Markups are Not Allowed ☐ Prime Consultant ☑ Subconsultants ☐ 2nd Tier Subconsultant

Consultant: Huitt-Zollars

Project No.: CML-5312(104) Contract No. _____ Date 2/10/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
Project Manager*	David Mackey	2.00	$49.24	$ 98.48
2 person survey crew	Manny Flores/Kyle Decker	14.00	$87.03	$ 1,218.42
Survey Technician	Zack Boven	7.00	$28.70	$ 200.90
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -

LABOR COSTS

a) Subtotal Direct Labor Costs $ 1,517.80

b) Anticipated Salary Increases (see page 2 for calculation) $0.00

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] $ 1,517.80

INDIRECT COSTS

d) Fringe Benefits Rate: 60.87% e) Total Fringe Benefits [(c) x (d)] $ 923.88

f) Overhead Rate: 0.00% g) Overhead [(c) x (f)] $0.00

h) General and Administrative Rate: 124.42% i) Gen & Admin [(c) x (h)] $1,888.45

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] $ 2,812.33

FIXED FEE

k) **TOTAL FIXED FEE** [[(c) + (j)] x fixed fee 10 %] $ 433.01

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)**

Description	Quantity	Unit	Unit Cost	Total
Mileage				$ -
Other Direct Costs - Reproduction				
			$ -	$ -

l) **TOTAL OTHER DIRECT COSTS** $ -

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: _____

Subconsultant 2: _____

Subconsultant 3: _____

Subconsultant 4: _____

m) **TOTAL SUBCONSULTANTS' COSTS** $ -

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l) + (m)] $ -

TOTAL COST [(c) + (j) + (k) + (n)] $ 4,763.14

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirement must be marked with two asterisks (**). All costs must comply with Federal cost priciples. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(NO ANTICIPATED SALARY INCREASES)

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	5 Year Contract Duration
$250,000.00		5000	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.0%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.0%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.0%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.0%	*	5000	=	750	Estimated Hours Year 4
Year 5	10.0%	*	5000	=	500	Estimated Hours Year 5
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 3
Year 4	$53.06	*	750	=	$39,795.30	Estimated Hours Year 4
Year 5	$54.12	*	500	=	$27,060.80	Estimated Hours Year 5
	Total Direct Labor Cost with Escalation			=	$257,871.10	
	Direct Labor Subtotal before Escalation			=	$250,000.00	
	Estimated total of Direct Labor Salary Increase			=	**$7,871.10**	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Jeffrey Okamoto
Title *: Vice President / Managing Principal
Signature:
Date of Certification (mm/dd/yyyy):
Email: okamoto@hunt-solutions.com
Phone Number: (949) 988-5815
Address: 2003 Main Street, Suite 400, Irvine, CA 92614-4250

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Field survey

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed ☐ Prime Consultant ☒ Subconsultant ☐ 2nd Tier Subconsultant

Consultant Cornerstone Studios, Inc

Project No. CML-5312(104) Contract No. _____ Date 2/05/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
(Project Manager)*	Jeff Woo Kim	24.0	$ 43.50	$ 1,044.00
(Landscape Architect)	Don Wilson	20.0	$ 43.50	$ 870.00
(Designer)	Jinny Lee	40.0	$ 32.00	$ 1,280.00
(Inspector)**			$	$

LABOR COSTS

a) Subtotal Direct Labor Costs $ 3,194.00

b) Anticipated Salary Increases (see page 2 for calculation) $ _____

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] $ 3,194.00

INDIRECT COSTS

d) Fringe Benefits (Rate: 17.00_%) e) Total Fringe Benefits [(c) x (d)] $ 542.98

f) Overhead (Rate: 78.00_%) g) Overhead [(c) x (f)] $ 2,491.32

h) General and Administrative (Rate: 58.00%) i) Gen & Admin [(e) x (h)] $ 1,852.52

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] $ 4,886.82

FIXED FEE k) **TOTAL FIXED FEE** [(c) + (j)] x fixed fee _____%] $ 808.08

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)**

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs			$	$
Equipment Rental and Supplies			$	$
Permit Fees			$	$
Plan Sheets			$	$
Test			$	$

l) **TOTAL OTHER DIRECT COSTS** $ 0

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: $ _____

Subconsultant 2: $ _____

Subconsultant 3: $ _____

Subconsultant 4: $ _____

m) **TOTAL SUBCONSULTANTS' COSTS** $ 0

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l)+(m)] $ 0

TOTAL COST [(c) + (j) + (k) + (n)] $ 8,888.90

NOTES:

1. Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

"No anticipated salary increase"

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	**5 Year Contract Duration**
$250,000.00		5000	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.0%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.0%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.0%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.0%	*	5000	=	750	Estimated Hours Year 4
Year 5	10.0%	*	5000	=	500	Estimated Hours Year 5
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 3
Year 4	$53.06	*	750	=	$39,795.30	Estimated Hours Year 4
Year 5	$54.12	*	500	=	$27,060.80	Estimated Hours Year 5
	Total Direct Labor Cost with Escalation			=	$257,871.10	
	Direct Labor Subtotal before Escalation			=	$250,000.00	
	Estimated total of Direct Labor Salary Increase			=	**$7,871.10**	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Jeff W. Kim

Title *: Principal

Signature : 

Date of Certification (mm/dd/yyyy): 02/05/2021

Email: jeff@csstudios.com

Phone Number: 714-973-0368

Address: 951 E Santa Ana Blvd. Santa Ana, CA 92701

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Landscape Architectural Design Services

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed ☐ Prime Consultant ☒ Subconsultant ☐ 2nd Tier Subconsultant

Consultant ECORP Consulting, Inc.

Project No. CML-5312(104) Contract No. _____ Date 11/23/2020 revised 02/02/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
Project Manager*	Alfredo Aguirre	21.0	$ 38.46	$ 807.66
QA/QC Manager	Freddie Olmos	6.0	$ 53.46	$ 320.76
Environ. Planner	Lindsay Liegler	72.5	$ 26.44	$ 1,916.90
Sr. GIS Technician	Marc Guidry	3.0	$ 40.02	$ 120.06
Proj. Acct./Contracts	Jackie McComas	1.0	$ 29.36	$ 29.36

LABOR COSTS

a) Subtotal Direct Labor Costs $ 3,194.74

b) Anticipated Salary Increases (see page 2 for calculation) $ 0.00

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] **$ 3,194.74**

INDIRECT COSTS

d) Fringe Benefits (Rate: 68.20%) e) Total Fringe Benefits [(c) x (d)] $ 2,178.81

f) Overhead (Rate: 44.57%) g) Overhead [(c) x (f)] $ 1,423.90

h) General and Administrative (Rate: 95.79%) i) Gen & Admin [(c) x (h)] $ 3,060.24

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] **$ 6,662.95**

FIXED FEE k) **TOTAL FIXED FEE** [(c) + (j)] x fixed fee 10.00%] **$ 985.77**

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)**

Description of Item	Quantity	Unit	Unit Cost	Total
Travel/Mileage Costs	1	Daily rate	$85.00	$85.00
Equipment Rental and Supplies	1	Reproduction	$25.67	$25.67
Permit Fees				
Plan Sheets				
Test				

l) **TOTAL OTHER DIRECT COSTS** $110.67

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: $

Subconsultant 2: $

Subconsultant 3: $

Subconsultant 4: $

m) **TOTAL SUBCONSULTANTS' COSTS** $

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l)+(m)] **$110.67**

TOTAL COST [(c) + (j) + (k) + (n)] $ **10,954.13**

NOTES:

1. Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

No anticipated salary increase.

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	**5 Year Contract Duration**
$250,000.00		5000	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.0%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.0%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.0%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.0%	*	5000	=	750	Estimated Hours Year 4
Year 5	10.0%	*	5000	=	500	Estimated Hours Year 5
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 3
Year 4	$53.06	*	750	=	$39,795.30	Estimated Hours Year 4
Year 5	$54.12	*	500	=	$27,060.80	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	$257,871.10	
Direct Labor Subtotal before Escalation				=	$250,000.00	
Estimated total of Direct Labor Salary Increase				=	**$7,871.10**	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Brant Brechbiel | Title *: Vice President

Signature : | Date of Certification (mm/dd/yyyy): 02/02/2021

Email: bbrechbiel@ecorpconsulting.com | Phone Number: (714) 648-0630

Address: 2861 Pullman Street, Santa Ana, CA 92705

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Environmental Compliance Services

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed

☐ Prime Consultant ☒ Subconsultant ☐ 2nd Tier Subconsultant

Consultant Huitt-Zollars

Project No. CML-5312(104) Contract No. _____ Date 2/5/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
(Project Manager)*	David Mackey	10	$ 49.24	$ 492.40
(Survey Technician)	Zach Boven	20	$ 28.70	$ 574.00
(			$	$
(			$	$

LABOR COSTS

a) Subtotal Direct Labor Costs $ 1,066.40

b) Anticipated Salary Increases (see page 2 for calculation) $ _____

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] **1,066.40**

INDIRECT COSTS

d) Fringe Benefits (Rate: 60.87%) e) Total Fringe Benefits [(c) x (d)] **$ 648.16**

f) Overhead (Rate: 0_%) g) Overhead [(c) x (f)] $ 0

h) General and Administrative (Rate: 124.42%) i) Gen & Admin [(c) x (h)] **$ 1,326.81**

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] **$ 1,979.97**

FIXED FEE

k) **TOTAL FIXED FEE** [(c) + (j)] x fixed fee 10%] **$ 304.14**

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)**

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs			$	$
Equipment Rental and Supplies			$	$
Permit Fees			$	$
Plan Sheets			$	$
Test			$	$

l) **TOTAL OTHER DIRECT COSTS** $ _____

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: $ _____

Subconsultant 2: $ _____

Subconsultant 3: $ _____

Subconsultant 4: $ _____

m) **TOTAL SUBCONSULTANTS' COSTS** $ _____

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l)+(m)] $ _____

TOTAL COST [(c) + (j) + (k) + (n)] **$ 3,345.51**

NOTES:

1. Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(NO ANTICIPATED SALARY INCREASES)

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal	Total Hours per Cost Proposal		Avg Hourly Rate	**5 Year Contract Duration**
$250,000.00	5000	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.0%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.0%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.0%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.0%	*	5000	=	750	Estimated Hours Year 4
Year 5	10.0%	*	5000	=	500	Estimated Hours Year 5
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 3
Year 4	$53.06	*	750	=	$39,795.30	Estimated Hours Year 4
Year 5	$54.12	*	500	=	$27,060.80	Estimated Hours Year 5
	Total Direct Labor Cost with Escalation			=	$257,871.10	
	Direct Labor Subtotal before Escalation			=	$250,000.00	
	Estimated total of Direct Labor Salary Increase			=	**$7,871.10**	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Jeffrey Okamoto
Title *: Vice President / Managing Principal
Signature:
Date of Certification (mm/dd/yyyy):
Email: okamoto@hunsaker.com
Phone Number: (949) 988-5815
Address: 2603 Main Street, Suite 400, Irvine, CA 92614-4250

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Field survey

Exhibit 10-H1 Cost Proposal Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Markups are Not Allowed ☑ Prime Consultant ☐ Subconsultants ☐ 2nd Tier Subconsultant

Consultant: KOA Corporation

Project No.: CML-5312(104) Contract No. A(Opt'l) - Potholing Date 2/8/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -

LABOR COSTS

a) Subtotal Direct Labor Costs $ -

b) Anticipated Salary Increases (see page 2 for calculation) $0.00

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] $ -

INDIRECT COSTS

d) Fringe Benefits Rate: 34.46% e) Total Fringe Benefits [(c) x (d)] $ -

f) Overhead Rate: 31.44% g) Overhead [(c) x (f)] $0.00

h) General and Administrative Rate: 69.95% i) Gen & Admin [(c) x (h)] $0.00

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] $ -

FIXED FEE k) **TOTAL FIXED FEE** [[(c) + (j)] x fixed fee 10 %] $ -

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)**

Description	Quantity	Unit	Unit Cost	Total
Mileage	0	Miles	$ 0.575	$ -
Potholing	0	Lump sum	$ -	$ 5,000.00
			$ -	$ -

l) **TOTAL OTHER DIRECT COSTS** $ 5,000.00

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: _____

Subconsultant 2: _____

Subconsultant 3: _____

Subconsultant 4: _____

m) **TOTAL SUBCONSULTANTS' COSTS** $ -

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l) + (m)] $ 5,000.00

TOTAL COST [(c) + (j) + (k) + (n)] $ 5,000.00

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirement must be marked with two asterisks (**). All costs must comply with Federal cost priciples. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

- NO ANTICIPATED SALARY INCREASE -

Exhibit 10-H1 Cost Proposal Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

Consultant KOA Corporation Contract No. 0 Date 2/8/2021

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	**5 Year Contract Duration**
$ 250,000.00	/	5000	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.00%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.00%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.00%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.00%	*	5000	=	750	Estimated Hours Year 3
Year 5	10.00%	*	5000	=	500	Estimated Hours Year 4
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number of ho

	Avg Hourly Rate (calculated above)		Estimated Hours (calculated above)		Cost Per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 2
Year 4	$53.06	*	750	=	$39,795.00	Estimated Hours Year 3
Year 5	$54.12	*	500	=	$27,060.00	Estimated Hours Year 4
			Total Direct Labor Cost with Escalation	=	$257,871.10	
			Direct Labor Subtotal before escalation	=	$250,000.00	
			Estimated total of Direct Labor Salary Increase	=		Transfer to Page 1
			Increase		**$7,871.10**	

NOTES:

- This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
- An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology.)
- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted
- Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Juan Gutierrez

Title *: CFO

Signature :

Date of Certification (mm/dd/yyyy): 02/08/2021

Email: jgutierrez@koacorp.com

Phone Number: 323-260-4703

Address: 1100 Corporate Center Drive, Suite 201, Monterey Park, CA 91754

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

ENGINEERING AND PLANNING SERVICES.

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed

☐ Prime Consultant ☑ Subconsultant ☐ 2nd Tier Subconsultant

Consultant DSC Engineering

Project No. CML-5312(104) Contract No. _____ Date 12/03/2020

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
Senior Engineer	Joseph Dietz	24.00	$ 50.00	$ 1,200.00
Project Engineer	Kha Phan	26.00	$ 38.00	$ 988.00
CAD Designer	Jose Hernandez	36.00	$ 24.00	$ 864.00
				$ 0.00

LABOR COSTS

a) Subtotal Direct Labor Costs $ 3,052.00

b) Anticipated Salary Increases (see page 2 for calculation) _____

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] $ 3,052.00

INDIRECT COSTS

d) Fringe Benefits (Rate: 0.00%) e) Total Fringe Benefits [(c) x (d)] $ 0.00

f) Overhead (Rate: 110.00%) g) Overhead [(c) x (f)] $ 3,357.20

h) General and Administrative (Rate: 0.00%) i) Gen & Admin [(c) x (h)] $ 0.00

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] $ 3,357.20

FIXED FEE

k) **TOTAL FIXED FEE** [(c) + (j)] x fixed fee 0.00%] $ 0.00

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)**

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs				$ 0.00
Equipment Rental and Supplies				$ 0.00
Permit Fees				$ 0.00
Plan Sheets				$ 0.00
Test				$ 0.00

l) **TOTAL OTHER DIRECT COSTS** $ 0.00

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1: _____

Subconsultant 2: _____

Subconsultant 3: _____

Subconsultant 4: _____

m) **TOTAL SUBCONSULTANTS' COSTS** $ 0.00

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l)+(m)] $ 0.00

TOTAL COST [(c) + (j) + (k) + (n)] $ 6,409.20

NOTES:

1. Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	5 Year Contract Duration
$250,000.00		500	=	$50.00	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	$50.00	+	2%	=	$51.00	Year 2 Avg Hourly Rate
Year 2	$51.00	+	2%	=	$52.02	Year 3 Avg Hourly Rate
Year 3	$52.02	+	2%	=	$53.06	Year 4 Avg Hourly Rate
Year 4	$53.06	+	2%	=	$54.12	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.0%	*	5000	=	1000	Estimated Hours Year 1
Year 2	40.0%	*	5000	=	2000	Estimated Hours Year 2
Year 3	15.0%	*	5000	=	750	Estimated Hours Year 3
Year 4	15.0%	*	5000	=	750	Estimated Hours Year 4
Year 5	10.0%	*	5000	=	500	Estimated Hours Year 5
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
Year 3	$52.02	*	750	=	$39,015.00	Estimated Hours Year 3
Year 4	$53.06	*	750	=	$39,795.30	Estimated Hours Year 4
Year 5	$54.12	*	500	=	$27,060.80	Estimated Hours Year 5
	Total Direct Labor Cost with Escalation			=	$257,871.10	
	Direct Labor Subtotal before Escalation			=	$250,000.00	
	Estimated total of Direct Labor Salary Increase			=	**$7,871.10**	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable.
   (i.e. $250,000 x 2% x 5 yrs = $25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

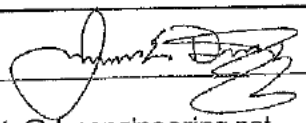
1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement. Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Joseph E. Dietz

Title *: President

Signature: 

Date of Certification (mm/dd/yyyy): 12/03/2020

Email: joe.dietz@dscengineering.net

Phone Number: 949-305-9070

Address: 25231 Paseo De Alicia, Suite 260, Laguna Hills, CA 92653

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Structural Engineering Services

Exhibit 10-H1 Cost Proposal Page 1 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed ☑ Prime Consultant ☐ Subconsultants ☐ 2nd Tier Subconsultant

Consultant: KOA Corporation

Project No.: CML-5312(104) Contract No. Opt: Traf Analysis Date 2/8/2021

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
Principal-in-Charge	Stephen Bise*	1.00	$80.95	$ 80.95
Project Manager	Matt Stephen*	1.00	$80.95	$ 80.95
Sr. Associate Engineer	Various	4.00	$57.82	$ 231.28
Sr. Designer	Various	12.00	$48.19	$ 578.28
Associate Engineer	Various	4.00	$42.40	$ 169.60
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -
			$0.00	$ -

LABOR COSTS

a) Subtotal Direct Labor Costs $ 1,141.06

b) Anticipated Salary Increases (see page 2 for calculation) $0.00

c) **TOTAL DIRECT LABOR COSTS** [(a) + (b)] $ 1,141.06

INDIRECT COSTS

d) Fringe Benefits Rate: 34.46% e) Total Fringe Benefits [(c) x (d)] $ 393.21

f) Overhead Rate: 31.44% g) Overhead [(c) x (f)] $358.75

h) General and Administrative Rate: 69.95% i) Gen & Admin [(c) x (h)] $798.17

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] $ 1,550.13

FIXED FEE

k) **TOTAL FIXED FEE** [[(c) + (j)] x fixed fee 10 %] $ 269.12

l) **CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)**

Description	Quantity	Unit	Unit Cost	Total
Mileage	0	Miles	$ 0.575	$ -
Other Direct Costs	0	Lump sum	$ -	$ -
				$ -
			$ -	$ -

l) **TOTAL OTHER DIRECT COSTS** $ -

m) **SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1:

Subconsultant 2:

Subconsultant 3:

Subconsultant 4:

m) **TOTAL SUBCONSULTANTS' COSTS** $ -

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS** [(l) + (m)] $ -

TOTAL COST [(c) + (j) + (k) + (n)] $ 2,960.31

NOTES:

1. Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirement must be marked with two asterisks (**). All costs must comply with Federal cost priciples. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

- NO ANTICIPATED SALARY INCREASE -

Exhibit 10-H1 Cost Proposal Page 2 of 3

COST-PLUS-FIXED FEE OR LUMP SUM OR FIRM FIXED PRICE CONTRACTS

(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

Consultant KOA Corporation Contract No. 0 Date 2/8/2021

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Year 4	15.00%	*	5000	=	750	Estimated Hours Year 3
Year 5	10.00%	*	5000	=	500	Estimated Hours Year 4
Total	100%		Total	=	5000	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number of ho

	Avg Hourly Rate (calculated above)		Estimated Hours (calculated above)		Cost Per Year	
Year 1	$50.00	*	1000	=	$50,000.00	Estimated Hours Year 1
Year 2	$51.00	*	2000	=	$102,000.00	Estimated Hours Year 2
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Year 5	$54.12	*	500	=	$27,060.00	Estimated Hours Year 4
	Total Direct Labor Cost with Escalation			=	$257,871.10	
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	Estimated total of Direct Labor Salary Increase			=		Transfer to Page 1
				Increase	**$7,871.10**	

NOTES:

- This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
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EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

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5. 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Service
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Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Juan Gutierrez

Title *: CFO

Signature :

Date of Certification (mm/dd/yyyy): 02/08/2021

Email: jgutierrez@koacorp.com

Phone Number: 323-260-4703

Address: 1100 Corporate Center Drive, Suite 201, Monterey Park, CA 91754

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

ENGINEERING AND PLANNING SERVICES.

EXHIBIT C

APPENDIX E OF THE TITLE VI ASSURANCES

Appendix E of the Title VI Assurances

(US DOT Order 1050.2A)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

EXHIBIT D

CITY COUNCIL POLICY 100-5

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

BACKGROUND

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

PURPOSE

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.

2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

POLICY

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:

   A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;

   B. Establishing a Drug-Free Awareness Program to inform employees about:

1. The dangers of drug abuse in the workplace;

2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation and employee assistance programs; and

4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;

D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:

1. Abide by the terms of the statement; and

2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;

E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;

F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:

1. Taking appropriate personnel action against such an employee, up to and including termination; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.

2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:

   a. Contractor and/or sub-grantee has made a false certification under paragraph 1 above;

   b. Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;

   c. Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.

3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.

File #: 22-925 **Meeting Date:** 11/15/2022

TITLE:

POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE PROJECT, CITY PROJECT NO. 22-02

DEPARTMENT:	**PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION**
PRESENTED BY:	**RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**
CONTACT INFORMATION:	**SEUNG YANG, P.E., CITY ENGINEER, (714) 754-5633**

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Police Department Underground Storage Tank Closure Project, City Project No. 22-02.

2. Award a Public Works Agreement (PWA) to American Integrated Services, Inc., 1502 E. Opp Street, Wilmington, CA 90744 in the amount of $156,680.

3. Authorize an additional ten percent (10%) contingency in the amount of $15,668 as needed for any unforeseen costs related to this project.

4. Approve a budget adjustment authorizing the use of unappropriated fund balance in the Capital Improvement Fund (401) in the amount of $48,616 and appropriate said funds to the Police Department Underground Storage Tank Closure Project (Project 200066).

5. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.

BACKGROUND:

The Police Department Underground Storage Tank (UST) has been out-of-service for a few years. However, in accordance with County protocols, the UST is still being monitored and inspected on an annual basis as an active tank. By properly closing the UST, the City will no longer be obligated to monitor and inspect the tank on an annual basis.

The UST was previously used to store diesel fuel for the Police Department's old generator. The storage fuel tank, located on Vanguard Way in between the parkway and the west side of the Costa Mesa Police Department, has a capacity of 6,000-gallons.



Police Department Underground Storage Tank

(Current Location)

ANALYSIS:

The scope of work generally consists of providing environmental testing, utility investigation, structural assessment, geotechnical assessment, reporting, additional plans, permitting, and all construction work that will be required to safely close the existing Police Department UST. This UST closure will be permitted through the City's Building Department, Fire Department, and the Orange County Health Care Agency (OCHCA), Environmental Health Division.

The project begins with an investigatory assessment of the site where the selected contractor will coordinate with the engineers and conduct the environmental, structural, and geotechnical inspections and testing required per the requirements of the OCHCA. Assuming no unforeseen circumstances or complications, the UST closure will be approached as an abandon-in-place project, whereby the existing tank will be emptied, certified clean, and filled with a County approved concrete slurry mix before a formal closure report is filed with the OCHCA. If the UST cannot be abandoned-in -place, there is an option to remove the UST entirely, backfill and restore the area.

The City Clerk received and opened four (4) bids for this project on August 30, 2022. American Integrated Services, Inc. (A.I.S.) is the apparent low bidder with a bid proposal in the amount of $156,680. The bid results are summarized in the bid abstract (Attachment 1).

Staff has determined that A.I.S. complied with the procedures and requirements as outlined in the project's bid documents and specifications.

The license and references of A.I.S. have been checked and staff has found them to be in good standing.

Upon City Council award of the PWA (Attachment 2), A.I.S. will furnish the necessary bonds and

insurance, which will be approved as to form by Risk Management. After the award and subsequent execution of the agreement, a "Notice to Proceed" will be issued.

Staff requests that City Council award the project to A.I.S. as the lowest responsible bidder.

A copy of specifications and working details are available for review in the Office of the City Clerk or in the Public Works Department, and are posted on the City's website at: *<https://www.costamesaca.gov/city-hall/city-departments/public-works/capital-improvement-projects>*

ALTERNATIVES:

The alternative is to reject all bids, re-advertise, and re-bid the project. Staff has determined that re-advertising and re-bidding this project will result in significant delays and will not necessarily result in lower bids.

FISCAL REVIEW:

Funding for this project was originally budgeted in the FY 2021-22 Capital Improvement Project (CIP) budget in the amount of $125,000. The current available budget in FY 2022-23 is $123,733. Staff requests a budget adjustment, authorizing the use of unappropriated fund balance in the Capital Improvement Fund (401) in the amount of $48,616 and appropriate said funds to meet the funding and contingency needs of the project. Any funds remaining at the end of the project will be returned to the CIP fund balance.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report, prepared the PWA, and approves them both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Strengthen the Public's Safety and Improve the Quality of Life
- Maintain and Enhance the City's Infrastructure, Facilities, Equipment and Technology

CONCLUSION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Police Department Underground Storage Tank Closure Project, City Project No. 22-02.

2. Award a Public Works Agreement (PWA) to American Integrated Services, Inc., 1502 E. Opp Street, Wilmington, CA 90744 in the amount of $156,680.

3. Authorize an additional ten percent (10%) contingency in the amount of $15,668 as needed for any unforeseen costs related to this project.

4. Approve a budget adjustment authorizing the use of unappropriated fund balance in the Capital Improvement Fund (401) in the amount of $48,616 and appropriate said funds to the Police

Department Underground Storage Tank Closure Project (Project 200066).

5. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.

CITY OF COSTA MESA
PUBLIC WORKS DEPARTMENT

POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE
CITY PROJECT NO. 22-02

BID OPENING RESULTS: August 30, 2022

Bidder	*City*	*Total Base Bid*
American Integrated Services, Inc.	Wilmington	$156,680.00
MJK Construction, Inc.	Chino	$166,129.64
** Fleming Environmental Inc	Fullerton	** $174,248.00
GEMS Environmental Management Services, Inc.	Concord	$249,136.00

AVERAGE BID	**$186,548.41**
LOW BID	**$156,680.00**
BY:	**American Integrated Services, Inc.**

** Required bid bond was not provided to City Clerk Prior to bid opening.

CITY OF COSTA MESA
PUBLIC WORKS AGREEMENT FOR
CITY PROJECT NO. 22-02

THIS PUBLIC WORKS AGREEMENT ("Agreement"), dated November 15, 2022 ("Effective Date"), is made by the CITY OF COSTA MESA, a political subdivision of the State of California ("CITY"), and AMERICAN INTEGRATED SERVICES, California corporation a ("CONTRACTOR").

WHEREAS, CITY desires to construct the public improvements described below under Paragraph 1, Scope of Work (the "Project"); and

WHEREAS, CITY has determined that CONTRACTOR is the lowest responsible bidder; and

WHEREAS, CITY now desires to contract with CONTRACTOR to furnish construction and related services for the Project; and

WHEREAS, CITY and CONTRACTOR desire to set forth their rights, duties and liabilities in connection with the services to be performed.

NOW, THEREFORE, for and in consideration of the covenants and conditions contained herein, the parties hereby agree as follows:

1. SCOPE OF WORK.

The scope of work generally consists of providing environmental testing, utility investigation, structural assessment, reporting, plans, permitting, and construction required to safely close the existing 6,000 gallon City of Costa Mesa Police Department, Under Ground Storage Tank (UST).

The Police Department Underground Storage Tank Closure will be approached as an "abandon in place" project. Structural assessment and environmental testing may reveal unforeseen circumstances that could require additional remediation and/or the safe removal of the UST.

The initial project approach will be to abandon the underground storage tank, in place and the unit prices and bid schedule include the project scope as detailed in the 101-2.1 in the Special Provisions of the bid specifications (the "Work").

The Work is divided into two parts: the Investigatory Site Work and the Construction Site Work. Both parts of the Work are further described in the "Contract Documents" referred to below.

The Project is known as City Project No. 22-02 (the "Project").

2. CONTRACT DOCUMENTS.

The complete Agreement consists of the following documents relating to the Project:

(a) This Agreement;

(b) CONTRACTOR's bid is attached hereto as Exhibit A and incorporated herein;

(c) The Bid Package along with Addendum One and Addendum Two to the Bid Package is attached hereto as Exhibit B and incorporated herein;

(d) Faithful Performance Bond and Labor and Material Bond, including agent's Power of Attorney for each bond, attached hereto as Exhibit C;

(e) Drug-Free Workplace Policy, attached hereto as Exhibit D and incorporated herein; and

(f) Provisions of the most current edition of The Greenbook: Standard Specifications for Public Works Construction ("The Greenbook"). Provisions of The Greenbook are incorporated by this reference as if fully set forth herein.

The documents comprising the complete Agreement will be referred to as the "Contract Documents."

All of the Contract Documents are intended to complement one another, so that any Work called for in one and not mentioned in another is to be performed as if mentioned in all documents.

In the event of an inconsistency in the Contract Documents, the terms of this Agreement shall prevail over all other Contract Documents. The order of precedence between the remaining Contract Documents shall be as set forth in The Greenbook.

The Contract Documents constitute the entire agreement between the parties and supersede any and all other writings and oral negotiations.

3. CITY'S REPRESENTATIVE.

The CITY's Representative is Kian Nejad, referred to herein as the Project Manager ("Project Manager").

4. CONTRACTOR'S PROJECT MANAGER; PERSONNEL.

(a) Project Manager. CONTRACTOR's Project Manager must be approved by City. Such approval shall be at CITY's sole discretion.

(b) Personnel. CITY has the right to review and approve any personnel who are assigned to perform work under this Agreement. CONTRACTOR shall remove personnel from performing work under this Agreement if requested to do so by CITY.

This Paragraph 4 is a material provision of the Agreement.

5. SCHEDULE.

All Work shall be performed in accordance with the schedule approved on behalf of CITY by the Project Manager, and in accordance with the time of performance set forth in Paragraph 11 (Time of Performance).

6. EQUIPMENT - PERFORMANCE OF WORK.

CONTRACTOR shall furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete the Work in a good and workmanlike manner in strict conformity with the Contract Documents.

The equipment, apparatus, facilities, labor and material shall be furnished and such Work performed and completed as required in the plans and specifications to the satisfaction of the Project Manager or his or her designee, and subject to his or her approval.

7. COMPENSATION.

CITY shall pay CONTRACTOR in accordance with the fee schedule set forth in CONTRACTOR's bid. CONTRACTOR's total compensation shall not exceed One-Hundred and Fifty-Six Thousand and Six-Hundred and Eighty Dollars ($156,680.00).

8. ADDITIONAL SERVICES.

CONTRACTOR shall not receive compensation for any services provided outside the scope of the Contract Documents unless such additional services, including change orders, are approved in writing by CITY prior to CONTRACTOR performing the additional services.

It is specifically understood that oral requests or approvals of such additional services, change orders or additional compensation and any approvals from CITY shall be barred and are unenforceable.

9. PAYMENTS TO CONTRACTOR.

On or before the last Monday of each and every month during the performance of

the Work, CONTRACTOR shall meet with the Project Manager or his or her designee to determine the quantity of pay items incorporated into the improvement during that month. A "Progress Payment Order" will then be jointly prepared, approved, and signed by the Project Manager and the CONTRACTOR setting forth the amount to be paid and providing for a five percent (5%) retention. Upon approval of the progress payment order by the Project Manager, or his or her designee, it shall be submitted to CITY's Finance Department and processed for payment by obtaining approval from the City Council to issue a warrant.

Within three (3) days following City Council's approval to issue a warrant, CITY shall mail to CONTRACTOR a warrant for the amount specified in the progress payment order as the amount to be paid. The retained five percent (5%) shall be paid to CONTRACTOR thirty-five (35) days after the recording of the Notice of Completion of the Work by the CITY with the Orange County Clerk-Recorder and after CONTRACTOR has furnished releases of all claims against CITY by persons who furnished labor or materials for the Work, if required by CITY.

Upon the request of CONTRACTOR and at its expense, securities equivalent to the amount withheld pursuant to the foregoing provisions may be presented to CITY for substitution for the retained funds. If CITY approves the form and amount of the offered securities it will release the retained funds and will hold the securities in lieu thereof. CONTRACTOR shall be entitled to any interest earned on the securities.

In the event that claims for property damage or bodily injury are presented to CITY arising out of CONTRACTOR's or any subcontractor's work under this Agreement, CITY shall give notice thereof to CONTRACTOR, and CONTRACTOR shall have thirty-five (35) days from the mailing of any such notice to evaluate the claim and to settle it by whole or partial payment, or to reject it, and to give notice of settlement or rejection to CITY. If CITY does not receive notice within the above-mentioned 35-day period that the claim has been settled, and if the Project Manager, after consultation with the City Attorney, determines that the claim is meritorious, CITY may pay the claim or a portion of it in exchange for an appropriate release from the claimant, and may deduct the amount of the payment from the retained funds that would otherwise be paid to CONTRACTOR upon completion of the Work; provided, however, that the maximum amount paid for any one claim pursuant to this provision shall be One Thousand Dollars ($1,000.00), and the maximum amount for all such claims in the aggregate paid pursuant to this provision shall be Five Thousand Dollars ($5,000.00).

10. PROMPT PAYMENT OF SUBCONTRACTORS.

CONTRACTOR agrees to pay each subcontractor under this Agreement for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the CONTRACTOR receives from CITY.

CONTRACTOR agrees further to release retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily

completed.

Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the CITY.

11. TIME OF PERFORMANCE.

CONTRACTOR shall commence Investigatory Site Work by the date specified in CITY's Limited Notice to Proceed, unless a later date is agreed upon in writing by the parties. The Work under the Limited Notice to Proceed shall be completed within Ninety (90) calendar days from the first day of commencement of the Investigatory Site Work.

CONTRACTOR shall commence Construction Site Work by the date specified in the CITY's Notice to Procced with Construction, unless a later date is agreed upon in writing by the parties. The Work under the Notice to Proceed with Construction shall be completed within Twenty-Five (25) working days from the first day of commencement of the Construction Site Work.

12. TERMINATION.

(a) Termination for Convenience. CITY may terminate this Agreement at any time, with or without cause, by providing thirty (30) days' written notice to CONTRACTOR.

(b) Termination for Breach of Contract.

(i) If CONTRACTOR refuses or fails to prosecute the Work or any severable part of it with such diligence as will ensure its timely completion, or if CONTRACTOR fails to complete the Work on time, or if CONTRACTOR, or any subcontractor, violates any of the provisions of the Contract Documents, the Project Manager may give written notice to CONTRACTOR and CONTRACTOR's sureties of the CITY's intention to terminate this Agreement; and, unless within five (5) days after the serving of that notice, such conduct shall cease and arrangements for the correction thereof be made to the satisfaction of the CITY, this Agreement may be terminated at the option of CITY effective upon CONTRACTOR's receipt of a second notice sent by the CITY indicating that the CITY has exercised its option to terminate.

(ii) If CONTRACTOR is adjudged bankrupt or files for any relief under the Federal Bankruptcy Code or State insolvency laws, this Agreement shall automatically terminate without any further action or notice by CITY.

(iii) If CONTRACTOR is in breach of any material provision of this Agreement, CITY may immediately terminate this Agreement by providing written notice to CONTRACTOR of same.

13. LIQUIDATED DAMAGES.

In the event the range upgrades scope of work or restroom improvements scope of work is not completed, for any reason, within the time required including any approved extensions of time, and to the satisfaction of the Project Manager, CITY may, in addition to any other remedies, equitable and legal, including remedies authorized by Paragraph 12 (Termination) of this Agreement, charge to CONTRACTOR or its sureties, or deduct from payments or credits due CONTRACTOR, a sum equal to Five Hundred and Twenty-Five Dollars ($525.00) as liquidated damages for each calendar day beyond the date provided for the completion of such work.

The parties hereto agree that the amount set forth above, as liquidated damages constitutes a fair and reasonable estimate of the costs the CITY would suffer for each day that the CONTRACTOR fails to meet the performance schedule. The parties hereby agree and acknowledge that the delays in the performance schedule will cause CITY to incur costs and expenses not contemplated by this Agreement.

14. PERFORMANCE BY SURETIES.

In the event CONTRACTOR fails or refuses to perform the Work, CITY may provide CONTRACTOR with a notice of intent to terminate as provided in Paragraph 12 (Termination), of this Agreement. CITY shall immediately give written notice of such intent to terminate to CONTRACTOR and CONTRACTOR's surety or sureties, and the sureties shall have the right to take over and perform this Agreement; provided, however, that the sureties must, within five (5) days after CITY's giving notice of termination, (a) give the CITY written notice of their intention to take over the performance of this Agreement; (b) provide adequate assurances, to the satisfaction of the CITY, that the Work shall be performed diligently and in a timely manner; and (c) must commence performance thereof within five (5) days after providing notice to the CITY of their intention to take over the Work. Upon the failure of the sureties to comply with the provisions set forth above, CITY may take over the Work and complete it, at the expense of CONTRACTOR, and the CONTRACTOR and the sureties shall be liable to CITY for any excess costs or damages including those referred to in Paragraph 13 (Liquidated Damages), incurred by CITY. In such event, CITY may, without liability for so doing, take possession of such materials, equipment, tools, appliances, Contract Documents and other property belonging to CONTRACTOR as may be on the site of the Work and reasonably necessary therefor and may use them to complete the Work.

15. DISPUTES PERTAINING TO PAYMENT FOR WORK.

Should any dispute arise respecting whether any delay is excusable, or its duration, or the value of the Work done, or of any Work omitted, or of any extra Work which CONTRACTOR may be required to do, or respecting any payment to CONTRACTOR during the performance of this Agreement, such dispute shall be decided by the Project Manager, and his or her decisions shall be final and binding upon

CONTRACTOR and its sureties.

16. SUPERINTENDENCE BY CONTRACTOR.

At all times during performance of the Work, CONTRACTOR shall give personal superintendence or have a competent foreman or superintendent on the worksite, with authority to act for CONTRACTOR.

17. INSPECTION BY CITY.

CONTRACTOR shall at all times maintain proper facilities and provide safe access for inspection by CITY to all parts of the Work and to all shops on or off-site where the Work or portions of the Work, are in preparation. CITY shall have the right of access to the premises for inspection at all times. However, CITY shall, at all times, comply with CONTRACTOR's safety requirements on the job site.

18. CARE OF THE WORK AND OFF-SITE AUTHORIZATION.

CONTRACTOR warrants that it has examined the site of the Work and is familiar with its topography and condition, location of property lines, easements, building lines and other physical factors and limitations affecting the performance of this Agreement. CONTRACTOR, at CONTRACTOR's sole cost and expense, shall obtain any permission, and all approvals, licenses, or easements necessary for any operations conducted off the premises owned or controlled by CITY. CONTRACTOR shall be responsible for the proper care and protection of all materials delivered to the site or stored off-site and for the Work performed until completion and final inspection and acceptance by CITY. The risk, damage or destruction of materials delivered to the site or to Work performed shall be borne by CONTRACTOR.

19. CONTRACT SECURITY AND GUARANTEE.

CONTRACTOR shall furnish, concurrently with the execution of this Agreement, the following: (1) a surety bond in an amount equal to one hundred percent (100%) of the contract price as security for the faithful performance of this Agreement, and (2) a separate surety bond in an amount equal to at least one hundred percent (100%) of the contract price as security for the payment of all persons furnishing labor or materials in connection with the Work under this Agreement. Sureties for each of the bonds and the forms thereof shall be satisfactory to CITY. In addition, such sureties must be authorized to issue bonds in California; sureties must be listed on the latest revision to the U.S. Department of the Treasury Circular 570; and must be shown to have sufficient bonding capacity to provide the bonds required by the Contract Documents.

CONTRACTOR shall provide a certified copy of the certificate of authority of the surety issued by the Insurance Commissioner; a certificate from the clerk of the county in which the court or officer is located that the certificate of authority of the surety has not been surrendered, revoked, canceled, annulled, or suspended or, in the event that it has,

that renewed authority has been granted; and copies of the surety's most recent annual statement and quarterly statement filed with the Department of Insurance pursuant to Article 10 (commencing with Section 900) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

CONTRACTOR guarantees that all materials used in the Work and all labor performed shall be in conformity with the Contract Documents including, but not limited to, the standards and specifications set forth in the most current edition of The Greenbook. CONTRACTOR shall, at its own expense, make any and all repairs and replacements that shall become necessary as the result of any failure of the Work to conform to the aforementioned Contract Documents, and/or standard specifications; provided, however, that CONTRACTOR shall be obligated under this provision only to the extent of those failures or defects of which CONTRACTOR is given notice within a period of twelve (12) months from the date that the Notice of Completion is recorded.

The rights and remedies available to CITY pursuant to this provision shall be cumulative with all rights and remedies available to CITY pursuant to statutory and common law, which rights and remedies are hereby expressly reserved, and neither the foregoing guarantee by CONTRACTOR nor its furnishing of the bonds, nor acceptance thereof by CITY, shall constitute a waiver of any rights or remedies available to CITY against CONTRACTOR.

20. INDEMNIFICATION.

CONTRACTOR agrees to protect, defend, indemnify and hold harmless CITY and its elected and appointed boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury to or death of any person, and for injury or damage to any property, including consequential damages of any nature resulting therefrom, arising out of or in any way connected with the performance of this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the CONTRACTOR, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the CONTRACTOR, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the CITY, its elected officials, officers, agents and employees based upon the work performed by the CONTRACTOR, its employees, and/or authorized subcontractors under this Agreement, whether or not the CONTRACTOR, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the CONTRACTOR shall not be liable for the defense or indemnification of the CITY for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the CITY. This provision shall supersede and replace all other indemnity provisions contained either in the CITY's specifications or CONTRACTOR's proposal, which shall be of no force and effect.

CONTRACTOR shall comply with all of the provisions of the Workers'

Compensation insurance laws and Safety in Employment laws of the State of California, including the applicable provisions of Divisions 4 and 5 of the California Labor Code and all amendments thereto and regulations promulgated pursuant thereto, and all similar State, Federal or local laws applicable; and CONTRACTOR shall indemnify and hold harmless CITY from and against all claims, liabilities, expenses, damages, suits, actions, proceedings and judgments, of every nature and description, including attorney fees, that may be presented, brought or recovered against CITY for or on account of any liability under or failure to comply with any of said laws which may be incurred by reason of any Work performed under this Agreement by CONTRACTOR or any subcontractor or others performing on behalf of CONTRACTOR.

CITY does not, and shall not, waive any rights against CONTRACTOR which it may have by reason of the above hold harmless agreements, because of the acceptance by CITY or the deposit with CITY by CONTRACTOR of any or all of the insurance policies described in Paragraph 21 (Insurance) of this Agreement.

The hold harmless agreements by CONTRACTOR shall apply to all liabilities, expenses, claims, and damages of every kind (including but not limited to attorneys' fees) incurred or alleged to have been incurred, by reason of the operations of CONTRACTOR or any subcontractor or others performing on behalf of CONTRACTOR, whether or not such insurance policies are applicable. CONTRACTOR shall require any and all tiers of subcontractors to afford the same degree of indemnification to the CITY OF COSTA MESA and its elected and appointed boards, officers, agents, and employees that is required of CONTRACTOR and shall incorporate identical indemnity provisions in all contracts between CONTRACTOR and all tiers of its subcontractors.

In the event that CONTRACTOR and CITY are sued by a third party for damages caused or allegedly caused by negligent or other wrongful conduct of CONTRACTOR, or by a dangerous condition of CITY's property created by CONTRACTOR or existing while the property was under the control of CONTRACTOR, CONTRACTOR shall not be relieved of its indemnity obligation to CITY by any settlement with any such third party unless that settlement includes a full release and dismissal of all claims by the third party against the CITY.

21. INSURANCE.

(a) Minimum Scope and Limits of Insurance. CONTRACTOR shall not commence work under this Agreement until it has obtained all insurance required under this Paragraph 21 and CITY has approved the insurance as to form, amount, and carrier, nor shall CONTRACTOR allow any subcontractor to commence any Work until all similar insurance required of the subcontractor has been obtained and approved.

CONTRACTOR shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by CITY:

(i) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars ($1,000,000.00) per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.

(ii) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars ($1,000,000.00) combined single limit per accident for bodily injury and property damage.

(iii) Workers' compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability insurance with a limit of no less than One Million Dollars ($1,000,000.00) per accident for bodily injury or disease. CONTRACTOR agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the CITY, its officers, agents, employees, and volunteers arising from work performed by CONTRACTOR for the CITY and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.

(iv) Umbrella or excess liability insurance that will provide bodily injury, personal injury and property damage liability coverage at least as broad as the primary coverages set forth above, including commercial general liability, automobile liability, and employer's liability. Such policy or policies shall include the following terms and conditions:

(1) A drop down feature requiring the policy to respond in the event that any primary insurance that would otherwise have applied proves to be uncollectable in whole or in part for any reason;
(2) Pay on behalf of wording as opposed to reimbursement;
(3) Concurrency of effective dates with primary policies;
(4) Policies shall "follow form" to underlying primary policies; and
(5) Insureds under primary policies shall also be insureds under the umbrella or excess policies.

(b) Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

(i) Additional insureds: The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on

behalf of the CONTRACTOR pursuant to its contract with the City; products and completed operations of the CONTRACTOR; premises owned, occupied or used by the CONTRACTOR; automobiles owned, leased, hired, or borrowed by the CONTRACTOR."

(ii) Notice: "Said policy shall not terminate, nor shall it be canceled nor the coverage reduced, until thirty (30) days after written notice is given to CITY."

(iii) Other Insurance: "CONTRACTOR's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."

(c) Reporting Provisions. Any failure of CONTRACTOR to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.

(d) Insurance Applies Separately. CONTRACTOR's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(e) Deductible or Self-Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by CITY. No policy of insurance issued as to which the CITY is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

(f) Proof of Insurance. Prior to commencement of the Work, CONTRACTOR shall furnish CITY, through the Project Manager, proof of compliance with the above insurance requirements in a form satisfactory to City's Risk Management.

(g) Non-Limiting. Nothing in this Paragraph 21 shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

22. PREVAILING WAGE REQUIREMENTS.

(a) Prevailing Wage Laws. CONTRACTOR is aware of the requirements of Chapter 1 (beginning at Section 1720 et seq.) of Part 7 of Division 2 of the California Labor Code, as well as Title 8, Section 16000 et seq. of the California Code of Regulations ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. This Project is a "public works" project and requires compliance with the Prevailing Wage Laws. CONTRACTOR shall defend, indemnify and hold the CITY, its elected officials,

officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

(b) Payment of Prevailing Wages. CONTRACTOR shall pay the prevailing wage rates for all work performed under this Agreement. When any craft or classification is omitted from the general prevailing wage determinations, CONTRACTOR shall pay the wage rate of the craft or classification most closely related to the omitted classification. A copy of the general prevailing wage rate determination is on file in the Office of the City Clerk and is incorporated into this Agreement as if fully set forth herein. CONTRACTOR shall post a copy of such wage rates at all times at the project site(s).

(c) Legal Working Day. In accordance with the provisions of Labor Code Section 1810 et seq., eight (8) hours is the legal working day. CONTRACTOR and any subcontractor(s) of CONTRACTOR shall comply with the provisions of the Labor Code regarding eight (8)-hour work day and 40-hour work week requirements, and overtime, Saturday, Sunday, and holiday work. Work performed by CONTRACTOR's or any subcontractor's employees in excess of eight (8) hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight (8) hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. CONTRACTOR shall forfeit as a penalty to CITY Twenty-Five Dollars ($25.00), or any greater penalty set forth in the Labor Code, for each worker employed in the execution of the Work by CONTRACTOR or by any subcontractor(s) of CONTRACTOR, for each calendar day during which such worker is required or permitted to the work more than eight (8) hours in one calendar day or more than 40 hours in any one calendar week in violation of the Labor Code.

(d) Apprentices. CONTRACTOR shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects. CONTRACTOR shall be responsible for ensuring compliance by its subcontractors with Labor Code Section 1777.5.

(e) Payroll Records. Pursuant to Labor Code Section 1776, CONTRACTOR and any subcontractor(s) shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by CONTRACTOR or any subcontractor in connection with this Agreement. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Sections 1771, 1881, and 1815 of the Labor Code for any work performed by his or her employees on this Project. The payroll records shall be certified and shall be available for inspection at all reasonable hours in accordance with the requirements of Labor Code Section 1776. CONTRACTOR shall also furnish each week to CITY's Project Administration Division a statement with respect to the wages of each of its employees during the preceding weekly payroll period.

(f) Registration with DIR. CONTRACTOR and any subcontractor(s) of CONTRACTOR shall comply with the provisions of Labor Code Section 1771 and Labor Code Section 1725.5 requiring registration with the DIR.

23. COMPLIANCE WITH ALL LAWS.

CONTRACTOR shall, at its own cost and expense, comply with all applicable local, state, and federal laws, regulations, and requirements in the performance of this Agreement, including but not limited to laws regarding health and safety, labor and employment, and wage and hours.

24. DRUG-FREE WORKPLACE POLICY.

CONTRACTOR, upon notification of the award of this Agreement, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a CITY contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. CONTRACTOR shall conform to all the requirements of CITY's Policy No. 100-5, attached hereto. Failure to establish a program, notify employees, or inform the CITY of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by the CITY.

25. NON–DISCRIMINATION.

In performing this Agreement, CONTRACTOR will not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status or sex, or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code. Violation of this provision may result in the imposition of penalties referred to in Section 1735 of the California Labor Code.

26. PROVISIONS CUMULATIVE.

The provisions of this Agreement are cumulative and in addition to, and not in limitation of, any other rights or remedies available to CITY.

27. NOTICES.

It shall be the duty and responsibility of CONTRACTOR to notify all tiers of subcontractors and material men of the following special notice provision; namely, all preliminary 20-day notices or stop notices shall be directed only to the City Clerk and to no other department, and shall be either personally delivered or sent by certified mail, postage prepaid.

All other notices shall be in writing and delivered in person or sent by certified mail, postage prepaid. Notices required to be given to CITY pursuant to this Agreement shall be addressed as follows:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Attn: Seung Yang

Notices required to be given to CONTRACTOR shall be addressed as follows:

American Integrated Services, Inc.
1502 E. Opp Street
Wilmington, CA 90744
Attn: John Georgagi

Notices required to be given to CONTRACTOR's sureties shall be addressed as follows:

U.S. Specialty Insurance Company
26001 McKenna Ct
Lake Forest, CA 92630
Attn: Les M. Mantle

28. INDEPENDENT CONTRACTOR.

The parties hereto acknowledge and agree that the relationship between CITY and CONTRACTOR is one of principal and independent contractor and no other. All personnel to be utilized by CONTRACTOR in the performance of this Agreement shall be employees of CONTRACTOR and not employees of the CITY. CONTRACTOR shall pay all salaries and wages, employer's social security taxes, unemployment insurance and similar taxes relating to employees and shall be responsible for all applicable withholding taxes. Nothing contained in this Agreement shall create or be construed as creating a partnership, joint venture, employment relations, or any other relationship except as set forth between the parties. The parties specifically acknowledge and agree that CONTRACTOR is not a partner with CITY, whether general or limited, and no activities of CITY or CONTRACTOR or statements made by CITY or CONTRACTOR shall be interpreted by any of the parties hereto as establishing any type of business relationship other than an independent contractor relationship.

29. PERS ELIGIBILITY INDEMNIFICATION.

In the event that CONTRACTOR or any employee, agent, or subcontractor of CONTRACTOR providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees' Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the CITY,

CONTRACTOR shall indemnify, defend, and hold harmless CITY for the payment of any employee and/or employer contributions for PERS benefits on behalf of CONTRACTOR or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of CITY.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, CONTRACTOR and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by CITY, including but not limited to eligibility to enroll in PERS as an employee of CITY and entitlement to any contribution to be paid by CITY for employer contribution and/or employee contributions for PERS benefits.

30. VALIDITY.

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any of the other provisions of this Agreement.

31. GOVERNING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any legal action relating to or arising out of this Agreement shall be subject to the jurisdiction of the County of Orange, California.

32. NO THIRD PARTY BENEFICIARY RIGHTS.

This Agreement is entered into for the sole benefit of the CITY and CONTRACTOR and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

33. ASSIGNABILITY.

This Agreement may not be transferred or assigned by either party, or by operation of law, to any other person or persons or business entity, without the other party's written permission. Any such transfer or assignment, or attempted transfer or assignment, without written permission, may be deemed by the other party to constitute a voluntary termination of this Agreement and this Agreement shall thereafter be deemed terminated and void.

34. WAIVER.

No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought referring expressly to this Paragraph. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a

continuing waiver.

35. HEADINGS.

Section and subsection headings are not to be considered part of this Agreement, are included solely for convenience, and are not intended to modify or explain or to be a full or accurate description of the content thereof.

36. CONSTRUCTION.

The parties have participated jointly in the negotiation and drafting of this Agreement and have had an adequate opportunity to review each and every provision of the Agreement and submit the same to counsel or other consultants for review and comment. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

37. COUNTERPARTS.

This Agreement may be executed in one or more counterparts by the parties hereto. All counterparts shall be construed together and shall constitute one Agreement.

38. CORPORATE AUTHORITY.

The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so, the parties hereto are formally bound to the provisions of this Agreement.

[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CITY OF COSTA MESA

A municipal corporation

_____ Date: _____
Lori Ann Farrell Harrison
City Manager

CONTRACTOR

_____ Date: _____
Signature

_____
Name and Title

ATTEST:

_____ Date: _____
Brenda Green
City Clerk

APPROVED AS TO FORM:

_____ Date: _____
Kimberly Hall Barlow
City Attorney

APPROVED AS TO INSURANCE:

_____ Date: _____
Ruth Wang
Risk Management

APPROVED AS TO PURCHASING:

_____ Date: _____
Carol Molina
Finance Director

DEPARTMENTAL APPROVAL:

_____ Date: _____
Raja Sethuraman
Public Works Director

_____ Date: _____
Seung Yang
Project Manager

EXHIBIT A

CONTRACTOR'S BID

SECTION C

PROPOSAL FOR THE
POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE
City Project No. 22-02

The Honorable City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Council Members:

In compliance with the NOTICE INVITING BIDS FOR THE **POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE, CITY PROJECT NO. 22-02,** a copy which is hereto attached, the undersigned has carefully examined the location of the proposed Work, the Plans, Specifications and other Contract Documents and is therefore satisfied as to the conditions to be encountered, as to the character, quality and quantity of work to be performed and materials to be furnished and as to the requirements of the specifications and the Contract. It is mutually agreed that the submission of a proposal shall be considered prima facie evidence that the BIDDER has made such examination.

If awarded the Contract, the undersigned agrees to commence the Work under the Contract **WITHIN TEN (10) WORKING DAYS AFTER DATE OF CONTRACT, COMPLETE SAID INVESTIGATORY SITE WORK WITHIN NINETY (90) CALENDAR DAYS, AND COMPLETE SAID CONSTRUCTION SITE WORK WITHIN TWENTY-FIVE (25) WORKING DAYS** from the first day of commencement of such work unless legal extension is granted in accordance with the terms set forth in the specifications, and to perform and complete the Work in accordance with these Specifications and other Contract Documents, and to furnish all labor, materials, tools and equipment necessary to complete the Work in-place therefor, in the manner and time herein prescribed at the following prices, to wit:

BASE BID SCHEDULE PROPOSAL FOR UST ABANDONMENT

ITEM #	BID ITEM DECRIPTION	EST. QTY.	UNIT	UNIT PRICE (in figures)	ITEMS TOTAL PRICE (in figures)
1	MOBILIZATION AND DEMOBILIZATION	1	LS	$	$18,256.00
INVESTIGATORY SITE WORK *					
2	PERMITTING	1	LS	$	$ 5,118.00
3	ENVIRONMENTAL COMPLIANCE	1	LS	$	$12,999.00
4	SITE INVESTIGATIONS AND UTILITY LOCATIONS	1	LS	$	$14,529.00
CONSTRUCTION SITE WORK **					
5	SITE PREP AND EXCAVATIONS	1	LS	$	$ 7,912.00
6	ABANDON TANK IN PLACE * * *	1	LS	$	$18,105.00
7	BACKFILL	1	LS	$	$ 4,193.00
8	RESTORE SITE	1	LS	$	$ 5,568.00
9	ALLOWANCES	1	FA	$70,000.00	$70,000.00
	* INVESTIGATORY SITE WORK TO BE COMPLETED IN 90 CALENDAR DAYS.				
	** CONSTRUCTION SITE WORK TO BE COMPLETED IN 25 WORKING DAYS.				
	* * * BID ITEM MAY BE DELETED AND REPLACED FOR TANK REMOVAL, PER BID ITEM 9, AFTER INVESTIGATORY SITE WORK AS REQUIRED PER ENGINEER'S DIRECTION.				
	Total Base Bid	-	-	-	**$**156,680.00
	TOTAL BASE BID PROPOSAL FIGURES:				$156,680.00
	TOTAL BASE BID PROPOSAL (Words): One Hundred Fifty-Six Thousand, Six Hundred Eighty Dollars				

The award of the Contract shall be based on the lowest responsive **Total Base Bid** amount, and the City reserves the right to delete one or to add more bid items and/or to increase and/or to decrease bid items' quantities.

The CITY also reserves the right to reject all Bids.

Bidder's Initials

PROPOSAL BID SCHEDULE
(CONTINUED)

NOTES:

1. The accuracy of estimate quantities as shown is not guaranteed; the Bidder shall make his/her own estimate from the drawings and field review for verification. If the unit price and the total amount are different, the unit price will control the bid. Payment shall be based on actual work done and/or actual quantities used.

2. The City reserves the right to delete one or more bid items and/or to increase or decrease bid items' quantities, at no additional cost to the City.

3. FA designates force account. Payment shall be made on a time and materials basis, only if directed by the ENGINEER.

4. (F) Designates Final Pay Item. When an item of work is designated as "FINAL PAY ITEM" in the Specifications, the estimated quantity for that item of work shall be the final pay quantity, unless the dimensions of any portion of that item are revised by the Engineer, or the item or any portion of the item is eliminated. If the dimensions of any portion of the item are revised, and the revisions result in an increase or decrease in the estimated quantity of that item of work, the final pay quantity for the item will be revised in the amount represented by the changes in the dimensions. If a final pay item is eliminated, the estimated quantity for the item will be eliminated. If a portion of a final pay item is eliminated, the final pay quantity will be revised in the amount represented by the eliminated portion of the item of work.

   The estimated quantity for each item of work designated as "FINAL PAY ITEM" in the Specifications, shall be considered as approximate only, and no guarantee is made that the quantity which can be determined by computations, based on the details and dimensions shown on the plans, will equal the estimated quantity. No allowance will be made in the event that the quantity based on computations does not equal the estimated quantity.

   In case of discrepancy between the quantity shown in the Engineer's Estimate for a final pay item and the quantity or summation of quantities for the same item shown on the plans, payment will be based on the quantity shown in the Engineer's Estimate.

5. Bidder agrees to initial or notarize (if applicable) all pages on P-1, P-1a, P-1b, and P-2 thru P-11 and upload them onto *PlanetBids*.

Bidder's Initials

PROPOSAL SCHEDULE
(CONTINUED)

(Please Type or Print)

Total Amount for Bid (in written words) One Hundred Fifty-Six Thousand, Six Hundred Eighty Dollars ($ 156,680.00)
in figures

Contractor's Lawful Name: American Integrated Services, Inc.

Bidder's Name: John Georgagi Bidder's Initials: JG

Contractor's License No. 757133 Expiration: 12/31/2022

Contractor's Taxpayer I.D. Number: 95-4698255

Contractor's DIR Registration Number: 1000003411

Signature: _____ Date: August 30, 2022

Contractor's Address: 1502 E Opp Street
Wilmington, CA 90744

Telephone Number: (310) 522-1168 Mobile No.: (562) 712-2759

Fax Number: (310) 522-0474 E-mail: jgeorgagi@americanintegrated.com

24-Hour Emergency Contacts:

24 Hour LIVE Answering Service Name	Telephone Number: (888)423-6060 Mobile No.: ( )
Hector Aguirre Name	Telephone No.: (310-) 522-1168 Mobile No.: (310) 707-7672
_____ Name	Telephone No.: ( ) Mobile No.: ( )

_____
Bidder's Initials

PROPOSAL SCHEDULE

(CONTINUED)

The Contractor agrees that the City will not be held responsible if any of the approximate quantities shown in the foregoing proposal shall be found incorrect, and he shall not make any claim for damages or for loss of profits because of a difference between the quantities of the various classes of work as estimated and the work actually done. If any error, omission or misstatements shall be discovered in the estimated quantities, it shall not invalidate this contract or release the Contractor from the execution and completion of the whole or part of the work herein specified, in accordance with the specifications and the plans herein mentioned and the prices herein agreed upon and fixed therefore, or excuse him from any of the obligations or liabilities hereunder, or entitle him to any damages or compensation otherwise than as provided for in this contract.

The Contractor agrees that the City shall have the right to increase or decrease the quantity of any bid item or portion of the work or to omit portions of the work as may be deemed necessary or expedient, and that the payment for incidental items or work, not separately provided in the proposal shall be considered included in the price bid for other various items or work.

Accompanying this proposal is "Cash," "Certified Check," or "Bidder's Bond" (circle one) in the amount of _____ten percent_____ ($_____) equal to at least ten (10%) percent of the total bid price, payable to the City of Costa Mesa, to guarantee that within fourteen (14) days after written notice is deposited in the mail, or the bidder has received notice by telephone, the bidder will furnish proper Certificates of Insurance, and required bonds satisfactory to the City and execute a contract in accordance with the proposal and in the manner and form required by the contract documents.

The undersigned deposits the above-named security as a proposal guarantee and agrees that it shall be forfeited to the City of Costa Mesa as Liquidated Damages if the above requirements are not complied with.

_____
Bidder's Initials

Respectfully Submitted,

American Integrated Services, Inc.
Contractor's Business Name

1502 E Opp Street
Business Address: Street

Wilmington, CA 90744
City State Zip

310-522-1168
Business Phone Number

Name Title

City State Zip

John Georgagi Executive Vice President
Contractor Title

Signed By Title

757133 - A, B, HAZ - 12/31/2022
Contractor's License No. and Classification Exp. Date

08/30/2022
Date

6 Greenvale, Rancho Santa Margarita
Residence: Street

562 712 2759
Residence phone Number

If the bid is by a corporation, state the names of the officers who can sign an agreement on behalf of the corporation and whether more than one officer must sign.

☒ Corporation Taxpayer I.D. Number: 95-4698255

	Can Sign	Must Sign
Name John Georgagi - Secretary	X	
Name P. David Herrera - President/Treasurer	X	
Name		

If the bid is by a partnership or a joint venture, state the names and addresses of all general partners and joint ventures.

☐ Partnership or Joint Ventures Taxpayer I.D. Number: _____

Name _____

Address _____

Name _____

Address _____

If the bidder is a sole proprietorship or another entity that does business under a fictitious name, the bid shall be in the real name of the bidder with a designation following showing "DBA (the fictitious name)"; provided, however, no fictitious name shall be used unless there is a current registration with the Orange County Recorder.

The full names and residences of all persons and parties interested in the foregoing proposal, as principals, are as follows:

NOTE: Give first and last names in full; in case of corporation, give names of President, Secretary, Treasurer and Manager, and affix corporate seal; in case of partnerships and joint ventures, give names of all the individual members.

P. David Herrera	President/Treasurer
John Georgagi	Secretary

Bidder's Initials

Bidder shall signify receipt of all Addenda here, if any:

Addendum No.	Date Received	Bidder's Signature
1	08/16/2022	
2	08/17/2022	

CONSTRUCTION PROJECT REFERENCES

In order to more fully evaluate your firm's background and experience for the project herein proposed, it is requested that you submit a list of Public Works and/or similar construction projects completed, or in progress, within the last 24 months. This information will be used to evaluate whether the bid is responsive and or responsible to the call for bids.

Date Project Awarded	Awarding Agency	Agency's Contract Administrator Contact Information
07/29/2022	Citadel EHS - UST Removal, Burbank	Scott Grasse / sgrasse@citadelehs.com
07/11/2022	California Steel - Steel Tank Removal	JR Rivers / john.rivers@californiasteel.com
06/22/2022	Cardno - OCWD UST Removal, Anaheim	Sean Guiltinan / sean.guiltinan@cardno.com
06/13/2022	FH Associates - UST Removal, Glendora	dgelgur@ppd.ccoxmail.com
04/22/2022	Geosyntec - UST Removal, Culver City	Paige Farrell / pfarrell@geosyntec.com
02/28/2022	AECOM - Vons UST Removal, Lompoc	Jamalyn Green / jamalyn.green@aecom.com
10/20/2021	LBA Realty - UST Removal, West Sacto	Andrea Terwilliger / aterwilliger@lbarealty.com
10/19/2021	LBA Realty - UST Removal, West Sacto	Mark Kennedy / mkennedy@lbarealty.com
09/30/2021	Rincon - UST Removal, Los Angeles	Ryan Thacher / rthacher@rinconconsultants.com
08/01/2021	AECOM - UST Removal, Jamestown	Edmund Tarter / edmund.tarter@aecom.com
07/19/2021	DB Stephens - UST Removal, Los Angeles	John Dodge / jdodge@geo-logic.com
04/19/2021	Partner E&S - UST Removal, Azusa	Anthony Bottechia / abottecchia@partneresi.com
04/05/2021	ERM - UST Removal, Los Angeles	John Estrada / john.estrada@erm.com
03/15/2021	Power 1 - Remove 4 UST, Universal City	Erick Castillo / ecastillo@power1ais.com
12/07/2020	Partner E&S - UST Removal, San Leandro	Joe Mangine / jmangine@partneresi.com

Bidder's Initials

DESIGNATION OF SUBCONTRACTORS

In compliance with the "Subletting and Subcontracting Fair Practices Act" being Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, each bidder shall set forth below the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or in the case of bids for the construction of streets or highways, including bridges, in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or ten thousand ($10,000) dollars, whichever is greater. Bidder shall further set forth the portion of the work, which will be done by each such subcontractor with its Department of Industrial Relations (DIR) registration number. Only one subcontractor for each such portion shall be listed.

If the contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he/she/it shall be deemed to have agreed to perform the balance of all work, which is not covered, and he/she/it shall not be permitted to subcontract that portion of the work except under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work to which no subcontractor was designated in the original bid, shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the Legislative Body of the Owner.

All information must be filled out and typed. Please use additional pages in this format if needed.

Bid Item (s) Number	***% Portion of Work***	***Name, Address and E-mail of Subcontractor***	***State License Number***	***Class***	***DIR Registration Number***
4	4.3%	Global Geo-Engineering, Inc. (consultant - soil characterization/investigation) 3 Corporate Park #270	Geotech Eng #2301		N/A
		Irvine, CA global@globalgeo.com	Civil Eng #41196		
3	2.5%	Ambient Environmental Inc. (consultant - soil sampling/closure report) ~~400 No Princeland Ct #3~~	N/A		N/A
		Corona, CA 92879 tlane@ambient.com			

By submission of this proposal, the Bidder certifies:

1. That (I)(we)(it) is able to and will perform the balance of all work which is not covered in the above subcontractors listing.

Bidder's Initials

CITY OF COSTA MESA BIDDERS LIST

All bidders/proposers are required to provide the following information for all DBE and non-DBE subcontractors and suppliers, who provided a proposal, bid, quote, or were contacted by the proposed prime. This information is also required from the proposed prime contractor, and must be submitted with their bid/proposal. City of Costa Mesa will use this information to maintain and update a "Bidders List" to assist in evaluating the level of DBE participation on all Public Works projects. To the extent permitted by law, all information submitted will be held in confidence.

If Bidders List information is not submitted with the bid, it shall be submitted to the City of Costa Mesa, Construction Management Division, 77 Fair Drive, Costa Mesa, CA 92626, no later than 4:00 p.m. on the fourth day, not including Saturdays, Sundays and legal holidays, following the bid opening. Bidders List information sent by U.S. Postal Service certified mail with return receipt and certificate of mailing and mailed on or before the third day, not including Saturdays, Sundays and legal holidays, following bid opening will be accepted even if it is received after the fourth day following bid opening. Failure to submit the required Bidders List information by the time specified will be grounds for finding the bid or proposal non-responsive.

Firm Name: Global Geo-Engineering, Inc. Phone: 949-221-0900

Address: 3 Corporate Park, Ste 270 Fax: _____

_____

Contact Person: Mohan B. Upasani No. of years in business: 21

Is the firm currently certified as a DBE under 49 CFR Part 26? [X] YES [ ] NO

Type of work/services/materials provided by firm? Geotechnical Investigtions

What was your firm's Gross Annual receipts for last year?

- [ ] Less than $1 Million
- [X] Less than $5 Million
- [ ] Less than $10 Million
- [ ] Less than $15 Million
- [ ] More than $15 Million

This form can be duplicated if necessary to report all bidders (DBE subcontractors, non-DBE subcontractors and/or suppliers' information).

MBUpasani

Bidder's Initials

CITY OF COSTA MESA BIDDERS LIST

All bidders/proposers are required to provide the following information for all DBE and non-DBE subcontractors and suppliers, who provided a proposal, bid, quote, or were contacted by the proposed prime. This information is also required from the proposed prime contractor, and must be submitted with their bid/proposal. City of Costa Mesa will use this information to maintain and update a "Bidders List" to assist in evaluating the level of DBE participation on all Public Works projects. To the extent permitted by law, all information submitted will be held in confidence.

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Firm Name: Ambient ENV. INC Phone: 951-272-4730

Address: 400 N. Prizeland Ct. #3 Fax: N/A

Corona, CA 92879

Contact Person: Timothy Lane No. of years in business: 27

Is the firm currently certified as a DBE under 49 CFR Part 26? ☐ YES ☒ NO

Type of work/services/materials provided by firm? Environmental Compliance

What was your firm's Gross Annual receipts for last year?

- ☐ Less than $1 Million
- ☒ Less than $5 Million
- ☐ Less than $10 Million
- ☐ Less than $15 Million
- ☐ More than $15 Million

This form can be duplicated if necessary to report all bidders (DBE subcontractors, non-DBE subcontractors and/or suppliers' information).

Bidder's Initials

Project and Specification No. 22-02

CITY OF COSTA MESA BIDDERS LIST

All bidders/proposers are required to provide the following information for all DBE and non-DBE subcontractors and suppliers, who provided a proposal, bid, quote, or were contacted by the proposed prime. This information is also required from the proposed prime contractor, and must be submitted with their bid/proposal. City of Costa Mesa will use this information to maintain and update a "Bidders List" to assist in evaluating the level of DBE participation on all Public Works projects. To the extent permitted by law, all information submitted will be held in confidence.

If Bidders List information is not submitted with the bid, it shall be submitted to the City of Costa Mesa, Construction Management Division, 77 Fair Drive, Costa Mesa, CA 92626, no later than 4:00 p.m. on the fourth day, not including Saturdays, Sundays and legal holidays, following the bid opening. Bidders List information sent by U.S. Postal Service certified mail with return receipt and certificate of mailing and mailed on or before the third day, not including Saturdays, Sundays and legal holidays, following bid opening will be accepted even if it is received after the fourth day following bid opening. Failure to submit the required Bidders List information by the time specified will be grounds for finding the bid or proposal non-responsive.

Firm Name: NANCY CARRAWAY Phone: 626 676 7681

Address: 991 EAST CALIFORNIA BOULEVARD Fax: —
PASADENA, CALIFORNIA 91106

Contact Person: NANCY CARRAWAY No. of years in business: 32

Is the firm currently certified as a DBE under 49 CFR Part 26? ☐ YES ☑ NO

Type of work/services/materials provided by firm? INDUSTRIAL HYGIENE;
CERTIFICATION OF TANKS TO BE SUITABLE FOR TRANSPORT

What was your firm's Gross Annual receipts for last year?

- ☑ Less than $1 Million
- ☐ Less than $5 Million
- ☐ Less than $10 Million
- ☐ Less than $15 Million
- ☐ More than $15 Million

This form can be duplicated if necessary to report all bidders (DBE subcontractors, non-DBE subcontractors and/or suppliers' information).

Bidder's Initials

COPY

Bond No. 305

Project and Specification No. 22-02

BIDDER'S BOND TO ACCOMPANY PROPOSAL

(Required if the bidder desires to submit bond instead of a certified or cashier's check.)

KNOW ALL PEOPLE BY THESE PRESENTS:

That we, American Integrated Services, Inc. as principals, and U.S. Specialty Insurance Company as surety, are held and firmly bound unto the City of Costa Mesa, a municipal corporation, organized under the laws of the State of California and situated in Orange County in the sum of TEN PERCENT OF THE AMOUNT OF THE BID ($ 10%**********) to be paid to the City, its successors and assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors or assigns, jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That is the certain proposal of the above bounden, American Integrated Services, Inc., if accepted by the City of Costa Mesa, and if the above bounden, American Integrated Services, Inc., his heirs, executors, administrators, successors and assigns, shall duly enter into and execute a contract for such construction, and shall execute and deliver the CERTIFICATE OF INSURANCE and the LABOR AND MATERIAL and the FAITHFUL PERFORMANCE BONDS described within fourteen (14) days from the date of the mailing of a notice of the above bounden, American Integrated Services, Inc., by and from the City, that said contract is ready for execution, then this obligation shall become null and void; otherwise it shall be and remain in full force and virtue.

IN WITNESS WHEREOF:

We hereunto set our hands and seals this 18th day of August, 2022

American Integrated Services, Inc.	U.S. Specialty Insurance Company
By:	By:
John Georgagi-Vice President	Les M. Mantle-Attorney in Fact
Contractor/ Principal (Notary Acknowledgement to be attached)	Surety/Power of Attorney (Notary Acknowledgment to be attached)

Bidder's Initials

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On August 22, 2023 before me, Lisa Ann Orr, Notary Public
Date *Here Insert Name and Title of the Officer*

personally appeared John Georgagi
Name(s) of Signer(s)

,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

LISA ANN ORR
Notary Public - California
Los Angeles County
Commission # 2392161
My Comm. Expires Feb 27, 2026

Signature Lisa Ann Orr
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

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CALIFORNIA ACKNOWLEDGMENT CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange }

On 8-18-2022 before me, Mary Martignoni - Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared Les M. Mantle
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MARY MARTIGNONI
COMM #2301319
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Commission Expires Sept. 9, 2023

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Les M. Mantle	Signer's Name: _____
☐ Corporate Officer – Title(s): _____	☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General	☐ Partner – ☐ Limited ☐ General
☐ Individual ☒ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer is Representing: U.S. Specialty Insurance Company	Signer is Representing: _____

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TOKIO MARINE HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Les M. Mantle of Fullerton, California

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** *****Fifty Million***** Dollars (***$50,000,000.00***). This Power of Attorney shall expire without further action on January 31st, 2024. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 23rd day of September, 2021.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

State of California

County of Los Angeles

By: _____
Daniel P. Aguilar, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 23rd day of September, 2021, before me, D. Littlefield, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

D. LITTLEFIELD
Notary Public - California
Los Angeles County
Commission # 2320307
My Comm. Expires Jan 31, 2024

Signature _____ (seal)

I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 18th day of August, 2022

Corporate Seals
Bond No. 305

Agency No. 8227

_____
Kio Lo, Assistant Secretary

Lisa Huizenga

From: TrackingUpdates@fedex.com
Sent: Tuesday, August 30, 2022 9:47 AM
To: Lisa Huizenga
Subject: FedEx Shipment 777788089068: Your package has been delivered

Hi. Your package was delivered Tue, 08/30/2022 at 9:37am.

Delivered to 77 FAIR DR, COSTA MESA, CA 92626
Received by A.AMY

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	777788089068
FROM	AMERICAN INTEGRATED SERVICES, INC. 1502 E. Opp St Wilmington, CA, US, 90744
TO	City Of Costa Mesa Attn City Clerk 77 Fair Drive COSTA MESA, CA, US, 92626
REFERENCE	Did-RFP 22-02
SHIPPER REFERENCE	Did-RFP 22-02
SHIP DATE	Mon 8/29/2022 04:18 PM
DELIVERED TO	Receptionist/Front Desk
PACKAGING TYPE	FedEx Envelope
ORIGIN	Wilmington, CA, US, 90744
DESTINATION	COSTA MESA, CA, US, 92626
SPECIAL HANDLING	Deliver Weekday
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Priority Overnight

CONTRACT ASSURANCE

The CONTRACTOR or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONTRACTOR shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the CONTRACTOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The CONTRACTOR will require that the above provision is included in all subcontracts.

Bidder's Initials

NONCOLLUSION AFFIDAVIT

The bidders, by its officers and agents or representatives present at the time of filing this bid, being duly sworn on their oaths say, that neither they nor any of them have in any way directly or indirectly entered into any arrangement or agreement with any other bidder, or with any public officer of such CITY OF COSTA MESA whereby such affiant or affiants or either of them has paid or I s to pay to such bidder or public officer any sum of money, or has given or is to give to such other bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for on the attached bids; that no bid has been accepted from any subcontractor or supplier through any bid depository, the By-Laws, Rules, or Regulations of which prohibit or prevent the Contractor from considering any bid from any subcontractor or supplier which is not processed through said bid depository, or which prevent any subcontractor or supplier from bidding to any Contractor who does not use the facilities or accept bids from or through such bid depository; that bidder has not bid as subcontractor to other bidders; that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contracts sought by this bid.

American Integrated Services, Inc.
Contractor Firm Name

John Georgagi
Name of Principal

Executive Vice President
Title

Signature

Subscribed and sworn to before me by:
John Georgagi

This 29th day of August, 2022.

My Commission Expires: 02/27/2026

Notary Public

LISA ANN ORR
Notary Public - California
Los Angeles County
Commission # 2392161
My Comm. Expires Feb 27, 2026

Bidder's Initials

CONTRACTOR'S CERTIFICATION
OF
WORKERS' COMPENSATION INSURANCE REQUIREMENTS
FOR
PUBLIC WORKS PROJECTS
(Labor Code §1861)

I am aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract.

Dated: August 30, 2022

CONTRACTOR

John Georgagi, Executive Vice President
American Integrated Services, Inc.
Company Name

PROJECT: POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE, CITY PROJECT NO. 22-02

Bidder's Initials

DRUG-FREE WORKPLACE POLICY

CONTRACTOR, upon notification of contract award, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a CITY contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. Failure to establish a program, notify employees, or inform CITY of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by CITY.

CONTRACTOR shall conform to all the requirements of CITY'S Policy No. 100-5. A copy of this policy is attached to the sample contract agreement as an attachment in the Project Specifications.

Bidder's Initials

BIDDER/APPLICANT/CONTRACTOR

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than $249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

Date	Name of Donor	Company/Business Affiliation	Name of Recipient	Amount
Nothing to report				

Except as described above, I/we have not made any campaign contribution in the amount of $250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder/Applicant/Proposer

August 30, 2022

Date

Bidder's Initials

EXHIBIT B

BID PACKAGE

CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628·1200

FROM THE DEPARTMENT OF PUBLIC WORKS/ ENGINEERING DIVISION

DATE: **August 11, 2022**

TO: **ALL PROSPECTIVE BIDDERS**

SUBJECT: ADDENDUM NO. 1 – POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE, CITY PROJECT NO. 22-02

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to kian.nejad@costamesaca.com. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: _____

Company: _____

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: https://www.planetbids.com/portal/portal.cfm?CompanyID=45476 on a DAILY basis through the close of bids for any applicable addenda or updates.

This addendum, effective on this date, addresses the following items:

MANDATORY PRE-BID JOB WALK	11:00 A.M., Wednesday, Aug 10, 2022	COMPLETED
PRE BID JOB WALK LOCATION	99 Fair Drive Costa Mesa, CA 92626	COMPLETED
PRE-BID QUESTIONS	5:00 P.M., Monday, Aug 22, 2022	NO CHANGE
BID OPENING	1:00 P.M., Tuesday, Aug 23, 2022	NO CHANGE

ADDENDUM 1 UPDATES:

1. As part of the base bid, Contractor shall disconnect and remove the Veeder-Root Box in the Police Department basement. The existing low power shall be capped in a covered electrical box. This work shall be considered part of **Bid Item No. 8 – Restore Site**. Please reference the pictures of the Veeder-Root box and its reports in **Attachment A1.1**.

2. As part of the base bid, Contractor shall remove and dispose all piping associated with the underground storage tank, and Contractor shall empty and cap all piping routed into the basement of Police Department building. This work shall be considered part of **Bid Item No. 6 – Abandon Tank In Place**. Please refer to the **Attachment A1.2** regarding the existing condition of the pipes in the Police Department basement.

Please acknowledge receipt of Addendum 1 on the Proposal page "P-4"

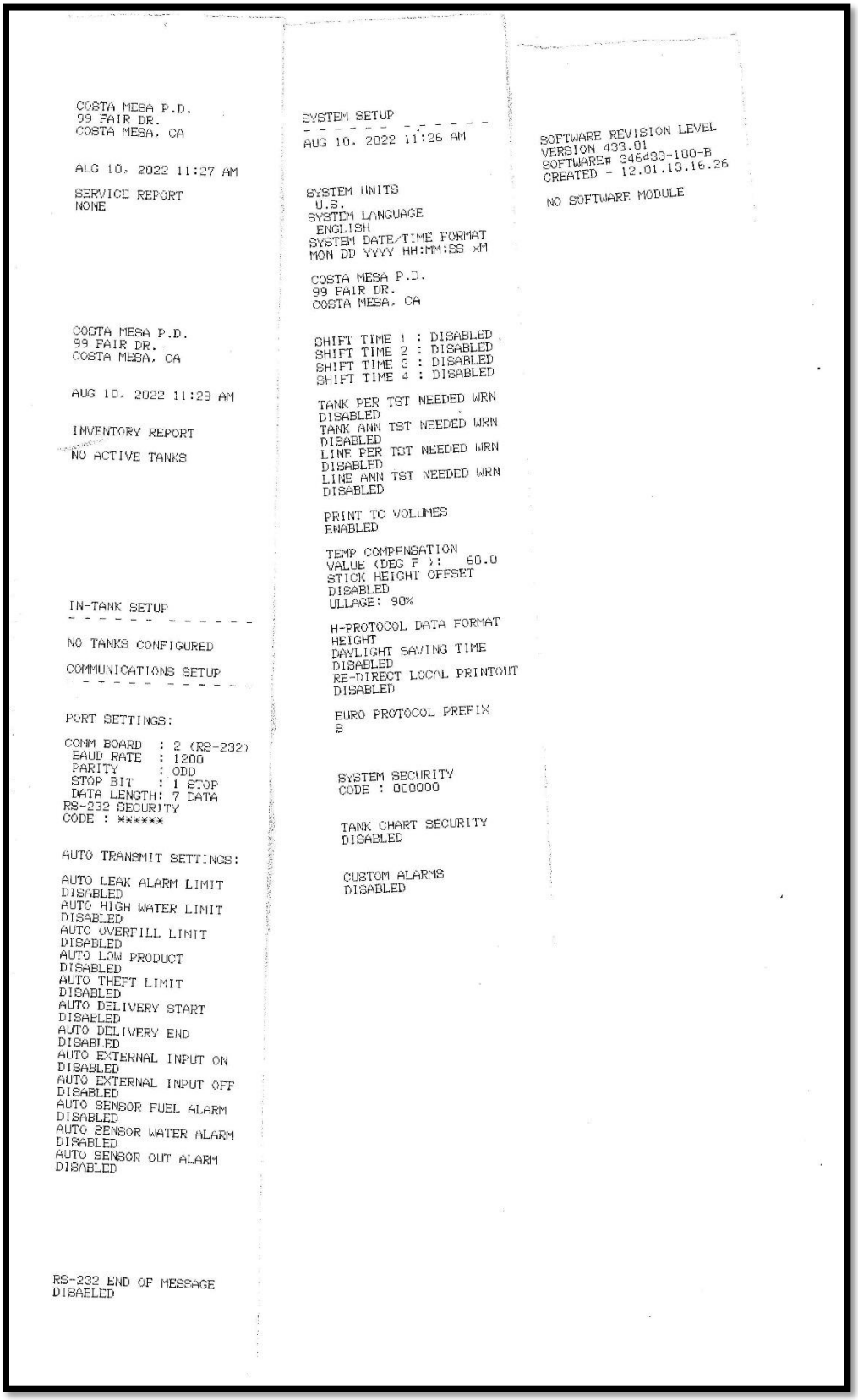
Sincerely,

Kian Nejad
Associate Engineer

Attached and Posted to PlanetBids.com:
A1.1 – Photos of existing Veeder-Root Box and its reports. (2 Pages)
A1.2 – Existing underground storage tank piping in the basement (1 Page)



Figure A1.1.1 - As part of the base bid Contractor shall disconnect and remove the Veeder Root Box in the Police Department basement. Existing low power shall be capped in a covered electrical box.



COSTA MESA P.D.
99 FAIR DR.
COSTA MESA, CA

AUG 10, 2022 11:27 AM

SERVICE REPORT
NONE

COSTA MESA P.D.
99 FAIR DR.
COSTA MESA, CA

AUG 10, 2022 11:28 AM

INVENTORY REPORT

NO ACTIVE TANKS

IN-TANK SETUP

NO TANKS CONFIGURED

COMMUNICATIONS SETUP

PORT SETTINGS:

COMM BOARD : 2 (RS-232)
BAUD RATE : 1200
PARITY : ODD
STOP BIT : 1 STOP
DATA LENGTH: 7 DATA
RS-232 SECURITY
CODE : ******

AUTO TRANSMIT SETTINGS:

AUTO LEAK ALARM LIMIT
DISABLED
AUTO HIGH WATER LIMIT
DISABLED
AUTO OVERFILL LIMIT
DISABLED
AUTO LOW PRODUCT
DISABLED
AUTO THEFT LIMIT
DISABLED
AUTO DELIVERY START
DISABLED
AUTO DELIVERY END
DISABLED
AUTO EXTERNAL INPUT ON
DISABLED
AUTO EXTERNAL INPUT OFF
DISABLED
AUTO SENSOR FUEL ALARM
DISABLED
AUTO SENSOR WATER ALARM
DISABLED
AUTO SENSOR OUT ALARM
DISABLED

RS-232 END OF MESSAGE
DISABLED

SYSTEM SETUP

AUG 10, 2022 11:26 AM

SYSTEM UNITS
U.S.
SYSTEM LANGUAGE
ENGLISH
SYSTEM DATE/TIME FORMAT
MON DD YYYY HH:MM:SS XM

COSTA MESA P.D.
99 FAIR DR.
COSTA MESA, CA

SHIFT TIME 1 : DISABLED
SHIFT TIME 2 : DISABLED
SHIFT TIME 3 : DISABLED
SHIFT TIME 4 : DISABLED

TANK PER TST NEEDED WRN
DISABLED
TANK ANN TST NEEDED WRN
DISABLED
LINE PER TST NEEDED WRN
DISABLED
LINE ANN TST NEEDED WRN
DISABLED

PRINT TC VOLUMES
ENABLED

TEMP COMPENSATION
VALUE (DEG F): 60.0
STICK HEIGHT OFFSET
DISABLED
ULLAGE: 90%

H-PROTOCOL DATA FORMAT
HEIGHT
DAYLIGHT SAVING TIME
DISABLED
RE-DIRECT LOCAL PRINTOUT
DISABLED

EURO PROTOCOL PREFIX
S

SYSTEM SECURITY
CODE : 000000

TANK CHART SECURITY
DISABLED

CUSTOM ALARMS
DISABLED

SOFTWARE REVISION LEVEL
VERSION 433.01
SOFTWARE# 346433-100-B
CREATED - 12.01.13.16.26

NO SOFTWARE MODULE

Figure A1.1.2 – Veeder-Root reports generated on August 10, 2022.



Figure A1.2.1 – Existing pipes from the tank have been capped and the holes patched inside the basement wall.

CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC WORKS/ ENGINEERING DIVISION

DATE: **August 17, 2022**

TO: **ALL PROSPECTIVE BIDDERS**

SUBJECT: ADDENDUM NO. 2 – POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE, CITY PROJECT NO. 22-02

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to kian.nejad@costamesaca.com. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: _____

Company: _____

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: https://www.planetbids.com/portal/portal.cfm?CompanyID=45476 on a DAILY basis through the close of bids for any applicable addenda or updates.

This addendum, effective on this date, addresses the following items:

MANDATORY PRE-BID JOB WALK	11:00 A.M., Wednesday, Aug 10, 2022	COMPLETED
PRE BID JOB WALK LOCATION	99 Fair Drive Costa Mesa, CA 92626	COMPLETED
PRE-BID QUESTIONS	5:00 P.M., Monday, Aug 22, 2022	NO CHANGE
BID OPENING	**1:00 P.M., Tuesday, Aug 30, 2022**	**CORRECTED**

SUMMARY ADDENDUM NO. 2:

1. Q&A responses to bidder's question posted on Planetbids.com:

   SET 1 Question 1: On Planet bids and in the Specifications shows the bid date as August 30th 1pm but the addendum #1 shows it as August 23 at 1pm with no change. Can you please confirm the bid date.

   Answer: The correct bid opening date is August 30th at 1pm.

Please acknowledge receipt of Addendum 2 on the Proposal page “P-4”

Sincerely,

Kian Nejad
Associate Engineer

CITY OF COSTA MESA

ORANGE COUNTY, CALIFORNIA

NOTICE TO BIDDERS, PROPOSAL, CONTRACT, AND
SPECIAL PROVISIONS FOR

22-02 Police Department
Underground Storage Tank Closure

Prepared Under the Direction of

Seung Yang, P.E.

City Engineer

Copy No. _____ Checked by _____

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SECTION A

CITY OF COSTA MESA
ORANGE COUNTY, CALIFORNIA
NOTICE INVITING BIDS

NOTICE IS HEREBY GIVEN that the City of Costa Mesa ("City") invites sealed bids, to be submitted electronically only, for the following project:

POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE
CITY PROJECT NO. 22-02

1. **BID SUBMISSION AND OPENING:** Bids must be submitted electronically via the City of Costa Mesa's PlanetBids portal before the deadline of **August 30, 2022 at 1:00 p.m.** at which time or shortly thereafter the City Clerk will open bids electronically. The bid results will be posted online via PlanetBids. No paper bids or any other form of submittal will be accepted. Any bid received after the scheduled closing time for the receipt of bids will be rejected. The City is not responsible for and accepts no liability in the event a response is late due to any network, internet, or any other technical difficulty or interruption. It shall be the sole responsibility of the bidder to ensure that his/her/its bid is received by the deadline.

   To access the bid documents and bid on this project, potential vendors and bidders must first register through the City's PlanetBids portal at: https://www.planetbids.com/portal/portal.cfm?CompanyID=45476.

2. **SCOPE OF WORK AND BID DOCUMENTS:** The scope of work generally consists of providing environmental testing, utility investigation, structural assessment, reporting, plans, permitting, and construction required to safely close the existing 6,000 gallon, City of Costa Mesa Police Department, Under Ground Storage Tank (UST).

   The Police Department Underground Storage Tank Closure will be approached as an "abandon in place" project. Structural assessment and environmental testing may reveal unforeseen circumstances that could require additional remediation and/or the safe removal of the UST.

   The plans, specifications, and bid documents for this project can be obtained via the City's PlanetBids portal at: https://www.planetbids.com/portal/portal.cfm?CompanyID=45476.

   Questions regarding the bid documents will be received by the Engineer up to five (5) working days prior to the bid opening, deadline is **August 22, 2022 at 5:00 p.m.** Questions asked of the Engineer less than (5) working days prior to Bid Opening Date, may not be addressed.

   It is the bidder's responsibility to ensure that the most current version of the solicitation, including any addenda, has been downloaded. Bids received without the applicable addenda will be rejected as incomplete.

3. **PRE-BID MEETING OR JOB WALK: A mandatory pre-bid job walk has been scheduled for August 10, 2022 at 11:00 a.m. at the project site. Located at 99 Fair Drive along the Westside of the Costa Mesa Police Department building on Vanguard Way at Fair Drive.**

4. **BID CONTENTS:** All bids must be submitted on the proposal form included in the bid documents. No bid will be considered unless it is made on the proposal form furnished by the City and made in accordance with the provisions of the bid requirements.

5. **BID SECURITY:** Each bidder must submit a certified check, cashier's check, or a bid bond, made payable to or in favor of the City of Costa Mesa, in an amount equal to at least ten percent (10%) of the total amount of the bid, to the Costa Mesa City Clerk prior to the bid submission deadline. No bid will be considered unless such certified check, cashier's check, or bid bond is received by the City Clerk prior to the bid submission deadline.

6. **CONTRACTOR'S LICENSE:** A valid **California Contractor's Class "A" General Engineering Contractors License and HAZ - Hazardous Substance Removal Certification License** issued by the California Contractors State License Board is required at the time the contract is awarded pursuant to California Public Contract Code section 3300. Each bidder must also be qualified as required by law at the time of the bid opening.

7. **REGISTRATION WITH THE DEPARTMENT OF INDUSTRIAL RELATIONS:** Pursuant to Labor Code sections 1725.5 and 1771.1, no contractor or subcontractor shall be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work unless registered and qualified pursuant to Labor Code section 1725.5.

8. **PREVAILING WAGES:** This project is a "public work" subject to prevailing wage requirements. Pursuant to provisions of Sections 1770 et seq. of the California Labor Code, all works employed on the project shall be paid not less than the general prevailing rate of per diem wages, as determined by the Director of the Department of Industrial Relations (DIR) for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. Copies of the prevailing rate of per diem wages are on file with Costa Mesa Public Services Department and are available to any interested party upon request. The applicable State prevailing wages are also set forth on the Department of Industrial Relations' website: http://www.dir.ca.gov; these rates are subject to predetermined increases. The prime contractor shall post a copy of the DIR's determination of the prevailing rate of per diem wages at each job site. This project is subject to compliance monitoring and enforcement by the DIR.

9. **PAYMENT BOND AND PERFORMANCE BOND:** A Payment Bond and a Performance Bond, each in the amount of 100% of the contract amount, will be required of the successful bidder prior to award of the contract.

10. **RETENTION:** The City withholds five percent (5%) of each progress payment as retention. Pursuant to Public Contract Code section 22300, the successful bidder may substitute certain securities for money withheld by the City to ensure performance of the contract. At the request and expense of the contractor, securities equivalent to the amount withheld shall be deposited with the public agency, or with a state or federally chartered bank in this state as the escrow agent, who shall then pay those moneys to the contractor. Securities will be returned to the contractor upon satisfactory completion of the contract.

11. **NON-DISCRIMINATION:** The bidding process and contract are subject to State and Federal non-discrimination requirements, including but not limited to the requirement that no person or business shall discriminate on the basis of race, color, national origin, ancestry, religious creed, physical disability, mental disability, medical condition, marital status, sex, gender, gender expression, gender identity, sexual orientation, age, or military or veteran status in its solicitation, selection, hiring, or treatment of individuals or businesses in connection with the bidding process or work performed for the City in connection with the project.

12. **CITY'S RIGHT TO REJECT BIDS:** The City of Costa Mesa reserves the right, in its sole discretion, to reject any or all bids, or to waive any minor irregularities or informalities in any bid.

13. **ADDITIONAL REQUIREMENTS:** This project is subject to local, State, and Federal regulations and requirements, as detailed in the bid documents.

For all inquiries, please contact Associate Engineer: Kian Nejad, Public Works Department, via e-mail at KIAN.NEJAD@COSTAMESACA.GOV.

Brenda Green, City Clerk
City of Costa Mesa
Dated: July 27, 2022

SECTION B

INFORMATION FOR BIDDERS

1. PREPARATION OF BID FORM: The City of Costa Mesa (City) requires that bids be submitted on the proposal available on *PlanetBids* at such time and place as is stated in the Notice Inviting Bids. All information requested in the bid forms must be provided. All bids shall be submitted electronically via the City's public bidding platform, *PlanetBids* **only**. No other form of submittal shall be accepted. It is the sole responsibility of the Bidder to see that his bid is received in proper time. Any bid received after the scheduled closing time for receipt of bids will be **rejected**. Each Bidder is responsible for acknowledging all addenda and ensuring completed proposal forms are uploaded to the PlanetBids.com website. Bid information in the uploaded, electronically submitted proposal shall match the information that is manually populated into the PlanetBids.com website. Only bid information provided as part of the uploaded proposal will be considered part of the bid.

2. QUALIFICATION OF BIDDERS: Each Bidder shall submit a list of Construction Project References indicating Public Works and/or similar construction projects that include Underground Storage Tank abandonment and/or Underground Storage Tank removal activities which have been completed or in progress within the last 24 months. Forms for this purpose are furnished with the bid package.

3. BID SECURITY / BID BOND: Each bid shall be accompanied by one of the following: cash, cashier's check made payable to the City, a certified check made payable to the City, or a Bidder's Bond executed by an admitted surety insurer, made payable to the City, in an amount not less than 10% of the maximum amount of the bid. This original bid security / bid bond must be submitted to the City Clerk's Office *at least one hour* ***prior*** to the bid submission deadline. Any and all **late** submittals of the bid security / bid bond **shall** be rejected, and it is the bidder's responsibility, *not* the delivery service, to ensure said bid security / bid bond is delivered timely to the City Clerk's office. The Bidder's Bond shall be signed by both, the Bidder and the Surety; and both signatures shall be notarized. The bid security shall be given as a guarantee that the Bidder, if awarded the work, shall execute the contract in conformity with the Contract Documents and shall provide the surety bond or bonds as specified therein within fourteen (14) calendar days after a written Notice of Intent to Award Contract is deposited in the mail. In the case of refusal or failure to enter into said contract, the check or bond, as the case may be, shall be forfeited to the City.

4. NONCOLLUSION AFFIDAVIT: Each bid shall be accompanied by a notarized Noncollusion Affidavit on a form which is included in the Contract Documents.

5. SIGNATURE: Via the *PlanetBids* platform, the bid must be *electronically* or *digitally* signed in the name of the Bidder and must be person or persons duly authorized to sign the bid on behalf of the Bidder.

6. CORRECTIONS: Any corrections made to the submitted bid must be made electronically via *PlanetBids*.

7. DELIVERY OF PROPOSAL: Proposals shall be submitted electronically via PlanetBids: *https://www.planetbids.com/portal/portal.cfm?CompanyID=45476*. No other form of submittal shall be accepted by the City.

8. BID DEPOSIT RETURN: Deposits of three of more low bidders, the number being at the discretion of the City, will be held for sixty (60) calendar days or until posting by the successful bidder of the Bonds and Certificates of Insurance required and return of executed copies of the Agreement, whichever first occurs, at which time the deposits will be returned.

9. TAXES: No mention shall be made in the proposal of Sales Tax, Use Tax or any other tax, as all amounts bid will be deemed and held to include any such taxes which may be applicable.

10. WITHDRAWAL OF BIDS: Any bidder may withdraw his bid either personally, by written request, or by telegraphic request confirmed in the manner specified above at any time prior to the scheduled closing time for receipt of bids.

11. AGREEMENT AND BONDS: The Agreement form, which the successful bidder, as Contractor, will be required to execute, and the forms and amounts of surety bonds and Certificate of Insurance which he will be required to furnish prior to the execution of the Agreement, are included in the Contract Documents and should be carefully examined by the Bidder. The successful Bidder will be required to submit **THREE (3)** executed copies of the Agreement, the Performance Bond, the Payment Bond and the Certificate of Insurance. Payment and performance bonds shall be issued by a surety who is listed in the latest revision of U.S. Department of Treasury Circular 570 and Code of Civil Procedure Section 995.120. The Performance Bond and the Payment Bond shall be signed by both, the Bidder and the Surety; and both signatures shall be notarized.

12. FORFEITURE FOR FAILURE TO POST SECURITY AND EXECUTE AGREEMENT: In the event the Bidder to whom the Notice of Intent to Award Contract is given fails or refuses to post the required bonds and Certificate of Insurance and return executed copies of the Agreement within fourteen (14) calendar days after notification, the City may declare the Bidder's bid deposit or bond forfeited as damages caused by the failure of the bidder to post such security and execute such copies of the Agreement, and may give Notice of Intent to Award Contract to the next lowest responsive and responsible bidder, or may call for new bids.

13. BIDDERS INTERESTED IN MORE THAN ONE BID: No person, firm or corporation shall be allowed to make, or file or be interested in more than one bid for the same work unless alternate bids are specifically called for.

14. EXAMINATION OF SITE AND CONTRACT DOCUMENTS: Each bidder shall visit the site of the proposed work and fully acquaint himself with the conditions relating to the construction and labor so that he may fully understand the facilities, difficulties, and restrictions attending the execution of the work under the contract. Bidders shall thoroughly examine and be familiar with the drawings and specifications. The failure or omission of any bidder to receive or examine any contract document, form, instrument, addendum, or other document or to visit the site and acquaint himself with conditions there existing shall in no way relieve any bidder from any obligation with respect to his bid or to the contract. The submission of a bid shall be taken as prima facie evidence of compliance with this section.

15. INTERPRETATION OF PLANS AND DOCUMENTS: If any Bidder contemplating submitting a bid for the proposed contract is in doubt as to the true meaning of any part of the drawings, specifications, or other Contract Documents, or finds discrepancies in, or

omissions from the drawings and specifications, it may submit to the Engineer a written request for an interpretation or correction thereof. The Bidder submitting the Request for Interpretation (RFI) shall be responsible for its prompt delivery and on the form included within this IFB (Page B-5). Any interpretation or correction of the Contract Documents will be made only by addendum duly issued and a copy of such addendum will be mailed or delivered to each person receiving a set of the Contract Documents. No person is authorized to make any oral interpretation of any provision in the Contract Documents to any Bidder, and no Bidder is authorized to rely on any such unauthorized oral interpretation.

16. ADDENDA: The effect of all addenda to the Contract Documents shall be considered in the bid package and said addenda shall be made part of the Contract Documents and shall be returned with the bid package. Failure to submit any such addenda with the bid package may render the bid irregular and result in its rejection by the City.

17. QUESTIONS TO THE ENGINEER: ***Pre-bid questions and requests for interpretation (RFIs) of the bid documents (i.e. Plans, Specifications, Contract Documents, Bid Forms, etc.) shall be submitted no later than 5:00 PM Monday, August 22, 2022. Any questions or RFI requests submitted after the advertised date may not receive a response. Substitution proposals will only be considered during the bidding phase.***

18. EQUIVALENT MATERIALS: ***Requests for the use of equivalents to those specified, must be submitted to the City during the bidding phase. All substitution proposal requests shall be submitted to the City for review no later than 5:00 pm Monday, August 22, 2022. No substitution proposals will be accepted after the advertised date, and substitutions will not be considered after award. It is the sole responsibility of the successful bidder to prove to the City that a proposed substitute is truly an equivalent to what has been specified.***

19. EVIDENCE OF RESPONSIBILITY: Upon the request of the City, a bidder whose bid is under consideration for the award of the contract shall submit promptly to the City satisfactory evidence showing the Bidder's financial resources, its construction experience, and its organization and plant facilities available for the performance of the contract.
20. LEGAL RESPONSIBILITIES: All proposals must be submitted, filed, made and executed in accordance with State and Federal laws relating to bids for contracts of this nature whether the same or expressly referred to herein or not. Any Bidder submitting a proposal shall by such action thereby agree to each and all of the terms, conditions, provisions and requirements set forth, contemplated and referred to in the Plans, Specifications and other Contract Documents, and to full compliance therewith. Additionally, any Bidder submitting a proposal shall, by such action thereby, agree to pay at least the minimum prevailing per diem wages as provided in Section 1773, et. seq. of the Labor Code for each craft, classification or type of workman required as set forth by the Director of Industrial Relations of the State of California.

21. ANTI-DISCRIMINATION: It is the policy of the City that in connection with all work performed under contracts, there be no discrimination against any prospective or active employee engaged in the work because of race, color, ancestry, national origin, religious creed, sex, age, or marital status. The Contractor agrees to comply with applicable Federal and California laws including, but not limited to, the California Fair Employment Practice Act, beginning with Government Code Section 12900, and Labor Code Section 1735. In addition, the Contractor agrees to require like compliance by any subcontractors employed on the work by him/her.

22. DRUG-FREE WORKPLACE POLICY: Contractor, upon notification of contract award, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a City contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. Contractor shall conform to all the requirements of City's Policy No. 100-5. Failure to establish a program, notify employees, or inform the City of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by the City.

23. BID PROTEST PROCEDURES: Any bid protest must be submitted in writing before 5:00 PM of the 5th business day following bid openings. The initial protest document shall contain a complete statement of the basis for the protest. The protest shall refer to the specific portion of the document which forms the basis for the protest. The protest shall include the name, address and telephone number of the person representing the protesting party. The party filing the protest shall concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders or proposers who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest. Upon receipt of a bid protest, the matter shall be reviewed by the Public Services Director, whose decision shall be final. This procedure supersedes the procedure of appeal outlined in City of Costa Mesa Municipal Code Section 2-303.

24. ASSEMBLY BILL 626: Assembly Bill 626 (AB 626), adds section 9204 to the Public Contract Code creating a claims resolution process applicable to any claim (as defined) by a contractor against a public entity filed in connection with a public works project. Section 9204 applies to public works contracts entered into on and after January 1, 2017. The legislation was supposed to sunset (end) on January 1, 2020, unless extended by subsequent legislation. The summary of Section 9204 is specified as follows:

    In the event of any dispute or controversy with the City over any matter whatsoever, the Contractor shall not cause any delay or cessation in or of Work, but shall proceed with the performance of the Work in dispute. The Contractor shall retain any and all rights provided that pertain to the resolution of disputes and protests between the parties. The Disputed Work will be categorized as an “unresolved dispute” and payment, if any, shall be as later determined by agreement or a court of law. The Contractor shall keep accurate, detailed records of all Disputed Work, claims and other disputed matters.

    All claims arising out of or related to the Contract Documents or this Project, and the consideration and payment of such claims, are subject to the Government Claims Act (Government Code Section 810 et seq.) with regard to filing claims. All such claims are also subject to the dispute procedures set forth in Public Contract Code Section 9204 and Public Contract Code Section 20104, et seq. (Article 1.5), to the extent each is applicable. This Contract hereby incorporates those provisions as through fully set forth herein. Thus, the Contractor or any Subcontractor must file a claim in accordance with the Government Claims Act as a prerequisite to filing a construction claim in compliance with Section 9204 and Section 20104 et seq. (if applicable), and must then adhere to Section 20104, et seq. and Section 9204, as applicable, pursuant to the definition of “claim” as individually defined therein.

REQUEST FOR INTERPRETATION OF CONTRACT DOCUMENTS

Date:

Time:

Company:

Contact Person:

Address:

Telephone:	**FAX:**

Plan Sheet:

Specification Section:

INTERPRETATION REQUESTED:

REPLY:

TO A/E:

SECTION C
[PROPOSAL FORM INTENTIONALLY OMITTED]

SECTION D

PART 1
GENERAL PROVISIONS

SECTION 1 – GENERAL

1-1 GENERAL

[Add the following:].

Except as hereinafter provided, the provisions of the latest edition of the Standard Specifications for Public Works Construction (“Green Book”), and all amendments thereto, adopted by the Joint Cooperative Committee of Southern California Chapter, American Public Works Association, Southern California District and Associated Contractors of California; hereinafter referred to as Standard Specifications, are adopted as the "Standard Specifications of the City of Costa Mesa" and shall be considered as a part of these specifications. Copies of the Standard Specifications are available from the publisher:

BNi Building News

1612 S. Clementine Street

Anaheim, California 92802

(714) 517-0971

Where specified in these specifications, the latest edition of the California Building Code, based on the latest edition of the International Building Code, the latest edition of the "Standard Specifications and Standard Plans of the State of California, Department of Transportation, Division of Highways," "Standard Plans of the Orange County Environmental Management Agency," and "Los Angeles County Flood Control District, Design Manual, Standard Drawings" shall apply or unless otherwise noted in these specifications or at the direction of the ENGINEER.

Where referenced in these Specifications, the latest edition of the “City of Costa Mesa Standard Drawings” and the “Work Area Traffic Control Handbook (WATCH)” published by Building News, Inc., shall also apply.

The section numbers of these General Provisions coincide with those of the said Standard Specifications. Only those sections requiring amendment, elaboration, or specifying options, are called out.

The following modifications are made to the "Standard Specifications." If there is a conflict between the "Standard Specifications" and these modifications, these modifications shall have first precedence.

1-2 TERMS AND DEFINITIONS

[Add or redefine the following:].

(a) AGENCY	The City of Costa Mesa, California, hereinafter referred to as "CITY."
(b) BOARD	The City Council of the City of Costa Mesa, California, hereinafter referred to as "BOARD."
(c) CONTRACT DOCUMENTS	Documents including but not limited to the following: The proposal form P-1 through P-11, Notice Inviting Bids, Standard Specifications, General Provisions, Special Provisions, Technical Specifications, Plans, Bonds, Insurance Certificates, Agreement, and all Addenda setting forth any modifications of the documents as further specified in contract agreement.
(d) ENGINEER	The administrating officer of the City of Costa Mesa or his authorized representative hereinafter referred to as ENGINEER.
(e) BIDDER	Any individual, firm, partnership, corporation, or combination thereof, submitting a bid proposal for the work contemplated in the contract documents, acting directly or through a duly authorized representative, hereinafter referred to as BIDDER.
(f) LEGAL ADDRESS OF CONTRACTOR	The legal address of the Contractor shall be the address given on the Contractor's bid and is hereby designated as the place to which all notices, letters or other communications to the Contractor shall be mailed or delivered.
(g) LABORATORY	An established laboratory approved and authorized by the ENGINEER for testing materials and work involved in the contract.

1-3 ABBREVIATIONS

CALTRANS	State of California, Department of Transportation, Division of Highways
O.C.E.M.A.	Orange County Environmental Management Agency
L.A.C.F.C.D.	Los Angeles County Flood Control District

1-6 BIDDING AND SUBMISSION OF THE BID

1-6.1 General

[Add the following:].

Proposal shall be made and submitted on proposal forms **P-1** through **P-11** in accordance with the Notice Inviting Bids. In addition to the required signatures in the spaces provided in the proposal forms, each BIDDER shall initial each sheet of the proposal forms at the bottom right hand corner.

No person, firm, partnership, corporation, or combination thereof shall be allowed to make or file or be interested in more than one bid for the same work, unless alternate bids are called for. A person, firm, partnership, corporation, or combination thereof who has submitted a sub-proposal to a BIDDER or who has quoted prices on materials to a BIDDER is not thereby disqualified from submitting a sub-proposal to or quoting prices to the other bidders. If, on the opening of bids, more than one bid appears in which the same person, firm, partnership, corporation or combination thereof is interested as a principal, all such bids shall be rejected.

Proposals with interlineations, alterations, or erasures shall be initialed by the BIDDER'S authorized agent. Alternative proposals, special conditions, or other limitations or provisions affecting the bid, except as such called for in the contract documents, will render the bid informal and may cause its rejection.

All proposals must give the prices bid for the various items of work and must be signed by the BIDDER, who shall give his address. Each bid shall have thereon the affidavit of the BIDDER that such bid is genuine and not sham nor collusive, nor made in the interest nor behalf of any other person not therein named and that the BIDDER has not directly nor indirectly induced or solicited any other BIDDER to put in a sham bid, nor induced nor solicited any person, firm, partnership, corporation, or combination thereof to refrain from bidding, and that the BIDDER has not in any manner sought by collusion to secure himself an advantage over any other BIDDER.

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

1-6.1.1 Request for Interpretation

If any person contemplating submitting a bid is in doubt as to the meaning of any part of the Plans, Specification, or other proposed Contract Documents, or finds discrepancies in, or omissions from the drawings or specifications, (It, he, she) may make a request to the ENGINEER, in writing, for an interpretation or correction thereof pursuant to the provisions in the Information for Bidders section of these specifications. The person

submitting such a request shall be responsible for its prompt delivery. All such interpretations of the Contract Documents will be made only by addenda duly issued, and a copy of each such addendum will be mailed or delivered to each person receiving a set of Contract Documents at (its, his, her) last address of record. The CITY will not be responsible for any other explanations or interpretations of the Contract Documents.

1-6.1.2 Soil Conditions

The BIDDER shall inspect the soil conditions before submitting a bid. By submitting a bid, the BIDDER acknowledges that he is satisfied with the quality of the work area including but not restricted to the conditions affecting, handling and storage of materials, disposal of excess materials, and the soil conditions.

1-6.1.3 Return of Bid Security

Any BIDDER may withdraw its bid, either personally, or by telegraphic or written request, at any time prior to the scheduled closing time for the receipt of bids. It is the sole responsibility of the BIDDER to see that any such telegraphic or written request is delivered to the City Clerk prior to said closing time. Bid security of such BIDDERS will be returned promptly to the BIDDER.

The bid security of the BIDDER whose bid is accepted will be held by the CITY until the contract has been executed and the accompanying insurance certificates, performance bond and labor and materials bond are approved and filed, whereupon the bid security will then be returned to the BIDDER.

The bid security of the second and third lowest BIDDERS will be retained until the contract is awarded to and executed by the BIDDER whose bid is accepted, or until 45 days after the opening of bids, whichever period is shorter. The bid security of all BIDDERS other than the three lowest will be returned promptly after the opening of bids.

If a BIDDER fails or refuses promptly to execute the agreement to do the work or fails or refuses to comply with insurance and bonding requirements, the bid security shall be forfeited to the CITY and shall be collected and paid into the General Fund of the CITY.

1-6.2 Subcontractor Listing

[Add the following:].

The ENGINEER, as duly authorized officer, may consent to subcontractor substitution requested by the Contractor subject to the limitations and notices prescribed in Section 4107 of the Public Contract Code.

1-7 AWARD AND EXECUTION OF THE CONTRACT

1-7.1 General

[Add the following:].

The award of contract, if awarded, will be to the lowest responsive and responsible bidder whose proposal complies with all requirements of the Notice Inviting Bids and Section 1-6 of these specifications. The BIDDER, upon notification as the "apparent low bidder," shall comply with the CITY'S insurance and bonding requirements by submitting the required insurance certificates and bonds within **fourteen (14) days after the mailing of a Notice of Award to the BIDDER that the contract is ready for execution**. The contract will be awarded within thirty (30) days of receipt of properly approved insurance certificates and bonds pursuant to CITY requirements spelled out in these specifications. BIDDER must take particular note of "insurance requirements" contained in these specifications and sample agreement included within the contract documents, and should provide that information to his insurance broker in order that a properly executed certificate is submitted. The CITY, however, reserves the right to reject any or all bids and to waive any informality in the bids received.

1-7.1.1 Execution of Agreement

The Agreement shall be signed by the successful BIDDER and returned to the CITY no later than **fourteen (14) days from Notice of Award** of the Contract by the CITY. Failure to comply with insurance and bonding requirements as specified in the Agreement and in Section 1-7.1 of these General Provisions shall be considered grounds for the revocation and rejection of the bid and forfeiture of bid security. No proposal shall be considered binding upon the CITY until the execution of the agreement by the CITY. In case of conflict, the agreement shall have precedence over all other written specifications.

1-7.2 Contract Bonds

[Add the following:].

The "Faithful Performance Bond" and the "Labor and Material Bond" as specified in this section shall be for one hundred percent (100%) of the Contract price. The Labor and Material Bond shall be maintained by the Contractor in full force and effect for at least seven (7) months following the filing of the Notice of Completion. The Faithful Performance Bond shall also be kept by the Contractor in full force and effect for at least one (1) year following the filing of the Notice of Completion.

CONTRACTOR shall provide the following:

- A certified copy of the certificate of authority of the surety issued by the Insurance Commissioner.
- A certificate from the clerk of the county in which the court or officer is located that the certificate of authority of the surety has not been surrendered, revoked, canceled, annulled, or suspended or, in the event that it has, that renewed authority has been granted.
- Copies of the surety's most recent annual statement and quarterly statement filed with the Department of Insurance pursuant to Article 10 (commencing with Section 900) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

SECTION 2 – SCOPE OF THE WORK

2-1 WORK TO BE DONE

[Replace in its entirety with the following:].

The CONTRACTOR shall perform all work necessary to complete the Contract Agreement in accordance with the Contract Documents.

The CONTRACTOR shall provide and furnish all labor, operations, materials, tools, equipment, supplies, manufactured articles, and incidentals necessary to perform and complete the Work as shown on the Plans and these Contract Documents, to the satisfaction of the ENGINEER.

Reference the Special Provisions for specific project details.

2-2 PERMITS

[Add the following:].

All permits and licenses shall be obtained in sufficient time to prevent delays to the work. Permit fees for all City-issued permits shall be waived. Fees for any other permits must be paid by the Contractor and be included in the price bid for this work.

In the event that the CITY has obtained permits, licenses or other authorizations applicable to the work, the Contractor shall comply with the provisions of said permits, licenses and other authorizations.

2-5 THE CONTRACTOR'S EQUIPMENT AND FACILITIES

2-5.1 General

[Add the following:].

The Contractor shall only use the proper construction equipment to protect the City streets from breaking up and deterioration. Haul trucks shall be limited to a gross vehicle weight of 10 tons or less.

2-5.2 Temporary Utility Services

[Add the following:].

The Contractor shall provide for his employees an adequate supply of clean, potable drinking water, which shall be dispensed through approved sanitary facilities.

If water is needed during construction, Contractor shall contact Mesa Consolidated Water District to obtain necessary permits, instructions, and meters prior to commencing work. The Contractor is required to make any and all necessary installations and connections. All water shall be metered. The Contractor shall pay for all deposits and fees involved.

2-5.4 Haul Routes

[Add the following:].

In order to protect the City streets from deterioration due to hauling of materials, the Contractor shall submit to the ENGINEER (at the pre-construction meeting) for approval, a proposed route for the hauling of materials for disposal. Upon approval, the Contractor shall strictly adhere to that route only, unless written permission from the ENGINEER is obtained to change the route.

Where haul routes have not been established at a pre-construction meeting the Contractor shall submit to the ENGINEER for approval, a proposed haul route at least 5 working days prior to performing any work that requires hauling.

Waste Hauler Requirements

The California Green Building Standards Code, 2016 Edition, California Code of Regulations, Title 24, Part 11, impacting waste diversion as documented in the City of Costa Mesa's Municipal Code Chapter 4 of Title 8, requires that all construction and demolition related projects divert 65% of project waste generated from the landfill. Consequently, permitted building projects relating to construction and demolition, newly constructed buildings, additions, alterations, interior and exterior demolitions, etc., are required to divert a minimum of 65% of nonhazardous construction and demolition waste from the landfill by recycling, reuse, or salvage. Generally, these materials include brick, drywall, other masonry, cardboard, green waste, paper, carpet, lumber, plastic, concrete, and/or metals. Asphalt, concrete, excavated soil and land-clearing debris should be 100% diverted from disposal. The County provides a suggested list of locations that are meeting and/or exceeding the 65% diversion requirement and may be used for recycling construction and demolition material.

The City of Costa Mesa requires that all hauling activity in Costa Mesa comply with one of the waste hauling options for your construction and demolition related project:

- Use Franchise Waste Hauler
- Self-Haul Permit - https://www.costamesaca.gov/city-hall/city-departments/public-services/waste-collection-and-recycling

A Construction and Demolition Reporting Form as provided in the Miscellaneous Document Section of these Specifications must be completed and submitted by the Contractor to the CITY prior to the release of retention monies.

2-7 CHANGES INITIATED BY THE AGENCY

2-7.1 General

[Add the following:].

ENGINEER shall be the duly authorized officer of the CITY who may grant the changes prescribed in this section.

2-8 EXTRA WORK

[Add the following:].

The extra work as defined in this section of the Standard Specifications and any work done by the Contractor beyond the lines and grades shown on the plans shall only be performed when ordered in writing by the ENGINEER. In absence of such written order, any such work by the Contractor shall be considered unauthorized and will not be paid. Work so done may be ordered to be removed at the Contractor's expense.

2-9 CHANGED CONDITIONS

[Add the following:].

The Contractor shall promptly act to supply all information to the ENGINEER for proper evaluation. Failure to do so shall constitute a waiver of any payment for delays suffered by the Contractor.

SECTION 3 – CONTROL OF THE WORK

3-1 ASSIGNMENT

[Replace the 1st sentence with the following:].

No contract or portion thereof may be assigned without written consent of the BOARD.

3-4 AUTHORITY OF THE BOARD AND THE ENGINEER

[Add the following:].

When any of the various units or operations of the work have been suspended, the Contractor shall give at least 24 hours advance notice of the time when he or his subcontractor will start or resume any of such units or operations. That notice is to be given during working hours, exclusive of Saturdays, Sundays or holidays, for the purpose of permitting the ENGINEER to make necessary assignments to his representative on the work.

Any work performed in conflict with said notice, without the presence or approval of the ENGINEER, or work covered up without notice, approval or consent may be rejected or ordered to be uncovered for examination at Contractor's expense and shall be removed at Contractor's expense, if so ordered by the ENGINEER or his representative on the work. Any unauthorized or defective work, defective material or workmanship or any unfaithful or imperfect work that may be discovered before the final payment and final acceptance of work shall be corrected immediately by the Contractor without extra charge even though it may have been overlooked in previous inspections and estimates or may have been caused due to failure to inspect the work.

All authorized alterations affecting the requirements and information given on the approved plans shall be in writing. No changes shall be made on any plan or drawing by the Contractor after the same has been approved by the ENGINEER, except by direction of the ENGINEER in writing. Deviations from the approved plans, as may be required by critical conditions of construction, must be authorized in writing by the ENGINEER.
All instructions, rulings and decisions of the ENGINEER shall be in writing and are binding on all parties unless a formal protest is made as provided in the following paragraph:

If the Contractor considers any work demanded of him to be outside the requirements of the contract, or if he considers any instruction, ruling or decision of the ENGINEER or ENGINEER'S representative to be unfair, the Contractor shall, within ten (10) days after any such demand is made, or instruction, ruling or decision is given, file a written protest with the ENGINEER, stating clearly and in detail his objections and reasons therefor. Except for such protests and objections as are made of record, in the manner and within the time above stated, the Contractor shall be deemed to have waived and does hereby waive all claims for extra work, damages and extensions of time on account of demands, instructions, rulings and decisions of the ENGINEER.

Upon receipt of any such protest from the Contractor, the ENGINEER shall review the demand, instruction, ruling or decision objected to and shall promptly advise the

Contractor, in writing, of his final decision, which shall be binding on all parties, unless within the ten (10) days thereafter the Contractor shall file with the BOARD a formal protest against said decision of the ENGINEER. The BOARD shall consider and render a final decision on any such protest within thirty (30) days of receipt of same. If the BOARD fails to consider and render a final decision on any such protest within thirty (30) days of receipt of the same, the protest shall be deemed denied.

3-5 INSPECTION

[Add the following:].

If the Contractor requests and receives approval from the ENGINEER to receive inspection services from the CITY outside of a normal eight (8) hour day/forty (40) hour work week or on Saturday, Sunday, or CITY holidays, the Contractor shall arrange with the CITY and ENGINEER for the special inspection services and Contractor shall pay for such special inspection services at a fee established by the ENGINEER to defray the cost for such service.

All work, which has been inspected and deemed defective in its construction or does not meet all of the requirements of the plans and/or specifications by the ENGINEER shall be remedied, or removed and replaced by the Contractor in an acceptable manner, and no compensation will be allowed for such correction.

Any work done beyond the limits of the lines and grades shown on the plans or established by the ENGINEER or extra work done without written authority will be considered as unauthorized and not be paid.

Upon failure on the part of the Contractor to comply with any order of the ENGINEER made under the provisions of this article, the ENGINEER shall have authority to cause defective work to be remedied, or removed and replaced, and unauthorized work to be removed, and to deduct the costs and thereof from any monies due or to come due the Contractor.

Payment will not be made for materials wasted or disposed of in a manner not called for under the Contract. This includes rejected material not unloaded from vehicles, material rejected after is has been placed and material placed outside the limits of the project. No compensation will be allowed for disposing of rejected or excess material.

3-6 THE CONTRACTOR'S REPRESENTATIVE

[Add the following:].

Contractor shall file with the ENGINEER the addresses and telephone numbers where its designated representative may be reached during hours when the work is not in progress.

Instructions and information given by the ENGINEER to the Contractor's authorized representative or at the address or telephone numbers filed in accordance with this section shall be considered as having been given to the Contractor.

The Contractor shall have on the work site at all times a competent English-speaking superintendent, as his agent, capable of reading and thoroughly understanding the

plans and specifications and other related documents.

3-7 CONTRACT DOCUMENTS

3-7.1 General

[Add the following:].

Contractor will obtain from the ENGINEER, free of charge, copies of plans, general provisions, special provisions and additions to the Standard Specifications that are reasonably necessary for the execution of work.

Contractor shall, at its own expense, obtain copies of the Standard Specifications and Standard Plans and Specifications of CALTRANS, for his general use.

If after the Contract is awarded it appears that the work to be done, or any matter relative thereto, is not sufficiently detailed or explained in the specifications and plans, the Contractor shall apply to the ENGINEER for such further explanations as may be necessary and shall conform to such explanation or interpretation as part of the Contract.

All scaled dimensions are approximate. Before proceeding with the work, the Contractor shall carefully check and verify all dimensions and quantities and shall immediately inform the ENGINEER or his representative of any discrepancies.

3-10 SURVEYING

[Replace with the following:].

3-10.1 General

The Contractor will perform and be responsible for the accuracy of setting all required survey stakes adequate for the construction of the project.

3-10.3 Line and Grade

Unless otherwise provided in the Special Provisions, lines and grades for construction shall be the responsibility of the Contractor, with the following provisions:

All work under this Contract shall be built in accordance with the lines and grades shown on the plans. Field survey for establishing the lines and grades and for the control of construction shall be the responsibility of the Contractor. All such surveys, including construction staking, shall be under the supervision of a California-licensed land surveyor or by a California-licensed civil engineer allowed by law. Staking shall be performed on all items ordinarily requiring grade and alignment, at intervals normally accepted by the agencies and the trade involved.

The Contractor shall provide a copy of the office calculations and grade sheets to the City Inspector. The Contractor shall be responsible for any error in the finished work and shall notify the ENGINEER within one (1) working day of any discrepancies or design errors discovered during staking.

Unless a separate bid item is provided, the payment for surveying, construction staking, professional services, office calculations, furnishing all labor, materials, equipment, tools and incidentals, and for doing all work involved shall be considered as included in the various items of work, and no additional compensation will be allowed.

3-12 WORK SITE MAINTENANCE

3-12.1 General

[Replace 2nd paragraph with the following:].

Unless the construction dictates otherwise, and unless otherwise approved by the ENGINEER, Contractor shall furnish and operate a self-loading motor sweeper with a functional water spray nozzle system at least once each working day to keep paved areas in the Work zone and along all haul routes acceptably clean whenever construction, including restoration, is incomplete.

3-12.2 Air Pollution Control

[Add the following:].

Failure of the Contractor to comply with the ENGINEER'S dust control orders may result in an order to suspend work until the condition is corrected and, after giving notice to the Contractor, the ENGINEER may order the condition corrected by others. All costs thus incurred shall be deducted from the amount to be paid to Contractor. No additional compensation will be allowed as a result of such suspension.

No separate payment will be made for any work performed nor material used to control dust resulting from Contractor's performance of the work or from public traffic, either inside or outside the right-of-way. Full compensation for such dust control will be considered to be included in the prices paid for the various items of Work involved.

3-12.4.1 General

[Add the following:].

All surplus materials shall be removed from the site of the Work within five (5) days after completion of the Work causing the surplus materials.

3-12.6 Water Pollution Control

3-12.6.1 General

[Add the following:].

Discharge of storm water from construction sites that disturb land equal to or greater than one (1) acre must be in compliance with the state General Construction Activity Permit (Construction Permit). The latest permit provisions of the Construction Permit shall apply. The Contractor is required to contact the Santa Ana Regional Water Quality

Control Board (Regional Board) for all information contained in the Construction Permit. In the event project construction occurs during the transition of revised Construction Permits, the Contractor shall incorporate the necessary modifications specified by the revised Construction Permit within the time period specified in the new Construction Permit.

Project Soil Disturbance is:
Less than 1 acre .: No General Construction Permit required

Construction activity subject to the Construction Permit includes clearing, grading, disturbance to the ground such as stockpiling, work area, or excavation that results in soil disturbances of at least one acre of total land area. Construction activity that results in soil disturbances of less than one acre is subject to the Construction Permit if the construction activity is a part of a larger common plan of development that encompasses one or more acres of soil disturbance or if it is determined that discharges from the project pose a significant threat to water quality.

The CONTRACTOR shall have an account with the State for SMARTS (Storm Water Multiple Application and Report Tracking System). The CONTRACTOR shall contact the CITY with their user ID so that the CITY will grant the CONTRACTOR access as a Data Submitter.

The CONTRACTOR shall complete the NOI within SMARTS https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp The CONTRACTOR will notify the CITY when the NOI is ready for the CITY to submit to the State. The CONTRACTOR shall pay all fees associated with the NOI process. The CONTRACTOR shall also complete all required reports within SMARTS as required by the General Permit and the Project's Storm Water Pollution Prevention Plan (SWPPP).

The CONTRACTOR shall complete the Annual Report and NOT within SMARTS. Once the CITY has been notified, the CITY will review and submit to the State for processing.

A copy of the latest permit is available at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

The CONTRACTOR is hereby directed to read the Construction Permit thoroughly and comply with the requirements as specified therein.

3-12.6.2 Best Management Practices (BMPs)

[Add the following:].

The Contractor shall install and maintain the appropriate Best Management Practices (BMPs) to protect water quality within the project limits through the duration of the Project.

The Contractor shall be responsible for any damage to any portion of the Work occasioned by failure to provide proper drainage control prior to the completion and acceptance of the Work.

Payment for furnishing, installing and maintaining BMPs inclusive of sweeping the Project site as required or directed by the ENGINEER shall be included in the other various bid items associated with the work and no additional payment will be allowed thereof.

3-12.6.3 Storm Water Pollution Prevention Plan (SWPPP)

[Add the following:].

If a General Construction Permit is required pursuant to Section 3-12.6.1 of these General Provisions, the following Storm Water Pollution Prevention Plan (SWPPP) requirements shall be adhered to:

The Contractor is responsible for the preparation and implementation of a SWPPP as required by the Construction Permit. The Contractor is responsible for completing all parts of the SWPPP including, REAPs, monitoring, sampling, rain gauge records, weather reports, submitting pictures of every third storm, non-authorized discharge reports, Ad-Hoc reports, Annual Reports, post construction BMPs and other requirements of the SWPPP.

The completed SWPPP must be signed by a QSD (Qualified SWPPP Developer). The completed SWPPP must be submitted to the resident engineer for City review and acceptance, prior to uploading to SMARTS. The Contractor will be responsible for uploading an electronic format of the SWPPP into SMARTS. The SWPPP must be signed by the City before construction begins. A copy of the SWPPP must be available at the site at all times and must be implemented and revised in accordance with the Construction Permit throughout the duration of the project.

Contractor must have QSP (Qualified SWPPP Practitioner). Contractor shall perform site inspections before and after the storm event, and once each 24-hour period during extended storm event, to identify BMP effectiveness and implement repairs or BMP modifications as soon as possible. Sampling of potential pollutant discharges shall be conducted by trained personnel and required laboratory test conducted by laboratory accredited by the California Department of Health Services Environmental Laboratory Accreditation Program.

Contractor shall be responsible for any penalties assessed against the City if the penalty assessed is due to Contractor’s violation of the Construction Permit requirement, or Contractor’s failure to fully implement and monitor SWPPP as required.

Erosion and Sediment Control Plans

Erosion and Sediment Control Plans shall be prepared by the Contractor as part of the SWPPP that identify adequate controls to prevent erosion and discharge of sediment off-site. Payment for the Erosion and Sediment Control Plans shall be included as part of the SWPPP.

3-12.6.4 Dewatering

[Add the following:].

Unless otherwise directed in these Special Provisions, the Contractor shall provide and maintain ample means and devices with which to promptly remove and properly dispose of water entering the excavations or other parts of the work at all times during construction. Dewatering shall be accomplished by methods which will ensure a dry excavation and preservation of the final lines and grades of the bottoms of excavations. The methods may include sump pumps, deep wells, well points, suitable rock or gravel placed below the required bedding for draining and pumping purposes, temporary pipelines, and other means.

Standby pumping equipment shall be on the job site. A minimum of one standby unit shall be available for immediate installation should any well unit fail. The design and installation of well points or deep wells shall be suitable for the accomplishment of the work. Drawings or details indicating the proposed dewatering system shall be submitted to the CITY for review.

The Contractor shall dispose of the water from the work in a suitable manner without damage to adjacent property.

Conveyance of the water shall be such as to not interfere with traffic flow or treatment facilities operations. No water shall be drained into work built or under construction without prior consent of the ENGINEER.

Water shall be disposed of in such a manner as not to be a menace to the public health and such disposal shall be performed in accordance with Environmental Protection Agency and State Water Quality Control Board standards (NPDES permit). Any testing and reports required under NPDES permit shall be performed by the Contractor and submitted to the appropriate agency for approval at no additional cost to the CITY.

3-13 COMPLETION, ACCEPTANCE, AND WARRANTY

3-13.3 Warranty

[Replace 2nd sentence of 1st paragraph with the following:].

The warranty period shall start on the date the Work is accepted by the Board.

SECTION 4 – CONTROL OF MATERIALS

4-4 TESTING

[Add the following:].

All tests of materials furnished by the Contractor shall be made in accordance with commonly recognized standards of national organizations and such special methods and tests as are prescribed in these specifications. No materials shall be used until they have been approved by the ENGINEER.

The Contractor shall at his expense furnish the CITY, in triplicate, certified copies of all required factory and mill test reports. Any materials shipped by the Contractor from a factory or mill prior to having satisfactorily passed such testing and inspection by a representative of the CITY shall not be incorporated in the work, unless the ENGINEER shall have notified the Contractor, in writing, that such testing and inspection will not be required.

At the option of the ENGINEER, the source of supply of each of the materials shall be approved by the ENGINEER before delivery is started and before such material is used in the work.

Unless otherwise provided in the Special Provisions, the CITY will complete and pay for the initial soils, compaction, and material tests. Any subsequent soil, compaction, and material tests deemed necessary due to the failure of initial tests will be at the Contractor's expense and deducted from the payment due.

SECTION 5 – LEGAL RELATIONS AND RESPOSIBILITIES

5-1 LAWS AND REGULATIONS

[Add the following:].

The Contractor shall protect and indemnify the CITY, the BOARD, the ENGINEER, and all of its or their officers, agents and servants against any claim or liability arising from or based on the violation of any existing or future State, Federal and local laws, ordinances, regulations, orders or decrees, whether by himself or his employees. If any discrepancy or inconsistency is discovered in the plans, drawings, specifications or contract for the work in relation to any such law, ordinance, regulation, order or decree, the Contractor shall forthwith report the same to the ENGINEER in writing.

5-2 SPECIAL NOTICES

[Add the following:]

In addition to the special notices requirement to be served by Personnel Delivery or Certified Mail, special notices may also be served by the utilization of FedEx or UPS express service with a confirmed delivery receipt. Service shell be effective on the date of the receipt of the delivery confirm issued by FedEx or UPS.

5-3 LABOR

5-3.3 Payroll Records

[Add the following:].

In order to verify compliance with the Labor Code, Contractor shall furnish to the ENGINEER, weekly, for the duration of the contract period, copies of his payroll statements showing wages paid to each employee during the preceding week and the employee work classification. Use of Form DH-C-347, Payroll Statement of Compliance, is an acceptable method of fulfilling the above requirement.

5-3.5 Apprentices

[Replace with the following:].

Attention is directed to the provisions of Sections 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under it. The Contractor and any subcontractor under it shall comply with the requirements of those Sections in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules and other requirements may be obtained from the Director of Industrial Relations, Ex-officio the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

5-4 INSURANCE

[Replace with the following:].

The minimum amounts and types of insurance coverages are as stated in the Agreement (sample copy attached). Prior to bid submittal the BIDDER shall keep fully

informed of the latest insurance requirements of the City of Costa Mesa and shall comply with all other provisions of Section 5-4 of the Standard Specifications.

Below are approved endorsements which satisfy the basic insurance requirements contained in contracts entered into by City of Costa Mesa. These have been approved by the City Attorney's office. The terms of any specific contract with the City are controlling. Prior to the commencement of any work, the CITY requires that the ENGINEER receive Certificates of Insurance in **DUPLICATE** for liability coverage of at least $1,000,000 combined single limit, per occurrence and in the aggregate.

Each insurance policy required by the CITY of the Contractor shall contain the following endorsements:

1. Additional Insureds

"The City of Costa Mesa and its elected and appointed boards, officers, agents, and employees are additional insureds with respect to the subject project and agreement."

2. Notice

"Said policy shall not terminate, nor shall it be canceled nor the coverage reduced, until thirty (30) days after written notice is given to City."

3. Other Insurance

"Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."

If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by City. No policy of insurance issued as to which the City is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

5-7 SAFETY

5-7.1 Work Site Safety

5-7.1.1 General

[Add the following:].

Material or other obstructions shall not be placed within fifteen feet (15') of fire hydrants. Fire hydrants shall be made readily accessible to the Fire Department at all times.

5-7.8 Steel Plate Covers

5-7.8.1 General

[Add the following:].

All steel plate covers utilized for the project must be slide resistant. A non-slip coating will be required on the side of the steel plate that that will be utilized for the driving or walking surface.

SECTION 6 – PROSECUTION AND PROGRESS OF THE WORK

6-1 CONSTRUCTION SCHEDULE AND COMMENCEMENT OF THE WORK

6-1.1 Construction Schedule

[Replace the 1st Paragraph with the following:].

The Contractor's proposed Construction Work Schedule shall be submitted to the ENGINEER for approval within ten (10) working days after the date of the BOARD's execution of the Contract Agreement. The Construction Work Schedule shall be supported by written statements from each supplier of materials or equipment indicating that all orders have been placed and acknowledged, and setting forth the dates that each item will be delivered. The Construction Work Schedule shall provide sufficient detail to delineate the main milestones start and end dates for each activity with chronological relationships of all the activities of Work showing the number of working days required to complete the entire project within the Contract Days. The schedule shall also incorporate the requirements of Section 402-5 of the Standard Specifications to complete the Work within the Contract Days. Prior to issuing the Limited Notice-to-Proceed, the ENGINEER will schedule a preconstruction meeting with the Contractor to review the proposed Construction Work Schedule, delivery dates, activity milestone dates, arrange utility coordination, discuss construction methods and staging, and clarify inspection procedures.

The Contractor shall submit progress reports to the ENGINEER by the tenth day of each month. The report shall include an updated Construction Work Schedule. All revisions shall be completed within three days after review by the ENGINEER. The Contractor shall submit requests for changes in the schedule to the CITY for approval at least three (3) working days prior to performing any work. Any deviations from the original approved Construction Work Schedule shall be explained and identified in the updated Construction Work Schedule. Progress payments will be withheld pending receipt of any outstanding reports.

The Contractor shall furnish the ENGINEER with a 3-week look ahead-schedule in a tabular format at every weekly construction meeting. The 3-week look ahead schedule shall utilize the main milestones within the approved Baseline Construction Schedule with updates and include sub-activities.

[Add the following:].

6-1.3 Daily Report Submittal

Contractor shall submit daily reports to the CITY at the end of each working day. All forms shall be provided by the CITY. Any cost for this item shall be included in the various items of work and no other compensation will be allowed.

6-3 TIME OF COMPLETION

6-3.1 General

[Replace the 1st Sentence with the following:].

The Contractor shall begin the Work within **TEN (10) WORKING DAYS** after the date the Contract is executed by CITY unless a later start date is agreed upon by the CITY

and Contractor within written Limited Notice-to-Proceed and Notice-to-Proceed. The **INVESTIGATORY SITE WORK** shall be completed within **NINTY (90) CALENDAR DAYS** from the date set in the Limited Notice-to-Proceed and The **CONSTRUCTION SITE WORK** shall be completed within **TWENTY-FIVE (25) WORKING DAYS** from the date set in the Notice-to-Proceed or the first day of commencement of Work, whichever occurs first.

6-5 USE OF IMPROVEMENT DURING CONSTRUCTION

[Add the following:].

Should it become necessary, due to developed conditions, to occupy any portion of the Work before Contract is fully completed, such occupancy shall not constitute acceptance by the CITY of work by Contractor.

6-7 TERMINATION OF THE CONTRACT FOR DEFAULT

6-7.3 Notice of Termination for Default

[Replace the 1st Paragraph with the following:].

The ENGINEER will make the determination if the Contractor had failed to commence satisfactory corrective action within 5 working days after the receipt of the notice to cure, or to diligently continue satisfactory and timely correction of the default thereafter, and will take action as allowed by the Contract Documents.

6-7.4 Responsibilities of Surety

[Add the following:].

Within 3 working days of receipt of the written notice of termination for default, the Surety shall provide the services needed to maintain the project in accordance with the Contract Documents. The services shall maintain the existing traffic control in place and the maintenance of the project site until the Engineer's review and acceptance of the Surety's plan for course of action.

6-9 LIQUIDATED DAMAGES

[Replace the 1ST Paragraph with the following:].

The CONTRACTOR shall pay to the CITY the sum of **$525** per calendar day, for each and every calendar day's delay in finishing the Work in excess of the number of Working Days prescribed within these General Provisions and the Agreement, or per the direction of the Engineer. Liquidated damages are calculated per Chapter 12 of the latest edition of the Caltrans Local Assistance Procedures Manual (LAPM).

SECTION 7 – MEASUREMENT AND PAYMENT

7-3 PAYMENT

7-3.1 General

[Replace the 1ST Paragraph with the following:].

Payment for the various items listed on the Bid Proposal, as further specified herein, shall constitute full compensation to the Contractor for furnishing all material, tools, equipment, supplies, and manufactured articles, and for all labor, operations, and incidentals appurtenant to the items of Work and as specified and shown on the drawings, including all costs for compliance with the regulations of public agencies having jurisdiction, including Safety and Health Requirements of the California Division of Industrial Safety and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor. No separate payment will be made for any item that is not specifically set forth in the Bid Proposal. Costs arising from violations of regulations will be paid by the offending party to the extent that there will be no additional cost to the CITY.

When no bid item is provided for work/improvement shown or indicated on the plans and specifications, payment for such work/improvement will be considered to be included in various applicable items of work.

7-3.2 Partial and Final Payment

[Replace the 1st Paragraph in its entirety with the following:].

The closure date for the purpose of making partial progress payments will be the last day of each month. The Contractor may request, in writing, that such monthly closure date be changed. The ENGINEER may approve such request when it is compatible with the CITY's payment procedure.

[Replace the 2nd Paragraph in its entirety with the following:].

Each month, the Contractor shall meet with the Engineer, a minimum of three (3) working days prior to the submittal of the progress payment to the AGENCY, to finalize and receive approval regarding the measurement of the Work performed through the closure date and the estimated value of the progress payment based on the Contract Unit Prices or as provided for in the Standard Specifications. Any progress payment submitted without such approval will be considered incomplete and returned to the Contractor and no payment shall be considered until such approval is obtained.

[Replace the 3rd Paragraph in its entirety with the following:].

The amount retained and deducted by the BOARD shall be 5% of the progress estimates for all progress payments. No reduction in the amount of retention will be allowed. However, after 50% of the work has been completed, if the BOARD finds that satisfactory progress is being made, it may make any of the remaining progress payments in full for actual work completed. The final payment of the retention amount to the Contractor shall be made thirty-five (35) days after the date of the recording of the

Notice of the Completion of the work after it is accepted by the CITY. The 5% withheld from each progress payment shall not include monies withheld for stop notices or other withholding by the CITY. The monies withheld for stop notice and other withholdings shall be in addition to the 5% withheld for retention.

[Add to end of Section the following:].

Contractor shall comply with the requirements of Division 2, Part 1, Chapter 7, Section 7107 of the California Public Contract Code.

The lead time for processing invoices for the monthly progress payments approved by the ENGINEER for inclusion on the warrant list of the CITY is governed by the rules and regulations established by the Finance Department of the CITY. Monthly payments will be processed and paid in accordance with the rules and regulations established or revised by the said Finance Department.

The Contractor shall submit all weight tickets or volumes of all materials used in the construction to the ENGINEER for checking and verification prior to any payment. Failure to do so will postpone the payment to the Contractor, until the matter is resolved satisfactorily.

The weight or volume from submitted tickets must correspond to the work done in the field; if not, the City shall reject the work without compensation to the Contractor, and/or the Contractor shall be directed to replace that work at no additional costs to the City.

After completion of the Contract, the BOARD shall, upon recommendation of the ENGINEER, accept the Work as completed and authorize the Final Payment.

The Final Payment shall be the entire sum found to be due the Contractor after deducting therefrom all previous payments and all amounts to be kept and all amounts to be retained under the provisions of the Contract. All prior partial estimates and payments shall be subject to correction in the final estimate and payment.

No certificate given or payment made under the Contract, except the final certificate or Final Payment, shall be conclusive evidence of full or substantial performance of this Contract; and no payment shall be construed to be an acceptance of any defective work or improper material.

The acceptance of Final Payment by the Contractor shall release the CITY, the BOARD, and the ENGINEER from any and all claims or liabilities on account of work performed by the Contractor under the Contract or any alterations thereof.

The Contractor shall record, on the set of contract documents maintained at the job site, deviations which have been made from the Contract Documents or approved shop drawings – including buried or concealed construction and utility features which are revealed during the course of construction. Special attention shall be given to recording the horizontal and vertical location of all buried utilities that differ from the locations indicated, or which were not indicated on the Contract Documents. Said record documents shall be supplemented by detailed sketches as necessary or directed, to indicate fully the work as actually constructed.

Requests for partial payments shall not be approved until the record documents are brought up to date. Also, request for final compensation shall not be approved until all the variations between the work as constructed and as originally shown in the Contract Documents have been properly recorded and delivered to the City, after approved by the Engineer.

[Add the following:].

7-3.2.1 Prompt Progress Payment to Subcontractors

Contractor shall comply with the requirements of Division 2, Part 1, Chapter 7, Section 7200 of the California Public Code.

The CONTRACTOR agrees to pay each subcontractor under this Agreement for satisfactory performance of its contract no later than 7 days from the receipt of each payment the CONTRACTOR receives from CITY.

The CONTRACTOR agrees further to release retainage payments to each subcontractor within 7 days after the retention payment is received by the CONTRACTOR.

Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the CITY. Any violation of this provision shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. This clause applies to both DBE and non-DBE prime contractors and subcontractors.

City will be strictly monitoring the Contractor for prompt payment to all subcontractors.

[Add the following:].

7-3.2.2 Prompt Pay Monitoring and Enforcement of Progress Payments

The City of Costa Mesa will use the following monitoring and enforcement mechanisms to ensure that all subcontractors, including DBE's, are promptly paid.

A. The City will strictly monitor the prime contractor or subcontractor(s) for prompt release of progress payments for all subcontracted work as follows:

1. The effective date of release is the date the City releases the check to the prime contractor by mailing or hand delivery at the City of Costa Mesa (has to be requested in writing ahead of time).

2. Prime contractor or subcontractor(s) to provide verification in writing that the subcontracts have been paid within 7 days or the time period agreed, from the effective date of release.

3. City may contact subcontractor(s) to confirm receipt of progress payment amount and if it was received within 7 days or the time period agreed from the

effective date of release.

B. If the prime contractor or subcontractor(s) is found to be in default of Federal or State Codes concerning prompt payment to subcontractors, City will enforce the following besides the disciplinary action, sanctions and penalties imposed per the codes:

1. City will withhold 150% of the monies due to the subcontractor(s) from the prime contractor's next progress payment.

2. City may also elect to make the payment(s) directly to the subcontractor(s) without the prime contractor's approval for the remainder of the contract.

7-3.3 Delivered Materials

[Replace in its entirety with the following:].

The cost of materials and equipment delivered, but not incorporated in said work, will not be included in the progress payment estimate unless otherwise provided in these Specifications.

Materials delivered, but not in place, will not be classed as work done, except as otherwise provided in these Specifications.

All materials shall be nontoxic and shall not contain asbestos and hazardous substances as established by applicable laws.

7-3.4 Mobilization

[Replace in its entirety with the following:].

Mobilization shall consist of all preparatory work and operations. It shall include, but not be limited to, the movement of personnel, equipment, materials and incidentals to the project site necessary for work on the project. The mobilization shall include all other work and operations, which must be performed.

Mobilization shall also include the time, materials, and labor to move the necessary construction equipment to and from the job site and the project administration costs during the entire contract period.

This work shall include, but not be limited to protect-in-place and/or relocation of the facility to accommodate the construction of an improvement; including resetting curb drains through new curbing.

The Contractor shall provide supervisory personnel to keep the construction site in a safe condition and all other related work as required at all times. These requirements shall also apply to all non-working days during construction period. The Contractor is responsible for securing an adequate storage site for equipment and materials.

The Contractor shall have on the work site at all times, as his agent, a competent English speaking superintendent capable of reading and thoroughly understanding the plans, specifications, and other related documents.

7-3.4.1 Travel Route for Trucking and Equipment

Plans indicating the travel route for the Contractor's equipment movement in and out of the work site must be submitted concurrently with the Haul Route Plan (Section 2-5.4) to the ENGINEER at the pre-construction meeting for approval prior to commencement of any work. The travel route plans, which meet the City's requirements, will be approved and returned to the Contractor; otherwise, further revisions are required until they are acceptable to the City. The approved travel plans shall be strictly adhered to by the Contractor during all phases of the construction.

Any deviation from these requirements is not permitted. All the Contractor's operations will be ceased at once if the Contractor violates any of these requirements. No further payments will be made to the Contractor until problems are resolved according the City's requirements.

7-3.4.2 Construction Sequence/Order of Work

In order to minimize the inconvenience to adjacent buildings, businesses, and facilities that will remain in operation, the contractor shall construct the project and sequence the work in such a manner as to minimize impacts to the ongoing operation of adjacent buildings, businesses, and facilities. The proposed and subsequently approved Construction Schedule will be reflective of this requirement.

7-4 PAYMENT FOR EXTRA WORK

7-4.2 Basis for Establishing Costs.

7-4.2.1 Labor

[Add the following:].

The compensation for employer's payments of payroll taxes; workers compensation insurance; liability insurance; health and welfare; pension; vacation; apprenticeship funds; other direct costs resulting from Federal, State, or local laws; and for assessments or benefits required by lawful collective bargaining agreements to be applied to the actual cost for wages shall be **23 percent** for regular time and overtime.

7-4.3 Markups

7-4.3.1 Work by the Contractor

[Replace in its entirety with the following:].

The allowance for overhead and profit to be added to the Contractor's costs shall be as follows:

Labor:	20%
Materials:	15%
Contractor Owned Equipment	15%
Equipment Rental	10%*
Other Items and Expenditures	10%

To the sum of the costs and markups provided for in this section, 1 percent shall be added as compensation for bonding.

* Equipment Rental rates shall be based on the latest applicable Caltrans Equipment Rental Rates.

7-4.3.2 Work by a Subcontractor

[Replace in its entirety with the following:].

When all or any part of the extra work is performed by a Subcontractor, the markup established in 3-3.2.3(a) shall be applied to the Subcontractor's actual cost of such work. A markup of (5) percent on subcontracted portions of added work may be added by the Contractor.

No markups will be allowed for second tier or higher subcontractors.

[Add the following:].

7-6 SUMMARY OF PUBLIC CONTRACT CODE § 9204

The following procedure will apply to any claims by the Contractor on the City:
A "claim" is a separate demand on the City by a contractor on a public works project and sent by registered mail or certified mail with return receipt requested, for one or more of the following:

- A time extension, including relief from penalties for delay
- Payment by the City of money damages under the terms of the contract
- Payment of an amount that is disputed by the City

<u>Initial Review</u>

The claim must be supported by appropriate documentation. The City has 45 days within which to review the claim and provide the contractor with a written statement identifying the disputed and undisputed portions of the claim. If the City does not issue a written statement, the claim is deemed rejected in its entirety. The City will pay any undisputed portion of the claim within 60 days of issuing the statement.

Meet & Confer

If the contractor disputes the City's written response, or if the City does not issue one, the contractor may request in writing an informal conference to meet and confer for possible settlement of the claim. The City will schedule the meet and confer conference within 30 days of this request and provide a written statement identifying the remaining disputed and undisputed portions of the claim within 10 business days of the meet and confer. The City will pay the undisputed portion within 60 days of issuing this statement.

Mediation

With respect to any disputed portion remaining after the meet and confer, the City and contractor will submit the matter to nonbinding mediation, agree to a mediator within 10 business days after issuing the written statement, and share mediation costs equally. If mediation is unsuccessful, then the terms of the public works agreement and applicable law will govern resolution of the dispute.

Miscellaneous Provisions

Amounts not paid by the City in a timely manner bear interest at 7% per annum. Subcontractors may submit claims via this procedure through the general contractor. The City and contractor may waive the requirement to mediate, but cannot otherwise waive these claim procedures.

SECTION E

[Add the following Section:].

PART 1.1
SPECIAL PROVISIONS

101-1 GENERAL

Additions/Modifications to Standard Specifications

The following additions are made to the latest edition of the "Standard Specifications for Public Works Construction" (The "Greenbook"), and the General Provisions stated within the "Standard Specifications" of this Project. Should there be a conflict between any of these provisions; the Special Provisions shall have precedence.

All work shall be performed in conformance with the latest edition of the Uniform Building Code as adopted by the City of Costa Mesa. The electrical, plumbing, and fire codes, and other regulations as adopted by the City of Costa Mesa Building Official shall apply to this project.

Where referenced in these specifications, the latest edition of the "City of Costa Mesa Standard Drawings" and the "Work Area Traffic Control Handbook (WATCH)" published by Building News, Inc., shall also apply.

Payment for compliance with the following provisions shall be included in the various bid items of work unless otherwise modified in the special provisions section. No additional compensation will be allowed.

If the item of work is identified within the Proposal section of these Specifications, then the following bid item descriptions will provide the corresponding bid item numbering within each corresponding section of the Standard Specifications under the Subsection entitled "Measurement and Payment" or "Payment". All other sections and subsections shall conform to the Standard Specifications unless modified herein.

The unit prices and lump sum amounts to be paid for under the bid items listed in the Proposal shall include full compensation for furnishing all labor, materials, tools, equipment and incidentals necessary for the completion of the work and for performing all work contemplated and embraced under the Contract, in accordance with the Plans and Contract Documents. This shall include the Contractor's costs involved with bonding, insurance, worker's compensation, overhead, financing, obtaining required permits and permit fees, mobilization, traffic control, public convenience and safety, protective barricading/fencing, sanitary facilities, storage of equipment and materials, security against theft and vandalism, project site maintenance, dust and runoff control, clean-up including all costs for compliance with the regulations of public agencies having jurisdiction, including Safety and Health Requirements of the California Division of Industrial Relations and the Occupational Safety and Health Administration (OSHA) of the U. S. Department of Labor, and all other items related to the work.

Payment for compliance with the following provisions shall be included in the various bid items of work unless otherwise modified in the special provisions section. No additional compensation will be allowed.

No separate payments will be made for any items that are not specifically set forth in the Bid Proposal. Payments for any such items are included in various bid items of work.

Costs arising from violations of regulations will be paid by the offending party to the extent that there will be no additional cost to the City.

Upon notice of award, the successful bidder may submit a schedule of values that breaks down lump sum bid items of work into separate operations to establish additional payment categories and line items of work to be completed by the Contractor. The schedule of values shall be based on the awarded bid items and may be requested by the City, or the Contractor. The schedule of values shall be provided by the Contractor for review by the City prior to commencement of the work.

Payment for unit price work shall be made for the actual quantities of Contract Items removed, constructed, or disposed of in accordance with the Plans and these Specifications. Measurement of Unit Price work shall be specified in the Standard Specifications, Section 7-1, "Measurement of Quantities for Unit Price Work." Payment for Lump Sum work shall be paid for at the price indicated in the Bid, in accordance with the Standard Specifications, Section 7-2, "Lump Sum Work."

Payment for all work shall be included in the various bid items. No additional compensation shall be made therefore. Work associated with each bid item shall include, but not be limited, to the bid descriptions set forth herein.

101-2 POLICE DEPARTMENT UNDERGROUND STORAGE TANK CLOSURE

101-2.1 General - Work to be Performed

The scope of work generally consists of providing environmental testing, utility investigation, structural assessment, geotechnical assessment, reporting, plans, permitting, and construction required to safely close the existing Police Department Underground Storage Tank.

The closure of the UST will be approached as an “abandon in place” project. **However, structural assessment and environmental testing may reveal unforeseen circumstances that could require additional remediation and the removal of the tank.**

The initial project approach will be to abandon the underground storage tank, in place and the unit prices and bid schedule include the following project scope of work:

- Provide engineered plans/documents, permits, and fees as required by Orange County Health Care Agency Environmental Health Division (OCHA) to permit and perform the work.
- Coordinate and obtain permits from the Orange County Fire Authority or local fire department and local Building Department. As well as the South Coast Air Quality Management District (SCAQMD).
- Complete environmental testing while tank is in place per approved sample plan as specified by the Orange County Health Care Agency (OCHCA), Environmental Health Division’s “DRAFT -

Standard Operating Procedure for Closure in Place of an Underground Storage Tank", Appendix "A1"; and as specified in the OCHCA, Environmental Health Division "Guidelines for the Removal of Underground Storage Tanks", Appendix "A2".

- Reference operating permit in Appendix "A3" and existing plans in Appendix "A4" as part of structural and geotechnical analysis/reports to develop OCHCA approved Tank closure plan.
- Provide assesments from structural engineer, environmental engineer, and geotechnical engineer that provide recommendation for Tank closure.
- Mobilize for project and have job staffed to allow for weekly progress meetings.
- Set temporary fencing and approved temporary traffic control as required.
- Sawcut, break, dismantle, excavate, remove, and dispose/stockpile materials above tank including but not limited to existing concrete walkway, existing risers, piping runs, top of tank, tank top equipment, and dirt.
- Excavate and shore around the underground tank as required. Perform SCAQMD Rule 1166 monitoring during excavation. Protect trenching and excavations throughout project.
- Safely stockpile and protect excavated material on site for re-use.
- **Abandon Tank** - Triple rinse with a OCHCA approved detergent and cleaning method to inert tank and certify clean.
- Backfill 6,000-gallon double wall fiberglass underground storage tank, with OCHCA approved slurry mix.
- Provide necessary environmental compliance, inspections, testing, borings, and an authorized tank closure report.
- Remove unused vent stack from the side of the building.
- Backfill the excavation with the existing backfill material and provide compact subgrade and finish grade.
- Remove testing equipment/facilities upon completion of environmental compliance.
- Form, dowel in #4 rebar to the existing concrete, and patch back any walkway concrete that was removed at the side of the building.
- Landscaping to match the existing parkway, shall replace where concrete was removed from the parkway above the tank.
- Provide close out package, and certified payroll records.
- Upon notice of award, the successful bidder shall provide a schedule of values, submittals, and comprehensive project schedule for review and approval by the City's Public Services Department.

101-2.2 Measurement and Payment of Bid Items

BID ITEM NO. 1: *MOBILIZATION AND DEMOBILIZATION*

Contractor shall provide all labor, equipment, and materials for the construction of the specific improvements and repairs established with these specifications, that include but may not be limited to items listed in section 2-1 of the General Provisions and upon referencing the project documents hereon and in the project appendices. Mobilization shall be considered full compensation for obtaining all business licenses and permits, as required for the entire project, from all related agencies, including, but not limited to, utility companies, private and public agencies and the CITY; and complying with the requirements specified in those licenses and permits; coordination, field office facility, all required submittals specified within these Specifications, and incidentals necessary to perform all related items of work unless otherwise stated in these special provisions. Progress payments for the Mobilization and Demobilization bid item shall be paid for in accordance with the completion percentage of the Project to the Contractor and shall include the cost of such mobilization/demobilization and administration during the entire Contract period. No additional compensation will be allowed.

Mobilization shall include compliance with water and air quality laws; maintaining dust control at all times; furnishing all water required for the construction work; protection of utilities, survey monuments, trees, fences, walls, landscaping and other facilities.

Mobilization shall include all related "de-mobilization" costs, including the removal of any remaining Underground Service Alert (USA) utility markings or other construction paint markings, by means of wet sand blasting or other pre-approved method on the sidewalk, curb/gutter and pavement.

Mobilization shall include all work and related work shown on the plans or described in the contract documents, which is not compensated for in a specific bid item of work. This work shall include, but not be limited to protect-in-place and/or relocations of the facility to accommodate the construction of an improvement, and removal of existing planters, trees, shrubs, and bushes.

Contractor shall confine his operations and work area to the street right-of-way and is responsible for securing an adequate storage site for equipment and materials. No encroachment into private property will be permitted without prior written consent of the property owner and ENGINEER. Obtaining this consent will be the responsibility and at the cost of the Contractor. The Contractor shall provide supervisory personnel to keep the construction site in a safe condition at all times.

Contractor shall protect the existing pavment and shall not store equipment on the street. The location of any flat bed trucks used to store equipment is subject to review an approval by the City.

The Contractor shall submit a Construction Schedule at least ten (10) working days prior to commencing work. All revisions shall be completed within three (3) days after review by the City. The Contractor shall submit requests for changes in the schedule to the City for approval at least three (3) working days prior to performing any work.

Measurement and Payment for **Mobilization and Demobilization** shall be per Lump Sum (L.S.) price bid item for all work performed and shall include all project administration, labor, equipment, and materials as required to complete the contract work as described hereon.

No additional compensation will be allowed.

BID ITEM No. 2: *PERMITTING*

Contractor shall provide necessary plans, documents, labor, equipment, and materials to complete all permitting and coordinate all inspections as required by the Orange County Health Care Agency's (OCHCA) Environmental Health Division to perform the work in the contract. The Contractor shall also obtain permits, provide documentation, applications, and coordinate any inspections from the City's Fire Department, the City's Building & Saftey Division, and the South Coast Air Quality Management District (SCAQMD).

Measurement and Payment for **Permitting** shall be per Lump Sum (L.S.) price bid item for all permitting, inspections, coordination, labor, equipment, and materials required to complete the contract work described hereon.
No additional compensation will be allowed.

BID ITEM No. 3: *ENVIRONMENTAL COMPLIANCE*

Contractor shall conduct all testing and environmental engineering related to Bid Item No. 3 while the tank is still in place. The engineered environmental testing report and soil sample analysis that is conducted as part of the environmental compliance shall be based on testing and soil samples collected by the contractor. Contractor shall collect up to (8)-soil samples to be used for soil contamination analysis.

Contractor shall provide/obtain necessary environmental compliance, including but not limited to plans, sampling, testing, reporting, inspections, certifications, tank closure reports, labor, equipment, and materials to satisfy all environmental requirements as set forth by the Orange County Health Care Agency (OCHCA), Environmental Health Division's "Standard Operating Procedure for Closure in Place of an Underground Storage Tank" (Exhibit "A1"), and as specified in the OCHCA, Environmental Health Division "Guidelines for the Removal of Underground Storage Tanks" (Exhibit "A2"). Contractor shall provide updates regarding the Environmental Compliance by scheduling bi-weekly progress meetings with the ENGINEER.

Measurement and Payment for **Environmental Compliance** shall be per Lump Sum (L.S.) price bid item for all environmental sampling, testing, reporting, coordination, labor, equipment, and materials required to complete the contract work described hereon.

No additional compensation will be allowed.

BID ITEM No. 4: *SITE INVESTIGATIONS AND UTILITY LOCATION*

Contractor shall conduct all testing and investigations related to Bid Item No. 4 while the tank is still in place and provide both the geotechnical engineer's report and a structural engineer's report to evaluate existing conditions. Testing conducted by the contractor for the engineering analysis may include exploratory borings, providing utility locations via potholing/GPR (Ground Penetrating Radar), as well as collecting soil samples to be used for soil mechanics anlysis. Contractor shall provide updates regarding the Site Investigations and Utility Location by scheduling bi-weekly progress meetings with the ENGINEER.

Reference operating permit in Appendix "A3" and existing plans in Appendix "A4" as part of structural and geotechnical analysis/reports and to develop OCHCA approved tank closure plan.

Upon review of the geotechnical and structural engineering reports City shall confirm and finalize the process by which the tank closure will take place and Contractor shall coordinate tank closure per the OCHCA regulations.

Measurement and Payment for **Site Investigatation and Utility Location** shall be per Lump Sum (L.S.) price bid item for all geotechnical and structural engineering, engineering reports, utility investigations, utility reporting, OCHCA coordination, labor, equipment, and materials required to complete the contract work described hereon.

No additional compensation will be allowed.

BID ITEM No. 5: *SITE PREP AND EXCAVATIONS*

Site prep includes saw cutting, breaking, removing, and disposing of the existing concrete on site adjacent to the building, concrete curb, gutter, sidewalks in the public right –of-way, and materials above and around the tank; as well as dismantling and disposing of all removed risers, piping runs, and tank top equipment. The existing vent stack that is no longer in operation shall be removed from the building and disposed of by the Contractor as part of this work.

All excavations shall be performed in conformance with SCAQMD Rule 1166 monitoring and contractor shall protect all trenching and safely stockpile and protect excavated material on site for testing and possible re-use until it can be confirmed the material is safe for export and disposal by Contractor.

Measurement and Payment for **Site Prep** and Excavations shall be per Lump Sum (L.S.) price bid item for all site prep, excavation, stockpile, removals, demolition, disposal of materials, labor, equipment, and materials required to complete the contract work described hereon.

No additional compensation will be allowed.

BID ITEM No. 6: *ABANDON TANK IN PLACE*

Contractor shall triple rinse with an OCHCA approved detergent and method, make inert, certify clean, and backfill 6,000 gallon double wall underground storage tank as required by the OCHCA, Environmental Health Division per "Draft Guidelines for Closure in Place of an Underground Storage Tank" per appendix "A1".

As part of the abandonment Contractor shall disconnect, remove, transport, and safely dispose of all the the associated tank piping per OCHCA "Guidelines for the Removal of Underground Storage Tanks", Appendix "A2".

All necessary environmental compliance, inspections, testing, borings, and authorized tank closure reports shall be obtained and coordinated by the Contractor as part of Bid Item No.3.

Measurement and Payment for **Abandon Tank In Place** shall be per Lump Sum (L.S.) price bid item for all cleaning, slurry backfill, hazardous material disposal, labor, equipment, and materials required to complete the contract work described hereon.

No additional compensation will be allowed.

BID ITEM No. 7: *BACKFILL*

Contractor shall backfill and compact the site with existing backfill material and provide compaction reports and Crushed Miscellaneous Base (CMB) as required to prepare the site for finish grade concrete and landscaping.

Measurement and Payment for **Backfill** shall be per Lump Sum (L.S.) price bid item for all backfill, compaction, engineered compaction reports, CMB, labor, equipment, and materials required to complete the contract work described hereon.

No additional compensation will be allowed.

BID ITEM No. 8: *RESTORE SITE*

Contractor shall form walkway concrete, dowel in #4 rebar to existing concrete, pour, and finish all walkway concrete that was removed from alongside the Police Department Building. Where concrete was removed from directly above the tank, in the parkway, grades shall be prepared, and grass parkway landscaping to match existing parkway landscaping shall be installed. Contractor shall modify existing irrigation system to include added parkway landscaping. Any sidewalk, curb & gutter, or damaged facilities in the public right-of-way shall be replaced, in kind, per City/Agency Standards. As required, where building vent stack was removed, the existing building shall be finished to match adjacent building finish.

Measurement and Payment for **Restore Site** shall be per Lump Sum (L.S.) price bid item for all grading, formwork construction, CMB, rebar, concrete placement, concrete finishing, landscaping, irrigation, general site repairs, labor, equipment, and materials required to complete the contract work described hereon.

No additional compensation will be allowed.

BID ITEM No. 9: *ALLOWANCES*

The Contractor acknowledges that this bid item will only be used at the discretion of the ENGINEER. The allowance for this line item is as shown within the Proposal Section of these Specifications.

At the direction of the ENGINEER, Contractor shall provide pricing, documentation, and justification for all labor, equipment, and materials for any additional work requested beyond the base Scope of Work established within these specifications.

Upon review of pricing, and at the direction of the ENGINEER, the Contractor shall provide labor, equipment, and materials for the additionally priced scope beyond the base Scope of Work established within the Project Plans and Specifications.

The Police Department Underground Storage Tank Closure will be approached as an “abandon in place” project. OCHCA protocols, structural assessment, utility investigations, and environmental testing may reveal unforeseen circumstances that require additional soil remediation that may ultimately require the removal of the underground storage tank (UST) and warrant additional environmental testing.

The Contractor acknowledges this bid item will be used at the discretion of the ENGINEER for the following unforeseen circumstances.

- Tank Removal and Disposal
- Placement and removal of engineered shoring for tank removal.

- Mitigating unforeseen structural deficiency.
- Mitigating unforeseen hazardous materials
- Mitigating unsuitable materials/soils
- Mitigating unmarked utilities
- Mitigating any other unknown issues and circumstances

Measurement and Payment for “Additional Work Items” shall be paid per Forced Account (F.A.) for all work performed pursuant to Section 7-4.2 of these specifications and shall include all labor, equipment and materials as required to complete the work as directed by the Engineer.

101-3 ALLOWANCES – ADDITIONAL WORK ITEMS

101-3.1 General

This work item entails work beyond the Scope of Work established within the Specifications, and Standard Specifications as directed by the ENGINEER with a specified Contract allowance

Allowance to be included in the total bid amount as identified as follows. Use of the allowance will be at the sole discretion of the City and must be authorized in writing at the discretion of the City. Any money used from the project allowance will be authorized via an Allowance Disbursement Form at the City’s sole discretion. Any amount of money remaining in the Allowance line item upon completion of the Project will be deducted from the Contract by Deductive Change Order for the full amount(s) remaining therein. The Contractor has no beneficial interest in, and/or claim to, the Allowances and hereby disclaims any and all such interests.

Additional work items include work that will only be used at the discretion of the ENGINEER. At the discretion of the ENGINEER, the Contractor shall provide all labor, tools, equipment, materials and incidentals for the extra work beyond the scope of work established within the Contract documents. Work may include, but not be limited to, delivery of additional newsletters; disposal of materials, potholing, furnishing and installation of informational signs, and related work, and will only be performed, if required, and approved by the ENGINEER. The Contractor acknowledges that this allowance will only be used at the discretion of the City. Contractor shall be paid at force account or at agreed prices for all work performed within this allowance.

SECTION F

MODIFICATIONS TO STANDARD SPECIFICATIONS

PART 2
CONSTRUCTION MATERIALS

(No Addtions or Modifications)

PART 3
CONSTRUCTION METHODS

(No Addtions or Modifications)

PART 4
EXISTING IMPROVMENTS

SECTION 400 – PROTECTION AND RESTORATION

400-1 GENERAL

[Add the following:].

400-1.1 DRAINAGE CONTROL : RESPONSIBILITES

The CONTRACTOR shall be responsible for any damage to any portion of the work occasioned by failure to provide proper drainage control prior to the completion and acceptance of the work.

400-1.2 DRAINAGE CONTROL : EXCAVATION DEWATERING REQUIREMENTS

Unless otherwise directed in these specifications, the CONTRACTOR shall provide and maintain ample means and devices with which to promptly remove and properly dispose of water entering the excavations or other parts of the work at all times during construction. Dewatering shall be accomplished by methods which will ensure a dry excavation and preservation of the final lines and grades of the bottoms of excavations. The methods may include sump pumps, deep wells, well points, suitable rock or gravel placed below the required bedding for draining and pumping purposes, temporary pipelines, and other means.

Standby pumping equipment shall be on the job site. A minimum of one standby unit shall be available for immediate installation should any well unit fail. The design and installation of well points or deep wells shall be suitable for the accomplishment of the work. Drawings or details indicating the proposed dewatering system shall be submitted to the CITY for review.

The CONTRACTOR shall dispose of the water from the work in a suitable manner without damage to adjacent property.

Conveyance of the water shall be such as to not interfere with traffic flow or treatment facilities operations. No water shall be drained into work built or under construction without prior consent of the ENGINEER.

Water drained from any facilities shall comply with local agency and health department requirements including declorinating any water prior to discharge.

Water shall be disposed of in such a manner as not to be a menace to the public health and such disposal shall be performed in accordance with Environmental Protection Agency and State Water Quality Control Board standards (NPDES permit). Any testing and reports required under NPDES permit shall be performed by the CONTRACTOR and submitted to the appropriate agency for approval at no additional cost to the CITY.

400-1.3 CLEAN-UP AND DUST CONTROL

All surplus materials and waste debris shall be removed from the site of the work within five (5) days after completion of the work causing the surplus materials.

Contractor shall utililized misting or water spray as means of dust control during construction.

Failure of the CONTRACTOR to comply with the ENGINEER'S clean-up dust control orders may result in an order to suspend work until the condition is corrected and, after giving notice to the CONTRACTOR, the ENGINEER may order the condition corrected by others. All costs thus incurred shall be deducted from the amount to be paid to CONTRACTOR. No additional compensation will be allowed as a result of such suspension.

No separate payment will be made for any work performed nor material used to control dust resulting from CONTRACTOR's performance of the work or from public traffic, either inside or outside the right-of-way. Full compensation for such dust control will be considered to be included in the prices paid for the various items of work involved.

SECTION 402 – UTILITIES

402-1 LOCATION

402-1.1 General

[Add the following:].

Locations of utilities shown on plans are approximate only and are based on a search of available records.

Attention is directed to the possibility of utility mains or laterals within the project limits. The CONTRACTOR shall have the locations of the various utility facilities within reconstruction areas marked on the surface prior to construction and protect them during the removal and reconstruction procedures. The CONTRACTOR shall contact the City Transportation Services Department to locate traffic signal conduit within the reconstruction areas.

Prior to commencing any other work, CONTRACTOR shall carefully excavate and determine precise locations and depths of all utilities, including service connections, shown on the plans and marked in the field, which may affect or be affected by CONTRACTOR's operations. This work shall be done in accordance with Section 402-1.1 of the Standard Specifications. CONTRACTOR shall not be compensated for any delays or extra work brought about by his failure to perform the above-mentioned work. CONTRACTOR shall be responsible for any damage to existing utilities shown on the plans pursuant to its location operations as required under this subsection of the Standard Specifications.

Upon completion of the Project, the CONTRACTOR shall be required to remove, to the satisfaction of the ENGINEER, all utility locator markings and utility tie-out paint markings that either the CONTRACTOR, the CITY or utility companies make during the course of the work from the surfaces of sidewalks, driveway approaches, curb and gutters, using the removal method acceptable to the ENGINEER. Any damage to the existing improvements due to CONTRACTOR'S removal operation, shall be included in the various applicable items of work, and no additional compensation will be allowed therefor.

The CONTRACTOR shall notify owners of the utility companies at least two (2) working days in advance of any work (See Subsection 402-4 of these Special Provisions for utility contact information).

402-1.2 Payment

[Replace with the following:].

Payment for utility location by the CONTRACTOR shall be included in the bid prices for the various items of work requiring utility location and no further compensation will be allowed.

402-2 PROTECTION

[Add the following:].

The CONTRACTOR shall be responsible for protecting and supporting all existing utilities and maintaining the location of and access to all gate valves during construction. When damage to existing utilities is caused by the CONTRACTOR's operations, the CONTRACTOR shall, at his expense, repair or replace damaged facilities promptly, in accordance with all applicable sections of the Standard Specifications and the standards of each affected utility. Should the CONTRACTOR fail to perform the required repairs or replacements, the cost of performing such repairs or replacement by others shall be deducted from any monies due or to become due the CONTRACTOR.

402-2.1 Payment

Payment for utility protection by the CONTRACTOR shall be included in the bid prices for the various items of work requiring utility protection and no further compensation will be allowed.

402-4 RELOCATION

[Add the following:].

Any miscellaneous utilities to be relocated by the CONTRACTOR, as indicated on the Plans, shall be relocated in a workmanlike manner, and all such work shall be done only at such times which are acceptable to the utility owner. The CONTRACTOR shall schedule its relocation work in cooperation with the utility owner and shall be responsible for any costs resulting from the CONTRACTOR's failure to do the work at times which are acceptable to the owner. The CONTRACTOR shall notify owners of the following companies at least two (2) working days in advance of any work:

AT&T (right-of-way) Valentina Gipson 3939 E Coronado St, Rm 2030 Anaheim, CA 92807 (o) 714-618-9132 Email: vk3921@att.com	**Cost Mesa Sanitary District** Javier Ochiqui, Management Analyst 290 Paularino Avenue Costa Mesa, CA 92626 (o) 949-645-8400 Email: jochiqui@cmsdca.gov
AT&T Rhonda Clary-Byers (engineer for Costa Mesa) or Doug DiPaolo 3939 E. Coronado St. Anaheim, CA 92807 (o) 714-618-9116 (o) 714-618-9125 Email: rc1315@att.com Email: dd2634@att.com	**Cost Mesa Sanitary District** Marc Esquer, District Engineer 290 Paularino Avenue Costa Mesa, CA 92626 (o) 949-645-8400 Email: mesquer@cmsdca.gov
Mesa Water District Phil Lauri, Assistant General Manager 1965 Placentia Ave. (inter-office mail okay) Costa Mesa, CA 92627 (o) 949-207-5449 (c) 949-631-1200 (24-hour) Email: phill@mesawater.org	**Mesa Water District** Mark Pelka, Engineer 1965 Placentia Ave. (inter-office mail okay) Costa Mesa, CA 92627 (o) 949-207-5449 (c) 949-631-1200 (24-hour) Email: MarkP@mesawater.org
Mpower Communications, Inc. Mark Denning 2698 White Road Irvine, CA 92614 (o) 949-864-0296 (c) 949-547-6455 Email: mdenning@telepacific.com	**Costa Mesa Sanitation District** Nabila Guzmán, Construction Notices 290 Paularino Avenue Costa Mesa, CA 92626 (o) 949-645-8400, ext. 230 Email: nguzman@cmsdca.gov
Orange County Sanitation District (OCSD) Rudy Davila P.O. Box 8127 Fountain Valley, CA 92728 (o) 714-593-7348 (c) 714-593-3301 (24-hour) Email: RDavila@ocsd.com	**Orange County Water District (OCWD)** Chris Olsen P.O. Box 8300 Fountain Valley, CA 92728 (o) 714-378-3200 (c) 714-378-3240 (24-hour) Email: colsen@ocwd.com Email: utilityrequest@ocwd.com

Irvine Regional Water District Brad Jackson (Area Construction Inspector) 15600 Sand Canyon Ave. Irvine, CA 92618 (o) 949-632-0627 (p) 949-729-7300 (24-hour) Email: jackson@irwd.com	**CA Regional Water Quality – Santa Ana Region** Mark Smythe 3737 Main St., Suite 500 Riverside, CA 92501 (o) 951-782-4130 (c) 951-543-8523 Email: msmythe@waterboards.ca.gov
Irvine Ranch Water Dist. – Development Services* Christian Kessler, P.E. 15600 Sand Canyon Ave. Irvine, CA 92618 (o) 949-453-5300 (p) 949-453-5441 Email: kessler@irwd.com **utility requests*	**Irvine Regional Water District** Kelly Lew 15600 Sand Canyon Ave. Irvine, CA 92618 (o) 949-453-5586 (p) 949-729-7300 (24-hour) Email: lew@irwd.com
Metropolitan Water District of So. California Civil Engineering Substructures Section Shoreh Zareh P.O. Box 54153 Los Angeles, CA 90054 (o) 213-217-7474 (c) 626-844-5610 (24-hour) Email: szareh@mwdh2o.com **Metropolitan Water District of So. California** Civil Engineering Substructures Section Kieran Callanan P.O. Box 54153 Los Angeles, CA 90054 (o) 213-217-7474 (c) 626-844-5610 (24-hour) Email: kcallanan@mwdh2o.com	**SCE (Senior Compliance)** Susan Morgan (o) 909-835-7527 (c) 909-835-7527 **SCE (Service Planner – Orange Coast S/C)** Mónica Balderas 7333 Bolsa Ave. Westminster, CA 92683 (o) 714-329-2778 Email: monica.balderas@sce.com Email: susan.morgan@sce.com **No pre-construction meeting notices BUT Susan Morgan and Mónica Balderas would like to attend all UTILITY MEETINGS and be made aware of any fee schedule changes.*
SCE (Base Maps) Kimberly Gurule 1444 E. McFadden Ave., Bldg. "D" Santa Ana, CA 92705 (o) 714-796-9932 Email: maprequests@sce.com* **No pre-construction meeting notices to this address – map requests ONLY.*	**SCE (Service Planner 1 – Orange Coast S/C)** Nick Mukanos 7333 Bolsa Ave. Westminster, CA 92683 (o) 714-895-0210 Email: nick.mukanos@sce.com
SCE (Utility Notice Requests) Kasy Chapman 7333 Bolsa Ave. Westminster, CA 92683 (o) 714-895-0109 (c) 800-611-1911 (24-hour) Email: kasey.chapman@sce.com	**SCE (Service Planner 2– Orange Coast S/C)** Damon Humphrey 7333 Bolsa Ave. Westminster, CA 92683 (o) 714-895-0534 Email: damon.humphrey@sce.com
Southern California Gas Co. (Transmission) P.O. Box 2300 Chatsworth, CA 91313-2300 (o) 818-701-4546 Email: SoCalGasTransmissionUtilityRequest@semprautilities.com	***Reminder*** After facilities are identified on the plans, send the plans to Gail Gardner, and she will forward to SCE's planning department. Send to: gail.gardner@sce.com

Southern California Gas Co. Alfredo Gutierrez, franchise planner (o) 213-231-7515 Email: Agutierrez9@socalgas.com	**Southern California Gas Co.** Wilson Baldelomar P.O. Box 3334, SC8321 Anaheim, CA 92803 (o) 714-634-5091 (p) 800-603-7060 (24-hour) Email: wbaldelomar@semprautilities.com
XO Communications Matt Bergine Engineer IV Specialist-Network Engineering & Operations (o) 949-417-7841 (c) 714-822-6207 Email: matt.bergine@verizon.com	**XO Communications** Switchboard (o) 703-547-2000
Charter Communications Don Simons Construction Manager, Zone 8 7142 Chapman Ave. Garden Grove, CA 92841 (o) 714-591-4871 Email: don.simons@charter.com **Charter Communications** Utility Research Requests E-mail: DL-SOCAL-CHARTERENGINEERING@CHARTER.COM	**Verizon Business Investigations** 2400 N. Glenville Dr. Richardson, TX 75082 (o) 972-729-6016 (o) 469-886-4238 Email: investigations@verizon.com *2nd Email: chuck.czumak@verizon.com Contact Verizon Business for issues involving: --- Brooks Fiber Properties, Inc. --- MCImetro Access Transmission Srvcs. --- MCI Telecommunications Srvcs --- MFS Telecom, Inc. --- SourtherNet, Inc. / WorldComNetwork Srvc. --- Intermedia Communications, Inc. --- XO Communications
Newport-Mesa Unified School District Víctor Garza (o) 714-424-5080 Email: vgarza@nmusd.us	**Newport-Mesa Unified School District** Tim Marsh, Administrative Director, Facilities Support Srvcs. (o) 714-4247527 Email: tmarsh@nmusd.us **Newport-Mesa Unified School District** Mary Gray Email: mgray@nmusd.us
DIGALERT.ORG (24-HR) 811 2 days before digging.	**Kinder Morgan** Jordan Neuner (o) 310-628-4350 Email: jordan_neuner@kindermorgan.com Karly Payne, Administrative Assistant (o) 714-560-4604 Email: karly_payne@kindermorgan.com

Where existing utility main lines and conduits (excluding sewer main lines) and all utility service lines (excluding sewer laterals) are to be relocated or declared abandoned by the affected utility companies, the CONTRACTOR shall be responsible for contacting the respective utility representatives for coordinating the relocations and for determining the abandonments. The CONTRACTOR shall proceed with excavation in such a manner that will allow utility companies adequate and reasonable time to relocate service lines. The CONTRACTOR shall not be compensated for any delays caused by failure to coordinate the above work with utility companies.

PART 5
PIPELINE SYSTEM REHABILITATION
(No Addtions or Modifications)

PART 6
TEMPORARY TRAFFIC CONTROL

SECTION 600 – ACCESS

600-1 GENERAL

[Add the following:].

600-1.1 NOTIFICATION AND ACCESS

Prior to restricting normal access from public street to adjacent properties, the CONTRACTOR shall notify each property owner or owner's agent, informing them of the nature of the access restriction and the approximate duration of the restriction. The CONTRACTOR shall make every effort possible to minimize such restrictions.

Deliveries shall be conducted with appropriate flagmen and traffic controls.

Trenches left open overnight shall be bridged in a safe and acceptable manner at all driveways and walkways to provide safe access.

A minimum of one four (4) foot wide pedestrian walkway shall be maintainned and safely delineated along each public street and through areas accessibale to the general public at all times during construction.

PART 7
STREET LIGHTING AND TRAFFIC SIGNAL SYSTEMS
(No Addtions or Modifications)

PART 8
LANDSCAPING AND IRRIGATION
(No Addtions or Modifications)

SECTION G

APPENDIX “A1”

Orange County Health Care Agency (OCHCA), Environmental Health Division

DRAFT - Standard Operating Procedure for Closure in Place of an Underground Storage Tank

County of Orange, Health Care Agency, Environmental Health
1241 E. Dyer Rd., Ste. 120., Santa Ana, CA 92705
(714) 433-6000

Standard Operating Procedure

Closure in Place of an Underground Storage Tank

These guidelines apply to the owner of an underground storage tank (UST) subject to the permanent closure requirements of the California Code of Regulations (CCR) Title 23, Division 3, Chapter 16, Underground Storage Tank Regulations, Article 7. Closure Requirements and their agents, who are closing a UST in place.

1. Obtain written approval for closure in place from the Orange County Fire Authority or local fire department and City Building Department prior to initiating a closure in place application with Environmental Health.

2. Submit a completed Facility Modification Application to Environmental Health. Applications may be obtained in person at the address provided below, or by calling Environmental Health at (714) 433-6000. The application should be submitted at least 30 calendar days prior to the expected date of the UST closure activity. The following must be submitted with the application:

    a. A copy of a letter of approval from the Orange County Fire Authority or local fire department and City Building Department, and

    b. Four (4) sets of closure plans. Closure plans must include:

        i. A site location map,

        ii. A plot plan that:

            - Shows existing structures, utilities and all existing USTs and associated piping,
            - Identifies those USTs to be closed in place,
            - Clearly identifies the entire length of any piping proposed for closure in place, and
            - Includes the size of the USTs to be closed and the types of hazardous substances that have been stored in them.

        iii. A sampling plan that meets the requirements of the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 7. Closure Requirements, Section 2672 (d), including the following:

            - Proposed locations of borings,
            - Boring method (e.g., hollow stem auger, direct push, etc.),
            - Sampling collection protocol,
            - Number of samples, and
            - Sampling intervals and depth.

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Note: Where directed by Environmental Health, the borings drilled for UST closure are also to confirm the depth to groundwater. If the depth to groundwater is less than 30 feet from the bottom of the UST, then a groundwater investigation will be required.

3. The applicant must apply for and obtain appropriate permits from the Orange County Fire Authority or local fire department, County Planning and Development Services Department or city building department, and the South Coast Air Quality Management District (SCAQMD).

4. Once the closure plans are approved and appropriate permits issued, the applicant is responsible for scheduling an onsite inspection with Environmental Health and a concurrent inspection with the Orange County Fire Authority or local fire department for inspection of the UST closure and oversight of soil sampling (see Section 6 below regarding soil sampling). To schedule an appointment with Environmental Health's Hazardous Materials Mitigation Section call a minimum of 48 hours prior to the desired appointment.

5. When closing a UST in place, the owner of the UST must comply with applicable provisions of the CCR Section 2672 (b) & (c) which include the following:

   a. All residual liquid, solids, or sludges in the UST shall be removed and disposed of as hazardous waste or recyclable material;

   b. The UST shall be completely filled with an inert solid approved by the Orange County Fire Authority or local fire department;

   c. If the UST(s) contained a hazardous substance that could produce flammable vapors at standard temperature and pressure, then the UST shall be inerted to levels that shall preclude explosion or to such lower vapor levels as may be required by the Orange County Fire Authority or local fire department. (Note: A representative from the Orange County Fire Authority or local fire department must be present prior to initiating this procedure.), and;

   d. All piping associated with the UST closure shall be removed and disposed unless its removal may damage significant structures, or there is other piping presently being used and contained in the same trench, in which case, the piping to be closed shall be emptied of all contents and capped.

6. Per CCR Section 2651 (d), the owner of the UST must demonstrate upon closure that no unauthorized release has occurred. This demonstration is based on sensory observations, monitoring equipment readings, soil sample analysis and/or water sample analysis. Sample collection points are to be determined as follows:

   a. Environmental Health staff must be onsite to observe pipeline conditions and direct sampling in trenches where pipelines are to be removed. The area beneath the UST(s) to be closed in place and any associated piping to be closed in place must be assessed for an unauthorized release through the placement of borings and soil sampling approved in the sampling plan. Environmental Health staff must be onsite to oversee the placement of the borings and sample collection;

   b. Samples are to be collected, handled and analyzed per CCR Section 2649 and as indicated below:

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i. Sample collection activities are to be performed by staff provided by the project consultant or the laboratory doing the sample analysis. The laboratory doing the sample analysis or the project consultant must provide the sample collection supplies required to facilitate the approved sampling protocol. A cooler or ice chest with ice is required to be present onsite so that the samples may be chilled immediately after sampling. When a sample is collected, an identifying label should be attached and the sample placed in a plastic bag where needed to avoid water damage to the label;

ii. The samples should be transported, per arrangements made by the tank owner, to a State Certified Laboratory immediately after sampling accompanied by the Chain of Custody form provided by Environmental Health. The receiving laboratory is to indicate on the Chain of Custody form in the designated laboratory section whether the samples were received in a chilled state and whether County seals were intact upon arrival; and,

iii. Samples collected at diesel or gasoline storage sites must be analyzed by an appropriate method for total petroleum hydrocarbons [TPH (GC/FID)] or total purgeable petroleum hydrocarbons [TPPH (GC/MS)] as diesel and/or gasoline, and by EPA Method 8260B to identify benzene, toluene, ethylbenzene, total xylenes (BTEX), Methyl Tertiary Butyl Ether (MTBE) and all other fuel oxygenates. Samples collected at waste oil storage sites must be analyzed for total recoverable petroleum hydrocarbons (TRPH) using EPA Method 1664, for full scan VOCs including BTEX, MTBE and all other fuel oxygenates, and chlorinated solvents by EPA Method 8260B, and for polycyclic aromatic hydrocarbons using EPA Method 8310 or 8270C (SIM Mode).

7. The detection of a reportable unauthorized release, based on field observations and/or the results of the soil and groundwater sample analysis, shall require compliance with the reporting requirements of CCR Section 2652 and the initial abatement and corrective action requirements of Articles 5 and 11 of Title 23, Division 3, Chapter 16, CCR.

8. Documentation required to be forwarded to this Agency includes:

a. Copies, signed by the receiving State permitted facility, of all Uniform Hazardous Waste Manifests used to transport the residual or rinseate liquid, solids, or sludge waste removed from the tanks; and

b. Original (wet) copies of the laboratory analytical report and the white copy of the OCHCA Chain of Custody form sent with the samples to the laboratory – with all required information completed by the laboratory.

Where the above requirements are successfully completed and an unauthorized release requiring further action is not discovered, a completion of a UST closure letter will be issued to the UST owner by Environmental Health. Should an unauthorized release be discovered, Environmental Health's Site Mitigation Section will open a UST cleanup case and, upon satisfactory completion of the required corrective action, a letter of remedial action completion will be issued.

If you have any questions or need additional information, please contact Environmental Health at (714) 433-6000.

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SECTION G

APPENDIX “A2”

Orange County Health Care Agency (OCHCA), Environmental Health Division

Guidelines for the Removal of Underground Storage Tanks

Guidelines For The Removal Of Underground Storage Tanks

These guidelines apply to the owner of an underground storage tank (UST) subject to the permanent closure requirements of the California Code of Regulations, Title 23, Division 3, Chapter 16, Underground Storage Tank Regulations, Article 7, Closure Requirements, and their agents, who are removing a UST and/or its associated piping.

1. Obtain a Facility Modification Application from Orange County Health Care Agency (OCHCA) Environmental Health. Applications may be obtained in person at the address provided below, or by calling Environmental Health at (714) 433-6000, or downloaded from the following website: http://occupainfo.com/forms.

2. At least 30 calendar days prior to the expected UST removal date, submit a completed Facility Modification Application, four sets of plans (drawing size not to exceed 11x17 inches) and a closure fee to Environmental Health at the office address given below. Plans must include:

   a. A site location map, tank information/details, and
   b. A plot plan that:
      i. Identifies site location, inclusive of cross streets and a North arrow,
      ii. Shows existing structures, utilities, and all existing USTs and associated piping,
      iii. Identifies the USTs and/or piping to be removed,
      iv. Clearly identifies the entire length of piping proposed for closure in place, if appropriate, See Section 7 (c) below for a description of piping that may be closed in place, and
      v. Includes the size of the USTs to be removed and the types of hazardous substances that have been stored in the USTs.

3. Obtain closure and/or excavation permits from the appropriate agencies such as the County Planning and Development Services Department or city building department, the Orange County Fire Authority or local fire department and the South Coast Air Quality Management District (AQMD).

4. Submit a copy of the Hazardous Substance Removal Certification issued to the contractor performing the removal work. Section 7058.7 (e) of the Business and Professions Code states “A contractor may not install or remove a UST unless the contractor has passed the hazardous substance certification examination developed pursuant to this section.” A contractor who is not certified may bid on or contract for the removal of a UST, if the work is performed by a contractor who is certified.

5. Schedule a UST removal inspection with Environmental Health’s Hazardous Materials Mitigation Section. Environmental Health staff must be onsite to observe the condition of the UST(s) during removal and direct sampling to determine whether a reportable unauthorized release has occurred. Provide at least 48-hour notice to Environmental Health when scheduling an onsite inspection. A concurrent inspection must be scheduled with the Orange County Fire Authority or local fire department, which must also be represented at the UST removal. Alternate accommodations must be made in advance of field activities if Fire personnel decline the opportunity to be onsite during tank removal activities.

6. When removing a UST system and/or its piping, the owner of the UST(s) must comply with applicable provisions of the California Code of Regulations (CCR) Division 3, Chapter 16, Article 7, Closure Requirements. These include provisions of Section 2672 (b) & (c) which including the following:

    a. All residual liquid, solids, or sludge from the UST and/or its piping shall be removed and handled as hazardous waste or recyclable material;

    b. If the UST to be removed contained a hazardous substance that could produce flammable vapors at standard temperature and pressure, then the USTs shall be inerted to levels that shall preclude explosion or to such lower vapor levels as may be required by the Orange County Fire Authority or local fire department. (Note: A representative from the Orange County Fire Authority or local fire department must be present prior to initiating this procedure.); and,

    c. The UST and/or its associated piping shall be removed and disposed. Where removal of piping might damage structures or other in use piping is contained in a common trench, that piping may be closed in place after being emptied of all contents and capped.

7. Per CCR Section 2651 (d), the owner of a UST must demonstrate upon closure that no unauthorized release has occurred. This demonstration shall be based on sensory observations, monitoring equipment readings, soil sample analysis and/or water sample analysis. Sample collection activities are to be performed by staff provided by the project consultant or the laboratory doing the sample analysis.

    a. Samples must be obtained from the excavations of any UST and/or piping removed. Regulations require two samples, one at each end of each UST removed and samples for each 20 linear feet of pipe trenching. Where closure in place of piping is necessary and where soil samples cannot otherwise be obtained, soil borings placed near the piping trench may be required. Further, in an effort to obtain data required for evaluation under State Water Board Resolution No. 2012-0062, sidewall samples from depths between 0-10 feet below ground surface may be required.

    b. Samples are to be collected, handled and analyzed at the owner's expense per CCR Section 2649 and as indicated below:

        i. The laboratory doing the sample analysis or the project consultant must provide adequate supplies of thin-walled stainless steel or brass cylinder sample holders with fitted polyethylene caps, labels, plastic bags and Teflon sheets. A cooler or ice chest with ice is also required to be onsite;

        ii. When a sample is collected, each end of the collection cylinder should first be covered with a Teflon sheet. Caps should then be placed on the ends of the cylinder and an identifying label attached. Next, the cylinder should be placed in a cooler or ice chest to be chilled. The sample should be placed in a sealed plastic bag before chilling where needed to prevent water damage to the label;

        iii. The samples should be transported, per arrangements made by the tank owner, to a State Certified Laboratory soon after the completion of sampling. A Chain of Custody form, completed by Environmental Health staff directing the sampling, must accompany the samples to the laboratory. The receiving laboratory should indicate in the designated laboratory section of the Chain of Custody form whether the

samples were received in a chilled state and whether County seals were intact upon arrival, and;

iv. Samples collected at diesel or gasoline storage sites must be analyzed by an appropriate method for total petroleum hydrocarbons (TPH). TPH (GC/FID) with carbon chain identification is recommended for diesel sites. Total purgeable petroleum hydrocarbons [TPPH (GC/MS)] as gasoline is recommended for gasoline sites. In additional analysis by EPA Method 8260B full scan is required to analyze for volatile organic compounds (VOCs) that include benzene, toluene, ethylbenzene, total xylenes (BTEX), naphthalene, ethanol, Methyl Tertiary Butyl Ether (MTBE) and all other fuel oxygenates. Samples collected at waste oil tank storage sites must be analyzed for TPH with carbon chain identification using EPA Method 8015 or for total recoverable petroleum hydrocarbons using EPA Method 1664, for full scan VOCs including BTEX, MTBE and all other fuel oxygenates, and chlorinated solvents by EPA Method 8260B, and for polycyclic aromatic hydrocarbons using EPA Method 8310 or 8270C (SIM Mode)[1]. Detection limits for all reported constituents must meet appropriate data quality objectives.

8. The detection of a reportable unauthorized release, based on field observations and/or the results of the soil and groundwater sample analysis, shall require compliance with the reporting requirements of CCR Section 2652 and the initial abatement and corrective action requirements of Articles 5 and 11 of Title 23, Division 3, Chapter 16, CCR.

9. The owner of the UST should provide site security to prevent unauthorized public access into excavated areas. This security may include temporary fencing or a twenty-four (24) hour security guard.

10. The owner of the UST shall have equipment onsite available to control any vapor emissions. The equipment may include bulldozers to backfill excavations and/or tarps to cover contaminated soil.

11. Documentation required to be forwarded to this Agency after UST removal includes:

    a. A copy of the certificate of UST destruction,
    b. Copies, signed by the receiving State permitted facility, of all Uniform Hazardous Waste Manifests used to transport the residual or rinseate liquid, solids, or sludge waste removed from the tanks, and
    c. Original (wet) copies of the laboratory analytical report, and the white copy of the OCHCA Chain of Custody form, sent with samples to the laboratory, with all required information completed by the laboratory.

Where the above requirements are successfully completed and an unauthorized release requiring further action is not discovered, a completion of a UST closure letter will be issued to the UST owner by Environmental Health. Should an unauthorized release be discovered, Environmental Health's Site Mitigation Section will open a UST cleanup case and, upon satisfactory completion of the required corrective action, a letter of remedial action completion will be issued.

If you have any questions or need additional information, please contact the Environmental Health Hazardous Materials Mitigation Section at (714) 433-6000.

[1] Analytical methods listed above are subject to revision or update by EPA. Suggested test methods may require updating as analytical procedures are promulgated.

SECTION G

APPENDIX "A3"

Operating Permit
and
Location Map(s) of
Existing Police Department Underground Storage Tank

ORANGE COUNTY CERTIFIED UNIFIED PROGRAM AGENCY
HEALTH CARE AGENCY/ ENVIRONMENTAL HEALTH
PERMIT TO OPERATE
UNDERGROUND STORAGE TANKS

Program Record ID	Permit Number	Program Code and Description	Permit Valid
PR0024463	PT0030411	7095 - UNDERGROUND STORAGE TANK FACILITY	6/16/2020 To 6/30/2021

Underground Storage Tank Program:

California Health and Safety Code Div. 20, Chap. 6.7 and Title 23 California Code of Regulations Chap. 16.

Tank ID	Capacity	Contents	System Type	Leak Detection
30-000-FA0024551-005	6,000	DIESEL	DOUBLE-WALL	Continuous Interstitial Monitoring

BOE ID#: 44016520

Underground Storage Tank Permit Conditions

The underground storage tanks [UST(s)] located at this facility are permitted to operate provided the following conditions are complied with:

1) Facility copy of this permit has an approved monitoring plan, leak response plan, and plot plan attached.
2) All unauthorized releases must be reported to this Agency within the time limits and according to the manner specified in Title 23, Sections 2650-55 of the California Code of Regulations (CCR)
3) Written records, as required by Section 2712(b), Title 23, CCR, of all monitoring and maintenance performed shall be maintained on-site for a period of at least three (3) years from the date the monitoring was performed. Written records of all monitoring and maintenance performed in the last three (3) years shall be shown to representatives of this Agency upon request during any site inspection.
4) The UST(s) must be monitored in accordance with the approved method. This monitoring method is identified above and can be found in Sections 2632 & 2640-48 of Title 23, and Sections 25291 & 25292 of the Health and Safety Code (H&SC).
5) The UST(s) owner and operator are subject to all applicable requirements of Chapter 6.7 and Chapter 6.75 of the Health and Safety Code and their regulations.
6) Any changes to the information provided in the UST permit application must be reported, within 30 days, to this Agency.

COUNTY OF ORANGE
CERTIFIED UNIFIED PROGRAM AGENCY
1241 EAST DYER ROAD, SUITE 120
SANTA ANA, CA 92705-5611
(714) 433-6000

PERMITS TO OPERATE are NOT TRANSFERABLE and may be SUSPENDED or REVOKED for cause.

PERMIT(s) Valid only for: **CITY OF COSTA MESA**
Tank Owner: **the city of costa mesa**

THIS PERMIT MUST BE RETAINED ON THE PREMISES AND AVAILABLE FOR REVIEW

Regulated Facility: **CITY OF COSTA MESA (POLICE DP)**
99 FAIR DR
COSTA MESA, CA 92626

Facility ID **FA0024551**
CERS ID **10514275**
Issued **06/16/2020**

Permit Mail To: CITY OF COSTA MESA/ RISK MGT
77 FAIR DR
COSTA MESA, CA 92626

Models: G-5, G-6 and DWT-2(8)
6,000 Gallon Tanks

P.D. EMERGENCY GENERATOR
TANK #08 -FLEET MANAGEMENT (Actual Capacity 5,929 gal)

Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons
40 1/8"	2442	48 1/8"	3156	56 1/8"	3853	64 1/8"	4497	71 1/8"	4999	78 1/8"	5428	85 1/8"	5753
40 1/4"	2453	48 1/4"	3167	56 1/4"	3863	64 1/4"	4506	71 1/4"	5007	78 1/4"	5435	85 1/4"	5758
40 3/8"	2464	48 3/8"	3178	56 3/8"	3874	64 3/8"	4516	71 3/8"	5016	78 3/8"	5442	85 3/8"	5763
40 1/2"	2475	48 1/2"	3189	56 1/2"	3884	64 1/2"	4525	71 1/2"	5024	78 1/2"	5449	85 1/2"	5767
40 5/8"	2486	48 5/8"	3201	56 5/8"	3895	64 5/8"	4535	71 5/8"	5032	78 5/8"	5455	85 5/8"	5772
40 3/4"	2497	48 3/4"	3212	56 3/4"	3905	64 3/4"	4544	71 3/4"	5040	78 3/4"	5462	85 3/4"	5777
40 7/8"	2508	48 7/8"	3223	56 7/8"	3916	64 7/8"	4554	71 7/8"	5049	78 7/8"	5468	85 7/8"	5781
41"	2519	49"	3234	57"	3926	65"	4563	72"	5057	79"	5475	86"	5786
41 1/8"	2530	49 1/8"	3245	57 1/8"	3936	65 1/8"	4573	72 1/8"	5065	79 1/8"	5481	86 1/8"	5790
41 1/4"	2541	49 1/4"	3256	57 1/4"	3947	65 1/4"	4582	72 1/4"	5073	79 1/4"	5488	86 1/4"	5794
41 3/8"	2552	49 3/8"	3267	57 3/8"	3957	65 3/8"	4591	72 3/8"	5081	79 3/8"	5494	86 3/8"	5799
41 1/2"	2563	49 1/2"	3278	57 1/2"	3968	65 1/2"	4601	72 1/2"	5089	79 1/2"	5501	86 1/2"	5803
41 5/8"	2574	49 5/8"	3289	57 5/8"	3978	65 5/8"	4610	72 5/8"	5098	79 5/8"	5507	86 5/8"	5807
41 3/4"	2585	49 3/4"	3300	57 3/4"	3988	65 3/4"	4619	72 3/4"	5106	79 3/4"	5513	86 3/4"	5812
41 7/8"	2596	49 7/8"	3312	57 7/8"	3999	65 7/8"	4629	72 7/8"	5114	79 7/8"	5520	86 7/8"	5816
42"	2607	50"	3323	58"	4009	66"	4638	73"	5122	80"	5526	87"	5820
42 1/8"	2618	50 1/8"	3334	58 1/8"	4020	66 1/8"	4647	73 1/8"	5130	80 1/8"	5532	87 1/8"	5824
42 1/4"	2629	50 1/4"	3345	58 1/4"	4030	66 1/4"	4656	73 1/4"	5138	80 1/4"	5538	87 1/4"	5828
42 3/8"	2640	50 3/8"	3356	58 3/8"	4040	66 3/8"	4665	73 3/8"	5145	80 3/8"	5544	87 3/8"	5832
42 1/2"	2651	50 1/2"	3367	58 1/2"	4050	66 1/2"	4675	73 1/2"	5153	80 1/2"	5551	87 1/2"	5836
42 5/8"	2662	50 5/8"	3378	58 5/8"	4061	66 5/8"	4684	73 5/8"	5161	80 5/8"	5557	87 5/8"	5840
42 3/4"	2673	50 3/4"	3389	58 3/4"	4071	66 3/4"	4693	73 3/4"	5169	80 3/4"	5563	87 3/4"	5843
42 7/8"	2684	50 7/8"	3400	58 7/8"	4081	66 7/8"	4702	73 7/8"	5177	80 7/8"	5569	87 7/8"	5847
43"	2695	51"	3411	59"	4091	67"	4711	74"	5185	81"	5575	88"	5851
43 1/8"	2707	51 1/8"	3422	59 1/8"	4102	67 1/8"	4720	74 1/8"	5192	81 1/8"	5581	88 1/8"	5854
43 1/4"	2718	51 1/4"	3433	59 1/4"	4112	67 1/4"	4729	74 1/4"	5200	81 1/4"	5587	88 1/4"	5858
43 3/8"	2729	51 3/8"	3444	59 3/8"	4122	67 3/8"	4738	74 3/8"	5208	81 3/8"	5593	88 3/8"	5862
43 1/2"	2740	51 1/2"	3455	59 1/2"	4132	67 1/2"	4747	74 1/2"	5216	81 1/2"	5599	88 1/2"	5865
43 5/8"	2751	51 5/8"	3466	59 5/8"	4142	67 5/8"	4756	74 5/8"	5223	81 5/8"	5604	88 5/8"	5868
43 3/4"	2762	51 3/4"	3476	59 3/4"	4153	67 3/4"	4765	74 3/4"	5231	81 3/4"	5610	88 3/4"	5872
43 7/8"	2773	51 7/8"	3487	59 7/8"	4163	67 7/8"	4774	74 7/8"	5239	81 7/8"	5616	88 7/8"	5875
44"	2785	52"	3498	60"	4173	68"	4783	75"	5246	82"	5622	89"	5878
44 1/8"	2796	52 1/8"	3509	60 1/8"	4183	68 1/8"	4792	75 1/8"	5254	82 1/8"	5627	89 1/8"	5881
44 1/4"	2807	52 1/4"	3520	60 1/4"	4193	68 1/4"	4801	75 1/4"	5261	82 1/4"	5633	89 1/4"	5884
44 3/8"	2818	52 3/8"	3531	60 3/8"	4203	68 3/8"	4810	75 3/8"	5269	82 3/8"	5639	89 3/8"	5887
44 1/2"	2829	52 1/2"	3542	60 1/2"	4213	68 1/2"	4819	75 1/2"	5276	82 1/2"	5644	89 1/2"	5890
44 5/8"	2841	52 5/8"	3553	60 5/8"	4223	68 5/8"	4827	75 5/8"	5284	82 5/8"	5650	89 5/8"	5893
44 3/4"	2852	52 3/4"	3564	60 3/4"	4233	68 3/4"	4836	75 3/4"	5291	82 3/4"	5655	89 3/4"	5896
44 7/8"	2863	52 7/8"	3574	60 7/8"	4243	68 7/8"	4845	75 7/8"	5299	82 7/8"	5661	89 7/8"	5899
45"	2874	53"	3585	61"	4253	69"	4854	76"	5306	83"	5666	90"	5901
45 1/8"	2885	53 1/8"	3596	61 1/8"	4263	69 1/8"	4862	76 1/8"	5313	83 1/8"	5672	90 1/8"	5904
45 1/4"	2897	53 1/4"	3607	61 1/4"	4273	69 1/4"	4871	76 1/4"	5321	83 1/4"	5677	90 1/4"	5907
45 3/8"	2908	53 3/8"	3618	61 3/8"	4283	69 3/8"	4880	76 3/8"	5328	83 3/8"	5682	90 3/8"	5909
45 1/2"	2919	53 1/2"	3629	61 1/2"	4293	69 1/2"	4889	76 1/2"	5335	83 1/2"	5688	90 1/2"	5911
45 5/8"	2931	53 5/8"	3639	61 5/8"	4303	69 5/8"	4897	76 5/8"	5343	83 5/8"	5693	90 5/8"	5913
45 3/4"	2942	53 3/4"	3650	61 3/4"	4313	69 3/4"	4906	76 3/4"	5350	83 3/4"	5698	90 3/4"	5916
45 7/8"	2953	53 7/8"	3661	61 7/8"	4322	69 7/8"	4914	76 7/8"	5357	83 7/8"	5703	90 7/8"	5918
46"	2965	54"	3672	62"	4332	70"	4923	77"	5364	84"	5709	91"	5919
46 1/8"	2976	54 1/8"	3682	62 1/8"	4342	70 1/8"	4931	77 1/8"	5371	84 1/8"	5714	91 1/8"	5921
46 1/4"	2987	54 1/4"	3693	62 1/4"	4352	70 1/4"	4940	77 1/4"	5379	84 1/4"	5719	91 1/4"	5923
46 3/8"	2999	54 3/8"	3704	62 3/8"	4362	70 3/8"	4949	77 3/8"	5386	84 3/8"	5724	91 3/8"	5924
46 1/2"	3010	54 1/2"	3715	62 1/2"	4371	70 1/2"	4957	77 1/2"	5393	84 1/2"	5729	91 1/2"	5926
46 5/8"	3021	54 5/8"	3725	62 5/8"	4381	70 5/8"	4965	77 5/8"	5400	84 5/8"	5734	91 5/8"	5927
46 3/4"	3033	54 3/4"	3736	62 3/4"	4391	70 3/4"	4974	77 3/4"	5407	84 3/4"	5739	91 3/4"	5928
46 7/8"	3044	54 7/8"	3747	62 7/8"	4401	70 7/8"	4982	77 7/8"	5414	84 7/8"	5744	91 7/8"	5929
47"	3055	55"	3757	63"	4410	71"	4991	78"	5421	85"	5748	92"	5929
47 1/8"	3066	55 1/8"	3768	63 1/8"	4420								
47 1/4"	3078	55 1/4"	3778	63 1/4"	4430								
47 3/8"	3089	55 3/8"	3789	63 3/8"	4439								
47 1/2"	3100	55 1/2"	3800	63 1/2"	4449								
47 5/8"	3111	55 5/8"	3810	63 5/8"	4459								
47 3/4"	3122	55 3/4"	3821	63 3/4"	4468								
47 7/8"	3134	55 7/8"	3831	63 7/8"	4478								
48"	3145	56"	3842	64"	4487								

P. D. EMERGENCY GENERATOR
- FLEET MANAGEMENT

O/C TANKS

O/C Tanks Corporation
One Levis Square, Box 10025
Toledo, Ohio 43699-0025

Pub. No. 15-PE-15721 Litho in U.S.A., July, 1989 Copyright © 1989 O/C Tanks Corporation

Models: G-5, G-6 and DWT-2(8)
6,000 Gallon Tanks

TANK #08 – FLEET MANAGEMENT
(Actual Capacity 5,929 gal)

Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons	Dipstick	Gallons
1/8"	0	8 1/8"	226	16 1/8"	631	24 1/8"	1155	32 1/8"	1767
1/4"	1	8 1/4"	231	16 1/4"	638	24 1/4"	1164	32 1/4"	1777
3/8"	2	8 3/8"	236	16 3/8"	646	24 3/8"	1173	32 3/8"	1787
1/2"	4	8 1/2"	242	16 1/2"	653	24 1/2"	1182	32 1/2"	1797
5/8"	5	8 5/8"	247	16 5/8"	661	24 5/8"	1191	32 5/8"	1807
3/4"	6	8 3/4"	252	16 3/4"	668	24 3/4"	1200	32 3/4"	1818
7/8"	8	8 7/8"	258	16 7/8"	676	24 7/8"	1209	32 7/8"	1828
1"	10	9"	263	17"	683	25"	1218	33"	1838
1 1/8"	12	9 1/8"	268	17 1/8"	691	25 1/8"	1227	33 1/8"	1848
1 1/4"	14	9 1/4"	274	17 1/4"	698	25 1/4"	1236	33 1/4"	1858
1 3/8"	16	9 3/8"	279	17 3/8"	706	25 3/8"	1246	33 3/8"	1869
1 1/2"	18	9 1/2"	285	17 1/2"	714	25 1/2"	1255	33 1/2"	1879
1 5/8"	20	9 5/8"	291	17 5/8"	721	25 5/8"	1264	33 5/8"	1889
1 3/4"	23	9 3/4"	296	17 3/4"	729	25 3/4"	1273	33 3/4"	1900
1 7/8"	25	9 7/8"	302	17 7/8"	737	25 7/8"	1282	33 7/8"	1910
2"	28	10"	308	18"	745	26"	1292	34"	1920
2 1/8"	31	10 1/8"	313	18 1/8"	752	26 1/8"	1301	34 1/8"	1931
2 1/4"	33	10 1/4"	319	18 1/4"	760	26 1/4"	1310	34 1/4"	1941
2 3/8"	36	10 3/8"	325	18 3/8"	768	26 3/8"	1319	34 3/8"	1951
2 1/2"	39	10 1/2"	331	18 1/2"	776	26 1/2"	1329	34 1/2"	1962
2 5/8"	42	10 5/8"	337	18 5/8"	784	26 5/8"	1338	34 5/8"	1972
2 3/4"	45	10 3/4"	343	18 3/4"	792	26 3/4"	1347	34 3/4"	1982
2 7/8"	48	10 7/8"	349	18 7/8"	800	26 7/8"	1357	34 7/8"	1993
3"	51	11"	355	19"	808	27"	1366	35"	2003
3 1/8"	54	11 1/8"	361	19 1/8"	816	27 1/8"	1376	35 1/8"	2014
3 1/4"	58	11 1/4"	367	19 1/4"	824	27 1/4"	1385	35 1/4"	2024
3 3/8"	61	11 3/8"	373	19 3/8"	832	27 3/8"	1394	35 3/8"	2035
3 1/2"	64	11 1/2"	379	19 1/2"	840	27 1/2"	1404	35 1/2"	2045
3 5/8"	68	11 5/8"	385	19 5/8"	848	27 5/8"	1413	35 5/8"	2056
3 3/4"	71	11 3/4"	391	19 3/4"	856	27 3/4"	1423	35 3/4"	2066
3 7/8"	75	11 7/8"	397	19 7/8"	864	27 7/8"	1432	35 7/8"	2077
4"	79	12"	403	20"	872	28"	1442	36"	2087
4 1/8"	82	12 1/8"	410	20 1/8"	881	28 1/8"	1452	36 1/8"	2098
4 1/4"	86	12 1/4"	416	20 1/4"	889	28 1/4"	1461	36 1/4"	2108
4 3/8"	90	12 3/8"	422	20 3/8"	897	28 3/8"	1471	36 3/8"	2119
4 1/2"	94	12 1/2"	429	20 1/2"	905	28 1/2"	1480	36 1/2"	2130
4 5/8"	98	12 5/8"	435	20 5/8"	914	28 5/8"	1490	36 5/8"	2140
4 3/4"	102	12 3/4"	442	20 3/4"	922	28 3/4"	1500	36 3/4"	2151
4 7/8"	106	12 7/8"	448	20 7/8"	930	28 7/8"	1509	36 7/8"	2162
5"	110	13"	454	21"	939	29"	1519	37"	2172
5 1/8"	114	13 1/8"	461	21 1/8"	947	29 1/8"	1529	37 1/8"	2183
5 1/4"	118	13 1/4"	468	21 1/4"	956	29 1/4"	1538	37 1/4"	2194
5 3/8"	122	13 3/8"	474	21 3/8"	964	29 3/8"	1548	37 3/8"	2204
5 1/2"	126	13 1/2"	481	21 1/2"	972	29 1/2"	1558	37 1/2"	2215
5 5/8"	131	13 5/8"	488	21 5/8"	981	29 5/8"	1568	37 5/8"	2226
5 3/4"	135	13 3/4"	495	21 3/4"	989	29 3/4"	1577	37 3/4"	2236
5 7/8"	139	13 7/8"	502	21 7/8"	998	29 7/8"	1587	37 7/8"	2247
6"	144	14"	509	22"	1006	30"	1597	38"	2258
6 1/8"	148	14 1/8"	516	22 1/8"	1015	30 1/8"	1607	38 1/8"	2269
6 1/4"	153	14 1/4"	523	22 1/4"	1024	30 1/4"	1617	38 1/4"	2279
6 3/8"	157	14 3/8"	530	22 3/8"	1032	30 3/8"	1627	38 3/8"	2290
6 1/2"	162	14 1/2"	537	22 1/2"	1041	30 1/2"	1637	38 1/2"	2301
6 5/8"	167	14 5/8"	544	22 5/8"	1050	30 5/8"	1647	38 5/8"	2312
6 3/4"	171	14 3/4"	551	22 3/4"	1058	30 3/4"	1656	38 3/4"	2322
6 7/8"	176	14 7/8"	558	22 7/8"	1067	30 7/8"	1666	38 7/8"	2333
7"	181	15"	565	23"	1076	31"	1676	39"	2344
7 1/8"	186	15 1/8"	572	23 1/8"	1084	31 1/8"	1686	39 1/8"	2355
7 1/4"	191	15 1/4"	580	23 1/4"	1093	31 1/4"	1696	39 1/4"	2366
7 3/8"	196	15 3/8"	587	23 3/8"	1102	31 3/8"	1706	39 3/8"	2377
7 1/2"	201	15 1/2"	594	23 1/2"	1111	31 1/2"	1716	39 1/2"	2387
7 5/8"	206	15 5/8"	601	23 5/8"	1120	31 5/8"	1726	39 5/8"	2398
7 3/4"	211	15 3/4"	609	23 3/4"	1128	31 3/4"	1736	39 3/4"	2409
7 7/8"	216	15 7/8"	616	23 7/8"	1137	31 7/8"	1747	39 7/8"	2420
8"	221	16"	623	24"	1146	32"	1757	40"	2431

Fiberglas® Tanks for Fuel Storage

Calibration Chart*

How to properly gauge your tank:...

Underground storage tanks require periodic measurement to determine current inventory level. Using the proper methods when gauging your tank's contents will insure the most accurate reading and insure that you do not damage your tank. The following procedure should be followed whenever you use a gauge stick to determine the amount of product that is in your tank:

1. Use a wood dipstick with a rubber or nylon tip. Metallic dipsticks are not recommended. This will insure that frequent tank gaugings or an accidental dropping of the gauge stick into the tank will not damage the tank bottom.
2. Always gauge your tank at the fill port. A tank bottom protector plate has been installed under this port to help protect the tank.
3. *Slowly lower your gauge stick into the fill port until it touches the tank bottom. Never free drop the gauge stick. This can result in inaccurate measurements due to product splashing. Free dropping can also result in gauge stick damage and tank damage.*
4. Remove your dipstick slowly and read the product level directly from the gauge stick.

For Model DWT-2P double-wall tanks only, the annular space capacity for this tank is 340 gallons.

P.D. EMERGENCY GENERATOR
-FLEET MANAGEMENT

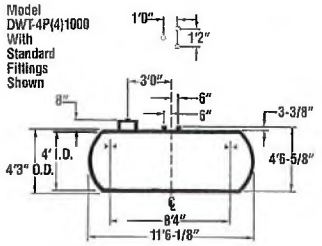
OC TANKS

®Registered T.M.—Owens-Corning Fiberglas Corp

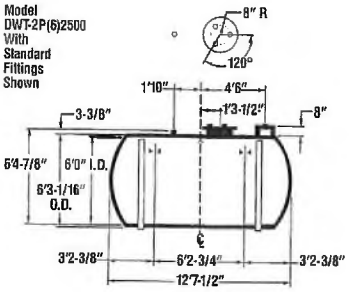
*Calibration for level tanks only

O/C TANKS

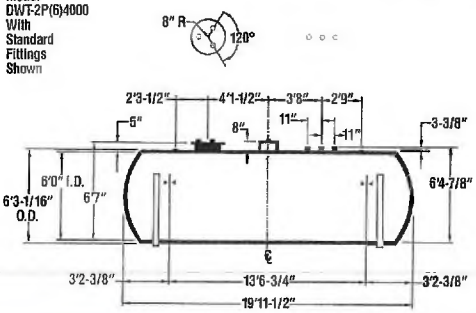
Model
DWT-4P(4)1000
With
Standard
Fittings
Shown



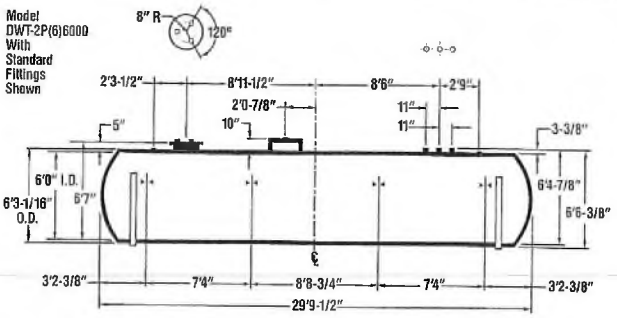
Model
DWT-2P(6)2500
With
Standard
Fittings
Shown



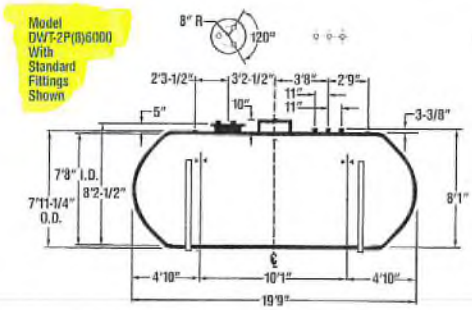
Model
DWT-2P(6)4000
With
Standard
Fittings
Shown



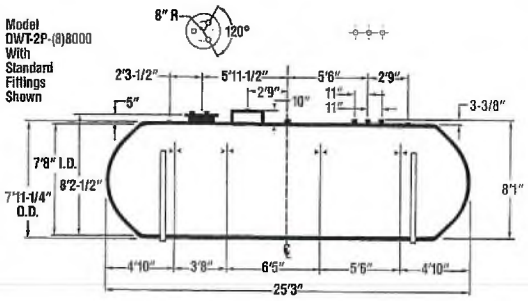
Model
DWT-2P(6)6000
With
Standard
Fittings
Shown



Model
DWT-2P(8)6000
With
Standard
Fittings
Shown



Model
DWT-2P-(8)8000
With
Standard
Fittings
Shown



Model
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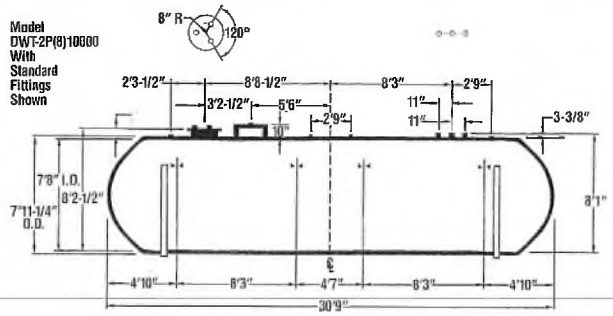
With
Standard
Fittings
Shown



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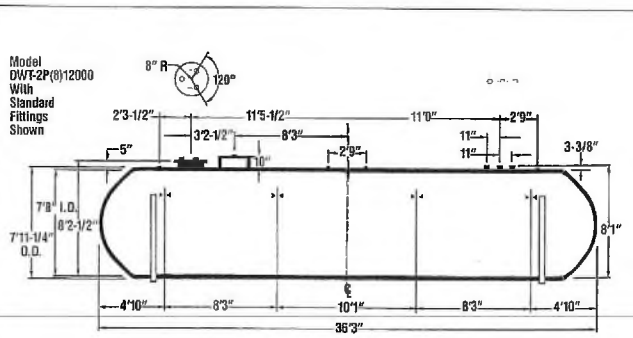
With
Standard
Fittings
Shown



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Standard
Fittings
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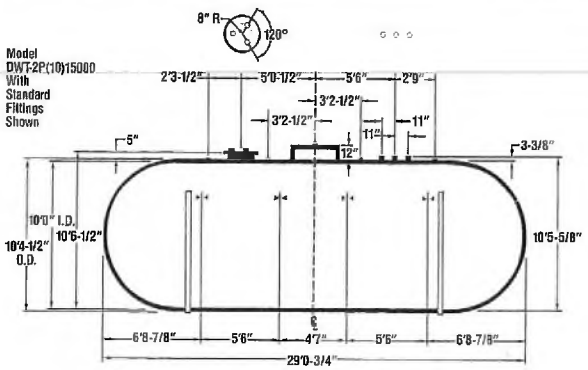
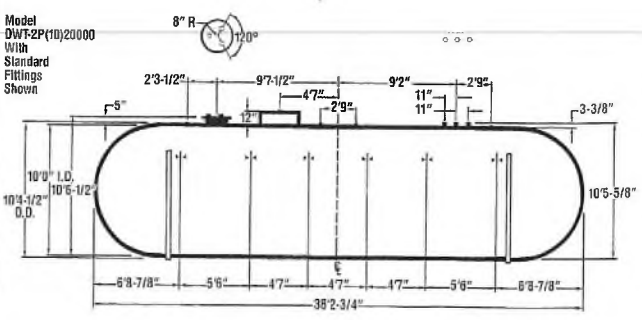


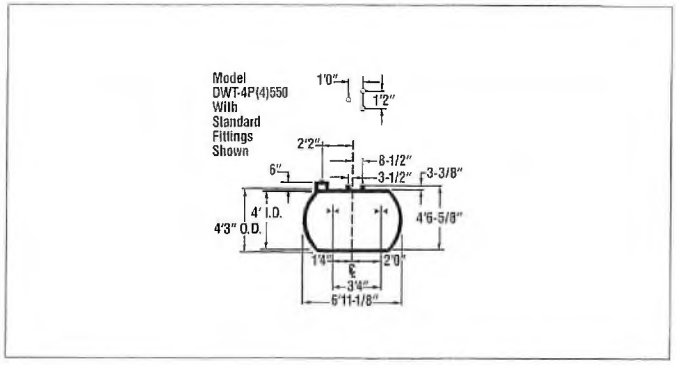
Model
DWT-2P(10)20000
With
Standard
Fittings
Shown



331

O/C TANKS

Standard Double-Wall Tanks



Standard Double-Wall Tank Specifications

Tank Model	Nominal Capacity (Gallons)	Actual Capacity (Gallons)	Number of 22" Manways	Number of 4" NPT Primary Tank Fittings (#/Tank)	Nominal Weight (lbs.)	Approx. Cavity Volume (Gallons)	Overall Length	Tank Diameter	Number of 4" Tank Monitoring* Fittings	Cavity Spacing Between Inner and Outer Tank
DWT-4P(4)	550	550	548	0	3	650	75	6' 11-1/8"	4'	1	1-1/8"
DWT-4P(4)	1,000	1,000	971	0	3	950	140	11' 6-1/8"	4'	1	1-1/8"
DWT-2P(6)	2,500	2,500	2,385	1	4	1,800	180	12' 7-1/2"	6'	1	1-1/8"
DWT-2P(6)	4,000	4,000	3,914	1	6	2,500	270	19' 11-1/2"	6'	3	1-1/8"
**DWT-2P(6)	6,000	6,000	5,994	1	6	3,400	405	29' 9-1/2"	6'	3	1-1/8"
DWT-2P(8)	6,000	6,000	5,930	1	6	3,400	340	19' 9"	8'	3	1-1/8"
DWT-2P(8)	8,000	8,000	7,830	1	6	4,200	425	25' 3"	8'	3	1-1/8"
DWT-2P(8)	10,000	10,000	9,730	1	6	5,000	550	30' 9"	8'	3	1-1/8"
DWT-2P(8)	12,000	12,000	11,630	1	6	6,000	585	36' 3"	8'	3	1-1/8"
DWT-2P(10)	15,000	15,000	14,783	1	6	8,500	1,020	29' 1"	10'	3	1-3/4"
DWT-2P(10)	20,000	20,000	20,168	1	6	11,000	1,364	38' 3"	10'	3	1-3/4"

*Includes fitting in Fiberglas reservoir
**The 6,000 gallon DWT-2P(6) is standard at Mt. Union, PA plant only. At all other plants, DWT-2P(6) 6000 model is made-to-order.

Standard Tank Notes

1. *Standard pipe fittings* to the primary tank are 4" NPT half couplings. All tanks 2,500 gallon capacity and larger include one manway with three fittings to the primary tank located in the manway cover. All other primary tank fittings are mounted on the tank. Additional manways and tank fittings are available on made-to-order tanks.

2. *Tank bottom deflector plates* are standard under every manway and fitting.

3. *Bumper pads* are standard on all tanks 6' diameter and larger. The pads provide added protection to the tank prior to installation.

4. All Model "P" tanks include a *Fiberglas reservoir,* used for leak monitoring, integrally constructed to the tank top. The reservoir includes one 4" NPT half coupling fitting mounted on the top of the reservoir allowing access to the cavity between the inner and outer tank walls.

5. In addition to the monitoring fitting located in the Fiberglas reservoir, tanks 1,000 gallon capacity and larger include *additional monitoring fittings* (4" NPT) located at the tank top. See the tank specifications for the number of monitoring fittings for each tank size.

6. *Anchoring strap locations* are indicated by arrows on the side of the tank.

7. *Monitoring capabilities*—the following restrictions apply for the various types of double-wall tank monitors:

   a) Hydrostatic Tank Monitor—tank burial depth must not exceed 7' from tank top to finish grade.

   The monitoring cavity must be vented to the atmosphere. The optional reservoir sensor, supplied by O/C Tanks, is designed to automatically vent the monitoring cavity.

   b) Liquid sensors—when normally "dry" cavity monitors (which detect the presence of a liquid) are used, the cavity between the inner and outer tank may be either vented to the atmosphere or sealed.

   c) Vacuum monitoring—when vacuum monitoring is used, the maximum vacuum is 3" mercury (1.5 psi maximum).

   d) Positive air pressure monitoring—when positive air pressure monitoring is used, the maximum air pressure is 3 psi.

   e) Gasoline vapor sensors—when gasoline vapor sensors are used, the cavity between the inner and outer tank may be either vented to the atmosphere or sealed.

O/C Tanks Warranty And Installation Information

Warranty

Standard Underground Petroleum Storage Tank

We warrant that our underground tanks and piping sumps,* if installed underground with proper backfill and otherwise installed in accordance with our instructions:

I. Will meet our published specifications and will be free from material defects in materials and workmanship for a period of one (1) year following date of original delivery by us;

II. Will not fail for a period of thirty (30) years from date of original purchase due to external corrosion; and

III. Will not fail for a period of thirty (30) years from date of original purchase due to internal corrosion provided the tank is used solely with or without tank water bottoms for the following products:

A. Petroleum products including gasoline, jet fuel, av-gas, motor oil (new or used), kerosene, diesel fuel or used for fuel oil at temperatures not to exceed 150°F.

B. Alcohol-gasoline blend motor fuels.

1. Ethanol blends
   - Gasohol (90% gasoline and 10% ethyl alcohol)
2. Methanol blends
   - Oxinol-50* waiver (90.5% gasoline and 9.5% Oxinol-50* composed of a mixture of 4.75% methanol and 4.75% GTBA).
   - DuPont EPA waiver (gasoline with 5% methanol and a minimum of 2.5% cosolvent. The blend may contain a maximum concentration of up to 3.7 weight percent oxygen in the final fuel).

C. Oxygenated motor fuels
   - Gasoline with up to 20% (by volume) of methyl tertiary butyl ether (MTBE)

D. Potable water at ambient temperatures.

IV. Will not leak for a period of thirty (30) years from date of original purchase due to structural failure, which shall be defined as breaking or collapse, provided the installation is in the United States and is performed and validated by a contractor trained by O/C Tanks, and is used as stated above. If the tank is exhumed and moved, it must be inspected, repaired (as necessary), and recertified by O/C Tanks in order to continue the structural warranty for the balance of 30 years.

Our liability under this warranty shall be limited to, at our option, (i) repair of the defective tank, (ii) delivery of a replacement tank to the point of original delivery, or (iii) refund of the original purchase price, and we shall not be liable for any labor, other installation costs, indirect or consequential damages or other damages in connection with such tanks. THE FOREGOING CONSTITUTES OUR EXCLUSIVE OBLIGATION AND WE MAKE NO EXPRESS OR IMPLIED WARRANTIES, OR ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE WHATSOEVER, EXCEPT AS STATED ABOVE.

*Fiberglas components only

O/C TANKS

O/C TANKS CORPORATION
A Subsidiary of Owens-Corning Fiberglas
One Levis Square, P.O. Box 10025
Toledo, Ohio 43699-0025

Accessories Warranty

All double-wall tank accessories and monitoring equipment are warranted to be free from material defects in workmanship and materials for a period of one (1) year following date of original delivery by O/C Tanks.

Our liability under this warranty shall be limited to, at our option, (i) repair of the defective unit, (ii) delivery of a replacement unit to the point of original delivery, or (iii) refund of the original purchase price, and we shall not be liable for any labor, other installation costs, indirect or consequential damages or other damages in connection with such tanks. THE FOREGOING CONSTITUTES OUR EXCLUSIVE OBLIGATION AND WE MAKE NO EXPRESS OR IMPLIED WARRANTIES, OR ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE WHATSOEVER, EXCEPT AS STATED ABOVE.

Failure to install the tank accessories or monitoring equipment in accordance with the O/C Tanks installation instructions will void the warranty.

Fiberglas® Tanks Intended Use

Fiberglas® petroleum storage tanks are designed for the storage of gasoline, gasohol (10% ethanol and 90% gasoline mixture), 9.5% Oxinol-50* (4.75% methanol and 4.75% GTBA) and 90.5% gasoline mixture, jet fuel, kerosene, diesel fuel, oxygenated fuels, (up to 20% MTBE) or potable water at ambient underground temperatures. Fuel oil may be stored at temperatures not to exceed 150° F.

CAUTION: Fiberglas tanks are not recommended for #6 fuel oil storage; typical delivery temperatures of #6 fuel oil exceeds 150°F.

The storage of other materials may affect the life of the tank. Before storing materials other than those listed above contact the Product Manager, O/C Tanks Corporation, Toledo, Ohio.

*Reg. TM Arco Chemical Co

OWENS CORNING
ONE OWENS CORNING PARKWAY
TOLEDO, OHIO 43659
419.248.8000
www.owenscorning.com

INNOVATIONS FOR LIVING®

To Whom It May Concern

RE: Fuel Storage Capability

Owens Corning manufactured and sold underground storage tanks between 1965 and 1994. The Company's fiberglass tank division was sold December 31, 1994. Owens Corning has not manufactured or sold tanks since that time.

With limited exceptions, Owens Corning fiberglass tanks were not warranted, tested for, or intended to store fuel with more than a 10% ethanol blend.

Single-Wall Tanks (SWT): No Owens Corning SWT was ever warranted or intended to store fuel with more than a 10% ethanol blend.

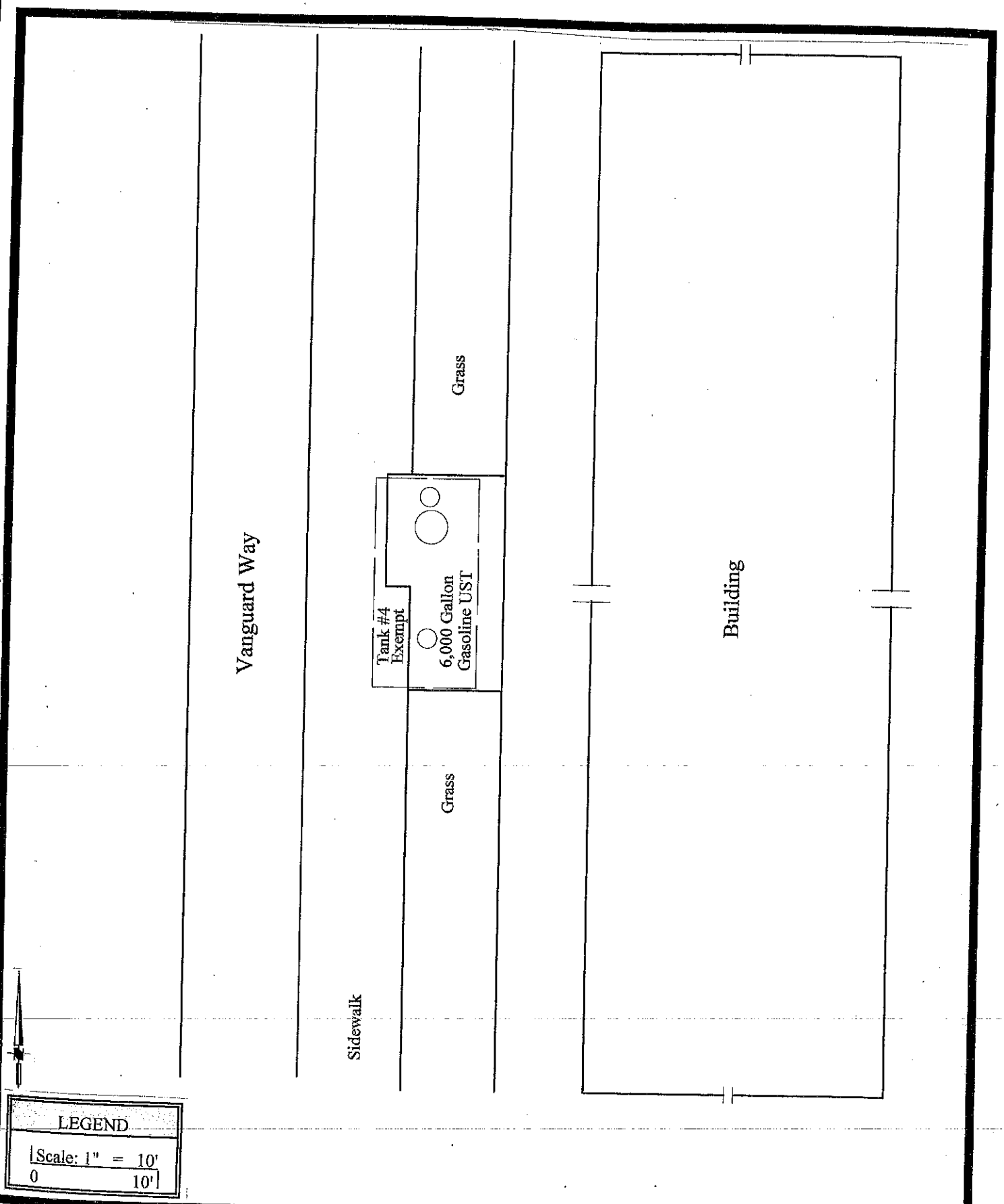
Double-Wall Tanks (DWT): *Prior to July 1, 1990.* With the exception of a small number of specially manufactured tanks, DWTs sold before July 1, 1990 were not warranted or intended to store fuel with more than a 10% ethanol blend.

After July 1, 1990. Owens corning DWTs that were manufactured and sold between July 1, 1990 and December 31, 1994 were warranted for the storage of fuel with no limitation on ethanol content.

For additional details, please refer to the attached letter from Owens Corning to customers from April 1995. Please also note that in addition to these compatibility limitations, in 2006 Owens Corning completed reorganization under Chapter 11 of the Bankruptcy Code. Under the confirmed plan of reorganization, all past and future claims against Owens Corning for alleged breach of warranty were discharged in bankruptcy.

Sincerely,

Brian McPeak
Vice President, External Affairs



Ocean Blue Engineers, Inc.

PARTIAL PROPERTY PLOT PLAN
City of Costa Mesa Police Department
Showing the 6,000 Gallon
Diesel UST
99 Fair Drive
Costa Mesa, CA 92626

Project No.
1426.2020.0-29

Drawing No.
5

THE CITY OF COSTA MESA FUEL TANK LIST

FACILITY	TANK ID #	ADDRESS	POSITION	CAPACITY IN GALLONS	CONTENTS	MONITORING SYSTEM
CITY CORPORATION YARD	1	2300 PLACENTIA AVE	UNDERGROUND	2,500	DIESEL	VEEDER ROOT TLS 350
CITY CORPORATION YARD	2	2300 PLACENTIA AVE	UNDERGROUND	8,000	DIESEL	VEEDER ROOT TLS 350
CITY CORPORATION YARD	3	2300 PLACENTIA AVE	UNDERGROUND	8,000	GASOLINE	VEEDER ROOT TLS 350
CITY CORPORATION YARD	6	2300 PLACENTIA AVE	UNDERGROUND	10,000	GASOLINE	VEEDER ROOT TLS 350
CITY CORPORATION YARD		2300 PLACENTIA AVE	ABOVE GROUND	1,500/ 500	OIL/WASTE OIL	VEEDER ROOT
POLICE DEPARTMENT	7	99 FAIR DRIVE	ABOVE GROUND	10,000	GASOLINE	VEEDER ROOT TLS 350
POLICE DEPARTMENT	8	99 FAIR DRIVE	ABOVE GROUND	4,000	DIESEL	
POLICE DEPARTMENT	9	99 FAIR DRIVE	UNDERGROUND	6,000	DIESEL	VEEDER ROOT TLS 350
FIRE STATION 2	12	800 BAKER STREET	UNDERGROUND	1,000	DIESEL	TLS 300C
FIRE STATION 1	13	2803 Royal Palm	ABOVE GROUND	2,000	DIESEL	VEEDER ROOT TLS 350R
FIRE STATION 5	14	2450 VANGUARD WAY	ABOVE GROUND	1,000	DIESEL	VEEDER ROOT
FIRE STATION 6	15	3350 SAKIOKA DRIVE	UNDERGROUND	1,000	DIESEL	VEEDER ROOT
COMMUNICATIONS	16	99 FAIR DRIVE	ABOVE GROUND	1,000	DIESEL	NONE
CITY HALL GENERATOR	17	77 FAIR DRIVE	ABOVE GROUND	2,000	DIESEL	NONE

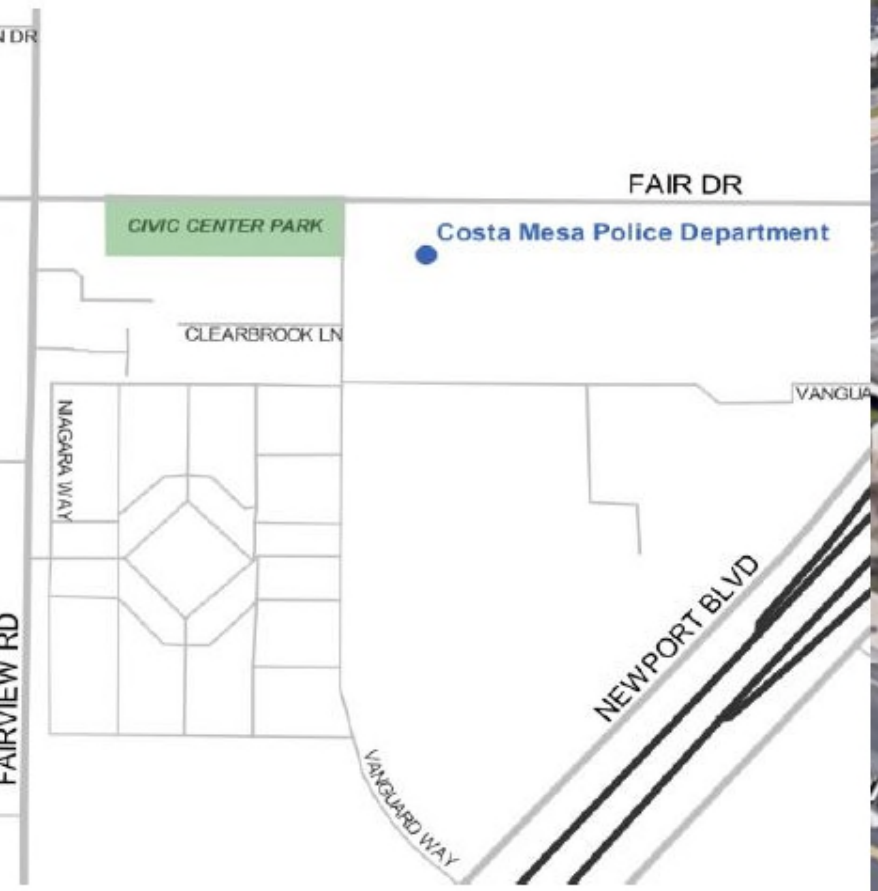
RECEIVED
JUL 28 1997

CITY OF COSTA MESA MASTER TANK LISTING

July 23, 1997

PUBLIC SERVICES/FACILITIES AND EQUIPMENT

NO. TANKS	I.D. NO.	CAPACITY (IN GALLONS) RATED	CAPACITY (IN GALLONS) ACTUAL	MATERIAL STORED	LOCATION	ADDRESS	DATE INSTALLED	OCHCA PERMIT NO.	PERMIT ISSUANCE	PERMIT EXPIRATION
1	CY-1	10,000	9,728	Gasoline	Corporation Yard	2310 Placentia	Nov-76	6399-1	09/02/92	09/01/97
2	CY-2	8,000	7,829	DIESEL	Corporation Yard	2310 Placentia	Mar-86	6399-1	09/02/92	09/01/97
3	CY-3	8,000	7,829	Gasoline	Corporation Yard	2310 Placentia	Mar-86	6399-1	09/02/92	09/01/97
4	CY-4	2,500	2,385	Diesel Fuel	Corporation Yard	2310 Placentia	Mar-86	6399-1	09/02/92	09/01/97
5	CY-5	250	245	Waste Oil	Corporation Yard	2310 Placentia	Dec-87	6399-1	09/02/92	09/01/97
6	CY-6	250	495	Oil (New)	Corporation Yard	2310 Placentia	Aug-85	6399-1	09/02/92	09/01/97
7	CY-7	500	495	Transmission Oil	Corporation Yard	2310 Placentia	Aug-85	6399-1	09/02/92	09/01/97
8	CY-8	500	495	Solvent	Corporation Yard	2310 Placentia	Aug-85	6399-1	09/02/92	09/01/97
9	CY-9	1,150	1,150	Propane	Corporation Yard	2310 Placentia	1970	N/A	N/A	N/A
10	F.S. 1	1,000	971	Gasoline	Fire Station #1	2803 Royal Palm	Dec-87	6415-2	08/14/96	08/13/01
11	F.S. 1	1,000	971	Diesel Fuel	Fire Station #1	2803 Royal Palm	Dec-87	6415-2	08/14/96	08/13/01
12	F.S. 2	1,000	971	Diesel Fuel	Fire Station #2	800 Baker	Dec-87	6691-2	08/14/96	08/13/01
13	F.S. 3	1,000	971	Diesel Fuel	Fire Station #3	1865 Park	Sep-89	6395-2	02/21/93	02/20/98
14	F.S. 5	1,000	971	Diesel Fuel	Fire Station #5	2450 Vanguard	Mar-89	10051-1	03/09/96	03/08/01
15	F.S. 6	1,000	971	Diesel Fuel	Fire Station #6	2350 Sakioka	Jul-93	12521-1	09/21/93	09/20/98
16	P.D. 1	10,000	9,728	Gasoline	Police Department	99 Fair Drive	Dec-87	6698-2	08/14/96	08/13/01
17	P.D. 2	6,000	5,929	Diesel Fuel - Generator	Police Department	99 Fair Drive	Sep-90	6698-2	08/14/96	08/13/01
18	AC	10,000	10,018	Jet A Fuel	Helipad	99 Fair Drive	Aug-84	6698-2	08/14/96	08/13/01


FAIR DR
CIVIC CENTER PARK
Costa Mesa Police Department
CLEARBROOK LN
NIAGARA WAY
NEWPORT BLVD
VANGUARD WAY
FAIRVIEW RD


FAIR DRIVE
Fair Dr
Fair Dr
6,000 GAL DIESEL UST
VANGUARD WAY

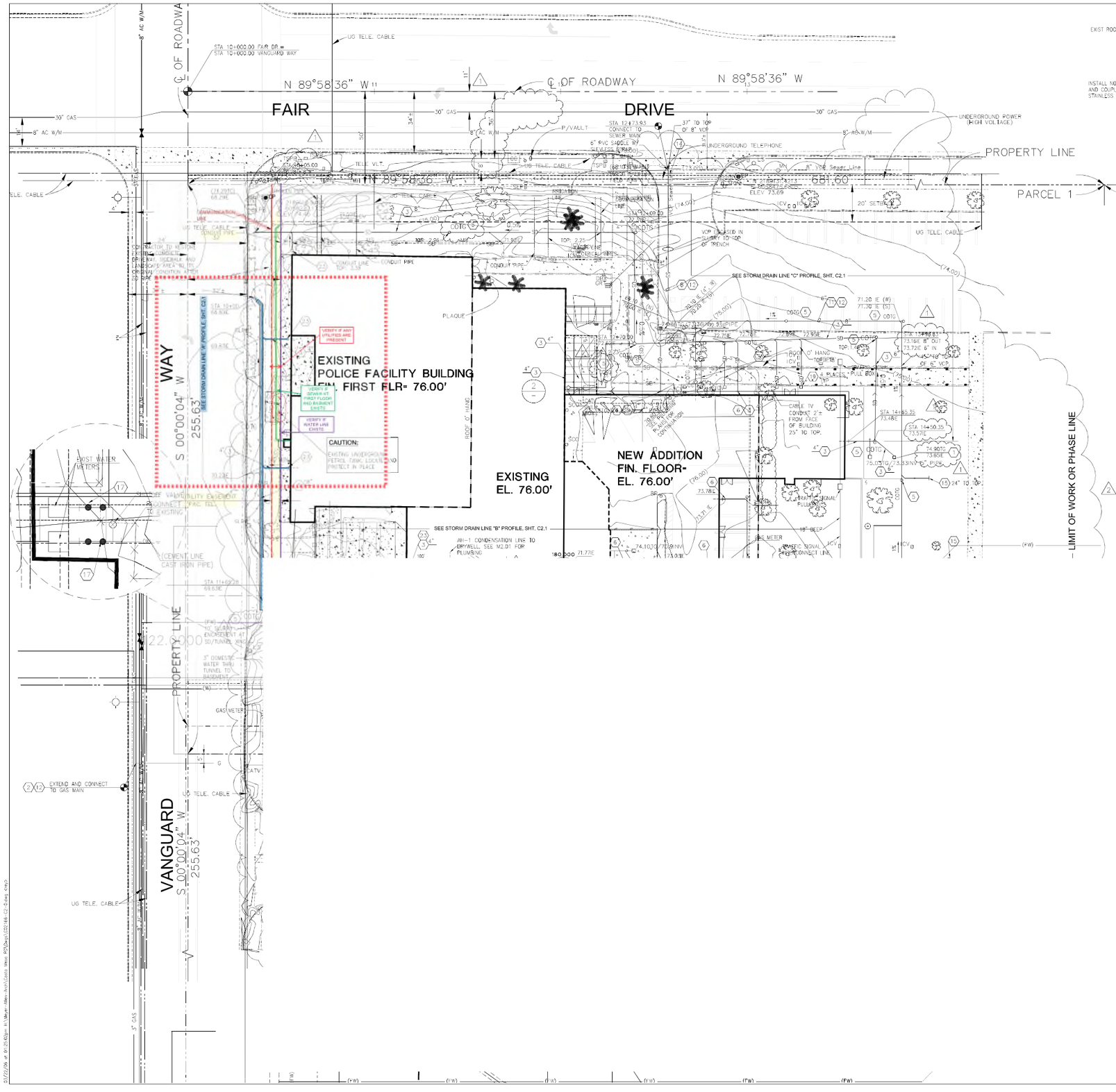
SECTION G

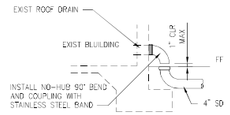
APPENDIX “A4”

EXISTING:

BUILDING CIVIL PLANS
C2.0

STRUCTURAL PLANS
S2.1
S2.2
S3.2





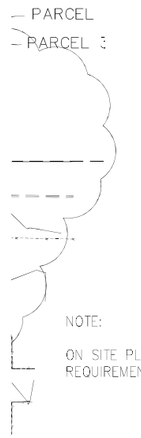
DETAIL 2 N.T.S.

CONSTRUCTION NOTES

1. CONSTRUCT 18"X18" CATCH BASIN PER DETAIL 3/C4.0
2. PLACE GAS LINE, SIZE PER PLUMBING PLANS. CONTRACTOR TO COORDINATE INSTALLATION WITH SO. CAL. GAS.
3. PLACE HDPE STORM DRAIN PIPE, SIZE PER PLAN.
4. PLACE 4" VCP SEWER AT 1% SLOPE MINIMUM.
5. INSTALL CLEAN OUT TO GRADE PER DETAIL 2/C4.0
6. POC 5' MAX FROM BLDG., SEE PLUMBING PLANS FOR CONTINUATION
7. NOT USED
8. REMOVE AND REPLACE EX. SEWER. PLACE NEW 6" VCP AND CONNECT 5' FROM EX BUILDING
9. INSTALL FLO GARD INSERT PER MANUFACTURERS RECOMMENDATIONS.
10. ENCASE STORM DRAIN IN 6" POC 3000 PSI ON ALL SIDES
11. CONSTRUCT NEW VCP SEWER PIPE, SIZE PER PLAN
12. TRENCH REMOVAL AND RECONSTRUCTION PER CITY OF COSTA MESA STANDARD DRAWING NO. 813. NO SLURRY BACKFILL ALLOWED.
13. CURB AND GUTTER REMOVAL AND RECONSTRUCTION SHALL BE PER CITY OF COSTA MESA STANDARD DRAWING NO. 312 OVER 6" CMB. MINIMUM LENGTH OF REPLACEMENT SHALL BE 8'. EXTEND REMOVAL TO NEXT JOINT OR CRACK IF LESS THAN 8' AWAY. PROTECT EXISTING STREET BY SAW CUTTING THE JOINT BETWEEN EDGE OF GUTTER AND AC STREET PAVEMENT. IF THE AC IS CUT OR DAMAGED, CONTRACTOR SHALL RECONSTRUCT A MINIMUM OF 3' OF AC ADJACENT TO NEW GUTTER. THE SLOT PAVE STRUCTURAL SECTION SHALL BE 6" AC OVER 6" CMB. NEW CURB AND GUTTER SHALL MEET MINIMUM GRADE STANDARDS. NO TUNNELING ALLOWED.
14. SIDEWALK REMOVAL PER CITY OF COSTA MESA STANDARD DRAWING NO. 811. SIDEWALK RECONSTRUCTION PER CITY OF COSTA MESA STANDARD DRAWING NO. 411 412 413 OVER 4" CMB. ANY SIDEWALK REMOVED WITHIN CURB RETURN AREA SHALL BE REPLACE IN ITS ENTIRETY FROM BCR TO ECR PER CITY OF COSTA MESA STANDARD DRAWING NO. 414 & 416 AND MODIFIED TO MEET A.D.A. REGULATIONS.
15. CONSTRUCT TEMPORARY UTILITY STUBS FOR TRAILER FACILITIES DURING PHASE 1. CONTRACTOR TO EXTEND LINES TO TRAILER LOCATIONS. WATER: 1" PVC LINE, SEWER: 3" PVC LINE AT 1% SLOPE. CAP 12" BELOW FINISH GRADE AND PLACE A UTILITY MARKER AFTER TRAILER USE IS OVER. CONTRACTOR TO COORDINATE TRAILER UTILITY LOCATIONS PER TRAILER SUPPLIER.
16. INSTALL 750 GAL PRE CAST CLARIFIER BY JENSEN PRE CAST "MODEL NO CL-750" OR APPROVED EQUAL
17. INSTALL TWO (2) 3" BACKFLOW PREVENTER FEBCO MODEL 870 OR APPROVED EQUAL, FROM UPSTREAM OF METERS AND RECONNECT TO WATER MAIN
18. NOT USED
19. CONSTRUCT CURB DRAIN PER APWA STD DWG. NO 150-2, CASE II INLET WITH 2"ø PVC PIPE 1/C4.0
20. INSTALL SCHEDULE 40 PVC WATER PIPE, SIZE PER PLAN
21. CONSTRUCT PARKWAY DRAIN No 2 PER CITY OF COSTA MESA STD PLAN 418, CASE 1 INLET; d=15"; w=12"
22. CONSTRUCT 2" WATER METER FOR DEDICATED IRRIGATION SERVICE
23. CONSTRUCT HANSON 12"SQ x 8"DEEP WITH ALHAMBRA FOUNDRY 2012 TRAFFIC RATED GRATE

UTILITY NOTES

1. ALL ONSITE TRENCHING AND BEDDING SHALL CONFORM TO THE GEOTECHNICAL REPORT AND DETAIL 1/C4.0
2. ALL OFFSITE TRENCHING PER OCM STD 813.
3. ALL CATCH BASINS DRAINING PAVED AREAS SHALL HAVE FLO-GARD INSERTS INSTALLED PER MANUFACTURERS RECOMMENDATIONS.
4. SEPARATE APPROVAL FOR SEWER LINE



NOTE:

ON SITE PLUMBING SHALL COMPLY WITH 2001 CPC REQUIREMENTS

N

20' 10' 0 20' 40'

SCALE: 1" = 20'

MESA CONSOLIDATED WATER DISTRICT	COSTA MESA SANITARY DISTRICT
ENGINEER DATE	ENGINEER DATE

MEYER & ALLEN ASSOCIATES
ARCHITECTS
PLANNERS

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APPROVED BY

NO.	DATE	ITEM
	08/25/06	ISSUED FOR CONSTRUCTION
2	08/04/06	Addendum No. 2
1	07/24/06	Addendum No. 1
	07/19/06	ISSUED FOR BIDDING
	06/30/06	Resubmitted for Back Check
	06/09/06	Civil Plan Check Submittal
	04/28/06	Plan Check Resubmittal
	01/03/06	Reissued with Owner Changes for Plan Check
	11/02/04	100% CD DWGS. SUBMITTAL
	5/09/03	75% CONSTRUCTION DOCUMENT
	11/08/02	DESIGN DEVELOPMENT SUBMITTAL TO THE CLIENT
	10/31/02	ISSUED FOR MEP
	10/23/02	ISSUED FOR CONSULTANTS

COSTA MESA POLICE FACILITY Expansion & Renovation

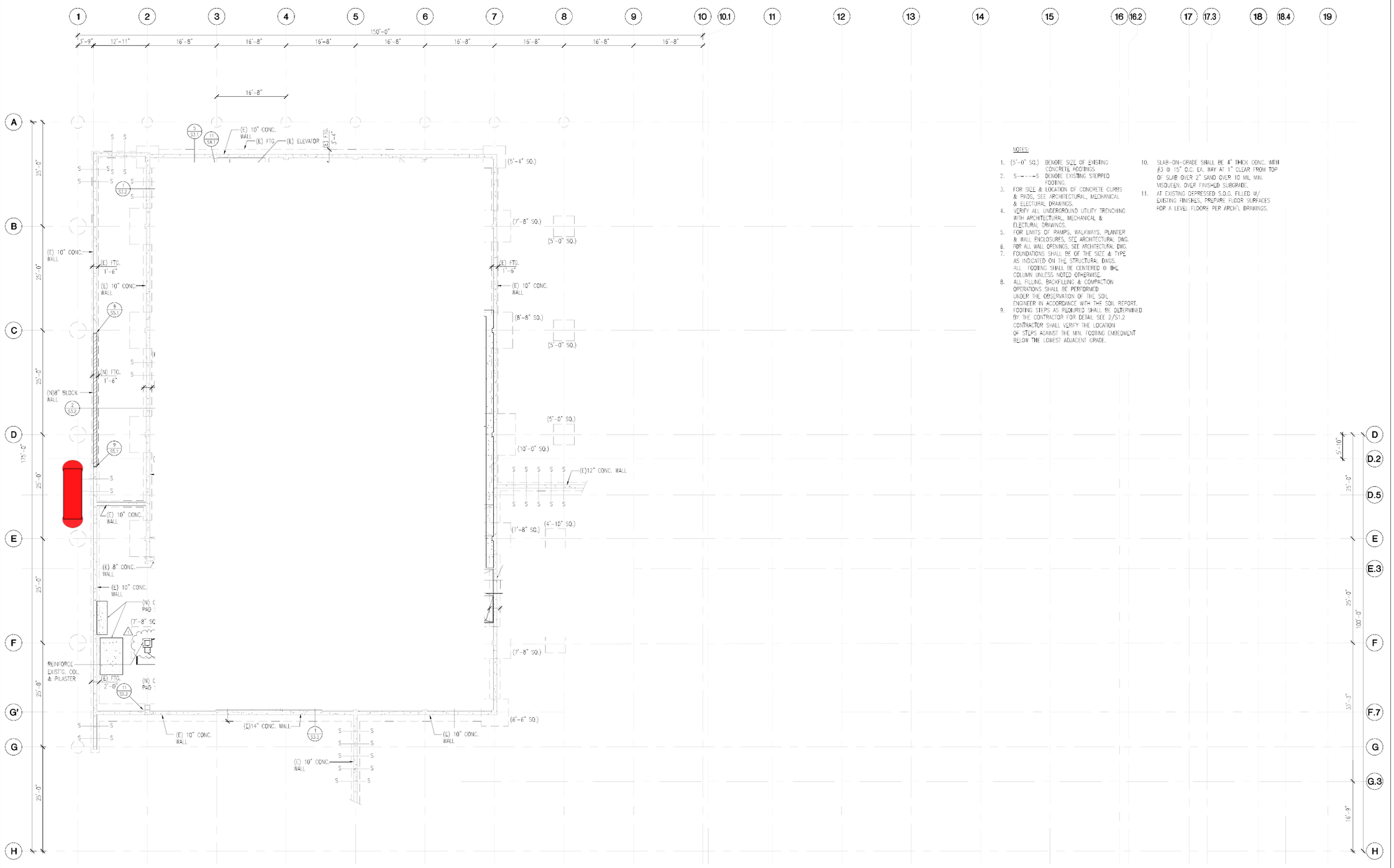
City of Costa Mesa
99 Fair Drive
Costa Mesa, CA 92628

DRAWN BY: D.G.
CHECKED BY: JK
DATE:

SHEET TITLE:

UTILITY PLAN

SHEET C2.0 OF SHEETS



NOTES:

1. (5'-0" SQ.) DENOTE SIZE OF EXISTING CONCRETE FOOTINGS
2. S----S DENOTE EXISTING STEPPED FOOTING.
3. FOR SIZE & LOCATION OF CONCRETE CURBS & PADS, SEE ARCHITECTURAL, MECHANICAL & ELECTURAL DRAWINGS.
4. VERIFY ALL UNDERGROUND UTILITY TRENCHING WITH ARCHITECTURAL, MECHANICAL & ELECTURAL DRAWINGS.
5. FOR LIMITS OF RAMPS, WALKWAYS, PLANTER & WALL ENCLOSURES, SEE ARCHITECTURAL DWG.
6. FOR ALL WALL OPENINGS, SEE ARCHITECTURAL DWG.
7. FOUNDATIONS SHALL BE OF THE SIZE & TYPE AS INDICATED ON THE STRUCTURAL DWGS. ALL FOOTING SHALL BE CENTERED @ THE COLUMN UNLESS NOTED OTHERWISE.
8. ALL FILLING, BACKFILLING & COMPACTION OPERATIONS SHALL BE PERFORMED UNDER THE OBSERVATION OF THE SOIL ENGINEER IN ACCORDANCE WITH THE SOIL REPORT.
9. FOOTING STEPS AS REQUIRED SHALL BE DETERMINED BY THE CONTRACTOR FOR DETAIL SEE 2/S1.2 CONTRACTOR SHALL VERIFY THE LOCATION OF STEPS AGAINST THE MIN. FOOTING EMBEDMENT BELOW THE LOWEST ADJACENT GRADE.
10. SLAB-ON-GRADE SHALL BE 4" THICK CONC. WITH #3 @ 15" O.C. EA. WAY AT 1" CLEAR FROM TOP OF SLAB OVER 2" SAND OVER 10 MIL MIN. VISQUEEN. OVER FINISHED SUBGRADE.
11. AT EXISTING DEPRESSED S.O.G. FILLED W/ EXISTING FINISHES, PREPARE FLOOR SURFACES FOR A LEVEL FLOORS PER ARCH'L DRAWINGS.

BASEMENT AND FOUNDATION PLAN

SCALE 1/8" = 1'-0"

NORTH

L01-65.1

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APPROVED BY

REGISTERED PROFESSIONAL ENGINEER — JACKSON K. WU — No. S3720 — Exp. 6-30-08 — STRUCTURAL — STATE OF CALIFORNIA

CONSULTANT
JOHNSON & NIELSEN ASSOCIATES
CONSULTING STRUCTURAL ENGINEERS
511 South Primrose Ave. Suite 3 Monrovia, CA 91016
TEL (626) 256-1695 FAX (626) 256-1699

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NO.	DATE	ITEM
		90 CUBM
	01/30/07	DESIGN DEVELOPMENT SUBMITTAL
	11/30/06	100% DD DRAWING SUBMITTAL
	10/20/06	RE-ISSUED W/ OWNER CHANGES FOR PLAN CHECK
	09/28/06	PLAN CHECK RESUBMITAL
	09/15/06	REVISED & RE-ISSUED FOR CLIENT REVIEW
	08/15/06	REVISED PER OWNER COMMENTS
	07/10/06	ISSUED FOR PERMIT/BIDDING
	08/03/06	ISSUED FOR SDR CONSTRUCTION
2	02/06/09	RFI #4905
1	02/06/09	BULLETIN #3.3

COSTA MESA POLICE FACILITY
Expansion & Renovation

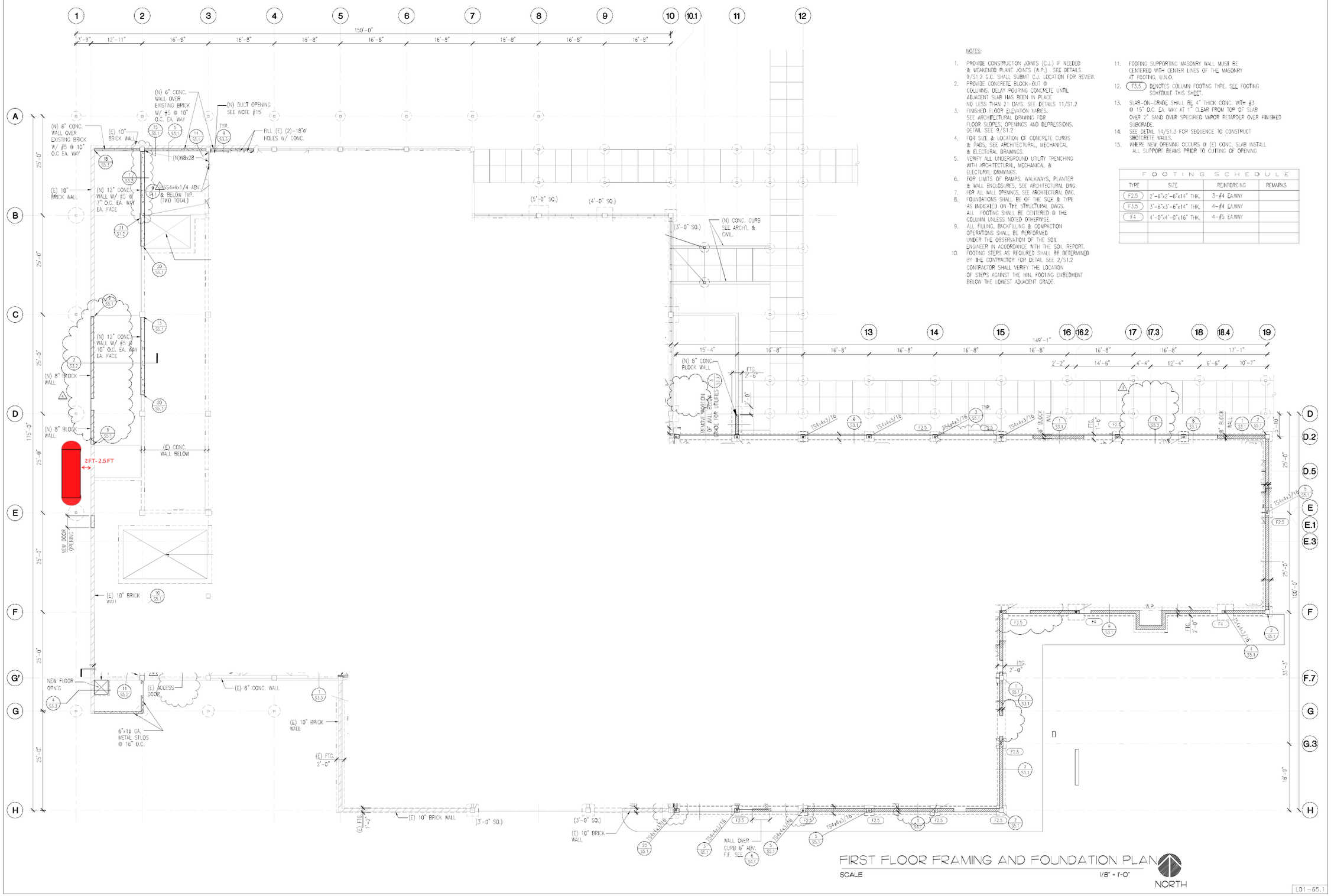
City of Costa Mesa
99 Fair Drive
Costa Mesa, CA 92628

DRAWN BY: ATC/J.Y.	310.03
CHECKED BY: J.W.	
DATE: 08-23-06	

SHEET TITLE

BASEMENT PLAN

SHEET
S2.1
OF SHEETS



FIRST FLOOR FRAMING AND FOUNDATION PLAN

SCALE 1/8" = 1'-0"

NORTH

L01-65.1

NOTES:

1. PROVIDE CONSTRUCTION JOINTS (C.J.) IF NEEDED & WEAKENED PLANE JOINTS (W.P.) SEE DETAILS 9/S1.2 G.C. SHALL SUBMIT C.J. LOCATION FOR REVIEW.
2. PROVIDE CONCRETE BLOCK-OUT @ COLUMNS. DELAY POURING CONCRETE UNTIL ADJACENT SLAB HAS BEEN IN PLACE NO LESS THAN 21 DAYS. SEE DETAILS 11/S1.2
3. FINISHED FLOOR ELEVATION VARIES. SEE ARCHITECTURAL DRAWING FOR FLOOR SLOPES, OPENINGS AND DEPRESSIONS. DETAIL SEE 9/S1.2
4. FOR SIZE & LOCATION OF CONCRETE CURBS & PADS, SEE ARCHITECTURAL, MECHANICAL & ELECTURAL DRAWINGS.
5. VERIFY ALL UNDERGROUND UTILITY TRENCHING WITH ARCHITECTURAL, MECHANICAL & ELECTURAL DRAWINGS.
6. FOR LIMITS OF RAMPS, WALKWAYS, PLANTER & WALL ENCLOSURES, SEE ARCHITECTURAL DWG.
7. FOR ALL WALL OPENINGS, SEE ARCHITECTURAL DWG.
8. FOUNDATIONS SHALL BE OF THE SIZE & TYPE AS INDICATED ON THE STRUCTURAL DWGS. ALL FOOTING SHALL BE CENTERED @ THE COLUMN UNLESS NOTED OTHERWISE.
9. ALL FILLING, BACKFILLING & COMPACTION OPERATIONS SHALL BE PERFORMED UNDER THE OBSERVATION OF THE SOIL ENGINEER IN ACCORDANCE WITH THE SOIL REPORT.
10. FOOTING STEPS AS REQUIRED SHALL BE DETERMINED BY THE CONTRACTOR FOR DETAIL SEE 2/S1.2 CONTRACTOR SHALL VERIFY THE LOCATION OF STEPS AGAINST THE MIN. FOOTING EMBEDMENT BELOW THE LOWEST ADJACENT GRADE.
11. FOOTING SUPPORTING MASONRY WALL MUST BE CENTERED WITH CENTER LINES OF THE MASONRY AT FOOTING, U.N.O.
12. (F3.5) DENOTES COLUMN FOOTING TYPE. SEE FOOTING SCHEDULE THIS SHEET.
13. SLAB-ON-GRADE SHALL BE 4" THICK CONC. WITH #3 @ 15" O.C. EA. WAY AT 1" CLEAR FROM TOP OF SLAB OVER 2" SAND OVER SPECIFIED VAPOR RETARDER OVER FINISHED SUBGRADE.
14. SEE DETAIL 14/S1.3 FOR SEQUENCE TO CONSTRUCT SHOTCRETE WALLS.
15. WHERE NEW OPENING OCCURS @ (E) CONC. SLAB INSTALL ALL SUPPORT BEAMS PRIOR TO CUTTING OF OPENING

FOOTING SCHEDULE

TYPE	SIZE	REINFORCING	REMARKS
F2.5	2'-6"x2'-6"x14" THK.	3-#4 EA.WAY	
F3.5	3'-6"x3'-6"x14" THK.	4-#4 EA.WAY	
F4	4'-0"x4'-0"x16" THK.	4-#5 EA.WAY	

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APPROVED BY

REGISTERED PROFESSIONAL ENGINEER — JAMES A. WILLIAMSON — No. 53300 — EXP. 6-30-08 — STRUCTURAL — STATE OF CALIFORNIA

CONSULTANT
JN JOHNSON & NIELSEN ASSOCIATES
CONSULTING STRUCTURAL ENGINEERS
911 South Primrose Ave. Suite E Monrovia, CA 91016
TEL (626) 254-6488 FAX (626) 254-6489

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NO.	DATE	ITEM
4	07/28/08	RFI #60
4	07/28/08	RFI #503
4	07/28/08	RFI #67
4	07/28/08	RFI #66
4	07/28/08	RFI #72
4	07/28/08	BULLETIN #33
4	07/28/08	ASI #22R
4	07/28/08	ASI #4
4	07/28/08	BULLETIN #4
4	07/28/08	ASI #6
	06/25/06	ISSUED FOR FOR CONSTRUCTION
	07/10/06	ISSUED FOR BIDDING
	06/16/06	REVISE PER OWNER COMMENTS
	06/15/06	REVISE & RE-ISSUED FOR CLIENT REVIEW
	04/28/06	PLAN CHECK RESUBMITTAL
	01/03/06	RE-ISSUED W/ OWNER CHANGES FOR PLAN CHECK
	11/30/05	100% CD DRAWING SUBMITTAL
	11/02/01	DESIGN DEVELOPMENT SUBMITTAL TO CLIENT

COSTA MESA POLICE FACILITY Expansion & Renovation

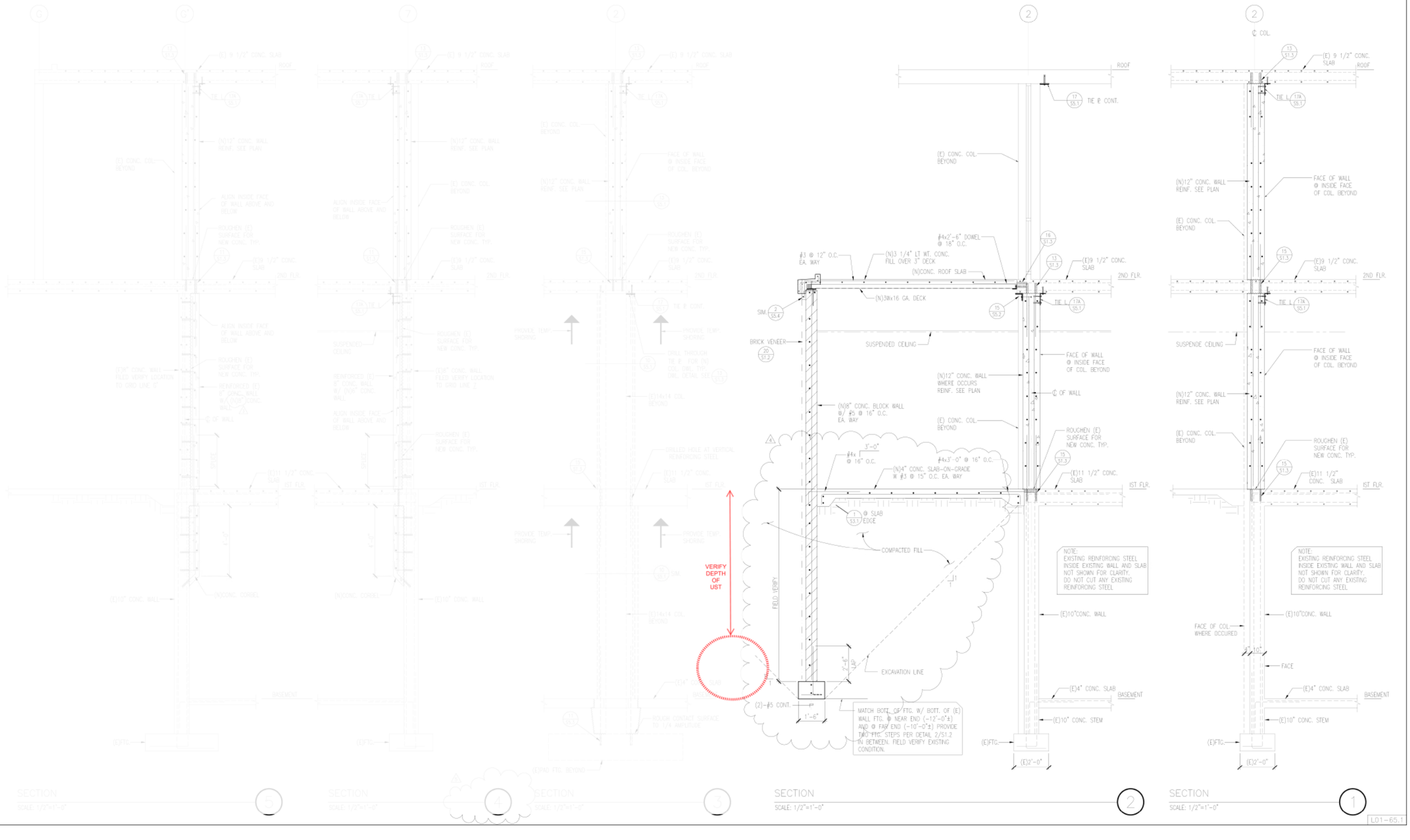
City of Costa Mesa
99 Fair Drive
Costa Mesa, CA 92628

DRAWN BY: ATC/J.Y.	310.03
CHECKED BY: J.W.	
DATE: 08-23-06	

SHEET TITLE

FIRST FLOOR FRAMING AND FOUNDATION PLAN

SHEET S2.2 OF SHEETS



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APPROVED BY:

MOYER & ALLEN ASSOCIATES
ARCHITECTURE
2211 Michelson Drive, Suite 100
Irvine, California 92612
Tel: (949) 250-0909 Fax: (949) 250-0909

NO.	DATE	DESCRIPTION
1	10/31/06	1ST PLAN CHECK
2	12/22/06	2ND PLAN CHECK
3	02/23/07	3RD PLAN CHECK
4	04/04/07	ADDENDUM #1
5	05/25/07	ADDENDUM #2
6	07/02/07	BID SET
7	08/31/07	REVISED BID SET
8	10/19/07	ADDENDUM #3
9	11/30/07	ADDENDUM #4
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SECTION G
[MISCELLANEOUS CONTRACT DOCUMENTS (SAMPLES) INTENTIONALLY OMITTED]

EXHIBIT C

BONDS

EXHIBIT D

DRUG-FREE WORKPLACE POLICY

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

BACKGROUND

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

PURPOSE

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.

2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

POLICY

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:

   A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;

   B. Establishing a Drug-Free Awareness Program to inform employees about:

1. The dangers of drug abuse in the workplace;

2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation and employee assistance programs; and

4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;

D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:

1. Abide by the terms of the statement; and

2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;

E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;

F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:

1. Taking appropriate personnel action against such an employee, up to and including termination; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.

2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:

   a. Contractor and/or sub-grantee has made a false certification under paragraph 1 above;

   b. Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;

   c. Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.

3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-926 **Meeting Date:** 11/15/2022

TITLE:

MAINTENANCE SERVICES AGREEMENT FOR HVAC MAINTENANCE AND REPAIR

DEPARTMENT: **PUBLIC WORKS/MAINTENANCE SERVICES DIVISION**

PRESENTED BY: **RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**

CONTACT INFORMATION: **ROBERT RYAN, MAINTENANCE SERVICES MANAGER (714) 327-7499**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the proposed Maintenance Services Agreement (MSA) with Siemens Industry, Inc., for a term of eight months , effective November 15, 2022 - June 30, 2023, in the amount of $154,472.71 for the eight month term to provide HVAC maintenance and repair services for the City Hall and the Police Department facility based on pricing from Sourcewell Contract #070121-SIE.

2. Approve the three year MSA with Siemens Industry from July 1, 2023 to June 30, 2026, with annual compensation amount for year one, $224,734.43, year two, $249,167.58 and third year, $248,228.67.

3. Approve a 10% contingency annually for additional repairs and other unforeseen costs.

4. Authorize the City Manager and City Clerk to execute the MSA and to extend the agreement each year with an effective term of July 1st through June 30th, for up to a maximum of three (3) additional one-year terms.

BACKGROUND:

The City's current contract for HVAC maintenance and repair services expired on July 31, 2022. Siemens Industry, Inc. has been the contractor of record for the last ten (10) years and the Maintenance Services Division has been satisfied with their quality of service throughout the term of the contract. Maintenance Services determined that it would be beneficial to continue to utilize Siemens Industry, Inc., for this agreement due to the fact that the City Hall and the Police Department (PD) both have Siemens HVAC controls, with the PD facility having a newer Siemens Building Automation System and City Hall having an older Siemens Building Automation System. The mixture of advanced and outdated Building Automation Systems requires a higher level of expertise and

technical ability than the standard HVAC systems. The packaged chiller systems in both facilities also require a higher level of expertise and technical ability that Siemens provides.

The City's adopted Fiscal Year 2022-2023 Operating Budget includes funds to provide HVAC mechanical system repairs and maintenance services for City Hall and the Police Department facility.

ANALYSIS:

The Public Works Department/Maintenance Services Division sent Siemens Industry, Inc., a Request for Proposal (RFP) for HVAC Mechanical Repair and Maintenance Services for City Hall and the Police Department facility, based on Sourcewell Contracts #070121-SIE pricing (Attachment 2). The Sourcewell-based pricing is provided in the below table.

Billing Frequency	Period Range	Period	Sell Price
Annually	11/15/2022 to 6/30/2023	Year 1 of 4	$154,472.71
Annually	7/01/2023 to 6/30/2024	Year 2 of 4	$224,734.43
Annually	7/01/2024 to 6/30/2025	Year 3 of 4	$249,167.58**
Annually	7/01/2025 to 6/30/2026	Year 4 of 4	$248,228.67
TOTAL			**$876,603.39**

**Please note: Year 3 of 4 includes 'Eddy Current Testing' for chillers.

This proposed MSA will provide much needed repair services to the City Hall building in addition to routine maintenance. The controls and equipment at City Hall are very dated and require continuous maintenance and repairs. The proposed scope of work under this MSA provides for servicing repairs, both parts and labor, to the City's HVAC equipment system.

Siemens is offering the pricing through its Sourcewell contract, which meets all requirements set forth in the City of Costa Mesa's Purchasing Policy and all requirements set forth by the State of California in regards to regional cooperative purchasing agreements. Sourcewell established an approved vendor list following a nationwide competitive bid process. This assures that the City receives the lowest available pricing and meets the competitive bid process requirements. The City has utilized cooperative agreements successfully in the past.

Public Works/Maintenance Services and Purchasing Department's recommendation is to award a Maintenance Service Agreement (MSA) to Siemens Industry, Inc. for HVAC System Repairs & Maintenance Services for City Hall and the Police Department facility (Attachment 1).

ALTERNATIVES:

1. The Council could not approve the contract and direct staff to release a RFP. However, staff does not expect reduced prices as a result of releasing a RFP.

2. The Council could direct staff to evaluate the cost effectiveness of managing this work with in-

house staff. However, this is not recommended as the nature of work is beyond staff capabilities.

FISCAL REVIEW:

Funding for the purchase of the requested HVAC Mechanical Repair and Maintenance Services agreement is included in the adopted FY 2022-23 Public Works Department budget. Funding for future fiscal years will be included as part of the respective year budget.

LEGAL REVIEW:

The City Attorney's office has reviewed this agenda report, has prepared the Maintenance Services Agreement (Attachment 1) and approves them both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Maintain and Enhance the City's Infrastructure, Facilities, Equipment, and Technology

CONCLUSION:

Staff recommends the City Council:

1. Approve the proposed Maintenance Services Agreement (MSA), Attachment 1, with Siemens Industry, Inc., for an initial term of eight months, effective November 15, 2022 - June 30, 2023, in the amount of $154,472.71 for the eight month term to provide HVAC maintenance and repair services for the City Hall and the Police Department facility based on pricing from Sourcewell Contract #070121-SIE.

2. Approve the MSA terms for up to three additional one year terms, with annual compensation amount for year one, $224,734.43, year two, $249,167.58 and third year (through June 2926), $248,228.67.

3. Approve a 10% contingency annually for additional repairs and other unforeseen costs.

4. Authorize the City Manager and City Clerk to execute the agreement and to extend the agreement each year with an effective term of July 1st through June 30th, for up to a maximum of three (3) additional one-year terms.

CITY OF COSTA MESA
MAINTENANCE SERVICES AGREEMENT
WITH
SIEMENS INDUSTRY, INC.

THIS MAINTENANCE SERVICES AGREEMENT ("Agreement") is made and entered into this 15th day of November, 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and SIEMENS INDUSTRY, INC., a Delaware corporation authorized to do business in California ("Contractor").

W I T N E S S E T H :

A. City proposes to utilize the services of Contractor as an independent contractor to provide maintenance of City property, as more fully described herein; and

B. Contractor represents that it has the experience and expertise to properly perform such services and holds all necessary licenses to practice and perform the services; and

C. City and Contractor desire to contract for the services and desire to set forth their rights, duties and liabilities in connection with the performance of such services; and

D. No official or employee of City has a financial interest, within the provisions of Sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1.0. SERVICES PROVIDED BY CONTRACTOR

1.1. Scope of Services. Contractor shall provide the services described in Contractor's Proposal (the "Proposal") attached hereto as Exhibit "A" and incorporated herein (the "Services").

1.2. Prevailing Wage Requirements.

(a) Prevailing Wage Laws. Contractor is aware of the requirements of Chapter 1 (beginning at Section 1720 et seq.) of Part 7 of Division 2 of the California Labor Code, as well as Title 8, Section 16000 et seq. of the California Code of Regulations ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. This project is a "maintenance" project and requires compliance with the Prevailing Wage Laws. Contractor shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

(b) Payment of Prevailing Wages. Contractor shall pay the prevailing wage rates for all work performed under this Agreement. When any craft or classification is omitted from the general prevailing wage determinations,

Contractor shall pay the wage rate of the craft or classification most closely related to the omitted classification. A copy of the general prevailing wage rate determination is on file in the Office of the City Clerk and is incorporated into this Agreement as if fully set forth herein. Contractor shall post a copy of such wage rates at all times at the project site(s).

(c) Legal Working Day. In accordance with the provisions of Labor Code Section 1810 et seq., eight (8) hours is the legal working day. Contractor and any subcontractor(s) of Contractor shall comply with the provisions of the Labor Code regarding eight (8)-hour work day and 40-hour work week requirements, and overtime, Saturday, Sunday, and holiday work. Work performed by Contractor's or any subcontractor's employees in excess of eight (8) hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight (8) hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. Contractor shall forfeit as a penalty to City Twenty-Five Dollars ($25.00), or any greater penalty set forth in the Labor Code, for each worker employed in the execution of the work by Contractor or by any subcontractor(s) of Contractor, for each calendar day during which such worker is required or permitted to the work more than eight (8) hours in one calendar day or more than 40 hours in any one calendar week in violation of the Labor Code.

(d) Apprentices. Contractor shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects. Contractor shall be responsible for ensuring compliance by its subcontractors with Labor Code Section 1777.5.

(e) Payroll Records. Pursuant to Labor Code Section 1776, Contractor and any subcontractor(s) shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by Contractor or any subcontractor in connection with this Agreement. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Sections 1771, 1881, and 1815 of the Labor Code for any work performed by his or her employees on this project. The payroll records shall be certified and shall be available for inspection at all reasonable hours in accordance with the requirements of Labor Code Section 1776.

(f) Registration with DIR. Contractor and any subcontractor(s) of Contractor shall comply with the provisions of Labor Code Section 1771 and Labor Code Section 1725.5 requiring registration with the DIR.

1.3. Performance to Satisfaction of City. Contractor agrees to perform all the work to the complete satisfaction of City. Evaluations of the work will be done by City's Maintenance Services Manager or his or her designee. If the quality of work is not satisfactory, City in its

discretion has the right to:

(a) Meet with Contractor to review the quality of the work and resolve the matters of concern;

(b) Require Contractor to repeat the work at no additional fee until it is satisfactory; and/or

(c) Terminate the Agreement as hereinafter set forth.

1.4. Compliance with Applicable Law. Contractor warrants that it shall perform the services required by this Agreement in compliance with all applicable federal and state employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other applicable federal, state and local laws and ordinances applicable to the services required under this Agreement. Contractor shall indemnify and hold harmless City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against City for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Contractor's performance under this Agreement.

1.5. Non-Discrimination. In performing this Agreement, Contractor shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military or veteran status, except as permitted pursuant to section 12940 of the Government Code.

1.6. Non-Exclusive Agreement. Contractor acknowledges that City may enter into agreements with other contractors for services similar to the Services in this Agreement or may have its own employees perform services similar to those Services contemplated by this Agreement.

1.7. Delegation and Assignment. Contractor may not delegate or assign this Agreement, in whole or in part, to any person or entity without the prior written consent of City. Contractor may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Contractor's sole cost and expense.

2.0. COMPENSATION AND BILLING

2.1. Compensation. Contractor shall be paid in accordance with the fee schedule set forth in Exhibit A, not to exceed the yearly compensation as described therein. Contractor's total compensation shall not exceed Eight Hundred and Seventy-Six Thousand Six Hundred and Three Dollars and Thirty-Nine Cents ($876,603.39).

2.2 Contingency. Upon the determination of the City, Contractor may be paid for additional unforeseen repairs and costs associated with this Agreement in an amount not to exceed 10% of the annual cost as set forth in Exhibit A.

2.3. Additional Services. Contractor shall not receive compensation for any services provided outside the Scope of Services set forth in this Agreement without amending this Agreement as provided herein. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

2.4. Method of Billing. Contractor may submit invoices to the City for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Contractor's services which have been completed to City's sole satisfaction. City shall pay Contractor's invoice within forty-five (45) days from the date City receives said invoice. Each invoice shall describe in detail, the Services performed, the date of performance, and the associated time for completion.

2.5. Records and Audits. Records of Contractor's Services shall be maintained in accordance with generally recognized accounting principles and shall be made available to City for inspection and/or audit at mutually convenient times throughout the term of this Agreement through three (3) years after its termination.

3.0. TIME OF PERFORMANCE

3.1. Commencement and Completion of Work. The Services shall be performed in strict compliance with Exhibit A. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party.

4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of three (3) years and eight (8) months, ending on June 30, 2026, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

4.2. Notice of Termination. City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing written notice to Contractor. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Contractor shall immediately stop rendering services under this Agreement unless directed otherwise by the City.

4.3. Compensation. In the event of termination, City shall pay Contractor for reasonable costs incurred and Services satisfactorily performed up to and including the date of City's written notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein.

5.0. INSURANCE

5.1. Minimum Scope and Limits of Insurance. Contractor shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by City:

(a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars ($1,000,000.00) per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.

(b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars ($1,000,000.00) combined single limit per accident for bodily injury and property damage.

(c) Workers' compensation insurance as required by the State of California. Contractor agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Contractor for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.

5.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

(a) Additional insureds: "The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of Contractor pursuant to its contract with City; products and completed operations of Contractor; premises owned, occupied or used by Contractor; automobiles owned, leased, hired, or borrowed by Contractor."

(b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City."

(c) Other insurance: "Contractor's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."

(d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.

(e) Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5.3. Deductible or Self Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by City. No policy of insurance issued as to which the City is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

5.4. Certificates of Insurance. Contractor shall provide to City certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by City, prior to performing any services under this Agreement.

5.5. Non-limiting. The insurance provisions contained in this Agreement shall not be construed as limiting in any way, the indemnification provisions contained in this Agreement, or the extent to which Contractor may be held responsible for payments of damages to persons or property.

6.0. GENERAL PROVISIONS

6.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing, and signed by the parties in interest at the time of such modification. The terms of this Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Agreement.

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

Contractor shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Contractor called for by this Agreement, except as otherwise expressly provided in this Agreement.

6.3. Project Managers. City shall designate a Project Manager to work directly with Contractor in the performance of this Agreement.

Contractor shall designate a Project Manager who shall represent it and be its agent in all consultations with City during the term of this Agreement. Contractor or its Project Manager shall attend and assist in all coordination meetings called by City.

6.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement or the work hereunder may be provided by personal delivery, facsimile or mail and shall be addressed as set forth below. Such communication shall be deemed served or delivered: a) at the time of delivery if such communication is sent by personal delivery; b) at

the time of transmission if such communication is sent by facsimile; and c) 48 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONTRACTOR:

Siemens Industry, Inc
6141 Katella Avenue
Cypress, CA 90630
Tel: (657) 413-8648
Attn: Doug Ray

IF TO CITY:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Tel: (714) 754-5289
Attn: Daniel Jojola

Courtesy copy to:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Attn: Finance Dept. | Purchasing

6.5. Drug-free Workplace Policy. Contractor shall provide a drug-free workplace by complying with all provisions set forth in City's Council Policy 100-5, attached hereto as Exhibit "B" and incorporated herein by reference. Contractor's failure to conform to the requirements set forth in Council Policy 100-5 shall constitute a material breach of this Agreement and shall be cause for immediate termination of this Agreement by City.

6.6. Attorneys' Fees. In the event that litigation is brought by any party in connection with this Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

6.7. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California.

6.8. Assignment. Contractor shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Contractor's interest in this Agreement without City's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of City's consent, no subletting or assignment shall release Contractor of Contractor's obligation to perform all other obligations to be performed by Contractor hereunder for the term of this Agreement.

6.9. Indemnification and Hold Harmless. Contractor agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Contractor's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the performance of the Contractor, its employees, and/or authorized subcontractors, of the

work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Contractor, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Contractor, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon the work performed by the Contractor, its employees, and/or authorized subcontractors under this Agreement, whether or not the Contractor, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Contractor shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Contractor's Proposal, which shall be of no force and effect.

6.10. Independent Contractor. Contractor is and shall be acting at all times as an independent contractor and not as an employee of City. Contractor shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Contractor or any of Contractor's employees, except as set forth in this Agreement. Contractor shall not, at any time, or in any manner, represent that it or any of its or employees are in any manner agents or employees of City. Contractor shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Contractor and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Contractor shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Contractor further agrees to indemnify and hold City harmless from any failure of Contractor to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Contractor under this Agreement any amount due to City from Contractor as a result of Contractor's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

6.11. PERS Eligibility Indemnification. In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Contractor shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Contractor and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

6.12. Cooperation. In the event any claim or action is brought against City relating to Contractor's performance or services rendered under this Agreement, Contractor shall render any reasonable assistance and cooperation which City might require.

6.13. Conflict of Interest. Contractor and its officers, employees, associates and subcontractors, if any, will comply with all conflict of interest statutes of the State of California applicable to Contractor's services under this Agreement, including, but not limited to, the Political Reform Act (Government Code Sections 81000, *et seq*.) and Government Code Section 1090. During the term of this Agreement, Contractor and its officers, employees, associates and subcontractors shall not, without the prior written approval of the City Representative, perform work for another person or entity for whom Contractor is not currently performing work that would require Contractor or one of its officers, employees, associates or subcontractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

6.14. Prohibited Employment. Contractor will not employ any regular employee of City while this Agreement is in effect.

6.15. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern over the document referenced.

6.16. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

6.17. Binding Effect. This Agreement binds and benefits the parties and their respective permitted successors and assigns.

6.18. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of City and Contractor and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

6.19. Headings. Headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Agreement.

6.20. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement and have had an adequate opportunity to review each and every provision of the Agreement and submit the same to counsel or other consultants for review and comment. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

6.21. Amendments. Only a writing executed by the parties hereto or their respective

successors and assigns may amend this Agreement.

6.22. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

6.23. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

6.24. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

6.25. Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CONTRACTOR

_____ Date: _____
Signature

_____
[Name and Title]

_____ Date: _____
Signature

_____
[Name and Title]

CITY OF COSTA MESA

_____ Date: _____
Lori Ann Farrell Harrison
City Manager

ATTEST:

_____
Brenda Green
City Clerk

APPROVED AS TO FORM:

_____ Date: _____
Kimberly Hall Barlow
City Attorney

APPROVED AS TO INSURANCE:

_____ Date: _____
Ruth Wang
Risk Management

APPROVED AS TO CONTENT:

_____ Date: _____

Daniel Jojola
Project Manager

DEPARTMENTAL APPROVAL:

_____ Date: _____

Raja Sethuraman
Public Works Director

APPROVED AS TO PURCHASING:

_____ Date: _____

Carol Molina
Finance Director

SIEMENS

PROPOSAL
HVAC and Automation Maintenance Service Agreement for:
Costa Mesa City Hall and Police Department Headquarters

PREPARED BY
Siemens Industry, Inc. utilizing Sourcewell Contract #070121-SIE

PREPARED FOR
City of Costa Mesa, Sourcewell Member #2173

DELIVERED ON

October 21, 2022

THE PRICES STATED HEREIN ARE BASED ON THE TERMS OF ONLY THE SOURCEWELL CONTRACT AND ATTACHED SIEMENS STANDARD TERMS AND CONDITIONS WITH THE EXCEPTION OF FERDERAL TERMS REQUIRED WHEN FEDERAL FUNDING IS USED. BY PARTICIPATING IN THE SOURCEWELL PROGRAM, PARTICIPATING ENTITIES HAVE AGREED TO USE THE SOURCEWELL CONTRACT AND ITS TERMS AND CONDITIONS.

SMART BUILDINGS

Transforming the Everyday



SIEMENS

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SIEMENS

Contact Information

Proposal #:	7148358
Date:	October 21, 2022

Sales Executive:	Doug Ray
Branch Address:	6141 Katella Ave. Cypress, California 90630
Telephone:	657-238-6317
Email Address:	doug.ray@siemens.com

Customer Contact:	Daniel Jojala
Customer:	City of Costa Mesa
Address:	77 Fair Dr.
	Costa Mesa CA 92626-6520
Services shall be provided at:	1. City Hall: 77 Fair Drive, Costa Mesa, CA 92626
	2. Police Department: 99 Fair Drive, Costa Mesa, CA 92626

Executive Summary

Customer Needs

The Services proposed in this agreement are specifically designed for City of Costa Mesa, and the services provided herein will help you in achieving your facility goals.

Our Services

Siemens will provide the following services.

Service Description

1. Building Services - Mechanical

- Annual Inspection
- Operational Inspection
- Condenser Tube Cleaning
- Vibration Analysis
- Air Filter Service
- Belt Service
- Coil Cleaning - Condenser
- Cooling Tower Cleaning
- Combustion Analysis
- Customer Directed Support

2. Building Services - Automation Control

- Network Maintenance
- Control Loop Tuning
- Preventative Maintenance
- Software Maintenance
- Customer Directed Support

SIEMENS

Siemens Capabilities & Customer Commitment

Siemens Industry, Inc. is a leading single-source provider of cost-effective facility performance solutions for the comfort, life safety, security, energy efficiency and operation of some of the most technically advanced buildings in the world. For more than 150 years, Siemens has built a culture of long-term commitment to customers through innovation and technology. Siemens is a financially strong global organization with a Branch network that delivers personalized service and support to customers in multiple industries and locations.

References are available upon request.

Building Services – Automation

Services that deliver the outcomes you want to achieve

Services delivered by Siemens have been developed to help you achieve the outcomes you expect.

Network Health

Optimize the health of the network infrastructure by analyzing network traffic and resolving performance issues.

Network Maintenance

Network Maintenance: Using a combination of proprietary diagnostic technologies, digital meters, and network analysis software, Siemens will analyze, optimize and report on the performance of the customer's systems networks a specified number of times per year. Proper network performance helps to ensure the proper speed of communication and accuracy of control, alarming, and reporting across the facility. Using network diagnostic tools, our proactive evaluation of the data network includes an analysis of bandwidth, disturbances, network traffic, communication over the network, and overall operation. The number of networks to be analyzed and the frequency of the service are documented in the List of Maintained Equipment.

Control Loop Tuning

Control loops drift out of calibration with changes in mechanical efficiency, building use, and climatic conditions. Through this service Siemens will ensure control loops for devices such as valves, dampers, actuators, etc., experience minimized overshooting and oscillatory behavior. The control loops to be included as part of this service are itemized in the List of Maintained Equipment in this service agreement.

Preventive Maintenance – Automation

We will provide preventive maintenance in accordance with a program of routines as determined by our experience, equipment application and location. The list of field panels and/or devices included under this service are identified in the List of Maintained Equipment in this service agreement.
Automation controls can drift out of calibration with changes in HVAC component performance characteristics, building use, and climatic conditions. This service will extend equipment life, reduce energy consumption, and reduce the risk of costly and disruptive breakdowns.

Software Maintenance

Using appropriate tools from Siemens' suite of diagnostic tools, we periodically perform system diagnostics and then take corrective actions to ensure that the Building Automation System is performing at peak efficiency or to customer requirements. We make sure that software changes are clear and consistent, address any failed points, points in alarm, points in operator priority and take corrective action. We identify and correct software corruption and inconsistencies; eliminate duplicate points, redundant loops and causes of unnecessary traffic; and address unresolved points and alarm reporting problems. This will ensure that the system operates quickly, accurately and efficiently as originally designed and installed or as determined by current standards or requirements.

Customer Directed Support - 20 hours annually, not to exceed 5 hours per quarter.

With Customer Directed Support, Siemens will provide a trained and experienced specialist or technician who will work under your direction. The intent of this service is to offer you labor assistance in completing a special project, or to meet a facility objective. Specific job responsibilities, goals, work hours and other associated deliverables of this service agreement.

Emergency Response Times

Emergency Online/Phone Response

Premium

Monday through Sunday, 24 Hours per Day System and software troubleshooting and diagnostics will be provided remotely to enable faster response to emergency service requests and to reduce the costs and disruptions of downtime. Siemens will respond within 2 hours, Monday through Sunday, 24 hours per day, including Holidays, upon receiving notification of an emergency, as determined by your staff and Siemens. Where applicable, Siemens will furnish and install the necessary online service technology to enable us to remotely access into your system, through a communications protocol (internet connection or dedicated telephone line) that will be provided by the facility. Where remote access is not available to the system, Siemens will provide phone support to your staff to assist in their onsite troubleshooting and diagnosis. If remote diagnostics determine a site visit is required to resolve the problem, a technician can be dispatched. Depending on your contract coverage, the on-site dispatch will be covered or will be a billable service call.

Emergency On-site Response

Premium

Monday through Sunday, 24 hours a day, Emergency Onsite Response will be provided to reduce the costs and disruptions of downtime when an unexpected problem does occur. Siemens will provide this service between scheduled service calls and respond onsite at your facility within 4 hours for emergency conditions, as determined by your staff and Siemens, Monday through Sunday, 24 hours per day, including Holidays, upon receiving notification of an emergency. Non-emergency conditions, as determined by your staff and Siemens, may be incorporated into the next scheduled service call.

Building Services – Mechanical

Services that deliver the outcomes you want to achieve.

Services delivered by Siemens have been developed to help you achieve the outcomes you expect.

Air Filter Service

Through this service Siemens will maintain indoor air quality by changing filters and minimizing dust and particles from collecting in the ductwork. This service also helps ensure proper flow through cooling and heating coils thus helping to prevent restrictions in airflow and provide better heat transfer, leading to better system performance and energy efficiency. The air handling equipment in which this air filter service is included is identified in the Mechanical Equipment List. Any filters that require replacement on a frequency other than the scheduled operational or annual service visits will be specifically identified immediately following this paragraph. In the event the air filter service or cleaning requires different frequencies than indicated (due to experience or changes in operating conditions), recommendations will be made for your approval to adjust the frequencies and any associated price.

Annual Inspection

Siemens will perform scheduled annual preventive maintenance in accordance with a program of standard routines as determined by our experience, equipment application, and equipment operating hours that are recommended by each equipment manufacturer and location. This service is designed to optimize the reliability and efficiency of the equipment, and provide you with possible indications of excessive wear and damage to your systems before a catastrophic failure occurs. Depending on our findings we will also provide recommendations for additional service(s) that will help to better enhance equipment performance and / or report any other deficiencies that are not corrected within the scope of this agreement. The equipment included under this service is itemized in the Mechanical Equipment List in this service agreement.

Belt Service

Siemens will provide necessary labor and material to change the belt(s) on the listed equipment. The belts will be changed during annual or seasonal inspections once per year

Coil Cleaning - Condenser (Refrigeration)

Through this service Siemens will improve airflow across condenser coils and improve heat transfer. This service will help to extend the life of the compressors and improve efficiency. Coil cleaning consists of cleaning the outside surface of the condensing unit coils to remove any airborne particles, or dirt buildup by using a brush, high pressure air, chemical with low pressure wash or chemical with high pressure wash at our discretion based on the condition of the outside environment and coil accessibility. The equipment included under this service is itemized in the Mechanical Equipment List in this service agreement. Any Coils that require cleaning on a frequency other than the scheduled operational or annual service visits will be specifically identified immediately following this paragraph.

Condenser Tube Cleaning

Siemens will provide necessary labor and material to remove the condenser head and manually clean the condenser tubes with the appropriate cleaning equipment and replace the condenser head when cleaning is completed. This is done to maximize heat transfer which should result in efficiently operating equipment. The condenser tubes will be cleaned during normal hours at a time that is mutually agreeable between your staff and Siemens. Acid washing to remove excessive scale build up due to poor water treatment is not included with this service.

Cooling Tower Cleaning

Siemens will drain, clean and remove normal debris from the cooling tower basins and distribution pans. This provides for even water flow and reduces the likelihood that debris will enter the condenser water system that could block chiller condenser tubes and restrict condenser flow, thus helping to prevent nuisance chiller shutdowns and poor system energy efficiency. The cooling towers included under this service are itemized in the Mechanical Equipment List in this service agreement.

Operating Inspection

Through this service Siemens will help to ensure mechanical equipment continues to operate efficiently, safely and with minimal operating disruptions during the operating season. We will provide routine operating inspection(s) to check system performance in accordance with a program of standard routines as determined by our experience, the equipment manufacturer's published recommendations, equipment application, and location. This service will focus on equipment operation, fluid levels, operating and safety controls, and safe equipment operation. The equipment included under this service is itemized in the Mechanical Equipment List in this service agreement.

Combustion Analysis

Siemens will utilize electronic flue gas analysis to perform combustion analysis, whereby we adjust the burner controls and linkages as required for efficiency and pollution control. If existing equipment cannot meet current pollution requirements, we will make recommendations for system improvements. The boilers included under this service are itemized in the Mechanical Equipment List in this service agreement.

Eddy Current Testing (To be done in Period 3, 2025)

Eddy Current Testing helps to ensure heat exchanger tubes are within manufacturer's specifications and tubes are free of defects, thus helping to prevent costly waterside failures. After completion of each test, Siemens shall interpret the results and provide you with a written report including recommendations for corrective action(s). The following systems are covered in the Agreement for chillers itemized in the Mechanical Equipment List:

- Chiller Condenser tubes (once every 3 years)

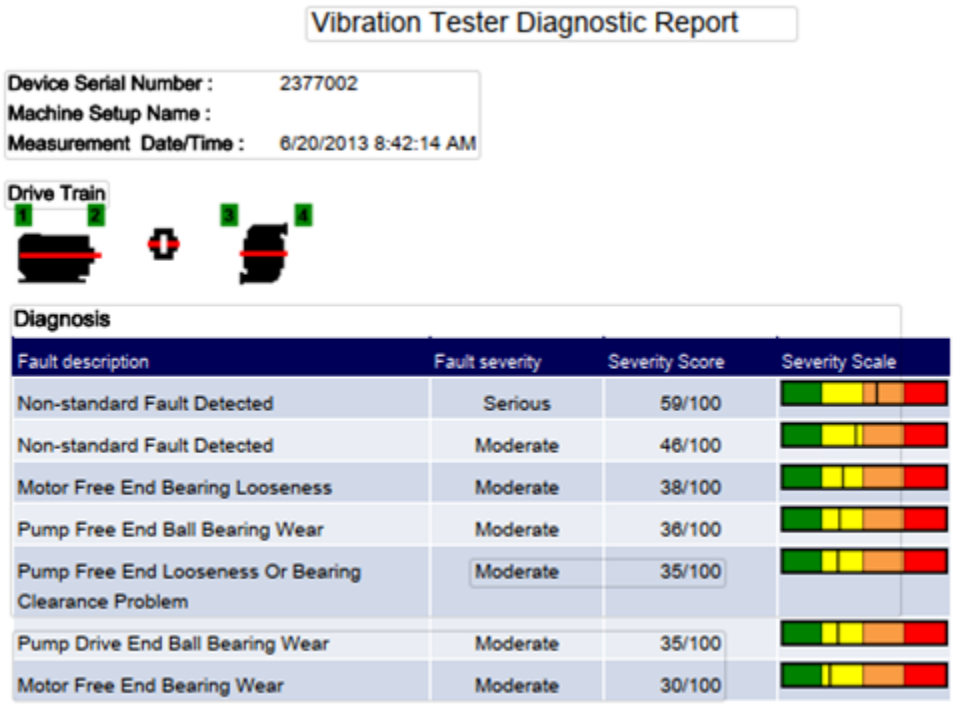
Vibration Analysis

Many motor and driven component failures are directly related to mechanical failure. Vibration analysis can help you uncover mechanical issues well in advance of a failure and before motors are permanently damaged. As mechanical components begin to wear improperly, equipment begins to vibrate. By analyzing the signature of this vibration, the severity of the issues can be determined as well as the likely cause of the problem. The system combines a powerful diagnostic engine with a straightforward data collection process to analyze and report on specific machine faults and their severity. It provides quantifiable proof of equipment condition that drives budget and investment decisions to repair or replace machinery.

The early detection of mechanical issues can help increase uptime and reduce the overall cost of repairs by identifying issues before they cause major damage. When an issue is identified, plans can be implemented to repair and minimize business interruptions.

Services Performed on:

- Pumps
- Air Handler Motors



Vibration Tester Diagnostic Report

Device Serial Number : 2377002
Machine Setup Name :
Measurement Date/Time : 6/20/2013 8:42:14 AM

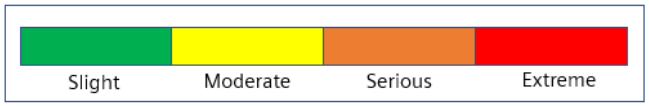
Drive Train

Diagnosis

Fault description	Fault severity	Severity Score	Severity Scale
Non-standard Fault Detected	Serious	59/100	
Non-standard Fault Detected	Moderate	46/100	
Motor Free End Bearing Looseness	Moderate	38/100	
Pump Free End Ball Bearing Wear	Moderate	36/100	
Pump Free End Looseness Or Bearing Clearance Problem	Moderate	35/100	
Pump Drive End Ball Bearing Wear	Moderate	35/100	
Motor Free End Bearing Wear	Moderate	30/100	

Severity Scale

The Scale is an indication of the severity for any particular fault machine condition.



Follow these recommended actions for each severity level to avoid failure. In general, the scale may be interpreted as:

- **Slight**
  No repair action is recommended. Monitor the machine and retest after regular machine planned maintenance to verify maintenance was performed correctly.

- **Moderate**
  (Months, even up to a year) – Repair action may be needed in the future. A machine failure is possible, so plan accordingly. Increase the frequency of vibration testing on this equipment and review spare parts availability.

- **Serious**
  (Weeks) – Repair action may be needed before the next planned downtime. There may be other physical evidence of the fault in terms of noise or higher bearing temperatures. Retest the machine within a short period to confirm finds. Limit the run time of the machine, if possible, and determine a fault progression trend to prevent additional component failure.

Note:

Time to failure will vary depending on the equipment type, age, machine load, environmental conditions, and other variables.

- **Extreme**
  (Days) – Consider shutting down the equipment and tacking repair action **now** to avoid catastrophic failure. There is likely other physical evidence of the fault in terms of noise, higher bearing temperatures or visible movement. Retest the machine within a short period to confirm finds.

Customer Directed Support - 80 hours annually, not to exceed 20 hours per quarter.

With Customer Directed Support, Siemens will provide a trained and experienced specialist or technician who will work under your direction. The intent of this service is to offer you labor assistance in completing a special project, or to meet a facility objective. Specific job responsibilities, goals, work hours and other associated deliverables of this service agreement are listed in the Appendix section of this service agreement.

Equipment Inventory

CDS - Customer Direct Service - 100 total hours. Not to exceed 20 hours per quarter for mechanical, 5 hours per quarter for automation.

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
(M) Customer Directed Support	1	4	4	NA	ALL	ALL			Yes	No

Costa Mesa City Hall

Chiller Plant

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Chiller 1 - Trane	1	4	4	No	TRANE	60	CGWC60	L88L04974	Yes	No
Chiller 2 - Trane	1	4	4	No	TRANE	60	CGWC60	L88L04975	Yes	No
Chiller 3 - Trane	1	4	4	No	TRANE	60	CGWC60	L88L04976	Yes	No
Chiller 4 - Carrier	1	4	4	No	CARRIER	25	30HWB025-C-610EC	1402Q01381	Yes	No
Chiller 5 - Carrier	1	4	4	No	CARRIER	25	30HWB025-C-610EC	1402Q01380	Yes	No
CH Pump 1- PACO	1	4	4	No	PACO	7.5	11-20953-133201		Yes	No
CH Pump 2- PACO	1	4	4	No	PACO	7.5	Concealed		Yes	No
CH Pump 3- PACO	1	4	4	No	PACO	7.5	Concealed		Yes	No
CH Pump 4- PACO	1	4	4	No	PACO	7.5	Concealed		Yes	No
CH Pump 5 - Kirst Pump	1	4	4	No	KIRST PUMP	5	5BFK1		Yes	No
CW Pump 1- PACO	1	4	4	No	PACO	7.5	Concealed		Yes	No

CW Pump 2- PACO	1	4	4	No	PACO	7.5	Concealed		Yes	No
CW Pump 3- PACO	1	4	4	No	PACO	7.5	Concealed		Yes	No
CW Pump 4 - Frederic	1	4	4	No		5			Yes	No
CW Pump 5 - Weinman	1	4	4	No	WEINMAN	5	167669		Yes	No
Air Tube - Lamson - Incl Basement	2	2	4	No	LAMSON	1	12-SG-75	670357	Yes	No
Air Compressor - Quincy	1	2	4	No	QUINCY	1	BMQTS5QCBDT	UTY951156	Yes	No
Air Dryer - Hankinson	1	2	4	No	HANKINSON	1	HPR5-10-115	H510A1150510202	Yes	No
RTU 1 - Carrier	1	1	4	No	CARRIER	5	50HJQ006---511--	2202G49246	Yes	No
RTU 2 - Carrier	1	1	4	No	CARRIER	4	50HS-042---501---	1094G02634	Yes	No
Clean Strainer (Annual)	5	1	4	No					No	No

FCUs

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Fan Coil 1 - Magic Aire	1	4	4	No	MAGIC AIRE	90000	90-BHW-6-A	W991222866	Yes	No
Fan Coil 2 - Magic Aire	1	4	4	No	MAGIC AIRE	90000	90-BHW-6-A	W991222867	Yes	No
Fan Coil 3 - Magic Aire	1	4	4	No	MAGIC AIRE	48000	48-BHW-6-A	W000126023	Yes	No
Fan Coil 4 - Worthington	1	4	4	No	WORTHINGTON	72000	CHN-6.52	28A66F-183	Yes	No

Fan Coil 5 - Worthington	1	4	4	No	WORTHINGTON	72000	CHN-6.52	28A66F-180	Yes	No
Fan Coil 6 - Worthington	1	4	4	No	WORTHINGTON	24000	CHN-2.05	28A66F-169	Yes	No
Fan Coil 7 - Worthington	1	4	4	No	WORTHINGTON	24000	CHN-2.05	28A66F-173	Yes	No
Fan Coil 8 - Worthington	1	4	4	No	WORTHINGTON	48000	CHN-4.62	28A66F-185	Yes	No
Fan Coil 9 - First Co.	1	4	4	No	FIRST CO.	60000	60CHW4-C	J03 part# 88060--4QS	Yes	No
Fan Coil 10 - Worthington	1	4	4	No	WORTHINGTON	72000	CHN-6.52	28A66F-176	Yes	No
Fan Coil 11 - Magic Aire	1	4	4	No	MAGIC AIRE	240000	180/ 240-BMW-6-A	W040292250	Yes	No
Fan Coil 12 - Magic Aire	1	4	4	No	MAGIC AIRE	240000	180/ 240-BMW-6-A	W031287599	Yes	No
Fan Coil 13 - Worthington	1	4	4	No	WORTHINGTON	96000	CHV-13.50	64A66G86	Yes	No
Fan Coil 14 - Worthington	1	4	4	No	WORTHINGTON	96000	CHV-13.50	64A66G91	Yes	No
Fan Coil 15 - Worthington	1	4	4	No	WORTHINGTON	96000	CHV-13.50	64A66G-85	Yes	No
Fan Coil 16 - Worthington	1	4	4	No	WORTHINGTON	96000	CHV-13.50	64A66G-83	Yes	No
Fan Coil 17 - Worthington	1	4	4	No	WORTHINGTON	96000	CHV-13.50	64A66G87	Yes	No
Fan Coil 18 - Worthington	1	4	4	No	WORTHINGTON	96000	CHV-13.50	64A66G-84	Yes	No

Fan Coil 19 - UNKNOWN	1	4	4	No		12000			Yes	No

RTUs

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
RTU 1 - Carrier	1	4	4	No	CARRIER	5	50HJQ006---511--	2202G49246	Yes	No
RTU 2 - Carrier	1	4	4	No	CARRIER	4	50HS-042---501---	1094G02634	Yes	No

Split Systems

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Split System 1 - Mitsubishi	1	4	4	No	MITSUBISHI	3.5	PUZ-A42NKA7		Yes	No
Split System 2 - Mitsubishi	1	4	4	No	MITSUBISHI	3.5	PUZ-A42NKA7		Yes	No
Split System 3 - Mitsubishi	1	4	4	No	MITSUBISHI	3.5	PUZ-A42NKA7		Yes	No

Exhaust Fan

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Exhaust Fan RR	1	4	4	No	UNKNOWN	1	UNKNOWN	UNKNOWN	Yes	No

Cooling Tower

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Cooling Tower - BAC	1	4	4	Yes	BAC	145	VTO-145-M	U188617501-01-01	Yes	No

Strip Heaters

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Strip Heaters 1st Floor - 2kw to 15kw	23	1	4	No		34122			Yes	No
Strip Heaters 2nd Floor - 2kw to 7kw	20	1	4	No		17060			Yes	No
Strip Heaters 3rd Floor - 2kw to 6kw	19	1	4	No		13469			Yes	No
Strip Heaters 4th Floor - 2kw to 6kw	17	1	4	No		13469			Yes	No
Strip Heaters 5th Floor - 2kw to 5kw	20	1	4	No		11943			Yes	No

Labor by month (For time adjustment purposes only)

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
User Defined Eqpt. Independent	1	12	4	No					Yes	No

Costa Mesa Police Headquarters

Chillers

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Chiller 1 -Trane	1	4	4	No	TRANE	80	CGWC80	L87K04982	Yes	No
Chiller 2 -Trane	1	4	4	No	TRANE	80	CGWC80	L87K04983	Yes	No
Clean Strainer (Annual)	2	1	4	No					No	No

Pumps

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
CHW 1 - B&G	1	4	4	No	BELL & GOSSETT	5	UNKNOWN	C052920-01 K70	Yes	No
CHW 2 - B&G	1	4	4	No	BELL & GOSSETT	5	UNKNOWN	C052920-02 K70	Yes	No
CW 1 - B&G	1	4	4	No	BELL & GOSSETT	5	UNKNOWN	CO052921-01 K70	Yes	No
CW 2 - B&G	1	4	4	No	BELL & GOSSETT	5	UNKNOWN	C05292T-02 K70	Yes	No

Split Systems

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/HP)	Model #	Serial #	Preventive Maintenance	R&R Service

Split System 1 - Carrier	1	4	4	No	CARRIER	5	38HDR060 / CK3B060	4306X92236	Yes	No
Split System 2 - Carrier	1	4	4	No	CARRIER	5	38HDR060 / CK3B060	4206X92222	Yes	No
Split System 3 - Carrier	1	4	4	No	CARRIER	1.5	38HDR018 / FK4C018		Yes	No
Split System 4 - Carrier	1	4	4	No	CARRIER	1.5	38QRF018 / 40QAE018		Yes	No
Split System 5 - Mitsubishi	1	4	4	No	MITSUBISHI	1.5	PUY-A30NHA / PLA-A30AA		Yes	No

FCUs

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Fan Coil 1 - Thermal Corp	1	4	4	No	THERMAL CORP	12000	CPE-80-H	07-263906-01	Yes	No
Fan Coil 2 - Thermal Corp	1	4	4	No	THERMAL CORP	12000	CPE-80		Yes	No
Fan Coil 3 - Thermal Corp	1	4	4	No	THERMAL CORP	30000	CPE-150	07-263906-03	Yes	No
Fan Coil 4 - Thermal Corp	1	4	4	No	THERMAL CORP	12000	CPE-80	07-263906-04	Yes	No
Fan Coil 5 - Thermal Corp	1	4	4	No	THERMAL CORP	30000	CPE-150		Yes	No
Fan Coil 6 - Thermal Corp	1	4	4	No	THERMAL CORP	36000	CPE-200	07-263906-06	Yes	No
Fan Coil 7 - Thermal Corp	1	4	4	No	THERMAL CORP	36000	CPE-200	07-263906-07	Yes	No

Fan Coil 8 - Thermal Corp	1	4	4	No	THERMAL CORP	36000	CPE-100	07-263906-08	Yes	No
Fan Coil 9 - Carrier	1	4	4	No	CARRIER	18000	FX4CNF018	1407A70104	Yes	No
Fan Coil 10 - Carrier	1	4	4	No	CARRIER	18000	42DAA16LRDY6YYYY	195011-10-1	Yes	No
Fan Coil 11 - McQuay	1	4	4	No	MCQUAY	60000	CAH006FDAC	FBOU000500002	Yes	No
Fan Coil 12 - McLean	1	4	4	No	MCLEAN	60000	NCRMAC8000	10051590-49	Yes	No

Fans

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Exhaust Fan 1 - Loren Cook	1	4	4	No	LOREN COOK	2	135 CPS		Yes	No
Exhaust Fan 2 - Loren Cook	1	4	4	No	LOREN COOK	2	135 ACRUB		Yes	No
Exhaust Fan 3 - Loren Cook	1	4	4	No	LOREN COOK	3	150 CPS	138S988039-01/ 0002101	Yes	No
Exhaust Fan 4 - Loren Cook	1	4	4	No	LOREN COOK	7.5	245 CPS	138S988039-01/ 0003501	Yes	No
Exhaust Fan 5 - Loren Cook	1	4	4	No	LOREN COOK	5	210 SQNB		Yes	No
Exhaust Fan 6 - Loren Cook	1	4	4	No	LOREN COOK	5	GC-220		Yes	No
Exhaust Fan 7 - Loren Cook	1	4	4	No	LOREN COOK	1	100 CPS	138S948902-00/ 0000701	Yes	No

Exhaust Fan 8 - Loren Cook	1	4	4	No	LOREN COOK	1	100 CPS	138S938097-00/ 0002101	Yes	No
Exhaust Fan 9 - Loren Cook	1	4	4	No	LOREN COOK	3	150 ACRUB	138S936258-01/ 0012404	Yes	No
Exhaust Fan 10 - UNKNOWN	1	4	4	No	UNKNOWN	5			Yes	No
Supply Fan 1 - Loren Cook	1	4	4	No	LOREN COOK	5	180 KSP-B	138S988039-00/ 0000701	Yes	No
Supply Fan 2 - Loren Cook	1	4	4	No	LOREN COOK	3	150 ASP	138S988039-00/ 0001801	Yes	No
Gun Range Exhaust - Dayton	1	4	4	No	DAYTON	5	1M8F2	15104289	Yes	No

AHUs

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Air Handler 1 - Thermal Corp	1	4	4	Yes	THERMAL CORP	50	RTA-701-H	09-263906-09	Yes	No
Air Handler 2 - Thermal Corp	1	4	4	Yes	THERMAL CORP	50	RTA-241-HS	09-263906-10	Yes	No

Boilers

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Boiler 1 - Raypak	1	4	4	No	RAYPAK INC.	60	302-902	704264547	Yes	No

Boiler 1 - Raypak	1	4	4	No	RAYPAK INC.	60	302-902	704264548	Yes	No

HWPs

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Hot Water Pump 1 - Bell & Gossett	1	4	4	No	BELL & GOSSETT	5	1BF046 E70		Yes	No
Hot Water Pump 2 - Bell & Gossett	1	4	4	No	BELL & GOSSETT	5	1BF046 E70		Yes	No

Cooling Tower

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
Cooling Tower - BAC	1	4	4	Yes		160	FXT-160/ X	U15634601-01	Yes	No

Labor by month (For time adjustment purposes only)

Description	Qty	# of Visits	# of Years	VFD Incl.	Manufacturer	Size (Tons/ HP)	Model #	Serial #	Preventive Maintenance	R&R Service
User Defined Eqpt. Independent	1	12	4	No					No	No

Mechanical Exclusions and Clarifications

Unless expressly stated otherwise, Services do not include and Siemens is not responsible for: (a) re-installation or relocation of Equipment; (b) painting or refinishing of Equipment or surrounding surfaces; (c) parts, accessories, attachments or other devices added to Equipment but not furnished by Siemens; (d) failure to continually provide suitable operating environment including, but not limited to, adequate space, ventilation, electrical power and protection from the elements; (e) the removal or re-installation of replacement valves, dampers, water flow and tamper switches, airflow stations, venting or draining systems, and any other permanently mounted integral pipe or air duct component; (f) installation / removal, and / or rental fees for any temporary HVAC equipment if necessary; (g) Cranes, hoisting or rigging that may be required; (h) Leaks at gaskets O-rings or seals; or (i) latent defects in the Equipment that cannot be discovered through the standard provision of the Services. Siemens is not responsible for services performed on any Equipment other than by Siemens or its agents.

Siemens will not be responsible for the maintenance, repair or replacement of, or Services necessitated by reason of: (a) non-maintainable, non-replaceable or obsolete parts of the Equipment, including but not limited to ductwork, shell and tubes, heat exchangers, coils, unit cabinets, casings, refractory material, electrical wiring, water and pneumatic piping, structural supports, cooling tower fill, slats and basins, etc. unless otherwise expressly stated elsewhere in this Proposal; or (b) negligence, abuse, misuse, improper or inadequate repairs or modifications by others, improper operation, lack of operator maintenance or skill, failure to comply with manufacturer's operating and environmental requirements.

Siemens is not responsible for repairs, replacements, or services to Equipment due to corrosion, erosion, improper or inadequate water treatment by others, electrolytic or chemical action, or reasons beyond its reasonable control.

Siemens is not responsible for water treatment related damages to the condenser, evaporator, hot water, or steam systems.

Siemens is not responsible for service calls due to power outages.

Siemens is not responsible for repair labor/materials/parts for ice machines, refrigerators, freezers, kitchen specialty equipment, boilers, laundry equipment, replacement refrigerant, replacement glycol, or replacement control valves unless included elsewhere. On occasion a flush and refill of the Water-Glycol mixtures may be required. Flush and refill is not included in the standard service offering.

Siemens is not responsible for helium replacement in chiller systems that service Medical Imaging Systems.

Siemens is not responsible for repair labor/materials/parts for covered equipment that has experienced electrical damage due to power surges, single phasing, and related electrical issues.

Connectivity and Communications

Siemens Service Portal

The Service Portal complements the personalized services you will receive from your local Siemens office by providing greater visibility into equipment and services delivered by Siemens. This web-based portal allows you the ability to submit service requests, confirm and modify schedules, track repairs, manage agreements, generate reports, and access critical information; then share it across your entire enterprise quickly and efficiently. The Service Portal is a user-friendly way to increase your productivity and the value of your service program.

Data security as a basic requirement

We value confidentiality and long-term partnerships. That is why we give the security of your data the highest priority. Before we implement an enhanced service package with remote support, we conduct an in-depth analysis of the situation, taking into account national and international regulations, technical infrastructures and industry specifics. Our service employees carefully evaluate your needs on an individual basis with a view toward information security.

Service Agreement Contract Characteristics

Description	MECHANICAL	AUTOMATION
Hours of Coverage	24 x 7	24 x 7
Response Times (Phone/Online)	2 Hours	2 Hours
Response Times (Onsite/Emergency)	4 Hours	4 Hours
Remote Services	No	Yes
Third Party Systems	No	No
Monitoring	No	No

SIEMENS

Service Details

Automation

Service Description	Qty	Frequency	Year
Customer Directed Support	1	4	1,2,3,4
Apogee System	1	2	1,2,3,4
Apogee P2	1	1	1,2,3,4
Insight Workstation	1	1	1,2,3,4
Control Loop Tuning	1	1	1,2,3,4
User Defined Equipment Independent Service	1	12	1,2,3,4

Maintained Equipment Table

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
Chiller 1 - Trane						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A
	Eddy Current Analysis	1	1	3	Onsite	N/A
Chiller 2 - Trane						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A
	Eddy Current Analysis	1	1	3	Onsite	N/A
Chiller 3 - Trane						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A
	Eddy Current Analysis	1	1	3	Onsite	N/A
Chiller 4 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Eddy Current Analysis	1	1	3	Onsite	N/A
Chiller 5 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A
	Eddy Current Analysis	1	1	3	Onsite	N/A
CH Pump 1- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CH Pump 2- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CH Pump 3- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CH Pump 4- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CH Pump 5 - Kirst Pump						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW Pump 1- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW Pump 2- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW Pump 3- PACO						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW Pump 4 - Frederic						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW Pump 5 - Weinman						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
Air Tube - Lamson - Incl Basement						
	Annual Inspection	2	1	1,2,3,4	Onsite	N/A
	Operational Inspection	2	1	1,2,3,4	Onsite	N/A
Air Compressor - Quincy						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	1	1,2,3,4	Onsite	N/A
Air Dryer - Hankinson						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	1	1,2,3,4	Onsite	N/A
RTU 1 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Belt Service	1	1	1,2,3,4	Onsite	N/A
	Coil Cleaning - Condenser (Refrig)	1	4	1,2,3,4	Onsite	N/A
RTU 2 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
	Belt Service	1	1	1,2,3,4	Onsite	N/A
	Coil Cleaning - Condenser (Refrig)	1	4	1,2,3,4	Onsite	N/A
Fan Coil 1 - Magic Aire						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 2 - Magic Aire						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 3 - Magic Aire						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 4 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 5 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 6 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 7 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 8 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 9 - First Co.						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 10 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 11 - Magic Aire						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 12 - Magic Aire						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 13 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 14 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 15 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 16 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 17 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 18 - Worthington						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 19 - UNKNOWN						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Split System 1 - Mitsubishi						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	1	1,2,3,4	Onsite	N/A
Split System 2 - Mitsubishi						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	1	1,2,3,4	Onsite	N/A
Split System 3 - Mitsubishi						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	1	1,2,3,4	Onsite	N/A
Exhaust Fan RR						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
Cooling Tower - BAC						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Cooling Tower Cleaning	1	1	1,2,3,4	Onsite	N/A
	Belt Service	1	1	1,2,3,4	Onsite	N/A
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Cooling Tower Cleaning	1	1	1,2,3,4	Onsite	N/A
	Belt Service	1	1	1,2,3,4	Onsite	N/A
Strip Heaters 1st Floor - 2kw to 15kw						
	Annual Inspection	23	1	1,2,3,4	Onsite	N/A
Strip Heaters 2nd Floor - 2kw to 7kw						
	Annual Inspection	20	1	1,2,3,4	Onsite	N/A
Strip Heaters 3rd Floor - 2kw to 6kw						
	Annual Inspection	19	1	1,2,3,4	Onsite	N/A
Strip Heaters 4th Floor - 2kw to 6kw						
	Annual Inspection	17	1	1,2,3,4	Onsite	N/A
Strip Heaters 5th Floor - 2kw to 5kw						
	Annual Inspection	20	1	1,2,3,4	Onsite	N/A
Chiller 1 -Trane						

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A
	Eddy Current Analysis	1	1	1,2,3,4	Onsite	N/A
Chiller 2 -Trane						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Condenser Tube Cleaning (water)	1	1	1,2,3,4	Onsite	N/A
	Eddy Current Analysis	1	1	1,2,3,4	Onsite	N/A
CHW 1 - B&G						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CHW 2 - B&G						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW 1 - B&G						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
CW 2 - B&G						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
Split System 1 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Split System 2 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Split System 3 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Split System 4 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Split System 5 - Mitsubishi						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 1 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 2 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 3 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 4 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 5 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 6 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 7 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 8 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 9 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 10 - Carrier						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 11 - McQuay						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Fan Coil 12 - McLean						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
Exhaust Fan 1 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 2 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 3 - Loren Cook						

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 4 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 5 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 6 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 7 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 8 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Exhaust Fan 9 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
Exhaust Fan 10 - UNKNOWN						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Supply Fan 1 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Supply Fan 2 - Loren Cook						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Gun Range Exhaust - Dayton						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
Air Handler 1 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
	Belt Service	1	1	1,2,3,4	Onsite	N/A
Air Handler 2 - Thermal Corp						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A

Mechanical

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
	Air Filter Service	1	4	1,2,3,4	Onsite	N/A
	Belt Service	1	1	1,2,3,4	Onsite	N/A
Boiler 1 - Raypak						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Combustion Analysis	1	1	1,2,3,4	Onsite	N/A
	Combustion Analysis	1	1	1,2,3,4	Onsite	N/A
Hot Water Pump 1 - Bell & Gossett						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A
Hot Water Pump 2 - Bell & Gossett						
	Annual Inspection	1	1	1,2,3,4	Onsite	N/A
	Operational Inspection	1	3	1,2,3,4	Onsite	N/A
	Vibration Analysis	1	1	1,2,3,4	Onsite	N/A

Automation

Equipment	Service Description	Qty	Frequency	Year	Service Location	Repair Coverage
City Hall Panels on P2 BLN						
	Apogee System	2	1	1,2,3,4	Onsite	N/A
PHQ Legacy Panels on P2 BLN						
	Apogee System	3	1	1,2,3,4	Onsite	N/A
PHQ Panel on P2 BLN						
	Apogee System	1	1	1,2,3,4	Onsite	N/A

SIEMENS

Service Team

An important benefit of your Service Agreement derives from having the trained building service personnel of Siemens Industry, Inc. familiar with your building systems. Our implementation team of local experts provides thorough, reliable service and scheduling for the support of your system.

Added to the team is a team of building experts at our Digital Service Center. The benefits you receive are less disruption to your employees at the site, less intrusive on the system at peak hours, fewer emissions for trucks rolled, and real time analytics with digital workspace hours.

The following list outlines the service team that will be assigned to the service agreement for your facility

Your Assigned Team of Service Professionals will include:

Doug Ray manages the overall strategic service plan based upon your current and future service requirements.

Client Services Manager is responsible for ensuring that our contractual obligations are delivered, your expectations are being met and you are satisfied with the delivery of our services.

Primary Service Specialist is responsible for performing the ongoing service of your system.

Secondary Service Specialist who will be familiarized with your building systems to provide in-depth backup coverage.

Remote Services Specialist is responsible for the execution of remote services including proactive planned tasks, in-depth fault analysis and identification of corrective actions.

Service Operations Manager is responsible for managing the delivery of your entire support program and service requirements.

Service Coordinator is responsible for scheduling your planned maintenance visits, and handling your emergency situations by taking the appropriate action.

Service Administrator is responsible for all service invoicing including both service agreement and service projects.

SIEMENS

Terms and Conditions

Terms and Conditions (Click to download)
Terms & Conditions (www.siemens.com/standard-terms-service)

Price Escalation. If, during the term of this Contract, the price of various materials or labor or logistics are increased as reflected by CRU, CMAI, COMEX market indexes or IHS Markit, then Siemens may increase the applicable yearly Investment or apply a surcharge accordingly.

As a result of the global Covid-19 Virus outbreak, temporary delays in delivery, labor or services from Siemens and its sub-suppliers or subcontractors may occur. Among other factors, Siemens' delivery is subject to the correct and punctual supply from sub-suppliers or subcontractors, and Siemens reserves the right to make partial deliveries or modify its labor or services. While Siemens shall make every commercially reasonable effort to meet the delivery or service or completion date mentioned above, such date is subject to change.

Attachment A

Riders (Click on rider below to download)
SI Online Backup and Data Protection (www.siemens.com/rider-data-backup)

SIEMENS

Agreement Terms for Investments

Services shall be provided at:

1. Costa Mesa City Hall: 77 Fair Dr., Costa Mesa, CA 92626
2. Costa Mesa Police Department Headquarters: 99 Fair Dr., Costa Mesa, CA 92626

Siemens Industry, Inc. shall provide the services as identified in this Proposal and pursuant to the associated terms and conditions contained within.

This proposal is presented utilizing Sourcewell Contract #070121-SIE to Sourcewell Member #2173, City of Costa Mesa.

Duration (Initial Term and Renewal): This Agreement shall remain in effect for an Initial Term of 4 Periods beginning 2022-11-15. After the expiration of the Initial Term, this Agreement shall automatically renew for successive one year periods. The Investments for each year after the Initial Term of the Agreement and each year of each renewal of this Agreement shall be determined as the immediate prior year's Investment plus an escalator of 5.5% or as allowed per this proposal. In addition, each renewal term pricing shall be adjusted for any additions or deletions to services selected for the renewal term.

Initial Term Investments:

Period	Period Range	Billing Frequency	Annual Price
1**	Nov 15, 2022 - June 30, 2023	Annually	$154,472.71*
2	July 1, 2023 - June 30, 2024	Annually	$224,734.43*
3***	July 1, 2024 - June 30, 2025	Annually	$249,167.58*
4	July 1, 2025 - June 30, 2026	Annually	$248,228.67*

Multi-Period Investment Total	$876,603.39

***Amount Due In Advance Based On Billing Frequency**

Applicable sales taxes, if included in the investment amount, are estimated only and will be calculated based on local requirements at the time of invoicing. The pricing quoted in this Proposal are firm for 30 days.

**** Please Note: Per customer request, Period 1 has a shortened term period of 8 months.**

*****Please Note: Period 3 has Eddy Current Testing for Chillers.**

SIEMENS

Signature Page

The Buyer acknowledges that when accepted by the Buyer as proposed Siemens Industry, Inc., this Proposal and the Standard Terms and Conditions of Sale for Services, (together with any other documents incorporated into the forgoing) shall constitute the entire agreement of the parties with respect to its subject matter.

This proposal is presented utilizing Sourcewell Contract #070121-SIE to Sourcewell Member #2173, City of Costa Mesa.

BY EXECUTION HEREOF, THE SIGNER CERTIFIES THAT (S)HE HAS READ ALL OF THE TERMS AND CONDITIONS AND DOCUMENTS, THAT SIEMENS INDUSTRY, INC. OR ITS REPRESENTATIVES HAVE MADE NO AGREEMENTS OR REPRESENTATIONS EXCEPT AS SET FORTH THEREIN, AND THAT (S)HE IS DULY AUTHORIZED TO EXECUTE THE SIGNATURE PAGE ON BEHALF OF THE BUYER.

Initial Term Investments

Period	Period Range	Billing Frequency	Annual Price
1	Nov 15, 2022 - June 30, 2023	Annually	$154,472.71*
2	July 1, 2023 - June 30, 2024	Annually	$224,734.43*
3	July 1, 2024 - June 30, 2025	Annually	$249,167.58*
4	July 1, 2025 - June 30, 2026	Annually	$248,228.67*

Proposed by:

Siemens Industry, Inc.

Company

Doug Ray

Name

7213754

Proposal #

$876,603.39

Proposal Amount

October 21, 2022

Date

Accepted by:

CITY OF COSTA MESA

Company

Name (Printed)

Signature

Title

Date

Purchase Order # ☐ PO for billing only ☐ PO not required

Appendix A: Siemens Service Portfolio

Advisory and Performance Services

SIEMENS
Ingenuity for life



Manage System Operation & Compliance

Services that keep systems performing at their best, as designed and intended to operate, help you achieve:

- Optimized comfort, safety, and security
- Fulfilled regulatory requirements
- Greater transparency into critical systems
- Reduced operating risk

Facility Assessment & Planning
In-depth building system assessment and recommendations, definition of relevant KPIs, and development of your service program

Test & Inspection
Regular check-ups to measure system performance compared to your defined facility and regulation requirements and risks

Preventive Services
Services performed on a regular schedule or based on data analytics to verify and improve system state

Documentation Management
Management of critical building system and compliance information, with organization and access determined by your needs

Corrective Services
Immediate response to system failures or faults to restore functionality and integrity to desired state



Optimize Performance & Productivity

Enhance building performance with improvement measures that increase productivity and efficiency; common outcomes include:

- Enhanced system performance
- Streamlined operational processes
- Improved decision-making through data analytics

Optimization Planning
Planning and prioritization of improvement measures to increase building and/or process performance and efficiencies

Predictive Services
Systems are audited and monitored to detect abnormalities or faults, with recommendations provided and/or corrective actions taken

System Improvements & Integration
Enhancements or additions to your current system to increase staff productivity, system performance, and operational/energy efficiencies

Training & Operational Support
Training, coaching, and on-site support to increase staff productivity and knowledge

Managed Services
On-site and/or remote resources monitor system events and alarms, and take appropriate action



Protect Lifecycle Investment

Leverage past investments and address future requirements with advanced and proven technology, to achieve outcomes such as:

- Extended system life
- Maximized return on investment
- Realized benefits of new technology

Technology Planning
Consulting services identify technology improvement opportunities that help achieve performance goals while leveraging past investments

System Updates / Upgrades
Software upgrades and firmware updates are provideded, delivering the most current technology and functionality

System Migration / Modernization
Enhancements to your systems by elevating them to the most current hardware and software platforms, resulting in increased functionality and performance levels

Retrofits & Extensions
Modifications are made to existing systems to accommodate changes to your facility usage and footprint

New Installation Services
Startup, commissioning, and other installation services are completed to ensure new equipment operates at maximum performance



Enhance Energy Management & Sustainability

Increase the value and competitiveness of buildings and infrastructure by delivering solutions that:

- Conserve energy
- Maximize efficiency
- Minimize operating costs
- Reduce environmental impact

Energy & Sustainability Master Planning
Strategy and planning services provide a detailed master plan to provide budget transparency, enable improved performance and sustainability, reduce energy consumption, and minimize operational costs

Energy Conservation
Implementing energy conservation strategies reduces total carbon emissions through efficiency measures and minimizes energy spend by optimizing consumption

Energy Production & Storage
Using innovative design and simulation tools. energy production and storage solutions improve energy efficiency, energy availability, security of supply, and carbon reduction

Energy Procurement
With advanced procurement technologies and beneficial contract terms, these tailored procurement and supply services reduce costs, reduce risks, and create certainty

Digital Services

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-917 **Meeting Date:** 11/15/2022

TITLE:

SUB-RECIPIENT AGREEMENT FOR THE 2021 URBAN AREA SECURITY INITIATIVE GRANT

DEPARTMENT: **POLICE DEPARTMENT AND FIRE AND RESCUE DEPARTMENT**

PRESENTED BY: **BRENDA EMRICK, ACTING EMERGENCY SERVICES MANAGER**

CONTACT INFORMATION: **BRENDA EMRICK, ACTING EMERGENCY SERVICES MANAGER, (714) 327-7406**

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute the Sub-Recipient Agreement (Attachment 1) with the City of Santa Ana for the FY 2021 Urban Areas Security Initiative (UASI) Grant Program.

BACKGROUND:

In 2005, the cities of Anaheim and Santa Ana were selected as administrators of the Urban Area Security Initiative (UASI) Grant for the Anaheim/Santa Ana Urban Area jurisdiction. Each year, Anaheim and Santa Ana trade off being the lead agency responsible for the program cycle. Santa Ana, through the Santa Ana Police Department, is the lead agency for the FY 2021 UASI Grant. The City of Costa Mesa is within the Anaheim/Santa Ana Urban Area jurisdiction. As part of this Urban Area, the City of Costa Mesa is eligible to receive equipment or services purchased with grant funds or to receive reimbursement for purchases of authorized equipment, services, joint training exercises, and expenses related to overtime for training evolutions, upon prior written approval from Santa Ana.

The UASI Grant is a reimbursement grant, meaning cities must expend their own funds for eligible expenditures, and then apply for reimbursement of these expenditures. In an effort to ensure each city does not expend funds for equipment, services, or training costs that are not allowable under the UASI Grant, each city is required to obtain prior written approval from the Emergency Management Bureau of the Santa Ana Police Department for expenditures it plans to submit for reimbursement.

Historically, the City received UASI grants to fund equipment purchases and training costs associated with the instruction and delivery of approved UASI courses. For FY 2019, the City did not receive a UASI allocation. However, Santa Ana recommended that the City enter into the Sub-Recipient Agreement with Santa Ana so that the City would be eligible to receive reimbursement in the event the City incurs eligible expenses during the grant period.

ANALYSIS:

The City did not receive a FY 2019 UASI grant. However, pursuant to Santa Ana's recommendation, staff recommends that the City Council authorize the City Manager to enter into the Sub-Recipient Agreement, so the City can be eligible to receive reimbursement in the event the City incurs eligible expenses during the grant period.

If the City Council authorizes the City Manager to enter into the Sub-Recipient Agreement, Police Department Training Bureau staff, with assistance from the Finance Department, will continue to track City expenditures associated within the grant parameters. If approved, the Police Department would process reimbursement requests with UASI grant staff on behalf of the City.

ALTERNATIVES:

The City Council could reject City participation in the UASI Grant Program. This approach would cause those expenses to be paid from the City's budget with no potential for reimbursement from the UASI Grant funds.

FISCAL REVIEW:

No fiscal impact.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and the agreement between the City of Santa Ana and the City of Costa Mesa and has approved them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Strengthen the Public's Safety and Improve the Quality of Life
- Advance Environmental Sustainability and Climate Resiliency

CONCLUSION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute the Sub-Recipient Agreement (Attachment 1) with the City of Santa Ana for the FY 2021 Urban Areas Security Initiative (UASI) Grant Program.

AGREEMENT

SUB-RECIPIENT: CITY OF COSTA MESA

City Contract Number _____

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EXHIBITS

Exhibit A	CalOES FY2021 Grant Assurances
Exhibit B	Certification Regarding Debarment, Suspension and Other Responsibility Matters
Exhibit C	Certification Regarding Lobbying

Agreement Number:_____

AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR

FOR REIMBURSEMENT OF TRAINING COSTS

FOR FY2021 URBAN AREAS SECURITY INITIATIVE (UASI)

BETWEEN
THE CITY OF SANTA ANA
AND CITY OF COSTA MESA

THIS AGREEMENT is made and entered into this 29 day of April 2022, by and between the CITY OF CITY OF SANTA ANA, a municipal corporation (the "CITY"), and CITY OF COSTA MESA (the "SUB-RECIPIENT" or "Contractor").

W I T N E S S E T H

WHEREAS, CITY, acting through the Santa Ana Police Department in its capacity as a Core City for the Anaheim/Santa Ana Urban Area under the FY2021 Urban Areas Security Initiative, has applied for, received and accepted a grant entitled "FY 2021 Urban Areas Security Initiative" from the federal Department Of Homeland Security(DHS) Federal Emergency Management Agency (FEMA), through the State of California Governor's Office of Emergency Services (CalOES), to enhance countywide emergency preparedness (the "grant"), as set forth in the grant guidelines and assurances that are incorporated to this Agreement by reference and located at:

U.S. Department of Homeland Security "Fiscal Year 2021 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity (NOFO)"
https://www.fema.gov/sites/default/files/documents/FEMA_FY2021-HSGP-NOFO_02-19-21.pdf

California Office of Emergency Services "FY2021 Homeland Security Grant Program: California Supplement to Federal Program Guidance and Application Kit"
https://www.caloes.ca.gov/wp-content/uploads/Grants/Documents/FY-2021-HSGP-State-Supplement.pdf

Copies of the grant guidelines shall be retained in the Anaheim/Santa Ana Grant Office.

WHEREAS, this financial assistance is administered by the CITY OF SANTA ANA ("CITY") and is overseen by the California Governor's Office of Emergency Services ("CalOES"); and

WHEREAS, this financial assistance is being provided to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, the Anaheim/Santa Ana Urban Area ("ASAUA") consists of 34 cities in

Orange County, including the City of Anaheim and the City of Santa Ana, the County of Orange, Santa Ana Unified School District Police, California State University, Fullerton, University of California, Irvine, Municipal Water District of Orange County, and the Orange County Fire Authority; and

WHEREAS, the Office of Grants Management ("OGM") awarded a FY2021 UASI Grant of $5,113,750 ("Grant Funds") to the CITY OF SANTA ANA, as a Core City, for use in the ASAUA; and

WHEREAS, the CITY has designated the Chief of Police, or his designee and the Santa Ana Police Department, Emergency Management Director ("UASI Grant Office") to provide for terrorism prevention and emergency preparedness; and

WHEREAS, the UASI Grant Office now wishes to distribute FY2021 UASI Grant Funds throughout the ASAUA, as further detailed in this Agreement ("Agreement") to CITY OF COSTA MESA ("SUB-RECIPIENT") and others;

WHEREAS, the CITY and SUB-RECIPIENT are desirous of executing this Agreement as authorized by the City Council and the Chief of Police which authorizes the CITY to prepare and execute the Agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

I. INTRODUCTION

§101. Parties to the Agreement

The parties to this Agreement are:

A. The CITY, a municipal corporation, having its principal office at 20 Civic Center Plaza, Santa Ana, CA 92702; and

B. CITY OF COSTA MESA, a municipal corporation, 99 Fair Drive, Costa Mesa, CA 92626

§102. Representatives of the Parties and Service of Notices

A. The representatives of the respective parties who are authorized to administer this Agreement and to whom formal notices, demands and communications shall be given are as follows:

1. The representative of the City of Santa Ana shall be, unless otherwise stated in the Agreement:

Richard Weber, Commander
Santa Ana Police Department
Homeland Security Division
60 Civic Center Plaza
Santa Ana, CA 92702
Phone: (714) 245-8730
rweber@santa-ana.org

2. The representative of CITY OF COSTA MESA

shall be: Name:_____

Title: _____

Sub Recipient Name: _____

Sub Recipient Address: _____

City_____ State: _____ Zip:_____

Phone: _____

E-mail: _____

B. Formal notices, demands and communications to be given hereunder by either party shall be made in writing and may be effected by personal delivery or by registered or certified mail, postage prepaid, return receipt

requested and shall be deemed communicated as of the date of mailing.

C. If the name of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accord with this section, within five (5) business days of said change.

§103. Independent Party

SUB-RECIPIENT is acting hereunder as an independent party, and not as an agent or employee of the CITY OF SANTA ANA. No employee of SUB-RECIPIENT is, or shall be an employee of the CITY OF SANTA ANA by virtue of this Agreement, and SUB-RECIPIENT shall so inform each employee organization and each employee who is hired or retained under this Agreement. SUB-RECIPIENT shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the CITY OF SANTA ANA.

§104. Conditions Precedent to Execution of This Agreement

SUB-RECIPIENT shall provide copies of the following documents to the CITY OF SANTA ANA, unless otherwise exempted.

A. Standard Assurances (Grant Assurances) in accordance with section 412A of this Agreement attached hereto as Exhibit A and made part hereof.

B. Certifications Regarding Ineligibility, Suspension and Debarment as required by Executive Order 12549 in accordance with Section 412 of this Agreement and attached hereto as Exhibit B and made a part hereof.

C. Certifications and Disclosures Regarding Lobbying in accordance with Section 412C of this Agreement and attached hereto as Exhibit C and made a part hereof. SUB-RECIPIENT shall also file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of the information contained in any Disclosure Form previously filed by SUB-RECIPIENT.

II. TERM AND SERVICES TO BE PROVIDED

§201. Time of Performance

The term of this Agreement shall commence on 9/1/2021 and end on 3/31/2024 or upon the final disbursement of all of the Grant Amount (as defined in Section 301) and any additional period of time as is required to complete any necessary close out activities. Said term is subject to the provisions herein.

§202. Use of Grant Funds

A. CITY may, a) transfer to SUB-RECIPIENT, equipment or services purchased with grant funds and in accordance with grant guidelines set forth above; or, b) reimburse SUB-RECIPIENT for purchase of authorized equipment, exercises, services or training upon receiving prior written approval from CITY or its designee and in accordance with grant guidelines and in full compliance with all of the SUB-RECIPIENT'S purchasing and bidding procedures. SUB-RECIPIENT shall specify the equipment, services, exercises and training to be purchased using the Application for Project Funding. A paper copy of this document will be provided to SUB- RECIPIENT by CITY. In addition, a compact disc with a copy of the document will be provided to SUB-RECIPIENT by CITY. If additional copies of the document are needed, SUB-RECIPIENT may contact the Santa Ana Grant Coordinator and it will be provided.

B. SUB-RECIPIENT shall provide any reports requested by the CITY regarding the performance of the Agreement. Reports shall be in the form requested by the CITY, and shall be provided in a timely manner.

C. SUB-RECIPIENT shall provide the CITY a copy of its most current procurement guidelines and follow its own procurement requirements as long as they meet the minimum federal requirements. Federal procurement requirements for the FY2021 UASI Grant can be found at 2 Code of Federal Regulations (CFR) Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

D. The Authorized Equipment List (AEL) is a list of the allowable equipment which may be purchased pursuant to this Agreement and is located at https://www.fema.gov/authorized-equipment-list, and incorporated to this Agreement by reference. A copy of the AEL shall be retained in the Anaheim/Santa Ana Grant Office. Unless otherwise stated in program guidance any equipment acquired pursuant to this Agreement shall meet all mandatory regulations and/or DHS-adopted standards to be eligible for purchase using grant funds.

   Any equipment acquired or obtained with Grant Funds:

   1. Shall be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services,

and law enforcement agencies within the jurisdiction of the applicant;

2. Shall be consistent with needs as identified in the National Priorities and Core Capabilities, the State Homeland Security Strategy and the Anaheim/Santa Ana Urban Area and Orange County Operational Area Homeland Security Grants Strategy, the Threat Hazard Identification and Risk Assessment (THIRA), the State Preparedness Report; and deployed in conformance with those plans;

3. Shall be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan;

4. Shall be subject to the requirements of Title 2 CFR Part 200.313 and 200.314. For the purposes of this subsection, "Equipment" is defined as nonexpendable property that is not consumed or does not lose its identity by being incorporated into another item of equipment, which costs $5,000 or more per unit, or is expected to have a useful life of one (1) year or more.

5. Shall be used by SUB-RECIPIENT in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer useful for the original program or project, the Equipment may be used in other activities currently or previously supported by a Federal agency.

6. Shall be made available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency.

7. Shall be recorded on a ledger. The record shall include: (a) description of the item of Equipment, (b) serial number or other identification number, (c) the source of funding for the property (including FAIN); (d) who holds the title, (e) date of acquisition; (f) the per unit acquisition cost of the Equipment, (g) percentage of federal participation in the project costs for the Federal award under which the property was acquired, (h) location, and (i) use and condition of Equipment, and (j) ultimate disposition data including the date of disposal and sale price of the property. Records must be retained pursuant to 2 CFR Part 200.313.

8. All equipment obtained under this Agreement shall have an ASAUA identification decal affixed to it, and, when practical, shall be affixed where it is readily visible.

9. A physical inventory of the Equipment shall be taken and the results reconciled with the Equipment records at least once every two years.

Inventory shall also be taken prior to any UASI, State or Federal monitor visits.

10. SUB-RECIPIENT shall exercise due care to preserve and safeguard equipment acquired with grant funds from damage or destruction and shall provide regular maintenance and such repairs for said equipment as necessary, in order to keep said equipment continually in good working order. Such maintenance and servicing shall be the sole responsibility of SUB-RECIPIENT, who shall assume full responsibility for maintenance and repair of the equipment throughout the life of said equipment.

11. SUB-RECIPIENT shall identify a Point-of-Contact (POC) to be responsible for all Equipment prior to the receipt of the item(s). POC will serve as the custodian of the Equipment. SUB-RECIPIENT shall notify the CITY of any change in the POC and assume the responsibility of advising the new custodian of all UASI grant program guidelines and requirements.

12. SUB-RECIPIENT shall contact the ASAUA Grant Office prior to initiating the disposition process. Disposal of equipment shall be conducted pursuant to 2 CFR Part 200.313. The ASAUA will contact the awarding agency for disposition instructions, if necessary, prior to any action being taken.

E. Any training paid pursuant to this Agreement shall conform to the guidelines as listed in FY2021 Homeland Security Grant Program, as set forth above. All training expenses must be pre-authorized by CalOES. A catalogue of Grantor approved and sponsored training courses is available at https://cdp.dhs.gov/.

F. Any exercise paid pursuant to this Agreement shall conform to the guidelines as listed in FY2021 Homeland Security Grant Program, as set forth above. Detailed Homeland Security Exercise and Evaluation Program Guidance is available at https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep.

G. Any planning paid pursuant to this Agreement shall conform to the guidelines as listed in FY2021 Homeland Security Grant Program, as set forth above.

H. Any organizational activities paid pursuant to this Agreement shall conform to the guidelines as listed in FY2021 Homeland Security Grant Program, as set forth above.

III. PAYMENT

§301. Payment of Grant Funds and Method of Payment

A. CITY may, a) transfer to SUB-RECIPIENT, equipment or services purchased with grant funds; or, b) reimburse SUB-RECIPIENT for the purchase of authorized equipment, exercises, services or training upon receiving prior written approval from CITY or its designee and in accordance with grant guidelines and in full compliance with all of the SUB-RECIPIENT'S purchasing and bidding procedures. SUB-RECIPIENT shall specify the equipment, exercises, services or training to be purchased using the Application for Project Funding. A copy of this document will be provided to SUB-RECIPIENT by CITY. If additional copies of the document are needed, SUB-RECIPIENT may contact the Santa Ana Grant Coordinator and it will be provided. Funds may be used for planning, exercises, organizational and training activities, and the purchase of equipment as described in Section 202 above.

B. SUB-RECIPIENT shall provide invoices to the CITY requesting payment and all supporting documentation. Each reimbursement request shall be accompanied by the Reimbursement Request for Grant Expenditures detailing the expenditures made by SUB-RECIPIENT as authorized by Section 202 above. Each reimbursement request shall be submitted to the Santa Ana UASI Grant Office. For equipment for which SUB-RECIPIENT is requesting reimbursement, all appropriate back-up documentation must be attached to the reimbursement form, including invoices, proof of payment, packing slips, and Equipment Reimbursement Worksheet. For training reimbursements, SUB-RECIPIENT must include a copy of any certificates issued or a copy of the class roster verifying training attendees, proof that a CalOES tracking number has been assigned to the course, timesheets and payroll registers for all training attendees, receipts for travel expenses related to the training, and Training Reimbursement Worksheet. For regional project reimbursements, SUB-RECIPIENT must include approval from the lead agency for all submitted invoices.

C. Payment of final invoice shall be withheld by the CITY until the SUB-RECIPIENT has turned in all supporting documentation and completed the requirements of this Agreement.

D. It is understood that the CITY makes no commitment to fund this Agreement beyond the terms set forth herein.

E. Funding for all periods of this Agreement is subject to the continuing availability to the CITY of federal funds for this program. The Agreement may be terminated immediately upon written notice to SUB-RECIPIENT of a loss or reduction of federal grant funds.

IV. STANDARD PROVISIONS

§401. Construction of Provisions and Titles Herein

All titles or subtitles appearing herein have been inserted for convenience and shall not be deemed to affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against either party. The word "Sub-recipient" herein and in any amendments hereto includes the party or parties identified in this Agreement. The singular shall include the plural. If there is more than one Sub-recipient as identified herein, unless expressly stated otherwise, their obligations and liabilities hereunder shall be joint and several. Use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

§402. Applicable Law, Interpretation and Enforcement

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, and the CITY. This Agreement shall be enforced and interpreted under the laws of the State of California and the CITY.

If any part, term or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state or local government having jurisdiction over this Agreement, the validity of the remaining portions of provisions shall not be affected thereby.

§403. Integrated Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only by a written instrument executed by both parties hereto.

§404. Excusable Delays

In the event that performance on the part of any party hereto shall be delayed or suspended as a result of circumstances beyond the reasonable control and without the fault and negligence of said party, none of the parties shall incur any liability to the other parties as a result of such delay or suspension.

Circumstances deemed to be beyond the control of the parties hereunder shall include, but not be limited to, acts of God or of the public enemy; insurrection; acts of the Federal Government or any unit of State or Local Government in either sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes, freight embargoes or delays in transportation; to the extent that they are not caused by the party's willful or negligent acts or omissions and to the extent that they are beyond the party's reasonable control.

§405. Breach

Except for excusable delays, if any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in no event shall any party recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

§406. Prohibition Against Assignment or Delegation

SUB-RECIPIENT may not, unless it has first obtained the written permission of the CITY:

A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or

B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.

§407. Permits

SUB-RECIPIENT and its officers, agents and employees shall obtain and maintain all permits and licenses necessary for SUB-RECIPIENT performance hereunder and shall pay any fees required therefore. SUB-RECIPIENT further certifies to immediately notify the CITY of any suspension, termination, lapses, non-renewals or restrictions of licenses, certificates, or other documents.

§408. Bonds

SUB-RECIPIENT must purchase a performance bond for any equipment item over $250,000 or any vehicle (including aircraft or watercraft) financed with homeland security funds. SUB-RECIPIENT must provide a copy of performance bond to CITY no later than the time of reimbursement.

§409. Indemnification

To the fullest extent of the law, SUB-RECIPIENT agrees to indemnify, defend, and hold harmless the City of Santa Ana, its officers, agents, employees, representatives and designated volunteers from and against any and all claims, demands, defense costs, or liability of any kind or nature arising out of or resulting from, or any way connected with SUB-RECIPIENT'S acts, errors or omissions in the performance of SUB-RECIPIENT'S services or use of grant funds under the terms of this Agreement.

§410. Conflict of Interest

A. SUB-RECIPIENT covenants that none of its directors, officers, employees, or agents shall participate in selecting, or administrating any subcontract supported (in whole or in part) by Federal funds where such person is a

director, officer, employee or agent of the subcontractor; or where the selection of subcontractors is or has the appearance of being motivated by a desire for personal gain for themselves or others such as family business, etc.; or where such person knows or should have known that:

1. A member of such person's immediate family, or domestic partner or organization has a financial interest in the subcontract;

2. The subcontractor is someone with whom such person has or is negotiating any prospective employment; or

3. The participation of such person would be prohibited by the California Political Reform Act, California Government Code §87100 et seq. if such person were a public officer, because such person would have a "financial or other interest" in the subcontract.

B. Definitions:

1. The term "immediate family" includes but is not limited to domestic partner and/or those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father in law, mother in law, brother in law, sister in law, son in law, daughter in law.

2. The term "financial or other interest" includes but is not limited to:

   a. Any direct or indirect financial interest in the specific contract, including a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, a profit, or any other form of financial reward.

   b. Any of the following interests in the subcontractor ownership: partnership interest or other beneficial interest of five percent or more; ownership of five percent or more of the stock; employment in a managerial capacity; or membership on the board of directors or governing body.

C. The SUB-RECIPIENT further covenants that no officer, director, employee, or agent shall solicit or accept gratuities, favors, anything of monetary value from any actual or potential subcontractor, supplier, a party to a sub agreement, (or persons who are otherwise in a position to benefit from the actions of any officer, employee, or agent).

D. The SUB-RECIPIENT shall not subcontract with a former director, officer, or employee within a one year period following the termination of the relationship between said person and the Contractor.

E. Prior to obtaining the CITY'S approval of any subcontract, the SUB-RECIPIENT shall disclose to the CITY any relationship, financial or otherwise, direct or indirect, of the SUB-RECIPIENT or any of its officers, directors or employees or their immediate family with the proposed subcontractor and its officers, directors or employees.

F. For further clarification of the meaning of any of the terms used herein, the parties agree that references shall be made to the guidelines, rules, and laws of the SUB-RECIPIENT, State of California, and Federal regulations regarding conflict of interest.

G. The SUB-RECIPIENT warrants that it has not paid or given and will not pay or give to any third person any money or other consideration for obtaining this Agreement.

H. The SUB-RECIPIENT covenants that no member, officer or employee of SUB-RECIPIENT shall have interest, direct or indirect, in any contract or subcontract or the proceeds thereof for work to be performed in connection with this project during his/her tenure as such employee, member or officer or for one year thereafter.

I. The SUB-RECIPIENT shall incorporate the foregoing subsections of this Section into every agreement that it enters into in connection with this project and shall substitute the term "subcontractor" for the term "SUB-RECIPIENT" and "sub subcontractor" for "Subcontractor".

§411. Restriction on Disclosures

Any reports, analysis, studies, drawings, information, or data generated as a result of this Agreement are to be governed by the California Public Records Act (California Government Code Sec. 6250, et seq.).

§412. Statutes and Regulations Applicable To All Grant Contracts

A. Compliance with Grant Assurances

To obtain the Grant Funds, the Grantor required an authorized representative of the CITY to sign certain promises regarding the way the Grant Funds would be spent ("Grant Assurances"), attached hereto as Exhibit A. By signing these Grant Assurances, the CITY became liable to the Grantor for any funds that are used in violation of the grant requirements. SUB-RECIPIENT shall be liable to the Grantor for any funds the Grantor determines SUB-RECIPIENT used in violation of these Grant Assurances. SUB-RECIPIENT shall indemnify and hold harmless the CITY for any sums the Grantor determines SUB- RECIPIENT used in violation of the Grant Assurances.

B. SUB-RECIPIENT shall comply with all applicable requirements of state, federal, county and SUB-RECIPIENT laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Agreement. SUB-RECIPIENT shall comply with state and federal laws and regulations pertaining to labor, wages, hours, and other conditions of employment. SUB-RECIPIENT shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

1. Office of Management and Budget (OMB) Circulars

SUB-RECIPIENT shall comply with 2 Code of Federal Regulations (CFR) Part 200 (Uniform Administrative, Cost Principles, and Audit Requirements for Federal Awards).

2. Single Audit Act

If Federal funds are used in the performance of this Agreement, SUB-RECIPIENT shall adhere to the rules and regulations of the Single Audit Act, 31 USC Sec. 7501 et seq.; Title 2 Code of Federal Regulations, Part 200, Subpart F Audit Requirements; and any administrative regulation or field memos implementing the Act. When reporting under on the FY2021 UASI Grant Program under the Single Audit Act, SUB-RECIPIENT shall use Catalog of Federal Domestic Assistance (CFDA) Program Number 97.067 "Homeland Security Grant Program"; Grant Identification Number 2020-0095; and identify the City of Santa Ana as the Pass-Through.

3. False Claims Act

The contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.

4. Records Maintenance

Records, in their original form, shall be maintained in accordance with requirements prescribed by the CITY with respect to all matters covered on file for all documents specified in this Agreement.

Original forms are to be maintained on file for all documents specified in this Agreement. Such records shall be retained for a period of three (3) years after the CITY receives notification of grant closeout from CalOES, and after final disposition of all pending matters. "Pending matters" include, but are not limited to, an audit, litigation or other actions involving records. The CITY may, at its discretion, take possession of, retain and audit said records. Records, in their original form pertaining to matters covered by this Agreement, shall at all times be retained within the County of Orange unless authorization to remove them is granted in writing by the CITY.

The Contractor agrees to provide CITY OF COSTA MESA,
the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.

The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

The Contractor agrees to provide the FEMA Administrator or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.

In compliance with section 1225 of the Disaster Recovery Reform Act of 2018, the CITY OF COSTA MESA and the Contractor acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

5. Subcontracts and Procurement

SUB-RECIPIENT shall comply with the federal and SUB- RECIPIENT standards in the award of any subcontracts. For purposes of this Agreement, subcontracts shall include but not be limited to purchase agreements, rental or lease agreements, third party agreements, consultant service contracts and construction subcontracts.

SUB-RECIPIENT shall ensure that the terms of this Agreement with the CITY are incorporated into all Subcontractor Agreements. The SUB-RECIPIENT shall submit all Subcontractor Agreements to the CITY for review prior to the release of any funds to the subcontractor. The SUB-RECIPIENT shall withhold funds to any subcontractor agency that fails to comply with the terms and conditions of this Agreement and their respective Subcontractor Agreement.

a. Recovered Materials

SUB-RECIPIENT shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired competitively within a timeframe providing for compliance with the contract performance schedule; Meeting contract performance requirements; or at a reasonable price.

Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines webpage: https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program.

The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

b. Domestic Preference for Procurements

SUB-RECIPIENT should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes, but is not limited to iron, aluminum, steel, cement, and other manufactured products.

For purposes of this clause:

Produced in the United States means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

Manufactured products mean items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

6. Civil Rights

SUB-RECIPIENT shall comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C.§§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) The Age Discrimination act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601, et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; (j) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (k) P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

7. Equal Employment Opportunity

The regulation at 41 C.F.R. § 60-1.4(b) requires, except as otherwise provided or exempted in 41 C.F.R. Part 60, the insertion of the following contract clause: "During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated

during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination

clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other

8. Davis-Bacon Act

If applicable per the standard described above, the NFE must include the provisions at 29 C.F.R. § 5.5(a)(1)-(10) in full into all applicable contracts, and all applicable contractors must include these provisions in full in any subcontracts.

9. Copeland "Anti-Kickback" Act.

Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. Part 3 as may be applicable, which are incorporated by reference into this contract.

Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as FEMA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.

Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12.

10. Contract Work Hours and Safety Standards Act

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in paragraph (b)(1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated

damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of $27 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) *Withholding for unpaid wages and liquidated damages.* The CITY OF COSTA MESA shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) *Subcontracts.* The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

11. Environmental Standards

a. Clean Air Act

The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.*

The contractor agrees to report each violation to the CITY OF COSTA MESA and understands and agrees that the CITY OF COSTA MESA will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency (FEMA), and the appropriate Environmental Protection Agency Regional Office.

The contractor agrees to include these requirements in each subcontract exceeding $150,000 financed in whole or in part with federal assistance provided by FEMA.

b. Federal Water Pollution Control Act (33 USC 1251)

The contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 *et seq.*

The contractor agrees to report each violation to the CITY OF COSTA MESA and understands and agrees that the CITY OF COSTA MESA will, in turn, report each violation as required to assure notification to the CITY OF COSTA MESA, Federal Emergency Management Agency (FEMA), and the appropriate Environmental Protection Agency Regional Office.

The contractor agrees to include these requirements in each subcontract exceeding $150,000 financed in whole or in part with federal assistance provided by FEMA.

12. Telecommunications

(a) *Definitions.* As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or services have the meaning as defined in FEMA Policy 405-143-1, Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim), as used in this clause—

(b) *Prohibitions.*

(1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug.13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain telecommunications products or from certain entities for national security reasons.

(2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:

(i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or

(iv) Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) *Exceptions.*

(1) This clause does not prohibit contractors from providing—

(i) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) By necessary implication and regulation, the prohibitions also do not apply to:

(i) Covered telecommunications equipment or services that:

i. Are *not used* as a substantial or essential component of any system; *and*
ii. Are *not used* as critical technology of any system.

(ii) Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.

(d) *Reporting requirement.*

(1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause:

(i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if

applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments.

C. Statutes and Regulations Applicable To This Particular Grant

SUB-RECIPIENT shall comply with all applicable requirements of state and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this particular grant program. SUB-RECIPIENT shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

1. Title 2 Code of Federal Regulations (CFR) Part 200; EO 12372; Department of Justice (DOJ) Office of Judicial Programs (OJP) Office of the Comptroller, U.S. Department of Homeland Security, Preparedness Directorate Financial Management Guide; U.S. Department of Homeland Security, Office of Grants and Training, FY 2020 Homeland Security Grant Program –Notice of Funding Opportunity; ODP WMD Training Course Catalogue; and DOJ Office for Civil Rights.

   Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code Chapter 7 of Division 1 of Title 2, § 8607.1(e) and CCR Title 19, §§ 2445-2448.

   Provisions of 44 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Part 38, Equal Treatment of Faith-based Organizations; Part 42, Nondiscrimination/Equal employment Opportunities Policies and Procedures; Part 61, Procedures

for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; Part 64, Floodplain Management and Wetland Protection Procedures; Federal laws or regulations applicable to federal Assistance Programs; Part 69, New Restrictions on Lobbying; Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and Part 83, Government- Wide Requirements for a Drug Free Workplace (grants).

2. Travel Expenses

SUB-RECIPIENT as provided herein may be compensated for SUB-RECIPIENT'S reasonable travel expenses incurred in the performance of this Agreement, to include travel and per diem, unless otherwise expressed. Travel including in-State and out-of- State travel shall not be reimbursed without prior written authorization from the UASI Grant Office.

SUB-RECIPIENT'S travel and per diem reimbursement costs shall be reimbursed based on the SUB-RECIPIENT'S travel policies and procedures. If SUB-RECIPIENT does not have established travel policies and procedures, SUB-RECIPIENT'S reimbursement rates shall not exceed the amounts established under 5 U.S.C 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under federal awards (48 CFR 31.205-46(a)).

3. Debarment and Suspension

This contract is a covered transaction for purposes of 2 C.F.R. Part 180 and 2 C.F.R. Part 3000. As such, the contractor is required to verify that none of the contractor's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The contractor must comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by CITY OF COSTA MESA. If it is later determined that the contractor did not comply with 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C, in addition to remedies available to CITY OF COSTA MESA, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.

The bidder or proposer agrees to comply with the requirements of 2 C.F.R. Part 180, subpart C and 2 C.F.R. Part 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder

or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

4. Byrd Anti-Lobbying Amendment

Contractors who apply or bid for an award of more than $100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the federal awarding agency.

5. Noncompliance

SUB-RECIPIENT understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds, and repayment by SUB-RECIPIENT to CITY of any unlawful expenditures.

§413. Federal, State and Local Taxes

Federal, State and local taxes shall be the responsibility of SUB-RECIPIENT as an independent party and not as a CITY employee.

§414. Inventions, Patents and Copyrights

A. Reporting Procedure for Inventions

If any project produces any invention or discovery (Invention) patentable or otherwise under title 35 of the U.S. Code, including, without limitation, processes and business methods made in the course of work under this Agreement, the SUB-RECIPIENT shall report the fact and disclose the Invention promptly and fully to the CITY. The CITY shall report the fact and disclose the Invention to the Grantor. Unless there is a prior agreement between the CITY and the Grantor, the Grantor shall determine whether to seek protection on the Invention. The Grantor shall determine how the rights in the Invention, including rights under any patent issued thereon, will be allocated and administered in order to protect the public interest consistent with the policy ("Policy") embodied in the Federal Acquisition Regulations System, which is based on Ch. 18 of title 35 U.S.C. Sections 200, et seq. (Pub. L. 95-517, Pub. L. 98-620, 37 CFR part 401); Presidential Memorandum on Government Patent Policy to the Heads of the Executive Departments and Agencies, dated 2/18/1983); and Executive Order 12591, 4/10/87, 52 FR 13414, 3 CFR, 1987 Comp., p. 220 (as amended by Executive Order 12618, 12/22/87, 52 FR 48661, 3 CFR, 1987 Comp., p. 262). SUB-RECIPIENT hereby agrees to be bound by the Policy, and will contractually require its personnel to

be bound by the Policy.

B. Rights to Use Inventions

CITY shall have an unencumbered right, and a non-exclusive, irrevocable, royalty- free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Invention developed under this Agreement.

C. Copyright Policy

1. Unless otherwise provided by the terms of the Grantor or of this Agreement, when copyrightable material ("Material") is developed under this Agreement, the author or the CITY, at the CITY'S discretion, may copyright the Material. If the CITY declines to copyright the Material, the CITY shall have an unencumbered right, and a non-exclusive, irrevocable, royalty- free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement.

2. The Grantor shall have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement or any Copyright purchased under this Agreement.

3. SUB-RECIPIENT shall comply with all applicable requirements in the Code of Federal Regulations related to copyrights and copyright policy.

4. License and Delivery of Works Subject to Copyright and Data Rights. The Contractor grants to the CITY OF COSTA MESA, a paid-up, royalty-free, nonexclusive, irrevocable, worldwide license in data first produced in the performance of this contract to reproduce, publish, or otherwise use, including prepare derivative works, distribute copies to the public, and perform publicly and display publicly such data. For data required by the contract but not first produced in the performance of this contract, the Contractor will identify such data and grant to the CITY OF COSTA MESA or acquires on its behalf a license of the same scope as for data first produced in the performance of this contract. Data, as used herein, shall include any work subject to copyright under 17 U.S.C. § 102, for example, any written reports or literary works, software and/or source code, music, choreography, pictures or images, graphics, sculptures, videos, motion pictures or other audiovisual works, sound and/or video recordings, and architectural works. Upon or before the completion of this contract, the Contractor will deliver to the CITY OF COSTA MESA data first produced in the performance of this contract and data required by the contract but not first produced in the performance of this contract in formats acceptable by the CITY OF COSTA MESA.

D. Rights to Data

The Grantor and the CITY shall have unlimited rights or copyright license to any

data first produced or delivered under this Agreement. "Unlimited rights" means the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, and perform and display publicly, or permit others to do so; as required by 48 CFR 27.401. Where the data are not first produced under this Agreement or are published copyrighted data with the notice of 17 U.S.C. Section 401 or 402, the Grantor acquires the data under a copyright license as set forth in 48 CFR 27.404(f)(2) instead of unlimited rights. (48 CFR 27.404(a)).

E. Obligations Binding on Subcontractors

SUB-RECIPIENT shall require all subcontractors to comply with the obligations of this section by incorporating the terms of this section into all subcontracts.

F. No Obligation by Federal Government

The federal government is not a party to this contract and is not subject to any obligations or liabilities to the non-federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

§415. Minority, Women, And Other Business Enterprise Outreach Program

It is the policy of the CITY to provide minority business enterprises (MBEs), women business enterprises (WBEs) and all other business enterprises an equal opportunity to participate in the performance of all SUB-RECIPIENT contracts, including procurement, construction and personal services. This policy applies to all Contractors and Sub-Contractors.

V
DEFAULTS, SUSPENSION, TERMINATION, AND AMENDMENTS

§501. Defaults

Should SUB-RECIPIENT fail for any reason to comply with the contractual obligations of this Agreement within the time specified by this Agreement, the CITY reserves the right to terminate the Agreement, reserving all rights under state and federal law.

§502. Amendments

Any change in the terms of this Agreement, including changes in the services to be performed by SUB-RECIPIENT and any increase or decrease in the amount of compensation which are agreed to by the CITY and SUB-RECIPIENT shall be incorporated into this Agreement by a written amendment properly executed and signed by the person authorized to bind the parties thereto.

SUB-RECIPIENT agrees to comply with all future CITY directives, or any rules, amendments or requirements promulgated by the CITY affecting this Agreement.

VI
ENTIRE AGREEMENT

§601. Complete Agreement

This Agreement contains the full and complete Agreement between the two parties. Neither verbal agreement nor conversation with any officer or employee of either party shall affect or modify any of the terms and conditions of this Agreement.

§602. Number of Pages and Attachments

This Agreement is executed in two (2) duplicate originals, each of which is deemed to be an original. This Agreement includes thirty-one (31) pages and three (3) Exhibits which constitute the entire understanding and agreement of the parties.

IN WITNESS WHEREOF, the City and CITY OF COSTA MESA have caused this Agreement to be executed by their duly authorized representatives on the date first set forth above.

ATTEST:

By:_____

Clerk of the Council

RECOMMENDED FOR APPROVAL:

By:_____

David Valentin
Chief of Police

APPROVED AS TO FORM:

By:_____

Tamara Bogosian
Senior Assistant City Attorney

CITY OF SANTA ANA, a municipal Corporation of the State of California

By:_____

Kristine Ridge
City Manager

SUB-RECIPIENT
CITY OF COSTA MESA
DUNS # 06-6148016

By: _____

Printed Name _____

Title _____

APPROVED AS TO FORM

By:_____

Printed Name _____

Title _____

EXHIBIT A

California Governor's Office of Emergency Services
FY2021 Grant Assurances
(All HSGP Applicants)

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

(a) Applicable Federal Regulations (see below);
(b) Federal Program Notice of Funding Opportunity (NOFO);
(c) Federal Preparedness Grants Manual;
(d) California Supplement to the NOFO; and
(e) Federal and State Grant Program Guidelines.

Federal Regulations
Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at http://www.whitehouse.gov/omb/.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

(a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
(b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
(c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
(d) Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
(e) Official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

Initials _____

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.213 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, recipients, or subrecipients:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state

antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:

(a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;

(b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;

(c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;

(d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101- 12213), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;

(e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;

(f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;

(g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);

(h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over $10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;

(i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;

(j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;

Initials _____

(k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
(l) California's Fair Employment and Housing Act (FEHA) (California Government Code §§12940, 12945, 12945.2), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
(m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
(n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

(a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000- 21177), to include coordination with the city or county planning agency;
(b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000- 15387);
(c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
(d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
(e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
(f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
(g) Executive Order 11514 which sets forth national environmental standards;
(h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
(i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
(j) The Endangered Species Act of 1973, (P.L. 93-205);

(k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
(l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending $750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records

In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no subrecipient, recipient, or subrecipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating $25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

Initials _____

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

(a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and

(b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

(a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;

(b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more;

(c) Assist the awarding agency in assuring compliance with Section 106 of the

(d) National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.); and

(e) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

(a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant

Initials _____

in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;

(b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and

(c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM (HSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

24. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

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25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B- 138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

30. Non-supplanting Requirement

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non- federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

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33. Terrorist Financing

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

35. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

36. Use of DHS Seal, Logo, and Flags

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

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IMPORTANT
The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2021 ,Version 11.4, hereby incorporated by reference, which can be found at: https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient:_____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

Initials _____

EXHIBIT B

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under the applicable CFR covering New Restrictions on Government-wide Debarment and Suspension (Nonprocurement). The certification shall be treated as a material representation of fact upon which reliance will be placed when the Agency determines to award the covered transaction or cooperative agreement.

As required by Executive Order 12549, Debarment and Suspension, and implemented under the applicable CFR, for prospective participants in covered transactions, as defined in the applicable CFR

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal State or local) with commission of any of these offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

_____ Address:_____

Authorized Agent Signature

_____ _____

Printed or Typed Name

_____ _____

Title

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this document, the prospective recipient of Federal assistance funds is providing the certification as set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to whom this agreement is entered, if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous, when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Non Procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

EXHIBIT C

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

   The Subrecipient, as identified below, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

AGREEMENT NUMBER: _____

_____
CONTRACTOR/BORROWER/AGENCY

_____
NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

_____
SIGNATURE DATE

File #: 22-932 **Meeting Date:** 11/15/2022

TITLE:

COSTA MESA FIRE & RESCUE STRATEGIC PLAN 2022-2027

DEPARTMENT: **COSTA MESA FIRE & RESCUE**

PRESENTED BY: **DANIEL A. STEFANO, FIRE CHIEF**

CONTACT INFORMATION: **DANIEL A. STEFANO, FIRE CHIEF, (714) 754-5106**

RECOMMENDATION:

Staff recommends the City Council approve the Costa Mesa Fire & Rescue Strategic Plan 2022 - 2027.

BACKGROUND:

The 2015-2020 Costa Mesa Fire & Rescue (CMFR) Strategic Plan was developed through a comprehensive collaborative process and has served as a valued road map for the department.

Over the past five years, the department has made considerable progress and accomplished many of the goals and objectives included in the Strategic Plan including, but not limited to: opening a new fire station; acquiring new and standardized apparatus and equipment; increasing efficiencies through an enhanced deployment model and ambulance transportation program; establishing new cost recovery programs; increasing leadership, professional development, technical and formal education training opportunities within the department; increasing health, safety & wellness programs; establishing City Council approved key lead and support positions for Training & Safety, Emergency Medical Services and Community Risk Reduction; increasing technology capabilities; and firmly re-establishing CMFR as a recognized destination department.

All of the successful outcomes achieved through the road map of the 2015-2020 strategic plan were a direct result of the support the Department has received from the City Council, City Manager, City Leadership Team, and the Costa Mesa Community. With the successful completion of the goals and objectives of the 2015-2020 Strategic Plan CMFR began preparing for the **next five-year Strategic Plan while** navigating the challenges of the pandemic. CMFR contracted with the Center for Public Safety Excellence (CPSE), a not-for-profit 501(c) (3) corporation, whose role is to help high-performing fire departments and emergency services professionals in their efforts to continuously improve. CPSE was brought in to help facilitate the development of the department's path into the future via a "Community-Driven Strategic Plan".

ANALYSIS:

CMFR participated in a number of preparatory meetings and trainings over a four-day period, which included a community-based strategic planning workshop with external stakeholders, and a meeting with internal stakeholders. The Strategic Planning team worked on developing future strategic goals and objectives for the Department that were based on the feedback received from the community, internal stakeholders, and also in alignment with the City Council's and City's own Strategic Goals and Objectives.

To continue achieving the mission of Costa Mesa Fire & Rescue, specific, measurable, achievable, relevant and time bound goals and objectives were established for 2022-2027. The established goals and objectives will enhance strengths, address identified weaknesses, provide a clear direction, and address the community's concerns. The established goals and objectives will direct the organization to its desired future while reducing the obstacles and distractions along the way. Leadership-established workgroups will meet and manage progress toward accomplishing these goals and objectives and adjust timelines as needs and the environment change. Regular reports of progress and changes will be shared with CMFR's leadership and the City Manager, while also being incorporated into the department's annual report.

GOAL #1: Upgrade our technological infrastructure by investing in equipment, systems, and personnel to enhance and sustain high service levels and positively impact our community.

GOAL #2: Evaluate, develop, and execute comprehensive administrative and operational staffing levels that enhance and advance our ability to meet and exceed community expectations, governance, and department objectives.

GOAL #3: Upgrade our infrastructure by investing in our facilities, equipment, and systems to enhance and sustain a high level of service and positively impact our community.

GOAL #4: Collectively and continuously assess, develop, execute, and monitor a comprehensive training plan that strengthens, enhances, and advances the organization's operational, administrative, and professional goals.

GOAL #5: Enhance internal and external communication to provide clarity and alignment with those we serve and serve with.

GOAL #6: Prepare for, pursue, achieve, and maintain international accreditation to better serve our community and embrace excellence.

The CMFR strategic planning team participated in breakout groups for each of the six goals. Each group developed key objectives to implement during the next six-month period and beyond. A detailed work plan was prepared with specific deliverables for each Goal including specific timeframes that will be updated and monitored on a monthly, quarterly and annual basis, throughout the duration of the strategic plan, and adjust as needed.

ALTERNATIVES:

The City Council can provide alternate direction regarding the department's Strategic Plan.

FISCAL REVIEW:

Many of the stated priorities and action steps can be funded within the current (FY 2022-23) budget. Other actions will be included in the proposed budget for FY 2023-2024 as needed, either in whole, or as part of a multi-year funding plan.

The Fire Chief will be working closely with the City Manager and the Finance Director on all related funding needs for inclusion in future proposed budgets as needed.

LEGAL REVIEW:

The City Attorney reviewed and approved this report as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

CONCLUSION:

Staff recommends the City Council approve the Costa Mesa Fire & Rescue Strategic Plan 2022 -2027.

COSTA MESA FIRE & RESCUE

2022-2027 STRATEGIC PLAN



Facilitated by

CPSE Center for Public Safety Excellence

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City Leadership

City Council

John Stephens, Mayor

Andrea Marr, Mayor Pro Tem

Manuel Chavez, Council Member

Loren Gameros, Council Member

Jeff Harlan, Council Member

Don Harper, Council Member

Arlis Reynolds, Council Member



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City Staff Leadership

City Manager	Lori Ann Farrell Harrison
City Attorney (Contract)	Kimberly Hall Barlow
Economic Development Services Director	Jennifer Le
Finance Director	Carol Molina
Information Technology Director	Steve Ely
Parks and Community Services Director	Jason Minter
Public Services Director	Raja Sethuraman
Police Chief	Ron Lawrence
Fire Chief	Dan Stefano

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Message from the Fire Chief

Just over five years ago, our collective team worked together to develop our Costa Mesa Fire & Rescue (CMFR) Strategic Plan 2015-2020. The original document was the result of a comprehensive collaboration within our organization, intended to establish a clear roadmap and to help define and guide our Mission, Vision, and Values for the future.

With any successful plan, it is extremely important to develop the plan through engaged and thoughtful collaboration, implement the plan, and then regularly review and assess our progress to ensure we remain on track, adapting and making necessary adjustments along the way. Our team has made extraordinary progress and collectively accomplished so much over the past five years. These accomplishments have been achieved around the foundation and focus of four primary areas. These areas include:

1. Our People (Wellness, Training, Professional Development & Succession Planning);

2. Our Infrastructure (Facilities, Vehicles, and Equipment);

3. Our Service (Appropriate Staffing, Deployment, and Quality Service to the Community); and

4. Our Technology and Innovation (Enhanced GIS Resource & Response Mapping, CAD RMS Upgrades, Technology Advances, Firefighter Safety, and Innovation).

There is no question that we have observed outstanding results and outcomes as the result of our extensive preparations, comprehensive planning, steadfast hard work, and exhaustive execution. These successful outcomes have also been a direct result of the valued, strong support from our City Council, City Manager, City Leadership Team, and the Costa Mesa Community!

With the success of our previous Strategic Plan, we have recently finalized our next CMFR Strategic Plan, 2022-2027. This is a community-based strategic plan developed in alignment with our City Council's Strategic Goals and Objectives. This updated Strategic Plan will build on the outstanding progress made to date and will serve as an essential road map as we embark on thoughtfully carrying out our next chapters, continuing to elevate the department's progress and strong upward trajectory.

We will continue to actively pursue and achieve our goals and objectives, as we work on our gaps and areas of improvement, utilizing the 2022-2027 Strategic Plan to help define, refine, and provide a clear direction for our organization. We will remain committed to moving forward to serve the best interests of the community and each other to the absolute best of our abilities.

This Strategic Plan 2022-2027 is the result of strong partnerships within our organization and with our internal and external stakeholders. This community-driven process was a true team effort, and the valued input provided helped to create an outstanding final product, now memorialized in writing.

This would not have been possible without the participation and efforts of everyone involved engaging and participating at all levels, so thank you!

In closing, I want to thank our City Council, City Manager Lori Ann Farrell Harrison, our City Leadership and City Team, our Costa Mesa Fire Family, our incredible Costa Mesa community, and all our partners for the strong support we continue to receive. It is our greatest honor and privilege to serve Costa Mesa with Respect, Integrity, and Compassion - 24/7/365 – and our future is truly brighter than it has ever been!



Daniel A. Stefano, Fire Chief
City of Costa Mesa Fire & Rescue

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Introduction

Costa Mesa Fire & Rescue (CMFR) provides an all-hazards approach in the protection of the lives and property of the residents, businesses, and visitors of Costa Mesa, California. CMFR is consistently working to achieve and/or maintain the highest level of professionalism and efficiency on behalf of those it serves, and thus, contracted with the Center for Public Safety Excellence® (CPSE) to facilitate a method to document the department's path into the future via a "Community-Driven Strategic Plan." The following strategic plan was written with a basis in the Commission on Fire Accreditation International's® (CFAI) fire and emergency service accreditation model and is intended to guide the organization within established parameters set forth by the authority having jurisdiction.

The CPSE utilized the community-driven strategic planning process to go beyond just developing a document. It challenged the department's members to critically examine paradigms, values, philosophies, beliefs, and desires and challenged individuals to work in the best interest of the "team." It further provided the department with an opportunity to participate in the development of the organization's long-term direction and focus. Members of the organization's community and agency stakeholders' groups demonstrated commitment to this important project and remain committed to the document's completion and plan execution.

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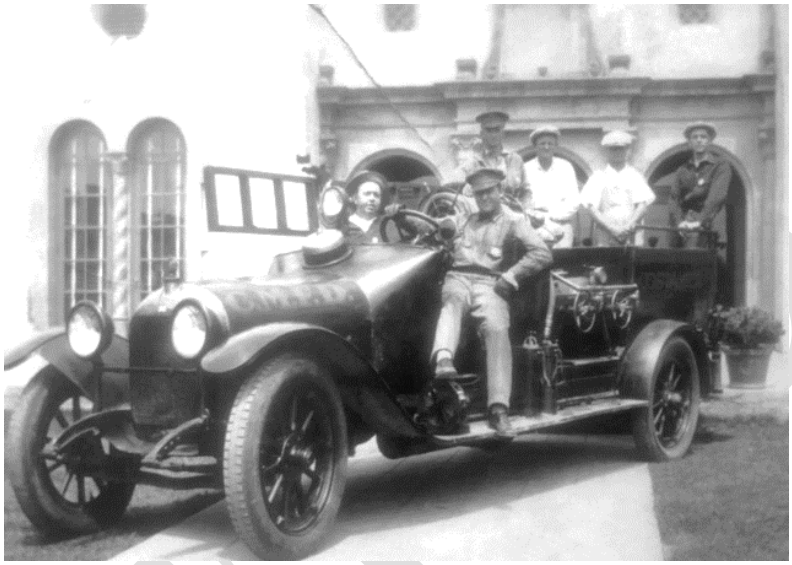
Organizational Background



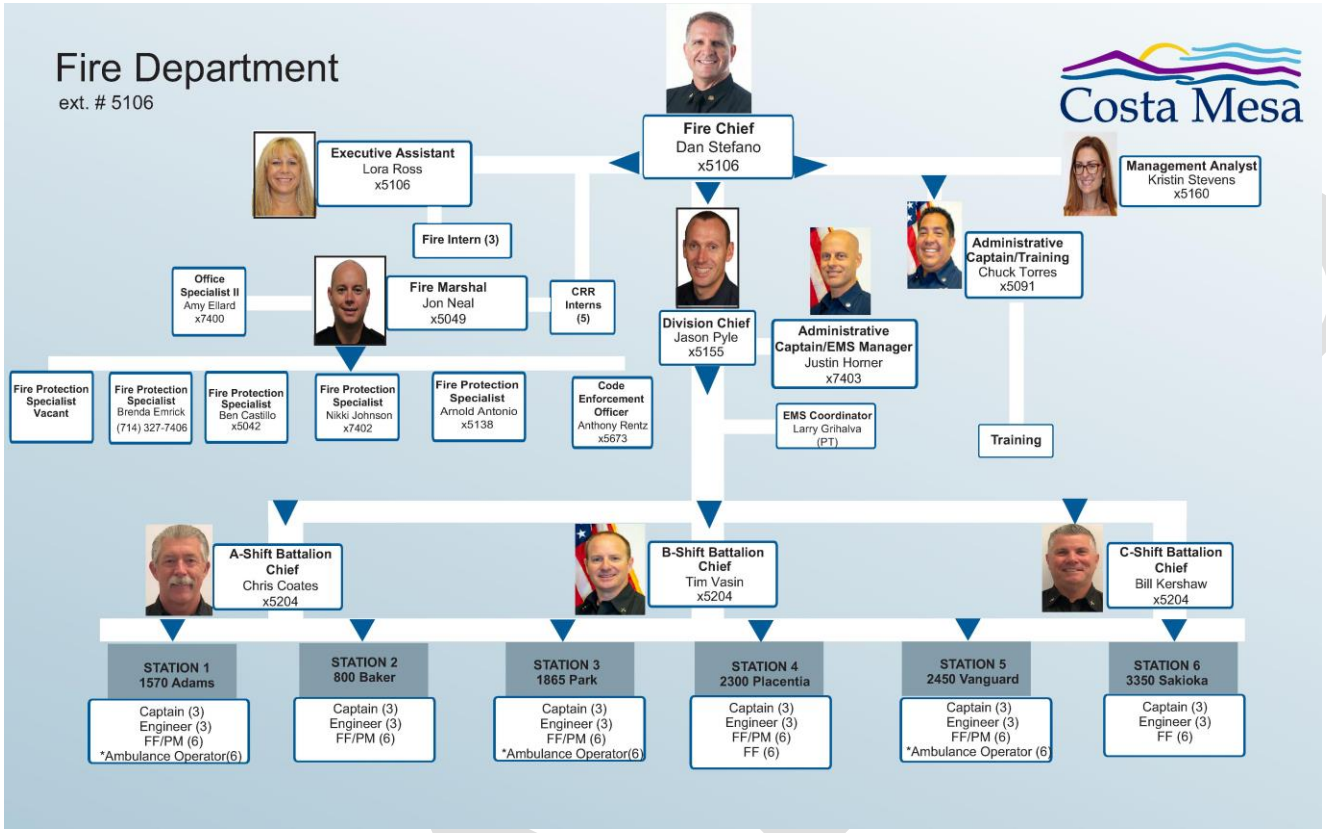
Costa Mesa Fire & Rescue was first organized in 1925 as a volunteer department in response to several disastrous fires in the local community. Over the years, the organization evolved from its original all-volunteer form to the present all-hazards response team approaching its 100th anniversary.

Costa Mesa Fire & Rescue, boasting an ISO rating of 2, serves an approximate population of 113,000 residents. In addition, the local area has thousands of visitors and many others who are employed within the community. Growth and increase in population have and will provide for specific risks for which Costa Mesa Fire & Rescue considers, prepares, and deploys its resources and personnel.

Today, CMFR reflects on its history and remains committed to providing all-hazards emergency services and education to its community with courage, leadership, and duty. Costa Mesa Fire & Rescue continues to honor its community by providing quality services through its proactive focus on risks and deployment from six stations located strategically throughout the 16 square miles of coverage area. Staffed to support the community, CMFR embraces its future vision and excellence in service delivery.



Organizational Structure





Community-Driven Strategic Planning

For many successful organizations, the community's voice drives their operations and charts the course for their future. A community-driven emergency service organization seeks to gather and utilize the needs and expectations of its community in the development and/or improvement of the services provided. A community-driven strategic planning process was used to develop this strategic plan to ensure that the community remains a focus of an organization's direction.

A strategic plan is a living management tool that provides short-term direction, builds a shared vision, documents goals and objectives, and optimizes the use of resources. Effective strategic planning benefits from a consistent and cohesively structured process employed across all levels of the organization. Planning is a continuous process with no clear beginning and no defined end. While plans can be developed regularly, it is the process of planning that is important, not the publication of the plan itself. Most importantly, strategic planning can be an opportunity to unify the management, employees, and stakeholders through a shared understanding of where the organization is going, how everyone involved can work toward that common purpose, and how progression and success will be measured.



Community Stakeholders Work Session

The Community–Driven Strategic Planning Process Outline

1. Define the programs provided to the community.
2. Establish the community's service program priorities and expectations of the organization.
3. Identify any concerns the community may have about the organization and aspects of the organization that the community views positively.
4. Revisit the mission statement, giving careful attention to the current services and programs and those which logically can be provided in the future.
5. Revisit the values of the organization's membership.
6. Identify the internal strengths and weaknesses of the organization.
7. Identify areas of opportunity or potential threats to the organization.
8. Identify the organization's critical issues and service gaps.
9. Determine strategic initiatives for organizational improvement.
10. Establish a realistic goal and objectives for each initiative.
11. Identify implementation tasks for the accomplishment of each objective.
12. Determine the vision of the future.
13. Develop organizational and community commitment to accomplishing the plan.

Process and Acknowledgements

The Center for Public Safety Excellence (CPSE) acknowledges and thanks the community and agency stakeholders for their participation and input in this community-driven strategic planning process. The

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CPSE also recognizes Fire Chief Dan Stefano and the team of professionals that participated for their leadership and commitment to this process.

Development of this strategic plan took place in April 2022, beginning with meetings hosted by a representative from the CPSE for members of the community (as named in the following table). The department identified community stakeholders to ensure broad representation. The community stakeholders were comprised of some who reside or work within Costa Mesa Fire & Rescue's coverage area and some who were recipients of CMFR's service(s).

Costa Mesa Fire & Rescue Community Stakeholders

Tom Arnold	Mike Decker	David Geck	Diane Pritchett
Daniel Baume	Maurice DePasquale	Jon Hampe	Michele Richards
Robert Braithwaite	Kent Ferrin	Ron Lawrence	Michael Steinke
Curtis Cienfuegos	Jennifer Friend	Wendy Leece	Geoff West
Mary Coppilin	Christian Garcia	Mike Paz	Jonathan Wilby
Reina Cuthill			



Community Stakeholders Work Session

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Community Group Findings

A key element of Costa Mesa Fire & Rescue's organizational philosophy is having a high level of commitment to the community and recognizing the importance of community satisfaction. Thus, the department invited community representatives to provide feedback on the services provided by the department. Respondents were asked to provide a prioritized perspective of the programs and services provided by the department. Additionally, input was gathered during the meeting that revolved around community expectations and concerns (prioritized) and positive and other comments about the organization. Specific findings of the community stakeholders are provided in the appendix of this document. The agency stakeholders utilized the full feedback from the community stakeholders in understanding the current challenges encountered within the organization. Additionally, the community stakeholders' feedback provided a process to ensure alignment with the work completed on the organizational mission, values, vision, and goals for improvement.



Community Stakeholders Work Session

Community Priorities

To best dedicate time, energy, and resources to services most desired by its community, Costa Mesa Fire & Rescue needs to understand what the customers consider to be their priorities. With that, the community stakeholders were asked to prioritize the programs offered by the department through a process of direct comparison. The results were as follows:

Programs	Ranking	Score
Emergency Medical Services/Rescue	1	167
Fire Suppression	2	134
Technical Rescue	3	121
Emergency Management	4	96
Community Risk Reduction	5	73
Wildland Fire Services and State-wide Mutual Aid	6	72
Hazardous Materials Mitigation	6	72
Fire Investigation	8	65
Community Emergency Response Teams and Volunteer Programs	9	55
Public Fire and Life Safety Education	10	45

See Appendix 1 for a complete list of the community findings, including expectations, areas of concern, positive feedback, and other thoughts and comments.

Agency Stakeholder Group Findings

The agency stakeholder work sessions were conducted over three days. These sessions served to discuss

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the organization's approach to community-driven strategic planning, focusing on the department's mission, values, core programs, and support services. Additionally, focus was given to the organization's perceived strengths, weaknesses, opportunities, and threats. The work sessions involved participation by a stakeholder group that represented a broad cross-section of the department, as named and pictured below.

Costa Mesa Fire & Rescue Agency Stakeholders

Steve Airey	Justin Horner	Fred McDowell	Daniel Stefano
Cinnamon Basco	Nikki Johnson	Jon Neal	Kristin Stevens
Morgan Cain	William Kershaw	Josh Ortega	Chuck Torres
Steve Cathey	Paul Kim	Jason Pyle	Maurilo Torres
Cristopher Coates	Mark Martinez	Lora Ross	Taylor Voss
Aaron Davis			



Agency Stakeholders

Mission

The mission provides an internal aspect of the existence of an organization and, to a degree, an empowering consideration for all department members. The purpose of the mission is to answer the questions:

- Who are we?
- Why do we exist?
- What do we do?
- Why do we do it?
- For whom?

A workgroup met to revisit the existing mission and, after ensuring it answered the questions, the following mission statement was created, discussed, and accepted by the entire group:

Costa Mesa Fire & Rescue is an all-hazard team dedicated to serving and protecting our community through professionalism, leadership, and excellence.

Values

Values embraced by all members of an organization are extremely important, as they recognize the features that make up the personality and culture of the organization. A workgroup met to revisit the existing values and proposed a revision that was discussed, enhanced further, and agreed upon by the entire group:

Respect
Integrity
Compassion



Agency Stakeholders Work Session

Vision

Vision statements can inspire and motivate the organization around concepts or ideas that establish benchmarks, provide line of sight, direction, and where the organization wants to be over time. The purpose of setting a vison is to institute something on the horizon that is out of the agency's comfort zone, challenging it to stretch thinking beyond daily functions while being somewhat attainable. It should clearly indicate the direction in which the agency should move, allowing stakeholders to invest in the future with an understanding of purpose. The workgroup of members reviewed and considered the established vision during deliberations that produced the strategic initiatives in this plan

Costa Mesa Fire and Rescue is committed to exceeding the expectations of those we serve by being a leader in Fire Protection, Rescue, Emergency Services, and Community Risk Reduction.

The mission, values, and vision are the foundation of this organization. Thus, every effort will be made to keep these current and meaningful so that they guide the individuals who make up Costa Mesa Fire & Rescue to accomplish the goals, objectives, and day-to-day tasks.

Programs and Services

To ensure a deeper focus exists in determining issues and gaps within an organization, there must be a delineation between core programs and supporting services. Core programs are those core deliverables provided by the department. Supporting services are all of the internal and external programs and services that help CMFR deliver its core programs.

The importance of understanding the difference is that issues and gaps may exist in core programs or supporting services, and the department's strategic approach may bring forth different considerations for improvement. Additionally, supporting services may be internal or external to the organization and requires an understanding of how the difference impacts their location within the analysis of strengths, weaknesses, opportunities, and threats if identified. Finally, it is important that the agency stakeholders understand that many local, state, and national services support the delivery of identified core programs.

Through a facilitated brainstorming session, the agency stakeholders agreed upon the core programs provided to the community and many of the supporting services that support the programs. This session provided the sought understanding of the differences and the important key elements of the delineation.

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SWOT Analysis

An organization candidly identifies its positive and negative attributes through a SWOT analysis (strengths, weaknesses, opportunities, and threats). The SWOT analysis also provides an opportunity for an organization to evaluate its operating environment for areas it can capitalize on and those that pose a danger. Agency stakeholders recorded CMFR's strengths and weaknesses and the possible opportunities and potential threats. Information gathered through this analysis guides the agency's more significant issues and gaps. The information gleaned will assist the agency in finding its broader critical issues and service gaps.

Appendix 2 consists of the SWOT data and analysis collected by the agency stakeholders.

Critical Issues and Service Gaps

Following the identification and review of the department's SWOT, two separate groups of agency stakeholders met to identify themes as primary critical issues and service gaps (*found in Appendix 3*). The critical issues and service gaps identified by the stakeholders provide further guidance toward identifying strategic initiatives, which ultimately lend direction for the development of goals, objectives, critical tasks, and timelines.

Strategic Initiatives

Based upon all previously captured information and the determination of critical issues and service gaps, the following strategic initiatives were identified as the foundation for developing goals and objectives.

Technology	**Staffing**	**Infrastructure**
Training	**Communication**	**Accreditation**



Agency Stakeholders Work Session

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Goals and Objectives

To continuously achieve the mission of Costa Mesa Fire & Rescue, realistic goals and objectives with timelines for completion must be established. These will enhance strengths, address identified weaknesses, provide a clear direction, and address the community's concerns. These should become a focus of the department's efforts, as they will direct the organization to its desired future while reducing the obstacles and distractions along the way. Leadership-established workgroups should meet and manage progress toward accomplishing these goals and objectives and adjust timelines as needs and the environment change. Regular reports of progress and changes should be shared with CMFR's leadership.

Goal 1	**Upgrade our technological infrastructure by investing in our equipment, systems, and personnel to enhance and sustain high service levels and positively impact our community.**

Objective 1A	**Identify and analyze current levels of funding, resources, and workload indicators related to our technological infrastructure.**	
Timeframe	6 months	**Assigned to:**
Critical Tasks	☐ Fire and city budget analysis of current budget allocation related to technical infrastructure. ☐ Identify individuals responsible for each budget area. ☐ Identify current technology, applications, and capabilities. ☐ Determine what technology can be enhanced, better utilized, replaced, or added. ☐ Analyze all current workload indicators. ☐ Create and disseminate a report of findings.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 1B	**Create a needs analysis to prioritize the appropriate funding, resources, and workload requirements.**	
Timeframe	6-9 months	**Assigned to:**
Critical Tasks	☐ Evaluate and review the current conditions in collaboration with IT specialists and individuals responsible for specific technology elements. ☐ Identify technical infrastructure origination dates, anticipated life span, and the required ongoing support. ☐ Incorporate qualitative and quantitative assessments. ☐ Conduct a cost analysis of identified technology needs.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Objective 1C	**Establish and implement action plans for specific outlined areas of priorities from the needs analysis.**	
Timeframe	9-12 months	**Assigned to:**
Critical Tasks	☐ Allocate and identify roles and responsibilities for collaboration on the plan development. ☐ Update the cost analysis based on assigned responsibilities and the action plan. ☐ Secure necessary funding and approval for the plan. Establish timelines and benchmarks for construction, purchasing, and acquisition. ☐ Monitor the progress through the construction periods.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 1D	**Establish a system to identify, validate, track, and measure progress and impact on the community.**	
Timeframe	12 months-ongoing	**Assigned to:**
Critical Tasks	☐ Establish metrics and assess capability for the collection of data. ☐ Collect data relative to the effectiveness of the plan upon implementation. ☐ Evaluate the collected data to determine the effectiveness and progress relative to established metrics. ☐ Analyze the collected data to determine needs, updates, or adjustments.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Goal 2	**Evaluate, develop, and execute comprehensive administrative and operational staffing levels that enhance and advance our ability to meet and exceed community expectations, governance, and department objectives.**

Objective 2A	**Evaluate current staffing level efficiencies and effectiveness related to community expectations, governance, and department objectives.**	
Timeframe	6 months	**Assigned to:**
Critical Tasks	☐ Seek volunteers for assignment to the identified action items detailed below. ☐ Analyze best practices from comparable agencies associated with staffing levels and areas of responsibility. ☐ Obtain a list of CMFR's current job descriptions and current areas of responsibility. ☐ Create a survey to identify, at minimum, task processing, commitment times, roles/responsibilities, and critical versus non-critical tasks. ☐ Conduct analysis and create a report of findings and recommendations on the conclusion. ☐ Create a report of findings on the conducted analysis.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 2B	**Perform a needs assessment to determine adequate staffing to meet and exceed community expectations, governance, and department objectives.**	
Timeframe	6 months	**Assigned to:**
Critical Tasks	☐ Seek volunteers for assignment to the identified action items detailed below. ☐ Analyze current workload and Areas of Responsibility (AOR). ☐ Create a list of tasks that are must-do versus nice to do. ☐ Create a staffing priority list, including options, and review annually. ☐ Conduct analysis and create a report of findings and recommendations on the conclusion. ☐ Create a report of findings on the conducted analysis.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Objective 2C	**Develop methods to enhance professional development programs for all staffing levels.**		
Timeframe	3 months	**Assigned to:**	
Critical Tasks	☐ Seek volunteers for assignment to the identified action items detailed below. ☐ Create a list of subject matter experts (SME) in program delivery areas to create methods of professional development. ☐ Identify available classes and/or training opportunities for each position. ☐ Use current department processes to disseminate the identified opportunities. ☐ Ensure and encourage members to seek tuition reimbursement per a memorandum of understanding. ☐ Conduct analysis and create a report of findings and recommendations on the conclusion. ☐ On an annual basis, make needed adjustments to the program based on the results of the analysis.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Objective 2D	**Procure funding sources for additional staffing as identified.**		
Timeframe	12 months-ongoing	**Assigned to:**	
Critical Tasks	☐ Seek volunteers for assignment to the identified action items detailed below. ☐ Determine financial requirements for any identified additional staffing needs. ☐ Determine the return on investment (ROI) of any additional staffing needs. ☐ Seek alternative funding opportunities for any full-time equivalents or parts thereof. ☐ Allocate funds based on a prioritization of those staffing needs. ☐ Conduct analysis and create a report of findings and recommendations on the conclusion. ☐ On an annual basis, make needed adjustments to the program based on the results of the analysis.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Objective 2E	**Create an evaluation process to develop performance measures that enhance and advance our ability to meet and exceed community expectations, governance, and department objectives.**		
Timeframe	3-6 months	**Assigned to:**	
Critical Tasks	☐ Develop focus groups to create metrics to evaluate the efficiencies and effectiveness of current and desired staffing levels and AORs. ☐ Evaluate current RMS to ensure that the metrics are being captured appropriately. ☐ Determine areas that require more focus is needed based on stakeholder feedback. ☐ Conduct analysis and create a report of findings and recommendations on the conclusion. ☐ On an annual basis, make needed adjustments to the program based on the results of the analysis.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Goal 3	**Upgrade our infrastructure by investing in our facilities, equipment, and systems to enhance and sustain a high level of service and positively impact our community.**

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Objective 3A	**Identify and analyze current levels of funding, resources, and workload indicators related to our equipment, facilities, and systems.**	
Timeframe	6 months	**Assigned to:**
Critical Tasks	☐ Perform a departmental budget analysis of current equipment, facilities, and systems budget allocations. ☐ Identify appropriate individuals responsible for each budget area. ☐ Inventory all current equipment, facilities, and systems. ☐ Create and disseminate a report of findings.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 3B	**Create a needs analysis to prioritize the appropriate funding, resources, and workload requirements.**	
Timeframe	6 months	**Assigned to:**
Critical Tasks	☐ Evaluate and review current conditions in collaboration with the individuals responsible for equipment, facilities, and systems. ☐ Determine the following for all equipment, facilities, and systems: ▪ Year built and year delivered ▪ General condition of each item ▪ Prioritize need for replacement or upgrade ▪ Cost analysis and projected workload requirements ☐ Incorporate a qualitative/quantitative assessment with the subjective/objective data. ☐ Establish the prioritized needs and respective timelines.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Objective 3C	**Establish and implement action plans for specific outlined areas of priority from the needs analysis.**	
Timeframe	12 months-ongoing	**Assigned to:**
Critical Tasks	☐ Allocate and identify roles and responsibilities to collaborate to create a plan of action. ☐ Conduct a cost analysis of the developed program. ☐ Secure any needed funding. ☐ Establish timelines and benchmarks for construction, purchasing, and acquisition. ☐ Monitor, track, and report on progress through completion.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 3D	**Establish a system to identify, validate, track, and measure service level progress and community impact.**	
Timeframe	12 months-ongoing	**Assigned to:**
Critical Tasks	☐ Collect data relative to our benchmarks. ☐ Collect historical perspectives for a timeline of equipment, facilities, and systems. ☐ Collect baseline data on community impact and effectiveness. ☐ Collect current and ongoing data for community impact and effectiveness. ☐ Establish mechanisms for inclusive community feedback. ☐ Annually collect and analyze data and make changes as needed.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Goal 4	**Collectively and continuously assess, develop, execute, and monitor a comprehensive training plan that strengthens, enhances, and advances the organization's operational, administrative, and personal goals.**

Objective 4A	**Evaluate the current status of our existing training programs to determine the plan's current status.**		
Timeframe	12 months	**Assigned to:**	
Critical Tasks	☐ Seek volunteers for assignment to the identified action items. ☐ Establish a list of all current training programs. ☐ Build performance measures for current curriculums and programs. ☐ Evaluate the strengths and weaknesses of current curriculums and programs. ☐ Publish and disseminate the results of the evaluation.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Objective 4B	**Identify gaps or deficiencies in training programs and procedures in operations, administration, and CRR to improve the training plan.**		
Timeframe	12 months	**Assigned to:**	
Critical Tasks	☐ Seek volunteers for assignment to the identified action items. ☐ Using the established list, identify current gaps or areas of concern in programs relative to industry best practices. ☐ Through analysis, prioritize gaps that have the highest importance to the organization. ☐ Conduct cost analysis on the prioritized program results and any associated needed props and facilities. ☐ Publish and disseminate results.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Objective 4C	**Implement a plan to strengthen career development for all positions to strengthen skill sets.**		
Timeframe	3-6 months	**Assigned to:**	
Critical Tasks	☐ Seek volunteers for assignment to the identified action items listed below. ☐ Seek SMEs to address the list of priorities. ☐ Have SMEs develop curriculum and determine needed props. ☐ Submit training plans to the training officer for addition to the training calendar. ☐ Deliver new training curriculum, collect feedback from personnel and make adjustments as needed.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

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Objective 4D	**Identify ways to incorporate training with county-wide agencies to strengthen operational consistencies.**	
Timeframe	3-6 months	**Assigned to:**
Critical Tasks	☐ Determine current training and its effectiveness with county partners for all involved organizations. ☐ Establish a list of desired training with county partners in a collaborative effort. ☐ Survey neighboring agencies for the desire to engage in multi-agency training. ☐ Create a list of topics each neighboring agency wants to engage in training. ☐ Participate in a collaborative effort to build a curriculum. ☐ Establish a training calendar coordinated with neighboring agencies.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 4E	**Identify leadership development opportunities to improve the skill sets of organizational leaders.**	
Timeframe	9 months	**Assigned to:**
Critical Tasks	☐ Create a survey for department personnel to identify the current status of leadership ☐ Create priorities for training based on survey responses. ☐ Develop routine leadership curriculums based on priorities. ☐ Implement the established curriculum. ☐ Re-survey group to measure improvement after implementation of the curriculum.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 4F	**Develop methods to improve the accountability of supervisors to ensure congruency with the department's mission and values.**	
Timeframe	6-9 months	**Assigned to:**
Critical Tasks	☐ Survey personnel to identify the level of accountability of supervisors. ☐ Create a list of strengths and weaknesses in accountability ☐ Create a working group to identify strengths, issues, and challenges. ☐ Develop best practices for accountability ☐ Train leadership on best practices through focused training and education ☐ Resurvey group to measure the effectiveness of methods.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Objective 4G	**Procure funding sources for training programs, SMEs, and training facilities to meet the plan's financial requirements.**	
Timeframe	12 months-ongoing	**Assigned to:**
Critical Tasks	☐ Assign personnel to source funding options. ☐ Determine financial requirements needed to operate desired training programs, props, and facilities. ☐ Seek opportunities and methods for funding specified training programs, props, and facilities. ☐ Allocate funds based on the prioritized list of training projects/programs. ☐ Make adjustments to the program based on the allocation of funds.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 4H	**Create an evaluation process to develop performance measures that strengthen, advance, and enhance the organization's operational, administrative, and personal goals.**	
Timeframe	3 months-ongoing	**Assigned to:**
Critical Tasks	☐ Develop focus groups to create metrics to evaluate the effectiveness of training in desired areas of improvement. ☐ Identify industry and agency-specific standards for each desired program area. ☐ Evaluate current RMS to ensure that the metrics are being captured appropriately. ☐ Assess whether we have met our goals for the previous training period. ☐ Determine areas that require more focus is needed based on the analysis. ☐ Review annually and make needed adjustments to the program based on the results of the analysis.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Goal 5	**Enhance internal and external communication to provide clarity and alignment with those we serve and serve with.**

Objective 5A	**Identify and evaluate current and potential communications delivery systems for disseminating information relating to organizational activities and events for public interest.**	
Timeframe	2-3 months	**Assigned to:**
Critical Tasks	☐ Establish program lead/s for the analysis. ☐ Identify and list current platforms and applications used in communication. ☐ Identify the audience/end-user of the identified applications and platforms. ☐ Identify the team and areas of responsibility that manage the systems. ☐ Identify alternate platforms that may be appropriate for the department's use. ☐ Define current content information disseminated and conduct an evaluation, ☐ Utilize the collected community feedback to determine the importance and demand for information. ☐ Conduct a cost analysis of the identified programs and applications.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 5B	**Evaluate existing SOPs and operation/organization manuals for applicability and legality.**	
Timeframe	9-12 months	**Assigned to:**
Critical Tasks	☐ Establish a review committee/ team and point of contact to conduct evaluation. ☐ Explore third-party platform systems contracts (e.g., Lexipol). ☐ Evaluate current and future SOPs for relevance and compliance. ☐ Research and identify third-party records management system options (RMS). ☐ Evaluate it for applicability and select platforms to interface with our system needs. ☐ Compile and build a report performance.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Objective 5C	**Identify and train personnel on the systems used to organize all vital operational information to organizational personnel.**	
Timeframe	9-12 months	**Assigned to:**
Critical Tasks	☐ Identify and develop SMEs for new systems use and application. ☐ Develop a training curriculum based on SME input. ☐ Publish a training manual for initial training. ☐ Establish a train-the-trainer group. ☐ Implement a training program and evaluate the effectiveness of the delivery. ☐ Adjust the training program based on analysis. ☐ Based on the effectiveness and training adjustments, build a future end-user guide.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 5D	**Implement the system to organize and make easily accessible all vital operational information to the organization and support personnel.**	
Timeframe	2-3 months	**Assigned to:**
Critical Tasks	☐ Establish a rollout timetable. ☐ Identify SMEs to ensure efficient rollout. ☐ Identify and allocate potential rollout expenses. ☐ Coordinate with IT point of contact to mitigate any crossover issues.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 5E	**Continually obtain feedback to evaluate the clarity and alignment of information and the relevance of the systems used.**	
Timeframe	2-3 months	**Assigned to:**
Critical Tasks	☐ Create a feedback method to gather information from the end user. ☐ Analyze the collected information to determine if clarity and alignment of information are achieved. ☐ Make necessary adjustments to the systems in use and determine any additional needs required. ☐ Establish the frequency for continuous evaluation of the systems, their use, and relevance to department systems. ☐ Evaluate end-user response for potential program enhancements.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Goal 6	**Prepare for, pursue, achieve, and maintain international accreditation to better serve our community and embrace excellence.**

Objective 6A	**Form team or committee structures with management components as needed to pursue and maintain accreditation.**	
Timeframe	30 days	**Assigned to:**
Critical Tasks	☐ Identify the team or committee for the various components of the accreditation process. ☐ Create management oversight positions to lead the teams or committees and overall process. ☐ Establish team or committee member criteria. ☐ Determine the composition of the teams or committees. ☐ Solicit participation to meet the composition of the teams or committees. ☐ Develop and complete the workgroup selection process. ☐ Provide the needed educational components available through the CFAI. ☐ Guide the team or committee in constructing a work plan to manage the accreditation process.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 6B	**Develop a community-driven strategic plan.**	
Timeframe	3 months and ongoing	**Assigned to:**
Critical Tasks	☐ Hold an external stakeholder meeting where community members provide feedback on program priorities, service expectations, concerns, and strengths perceived about the agency. ☐ Provide agency stakeholder work sessions to evaluate/update the mission, vision, and values; determine internal strengths and weaknesses, external opportunities, and threats. ☐ Identify critical issues, service gaps, and specific strategic initiatives. ☐ Develop goals, objectives, critical tasks, and appropriate timelines, including measurability levels, to achieve improvement over five years. ☐ Create a department or agency vision statement from the developed strategic plan. ☐ Publish and distribute the formal strategic plan to stakeholders, including the authority having jurisdiction as determined by the organization.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

Objective 6C	**Implement the community-driven strategic plan.**	
Timeframe	3 months, ongoing	**Assigned to:**
Critical Tasks	☐ Create a strategic planning subcommittee to carry out the strategic plan. ☐ Determine a work plan to accomplish each goal and implement the plan. ☐ Continuously evaluate and revise the objectives and tasking as the plan is implemented. ☐ Report annual plan progress to community and agency stakeholders.	
Funding Estimate	Capital Costs: Personnel Costs:	Consumable Costs: Contract Services Costs:

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Objective 6D	**Conduct a comprehensive community hazards and risk assessment and document findings to develop a standards of cover.**		
Timeframe	6 – 9 months	**Assigned to:**	
Critical Tasks	☐ Gather and consider geophysical characteristics data of the jurisdictional responsibilities. ☐ Gather and evaluate population, population demographics, area economics, and socioeconomic data of the jurisdiction. ☐ Gather and consider physical asset development, service, and transportation infrastructure types in the jurisdiction. ☐ Describe the department's programs, services, core deliverables, human and physical resources to establish baseline information. ☐ Determine an appropriate methodology for dividing the area of responsibility into geographical planning zones. ☐ Build a methodology that identifies, assesses, classifies, and categorizes risk in the jurisdiction's response areas. ☐ Document the information collected and the results of the applied methodologies in the risk assessment process.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Objective 6E	**Develop standards of cover based on community hazards and risk assessment results and combine results to complete the community risk and standards of cover study document.**		
Timeframe	3 - 6 months	**Assigned to:**	
Critical Tasks	☐ Evaluate historical jurisdictional emergency response performance and coverage for baseline data. ☐ Establish benchmark and baseline emergency response service level and performance objectives. ☐ Develop methodologies and policies for qualifying and validating data sets. ☐ Conduct a gap analysis of performance across classes and categories of risk in each of the established planning zones to illuminate opportunities for improvement. ☐ Build a compliance methodology for monitoring, evaluating, and reporting delivery performance. ☐ Utilize the overall system performance data to create short- and long-term plans for maintaining and improving the system's response capabilities. ☐ Combine and publish the community risk assessment/standards of cover study information, performance data, established objectives, and gap analysis results and ☐ Maintain and annually update the community risk assessment/standards of cover document. ☐ Present the CRA/SOC study results as updated annually to the authority having jurisdiction to provide transparency, build consensus, and align expectations.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

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Objective 6F	**Achieve agency accreditation by the CFAI.**		
Timeframe	4 months	**Assigned to:**	
Critical Tasks	☐ Apply for "Candidate Agency" status with the CFAI. ☐ Prepare for the CFAI peer assessment team visit. ☐ Upload strategic plan, community risk assessment/standards of cover, and self-assessment documentation for review and comment by the CFAI peer assessment team. ☐ Host the CFAI peer assessment team site visit for accreditation review. ☐ Receive the CFAI peer assessment team recommendation to CFAI for Accredited status. ☐ Review the peer assessment team's recommendations to determine applicability to agency processes or systems to determine the scope of the annual compliance report process. ☐ Receive vote during the CFAI hearings in favor of accredited status.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

Objective 6G	**Maintain accreditation with the CFAI.**		
Timeframe	Ongoing	**Assigned to:**	
Critical Tasks	☐ Continue collecting and evaluating all relevant data for continuous improvement opportunities. ☐ Submit initial required annual compliance reports. ☐ Participate in as many offerings from CPSE as possible for continued education. ☐ Participate in the accreditation process by providing "peer assessors" for external department review and identification of possible best practices. ☐ Participate in the annual CPSE Excellence Conference for continued education and networking with other accreditation teams and accredited agencies. ☐ Submit annual compliance reports as required by CFAI policies. ☐ Establish succession development of the internal accreditation team in preparation for the next accreditation cycle.		
Funding Estimate	Capital Costs: Personnel Costs:		Consumable Costs: Contract Services Costs:

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Vision

On the final day of the process, the CPSE presented a strategic plan vision of where the organization will be in the future if the strategic plan is accomplished. This is not to override the department's global vision but rather to confirm the futurity of the work that the agency stakeholders designed. This vision is intended as a target of excellence to strive toward and provides a basis for its goals and objectives.

"Vision is knowing who you are, where you're going, and what will guide your journey."

Ken Blanchard

Costa Mesa Fire & Rescue's 2027 vision is to be an internationally accredited agency that strives for continuous improvement with its all-hazard approach to delivering excellence. As a forward-thinking organization, we will employ and operate modern technology with a fiscally viable approach to the deployment and sustainability of resources. In addition, we will strengthen our relationships with the community, our service partners, and the member stakeholders we serve through comprehensive communication practices.

In recognition of our greatest resource and human investment, we will make every effort to develop, support, mentor, and prepare our members to be the best they can be. Our concept is to achieve this through the use of appropriate staffing models and contemporary professional development. We envision a future agency that recruits, welcomes, and retains new, inventive members with expertise and demonstrative principles of respect and integrity.

We will be an initiative-focused agency that builds a collaborative leadership environment through individual professionalism and organizational accountability to deliver our mission, live our values, and make this vision a reality.

Performance Measurement

To assess and ensure that an organization is delivering on the promises made in its strategic plan, leaders must determine performance measures for which they are fully accountable. As output measurement can be challenging, the organization must focus on assessing progress toward achieving data-driven improved output. Organizations must further be prepared to revisit and revise their goals, objectives, and performance measures to keep up with accomplishments and environmental changes.

To establish that the department's strategic plan is achieving results, performance measurement data will be implemented and integrated as part of the plan. An integrated process, known as "Managing for Results," will be utilized, which is based upon:

- The identification of strategic goals and objectives;
- The determination of resources necessary to achieve them;
- The analysis and evaluation of performance data; and
- The use of that data to drive continuous improvement in the organization.

• If you don't measure the results of your plan, you can't tell success from failure.
• If you can't see success, you can't reward it.
• If you can't reward success, you're probably rewarding failure.
• If you can't see success, you can't learn from it.
• If you can't recognize failure, you can't correct it.
• If you can demonstrate results, you can win public support.

Reinventing Government
David Osborn and Ted Gaebler

A "family of measures" typically utilized to indicate and measure performance includes:

- **Inputs -** Value of resource used to produce an output.
- **Outputs –** Quantifiable data-driven units produced which are activity-oriented and measurable.
- **Efficiency -** Inputs used per output (or outputs per input).
- **Service Quality -** The degree to which customers are satisfied with a program or how accurately or timely service is provided.
- **Outcome -** Qualitative consequences associated with a program/service, i.e., the ultimate benefit to the customer. Focused on the "why" of providing a service.

The Success of the Strategic Plan

The department has approached its desire to develop and implement a strategic plan by asking for and receiving input from the community and organization members during the development stage of the planning process. To assist in developing this plan, the department used professional guidance to conduct a community-driven strategic planning process. The success of this strategic plan will not depend upon the implementation of the goals and related objectives but on support received from the authority having jurisdiction, the members of the organization, and the community at large.

Provided the community-driven strategic planning process is kept dynamic and supported by effective leadership and active participation, it will be a considerable opportunity to unify agency and community stakeholders. This can be accomplished through a jointly developed understanding of organizational direction, focusing on all vested parties working to achieve the mission, goals, and vision. Further consideration must be made on how the organization will measure and be accountable for its progress and successes.

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Glossary of Terms, Acronyms, and Initialisms

Accreditation	A process by which an association or agency evaluates and recognizes a program of study or an institution as meeting certain predetermined standards or qualifications. It applies only to institutions or agencies and their programs of study or their services. Accreditation ensures a basic level of quality in the services received from an agency.
CAD	Computer-Aided Dispatch
CERT	Citizens Emergency Response Team
CFAI	Commission on Fire Accreditation International
COOP	Continuity of Operations Plan
CPSE	Center for Public Safety Excellence
CRR	Community Risk Reduction
Customer(s)	The person or group who establishes the requirement of a process and receives or uses the outputs of that process; or the person or entity directly served by the department or agency.
Efficiency	A performance indication where inputs are measured per unit of output (or vice versa).
EMS	Emergency Medical Services
Environment	Circumstances and conditions that interact with and affect an organization. These can include economic, political, cultural, and physical conditions inside or outside the organization's boundaries.
FEMA	Federal Emergency Management Agency
GIS	Global Information System
Input	A performance indication where the value of resources is used to produce an output.
ISO	Insurance Services Office
IT	Information Technology
MCT	Mobile Computer Terminal
Mission	An enduring statement of purpose; the organization's reason for existence. Describes what the organization does, for whom it does it, and how.
NMUSD	Newport Mesa Unified School District
OCFEC	Orange County Fair and Events Center
Outcome	A performance indication where qualitative consequences are associated with a program/service, i.e., the ultimate benefit to the customer.
Output	A performance indication where a quality or number of units produced is identified.
PSAP	Public Safety Access Point
RMS	Record Management System
SME	Subject Matter Expert

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SOG Standard Operating Guideline

SOP Standard Operating Procedure

Stakeholder Any person, group, or organization that can place a claim on, or influence the organization's resources or outputs, is affected by those outputs or has an interest in or expectation of the organization.

Strategic Goal A broad target that defines how the agency will carry out its mission over a specific period. An aim. The final result of an action. Something to accomplish in assisting the agency in moving forward.

Strategic Objective A specific, measurable accomplishment required to realize the successful completion of a strategic goal.

Strategic Plan A long-range planning document that defines the agency's mission and broadly identifies how it will be accomplished and that provides the framework for more detailed annual and operational plans.

Strategic Planning The continuous and systematic process whereby guiding members of an organization make decisions about its future, develop procedures and operations to achieve that future, and determine how success is measured.

Strategy A description of how a strategic objective will be achieved. A possibility. A plan or methodology for achieving a goal.

SWOT Strengths, Weaknesses, Opportunities, and Threats

USAR Urban Search and Rescue

Vision An idealized view of a desirable and potentially achievable future state - where or what an organization would like to be in the future.

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Appendix 1 – Community Input

Understanding the community's perspective allows the department to change or bolster processes and strategies to fulfill community needs. The following includes feedback from participating community stakeholders, collected and processed by CPSE on behalf of Costa Mesa Fire & Rescue.

Should Change

Respondents were asked to provide one thing the department should change. The data were processed thematically and listed with the number of responses matched the theme, as represented by the number in the parentheses. The following are the responses related to what the department should change:

1. Accessibility and communication of fire department resources available to the community. Outreach and contact with neighbors adjacent to stations. Greater community-building presence. More involvement with educators at schools. (5)
2. Increase staffing. Staffing levels. Staffing levels for community outreach. (3)
3. Advanced disaster planning. (1)
4. Publish and discuss key performance indicators. (1)
5. Number of bilingual staff. (1)
6. Social media presence. (1)

Should *Not* Change

Respondents were asked to provide one thing the department should *not* change. The data were processed thematically and listed with the number of responses matched the theme, as represented by the number in the parentheses. The following are the responses related to what the department should change:

1. Showing up at community events. Being responsive to our community needs. Your community presence and accessibility. Accessibility of staff to community. Available to contact. (5)
2. Leadership style. Top management. Leadership. (3)
3. Visual appearance of trucks and stations. (1)
4. Management of department and personnel. (1)
5. Their culture. (1)
6. Responsiveness in real time. (1)
7. Decrease in stations. (1)
8. Sending out both trucks and ambulances to the scene of accidents. (1)
9. Customer service. (1)
10. Training. (1)
11. Community-driven performance improvement. (1)

Community Expectations

Understanding what the community expects of its fire service organization is critically important to developing a long-range perspective. With this knowledge, internal emphasis may need to be changed or bolstered to fulfill the community's needs.

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Respondents were asked to list, in priority order, up to five subjects relative to their expectations for Costa Mesa Fire & Rescue. Responses were then analyzed for themes and weighted. The weighting of the prioritized responses was as follows: if it was the respondent's first entry, it received five weighted points. Weighting gradually decreased so that if it was the respondent's fifth entry, it received one weighted point. The weighted themes were then sorted from the highest cumulative weight to the lowest cumulative weight and listed below. The numbers in the parentheses are the cumulative weighted value that correlated with the theme identified. While the themes are listed in prioritized, weighted order, all responses were important in the planning process. The following are the expectation responses of the community stakeholders (in priority order):

1. To be there when the emergency occurs. High-quality and timely response. Absolutely lowest response time in each Costa Mesa neighborhood. Service quickly, I want a quick response. Response times. Available and timely response when called. Quick and effective response. (32)
2. Community interaction / presence. To evaluate current community engagement after Covid and reengage with the community in things like CERT. Know the community and encourage others to follow by example. Commitment to the community. Community training and communication. Be active in the community, at local events, and provide education at community events. Family-friendly attitude when in uniform to the community. (19)
3. Emergency response. Save life and property. Quality of service. Emergency prevention and mitigation. To be responsive to emergency needs. (17)
4. Maintain a well-trained and highly capable fire and rescue staff. That they have the training, tools, and equipment necessary to provide excellent service. To maintain a highly trained and professional staff. Provide best-in-class training for the firefighters and paramedics. Firefighter expertise. (11)
5. Life safety inspections. Fire prevention - both in open areas and in homes and businesses. Fire prevention and mitigation resources. Continually improve fire prevention efforts. (6)
6. Ensure CMFR has the most up-to-date tools and technology available. Fire/medical assistance will be performed with excellence using the highest quality/advanced equipment and technology. (4)
7. Be healthy and ready to do what is needed to save lives. Personnel to be healthy. (3)
8. Medical response. (3)
9. Access/partnership with staff to work through school safety issues or concerns. (2)
10. Costa Mesa Fire Rescue recruits and retains the top of the class. (2)
11. Stay out of politics (city council member campaigning). (2)
12. Support of the city decision-makers to ensure proper resources are provided. Fire rescue will have the resources immediately available to respond to all emergencies. (2)
13. Fire response. (2)
14. Caring, understanding, and being empathetic during emergency situations. (2)
15. Disaster response and leadership implementation of procedures. Disaster planning/response model. (2)
16. Communication. (2)
17. To continue to work collaboratively with other safety organizations. (1)

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Areas of Community Concern

The planning process would be incomplete without an expression from the community stakeholders regarding concerns about the organization. Some areas of concern may be a weakness within the delivery system, while some weaknesses may also be misperceptions based upon a lack of information, understanding, or incorrect information.

Respondents were asked to list, in priority order, up to five concerns they have about or for the department. Responses were then analyzed for themes and weighted. The weighting of the prioritized concerns was as follows: if it was the respondent's first entry, it received five weighted points. Weighting gradually decreased so that if it was the respondent's fifth entry, it received one weighted point. The weighted themes were then sorted from the highest cumulative weight to the lowest cumulative weight and listed below. The numbers in the parentheses are the cumulative weighted value that correlated with the theme identified. While the themes are listed in prioritized, weighted order, all responses were important in the planning process. The following are the concerns of the community stakeholders prioritized and weighted accordingly (verbatim, in priority order):

1. Emergency communications staffing vacancies from burnout. Can you hire what you need or will there be a staffing shortage. My hope is that staffing levels are not reduced as the result of any fiscal issues. Staffing to handle the increase in office use residential growth/expansion. (12)
2. Funding. Do you have enough funding for staff and equipment? It does not have the resources necessary to perform all the tasks being asked. Will be able to provide sufficient dollars so they can meet their mission. Efforts to control costs may not be widely understood. funding is sufficient to modernize and train. (11)
3. Consistency of fire inspections moving forward. Turnaround time for plan check. Need more inspections, on a quarterly basis in the retail corridor. (8)
4. We all know the stations are staffed; however, there is little to no interaction with the adjacent businesses and residents. Fire department holding community-friendly events in neighborhoods to promote fire safety. Community-wide initiative such as replacing batteries at every Costa Mesa household, handout fire extinguishers. sufficient time and commitment to build community leadership and relationships. (7)
5. With the growth of the northeast portion of the city, can CMFR handle the response in normal day-to-day operations. Will they be able to stay ahead of safety needs as the city grows? (6)
6. Homeless calls and continued training around mental illness. It is having to use its valuable resources to respond to mental health call/concerns from chronically homeless individuals. (5)
7. That outside forces - politics, legislative measures will hamper their ability to serve. May be vulnerable to political challenges in the future. Internal vision may be constrained by politics or third-party agenda. (5)
8. Disaster planning beyond documentation. Enough equipment and personnel in natural or manmade disasters. (5)
9. Concern for succession planning for key leadership roles. Is there a succession plan in place to fill vacancies in leadership positions as staff retires or moves on? (4)
10. Amount of training to do rescues on trees when people are dying with no way to access the back without a ladder. (3)
11. Response times. (3)

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12. Was someone from NMUSD, Orange County Department of Education, or private school system invited today? (3)
13. Aging or outdated technology and or equipment. (3)
14. Do they respond to calls the same in Mesa Verde and the westside? (3)
15. Firefighters knowing community resources when responding to an emergency of individual families at risk. (3)
16. Not clear if objectives are being met. (3)
17. Equipment to climb trees in case of any emergencies. (2)
18. Health/wellness/staffing of your personnel. (2)
19. Employee morale. (2)
20. Are there enough bilingual employees to interact with our large Hispanic population? (2)
21. Understanding of existing location/ building infrastructure. (2)
22. Instructors to teach them about the failure and risk (trees). (1)
23. Other city entities not doing their job, and that results in CMFR having to step into areas they should not. (1)
24. Are there other ways to involve youth in understanding fire safety without having them be members of the explorers? (1)

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Positive Community Feedback

The CPSE promotes the belief that the community's view on the organization's strengths must be established for a strategic plan to be valid. Needless efforts are often put forth in over-developing areas that are already successful. However, proper utilization and promotion of the strengths may often help the organization overcome or offset some identified weaknesses. The following are the identified strengths recognized by the community stakeholders (verbatim, in no particular order):

- Great looking fire trucks and fire stations are very beneficial to the community.
- Strong leadership and cooperation with similar departments.
- Establish community presence at city events.
- Staff engagement and access while working through issues and concerns.
- Emergency response-arriving quickly and professionalism of the staff.
- Improved quality of fire inspections being done.
- Very involved.
- On-time and ready for what's up.
- Trained for all emergencies, except trees.
- They do well with training and succession planning within the ranks and file firefighters.
- Our CMFR are personal, friendly, and professional.
- Dan Stefano is an amazing leader; humble, engaging, and politically savvy.
- Positive and welcoming attitude by Chief Stefano, humble, access able, and professional.
- Professional attitude and service by CMFR, even during difficult times.
- They do love their job of saving lives.
- Staff and employees – firefighters are kind and willing to help.
- The response time at night has been swift.
- The department is trying to do more community outreach.
- Station crews are always great to work with.
- The fire marshal's office is always responsive.
- Great community partner.
- Rapid response time.
- Positive community role modeling through opportunities for greater community building.
- Excellent community service attitudes with all department individuals that I have encountered.
- Extremely well-led.
- Excellent community presence.
- Very responsive, not only to emergencies but to requests in general.
- Thank you for including us in this process.
- OCFEC is proud to be a neighbor and partner.
- When you engage with CMFD personnel they are professional and present a unified front-everyone smiles!

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- The chief/management play a very visible and active role in the community.
- The mutual aid system works well when other departments are needed to assist.
- Outstanding leadership at all levels.
- Excellent community outreach and a positive reputation.
- Highly skilled and well-trained staff.
- Excellent and caring personnel.
- Overall passion for providing good service.
- Having worked at Orange County fairgrounds for the past 18 years, the communication and partnership has been great.
- Response time.
- Leadership.
- Past emergency/non-emergency response was fast and effective.
- Personnel interactions were professional.
- Fire marshal and CERT resource assistance was/is extremely valuable.
- Outstanding leadership.
- Excellent communication with the community, great outreach.
- Proud of their image among peer groups.
- They stop and say hi to kids and hand out stickers.
- Always friendly interaction with staff.
- Positive social media presence.
- Great team! Fire specialist team is top-notch and very assessable to answer questions and meet on-site.
- The fire department personnel are very helpful, professional, and friendly.
- If the staff does not have the answer, they look for it in the fire code books and are seasoned to view the situation in spirit of the code.
- Well regarded and respected by many in the business community.
- Community involvement on all levels.
- Thorough building and business inspections.
- Resiliency of the team during the last 2+ years.
- Willingness by the leadership and department to be transparent and search for a higher vision, purpose, and level of performance.
- Apparent healthy relationship between the elected, the city manager, and the fire chief. Very important to have genuine alignment and commitment.

Other Thoughts and Comments

The community was asked to share any other comments they had about the department or its services. The following written comments were received (verbatim, in no particular order):

- Two gardeners on my street passed away from climbing trees around electrical conductors. We need to educate our community and firefighters of all risks.

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- They are effective at resourcing, engaging, and mobilizing the community for emergency response contingencies (CERT).
- My friend Debbie Magnussen started Project Cuddle here in Costa Mesa - she wants every fire and police station to have a safe surrender sign for women in crisis.
- Love the flags on the trucks.
- I would love to see more community events where families are able to interact, buy shirts/hats.
- CMFR is doing a great job and I am thrilled they are undertaking this process.
- Community training and other interaction.
- I could not be prouder of our CMFR department-they are professionals and leaders in their profession.
- I am proud to be a Costa Mesa resident and protected by these men and women.
- Thank you for all you do and taking the time to go through this community input process.
- It would be helpful to know when fire is dispatched to an emergency on Vanguard University campus when the call/emergency was not generated by Vanguard.
- It is my perception that the City of Costa Mesa is in good hands with the CMFR organization.
- Share my community fire hazards that are preventable.

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Appendix 2 - SWOT

Strengths

It is important for any organization to identify its strengths to ensure that it can provide the services requested by the community and that strengths are consistent with the issues facing the organization. Often, identifying organizational strengths leads to the channeling of efforts toward primary community needs that match those strengths. Programs that do not match organizational strengths or the organization's primary function, should be seriously reviewed to evaluate the rate of return on staff time and allocated funds.

Through a consensus process, the agency stakeholders identified the department's strengths as follows:

Department's recognition processes; social media, employee of the month, and awards	Commitment to service through the empowerment to do good deeds
Awareness and priority of our succession planning that builds redundancy in the agency	Individual commitment, involvement, and volunteerism of our members
Positive stakeholder relationships, both internally and externally	Equipment is well maintained, with new equipment on order
Probationary firefighter training, mentoring, and academy	Communication
Operational adaptability in our deployment model	Professionalism
The welcomed outcome data from our EMS training	Regional and state involvement
Teamwork exampled by peer-to-peer communication	People (our fire family)
Existence and application of a department-specific COOP	Professional development (i.e., education)

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Weaknesses

For any organization to either begin or continue to move progressively forward, it must be able to identify its strengths and those areas where it functions poorly or not at all. These areas of needed enhancements are not the same as threats to be identified later in this document but rather those day-to-day issues and concerns that may slow or inhibit progress. The following items were identified by the agency stakeholders as weaknesses:

Lack of a comprehensive, user-friendly, easily accessible administrative procedure manual	Lack of procedure to update site maps and printed map books
Lack of performance measures / CQI	Lack of arson investigation capabilities
Applications and programs used for data collection and reporting are owned and managed by external agencies limiting agency control of data	The reliance on functions managed by volunteers, such as EMS supplies, and tools, may impact their passion for participation
Program area(s) workload balance between shift stations and crews	Confusion between the application of management vs. leadership
SOP manual out of date	Lack of multi-company drills
Lack of appropriate compensation for additional workload from program area assignments	Lack of training with our neighboring agencies and Costa Mesa Police Department
Lack of hazmat specialist	Lack of empowerment in decision making
Lack of administrative staff (executive, EMS, training)	Budgetary mechanism to identify money in and out
Lack of an IT strategic plan on the fire side	USAR equipment and training
Communications – email vs. policy/procedure objectives being worked on by multiple people and don't know it	Lack of comprehensive formal mentorship and professional development training for all positions in the organization
Insufficient staffing to provide needed reliable administration support	The need for appropriate mission-critical support vehicles
Lack of formal and documented career path involvement process for members of the organization	

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Opportunities

The opportunities for an organization depend on identifying strengths and weaknesses and how they can be enhanced. The focus of opportunities is not solely on existing service but on expanding and developing new possibilities inside and beyond the traditional service area. The agency stakeholders identified the following potential opportunities:

Evaluation and expansion of the current regional ambulance operator program	PSAP position growth to improve communications, 911 call-taking, and dispatch processes
Determining IT / GIS software processes or systems to update mapping	Enhancing current/future external stakeholder relationships
Increase opportunities for fire department/state incident management teams	Enhance the relationship between OCEHD and the department in the management of the hazmat program
Need for improved city fleet management SOP	Need for additional emergency vehicle technician
Increase funding to assist in meeting agency-appropriate standards	Current COVID/COOP level prevents us from engaging the public (schools, open houses)
Enhance grant opportunities	Increase in participation in outside state fire committees
Determine opportunities for external funding sources other than grants	Identify external training opportunities (other fire departments, FEMA, state, etc.)
Staffing to allow dual company fire stations that increases presence in the community (money)	Increase funding to provide for more subject matter expert use in agency development

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Threats

By recognizing possible threats, an organization can reduce the potential for loss. Fundamental to the success of any strategic plan is the understanding that threats are not entirely and/or directly controlled by the organization. Some of the current and potential threats identified by the agency stakeholders were as follows:

Changes in the economic variables of inflation, interest rates, property values, sale tax revenue, etc.	The policies and agendas produced through political activities
Supply chain	IT limitations
Domestic and international terrorist acts	Commercial/industrial demographics/evolution
Natural and manufactured disasters	Social influences/movements/generational ideology
The impact of unfunded state mandates on the organization	Shrinking candidate pool due to multiple agencies hiring and a decrease in qualified candidates
Ambulance patient offload time during busy times	Increasing call volume
Homeless / mental illness /facilities	Privatization of fire and/or EMS service delivery
Commercial/residential development impact on call volume	Retention issues causing the loss of employees to other agencies
Relocation of the workforce to greater distances and/or out of state	Legislative changes at the local, state, and federal levels impacting the organization
Pandemics	Paramedic school product quality
Population density changes that may drive political and legislative changes that negatively impact the organization	

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Appendix 3 - Critical and Service Gap Issues Identified by Agency Stakeholders

The following information is the raw data comprised from the deliberation of the two workgroups. The information in each table is linked to a strategic initiative that the overall group, by consensus, determined was something that the department should pursue for change and continuous improvement.

Initiative Link	Group 1	Group 2
Technology	Technology ○ Lack of funding ○ Grossly deficient mapping program ○ Outdated RMS program ○ Lack of contemporary CAD and MCT technology ○ Lack of department clearance with inter-departmental functions ○ Lack of real-time data/dashboard ○ F-drive overhaul	Technology ○ RMS ○ CAD ○ GIS/mapping ○ Inspections ○ Telestaff ○ Payroll ○ Communication ○ Data collection/control ○ Training ○ Vector solutions ○ Program availability ○ Billing
Staffing	Staffing ○ Lack of administrative staffing ○ Forecasting/proactive approach for staffing needs ○ Arson staffing ○ Specialty staffing for committees, special events, and areas of responsibility	Staffing ○ Lack of admin support staff ○ Lack of SMRs ○ Funding needed ○ Qualification/experience ○ Recruitment/retention ○ Employee development/opportunity ○ Overload
Infrastructure	Infrastructure ○ Continuing issues with ambulances ○ Lack of a real-time asset management system ○ Lack of completion on modernizing the fire stations ○ Lack of modernization of training tower for EMS and USAR ○ Lack of a contemporary information technology program ○ Lack of mission support vehicles	Equipment/facilities ○ Funding ○ Outdated equipment and facilities ○ Lack of supply availability ○ Procedural process ○ Project bid/management process ○ IT. ○ Organizational structure/ownership

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Initiative Link	Group 1	Group 2
Training	Training ○ Lack of multi-company drills ○ Lack of training with neighbor departments ○ Lack of USAR training ○ Wide range of topics to cover ○ Lack of funding for training ○ Identify and develop/strengthen subject matter experts ○ Strengthen career development ○ Lack of driver education ○ Implementation of new training programs ○ Leadership development ○ Accountability of chiefs and company officers	N/A
Communication	Organizational Information Management ○ Lack of structure ○ Lack of succession planning ○ Lack of an evaluation process ○ Lack of updated manuals/best practices ○ Lack of contemporary SOP/SOG library ○ Lack of time and funding for the overhaul ○ Lack of access to special notices/training bulletins	Communication ○ Email ○ Policies ○ Objectives ○ Social media with the public ○ RMS ○ Organizational accessibility to information (F-drive) ○ Continuity

The following information is the raw data comprised from the deliberation of the two workgroups. The information in each table is not linked directly to a strategic initiative but remains important. The department is best served to understand and embrace this other information as it moves forward for deliberative purposes and consideration of support of the strategic initiatives.

Topic	Group 1	Group 2
Leadership	N/A	Leadership ○ Roles and responsibilities ○ Subject matter experts ○ Mentorship ○ Decentralized command ○ Empowerment ○ Relinquishment of control ○ Communication ○ Ownership/responsibility vs. management ○ Facilitation of internal/external relationships

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Appendix 4 - City Council Goals and Objectives

The following information is a reference to the Costa Mesa City Council's Goals and Objectives.



MISSION STATEMENT

The City of Costa Mesa serves our residents, businesses, and visitors while promoting a safe, inclusive, and vibrant community.

CORE VALUES

Integrity
Sustainability
Compassion
Innovation
Inclusion
Collaboration

COSTA MESA CITY COUNCIL



Front Row: Council Member Arlis Reynolds, Mayor John Stephens, Mayor Pro Tem Andrea Marr
Second Row: Council Member Don Harper, Council Member Loren Gameros, Council Member Jeffrey Harlan, Council Member Manuel Chavez

Costa Mesa

Strategic planning establishes goals and objectives that highlight the key priorities for the City. In 2021, the City conducted two Strategic Planning sessions. Based on these sessions, the City Council adopted Three-Year Goals and Six-Months Objectives, as well as the City's first-ever Mission Statement and Core Values.

3-YEAR GOALS

- Recruit and Retain High Quality Staff
- Achieve Long-Term Fiscal Sustainability
- Strengthen the Public's Safety and Improve the Quality of Life
- Diversify, Stabilize, and Increase Housing to Reflect Community Needs
- Maintain and Enhance the City's Facilities, Technology, and Equipment
- Advance Environmental Sustainability and Climate Resiliency



Recruit and Retain High Quality Staff



- Develop recommendations for City Council consideration regarding increased staffing to address critical needs.
- Develop a framework for a market analysis of employee compensation for hard-to-fill positions and present the results to the City Manager.
- Issue a Request for Proposal for a consultant who will identify opportunities to innovate and modernize recruitment, hiring and retention through succession and talent management planning.
- Develop a framework for a robust training, mentorship and leadership development program and present the results to the City Manager.
- Initiate the process to map and evaluate the employee recruitment process to innovate and modernize recruitment and commence development of the succession plan and present to the City Manager.
- Present to the City Council for consideration the first phase of hard-to-fill positions requiring a market adjustment based on current data.
- Perform a market analysis of City Council compensation for comparable agencies and special districts within the county and report results to the City Manager.
- Launch the Costa Mesa University Wellness, Leadership, Training and Mentorship Program for all city employees.
- Develop HR staffing recommendations for inclusion in the mid-year budget to be presented to the City Council for consideration.
- Update and begin implementation of the online employee onboarding, training and evaluation processes by updating the NeoGov System.

Achieve Long-Term Fiscal Sustainability







- Develop and define a quarterly report format, including financial metrics, to improve fiscal transparency and report to the City Council and FIPAC.
- Secure a consultant for the Economic Development Strategic Plan.
- Procure and implement an upgrade of the public safety systems, subject to Dept. of Justice approval, and citywide database servers.
- Provide an update to the City Council regarding the state of retail cannabis implementation, including revised revenue projections.

- Present the Measure Q cannabis permitting fees, ordinance, procedures, and staffing to City Council for action.
- Develop the scope of work for the Economic Development planning consulting contract and present to the City Council.
- Develop and define a quarterly reporting format, including financial metrics, to improve fiscal transparency and report to the City Council and FIPAC.

Strengthen the Public's Safety and Improve the Quality of Life







- Provide updates to the City Council regarding management of the COVID pandemic, including management of COVID vaccinations.
- Establish a community communication and engagement plan to support health and safety initiatives.
- Develop approaches to mitigate collisions and injuries on roadways, including providing 3-5 options for City Council direction.
- Develop a plan for expanding our community policing and report to the City Council with a timeframe for implementation.
- Enhance the Communications and Engagement Plan to support the public's health, safety and quality of life and present results to the City Manager.
- Present a plan to reduce collisions and injuries on roadways, including providing 3-5 options for City Council direction.
- Engage the community to obtain feedback on the community's sense of safety and well-being and present results to the City Council
- Update the City Council on the Open Space Master Plan, with a focus on access to parks.
- Present options to the City Council for a behavioral health response model.
- Identify, develop and implement a measurement tool(s) to determine the effectiveness of the City's communications and public engagement with all segments of the community.



Diversify, Stabilize and Increase Housing to Reflect Community Needs







- Complete resource planning to implement longer-term programs such as ADU's, STR's, and HOME funds and present the results to the City Manager.
- Evaluate and identify short-term and long-term staffing needs to assist with core Development Services Department programs.
- Complete a Public Review Draft Housing Element and present to the City Council.
- Present a Development Program to the City Council for senior housing at the Senior Center site.

- Present to the City Council opportunity sites for potential motel conversions with site control options.
- Present to the City Council for action necessary code amendments to address SB 8, 9, and 10.
- Initiate and convene a Citizens Advisory Group to discuss Measure Y and Housing Element compliance.
- Present to the City Council for action the Housing Element.
- Present to the Planning Commission a draft Inclusionary Housing Ordinance.
- Initiate a draft STR Ordinance and an evaluation of program implementation options.
- Present to the City Council for consideration a development plan and land use documentation for affordable housing at the Senior Center.



Maintain and Enhance the City's Facilities, Equipment and Technology





- Provide an update to the City Council on the Culture and Arts Master Plan.
- Provide an update to the City Council on the Open Space Master Plan.
- Implement IT backup system, refresh Wi-Fi, and IT room chiller upgrade.
- Present the Pedestrian Master Plan Update, including results from Community Outreach and walk audits.
- Develop long-range facility and equipment needs assessment and report the results to the City Manager.



- Provide an update to the City Council on the development of Community Center, Shalimar Park and Ketchum-Libolt Park improvements and other strategies to increase park access.
- Review the Community Workforce Agreement and present to the City Manager for future City Council action.

Advance Environmental Sustainability and Climate Resiliency







- Present the Pedestrian Master Plan update to the City Council for direction.
- Develop a scope of work for the Climate Action and Adaptation Plan and present to the City Council for action.
- Provide an update of the Stormwater Management Master Plan to the City Council.
- Re-evaluate the existing Municipal Sustainable Policy, including landscape, organic waste and infrastructure planning and present the results to the City Council for action.

LEADERSHIP TEAM



Front Row: Assistant City Manager Susan Price, City Manager Lori Ann Farrell Harrison, City Attorney Kimberly Barlow
Second Row: Finance Director Carol Molina, Development and Economic Services Director Jennifer Le, Public Services Director Raja Sethuraman
Third Row: Parks and Community Services Director Jason Minter, Chief of Police Ron Lawerence, Chief of Fire and Rescue Dan Stefano, Information Technology Director Steve Ely

Costa Mesa

After the City Council adopts the City's Three-Year Goals and Six-Months Objectives, the leadership team works diligently to ensure that each objective is achieved. The progress for each Six-Month Objective is reported on a monthly basis to the City Council.

Costa Mesa



2022-2027 STRATEGIC PLAN

ATTACHMENT 2

CITY OF COSTA MESA
OFFICE OF THE FIRE CHIEF
INTEROFFICE MEMORANDUM

TO: ALL FIRE & RESCUE DEPARTMENT PERSONNEL

FROM: DANIEL A. STEFANO, FIRE CHIEF

DATE: JANUARY 10, 2020

SUBJECT: STRATEGIC PLAN 2015-2020 – ANNUAL PROGRESS STATUS UPDATE

In 2014-15, just over five years ago, our collective team worked together to develop our Costa Mesa Fire & Rescue Strategic Plan 2015-2020. The original document was the result of a comprehensive collaboration within our organization, intended to help define and guide our *Mission, Vision, and Values* for the future in providing the most effective, efficient, and quality service to the community we serve.

With any successful plan, it is extremely important to review and assess progress to ensure we remain on track, adapting and making necessary adjustments along the way. To that end, the following document will serve as our annual review. Our team continues to make incredible progress and to quantify this past year appropriately, the *Success/Status Indicators* serve as an update for the calendar year of 2019 (Jan. 1 - Dec. 31). There is no question that we have observed outstanding results and outcomes as the result of our collective planning, hard work, and execution, as well as the valued support from our City Council, City Team, and the Costa Mesa Community!

Attached to the back of this document is our original strategic plan, which served as a snapshot of our organization *at that point in time*, and is outlined in our four primary *Strategic Goals* for the future:

#1) Our People (Wellness, Training, Professional Development & Succession Planning)
#2) Our Infrastructure (Facilities, Vehicles and Equipment)
#3) Our Service (Proper Staffing, Deployment and Quality Service to the Community)
#4) Our Technology and Innovation (Enhanced GIS Resource & Response Mapping, CAD RMS Upgrades, Firefighter Safety and Innovation)

Placed in front of the strategic plan is a copy of our *Success/Status Indicators* for the year ending 2019. The indicators are also included with the other respective attachments (i.e., A-2015; B-2016; and C-2017, D-2018 and E-2019), inclusive of summary points of our progress to date.

Our strategic plan continues to provide a very strong road map as we continue to push forward and acknowledge the receipt of our third new fire engine, the successful implementation of our ambulance transportation program, 10 new firefighters on the floor in 2019, along with so many other positive things continuing *for our team* and *because of our team*! Keep up the outstanding work as we enter a new decade and prepare to develop our next strategic plan!

Thank you for your continued engagement and commitment to our team, to each other and to the Costa Mesa Fire Family! *Thank you for Keeping Our Fire Going Strong!*

ATTACHMENT E – ACTION PLAN: PROGRESS / STATUS UPDATES - DECEMBER 2019

Goal 1: Costa Mesa Fire & Rescue seeks to have well-trained and certified individuals to carry out its mission and all responsibilities.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
1) Create a Training Officer position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional needs *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2) Create an EMS Coordinator position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional support needs *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2a) Upgrade/Separate EMS Coordinator position as a stand alone.	• Establish a stand-alone Part-time EMS Coordinator position		*Fire Chief & Command Staff		**JANUARY 2017**	Part-time EMS Coordinator position approved and filled in 2017. EMS and Ambulance Program focus.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
2b) Increase/Enhance EMS Coordinator	• Increase hours of EMS Coordinator • Prepare justification for inclusion in the FY 2020-21 budget.		*Fire Chief & Command Staff	FY 2020-2021		Part-time EMS Coordinator position hours increase.
3) Develop a succession plan	• Prepare a detailed succession plan for all levels of staffing in the department • Determine training that is needed for each position • Determine training plan • Include a mentorship program • Prevention Interns • Define who is doing what (Institutional know edge)		*Fire Chief and Command Staff	Making progress in this area –new target date for final formal plan 2020-2021		New Community Risk Reduction Intern program was implemented in 2014; preparatory academies have been implemented for promotional exams; formal education option plan is being worked on; a mentoring program for new firefighters is being worked on. AOR's are continuing to be transferred and institutional knowledge is being shared in the process. Our new probationary training program continues to evolve, including our 4th 7-week academy and more structured evaluations. Final formal plan pending.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
4).Study a reserve / apprentice program	• Prepare a report regarding the implementation of a reserve program • Identify and assign project leads		*Fire Chief, Command Staff, and CMFA Liaison	**No significant progress noted – new target date for final formal plan 2020-2021**		Preliminary research has been completed; a potential pilot program remains on the table for consideration for 2020-2021. Identify project leads in 2020-2021.
5) Add Fire Marshal position			*Fire Chief & Command Staff		**JULY 2017**	Assistant Fire Marshal Position was approved in the 2017-18 budget and is now in place. Working to establish a Fire Marshal Position and tiered CRR positions in 2019-20.
5a) Reclassify Assistant Fire Marshal to Fire Marshal			*Fire Chief & Command Staff		**JULY 2019**	Proposed inclusion in the FY 2019-2020budget. Approved Fire Marshal Position in FY 2019-2020.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
6) Fill Community Risk Reduction Positions - Inspector			*Fire Chief & Command Staff		JULY 2015	A Code Enforcement Officer was included in the 2015-16 Budget and the P/T Inspector position was filled. A part-time position was added in 2018 to assist.
6a) Add Community Risk Reduction Positions	• Prepare justifications for inclusion in the FY 2020-21 budget.		*Fire Chief, Fire Marshal, Management Analyst	FY 2020-2021		Additional requests for CRR positions are being proposed through sound justifications (i.e., cost recovery increases from $177k to $559k annually & increasing workloads)
7) Create full-time Administrative Secretary position			We will continue to evaluate additional needs		JULY 2016	No additional full-time position was created, but it was addressed and deferred.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
7a) Expand part-time CRR Office Assistant position to full-time	• Prepare justifications for inclusion in the FY 2020-21 budget. • This position will also assist with permits and ambulance billing support.		*Fire Chief, Fire Marshal, Management Analyst	**FY 2020-2021**		Additional requests for CRR positions are being proposed through sound justifications (i.e., cost recovery increases from $177k to $559k annually & increasing workloads). A full-time CRR administrative assistant.
8) EOC Liaison			*Chief Officer		**JULY 2015; to be updated 2019-2020**	CMPD is the EOC lead and we are re-evaluating our EOC liaison assignment in 2019.
9) Department priorities on Fire Service Safety, Wellness, Behavioral Health & Cancer Prevention	• Establish and support programs specific to each need • Identify funding sources • Support training opportunities • Continue to evaluate		*Command Staff, Company Officers & CMFA	**Much Progress, but this will remain *ON-GOING***		*SAC Wellness Program & JAC Program *Peer Support & Behavioral Health Teams *Chaplain Program *Cancer Prevention

Goal 2: Costa Mesa Fire & Rescue seeks to have well-maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Maintain vehicles	• Annual certification • Develop a realistic maint. schedule with Fleet Services and annual certifications		*Ops Chief, Apparatus Committee & Fleet Services	**Continuing to make some progress in this area – new target date for final formal plan 2020-2021**		Annual certifications have begun to be addressed (e.g., annual pump testing to 3rd party). More formal structure is needed with new Fleet Serv. Manager - TBD. Additional support is needed in Fleet Services; 2020-2021. Vehicle maintenance is hindered due to vehicles that are no longer supported by the manufacturer.
2) Replace vehicles after they are past their useful life	• Develop a vehicle replacement plan and funding plan		*Ops Chief & Apparatus Committee *Much accomplished; additional work to be done		**JULY 2017**	Two Pierce Engines were placed into service in 2017, along with two Command Vehicles & a CRR vehicle. An initial reset/short-term replacement plan was successful, but a long-tern plan needs to be memorialized (reference item 2b). Our 3rd Pierce Engine was placed into service in 2019.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
2a) Develop a long-term plan to replace vehicles after they are past their useful life.	• Develop a vehicle replacement plan and funding plan		*Command Staff	FY 2020-2021		Replacement engine & truck were proposed for preliminary budgets (2019-2021 FY's), but deferred – budget challenges.
2b) Obtain an assignment of a Cal OES Engine to support the regional and statewide fire, rescue and emergency services collaborative efforts			*Command Staff		2019	Cal OES Engine assigned and placed into service in 2019.
2c) Replace our truck (i.e., Quint)	• Develop a replacement and funding plan		*Command Staff & Apparatus Committee	FY 2020-2021		Inclusion in 2020-2021 FY budget.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3) Maintain and update equipment	• Develop a list of Department equipment that needs to be maintained • Determine the maintenance schedule • Determine who is responsible for the maintenance • Determine the funding source for the maintenance plan		*Ops Chief & Small Tools & Equipment Committee	**Ongoing; 2020-2021 new target date.**		Ongoing evaluation. Final maintenance schedule needs to be proposed pending a permanent City Fleet Services Manager.
3a) Radio Upgrades	• New P25 Radio Deployment		*Ops Chief & Command Staff		**FALL 2018**	Completed.
3b) USA Flag Project	• Install USA Flags into permanent service on all CMFR Fire Engines & Trucks		*Command Staff, Apparatus Committee		**2019**	Completed!

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
4) Maintain Fire Stations	• Develop a plan of the maintenance required at each station • Develop a schedule for the maintenance • Determine the funding plan		*Ops Chief, Command Staff	2018-2020		An updated fire station maintenance plan is currently being evaluated. Annual Station Inspection Program was reworked and implemented in 2019. Ongoing annual inspections in 2020.
5) Renovations or Reconstruction of the Fire Stations	• Rebuild the stations from oldest to newest • Implement a short and long-term renovation schedule • Study for all stations to determine whether building modifications can be made versus new station.		*Fire Chief, Ops Chief, Command Staff, Management Analyst, and Public Works Liaison *Progress being made	2018-2020		Our new Fire Station #1 was completed (2018). Fire Station #6 Security Gate Upgrade is Completed (2017). Initiation of Fire Station #2 rebuild project in 2019. Rebuild project of Fire Station #2 deferred and removed from budget in FY 2019-2020 due to budget shortfalls; inclusion in FY 2020-2021 budget and SOC assessment.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5a) Station Upgrades/Enhancements Critical Infrastructure Enhancements	• Critical Infrastructure Enhancements		*Ops Chief, Command Staff	**Ongoing, with some progress; 2020-2021 new target date.**		Critical infrastructure security enhancements/improvements have been initiated and will continue. Secured Interior Door Access Project (2017 completion). Station Security Cameras in Progress; target 2020-2021 FY.
5b) Station Upgrades/Enhancements Fire Station Washer/Dryer Project	• Washer/Dryer Project for All Fire Stations		*Fire Chief, Ops Chief, Management Analyst & Command Staff		**2019**	Washer/Dryer project is now 100% completed!

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5c) Station Upgrades/Enhancements Fire Station Diesel Exhaust Extraction (Plymovent) Project	• Plymovent Systems to be installed in all Fire Stations		*Fire Chief, Ops Chief & Command Staff *Approved in the Budget and by City Council in 2017-18		**FALL 2018**	Approved in Budget previous Process and formal Contract Approved by City Council in 2017-18. All Stations completed in 2018.
5d) Station Upgrades/Enhancements Fire Station Training Ground Area	• Asphalt Project, removal of old props, introduction of new ATM prop, and replacement of hydrant location.		*Ops Chief & Public Works Liaison		**2017**	Project Complete, inclusive of asphalt at Fire Station #2 & #4.
5e) Fire Station #4 Training Room	• Funding & project management		*Command Staff, Engineer Brian Brown & FF/PM Giovanni La Placa		**2019**	Project Completed!

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5f) Multiple "Crew-Initiated" projects	• Funding & project management		*Multiple Crews		2019	Multiple projects completed, including, but not limited to stations #3 & #4 backyard areas, apparatus areas stations #4 & #5, old BC office and fitness room fire station #5.
6) Modify the stations to address the gender accommodation issues.	• Determine the modifications to each station that are necessary • Determine the cost of the modifications • Develop a phasing plan for implementation • Identify a funding source • Complete the modifications		*Ops Chief, Command Staff, and Public Works Liaison	2019-2020 – not entirely met due to rebuild, but currently meets or exceeds minimum standards; 2020-2021 new target date for budget approval.		Preliminary assessments have been conducted, including funding for Fire Station modifications, which were ultimately placed on hold due to the rebuild. Additional resources are required for this. Continue to be included in recommendations for Fire Station #2 rebuild and Fire Station #4 remodel planning.

Goal 3: Costa Mesa Fire & Rescue seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Ensure proper staffing in the department	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed • Review workload; Admin/Prevention		Ongoing; *Fire Chief, Ops Chief, Command Staff *Staffing will continue to be evaluated		**2017**	The City Council Approved the Fire Chief & City Manager Recommendation to keep Fire Station #6 Open, along with six additional positions. A Part-Time EMS Coordinator was approved, along with an Assistant Fire Marshal position. Staffing needs will continue to be evaluated as an ongoing process.
2) Review the new deployment model to ensure that it continues to meet the needs of the community	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2017**	The department worked with Citygate to assess Fire Station #6 options and will pursue a more comprehensive SOC assessment and potential Accreditation Process. An external Standards of Cover evaluation was initiated in 2019. A final report will be completed in 2020.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
2a) Complete a comprehensive Standards of Coverage (SOC).	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Command Staff	**JULY 2020**		The department initiated a comprehensive SOC assessment with Citygate, LLC. A final report will be completed in 2020. Prepare for a future Accreditation Process (CPSE).
3) Analyze the Fire based EMS transportation options	• Analyze the pros and cons of each transportation option in the department • Make a recommendation to the CM and City Council		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2015**	A third party consultant (AP Triton, LLC) was brought in and a joint presentation was made to City Council with different Ambulance Transportation Models. The City Council voted 3-2 to leave the current model in place with a provide provider. This was reworked for a later (2017) City Council presentation.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3a) Implement the City Provider Based Ambulance Transportation Program	• Complete the RFP Processes for ambulance staffing & billing • Implement the new (City Provider Based) Ambulance Transportation Program.		*Fire Chief, Ops Chief, Command Staff EMS Coordinator, Ambulance Committee		**SEPT 2018**	Our Ambulance Staffing Program was approved by a 5-0 City Council Vote (2017). Our Ambulance Transportation & Billing Programs were implemented September 1, 2018.

Goal 4: Costa Mesa Fire & Rescue seeks to have technology and communication systems that allow the department to perform at optimum levels.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Upgrade the GIS System	• Update the paper mapping system • Explore the use of Smart Technology (iPhone) for all areas of the department and apparatus		*Operations Chief & Command Staff	2020		Continuing to be evaluated.
2) Implement a modern station alerting system	• Install new modern station alert system		*Operations Chief & Command Staff		2018	$200,000 was approved in 2015-16 Budget; total cost doubled for system backbone and hardware; West Net Alerting System was implemented and officially placed into service in 2018.
3) Continue to look for innovative solutions in technology and communication systems related to our CAD and dispatching resources	• Re-evaluate our current CAD system • Assess other regional-based dispatch options		*Fire Chief, Ops Chief, Command Staff	2018-20		In progress and under review.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators Comments
3a) Next Gen CAD to CAD Project Implementation	• Next Gen CAD to CAD		*Ops Chief, City I.T. Team *Project is underway	**Still in progress; New target date FY 2020-2021**		In progress.
3b) Evaluate new data analytic options to assist in our current and future decision making and deployment processes.	• Re-evaluate Fireview's capabilities. • Pilot and/or implement other data analytic options.		*Fire Chief, Ops Chief, Command Staff, City I.T. Team		**2019**	We are currently working with two outside vendors to provide more practical (and viable) options. We have a signed agreement with Fire Stats, LLC (Paul Rottenberg). Currently working on City IT limitation issues. Final data project is now underway and in progress

STRATEGIC PLAN

City of Costa Mesa
Fire Department

Strategic Plan
2015-2020

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EXECUTIVE SUMMARY

The Costa Mesa Fire Department (CMFD) provides services to the City of Costa Mesa serving a population of over 112,000. The Department is responsible for protecting life, property and the environment through its mitigation, prevention, preparedness, and response and recovery services.

The Costa Mesa Fire Department initiated its strategic planning process to set goals and priorities for its future. Through the strategic planning process, the department has been able to assess its organization, create a blueprint for the future and develop a plan to accomplish the new direction and goals. The strategic plan defines current and future needs and recommends goals and strategies to meet those needs during the next five (5) years.

A collaborative process was used to create this strategic plan. A variety of department members and others were involved throughout the process, including the department's Strategic Planning Committee. The process involved an extensive review of documents, interviews with members of the department, an electronic opinion survey of department staff, preparation of an environmental scan and two workshops to discuss the department's goals for the future.

The CMFD strategic plan contains the following elements:

- Organizational mission, vision and values
- Four goals
- Strategies for each goal
- Implementation action plan

The department's four goals are:

Goal 1: The Costa Mesa Fire Department seeks to have well trained and certified individuals to carry out its mission and all responsibilities.

Goal 2: The Costa Mesa Fire Department seeks to have well maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Goal 3: The Costa Mesa Fire Department seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Goal 4: The Costa Mesa Fire Department seeks to have technology and communication systems that allow the department to perform at optimum levels.

The draft implementation action plan (Attachment A) contains key steps for implementing each of the strategies, identifies the individual responsible for completing the strategy and resources needed (e.g., financial and staff), as well as a timeline and success indicators.

OVERVIEW OF THE DEPARTMENT

This section provides an overview of the Costa Mesa Fire Department in terms of workload/calls for service, customers served and the budget.

Description of the Department

The Costa Mesa Fire Department is responsible for protecting life, property and the environment through its mitigation, prevention, preparedness, response and recovery services. The Department includes three (3) divisions:

- Fire Administration
- Fire/Rescue/Emergency Medical Services
- Fire Prevention/Community Risk Reduction

Fire Administration

Fire Administration directs the strategic, operational and emergency planning of the department. Further, this division establishes department policies and procedures, coordinates the internal functions of all divisions and programs and external functions with other City Departments and community organizations.

Fire/Rescue/Emergency Medical Services

The Fire/Rescue Operations section of this division is responsible for managing, supervising the rapid response to life, health, fire, rescue and environmental emergencies, as well as the protection of property, fire cause and origin determination and life safety inspections and education.

The Emergency Medical Services section manages, supervises, and provides the functions required to support these services including, emergency planning, communications, training and education, equipment maintenance repair, supplies, records and quality control.

Fire Prevention/Community Risk Reduction

The Fire Prevention Division is responsible for developing and enforcing local fire, life safety, property, and environmental protection standards; enforces State adopted fire and life safety codes; reviews building construction plans; conducts building construction and business inspections; investigates citizen complaints; manages the City's hazardous materials disclosure program; provides training to department personnel in regard to fire and life safety codes; assists professional trades with technical fire code requirements and department community education efforts. Further, this division also develops, provides, and coordinates community preparedness activities including volunteer, outreach, education, training and response programs.

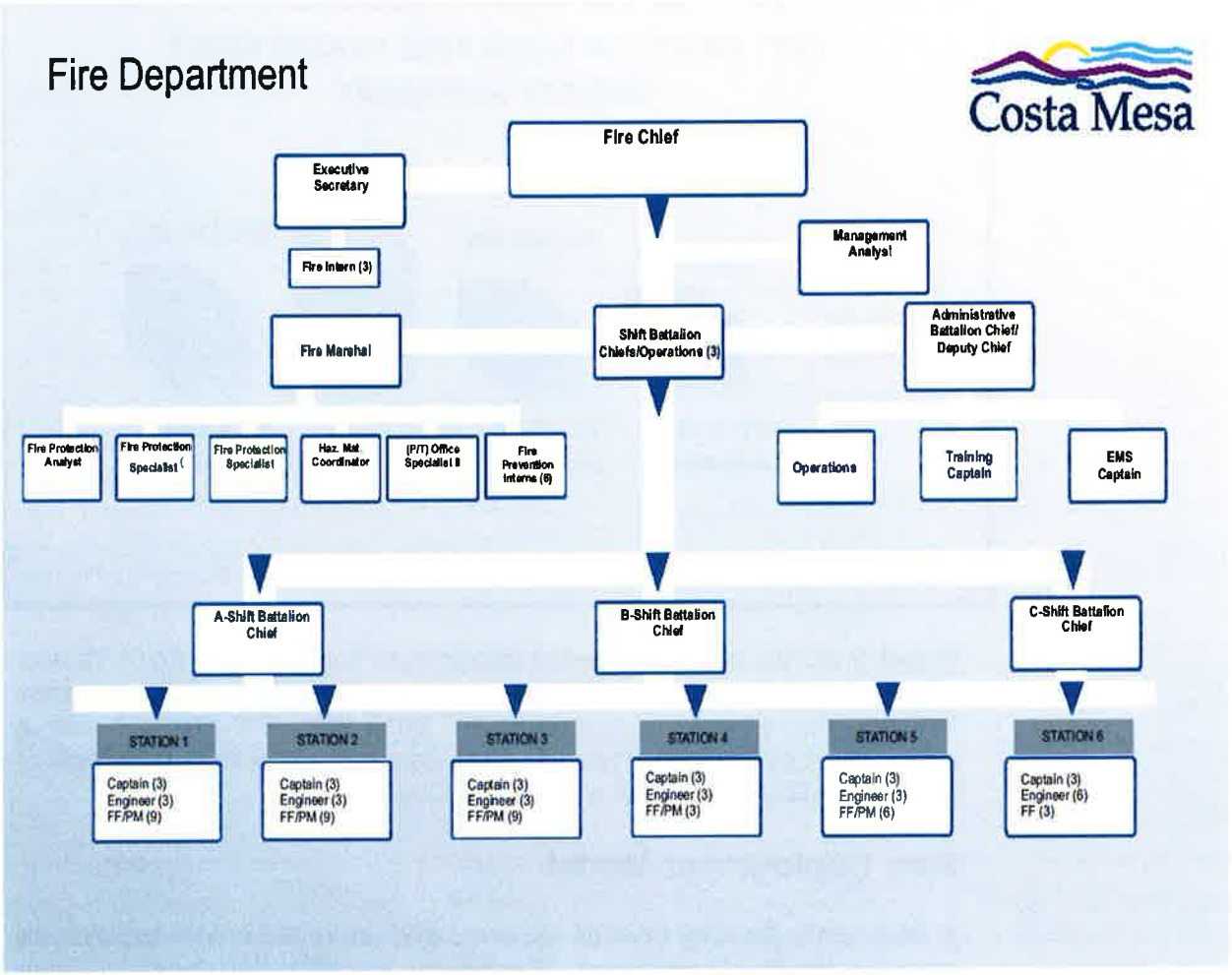
The Fire Department serves a population of over 112,000 as of 2013 *(Source: US Census Data)* and has 84.75 total full-time equivalents in FY 2014-15. In 2014 the department responded to 11,599 calls for service.

The department operates six (6) fire stations providing fire suppression, emergency medical, rescue, fire prevention and related services. Figure 1 shows the City of Costa Mesa Fire Department organizational chart.





FIGURE 1: ORGANIZATION CHART (CURRENT AS OF JULY 2015)



Fire Department Budget

Fiscal trends are important in making strategic planning decisions. The department can make informed plans for the future by examining its fiscal foundation. The following information provides an overview of the Costa Mesa Fire Department budget shown in Figure 2 below.

FIGURE 2: COSTA MESA FIRE DEPARTMENT TOTAL BUDGET FY 2011-12 TO FY 2014-15

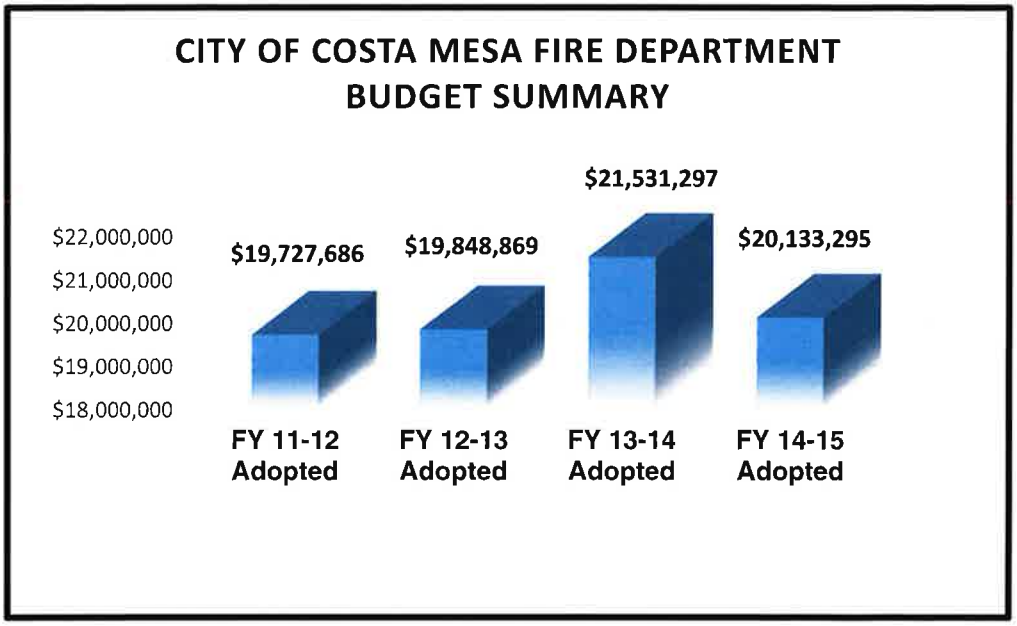


Figure 2 shows that the adopted department budget in FY 2011-12 was over $19 million and in FY 2014-15 it was over $20 million. The difference between the adopted budget from FY 2013-14 to FY 2014-15 was a decrease of $1,398,002. This is in large part due to the implementation of the new deployment model which is discussed below.

New Deployment Model

In May 2013, the City Council reviewed and approved a new deployment model for the Fire Department. These items are still in the process of being implemented. This includes the direction to transition from a six station model to a five station model with the potential closure of Station 6. Further direction from the City Council is needed in the full implementation of several of the elements in this plan and the outcome of those decisions will need to be discussed as the decisions are made.

The 17 components of this new model included the following:

1. Implementation of Emergency Vehicle Preemption (EVP) to facilitate faster city-wide emergency response times.
2. Implementation of capital improvements to various fire stations as well as other one-time budget needs.
3. Approval of the Fire Department's FY 2013-14 budget requests for some new and on-going costs for the City.
4. Studying the apparatus needs of the Fire Department and explore the need to purchase replacements and/or surplus older apparatus.

5. Implementation of a study to analyze the effectiveness of utilizing a three person unit model on the Tiller Truck.
6. Annually depositing $500,000 in an interest bearing account for the eventual replacement of Fire Station 1.
7. Authorizing the increase in on-duty paramedic personnel from 10 to 13 per day.
8. Implementing a study that analyzes the fire department and City's role in requiring organizations to provide mandatory paramedic support specific to large events that occur in Costa Mesa so as to not strain existing required life safety support.
9. Updating Fire Station alerting systems to expedite personnel readiness (improve turnout times).
10. Authorizing the study of a possible Joint Powers Authority with surrounding agencies for shared services regarding fire dispatch, mutual aide, etc.
11. Providing funding for upgraded routing/mapping and mobile GPS software.
12. Continuing to study the need to retrofit the Tiller Truck with the capabilities to pump water or foam.
13. Continuing to study innovative technologies that have the potential to provide 21st Century life saving techniques for the benefit of Costa Mesa residents.
14. Studying the concept of requiring all new hires to be paramedic certified. Study the concept of all personnel being paramedic trained. This will require discussion and negotiation with fire labor associations.
15. Studying the personnel needs of the administrative division of the Fire Department.
16. Studying the concept of when a fifth rescue ambulance is needed in the community. When the Fire Department increases staff to manage a heavy workload then study the possibility of having this shift of paramedics be staffed for a period of less than 24 hours to reduce costs.
17. Studying the concept of establishing a reserve firefighter program. The Police Department utilizes reserves to provide valuable assistance to the City.

ENVIRONMENTAL SCAN

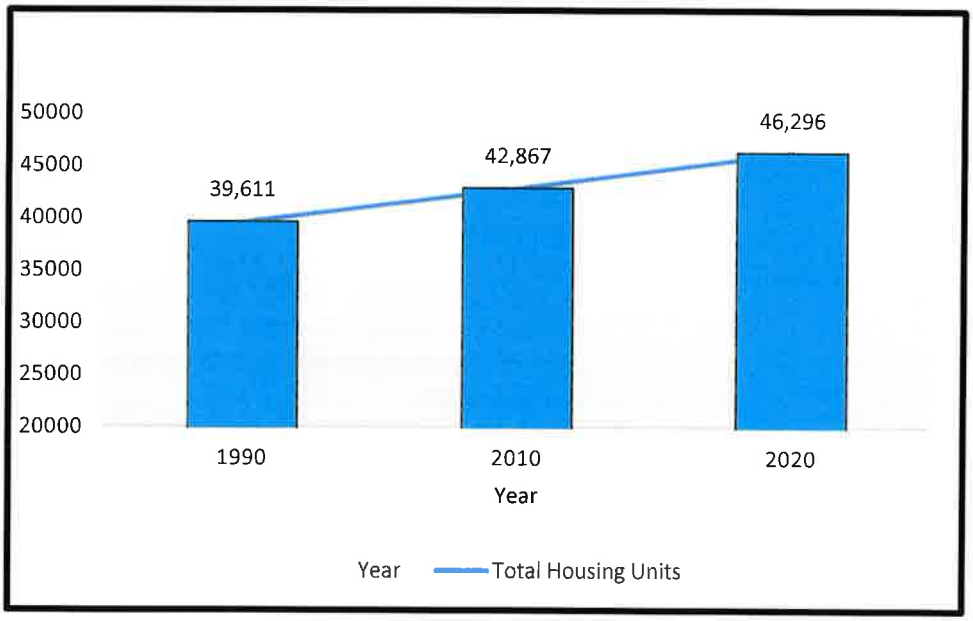
In preparing this Strategic Plan, an environmental scan was conducted to provide a framework for understanding some of the issues the department has faced and would be likely to face. A variety of sources were used including interviews with staff, an online employee survey, document reviews and workshops with department staff.

This section contains a summary of important information, including housing and population trends, calls for service and staffing information.

Housing Trends

Figure 3 below shows the City of Costa Mesa housing trends from 1990 to 2020.

FIGURE 3: COSTA MESA HOUSING TRENDS 1990 TO 2020



Source: 1. Bureau of the Census, 1990, 2000, 2010 Census. 2. 2006-2010 American Community Survey 5-Year Estimates.

Figure 3 shows the number of housing units in the City in 1990 was 39,611 and by the year 2020 that is expected to grow to 46,296, which is a 6,685 unit increase in a 30 year period.

Population Data

Just as the number of housing units grow in the chart shown above, so does the population. Figure 4 shows the City's population growth from 2010 to 2019.

FIGURE 4: COSTA MESA POPULATION DATA FROM 2010 TO 2019

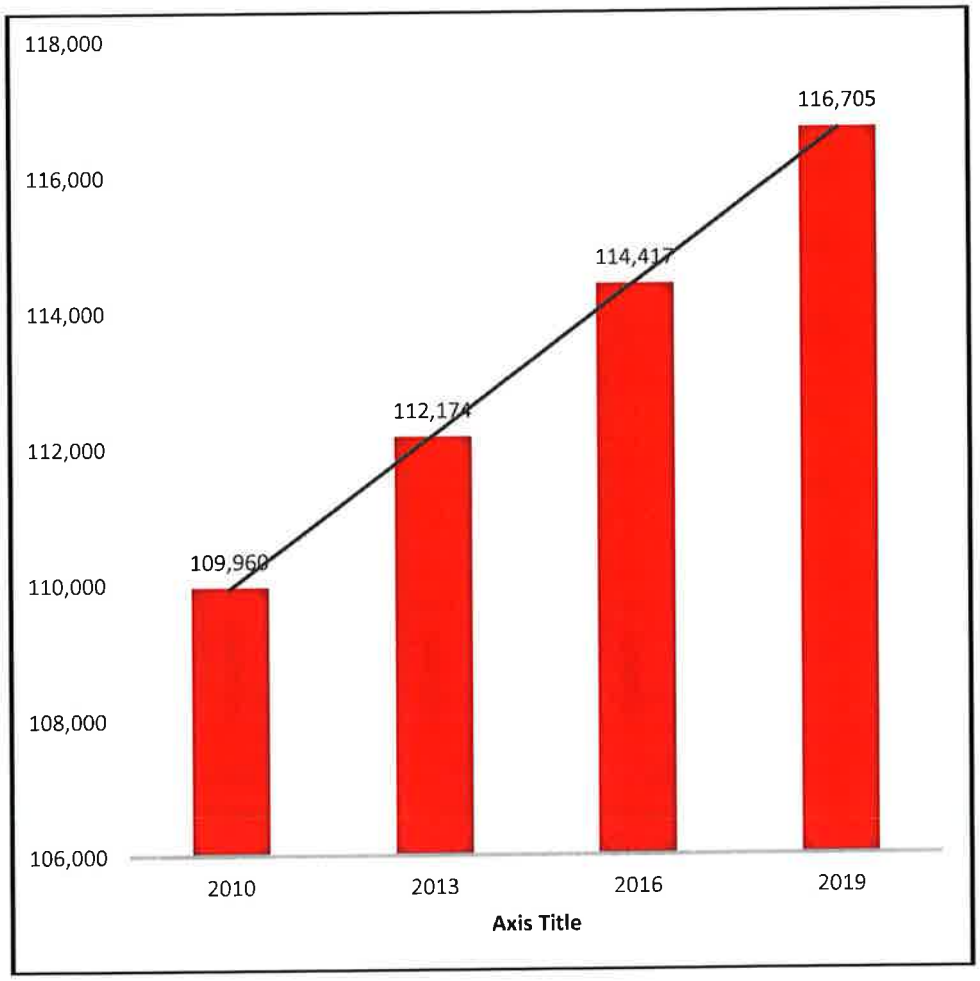


Figure 4 shows that based upon a 2% growth model of the US Census, in 2010 the City's population was 109,960 and in 2019 it is expected to be 116,705 which is an increase of 6,745.

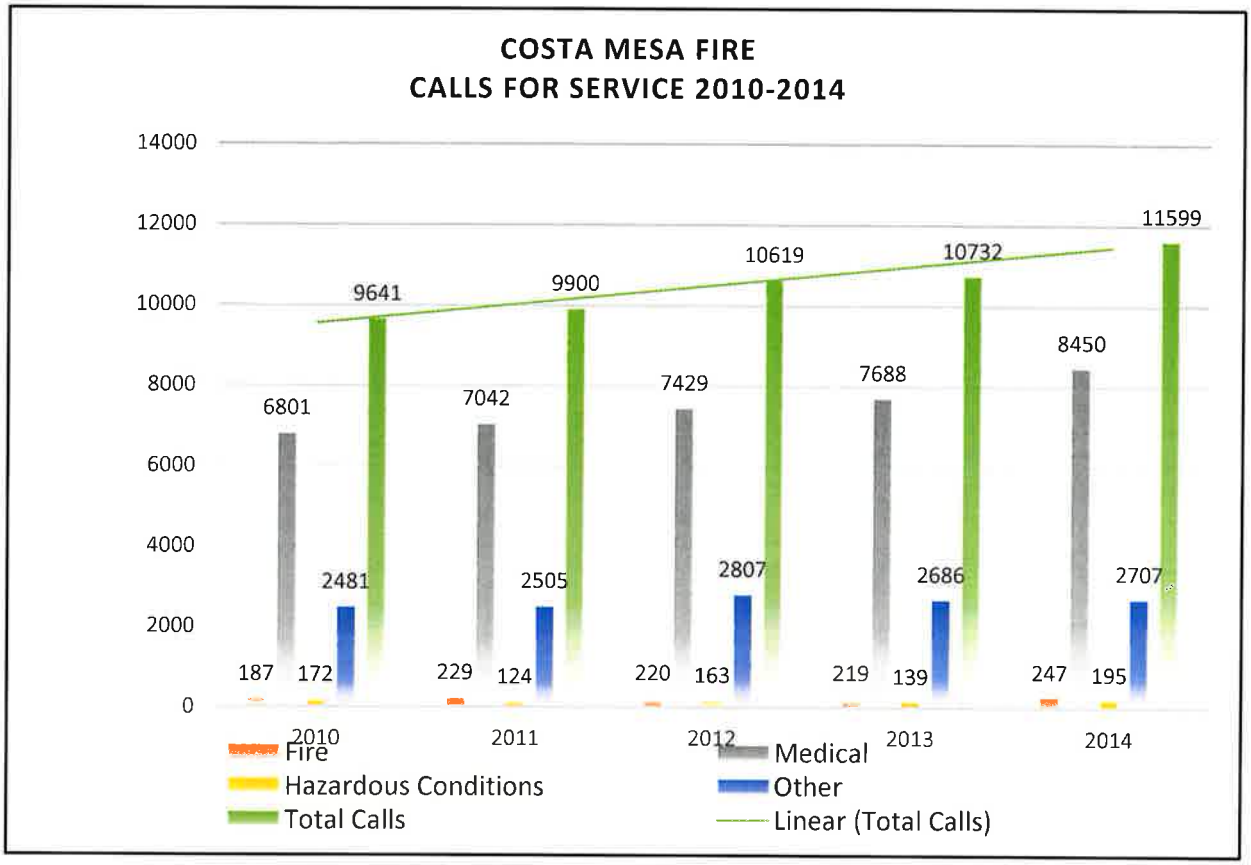


Calls for Service & Response Times

The department responded to 11,599 calls for service in 2014. Trends regarding calls for service (CFS) are shown in Figure 5. (FY's 2010-2014)

The majority of calls are medical calls, which in 2014 made up 73% of the total calls for service.

FIGURE 5: CALLS FOR SERVICE FROM 2010 TO 2014



As Figure 5 shows, there were 1,958 more calls for service from 2010 to 2014. The percent change for each call type between 2013 and 2014 is shown in Table 1 and Table 2 shows priority response times from 2010 to 2014.

TABLE 1: PERCENT CHANGE IN CALLS FOR SERVICE FROM 2010 TO 2014

Type of Call	Percent Change
Fire	+32%
Medical	+24%
Hazmat	+13%
Other	+9%

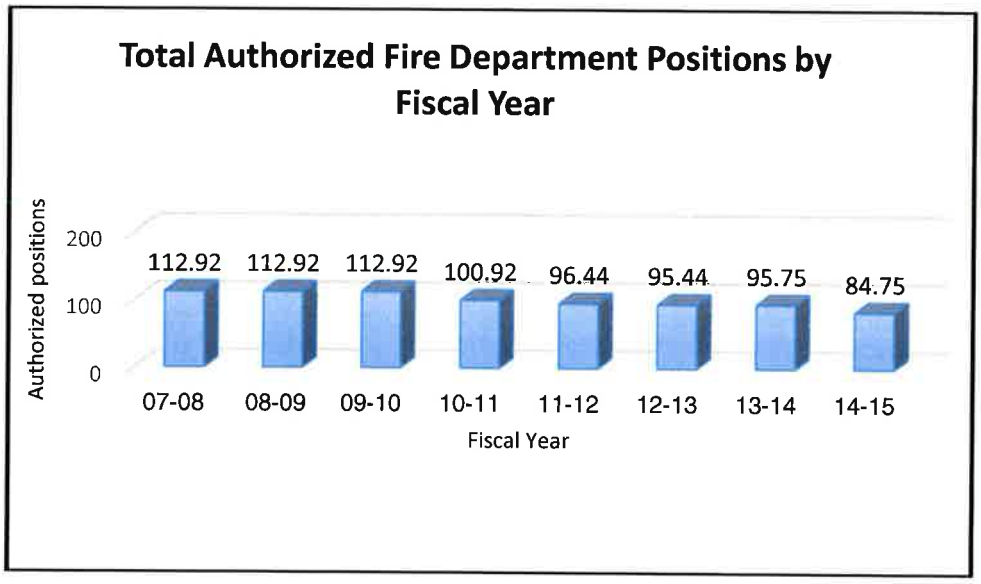
TABLE 2: PRIORITY RESPONSE TIMES FROM 2010 TO 2014

CMFD		Response	Time	Data		
Station Response	YEAR	# of Priority Calls	Avg Resp Times	%<=4Min	%<=6Min	%<=8Min
Station #1	2010	1277	0:05:27	17.52%	67.35%	92.39%
	2011	1404	0:05:16	22.58%	72.15%	93.72%
	2012	1478	0:05:18	24.60%	72.69%	93.54%
	2013	1582	0:05:21	21.80%	70.37%	94.14%
	2014	1744	0:05:12	25.60%	72.43%	92.84%
Sta. 1 Total		7485	0:05:18	22.64%	71.12%	93.34%
Station #2	2010	925	0:05:15	20.05%	74.38%	95.14%
	2011	1018	0:05:28	19.66%	77.14%	94.12%
	2012	1052	0:05:18	19.50%	78.11%	93.78%
	2013	1075	0:05:20	28.22%	79.09%	94.01%
	2014	1143	0:04:33	38.43%	85.18%	95.89%
Sta. 2 Total		5213	0:05:10	25.58%	79.01%	94.60%
Station #3	2010	2153	0:04:36	36.45%	86.78%	97.54%
	2011	2423	0:05:22	35.18%	86.45%	97.02%
	2012	2538	0:04:55	39.11%	89.09%	98.22%
	2013	2479	0:04:32	44.59%	89.32%	98.14%
	2014	3017	0:04:23	43.14%	87.42%	97.28%
Sta. 3 Total		12610	0:04:44	39.95%	87.84%	97.64%
Station #4	2010	775	0:04:56	24.48%	80.91%	97.23%
	2011	786	0:05:07	21.54%	78.19%	95.61%
	2012	1028	0:04:55	27.55%	81.32%	95.77%
	2013	958	0:04:57	29.88%	83.28%	96.43%
	2014	960	0:04:47	31.90%	83.72%	95.71%
Sta. 4 Total		4507	0:04:56	27.42%	81.64%	96.12%
Station #5	2010	1730	0:04:48	30.12%	81.97%	96.48%
	2011	1623	0:04:50	30.77%	82.78%	96.53%
	2012	1676	0:04:55	28.25%	82.35%	97.09%
	2013	1881	0:04:55	31.01%	82.85%	95.74%
	2014	2079	0:04:46	32.69%	81.74%	95.75%
Sta. 5 Total		8989	0:04:50	30.68%	82.32%	96.28%
Station #6	2010	811	0:05:46	17.43%	59.43%	89.00%
	2011	758	0:05:40	17.80%	62.90%	89.29%
	2012	737	0:05:19	20.78%	71.41%	93.59%
	2013	732	0:05:15	26.28%	71.75%	94.86%
	2014	868	0:05:08	24.83%	72.50%	93.32%
Sta. 6 Total		3906	0:05:25	21.47%	67.60%	92.00%
Grand Total		42710	0:05:00	30.27%	80.25%	95.58%

Staffing

Figure 6 shows that total authorized positions in the Fire Department from FY 2007-08 to FY 2014-15.

FIGURE 6: FIRE DEPARTMENT – TOTAL AUTHORIZED POSITIONS BY FISCAL YEAR



In FY 2007-08 the department had 112.92 full-time equivalents and in FY 2014-15 the full-time equivalents is 84.75. The current authorized staffing level includes the following:

- 77 sworn
  - 1 Chief
  - 4 Battalion Chief's
  - 15 Captains
  - 18 Engineers
  - 39 Firefighters

- 5 non-sworn
- 2.75 part-time Full-time equivalents

Staffing changes approved in FY 13-14 are explained in the Department Overview Section regarding the new deployment model.

Interviews

The stakeholder process included conducting 20 interviews with staff members from all levels of the department. The purpose of the interviews was to determine what is working well in the department now and what can be improved. The themes from the interviews are listed below:

Working Well

- The department has great staff who work well together.
- All department staff are dedicated to providing the best service to this community.
- Staff has pulled together to get the work done even though the staffing levels were reduced.

Needs Improvement

- The facilities are aging and need to be upgraded or replaced.
- Staffing levels and the deployment model need to be reviewed given the increased call volume.
- Lack of training academies for various positions (e.g. engineers and captains).
- The department needs a full-time EMS Coordinator and dedicated training officer.
- There is a lack of prioritizing career development in the department.
- There is a disconnect between the Battalion Chiefs and line staff.
- There is low morale throughout the department.
- The Battalion Chief's need to manage consistently and praise staff for great work while addressing issues that need to be corrected.
- New rules and policies are implemented in what feels like a punishing manner.

Employee Survey Results

As part of the environmental scan, a confidential online survey was prepared and implemented for all Costa Mesa Fire Department employees to elicit their opinions on the following topic areas:

- Staffing levels
- Employee safety
- Employee skills and training
- Technology, facilities and equipment
- Organization, support services and technical response
- Customer service and community involvement

A total of 55 department employees responded to the survey (a 69% response rate).

Employee Survey Responses

Respondents were asked to provide their own assessment of the strengths, weaknesses, opportunities and threats that affect the Costa Mesa Fire Department.

More than 45% of respondents identified the following items as department **strengths**.

- Safety procedures and practices
- Availability of safety equipment
- Condition of safety equipment
- Technical expertise of employees
- Employee performance
- Teamwork
- Response time
- Overall customer service

In assessing **weaknesses**, more than 45% of respondents agreed that the following areas need attention.

- Level of staffing
- Succession planning
- Level of employee recognition
- Level of employee moral
- Management of employee performance
- EMS Training
- Availability of up-to-date administrative technology
- Adequacy of communications systems
- Condition of stations
- Condition of vehicles and other motorized equipment
- General department-wide communications
- Radio communications
- Timely provision of supplies to stations

Opportunities that the department has that were identified by more than 45% of the respondents are listed below.

- Recruitment of full-time firefighters
- New employee orientation

More than 45% of the respondents identified the following **threats** facing the department now.

- Level of staffing
- Lack of an EMS Coordinator
- Lack of a Training Officer

General Trends Affecting the Fire Service

Significant changes have occurred over the past 25 years that impact the fire service.

- **Improvements to Building Codes.** Significant improvements have been made to building codes in the State of California and in specific municipalities that include enhanced fire protection requirements.
- **Increased Medical Emergencies.** Medical emergencies have increased over the years and will continue to do so in the future because of two important factors:
    - **Aging Population.** As the baby boomer generation ages, their need for emergency medical care and medical services increases, which increases EMS calls in communities.
    - **Increased Cost of Medical Insurance.** As the cost of medical insurance continues to rise and fewer preventative services are offered, individuals do not have access to or cannot afford many preventative medical treatments. Thus, individuals wait longer to seek treatment, resulting in the need for emergency medical services, which increases the EMS calls in communities.
- **Legislative and Regulatory Changes**. Increased training requirements have impacted the fire service and will continue to do so. New mandates to enhance training programs to meet the needs of the population as well as increased training requirements will add to the fiscal challenge of funding these programs.

- **Technology.** Technological innovations have resulted in enhanced equipment and service delivery in the fire service over the years. As technology continues to advance, there will be a desire to continue to purchase the latest innovation to improve service. However, this will have to be balanced with the fiscal constraints and the enhanced service that the particular innovation will provide.

- **Climate.** California has experienced an increase in wildfires during the last several years. These fires burned thousands of acres across the state and destroyed numerous structures as well. The increase in wildfires is a result of warmer temperatures coupled with dry fuel and a drought. It is likely that these factors could be in place for the next several years, which will undoubtedly put a burden on fire protection services. This is especially true when multiple wildfires take place at the same time, draining the available resources.

- **Water Supply.** Droughts not only dry out the vegetation, they also impact the water supply needed to put out the fires. The severe drought conditions make fires more dangerous and more difficult for fire agencies to protect life and property.

STRATEGIC PLAN

In September 2014, the Department began the strategic plan process. This plan is intended to define current and future needs and recommend goals and objectives that, when implemented, will enable the department to meet those needs during the next five (5) years.

A systematic strategic planning process was used to evaluate the organization's strengths and weaknesses, identify external influences and opportunities, and establish priorities that will help foster a productive future. Using an environmental scan and considering data likely to affect the department in the future, the list of priorities were developed which were used to formulate the goals and strategies for the future.

In developing the Strategic Plan, the department considered a broad range of concerns that could potentially impact the operation of the organization, including:

- Problems or issues that arise on a daily basis that need long-range attention
- Budget objectives and limitations
- Data and trends
- Fire service best practices
- Regional issues

The strategic planning process for the Department consisted of six (6) activities:

- **Activity 1:** Project Kick Off
- **Activity 2:** Conduct Stakeholder Analysis
- **Activity 3:** Prepare Environmental Scan
- **Activity 4:** Facilitate First Workshop
- **Activity 5:** Facilitate Second Workshop
- **Activity 6:** Prepare the Final Strategic Plan

The stakeholder analysis included individual interviews and an online employee survey. Further, an environmental scan was conducted. This included an analysis of trends in the fire service, fiscal information pertaining to the department, stakeholder input and a SWOT (strengths, weaknesses, opportunities and threats) analysis.

The results of the interviews, employee survey and environmental scan were presented to the Department Strategic Plan Committee in January 2015. This session allowed for feedback from the committee and identified additional information that would be useful in moving forward.

In February 2015, the first workshop was conducted during which workshop participants revised the Department's mission statement, vision statement and articulated the department's values. In addition, workshop participants developed a list of priorities which were used to develop the draft goals and strategies for the second workshop. Following the first workshop, draft goals were created, which were then reviewed and refined in the second workshop, held in March 2015.

During the second workshop, participants also identified key elements for the implementation action plan to achieve their goals and strategies.



Department Mission

A mission statement describes the purpose for the organization's existence. It defines the principles and objectives of the organization and is used to prioritize the services provided. It states what the organization stands for and the reason for its existence. The Department revised its mission statement during the strategic planning workshops. The new mission statement is:

> *Costa Mesa Fire and Rescue is an all risk department committed to protecting the community from all emergencies and disasters through innovative leadership, service and excellence.*

Vision for the Future

A vision statement articulates where the organization hopes to be in the future. A vision statement provides targets of excellence that the organization will strive towards and provides a basis for its goals and objectives. It does not predict the future, but provides an image of success. The words should conjure up a similar picture for each person so that the desired destination is clear. During the strategic planning workshops the Department developed the following vision statement.

> *Costa Mesa Fire and Rescue is committed to exceeding the expectations of our customers by being a leader in Fire Protection, Rescue, Emergency Services and Community Risk Reduction.*

Values Guiding Department Personnel

The values of an organization are the underlying set of core beliefs the department deems to be important. Core values help to define the organization, guide behavior, are the foundation of operational activities, and set the standard by which all members will be measured.

As part of the strategic planning process, the Department staff identified the following core values.

- Respect
- Integrity
- Compassion

Goals and Strategies for the Future

For this Strategic Plan, the terms "goals" and "strategies" are used. Both terms are described below.

Goals are multi-year in nature and set the framework for policies and decisions. Four (4) goals, which state the desired future, have been identified by the department in the following areas:

1. Training and Certification
2. Facilities and Equipment
3. Optimum Deployment
4. Technology and Communication Systems

Strategies are the means to achieve the goals. They are the projects and plans to achieve the goals. Strategies are measureable and are the specific projects for which the organization is accountable. Strategies provide a way for progress to be tracked. A set of strategies has been created for each of the four goals.

Each of the goals for this Strategic Plan is provided below with a set of strategies to achieve the goal.

Goal 1: Training and Certification

Goal 1: ***The Costa Mesa Fire Department seeks to have well trained and certified individuals to carry out its mission and all responsibilities.***

Strategies

1. Create a Training Officer position
2. Create an EMS Coordinator position
3. Develop a succession plan
4. Study a reserve program
5. Add a Fire Marshal position
6. Fill Prevention positions
7. Create a full-time Prevention Secretary
8. Create a full-time Administrative Assistant in Administration

Goal 2: Facilities and Equipment

Goal 2: ***The Costa Mesa Fire Department seeks to have well maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.***

Strategies

1. Maintain vehicles
2. Replace vehicles after they are past the useful life
3. Maintain and update equipment
4. Maintain fire stations
5. Update the fire stations
6. Modify the stations to address the gender accommodation issues

Goal 3: Optimum Deployment

Goal 3: ***The Costa Mesa Fire Department seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.***

Strategies

1. Ensure proper staffing in the department
2. Review the new deployment model to ensure that it continues to meet the needs of the community
3. Analyze the fire based EMS transportation options

Goal 4: Technology and Communication Systems

Goal 4: ***The Costa Mesa Fire Department seeks to have technology and communication systems that allow the department to perform at optimum levels.***

Strategies

1. Upgrade the GIS System
2. Implement a modern station alert system or Update current alerting system to reflect current technology and innovation.

Implementation Action Plan

An implementation action plan identifies, for each strategy in the plan, the following items:

- Key implementation tasks
- Other agencies or departments that will be involved
- Resources available or needed for implementation
- Timeline
- Success indicators

The implementation action plan for this strategic plan is provided as Attachment A. While the major actions needed to fulfill each strategy are

provided, additional internal staff work will be needed to identify more specific steps, assignments and timetables for accomplishment. The action plan will serve as a mechanism to monitor progress and identify challenges or necessary changes to the strategic plan.

Successful implementation also requires that each person in the Costa Mesa Fire Department understand his or her role in carrying out the goals and strategies. All other internal work planning processes at a division or other level and the department's budgeting process should align with and support the department's overall goals and mission.

Communicating and Updating the Strategic Plan

An annual review of progress in accomplishing the strategies will be an important way for the Costa Mesa Fire Department to keep its Strategic Plan current. The goals should serve the department well but during the annual review, there may be a need to revise them. The strategies should be updated annually on the basis of what has been accomplished. New strategies should be created as necessary to continue making progress toward the goals.

Additionally, communicating the Strategic Plan and its progress to stakeholders will enable the Department to ensure the goals and strategies are meeting the needs of the people it serves. Staff within the department should be engaged in regular discussions about the Strategic Plan and how they are helping to achieve its goals and strategies. Additionally, discussions with stakeholders will ensure relevancy of the plan as well as timeliness of implementation.

CONCLUSION

The Costa Mesa Fire Department is privileged to have a staff that is committed to providing effective and efficient services to the communities they serve. The department has taken an important step in developing this Strategic Plan. Through this process the department has agreed upon a mission, vision and values. In addition, priorities led to the creation of goals that will serve the department well into the future. Specific strategies, each of which is measurable, have been created to move the organization forward. Each goal and the strategies associated with each goal have been incorporated into an implementation action plan. The continued commitment from the department staff to implementing the goals and strategies is critical for successful implementation of the strategic plan.

ATTACHMENT A

ATTACHMENT A – IMPLEMENTATION ACTION PLAN

Goal 1: The Costa Mesa Fire Department seeks to have well-trained and certified individuals to carry out its mission and all responsibilities.

Strategy	***Key Implementation Tasks***	***Lead Responsibility***	***Other Agencies Involved***	***Staff Resources*** *(List staff available and staff needed)*	***Financial Resources*** *(List funding available and needed)*	***Timeline*** *Note the year to **start** and year to **complete***	***Success Indicators*** *(How impact or result of this strategy will be measured)*
1.Create a Training Officer position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position	Chief Officer (Captain as an alternate)	N/A	N/A	TBD	FY 2015-16	When the position is filled
2. Create an EMS Coordinator position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position	Chief Officer (Captain as an alternate)	N/A	N/A	TBD	FY 2015-16	When the position is filled

Strategy	***Key Implementation Tasks***	***Lead Responsibility***	***Other Agencies Involved***	***Staff Resources*** *(List staff available and staff needed)*	***Financial Resources*** *(List funding available and needed)*	***Timeline*** *Note the year to **start** and year to **complete***	***Success Indicators*** *(How impact or result of this strategy will be measured)*
3. Develop a succession plan	• Prepare a detailed succession plan for all levels of staffing in the department • Determine training that is needed for each position (including new hires) • Determine training plan • Include a mentorship program • Prevention Interns	Chief Officers and Company Officers	N/A	Committees	TBD	FY2016-17	Succession Plan has been implemented
4.Study a reserve program	• Prepare a report regarding the pros and cons of the implementation of a reserve program	Chief Officers and Company Officers	N/A	Committees	TBD	FY 2016-17	When the memo is completed and determination is made
5. Add Fire Marshal position		Fire Chief					
6. Fill Prevention Positions - Inspector		Fire Chief					
7. Create full-time Administrative Secretary position.		Executive Secretary					
8. EOC Liaison		Operations Chief					

Goal 2: The Costa Mesa Fire Department seeks to have well-maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Strategy	***Key Implementation Tasks***	***Lead Responsibility***	***Other Agencies Involved***	***Staff Resources*** *(List staff available and staff needed)*	***Financial Resources*** *(List funding available and needed)*	***Timeline*** *Note the year to **start** and year to **complete***	***Success Indicators*** *(How impact or result of this strategy will be measured)*
1. Maintain vehicles	• Annual certification • Develop a realistic maintenance schedule with Fleet Services and annual certifications	Chief Officer	N/A	Public Services Staff	TBD	Annual task	Completion of the certification each year
2. Replace vehicles after they are past their useful life	• Develop a vehicle replacement plan and funding plan	Apparatus Committee	Fleet Services		TBD	TBD	When the vehicle replacement plan is developed and implemented
3. Maintain and update equipment	• Develop a list of Department equipment that needs to be maintained • Determine the maintenance schedule • Determine who is responsible for the maintenance • Determine the funding source for the maintenance plan	Chief Officer	N/A	Tools & Equip. Apparatus Committee and Fleet Services	Determine if additional funding is needed to maintain the equipment or if it is already included in the department budget	Needs to be completed according to the schedule that is developed	When the maintenance plan is completed and implemented according to the plan developed

Strategy	Key Implementation Tasks	Lead Responsibility	Other Agencies Involved	Staff Resources (List staff available and staff needed)	Financial Resources (List funding available and needed)	Timeline Note the year to **start** and year to **complete**	Success Indicators (How impact or result of this strategy will be measured)
4. Maintain Fire Stations	• Develop a plan of the maintenance required at each station • Develop a schedule for the maintenance • Determine the funding plan	Chief Officer	N/A	Public Services Facilities staff	TBD	Completion of the maint. plan in FY 15-16	When the maintenance plan is completed and implemented
5. Renovations or Reconstruction of the Fire Stations	• Rebuild the stations from oldest to newest • Implement a 50 year renovation schedule	Chief Officer	N/A	Public Services	TBD	TBD	When the new stations are built
6. Modify the stations to address the gender accommodation issues	• Determine the modifications to each station that are necessary • Determine the cost of the modifications • Develop a phasing plan for implementation • Identify a funding source • Complete the modifications	Chief Officer	N/A	• Public Services – Facilities Staff • Purchasing Staff (bidding)	TBD	Complete the updates to all stations within 5 years	When the station modifications have been completed

Goal 3: The Costa Mesa Fire Department seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Strategy	***Key Implementation Tasks***	***Lead Responsibility***	***Other Agencies Involved***	***Staff Resources*** *(List staff available and staff needed)*	***Financial Resources*** *(List funding available and needed)*	***Timeline*** *Note the year to **start** and year to **complete***	***Success Indicators*** *(How impact or result of this strategy will be measured)*
1. Ensure proper staffing in the department	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed • Review workload; Admin/Prevention	Chief Officer	N/A	Administration and Prevention	TBD	1-3 years	When the staffing plan is reviewed and a determination is made
2. Review the new deployment model to ensure that it continues to meet the needs of the community	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed	Chief Officer	N/A	TBD	TBD	TBD	When the deployment plan is reviewed and a determination is made

Strategy	***Key Implementation Tasks***	***Lead Responsibility***	***Other Agencies Involved***	***Staff Resources*** *(List staff available and staff needed)*	***Financial Resources*** *(List funding available and needed)*	***Timeline*** *Note the year to **start** and year to **complete***	***Success Indicators*** *(How impact or result of this strategy will be measured)*
3. Analyze the Fire based EMS transportation options	• Analyze the pros and cons of each transportation option in the department • Make a recommendation to the CEO and City Council	Chief Officer	N/A	Ambulance Task Force	TBD	9/1/15	When the transportation options are analyzed and a determination is made

Goal 4: The Costa Mesa Fire Department seeks to have technology and communication systems that allow the department to perform at optimum levels.

Strategy	***Key Implementation Tasks***	***Lead Responsibility***	***Other Agencies Involved***	***Staff Resources*** *(List staff available and staff needed)*	***Financial Resources*** *(List funding available and needed)*	***Timeline*** *Note the year to **start** and year to **complete***	***Success Indicators*** *(How impact or result of this strategy will be measured)*
1. Upgrade the GIS System	• Update the paper mapping system • Explore the use of Smart Technology (iPhone) for all areas of the department and apparatus	Operations Chief	N/A	IT Dept.	TBD	FY 16-17	• Locations are being found in a timely manner • Maps are being updated within a reasonable time frame
2. Implement a modern station alert system	• Install new modern station alert system	Chief Officer	N/A	IT Dept.	$200,000 in CIP	FY 15-16	• System stability is achieved • Notification of calls is immediate

ATTACHMENT B

ATTACHMENT B – ACTION PLAN: PROGRESS / STATUS UPDATES – DECEMBER 2016

Goal 1: Costa Mesa Fire & Rescue seeks to have well-trained and certified individuals to carry out its mission and all responsibilities.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point of Contact*	*Completed*	*Target Date*	*Success / Status Indicators / Comments*
1) Create a Training Officer position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional needs. *Fire Chief	JULY 2015		Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2) Create an EMS Coordinator position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		Additionally, we will continue to look for additional support. Part-time employee or intern. *Fire Chief	JULY 2015		Training/EMS Captain Position requested and approved in the 2015-16 Budget.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point of Contact*	*Completed*	*Target Date*	*Success / Status Indicators / Comments*
3) Develop a succession plan	• Prepare a detailed succession plan for all levels of staffing in the department • Determine training that is needed for each position • Determine training plan • Include a mentorship program • Prevention Interns • Define who is doing what (Institutional knowledge)		*Fire Chief and Command Staff		**July 2017**	New Community Risk Reduction Intern program was implemented in 2014; preparatory academies have been implemented for promotional exams; formal education option plan is being worked on; a mentoring program for new firefighters is being worked on. AOR's are being transferred and institutional knowledge is being shared in the process. A new probationary training program is being implemented, including a 6 week academy and more structured evaluations.
4).Study a reserve / apprentice program	• Prepare a report regarding the implementation of a reserve program		*Fire Chief and Command Staff		**2017-18**	Preliminary research has been completed; a potential pilot program is being considered for 2017-18.
5) Add Fire Marshal position			*Fire Chief		**2017-18**	Assistant FM to be proposed for FY 2017-18.
6) Fill Prevention Positions - Inspector			*Fire Chief	**JULY 2015**		A Code Enforcement Officer was included in the 2015-16 Budget and the P/T Inspector position was filled.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point of Contact*	*Completed*	*Target Date*	*Success / Status Indicators / Comments*
7) Create full-time Administrative Secretary position.			We will continue to evaluate additional needs *Fire Chief	**JULY 2015**		No additional full-time position will be created, but additional hours are being considered for our PT CRR Office Assistant.
8) EOC Liaison			*Ops Chief	**JULY 2015**		Operations Chief is now assigned as our EOC Liaison; CMPD is the EOC lead.

Goal 2: Costa Mesa Fire & Rescue seeks to have well-maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point of Contact*	*Completed*	*Target Date*	*Success / Status Indicators Comments*
1) Maintain vehicles	• Annual certification • Develop a realistic maint..schedule with Fleet Services and annual certifications		*Ops Chief		**July 2017**	Annual certifications have begun to be addressed (e.g., annual pump testing to 3rd party). More formal structure is needed with fleet services.
2) Replace vehicles after they are past their useful life	• Develop a vehicle replacement plan and funding plan		*Ops Chief & Apparatus Committee		**July 2017**	Two Pierce Engines are to be delivered in early 2017; one command vehicle is being built, but a formal and long term replacement plan and funding needs to be memorialized.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point of Contact*	*Completed*	*Target Date*	*Success / Status Indicators Comments*
3) Maintain and update equipment	• Develop a list of Department equipment that needs to be maintained • Determine the maintenance schedule • Determine who is responsible for the maintenance • Determine the funding source for the maintenance plan		*Chairperson for Small Tools & Equipment Committee		**July 2017**	Currently being evaluated.
4) Maintain Fire Stations	• Develop a plan of the maintenance required at each station • Develop a schedule for the maintenance • Determine the funding plan		*Ops Chief		**July 2018**	An updated fire station maintenance plan is currently being evaluated.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point of Contact*	*Completed*	*Target Date*	*Success / Status Indicators Comments*
5) Renovations or Reconstruction of the Fire Stations	• Rebuild the stations from oldest to newest • Implement a 50-year renovation schedule • Study for all stations to determine whether building modifications can be made versus new station. In conjunction with Public Works.		*Fire Chief, Ops Chief and Management Analyst		**July 2018**	Fire Station #1 is in the process of being rebuilt. During 2017, we will work to assess all of our facilities, inclusive of a 50-year plan. CM and City Council approval for $60,000 in FY 16-17 budget for critical infrastructure enhancements/improvements.
6) Modify the stations to address the gender accommodation issues	• Determine the modifications to each station that are necessary • Determine the cost of the modifications • Develop a phasing plan for implementation • Identify a funding source • Complete the modifications		*Fire Chief, OpeChief and Management Analyst		**July 2018**	Preliminary assessments have been conducted, including funding for Fire Station modifications, which were ultimately placed on hold due to the rebuild. Additional resources are required for this.

Goal 3: Costa Mesa Fire & Rescue seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress Ongoing / Alternatives*	*Completed*	*Target Date*	*Success / Status Indicators Comments*
1) Ensure proper staffing in the department	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed • Review workload; Admin/Prevention		Ongoing; *Fire Chief		**July 2017**	The department worked with Citygate to assess Fire Station #6 options and will pursue a more comprehensive SOC assessment in the 2017-18 timeframe. The City Manager and Fire Chief are working on related staffing levels. Additional internal evaluations are being reviewed for others areas of the organization as well.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress Ongoing / Alternatives*	*Completed*	*Target Date*	*Success / Status Indicators Comments*
2) Review the new deployment model to ensure that it continues to meet the needs of the community	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Fire Chief and Command Staff		**July 2017**	The department worked with Citygate to assess Fire Station #6 options and will pursue a more comprehensive SOC assessment in the 2017-18 timeframe. The City Manager and Fire Chief are working on related staffing levels. Additional internal evaluations are being reviewed for others areas of the organization as well.
3) Analyze the Fire based EMS transportation options	• Analyze the pros and cons of each transportation option in the department • Make a recommendation to the CM and City Council		Ongoing; *Fire Chief and Command Staff	**JULY 2015**		A third party consultant (AP Triton) was brought in and a joint presentation was made to City Council with different EMS transportation models. The Council voted 3-2 to leave the current transportation model in place with a private provider. This will to be reevaluated in 2017-18.

Goal 4: Costa Mesa Fire & Rescue seeks to have technology and communication systems that allow the department to perform at optimum levels.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing / Alternatives*	*Completed*	*Target Date*	*Success / Status Indicators Comments*
1) Upgrade the GIS System	• Update the paper mapping system • Explore the use of Smart Technology (iPhone) for all areas of the department and apparatus		*Operations Chief		**December 2017**	Currently being evaluated. Implement Westnet Alerting first, then look at other options.
2) Implement a modern station alert system	• Install new modern station alert system		Bring forward in early 2017 *Operations Chief		**Spring 2017**	$200,000 was approved in 2015-16 Budget; total cost doubled for system backbone and hardware; administrative preparation has been completed and additional funding request is anticipated for early Spring 2017 City Council consideration.

ATTACHMENT C

ATTACHMENT C – ACTION PLAN: PROGRESS / STATUS UPDATES – DECEMBER 2017

Goal 1: Costa Mesa Fire & Rescue seeks to have well-trained and certified individuals to carry out its mission and all responsibilities.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
1) Create a Training Officer position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional needs. *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2) Create an EMS Coordinator position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional support needs. *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2a) Upgrade/Separate EMS Coordinator position as a stand alone.	• Establish a stand-alone Part-time EMS Coordinator position		*Fire Chief & Command Staff		**JANUARY 2017**	Part-time EMS Coordinator position approved and filled in 2017. EMS and Ambulance Program focus.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
3) Develop a succession plan	• Prepare a detailed succession plan for all levels of staffing in the department • Determine training that is needed for each position • Determine training plan • Include a mentorship program • Prevention Interns • Define who is doing what (Institutional knowledge)		*Fire Chief and Command Staff	2018-19		New Community Risk Reduction Intern program was implemented in 2014; preparatory academies have been implemented for promotional exams; formal education option plan is being worked on; a mentoring program for new firefighters is being worked on. AOR's are continuing to be transferred and institutional knowledge is being shared in the process. A new probationary training program has been implemented, including our 2nd 7-Week academy and more structured evaluations.
4).Study a reserve / apprentice program	• Prepare a report regarding the implementation of a reserve program		*Fire Chief, Command Staff, and CMFA Liaison	2018-19		Preliminary research has been completed; a potential pilot program remains on the table for consideration for 2018-19.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
5) Add Fire Marshal position			*Fire Chief & Command Staff		JULY 2017	Assistant Fire Marshal Position was approved in the 2017-18 budget and is now in place.
6) Fill Prevention Positions - Inspector			*Fire Chief & Command Staff		JULY 2015	A Code Enforcement Officer was included in the 2015-16 Budget and the P/T Inspector position was filled.
7) Create full-time Administrative Secretary position.			We will continue to evaluate additional needs *Fire Chief		JULY 2016	No additional full-time position will be created, but additional hours are being considered for our PT CRR Office Assistant.
8) EOC Liaison			*Ops Chief		JULY 2015	Operations Chief is now assigned as our EOC Liaison; CMPD is the EOC lead.

Goal 2: Costa Mesa Fire & Rescue seeks to have well-maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Strategy	***Key Implementation Tasks***	***Not Started***	***In Progress / Ongoing Alternatives / Primary Point(s) of Contact***	***Target Date***	***Completed***	***Success / Status Indicators Comments***
1) Maintain vehicles	• Annual certification • Develop a realistic maintenance.schedule with Fleet Services and annual certifications		*Ops Chief, Apparatus Committee & Fleet Services	2018-19		Annual certifications have begun to be addressed (e.g., annual pump testing to 3rd party). More formal structure is needed with new Fleet Serv. Manager - TBD.
2) Replace vehicles after they are past their useful life	• Develop a vehicle replacement plan and funding plan		*Ops Chief & Apparatus Committee *Much accomplished; additional work to be done.		JULY 2017	Two Pierce Engines were placed into service in 2017, along with two Command Vehicles & a CRR vehicle. A 3rd approved Pierce Engine is being delivered in late 2018. A formal long term replacement plan needs to be memorialized.

Strategy	Key Implementation Tasks	Not Started	In Progress / Ongoing Alternatives / Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators Comments
3) Maintain and update equipment	• Develop a list of Department equipment that needs to be maintained • Determine the maintenance schedule • Determine who is responsible for the maintenance • Determine the funding source for the maintenance plan		*Ops Chief & Small Tools & Equipment Committee	2018-19		Ongoing evaluation. Final maintenance schedule needs to be proposed pending a permanent City Fleet Services Manager.
3a) Radio Upgrades	• New P25 Radio Deployment		*Ops Chief & Command Staff	MAY 2018		In progress.
4) Maintain Fire Stations	• Develop a plan of the maintenance required at each station • Develop a schedule for the maintenance • Determine the funding plan		*Ops Chief, Command Staff	2018-20		An updated fire station maintenance plan is currently being evaluated. Annual Station Inspections will take place in early 2018.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5) Renovations or Reconstruction of the Fire Stations	• Rebuild the stations from oldest to newest • Implement a short and long-term renovation schedule • Study for all stations to determine whether building modifications can be made versus new station.		*Fire Chief, Ops Chief, Command Staff, Management Analyst, and Public Works Liaison *Progress being made	2018-20		Fire Station #1 is in the process of being rebuilt. Our goal is to assess all of our facilities, inclusive of a short and long term plan. Fire Station #6 Security Gate Upgrade is Completed (2017).
5a) Station Upgrades/Enhancements Critical Infrastructure Enhancements	• Critical Infrastructure Enhancements		*Ops Chief, Command Staff	2018-19		Critical infrastructure security enhancements/improvements have been initiated and will continue. Secured Interior Door Access Project (2017 completion). Station Security Cameras in Progress.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5b) Station Upgrades/Enhancements Fire Station Washer/Dryer Project	• Washer/Dryer Project for All Fire Stations		*Fire Chief, Ops Chief, Management Analyst & Command Staff *Substantial Progress being Made	SEPT 2018		Washer/Dryer project is now over 50% completed; it will be 100% complete in 2018.
5c) Station Upgrades/Enhancements Fire Station Diesel Exhaust Extraction (Plymovent) Project	• Plymovent Systems to be installed in all Fire Stations		*Fire Chief, Ops Chief & Command Staff *Approved in the Budget and by City Council in 2017-18.	DEC 2018		Approved in Budget Process and Contract Approved by City Council in 2017-18. Currently in the Plan Review Phase.
5d) Station Upgrades/Enhancements Fire Station Training Ground Area	• Asphalt Project, removal of old props, introduction of new ATM prop, and replacement of hydrant location.		*Ops Chief & Public Works Liaison		2017	Project Complete, inclusive of asphalt at Fire Station #2 & #4.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
6) Modify the stations to address the gender accommodation issues.	• Determine the modifications to each station that are necessary • Determine the cost of the modifications • Develop a phasing plan for implementation • Identify a funding source • Complete the modifications		*Ops Chief, Command Staff, and Public Works Liaison	2018-19		Preliminary assessments have been conducted, including funding for Fire Station modifications, which were ultimately placed on hold due to the rebuild. Additional resources are required for this.

Goal 3: Costa Mesa Fire & Rescue seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Ensure proper staffing in the department	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed • Review workload; Admin/Prevention		Ongoing; *Fire Chief, Ops Chief, Command Staff *Staffing will continue to be evaluated.		2017	The City Council Approved the Fire Chief & City Manager Recommendation to keep Fire Station #6 Open, along with six additional positions. A Part-Time EMS Coordinator was approved, along with an Assistant Fire Marshal position. Staffing needs will continue to be evaluated as an ongoing process.
2) Review the new deployment model to ensure that it continues to meet the needs of the community	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Fire Chief, Ops Chief, Command Staff		JULY 2017	The department worked with Citygate to assess Fire Station #6 options and will pursue a more comprehensive SOC assessment and potential Accreditation Process in the 2018-20 timeframe. Additional internal evaluations will continue to be reviewed for other areas of the organization as well.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3) Analyze the Fire based EMS transportation options	• Analyze the pros and cons of each transportation option in the department • Make a recommendation to the CM and City Council		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2015**	A third party consultant (AP Triton, LLC) was brought in and a joint presentation was made to City Council with different Ambulance Transportation Models. The City Council voted 3-2 to leave the current model in place with a provide provider. This was reworked for a later (2017) City Council presentation.
3a) Implement the City Provider Based Ambulance Transportation Program	• Complete the RFP Processes for ambulance staffing & billing • Implement the new (City Provider Based) Ambulance Transportation Program.		*Fire Chief, Ops Chief, Command Staff EMS Coordinator, Ambulance Committee	**JULY 2018**		Our Ambulance Staffing Program was approved by a 5-0 City Council Vote (2017). We are currently working with AP Triton, LLC in the RFP process.

Goal 4: Costa Mesa Fire & Rescue seeks to have technology and communication systems that allow the department to perform at optimum levels.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Upgrade the GIS System	• Update the paper mapping system • Explore the use of Smart Technology (iPhone) for all areas of the department and apparatus		*Operations Chief & Command Staff	2018-19		Currently being evaluated. Implement Westnet Alerting first, then look at other options.
2) Implement a modern station alerting system	• Install new modern station alert system		*Operations Chief & Command Staff	2018		$200,000 was approved in 2015-16 Budget; total cost doubled for system backbone and hardware; administrative preparation has been completed and additional funding request was approved by the City Council.
3) Continue to look for innovative solutions in technology and communication systems related to our CAD and dispatching resources	• Re-evaluate our current CAD system • Assess other regional-based dispatch options		*Fire Chief, Ops Chief, Command Staff	2018-20		In progress and under review.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3a) Next Gen CAD to CAD Project Implementation	• Next Gen CAD to CAD		*Ops Chief, City I.T. Team *Project is underway	DEC 2019		In progress.
3b) Evaluate new data analytic options to assist in our current and future decision making and deployment processes.	• Re-evaluate Fireview's capabilities. • Pilot and/or implement other data analytic options.		*Fire Chief, Ops Chief, Command Staff, City I.T. Team	DEC 2018		We are currently working with two outside vendors to provide more practical (and viable) options.

ATTACHMENT D

ATTACHMENT D – ACTION PLAN: PROGRESS / STATUS UPDATES – DECEMBER 2018

Goal 1: Costa Mesa Fire & Rescue seeks to have well-trained and certified individuals to carry out its mission and all responsibilities.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
1) Create a Training Officer position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional needs. *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2) Create an EMS Coordinator position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional support needs. *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2a) Upgrade/Separate EMS Coordinator position as a stand alone.	• Establish a stand-alone Part-time EMS Coordinator position		*Fire Chief & Command Staff		**JANUARY 2017**	Part-time EMS Coordinator position approved and filled in 2017. EMS and Ambulance Program focus.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
3) Develop a succession plan	• Prepare a detailed succession plan for all levels of staffing in the department • Determine training that is needed for each position • Determine training plan • Include a mentorship program • Prevention Interns • Define who is doing what (Institutional knowledge)		*Fire Chief and Command Staff	2019-20		New Community Risk Reduction Intern program was implemented in 2014; preparatory academies have been implemented for promotional exams; formal education option plan is being worked on; a mentoring program for new firefighters is being worked on. AOR's are continuing to be transferred and institutional knowledge is being shared in the process. A new probationary training program has been implemented, including our 3rd 7-Week academy and more structured evaluations.
4).Study a reserve / apprentice program	• Prepare a report regarding the implementation of a reserve program		*Fire Chief, Command Staff, and CMFA Liaison	2019-20		Preliminary research has been completed; a potential pilot program remains on the table for consideration for 2019-20.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
5) Add Fire Marshal position			*Fire Chief & Command Staff		JULY 2017	Assistant Fire Marshal Position was approved in the 2017-18 budget and is now in place.
5a) Reclassify Assistant Fire Marshal to Fire Marshal			*Fire Chief & Command Staff	2019-20 FY		Proposed inclusion in the FY 2019-2020 budget.
6) Fill Prevention Positions - Inspector			*Fire Chief & Command Staff		JULY 2015	A Code Enforcement Officer was included in the 2015-16 Budget and the P/T Inspector position was filled.
6a) CRR Inspector			*Fire Chief	February 2019		A part-time position was added in 2018 to assist.
7) Create full-time Administrative Secretary position.			We will continue to evaluate additional needs *Fire Chief		JULY 2016	No additional full-time position will be created, but additional hours are being considered for our PT CRR Office Assistant.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
7a) Increase P/T CRR Office Specialist II position to full-time Office Specialist II position.			*Fire Chief	2019-20 FY		Proposed Full-time OS II in the FY 2019-2020 budget. This position is necessary due to increased workload due to Measure X, AO Program, and development projects.
8) EOC Liaison			*Chief Officer	2019-20 FY		CMPD is the EOC lead and we are re-evaluating our EOC liaison assignment in 2019. Considering a BC for this position.

Goal 2: Costa Mesa Fire & Rescue seeks to have well-maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Maintain vehicles	• Annual certification • Develop a realistic maint..schedule with Fleet Services and annual certifications		*Ops Chief, Apparatus Committee & Fleet Services	2018-19 – not met; 2019-20 new target date.		Annual certifications have begun to be addressed (e.g., annual pump testing to 3rd party). More formal structure is needed with new Fleet Serv. Manager - TBD. Additional support is needed in Fleet Services; 2019-20 goal.
2) Replace vehicles after they are past their useful life	• Develop a vehicle replacement plan and funding plan		*Ops Chief & Apparatus Committee *Much accomplished; additional work to be done.		JULY 2017	Two Pierce Engines were placed into service in 2017, along with two Command Vehicles & a CRR vehicle. A 3rd approved Pierce Engine is being placed into service in early 2019.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
2a) Formalize long-term vehicle replacement plan			*Ops Chief & Apparatus Committee	**2019-20 FY**		A long-term replacement plan needs to be memorialized in 2019-20.
3) Maintain and update equipment	• Develop a list of Department equipment that needs to be maintained • Determine the maintenance schedule • Determine who is responsible for the maintenance • Determine the funding source for the maintenance plan		*Ops Chief & Small Tools & Equipment Committee	**2018-19 – not met in its entirety; 2019-2020 new target date.**		Ongoing evaluation. Final maintenance schedule needs to be proposed pending a permanent City Fleet Services Manager.
3a) Radio Upgrades	• New P25 Radio Deployment		*Ops Chief & Command Staff		**FALL 2018**	Completed.

Strategy	Key Implementation Tasks	Not Started	In Progress / Ongoing Alternatives / Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators Comments
4) Maintain Fire Stations	• Develop a plan of the maintenance required at each station • Develop a schedule for the maintenance • Determine the funding plan		*Ops Chief, Command Staff	2018-2020		An updated fire station maintenance plan is currently being evaluated. Annual Station Inspection Program will be reworked and implemented in 2019.
5) Renovations or Reconstruction of the Fire Stations	• Rebuild the stations from oldest to newest • Implement a short and long-term renovation schedule • Study for all stations to determine whether building modifications can be made versus new station.		*Fire Chief, Ops Chief, Command Staff, Management Analyst, and Public Works Liaison *Progress being made	2018-20		Our new Fire Station #1 was completed (2018.) Fire Station #6 Security Gate Upgrade is Completed (2017).

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5a) Reconstruction of Fire Station #2			*Fire Chief, Ops Chief, Command Staff, Management Analyst, and Public Works Liaison	2020-21		Initiation of Fire Station #2 rebuild project in 2019.
5b) Station Upgrades/Enhancements Critical Infrastructure Enhancements	• Critical Infrastructure Enhancements		*Ops Chief, Command Staff	2018-20		Critical infrastructure security enhancements/improvements have been initiated and will continue. Secured Interior Door Access Project (2017 completion). Station Security Cameras in Progress; target 2019-20.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5c) Station Upgrades/Enhancements Fire Station Washer/Dryer Project	• Washer/Dryer Project for All Fire Stations		*Fire Chief, Ops Chief, Management Analyst & Command Staff *Substantial Progress being Made	**DEC 2018; not 100 % completed. New target date is April 2019.**		Washer/Dryer project is now over 90% completed; target date of 2018 was not met. It will be 100% complete in 2019.
5d) Station Upgrades/Enhancements Fire Station Diesel Exhaust Extraction (Plymovent) Project	• Plymovent Systems to be installed in all Fire Stations		*Fire Chief, Ops Chief & Command Staff *Approved in the Budget and by City Council in 2017-18.		**FALL 2018**	Approved in Budget previous Process and formal Contract Approved by City Council in 2017-18. All Stations completed in 2018.
5e) Station Upgrades/Enhancements Fire Station Training Ground Area	• Asphalt Project, removal of old props, introduction of new ATM prop, and replacement of hydrant location.		*Ops Chief & Public Works Liaison		**2017**	Project Complete, inclusive of asphalt at Fire Station #2 & #4.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5f) Training Room remodel at Fire Station #4	• Remodel and upgrade of Training Room		*Fire Chief, Ops Chief, Eng Brown and FF/PM La Placa	2018-19		Project 90% complete; anticipate opening January 2019.
6) Modify the stations to address the gender accommodation issues.	• Determine the modifications to each station that are necessary • Determine the cost of the modifications • Develop a phasing plan for implementation • Identify a funding source • Complete the modifications		*Ops Chief, Command Staff, and Public Works Liaison	2018-19 – not entirely met due to rebuild, but currently meets or exceeds minimum standards; 2019-2020 new target date.		Preliminary assessments have been conducted, including funding for Fire Station modifications, which were ultimately placed on hold due to the rebuild. Additional resources are required for this. To be included in recommendations for Fire Station #2 rebuild and Fire Station #4 remodel planning.

Goal 3: Costa Mesa Fire & Rescue seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Strategy	***Key Implementation Tasks***	***Not Started***	***In Progress / On Going Alternatives / *Primary Point(s) of Contact***	***Target Date***	***Completed***	***Success / Status Indicators Comments***
1) Ensure proper staffing in the department	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed • Review workload; Admin/Prevention		Ongoing; *Fire Chief, *Ops Chief *Command Staff *Staffing will continue to be evaluated.		**2017**	The City Council Approved the Fire Chief & City Manager Recommendation to keep Fire Station #6 Open, along with six additional positions. A Part-Time EMS Coordinator was approved, along with an Assistant Fire Marshal position.
1a) Continue to assess and evaluate staffing needs.			*Fire Chief, Ops Chief & Command Staff	**2019-20**		Staffing needs will continue to be evaluated as an ongoing process. SOC proposed for 2019-20.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
2) Review the new deployment model to ensure that it continues to meet the needs of the community	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2017**	The department worked with Citygate to assess Fire Station #6 options and will pursue a more comprehensive SOC assessment and potential Accreditation Process.
2a) Initiate an external Standards of Cover report / evaluation.			*Fire Chief, Ops Chief, Command Staff	**2019**		An external Standards of Cover evaluation is being planned for 2019.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3) Analyze the Fire based EMS transportation options	• Analyze the pros and cons of each transportation option in the department • Make a recommendation to the CM and City Council		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2015**	A third party consultant (AP Triton, LLC) was brought in and a joint presentation was made to City Council with different Ambulance Transportation Models. The City Council voted 3-2 to leave the current model in place with a provide provider. This was reworked for a later (2017) City Council presentation.
3a) Implement the City Provider Based Ambulance Transportation Program	• Complete the RFP Processes for ambulance staffing & billing • Implement the new (City Provider Based) Ambulance Transportation Program.		*Fire Chief, Ops Chief, Command Staff EMS Coordinator, Ambulance Committee		**SEPT 2018**	Our Ambulance Staffing Program was approved by a 5-0 City Council Vote (2017). Our Ambulance Transportation & Billing Programs were implemented September 1, 2018.

Goal 4: Costa Mesa Fire & Rescue seeks to have technology and communication systems that allow the department to perform at optimum levels.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Upgrade the GIS System	• Update the paper mapping system • Explore the use of Smart Technology (iPhone) for all areas of the department and apparatus		*Operations Chief & Command Staff	2020		Continuing to be evaluated.
2) Implement a modern station alerting system	• Install new modern station alert system		*Operations Chief & Command Staff		2018	$200,000 was approved in 2015-16 Budget; total cost doubled for system backbone and hardware; West Net Alerting System was implemented and officially placed into service in 2018.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3) Continue to look for innovative solutions in technology and communication systems related to our CAD and dispatching resources	• Re-evaluate our current CAD system • Assess other regional-based dispatch options		*Fire Chief, Ops Chief, Command Staff	2018-20		In progress and under review.
3a) Next Gen CAD to CAD Project Implementation	• Next Gen CAD to CAD		*Ops Chief, City I.T. Team *Project is underway	2019-20		In progress.
3b) Evaluate new data analytic options to assist in our current and future decision making and deployment processes.	• Re-evaluate Fireview's capabilities. • Pilot and/or implement other data analytic options.		*Fire Chief, Ops Chief, Command Staff, City I.T. Team	DEC 2018; target date missed. New target date JULY 2019.		We are currently working with two outside vendors to provide more practical (and viable) options. We have a signed agreement with Fire Stats, LLC (Paul Rottenberg). Currently working on City IT limitation issues.

ATTACHMENT E

ATTACHMENT E – ACTION PLAN: PROGRESS / STATUS UPDATES - DECEMBER 2019

Goal 1: Costa Mesa Fire & Rescue seeks to have well-trained and certified individuals to carry out its mission and all responsibilities.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
1) Create a Training Officer position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional needs *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2) Create an EMS Coordinator position	• Develop a job description • Determine the salary and benefits • Prepare a memo describing the need for the position		We will continue to evaluate additional support needs *Fire Chief & Command Staff		**JULY 2015**	Training/EMS Captain Position requested and approved in the 2015-16 Budget.
2a) Upgrade/Separate EMS Coordinator position as a stand alone.	• Establish a stand-alone Part-time EMS Coordinator position		*Fire Chief & Command Staff		**JANUARY 2017**	Part-time EMS Coordinator position approved and filled in 2017. EMS and Ambulance Program focus.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators / Comments*
2b) Increase/Enhance EMS Coordinator	• Increase hours of EMS Coordinator • Prepare justification for inclusion in the FY 2020-21 budget.		*Fire Chief & Command Staff	FY 2020-2021		Part-time EMS Coordinator position hours increase.
3) Develop a succession plan	• Prepare a detailed succession plan for all levels of staffing in the department • Determine training that is needed for each position • Determine training plan • Include a mentorship program • Prevention Interns • Define who is doing what (Institutional knowledge)		*Fire Chief and Command Staff	Making progress in this area –new target date for final formal plan 2020-2021		New Community Risk Reduction Intern program was implemented in 2014; preparatory academies have been implemented for promotional exams; formal education option plan is being worked on; a mentoring program for new firefighters is being worked on. AOR's are continuing to be transferred and institutional knowledge is being shared in the process. Our new probationary training program continues to evolve, including our 4th 7-week academy and more structured evaluations. Final formal plan pending.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
4).Study a reserve / apprentice program	• Prepare a report regarding the implementation of a reserve program • Identify and assign project leads		*Fire Chief, Command Staff, and CMFA Liaison	**No significant progress noted – new target date for final formal plan 2020-2021**		Preliminary research has been completed; a potential pilot program remains on the table for consideration for 2020-2021. Identify project leads in 2020-2021.
5) Add Fire Marshal position			*Fire Chief & Command Staff		**JULY 2017**	Assistant Fire Marshal Position was approved in the 2017-18 budget and is now in place. Working to establish a Fire Marshal Position and tiered CRR positions in 2019-20.
5a) Reclassify Assistant Fire Marshal to Fire Marshal			*Fire Chief & Command Staff		**JULY 2019**	Proposed inclusion in the FY 2019-2020budget. Approved Fire Marshal Position in FY 2019-2020.

Strategy	Key Implementation Tasks	Not Started	In Progress / On Going Alternatives / *Primary Point(s) of Contact	Target Date	Completed	Success / Status Indicators / Comments
6) Fill Community Risk Reduction Positions - Inspector			*Fire Chief & Command Staff		**JULY 2015**	A Code Enforcement Officer was included in the 2015-16 Budget and the P/T Inspector position was filled. A part-time position was added in 2018 to assist.
6a) Add Community Risk Reduction Positions	• Prepare justifications for inclusion in the FY 2020-21 budget.		*Fire Chief, Fire Marshal, Management Analyst	**FY 2020-2021**		Additional requests for CRR positions are being proposed through sound justifications (i.e., cost recovery increases from $177k to $559k annually & increasing workloads)
7) Create full-time Administrative Secretary position			We will continue to evaluate additional needs		**JULY 2016**	No additional full-time position was created, but it was addressed and deferred.

Strategy	***Key Implementation Tasks***	***Not Started***	***In Progress / On Going Alternatives / *Primary Point(s) of Contact***	***Target Date***	***Completed***	***Success / Status Indicators / Comments***
7a) Expand part-time CRR Office Assistant position to full-time	• Prepare justifications for inclusion in the FY 2020-21 budget. • This position will also assist with permits and ambulance billing support.		*Fire Chief, Fire Marshal, Management Analyst	**FY 2020-2021**		Additional requests for CRR positions are being proposed through sound justifications (i.e., cost recovery increases from $177k to $559k annually & increasing workloads). A full-time CRR administrative assistant.
8) EOC Liaison			*Chief Officer		**JULY 2015; to be updated 2019-2020**	CMPD is the EOC lead and we are re-evaluating our EOC liaison assignment in 2019.
9) Department priorities on Fire Service Safety, Wellness, Behavioral Health & Cancer Prevention	• Establish and support programs specific to each need • Identify funding sources • Support training opportunities • Continue to evaluate		*Command Staff, Company Officers & CMFA	**Much Progress, but this will remain *ON-GOING***		*SAC Wellness Program & JAC Program *Peer Support & Behavioral Health Teams *Chaplain Program *Cancer Prevention

Goal 2: Costa Mesa Fire & Rescue seeks to have well-maintained facilities and equipment that enable personnel to perform their jobs safely and efficiently.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Maintain vehicles	• Annual certification • Develop a realistic maint. schedule with Fleet Services and annual certifications		*Ops Chief, Apparatus Committee & Fleet Services	**Continuing to make some progress in this area – new target date for final formal plan 2020-2021**		Annual certifications have begun to be addressed (e.g., annual pump testing to 3rd party). More formal structure is needed with new Fleet Serv. Manager - TBD. Additional support is needed in Fleet Services; 2020-2021. Vehicle maintenance is hindered due to vehicles that are no longer supported by the manufacturer.
2) Replace vehicles after they are past their useful life	• Develop a vehicle replacement plan and funding plan		*Ops Chief & Apparatus Committee *Much accomplished; additional work to be done		**JULY 2017**	Two Pierce Engines were placed into service in 2017, along with two Command Vehicles & a CRR vehicle. An initial reset/short-term replacement plan was successful, but a long-tern plan needs to be memorialized (reference item 2b). Our 3rd Pierce Engine was placed into service in 2019.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
2a) Develop a long-term plan to replace vehicles after they are past their useful life.	• Develop a vehicle replacement plan and funding plan		*Command Staff	FY 2020-2021		Replacement engine & truck were proposed for preliminary budgets (2019-2021 FY's), but deferred – budget challenges.
2b) Obtain an assignment of a Cal OES Engine to support the regional and statewide fire, rescue and emergency services collaborative efforts			*Command Staff		2019	Cal OES Engine assigned and placed into service in 2019.
2c) Replace our truck (i.e., Quint)	• Develop a replacement and funding plan		*Command Staff & Apparatus Committee	FY 2020-2021		Inclusion in 2020-2021 FY budget.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3) Maintain and update equipment	• Develop a list of Department equipment that needs to be maintained • Determine the maintenance schedule • Determine who is responsible for the maintenance • Determine the funding source for the maintenance plan		*Ops Chief & Small Tools & Equipment Committee	**Ongoing; 2020-2021 new target date.**		Ongoing evaluation. Final maintenance schedule needs to be proposed pending a permanent City Fleet Services Manager.
3a) Radio Upgrades	• New P25 Radio Deployment		*Ops Chief & Command Staff		**FALL 2018**	Completed.
3b) USA Flag Project	• Install USA Flags into permanent service on all CMFR Fire Engines & Trucks		*Command Staff, Apparatus Committee		**2019**	Completed!

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
4) Maintain Fire Stations	• Develop a plan of the maintenance required at each station • Develop a schedule for the maintenance • Determine the funding plan		*Ops Chief, Command Staff	2018-2020		An updated fire station maintenance plan is currently being evaluated. Annual Station Inspection Program was reworked and implemented in 2019. Ongoing annual inspections in 2020.
5) Renovations or Reconstruction of the Fire Stations	• Rebuild the stations from oldest to newest • Implement a short and long-term renovation schedule • Study for all stations to determine whether building modifications can be made versus new station.		*Fire Chief, Ops Chief, Command Staff, Management Analyst, and Public Works Liaison *Progress being made	2018-2020		Our new Fire Station #1 was completed (2018). Fire Station #6 Security Gate Upgrade is Completed (2017). Initiation of Fire Station #2 rebuild project in 2019. Rebuild project of Fire Station #2 deferred and removed from budget in FY 2019-2020 due to budget shortfalls; inclusion in FY 2020-2021 budget and SOC assessment.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5a) Station Upgrades/Enhancements Critical Infrastructure Enhancements	• Critical Infrastructure Enhancements		*Ops Chief, Command Staff	**Ongoing, with some progress; 2020-2021 new target date.**		Critical infrastructure security enhancements/improvements have been initiated and will continue. Secured Interior Door Access Project (2017 completion). Station Security Cameras in Progress; target 2020-2021 FY.
5b) Station Upgrades/Enhancements Fire Station Washer/Dryer Project	• Washer/Dryer Project for All Fire Stations		*Fire Chief, Ops Chief, Management Analyst & Command Staff		**2019**	Washer/Dryer project is now 100% completed!

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5c) Station Upgrades/Enhancements Fire Station Diesel Exhaust Extraction (Plymovent) Project	• Plymovent Systems to be installed in all Fire Stations		*Fire Chief, Ops Chief & Command Staff *Approved in the Budget and by City Council in 2017-18		**FALL 2018**	Approved in Budget previous Process and formal Contract Approved by City Council in 2017-18. All Stations completed in 2018.
5d) Station Upgrades/Enhancements Fire Station Training Ground Area	• Asphalt Project, removal of old props, introduction of new ATM prop, and replacement of hydrant location.		*Ops Chief & Public Works Liaison		**2017**	Project Complete, inclusive of asphalt at Fire Station #2 & #4.
5e) Fire Station #4 Training Room	• Funding & project management		*Command Staff, Engineer Brian Brown & FF/PM Giovanni La Placa		**2019**	Project Completed!

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / Ongoing Alternatives / Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
5f) Multiple "Crew-Initiated" projects	• Funding & project management		*Multiple Crews		**2019**	Multiple projects completed, including, but not limited to stations #3 & #4 backyard areas, apparatus areas stations #4 & #5, old BC office and fitness room fire station #5.
6) Modify the stations to address the gender accommodation issues.	• Determine the modifications to each station that are necessary • Determine the cost of the modifications • Develop a phasing plan for implementation • Identify a funding source • Complete the modifications		*Ops Chief, Command Staff, and Public Works Liaison	**2019-2020 – not entirely met due to rebuild, but currently meets or exceeds minimum standards; 2020-2021 new target date for budget approval.**		Preliminary assessments have been conducted, including funding for Fire Station modifications, which were ultimately placed on hold due to the rebuild. Additional resources are required for this. Continue to be included in recommendations for Fire Station #2 rebuild and Fire Station #4 remodel planning.

Goal 3: Costa Mesa Fire & Rescue seeks to have an optimum deployment model where service is provided in the most efficient and effective manner while maintaining the highest level of customer service.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Ensure proper staffing in the department	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed • Review workload; Admin/Prevention		Ongoing; *Fire Chief, Ops Chief, Command Staff *Staffing will continue to be evaluated		**2017**	The City Council Approved the Fire Chief & City Manager Recommendation to keep Fire Station #6 Open, along with six additional positions. A Part-Time EMS Coordinator was approved, along with an Assistant Fire Marshal position. Staffing needs will continue to be evaluated as an ongoing process.
2) Review the new deployment model to ensure that it continues to meet the needs of the community	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2017**	The department worked with Citygate to assess Fire Station #6 options and will pursue a more comprehensive SOC assessment and potential Accreditation Process. An external Standards of Cover evaluation was initiated in 2019. A final report will be completed in 2020.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
2a) Complete a comprehensive Standards of Coverage (SOC).	• Review calls for service, current staffing levels and response times • Determine appropriate staffing • Obtain approval if modifications are needed		Ongoing; *Command Staff	**JULY 2020**		The department initiated a comprehensive SOC assessment with Citygate, LLC. A final report will be completed in 2020. Prepare for a future Accreditation Process (CPSE).
3) Analyze the Fire based EMS transportation options	• Analyze the pros and cons of each transportation option in the department • Make a recommendation to the CM and City Council		Ongoing; *Fire Chief, Ops Chief, Command Staff		**JULY 2015**	A third party consultant (AP Triton, LLC) was brought in and a joint presentation was made to City Council with different Ambulance Transportation Models. The City Council voted 3-2 to leave the current model in place with a provide provider. This was reworked for a later (2017) City Council presentation.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3a) Implement the City Provider Based Ambulance Transportation Program	• Complete the RFP Processes for ambulance staffing & billing • Implement the new (City Provider Based) Ambulance Transportation Program.		*Fire Chief, Ops Chief, Command Staff EMS Coordinator, Ambulance Committee		**SEPT 2018**	Our Ambulance Staffing Program was approved by a 5-0 City Council Vote (2017). Our Ambulance Transportation & Billing Programs were implemented September 1, 2018.

Goal 4: Costa Mesa Fire & Rescue seeks to have technology and communication systems that allow the department to perform at optimum levels.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
1) Upgrade the GIS System	• Update the paper mapping system • Explore the use of Smart Technology (iPhone) for all areas of the department and apparatus		*Operations Chief & Command Staff	2020		Continuing to be evaluated.
2) Implement a modern station alerting system	• Install new modern station alert system		*Operations Chief & Command Staff		2018	$200,000 was approved in 2015-16 Budget; total cost doubled for system backbone and hardware; West Net Alerting System was implemented and officially placed into service in 2018.
3) Continue to look for innovative solutions in technology and communication systems related to our CAD and dispatching resources	• Re-evaluate our current CAD system • Assess other regional-based dispatch options		*Fire Chief, Ops Chief, Command Staff	2018-20		In progress and under review.

Strategy	*Key Implementation Tasks*	*Not Started*	*In Progress / On Going Alternatives / *Primary Point(s) of Contact*	*Target Date*	*Completed*	*Success / Status Indicators Comments*
3a) Next Gen CAD to CAD Project Implementation	• Next Gen CAD to CAD		*Ops Chief, City I.T. Team *Project is underway	**Still in progress; New target date FY 2020-2021**		In progress.
3b) Evaluate new data analytic options to assist in our current and future decision making and deployment processes.	• Re-evaluate Fireview's capabilities. • Pilot and/or implement other data analytic options.		*Fire Chief, Ops Chief, Command Staff, City I.T. Team		**2019**	We are currently working with two outside vendors to provide more practical (and viable) options. We have a signed agreement with Fire Stats, LLC (Paul Rottenberg). Currently working on City IT limitation issues. Final data project is now underway and in progress

GOALS AND OBJECTIVES











Costa Mesa

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MISSION STATEMENT

The City of Costa Mesa serves our residents, businesses, and visitors while promoting a safe, inclusive, and vibrant community.

CORE VALUES

Integrity
Sustainability
Compassion
Innovation
Inclusion
Collaboration

COSTA MESA CITY COUNCIL



Front Row: Council Member Arlis Reynolds, Mayor John Stephens, Mayor Pro Tem Andrea Marr
Second Row: Council Member Don Harper, Council Member Loren Gameros, Council Member Jeffrey Harlan, Council Member Manuel Chavez

Costa Mesa

Strategic planning establishes goals and objectives that highlight the key priorities for the City. In 2021, the City conducted two Strategic Planning sessions. Based on these sessions, the City Council adopted Three-Year Goals and Six-Months Objectives, as well as the City's first-ever Mission Statement and Core Values.

3-YEAR GOALS

- Recruit and Retain High Quality Staff
- Achieve Long-Term Fiscal Sustainability
- Strengthen the Public's Safety and Improve the Quality of Life
- Diversify, Stabilize, and Increase Housing to Reflect Community Needs
- Maintain and Enhance the City's Facilities, Technology, and Equipment
- Advance Environmental Sustainability and Climate Resiliency



Recruit and Retain High Quality Staff



- Develop recommendations for City Council consideration regarding increased staffing to address critical needs.
- Develop a framework for a market analysis of employee compensation for hard-to-fill positions and present the results to the City Manager.
- Issue a Request for Proposal for a consultant who will identify opportunities to innovate and modernize recruitment, hiring and retention through succession and talent management planning.
- Develop a framework for a robust training, mentorship and leadership development program and present the results to the City Manager.

- Initiate the process to map and evaluate the employee recruitment process to innovate and modernize recruitment and commence development of the succession plan and present to the City Manager.
- Present to the City Council for consideration the first phase of hard-to-fill positions requiring a market adjustment based on current data.
- Perform a market analysis of City Council compensation for comparable agencies and special districts within the county and report results to the City Manager.
- Launch the Costa Mesa University Wellness, Leadership, Training and Mentorship Program for all city employees.
- Develop HR staffing recommendations for inclusion in the mid-year budget to be presented to the City Council for consideration.
- Update and begin implementation of the online employee onboarding, training and evaluation processes by updating the NeoGov System.

Achieve Long-Term Fiscal Sustainability







- Develop and define a quarterly report format, including financial metrics, to improve fiscal transparency and report to the City Council and FIPAC.
- Secure a consultant for the Economic Development Strategic Plan.
- Procure and implement an upgrade of the public safety systems, subject to Dept. of Justice approval, and citywide database servers.
- Provide an update to the City Council regarding the state of retail cannabis implementation, including revised revenue projections.

- Present the Measure Q cannabis permitting fees, ordinance, procedures, and staffing to City Council for action.
- Develop the scope of work for the Economic Development planning consulting contract and present to the City Council.
- Develop and define a quarterly reporting format, including financial metrics, to improve fiscal transparency and report to the City Council and FIPAC.

Strengthen the Public's Safety and Improve the Quality of Life







- Provide updates to the City Council regarding management of the COVID pandemic, including management of COVID vaccinations.
- Establish a community communication and engagement plan to support health and safety initiatives.
- Develop approaches to mitigate collisions and injuries on roadways, including providing 3-5 options for City Council direction.
- Develop a plan for expanding our community policing and report to the City Council with a timeframe for implementation.
- Enhance the Communications and Engagement Plan to support the public's health, safety and quality of life and present results to the City Manager.
- Present a plan to reduce collisions and injuries on roadways, including providing 3-5 options for City Council direction.
- Engage the community to obtain feedback on the community's sense of safety and well-being and present results to the City Council
- Update the City Council on the Open Space Master Plan, with a focus on access to parks.
- Present options to the City Council for a behavioral health response model.
- Identify, develop and implement a measurement tool(s) to determine the effectiveness of the City's communications and public engagement with all segments of the community.



Diversify, Stabilize and Increase Housing to Reflect Community Needs







- Complete resource planning to implement longer-term programs such as ADU's, STR's, and HOME funds and present the results to the City Manager.
- Evaluate and identify short-term and long-term staffing needs to assist with core Development Services Department programs.
- Complete a Public Review Draft Housing Element and present to the City Council.
- Present a Development Program to the City Council for senior housing at the Senior Center site.
- Present to the City Council opportunity sites for potential motel conversions with site control options.
- Present to the City Council for action necessary code amendments to address SB 8, 9, and 10.
- Initiate and convene a Citizens Advisory Group to discuss Measure Y and Housing Element compliance.
- Present to the City Council for action the Housing Element.
- Present to the Planning Commission a draft Inclusionary Housing Ordinance.
- Initiate a draft STR Ordinance and an evaluation of program implementation options.
- Present to the City Council for consideration a development plan and land use documentation for affordable housing at the Senior Center.



Maintain and Enhance the City's Facilities, Equipment and Technology





- Provide an update to the City Council on the Culture and Arts Master Plan.
- Provide an update to the City Council on the Open Space Master Plan.
- Implement IT backup system, refresh Wi-Fi, and IT room chiller upgrade.
- Present the Pedestrian Master Plan Update, including results from Community Outreach and walk audits.
- Develop long-range facility and equipment needs assessment and report the results to the City Manager.



- Provide an update to the City Council on the development of Community Center, Shalimar Park and Ketchum-Libolt Park improvements and other strategies to increase park access.
- Review the Community Workforce Agreement and present to the City Manager for future City Council action.

Advance Environmental Sustainability and Climate Resiliency





- Present the Pedestrian Master Plan update to the City Council for direction.
- Develop a scope of work for the Climate Action and Adaptation Plan and present to the City Council for action.
- Provide an update of the Stormwater Management Master Plan to the City Council.
- Re-evaluate the existing Municipal Sustainable Policy, including landscape, organic waste and infrastructure planning and present the results to the City Council for action.



LEADERSHIP TEAM



Front Row: Assistant City Manager Susan Price, City Manager Lori Ann Farrell Harrison, City Attorney Kimberly Barlow
Second Row: Finance Director Carol Molina, Development and Economic Services Director Jennifer Le, Public Services Director Raja Sethuraman
Third Row: Parks and Community Services Director Jason Minter, Chief of Police Ron Lawerence, Chief of Fire and Rescue Dan Stefano, Information Technology Director Steve Ely

Costa Mesa

After the City Council adopts the City's Three-Year Goals and Six-Months Objectives, the leadership team works diligently to ensure that each objective is achieved. The progress for each Six-Month Objective is reported on a monthly basis to the City Council.



Costa Mesa

File #: 22-933 **Meeting Date:** 11/15/2022

TITLE:

APPROVAL OF RESPONSE TO GRAND JURY REGARDING ORANGE COUNTY EMS AND THE FIRE SERVICE

DEPARTMENT: **CITY MANAGER AND COSTA MESA FIRE & RESCUE**

PRESENTED BY: **CITY MANAGER AND COSTA MESA FIRE & RESCUE**

CONTACT INFORMATION: **DANIEL A. STEFANO, FIRE CHIEF, (714) 754-5106**

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and Fire Chief to respond to the Presiding Judge of the Superior Court concerning the findings and recommendations made by the Orange County Grand Jury Report. 2021-2022.

BACKGROUND:

Pursuant to Article 1, Section 23, of the California Constitution, each county is required to summon and impanel a Civil Grand Jury at least once a year. The purpose of the Civil Grand Jury is to investigate and report on the operations of local government, and to provide their findings and recommendations for improvement where appropriate.

The City of Costa Mesa was included in a response request, along with the majority of cities who provide Fire & Rescue services, including those served by contractual agreement with the Orange County Fire Authority (OCFA). As such, a report was prepared by the Orange County Grand Jury during 2021-2022 regarding Fire-Based Emergency Medical Services and a final report was presented to the City and City Fire Chief. Under California Penal Code Sections 933 and 933.05, a response to the Presiding Judge of the Superior Court regarding the Civil Grand Jury's Report is required.

ANALYSIS:

GRAND JURY FINDING #F1

FINDING: ***"Despite fire departments throughout Orange County having evolved into emergency medical departments, most have not updated their emergency response protocols accordingly, but have simply absorbed emergency medical responses into their existing fire response models."***

RESPONSE: The City Disagrees Wholly with this Finding.

This finding is inconsistent with the historical facts of the California Fire Service generally and with the City of Costa Mesa specifically.

For over half a century, the California Fire Service, including Costa Mesa Fire & Rescue (CMFR), has been the primary provider of prehospital EMS throughout the state, long before the existence of an organized statewide EMS system. Recognizing the obvious value-in terms of both operational and financial efficiency and effectiveness-of already-existing strategically located fire stations and emergency apparatus, staffed by highly trained and experienced firefighters who possess a vast array of rescue skills and capabilities, in 1969 the California Legislature enacted Health & Safety Code §219, which created minimum first aid training standards for all public safety personnel. During that same year, a pilot program was launched by three physicians in Los Angeles County to train 18 Firefighters as "Mobile Intensive Care Paramedics" (MICPs) who would provide Advanced Life Support (ALS) level care to the critically ill and injured in the prehospital setting. The success of this program led to passage of the Wedworth-Townsend Paramedic Act of 1970 for the purpose of expanding paramedic services throughout the state.

The California Fire Service-based model for the delivery of ALS/paramedic-level care was so overwhelmingly successful that the television series "Emergency" (1972-1977) was developed to bring national attention to the importance of prehospital EMS through the characters of Firefighter-Paramedics Johnny Gage and Roy DeSoto (actors Randolph Mantooth and Kevin Tighe). When "Emergency" first aired, there were only about six paramedic systems nationwide. However, the series was tremendously popular, and people all over the United States began to ask their local officials why they did not also have such a system.

In its efforts to better organize and coordinate the newly developing field of prehospital EMS, the California Legislature adopted the Emergency Medical Services System and Prehospital Medical Care Personnel Act of 1980 ("1980 EMS Act") that established Division 2.5 of the Health & Safety Code (HSC). Due to the fundamental and essential role of the Fire Service in developing the EMS infrastructure over preceding decades-that included an enormous commitment of time, staffing, training, and money from cities and citizen taxpayers-the Legislature wrote California Health & Safety Code §1797.201 to formally recognize and preserve the pre-existing authority of those local cities and fire agencies to continue in the provision, administration, and operational control of all prehospital EMS their jurisdiction, in compliance with, and subject to, state and local medical (i.e., patient care) standards and guidelines.

Section 1797.201 also reflects the Legislature's acknowledgement that the administrative and operational aspects of an EMS system are best determined at the local level, based on the specific needs and nuances of the community served, ultimately defined by local policy through jurisdictional governance and based on the subject-matter expertise of the public safety representatives (e.g., Fire Chief, EMS Division/Section, etc.) who best understand the particular needs of their community and who are directly accountable to the community served.

With that all said, the distinction between the ***operational and administrative*** control of an EMS system and the ***medical*** control of an EMS system need to be clearly acknowledged and clarified. Whereas the various local governments and fire agencies have the sovereign legal authority over the

administration and operational control of prehospital EMS within their respective jurisdictions (HSC §1797.201), the Local Emergency Medical Services Agency (LEMSA) maintains absolute legal authority over *medical* control. "Medical control" is statutorily defined as, and expressly limited to, "the *medical* management" and the "*medical* direction" of the EMS system. In other words, decisions and actions that directly impact patient care such as assessment, treatments/interventions, and transport destination decisions (HSC §§ 1797.90, 1797.220, 1798(a), 1798.8). Costa Mesa has not in our history challenged the medical control of our LEMSA. In fact, this acknowledgement and delineation is extremely important, combined with the significant value placed on local governmental agencies and the LEMSA working within a highly collaborative environment for the best interests of EMS system itself and the communities served.

Further, the California Fire Service, which includes Costa Mesa Fire & Rescue (CMFR), has continued to be the primary provider of prehospital EMS throughout the State, with Orange County being one of the best examples of a well-functioning and efficiently structured EMS system. This is primarily because of our long history as a highly unified fire service-based EMS system composed of fire agencies that are capable of providing "All-Hazards" Emergency Services (i.e., Fire, Rescue, Medical, Community Risk Reduction, etc.), including both BLS and ALS/paramedic level prehospital emergency care, in all types of hazardous environments and across all jurisdictional boundaries due to our emphasis on inter-agency coordination and standardization of training and procedures according to local, state, and national guidelines. In fact, inter-agency and cross-jurisdictional coordination and standardization is absolutely critical for operational effectiveness and firefighter safety, but it is also necessary to achieve the goals of *optimal quality* patient care, as well as *equality* of patient care, for all county residents and visitors regardless of their location or situation. Moreover, this is predicated on the reciprocity of like resources and services between fire service agencies, without a reduction in type, level, or quality of care. The Orange County Fire Chiefs Association (OCFCA)-which includes CMFR and represents all Orange County Fire Service-ALS-Level provider agencies-remains committed to all of these goals, as well as continuing its tradition of innovation and ongoing improvement in the rapidly changing world of healthcare and medicine, because the people who depend on us deserve nothing less.

In 1975, Costa Mesa initiated a three-platoon schedule for the fire department, resulting in a 56-hour workweek. Later that year, seven firefighters were trained as paramedics and the Mobile Intensive Care (MIC) program was initiated.

The first "Medic" unit was a 1975 Chevy ambulance. Later a Ford ambulance was purchased so that one could be kept in reserve. It is interesting to note that these ambulances were not utilized for patient transport; a private ambulance company was utilized to perform that function. Soon, the single paramedic unit for Costa Mesa's 70,000 people proved to be inadequate. In January of 1983, a second Medic unit, Medic Truck 3 was placed in service at the Park Avenue Fire Station.

Over the subsequent decades and up to the present time, Costa Mesa has made many positive improvements and enhancements in our EMS system and EMS system protocols. For example, in addition to strong BLS EMS education and training efforts, a nurse educator was added to our EMS education cadre. Similarly, we added the positions of *both* an EMS Manager *and* an EMS Coordinator due to the ever-expanding prehospital EMS needs of our community as well as evolving

CQI (Continuous Quality Improvement) requirements, among other areas.

As the number of emergency medical responses increased, it became apparent that more than two paramedic units were necessary to achieve the goals of the MIC program. An aggressive purchasing program saw the replacement of nearly every front line apparatus in 1989-90, and within 5 years, the department had converted all of the five engine companies to Paramedic Engines, each staffed with four personnel and the continued utilization of a private ambulance company from an off-site location to assist with our emergency transportation.

From 2010-2013, during the city's initial recovery planning from the Great Recession of 2008-2009, the city and the department continued to analyze different options of deployment and delivery, including the formal evaluation of joining the Orange County Fire Authority. Ultimately, the decision was made to retain our city fire department and explore the most effective and efficient model of emergency service delivery moving forward. In 2013, the department initiated the purchase of six brand new rescue ambulances and began piloting an expanded paramedic program. In 2014, the department initiated its first strategic planning process, which included updating the department's name from "Fire" Department to "Fire & Rescue" Department to reflect the robust "all-hazard" response approach and focus on continuous improvement and innovative evolution.

In 2018, the City Council approved the Fire Chief and City Manager recommendation to implement a city based ambulance operator emergency transportation program, which brought the emergency ambulance transportation in-house in an innovative public-private partnership model, that Costa Mesa continuously monitors and adapts "real-time" to the changing health and safety needs of the community.

Regarding specific technologies and procedures, prehospital EMS in 2022 is obviously substantially different than the prehospital EMS provided by fire departments 50 years ago when the Mobile Intensive Care Paramedic was first created. Indeed, the assessment and treatment interventions performed by the modern-day Firefighter-Paramedic, along with evidence-based system protocols governing patient triage and hospital destination, have dramatically improved survival and outcome for victims of sudden illness and injury. Moreover, technological advances in the field of medicine traditionally utilized exclusively in the hospital setting are more and more being adapted for use in the prehospital setting by fire department paramedics. The following are just some of the many examples of major improvements in prehospital assessment and treatment that demonstrates Costa Mesa is not only evolving, but always working diligently to be on the forefront of advancement and thoughtful innovation, for the benefit of our residents to prevent and minimize premature death and disability, while maximizing positive neurological outcomes.

A. Electronic Patient Care Reporting (E-PCR)

CMFR transitioned from a paper based patient care record to an electronic patient care record (ePCR) system in 2012, after being brought in as the first Orange County fire service agency to pilot and initiate the ePCR program. This happened in conjunction with the Orange County Emergency Medical Services Agency (OCEMSA) and allowed for significant improvements in the ability to operate a Continuous Quality Improvement (CQI) program. In 2016, again in conjunction with the

OCEMSA, a transition was made to an upgraded ePCR program that continues to be used and refined today. CMFR participates in a multi-agency CQI committee which utilizes the ePCR format and its data to improve emergency medical service delivery.

B. Prehospital 12-Lead Electrocardiogram (EKG) & Cardiac Center Triage

Cardiovascular disease (CVD) is the number one cause of death for both men and women in the United States, killing over one million people each year. CVD kills more people than cancer, AIDs, and the other top five causes of death combined. One of the primary mechanisms of death from cardiovascular disease is heart attack, which kills over 450,000 people each year. A heart attack, known more accurately as myocardial infarction, is when a person's coronary artery suddenly becomes blocked. The heart muscle that was supplied by the blocked artery then begins to die as it is deprived of oxygen rich blood. According to American Heart Association (AHA) Emergency Cardiovascular Care (ECC) guidelines, in order to survive a myocardial infarction "it is imperative that healthcare providers evaluate, triage, and treat patients as quickly as possible," because "half of the patients who die of myocardial infarction do so before reaching the hospital" (2005 AHA ECC Guidelines, IV-89). Accordingly, AHA makes the performance of a 12-Lead EKG a Class I recommendation, which means it is deemed essential for survival. The sooner a myocardial infarction is identified by paramedics in the field, the sooner they can initiate the appropriate treatments and notify the nearest Cardiac Center hospital, so that when the patient arrives the coronary artery blockage can be rapidly removed. CMFR was one of the first EMS agencies in Orange County to implement at 12-Lead EKG and Cardiac Triage program and, along with Hoag Hospital (Newport Beach), set national records for the successful treatment of heart attack victims.

C. Public Access Defibrillation Program

Another primary mechanism of death from cardiovascular disease is Sudden Cardiac Arrest, which kills over 250,000 people each year. Unfortunately, the national survival rate for Sudden Cardiac Arrest is only 5%, which means that 95% of all Sudden Cardiac Arrest victims die. However, in places with strong Public Access Defibrillation (PAD) programs, the survival rates are substantially higher (~40-70%). This is because for every minute that goes by without defibrillation, a Sudden Cardiac Arrest victim has a 10% less chance of survival (if CPR is not performed, there is a 20% less chance of survival for each minute). Costa Mesa is one of the handful of cities in the nation that has taken a proactive approach to fighting premature death due to Sudden Cardiac Arrest. Back in the mid-2000s, CMFR implemented a City-wide PAD (Public Access Defibrillation) system making AEDs (Automated External Defibrillators) available in all City facilities accessible by the public. Further, CMFR assisted many public and private organizations, such as Orange Coast College and South Coast Plaza, implement their own PAD programs, thus making our community significantly safer for victims of sudden cardiac arrest. CMFR continues to partner and provide our local businesses, schools and broad range of community stakeholders and members with support, information and training with respect to all emergency and disaster preparedness matters.

D. Transcutaneous Pacing

Some people experience cardiac emergencies where their heart beats too slow due to an electrical

problem in the heart's conduction system. When this happens, the brain and other vital organs are deprived of an adequate supply of oxygen rich blood, which can rapidly lead to cardiac arrest and brain death. An important treatment for these patients is a procedure called Transcutaneous Pacing (TCP), in which adhesive electrode pads are placed on the chest, and an electrical current is generated to override the patient's cardiac conduction system and achieve a heart rate sufficient for the patient's needs. Although this procedure has been standard in hospitals for decades, it was not introduced into the prehospital setting until the recent decade. CMFR was one of the first EMS agencies in Orange County to implement Transcutaneous Pacing, which has greatly improved our ability to care for victims of these heart problems.

E. Prehospital Stroke Assessment & Stroke Center Triage

Stroke is the third leading cause of death in the United States, and is a leading cause of disability in the United States (there are currently over 6,400,000 stroke survivors in the United States today). The key to reducing death and disability due to stroke is rapid recognition and rapid triage to a designated Stroke Center hospital. CMFR EMTs and Paramedics were among the first in the County, in conjunction with Hoag Hospital (Newport Beach), to initiate new stroke assessment protocols and triage procedures that continues to afford specialized physicians to remove the blockage in the cerebral blood vessel as soon as possible, thus minimizing the damage to brain tissue due to lack of oxygen, which results in substantially improved quality of life for stroke survivors.

F. Capnography

One of the most important interventions in the treatment of cardiac and respiratory arrest victims is endotracheal intubation, in which a breathing tube is inserted into the patient's trachea. Unfortunately, this procedure involves the potential complications of misplaced and displaced tubes, which may result in the death of the patient and resultant lawsuits. In fact, this is one of the most legally risky procedures performed by paramedics. CMFR paramedics were among the very first in the County to use the technology of Capnography/Capnometry, which allows us to confirm tube placement by measuring the patient's expired carbon dioxide levels: If the tube is properly placed in the patient's trachea, then the cardiac monitor will detect the presence of carbon dioxide, which will be represented by a visible waveform on the monitor screen. The confirmation afforded by the technology of capnography substantially increases intubation success rates while significantly decreasing the liability exposure of the City. CMFR paramedics were also among the first EMS professionals in Orange County to utilize capnography for conscious patients with breathing/respiratory problems to better and more precisely determine their actual pathophysiology and decide on the most appropriate treatment intervention.

G. Intra-Osseous Infusion

All life-threatening emergencies require the administration of medications and/or fluids into the patient's circulation. This is usually accomplished with an intravenous ("I.V.") catheter that is inserted through the patient's skin into a vein. However, sometimes it is not possible to insert an intravenous catheter due to the patient's condition or size. In the past, if paramedics were unable to insert an intravenous catheter, they would be unable to administer life-saving medications and fluids.

As of 2010, CMFR became one of the few EMS agencies in Orange County whose paramedics were trained and equipped to insert a catheter directly into a patient's tibia bone in a process called Intra-Osseous ("I.O.") Infusion, which is often easier to do than intravenous access on critical patients. Paramedics may then administer medications and fluids directly into the patient's bone marrow, from where they rapidly flow into the patient's circulation. Because of the addition of Intra-Osseous Infusion to the paramedic scope of practice, Costa Mesa residents have an exponentially greater chance of receiving life-saving medications and fluids than in the past, when this critical procedure was not allowed in the prehospital setting.

H. Commercially Available Tourniquets

Although the treatment of a life-threatening extremity bleed with a tourniquet is actually a Boy Scout level skill, at the change of the millennium, OCEMS had no protocol dealing specifically with this issue. In fact, it was the CMFR EMS Coordinator who, after meeting with Special Operations personnel with extensive combat experience in the Middle East, added the "Combat Application Tourniquet - CAT" to the CMFR EMS inventory. In the next several years, CMFR was ultimately able to persuade the OCEMS DEAG (Drug & Equipment Advisory Group, which unfortunately no longer exists) to add OCEMS-approved commercially available tourniquets to the official OCEMS mandatory inventory pursuant to OCEMS Policy 325.00 ("ALS Unit Provider Inventory").

I. Emergency Transport Model

Most recently, over the course of the past several years, Costa Mesa has significantly enhanced our emergency ambulance transport system by adding six rescue ambulances and implementing a city (local government) based ambulance transport program, inclusive of both ALS and BLS configurations that are dynamically deployed in the same manner as all of our emergency response resources. This includes now being housed and staffed throughout our six strategically located city fire and rescue stations for optimum emergency response. Costa Mesa has continued to evolve into the most effective and efficient EMS ambulance transport model, incorporating the best advantages of a public-private partnership model for our community, utilizing a combination of EMT-level Ambulance Operators and our own cross-trained professional Firefighter/Paramedics who are completely and dynamically integrated into the Costa Mesa EMS system. The current deployment and transport model has resulted in increased paramedic availability in their designated areas of primary responsibility throughout the city because of the flexibility our model to adapt to the acuity of medical emergencies and treatment needs, as well as increased fire and rescue resource availability. Simply put, Costa Mesa's Emergency Transport Model a shining example of "updating emergency response protocols."

J. Definition of "Patient"

It is worth noting that it was the CMFR EMS Division and EMS Coordinator back in the early 2000s, who literally wrote the official definition of "patient" for our City EMS protocols (with some help from Anne Stratton, RN), that was ultimately formally adopted by OCEMS and is *still used as the official definition in OCEMS protocols for the entire County EMS system.*

There are a wide range of many other examples of CMFR evolving the structure, model, and corresponding protocols of our EMS system according to the changing needs of our city, however the aforementioned items serve to clearly substantiate our conclusion of this finding. Further, while a majority of our emergency responses are EMS-related, many of our EMS responses require additional specialized training and skills for situations such as vehicle heavy rescue that only professionally cross-trained firefighters are qualified to handle. Consequently, every CMFR Firefighter, like all OCFCA Fire/ALS agencies, is cross-trained and certified as an EMT (Emergency Medical Technician), capable of providing BLS (Basic Life Support) emergency medical care. For those patients with more serious problems, the CMFR has 30+ Mobile Intensive Care Paramedics who have received additional training and are licensed to provide ALS (Advanced Life Support) emergency medical care.

One of core elements of CMFR's mission is focused on minimizing death, disability, and injury by optimizing patient outcomes with superior quality medical care by professionally cross-trained firefighters who conduct themselves with *Respect, Integrity and Compassion*. Because, like all branches of medicine, Prehospital EMS is a science that is constantly changing due to advances in concepts, technologies, and procedures, modern day "all-hazard" fire service agencies, such as CMFR, are also continuously adapting, adjusting, evaluating and improving the services we provide according to those changing standards, which includes the updating of all emergency response and related protocols when and where appropriate.

GRAND JURY FINDING #F3

FINDING: ***"ALS staffed ambulances or smaller squad vehicles are often the most appropriate response to medical aid calls and do not compromise the quality of medical care."***

RESPONSE: The City Disagrees Wholly with this Finding.

The goal of emergency medical aid (and any emergency) response is to send the appropriate resource(s) as expeditiously and safely as possible to most effectively manage the emergency, incident or situation identified. As such, we disagree wholly with a "one-size-fits-all" approach to define the most appropriate emergency response for a given emergency, incident or situation.

The deployment of emergency resources should be directly related to the unique community risks, needs and characteristics (e.g., demographics, topography, call history, type of incident reported vs. type of incident/situation found upon arrival, etc.) of each jurisdiction, while being integrated into the broader system of standardization and reciprocity between neighboring and regional jurisdictions. The intent of the Legislature with the creation of the 1980 EMS Act and its clear recognition of the importance of local control was memorialized with all possible clarity §1797.201.

A more appropriate and objective finding would be along the line of ***"ALS and BLS staffed ambulances or smaller squad vehicles are included as part of the many appropriate emergency response apparatus and vehicles (i.e., one of the many valued "tools in the tool***

box") to effectively manage medical aid calls and other emergencies when properly deployed. Thus, a "one-size-fits-all" approach is definitively not an appropriate approach, as the goal of emergency medical aid (and any emergency) response is to deploy the appropriate resource (s) as expeditiously and safely as possible to most effectively and efficiently manage the emergency, incident or situation identified and subsequently found.

For example, a medical aid in the respective Fairview Park or Talbert Park areas would not be effective within Costa Mesa (and Orange County) without a combination response of appropriate resources (i.e., four-wheel drive vehicles, fire apparatus with specialized rescue equipment and tools, and ambulance, etc.). Additionally, in Costa Mesa, and in the fire and emergency services in general, we frequently have emergency medical aids that are the secondary result of a primary incident, such as a vehicle or other technical rescue related accident, which requires specialized expertise of our professionally cross-trained and highly skilled "all-hazard response" firefighters. This is important to note because the value of professionally cross-trained firefighters have the knowledge, skills and abilities to safely and appropriately manage a high risk emergency scene, (i.e., inclusive of the incident management, safety risk management, technical rescue and the medical aid itself, etc.).

Furthermore, the unpredictable nature of calls for emergency medical services (and many emergencies) include the reality that what is initially reported to an emergency dispatch center and/or responding crews is not always the situation found when emergency resources arrive on scene. Some of our most labor-intensive calls for service, such as sudden cardiac arrest, are often reported as falls, syncope, or other well intended, but not clearly accurate descriptions of the emergency. Our deployment model allows us to adapt and provide the appropriate level of emergency service truly needed, with the least amount of emergency response delay.

GRAND JURY FINDING #F4

FINDING: ***"There has been a breakdown of communication and trust between OCEMS and Orange County Fire Chiefs."***

RESPONSE: The City Agrees Wholly with this Finding.

We agree that there has been a breakdown of communication and trust between OCEMS and Orange County Fire Chiefs. Specifically, the breakdown of communication and trust began following the transition of the new OCEMS leadership change in 2019, and to be clear, the breakdown in communication and trust appeared to primarily reside with certain lead managers from OCEMS, not the entire organization.

Prior to that, the OCEMS and the OCFCA had a long established and strong relationship, grounded in mutual respect, trust and collaboration. When EMS matters came up that were disagreed upon and/or needed additional clarification, OCEMSA and OCFCA always worked to find a way to come together and meet to professionally resolve the issue at hand. While each party may have mutually not agreed on a policy, order or decision that was ultimately issued, OCFCA respected the end result, because we were all substantively part of the process.

From the inception of the Mobile Intensive Care Paramedic (MICP) by Article 3 of the California Wedworth-Townsend Paramedic Act of 1970, Orange County residents have received the highest quality pre-hospital emergency medical care through the fire service-based EMS system, that is widely acknowledged as the most effective and efficient utilization of professionally cross-trained emergency resources. Although the fire service-based EMS model demonstrates a wide array of benefits to Orange County residents, CMFR recognizes that the quality of our EMS system is not effective if it is not a comprehensive team effort that depends on all EMS system members and stakeholders who each contribute in different ways that are equally important to the overall success of the system. Accordingly, CMFR's guiding principle continues to be good communication and meaningful collaboration with all of our EMS system partners in the spirit of cooperation and mutual respect, never losing sight or focus on our joint and solemn purpose to humbly and compassionately care for the people of Costa Mesa who we serve.

The Costa Mesa Fire Chief served as the President of the Orange County Fire Chiefs Association prior to, during and following the leadership transition of 2019 and it became abundantly clear that the transition of leadership in OCEMS became adversarial and autocratic in nature, lacking collaboration. The rationale that was provided by the new leadership of OCEMS to the Orange County Fire Chiefs was that OCEMS did not have the staff or the time to regularly meet with the OCFCA on these issues, nor did they need to have the approval of the OCFCA for policy changes. The latter assertion was not one the OCFCA was seeking, the OCFCA was merely seeking collaboration.

Understandably, any leadership transition will have some growing pains, with some grace and space a welcomed component to provide the organization and partnerships time to grow. Unfortunately, in this case, the escalating lack of desire for interpersonal communications, collaboration, and building trust from the new OCEMSA leadership began to get worse instead of improving. One example of this included the OCEMS leadership unilaterally putting out policies and orders without meeting to informally or formally confer with the Orange County Fire Chiefs and/or the OCFCA's EMS subject matter experts, affording the opportunity to provide thoughtful collaborative input in advance of policies being implemented. Instead of viewing and utilizing the OCFCA and OCFCA's EMS subject matters experts as valuable resources and professional partners, the new OCEMS leadership team did not fully utilize the OCFCA and the EMS SME's as valuable resources or subject matter experts thereby inhibiting the development of mutual professional understanding. This exclusionary approach and change in disposition of the OCEMS toward partnering with the OCFCA was not something that was previously observed and/or noted as a point of historical reference. Moreover, it has been broadly communicated that this same approach was indicative of the tone received by other stakeholders, including, but not limited to the Orange County Chiefs of Police and Sheriffs Association as well as the Hospital Administrators, among others. That said, our goal is resolution and one recommendation would be for the OCHCA to reach out to other stakeholders who regularly work with OCEMS (i.e., inclusive a 360-degree evaluation) to determine the breadth and depth of the breakdowns of trust and communication with all partners to help guide a formal memorialized pathway to help rebuild two-way professional collaborations and relationships with OCEMSA and all of their related stakeholders. Despite all of this, the City of Costa Mesa and OCFCA has and will continue to resiliently look for opportunities to build bridges of trust and collaboration where ever

possible.

As another example, during the fall of 2020, during the initial peak of the COVID Pandemic and during the engagement of active wildland fire seasons, OCEMS leadership attempted to push through an update to the Orange County Ambulance Ordinance without effectively notifying the OCFCA or the 34 cities within the County. Again, this was at the peak of the Pandemic and during historic wildfire seasons that this ordinance change became a sudden urgency for OCEMS to bring forward, with no previous communication. As soon as the OCFCA identified that this was happening, the OCFCA actively advocated to collaboratively work through the issue on behalf of the Orange County Fire Chiefs and the California Fire Chiefs, as well as City Managers.

After continued unsuccessful efforts to resolve this issue directly with OCEMS Leadership, the Orange County Fire Chiefs engaged their respective City Managers and/or legal counsels, among others, including the Orange County CEO, Frank Kim and the OCHCA Director Dr. Clayton Chau. After key leadership representing all of the referenced groups came together in a number of different meetings with CEO Kim, OCHCA Director Chau, and members of the OCEMS leadership team, it became clear that the Fire Chiefs and the respective cities intent all centered around that of collaboration and resolution, of which was acknowledged by the outcome of the final meeting and the facilitation by CEO Kim. The Orange County Fire Chiefs and the City of Costa Mesa acknowledged and appreciated the collaborative leadership approach demonstrated by CEO Kim and Dr. Chau, as well as the valued engagement of the City Managers and legal counsels. Subsequently, after all of the stakeholders spent some time working together, including the Orange County Fire Chiefs in direct collaboration with OCEMS, a final draft product was created that was tentatively acceptable to all parties involved. This final draft product now remains in the possession of OCEMS for a final group review before being formally being brought to the Orange County Board of Supervisors for formal approval. Interestingly enough, as of the date of this Grand Jury response, November 2022, the Orange County Fire Chiefs have yet to see any final closure to the ambulance ordinance update. This example is provided to illustrate that the Orange County Fire Chiefs have committed to and will continue to be unwavering in our efforts to build trust, collaboration and partnerships with all stakeholders, including OCEMS.

To that end, and as another example in the spirit of working to rebuild trust and communication, the OCFCA initiated an EMS advisory group established to rebuild that line of communication. The Costa Mesa Fire Chief, on behalf of and under unanimous direction from the Orange County Fire Chiefs, directly reached out to the OCEMS Medical Director with the request and it was ultimately mutually agreed and established.

Lastly, throughout the entirety of the Pandemic, when the OCEMSA and OCHCA were significantly challenged with managing the impacts of COVID and the Pandemic, the Orange County Fire Chiefs and the Orange County Fire Service took the initiative and stepped up to take a lead role in managing a number of areas, including, but not limited to establishing the first vaccination point of dispensing (POD) sites, and thereafter, the super POD vaccination sites, all from the tip of the spear and all while still serving their respective communities throughout the duration of the Pandemic, infused with thoughtful communication, trust, collaboration, compassion and partnership.

Lastly, here are a few narrative summaries that are of importance to acknowledge and highlight:

A. Medical Control - Whereas the various Fire Service agencies have the sovereign legal authority over the *administration and operational* control of prehospital EMS within their respective jurisdictions (HSC §1797.201), the LEMSA maintains absolute legal authority over *medical* control. "Medical control" is statutorily defined as, and expressly limited to, "the *medical* management" and the "*medical* direction" of the EMS system, in other words, decisions and actions that directly impact patient care such as assessment, treatments/interventions, and transport destination decisions (HSC §§ 1797.90, 1797.220, 1798(a), 1798.8). NOTE: *Costa Mesa and/or CMFR has not ever challenged the Medical Control authority of our LEMSA.*

B. EMS Protocols - The main statutory mechanism for a LEMSA to exercise its medical control authority is through written EMS protocols (i.e., polices, procedures, guidelines, standing orders, etc.) that are the basis for all field patient care-related decisions and actions and, therefore, represent the standard of care against which prehospital personnel will be judged in any administrative or civil legal action, and in any disciplinary action initiated by the LEMSA, Base Hospital, or employing agency. Consequently, for EMS protocols to be valid, effective, practical, and equitable, they must:

1. Comply with the letter, intent, and spirit of federal and state law, in addition to accepted medical principles and standards; and

2. Be written with sufficient clarity and in a logical format so that the average prehospital professional can reasonably understand what is expected and how to comply; and

3. Provide the minimal direction necessary to guide/achieve the desired decisions and actions, while affording the maximal reasonable flexibility to account for the volatile and unpredictable nature of the prehospital environment, as well as to avoid unnecessarily exposing the EMT/Paramedic and employing agency to undue or excess legal liability.

C. Fire Service Compliance - The Orange County Fire Service (and the California Fire Service), including CMFR, has a consistent history of respecting the authority of the LEMSA Medical Director and abiding by the medical guidance of the LEMSA and Base Hospital physicians and nurses who represent the Medical Director, including following all LEMSA protocols in good faith to the best of our ability. This is especially true in the Orange County EMS System, where the Fire Service and OCEMSA, in conjunction with the various Base Hospitals, have always worked very closely together with an open and constructive dialogue for the benefit of our patients. We are not aware of any time in the past decades where an Orange County Fire Service agency challenged the actual Medical Control of our LEMSA, though state history is replete with examples of many LEMSAs-and even the state EMS Authority (EMSA) itself-that had to be addressed with legal action.

This legal action was taken due to their attempts to expand the definition of "medical" control with the utilization of illegal "underground regulations" to undermine the authority of local

jurisdictions and the communities they represent. Specifically, the Sacramento Superior Court entered judgment <https://wlelaw.com/wp-content/uploads/2020/08/Conformed-Judgment.pdf> on behalf of the California Fire Chiefs Association (CalChiefs) and issued a peremptory writ of mandate <https://wlelaw.com/wp-content/uploads/2020/08/Peremptory-Writ-of-Mandate-ISSUED.pdf> against the California Emergency Medical Services Authority ("EMSA"), in *California Fire Chiefs Association Inc. v. California Emergency Medical Services Authority*, No. 34-2019-80003163. CalChiefs, a professional association for more than 800 fire service agencies across the state, alleged that EMSA, the State of California's regulatory agency for EMS had been operating in violation of mandatory state law for at least 30 years. CalChiefs' verified petition for writ of mandate and complaint for declaratory and injunction relief <https://wlelaw.com/wp-content/uploads/2020/08/CalChiefs-Petition-and-Complaint-re- alleged, among other things, that EMSA's rules implementing two key statutes regarding local governments' provision and administration of EMS and ambulance services were void "underground regulations" because they had not been lawfully adopted pursuant to California's Administrative Procedures Act ("APA"). The Hon. Laurie M. Earl, Judge of the Superior Court agreed, declaring that EMSA's rules were void "underground regulations" and commanding EMSA to cease enforcing its invalid rules until and unless the state agency properly adopts the rules in compliance with the APA. Judge Earl also concluded that CalChiefs should be allowed to petition for an award of its attorneys' fees for bringing an action to vindicate important public rights (Schouten, 2020).

The good news is that the relationship between the California fire service and the state EMSA has begun the transition to a more collaborative partnership, much credited to both sides working closely together since the arrival and formal appointment of Elizabeth "Liz" Basnett to the position of Acting Director of the state EMSA in November of 2021. Since her arrival, EMSA and the California fire service have been working closely together with all of the statewide EMS stakeholders to rebuild the professional relationships and trust, including the development of an inclusive strategic planning process. It is our hope that this model and approach can be embraced and integrated in the same manner with our OCEMSA.

D. Fire Service Input - It is a true statement that the LEMSA Medical Director has no legal obligation to seek advice or approval from any EMS provider agency when modifying (i.e., creating, revising, deleting) EMS protocols, even though such a change may have a substantial impact on the administrative and operational planning of EMS provider agencies and their cities, including significant financial burdens on the citizen taxpayers who fund those agencies. Nonetheless, due to the many and diverse ramifications of protocol modification, and to ensure that the patient care goals of the Medical Director are accurately conveyed to, and understood by, field personnel, input and feedback from the EMS provider agencies that must comply with the protocols is highly recommended. CMFR is grateful for the fact that the OCEMSA has historically been very collaborative with the fire service and all other EMS system members by not only allowing, but actively seeking meaningful input whenever protocol modification or system improvement decisions were being considered. This commitment to strong teamwork and professional partnership is clearly evidenced by our county EMS history in terms of collaborative and effective protocol modification. From the early 2000s under Dr. Bruce Haynes' OCEMS administration, through Dr. Samuel Stratton's OCEMS administration, and well before that, Orange County was literally known as one of the

most effective and synergistic amongst the many other counties and LEMSAs in California. This is because the OCFCA, OCEMSA, and other EMS provider agencies have traditionally worked together in a manner of great cooperation, collaboration, teamwork, support, and in good faith, even when there was disagreement. However, with the exit of the Dr. Stratton administration, this dynamic of strong teamwork and highly productive collaboration changed dramatically for reasons still unknown to us.

E. OCFCA EMS Section - To further ensure that the Orange County Fire Service continues to meet the goals and expectations of the OCEMS Medical Director, as well as to provide the OCEMS Agency practical input to help ensure that those goals and expectations are effectively translated to the field, decades ago OCFCA established a sub-committee called the "EMS Section," which is composed of all the EMS Coordinators from the various Fire-Rescue 911 ALS Provider agencies, as well as other Fire agency members in EMS-related positions. EMS Section meetings are routinely attended by Fire agency members, OCEMSA officials, Base Hospital Coordinators, and other EMS system representatives for the purpose of maintaining good communication and strong collaboration in our joint efforts to maintain and improve our high quality of patient care. In the post-Stratton era, amidst the challenges with OCEMSA and the OCFCA, the OCFCA EMS Advisory Group (EMSAG) was created after being initiated by the OCFCA. Although EMSAG and OCEMS has had limited success in its meetings and making progress, it is our desire and hope that EMSAG and OCEMSA continue to foster and build a valuable foundation to work from in the future, per the intent of the group's formation.

In closing, while we agree with this finding, CMFR and the OCFCA will continue to resiliently look for opportunities to build bridges of trust and collaboration in every way possible including, but not limited to:

1. Re-establishing and re-building the decades-long collaborative relationship between the OCEMSA and the Orange County Fire Service agencies that comprise the County EMS system in furtherance of our joint mission to provide optimal patient care and outcomes for the people who we serve.

2. Facilitate open lines of collaborative communication between OCEMSA and the Orange County Fire Service on all matters that impact the County EMS System.

GRAND JURY FINDING #F5

FINDING: ***"Over-deployment of firefighters for medical calls contributes to the current climate of forced hiring and firefighter fatigue."***

RESPONSE: The City Disagrees Wholly with this Finding.

Costa Mesa Fire & Rescue does not engage in an "over-deployment" of firefighters for medical calls. Costa Mesa Fire & Rescue has a robust and dynamic deployment model that is continually being monitored to make any necessary adjustments. Most importantly, Costa Mesa always places the health and safety of our professional firefighters as a highest priority.

Appropriate staffing is a necessary aspect of every public safety staffing model, in some way, shape or form. Simply put, we need to have sworn and trained public safety professionals on duty at all times, based on the community needs and risks of each jurisdiction served. Therein, different variables impact the need for forced hiring, including, but not limited to no firefighter voluntarily signed up to work the overtime; rank specific or department-wide staffing gaps; lack of budgeted and approved sworn and trained public safety positions consistent with the needs of the community; local, regional, statewide or national emergencies, or special circumstances. At this time, Costa Mesa does not have any staffing gaps and the city is currently in the midst of evaluating our Standards of Coverage for the City, as well as entering into the final stage of implementing a new five-year strategic plan.

Lastly, firefighter fatigue has been a noted discussion point over the past few years, regionally, statewide and nationwide, primarily due to the extraordinary role that professional firefighters take on every day in answering the call for any and every emergency, from historic wildfires to the COVID Pandemic to the day to day emergencies and operations on all fronts. As an example, from the onset of the COVID Pandemic throughout its peak and wind down phase, professional firefighters, emergency responders and healthcare workers remained on the front lines, start to finish, without pause or hesitation. With that in mind, mental and behavioral health for firefighters, all public safety personnel and healthcare workers needs to remain a highest priority for all levels of government.

GRAND JURY FINDING #F9

FINDING: ***"OCEMS has the authority and responsibility to inspect all for-profit ambulances operating in Orange County; however, publicly owned ambulances are not automatically subject to OCEMS oversight."***

RESPONSE: The City Agrees Partially with this Finding.

Costa Mesa agrees that "OCEMS has the authority and responsibility to inspect all for-profit ambulances operating in Orange County." However, the second part of the finding that "…publicly owned ambulances are not automatically subject to OCEMS oversight" would read more appropriately as follows: "…publicly owned ambulances are not automatically subject to OCEMS oversight *as it relates to areas exclusive of medical control*."
To that end, all other responsibilities, risks and rights are held with and through the City of Costa Mesa, as legally and lawfully memorialized by state, county, and local statute (HSC §1797.201). We agree that OCEMS does not currently inspect publicly owned ambulances.

For further clarification purposes, Costa Mesa agrees that all EMS entities, public and private, including CMFR, are statutorily required to comply with all LEMSA *medical control* protocols, including, but not limited to the mandatory medical inventory, medications, supplies and equipment of ambulances (i.e., OCEMS Policy 300 - Medical Control; specifically, Policy #325.00 - Advanced Life Support (ALS) Provider Unit Minimum Inventory). However, it is not under the authority and responsibility of the OCEMSA to determine other areas outside of that statutory and regulatory purview, including, but not limited to our emergency response deployment model or determine vehicle related requirements with no defined nexus to medical control (e.g., apparatus/vehicle type,

apparatus/vehicle permitting, wheel size/brand, fuel used, etc.).

The City of Costa Mesa welcomes and encourages OCEMS to inspect our ambulances, stations, or EMS system, in alignment with the aforementioned response and in alignment as evidenced by the efforts of collaboration outlined in the City's response to the Grand Jury Finding 4, detailing the Orange County Ambulance Ordinance meetings with OC CEO Frank Kim and OCHCA Director Dr. Clayton Chau. As an interesting side note, specific to this finding and given the time and effort the Grand Jury placed on preparing this comprehensive report, it was surprising that there was no inclusion of information or discussion on the significant issues related to OCEMSA's Orange County Ambulance Ordinance update.

GRAND JURY RECOMMENDATION #R1

RECOMMENDATION: ***"By 2024, all Orange County fire agencies utilize criteria-based dispatch protocols and send a single response to those incidents triaged as non-life-threatening (BLS)."***

RESPONSE: The recommendation of utilizing criteria-based dispatch protocols has already been implemented.

Costa Mesa's dispatch center (CMCC/Costa Mesa Communications Center) is a joint Police/Fire Emergency Communications Center. We have historically mirrored, and continue to use, the King County Washington Criteria Based Dispatch (CBD) Guidelines as adapted by and modified for the Orange County Fire Authority. Thus, Costa Mesa continues to use CBD dispatching, inclusive of determining the most effective, efficient and viable deployment of emergency resources, based on the community risks and needs and all established through local policy (HSC §1797.201) of the City Council, under approved recommendations of the City Manager and Fire Chief. NOTE: Please review the response summaries to F1 & F3 for further detail.

GRAND JURY RECOMMENDATION #R4

RECOMMENDATION: ***"While OCEMS should recognize how certain policy changes may pose operational challenges to emergency responders in the field, fire leadership should recognize and respect the independent oversight authority and expertise of OCEMS."***

RESPONSE: This Recommendation Has Already Been Implemented

Costa Mesa Fire Leadership recognizes and respects the expertise and authority of OCEMSA as our standard operating practice, highlighted by the acknowledgement of OCEMSA's authority as it pertains to *medical control*. NOTE: Please review the response summaries to F4 & F9 for further detail.

GRAND JURY RECOMMENDATION #R5

RECOMMENDATION: ***"Departments with public owned ambulances should allow OCEMS to inspect their ambulances for compliance with State EMS guidelines and adopt OCEMS recommendations."***

RESPONSE: This Recommendation Has Never Been Denied.

As previously shared, Costa Mesa remains committed to meet and exceed all State and OCEMS guidelines, policies and statutory requirements related to our public owned ambulances, in alignment with OCEMS authority of medical control and the City's legal, statutory, and regulatory rights, including, but not limited to the California Health & Safety Code, Section 1797.201 and the City of Costa Mesa's Municipal Code. Moreover, this recommendation was addressed through a number of meetings related to resolving the updates to the Orange County Ambulance Ordinance, including a final summary meeting with clear consensus on how we would proceed with a mutual agreement of under of understanding. The final meeting included representatives from the Orange County Fire Chiefs, including the Costa Mesa Fire Chief, representatives from the Orange County City Managers, OCEMSA Leadership, OCHCA Director Dr. Clayton Chau and Orange County CEO Frank Kim. NOTE: Please review the response summaries to F4 & F9 for further detail.

ALTERNATIVES:

The City Council has the following options:

1. Approve staff's recommendation; or
2. Provide alternative direction

FISCAL REVIEW:

There is no financial impact as a result of the Grand Jury Report responses.

LEGAL REVIEW:

The City Attorney's Office has reviewed and approved this report as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

CONCLUSION:

Staff recommends the City Council authorize the City Manager and Fire Chief to respond to the Presiding Judge of the Superior Court concerning the findings and recommendations made by the Orange County Grand Jury Report. 2021-2022.

ORANGE COUNTY GRAND JURY
700 CIVIC CENTER DRIVE WEST • SANTA ANA, CALIFORNIA 92701 • 714/834-3320
www.ocgrandjury.org • FAX 714/834-5555

May 16, 2022

Dan Stefano, Fire Chief
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Chief Stefano:

Enclosed is a copy of the 2021-2022 Orange County Grand Jury report, **WHERE'S THE FIRE? Stop Sending Fire Trucks to Medical Calls.** Pursuant to *Penal Code* 933.05(f), a copy of the report is being provided to you at least two working days prior to its public release. Please note that under that subsection, "No officer, agency, department, or governing body of a public agency shall disclose any contents of the report *prior to the public release of the final report.*" (Emphasis added.) It is requested that you provide a response to each of the findings and recommendations of this report directed to your office in compliance with *Penal Code* 933.05(a) and (b), copy enclosed.

For each Grand Jury recommendation accepted and not implemented, provide a schedule for future implementation. In addition, by the end of March of each subsequent year, please report on the progress being made on each recommendation accepted but not completed. These annual reports should continue until all recommendations are implemented.

Please mail the response to the recommendations to Erick L. Larsh, Presiding Judge of the Superior Court, 700 Civic Center Drive West, Santa Ana, CA 92701, with a separate copy mailed to the Orange County Grand Jury, 700 Civic Center Drive West, Santa Ana, CA 92701, no later than 60 days after the public release date, May 20, 2022, in compliance with *Penal Code* 933, copy enclosed. The due date then is July 20, 2022.

Should additional time for responding to this report be necessary for further analysis, *Penal Code* 933.05(b)(3) permits an extension of time up to six months from the public release date. Such extensions should be advised in writing, with the information required in *Penal Code* 933.05(b)(3), to the Presiding Judge of the Superior Court, with a separate copy of the request to the Grand Jury.

We tentatively plan to issue the public release on May 20, 2022. Upon public release, the report will be available on the Grand Jury website at www.ocgrandjury.org.

Very truly yours,

Gwen P. Isarowong, Foreperson
2021-2022 ORANGE COUNTY GRAND JURY

GPI:jm

Enclosures: Grand Jury Report
Penal Code 933, 933.05

WHERE'S THE FIRE?

Stop Sending Fire Trucks to Medical Calls

CONFIDENTIAL



GRAND JURY 2021-2022

WHERE'S THE FIRE?

Stop Sending Fire Trucks to Medical Calls

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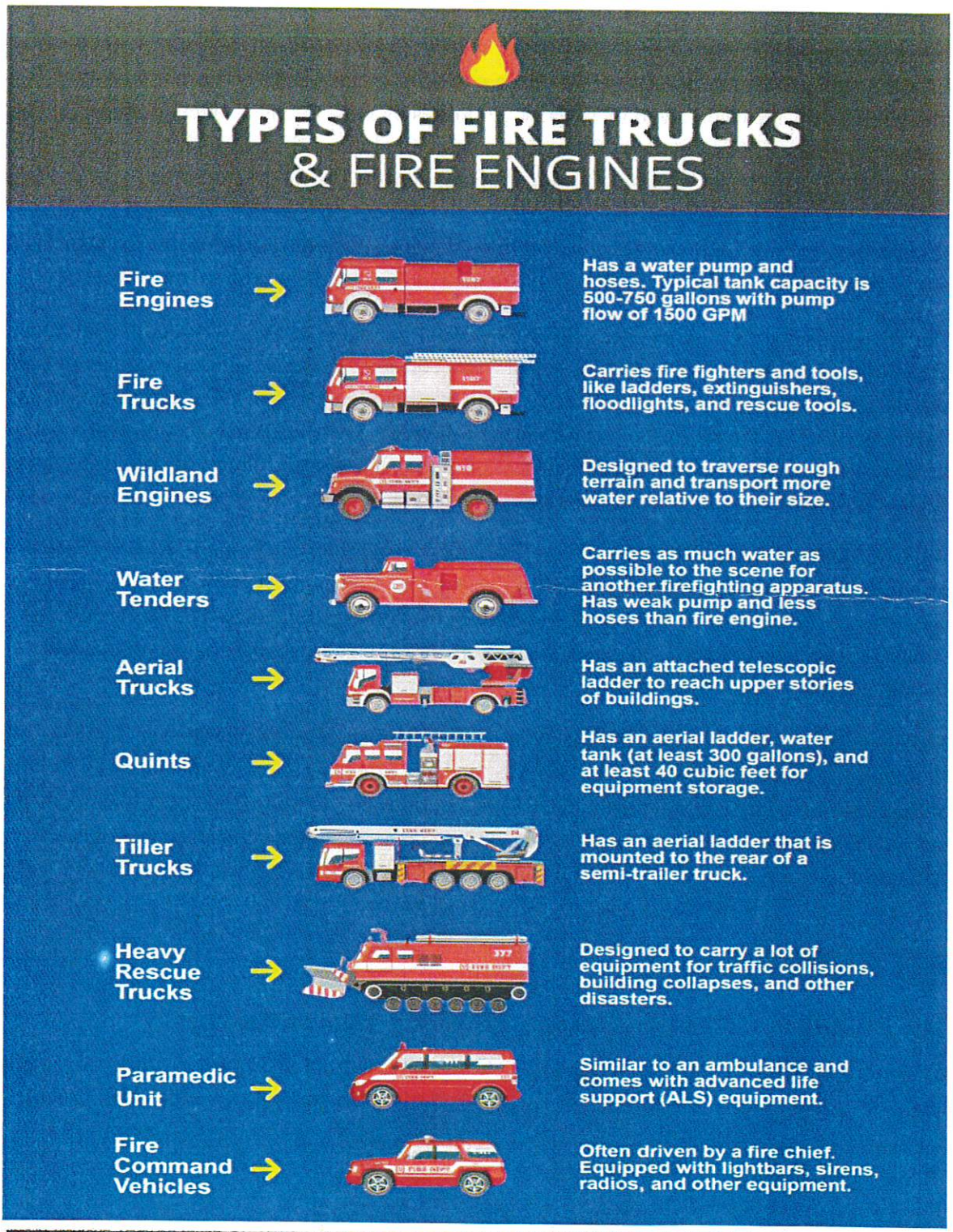
WHERE'S THE FIRE?

Stop Sending Fire Trucks to Medical Calls



WHERE'S THE FIRE?

Stop Sending Fire Trucks to Medical Calls

SUMMARY

In Orange County, nearly 80 percent of all 911 calls to fire departments are for medical services. Efficient and effective responses to 911 calls are of utmost importance to every community. Even though 911 calls are categorized by severity, responses by most Orange County fire departments do not change accordingly. Current protocol requires sending multiple vehicles to the scene which involves not only additional personnel but also expensive fire equipment. This is the case even when an ambulance or rescue squad vehicle could provide all the necessary medical supplies and personnel. Sending a 36,000 to 60,000-pound fire engine or aerial ladder truck down residential streets for strictly medical calls is not only dangerous and costly, but it also results in unnecessary wear and tear on our streets.

Our Orange County firefighters perform an exemplary job under extremely stressful circumstances. They often work compulsory overtime hours. After considering the demands placed on our firefighters and the importance of optimizing efficiency while maintaining a high level of care and response time, the Orange County Grand Jury recommends the following: Fire departments implement a universal tiered response system to dispatch ambulances or rescue squad units to most medical calls rather than deploying larger fire equipment as the standard response.

While the Orange County Grand Jury sees distinct advantages to separating EMS from Fire response, we are not currently recommending privatization of medical services. We applaud the level of care provided by all paramedics, including firefighter paramedics. The Orange County Grand Jury does recommend, however, that the emergency medical services response model should change.

This investigation also revealed a breakdown in communication and trust between Orange County Emergency Medical Service (OCEMS) and OC Fire Chiefs, which includes Fire Chiefs of the Orange County Fire Authority (OCFA) and various city fire departments. Although their mandated responsibilities are clear, there is a mutual reluctance to acknowledge their respective spheres of authority, in particular the critical role of OCEMS as an independent regulatory body.

BACKGROUND

The Evolution of Fire Departments Providing Medical Services

Over 100 years ago, organized firefighting in America was established primarily to guard against loss of property. Prior to the 1970s, emergency medical calls were transferred to either private ambulance companies or hospital ambulance companies. By the 1970s, the number of calls for

fire service declined due to the development and enforcement of stringent building codes and fire prevention systems. As a result, the role of local fire department has changed substantially.

In conjunction with the development of the 911 emergency call system, fire departments broadened their service models and capabilities, creating an all-hazards approach to emergency services delivery. The strategic location of firehouses throughout their service area made them a logical choice to respond to time critical calls. Fire departments now respond to any number of emergencies, including but not limited to traffic collisions, hazardous spills, cat rescues, and natural disasters as well as fires. However, 80 percent of all calls are for medical assistance.

An Explanation of Acronyms

This report looks at the ways in which fire departments respond to and provide emergency medical services (EMS). There are two levels of support systems in any kind of medical emergency: Basic Life Support and Advanced Life Support.

Basic Life Support (BLS) generally refers to the type of care that first-responders, healthcare providers, and public safety professionals provide to anyone who is experiencing a non-life-threatening medical event. BLS treatment is noninvasive and is usually performed by an Emergency Medical Technician (EMT).[1]

Advanced Life Support (ALS) is a response to critical care patients who may require invasive procedures such as injections, intubation, or the administration of medication. Due to the more severe nature of the patient's condition, ALS calls require a response from a crew that includes ALS-certified responders, specifically paramedics. All paramedics, including firefighter paramedics, are required to undergo a higher level of training than EMTs. Paramedics are trained to administer drugs, intubate patients, and insert IVs. EMTs are not certified to perform these procedures.

California's EMS Act authorizes each county to develop an EMS program and to designate a local Licensed Emergency Medical Services Agency (LEMSA) that oversees the delivery of EMS within that geographic area. This level of governance allows for local control of emergency medical services. In Orange County, the LEMSA is the Orange County Office of Emergency Medical Services (OCEMS) which operates under the Orange County Health Care Agency. OCEMS is responsible for the oversight of licensing all BLS and ALS responders, the management and inspection of privately owned ambulances, and the creation of response protocols including mass casualty incident response plans.

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[1] California Emergency Medical Services "Scope of Practice," (November 2017).

A Paramedic Assessment Unit (PAU) provides initial field paramedic assessment and interventions utilizing a minimum of one qualified paramedic and an EMT. A PAU may escort, monitor, and treat patients during transport to a hospital in accordance with that paramedic's provider agency policy.[2]

REASON FOR THE STUDY

Previous studies within Orange County and elsewhere have come to the same conclusion: there is an over-deployment of equipment and personnel for non-life-threatening emergency medical calls. For example, in 2014, the OCFA commissioned Emergency Services Consulting International to conduct a study on OCFA deployment. One of their recommendations is as follows:

> To improve the overall response performance of the OCFA delivery system the number of units sent to most emergency medical incidents must be reduced. Criteria-based dispatch (CBD) protocols could be implemented allowing a single unit response to most emergency medical incidents.[3]

Furthermore, as part of the Anaheim Fire & Rescue 2015-2020 Strategic Plan, at page 25, it was recommended that a Community Care Response Unit be established as "an alternative and innovative response model that will deploy a single vehicle utilizing a nurse practitioner and paramedic to respond to non-urgent call requests in place of a standard paramedic engine/truck and ambulance unit response."

Grand Juries in Orange County (2011-12) and Santa Clara County (2010-11) both delivered the same message in their reports: re-evaluate your response model to enable an appropriate EMS response, thereby reducing costs and equipment wear and tear.

Despite all these recommendations, the response deployment for medical calls remains substantially unchanged. This Grand Jury will revisit concerns about the expensive deployment of fire equipment and personnel for routine medical calls.

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[2] OCEMS Agency Policy #330.70

[3] Emergency Services Consulting International, *OCFA Standards of Coverage and Deployment Plan,* p. 147 (2014).

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METHOD OF STUDY

To understand the structure, staffing, and response models for various fire departments within California, as well as the relationship among the fire agencies and OCEMS, the Orange County Grand Jury engaged in the following:

- Reviewed statutes, articles, ordinances, reports, OCFA Memorandum of Understanding (MOU), and commissioned studies.
- Interviewed OCFA leadership, Fire Chiefs inside and outside of Orange County, City Managers, personnel from OCEMS, private ambulance company executives, and firefighter union leadership.
- Reviewed a large volume of material from various relevant websites.
- Reviewed OCFA Board of Directors and various City Council meeting minutes, agendas, and staff reports related to fire and medical services.
- Toured OCFA Headquarters and Training facility.
- Reviewed multiple written communications, deployment protocols, annual reports, and financial reports.

INVESTIGATION AND ANALYSIS

The Vast Majority of 911 Emergency Calls Routed to Fire Stations Are Medical in Nature

OCEMS data, as well as most fire department representatives interviewed, agree that of all 911 calls routed to a fire department for response, at least 80 percent are for EMS; the lowest figure provided was an estimated 75 percent. In areas with older demographics, the EMS percentage of medical calls as opposed to other emergencies is even higher. At least one fire department reported that nearly 90 percent of its calls are purely medical in nature. Furthermore, it has been estimated that up to 80 percent of those EMS calls can be classified as BLS.[4]

In an OCFA-commissioned comprehensive study, it was reported in 2018 that OCFA responded to 139,287 incidents of which 77.39 percent were EMS. Only 1.47 percent of the 911 calls routed to OCFA stations were dispatched as fire calls.[5] The remaining 21.14 percent were classified as "other," which included calls for persons in distress, smoke, odor problems, hazardous conditions, electrical wiring arcing, false alarms, children or pets locked in cars, and calls that

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[4] Emergency Consulting Services International, *OCFA Standards of Coverage and Deployment Plan,* p. 146 (2014); interviews with OCEMS staff and several Fire Chiefs.

[5] Citygate, Associates, Inc., *Standards of Coverage Service Level Assessment OCFA,* p. 53 (June 30, 2020).

were resolved prior to OCFA arrival. Consistent with this report, the OCFA Comprehensive Annual Financial Report for fiscal year ending June 30, 2021, provided statistics showing that out of the 152,289 emergency calls directed to OCFA, close to 75 percent were classified as EMS, while only 1.7 percent were considered fire calls.

Orange County Fire Departments and Personnel

Orange County cities are either part of the Orange County Fire Authority or have their own independent fire departments. Founded in 1995, the OCFA is a regional fire service agency that currently serves 25 cities in Orange County and all its unincorporated areas. The OCFA protects nearly two million residents with 77 fire stations located throughout Orange County. The nine Orange County cities that are not OCFA members each have a separate fire department and collectively protect approximately 1,187,000 residents. These independent cities include Anaheim, Brea/Fullerton, Costa Mesa, Fountain Valley, Huntington Beach, Laguna Beach, Newport Beach, Orange, and Placentia.

OCEMS has established a minimum requirement that one paramedic and one EMT respond to EMS calls. It is left up to the individual fire departments to determine how to deploy personnel and whether to exceed these minimum staff requirements. According to several OCEMS employees and its written protocols, one paramedic and one EMT are sufficient to provide appropriate care in response to an EMS call.

In its June 4, 2019 presentation "Consideration of Placentia Fire and Emergency Service," the City of Placentia reported that out of 43 fire departments surveyed in Los Angeles, Orange, and Riverside Counties, 27 departments (67 percent) utilize a three-person engine crew. This was the most common standard among the three counties. San Bernardino County and several Orange County cities (including La Habra, Laguna Beach, and Huntington Beach) also allow three-person engine companies. OCFA and several other independent fire departments within Orange County staff their engines and trucks with four-person crews.

Different Areas, Different Needs

Based on local demographics, geographic features (for example: beaches vs. forest areas), and other community differences, the needs of various individual communities are radically different. Fire Station 22, located in Laguna Woods, serves a median resident age over 78 years old which results in a very high number of medical responses. Fire Station 2, located in Los Alamitos, operates within a very different demographic and a service territory that includes beaches, a large military installation, as well as a large retirement community. And Station 18 in Trabuco Canyon provides services to a wildland area as well as a 'suburban' area with a much lower age demographic than Fire Station 22. Different equipment and staff deployment models are

warranted for each environment. The OCFA approach appears to be to add 'engines and trucks' to provide service, rather than taking a much more tailored approach. The trend within OCFA has been to remove Paramedic Squad units and replace them with Engines and Trucks.

Anatomy of a Medical Call: Dispatch to Response.

The goal of any emergency responder is to arrive on site quickly with the appropriate equipment and personnel needed to handle the emergency. The goal of a tiered dispatch system is to match the emergency with the appropriate level of response in terms of urgency, personnel, and equipment.

The most well-known of the tiered dispatch systems is the Clawson system of priority dispatch. Emergency medical dispatchers use call screening to determine what level of response is required by determining what Clawson refers to as the four commandments of medical dispatch: 1) chief complaint, 2) approximate age, 3) status of consciousness, and 4) status of breathing.

Several of the independent city departments are members of Metro Cities Fire Authority, also known as Metro Net Fire Dispatch or Metro Net, a joint powers agency that provides professional dispatch services for fire and emergency medical services. Metro Net uses a modified version of the Clawson model software to triage medical calls. Once it has been established that the call is for medical services, the dispatchers use a software package to walk through triage questions.

OCFA uses a severity model based loosely on the Clawson system for assessing medical emergency calls. Dispatch employees make a preliminary determination as to the nature and severity of the medical emergency through a series of carefully designed questions and computer applications. However, regardless of the preliminary assessment, a full ALS response is dispatched. This means that an engine or truck staffed with four personnel, often in partial or full firefighter turnout, is dispatched, at least two of whom are paramedic/firefighters. A transport ambulance with two EMT trained attendants is also dispatched, regardless of the classification of the medical emergency.

Firefighter Fatigue

Overworked and fatigued firefighters have been the topic of several articles and commentaries in counties throughout the State, and Orange County is no exception. There are staff shortages due to retirements. Firefighters have been forced to take extra shifts when voluntary coverage is not available. This can occur when firefighters are out ill, injured, on workers' compensation, or

absent for personal reasons. Absences have been exacerbated by the COVID pandemic and the increased prevalence of wildfires. According to the OCFA, "The volume of vacant shifts is substantially exceeding the overtime our firefighters wish to work."[6] As publicly explained by OCFA Fire Chief Brian Fennessy, "Workplace burnout is an occupational phenomenon marked by exhaustion, negativity to one's job, and reduced professional efficacy."[7]

Compulsory overtime work, often referred to as "forced hiring," is not new. While an increase in wildfires as well as the various reasons described above contribute to the firefighter shortage, routinely and unnecessarily sending out fire engines and trucks with the fire personnel required to staff that equipment is also a contributing factor. Using ambulances and other similar paramedic assessment units (PAUs) or paramedic squad units that are more efficient, nimble, and less personnel-intensive would substantially reduce the demand on firefighters leading to a reduction in work time and stress for on-duty firefighters. This is especially important when they are working compulsory overtime.

The Different Approaches to EMS Response in Orange County

Independent City Fire Departments

Several long-established cities in Orange County have independent fire departments. Examples include Anaheim Fire and Rescue, Huntington Beach Fire Department, Fullerton Fire Department, and Laguna Beach Fire Department. Most of these departments utilize Metro Net (described above) as their dispatcher. Even though medical priorities are evaluated by the Metro Net dispatcher, in most cases an engine or truck with firefighter/paramedics is dispatched to the incident, along with an EMT ambulance, regardless of the severity of the medical call. OCFA and Metro Net communicate when necessary.

To avoid competition and to ensure quality of service, OCEMS is also responsible for contracting qualified ambulance companies to service a particular geographic area, known as Exclusive Operating Areas (EOA) for patient transport to hospitals. However, some cities can own and operate ambulances that are not subject to the EOA ambulance agreements provided by OCEMS. Under California law, only cities that had their own ambulance services prior to 1980 (including cities served by OCFA) have the option of purchasing or contracting for their own ambulances. Those cities may also contract with private ambulance companies independently of OCEMS.

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[6] OC Register, Saavedra, T. and Licas, E., *"OCFA Firefighters Burned Out By Overtime"* (Oct. 29, 2021).
[7] *Ibid.*

Huntington Beach and Anaheim are two examples of this. Both cities deploy city-owned and operated ambulances which are based in fire stations; however, not all fire stations have ambulances. Where available, the ambulance rolls concurrently with the fire apparatus and typically arrives at the same time. The consensus among those interviewed indicated that this is a far better scenario in terms of overall response than relying on contracted private ambulances. There are also significant economic and long-term staffing advantages associated with this model. One example is that having EMTs working within the fire department serves as a pipeline for developing qualified firefighter paramedics. A disadvantage, however, is that city-owned ambulances are not subject to required inspection and approval by OCEMS, which the Orange County Grand Jury finds problematic.

Other benefits to cities able to operate their own ambulances are potential economic and service advantages for residents. In those cases, fees for ambulance services are payable to the city either by individuals or through medical insurance. Those fees typically offset the costs and, in some cases, provide marginal revenue. That excess revenue can be then provided to the overall city Fire/EMS department budgets to enhance services.

Most of the independent city fire agencies within Orange County offer a paramedic subscription service for residents and local businesses. An annual fee (around $60 per household) provides "free" paramedic services to subscribers. Otherwise, there is a per-call fee charged which is not typically covered by health insurance companies. Huntington Beach, Fountain Valley, and Anaheim are examples of cities with subscription paramedic services. The fees cover many of the fire department costs for paramedic services within the jurisdiction.

San Bernardino County Fire Protection District

For comparison, San Bernardino County uses a staffing model like many other counties in the state. Engines are staffed with a crew of three: a captain, an engineer, an ALS paramedic/firefighter. The captain and engineer are BLS certified. Each engine is considered an ALS response unit. In some areas, depending on budget, there may be an additional paramedic squad unit staffed by an ALS certified paramedic/firefighter and a BLS certified firefighter. These units can participate in rescue activities and carry appropriate rescue equipment. Contract EMS ambulances are provided in parts of the service territory by a private provider while the other areas are covered by the San Bernardino County Fire Protection District Ambulance Operator Program which staffs ambulances with a single function paramedic as well as an EMT.

Dispatch is staffed by Emergency Medical Dispatch (EMD) certified personnel. Each medical call is screened to determine its category and severity. Based on that screening, appropriate response units are dispatched. Typically for a critical situation an engine and an ambulance will

be dispatched Code 3 (lights and sirens). In situations that are deemed to be less critical, the response can be a single unit or a transfer to a nurse's hotline. Their current MOU allows for single paramedics on engines, squads, or aerial ladder trucks.

Placentia Model for EMS – A New Approach

Due to severe economic pressures, in 2019 the City of Placentia notified OCFA that they would be withdrawing from OCFA and forming their own fire department. To save money and become more efficient, Placentia separated the paramedic EMS response team from its Fire Department personnel and contracted with a private ambulance company to deliver EMS paramedic services.

Placentia also decided to keep dispatching responsibilities within its Police Department which receives all 911 calls. The police dispatcher determines whether the police, the Fire Department, a private ambulance EMS unit, or some combination thereof (as in the case of a serious traffic accident) should be dispatched to respond. Based on preliminary reports, the system is efficient and results in faster EMS responses, especially for coronary and stroke cases.[8] This is attributed in large part to the fact that "turnout time" for fire equipment and firefighter personnel (listed at over three minutes and 30 seconds for OCFA) is essentially eliminated with this model. Preliminary statistics show that not only have City costs have gone down, the time taken to appear on site for an EMS call also has been reduced by four minutes, from 9.5 to 5.5.[9]

Despite the positive results and cost savings, Placentia has withstood considerable criticism as well as a lack of cooperation from OCFA and its union.[10] The cost savings could be partially attributed to several factors: its very small geographical area; fewer wildland fires to contend with; no fast-water rescue requirements; and the City's firefighters do not earn the same salary or benefits that OCFA firefighters enjoy. From a cost perspective, why should they be charged by OCFA for services they do not require? Placentia should receive credit for attempting (and in many ways delivering) a new and better approach to EMS.

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[8] City of Placentia Fire and Life Safety Department Inaugural Report FY 2020-21, pps. 8-9.
[9] *Ibid.*
[10] See, e.g., OCFA Board Meeting, May 26, 2020, comments by Craig Green; Fullerton Observer, *Council and Fire Dept. Clash Over Agreement with Placentia* (June 24, 2020); California Policy Center, Ring, E. *Firefighting in Orange County, Part 3 - Placentia's War for Independence* (July 1, 2020); OC Register, Robinson, A., *Placentia Alleges Retaliation, 'Unprofessional Behavior' After Vote to Quit OCFA* (June 28, 2019); Correspondence between OCFA, OCEMS and Placentia Fire Dept.; Interviews.

Orange County Fire Authority

As noted above, OCFA makes an initial determination as to the nature and severity of the medical emergency. Regardless of the preliminary assessment, a full ALS response is dispatched. This means that an engine or truck company, staffed with at least two paramedic/firefighters, two EMT trained firefighters, and a transport ambulance with two EMT trained attendants is sent to the scene. While this approach means less time is spent with the caller before the dispatch for services occurs, it also results in a minimum of six people and two vehicles being dispatched for all EMS calls, even for minor medical events. The OCFA MOU with the firefighter's union specifies a minimum of two paramedic/firefighters on each ALS unit.

OCEMS agrees that a single PAU unit staffed with a paramedic and EMT provides the service needed for most types of emergency medical calls if the requests for service are properly triaged and dispatched based on medical priority.[11]

In a 2014 OCFA-commissioned report,[12] recommendations included the following:

> Formally establish "criteria based" dispatch protocols to allow a single unit response to those incidents triaged as non-life threatening. Staff the majority of fire engines with three personnel, one of whom is a paramedic; in areas considered hard to cover, or those lacking an effective response force coverage (for example areas covered by stations 40 and 53), staff fire engines with four persons, two being paramedics. Response to a life-threatening incident would be two units.
>
> For nonlife-threatening incidents, any response unit can be dispatched. If for example, a squad and engine are both available and the same distance from the incident the squad can be dispatched preserving the engine in the event of a fire incident.

Because over 75 percent of all fire dispatch calls are for medical emergencies, dispatching an ALS response with a truck or engine to every emergency medical call does not make sense and results in a consistent over-deployment of equipment and personnel.

Avoiding the dispatch of fire engines and trucks offers an additional advantage. If one (or both) of the responding firefighter/paramedics must accompany the patient in the ambulance to the hospital, then their engine typically follows the ambulance to the hospital. The fire engine and its crew must wait until the hospital staff takes charge of the patient and releases the paramedic to

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[11] OCEMS Policy #330.70

[12] Emergency Services Consulting, *OCFA Standards of Coverage and Deployment Plan*, pp. 146-47 (2014).

rejoin their unit. The time the engine or truck is out of service waiting for the firefighter paramedic to be released is referred to as "wall time." COVID-19 has made wall time longer as many emergency rooms have not been able to deal with the high volumes of patients, resulting in much longer wait times and potential degradation of service.

Within OCFA's jurisdiction, there are at least two geographic areas with even higher medical emergency call volumes. One such area is Laguna Woods which is served by OCFA Station 22. Laguna Woods comprises 3.1 square miles and is home to approximately 16,000 residents with a median age of over 78. Notwithstanding its size, Laguna Woods has the same number of calls as the City of Tustin, which consists of a service territory of 11.1 square miles and a population of approximately 80,000. The table below depicts the high volume of calls and the proportion of medical calls between the two areas with the overall same number of calls.[13]

CITY	POPULATION	SIZE (Sq Miles)	# EMS CALLS	# FIRE CALLS	# TOTAL CALLS
Laguna Woods	16,000	3.31	4,876	24	5,000
Tustin	80,000	11.14	4,062	95	5,395

CITY	% EMS CALLS/TOTAL	CALL/POP	EMS CALLS/POP	% FIRE CALLS/POP	% EMS CALLS/SIZE
Laguna Woods	97.52%	31.25%	30.48%	0.48%	2.07%
Tustin	75.29%	6.74%	5.08%	1.76%	1.39%

While averaging just two fire calls each month, Laguna Woods is equipped with two Type 1 Engines and one aerial truck. Given the size and weight of these large fire vehicles, there is unnecessary wear and tear on the streets of Laguna Woods when Station 22 equipment is sent out on such a high volume of simple medical calls. Replacement of one of the two Type 1 Engines assigned to Station 22 with two paramedic squad vehicles would save the expense of wear and tear, maintenance, equipment, and operating costs. It would also result in faster response times since the time it takes for fire personnel to gear up and get the larger trucks to move out is at

[13] OCFA Comprehensive Annual Financial Report, FY ending June 30, 2021, pp. 135, 142-43.

least two minutes longer than for the smaller vehicles to roll out.[14] Although that approach adds a fourth paramedic unit to the service area, causing a shift in assignments, additional staffing would not be necessary. Additionally, the cost of two fully equipped paramedic squad vehicles is less than the cost of a single Type 1 Engine. The typical cost for a fully equipped Type 1 engine is between $750,000 and $1,000,000 as opposed to the typical cost for a fully equipped Paramedic Squad vehicle (based on a Ford F-350 Super Duty Diesel chassis) which is under $200,000.[15]

Friction Between OCEMS and OCFA

Fractures between OCEMS, the OCFA, and independent city Fire Chiefs are apparent. This is exemplified in a letter written to OCEMS from the Fire Chiefs that pointed to OCEMS's "offensive" action in implementing policy changes without prior notice or collaboration. This complaint was made despite the Fire Chiefs' specific acknowledgment in the same letter that a joint advisory committee had been formed and had been discussing the issues.[16]

Despite the OC Fire Chiefs' complaint about OCEMS overstepping its authority, the only example provided to the Orange County Grand Jury was the emergency action taken by OCEMS in 2021 when hospitals were backed up. This caused long wait-times for first responders who transported patients to the emergency room and kept them unavailable to respond to other emergencies. In response, OCEMS introduced an emergency measure which allowed EMT and paramedic transporters to leave patients in the hands of the hospital on a portable cot provided by the ambulance squad.[17] Although the change addressed the fire departments' problem of extended "wall time" for fire paramedics, it resulted in a strong rebuke from Fire Chiefs for failing to provide adequate notice to them or provide an opportunity to collaborate. Although OCEMS could possibly have provided better notice to OCFA and the independent Fire Chiefs, the OCEMS appeared to be working in the best interest of all parties involved. This was a fact that was, at best, only begrudgingly acknowledged by a few OCFA union representatives and other fire agency personnel.

Tensions have been further exacerbated by COVID and the demand placed on ambulances that, reportedly, have failed to respond to calls in a timely manner. The extent of the problem is debatable. However, the OCFA Fire Chief took the problem into his own hands. In December 2021, the OCFA Chief directed that all EMS responses be classified as Code 3 to speed up ambulance response times. A

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[14] Citygate Associates, Inc., *Standards of Coverage Service Level Assessment* OCFA, p. 8 (June 2020).
[15] OCFA Comprehensive Annual Financial Report, FY ending June 30, 2021, p. 148.
[16] Letter from OC Fire Chiefs Association to OCEMS, November 8, 2021.
[17] OCEMS Temporary Suspension of Diversion and Actions to Reduce APOTs, December 29, 2021.

Code 3 response requires lights and sirens.[18] Code 3 responses have been shown to pose a significantly greater danger to the public and emergency personnel.[19] The Orange County Grand Jury is concerned that this OCFA directive and the power struggles existing between the Fire Chiefs Association and OCEMS may be viewed as self-serving rather than serving the best interests of the public.

Similar acrimony was evident when OCEMS received pointed criticism for taking a position on 2021 proposed legislation that was pending in Sacramento that directly affected OCEMS without conferring with the OCFA or independent Fire Chiefs. While Orange County fire leadership is free to disagree with the position taken by OCEMS, OCEMS had no obligation to consult with them prior to advocating for itself in Sacramento.

There is consensus from both sides that the problems between these entities have escalated over the past year; however, there have been some recent signs of better collaboration and communication.

COMMENDATIONS

- Fire department personnel for their professional service and steadfast concern for public safety.
- All Emergency Medical Services personnel for their tireless efforts on behalf of Orange County residents.
- Interviewees for their cooperation and time spent with the Orange County Grand Jury to explore these issues.
- Special commendation to the City of Placentia for innovation in the face of concerted opposition.

FINDINGS

F1 Despite fire departments throughout Orange County having evolved into emergency medical departments, most have not updated their emergency response protocols accordingly, but have simply absorbed emergency medical responses into their existing fire response models.

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[18] Correspondence from OCFA to OC Public Health, cc: County Executive Officer, January 25, 2022.
[19] Joint Statement on Lights & Siren Vehicle Operations on Emergency Medical Services (EMS) Responses February 14, 2022.

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F2 Despite use of a tiered dispatch system, OCFA's deployment of resources for medical responses are the same for nearly all calls, resulting in unnecessary wear and tear on expensive fire-fighting equipment and public infrastructure.

F3 ALS staffed ambulances or smaller squad vehicles are often the most appropriate response to medical calls and do not compromise the quality of medical care.

F4 There has been a breakdown of communication and trust between OCEMS and Orange County Fire Chiefs.

F5 Over-deployment of firefighters for medical calls contributes to the current climate of forced hiring and firefighter fatigue.

F6 Code 3 response is over utilized by OCFA, unnecessarily putting the responders and public at risk.

F7 Since the outbreak of the COVID pandemic, there has been an emergency medical personnel shortage. The pandemic also has contributed to longer wait times at hospitals resulting in firefighter personnel being out of service for longer periods.

F8 There are specific areas within Orange County, such as Laguna Woods and Seal Beach, that have an extremely high percentage of medical calls which, under the current model, results in the stations servicing those communities to require two engines.

F9 OCEMS has the authority and responsibility to inspect all for-profit ambulances operating in Orange County; however, publicly owned ambulances are not automatically subject to OCEMS oversight.

F10 Placentia's changes to the emergency medical response protocols after leaving OCFA have resulted in improved medical call response times.

RECOMMENDATIONS

R1 As recommended in the 2012 and 2014 OCFA Standards of Coverage and Deployment Plans, as well as other studies, the Grand Jury recommends that, by 2024, all Orange County fire agencies utilize criteria-based dispatch protocols and send a single unit response to those incidents triaged as non-life-threatening (BLS). F1, F2, F5

R2 By 2024, OCFA should station a paramedic squad vehicle, which is more nimble and less costly to operate, in place of a second engine in stations with high volumes of medical calls. F8

R3 OCFA should immediately stop the practice of requesting Code 3 responses on all non-life threatening (BLS) calls. F6

R4 While OCEMS should recognize how certain policy changes may pose operational challenges to emergency responders in the field, fire leadership should recognize and respect the independent oversight authority and expertise of OCEMS. F4

R5 Departments with publicly owned ambulances should allow OCEMS to inspect their ambulances for compliance with State EMS guidelines and adopt OCEMS recommendations. F9

RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for

discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Responses Required

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

90 Day Response Required	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
OCFA Board of Directors	X	X	X	X	X	X		X	X	

90 Day Response Required	R1	R2	R3	R4	R5
OCFA Board of Directors	X	X	X	X	X

90 Day Response Required	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
County of Orange Board of Supervisors			X	X					X	

90 Day Response Required	R1	R2	R3	R4	R5
County of Orange Board of Supervisors					X

90 Day Response Required	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
City Councils of Cities of Anaheim, Costa Mesa, Fountain Valley, Fullerton, Huntington Beach, Laguna Beach, Newport Beach, and Orange	X		X	X	X				X	

90 Day Response Required	R1	R2	R3	R4	R5
City Councils of Cities of Anaheim, Costa Mesa, Fountain Valley, Fullerton, Huntington Beach, Laguna Beach, Newport Beach, and Orange	X			X	X

90 Day Response Required	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
City of Placentia City Council	X		X	X	X				X	X

90 Day Response Required	R1	R2	R3	R4	R5
City of Placentia City Council	X			X	X

Responses Requested

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are requested from:

60 Day Response Requested	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
Fire Chiefs for Cities of Anaheim, Costa Mesa, Fountain Valley, Fullerton, Huntington Beach, Laguna Beach, Newport Beach, and Orange	X		X	X	X				X	

60 Day Response Requested	R1	R2	R3	R4	R5
Fire Chiefs for Cities of Anaheim, Costa Mesa, Fountain Valley, Fullerton, Huntington Beach, Laguna Beach, Newport Beach, and Orange	X			X	X

60 Day Response Requested	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
City of Placentia Fire Chief	X		X	X	X				X	X

60 Day Response Requested	R1	R2	R3	R4	R5
City of Placentia Fire Chief	X			X	X

60 Day Response Requested	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
OCEMS Director			X	X					X	

60 Day Response Requested	R1	R2	R3	R4	R5
OCEMS Director					X

REFERENCES

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GLOSSARY

ALS	Advanced Life Support
ALL HAZARD	Emergencies, including but not limited to traffic collisions, hazardous spills, cat rescues, natural disasters, house and car fires
BLS	Basic Life Support
CBD	Criteria-based dispatch
CODE 3	The use of sirens and lights on emergency vehicles
EMD	Emergency Medical Dispatch
EMS	Emergency Medical Service
EMT	Emergency Medical Technician
EOA	Exclusive Operation Area
LEMSA	Local Emergency Services Agency – California's EMS Act authorizes each county to develop an EMS program and to designate a local EMS agency (LEMSA) for local control of emergency medical services
METRO NET	Joint Powers Authority agency that provides professional dispatch services for fire and medical services
MOU	Memorandum of Understanding
OCEMS	Orange County Emergency Service-Certifies Ambulances, Paramedics and EMTs

OCFA	Orange County Fire Authority
OCGJ	Orange County Grand Jury
PAU	Paramedic Assessment Unit
PM	Paramedic
SEVERITY MODEL	A ranking, either alpha or numerical, on how critical the medical emergency.
TIERED	Calls are categorized by severity
TURNOUT TIME	The time from the dispatch call and change their status to responding
TURNOUT GEAR	Fire Fighters personal protective gear
TYPE 1 ENGINE	Designed for structural firefighting. It will typically include a pump that operates at 1000 gpm, a 400 gal/tank, 1200 ft. 2 1/2" hose, 400 ft. 1 1/2" hose, 200 ft. 1" hose, 20 + feet of ladder, a 500 gpm Master Stream, and minimum staffing of four firefighters. Some cities utilize Type 1 fire engines with only three firefighters due to budget or other staffing issues.
WALL TIME	The time the Paramedic or fire fighter spends at the hospital after delivering a patient

California Penal Code Sections §933 and §933.05

[Note: to reduce grand jury requests for additional response information, the grand jury has **bolded** those words in §933.05 which should be appropriately included in a response]

§933 (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
(d) As used in this section "agency" includes a department.

§933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent **agrees** with the finding.

(2) The respondent **disagrees wholly** or **partially** with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation **has been implemented**, with a summary regarding the implemented action.

(2) The recommendation **has not yet been implemented, but will be implemented** in the future, with a **timeframe** for implementation.

(3) The recommendation **requires further analysis**, with an explanation and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation **will not be implemented** because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

CITY OF COSTA MESA

P.O. BOX 1200 / 77 FAIR DRIVE
COSTA MESA, CA 92628-1200
Phone: (714) 754-5106 / TTD: (714) 754-5244 / Fax: (714) 754-4944
www.costamesaca.gov

November 1, 2022

The Honorable Erick L. Larsh
Presiding Judge of the O.C. Superior Court Grand Jury
700 Civic Center Drive West
Santa Ana, California 92701

RE: **CITY OF COSTA MESA RESPONSE TO GRAND JURY REPORT**
"Where's the Fire? Stop Sending Fire Trucks To Medical Calls"

Honorable Judge Larsh:

The City of Costa Mesa and the Costa Mesa Fire & Rescue Department appreciate the time and effort the Orange County Grand Jury spent on their report titled "Where's The Fire? Stop Sending Fire Trucks to Medical Calls." In alignment with the original subpoena request dated March 16, 2022 and subsequent extension to respond that was formally approved on September 14, 2022, allow this document to serve as our formal response on behalf of the City of Costa Mesa and the Costa Mesa Fire Chief.

Thank you for the opportunity to respond and if you should you need any additional information or clarifications, please do not hesitate to contact Fire Chief Dan Stefano at (714) 754-5106 or by email at dan.stefano@costamesaca.gov.

Sincerely,

_____
Lori Ann Farrell Harrison
City Manager

_____
Daniel A. Stefano
Fire Chief

Cc: Honorable Mayor & City Council
City Attorney

GRAND JURY FINDING #F1

FINDING: ***"Despite fire departments throughout Orange County having evolved into emergency medical departments, most have not updated their emergency response protocols accordingly, but have simply absorbed emergency medical responses into their existing fire response models."***

RESPONSE: The City Disagrees Wholly with this Finding.

This finding is inconsistent with the historical facts of the California Fire Service generally and with the City of Costa Mesa specifically.

For over half a century, the California Fire Service, including Costa Mesa Fire & Rescue, has been the primary provider of prehospital EMS throughout the state, long before the existence of an organized statewide EMS system. Recognizing the obvious value—in terms of both operational and financial efficiency and effectiveness—of already-existing strategically located fire stations and emergency apparatus, staffed by highly trained and experienced firefighters who possess a vast array of rescue skills and capabilities, in 1969 the California Legislature enacted Health & Safety Code §219, which created minimum first aid training standards for all public safety personnel. During that same year, a pilot program was launched by three physicians in Los Angeles County to train 18 Firefighters as "Mobile Intensive Care Paramedics" (MICPs) who would provide Advanced Life Support (ALS) level care to the critically ill and injured in the prehospital setting. The success of this program led to passage of the Wedworth-Townsend Paramedic Act of 1970 for the purpose of expanding paramedic services throughout the state.

The California Fire Service-based model for the delivery of ALS/paramedic-level care was so overwhelmingly successful that the television series "Emergency" (1972-1977) was developed to bring national attention to the importance of prehospital EMS through the characters of Firefighter-Paramedics Johnny Gage and Roy DeSoto (actors Randolph Mantooth and Kevin Tighe). When "Emergency" first aired, there were only about six paramedic systems nationwide. However, the series was tremendously popular, and people all over the United States began to ask their local officials why they did not also have such a system.

In its efforts to better organize and coordinate the newly developing field of prehospital EMS, the California Legislature adopted the Emergency Medical Services System and Prehospital Medical Care Personnel Act of 1980 ("1980 EMS Act") that established Division 2.5 of the Health & Safety Code (HSC). Due to the fundamental and essential role of the Fire Service in developing the EMS infrastructure over preceding decades—that included an enormous commitment of time, staffing, training, and money from cities and citizen taxpayers—the Legislature wrote California Health & Safety Code §1797.201 to formally recognize and preserve the pre-existing authority of those local cities and fire agencies to continue in the provision, administration, and operational control of all prehospital EMS their jurisdiction, in compliance with, and subject to, state and local medical (i.e., patient care) standards and guidelines.

Section 1797.201 also reflects the Legislature's acknowledgement that the administrative and operational aspects of an EMS system are best determined at the local level, based on the specific needs and nuances of the community served, ultimately defined by local policy through jurisdictional governance and based on the subject-matter expertise of the public safety representatives (e.g., Fire Chief, EMS Division/Section, etc.) who best understand the particular needs of their community and who are directly accountable to the community served.

With that all said, the distinction between the *operational and administrative* control of an EMS system and the *medical* control of an EMS system need to be clearly acknowledged and clarified. Whereas the various local governments and fire agencies have the sovereign legal authority over the *administration and operational* control of prehospital EMS within their respective jurisdictions (HSC §1797.201), the Local Emergency Medical Services

Agency (LEMSA) maintains absolute legal authority over *medical* control. "Medical control" is statutorily defined as, and expressly limited to, "the *medical* management" and the "*medical* direction" of the EMS system. In other words, decisions and actions that directly impact patient care such as assessment, treatments/interventions, and transport destination decisions (HSC §§ 1797.90, 1797.220, 1798(a), 1798.8). Costa Mesa has not in our history challenged the medical control of our LEMSA. In fact, this acknowledgement and delineation is extremely important, combined with the significant value placed on local governmental agencies and the LEMSA working within a highly collaborative environment for the best interests of EMS system itself and the communities served.

Further, the California Fire Service, which includes Costa Mesa Fire & Rescue (CMFR), has continued to be the primary provider of prehospital EMS throughout the State, with Orange County being one of the best examples of a well-functioning and efficiently structured EMS system. This is primarily because of our long history as a highly unified fire service-based EMS system composed of fire agencies that are capable of providing "All-Hazards" Emergency Services (i.e., Fire, Rescue, Medical, Community Risk Reduction, etc.), including both BLS and ALS/paramedic level prehospital emergency care, in all types of hazardous environments and across all jurisdictional boundaries due to our emphasis on inter-agency coordination and standardization of training and procedures according to local, state, and national guidelines. In fact, inter-agency and cross-jurisdictional coordination and standardization is absolutely critical for operational effectiveness and firefighter safety, but it is also necessary to achieve the goals of *optimal quality* patient care, as well as *equality* of patient care, for all county residents and visitors regardless of their location or situation. Moreover, this is predicated on the reciprocity of like resources and services between fire service agencies, without a reduction in type, level, or quality of care. The Orange County Fire Chiefs Association (OCFCA)—which includes CMFR and represents all Orange County Fire Service-ALS-Level provider agencies—remains committed to all of these goals, as well as continuing its tradition of innovation and ongoing improvement in the rapidly changing world of healthcare and medicine, because the people who depend on us deserve nothing less.

In 1975, Costa Mesa initiated a three-platoon schedule for the fire department, resulting in a 56-hour workweek. Later that year, seven firefighters were trained as paramedics and the Mobile Intensive Care (MIC) program was initiated.

The first "Medic" unit was a 1975 Chevy ambulance. Later a Ford ambulance was purchased so that one could be kept in reserve. It is interesting to note that these ambulances were not utilized for patient transport; a private ambulance company was utilized to perform that function. Soon, the single paramedic unit for Costa Mesa's 70,000 people proved to be inadequate. In January of 1983, a second Medic unit, Medic Truck 3 was placed in service at the Park Avenue Fire Station.

Over the subsequent decades and up to the present time, Costa Mesa has made many positive improvements and enhancements in our EMS system and EMS system protocols. For example, in addition to strong BLS EMS education and training efforts, a nurse educator was added to our EMS education cadre. Similarly, we added the positions of *both* an EMS Manager *and* an EMS Coordinator due to the ever-expanding prehospital EMS needs of our community as well as evolving CQI (Continuous Quality Improvement) requirements, among other areas.

As the number of emergency medical responses increased, it became apparent that more than two paramedic units were necessary to achieve the goals of the MIC program. An aggressive purchasing program saw the replacement of nearly every front line apparatus in 1989-90, and within 5 years, the department had converted all of the five engine companies to Paramedic Engines, each staffed with four personnel and the continued utilization of a private ambulance company from an off-site location to assist with our emergency transportation.

From 2010-2013, during the city's initial recovery planning from the Great Recession of 2008-2009, the city and the department continued to analyze different options of deployment and delivery, including the formal evaluation of joining the Orange County Fire Authority. Ultimately, the decision was made to retain our city fire department and explore the most effective and efficient model of emergency service delivery moving forward. In 2013, the department initiated the purchase of six brand new rescue ambulances and began piloting an expanded

paramedic program. In 2014, the department initiated its first strategic planning process, which included updating the department's name from "Fire" Department to "Fire & Rescue" Department to reflect the robust "all-hazard" response approach and focus on continuous improvement and innovative evolution.

In 2018, the City Council approved the Fire Chief and City Manager recommendation to implement a city based ambulance operator emergency transportation program, which brought the emergency ambulance transportation in-house in an innovative public-private partnership model, that Costa Mesa continuously monitors and adapts "real-time" to the changing health and safety needs of the community.

Regarding specific technologies and procedures, prehospital EMS in 2022 is obviously substantially different than the prehospital EMS provided by fire departments 50 years ago when the Mobile Intensive Care Paramedic was first created. Indeed, the assessment and treatment interventions performed by the modern-day Firefighter-Paramedic, along with evidence-based system protocols governing patient triage and hospital destination, have dramatically improved survival and outcome for victims of sudden illness and injury. Moreover, technological advances in the field of medicine traditionally utilized exclusively in the hospital setting are more and more being adapted for use in the prehospital setting by fire department paramedics. The following are just some of the many examples of major improvements in prehospital assessment and treatment that demonstrates Costa Mesa is not only evolving, but always working diligently to be on the forefront of advancement and thoughtful innovation, for the benefit of our residents to prevent and minimize premature death and disability, while maximizing positive neurological outcomes.

A. Electronic Patient Care Reporting (E-PCR)

CMFR transitioned from a paper based patient care record to an electronic patient care record (ePCR) system in 2012, after being brought in as the first Orange County fire service agency to pilot and initiate the ePCR program. This happened in conjunction with the Orange County Emergency Medical Services Agency (OCEMSA) and allowed for significant improvements in the ability to operate a Continuous Quality Improvement (CQI) program. In 2016, again in conjunction with the OCEMSA, a transition was made to an upgraded ePCR program that continues to be used and refined today. CMFR participates in a multi-agency CQI committee which utilizes the ePCR format and its data to improve emergency medical service delivery.

B. Prehospital 12-Lead Electrocardiogram (EKG) & Cardiac Center Triage

Cardiovascular disease (CVD) is the number one cause of death for both men and women in the United States, killing over one million people each year. CVD kills more people than cancer, AIDs, and the other top five causes of death combined. One of the primary mechanisms of death from cardiovascular disease is heart attack, which kills over 450,000 people each year. A heart attack, known more accurately as myocardial infarction, is when a person's coronary artery suddenly becomes blocked. The heart muscle that was supplied by the blocked artery then begins to die as it is deprived of oxygen rich blood. According to American Heart Association (AHA) Emergency Cardiovascular Care (ECC) guidelines, in order to survive a myocardial infarction "it is imperative that healthcare providers evaluate, triage, and treat patients as quickly as possible," because "half of the patients who die of myocardial infarction do so before reaching the hospital" (2005 AHA ECC Guidelines, IV-89). Accordingly, AHA makes the performance of a 12-Lead EKG a Class I recommendation, which means it is deemed essential for survival. The sooner a myocardial infarction is identified by paramedics in the field, the sooner they can initiate the appropriate treatments and notify the nearest Cardiac Center hospital, so that when the patient arrives the coronary artery blockage can be rapidly removed. CMFR was one of the first EMS agencies in Orange County to implement at 12-Lead EKG and Cardiac Triage program and, along with Hoag Hospital (Newport Beach), set national records for the successful treatment of heart attack victims.

C. Public Access Defibrillation Program

Another primary mechanism of death from cardiovascular disease is Sudden Cardiac Arrest, which kills over

250,000 people each year. Unfortunately, the national survival rate for Sudden Cardiac Arrest is only 5%, which means that 95% of all Sudden Cardiac Arrest victims die. However, in places with strong Public Access Defibrillation (PAD) programs, the survival rates are substantially higher (~40-70%). This is because for every minute that goes by without defibrillation, a Sudden Cardiac Arrest victim has a 10% less chance of survival (if CPR is not performed, there is a 20% less chance of survival for each minute). Costa Mesa is one of the handful of cities in the nation that has taken a proactive approach to fighting premature death due to Sudden Cardiac Arrest. Back in the mid-2000s, CMFR implemented a City-wide PAD (Public Access Defibrillation) system making AEDs (Automated External Defibrillators) available in all City facilities accessible by the public. Further, CMFR assisted many public and private organizations, such as Orange Coast College and South Coast Plaza, implement their own PAD programs, thus making our community significantly safer for victims of sudden cardiac arrest. CMFR continues to partner and provide our local businesses, schools and broad range of community stakeholders and members with support, information and training with respect to all emergency and disaster preparedness matters.

D. Transcutaneous Pacing

Some people experience cardiac emergencies where their heart beats too slow due to an electrical problem in the heart's conduction system. When this happens, the brain and other vital organs are deprived of an adequate supply of oxygen rich blood, which can rapidly lead to cardiac arrest and brain death. An important treatment for these patients is a procedure called Transcutaneous Pacing (TCP), in which adhesive electrode pads are placed on the chest, and an electrical current is generated to override the patient's cardiac conduction system and achieve a heart rate sufficient for the patient's needs. Although this procedure has been standard in hospitals for decades, it was not introduced into the prehospital setting until the recent decade. CMFR was one of the first EMS agencies in Orange County to implement Transcutaneous Pacing, which has greatly improved our ability to care for victims of these heart problems.

E. Prehospital Stroke Assessment & Stroke Center Triage

Stroke is the third leading cause of death in the United States, and is a leading cause of disability in the United States (there are currently over 6,400,000 stroke survivors in the United States today). The key to reducing death and disability due to stroke is rapid recognition and rapid triage to a designated Stroke Center hospital. CMFR EMTs and Paramedics were among the first in the County, in conjunction with Hoag Hospital (Newport Beach), to initiate new stroke assessment protocols and triage procedures that continues to afford specialized physicians to remove the blockage in the cerebral blood vessel as soon as possible, thus minimizing the damage to brain tissue due to lack of oxygen, which results in substantially improved quality of life for stroke survivors.

F. Capnography

One of the most important interventions in the treatment of cardiac and respiratory arrest victims is endotracheal intubation, in which a breathing tube is inserted into the patient's trachea. Unfortunately, this procedure involves the potential complications of misplaced and displaced tubes, which may result in the death of the patient and resultant lawsuits. In fact, this is one of the most legally risky procedures performed by paramedics. CMFR paramedics were among the very first in the County to use the technology of Capnography/Capnometry, which allows us to confirm tube placement by measuring the patient's expired carbon dioxide levels: If the tube is properly placed in the patient's trachea, then the cardiac monitor will detect the presence of carbon dioxide, which will be represented by a visible waveform on the monitor screen. The confirmation afforded by the technology of capnography substantially increases intubation success rates while significantly decreasing the liability exposure of the City. CMFR paramedics were also among the first EMS professionals in Orange County to utilize capnography for conscious patients with breathing/respiratory problems to better and more precisely determine their actual pathophysiology and decide on the most appropriate treatment intervention.

G. Intra-Osseous Infusion

All life-threatening emergencies require the administration of medications and/or fluids into the patient's circulation. This is usually accomplished with an intravenous ("I.V.") catheter that is inserted through the patient's skin into a vein. However, sometimes it is not possible to insert an intravenous catheter due to the patient's condition or size. In the past, if paramedics were unable to insert an intravenous catheter, they would be unable to administer life-saving medications and fluids.

As of 2010, CMFR became one of the few EMS agencies in Orange County whose paramedics were trained and equipped to insert a catheter directly into a patient's tibia bone in a process called Intra-Osseous ("I.O.") Infusion, which is often easier to do than intravenous access on critical patients. Paramedics may then administer medications and fluids directly into the patient's bone marrow, from where they rapidly flow into the patient's circulation. Because of the addition of Intra-Osseous Infusion to the paramedic scope of practice, Costa Mesa residents have an exponentially greater chance of receiving life-saving medications and fluids than in the past, when this critical procedure was not allowed in the prehospital setting.

H. Commercially Available Tourniquets

Although the treatment of a life-threatening extremity bleed with a tourniquet is actually a Boy Scout level skill, at the change of the millennium, OCEMS had no protocol dealing specifically with this issue. In fact, it was the CMFR EMS Coordinator who, after meeting with Special Operations personnel with extensive combat experience in the Middle East, added the "Combat Application Tourniquet – CAT" to the CMFR EMS inventory. In the next several years, CMFR was ultimately able to persuade the OCEMS DEAG (Drug & Equipment Advisory Group, which unfortunately no longer exists) to add OCEMS-approved commercially available tourniquets to the official OCEMS mandatory inventory pursuant to OCEMS Policy 325.00 ("ALS Unit Provider Inventory").

I. Emergency Transport Model

Most recently, over the course of the past several years, Costa Mesa has significantly enhanced our emergency ambulance transport system by adding six rescue ambulances and implementing a city (local government) based ambulance transport program, inclusive of both ALS and BLS configurations that are dynamically deployed in the same manner as all of our emergency response resources. This includes now being housed and staffed throughout our six strategically located city fire and rescue stations for optimum emergency response. Costa Mesa has continued to evolve into the most effective and efficient EMS ambulance transport model, incorporating the best advantages of a public-private partnership model for our community, utilizing a combination of EMT-level Ambulance Operators and our own cross-trained professional Firefighter/Paramedics who are completely and dynamically integrated into the Costa Mesa EMS system. The current deployment and transport model has resulted in increased paramedic availability in their designated areas of primary responsibility throughout the city because of the flexibility our model to adapt to the acuity of medical emergencies and treatment needs, as well as increased fire and rescue resource availability. Simply put, Costa Mesa's Emergency Transport Model a shining example of "updating emergency response protocols."

J. Definition of "Patient"

It is worth noting that it was the CMFR EMS Division and EMS Coordinator back in the early 2000s, who literally wrote the official definition of "patient" for our City EMS protocols (with some help from Anne Stratton, RN), that was ultimately formally adopted by OCEMS and is *still used as the official definition in OCEMS protocols for the entire County EMS system.*

There are a wide range of many other examples of CMFR evolving the structure, model, and corresponding protocols of our EMS system according to the changing needs of our city, however the aforementioned items serve to clearly substantiate our conclusion of this finding. Further, while a majority of our emergency responses are EMS-related, many of our EMS responses require additional specialized training and skills for situations such

as vehicle heavy rescue that only professionally cross-trained firefighters are qualified to handle. Consequently, every CMFR Firefighter, like all OCFCA Fire/ALS agencies, is cross-trained and certified as an EMT (Emergency Medical Technician), capable of providing BLS (Basic Life Support) emergency medical care. For those patients with more serious problems, the CMFR has 30+ Mobile Intensive Care Paramedics who have received additional training and are licensed to provide ALS (Advanced Life Support) emergency medical care.

One of core elements of CMFR's mission is focused on minimizing death, disability, and injury by optimizing patient outcomes with superior quality medical care by professionally cross-trained firefighters who conduct themselves with *Respect, Integrity and Compassion*. Because, like all branches of medicine, Prehospital EMS is a science that is constantly changing due to advances in concepts, technologies, and procedures, modern day "all-hazard" fire service agencies, such as CMFR, are also continuously adapting, adjusting, evaluating and improving the services we provide according to those changing standards, which includes the updating of all emergency response and related protocols when and where appropriate.

GRAND JURY FINDING #F3

FINDING: ***"ALS staffed ambulances or smaller squad vehicles are often the most appropriate response to medical aid calls and do not compromise the quality of medical care."***

RESPONSE: **The City Disagrees Wholly with this Finding.**

The goal of emergency medical aid (and any emergency) response is to send the appropriate resource(s) as expeditiously and safely as possible to most effectively manage the emergency, incident or situation identified. As such, we disagree wholly with a "one-size-fits-all" approach to define the most appropriate emergency response for a given emergency, incident or situation.

The deployment of emergency resources should be directly related to the unique community risks, needs and characteristics (e.g., demographics, topography, call history, type of incident reported vs. type of incident/situation found upon arrival, etc.) of each jurisdiction, while being integrated into the broader system of standardization and reciprocity between neighboring and regional jurisdictions. The intent of the Legislature with the creation of the 1980 EMS Act and its clear recognition of the importance of local control was memorialized with all possible clarity §1797.201.

A more appropriate and objective finding would be along the line of ***"ALS and BLS staffed ambulances or smaller squad vehicles are included as part of the many appropriate emergency response apparatus and vehicles (i.e., one of the many valued "tools in the tool box") to effectively manage medical aid calls and other emergencies when properly deployed. Thus, a "one-size-fits-all" approach is definitively not an appropriate approach, as the goal of emergency medical aid (and any emergency) response is to deploy the appropriate resource(s) as expeditiously and safely as possible to most effectively and efficiently manage the emergency, incident or situation identified and subsequently found.***

For example, a medical aid in the respective Fairview Park or Talbert Park areas would not be effective within Costa Mesa (and Orange County) without a combination response of appropriate resources (i.e., four wheel drive vehicles, fire apparatus with specialized rescue equipment and tools, and ambulance, etc.). Additionally, in Costa Mesa, and in the fire and emergency services in general, we frequently have emergency medical aids that are the secondary result of a primary incident, such as a vehicle or other technical rescue related accident, which requires specialized expertise of our professionally cross-trained and highly skilled "all-hazard response" firefighters. This is important to note because the value of professionally cross-trained firefighters have the knowledge, skills and abilities to safely and appropriately manage a high risk emergency scene, (i.e., inclusive of the incident

management, safety risk management, technical rescue and the medical aid itself, etc.).

Furthermore, the unpredictable nature of calls for emergency medical services (and many emergencies) include the reality that what is initially reported to an emergency dispatch center and/or responding crews is not always the situation found when emergency resources arrive on scene. Some of our most labor-intensive calls for service, such as sudden cardiac arrest, are often reported as falls, syncope, or other well intended, but not clearly accurate descriptions of the emergency. Our deployment model allows us to adapt and provide the appropriate level of emergency service truly needed, with the least amount of emergency response delay.

GRAND JURY FINDING #F4

FINDING: ***"There has been a breakdown of communication and trust between OCEMS and Orange County Fire Chiefs."***

RESPONSE: **The City Agrees Wholly with this Finding.**

We agree that there has been a breakdown of communication and trust between OCEMS and Orange County Fire Chiefs. Specifically, the breakdown of communication and trust began following the transition of the new OCEMS leadership change in 2019, and to be clear, the breakdown in communication and trust appeared to primarily reside with the two lead managers from OCEMS, not the entire organization.

Prior to that, the OCEMS and the OCFCA had a long established and strong relationship, grounded in mutual respect, trust and collaboration. When EMS matters came up that were disagreed upon and/or needed additional clarification, OCEMSA and OCFCA always worked to find a way to come together and meet to professionally resolve the issue at hand. While each party may have mutually not agreed on a policy, order or decision that was ultimately issued, OCFCA respected the end result, because we were all substantively part of the process.

From the inception of the Mobile Intensive Care Paramedic (MICP) by Article 3 of the California Wedworth-Townsend Paramedic Act of 1970, Orange County residents have received the highest quality pre-hospital emergency medical care through the fire service-based EMS system, that is widely acknowledged as the most effective and efficient utilization of professionally cross-trained emergency resources. Although the fire service-based EMS model demonstrates a wide array of benefits to Orange County residents, CMFR recognizes that the quality of our EMS system is not effective if it is not a comprehensive team effort that depends on <u>all</u> EMS system members and stakeholders who each contribute in different ways that are equally important to the overall success of the system. Accordingly, CMFR's guiding principle continues to be good communication and meaningful collaboration with all of our EMS system partners in the spirit of cooperation and mutual respect, never losing sight or focus on our joint and solemn purpose to humbly and compassionately care for the people of Costa Mesa who we serve.

The Costa Mesa Fire Chief served as the President of the Orange County Fire Chiefs Association prior to, during and following the leadership transition of 2019 and it became abundantly clear that the transition of leadership in OCEMS became adversarial and autocratic in nature, lacking collaboration. The rationale that was provided by the new leadership of OCEMS to the Orange County Fire Chiefs was that OCEMS did not have the staff or the time to regularly meet with the OCFCA on these issues, nor did they need to have the approval of the OCFCA for policy changes. The latter assertion was not one the OCFCA was seeking, the OCFCA was merely seeking collaboration.

Understandably, any leadership transition will have some growing pains, with some grace and space a welcomed component to provide the organization and partnerships time to grow. Unfortunately, in this case, the escalating lack of desire for interpersonal communications, collaboration, and building trust from the new OCEMSA

leadership began to get worse instead of improving. One example of this included the OCEMS Medical Director unilaterally putting out policies and orders without meeting to informally or formally confer with the Orange County Fire Chiefs and/or the OCFCA's EMS subject matter experts, affording the opportunity to provide thoughtful collaborative input in advance of policies being implemented. Instead of viewing and utilizing the OCFCA and OCFCA's EMS subject matters experts as valuable resources and professional partners, the new OCEMS leadership team treated the OCFCA and the EMS SME's as adversaries, inclusive of demonstrating a dismissive demeanor that did not serve anyone well in building mutual professional respect. This exclusionary approach and change in disposition of the OCEMS toward the OCFCA was not something that was previously observed and/or noted as a point of historical reference. Moreover, it has been broadly communicated that this same approach was indicative of the tone received by other stakeholders, including, but not limited to the Orange County Chiefs of Police and Sheriffs Association as well as the Hospital Administrators, among others. That said, our goal is resolution and one recommendation would be for the OCHCA to reach out to other stakeholders who regularly work with OCEMS (i.e., inclusive a 360 degree evaluation) to determine the breadth and depth of the breakdowns of trust and communication with all partners to help guide a formal memorialized pathway to help rebuild two-way professional relationships with OCEMSA and all of their related stakeholders. Despite all of this, the OCFCA has and will continue to resiliently look for opportunities to build bridges of trust and collaboration where ever possible.

As another example, during the fall of 2020, during the initial peak of the COVID Pandemic and during the engagement of active wildland fire seasons, OCEMS leadership attempted to push through an update to the Orange County Ambulance Ordinance without effectively notifying the OCFCA or the 34 cities within the County. Again, this was at the peak of the Pandemic and during historic wildfire seasons that this ordinance change became a sudden urgency for OCEMS to bring forward, arguably under the radar. As soon as the OCFCA identified that this was happening, the OCFCA actively advocated to collaboratively work through the issue on behalf of the Orange County Fire Chiefs and the California Fire Chiefs.

Unfortunately, the OCFCA was met with immediate and continued pushback from the OCEMS Administrator and OCEMS Medical Director, re-stating the urgency to get the updated ambulance ordinance put in place immediately. After continued unsuccessful efforts to resolve this issue directly with OCEMS Leadership, the Orange County Fire Chiefs engaged their respective City Managers and/or legal counsels, among others, including the Orange County CEO, Frank Kim and the OCHCA Director Dr. Clayton Chau. After key leadership representing all of the referenced groups came together in a number of different meetings with CEO Kim, OCHCA Director Chau, and members of the OCEMS leadership team, it became clear that the Fire Chiefs and the respective cities intent all centered around that of collaboration and resolution from start to finish, of which was acknowledged by the outcome of the final meeting and the facilitation by CEO Kim. The Orange County Fire Chiefs and the City of Costa Mesa acknowledged and appreciated the collaborative leadership approach demonstrated by CEO Kim and Dr. Chau, as well as the valued engagement of the City Managers and legal counsels. Subsequently, after all of the stakeholders spent some time working together, including the Orange County Fire Chiefs in direct collaboration with OCEMS, a final draft product was created that was tentatively acceptable to all parties involved. This final draft product now remains in the possession of OCEMS for a final group review before being formally being brought to the Orange County Board of Supervisors for formal approval. Interestingly enough, as of the date of this Grand Jury response, November 2022, the Orange County Fire Chiefs have yet to see any final closure to the ambulance ordinance update. This example is provided to illustrate that the Orange County Fire Chiefs have committed to and will continue to be unwavering in our efforts to build trust, collaboration and partnerships with all stakeholders, including OCEMS. That said, this commitment needs to be reciprocated by OCEMS and clearly needs to have vesting and accountability going both ways, including transparency.

To that end, and as another example in the spirit of working to rebuild trust and communication, the OCFCA initiated an EMS advisory group established to rebuild that line of communication. The Costa Mesa Fire Chief, on behalf of and under unanimous direction from the Orange County Fire Chiefs, directly reached out to the OCEMS Medical Director with the request and it was ultimately mutually agreed and established.

Lastly, throughout the entirety of the Pandemic, when the OCEMSA and OCHCA were significantly challenged with managing the impacts of COVID and the Pandemic, the Orange County Fire Chiefs and the Orange County Fire Service took the initiative and stepped up to take a lead role in managing a number of areas, including, but not limited to establishing the first vaccination point of dispensing (POD) sites, and thereafter, the super POD vaccination sites, all from the tip of the spear and all while still serving their respective communities throughout the duration of the Pandemic, infused with thoughtful communication, trust, collaboration, compassion and partnership.

Lastly, here are a few narrative summaries that are of importance to acknowledge and highlight:

A. **Medical Control** – Whereas the various Fire Service agencies have the sovereign legal authority over the *administration and operational* control of prehospital EMS within their respective jurisdictions (HSC §1797.201), the LEMSA maintains absolute legal authority over *medical* control. "Medical control" is statutorily defined as, and expressly limited to, "the *medical* management" and the "*medical* direction" of the EMS system, in other words, decisions and actions that directly impact patient care such as assessment, treatments/interventions, and transport destination decisions (HSC §§ 1797.90, 1797.220, 1798(a), 1798.8). NOTE: *Costa Mesa and/or CMFR has not ever challenged the Medical Control authority of our LEMSA.*

B. **EMS Protocols** – The main statutory mechanism for a LEMSA to exercise its medical control authority is through written EMS protocols (i.e., polices, procedures, guidelines, standing orders, etc.) that are the basis for all field patient care-related decisions and actions and, therefore, represent the standard of care against which prehospital personnel will be judged in any administrative or civil legal action, and in any disciplinary action initiated by the LEMSA, Base Hospital, or employing agency. Consequently, for EMS protocols to be valid, effective, practical, and equitable, they must:

1. Comply with the letter, intent, and spirit of federal and state law, in addition to accepted medical principles and standards; and

2. Be written with sufficient clarity and in a logical format so that the average prehospital professional can reasonably understand what is expected and how to comply; and

3. Provide the minimal direction necessary to guide/achieve the desired decisions and actions, while affording the maximal reasonable flexibility to account for the volatile and unpredictable nature of the prehospital environment, as well as to avoid unnecessarily exposing the EMT/Paramedic and employing agency to undue or excess legal liability.

C. **Fire Service Compliance** – The Orange County Fire Service (and the California Fire Service), including CMFR, has a consistent history of respecting the authority of the LEMSA Medical Director and abiding by the medical guidance of the LEMSA and Base Hospital physicians and nurses who represent the Medical Director, including following all LEMSA protocols in good faith to the best of our ability. This is especially true in the Orange County EMS System, where the Fire Service and OCEMSA, in conjunction with the various Base Hospitals, have always worked very closely together with an open and constructive dialogue for the benefit of our patients. We are not aware of any time in the past decades where an Orange County Fire Service agency challenged the actual Medical Control of our LEMSA, though state history is replete with examples of many LEMSAs—and even the state EMS Authority (EMSA) itself—that had to be addressed with legal action.

This legal action was taken due to their attempts to expand the definition of "medical" control with the utilization of illegal "underground regulations" to undermine the authority of local jurisdictions and the communities they represent. Specifically, the Sacramento Superior Court entered judgment on behalf of the California Fire Chiefs Association (CalChiefs) and issued a peremptory writ of mandate against the

California Emergency Medical Services Authority ("EMSA"), in *California Fire Chiefs Association Inc. v. California Emergency Medical Services Authority*, No. 34-2019-80003163. CalChiefs, a professional association for more than 800 fire service agencies across the state, alleged that EMSA, the State of California's regulatory agency for EMS had been operating in violation of mandatory state law for at least 30 years. CalChiefs' verified petition for writ of mandate and complaint for declaratory and injunction relief alleged, among other things, that EMSA's rules implementing two key statutes regarding local governments' provision and administration of EMS and ambulance services were void "underground regulations" because they had not been lawfully adopted pursuant to California's Administrative Procedures Act ("APA"). The Hon. Laurie M. Earl, Judge of the Superior Court agreed, declaring that EMSA's rules were void "underground regulations" and commanding EMSA to cease enforcing its invalid rules until and unless the state agency properly adopts the rules in compliance with the APA. Judge Earl also concluded that CalChiefs should be allowed to petition for an award of its attorneys' fees for bringing an action to vindicate important public rights (Schouten, 2020).

The good news is that the relationship between the California fire service and the state EMSA has begun the transition to a more collaborative partnership, much credited to both sides working closely together since the arrival and formal appointment of Elizabeth "Liz" Basnett to the position of Acting Director of the state EMSA in November of 2021. Since her arrival, EMSA and the California fire service have been working closely together with all of the statewide EMS stakeholders to rebuild the professional relationships and trust, including the development of an inclusive strategic planning process. It is our hope that this model and approach can be embraced and integrated in the same manner with OCEMSA.

D. **Fire Service Input** – While it is a true statement that the LEMSA Medical Director has no legal obligation to seek advice or approval from any EMS provider agency when modifying (i.e., creating, revising, deleting) EMS protocols, even though such a change may have a substantial impact on the administrative and operational planning of EMS provider agencies and their cities, including significant financial burdens on the citizen taxpayers who fund those agencies. Nonetheless, due to the many and diverse ramifications of protocol modification, and to ensure that the patient care goals of the Medical Director are accurately conveyed to, and understood by, field personnel, input and feedback from the EMS provider agencies that must comply with the protocols is highly recommended. CMFR is grateful for the fact that the OCEMSA has historically been very collaborative with the fire service and all other EMS system members by not only allowing, but actively seeking meaningful input whenever protocol modification or system improvement decisions were being considered. This commitment to strong teamwork and professional partnership is clearly evidenced by our county EMS history in terms of collaborative and effective protocol modification. From the early 2000s under Dr. Bruce Haynes' OCEMS administration, through Dr. Samuel Stratton's OCEMS administration, and well before that, Orange County was literally known as one of the most effective and synergistic amongst the many other counties and LEMSAs in California. This is because the OCFCA, OCEMSA, and other EMS provider agencies have traditionally worked together in a manner of great cooperation, collaboration, teamwork, support, and in good faith, even when there was disagreement. However, with the exit of the Dr. Stratton administration, this dynamic of strong teamwork and highly productive collaboration changed dramatically for reasons still unknown to us.

E. **OCFCA EMS Section** – To further ensure that the Orange County Fire Service continues to meet the goals and expectations of the OCEMS Medical Director, as well as to provide the OCEMS Agency practical input to help ensure that those goals and expectations are effectively translated to the field, decades ago OCFCA established a sub-committee called the "EMS Section," which is composed of all the EMS Coordinators from the various Fire-Rescue 911 ALS Provider agencies, as well as other Fire agency members in EMS-related positions. EMS Section meetings are routinely attended by Fire agency members, OCEMSA officials, Base Hospital Coordinators, and other EMS system representatives for the purpose of maintaining good communication and strong collaboration in our joint efforts to maintain and improve our high quality of patient care. In the post-Stratton era, amidst the challenges with OCEMSA and the

OCFCA, the OCFCA EMS Advisory Group (EMSAG) was created after being initiated by the OCFCA. Although EMSAG and OCEMS has had limited success in its meetings and making progress, it is our desire and hope that EMSAG and OCEMSA continue to foster and build a valuable foundation to work from in the future, per the intent of the group's formation.

In closing, while we agree with this finding, CMFR and the OCFCA will continue to resiliently look for opportunities to build bridges of trust and collaboration in every way possible including, but not limited to:

1. Re-establishing and re-building the decades-long collaborative relationship between the OCEMSA and the Orange County Fire Service agencies that comprise the County EMS system in furtherance of our joint mission to provide optimal patient care and outcomes for the people who we serve.

2. Facilitate open lines of collaborative communication between OCEMSA and the Orange County Fire Service on all matters that impact the County EMS System.

GRAND JURY FINDING #F5

FINDING: ***"Over-deployment of firefighters for medical calls contributes to the current climate of forced hiring and firefighter fatigue."***

RESPONSE: The City Disagrees Wholly with this Finding.

Costa Mesa Fire & Rescue does not engage in an "over-deployment" of firefighters for medical calls. Costa Mesa Fire & Rescue has a robust and dynamic deployment model that is continually being monitored to make any necessary adjustments. Most importantly, Costa Mesa always places the health and safety of our professional firefighters as a highest priority.

Appropriate staffing is a necessary aspect of every public safety staffing model, in some way, shape or form. Simply put, we need to have sworn and trained public safety professionals on duty at all times, based on the community needs and risks of each jurisdiction served. Therein, different variables impact the need for forced hiring, including, but not limited to no firefighter voluntarily signed up to work the overtime; rank specific or department-wide staffing gaps; lack of budgeted and approved sworn and trained public safety positions consistent with the needs of the community; local, regional, statewide or national emergencies, or special circumstances. At this time, Costa Mesa does not have any staffing gaps and the city is currently in the midst of evaluating our Standards of Coverage for the City, as well as entering into the final stage of implementing a new five year strategic plan.

Lastly, firefighter fatigue has been a noted discussion point over the past few years, regionally, statewide and nationwide, primarily due to the extraordinary role that professional firefighters take on every day in answering the call for any and every emergency, from historic wildfires to the COVID Pandemic to the day to day emergencies and operations on all fronts. As an example, from the onset of the COVID Pandemic throughout its peak and wind down phase, professional firefighters, emergency responders and healthcare workers remained on the front lines, start to finish, without pause or hesitation. With that in mind, mental and behavioral health for firefighters, all public safety personnel and healthcare workers needs to remain a highest priority for all levels of government.

GRAND JURY FINDING #F9

FINDING: ***"OCEMS has the authority and responsibility to inspect all for-profit ambulances operating in Orange County; however, publicly owned ambulances are not automatically subject to OCEMS oversight."***

RESPONSE: **The City Agrees Partially with this Finding.**

Costa Mesa agrees that "OCEMS has the authority and responsibility to inspect all for-profit ambulances operating in Orange County." However, the second part of the finding that "…publicly owned ambulances are not automatically subject to OCEMS oversight" would read more appropriately as follows: "…publicly owned ambulances are not automatically subject to OCEMS oversight *as it relates to areas exclusive of medical control*." To that end, all other responsibilities, risks and rights are held with and through the City of Costa Mesa, as legally and lawfully memorialized by state, county, and local statute (HSC §1797.201). We agree that OCEMS does not currently inspect publicly owned ambulances.

For further clarification purposes, Costa Mesa agrees that all EMS entities, public and private, including CMFR, are statutorily required to comply with all LEMSA *medical control* protocols, including, but not limited to the mandatory medical inventory, medications, supplies and equipment of ambulances (i.e., OCEMS Policy 300 – Medical Control; specifically Policy #325.00 – Advanced Life Support (ALS) Provider Unit Minimum Inventory). However, it is not under the authority and responsibility of the OCEMSA to determine other areas outside of that statutory and regulatory purview, including, but not limited to our emergency response deployment model or determine vehicle related requirements with no defined nexus to medical control (e.g., apparatus/vehicle type, apparatus/vehicle permitting, wheel size/brand, fuel used, etc.).

The City of Costa Mesa welcomes and encourages OCEMS to inspect our ambulances, stations, or EMS system, in alignment with the aforementioned response and in alignment as evidenced by the efforts of collaboration outlined in the City's response to the Grand Jury Finding 4, detailing the Orange County Ambulance Ordinance meetings with OC CEO Frank Kim and OCHCA Director Dr. Clayton Chau. As an interesting side note, specific to this finding and given the time and effort the Grand Jury placed on preparing this comprehensive report, it was surprising that there was no inclusion of information or discussion on the significant issues related to OCEMSA's Orange County Ambulance Ordinance update.

GRAND JURY RECOMMENDATION #R1

RECOMMENDATION: ***"By 2024, all Orange County fire agencies utilize criteria-based dispatch protocols and send a single response to those incidents triaged as non-life-threatening (BLS)."***

RESPONSE: **The recommendation of utilizing criteria-based dispatch protocols has already been implemented.**

Costa Mesa's dispatch center (CMCC/Costa Mesa Communications Center) is a joint Police/Fire Emergency Communications Center. We have historically mirrored, and continue to use, the King County Washington Criteria Based Dispatch (CBD) Guidelines as adapted by and modified for the Orange County Fire Authority. Thus, Costa Mesa continues to use CBD dispatching, inclusive of determining the most effective, efficient and viable deployment of emergency resources, based on the community risks and needs and all established through local policy (HSC §1797.201) of the City Council, under approved recommendations of the City Manager and Fire Chief. NOTE: Please review the response summaries to F1 & F3 for further detail.

GRAND JURY RECOMMENDATION #R4

RECOMMENDATION: ***"While OCEMS should recognize how certain policy changes may pose operational challenges to emergency responders in the field, fire leadership should recognize and respect the independent oversight authority and expertise of OCEMS."***

RESPONSE: **This Recommendation Has Already Been Implemented**

Costa Mesa Fire Leadership recognizes and respects the expertise and authority of OCEMSA as our standard operating practice, highlighted by the acknowledgement of OCEMSA's authority as it pertains to *medical control*. NOTE: Please review the response summaries to F4 & F9 for further detail.

GRAND JURY RECOMMENDATION #R5

RECOMMENDATION: ***"Departments with public owned ambulances should allow OCEMS to inspect their ambulances for compliance with State EMS guidelines and adopt OCEMS recommendations."***

RESPONSE: **This Recommendation Has Never Been Denied.**

As previously shared, Costa Mesa remains committed to meet and exceed all State and OCEMS guidelines, policies and statutory requirements related to our public owned ambulances, in alignment with OCEMS authority of medical control and the City's legal, statutory, and regulatory rights, including, but not limited to the California Health & Safety Code, Section 1797.201 and the City of Costa Mesa's Municipal Code. Moreover, this recommendation was addressed through a number of meetings related to resolving the updates to the Orange County Ambulance Ordinance, including a final summary meeting with clear consensus on how we would proceed with a mutual agreement of under of understanding. The final meeting included representatives from the Orange County Fire Chiefs, including the Costa Mesa Fire Chief, representatives from the Orange County City Managers, OCEMSA Leadership, OCHCA Director Dr. Clayton Chau and Orange County CEO Frank Kim. NOTE: Please review the response summaries to F4 & F9 for further detail.

File #: 22-952 **Meeting Date:** 11/15/2022

TITLE:

PUBLIC HEARING REGARDING THE DEVELOPMENT IMPACT FEES ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022 AND THE TRAFFIC IMPACT FEE ANALYSIS

DEPARTMENT: **FINANCE / PUBLIC WORKS DEPARTMENT**

PRESENTED BY: **CAROL MOLINA, FINANCE DIRECTOR / RAJA SETHURAMEN, PUBLIC WORKS DIRECTOR**

CONTACT INFORMATION: **CAROL MOLINA, FINANCE DIRECTOR, (714) 754-5243 / RAJA SETHURAMEN, PUBLIC WORKS DIRECTOR, (714) 754-5343**

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file the Development Impact Fees Annual Report (Attachment 1) for the Fiscal Year ended June 30, 2022.

2. Adopt the attached resolution (Attachment 2) continuing the citywide traffic impact fee for new development that incorporates recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:

   - Continue a traffic impact fee of $235 per Average Daily Trip (ADT) for Capital Improvement Projects and Active Transportation projects

   - Approve allocation of up to ten (10) percent of traffic impact fees towards traffic signal synchronization projects

BACKGROUND:

Pursuant to the Mitigation Fee Act (California Government Code Sections 66001 through 66009), the City Council established certain Development Impact Fees (DIFs) that must be paid by developers of property to help offset some (or all) of the cost of public facilities related to the development project. The DIFs are for Park Development Impact Fees, Drainage Impact Fees, Traffic Impact Fees, and Fire Systems Development Fees. The Mitigation Fee Act requires that City Council approve an annual report that provides information about the DIFs. These fees are required to be deposited into their own separate accounts or funds. The law also requires that certain findings be made in association with accumulated DIFs after the deposit into their

respective account or fund.

ANALYSIS:

Reporting requirements under California Government Code 66006 specify that the City must prepare annual reports of Development Impact Fees within 180 days of the close of the fiscal year.

The reports must describe the fee, the amount of the fees collected, interest earned, and identification of any expenditures from those funds. The code also specifies that reports must be reviewed by the City Council at a regularly scheduled meeting not less than 15 days following release to the public. The FY2021-22 Development Impact Fee Annual Report was released for public review on November 1, 2022.

The Traffic Impact Fee Ad Hoc Committee and staff met on October 20, 2022 to review the program. Recently completed projects, project cost escalation and available traffic impact fee balance were accounted in the review. While this resulted in calculation of new traffic impact fee of $232 per ADT, the Ad Hoc Committee recommended continuation of current fees as it is within the overall range of $176 per ADT to $476 per ADT. A detailed report documenting the analysis is included in Attachment 3.

The FY2021-22 Development Impact Fee Annual Report is attached for City Council's review and approval (Attachment 1). A summary of the fees collected and expenditures incurred in FY 2021-22 are included in the Financial Summary Report section.

Staff recommends that the City Council receive and file this Annual Report. Staff also requests the adoption of the attached resolution, continuing the citywide traffic impact fee for new development in the City. The resolution incorporates the recommendations from the Traffic Impact Fee Ad Hoc Committee and staff.

ALTERNATIVES:

The City Council may choose to reject all or part of the Annual Report as presented. California Government Code Section 66006 requires that the report be reviewed at a public meeting.

FISCAL REVIEW:

There is no fiscal impact by the recommended action as this report is not requesting that City Council adopt new development impact fees, but is reporting development impact fee activity for the Fiscal Year ended June 30, 2022 and traffic impact fee analysis.

LEGAL REVIEW:

The City Attorney’s Office has reviewed this report and approves as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

Staff recommends the City Council receive and file the Development Impact Fees Annual Report for the Fiscal Year ended June 30, 2022.



City of Costa Mesa

FY2021-22 Development Impact Fee Report

NOVEMBER 15, 2022

CITY OF COSTA MESA
77 FAIR DRIVE
COSTA MESA, CA 92626

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City Leadership



JOHN STEPHENS
MAYOR



ANDREA MARR
MAYOR PRO TEM
DISTRICT 3



DON HARPER
COUNCIL MEMBER
DISTRICT 1



LOREN GAMEROS
COUNCIL MEMBER
DISTRICT 2



MANUEL CHAVEZ
COUNCIL MEMBER
DISTRICT 4



ARLIS REYNOLDS
COUNCIL MEMBER
DISTRICT 5



JEFF HARLAN
COUNCIL MEMBER
DISTRICT 6

City Official Directory

City Manager's Office

City Manager ..... Lori Ann Farrell Harrison

Department Directors

City Attorney's Office ..... Kimberly Barlow
Community Development Services ..... Jennifer Le
Finance ..... Carol Molina
Information Technology ..... Steve Ely
Parks and Community Services ..... Jason Minter
Public Services ..... Raja Sethuraman

Public Safety

Fire and Rescue ..... Dan Stefano
Police ..... Ron Lawrence

Legal Requirements for Development Impact Fee Reporting

Legal Requirements for Development Impact Fee Reporting

California Government Code Section 66006 (b)

California Government Code Section 66006 (b) defines the specific reporting requirements for local agencies that impose AB 1600 DIFs on new development. Annually, for each separate fund established for the collection and expenditure of DIFs, the local agency shall, within 180 days of the close of the fiscal year, make available to the public the information shown below for the most recent fiscal year.

a) A brief description of the type of fee in the account or fund.
b) The amount of the fee.
c) The beginning and ending balance of the account or fund.
d) The amount of the fees collected and interest earned.
e) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
f) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
g) A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an inter-fund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
h) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

California Government Code Section 66001

For all funds established for the collection and expenditure of DIFs, California Government Code Section 66001 (d) has additional requirements. For the fifth fiscal year following the first deposit into the fund and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the fund remaining unexpended, whether committed or uncommitted:

a) Identify the purpose to which the fee is to be put.
b) Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
c) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).
d) Designate the approximate dates on which the funding referred to in subparagraph (c) is expected to be deposited into the appropriate account or fund.

California Government Code Section 66002

The State of California Government Code Section 66002 states that:

a) Any local agency, which levies a fee subject to Section 66001, may adopt a capital improvement plan, which shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees.

b) The capital improvement plan shall be adopted by, and shall be annually updated by, a resolution of the governing body of the local agency adopted at a noticed public hearing. Notice of the hearing shall be given pursuant to Section 65090. In addition, mailed notice shall be given to any city or county, which may be significantly affected by the capital improvement plan. This notice shall be given no later than the date the local agency notices the public hearing pursuant to Section 65090. The information in the notice shall be not less than the information contained in the notice of public hearing and shall be given by first-class mail or personal delivery.

c) "Facility" or "improvement," as used in this section, means any of the following:

1. Public buildings, including schools and related facilities; provided that school facilities shall not be included if Senate Bill 97 of the 1987-88 Regular Session is enacted and becomes effective on or before January 1, 1988.
2. Facilities for the storage, treatment, and distribution of nonagricultural water.
3. Facilities for the collection, treatment, reclamation, and disposal of sewage.
4. Facilities for the collection and disposal of storm waters and for flood control purposes.
5. Facilities for the generation of electricity and the distribution of gas and electricity.
6. Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities.
7. Parks and recreation facilities.
8. Any other capital project identified in the capital facilities plan adopted.

Description of Development Impact Fees with Corresponding Fee Schedule

Park Development Impact Fees (Quimby Act Fees)

Fee Description: This fee provides funding for additional or improved park and/or recreation facility improvements for which the need is generated by new development within the City.

Fee Schedule: The table below indicates the applicable park development fee per unit that will be applied to new residential projects based on the net increase in residential units.

Development	Fee per Unit
Single-family Dwelling Unit	$13,572.00
Multi-family Dwelling Unit	$13,829.00
Apartment Dwelling Unit	$5,000.00

Drainage Impact Fees

Fee Description: This fee provides funding for additional construction and maintenance of the City's drainage system for which the need is generated by new development or redevelopment within the City.

Fee Schedule: The table below indicates the applicable drainage impact fee per acre that will be applied to new or redeveloped projects.

Development Type	Fee per Acre
Low Density Residential Use	$6,283.00
Medium Density Residential Use	$7,539.00
High Density Residential Use	$10,052.00
Commercial / Industrial Density Residential Use	$11,309.00

Traffic Impact Fees

Fee Description: This fee provides funding for additional or improved traffic signal, operation, and infrastructure improvements for which the need is generated by new or expanding development within the City.

Fee Schedule: The citywide Traffic Impact Fee is assessed on the increased number of average daily trips generated by the proposed project. The City Council adopted a fee of $235 per daily trip on November 13, 2018. On December 17, 2020, the City Council voted to continue the Traffic Impact fees at $235 per daily trip.

Fire System Development Fees

Fee Description: This fee provides funding for additional fire protection facilities, equipment, and paramedic support for which the need is generated by future development within the North Costa Mesa area. This fee is only levied against five identified developments: Home Ranch, South Coast Plaza Town Center, South Coast Metro Center, and Sakioka Farms' Lots 1 and 2.

Fee Schedule: The fee is $0.285 per square foot of new commercial, industrial or residential development.

Statement of Revenues, Expenditures and Changes in Fund Balance

A summary of activities in each type of development impact fee for fiscal year ended June 30, 2022 is shown below:

Statement of Revenues, Expenditures and Changes in Fund Balance
for the Fiscal Year Ended June 30, 2022*
Development Impact Fees

Description	Park Development Fees	Drainage Fees	Traffic Impact Fees	Fire System Development Fees
Revenue				
Fees	1,278,941	348,736	437,943	
Investment Earnings	(100,792)	(57,057)	(143,170)	(15,857)
Other				
Revenue Total	1,178,149	291,679	294,773	15,857
Expense				
Expenditures	2,214,169	145,850	127,222	
Other				
Transfers Out				
Expense Total	2,214,169	145,850	127,222	0
Rev Over(Under) Exp	(1,036,020)	145,829	167,552	(15,857)
Begin Fund Balance	4,651,456	2,096,392	5,490,214	651,541
End Fund Balance	**3,615,436**	**2,242,221**	**5,657,766**	**635,685**

**Unaudited actuals*

Financial Summary Reporting and CIP

State law requires an identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the costs of the public improvement that was funded with fees. A summary of improvements for each Development Impact Fee is provided.

PARK DEVELOPMENT FEES (QUIMBY ACT FEES)

Statement of Revenues, Expenditures and Changes in Fund Balance for the Last Five Years:

	For the Fiscal Year Ended June 30					
Description	2017	2018	2019	2020	2021	2022*
Revenue						
Fees	1,541,038	4,657,896	2,299,373	1,049,018	766,372	1,278,941
Investment Earnings	47,040	(8,310)	254,347	223,901	8,022	(100,792)
Other					106,966	
Revenue Total	1,588,078	4,649,586	2,553,720	1,272,919	881,359	1,178,149
Expense						
Expenditures	13,612	2,558,466	1,899,528	1,589,954	1,753,155	2,214,169
Other	11,879	10,810	9,735			
Transfers Out			3,842			
Expense Total	25,491	2,569,276	1,913,105	1,589,954	1,753,155	2,214,169
Rev Over(Under) Exp	1,562,587	2,080,310	640,615	(317,035)	(871,796)	(1,036,020)
Begin Fund Balance	1,556,775	3,119,361	5,199,672	5,840,286	5,523,251	4,651,456
End Fund Balance	**3,119,361**	**5,199,672**	**5,840,286**	**5,523,251**	**4,651,456**	**3,615,436**

**Unaudited actuals*

Capital Improvement Projects (CIP) for the Last Five Years:

	For the Fiscal Year Ended June 30					
Capital Project	2017	2018	2019	2020	2021	2022
208 - Park Development Fees						
Tenagr Pk Plygrd Equip Repl						96,786
Wilson TeWinkle Prk Bridg						18,630
Fairview Park Improvements	13,456	3,455	198,810			
Pk Security Lighting Repl	156	11			86,983	
Jack Hammett Field Upgrade		55,000	63,634	3,300	8,796	1,532,681
Fairview Pk Mstr Plan			54,854			
Fairview Park Bluffs			151,406			
Fairview Pk Fence Sign Trail						5,136
Jordan Pk Playgrnd Equip						96,384
TeWinkle Park Lakes Repairs						31,830
NCC - Library Development		2,500,000	1,430,824	1,282,483	1,427,452	225,904
208 - Park Development Fees Fund Total	13,612	2,558,466	1,899,528	1,285,783	1,523,232	2,007,351

Funds held past the fifth year and first deposit

Not applicable at this time. All funds were expended within the five-year timeframe to fund park improvements and/or recreation facility improvements.

Construction Commencement Date for Incomplete Improvements

Not applicable at this time.

Inter-fund Transfers and Loans

No loans were disbursed during this period.

Amount of Refunds

No refunds of any of these funds were made or required in during this period.

DRAINAGE FEES

Statement of Revenues, Expenditures and Changes in Fund Balance for the Last Five Years:

Description	For the Fiscal Year Ended June 30					
	2017	2018	2019	2020	2021	2022*
Revenue						
Fees	549,871	113,610	268,800	898,498	433,328	348,736
Investment Earnings	18,965	9,519	57,202	78,484	2,100	(57,057)
Other	117,373					
Revenue Total	686,210	123,130	326,002	976,982	435,428	291,679
Expense						
Expenditures	66,950	1,101,378	56,980	194,127	593,405	145,850
Expense Total	66,950	1,101,378	56,980	194,127	593,405	145,850
Rev Over(Under) Exp	619,259	(978,248)	269,022	782,855	(157,977)	145,829
Begin Fund Balance	1,561,480	2,180,739	1,202,491	1,471,513	2,254,368	2,096,392
End Fund Balance	**2,180,739**	**1,202,491**	**1,471,513**	**2,254,368**	**2,096,392**	**2,242,221**

**Unaudited actuals*

Capital Improvement Projects (CIP) for the Last Five Years:

Capital Project	For the Fiscal Year Ended June 30					
	2017	2018	2019	2020	2021	2022
209 - Drainage Fees Fund						
Catch Basin Inserts-Various		10,886		9,966	169,750	26,727
Citywide Storm Drain Impr	66,950	740,492	56,980	184,161	332,976	108,752
Westside Storm Drain Impr						10,370
NCC - Library Development		350,000			90,679	
209 - Drainage Fees Fund Total	66,950	1,101,378	56,980	194,127	593,405	145,850

Funds held past the fifth year and first deposit

Not applicable at this time. All funds were expended within the five-year timeframe to fund storm drain improvements.

Construction Commencement Date for Incomplete Improvements

Not applicable at this time.

Inter-fund Transfers and Loans

No loans were disbursed during this period.

Amount of Refunds

No refunds of any of these funds were made or required in during this period.

TRAFFIC IMPACT FEES

Statement of Revenues, Expenditures and Changes in Fund Balance for the Last Five Years:

Description	For the Fiscal Year Ended June 30					
	2017	2018	2019	2020	2021	2022*
Revenue						
Fees	99,419	878,865	182,166	259,298	1,212,500	437,943
Investment Earnings	30,967	4,203	177,173	174,806	(9,496)	(143,170)
Other					1,855	
Revenue Total	130,383	883,068	359,339	434,104	1,204,859	294,773
Expense						
Expenditures	62,148	1,227	67,090	220,544	404,704	127,222
Other				75,000		
Expense Total	52,148	1,227	67,090	295,544	404,704	127,222
Rev Over(Under) Exp	68,236	881,841	292,249	138,560	800,155	167,552
Begin Fund Balance	3,309,173	3,377,409	4,259,250	4,551,499	4,690,059	5,490,214
End Fund Balance	**3,377,409**	**4,259,250**	**4,551,499**	**4,690,059**	**5,490,214**	**5,657,766**

**Unaudited actuals*

Capital Improvement Projects (CIP) for the Last Five Years:

Capital Projects	For the Fiscal Year Ended					
	2017	2018	2019	2020	2021	2022
214 - Traffic Impact Fees Fund						
Fairview Road/Wilson St Impr	2,726					
Bicycle Racks Citywide					35,032	8,299
Hyland/MacArthur Intersct Impr			58,148	23,224		
Adams at Pinecreek Imp						3,831
East 17th St. Landscape Enhanc	52,211					(2,611)
Fairview Traffic Signal Sync				10,457	174,575	
Baker/Placntia/19th/Victr TSSP						15,373
Sunflower Traff Signal Sync				93,407		
W 17th Design Newport Westside	7,211	1,227	5,842	48,992		
Newport Blvd Wide 19th to 17th			3,100	43,751	5,731	31,491
Class II and III Bicycle Proj				712	1,805	12,052
Merrimac Way Bicycle Facility					181,847	16,837
Adams Av Bicycle Facility Proj					5,715	6,832
Randolph Prkg & Pedestrin Impr						25,792
West 18th & Wilson Crosswalks						9,325
214 - Traffic Impact Fees Fund Total	62,148	1,227	67,090	220,544	404,704	127,222

Funds held past the fifth year and first deposit

Traffic Impact Fee funds are being held passed the fifth year and first deposit. These funds are intended to fund additional or improved traffic signal, operation, and infrastructure improvements for which the need is generated by new or expanding development within the City.

Construction Commencement Date for Incomplete Improvements

Not applicable at this time.

Inter-fund Transfers and Loans

No loans were disbursed during this period.

Amount of Refunds

No refunds of any of these funds were made or required in during this period.

FIRE SYSTEM DEVELOPMENT FEES

Statement of Revenues, Expenditures and Changes in Fund Balance for the Last Five Years:

	For the Fiscal Year Ended June 30					
Description	2017	2018	2019	2020	2021	2022*
Revenue						
Fees				469,332		
Investment Earnings	3,309	1,061	5,865	25,319	45	(15,857)
Other						
Revenue Total	3,309	1,061	5,865	494,651	45	(15,857)
Expense						
Expenditures		82,735				
Transfers Out		125,000				
Expense Total		207,735				
Rev Over(Under) Exp	3,309	(206,674)	5,865	494,651	45	(15,857)
Begin Fund Balance	354,347	357,655	150,981	156,846	651,497	651,541
End Fund Balance	**357,365**	**150,981**	**156,846**	**651,497**	**651,541**	**635,685**

**Unaudited actuals*

Capital Improvement Projects (CIP) for the Last Five Years:

	For the Fiscal Year Ended June 30					
Capital Projects	2017	2018	2019	2020	2021	2022
218 - Fire System Dev. Fees						
Corp Yard Exhaust System		82,735				
218 - Fire System Dev. Fees Fund Total		82,735				

Funds held past the fifth year and first deposit

Fire System Development Fee funds are being held past the fifth year and first deposit. These funds are intended to fund additional fire protection facilities, equipment, and paramedic support for which the need is generated by future development within Costa Mesa.

Construction Commencement Date for Incomplete Improvements

Not applicable at this time.

Inter-fund Transfers and Loans

No loans were disbursed during this period.

Amount of Refunds

No refunds of any of these funds were made or required in during this period.

Development Impact Fee Project Identification

The City's current, Adopted Budget 2022-2023, which includes the Five-Year Capital Improvement Plan (CIP) 2022/23 — 2026/27 can be found on the City's website at: https://www.costamesaca.gov/home/showpublisheddocument/51218/637877023662070000

Funding of Infrastructure

The FY 2022/23 — FY 2026/27 CIP identifies all funding sources and amounts for individual projects through FY 2026/27. The CIP is updated annually to reflect the current City's infrastructure needs. As a CIP is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development.

Once the determination of use is made, the percentage of use attributed to new development is then funded by the appropriate development fee based on the type of project. The percentage of use associated with existing residents or businesses are funded from other appropriate sources. Estimated construction start dates for projects are adjusted, as needed, to reflect the needs of the community.

ONGOING/NEW CAPTIAL IMPROVEMENT PROJECTS

Park Development Fees

Projects by Fund	FY2022/23 - FY2026-27
208 - Park Development Fees Fund	
700016 - Tenager Park Playground Equipment Replacement	51,739
700021 - Wilson TeWinkle Park Bridge Repairs	181,371
700027 - TeWinkle Skate Park Expansion	100,000
700029 - Fairview Park Improvements	
700054 - Westside Park Development	250,000
700080 - Park Security Lighting/Replacement	164,500
700110 - Open Space Master Plan Update	75,000
700115 - Jack Hammett Sports Complex ADA Improvements	513,843
700125 - Fairview Park Master Plan Habitat Restoration Project	
700129 - Shalimar Park Improvements	250,000
700131 - Fairview Park Bluffs	
700133 - Canyon Park Inventory Mgmt Restoration	60,000
700134 - Fairview Park Fence Sign Trail	144,865
700135 - Fairview Park Master Plan Update	250,000
700136 - Jordan Park Playground Equipment Replacement	78,616
700137 - TeWinkle Park Lakes Repairs	100,645
700139 - Ketchum-Libolt Park Expansion	50,000
800015 - NCC - Library Development and Lions Park Projects	
208 - Park Development Fees Fund Total	**2,270,579**

Drainage Fees

Projects by Fund	FY2022/23 - FY2026/27
209 - Drainage Fees Fund	
550008 - Citywide Catch Basin Inserts and Water Quality Improvement	55,883
550011 - Citywide Storm Drain Improvements	761,439
550022 - Westside Storm Drain Improvements	1,589,630
800015 - NCC - Library Development and Lions Park Projects	
209 - Drainage Fees Fund Total	**2,406,952**

Traffic Impact Fees

Projects by Fund	FY2022/23 - FY2026-27
214 - Traffic Impact Fees Fund	
300129 - Harbor/Adams Intersection Improvements	
300146 - Fairview Road/Wilson Street Improvements	
300148 - Citywide Bicycle Rack Improvements	206,669
300160 - Hyland/MacArthur Intersection Improvements	
300174 - Adams at Pinecreek Improvements	83,622
300181 - Fairview Road Improvement Project	250,000
350018 - East 17th Street Landscape Enhancements	
370010 - Mesa del Mar Multi-Model Access	100,000
370034 - Fairview Traffic Signal Synchronization	5,377
370039 - Baker/Placentia/19th/Victoria Traffic Signal Synchronization	237,745
370047 - Sunflower Traffic Signal Synchronization	
370050 - West 17th Design Newport Westside	
370052 - Newport Blvd Improvements from 19th Street to 17th Street	290,927
370056 - Bear Street Traffic Signal Sync	31,000
450010 - Class II, III, and IV Bicycle Projects	985,433
450011 - Merrimac Way Bicycle Facility	
450014 - Adams Avenue Bicycle Facility Project	
450015 - Bicycle/Pedestrian Infrastructure Improvements	350,000
450016 - Mesa/Santa Ana Bicycle Facility Improvements	100,000
450017 - MV/Peterson Place Class II Bicycle	100,000
470001 - Randolph Parking and Pedestrian Improvements	
470002 - West 18th Street and Wilson Street Pedestrian Crossings	124,209
NEW - Bicycle and Pedestrian Infrastructure Improvements	390,675
214 - Traffic Impact Fees Fund Total	**3,255,657**

Fire System Development Fees

No current projects to report.

City Council Action and Studies

The following attachments are Development Impact Fees related recent and prior Council Reviews (Traffic Impact Fees and Park Development Fees).

File #: 21-482 **Meeting Date:** 12/7/2021

TITLE:

ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM

DEPARTMENT: PUBLIC SERVICES DEPARTMENT /TRANSPORTATION SERVICES DIVISION

PRESENTED BY: RAJA SETHURAMAN, PUBLIC SERVICES DIRECTOR

CONTACT INFORMATION: JENNIFER ROSALES, TRANSPORTATION SERVICES MANAGER (714) 754-5343

RECOMMENDATION:

Staff recommends the City Council adopt the proposed resolution, continuing the citywide traffic impact fee for new development in the City of Costa Mesa and conducting the related annual review of the citywide traffic impact fee program and capital improvement plan for transportation improvements (Attachment 1). The resolution incorporates the recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:

1. Continue a traffic impact fee of $235 per Average Daily Trip (ADT) based on the Capital Improvement Projects in Attachment 2 and Active Transportation projects in the adopted Active Transportation Plan (ATP);

2. Approve allocation of up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects;

3. Approve a five percent (5%) reduction in automobile trips as a result of ATP implementation and an additional five percent (5%) reduction in automobile trips for developments proposing to implement active transportation improvements beyond typical development requirements; and

4. Approve the annual accounting of the Citywide Traffic Impact Fee Program.

BACKGROUND:

Pursuant to California Government Code Section 66000, et seq. and the Costa Mesa Municipal Code, a traffic impact fee study is required by the City to establish a basis for the imposition of Citywide traffic impact fees on new and expanding developments within the City. The purpose of the fee is to fund the necessary transportation/circulation improvements, which are related directly to the

incremental traffic impacts imposed on the City's transportation system by the development of new and/or changing commercial, industrial, and residential uses as permitted by the General Plan. The fee also maintains compliance with the eligibility requirements of the Orange County Transportation Authority's (OCTA) Renewed Measure "M2" Program (Measure "M2").

The City Council has reviewed the Citywide Traffic Impact Fee Program each year since the fee program was first adopted in 1993. The City Council, in July 1993, also approved the formation of an Ad Hoc Committee consisting of representatives from various stakeholder groups to work with staff on all aspects related to the revision and updating of traffic impact fees.

The City Council subsequently appointed an Ad Hoc Committee consisting of members representing large and small developers, the Chamber of Commerce, citizens-at-large, as well as members representing the City Council and the Planning Commission, to assist staff in the development and review of the traffic impact fee.

The current Ad Hoc Committee members and their representation are as follows:

Jason Kensey (Chair)	At Large Representative
George Sakioka (Vice Chair)	Major Developers' Representative
Steve Brahs	Small Developers' Representative
Matt Eimers	At Large Representative
Carla Valenzuela	Chamber of Commerce

City Council Liaisons:

Council Member Don Harper
Council Member Arlis Reynolds

Planning Commission Liaison:

Commissioner Jonathan Zich

The City Council, in June 2012, authorized a comprehensive review of the City's General Plan, including the Land Use and Circulation Elements. The General Plan was completed and finalized in 2016.

The last major update of the Traffic Impact Fee Study was completed in November 2018. The update took into account the most recent land use and circulation information contained in the 2016 General Plan update. The proposed General Plan circulation improvements identified in the new transportation model form the basis for the traffic impact fee update. A revised traffic impact fee calculation was conducted taking into account the 2016 General Plan and updated traffic analysis model. The estimated costs for various improvements were reviewed and updated using the most recent construction cost data. The Ad Hoc Committee, together with staff, reviewed all conditions and analyzed different trip fee scenarios. Several variations of improvement options were considered, and it was determined that trip fees in the range of $176 per ADT through $476 per ADT could be justified.

On November 17, 2020, the City Council adopted Resolution No. 20-60, approving a traffic impact

fee of $235 per Average Daily Trip (ADT) to be continued with the inclusion of Active Transportation projects, selecting a fee from the calculated range of between $176 and $476 per ADT. The City Council also approved up to ten percent (10%) of traffic impact fees being allocated toward traffic signal synchronization projects. In addition, City Council approved a five percent (5%) reduction in automobile trips as a result of ATP implementation and an additional five percent (5%) reduction in automobile trips for developments proposing to implement active transportation improvements beyond typical development requirements. A chronology of actions taken by the City Council on the Citywide Traffic Impact Fee Program between the years of 1993 and 2020 is included in Attachment 3.

ANALYSIS:

The Traffic Impact Fee Ad Hoc Committee and staff met on October 27, 2021 to review the traffic impact fee program and calculation. Recently completed projects, consideration of active transportation projects, and the available traffic impact fee fund balance were accounted for in this review.

Attachment 2 provides the calculation of the traffic impact fee of $221 per ADT based on a revised list of capital improvement projects and the inclusion of Active Transportation projects. Following a review of the fee analysis and staff input, the Ad Hoc Committee recommended to continue the current traffic impact fee of $235 per Average Daily Trip (ADT) with the inclusion of Active Transportation projects in the Traffic Impact Fee program. In addition, the Ad Hoc Committee recommended to continue the allocation of up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.

The Ad Hoc Committee also recommended to continue to provide a five percent (5%) reduction in automobile trips for development projects due to the implementation of the Active Transportation Plan (ATP) and an additional five (5) percent reduction in ADT if a development proposes to implement active transportation improvements beyond typical code requirements. The improvements have to be substantial such as addition of a multipurpose trail, conversion of lower-class active bicycle facility to a higher-class bicycle facility, or enhanced pedestrian improvements in the vicinity of the project.

Annual Accounting of the Traffic Impact Fee:

California Government Code Section 66006(b) requires an annual review and accounting of the Citywide Traffic Impact Fee Program. Section 66001(d) requires that the City make specified findings every five years relating to any portion of the traffic impact fees collected that remain unexpended in its account. The City has elected to conduct the review of traffic impact fees required by California Government Code Section 66001(d) on an annual basis in conjunction with its review of the capital improvement plan required by California Government Code Section 66002(b) and the annual accounting required by California Government Code Section 66006(b). Attachment 4 depicts the opening balance, the ending balance on June 30, 2021, interest earned, revenues, expenditures, and unexpended funds from the Citywide Traffic Impact Fee Account. This attachment also shows that there are no funds unexpended or uncommitted in the account five (5) or more years after deposit and that no administrative costs have been charged to the fee account. The accounting was presented to the Committee at their meeting on October 27, 2021, and was approved.

As required by the Government Code, the updated Capital Improvement Plan (CIP) is contained in the Fiscal Year 2021-22 adopted budget and remains valid for the current traffic impact fee review. The traffic impact fee account information, including the interest earned, shown in Attachment 4, is available for public review.

ALTERNATIVES:

The City Council has the option to choose a traffic impact fee rate anywhere in the range of $176 per ADT to $476 per ADT, based on the most recent update of the traffic impact fee analysis. An additional alternative is to not have a Citywide Traffic Impact Fee Program at all. This alternative, however, would make the City ineligible to receive funds from any of the competitive grant programs processed through the Orange County Transportation Authority's Combined Transportation Funding Programs. The City Council could also increase or decrease the percent of traffic impact fees for traffic signal synchronization. The City Council could also not approve the addition of active transportation projects to the traffic impact fee program.

FISCAL REVIEW:

Traffic impact fees fiscally support required capital transportation improvements outlined in the City's General Plan Circulation Element.

LEGAL REVIEW:

The City Attorney's Office has reviewed the agenda report and resolution and approves them both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goals:

- Achieve long-term fiscal sustainability.
- Strengthen the public's safety and improve the quality of life.

CONCLUSION:

The Citywide Traffic Impact Fee Program had the last major update in 2018 and the Traffic Impact Fee Ad Hoc Committee reviewed the Traffic Impact Fee Program in October 2021 as part of the annual review. The Traffic Impact Fee Ad Hoc Committee recommended that the current traffic impact fee of $235 per ADT be continued with the inclusion of Active Transportation projects. In addition, the Ad Hoc Committee recommended continuing allocation of up to ten percent (10%) of traffic impact fees toward traffic signal synchronization projects. The Ad Hoc Committee also recommended that the automobile trip generation for development projects continue to be reduced by five percent (5%) due to the inclusion of Active Transportation projects in the City's General Plan and a further five percent (5%) reduction in ADT for developments that incorporate substantial Active Transportation improvements beyond those required by code.

Staff requests that the City Council adopt the proposed resolution, continuing the citywide traffic

impact fee for new development in the City of Costa Mesa and conducting the related annual review of the citywide traffic impact fee program and capital improvement plan for transportation improvements. The resolution incorporates the recommendations from the Traffic Impact Fee Ad Hoc Committee and staff.

RESOLUTION NO. 2021-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND CONDUCTING THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS

WHEREAS, California Government Code section 66000 *et seq.* enables cities to charge fees for transportation facilities; and

WHEREAS, Section 13-274 of the Costa Mesa Municipal Code authorizes the City Council to, by resolution, establish a development impact fee program based on the capital improvement program; and

WHEREAS, in 1993, by Resolution No. 93-43, the City Council established a traffic impact fee program and the rate of the traffic impact fee based upon a Traffic Impact Fee Study; and

WHEREAS, each year since 1993, the City has continued the traffic impact fee program; and

WHEREAS, on November 17, 2020, the City Council established a traffic impact fee of Two Hundred Thirty-Five Dollars ($235.00) per Average Daily Trip (ADT) based upon a Traffic Impact Fee Study completed in 2018; and

WHEREAS, California Government Code section 66001(d) requires the City to make specified findings every five years with respect to any portion of the traffic impact fees collected that remain unexpended in its account, including (1) identifying the purpose to which the fee is to be put; (2) demonstrating a reasonable relationship between the fee and the purpose for which it is charged; (3) identifying all sources and amounts of funding anticipated to complete financing of incomplete improvements; and (4) designating approximate dates on which the anticipated funding is expected to be deposited into the appropriate account; and

WHEREAS, California Government Code section 66002(b) further requires a separate annual review and update of the City's capital improvement plan for improvements to be paid for by traffic impact fees; and

WHEREAS, California Government Code section 66006(b) requires the City to make available to the public within 180 days of the last day of the fiscal year certain information, including but not limited to, a description of the type of fee, the amount of the fee, the amount of fees collected and the interest earned thereon, identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, identification of an approximate date by which the construction of the public improvement will commence if the City determines that sufficient funds have been collected to complete financing of an incomplete public improvement, and the beginning and ending balance of the traffic impact fee account or fund for the previous fiscal year; and

WHEREAS, the 2016 General Plan requires the City to maintain a traffic impact fee for improvements to the Master Plan of Streets and Highways and that the City review and update the fees on a regular basis; and

WHEREAS, pursuant to the 2016 General Plan and the Costa Mesa Municipal Code, the City has elected to conduct the review of traffic impact fees required by California Government Code section 66001(d) on an annual basis in conjunction with its review of the capital improvement plan required by California Government Code section 66002(b) and the annual accounting required by California Government Code section 66006(b)(1); and

WHEREAS, the City reviewed and updated the capital improvement plan on June 15, 2021 in connection with its Measure M2 reporting; and

WHEREAS, a primary purpose of this resolution is to continue the traffic impact fee based on the 2018 Traffic Impact Fee Study and to enable the City to continue the traffic impact fee; and

WHEREAS, the traffic impact fee is necessary because new development increases the need for transportation/circulation facilities in the City of Costa Mesa not only during peak periods, but throughout the day, and the City transportation/circulation system will be burdened by the demands of carrying vehicles of a larger number of persons and cargo due to new commercial, industrial, and residential uses; and

WHEREAS, the 2015-2035 General Plan as well as Environmental Impact Report No. 1049 indicate that development of new commercial, industrial and residential uses is

expected to exceed current commercial, industrial and residential uses and, accordingly, the City transportation/circulation systems will need to be increased in capacity to carry the increase in the number of vehicles due to new commercial, industrial and residential uses; and

WHEREAS, the Public Services Department has conducted an audit of the accounts for the traffic impact fee program for the fiscal year ending June 30, 2021, which is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, pursuant to California Government Code section 66006, the audit was available for public inspection and review at least fifteen (15) days prior to the City Council review of the audit on December 7, 2021 and notice was mailed to all interested parties on record at least fifteen (15) days prior to the public hearing held on December 7, 2021; and

WHEREAS, the City Council conducted a public hearing on December 7, 2021, received testimony and evidence from interested parties in the City of Costa Mesa, and has evaluated justification for renewal of the traffic impact fee given economic and social factors, as well as average fees charged by surrounding cities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. The City Council hereby finds that:

a. The foregoing recitals are true and correct and are incorporated herein by reference.

b. The purpose of the traffic impact fee is to fund transportation/circulation improvements including active transportation improvements within the City of Costa Mesa which are directly related to the incremental traffic/vehicle burden imposed upon the City transportation/circulation system by the development of new commercial, industrial and residential uses.

c. The fee will be used to fund transportation and circulation improvements within the City of Costa Mesa.

d. There is a reasonable relationship between the traffic impact fee's use and the development projects on which the fee is imposed because the transportation/circulation facilities funded by the fee are needed to

accommodate the incremental new traffic/vehicle burdens generated by the development of new commercial, industrial and residential uses upon which the fee is imposed.

e. There is a reasonable relationship between the need for the transportation/circulation facilities and the development of new commercial, industrial and residential projects upon which the fee is imposed because the new development projects paying the fee will receive a direct benefit from the transportation/circulation facilities funded by the fee; the transportation/circulation facilities funded by the fee will increase traffic/vehicle circulation capacity on streets and highways directly burdened by the increase in traffic/vehicles generated by new development projects upon which the fee is charged; the cost of transportation/circulation facilities attributed to existing deficiencies, existing land uses and population, excess and reserve capacity, and regional transportation needs have been excluded from the fee calculation, and such costs are not included in the fee to be paid by the development.

f. There is no portion of the fees deposited into the traffic impact fee fund that remains unexpended.

g. The capital improvement plan is adequate to provide the facilities for which the traffic impact fee is charged and does not need to be amended.

h. The audit by the Public Services Department set forth in Exhibit "A" accurately reflects the balance of the traffic impact fee account on the fees collected, the interest thereon, and other income and amount of expenditures and refunds of the traffic impact fee made by the City of Costa Mesa during the prior fiscal year.

Section 2. The City Council of the City of Costa Mesa hereby renews the traffic impact fee and establishes traffic impact fee regulations as follows:

a. The traffic impact fee shall be a fee of $235.00 per each new average daily vehicle trip end generated by all new commercial, industrial and residential developments. To encourage active transportation in Costa Mesa, staff shall provide a five percent (5%) reduction in ADT development trips for

active transportation project benefits and may provide an additional five percent (5%) reduction in ADT development trips for a development project which proposes to implement active transportation improvements beyond those which would ordinarily be required by the City as a condition of approval for such development project.

b. The traffic impact fee established pursuant to this resolution shall be collected and administered in accordance with all requirements of California Government Code section 66000 *et seq.*, the Costa Mesa Municipal Code and prior resolutions of the City Council.

c. There shall be no limitation on the amount of traffic impact fees which may be allocated toward active transportation projects.

d. Staff may allocate up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.

Section 3. The City Council of the City of Costa Mesa hereby approves the updated comprehensive transportation/circulation system capital improvement plan as identified at the June 15, 2021 City Council meeting pursuant to Government Code section 66002.

PASSED AND ADOPTED this 7th day of December, 2021.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

THIS PAGE IS RESERVED FOR CITY CLERK'S OFFICE

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2021- __ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 7th day of December, 2021, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of December, 2021.

_____
Brenda Green, City Clerk

CIP FY	Location	Improvement	Estimated Cost	New Daily Trip Ends			Cost Allocation		
				Local	Regional	Total	Local	Regional	Total
	ROADWAYS								
22-23	Newport (19th to 17th)	Widen SB from 3 lanes to 4 lanes	$9,300,000	11,114	6,160	17,274	$5,983,571	$3,316,429	$9,300,000
Future	17th (Orange to Tustin)	Widen from 4 lanes to 6 lanes							
Future	17th (Pomona to Bluff)	Widen from 2 lanes to 4 lanes							
Future	Baker (Bear to Red Hill)	Widen from 4 lanes to 6 lanes	$7,210,298	5,120	2,786	7,906	$4,669,457	$2,540,841	$7,210,298
Future	Bear (I-405 Overcrossing)	Widen from 4 lanes to 6 lanes							
Future	Del Mar/University (Elden to Santa Ana)	Widen from 2 lanes to 4 lanes							
Future	Wilson (Fairview to College)	Widen from 2 lanes to 4 lanes							
Future	Wilson (Newport to Fairview)	Widen from 2 lanes to 4 lanes							
Future	Wilson (Harbor to Placentia)	Widen from 2 lanes to 4 lanes							
	Sub-Total		$16,510,298	16,234	8,946	25,180	$10,653,028	$5,857,270	$16,510,298
	INTERSECTIONS								
Future	2. Harbor & Sunflower	Add WBR and EBR	$914,400	4,982	2,859	7,841	$580,990	$333,410	$914,400
Future	9. Bristol & Sunflower	Add NBL	$1,130,733	7,038	4,344	11,382	$699,183	$431,550	$1,130,733
Future	17. Hyland & South Coast/I-405 NB On-Ramp	Add WBT	$863,273	1,901	604	2,505	$655,123	$208,150	$863,273
Future	18. Harbor & South Coast	Add EBR	$1,669,800	7,830	3,157	10,987	$1,190,000	$479,800	$1,669,800
Future	30. Hyland & MacArthur	Add NBL and NBR	$261,938	2,003	1,797	3,800	$138,069	$123,869	$261,938
Future	42. Bristol & I-405 NB Ramps	Add WBR	$90,000	13,117	5,615	18,732	$63,022	$26,978	$90,000
Future	44. Harbor & Gisler	Add SBR and EBL	$4,895,070	9,893	4,259	14,152	$3,421,914	$1,473,156	$4,895,070
Future	49. Bristol & Paularino	Add WBL	$300,210	6,710	1,690	8,400	$239,811	$60,399	$300,210
Future	51. SR-55 SB Ramps & Paularino	Add SBR	$413,730	1,845	2,631	4,476	$170,539	$243,191	$413,730
Future	52. SR-55 NB Ramps & Paularino	Add WBR	$642,750	1,649	2,504	4,153	$255,212	$387,538	$642,750
Future	65. SR-55 SB Ramps & Baker	Add SBR	$625,350	3,477	2,446	5,923	$367,101	$258,249	$625,350
Future	66. SR-55 NB Ramps & Baker	Add NBL and EBL	$1,370,325	2,728	2,001	4,729	$790,494	$579,831	$1,370,325
Future	84. Harbor & Adams	Add NBL and NBR	$6,037,350	10,600	3,803	14,403	$4,443,235	$1,594,115	$6,037,350
Future	101. Newport NB & Del Mar	Add WBR	$131,475	2,934	2,406	5,340	$72,237	$59,238	$131,475
Future	129. Newport NB & 22nd	Add WBT and NBL	$15,000	3,332	2,625	5,957	$8,390	$6,610	$15,000
Future	134. Placentia & 19th	Add SBR	$386,280	6,409	1,423	7,832	$316,097	$70,183	$386,280
Future	140. Newport Boulevard & 19th Street	Add NBT and free SBR							
Future	151. Superior & 17th	Add WBL and NBR	$662,865	7,133	2,160	9,293	$508,793	$154,072	$662,865
23-24	152. Newport & 17th	Add NBR	$444,675	10,202	5,079	15,281	$296,877	$147,798	$444,675
Future	156. Irvine & 17th	Addd SBR and EBR	$793,845	3,760	1,777	5,537	$539,075	$254,770	$793,845
	Sub-Total		$21,649,069	107,543	53,180	160,723	$14,756,161	$6,892,908	$21,649,069
	TOTAL		$38,159,367	123,777	62,126	185,903	$25,409,189	$12,750,178	$38,159,367

Traffic Impact Fee Fund Balance	$5,490,214
Home Ranch TIF Funds	$1,698,450
Subtotal	$3,791,764
Local Cost Allocation with above subtracted	$21,617,425
Active Transportation Projects	$21,140,500
Total Local Share Costs and Active Transportation Projects	**$42,757,925**
New Costa Mesa Trips Generated at General Plan Buildout	227,767
Citywide Fee with ATP projects and 15% reduction in ADT trips	**$221**

CIP FY	Location	Improvement	Estimated Cost	New Daily Trip Ends			Cost Allocation		
				Local	Regional	Total	Local	Regional	Total
ROADWAY AND INTERSECTION IMPROVEMENTS IN GENERAL PLAN AND EXCLUDED FROM TRIP FEE PROGRAM									
	17th (Orange to Tustin)	Widen from 4 lanes to 6 lanes	$15,380,115						
	17th (Pomona to Bluff)	Widen from 2 lanes to 4 lanes	$7,435,650						
	Bear (I-405 Overcrossing)	Widen from 4 lanes to 6 lanes	$5,408,220						
	Del Mar/University (Elden to Santa Ana)	Widen from 2 lanes to 4 lanes	$34,971,150						
	Wilson (Fairview to College)	Widen from 2 lanes to 4 lanes	$15,058,750						
	Wilson (Newport to Fairview)	Widen from 2 lanes to 4 lanes	$2,525,753						
	Wilson (Harbor to Placentia)	Widen from 2 lanes to 4 lanes	$25,555,350						
	140. Newport Boulevard & 19th Street	Add NBT and free SBR	$23,912,528						
	TOTAL		**$130,247,516**						

CITY OF COSTA MESA
CHRONOLOGY OF TRAFFIC IMPACT FEE ACTIONS

Date Adopted	Resolution Number	Area of Benefit	Applicable Fees
7-June-1993	93-43	Citywide	$228 per daily trip end based on the exclusion of all freeway improvements
20-June-1994	94-59	Citywide	$228 per daily trip end based on the exclusion of all freeway improvements
1-May-1995	95-35	Citywide	$200 per daily trip end based on the inclusion of freeway improvements
17-June-1996	96-57	Citywide	$200 per daily trip end based on the inclusion of freeway improvements
20-January-1997	97-15	Newport Bl. Spec. Plan Area	Incentive program for developments in Newport Boulevard Specific Plan Area Trip fees range from $33 to $108 per ADT based on project-related conditions.
16-June-1997	97-51	Citywide	$150 per daily trip end based on the inclusion of freeway improvements
15-June-1998	98-64	Citywide	$150 per daily trip end based on the inclusion of freeway improvements
4-January-1999	99-2	Citywide	Incentive program for first 100 trips 0-25 ADT - $0 25-50 ADT - $50 50-75 ADT - $75 75-100 ADT - $100 >100 ADT - $150
7-June-1999	99-35	Citywide	$149 per daily trip end based on inclusion of freeway improvements
7-June-1999	99-36	Citywide	Incentive program for the first 100 trips
19-June-2000	00-52	District 1 District 2	$195 per daily trip end (areas north of I-405 and SR-73 Freeways) and incentive program for the first 100 trips $149 per daily trip end (areas south of I-405 and SR-73 Freeways) and incentive program for the first 100 trips Fees based on inclusion of freeway improvements
4-June-2001	01-34	District 1 District 2	$195 per daily trip end (areas north of I-405 and SR-73 Freeways) and incentive program for the first 100 trips $149 per daily trip end (areas south of I-405 and SR-73 Freeways) and incentive program for the first 100 trips Fees based on inclusion of freeway improvements
15-April-2002	02-27	Citywide	Traffic Impact Fee Study Update $177 per daily trip end and incentive program for the first 100 trips of the entire site
6-October-2003	03-62	Citywide	$177 per daily trip end and incentive program for the first 100 trips of the entire site

CITY OF COSTA MESA
CHRONOLOGY OF TRAFFIC IMPACT FEE ACTIONS

Date Adopted	Resolution Number	Area of Benefit	Applicable Fees
4-October-2004	04-59	Citywide	$177 per daily trip end and incentive program for the first 100 trips of the entire site Suspension of incentive program for Newport Boulevard Specific Plan Area
20-September-2005	05-70	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
17-October-2006	06-85	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
16-October-2007	07-77	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site Exemption of preschool and daycare facilities from traffic impact fee program (consider as part of exempt school facilities)
21-October-2008	08-81	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
20-October-2009	09-67	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
19-October-2010	10-70	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
18-October-2011	11-42	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
20-November-2012	12-73	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
11-November-2013	13-54	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
18-November-2014	14-73	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
1-December-2015	15-66	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
3-January-2017	17-02	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
21-November-2017	17-76	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
14-November-2018	18-79	Citywide	$235 per daily trip end, up to 10% for signal synchronization projects, and up to 5% for active transportation projects. Terminate incentive program for new developments on an incremental basis for the first 100 trips.
17-December-2019	19-83	Citywide	$235 per daily trip end, inclusion of ATP projects, up to 10% for signal synchronization projects, and no limitation on the amount of traffic impact fees allocated toward active transportation projects. Provide 5% reduction in ADT development trips for active transportation project benefits and may provide an additional 5% reduction in ADT development trips for a development project that proposes to implement active transportation improvements beyond those which would ordinarily be required by the City as a condition of approval for such development project.
17-November-2020	20-60	Citywide	$235 per daily trip end, inclusion of ATP projects, up to 10% for signal synchronization projects. Provide 5% reduction in ADT development trips for active transportation project benefits and may provide an additional 5% reduction in ADT development trips for a development project that proposes to implement active transportation improvements beyond those which would ordinarily be required by the City as condition of approval.

CITY OF COSTA MESA
CITYWIDE TRAFFIC IMPACT FEE (TIF) ACCOUNT

Fund Balance as of June 30, 2021

FISCAL YEAR 2020-2021

Amount of Traffic Impact Fee Per Average Daily Trip	$235		
Beginning Fund Balance July 1, 2020	$4,690,059		
1. Revenues			
Traffic Impact Fees	$1,212,500		
Investment Earnings	64,666		
GASB 31 Fair Market Value adjustment on Investment	(74,161)		
Misc / Other Reimbursement	$1,855		
Revenue Subtotal	$1,204,859		
2. Expenditures	$404,704		
			Percent of project funded by TIF in FY 20-21
Newport Boulevard Improvements (19th to 17th) - Design	$5,731	FY 20-21	1.0%
Adams Avenue Bicycle Facility Project - Design	$5,715	FY 20-21	4.3%
Bicycle Racks Citywide	$35,032	FY 20-21	23.4%
Class II and III Bicycle Projects	$1,805	FY 20-21	0.6%
Merrimac Way Active Transportation Improvements	$181,847	FY 20-21	9.0%
Fairview Traffic Signal Synchronization	$174,575	FY 20-21	18.4%
3. Refunds	$0		
Amount of funds expended or uncommitted after 5 years	$0		
4. Administrative Costs	$0		
5. Fund Balance as of June 30, 2021	$5,490,214		
6. Projects Current and Future Appropriations	$2,749,116		

Newport Boulevard Improvements (19th to 17th)
West 17th Street/Active Transportation Improvements
Bicycle Racks Citywide
Class II and III Bicycle Projects
Adams at Pinecreek Intersection Improvements
Fairview Traffic Signal Synchronization
Bear Traffic Signal Synchronization
Merrimac Way Active Transportation Improvements
Mesa Del Mar Multimodal Access
Baker/ Placentia/ 19th/ Victoria TSSP
Adams Avenue Bicycle Facility Project - Design
Bicycle/ Pedestrian Infrastructure Improvement
Mesa Drive / Santa Ana Ave Bicycle Facility Improvement
Mesa Verde Drive East/ Peterson Place Class II Bicycle Facility
Randolph Ave Parking and Pedestrian Improvement
West 18th & Wilson Crosswalks

CITY COUNCIL AGENDA REPORT

MEETING DATE: August 4, 2015 **ITEM NUMBER: PH-1**

SUBJECT: PROPOSED 2015 UPDATE TO THE PARK IN-LIEU IMPACT FEES (PARK FEES)

DATE: JULY 29, 2015

PRESENTATION BY: DANIEL INLOES, AICP, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: DANIEL INLOES (714) 754-5088
daniel.inloes@costamesaca.gov

RECOMMENDATIONS:

Adopt attached Ordinance and Resolution to:

1) Give first reading to the Ordinance to institute new park fees for apartment projects (multi-family residences, renter);
2) Adopt resolution to update the City's parkland impact fees for residential subdivisions and apartments, including the corresponding formula.

--OR--

1) Provide direction to staff regarding the park fee update and continue the meeting to a future specified date.

Development Type	Current Fees	Fees Based on Existing Formula	Park Fee Alternative 1: Park Expenditure Trends: Based on 10-year Historic Trends in Park Expenditures	Park Fee Alternative 2: Costa Mesa Housing Trends: Based on 10-year Historic Trends in Housing Development
Single-Family Residence	$13,572	$29,713.50	$11,285	$18,006
Condominiums - *Multi-Family Residence, Owner*	$13,829	$23,110.50	$8,777	$14,005
Apartments less than 50 units - *Multi-Family Residence, Renter*	No Fee	No Fee	$10,598	$14,005
Apartments 50 units or more - *Multi-Family Residence, Renter*	No Fee	No Fee	$10,598	$5,057

BACKGROUND:

The proposal is an update to the City of Costa Mesa's park in-lieu impact fee, ("park fee"). California Government Code Section 66477, the Quimby Act, and section 66000 authorizes the legislative body of the City to allow the payment of park fees for recreation purposes for these specified residential projects. These new fees will ensure a fair fee assessment per development type while also reflecting the current cost of parkland acquisition and construction for:

- Single Family Residences;
- Multi-family Residences (Owner);
- Apartments 50 units or less;
- Apartments 50 units or more.

Quimby Act of 1975

The municipal responsibility to set aside parkland and open space for its residents is additionally burdened by future development, and therefore Cities have been authorized since the passage of the 1975 Quimby Act to pass ordinances that require developers to set aside land, donate conservation easements, or pay fees for park acquisition or improvements.

AB 1600 of 1987

This bill allowed for development impact fees to defray all or a portion of the cost of public facilities related to new development projects. Since apartment developments do not require a subdivision, new fees for apartments are not secured by Quimby; however, apartments do place additional burdens on the City's public open space. The City has a General Plan goal of 4.26 acres of park space per 1,000 people; therefore, apartments may be assessed a fair and proportionate park fee through AB 1600. It is this additional fee and its methodology which requires an ordinance to be established.

Current Park Fees

The current park fees were adopted in May of 2005 and only apply to residential projects requiring a subdivision and do not apply to apartments.

The City Council approved the park fees for new residential subdivisions at $13,572 for single family homes per unit and $13,829 for multi-family homes per unit. The current park fee only applies to new subdivided residential projects and not apartments.

Existing 2015 Park Fees	
Single Family Residence per Unit	$13,572
Multi-Family Residence per Unit	$13,829

Using the current park fees formula with the updated cost of land, people per household averages, and our general plan goal, the fees would be $29,713.50 for a single-family residence, $23,110.50 for a multi-family owner residence, and no fee for apartments since they are not subdivided. These fees would be thousands of dollars over any other

park impact fee in the county and would hamper immediate development within the City. Due to this alternative park fees and their associated methodology was investigated.

The Planning Commission provided feedback on Park Fee Alternative #1. Subsequent to the Planning Commission meeting, staff further developed Park Fee Alternative #2 to address some issues that were raised at the meeting. (Attachment 4, PC staff report and minutes).

ANALYSIS:

Objectives of Updated Park Fee Program

Following are the objectives of the park fees update:

- To establish apartment categories. The park fees would apply to all major forms of residential development within the City including apartments.
- To update the persons per household factor based on current demographic information.
- To update the per–unit-cost per development type.
- To update the parkland acquisition cost and construction cost based on historic park funding trends, development trends within the City, and future park acquisition goals.

Types of Residential Developments Subject to Park Fee

The updated fee program is intended to account for all types of new residential development, including apartments.

Residential Development Subject to Park Fees

Residential Projects subject To Park Impact Fees	Residential Projects exempt from Park Impact Fees
• New common-interest condominium • New single-family "detached" subdivisions • New townhouse "attached" subdivisions • New condominiums in mixed-use developments • New condo conversions increasing units • New apartments*	• Conversion of apartments to condominiums without changing the unit count.** • Granny units and accessory apartments • Single-family home remodels or additions • Multi-family remodels or additions

**Note: A new category for Apartments is being proposed in the Updated Park Impact Fee Program.*
***Note: Additional units will be subject to a fee for new apartment conversions resulting in an increase in units.*

Eligible Expenditures for the Park Fee

All park fees for all types of residential development will meet the same Quimby Act requirement as to the eligible expenditures of park fee funds. The fees will be used only for the purpose of developing new or rehabilitating existing neighborhood or community parks or potential school district properties based on a specified formula that meet the State Law requirements.

New Methodology to be Adopted

State law requires that new parkland impact fees be adopted and that the fee schedule be set pursuant to Council conducting a public hearing and approving an ordinance. A

general methodology for calculating park fees is described in the Quimby Act, but AB 1600 also allows Cities to adopt their own methodology granted that; the purpose and use of the fee is identified, there is a reasonable relationship between the fee's use and the type of development on which the fee is to be imposed, there is a reasonable relationship between the need of the public facility and the type of development project on which the fee is imposed, the fee is proportionate to the cost of the associated use. Within Article 5 of Chapter XI of Title 13 of the City's Municipal Code the procedures for obtaining park land dedications or assessing and collecting park fees are established. Because this section strictly applies to new residential subdivisions and not apartments, an ordinance is required to be adopted to allow application of park fees to rental projects and a resolution to institute all updated and established fees.

PROPOSED PARK FEES ALTERNATIVES

David Taussig & Associates, Inc. and Stanley R. Hoffman Associates were contracted by the City to assist in the park fee update process and assist in developing park impact fees that would meet AB 1600 benefit requirements. The following summary table provides park fee alternatives for Council to consider in the adoption of new park fees:

Development Type	Existing Fees	Fees with Updated Rates but same Quimby Formula	Park Fee Alternative 1: Park Expenditure Trends: Based on 10-year Historic Trends in Park Expenditures	Park Fee Alternative 2: Costa Mesa Housing Trends: Based on 10-year Historic Trends in Housing Development
Single-Family Residence	$13,572	$29,713.50	$11,285	$18,006
Condominiums - *Multi-Family Residence, Owner*	$13,829	$23,110.50	$8,777	$14,005
Apartments less than 50 units - *Multi-Family Residence, Renter*	No Fee	No Fee	$10,598	$14,005
Apartments 50 units or more - *Multi-Family Residence, Renter*	No Fee	No Fee	$10,598	$5,057

PARK FEE ALTERNATIVE #1: Based on Historic Park Fee Expenditures

Park Fee Methodology
Based on Park Fee Expenditure Trends Over the past 10 years

Cost per Acre = 390,000 + .2238(2,500,000) = 949,500						
Single-Family Residential						
949500	cost	4.26	acre	2.79	people	$11,285.19 per unit
1	acre	1000	people	1	unit	
Multi-Family Owner Residential						
949500	cost	4.26	acre	2.17	people	$8,777.37 per unit
1	acre	1000	people	1	unit	
Apartments						
949500	cost	4.26	acre	2.62	people	$10,597.56 per unit
1	acre	1000	people	1	unit	

Methodology for Per Unit Cost

- **Park land-to-population ratio established by 2000 General Plan**. General Plan Policy OSR-1A. 1 establishes the park land-to-population ratio of 4.26 acres per 1,000 people. Any adjustment to this rate requires a General Plan amendment.

- **Population density standard based on the US Census**.
  Since the last update, demographic trends resulted in changes in the average household size of the various types of residential units within the City. This data was gathered by Stanley Hoffman & Associates from the 2013 ACS 5-year estimates from the US Census.

People Per Household by Dwelling Type

Type of Dwelling	Number of Units	Number of People	People Per Household
Single Family	19,861	55,491	2.79
Multi-Family Owner	1,138	2,469	2.17
Multi-Family Renter	18,349	48,125	2.62

- **Park land acquisition & construction costs based on 2014 study by David Taussig & Associates, Inc.** For purposes of determining land costs an analysis of multiple park acquisitions and developments within our region were gathered and assessed to determine the fair market value of park land acquisition and construction. This methodology was utilized because there were few recent comparable land sales to analyze specifically in regards to infill parks which are the most likely park acquisitions the City can make moving forward.

  David Taussig & Associates, Inc. reviewed land sales price data for eight (8) properties sold within the City since 2003. The weighted average sales price based on such review was $2,500,000.00 per acre, whereas the cost of construction or upgrades on existing park space is estimated at $390,000.00. The total cost of acquiring and constructing park space would be $2,890,000.00 per acre.

Park Fee Expenditures in the Past 10 (Years 2005 – 2015)

Description	Date	Adjusted For Inflation (2014 Dollars)	Total Acres	Construction	Land Acquisition
Fairview, stairs and signage	2010	$488,550	2.00	$488,549.73	
Fairview, constructed wetlands	2013	$5,589,220	45.00	$5,589,220.33	
Joann Street Bicycle Trail	2011	$1,262,934	2.00	$1,262,934.40	
Wilson Park, picnic shelter	2014	$45,000	0.05	$45,000.00	
Del Mesa Park, new picnic shelter	2014	$45,000	0.05	$45,000.00	
Brentwood Park	2011	$3,262,581	1.20		$3,262,580.52
Brentwood Park Upgrades	2011	$315,734	1.20	$315,733.60	
Volcom Skate Park Dev	2006	$1,761,429	1.25	$1,761,428.57	
Angels Playground	2008	$1,869,232	2.00	$1,869,231.73	
Lions Park/Davis Field Baseball	2011	$526,223	2.50	$526,222.66	
Bark Park	2008	$208,914	2.00	$208,914.13	
Shalimar Park, new playground	2014	$120,000	0.16	$120,000.00	
	Total	$15,494,816	59.41	$12,232,235.15	$3,262,580.52

Due to the lack of land and priority to upgrading existing parks only 1.2 acres of land was acquired over the past ten years. This represents 22.38% of the 5.36 possible acres the City could have acquired. Therefore, having a cost per acre which includes the full cost of construction and only 22.38% of land acquisition is a reasonable approach. This comes out to $949,500.00 per acre.

Average Units Developed Per Year

Based on Actual Units Developed over the last 15 years.



	Single Family Housing	Condominium	Apartments
2000	•		
2001	•		
2002	•	•	
2003	•		
2004	•	•	
2005	•	•	
2006	•	•	•
2007	•		
2008	•		•
2009	•	•	•
2010	•		
2011	•		
2012	•	•	
2013	•		
2014	•	•	•
Total	712	94	1187
	35%	5%	60%

Source: CDR and DOF data from 2000 to 2015.

PARK FEE ALTERNATIVE #2: Based on Historic Costa Mesa Housing Trends

Park Fee Methodology
Based on Historic Housing Development Trends Over the past 10 years

Cost per Acre = 390,000 + .45 (2,500,000) = 1,515,000

Single-Family Residential

1,515,000	cost	4.26	acre	2.79	people	
1	acre	1,000	people	1	unit	$18,006.38

Multi-Family Owner Residential and Small Apartments

1,515,000	cost	4.26	acre	2.17	people	
1	acre	1,000	people	1	unit	$14,005.96

Cost per Acre = 390,000 + .11 (2,500,000) = 669,750

Large Apartment Projects

669,750	cost	4.26	acre	Uses an average people per unit of 1.7723 for large apartments.*	
1	acre	1,000	people		$5,056.61

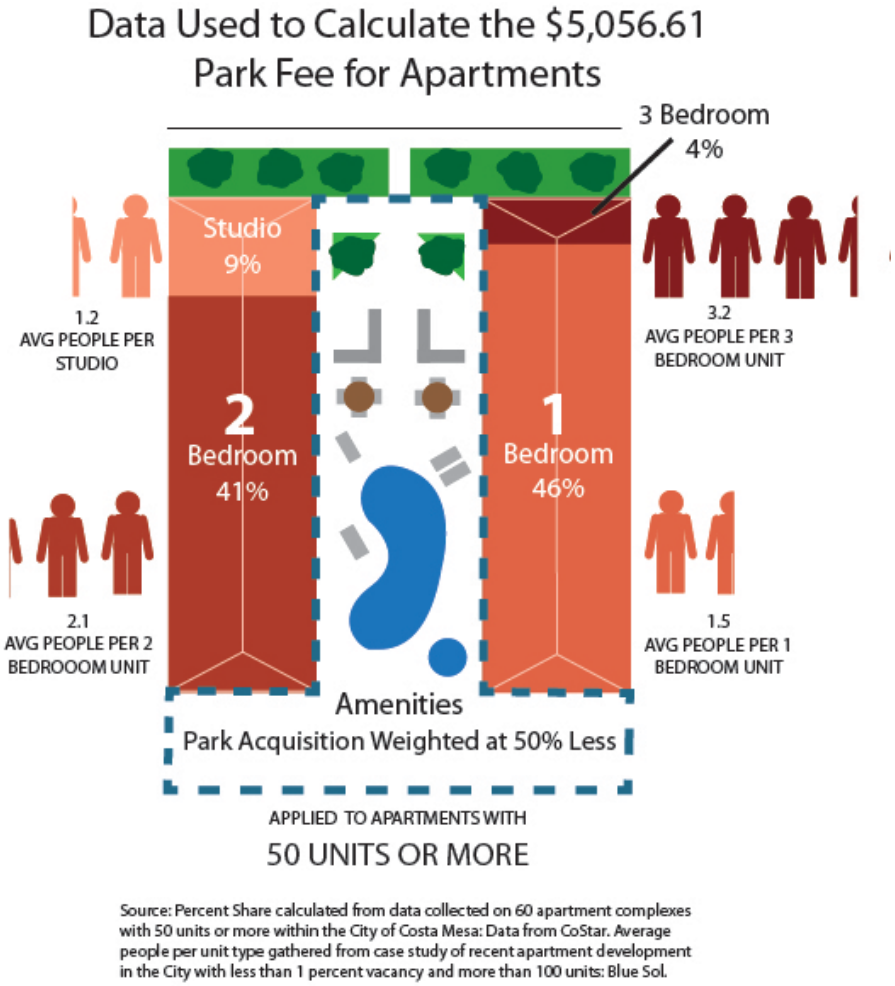
*This average was calculated by finding average people per unit for various apartment sizes and calculating one rate by using the average proportions for various apartments sizes in a typical developmet with 50 units of more.

Previous park expenditures were hampered by only receiving funds from 40% of the overall units developed in the last 15 years and therefore limited the potential

projects that could be developed by this fund. This is shown in the infographic above. This graphic also confirms that if apartments are paying park fees in the future the potential fund overall will grow and perhaps will be sufficient for more opportunities for acquisition in the future. This alternative proposes to increase the weighting of the cost of acquisition to 45% for single family residences and multi-family projects. This provides further funding for park upgrades and acquisition but does not raise the fee much higher than the existing fees. Some of the high-end apartment projects (entitled or completed) are listed below.

Apartment Projects

Name	Address	Number of Units
Blue Sol (Occupied)	421 Bernard Street	113
Symphony Apartments	585 and 595 Anton Boulevard	393
Baker Street Apartments	125 Baker Street	240
Anton Midrise Residential	580 Anton Boulevard	250
Azulon (Occupied)	1500 Mesa Verde Drive	230



Source: Percent Share calculated from data collected on 60 apartment complexes with 50 units or more within the City of Costa Mesa: Data from CoStar. Average people per unit type gathered from case study of recent apartment development in the City with less than 1 percent vacancy and more than 100 units: Blue Sol.

The threshold of 50 units was taken from the Zoning Code as a starting point for discussion. The Zoning Code already recognizes 50 units as a threshold for large developments. To account for the common space amenities and the complexities of

person per household ratios within apartments the information below was used to create an apartment park fee, for developments with a significant number of units, of $5,056.61.

COMPARISON OF PARK FEES IN OTHER OC CITIES

The following table indicates park impact fees of other Orange County cities. Because cities vary in their approach to calculating park impact fees, and demographic and housing characteristics also differ from city to city, the following table is provided for reference purposes only and is not intended to be a direct comparison.

City	Park Fee (Per Unit)
City of Laguna Beach	$4,580
City of Santa Ana	Varies; up to $4,823
City of Seal Beach	$5,000 to $10,000
City of Anaheim	$5,388 to $6,936
City of Garden Grove	$5,500
City of Tustin	$5,931 to $6,386
City of San Clemente	$6,823
City of Newport Beach	Varies; $6,894 to $26,125
City of Brea	$6,945
City of Fountain Valley	$7,421
City of Laguna Hills	$7,700
City of Orange	$8,894
City of Seal Beach	$10,000
City of Huntington Beach	No Subdivision: Detached $11,540 Attached $8,576 Subdivision: Detached $17,857 Attached $13,385
City of San Juan Capistrano	$11,600
City of Irvine	Fee varies based on acreage value of land to be dedicated. May be as low as $1,150 per acre of land dedication.
City of Costa Mesa	$13,572 to $13,879

Automatic Adjustment of Park Fee based on Consumer Price Index Every Year

The current park fees have not been adjusted for ten years. The consultants propose that the park fee be increased on July 1st of each year, starting July 1, 2016, based on the change to the Los Angeles – Riverside-Orange County Consumer Price Index in comparison to the previous calendar year. This would adjust for escalation and allow for the City to update the park fees in 5 years as opposed to biennially as stated in the code.

New Park Fees to be applied for Pending Entitlement Projects

State law requires that the new fees shall not go into effect until **after 60 days** of Council adoption of the resolution. Park fees may be applied to all pending projects, including

rental projects. Staff recommends that the new park impact fees shall apply to any live/work or residential development project which meets any of the following criteria:

(1) Any discretionary application for a live/work or residential development project which was approved by the final decision making body after the effective date of the resolution; OR
(2) Any pending ministerial application for a residential development project which was not subject to discretionary review and which was submitted into plan check after the effective date of the resolution; OR
(3) Any previously-approved live/work or residential development project which has expired after the effective date of this resolution.

Note: If park fees are reduced, Council would need to direct staff to modify the resolution to reflect whether or not reduced fees will be applied retroactively to previously-approved projects.

LEGAL REVIEW:

The City Attorney's office has approved the attached resolution as to form.

ALTERNATIVES:

The City Council may select one of the following actions with the Park Fees;

- *Existing Fees*: Keep current park fees; however, Council may wish to add new park fees for apartments as identified in Alt #1 or Alt #2.

- *Park Fee Alternative #1*: Adopt this alternative based on trends in park fee expenditures.

- *Park Fee Alternative #2*: Adopt this alternative based on Costa Mesa housing trends.

- *Continue hearing:* Provide direction to staff to research and identify other alternatives.

The resolution would be modified to include the selected alternative and park fees.

Development Type	Existing Fees	Fees with Current Rates but same Quimby Formula	Park Fee Alternative 1: Park Expenditure Trends: Based on 10-year Historic Trends in Park Expenditures	Park Fee Alternative 2: Costa Mesa Housing Trends: Based on 10-year Historic Trends in Housing Development
Single-Family Residence	$13,572	$29,713.50	$11,285	$18,006
Condominiums - *Multi-Family Residence, Owner*	$13,829	$23,110.50	$8,777	$14,005
Apartments less than 50 units - *Multi-Family Residence, Renter*	No Fee	No Fee	$10,598	$14,005
Apartments 50 units or more - *Multi-Family Residence, Renter*	No Fee	No Fee	$10,598	$5,057

CONCLUSION:

The City's park fees have not been updated for over ten years. Council may select a methodology for calculating park fees and adopt new park fees. Important note: Staff recommends that the park fees be updated automatically every year based on the consumer price index and that the new park fees be applied to pending/future development projects that have not received zoning entitlements to date.

_____ _____

DANIEL INLOES, AICP
Associate Planner

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

Attachments:
1. Draft Council Ordinance
2. Draft Council Resolution
3. Redlined Version of Proposed Ordinance Changes
4. Minutes from Planning Commission Meeting
5. Justification Study by David Taussig & associates, Inc.
6. Letter of Support from BIA

Distribution:
Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Sr. Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

ATTACHMENT 1

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING CODE AMENDMENT CO-15-04, AMENDING TITLE 13, CHAPTER XI, ARTICLE 5 RELATING TO THE ADOPTION OF NEW PARK IMPACT FEES FOR MULTI-FAMILY RESIDENTIAL RENTER DEVELOPMENT (APARTMENTS) IN COSTA MESA

THE CITY COUNCIL OF THE CITY OF COSTA MESA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Objective OSR-1A.1 of the Costa Mesa 2000 General Plan establishes the park land-to-population ratio of 4.26 acres for every 1,000 residents.

WHEREAS, California Government Code Section 66477 authorizes the legislative body of a City to require the payment of fees in-lieu of the dedication of land for park and recreation purposes.

WHEREAS, California Government Code Section 66000 authorizes the legislative body of a City to require the payment of development impact fees to defray all or a portion of the cost of public facilities related to a type of development as long as the benefit requirements are met.

WHEREAS, Chapter IX, Subdivisions, of Title 13 of the Costa Mesa Municipal Code sets forth provisions relating to the dedication of land and collection of park impact fees for park and recreation purposes on single family and multiple family residential development which are subdivided.

WHEREAS, the City Council reviewed the methodology related to calculating the park impact fees, including a review of historic parkland expenditures, review of historic housing trends, and consideration of population density standards.

WHEREAS, a duly noticed public hearing was held by the City Council on August 4, 2015 where public testimony was received for and against the fee methodology, amended park impact fees, and ordinance.

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, the City Council finds that the adoption of this ordinance is covered by CEQA General Rule Exemption [Section 15061(b)(3)] which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. A significant effect is defined as, "a substantial, or potentially substantial, adverse change in the physical conditions within the area," and the adoption of this Ordinance is therefore not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa hereby finds and determines that additional park fees shall be collected from all projects which meet Government Code Section 66477 and for apartment projects in the City which do not require a residential subdivision (i.e. multi-family residences; renter) by applying development impact fees for park development and acquisition purposes based on California Government Code Section 66000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 13 of the Costa Mesa Municipal Code is hereby amended as described below.

A. Title 13, Chapter XI, Article 5, Section 13-250 is hereby amended to as follows:

"Sec. 13-250. PURPOSE

The purpose of this article is to establish the procedures for requiring park and recreational facilities in conjunction with residential developments ("PARK FEES"). Sections 13-251 through 13-261 relate to residential developments which require a subdivision and which shall be subject to State Government Code Section 66410 et seq. Section 13-261.1 through Section 262.8 refer to multi-family residential developments for renters ("apartments") which shall be subject to State Government Code Section 66000 et seq."

B. Title 13, Chapter XI, Article 5, Section 13-250.1 is hereby added as follows:

"Sec. 13-250.1 SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH SUBDIVISION"

C. Title 13, Chapter XI, Article5, Section 13-256 (h) is hereby amended to as follows:

"(h) In order that the fees levied pursuant to subsection (a) keep pace with the cost of land, the fee schedule described in subsection (a) shall be periodically adjusted on a biennial basis, or as specified by City Council by resolution. The fee schedule shall be adjusted using the methodology described in subsection (a) for establishing the fee schedule."

D. Title 13, Chapter XI, Article 5, is hereby amended to include the following new sections:

"Sec. 13-261.1 MULTI-FAMILY RESIDENTIAL DEVELOPMENT FOR RENTERS (APARTMENTS)

Sec. 13-261.2 REQUIREMENT

Every residential developer who creates a multi-family residential development for renter households ("apartments") shall be required to remit a park fee as established in this section for the purpose of providing park and recreational facilities to serve the future residents of the apartments.

Sec. 13-261.3. APPLICATION

The provisions of this article shall apply to all residential developments, which are not subdivided and subject to State Government Code Section 66000 et. seq.

Sec. 13-261.4 RELATION OF LAND REQUIRED TO POPULATION DENSITY

Consistent with the General Plan, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that 4.26 acres of property for each 1,000 persons residing within the City be devoted to public park and recreational purposes.

Sec. 13-261.5 POPULATION DENSITY

For the purposes of this section, population density shall be established by resolution of the City Council, utilizing the following classifications:

(a) **Apartments** Any building (or portion thereof) or collection of buildings which provide two or more self-contained dwelling units not designated for separate ownership.

(b) **Small Multiple-Family residential, renter.** Apartments and other multiple-family residential developments, with less than 50 units, where the units are for rent and are not legally subdivided for homeownership.

(c) **Large Multiple-Family residential, renter.** Apartments and other multiple-family residential developments, with 50 units or more, where the units are for rent and are not legally subdivided for homeownership.

(d) **Determination of the number of dwelling units.** The total number of dwelling units shall be determined by the number of units proposed for construction. When the actual number of units is unknown, the number of the units shall be based on the maximum number of units which are permitted by the General Plan for the property at the time the tentative or parcel map is filed with the City.

Sec. 13-261.6 PARK FEE FORMULA FOR APARTMENTS

The amount of park fee required pursuant to this section shall be based on the following formulas:

For Apartment projects with less than 50 units:

Use the fee assigned to multi-family subdivided developments in Sec. 13-255

For Apartment projects with 50 units or more:

FEE = 4.26 (D.F. x D.U. x P.C.) / 1,000

Definition of terms:

FEE – The per unit cost to be appraised for fee payment

4.26- Number of acres per 1000 persons.

A.D.F. - Apartment density factor obtained from Section 13-261.5 POPULATION DENSITY as applicable to the proposed development.

D.U. - Number of dwelling units.

P.C. Proportionate cost is the sum of the weighted cost of park land acquisition per acre of land and cost of construction per acre of land.

Sec. 13-261.7. AMOUNT OF PARK FEE FOR APARTMENTS

(a) The park impact fee for apartments must meet all benefit requirements for State Government Code Section 66000 as follows:

(1) Identifies the purpose of the fee;

(2) Identifies the use to which the fee is applied;

(3) Shows a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed;

(4) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and

(5) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

(b) Nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes where the developer proposes the dedication voluntarily and the land is accepted by the City Council at their discretion. When land dedication is provided, it shall be accomplished in accordance with the provisions of the Subdivision Map Act and applicable local ordinances.

(c) If the developer objects to the amount of the fee pursuant to this section, an appeal may be made to the City Council by filing an application of appeal with the City Clerk and payment of an appeal processing fee as determined by the City Council. A notice of appeal shall be filed with the City Clerk within 7 days of payment of the fee. The developer shall have the burden of proof in contesting the amount of the fee. Within 30 days of receipt of the notice of appeal, a public hearing on the appeal shall be held by the City Council, and the decision shall be final and conclusive in determining the amount of the fee.

(d) The fee shall be paid to the Development Services Department and shall be deposited and held in appropriate trust accounts and may be expended therefrom only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities to serve the development on which the fee is charged. Upon receipt of the fee, the Development Services Department shall issue a receipt, and the receipt shall be presented as proof of payment of the fee prior to the issuance of any permit for buildings and structures pursuant to this Zoning Code.

(e) In order that the fees levied pursuant to subsection (a) keep pace with the cost of land, the fee schedule described in subsection (a) shall be periodically adjusted on a biennial basis, or as specified by City Council by resolution. The fee schedule shall be adjusted using the methodology described in subsection (a) for establishing the fee schedule.

(f) Upon application to the Development Services Department, the payment of the fee may be deferred where the department makes the following findings:

(1) The developer has entered into a fee agreement with written evidence of adequate security to assure payment of the fee at a date prior to the issuance of a certificate of occupancy, and in a form approved by the City Attorney; and

(2) The deferral of the fee shall not adversely impact the development of new or the rehabilitation of existing neighborhood or community park or recreational facilities to serve the development.

Sec. 13-261.8 PROCEDURE, CREDIT

(a) **Procedure.** When fees are required, the same shall be deposited with the Development Services Department prior to issuance of building permits.

(b) **Credit.** Credit shall be granted for dwelling units demolished as a part of the development. This credit shall be limited to the number of units existing at the time of the approval of the project and shall not be transferred to other developments. A second dwelling unit legally established in conjunction with and subordinate to a primary dwelling unit in an R1 zone (i.e. accessory apartment, granny unit, granny flat, or in-law apartment) shall not be subject to the park fee."

SECTION 2: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 3: SEVERABILITY. If any provision of clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this 4th day of August 2015.

STEPHEN M. MENSINGER

Mayor of the City of Costa Mesa

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 15-___ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2015, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2015.

_____

City Clerk
City Council of the City of Costa Mesa

ATTACHMENT 2

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO IDENTIFY AND DETERMINE A METHODOLOGY FOR THE CALCULATION OF PARKLAND IMPACT FEES AND TO ADOPT NEW PARK IMPACT FEES FOR NEW SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT, INCLUDING APARTMENTS, IN COSTA MESA.

THE CITY COUNCIL OF THE CITY OF COSTA MESA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Government Code Section 66477 authorizes the legislative body of a City to require the payment of fees in-lieu of the dedication of land for park and recreation purposes.

WHEREAS, Objective OSR-1A.1 of the Costa Mesa 2000 General Plan establishes the park land-to-population ratio of 4.26 acres for every 1,000 residents.

WHEREAS, Chapter IX, Subdivisions, of Title 13 of the Costa Mesa Municipal Code sets forth provisions relating to the dedication of land and collection of park impact fees for park and recreation purposes.

WHEREAS, Article 5, Section 13-256, Amount of fee in lieu of land dedication, of Title 13 of the Costa Mesa establishes the methodology for calculating parkland in-lieu fees. Based on this methodology, parkland in-lieu fees would be in excess of $23,000 per unit for single-family and multi-family residential development for specified residential subdivisions.

WHEREAS, State Law allows Council to adopt reduced parkland impact fees.

WHEREAS, the City Council reviewed the methodology related to calculating the park impact fees, including a review of historic parkland expenditures, review of historic housing trends, and consideration of population density standards.

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 where public testimony was received for and against the fee methodology and amended park impact fees.

WHEREAS, Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, the City Council finds that the adoption of this ordinance is covered by CEQA General Rule Exemption [Section 15061(b)(3)] which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. A significant effect is defined as, "a substantial, or potentially substantial, adverse change in the physical conditions within the area," and the adoption of this Ordinance is therefore not subject to CEQA.

WHEREAS, If any provision of clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

BE IT FURTHER RESOLVED that the new park impact fees shall apply to: (1) Any live/work or residential development pending ministerial or discretionary application which is filed on or after the effective day of the resolution or (2) any previously-approved live/work or residential project which has an expiration date on or after the effective date of the resolution regardless if a time extension is approved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa hereby finds and determines that the park impact fees shall be calculated based on the

methodology described in Exhibit A. This methodology also includes the calculation of park impact fees for apartment projects in the City which do not require a residential subdivision (i.e. multi-family residences; renter).

BE IT FURTHER RESOLVED that the City Council also hereby adopts new parkland impact fees as described in Exhibit B.

BE IT FURTHER RESOLVED that park impact fees shall apply to current and pending as described in Exhibit C.

BE IT FURTHER RESOLVED that the park impact fees shall be updated to ensure it meets State Government Code 66470 and 66000 in four years but be automatically adjusted on an annual basis every July using the Los Angeles-Riverside-Orange CO CA Consumer Price Index to adjust for escalation.

BE IT FURTHER RESOLVED that pursuant to State Law the above-fees shall go into effect no sooner than **60 days** after Ordinance No.____ is final and effective.

PASSED AND ADOPTED this 4th day of August 2015.

STEPHEN M. MENSINGER
Mayor of the City of Costa Mesa

ATTACHMENT 3

ARTICLE 5. PARK AND RECREATION DEDICATIONS

Sec. 13-250. PURPOSE

The purpose of this article is to establish the procedures for requiring park and recreational facilities in conjunction with residential developments ("PARK FEES"). Sections 13-251 through 13-261 relate to residential developments which require a subdivision and which shall be subject to State Government Code Section 66410 et seq. Section 13-261.1 through Section 262.8 refer to multi-family residential developments for renters ("apartments") which shall be subject to State Government Code Section 66000 et seq.

~~**Sec. 13-250. PURPOSE**~~

~~The purpose of this article is to establish the procedures for requiring park and recreational facilities in conjunction with residential subdivisions.~~

Sec. 13-250.1 SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH SUBDIVISION

Sec. 13-251. REQUIREMENT

Every residential subdivider who creates a subdivision shall be required to dedicate a portion of the land, pay a fee in lieu thereof, or do a combination of both, as established in this article for the purpose of providing park and recreational facilities to serve future residents of the subdivision.

Sec. 13-252. APPLICATION

The provisions of this article shall apply to all residential subdivisions, as defined in State Government Code Section 66410 et seq..

(a) Subdivisions containing fewer than 5 lots and not used for residential purposes shall be exempted from the requirements of this article. However, a condition may be placed on the approval of the tentative or parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the lots within 4 years, the fee may be required to be paid by the owner of each such lot as a condition of issuing the permit.

(b) This section does not apply to commercial or industrial subdivisions, or to residential common interest development projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than 5 years old when no new dwelling units are added.

Sec. 13-253. RELATION OF LAND REQUIRED TO POPULATION DENSITY

Consistent with the General Plan, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that 5.76 acres of property for each 1,000 persons residing within the City be devoted to public park and recreational purposes. The requirement will be satisfied in part by arrangements between the City and the local school district to make available for park and recreation purposes, 1.5 acres of school sites adjacent to the proposed park for each 1000 persons residing within the City. The remaining 4.26 acres of the required 5.76 acres shall be supplied as required by this article.

Sec. 13-254. POPULATION DENSITY

For the purposes of this article, population density shall be established by resolution of the City Council, utilizing the following classifications:

(a) **Single-family residential.** Detached single-family homes where there is no more than one dwelling unit on a lot.

(b) **Multiple-family residential.** Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one dwelling unit on a lot.

(c) **Determination of the number of dwelling units.** The total number of dwelling units shall be determined by the number of units proposed for construction. When the actual number of units is unknown, the number of the units shall be based on the maximum number of units which are permitted by the General Plan for the property at the time the tentative or parcel map is filed with the City.

Sec. 13-255. AMOUNT OF LAND TO BE DEDICATED

The amount of land required to be dedicated by a subdivider pursuant to this section shall be based on the following formula:

A = 4.26(D.F. X D.U.)/1,000

Definition of terms:

A - The area in acres required to be dedicated as park sites or to be appraised for fee payment in lieu of dedication.

4.26- Number of acres per 1000 persons.

D.F.- Density factor obtained from Section 13-254 POPULATION DENSITY as applicable to the proposed development.

D.U.- Number of dwelling units.

Sec. 13-256. AMOUNT OF FEE IN LIEU OF LAND DEDICATION

(a) Where there is no public park or recreation facility required within the proposed subdivision, or where the subdivision contains 50 lots or fewer, the subdivider shall pay a fee in lieu of land dedication reflecting the value of land required for park and recreation purposes in accordance with the schedule of fees as adopted by resolution of the City Council. This fee shall reflect the average fair market value of neighborhood and community park land within the City. The fair market value shall be determined by an appraisal of at least one neighborhood park site and one community park site. The appraisal shall be conducted by an M.A.I. appraiser and shall consider the factors set forth in subsection (e), where applicable to the appraisal of public park land.

(b) Nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of 50 lots or fewer, where the subdivider proposes the dedication voluntarily and the land is accepted by the City Council.

(c) When a common interest development project, stock cooperative, or community apartment project exceeds 50 dwelling units, the City may elect to require dedication of land notwithstanding that the number of lots may be 50 lots or fewer.

(d) For subdivisions in excess of 50 lots, the City Council may elect to receive a fee in lieu of land dedication. The amount of such a fee shall be based upon the fair market value of land which would

otherwise be required for dedication. The fair market value shall be determined by an M.A.I. appraiser acceptable to the City and at the expense of the developer as set forth in subsection (e). If more than one year elapses between the appraisal and recording of the final map, the City shall have prepared a new appraisal and shall invoice the subdivider for the cost of the appraisal.

(e) For purposes of this section, the determination of the fair market value of neighborhood and community park land or unimproved residential land which would otherwise be required for dedication shall be determined by an M.A.I. appraiser acceptable to the City and shall consider, but not necessarily be limited to, the following:

(1) The value of the unimproved residential land by residential density shown on the tentative subdivision map at the time the final map is to be recorded;

(2) Approval of and conditions of the tentative subdivision map;

(3) The General Plan land use designation of the property;

(4) The zoning classification of the property;

(5) Property location;

(6) Off-site improvements facilitating use of the property; and

(7) Site characteristics.

(f) If the subdivider objects to the amount of the fee pursuant to this section, an appeal may be made to the City Council by filing an application of appeal with the City Clerk and payment of an appeal processing fee as determined by the City Council. A notice of appeal shall be filed with the City Clerk within 7 days of payment of the in-lieu fee. The subdivider shall have the burden of proof in contesting the amount of the fee. Within 30 days of receipt of the notice of appeal, a public hearing on the appeal shall be held by the City Council, and the decision shall be final and conclusive in determining the amount of the fee.

(g) The fee shall be paid to the Development Services Department and shall be deposited and held in appropriate trust accounts and may be expended therefrom only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities to serve the subdivision on which the fee is charged. Upon receipt of the fee, the Development Services Department shall issue a receipt, and the receipt shall be presented as proof of payment of the fee prior to the issuance of any permit for buildings and structures pursuant to this Zoning Code.

(h) In order that the fees levied pursuant to subsection (a) keep pace with the cost of land, the fee schedule described in subsection (a) shall be periodically adjusted on a biennial basis, or as specified by City Council by resolution. The fee schedule shall be adjusted using the methodology described in subsection (a) for establishing the fee schedule.

~~(h) In order that the fees levied pursuant to subsection (a) keep pace with the cost of land, the fee schedule described in subsection (a) shall be periodically adjusted on a biennial basis. The fee schedule shall be adjusted using the methodology described in subsection (a) for establishing the fee schedule.~~

(i) Upon application to the Development Services Department, the payment of the fee in lieu of land dedication pursuant to this section may be deferred where the department makes the following findings:

(1) The subdivider has entered into a fee agreement with written evidence of adequate security to assure payment of the fee at a date prior to the issuance of a certificate of occupancy, and in a form approved by the City Attorney; and

(2) The deferral of the fee shall not adversely impact the development of new or the rehabilitation of existing
neighborhood or community park or recreational facilities to serve the subdivision.

Sec. 13-257. COMBINATION OF LAND AND FEE

In determining whether a subdivider shall dedicate land, pay a fee in lieu of land dedication, or a combination of both, the following procedure shall be used:

(a) Subdividers required to or desiring to dedicate property for park and recreational purposes shall, upon filing a tentative map for approval, check with the City to determine whether their property has been designated for a park site in the General Plan. If a subdivider's property is so designated, the subdivider shall coordinate with the necessary departments to incorporate the park sites(s) into the property's development plan.

(b) If the subdivider's property is not so designated, and a school site is proposed within or in proximity to the property, a park site adjacent to the school site shall be developed and the subdivider shall coordinate with the necessary departments to incorporate the park site(s) into the property's development plan.

Sec. 13-258. ACTION OF CITY

(a) At the time of tentative or parcel map approval, the Planning Commission shall determine whether to require dedication of land within the subdivision, payment of a fee in lieu thereof, or a combination of both.

(b) Determination: Whether the City accepts land dedication, requires payment of fees in lieu thereof, or a combination of both, shall be determined by consideration of the following factors:

(1) The Open Space Sub-Element of the General Plan.

(2) Provisions of Sections 13-256 AMOUNT OF FEE IN LIEU OF LAND DEDICATION, and 13-257 COMBINATION OF LAND AND FEE, of this article.

(3) Topography, geology, access and location of land in the subdivision available for dedication.

(4) Size and shape of the subdivision and the land available for dedication.

(c) The determination of the City that land shall be dedicated or a fee paid in lieu thereof, or a combination of both, shall be final and conclusive.

Sec. 13-259. PROCEDURES, CREDITS

(a) **Procedures.** When land dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act and applicable local ordinances. When fees are required, the same shall be deposited with the Development Services Department prior to recordation of the map or issuance of building permits.

(b) **Credits.** Credits against the amount of land to be dedicated or the amount of fees to be paid in lieu of dedication shall be granted as follows:

(1) Existing dwelling units: Credit shall be granted for dwelling units demolished as a part of the development of the subdivision. This credit shall be limited to the number of units existing at the time of the approval of the project and shall not be transferred to other subdivisions.

(2) Privately developed, owned and maintained open space: Where private facilities for park and recreational purposes are provided in a proposed subdivision and the facilities are to be privately owned and maintained by the future residents of the subdivision, the areas occupied by the facilities shall be credited against the requirement of dedication of land for park and recreation purposes or the payment of fees in lieu thereof, to the extent that the Planning Commission finds it is in the public interest to do so and that the following standards are met:

a. That each facility is available for use by all the residents of the subdivision;

b. That the area and the facilities satisfy the recreation and park needs of the subdivision so as to reduce the need for public recreation and park facilities to serve the subdivision residents;

c. That the area provided is in excess of the minimum amount of open space required for the subdivision;

d. That the area provided in excess of required open space is not used as a credit or bonus incentive as provided in other sections of this Zoning Code; and

e. That the area provided is of sufficient size, location and design to facilitate functional use of the area to meet the park and recreation demands of the future subdivision residents.

(3) Credits shall be granted, dollar for dollar, for the value of park and recreational area and other improvements as approved by the Planning Commission. The value of the facilities shall be established by written documentation of the actual acquisition cost of the facilities paid by the subdivider.

(c) **Previous fees.** Credit shall be granted, dollar for dollar, for any park and recreation fees paid for the property pursuant to this Zoning Code within the preceding 5 years.

(d) **Improvements to dedicated land.** Credit shall be granted, dollar for dollar, if the subdivider provides park and recreation facilities and/or improvements to land dedicated for park and recreation purposes. The value of the facilities and/or improvements shall be established by written documentation of the actual acquisition cost of the facilities or construction costs of the improvements paid by the subdivider.

(e) **Limitation on credits.** The maximum amount of credits provided by this section shall not exceed 100% of the calculated fee in lieu of land dedication.

(f) **Transfer of credits.** Credits provided by this section shall not be transferred or assignable to apply to property outside of the subdivision awarded the credit.

(g) **The granting of credits.** Pursuant to Section 13-259(b) PROCEDURES AND CREDITS, credits shall be granted subject to the following conditions:

(1) The private ownership and maintenance of the facilities shall be adequately provided for by written agreement in a form acceptable to the City Attorney;

(2) The use of the private facilities is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the subdivision and which cannot be defeated or eliminated without the consent of the City Council;

(3) The proposed private facilities are reasonable and adaptable for use for park and recreational purposes taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

(4) The facilities proposed are in substantial accordance with the General Plan.

(h) **Additional credits.** In lieu of the dedication of land for park and recreation purposes or the payment of a fee, the Development Services Director, with the approval of the Planning Commission may permit the following:

(1) Dedication of land for park or recreation purposes outside of the subdivision;

(2) Improvements to be made to an existing City park or upon land being dedicated as a public park;

(3) Recreational facility to be installed upon land being dedicated as a City park; or

(4) Any combination of 1, 2, or 3, above, provided that the land to be dedicated, the improvements to be made or the facilities to be installed or constructed are so located as to bear a reasonable relationship to the use thereof by future inhabitants of the subdivision.

The dedication of land or providing of improvements or facilities may only be used as a credit against the otherwise required dedication or fee to the extent of the value of the land, improvements or facilities as determined by the Planning Commission to be equal to or greater than the value of the land which would have been dedicated or the fee which would be paid pursuant to Section 13-256 AMOUNT OF FEE IN LIEU OF LAND DEDICATION.

Sec. 13-260. STATEMENT OF CITY RESPONSIBILITY

The City shall comply with all requirements of State Government Code Section 66477 with regard to acceptance and use of land dedicated or fees paid for park and recreational purposes.

Sec. 13-261. PARK AND RECREATION FEE IN LIEU OF LAND DEDICATION NOTICE

Where the residential subdivision contains 50 lots or fewer, the Development Services Department shall affix to any permit for buildings or structures and any vesting tentative map issued pursuant to this Zoning Code located within the subdivision a notice to read as follows:

PARK AND RECREATION FEE IN LIEU OF LAND DEDICATION NOTICE:

The City of Costa Mesa is giving consideration to enactment of a resolution or ordinance, or a combination thereof, for the increase in the park and recreation fees in lieu of land dedication pursuant to Section 13-256(a) AMOUNT OF FEE IN LIEU OF LAND DEDICATION, and State Government Code Section 66477. The owner of the project designated in this permit or vesting tentative map shall be obligated to pay to the Development Services Department a park and recreation fee in lieu of land dedication if such a fee is adopted in the future by the City of Costa Mesa. The fee will only be used for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision.

Sec. 13-261.1 MULTI-FAMILY RESIDENTIAL DEVELOPMENT FOR RENTERS (APARTMENTS)

Sec. 13-261.2 REQUIREMENT

Every residential developer who creates a multi-family residential development for renter households ("apartments") shall be required to remit a park fee as established in this section for the purpose of providing park and recreational facilities to serve the future residents of the apartments.

Sec. 13-261.3. APPLICATION

The provisions of this article shall apply to all residential developments, which are not subdivided and subject to State Government Code Section 66000 et. seq.

Sec. 13-261.4 RELATION OF LAND REQUIRED TO POPULATION DENSITY

Consistent with the General Plan, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that 4.26 acres of property for each 1,000 persons residing within the City be devoted to public park and recreational purposes.

Sec. 13-261.5 POPULATION DENSITY

For the purposes of this section, population density shall be established by resolution of the City Council, utilizing the following classifications:

(e) **Apartments** Any building (or portion thereof) or collection of buildings which provide two or more self-contained dwelling units not designated for separate ownership.

(f) **Small Multiple-Family residential, renter.** Apartments and other multiple-family residential developments, with less than 50 units, where the units are for rent and are not legally subdivided for homeownership.

(g) **Large Multiple-Family residential, renter.** Apartments and other multiple-family residential developments, with 50 units or more, where the units are for rent and are not legally subdivided for homeownership.

(h) **Determination of the number of dwelling units.** The total number of dwelling units shall be determined by the number of units proposed for construction. When the actual number of units is unknown, the number of the units shall be based on the maximum number of units which are permitted by the General Plan for the property at the time the tentative or parcel map is filed with the City.

Sec. 13-261.6 PARK FEE FORMULA FOR APARTMENTS

The amount of park fee required pursuant to this section shall be based on the following formulas:

For Apartment projects with less than 50 units:

Use the fee assigned to multi-family subdivided developments in Sec. 13-255

For Apartment projects with 50 units or more:

FEE = 4.26 (D.F. x D.U. x P.C.) / 1,000

Definition of terms:

FEE – The per unit cost to be appraised for fee payment

4.26- Number of acres per 1000 persons.

A.D.F. - Apartment density factor obtained from Section 13-261.5 POPULATION DENSITY as applicable to the proposed development.

D.U. - Number of dwelling units.

P.C. Proportionate cost is the sum of the weighted cost of park land acquisition per acre of land and cost of construction per acre of land.

Sec. 13-261.7. AMOUNT OF PARK FEE FOR APARTMENTS

(i) The park impact fee for apartments must meet all benefit requirements for State Government Code Section 66000 as follows:

(6) Identifies the purpose of the fee;

(7) Identifies the use to which the fee is applied;

(8) Shows a reasonable relationship between the use of the fee and the type of development project on which the fee is imposed;

(9) Demonstrates a reasonable relationship between the need for the public facilities and the type of development projects on which the fee is imposed; and

(10) Demonstrates a reasonable relationship between the amount of the fee and the cost of the public facilities or portion of the public facilities attributable to the development on which the fee is imposed.

(j) Nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes where the developer proposes the dedication voluntarily and the land is accepted by the City Council at their discretion. When land dedication is provided, it shall be accomplished in accordance with the provisions of the Subdivision Map Act and applicable local ordinances.

(k) If the developer objects to the amount of the fee pursuant to this section, an appeal may be made to the City Council by filing an application of appeal with the City Clerk and payment of an appeal processing fee as determined by the City Council. A notice of appeal shall be filed with the City Clerk within 7 days of payment of the fee. The developer shall have the burden of proof in contesting the amount of the fee. Within 30 days of receipt of the notice of appeal, a public hearing on the appeal shall be held by the City Council, and the decision shall be final and conclusive in determining the amount of the fee.

(l) The fee shall be paid to the Development Services Department and shall be deposited and held in appropriate trust accounts and may be expended therefrom

only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreation facilities to serve the development on which the fee is charged. Upon receipt of the fee, the Development Services Department shall issue a receipt, and the receipt shall be presented as proof of payment of the fee prior to the issuance of any permit for buildings and structures pursuant to this Zoning Code.

(m) In order that the fees levied pursuant to subsection (a) keep pace with the cost of land, the fee schedule described in subsection (a) shall be periodically adjusted on a biennial basis, or as specified by City Council by resolution. The fee schedule shall be adjusted using the methodology described in subsection (a) for establishing the fee schedule.

(n) Upon application to the Development Services Department, the payment of the fee may be deferred where the department makes the following findings:

(1) The developer has entered into a fee agreement with written evidence of adequate security to assure payment of the fee at a date prior to the issuance of a certificate of occupancy, and in a form approved by the City Attorney; and

(2) The deferral of the fee shall not adversely impact the development of new or the rehabilitation of existing neighborhood or community park or recreational facilities to serve the development.

Sec. 13-261.8 PROCEDURE, CREDIT

(a) **Procedure.** When fees are required, the same shall be deposited with the Development Services Department prior to issuance of building permits.

(b) **Credit.** Credit shall be granted for dwelling units demolished as a part of the development. This credit shall be limited to the number of units existing at the time of the approval of the project and shall not be transferred to other developments. A second dwelling unit legally established in conjunction with and subordinate to a primary dwelling unit in an R1 zone (i.e. accessory apartment, granny unit, granny flat, or in-law apartment) shall not be subject to the park fee.

REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION

March 9, 2015

These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at www.costamesaca.gov or purchased on DVD upon request.

Counsel Yolanda Summerhill led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Robert Dickson
Vice-Chair Jeff Mathews
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Willa Bouwens-Killeen, Principal Planner
Dan Inloes, Associate Planner
Chelsea Crager, Assistant Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Martin Millard, Costa Mesa resident, requested Mesa North improvements on Baker Street from Fairview Street to Babb Street. Mr. Millard discussed the following; concern with outdated north-side block wall, possible barrier median at 1097 Baker Street; and improvements to dated shopping center south of Baker.

Beth Refakes, Costa Mesa resident representing the Costa Mesa Military Affairs Team, reported they were collecting Easter items through Friday, March 27, 2015 for the 1/5 Troop. A trunk is placed on the 1st Floor of City Hall to collect the Easter items.

Barrie Fisher, Costa Mesa resident representing the west side, expressed concerns of outdated and dangerous sidewalks, narrow streets and vehicle congestion, and the need for improvements before allowing more redevelopment into the area.

Ann Parker, Costa Mesa resident, inquired clarification on Abbie Way matter approved at the previous commission meeting and asked could the item be pulled back.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner Andranian addressed Ms. Fisher's comment and stated he attended the meeting regarding sober living homes on March 4th, 2015. He agreed this is an important issue for the City and staff is working on a new ordinance for R2 neighborhoods.

Commissioner Sesler mentioned the crime mapping feature on the City of Costa Mesa's website is functioning after a yearlong absence.

Commissioner Sesler appreciated Ms. Fisher on her consistent requests for City repairs through Costa Mesa Connect and agreed an investment - either public and/or private - needs to be made.

Commissioner Sesler addressed Ms. Park's concern and acknowledged the challenging issue and asked the citizens to report incidents or complaints thru Costa Mesa Connect.

Commissioner McCarthy requested clarity on the Wharf decision and how it could affect the City.

Commissioner McCarthy agreed the block wall on Baker Street needs an update and requested staff to look into it.

Commissioner McCarthy attended Costa Mesa Little League opening day and expressed concern that many children are migrating to other cities to play sports.

Vice Chair Mathews addressed comments made regarding condition of the west side of the City and offered to look into the matter.

Chairman Dickson announced the city is conducting a community workshop for the East West bicycle connection taking place Wednesday, March 18, 2015 in the Emergency Operation Center adjacent to the police department from 6:00pm-7:30pm.

Chairman Dickson addressed speaker comments regarding the cinder block walls on Baker Street; plans for possible medians; and sidewalk infrastructure and rehabilitation. Fariba Fazeli, City Engineer, provided an update.

Chairman Dickson addressed the Abbie Way appeal. Claire Flynn, Assistant Development Services Director, stated that the appeal deadline expired Monday, March 2, 2015 and absent the receipt of a timely appeal application and appeal fee if applicable, the matter cannot be re-opened.

Chairman Dickson addressed west side plan review. Claire Flynn, Assistant Development Services Director, confirmed the matter will go before the Planning Commission in April or May.

CONSENT CALENDAR:

Chair Dickson pulled Consent Calendar Item No. 2 for discussion.

1. Minutes for the meeting of February 23, 2015.

   MOTION: Approve February 23, 2015 Minutes. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

   The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

2. Update of major development activity and demographic trends in Costa Mesa.

   Claire Flynn, Assistant Development Services Director, presented part one of a two part PowerPoint that showcased major development activity and trends.

Chair Dickson expressed excitement on the median projects presented and asked if any Baker Street improvements were included in the plan. Claire Flynn, Assistant Development Services Director, and Fariba Fazeli, City Engineer, provided an update.

Commissioner McCarthy asked if Fairview Development Center still employed 1,500 employees and inquired on statistics, plans and tracking of soil remediation. He commended the staff on the great presentation and for doing a great job meeting applicant and community needs.

Commissioner Sesler asked whether staff tracked economic impact in terms of taxes. Claire Flynn, Assistant Development Services Director, provided some general information and added an economic consultant will produce additional data for Part Two of the presentation coming in April.

Commissioner Andranian asked for data on park fees and increased property tax revenue generated by new developments. He also requested to see before and after pictures of the developments in part two of the presentation. Commissioner Andranian asked for clarification on the resident statistics, specifically the 19-39 age range and if they were employed. Claire Flynn, Assistant Development Services Director, confirmed the statistic shows working age only.

Chair Dickson agreed before and after pictures for planning projects are important.

PUBLIC COMMENTS - None

MOTION: Receive and file. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

PUBLIC HEARINGS:

1. **Application No.** PA-14-48, R-14-05 and TT-17824; Master Plan Development for a 13-Unit, Two-Story Residential Development with a Rezone and Tentative Tract Map at 2880 Mesa Verde Drive East
   Applicant: Pinnacle Residential
   Site Address: 2880 Mesa Verda Drive East
   Zone: I & R
   Project Planner: Mel Lee
   Environmental Determination: The project is categorically exempt under Section 15332 of the State CEQA (California Environmental Quality Act) Guidelines – Class 32 (In-Fill Development Projects).

   Description: The proposed project involves the following:
   1. ***Rezone R-14-05:*** An ordinance to rezone the 2-acre site from I&R (Institutional and Recreational) to PDR-LD (Planned Development Residential—Low Density). The maximum allowable General Plan density would be 16 dwelling units at a density of 8 dwelling units per acre.
   2. ***Planning Application PA-14-48:*** Master Plan for the development of a 13-unit, two-story detached residential development at a density of 6.5 dwelling units

per acre. The Master Plan also includes the following requested deviations from Zoning Code requirements:

- Variance from perimeter open space requirement for location of block walls (20 feet required, 3 feet proposed on Mesa Verde Drive East);
- Administrative Adjustment from perimeter open space requirement for buildings (20 feet required, 13 feet proposed on Andros Street);

3. ***Tentative Tract Map T-17824:*** Subdivision of property into fee simple lots for homeownership.

Mel Lee, Senior Planner, reported the applicant was reviewing comments received from Mesa Verde residents and possibly making modifications to the proposed development; hence, the request for a continuance to the first meeting in March.

PUBLIC COMMENTS - None

MOTION: Continue to a future Planning Commission meeting with public noticing required. Moved by Commissioner McCarthy, seconded by Commissioner Andranian.

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

2. **Application No.:** ZA-14-38: An appeal by the applicant of the denial of a minor conditional use permit at 111 Del Mar Avenue
Applicant: ZA-14-38
Site Address: 111 Del Mar Avenue
Zone: C1
Project Planner: Chelsea Crager
Environmental Determination: This project is categorically exempt under CEQA section 15301 if approved; or exempt under CEQA section 15270(a) if disapproved.

Description: Appeal by the applicant of the denial of a minor conditional use permit to legalize existing outdoor kiosks for DVDs (Redbox) and Glacier Water in front of a Circle K convenience store. This request was denied by the Zoning Administrator.

Chelsea Crager, Assistant Planner, presented the staff report in response to appeal filed on January 24, 2015. The project was found to be exempt from the provisions of the California Environmental Quality Act under Section 15301 Existing Facilities and staff recommends planning commission uphold the Zoning Administrator's decision to deny Minor Conditional Use Permit ZA-14-38.

Commissioner McCarthy asked if water and movie rentals could be located inside or outside. Ms. Crager, Assistant Planner, confirmed there are no codes requiring items to be located outside.

Chair Dickson asked if adding a new vending machine such as water or Redbox kiosk impact parking calculations. Ms. Crager, Assistant Planner, confirmed the vending machines are not used in parking calculations as they are considered part of the convenience store.

Ahmad Gharderi, applicant, thanked the staff for their work and guidance through the process. Mr. Ghaderi addressed three items of concern; first that the two vending machines are not visible from Del Mar; second there have been no water leakage issues as the water vending machines are self-contained and are equipped with a containment tray to catch possible leaks; and third there is approximately 48 inches plus in front of the units to allow safe ADA accessibility. Mr. Gharderi stated inside or outside placement of DVD and water vending machines have no impact on sales generated; however, outside placement is preferred for customer's convenience. Mr. Gharderi asked if the Planning Commission would reconsider their decision based on the information he provided.

Commissioner McCarthy referred to the Supplemental Staff Report which chronicled 135 Police calls for service and asked applicant if more calls were anticipated and given the volume of disturbances, would it not be safer to have the vending machines inside. Mr. Gharderi was not familiar with the Supplemental Staff Report but does not anticipate more calls.

Commissioner Mathews asked if 24 hour security could be provided. Mr. Gharderi stated he could not provide a response.

Commissioner Sesler referred to a July 2014 code enforcement violation which required outside vending machines be removed and Circle K did not comply. Mr. Gharderi was unaware of the July 2014 violation and could not respond. Commissioner Sesler asked what type of security cameras operate at the store and if there was access to a security guard. Mr. Gharderi stated the store is open 24 hours a day and runs closed circuit cameras running 24/7 and the store does not have a security guard.

Commissioner Andranian asked if the vending machine were moved inside would other merchandise be displaced. Mr. Gharderi stated yes and reiterated the outside placement is for customer convenience.

PUBLIC COMMENTS – None

Chair Dickson stated concern for safety given proximity to a residential area and is amendable to continuing the matter.

Commissioner McCarthy stated he was not in support of placing services outside the store and upholds the staff's recommendation.

Commissioner Mathews agreed with the decision and upholds the staff's recommendation.

MOTION: Planning Commission uphold the Zoning Administrator's decision to deny a minor conditional use permit to legalize outdoor placement of a water vending machine and an outdoor DVD rental kiosk at the Circle K convenience store based on the findings put forth in the record. Moved by Commissioner McCarthy, seconded by Commissioner Andranian.

RESOLUTION 15-13 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DENIAL OF ZONING APPLICATION ZA-14-38 AND DENY A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR USES LOCATED AT 111 DEL MAR AVENUE (CIRCLE K STORE)

Chair Dickson stated the commission encourages business but in this case, the commission does not support the permit.

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

NEW BUSINESS ITEM(S):

1. Review of Proposed Parkland Impact Fees

Dan Inloes, Associate Planner, presented the staff report.

David Taussig, president of David Taussig & Associates, gave presentation on the Quimby Act and Methodology of Park Fee Update.

PUBLIC COMMENTS:

Jay Humphrey, Costa Mesa resident, stated he was happy staff brought the item forward but. Mr. Humphrey expressed concern with the numbers of residents and acreage used in the presentation and how that could impact fee cost, property owners opting to pay fees since they are less than property dedication and if conversions are allowed, they should not get fee exemptions.

Steven LaMotte, Director of Government Affairs of the Business Industry Association, supported the proposal.

Beth Refakes, Costa Mesa resident, addressed concerns with the fee proposal. Ms. Refakes would like to see further breakdown of bedrooms per residence, to see an automatic adjustment for inflation and what other cities are doing to calculate fees.

Commissioner McCarthy stated he doesn't think it is realistic for the city to be purchasing park space in the future but supports the methodology and BIA support. Commissioner McCarthy would like a future meeting to see if there are plans from Public Services to acquire park space.

Chair Dickson supported the methodology but would like to find a better way of quantifying apartments.

Commissioner Sesler supports the methodology but is concerned with the location.

MOTION: Receive and file. Moved by Commissioner McCarthy, second by Chair Dickson.

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

DEPARTMENTAL REPORT(S)

1. Public Services Report – None.

2. Economic and Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, MARCH 23, 2015.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION

DAVID TAUSSIG & ASSOCIATES, INC.

PARK AND RECREATION FACILITIES DEVELOPMENT IMPACT FEE JUSTIFICATION STUDY CITY OF COSTA MESA

AUGUST 4, 2015

Prepared by:

DAVID TAUSSIG & ASSOCIATES, INC.
5000 BIRCH STREET, SUITE 6000
NEWPORT BEACH, CALIFORNIA 92660
(800) 969-4382

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APPENDIX J	CITY OF TUSTIN – TUSTIN LEGACY PARK CONSTRUCTION COST DATA

EXECUTIVE SUMMARY

In order to adequately plan for new development and identify the public park and recreation facilities and costs associated with mitigating the direct and cumulative impacts of new development, David Taussig & Associates, Inc. ("DTA") was retained by the City of Costa Mesa (the "City") to prepare an AB 1600 Fee Justification Study (the "Park Fee Study"). The Park Fee Study is intended to comply with Section 66000 *et. seq.* of the Government Code (the "Act" or "AB 1600"), which was enacted by the State of California in 1987, by identifying the additional public park and recreation facilities required by new development ("Future Park Facilities") and determining the level of fees that may be imposed to pay the costs of the Future Park Facilities. Fee amounts have been determined that will finance park and recreation facilities at the standard established in the City's General Plan, or 4.26 acres of improved park and recreation facilities for every 1,000 new residents. The Future Park Facilities and estimated land acquisition and associated construction costs per residential dwelling unit are identified in Section IV of the Park Fee Study. A description of the methodology used to calculate the fees is included in Section V. All new residential development may be required to pay its "fair share" of the cost of the new infrastructure through the development fee program.

ORGANIZATION OF THE REPORT

Section I of this report provides an introduction to the Park Fee Study including background information on development fee financing. Section II provides an overview of the legal requirements for implementing and imposing the fee amounts identified in the Park Fee Study. Section III includes a discussion of household sizes, or persons per household, for residential land uses within the City. Section IV includes a description of the Future Park Facilities needed to serve new residential development that are eligible for funding by the impact fees, including estimated costs, offsetting revenues, net costs to the City and costs attributable to new residential development. Section V discusses the findings required under the Mitigation Fee Act and requirements necessary to be satisfied when establishing, increasing or imposing a fee as a condition of new residential development, and satisfies the nexus requirements for the Future Park Facilities. In addition, Section V contains the description of the methodology used to determine the fees. Appendix A includes a map showing the location of the properties comprising the vacant land sale data employed in the Park Fee Study. Appendices B – J identify the park and recreation facilities cost data employed in the Park Fee Study.

IMPACT FEE SUMMARY

The recommended Future Park Facilities fee amounts are summarized in Table ES-1 below. Table ES-1 includes two fee level alternatives developed by City staff that reflect historical and projected rates of parkland acquisition. Fees within this Park Fee Study reflect a range of fee levels that may be imposed on new residential development depending upon the residential dwelling unit type.

TABLE ES-1
DEVELOPMENT IMPACT FEE SUMMARY

FACILITY	RESIDENTIAL DEVELOPMENT			
			APARTMENT	
	SINGLE FAMILY ($ PER UNIT)	MULTI-FAMILY ($ PER UNIT)	<50 UNIT PROJECTS ($ PER UNIT)	>=50 UNIT PROJECTS ($ PER UNIT)
Park and Recreation Facilities				
Alternative 1 (Historical Parkland Acquisition[1])	$11,285.19	$8,777.37	$10,597.56	$10,597.56
Alternative 2 (Projected Parkland Acquisition[2])	$18,006.38	$14,004.96	$14,004.96	$5,056.61[3]

[1] Based on the City's rate of parkland acquisition from 2006 through 2014 which results in park and recreation facilities costs of $949,500 per acre.

[2] Based on the City's projected rate of parkland acquisition which results in park and recreation facilities costs of $1,515,000 per acre.

[3] Fee for apartment projects with 50 or dwelling units adjusted (i) in consideration of typical on-site amenities, (ii) persons per household case study for an existing greater than 50 dwelling unit apartment project, and (iii) citywide distribution of apartment dwelling unit type (i.e., studio, 1 bedroom, 2 bedroom, and 3 or more bedroom dwelling units) for greater than 50 dwelling unit apartment projects.

I. INTRODUCTION

In order to adequately plan for new residential development and identify the public park and recreation facilities and costs associated with mitigating the direct and cumulative impacts of new residential development, David Taussig & Associates, Inc. ("DTA") was retained by the City to prepare a new AB 1600 Fee Justification Study (the "Park Fee Study"). The need for this Park Fee Study is driven by anticipated residential development, including development on which the City's existing Quimby Act fee cannot generally be imposed, such as the redevelopment of existing property into multi-family uses without the subdivision of land.

The Park Fee Study is intended to comply with Section 66000 *et. Seq.* of the Government Code, which was enacted by the State of California in 1987, by identifying additional public park and recreation facilities required by new residential development ("Future Park Facilities") and determining the level of fees that may be imposed to pay the costs of the Future Park Facilities. Fee amounts have been determined that will finance park and recreation facilities at the standard established in the City's General Plan, or 4.26 acres of improved park and recreation facilities for every 1,000 new residents. The Future Park Facilities and estimated land acquisition and associated construction costs per residential dwelling unit are identified in Section IV of the Park Fee Study. All new residential development may be required to pay its "fair share" of the cost of the Future Park Facilities through the development fee program.

Based upon projections from the Center for Demographics Research, California State University, Fullerton (the "Center"), new residential development is expected to result in approximately 5,213 new residents within the City by 2040, representing an approximate 4.7% increase compared to the Center's 2012 population estimate for the City. The City will need to expand its public park and recreation facilities to accommodate the impacts of this growth and the levy of impact fees in conformance with AB 1600 legislation will help finance new park and recreation facilities which are needed to mitigate these impacts. The following steps were incorporated in the Park Fee Study:

1. **Demographic Assumptions**: Identify future housing growth that will generate the increased demand for park and recreation facilities.
2. **Facility Needs and Costs**: Identify the amount and cost of park and recreation facilities required to meet the demands of new residential development. Facilities costs are discussed in Section IV.
3. **Cost Allocation**: Allocate these costs per new residential dwelling unit.
4. **Fee Schedule**: Calculate the fee per new residential dwelling unit.

II. LEGAL REQUIREMENTS TO JUSTIFY DEVELOPMENT IMPACT FEES

Prior to World War II, development in California was held responsible for very little of the cost of public infrastructure. Public improvements were financed primarily through jurisdictional general funds and utility charges. It was not uncommon during this period for speculators to subdivide tracts of land without providing any public improvements, expecting the closest city to eventually annex a project and provide public improvements and services.

However, starting in the late 1940s, the use of impact fees grew with the increased planning and regulation of new development. During the 1960s and 1970s, the California Courts broadened the right of local government to impose fees on developers for public improvements that were not located on-site. More recently, with the passage of Proposition 13, the limits on general revenues for new infrastructure have resulted in new development being held responsible for a greater share of public improvements, and both the use and levels of impact fees have grown substantially. Higher fee levels were undoubtedly driven in part by a need to offset the decline in funds for infrastructure development from other sources.

The levy of impact fees is one authorized method of financing the public facilities necessary to mitigate the impacts of new development. A fee is "a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project..." (California Government Code, Section 66000). A fee may be levied for each type of capital improvement required for new development, with the payment of the fee typically occurring prior to the beginning of construction of a dwelling unit. Fees are often levied at final map recordation, issuance of a certificate of occupancy, or more commonly, at building permit issuance. However, Assembly Bill ("AB") 2604 (Torrico) which was signed into law in August 2008, encourages public agencies to defer the collection of fees until close of escrow to an end user in an attempt to assist California's then troubled building industry.

The authority of local governments to impose impact fees on development is derived from their police power to protect the health and welfare of citizens under the California Constitution (Article 11, Section 7). Furthermore, the California Mitigation Fee Act provides a prescriptive guide to establishing and administering impact fees based on "constitutional and decisional law." Development impact fees ("DIFs") were enacted under Assembly Bill 1600 by the California Legislature in 1987 and codified under California Government Code §66000 *et. seq.*, also referred to as the Mitigation Fee Act (the "Act" or "AB 1600").

AB 1600 defines local governments to include cities, counties, school districts, special districts, authorities, agencies, and other municipal corporations. Fees governed by the Act include development fees of general applicability, and fees negotiated for individual projects. The Act does not apply to user-fees for processing development applications or permits, fees governed by other statutes (e.g., the Quimby Act), developer agreements, or penalties, or fees specifically

excluded by the Act (e.g., fees collected pursuant to agreements with redevelopment agencies or various reimbursement agreements).

Public facilities that can be funded with impact fees are defined by the Act as "public improvements, public services, and community amenities." Government Code, §65913.8 precludes the use of DIFs to fund maintenance or services, with limited exceptions for very small improvements and certain temporary measures needed by certain special districts. In combination, these provisions effectively restrict the use of most impact fees to public capital improvements.

For general information, please see:

- "Exactions and Impact Fees in California: A Comprehensive Guide to Policy, Practice, and the Law," edited by William Abbott, et al., Solano Press Books, 2012 Third Edition.

The City has identified the need to levy development impact fees to pay for public park and recreation facilities. The development impact fees presented in this study will finance public park and recreation facilities for new development at the level established by the City in its General Plan. Upon the adoption of the Park Fee Study and required legal documents by the City Council, all new residential development will be required to pay its "fair share" of the cost of public park and recreation facilities through these development impact fees.

In 2006, Government Code Section 66001 was amended to clarify that a development impact fee cannot include costs attributable to existing deficiencies, but can fund costs used to maintain the existing level of service or meet an adopted level of service that is consistent with the general plan. This Park Fee Study for the City is intended to meet the nexus or benefit requirements of AB 1600, which mandates that there is a nexus between fees imposed, the use of the fees, and the development projects on which the fees are imposed.

Section 66000 et seq. of the Government Code requires that all public agencies satisfy the following requirements when establishing, increasing or imposing a fee as a condition of new development:

1. Identify the purpose of the fee. (Government Code Section 66001(a)(1))

2. Identify the use to which the fee will be put. (Government Code Section 66001(a)(2))

3. Determine that there is a reasonable relationship between the fee's use and the type of development on which the fee is to be imposed. (Government Code Section 66001(a)(3))

4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is to be imposed. (Government Code Section 66001(a)(4))

5. Discuss how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

Identifying these items will enable a development impact fee to meet the nexus and rough proportionality requirements established by previous court cases. This section presents each of these items as they relate to the imposition within the City of the proposed development impact fees for public park and recreation facilities. Current state financing and fee assessment requirements only allow new development to pay for its fair share of new facilities' costs. Any current deficiencies resulting from the needs of existing development must be funded through other sources. Therefore, a key element to establishing legal development impact fees is to determine what share of the benefit or cost of the new facilities can be equitably assigned to existing development, even if the facilities have not yet been constructed. By removing this factor, the true impact of new development can be assessed and equitable development impact fees assigned.

A. Purpose of the Fee (Government Code Section 66001(a)(1))

Based upon projections from the Center for Demographics Research, California State University, Fullerton (the "Center"), new residential development is expected to result in approximately 5,213 new residents within the City by 2040. These future residents will create an additional demand for public park and recreation facilities that existing public park and recreation facilities cannot accommodate. In order to accommodate new residential development in an orderly manner, without adversely impacting the current quality of life in the City, additional public park and recreation facilities will need to be constructed.

It is the projected direct and cumulative effect of future residential development that has required the preparation of this Park Fee Study. Each new residential dwelling unit will contribute to the need for new public park and recreation facilities, and as such, the proposed impact fee will be charged to all future residential development, irrespective of location, in the City. While a significant portion of the City's future residential development can be characterized as "in fill" development projects, these projects contribute to impacts on public park and recreation facilities because they are an interactive component of a much greater universe of development located throughout the City. First, the residents associated with any new residential development in the City have access to and in fact may regularly utilize and benefit from the City's park and recreation facilities. Second, these residents may have chosen to purchase or rent the specific homes in which they reside partially as a result of the parks and other recreational opportunities located nearby. Third, the availability of park and recreation facilities throughout the City has a growth-inducing impact, in that it enhances the City's reputation as a great place to live, thereby attracting new development that may have otherwise gone elsewhere. As a result, all residential development projects in the City contribute to the cumulative need for new park and recreation facilities throughout the

City. The development impact fees, when collected, will be placed into a dedicated fund that will be used solely for the design, acquisition, installation, and construction of public park and recreation facilities and other appropriate costs to mitigate the direct and cumulative impacts of new residential development in the City.

The discussion in this subsection of the Park Fee Study sets forth the purpose of the development impact fee as required by Section 66001(a)(1) of the California Government Code.

B. THE USE TO WHICH THE FEE IS TO BE PUT (GOVERNMENT CODE SECTION 66001(A)(2))

The development impact fee will be used specifically for the design, acquisition, installation, and construction of the public park and recreation facilities discussed in Section IV of the Park Fee Study and related costs necessary to mitigate the direct and cumulative impacts of new residential development in the City. By directly funding these costs, the development impact fees will both enhance the quality of life for future City residents and protect their health, safety, and welfare.

The discussion presented in this subsection of the Park Fee Study identifies the use to which the development impact fee is to be put as required by Section 66001(a)(2) of the California Government Code.

C. DETERMINE THAT THERE IS A REASONABLE RELATIONSHIP BETWEEN THE FEE'S USE AND THE TYPE OF DEVELOPMENT PROJECT UPON WHICH THE FEE IS IMPOSED (BENEFIT RELATIONSHIP) (GOVERNMENT CODE SECTION 66001(A)(3))

As discussed in Section A above, it is the projected direct and cumulative effect of future residential development that has prompted the preparation of this Park Fee Study. Each residential dwelling unit will contribute to the need for new public park and recreation facilities. Even future "in fill" development projects, which may be adjacent to existing park and recreation facilities, contribute to impacts on such facilities because they are an interactive component of a much greater universe of development located throughout the City. Consequently, all residential new development within the City, irrespective of location, contributes to the direct and cumulative impacts of development on public park and recreation facilities and creates the need for new facilities to accommodate growth.

As set forth in Section V of the Park Fee Study, the fees will be expended for the design, acquisition, installation, and construction of new public park and recreation facilities identified in Section IV, as that is the purpose for which the DIF is collected. As previously stated, all new residential development creates either a direct impact on park and recreation facilities or contributes to the cumulative impact on park and recreation facilities.

For the foregoing reasons, there is a reasonable relationship between the design, acquisition, construction, and installation of the public park and recreation facilities and new residential development as required under Section 66001(a)(3) of the Mitigation Fee Act.

D. Determine How There is a Reasonable Relationship Between the Need for the Public Facility and the Type of Development Project Upon Which the Fee is Imposed (Impact Relationship) (Government Code Section 66001(a)(4))

As set forth in part A above, all new residential development contributes to the direct and cumulative impacts on public park and recreation facilities and creates the need for new facilities to accommodate growth. Also as previously stated, all new residential development within the City, irrespective of location, contributes to the direct and cumulative impacts of development on public park and recreation facilities and creates the need for new facilities to accommodate growth. Moreover, the public park and recreation facilities identified in Section IV are specifically a function of the number of projected future residents within the City and do not reflect any unmet needs of existing development.

For the reasons presented herein and in Section V, there is a reasonable relationship between the need for the public park and recreation facilities and all new residential development within the City as required under Section 66001(a)(4) of the Mitigation Fee Act.

E. The Relationship Between the Amount of the Fee and the Cost of the Public Facilities Attributable to the Development Upon Which the Fee is Imposed ("Rough Proportionality" Relationship) (Government Code 66001(a)

As set forth above, all new residential development in the City impacts public park and recreation facilities. Moreover, each individual residential development project and its related increase in population will adversely impact existing park and recreation facilities. Thus, imposition of the development impact fee to finance new public park and recreation facilities is an efficient, practical, and equitable method of permitting development to proceed in a responsible manner.

New development impacts the need for public park and recreation facilities directly and cumulatively. Even new development located adjacent to existing facilities will have access to and benefit from new public park and recreation facilities. Again, the design, acquisition, construction, and installation of the public parks and recreation facilities in Section IV are specifically a function of projected new residents within the City and do not reflect any unmet needs of existing development.

As set forth in part F below, the proposed development impact fee amounts are roughly proportional to the impacts resulting from new residential development. Thus there is a

reasonable relationship between the amount of the development impact fee and the cost of the public park and recreation facilities.

F. AB 1600 Nexus Test and Apportionment of Facilities Costs

Section 66000 of the Government Code requires that a reasonable relationship exist between the need for public facilities and the type of development on which a development impact fee is imposed. The need for public park and recreation facilities is related to the level of service established in the City's General Plan, which varies in proportion to the persons per household ("PPH") generated by a particular residential land use.

DTA established fees for the following three residential land use categories to acknowledge the difference in PPH impacts from various residential land uses. The City will develop a table of general plan land use designations that link to the land use classifications used in this study for clarification and consistency with City zoning. This table will be made a part of the ordinance or resolution that will be adopted for the purpose of implementing this development impact fee program.

Table II-1

Land Use Classification for Park Fee Study
Single Family Residential ("SFR")
Multi-family Owner ("Multi-family")
Apartment

The costs associated with the public park and recreation facilities needed to serve new residential development are identified in Section IV. As mentioned above, the public park and recreation facilities costs per person drive the development impact fee amount for each land use classification and establish that there is a reasonable relationship between the need for public park and recreation facilities and the residential land use type characterizing the development on which a development impact fee is being imposed. Section V presents the nexus test and the analysis undertaken to apportion public park and recreation facilities costs to each residential land use classification.

III. DEMOGRAPHICS

In order to determine the public park and recreation facilities needed to serve new development as well as establish fee amounts to fund such facilities, the City commissioned a demographics analysis from Stanley R. Hoffman Associates ("SRH"). SRH utilized Public Use Microdata Areas ("PUMA") data to estimate PPH for each residential land use type. Population and occupied households derived from the PUMA data for the Costa Mesa area are shown in Tables III-1 and III-2 below.

TABLE III-1

POPULATION AND HOUSEHOLD – OWNER OCCUPIED UNITS		
RESIDENTIAL DWELLING UNIT TYPE	PERSONS	HOUSEHOLDS
Mobile Home or Trailer	1,013	439
One-Family House Detached	35,500	12,476
One-Family House Attached	5,015	2,502
2 Apartments	347	119
3-4 Apartments	992	385
5-9 Apartments	513	293
10-19 Apartments	333	166
20-49 Apartments	111	94
50 or More Apartments	173	81
Boats	20	20
Total	**44,017**	**16,575**

TABLE III-2

POPULATION AND HOUSEHOLD – RENTER OCCUPIED UNITS		
RESIDENTIAL DWELLING UNIT TYPE	PERSONS	HOUSEHOLDS
Mobile Home or Trailer	159	121
One-Family House Detached	10,867	3,373
One-Family House Attached	4,109	1,510
2 Apartments	4,228	1,317
3-4 Apartments	15,208	4,572
5-9 Apartments	7,668	2,624
10-19 Apartments	7,360	3,047
20-49 Apartments	7,435	3,678
50 or More Apartments	6,226	3,111
Boats	26	26
Total	**63,286**	**23,379**

All One-Family House Detached and One-Family House Attached units are classified as SFR units. Owner occupied Apartments are classified as Multi-family units. Renter occupied Apartments are classified as Apartment units. Grouping the data accordingly results in the PPH shown in Table III-3 below.

TABLE III-3

PPH			
RESIDENTIAL DWELLING UNIT TYPE	PERSONS	HOUSEHOLDS	PPH
SFR	55,491	19,861	2.79
Multi-family	2,469	1,138	2.17
Apartment	48,125	18,349	2.62
Total/Average	**106,085**	**39,348**	**2.70**

In addition, City staff conducted a case study analysis of the PPH for large apartment projects using an existing apartment project with over one hundred (100) dwelling units. City staff

calculated PPH separately for studio, one bedroom, two bedroom, and three or more bedrooms. The results of this case study are shown in Table III-4 below.

TABLE III-4

PPH AND EDUs
LARGE APARTMENT PROJECT CASE STUDY

RESIDENTIAL DWELLING UNIT TYPE	DISTRIBUTION[1]	PPH
Studio	9.5%	1.2000
1 Bedroom	45.5%	1.5000
2 Bedroom	40.6%	2.1000
3+ Bedroom	4.4%	2.8000
Total/Weighted Average	**100.0%**	**1.7723**

[1]Distribution based on all existing apartment projects within the City with 50 or more dwelling units.

IV. PARK AND RECREATION FACILITIES

Government Code Section 66000, which codifies California's Mitigation Fee Act, requires that if impact fees are going to be used to finance public facilities, those facilities must be identified prior to the adoption of the fee. There are three basic methodologies that can be employed to determine the facilities to be financed. The first methodology, which is called a "Plan-Based Approach," is based on the existence of a "Facilities Plan" that lists the specific facilities necessary to serve future growth. The Facilities Plan utilized under this approach is usually prepared by a municipality's staff and/or consultants, often with community input, and is then adopted by the municipality's legislative body either prior to or at the same time the fee program is approved. The Facilities Plan also identifies the costs of the facilities listed, and these costs are in turn allocated based on the level of benefit to be received by projected future land uses anticipated to be developed within the time period being analyzed. In the case of the City, the only existing Park and Recreation Facilities Plan was prepared and adopted by the City Council in 2002 and is out of date. While the City is now working with the community to prepare a new Park and Recreation Facilities Plan, the completion of this Facilities Plan and its adoption by City Council is not imminent. As a result, a Plan-Based Approach is infeasible at this time.

A second methodology to identify facilities needs is the "Capacity-Based Approach," and is based on the magnitude of existing capacity or expanded capacity needed for a type of public facility in order to handle projected growth during the selected time period. This approach works best for facilities such as an existing water storage facility or sewer treatment plant where existing costs or facilities expansion costs necessary to serve future development are already known (and in the case of existing capacity, may have already been expended). This kind of fee is not necessarily dependent on a particular land use plan for future development, but is instead based on the cost per unit of constructing the remaining existing capacity in a facility, or the cost to expand such capacity, which can then be applied to any type of future development. However, the City has already determined that, based on a standard of 4.26 acres per 1,000 residents, there is no existing surplus of park and recreation facilities that is available to serve new development. Furthermore, the City has not determined what specific improvements could be added to existing park facilities to adapt them to use by a greater population of residents, nor the cost of such improvements, so insufficient information was available to employ the "Capacity-Based Approach" in this Park Fee Study.

A third approach is to utilize a facilities "standard" established for future development, against which facilities costs are determined based on units of demand from this development. This approach, which is often applied to park and recreation facilities when there is no existing Facilities Plan, establishes a generic unit cost for capacity, which is then applied to each land use type per unit of demand. This standard is not based on the cost of a specific existing or future facility, but rather on the cost of providing a certain standard of service, such as the 4.26 acres of park and recreation facilities per 1,000 residents established by the General Plan. This method has several advantages, including not requiring a municipality to know (i) the cost of a specific facility, (ii) how much capacity or service is provided currently (as the new standard does not

necessarily need to reflect the existing standard), or (iii) the size, site, or characteristics of specific future facilities.

In the case of the City, in which specific facility sites or sizes, or types of park and recreation improvements or facilities have not yet been determined, the City does intend to acquire (or require future development to provide on-site) 4.26 acres per 1,000 new residents, whether those residents are generated by Single Family, Multi-family, or Apartment dwelling units. As a result, a "Standards-Based Approach" was determined by the City and DTA to be the most appropriate methodology for purposes of calculating impact fees for the Park Fee Study. Since no specific park and recreation sites and/or facilities have been determined to-date, specific costs are not yet known. Consequently, it was necessary to estimate what anticipated land acquisition costs could be expected, as well as which types of improvements should be included in developing these future parks and the costs related to constructing these improvements. Further information on these improvement costs and types is provided below in Section IV.A, below.

A. LAND ACQUISITION COSTS

As the City is already substantially built out, it is anticipated that sites for new park and recreation facilities will be limited to the acquisition of small parcels of vacant or underutilized land, such as underutilized public facilities, surplus school property, or industrial property or low-density residential property on which existing uses could be cost-effectively demolished. Without knowing which specific sites will be acquired by the City, DTA conducted a survey of vacant sites within the City that have been purchased over the past twelve years, and calculated a weighted average price per acre. Table IV-1, below, reflects land use and acreage data, dates of sale, and sale prices per acre for the eight (8) vacant land parcels reported by LoopNet.com as having been sold within the City since 2003. Based on these data, the City will be utilizing an estimated land price of $2,500,000 per acre as the cost of new parkland, with an annual price escalator applied on July 1st of each year, starting July 1, 2016, based on the change to the Los Angeles-Riverside-Orange County Consumer Price Index in the previous calendar year.

TABLE IV-1

VACANT LAND SALES CITY OF COSTA MESA				
DATE SOLD	PARCEL LOCATION[1]	SITE ACREAGE	TYPE OF USE	SALE PRICE PER ACRE
4/30/2009	2	0.76	Industrial	$1,650,000
9/22/2008	6	1.61	Multifamily	$3,226,667
12/31/2006	1	0.72	Commercial/Other	$2,969,655
5/5/2006	5	0.42	Multifamily	$2,744,384
6/8/2005	7	0.25	Multifamily	$3,682,801
2/23/2004	8	0.24	Commercial/Other	$2,534,389
7/14/2003	3	0.61	Retail	$2,131,147
5/21/2003	4	0.76	Retail	$1,578,947
			Weighted Average Sales Price per Acre	**$2,564,000**

[1] See Appendix A
Source: LoopNet.com

B. PARK IMPROVEMENT TYPES AND COSTS

As noted previously, the specific types of improvements/facilities to be constructed within future City parks have not yet been specifically identified, but are expected to be included in the City Park Facilities Plan that is currently being prepared by City staff, with the assistance of the community. In order to maintain as much flexibility as possible, City and DTA staff have prepared a generic list of facilities/improvements that could potentially be included within these future parks. The types of park facilities listed in Table IV-2 are expected to be financed, in whole or in part, through the levy of a development impact fee on all future residential development in the City.

TABLE IV-2

TYPES OF PARK IMPROVEMENTS TO BE FINANCED	
Amphitheatre	Picnic Tables
Ball Fields (Baseball, Football, Soccer, Multi-Use)	Playground (Tot Lot, Water Play)
Bike Paths	Recreation Center
Bike Rack	Restrooms
Community Events Center	Retaining Walls and Fencing
Concession Building	Security Lighting
Courts (Basketball, Horseshoe, Tennis, Volleyball)	Shade Structures
Demolition	Site Furniture
Drinking Fountains	Site Preparation
Grading / Earthwork	Skate park
Irrigation and Landscaping	Swimming Pool
Park Benches	Synthetic Turf Fields
Parking Lot/Paving	Trash Receptacles
Pedestrian Path/Trails	Utilities (Drainage, Sewer, Water, Gas, Electrical)
Permanent Sports Lighting	

In an effort to determine the appropriate cost of the types of public park and recreation facilities listed in Table IV-2, DTA collected park and recreation facilities cost information for recently constructed public parks in Southern California. These cost data are shown in Table IV-3 and were obtained from a park and recreation facilities cost database derived from other DTA park fee studies, as well as on-line and municipality-provided park cost information. While the source data for certain parks included design and other soft costs, the majority of the source data did not. Therefore, with the exception of Desiderio Park, for which it was not feasible to exclude design costs, the park and recreation facilities cost figures in Table IV-3 do not include design costs, meaning that they are generally conservative. Notably, the Cities of Encinitas, Lake Forest, and Laguna Niguel park construction costs are based on actual bids, while the construction costs for the other parks listed are estimates provided by the municipalities in which the parks were to be developed.

To determine the weighted average public park and recreation facilities construction cost per acre, the high and low construction cost estimates (Desiderio Park and Veteran's Memorial Park) were excluded from the computations because they appeared to be outliers. The resulting weighted average public park and recreation facilities construction cost is $391,074 per acre and the City will be utilizing an estimated construction cost of $390,000 per acre. As is the case for land acquisition costs, estimated park improvement/facilities costs will be adjusted on July 1st of

each year, starting July 1, 2016, based on the change to the Los Angeles-Riverside-Orange County Consumer Price Index in the previous calendar year. Detailed park and recreation facilities construction costs are included in Appendices B - J.

TABLE IV-3

PARK AND RECREATION FACILITIES CONSTRUCTION COSTS					
PUBLIC AGENCY	PARK	YEAR	ACRES	ESTIMATED CONSTRUCTION COST	ESTIMATED CONSTRUCTION COST PER ACRE
Encinitas	Encinitas Community Park	2012	44.0	$13,927,642 [1]	$316,537
Jurupa Area Rec and Parks District	Horseshoe Lake Park	2006	13.0	$2,375,000	$182,692
Jurupa Area Rec and Parks District	Veteran's Memorial Park	2006	9.98	$1,487,750	$149,073
Lake Forest	Sports Park	2013	86.20	$35,888,810	$416,344
Laguna Niguel	Crown Valley Park	2014	18.00	$4,599,531	$255,529
Pasadena	Desiderio Park	2014	3.80	$2,410,000 [3]	$634,211
Redondo Beach	Heart Park	2003	76.5	$32,473,900 [2]	$424,495
San Marcos	Bradley Park	2012	34.0	$12,492,484	$367,426
Tustin	Tustin Legacy	2014	31.50	$16,816,265	$533,850
Weighted Average (Excluding High and Low Data Points)					**$391,074**

[1] Excludes $5,250,000 for EIR, design, and development.
[2] Excludes $91,864,600 for remediation/site preparation.
[3] Includes design costs.

C. PARK AND RECREATION FACILITIES COSTS

1. MAXIMUM PARK AND RECREATION FACILITIES COSTS

Adding the $2,500,000 per acre in land acquisition costs to the $390,000 per acre in improvements costs yields a full cost for park and recreation facilities of $2,890,000 per acre. Note, the City has no revenues (e.g., grants, general obligation bond proceeds, etc.) with which it can offset these facilities costs.

2. ALTERNATIVE 1

The City's ability to acquire parkland has been hampered for two reasons. One, the City has to-date imposed park fees pursuant to the Quimby Act which is not applicable to apartment projects. As a result, only forty percent (40.00%) of the residential dwelling units developed within the City since 2000 have paid park fees. In short, park fee revenues have been insufficient to acquire parkland in amounts consistent with the City's

goals. Two, there is a limited supply of vacant land remaining within the City. Since 2006, the City has acquired park land equivalent to twenty-two and thirty-eight hundredths percent (22.38%) of the potential park acreage it would have purchased had it expended the full component of park impact fees collected that were intended for land acquisition. Specifically, total park fee expenditures since 2006 have equaled $15,494,816 which indicates that the City could have acquired and developed 5.36 acres of parkland ($15,494,816 divided by $2,890,000). The actual park acreage acquired since 2006 was only 1.2 acres, which equals 22.38% of the potential park acres that should have been acquired. Given a continuation of this practice by the City, the amount anticipated to be spent on land acquisition would be only 22.38% of $2,500,000 per acre, or the equivalent of $559,500 per acre for each of the 4.26 acres per 1,000 new residents. If this trend was to continue in the future, total adjusted parkland acquisition and recreation facilities costs would be $949,500 per acre ($559,500 for land acquisition plus $390,000 for improvements).

3. ALTERNATIVE 2

Alternative 2 recognizes that this Park Fee Study will establish a development impact fee for park and recreation facilities that will be applicable to all residential development, and therefore the City anticipates that there will be fee revenues sufficient to acquire parkland in the future at approximately twice the historical (2006 – 2014) rate, or forty-five percent (45.00%), resulting in the expenditure of an equivalent of $1,125,000 per acre for each of the 4.26 acres per 1,000 new residents. Total adjusted parkland acquisition and recreation facilities costs projected under this scenario would be $1,515,000 per acre ($1,125,000 for land acquisition plus $390,000 for improvements). In addition, Alternative 2 (i) caps the fee for apartment projects comprised of fewer than fifty (50) dwelling units at the fee level for Multi-family and (ii) substitutes the Alternative 1 land acquisition cost of $559,500 per acre adjusted by an additional fifty percent (50.00%) for apartment projects with fifty (50) or more dwelling units in recognition that a DIF for Apartments has not previously been imposed and large apartment projects typically include on-site recreation amenities such as a recreation or community room, dog runs, pools, barbecues, etc. Total adjusted parkland acquisition and recreation facilities costs for apartment projects with 50 or more dwelling units would be $669,750 per acre ($559,500 for land acquisition multiplied by 0.50 (or $279,750) plus $390,000 for improvements).

Section V below shows the calculation of the development impact fees for park and recreation facilities for all three scenarios.

V. METHODOLOGY UTILIZED TO CALCULATE DEVELOPMENT IMPACT FEES

Pursuant to the nexus requirements of Government Code 66000, a local agency is required to "determine how there is a reasonable relationship between the amount of the development impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed." It is impossible to accurately determine the impact that a specific new residential unit will have on existing facilities. Predicting future residents' specific behavioral patterns, park, and health and welfare requirements is extremely difficult, and would involve numerous assumptions that are subject to substantial variances. Recognizing these limitations, the Legislature drafted AB 1600 to specifically require that a "reasonable" relationship be determined, not a direct cause and effect relationship. This reasonable relationship, which was discussed in detail in Section II of the Park Fee Study, is summarized in Table V-1.

TABLE V-1

PUBLIC PARK AND RECREATION FACILITIES AB 1600 NEXUS TEST	
Identify Purpose of Fee	Park and Recreation Facilities
Identify Use of Fee	The design, acquisition, installation, and construction of public park and recreation facilities, including parkland
Demonstrate how there is a reasonable relationship between the need for the public facility, the use of the fee, and the type of development project on which the fee is imposed	New residential development will generate additional residents who will increase the demand for active and passive park and recreation facilities within the City. Land will have to be purchased and improved to meet this increased demand, thus a reasonable relationship exists between the need for park and open space facilities and the impact of residential development. Fees collected from new development will be used exclusively for park and open space facilities identified in Section IV.

There are many methods or ways of calculating development impact fees, but they are all based on determining the cost of needed improvements and assigning those costs equitably to various types of development. Development impact fees in this study have been calculated utilizing a "standards-based" methodology. The fee levels are a function of (i) the City's existing park standard of 4.26 acres per 1,000 residents, (ii) the estimated cost per acre for new park and recreation facilities, and (iii) the estimated PPH. One global assumption utilized within this Park Fee Study for the allocation of costs between existing and new development relates to the allocation of costs based on the facilities standard. The public parks and recreation facilities described in Section IV are 100% allocated to new residential development because these facilities are specifically a function of projected new residents within the City and do not reflect any unmet needs or deficiency pertaining to existing development. The recommended fee levels and fee calculation methodologies are summarized in Tables V-2 and V-3 below.

TABLE V-2

PARK AND RECREATION ALTERNATIVE 1 DEVELOPMENT IMPACT FEES BASED ON HISTORICAL RATE OF PARKLAND ACQUISITION FROM 2006 - 2014				
(A) RESIDENTIAL DWELLING UNIT TYPE	(B) PPH	(C) ACRES / 1,000[1]	(D) COST / ACRE	(E) FEE
Single Family	2.79	4.26	$949,500	$11,285.19[2]
Multi-family	2.17	4.26	$949,500	$8,777.37[2]
Apartment	2.62	4.26	$949,500	$10,597.56[2]

[1] Column C represents the General Plan standard of 4.26 park and recreation acres per 1,000 residents.
[2] Fee equals Column B x Column C / 1,000 x Column D.

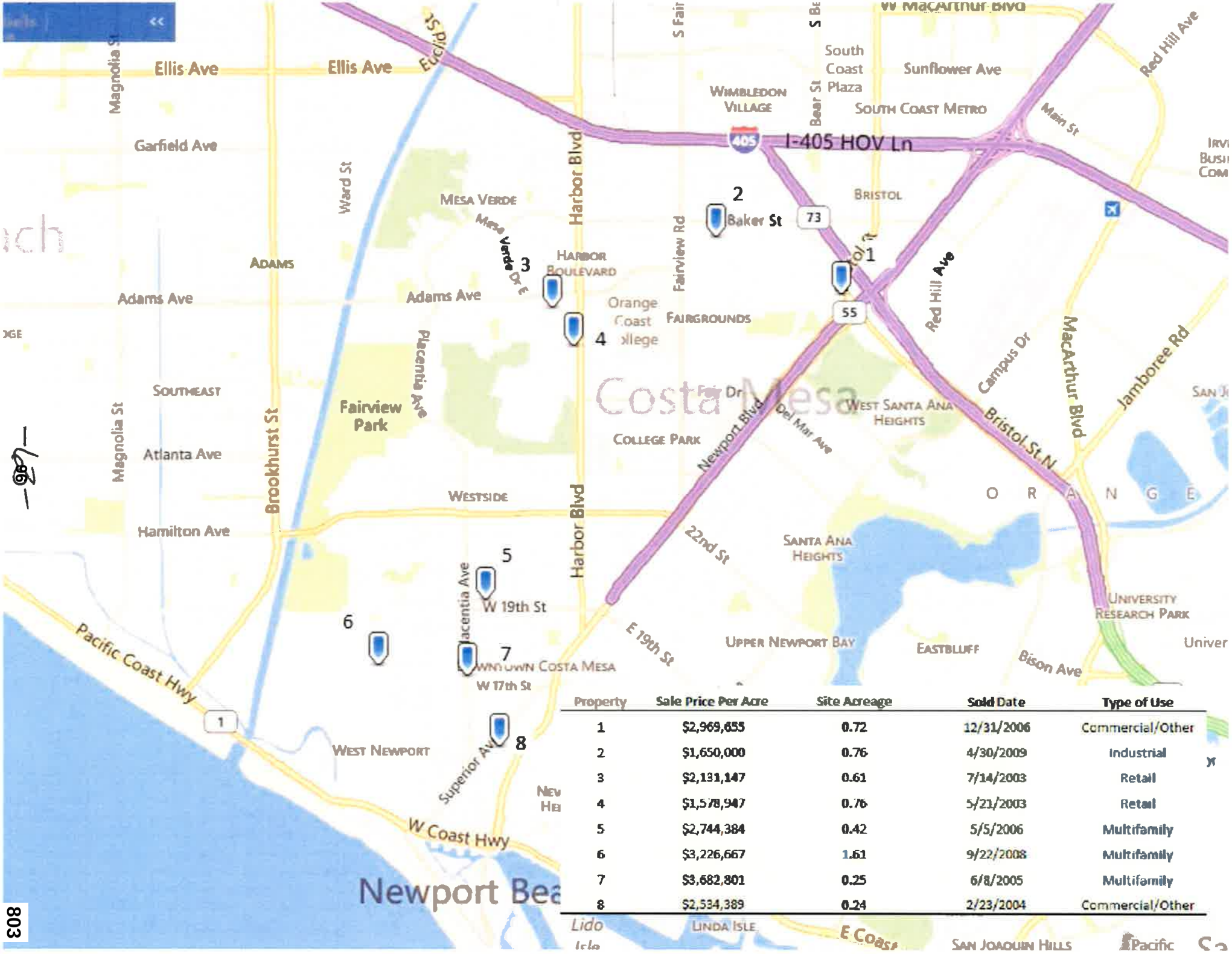
TABLE V-3

PARK AND RECREATION ALTERNATIVE 2 DEVELOPMENT IMPACT FEES BASED ON PROJECTED RATE OF PARKLAND ACQUISITION				
(A) RESIDENTIAL DWELLING UNIT TYPE	(B) PPH	(C) ACRES / 1,000[1]	(D) COST / ACRE	(E) FEE
Single Family	2.7900	4.26	$1,515,000	$18,006.38[2]
Multi-family	2.1700	4.26	$1,515,000	$14,004.96[2]
Apartment				
< 50 Project Dwelling Units	2.6200	4.26	$1,515,000	$14,004.96[3]
>= 50 Project Dwelling Units	1.7723	4.26	$669,750	$5,056.61

[1] Column C represents the General Plan standard of 4.26 park and recreation acres per 1,000 residents.
[2] Fee equals Column B x Column C / 1,000 x Column D.
[3] Capped at fee level for Multi-family.

APPENDIX A

MAP OF VACANT LAND SALES



Property	Sale Price Per Acre	Site Acreage	Sold Date	Type of Use
1	$2,969,655	0.72	12/31/2006	Commercial/Other
2	$1,650,000	0.76	4/30/2009	Industrial
3	$2,131,147	0.61	7/14/2003	Retail
4	$1,578,947	0.76	5/21/2003	Retail
5	$2,744,384	0.42	5/5/2006	Multifamily
6	$3,226,667	1.61	9/22/2008	Multifamily
7	$3,682,801	0.25	6/8/2005	Multifamily
8	$2,534,389	0.24	2/23/2004	Commercial/Other

APPENDIX B

CITY OF ENCINITAS – ENCINITAS COMMUNITY PARK CONSTRUCTION COST DATA

City of Encinitas
Source: USS Cal Bid and Native Grow Nursery Bid (www.ci.encinitas.ca.us)

Summary

	Total Costs
Land Acquisition	$18,200,000
EIR, Design, and Development	$5,250,000
Construction (USS Cal Builders)	
Park Amenities	$11,216,788
Landscaping	$2,710,855
Landscaping (Native Grow Nursery)	$122,594
Park Acres	44.00
Construction Cost per Acre (Park Amenities only)	$254,927
Landscaping Cost per Acre	$64,397
Total Improvement Costs per Acre	$319,324
Land Acquisition Costs per Acre	$413,636

Improvement/Construction Costs Detail

Description	Quantity	Unit Cost	Subtotal	Total	Grand Total
Encinitas Community Park					**$13,927,642**
Construction					
General Work				$1,471,242.00	
Mobilization	1 LS	$216,000.00	$216,000.00		
Clear and Grub	1 LS	$87,000.00	$87,000.00		
Grading	164,100 CY	$1.62	$265,842.00		
Fine Grading	1,533,000 SF	$0.11	$168,630.00		
Soil Removal/Recompaction	32,000 CY	$2.81	$89,920.00		
Soil Reuse (Primary Soils Management Zone)	55,000 CY	$9.35	$514,250.00		
Storm Water Pollution Control/ SWPPP	1 LS	$27,000.00	$27,000.00		
Striping, Signage, & Painted Curb	1 LS	$48,600.00	$48,600.00		
Traffic Control	1 LS	$54,000.00	$54,000.00		
Utility Work				$1,113,970.32	
Fire Hydrant Assembly	4 EA	$5,562.00	$22,248.00		
Reclaimed Water 1-1/2" PVC	220 LF	$12.42	$2,732.40		
Reclaimed Water 2" PVC	695 LF	$15.12	$10,508.40		
Reclaimed Water 12" PVC	3,035 LF	$115.56	$350,724.60		
Reclaimed Service 1-1/2"	2 EA	$3,456.00	$6,912.00		
Reclaimed Water Service 6"	1 EA	$23,247.00	$23,247.00		
Sewer 4" PVC	710 LF	$48.60	$34,506.00		
Sewer 6" PVC	1,240 LF	$51.84	$64,281.60		
Sewer 8" PVC	649 LF	$92.88	$60,279.12		
Sewer Cleanout	29 EA	$648.00	$18,792.00		
Sewer- Cut and Cap Existing Pump Station	1 EA	$1,080.00	$1,080.00		
Sewer Manhole	2 EA	$6,307.20	$12,614.40		
Water 1/2" PVC	980 LF	$10.80	$10,584.00		
Water 1" PVC	555 LF	$11.88	$6,593.40		
Water 2" PVC	320 LF	$15.12	$4,838.40		
Water 8" PVC	1,250 LF	$75.60	$94,500.00		
Water 12" PVC	2,735 LF	$133.92	$366,271.20		
Water- Remove Existing ACP	1,100 LF	$5.40	$5,940.00		
Water Service 1"	3 EA	$3,990.60	$11,971.80		
Water Service 2"	1 EA	$5,346.00	$5,346.00		
Drainage				$1,544,243.40	
Atrium Drain	129 EA	$248.40	$32,043.60		
Bio-Retention Area (C-1.8, p22)	1 LS	$183,600.00	$183,600.00		
Bio-Retention Area (Dog Park)	1 LS	$41,040.00	$41,040.00		
Catch Basin and Grate	73 EA	$1,431.00	$104,463.00		
Catch Basin per SDRSD D-8	3 EA	$2,997.00	$8,991.00		
Curb Inlet	5 EA	$5,076.00	$25,380.00		
HDPE Storm Drain Pipe 18"	2,540 LF	$64.80	$164,592.00		
HDPE Storm Drain Pipe 24"	450 LF	$77.76	$34,992.00		
Headwall	3 EA	$2,700.00	$8,100.00		
Headwall w/ Trashrack	12 EA	$3,888.00	$46,656.00		
Headwall with Manifold	1 EA	$4,050.00	$4,050.00		
Junction Structure - APWA 331	3 EA	$540.00	$1,620.00		
Junction Structure - APWA 332	25 EA	$702.00	$17,550.00		
Manhole	5 EA	$5,454.00	$27,270.00		
Manhole - APWA 320/ Modified APWA 320	3 EA	$9,558.00	$28,674.00		

Improvement/Construction Costs Detail - Continued

Description	Quantity	Unit Cost	Subtotal	Total
Parkway Culvert APWA 151	11 EA	$2,430.00	$26,730.00	
Perforated Drain at Backstop (4")	570 LF	$37.80	$21,546.00	
Rip-Rap	3,125 SF	$21.60	$67,500.00	
Stormceptor	1 EA	$49,194.00	$49,194.00	
Storm Drain 6" PVC	6,800 LF	$31.86	$216,648.00	
Storm Drain 8" PVC	2,580 LF	$35.91	$92,647.80	
Storm Drain 10" PVC	145 LF	$64.80	$9,396.00	
Storm Drain 12" PVC	2,420 LF	$54.00	$130,680.00	
Storm Drain 54" rcp	366 LF	$367.20	$134,395.20	
Storm Drain Cleanout	11 EA	$324.00	$3,564.00	
Subdrain- Play Area	40 LF	$59.40	$2,376.00	
U-Channel 1'-6"	50 LF	$27.00	$1,350.00	
V-ditch 1'-6" Deep	1,185 LF	$27.00	$31,995.00	
V-Gutter	1,095 LF	$24.84	$27,199.80	
Building, Fence, and Wall Improvements				$3,643,256.00
Building- South Concession/ Restroom	1 LS	$525,000.00	$525,000.00	
Building- North Restroom	1 LS	$510,000.00	$510,000.00	
Electrical- Main Service	1 LS	$59,400.00	$59,400.00	
Electrical- Site Conduits, Conductors, Trenching, Complete	1 LS	$95,040.00	$95,040.00	
Light Fixture 14'	58 EA	$7,000.00	$406,000.00	
Light Fixture (18' single head)	11 EA	$8,835.00	$97,185.00	
Light Fixture (18' double head)	2 EA	$15,120.00	$30,240.00	
Light Fixture (20' single head)	58 EA	$10,044.00	$582,552.00	
Light Fixture (20' double head)	10 EA	$10,962.00	$109,620.00	
Light Fixture- Bollard	4 EA	$9,450.00	$37,800.00	
Junction Box for Future Light	69 EA	$1,252.00	$86,388.00	
Fencing- Backstops at 2 Ballfields	1 LS	$155,000.00	$155,000.00	
Fencing- 6' HT. Chainlink	360 LF	$37.80	$13,608.00	
Fencing- 8' HT. Chainlink	1,340 LF	$59.40	$79,596.00	
Fencing- 20' HT. Chainlink	450 LF	$145.80	$65,610.00	
Fencing- Lodge Pole	115 LF	$48.60	$5,589.00	
Gate w/ Pilasters- Tubular Steel	1 LS	$14,040.00	$14,040.00	
Trash Enclosures	2 EA	$31,054.00	$62,108.00	
Wall- 18" HT. at Park Entry	70 LF	$75.60	$5,292.00	
Wall-18" Planter	300 LF	$75.60	$22,680.00	
Wall-4' HT. For Material Bin Storage	70 LF	$86.40	$6,048.00	
Wall 6' HT. Masonry w/ Pilaster	4,105 LF	$135.00	$554,175.00	
Wall- Cheek Wall At Stair	175 LF	$86.40	$15,120.00	
Wall- 6' HT. Masonry at Maintenance Yard	140 LF	$135.00	$18,900.00	
Wall- Planter/Ret., incl. Guard Rail where required	475 LF	$145.80	$69,255.00	
Wall- Seat Walls	45 LF	$378.00	$17,010.00	
Site Improvements				$2,478,849.48
Asphalt Paving	2700 TON	$100.00	$270,000.00	
Bollards at Lot 'A'	7 EA	$702.00	$4,914.00	
Class II Base- Provide and Place	8,009 TON	$23.76	$190,293.84	
Class II Base- Place Onsite Material	6,529 TON	$23.76	$155,129.04	
Color Concrete Band 18" Wide	2105 LF	$19.44	$40,921.20	
Color Concrete Walkways	116,040 SF	$9.18	$1,065,247.20	
Concrete Mowcurb 6" Wide	6,750 LF	$12.96	$87,480.00	
Concrete Mowcurb 12" Wide	1,130 LF	$16.20	$18,306.00	
Concrete Stairs at Ball Fields	625 LF	$54.00	$33,750.00	
6" Curb/ Class II Base	8,350 LF	$17.28	$144,288.00	
6" Curb & Gutter/ Class II Base	3,670 LF	$22.68	$83,235.60	
6" Curb & Gutter w/block out/ Class II Base	1,600 LF	$25.92	$41,472.00	
Curb Ramp	25 EA	$810.00	$20,250.00	
Driveway Approach - SDRSD G-14A	1 EA	$2,268.00	$2,268.00	
Grass Pave2	1,480 SF	$13.50	$19,980.00	
Overlook w/ Seatwall, Conc. Band, & Interlocking Paver	1 LS	$29,160.00	$29,160.00	
Pavers	13,285 SF	$9.18	$121,956.30	
6" PCC Pavement	785 SF	$8.10	$6,358.50	
Simulated Bridges, Complete with Lodge Pole Fence, Stamped Concrete, and Flatwork	2 EA	$7,020.00	$14,040.00	
Stabilized Decomposed Granite Walkways w/ Curbing	9,245 SF	$14.04	$129,799.80	

Improvement/Construction Costs Detail - Continued

Description	Quantity	Unit Cost	Subtotal	Total
Site Furnishings				$304,938.00
Bat Rack @ Dugouts	4 EA	$2,700.00	$10,800.00	
Bench @ Dugouts	4 EA	$2,970.00	$11,880.00	
Bench- Custom with Back	22 EA	$1,620.00	$35,640.00	
Bench- Custom without Back	6 EA	$1,620.00	$9,720.00	
Bike Rack	5 EA	$810.00	$4,050.00	
Bleacher w/ Guard Rail	4 EA	$7,020.00	$28,080.00	
BQ Unit Group	5 EA	$702.00	$3,510.00	
BQ Unit Single	10 EA	$486.00	$4,860.00	
Concrete Seating Pad- Accessible	7 EA	$2,700.00	$18,900.00	
Concrete Seating Pad	12 EA	$2,700.00	$32,400.00	
Picnic Tables	28 EA	$1,458.00	$40,824.00	
Picnic Pads (Large 327 SF)	8 EA	$3,780.00	$30,240.00	
Picnic Pads (Small 130 SF)	12 EA	$1,512.00	$18,144.00	
Pitching Rubber, Bases, Home Plate (Complete Set)	2 EA	$5,940.00	$11,880.00	
Pedestrian Drinking Fountain	4 EA	$2,970.00	$11,880.00	
Score Table	2 EA	$1,890.00	$3,780.00	
Trash / Recycle Receptacles (Install Only)	35 EA	$810.00	$28,350.00	
Street Improvements				$100,564.74
Adjust Existing Facility to Grade	11 EA	$702.00	$7,722.00	
Asphalt Deeplift	450 LF	$9.72	$4,374.00	
Asphalt Dike (6")	30 LF	$9.72	$291.60	
Asphalt Grind and Overlay	165 SF	$2.16	$356.40	
Asphalt Paving	151 TON	$102.60	$15,492.60	
Class II Base	247 TON	$23.76	$5,868.72	
Concrete Alley Apron	1020 SF	$6.48	$6,609.60	
Concrete Cross Gutter	480 SF	$6.48	$3,110.40	
Concrete Driveway (w/8" PCC/6" AB)	2 EA	$2,052.00	$4,104.00	
Concrete Enhanced Paving @ Santa Fe Entry	208 SF	$8.10	$1,684.80	
Concrete Pedestrian Ramp	8 EA	$449.28	$3,594.24	
Concrete Sidewalk	2000 SF	$4.86	$9,720.00	
6" Curb/ Class II Base	180 LF	$17.28	$3,110.40	
6" Curb & Gutter/ Class II Base	595 LF	$21.60	$12,852.00	
6" Curb & Gutter (Rolled), Incl. Transitions/ Class II Base	36 LF	$22.68	$816.48	
Grass Pave2	225 SF	$13.50	$3,037.50	
Miscellaneous Relocations	1 LS	$8,100.00	$8,100.00	
Parkway Culvert	1 EA	$2,430.00	$2,430.00	
Sawcut	675 LF	$10.80	$7,290.00	
Traffic Signal and Signage Improvements				$437,130.00
3" PVC Conduit	180 LF	$27.00	$4,860.00	
2" PVC Conduit	150 LF	$27.00	$4,050.00	
Signal Cables and Wires	1 LS	$21,600.00	$21,600.00	
6T Pull Box	1 EA	$1,620.00	$1,620.00	
6E Pull Box	1 EA	$1,890.00	$1,890.00	
5T Pull Box	1 EA	$1,890.00	$1,890.00	
5E Pull Box	2 EA	$1,890.00	$3,780.00	
Type 1A Pole and Foundation	1 EA	$27,000.00	$27,000.00	
Type 15TS Pole, Foundation, 15' Lum Arm	1 EA	$27,000.00	$27,000.00	
HPS Luminaire	1 EA	$4,860.00	$4,860.00	
SV-4-TB	1 EA	$1,620.00	$1,620.00	
SV-1-T	1 EA	$1,620.00	$1,620.00	
SP-1-T Ped. Head	1 EA	$1,620.00	$1,620.00	
SP-2-T Ped Head	1 EA	$1,620.00	$1,620.00	
Polara Audible Navigator PPB Assembly and System	8 EA	$243,000.00	$194,400.00	
Type E Loop Detector	22 EA	$4,860.00	$106,920.00	
Overhead Box Guard	1 EA	$1,620.00	$1,620.00	
Miscellaneous Equipment Modification	1 LS	$12,960.00	$12,960.00	
Miscellaneous Relocations/ Removals	1 LS	$16,200.00	$16,200.00	

Improvement/Construction Costs Detail - Continued

Description	Quantity	Unit Cost	Subtotal	Total
Landscaping				$2,710,854.55
1 Gal. Container Planting (Install Only)	50,640 EA	$1.94	$98,241.60	
15 Gal. Tree	461 EA	$129.60	$59,745.60	
24" Box Tree	452 EA	$259.20	$117,158.40	
3" Mulch	4,325 CY	$34.56	$149,472.00	
Bio-Retention Planter Strips	6,280 SF	$4.32	$27,129.60	
Bio-Swale w/ Boulders, Pebbles at Parking Lot E	2240 SF	$9.18	$20,563.20	
Garden Buffer Bioswale w/ Boulders, Cobble	31295 SF	$9.18	$287,288.10	
Hydroseed Mix (Irrigated)	126,315 SF	$0.45	$56,841.75	
Hydroseed Mix (Non-irrigated)	329,375 SF	$0.06	$19,762.50	
Infield Mix	45,740 SF	$1.30	$59,462.00	
Irrigation (Complete)	1,154,545 SF	$1.14	$1,316,181.30	
Palm Brehea armata 5' B.T.	13 EA	$3,780.00	$49,140.00	
Palm Brehea armata 8' B.T.	7 EA	$4,590.00	$32,130.00	
Palm Brehea armata 10' B.T.	3 EA	$5,400.00	$16,200.00	
Palm Phoenix reclinata 10' B.T.	8 EA	$5,940.00	$47,520.00	
Palm Queen 15' B.T.	35 EA	$540.00	$18,900.00	
Palm Queen 18' B.T.	20 EA	$432.00	$8,640.00	
Palm Queen 20' B.T.	16 EA	$432.00	$6,912.00	
Soil Preparation	1,155,545 SF	$0.22	$254,219.90	
Turf Stolons	624,740 SF	$0.09	$56,226.60	
Vegetated Swale	24,000 SF	$0.38	$9,120.00	
NATIVE GROVE NURSERY - LANDSCAPING				$122,593.95
Achillea 'Island Pink'	1,340	$1.80	$2,412.00	
Aloe Arorescens	658	$2.10	$1,381.80	
Alyogyne Hugelii	216	$2.05	$442.80	
Arctostaphyos Hookeri 'Monterey Carpet'	478	$2.25	$1,075.50	
Arteisia 'Powis Castle'	131	$1.90	$248.90	
Baccharis Pilularis 'Pigeon Point'	1,439	$1.80	$2,590.20	
Buddleja Davidii Nanohoensis	268	$2.40	$643.20	
Cares Divulsa	6,774	$2.10	$14,225.40	
Carex Spissa	1,097	$2.10	$2,303.70	
Carssa Macrocarpa 'Tuttle'	1,207	$2.10	$2,534.70	
Ceanothus Gloriosus 'Emily Brown'	701	$2.60	$1,822.60	
Ceanothus 'Yankee Point'	372	$2.20	$818.40	
Cistus Purpurus	2,532	$2.25	$5,697.00	
Dasyliron Wheeleri	1,644	$2.60	$4,274.40	
Denromecon Hafordii	639	$3.10	$1,980.90	
Hemerocallis Hybrid	404	$2.25	$909.00	
Hesperaloe Parviflora	3,409	$2.25	$7,670.25	
Heteromeles Arbutifolia	396	$3.60	$1,425.60	
Loropetalum Chinese	119	$2.40	$285.60	
Mahonia Repens	1,560	$3.80	$5,928.00	
Muhlenbergia Capillaris 'Regal Mist'	823	$2.25	$1,851.75	
Muhlenbergia Rigens	2,148	$2.10	$4,510.80	
Myoporum Parvifolum 'Putah Creek"	678	$2.40	$1,627.20	
Parthenocissus Tricuspidata	45	$28.50	$1,282.50	
Penstemon Barbatus 'Navigator'	3,459	$1.80	$6,226.20	
Pennisetum Setaceum 'Rubrum'	684	$2.60	$1,778.40	
Photinia Fraseri	205	$2.25	$461.25	
Phormuim 'Wings of Gold'	436	$3.10	$1,351.60	
Pittosporum Tobira 'Variegatum' Mock Orange	313	$2.20	$688.60	
Prunus Ilicfolia	365	$2.60	$949.00	
Rhamus Californica	554	$3.10	$1,717.40	
Ribes Viburnifolium	327	$3.10	$1,013.70	
Rosa Floribunda 'Bright Pink Iceburg'	151	$2.80	$422.80	
Rosmarimus Officinalis 'Huntington Carpet'	16,368	$2.10	$34,372.80	
Salvia Celevelandii 'Winnifield Gilman'	657	$2.10	$1,379.70	
Salvia Leucantha	1,803	$2.10	$3,786.30	
Westingia Fruticosa	135	$2.10	$283.50	
Xylosma Congestum	98	$2.25	$220.50	

APPENDIX C

JURUPA AREA RECREATION AND PARKS DISTRICT
HORSESHOE LAKE PARK CONSTRUCTION COST DATA

Jurupa Area Recreation and Park District
Source: DTA, DIF Study, 2006

Summary

	Total Costs
Land Acquisition	n/a
Construction	$2,375,000
Park Acres	13.00
Construction Cost per Acre	$182,692

Improvement/Construction Costs Detail

Description	**Subtotal**	**Total**
Horseshoe Lake Park		
Design and Development of Horseshoe Lake Park	$2,375,000	$2,375,000

APPENDIX D

JURUPA AREA RECREATION AND PARKS DISTRICT
VETERAN'S MEMORIAL PARK CONSTRUCTION COST DATA

Jurupa Area Recreation and Park District
Source: DTA, DIF Study, 2006

Summary

	Total Costs
Land Acquisition	n/a
Construction	$1,487,750
Park Acres	9.98
Construction Cost per Acre	$149,073

Improvement/Construction Costs Detail

Description	Subtotal	Total
Veteran's Memorial Park		$1,487,750
BBQs, Picnic Tables, Benches, and Trash Receptacles	$18,750	
ADA Drinking Fountains	$4,000	
Security Lighting	$31,250	
Picnic Shelter and Slab	$81,250	
Half Court Basketball Court	$27,500	
Construction of Restroom Combination Storage Building	$181,250	
Demolition of Horseshoe Court Area	$18,750	
Construction of Teen Mini-Activity Center with Outdoor Amphitheatre	$1,125,000	

APPENDIX E

CITY OF LAKE FOREST – SPORTS PARK

Lake Forest - Skate Park
Source: Bid Results, 2013

Summary

	Total Costs
Land Acquisition	n/a
Construction	$35,888,810
Park Acres	86.20
Construction Cost per Acre	$416,344

Improvement/Construction Costs Detail

Description	**Subtotal**	**Total**	
			$35,888,810
Project Start Up		$1,937,400	
General Construction	$1,700,000		
Temporary Construction Fence	$60,900		
Construction Staking and Surveying	$120,000		
Traffic Control, Public	$6,500		
Sheeting, Shoring, and Bracing	$5,000		
Supplemental Traffic	$20,000		
Permits, Licensing, and Fees	$25,000		
Demoliton		$5,000	
Demolition, Removal,	$5,000		
Earthwork		$420,500	
Site Grading	$300,000		
Laser Grading			
Ball Field 1	$2,500		
Ball Field 2	$2,500		
Ball Field 3	$2,500		
Ball Field 4	$2,500		
Ball Field 5	$2,500		
"Commons" Lawn Area	$13,000		
Synthetic Turf Base	$5,000		
Southern Natural Turf Athletic Fields	$25,000		
Erosion Control	$30,000		
SWPPP Implementation and Monitoring	$35,000		
Storm Drain Improvements		$885,000	
Storm Drain	$885,000		
Sewer Improvements		$205,000	
Sewer Improvements	$205,000		
Water Improvements		$245,000	
Water Improvements	$245,000		
Natural Gas Improvements		$13,000	
Natural Gas	$13,000		

Improvement/Construction Costs Detail

Description	Subtotal	Total
Architecture		$11,173,000
Recreation Center, Complete	$6,485,000	
Restroom / Concession Buildings, Complete	$1,940,000	
Trash Enclosures, Complete	$50,000	
Shade Structures at	$840,000	
Shade Structures at Ball Fields - Design Build		
Ball Field 1 - Design Build	$72,000	
Ball Field 2 - Design Build	$72,000	
Ball Field 3 - Design Build	$72,000	
Ball Field 4 - Design Build	$72,000	
Ball Field 5 - Design Build	$72,000	
Shade Structure at	$333,000	
Shade Structures at	$160,000	
40' x 40' Shade Structures - Design Build	$400,000	
30' x 30' Shade Structures - Design Build	$325,000	
30' x 30' Maintenance	$95,000	
Glass Creek Overlook	$185,000	
Paving		$5,352,500
4" Asphaltic Concrete	$725,000	
Architectural Concrete	$3,110,000	
Natural Concrete Paving	$430,000	
Plexipave Surface	$11,000	
Flagstone Paving, Complete	$226,000	
Pedestrian "Bridges", Complete	$17,000	
Concrete Mow Curbs	$445,000	
Playground Resilient Surfacing		
Northern Tot Lot	$79,000	
Southern Tot Lot	$160,000	
'Organic Lock' Decomposed Granite	$45,000	
Decomposed Granite	$2,500	
Interlocking Concrete Pavers	$72,000	
Site Striping, Markings,	$30,000	
Walls		$1,981,000
Concrete Masonry Unit	$777,000	
Concrete Cast-inPlace	$370,000	
Entry Monument Walls, Complete		
Rancho Parkway	$80,000	
Portola Parkway	$37,000	
Vista Terrace	$17,000	
'Cultured' Stone Veneer	$700,000	
Fencing/Metal Work		$1,800,500
Lodgepole Fencing, Complete	$62,000	
Metal Guardrails for all	$356,000	
Metal Handrails for all	$58,000	
Tubular Steel Fence and	$172,000	
Permanent Chain Link	$550,000	
Sliding Tubular Steet	$24,000	
HDPE Lumber at Ball Fields 1-5	$36,000	
Netting, Posts, and Foul	$520,000	
Cor-Ten Steel Animal Silhouettes	$11,000	
Embedded Cor-Ten Steel Leaves	$6,500	
Phase One Access	$5,000	

Improvement/Construction Costs Detail

Description	Subtotal	Total
Site Electrical		$2,900,000
Site Electrical for all Work required, Complete	$2,900,000	
Site Furnishings		$1,263,000
Site Furnishings, Complete	$672,000	
Playground Equipment, Complete		
North Tot Lot	$95,000	
South Tot Lot	$417,000	
Wayfinding Signage and	$13,000	
Field Striper	$1,000	
SunPac Trailers, Complete	$65,000	
Irrigation		$1,775,410
Recycled Water Irrigation System, Complete	$1,685,000	
Domestic Water Irrigation, Complete	$90,410	
Landscape		$3,997,500
Soil Preparation / Fine Grading	$230,000	
Planting and Landscape	$2,035,000	
Dwarf Hybrid Bermuda Turf (Sod), Complete	$865,000	
Hydroseed Mix No. 1	$10,000	
Synthetic Turf Drainage System		
Fields A & B	$260,000	
Batting Cages	$12,500	
Sand at South Tot Lot	$1,000	
Engineered Wood Fiber at South Tot Lot	$27,500	
Infield Mix at Ball Fields 1-5	$180,000	
Hilltopper' Mound Mix at Ball Field 4	$5,000	
'La Cresta' Boulders for	$65,000	
Thematic Dry Creek Bed	$10,000	
Dos Rios Cobble for all	$40,000	
Cobble Edging at Building Perimeter	$2,000	
90-Day Site	$254,500	
Bid Alternatives		$1,935,000
Dwarf Hybrid Bermuda	$605,000	
Natural Stone Veneer	$1,130,000	
Import Dirt Contingency	$100,000	
Export Dirt Contingency	$100,000	

APPENDIX F

CITY OF LAGUNA NIGUEL – CROWN VALLEY PARK

Laguna Niguel - Crown Valley Community Park
Source: Bid Results, 2014

Summary

	Total Costs
Land Acquisition	n/a
Construction	$4,599,531
Park Acres	18.00
Construction Cost per Acre	$255,529

Improvement/Construction Costs Detail

Description	Quantity		Unit Cost	Subtotal	Total	Grand Total
						$4,599,531
General					$177,052.00	
Mobilization (Not to exceed 2% of contract price)	1.00	LS	$90,000.00	$90,000.00		
Develop Construction Water	1.00	LS	$9,740.00	$9,740.00		
Payment and Performance Bonds	1.00	LS	$68,850.00	$68,850.00		
Construction Field Office	1.00	LS	$6,377.00	$6,377.00		
Traffic Control	1.00	LS	$2,085.00	$2,085.00		
Site Preparation					$28,907.38	
Clearing and Grubbing	1.58	AC	$11,361.00	$17,950.38		
Instill Temporary Construction Chain Link Fence	1.00	LS	$10,957.00	$10,957.00		
Rough Grading						
Over Excavation (5 ft average) unsuitable material excavation and recompaction (keyway)	13,010.00	CY	$6.50	$84,565.00	$171,342.00	
Ampitheatre - 4" PVC Schedule 40 Perforated Pipe	3,280.00	CY	$8.60	$28,208.00		
Back Drain with Filter Material	304.00	LF	$50.00	$15,200.00		
4" PVC Schedule 40 Pipe	135.00	LF	$21.00	$2,835.00		
On-Site Export Materials Disposal/Handling	3,070.00	CY	$8.00	$24,560.00		
Erosion Control (Entire Site)	1.00	LS	$15,974.00	$15,974.00		
Demolition					$71,950.00	
Exist Ampitheatre Area - Demolition	1.00	LS	$40,433.00	$40,433.00		
Ex. Spray Ground Play Area - Demolition	1.00	LS	$31,517.00	$31,517.00		
Precise Grading Construction - Ampitheatre					$120,902.00	
6" Curb per OCPW STD 120-2	103.00	LF	$18.00	$1,854.00		
3' Cross Gutter	69.00	SF	$17.00	$1,173.00		
4" AC/10" AB	1,271.00	SF	$10.00	$12,710.00		
Sidewalk Access Ramp	1.00	EA	$1,768.00	$1,768.00		
Grade Keyway 5'x15'	150.00	CY	$36.28	$5,442.00		
Replace Salvaged Gate	1.00	EA	$3,305.00	$3,305.00		
0" to 6" Curb Transition	-	LF	$0.00	$0.00		
0" Curb per OCPW STD 120-2	-	LF	$0.00	$0.00		
10" Wide Seatwall	122.00	LF	$222.00	$27,084.00		
Seatwall (18" Wall Retaining-Note 18)	112.00	LF	$243.00	$27,216.00		
Concrete (Retaining Wall-H-Varies)	400.00	SF	$75.83	$30,332.00		
12" Wide Border with Grooves	1.00	EA	$185.00	$185.00		
Landscape Tie Steps	3.00	EA	$692.00	$2,076.00		
Seatwall (18" Wall Retaining-Note 20)	23.00	LF	$263.00	$6,049.00		
DG Trail	427.00	SF	$4.00	$1,708.00		
Drainage Construction - Ampitheatre					$76,222.00	
4" PVC Subdrain	19.00	LF	$23.00	$437.00		
4" Perforated Pipe	447.00	LF	$27.00	$12,069.00		
6" PVC	257.00	LF	$26.00	$6,682.00		
8" PVC	153.00	LF	$27.00	$4,131.00		
Connect to Ex Storm Drain	4.00	EA	$1,147.00	$4,588.00		
12" Area Drain Conc. V-Ditch	4.00	EA	$600.00	$2,400.00		
12" Landscape Drain	7.00	EA	$230.00	$1,610.00		
18" Area Drain	-	EA	$0.00	$0.00		
12" Area Drain	1.00	EA	$599.00	$599.00		
1' Concrete Wide V-Ditch	190.00	LF	$33.00	$6,270.00		
18" N-12 HDPE Pipe	293.00	LF	$33.00	$9,669.00		
4" Trench Drain	82.00	LF	$151.00	$12,382.00		
Concrete Cradle	-	LF	$0.00	$0.00		
24" HDPE Pipe Manhole	2.00	EA	$3,711.00	$7,422.00		
6" Clean-Out	3.00	EA	$995.00	$2,985.00		
Trench Backfill/PVMT Repair	131.00	SF	$38.00	$4,978.00		
Construction - Ampitheatre					$5,749.00	
Accessibile Stall Striping	144.00	SF	$17.00	$2,448.00		
Accessible Parking Sign	2.00	EA	$522.00	$1,044.00		
4" Wheel Stop	2.00	EA	$116.00	$232.00		
Stall Striping	18.00	LF	$7.00	$126.00		
Re-Stripe Hump Markings	2.00	EA	$407.00	$814.00		
Re-Stripe Crosswalk	31.00	LF	$35.00	$1,085.00		

Improvement/Construction Costs Detail

Description			Unit Cost	Subtotal	Total	Grand Total
Site Amenities - Ampitheatre					$295,322.00	
Concrete A: Natural Color	6,463.00	SF	$8.00	$51,704.00		
Concrete B: Salmon Colored, 24" Scored	140.00	SF	$16.00	$2,240.00		
Concrete C: Mesa Buff Colored Banding	686.00	SF	$10.00	$6,860.00		
Concrete D: Checkerboard Finish, MICA, 24" Scored	1,182.00	SF	$16.00	$18,912.00		
Concrete F: Salmon Colored	937.00	SF	$12.00	$11,244.00		
Decomposed Granite	28.00	CY	$143.00	$4,004.00		
Concrete Mowstrip	195.00	LF	$11.00	$2,145.00		
Concrete Risers	236.00	LF	$29.00	$6,844.00		
Stage Ramp Railing	60.00	LF	$427.00	$25,620.00		
Parking Lot Ramp Railing	84.00	LF	$143.00	$12,012.00		
Concrete Curb	23.00	LF	$38.00	$874.00		
Ampitheatre Stage Stone Structure	1.00	EA	$81,596.00	$81,596.00		
Ampitheatre Overhead Framework	1.00	EA	$8,696.00	$8,696.00		
Ampitheatre Stage Lighting	1.00	LS	$62,571.00	$62,571.00		
Site Furniture					$25,078.00	
Trash Receptacles	5.00	EA	$1,240.00	$6,200.00		
Recycled Material Receptacle	3.00	EA	$1,240.00	$3,720.00		
Bench	1.00	EA	$1,559.00	$1,559.00		
Botanical Preserve Sign with Pilasters	1.00	EA	$5,382.00	$5,382.00		
Grading Edge Adjustments	1.00	EA	$8,217.00	$8,217.00		
Irrigation - Ampitheatre					$86,074.00	
Automatic Irrigation System	36,703.00	SF	$2.00	$73,406.00		
Automatic Controller	1.00	EA	$12,668.00	$12,668.00		
Planting - Ampitheatre					$100,774.20	
Soil Preparation and Weed Abatement	36,703.00	SF	$0.40	$14,681.20		
Sodded Turf - Ampitheatre	30,905.00	SF	$1.00	$30,905.00		
Artificial Turf	2,208.00	SF	$15.00	$33,120.00		
3" Thick Layer of Mulch	5,798.00	SF	$0.50	$2,899.00		
36" Box Tree	5.00	EA	$913.00	$4,565.00		
5 Gallon Shrub	324.00	EA	$18.00	$5,832.00		
1 Gallon Shrub	731.00	EA	$12.00	$8,772.00		
Post Installation Maintenance - Ampitheatre					$11,010.90	
90 Day Maintenance	36,703.00	SF	$0.30	$11,010.90		
Precise Grading Construction - Sprayground Play Area					$205,206.00	
6" Curb per OCPW STD 120-2	322.00	LF	$14.00	$4,508.00		
4" HMA Over 6" AB	3,233.00	SF	$6.00	$19,398.00		
4" Sidewalk	-	SF	$0.00	$0.00		
0" to 6" Curb Transition	52.00	LF	$14.00	$728.00		
0" Curb per OCPW STD 120-2	43.00	LF	$16.00	$688.00		
8" Wide Seatwall	242.00	LF	$242.00	$58,564.00		
Concrete (Retain) Wall	720.00	SF	$87.00	$62,640.00		
Retaining Wall (2:1 Backfill)	320.00	SF	$101.00	$32,320.00		
6" CMU Wall	70.00	LF	$174.00	$12,180.00		
12" Wide Border with Grooves (At H/C Ramps)	4.00	EA	$1,224.00	$4,896.00		
Seatwall (18" Wall Retaining-Note 20)	46.00	LF	$146.00	$6,716.00		
Seatwall (18" Wall Retaining-Note 18)	8.00	LF	$321.00	$2,568.00		
Drainage Construction - Sprayground Play Area					$102,428.00	
4" PVC Subdrain	274.00	LF	$25.00	$6,850.00		
4" Perforated Pipe	438.00	LF	$28.00	$12,264.00		
6" PVC	457.00	LF	$29.00	$13,253.00		
8" PVC	265.00	LF	$30.00	$7,950.00		
Connect to Ex Storm Drain	-	EA	$0.00	$0.00		
12" Area Drain Conc. V-Ditch	11.00	EA	$600.00	$6,600.00		
12" Landscape Drain	-	EA	$0.00	$0.00		
6" Landscape Drain	17.00	EA	$246.00	$4,182.00		
12" Area Drain	5.00	EA	$599.00	$2,995.00		
18" Area Drain	-	EA	$0.00	$0.00		
1' Concrete Wide V-Ditch	341.00	LF	$33.00	$11,253.00		
18" PVC	-	LF	$0.00	$0.00		
Connect to Rain Drop Box	1.00	EA	$432.00	$432.00		
4" Trench Drain	111.00	LF	$154.00	$17,094.00		
12" PVC	26.00	LF	$34.00	$884.00		
4" Trench Drain	62.00	LF	$168.00	$10,416.00		
JS Type VI	2.00	EA	$2,635.00	$5,270.00		
24" HDPE	-	LF	$0.00	$0.00		
6" Clean-Out	3.00	EA	$995.00	$2,985.00		

Improvement/Construction Costs Detail

Description			Unit Cost	Subtotal	Total	Grand Total
Wet Utility Services - Sprayground Play Area					$41,192.00	
Install 2" Backflow Preventer	2.00	EA	$5,758.00	$11,516.00		
2" PVC Water Line	190.00	LF	$13.00	$2,470.00		
Point of Connection to Building	3.00	EA	$498.00	$1,494.00		
Connect to Ex Service	2.00	EA	$492.00	$984.00		
Connect to Ex 1" Water Line	1.00	EA	$171.00	$171.00		
4" SDR-35 PVC Sewer Pipe	72.00	LF	$31.00	$2,232.00		
Remove Cleanout and Join	2.00	EA	$603.00	$1,206.00		
Connect to Drain Pipe	1.00	EA	$455.00	$455.00		
Remove 1" Water Line	78.00	LF	$8.00	$624.00		
Water Meter	2.00	EA	$10,020.00	$20,040.00		
Storm Drain Construction - Sprayground Play Area					$37,029.00	
24" RCP	108.00	LF	$185.00	$19,980.00		
Adjust Existing MH	1.00	EA	$1,584.00	$1,584.00		
Remove Ex 24" RCP	545.00	LF	$22.00	$11,990.00		
Concrete Saddle	31.00	LF	$73.00	$2,263.00		
Concrete Collar	3.00	EA	$404.00	$1,212.00		
Construction - Sprayground Play Area					$23,330.00	
Accessibile Stall Striping	143.00	SF	$17.00	$2,431.00		
Accessible Parking Sign	2.00	EA	$522.00	$1,044.00		
4" Wheel Stop	2.00	EA	$116.00	$232.00		
Stall Striping	278.00	LF	$7.00	$1,946.00		
Re-Stripe Crosswalk	51.00	LF	$35.00	$1,785.00		
Erosion Control	1.00	LS	$15,892.00	$15,892.00		
Site Amenities - Sprayground Play Area					$1,496,502.00	
Concrete A: Natural Color	5,316.00	SF	$8.00	$42,528.00		
Concrete B: Salmon Colored, 24" Scored	285.00	SF	$17.00	$4,845.00		
Concrete C: Mesa Buff Colored Banding	760.00	SF	$10.00	$7,600.00		
Concrete E: Checkerboard Finish, 48" Scored	3,334.00	SF	$15.00	$50,010.00		
Concrete F: Salmon Colored	640.00	SF	$13.00	$8,320.00		
Concrete G: Salmon with Mica Feldspar	179.00	SF	$22.00	$3,938.00		
Concrete Risers	252.00	LF	$23.00	$5,796.00		
Concrete Curb	165.00	LF	$20.00	$3,300.00		
Concrete Mowstrip	150.00	LF	$14.00	$2,100.00		
Mosaic	1.00	LS	$6,492.00	$6,492.00		
Architectural Art Panel	3.00	LS	$5,797.00	$17,391.00		
42" High Guardrail	90.00	LF	$416.00	$37,440.00		
Handrail at Steps and Ramps - Play Area	321.00	LF	$485.00	$155,685.00		
Concrete Cheek Wall/Curb	190.00	LF	$191.00	$36,290.00		
42" Tubular Steel Fence with Embelllishments	185.00	LF	$536.00	$99,160.00		
6' High, Water Feature, Tubular Steel Fence	146.00	LF	$450.00	$65,700.00		
Entry Archway with Columns - No Gates	2.00	SET	$29,212.00	$58,424.00		
6' High Tubular Steel Service Gates	2.00	SET	$13,333.00	$26,666.00		
6' x 5' High Tubular Steel Service Gates	1.00	SET	$4,116.00	$4,116.00		
6' x 10' High Tubular Steel Service Gates	1.00	SET	$7,189.00	$7,189.00		
6' High Pilasters	3.00	EA	$5,411.00	$16,233.00		
4' High Pilaster	1.00	EA	$5,382.00	$5,382.00		
30" High Pilasters	9.00	EA	$2,551.00	$22,959.00		
Service Switchgear Total	1.00	LS	$124,609.00	$124,609.00		
Site Lighting Fixtures	1.00	LS	$684,329.00	$684,329.00		
Architecture - Sprayground Play Area					$555,839.00	
Restroom and Pump Room Building	682.00	SF	$700.00	$477,400.00		
Outdoor Shower and Drain to Sewer	1.00	EA	$10,319.00	$10,319.00		
Life Guard Chair	2.00	EA	$1,780.00	$3,560.00		
Shade Canopy at Picnic and Water Feature Areas	3.00	EA	$21,520.00	$64,560.00		
Site Furniture - Sprayground Play Area					$73,962.00	
ADA Picnic Table	4.00	EA	$2,386.00	$9,544.00		
Picnic Table	5.00	EA	$2,131.00	$10,655.00		
Bench	11.00	EA	$1,559.00	$17,149.00		
Trash Receptacles	11.00	EA	$1,240.00	$13,640.00		
Bike Rack	1.00	EA	$934.00	$934.00		
Recycled Material Receptacle	10.00	EA	$2,204.00	$22,040.00		
Play Equipment - Sprayground Play Area					$698,935.00	
Water Spray Ground Features with Recycling Pump	1.00	CY	$259,705.00	$259,705.00		
Playground Equipment and GFRC Amenities	2.00	SET	$174,882.00	$349,764.00		
Ruberized Surfacing	2,495.00	SF	$26.00	$64,870.00		
Water Spray Ground - Natural Color with Glass	934.00	SF	$19.00	$17,746.00		
Sand Colored Concrete	685.00	SF	$10.00	$6,850.00		
Irrigation - Sprayground Play Area					$53,092.00	
Automatic Irrigation System	20,212.00	SF	$2.00	$40,424.00		
Automatic Controller	1.00	EA	$12,668.00	$12,668.00		

Improvement/Construction Costs Detail

Description			Unit Cost	Subtotal	Total	Grand Total
Planting - Sprayground Play Area					$87,719.60	
Soil Preparation and Weed Abatement	20,212.00	SF	$0.50	$10,106.00		
Sodded Turf	5,929.00	SF	$0.90	$5,336.10		
3" Thick Layer of Mulch	14,283.00	SF	$0.50	$7,141.50		
60" Box Tree	1.00	EA	$5,481.00	$5,481.00		
48" Box Tree	3.00	EA	$1,495.00	$4,485.00		
36" Box Tree	24.00	EA	$889.00	$21,336.00		
5 Gallon Shrub	882.00	EA	$19.00	$16,758.00		
1 Gallon Shrub	1,423.00	EA	$12.00	$17,076.00		
Post Installation Maintenance - Sprayground Play Area					$13,509.80	
90 Day Maintenance	20,212.00	SF	$0.40	$8,084.80		
Landscape Ties	155.00	LF	$35.00	$5,425.00		
Trash Enclosure					$40,403.00	
8"x8"x16" Precision Block CMU Wall	83.00	LF	$133.00	$11,039.00		
4" Mon PCC Curb	60.00	LF	$13.00	$780.00		
6" PCC Pavement	547.00	SF	$7.00	$3,829.00		
6"x4" Schedule 40 Gal Steel Tube FTG	5.00	EA	$552.00	$2,760.00		
Fab and Install Metal Gate	36.00	LF	$389.00	$14,004.00		
Fab Slide Bolt	3.00	EA	$267.00	$801.00		
Install 6" Schedule 40 Gal Steel Bollards	2.00	EA	$487.00	$974.00		
Mortar Cap	83.00	LF	$4.00	$332.00		
Type A1-6 PCC Curb	17.00	LF	$27.00	$459.00		
3" AC Over 4" AB Pavement	73.00	SF	$12.00	$876.00		
Sawcut and Remove AC Pavement	75.00	LF	$13.00	$975.00		
Remove 6" Curb	58.00	LF	$16.00	$928.00		
Paint DBL 4" Wide Striping	882.00	EA	$3.00	$2,646.00		

APPENDIX G

CITY OF PASADENA – DESIDERIO PARK CONSTRUCTION COST DATA

Pasadena
Source: City CIP Budget, 2014

Summary

	Total Costs
Land Acquisition	n/a
Construction (Design & Development)	$2,410,000
Park Acres	3.80
Construction Cost per Acre	$634,211

Improvement/Construction Costs Detail

Location	Description	Subtotal	Total
Desiderio Park			
	Development of New Park	$2,410,000	$2,410,000

APPENDIX H

CITY OF REDONDO BEACH – HEART PARK CONSTRUCTION COST DATA

Redondo Beach
Source: DTA, DIF Study, 2003

Summary

Facility/Item	
Land Acquisition	$227,397,770
Construction	$32,473,900
Park Acres	76.50
Construction Cost per Acre	$424,495
Land Acquisition Costs per Acre	$2,972,520

Improvement/Construction Costs Detail

Description	Unit	Quantity	Unit Cost	Subtotal	Total	Grand Total
Heart Park						**$32,473,900**
Area A					$3,396,000	
Community Events Center Site	Acres	4.40	$250,000	$1,100,000		
Multi-Use Community Event Area	Acres	8.80	$25,000	$2,200,000		
Parking Lot	Per Space	120.00	$800	$96,000		
Area B					$1,035,500	
Swimming/Tennis Complex Site	Acres	2.30	$250,000	$575,000		
Swimming Pool	Square Feet	7,500.00	$55	$412,500		
Tennis Courts	Square Feet	57,600.00	--	--		
Parking Lot	Per Space	60.00	$800	$48,000		
Area C					$11,060,400	
Active Recreation/Sports	Acres	12.70	$250,000	$3,175,000		
Natural Area	Acres	7.90	$150,000	$1,185,000		
Amphitheatre	Square Feet	87,120.00	$20	$1,742,400		
Passive Park	Acres	11.00	$200,000	$2,200,000		
Multi-Use Community Event Area	Acres	5.00	$250,000	$1,250,000		
Pedestrian Path	Acres	8.40	$150,000	$1,260,000		
Parking Lot	Per Space	310.00	$800	$248,000		
Area D					$16,350,000	
Harbor Recreation	Acres	10.60	$250,000	$2,650,000		
Boat Launch	Acres	1.10	N/A	$13,340,000		
Parking Lot	Per Space	450.00	$800	$360,000		
Area E					$632,000	
Bike Path Trailhead	Acres	0.60	$225,000	$135,000		
Multi-Use Harbor Recreation Area	Acres	1.10	$250,000	$425,000		
Parking Lot	Per Space	90.00	$800	$72,000		

APPENDIX I

CITY OF SAN MARCOS – BRADLEY PARK CONSTRUCTION COST DATA

San Marcos - Bradley Park
Source: Bradley Park Master Plan, 2014

Summary

Land Acquisition	n/a
Construction Costs	$12,492,484
Park Acres	34.00
Construction Cost per Acre	$367,426

Improvement/Construction Costs Detail

	Description	Quantity	Unit Cost	Subtotal	Total	Grand Total
						$12,492,484
One					$339,568	
	South Rancho Santa Fe Road on-site parking	168	$552.45	$92,811		
	Head Start Parking Lot	43	$2,866.21	$123,247		
	Pacific Street Parking	107	$1,154.30	$123,510		
Two					$4,552,878	
	Football/Soccer Field #1, Softball/Baseball Fields #1 & #2			$2,122,177		
	241 Car Parking Lot with Access Drives			$1,070,011		
	Center Core Area			$1,275,810		
	Walking Trail			$84,880		
Three					$4,310,556	
	Baseball Field #1			$1,582,821		
	Softball/Baseball Field #3 & Soccer Field #4			$1,161,504		
	Softball/Baseball Field #4			$932,111		
	Restroom & Concession Building at S. Rancho Santa Fe Rd.			$549,240		
	Walking Trail			$84,880		
Four					$3,289,482	
	Group Picnic Area at Lower Mesa			$212,157		
	Football/Soccer Field #2, Softball/Baseball Fields #5 & #6			$2,122,177		
	Baseball Field #2 with Cover Play Area and Picnic Amenities			$694,207		
	Baseball Field #3			$260,941		

APPENDIX J

CITY OF TUSTIN – TUSTIN LEGACY PARK CONSTRUCTION COST DATA

Tustin Legacy Park
Source: Tustin Legacy Park Master Plan, 2014

Summary

	Total Costs
Land Acquisition	n/a
Design Contingency	$1,158,626
Construction	$16,816,265
Park Acres	31.50
Construction Cost per Acre	$533,850

Improvement/Construction Costs Detail

Description	Total	Grand Total
		$16,816,265
General Construction	$1,139,482	
Mobilization		
Fine Grading		
Erosion Control		
Utilities		
Ballfields	$1,927,000	
3 Fields		
Lighting		
Amenities		
Miscellaneous Paving & Trails	$890,000	
Paving		
Trails		
Lighting		
Signage		
Multi- Purpose Fields	$2,315,000	
4 Fields		
Lighting		
Amenities		
Courts	$750,000	
Basketball		
Tennis		
Pickleball		
Sand Volleyball		
Lighting		
Amenities		
Children' s Play Environment	$2,110,000	
Play Equipment		
Passive Areas		
Par Course Equipment		
Veteran' s Memorial		
Signage		
Amenities		
Parking Lots	$2,110,000	
Small Parking Lot		
Large Parking Lot		
Buildings	$650,000	
Two Buildings		
Skate Park	$396,500	
Lighting		
Amenities		
Miscellaneous Landscape & Irrigation	$1,408,283	
Soil Preparation		
Trees, Shrubs, Groundcover		
Irrrigation		
Additive Alternative	$3,120,000	
Synthetic Turf @ Soccer Fields		

Building Industry Association of Southern California, Inc.
ORANGE COUNTY CHAPTER

March 9, 2015

Chairman Robert Dickson and Planning Commission Members
City of Costa Mesa
77 Fair View Drive
Costa Mesa, CA 92626

Re: **COMMENTS ON PROPOSED PARKLAND IMPACT FEES**

Dear Chairman Dickson,

On behalf of our membership, we are in support of the proposed update to the City's Parkland In-Lieu Fees Program (Parkland Impact Fees). We would like to thank City staff for the opportunity to review the proposed fee adjustment, and for requesting our input in this important matter.

The Building Industry Association of Southern California, Orange County Chapter (BIA/ OC) is a non-profit trade association of nearly 1,000 companies employing over 100,000 people affiliated with the home building industry. The Orange County Chapter represents the largest member base within BIA Southern California. Our mission is to champion housing as the foundation of vibrant and sustainable communities.

After review of the City staff's report related to the proposed Parkland Impact Fees, we are pleased to see a reduction from the current fee program for Single Family and Multi-Family Owner dwelling units (condominiums). Housing costs in our region are affected by development fees, we applaud City staff for re calibrating the City's park fees in accordance with the requirements of State law.

As always, we remain a resource to the City on important issues that are related to the well-being of our local communities.

Thank you for time and thoughtful consideration.

Respectfully,

Michael Balsamo
Chief Executive Officer

PRESIDENT
JOAN MARCUS-COLVIN
THE NEW HOME COMPANY

VICE PRESIDENT
JIM YATES
RANCHO MISSION VIEJO

TREASURER
PHIL BODEM
TAYLOR MORRISON

SECRETARY
MIKE GARTLAN
KB HOME

IMMEDIATE PAST PRESIDENT
DONNA KELLY
LENNAR

TRADE CONTRACTOR V.P.
ALAN BOUDREAU
BOUDREAU PIPELINE CORPORATION

ASSOCIATE VICE PRESIDENT
MARK HIMMELSTEIN
NEWMEYER & DILLION, LLP

MEMBER-AT-LARGE
MIKE MCMILLEN
TRI POINTE HOMES

MEMBER-AT-LARGE
SCOTT STARKEY
STARKEY COMMUNICATIONS

CHIEF EXECUTIVE OFFICER
MICHAEL BALSAMO

24 Executive Park, Suite 100
Irvine, California 92614
949.553.9500 | biaoc.com

ATTACHMENT 2

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND CONDUCTING THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS

WHEREAS, California Government Code section 66000 *et seq.* enables cities to charge fees for transportation facilities; and

WHEREAS, Section 13-274 of the Costa Mesa Municipal Code authorizes the City Council to, by resolution, establish a development impact fee program based on the capital improvement program; and

WHEREAS, in 1993, by Resolution No. 93-43, the City Council established a traffic impact fee program and the rate of the traffic impact fee based upon a Traffic Impact Fee Study; and

WHEREAS, each year since 1993, the City has continued the traffic impact fee program; and

WHEREAS, on December 7, 2021, the City Council established a traffic impact fee of Two Hundred Thirty-Five Dollars ($235.00) per Average Daily Trip (ADT) based upon a Traffic Impact Fee Study completed in 2018; and

WHEREAS, California Government Code section 66001(d) requires the City to make specified findings every five years with respect to any portion of the traffic impact fees collected that remain unexpended in its account, including (1) identifying the purpose to which the fee is to be put; (2) demonstrating a reasonable relationship between the fee and the purpose for which it is charged; (3) identifying all sources and amounts of funding anticipated to complete financing of incomplete improvements; and (4) designating approximate dates on which the anticipated funding is expected to be deposited into the appropriate account; and

WHEREAS, California Government Code section 66002(b) further requires a separate annual review and update of the City's capital improvement plan for improvements to be paid for by traffic impact fees; and

WHEREAS, California Government Code section 66006(b) requires the City to make available to the public within 180 days of the last day of the fiscal year certain information, including but not limited to, a description of the type of fee, the amount of the fee, the amount of fees collected and the interest earned thereon, identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, identification of an approximate date by which the construction of the public improvement will commence if the City determines that sufficient funds have been collected to complete financing of an incomplete public improvement, and the beginning and ending balance of the traffic impact fee account or fund for the previous fiscal year; and

WHEREAS, the 2016 General Plan requires the City to maintain a traffic impact fee for improvements to the Master Plan of Streets and Highways and that the City review and update the fees on a regular basis; and

WHEREAS, pursuant to the 2016 General Plan and the Costa Mesa Municipal Code, the City has elected to conduct the review of traffic impact fees required by California Government Code section 66001(d) on an annual basis in conjunction with its review of the capital improvement plan required by California Government Code section 66002(b) and the annual accounting required by California Government Code section 66006(b)(1); and

WHEREAS, the City reviewed and updated the capital improvement plan on June 15, 2022 in connection with its Measure M2 reporting; and

WHEREAS, a primary purpose of this resolution is to continue the traffic impact fee based on the 2018 Traffic Impact Fee Study and to enable the City to continue the traffic impact fee; and

WHEREAS, the traffic impact fee is necessary because new development increases the need for transportation/circulation facilities in the City of Costa Mesa not only during peak periods, but throughout the day, and the City transportation/circulation system will be burdened by the demands of carrying vehicles of a larger number of persons and cargo due to new commercial, industrial, and residential uses; and

WHEREAS, the 2015-2035 General Plan as well as Environmental Impact Report No. 1049 indicate that development of new commercial, industrial and residential uses is

expected to exceed current commercial, industrial and residential uses and, accordingly, the City transportation/circulation systems will need to be increased in capacity to carry the increase in the number of vehicles due to new commercial, industrial and residential uses; and

WHEREAS, the Public Services Department has conducted an audit of the accounts for the traffic impact fee program for the fiscal year ending June 30, 2022, which is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, pursuant to California Government Code section 66006, the audit was available for public inspection and review at least fifteen (15) days prior to the City Council review of the audit on November 15, 2022 and notice was mailed to all interested parties on record at least fifteen (15) days prior to the public hearing held on November 15, 2022; and

WHEREAS, the City Council conducted a public hearing on November 15, 2022, received testimony and evidence from interested parties in the City of Costa Mesa, and has evaluated justification for renewal of the traffic impact fee given economic and social factors, as well as average fees charged by surrounding cities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. The City Council hereby finds that:

a. The foregoing recitals are true and correct and are incorporated herein by reference.

b. The purpose of the traffic impact fee is to fund transportation/circulation improvements including active transportation improvements within the City of Costa Mesa which are directly related to the incremental traffic/vehicle burden imposed upon the City transportation/circulation system by the development of new commercial, industrial and residential uses.

c. The fee will be used to fund transportation and circulation improvements within the City of Costa Mesa.

d. There is a reasonable relationship between the traffic impact fee's use and the development projects on which the fee is imposed because the transportation/circulation facilities funded by the fee are needed to

accommodate the incremental new traffic/vehicle burdens generated by the development of new commercial, industrial and residential uses upon which the fee is imposed.

e. There is a reasonable relationship between the need for the transportation/circulation facilities and the development of new commercial, industrial and residential projects upon which the fee is imposed because the new development projects paying the fee will receive a direct benefit from the transportation/circulation facilities funded by the fee; the transportation/circulation facilities funded by the fee will increase traffic/vehicle circulation capacity on streets and highways directly burdened by the increase in traffic/vehicles generated by new development projects upon which the fee is charged; the cost of transportation/circulation facilities attributed to existing deficiencies, existing land uses and population, excess and reserve capacity, and regional transportation needs have been excluded from the fee calculation, and such costs are not included in the fee to be paid by the development.

f. There is no portion of the fees deposited into the traffic impact fee fund that remains unexpended.

g. The capital improvement plan is adequate to provide the facilities for which the traffic impact fee is charged and does not need to be amended.

h. The audit by the Public Services Department set forth in Exhibit “A” accurately reflects the balance of the traffic impact fee account on the fees collected, the interest thereon, and other income and amount of expenditures and refunds of the traffic impact fee made by the City of Costa Mesa during the prior fiscal year.

Section 2. The City Council of the City of Costa Mesa hereby renews the traffic impact fee and establishes traffic impact fee regulations as follows:

a. The traffic impact fee shall be a fee of $235.00 per each new average daily vehicle trip end generated by all new commercial, industrial and residential developments. To encourage active transportation in Costa Mesa, staff shall provide a five percent (5%) reduction in ADT development trips for

active transportation project benefits and may provide an additional five percent (5%) reduction in ADT development trips for a development project which proposes to implement active transportation improvements beyond those which would ordinarily be required by the City as a condition of approval for such development project.

b. The traffic impact fee established pursuant to this resolution shall be collected and administered in accordance with all requirements of California Government Code section 66000 *et seq.*, the Costa Mesa Municipal Code and prior resolutions of the City Council.

c. There shall be no limitation on the amount of traffic impact fees which may be allocated toward active transportation projects.

d. Staff may allocate up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.

Section 3. The City Council of the City of Costa Mesa hereby approves the updated comprehensive transportation/circulation system capital improvement plan as identified at the June 21, 2022 City Council meeting pursuant to Government Code section 66002.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

ATTACHMENT 2

THIS PAGE IS RESERVED FOR CITY CLERK'S OFFICE

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 15th day of November, 2022.

_____
Brenda Green, City Clerk

CITY OF COSTA MESA
CITYWIDE TRAFFIC IMPACT FEE ACCOUNT

Fund Balance as of June 30, 2022

FISCAL YEAR 2021-2022

Amount of Traffic Impact Fee	$235		
Beginning Fund Balance July 1, 2021	$5,490,214		
1. Revenues			
Traffic Impact Fees	$437,943		
Investment Earnings	53,938		
GASB 31 Fair Market Value adjustment on Investment	(197,108)		
Revenue Subtotal	$294,773		
2. Expenditures	$127,222		
			Percent of project funded by TIF in FY 21-22
Newport Boulevard Improvements (19th to 17th)	$31,491	FY 21-22	6.7%
Adams Avenue Bicycle Facility Project - Design	$6,832	FY 21-22	5.2%
Bicycle Racks Citywide	$8,299	FY 21-22	4.0%
Class II and III Bicycle Projects	$12,052	FY 21-22	1.2%
Merrimac Way Active Transportation Improvements	$16,837	FY 21-22	0.8%
Adams at Pinecreek Intersection Improvements	$3,831	FY 21-22	0.5%
Baker/ Placentia/ 19th/ Victoria TSSP	$15,373	FY 21-22	0.7%
Randolph Ave Parking and Pedestrian Improvements	$25,792	FY 21-22	17.4%
West 18th & Wilson Crosswalks	$9,325	FY 21-22	2.4%
East 17th St. Landscape Enhancement	-$2,611	Adjustment	
3. Refunds	$0		
Amount of funds expended or uncommitted after 5 years	$0		
4. Administrative Costs	$0		
5. Fund Balance as of June 30, 2022	$5,657,766		
6. Projects Current and Future Appropriations	$3,255,657		

Newport Boulevard Improvements (19th to 17th)
Bicycle Racks Citywide
Class II and III Bicycle Projects
Adams at Pinecreek Intersection Improvements
Fairview Traffic Signal Synchronization
Bear Traffic Signal Synchronization
Mesa Del Mar Multimodal Access
Baker/ Placentia/ 19th/ Victoria TSSP
Bicycle/ Pedestrian Infrastructure Improvement
Mesa Drive / Santa Ana Ave Bicycle Facility Improvement
Mesa Verde Drive East/ Peterson Place Class II Bicycle Facility
Randolph Ave Parking and Pedestrian Improvement
West 18th & Wilson Crosswalks
Fairview Road Improvement Project

CITYWIDE TRAFFIC IMPACT FEE ANNUAL REVIEW - REPORT

Background

Pursuant to California Government Code Section 66000, et seq. and the Costa Mesa Municipal Code, a traffic impact fee study is required by the City to establish a basis for the imposition of Citywide traffic impact fees on new and expanding developments within the City. The purpose of the fee is to fund the necessary transportation/circulation improvements, which are related directly to the incremental traffic impacts imposed on the City's transportation system by the development of new and/or changing commercial, industrial, and residential uses as permitted by the General Plan. The fee also maintains compliance with the eligibility requirements of the Orange County Transportation Authority's (OCTA) Renewed Measure "M2" Program (Measure "M2").

The City Council has reviewed the Citywide Traffic Impact Fee Program each year since the fee program was first adopted in 1993. The City Council, in July 1993, also approved the formation of an Ad Hoc Committee consisting of representatives from various stakeholder groups to work with staff on all aspects related to the revision and updating of traffic impact fees.

The City Council subsequently appointed an Ad Hoc Committee consisting of members representing large and small developers, the Chamber of Commerce, citizens-at-large, as well as members representing the City Council and the Planning Commission, to assist staff in the development and review of the traffic impact fee.

The current Ad Hoc Committee members and their representation are as follows:

Jason Kensey (Chair)	At Large Representative
George Sakioka (Vice Chair)	Major Developers' Representative
Steve Brahs	Small Developers' Representative
Matt Eimers	At Large Representative
Vacant	Chamber of Commerce

City Council Liaisons:

Council Member Don Harper
Council Member Arlis Reynolds

Planning Commission Liaison:

Commissioner Jonathan Zich

The City Council, in June 2012, authorized a comprehensive review of the City's General Plan, including the Land Use and Circulation Elements. The General Plan was completed and finalized in 2016.

The last major update of the Traffic Impact Fee Study was completed in November 2018. The update took into account the most recent land use and circulation information contained in the 2016 General Plan update. The proposed General Plan circulation improvements identified in the new transportation model form the basis for the traffic impact fee update. A revised traffic impact fee calculation was conducted taking into account the 2016 General Plan and updated traffic analysis model. The estimated costs for various improvements were reviewed and updated using the most recent construction cost data. The Ad Hoc Committee, together with staff, reviewed all conditions and analyzed different trip fee scenarios. Several variations of improvement options were considered, and it was determined that trip fees in the range of $176 per ADT through $476 per ADT could be justified.

On December 7, 2021, the City Council adopted Resolution No. 21-48, approving a traffic impact fee of $235 per Average Daily Trip (ADT) to be continued with the inclusion of Active Transportation projects, selecting a fee from the calculated range of between $176 and $476 per ADT. The City Council also approved up to ten percent (10%) of traffic impact fees being allocated toward traffic signal synchronization projects. In addition, City Council approved a five percent (5%) reduction in automobile trips as a result of ATP implementation and an additional five percent (5%) reduction in automobile trips for developments proposing to implement active transportation improvements beyond typical development requirements. A chronology of actions taken by the City Council on the Citywide Traffic Impact Fee Program between the years of 1993 and 2020 is included in Appendix A.

Traffic Impact Fee Ad Hoc Committee – Annual Review

The Traffic Impact Fee Ad Hoc Committee and staff met on October 20, 2022 to review the traffic impact fee program and calculation. Recently completed projects, consideration of active transportation projects, and the available traffic impact fee fund balance were accounted for in this review.

Appendix B provides the calculation of the traffic impact fee of $232 per ADT based on a revised list of capital improvement projects and the inclusion of Active Transportation projects. Following a review of the fee analysis and staff input, the Ad Hoc Committee recommended to continue the current traffic impact fee of $235 per Average Daily Trip (ADT) with the inclusion of Active Transportation projects in the Traffic Impact Fee program. In addition, the Ad Hoc Committee recommended to continue the allocation of up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.

The Ad Hoc Committee also recommended to continue to provide a five percent (5%) reduction in automobile trips for development projects due to the implementation of the Active Transportation Plan (ATP) and an additional five percent (5%) reduction in ADT if a development proposes to implement active transportation improvements beyond typical code requirements. The improvements have to be substantial such as addition of a multipurpose trail, conversion of lower-class active bicycle facility to a higher-class bicycle facility, or enhanced pedestrian improvements in the vicinity of the project.

Annual Accounting of the Traffic Impact Fee:

California Government Code Section 66006(b) requires an annual review and accounting of the Citywide Traffic Impact Fee Program. Section 66001(d) requires that the City make specified findings every five years relating to any portion of the traffic impact fees collected that remain unexpended in its account. The City has elected to conduct the review of traffic impact fees required by California Government Code Section 66001(d) on an annual basis in conjunction with its review of the capital improvement plan required by California Government Code Section 66002(b) and the annual accounting required by California Government Code Section 66006(b). Appendix C depicts the opening balance, the ending balance on June 30, 2022, interest earned, revenues, expenditures, and unexpended funds from the Citywide Traffic Impact Fee Account. This attachment also shows that there are no funds unexpended or uncommitted in the account five (5) or more years after deposit and that no administrative costs have been charged to the fee account. The accounting was presented to the Committee at their meeting on October 20, 2022, and was approved.

As required by the Government Code, the updated Capital Improvement Plan (CIP) is contained in the Fiscal Year 2022-23 adopted budget and remains valid for the current traffic impact fee review. The traffic impact fee account information, including the interest earned, shown in Appendix C, is available for public review.

CITY OF COSTA MESA
CHRONOLOGY OF TRAFFIC IMPACT FEE ACTIONS

Date Adopted	Resolution Number	Area of Benefit	Applicable Fees
7-June-1993	93-43	Citywide	$228 per daily trip end based on the exclusion of all freeway improvements
20-June-1994	94-59	Citywide	$228 per daily trip end based on the exclusion of all freeway improvements
1-May-1995	95-35	Citywide	$200 per daily trip end based on the inclusion of freeway improvements
17-June-1996	96-57	Citywide	$200 per daily trip end based on the inclusion of freeway improvements
20-January-1997	97-15	Newport Bl. Spec. Plan Area	Incentive program for developments in Newport Boulevard Specific Plan Area Trip fees range from $33 to $108 per ADT based on project-related conditions.
16-June-1997	97-51	Citywide	$150 per daily trip end based on the inclusion of freeway improvements
15-June-1998	98-64	Citywide	$150 per daily trip end based on the inclusion of freeway improvements
4-January-1999	99-2	Citywide	Incentive program for first 100 trips 0-25 ADT - $0 25-50 ADT - $50 50-75 ADT - $75 75-100 ADT - $100 >100 ADT - $150
7-June-1999	99-35	Citywide	$149 per daily trip end based on inclusion of freeway improvements
7-June-1999	99-36	Citywide	Incentive program for the first 100 trips
19-June-2000	00-52	District 1 District 2	$195 per daily trip end (areas north of I-405 and SR-73 Freeways) and incentive program for the first 100 trips $149 per daily trip end (areas south of I-405 and SR-73 Freeways) and incentive program for the first 100 trips Fees based on inclusion of freeway improvements
4-June-2001	01-34	District 1 District 2	$195 per daily trip end (areas north of I-405 and SR-73 Freeways) and incentive program for the first 100 trips $149 per daily trip end (areas south of I-405 and SR-73 Freeways) and incentive program for the first 100 trips Fees based on inclusion of freeway improvements
15-April-2002	02-27	Citywide	Traffic Impact Fee Study Update $177 per daily trip end and incentive program for the first 100 trips of the entire site
6-October-2003	03-62	Citywide	$177 per daily trip end and incentive program for the first 100 trips of the entire site
4-October-2004	04-59	Citywide	$177 per daily trip end and incentive program for the first 100 trips of the entire site Suspension of incentive program for Newport Boulevard Specific Plan Area

CITY OF COSTA MESA
CHRONOLOGY OF TRAFFIC IMPACT FEE ACTIONS

Date Adopted	Resolution Number	Area of Benefit	Applicable Fees
20-September-2005	05-70	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
17-October-2006	06-85	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
16-October-2007	07-77	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site Exemption of preschool and daycare facilities from traffic impact fee program (consider as part of exempt school facilities)
21-October-2008	08-81	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
20-October-2009	09-67	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
19-October-2010	10-70	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
18-October-2011	11-42	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
20-November-2012	12-73	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
11-November-2013	13-54	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
18-November-2014	14-73	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
1-December-2015	15-66	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
3-January-2017	17-02	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
21-November-2017	17-76	Citywide	$181 per daily trip end and incentive program for the first 100 trips of the entire site
14-November-2018	18-79	Citywide	$235 per daily trip end, up to 10% for signal synchronization projects, and up to 5% for active transportation projects. Terminate incentive program for new developments on an incremental basis for the first 100 trips.
17-December-2019	19-83	Citywide	$235 per daily trip end, inclusion of ATP projects, up to 10% for signal synchronization projects, and no limitation on the amount of traffic impact fees allocated toward active transportation projects. Provide 5% reduction in ADT development trips for active transportation project benefits and may provide an additional 5% reduction in ADT development trips for a development project that proposes to implement active transportation improvements beyond those which would ordinarily be required by the City as a condition of approval for such development project.
17-November-2020	20-60	Citywide	$235 per daily trip end, inclusion of ATP projects, up to 10% for signal synchronization projects. Provide 5% reduction in ADT development trips for active transportation and may provide additional 5% reduction in ADT development trips for development implementing active transportation improvements beyond those required as condition of approval.
7-December-2021	21-48	Citywide	$235 per daily trip end, inclusion of ATP projects, up to 10% for signal synchronization projects. Provide 5% reduction in ADT development trips for active transportation and may provide additional 5% reduction in ADT development trips for development implementing active transportation improvements beyond those required as condition of approval.

Costa Mesa Traffic Impact Fee Update
Roadway and Intersection Improvement Cost Allocation

CIP FY	Location	Improvement	Estimated Cost	New Daily Trip Ends			Cost Allocation		
				Local	Regional	Total	Local	Regional	Total
	ROADWAYS								
Future	Newport (19th to 17th)	Widen SB from 3 lanes to 4 lanes	$10,230,000	11,114	6,160	17,274	$6,581,928	$3,648,072	$10,230,000
Future	17th (Orange to Tustin)	Widen from 4 lanes to 6 lanes							
Future	17th (Pomona to Bluff)	Widen from 2 lanes to 4 lanes							
Future	Baker (Bear to Red Hill)	Widen from 4 lanes to 6 lanes	$7,931,328	5,120	2,786	7,906	$5,136,403	$2,794,925	$7,931,328
Future	Bear (I-405 Overcrossing)	Widen from 4 lanes to 6 lanes							
Future	Del Mar/University (Elden to Santa Ana)	Widen from 2 lanes to 4 lanes							
Future	Wilson (Fairview to College)	Widen from 2 lanes to 4 lanes							
Future	Wilson (Newport to Fairview)	Widen from 2 lanes to 4 lanes							
Future	Wilson (Harbor to Placentia)	Widen from 2 lanes to 4 lanes							
	Sub-Total		$18,161,328	16,234	8,946	25,180	$11,718,330	$6,442,998	$18,161,328
	INTERSECTIONS								
Future	2. Harbor & Sunflower	Add WBR and EBR	$1,005,840	4,982	2,859	7,841	$639,089	$366,751	$1,005,840
Future	9. Bristol & Sunflower	Add NBL	$1,243,806	7,038	4,344	11,382	$769,101	$474,705	$1,243,806
Future	17. Hyland & South Coast/I-405 NB On-Ramp	Add WBT	$949,600	1,901	604	2,505	$720,635	$228,966	$949,600
Future	18. Harbor & South Coast	Add EBR	$1,836,780	7,830	3,157	10,987	$1,309,000	$527,780	$1,836,780
Future	30. Hyland & MacArthur	Add NBL and NBR	$288,132	2,003	1,797	3,800	$151,876	$136,256	$288,132
Future	42. Bristol & I-405 NB Ramps	Add WBR	$990,009	13,117	5,615	18,732	$693,249	$296,760	$990,009
Future	44. Harbor & Gisler	Add SBR and EBL	$5,384,577	9,893	4,259	14,152	$3,764,105	$1,620,472	$5,384,577
Future	49. Bristol & Paularino	Add WBL	$330,231	6,710	1,690	8,400	$263,792	$66,439	$330,231
Future	51. SR-55 SB Ramps & Paularino	Add SBR	$455,103	1,845	2,631	4,476	$187,593	$267,510	$455,103
Future	52. SR-55 NB Ramps & Paularino	Add WBR	$707,025	1,649	2,504	4,153	$280,733	$426,292	$707,025
Future	65. SR-55 SB Ramps & Baker	Add SBR	$687,885	3,477	2,446	5,923	$403,812	$284,073	$687,885
Future	66. SR-55 NB Ramps & Baker	Add NBL and EBL	$1,507,358	2,728	2,001	4,729	$869,544	$637,814	$1,507,358
Future	84. Harbor & Adams	Add NBL and NBR	$6,641,085	10,600	3,803	14,403	$4,887,558	$1,753,527	$6,641,085
Future	101. Newport NB & Del Mar	Add WBR	$144,623	2,934	2,406	5,340	$79,461	$65,161	$144,623
Future	129. Newport NB & 22nd	Add WBT and NBL	$16,500	3,332	2,625	5,957	$9,229	$7,271	$16,500
Future	134. Placentia & 19th	Add SBR	$424,908	6,409	1,423	7,832	$347,706	$77,202	$424,908
Future	140. Newport Boulevard & 19th Street	Add NBT and free SBR							
Future	151. Superior & 17th	Add WBL and NBR	$729,152	7,133	2,160	9,293	$559,673	$169,479	$729,152
Future	152. Newport & 17th	Add NBR	$489,143	10,202	5,079	15,281	$326,564	$162,578	$489,143
Future	156. Irvine & 17th	Addd SBR and EBR	$873,230	3,760	1,777	5,537	$592,982	$280,247	$873,230
	Sub-Total		$24,704,985	107,543	53,180	160,723	$16,855,702	$7,849,282	$24,704,985
	TOTAL		$42,866,313	123,777	62,126	185,903	$28,574,032	$14,292,280	$42,866,313

Traffic Impact Fee Fund Balance	$5,657,766
Home Ranch TIF Funds	$1,698,450
Subtotal	$3,959,316
Local Cost Allocation with above subtracted	$24,614,716
Active Transportation Projects	$22,922,110
Total Local Share Costs and Active Transportation Projects	**$47,536,826**
New Costa Mesa Trips Generated at General Plan Buildout	227,767
Citywide Fee calculation including ATP projects and 10% reduction in ADT trips	**$232**

Costa Mesa Traffic Impact Fee Update
Roadway and Intersection Improvement Cost Allocation

CIP FY	Location	Improvement	Estimated Cost	New Daily Trip Ends			Cost Allocation		
				Local	Regional	Total	Local	Regional	Total
ROADWAY AND INTERSECTION IMPROVEMENTS IN GENERAL PLAN AND EXCLUDED FROM TRIP FEE PROGRAM									
	17th (Orange to Tustin)	Widen from 4 lanes to 6 lanes	$16,918,127						
	17th (Pomona to Bluff)	Widen from 2 lanes to 4 lanes	$8,179,215						
	Bear (I-405 Overcrossing)	Widen from 4 lanes to 6 lanes	$5,949,042						
	Del Mar/University (Elden to Santa Ana)	Widen from 2 lanes to 4 lanes	$38,468,265						
	Wilson (Fairview to College)	Widen from 2 lanes to 4 lanes	$16,564,625						
	Wilson (Newport to Fairview)	Widen from 2 lanes to 4 lanes	$2,778,328						
	Wilson (Harbor to Placentia)	Widen from 2 lanes to 4 lanes	$28,110,885						
	140. Newport Boulevard & 19th Street	Add NBT and free SBR	$26,303,781						
	TOTAL		**$143,272,268**						

CITY OF COSTA MESA
CITYWIDE TRAFFIC IMPACT FEE ACCOUNT

Fund Balance as of June 30, 2022

FISCAL YEAR 2021-2022

Amount of Traffic Impact Fee	$235		
Beginning Fund Balance July 1, 2021	$5,490,214		
1. Revenues			
Traffic Impact Fees	$437,943		
Investment Earnings	53,938		
GASB 31 Fair Market Value adjustment on Investment	(197,108)		
Revenue Subtotal	$294,773		
2. Expenditures	$127,222		
			Percent of project funded by TIF in FY 21-22
Newport Boulevard Improvements (19th to 17th)	$31,491	FY 21-22	6.7%
Adams Avenue Bicycle Facility Project - Design	$6,832	FY 21-22	5.2%
Bicycle Racks Citywide	$8,299	FY 21-22	4.0%
Class II and III Bicycle Projects	$12,052	FY 21-22	1.2%
Merrimac Way Active Transportation Improvements	$16,837	FY 21-22	0.8%
Adams at Pinecreek Intersection Improvements	$3,831	FY 21-22	0.5%
Baker/ Placentia/ 19th/ Victoria TSSP	$15,373	FY 21-22	0.7%
Randolph Ave Parking and Pedestrian Improvements	$25,792	FY 21-22	17.4%
West 18th & Wilson Crosswalks	$9,325	FY 21-22	2.4%
East 17th St. Landscape Enhancement	-$2,611	Adjustment	
3. Refunds	$0		
Amount of funds expended or uncommitted after 5 years	$0		
4. Administrative Costs	$0		
5. Fund Balance as of June 30, 2022	$5,657,766		
6. Projects Current and Future Appropriations	$3,255,657		

Newport Boulevard Improvements (19th to 17th)
Bicycle Racks Citywide
Class II and III Bicycle Projects
Adams at Pinecreek Intersection Improvements
Fairview Traffic Signal Synchronization
Bear Traffic Signal Synchronization
Mesa Del Mar Multimodal Access
Baker/ Placentia/ 19th/ Victoria TSSP
Bicycle/ Pedestrian Infrastructure Improvement
Mesa Drive / Santa Ana Ave Bicycle Facility Improvement
Mesa Verde Drive East/ Peterson Place Class II Bicycle Facility
Randolph Ave Parking and Pedestrian Improvement
West 18th & Wilson Crosswalks
Fairview Road Improvement Project

File #: 22-918 **Meeting Date:** 11/15/2022

TITLE:

APPEAL OF PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING ON THE PROPERTY LOCATED AT 1645 SUPERIOR AVENUE AND FOR OUTDOOR SEATING FOR AN EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) LOCATED AT 1661 SUPERIOR AVENUE, SUITE C & D AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

PRESENTED BY: JUSTIN ARIOS, ASSOCIATE PLANNER

CONTACT INFORMATION: JUSTIN ARIOS, (714) 754-5667

RECOMMENDATION:

Staff recommends the City Council uphold the Planning Commission's decision and:

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.

2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA-17-16 A1), subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT:

The applicant and authorized agent is Marco Palazzo (with Trenta Pizza & Cucina), representing the property owner, 126 Properties LLC.

BACKGROUND:

Project Site / Environs

The subject property is located along Superior Avenue, between West 16th Street and West 17th Street. The property is zoned MG (General Industrial), and has a General Plan land use designation of Light Industrial; the subject property is also located within the 19 West Urban Plan. Physical on-site improvements include an 8,446-square-foot single-story, multi-tenant building, with a 25-space parking lot, and two points of ingress/egress located on Superior Avenue. The project site is surrounded by properties with the same zoning designation of MG (General Industrial); however, there are two residential live/work communities (zoned MG, General Industrial) located to the north and west of the project site ("Superior Pointe" and "Westside Gateway"). Superior Pointe (PA-13-22,

1667 and 1695 Superior Avenue) was developed pursuant to the 19 West Urban Plan and Westside Gateway (PA-14-29, 671 West 17th Street) was developed pursuant to the Mesa West Bluffs Urban Plan.

Prior Land Use Approvals

On June 22, 2017, the Zoning Administrator approved Minor Conditional Use Permit (MCUP) ZA-17-16, allowing a proposed restaurant (Superior Pie and Liquor, Suite D) with more than 300 square feet of public seating area to deviate from shared parking requirements applied to a multi-tenant center. The deviation from shared parking requirements was approved based on offset hours of operation of the restaurant proposed at the time (described below) in relation to the existing hours of operation of the other businesses located on-site. The MCUP also approved a small (250 square foot) outdoor patio for the restaurant, in accordance with Costa Mesa Municipal Code (CMMC) Section 13-47 and 13-48. The applicant (Trenta Pizza & Cucina) has since taken over the previously approved restaurant space and its entitlements.

The previously approved hours of operation for the restaurant use are:

- Monday through Friday, 8 AM to 12 PM and 4 PM to 11 PM (the business closed between 12 PM and 4 PM, Monday through Friday); and
- Saturday and Sunday, 8 AM to 11 PM

The staff report for the MCUP approval can be found at the link below:
<https://www.costamesaca.gov/home/showpublisheddocument/26538/636490563866670000>

Temporary Use Permit (TUP) for Outdoor Dining Approval

On June 2, 2020, in response to the COVID-19 pandemic and the associated State regulations limiting indoor activities for restaurants and other uses, the City Council approved Urgency Ordinance No. 2020-15, which temporarily suspended the permit requirements and development standards for outdoor activities, parking applicable to dining patios, places of religious assembly, and valet parking. The ordinance authorized the issuance of “Temporary Use Permits” to allow for such uses, subject to certain requirements. On November 1, 2022, the City Council extended the Urgency Ordinance, which will now expire on December 31, 2023.

On November 30, 2020, a Temporary Use Permit (TUP) for outdoor dining was approved for the subject restaurant, in accordance with Ordinance No. 2020-15. Similar to the currently proposed project, the TUP approval allowed for an additional 842 square feet of patio seating area utilizing a portion of the existing parking lot (this area is in addition to the previously approved 250 square foot patio seating). The TUP approval is provided as an attachment to the Planning Commission agenda report.

Applicant Request
The applicant's request included the following:

1. To allow the restaurant to occupy Suite C (575 square feet) in addition to the existing restaurant space located in Suite D (1,575 square feet)

2. To permanently allow the use of the temporary outdoor seating area (located on a portion of the site's parking area) that was approved by the TUP;

3. To modify their previously approved hours of operation (including use of the outdoor seating area) to:

    - Sunday - Thursday, 5 PM to 9 PM
    - Friday and Saturday, 5 PM to 10 PM; and
    - Saturday and Sunday, 11:30 AM to 2:30 PM

4. As a component of the proposal, the restaurant would use only the 250-square-foot outdoor patio previously approved under ZA-17-16, and would not utilize the 842-square-foot patio seating area in the parking lot during the weekend lunchtime hours. The applicant proposes to remove the outdoor seating area when not in use by the restaurant, making three of the existing parking spaces available for use by the other tenants on-site during non-restaurant hours of operation.

Staff evaluated the application submitted and determined that parking onsite was adequate to support the request, with the exception of during the proposed evening hours (after 5 PM). In response, during the evening hours, the applicant proposed valet off-site parking to increase the parking supply for the use during those times to satisfy the parking requirement. The off-site parking is proposed at 1645 Superior Avenue, which is occupied by "Beach Cities Car Wash." The car wash is located approximately 200 feet south of the restaurant location, developed with 39 parking spaces and the car wash operations conclude before 5 PM.

Planning Commission Approval
The application was heard by the Planning Commission at their September 12, 2022 meeting. During the hearing, the applicant requested to add weekday lunchtime hours (from 11:30 AM to 2:30 PM, Monday through Friday) to the proposed project (see the below for restaurant operation hours proposed by the applicant):

- Sunday - Thursday: 11:30 AM to 2:30 PM & 5 PM to 9 PM
- Friday & Saturday: 11:30 AM to 2:30 PM & 5 PM to 10 PM

Following presentations, public comments and Commission discussion, the Planning Commission deliberated and approved the project as presented at the meeting on a 6-1 vote. As part of Planning Commission's approval, the Planning Commission added a condition of approval to allow the requested lunchtime operation hours on Mondays through Fridays, from 11:30 AM to 2:30 PM, conditioned upon the submittal of a Parking Management Plan, as approved by the Director of Economic and Development Services, and limiting the outdoor dining area to the originally approved 250-square-foot patio (specifically excluding use of the larger patio area) during those lunchtime hours.

Links to the staff report and meeting video for the September 12, 2022 Planning Commission hearing are provided below:

- Staff Report & Attachments -
  City of Costa Mesa - File #: 22-846 (legistar.com)
  <https://costamesa.legistar.com/LegislationDetail.aspx?ID=5821812&GUID=685FE446-33FA-

- Video -
  PLANNING COMMISSION on 2022-09-12 6:00 PM (granicus.com)
  <https://costamesa.granicus.com/player/clip/3899?

Appeal of Planning Commission's Approval

On September 19, 2022 an appeal of Planning Commission's approval of the project was filed by a neighboring resident. In summary, the application for appeal noted the following topics/areas of concern:

- Parking Shortage;
- Safety Concerns;
- Community/Resident objection;
- Need for Traffic Study; and
- Evening Noise Impacts at the Car Wash Site.

The appeal application is provided as Attachment 2 to this report.

ANALYSIS:

The following analysis summarizes the pertinent topics raised in the September 19, 2022 appeal application. For a full analysis of the proposed project, please refer to the September 12th, 2022 Planning Commission staff report and attachments (previously linked).

Parking Shortage

As described in the appeal application, the appellant states that the Planning Commission "was concerned with safety and parking issues." In addition, the appellant states that with the utilization of 25% of the existing parking and doubling the restaurant's area to over 2,000 SF, the parking shortage at the site would be exacerbated.

The restaurant is located in a multi-tenant industrial center. The applicant provided the current tenant list with hours of operation for the uses that exist on-site, provided below in Table 1 (this table also reflects the proposed hours of operation for Trenta Pizza, as revised at the September 12th Planning Commission meeting). At this time, the applicant has not submitted the required parking management plan for weekday lunchtime operations as conditioned; therefore, although indicated in Table 1, weekday lunchtime operations remain restricted until such a plan is approved by the City.

Table 1

Address	Business Name	Suite Size	Hours of Operation	
1661 Superior, Suite A	Davis Ink	1,800 SF	Monday - Friday:	9 AM to 6 PM
			Saturday & Sunday:	CLOSED
1661 Superior, Suite C	Trenta Pizza & Cucina	575 SF	Sunday - Thursday:	11:30 AM to 2:30 PM & 5 PM to 9 PM
1661 Superior, Suite D		1,575 SF	Friday & Saturday:	11:30 AM to 2:30 PM & 5 PM to 10 PM
1663 Superior, Suite A	Crème Collective	1,500 SF	Monday - Friday:	9AM to 5 PM
			Saturday & Sunday:	CLOSED
1663 Superior, Suite B	The Unlikely Cyclist	2,996 SF	Sunday & Monday:	CLOSED
			Tuesday - Thursday:	10 AM to 4 PM
			Friday:	10 AM to 5 PM
			Saturday:	12 PM to 5 PM

In accordance with CMMC Table 13-89, when a single-development, multiple-tenant site includes mixed uses that share the same parking spaces, the total requirement for parking is determined by the "City of Costa Mesa Procedure for Determining Shared Parking Requirements." Based on this shared parking analysis, the total required peak parking demand for the restaurant use (including the enlarged outdoor seating and the additional suite area), and considering the other onsite businesses, is 38 parking spaces.

As indicated in the below Table 2, at peak parking demand (38 parking spaces), the restaurant would operate with 23 surplus parking spaces (including on-site and off-site valet parking); therefore, the proposal complies with City parking requirements. (Operations during weekday lunchtime hours are allowed only after City approval of a Parking Management Plan).

Table 2

Restaurant Hours	Parking Required	Parking Provided
Monday – Thursday & Sunday 5PM – 9PM Friday & Saturday 5PM – 10PM	38 spaces [1, 2]	Onsite – 22 spaces Offsite valet – 39 spaces Total – 61 spaces
Saturday & Sunday 11:30AM – 2:30PM	21 spaces [1, 3]	Onsite – 25 spaces
Monday – Friday 11:30AM – 2:30PM	38 spaces [1, 3]	Onsite – 25 spaces ** Subject to a City-approved Parking Management Plan **
Note 1: Based on the shared parking demand analysis; Note 2: Including the 1,092-square-foot outdoor patio (250-square-foot patio approved pursuant to ZA-17-16 plus the 842-suqare-foot outdoor patio area using the parking lot); Note 3: Including the 250-square-foot outdoor patio approved pursuant to ZA-17-16.		

Safety Concerns

The City's Transportation Division has reviewed the proposed site and valet operation plan and have indicated that the valet operations are anticipated to perform sufficiently, and without interruptions to the City's local circulation system. Furthermore, the City's Fire and Building Departments have reviewed the proposal and no safety issues are anticipated.

Community / Resident Objection

The appeal application states that "other residents objected to the proposed Beach Cities parking utilization as overflow car parking with or without valet assistance." Community objection and/or support for a request is received by the City via written public comments and/or public testimony provided during the public hearing. At the September 12th Planning Commission meeting, the Commission was provided written comments from the public, and verbal public comments were also accepted during the meeting. A link to the previously submitted written comments are provided below under the Public Notice section of this report.

Traffic Study

The appellant indicates that a traffic study needs to be conducted for the project, given the danger presented to traffic on Superior Avenue and the proposed three ingress/egress movements per vehicle, proposed by the valet plan. The City's Transportation Division has confirmed that the proposed modifications to the existing restaurant operations are anticipated to perform sufficiently, without interruptions to the City's local circulation system and does not necessitate a Traffic Study. Pursuant to the CMMC, a traffic study is required when a project generates more than 100 peak daily trips; the proposed project generates 24 peak daily trips.

Evening Noise Impacts at the Car Wash Site

The appellant notes noise concerns from the proposed usage of the Beach Cities car wash site during evening hours for overflow parking. However, the Planning Commission considered and approved Resolution Condition No.16 which indicates that:

> "Valet attendants when entering or leaving the offsite parking location shall not "rev" engines and shall turn-off vehicles as soon as parked. Vehicle radios shall remain off at all times when on the offsite parking property. Valet attendants will also keep their voices low in respect to the adjacent residential properties."

Additionally, the valet operations are required to comply with the City's Noise Ordinance provisions. Lastly, the existing adjacent residential development is located in the industrial zone, and approved via the Mesa West Bluffs Urban Plan. The approval for this residential project, as well as other residential projects approved in the Mesa West Bluffs or Mesa West Residential Ownership Urban Plans, included a standard condition of approval requiring a "Notice to Buyers". The purpose of the notice is to disclose that the project is located within an area designated as Light Industry in the City's General Plan and is subject to existing and potential annoyances or inconveniences associated with industrial land uses. In addition, the notice also states that the existing land use characteristics are

subject to change in the event that new businesses move or existing businesses change ownership.

ENVIRONMENTAL DETERMINATION:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 for Existing Facilities. This exemption allows for the permitting of uses involving negligible or no expansion of the use beyond what is existing. 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.

ALTERNATIVES:

The City Council has the following alternatives:

1. *Approve the request.* The City Council may adopt the attached Resolution upholding the Planning Commission's decision and approve the request as proposed. The Resolution reflects the Planning Commission decisions with two clarifications shown in underline/strikethrough format ;

2. *Approve the request with modifications.* The City Council may uphold the Planning Commission's decision and approve the request with specific changes that are necessary to alleviate concerns;

3. *Continue the item.* The City Council may continue the item to a future meeting to allow for modifications or additional analysis; or

4. *Deny the request.* If the City Council believes that there are insufficient facts to support the findings for approval, the City Council may deny the request. A similar application could not be submitted for at least six months.

FISCAL REVIEW:

There are no fiscal impacts with this agenda item.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approves it as to form.

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. (See attached Notification Radius Map.)

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 this report, four written public comments have been received. Any public comments received prior to the November 15, 2022 City Council meeting will be provided separately.

Notice for the Planning Commission hearing was provided in the same manner as described above. For the Planning Commission hearing, seven written public comments were received both in support and in opposition with the request, and can be found at the links below (the first link provides public comments received prior to the reports being published; the second link provides public comments received after publishing of the report and prior to the September 12th meeting):

Public Comments attached to report -
22-846 - 9. Public Comment (legistar.com) <https://costamesa.legistar.com/View.ashx?M=F&ID=11222065&GUID=D7330501-091E-4861-80B4-782B4084DA10>

Public Comments received after publishing report -
View.ashx (legistar.com) <https://costamesa.legistar.com/View.ashx?M=E3&ID=922029&GUID=E44B3DAD-8712-4445-B48D-F06CC6EE4B4B>

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

Approval of the request will permanently allow outdoor seating for the subject restaurant (Trenta Pizza & Cucina) as well as allow the operation of off-site valet parking at 1645 Superior Avenue for the use of the property at 1661 Superior Avenue. The proposed outdoor patio operations have existed since 2020 by approval of a Temporary Use Permit. Since that time, the outdoor patio was used more than anticipated for normal operations due to pandemic related restrictions on indoor activities; however, the indoor restrictions have been lifted which will allow less reliance on the restaurant's outdoor dining areas. The project is consistent with the General Plan, Zoning Code and 19 West Urban Plan, and with developments in the general neighborhood. In addition, approval of the project will improve parking and circulation conditions for the restaurant by providing professional valet services and increasing the parking supply for the restaurant during hours of operations. Lastly, the off-site valet parking area is available and the car wash is not operating during proposed restaurant offsite parking operations.

Staff recommends the City Council uphold the Planning Commission's decision and:

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.

2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA 17-16 A1), subject to conditions of approval.

ATTACHMENT 1

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DENYING THE APPEAL OF AND UPHOLDING THE PLANNING COMMISSION'S DECISION APPROVING PLANNING APPLICATION 21-07 AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING AND TO PERMANENTLY ALLOW TEMPORARY OUTDOOR SEATING FOR AN EXISTING RESTAURANT (TRENTA PIZZA AND CUCINA) AND A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT (ZA-17-16) IN THE MG ZONE FOR PROPERTY AT 1661 SUPERIOR AVENUE, SUITE C & D

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 21-07 and the first amendment to Zoning Application 17-16 was filed by Marco Palazzo (with Trenta Pizza), authorized agent for the property owner, 126 Properties LLC, requesting approval of the following:

1. Planning Application (Conditional Use Permit) 21-07 to allow off-site parking at 1645 Superior Avenue for the use of the property at 1661 Superior Avenue and a request to permanently allow temporary outdoor seating for the restaurant, and
2. Zoning Application (Minor Conditional Use Permit) 19-50 (ZA-17-16 A1) to amend previously approved minor conditional use permit for the restaurant.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 12, 2022 with all persons having the opportunity to speak for and against the proposal, and the project was approved by the Commission on a 6-1 vote.

WHEREAS, a review of the Planning Commission's approval of the project was filed on September 19, 2022.

WHEREAS, a duly noticed public hearing was held by the City Council on November 15, 2022 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 CEQA per CEQA Guidelines Section 15301 (Class 1), for Existing Facilities.

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 City Council hereby denies the appeal of the Planning Commission's decision and **APPROVES** Planning Application 21-07 and Zoning Application 19-50 (ZA-17-16 A1).

BE IT RESOLVED that the Costa Mesa City Council 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 21-07 and Zoning Application 19-50 (ZA-17-16 A1) 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 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-___ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of November 2022.

_____
BRENDA GREEN, CITY CLERK

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed 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 Findings: The proposed project includes the permanent approval of an existing temporary outdoor seating area that is currently operating without impacts to neighboring properties. The applicant proposes to remove the outdoor seating area when not in use by the restaurant, making all 25 on-site parking spaces available for use by the other tenants on-site. The proposed outdoor patio is currently operating without affecting other properties in the area and therefore the permanent approval of the outdoor seating is not anticipated to result in impacts to surrounding properties. Lastly, as proposed, the site will be in conformance with Code required parking requirements for the restaurant and maintain a surplus of customer parking.

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: The proposed restaurant project would not generate adverse noise or traffic impacts that are unusual for this zoning designation. Condition of approval number six requires the operation to be conducted in a manner that would allow for the quiet enjoyment of the surrounding neighborhood. Furthermore, the project has been conditioned (Condition of Approval No. 7) so that if parking problems arise, the restaurant shall institute appropriate operational measures necessary to minimize or eliminate the problem. Compliance with the applicable Building, Fire Safety and Health Codes will also ensure that the project is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate 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: 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. In accordance with CMMC Section 13-93(m) and Section 13-96, off-site parking and valet parking may be authorized with approval of a conditional use permit and as proposed with

the off-site and valet parking, the use would maintain a parking surplus. In addition, the existing restaurant is a complementary use to the area, including the adjacent residential uses, and as conditioned, the restaurant does not generate noise or parking impacts unusual for an industrially-zoned property, and the current operations (which are essentially the same as proposed) do not adversely impact the surrounding uses. Lastly, the proposed project is consistent with applicable policies and objectives of the 2015-2035 General Plan as described below.

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 needs of the business and residential segments of the community.*

   Consistency: The proposed project upholds the balance of land uses satisfying the needs of the community as it pertains to commercial goods and services, and employment opportunities by providing for outdoor dining restaurant options.

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

   Consistency: The proposed project would allow for the retention of an existing restaurant within the City, thus encouraging the long-term productivity and viability of the community's economic base. The proposed project would expand an existing successful local land use, which contributes to the City's tax base and ultimately preserves the City's long-term fiscal health.

3. **Policy LU-6.19:** *Provide flexibility and support for development of residential, office, small retail centers, and similar uses that would serve local residents and would also benefit from the high visibility along major corridors outside of significant commercial or industrial nodes.*

   Consistency: Approval of the project would provide permanent restaurant outdoor seating that is currently being conducted under an approved TUP. In addition, the applicant proposes to remove the outdoor seating area when not in use by the restaurant, making the parking spaces (used to accommodate the outdoor dining area) available for use by the other tenants on-site. Lastly, the proposed restaurant satisfies Land Use Policy LU-1.1 because it provides an outdoor dining experience that signals economic vitality on one of the City's commercial corridors.

B. **Finding:** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of

the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. This exemption allows for the alteration and permitting involving negligible or no expansion of an existing use. The proposed project involves approval of a restaurant outdoor seating that is already operating under a temporary use permit and is in current operation and therefore complies with the CEQA Exemption. The project is also consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

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

EXHIBIT B

CONDITIONS OF APPROVAL

Plng.

1. The use shall be limited to the type of operation described in this staff report: a restaurant use with offsite valet parking and an outdoor seating patio, and change in restaurant operation hours. Any change in the operational characteristics 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. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. The conditions of approval, code requirements, and special district requirements of PA-21-07 & ZA-17-16 A1 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The applicant shall 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 and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by the City.
4. 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.
5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
6. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures that are necessary to comply with this requirement.

7. If parking problems arise, the restaurant shall institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the operating hours of the business and/or obtaining an entitlement for additional off-site or valet parking.
8. All dining areas shall observe State and local health guidelines for restaurants.
9. Any service of alcoholic beverages in outdoor seating areas is subject to approval by the ABC.
10. The patio shall be posted with a contact phone number so any noise concerns can be reported to the business owner or her/his representative.
11. Any canopies or tents (with or without heaters) will require Fire and Building Department approval prior to installation.
12. The applicant shall maintain a parking agreement that secures offsite parking as described in the report. Should the agreement for off-site parking provided at 1645 Superior be terminated, the applicant must notify the Director of Economic and Development Services in writing at least 30 days prior to termination and modify operations appropriately (including but not limited to removal of outdoor seating), or secure other equivalent offsite parking to address parking requirements. Any changes to the off-site parking location or valet service may require an amendment to the Conditional Use Permit.
13. The restaurant shall operate the valet service and provide the available parking as described in the report. A minimum of three valet attendants shall be utilized.
14. The restaurant hours of operation, including the outdoor seating area, are Sunday through Thursday, 5 PM to 9 PM and Friday and Saturday, 5 PM to 10 PM. The restaurant may also be open during lunchtime hours (11:30 AM to 2:30 PM), seven days a week; however, during this time outdoor seating is limited to the 250-square-foot outdoor seating patio area noted on the approved plans and shall not include use of the expanded outdoor seating area located within the parking lot. Weekday lunchtime hours of operation are also specifically limited pursuant to Condition of Approval No. 17.
15. When not in operation, the outdoor seating area shall be removed to provide for sufficient parking for the other onsite tenants, pursuant to the CMMC.
16. Valet attendants when entering or leaving the offsite parking location shall not “rev” engines and shall turn-off vehicles as soon as parked. Vehicle radios shall remain off at all times when on the offsite parking property. Valet attendants will also keep their voices low in respect to the adjacent residential properties.

PC 17. Prior to implementation of weekday lunchtime hours (11:30 AM to 2:30 PM), a Parking Management Plan shall be submitted and approved by the Director of Economic and Development Services.

CODE REQUIREMENTS

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

Plng. 1. Approval of the planning/zoning application 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 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.

2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

3. Development shall comply with all requirements of Articles 5 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial development standards.

4. Parking stalls on both projects site locations (1661/1663 Superior Ave. & 1645 Superior Ave.) shall be double-striped in accordance with City standards.

5. 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. 6. Comply with the requirements of the following adopted codes: 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, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.

7. Prior to issuing the Building permit the conditions of approval shall be on the approved Architectural plans.

8. A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the 2019 California Building Code.

SPECIAL DISTRICT REQUIREMENTS

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

AQMD 1. Prior to the Building Div. (AQMD) issuing a demolition permit contact South Coast Air Quality Management District 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.

2. Applicants shall contact the Air Quality Management District (AQMD) at 1-(800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD

County 3. Provide a plan to the County of Orange Health Department for review and approval.

RECEIVED
CITY CLERK

22 SEP 19 PM 4:48

CITY OF COSTA MESA
BY SB

City of Costa Mesa

☒ Appeal of Planning Commission Decision:
$1,220.00 (Tier 1)[1]
$3,825.00 (Tier 2)[2]

☐ Appeal of Non-Planning Commission Decision:
$690.00 (Tier 1)[1]
$3,825.00 (Tier 2)[2]

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* Christopher R Riley
Address 1651 Topanga, Costa Mesa CA 92627
Phone 949 2808856

REQUEST FOR: ☒ **APPEAL** ☐ **REVIEW****

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

9/12/2022 Planning Commission Meeting Trenta infractions on space utilization and car parking valet OBJECTION Costa Mesa Planning Application Number PA 21 07 AND ZA 19 50 ADDRESS 1661 Superior Avenue Units C and D and 1645 Superior Avenue

Decision by: Planning Commission

Reasons for requesting appeal or review:

1 There was significant confusion at the Commission meeting as to what was resolved On review of the video Costa Mesa planning commission staff agree that in the absence of a parking mediation plan that there is not additional space the restaurant can utilize at certain times of day, 7 days a week. The location continued and continues to act with impunity despite councils' best effort of field enforcement To quote the chairperson "my head is exploding" However it is a simple situation to resolve
2 This was a split decision commission members were concerned on safety and parking issues
3 Other residents objected to the proposed Beach Cities parking utilization as over flow carparking with or without valet assistance
The simple solution is to g back to pre-pandemic approved arrangements whereby this become an inside restaurant with 250 square feet of outside space with the correct safety barrier separating cars and patrons as is installed in that code approved section. In line with all other restaurants that are not leverage TUP situations into double scale with none of the correct infrastructure investments, restrooms increase usually as patrons increase, correct to code electrical installation and fire approval Plus permanent safety barriers which mean parking is not available for other business within the plaza at off hours. This would address all issues, we knew what was there when we bought Now it's a totally different scale
4 The utilization of 25% of the parking spaces in the present plaza (CM planning staffs calculations, although the Vice Chair and myself cannot see where the 25 spaces are in the facility today and they are not supported by drawings) by doubling the restaurants surface area to 2000+ square feet exacerbates the present shortage of parking for the facility within the plaza it is part of Essentially a negative double dip bring more patrons use the parking to seat them Banal at best against best practices for planning approval at worst. This restaurant could not pass code today and would not be approved as operating today
terraces facing the Beach Cities facility
5 The proposed parking at Beach Cities car wash creates significant noise after the 4 pm closure by making it a carpark nightly through 11 pm 20 feet from new homes that were bought knowing the carwash existed and is extremely noisy during the day but that stopped at 4pm, so they could enjoy quiet enjoyment of their properties that have a significant amount of outdoor terraces facing the Beach Cities facility. This impacting property values in our community
6 So many cars arrive that once Beach Cities facilities are full with approximately 70 vehicles, often turning twice patrons then trespass on the W 17th facility despite warning from the association to prevent this occurring. (Obviously a gate would prevent this issue occurring and increase safety within our community)
Note that the proposed PMP creates around 3 ingress and egress movements per vehicle so a traffic study needs to undertaken given the danger presented to traffic on a fast moving Superior Avenue and the entrances impacted by this incredible traffic invasion Video and photographic evidence has been provided to planning commission members
7 Noise and light pollution to the properties directly behind the facility will be drastically reduced by taking the restaurant back to what it was in scale and indoor facilities
8 The proprietors act with impunity ignoring city staff and assaulting people (Police case has been filed) There is no way the city should reward such behavior nor allow significant impact of citizens oif Costa Mesa who have invested and will continue toi invest in the city

Date: 9/19/2022. Signature:

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
**Review may be requested only by the City Council or City Council Member.

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If appeal or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal or review

Updated April 2020

[1] Includes owners and/or occupants of a property located within 500 feet of project site (excluding owners and/or occupants of the project site).

[2] Includes the project applicant, owners and/or occupants of the project site, and owners and/or occupants of a property located greater than 500 feet from the project site.

RESOLUTION NO. PC-2022-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING AND TO PERMANENTLY ALLOW OUTDOOR SEATING FOR THE EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT (ZA-17-16) IN THE MG ZONE FOR PROPERTY AT 1661 SUPERIOR AVENUE, SUITE C & D

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

WHEREAS, Planning Application 21-07 and the first amendment to Zoning Application 17-16 was filed by Marco Palazzo (with Trenta Pizza), authorized agent for the property owner, 126 Properties LLC requesting approval of the following:

1. Planning Application 21-07 is a request for a Conditional Use Permit to allow off-site valet parking at 1645 Superior Avenue for the use of the property at 1661 Superior Avenue and a request to permanently allow outdoor seating for the restaurant, and
2. Zoning Application 19-50 (ZA-17-16 A1) is a request for a Minor Conditional Use Permit to amend the previously approved restaurant operating conditions.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 12, 2022 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.

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 21-07 and Zoning Application 19-50 (ZA-17-16 A1) 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 21-07 and Zoning Application 19-50 (ZA-17-16 A1) 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 12th day of September, 2022.

Byron de Arakal, 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-2022-21 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on September 12, 2022 by the following votes:

AYES: de Arakal, Ereth, Rojas, Russell, Toler, Vivar

NOES: Zich

ABSENT: None

ABSTAIN: None

Scott Drapkin, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed 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 Findings: The proposed project includes the permanent approval of an existing temporary outdoor seating area that is currently operating without impacts to neighboring properties. The applicant proposes to remove the outdoor seating area when not in use by the restaurant, making all 25 on-site parking spaces available for use by the other tenants on-site. The proposed outdoor patio is currently operating without affecting other properties in the area and therefore the permanent approval of the outdoor seating is not anticipated to result in impacts to surrounding properties. Lastly, as proposed, the site will be in conformance with Code required parking requirements for the restaurant and maintain a surplus of customer parking with the implementation of offsite valet parking. The offsite parking location at 1645 Superior is located in close proximity to the restaurant use, has appropriate access and circulation, and will be utilized while the onsite carwash business is closed. In addition, the valet parking plan has been reviewed by the City's Transportation Division and would be implemented by a professional valet service operator.

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: The proposed project would not generate adverse noise or traffic impacts that are unusual for this zoning designation in that conditions of approvalrequire the operation to be conducted in a manner that would allow for the quiet enjoyment of the surrounding neighborhood. Compliance with the applicable Building, Fire Safety and Health Codes will also ensure that the project is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate 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: Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation and the applicable Urban Plan for the property. In accordance with CMMC Section 13-93(m) and Section 13-96, off-site parking and valet parking may

be authorized with approval of a conditional use permit and as proposed with the off-site and valet parking, the use would maintain a parking surplus. In addition, the existing restaurant is a complementary use to the area, including the adjacent residential uses, and as conditioned, the restaurant does not generate noise or parking impacts unusual for an industrially-zoned property, and the current operations (which are essentially the same as proposed) do not adversely impact the surrounding uses. Lastly, the proposed project is consistent with applicable policies and objectives of the 2015-2035 General Plan as described below.

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 needs of the business and residential segments of the community.*

   Consistency: The proposed project upholds the balance of land uses satisfying the needs of the community as it pertains to commercial goods and services, and employment opportunities by providing for outdoor dining restaurant options.

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

   Consistency: The proposed project would encourage the retention of an existing established restaurant within the City, thus encouraging the long-term productivity and viability of the community's economic base. The proposed project would expand an existing successful local land use, which contributes to the City's tax base and ultimately preserves the City's long-term fiscal health.

3. **Policy LU-6.19:** *Provide flexibility and support for development of residential, office, small retail centers, and similar uses that would serve local residents and would also benefit from the high visibility along major corridors outside of significant commercial or industrial nodes.*

   Consistency: Approval of the project would provide permanent restaurant outdoor seating that is currently being conducted under an approved TUP without neighborhood impacts or other land use issues. In addition, the proposed restaurant is consistent with the intent of Land Use Policy LU-1.1 because it provides an outdoor dining experience that signals economic vitality on one of the City's commercial corridors.

B. **Finding:** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. This exemption allows for the alteration and permitting involving negligible

or no expansion of an existing use. The proposed project involves approval of restaurant outdoor seating that is already operating under a temporary use permit and therefore complies with the CEQA Exemption. The project is also consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

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

EXHIBIT B

CONDITIONS OF APPROVAL

Plng.

1. The use shall be limited to the type of operation described in this staff report and modified by the Planning Commission: a restaurant use with offsite valet parking and an outdoor seating areas. Any change in the operational characteristics 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. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. The conditions of approval, code requirements, and special district requirements of PA-21-07 & ZA-17-16 A1 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The applicant shall 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 and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by the City.
4. 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.
5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
6. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures that are necessary to comply with this requirement.

7. If parking problems arise, the restaurant shall institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the operating hours of the business and/or obtaining an entitlement for additional off-site or valet parking.
8. All dining areas shall observe State and local health guidelines for restaurants.
9. Any service of alcoholic beverages in outdoor seating areas is subject to approval by the ABC.
10. The patio shall be posted with a contact phone number so any noise concerns can be reported to the business owner or her/his representative.
11. Any canopies or tents (with or without heaters) will require Fire and Building Department approval prior to installation.
12. The applicant shall maintain a parking agreement that secures offsite parking as described in the report. Should the agreement for off-site parking provided at 1645 Superior be terminated, the applicant must notify the Director of Economic and Development Services in writing at least 30 days prior to termination and modify operations appropriately (including but not limited to removal of outdoor seating), or secure other equivalent offsite parking to address parking requirements. Any changes to the off-site parking location or valet service may require an amendment to the Conditional Use Permit.
13. The restaurant shall operate the valet service and provide the available parking as described in the report. A minimum of three valet attendants shall be utilized.

PC

14. The restaurant hours of operation (including the 250-square-foot and 842-square-foot outdoor seating areas as delineated on the site plan) shall be limited to Sunday through Thursday, 5 PM to 9 PM and Friday and Saturday, 5 PM to 10 PM. The restaurant hours of operation shall also include weekend lunchtime hours (11:30 AM to 2:30 PM); however, during this time, outdoor seating shall be limited to the 250-square-foot outdoor seating area as delineated on the site plan.

    The restaurant may also be open on weekdays during lunchtime hours 11:30 AM to 2:30 PM with the applicant submittal of a Parking Management Plan (PMP), approved by the Director of Development Services. During this time, outdoor seating areas shall be limited to only the 250-square-foot outdoor seating area as delineated on the site plan and shall not include the 842-square-foot outdoor patio area.
15. When not in operation, the outdoor seating area shall be removed to provide for sufficient parking for the other onsite tenants, pursuant to the CMMC.
16. Valet attendants when entering or leaving the offsite parking location shall not "rev" engines and shall turn-off vehicles as soon as parked. Vehicle radios shall remain off at all times when on the offsite parking property. Valet attendants will also keep their voices low in respect to the adjacent residential properties.

CODE REQUIREMENTS

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

Plng. 1. Approval of the planning/zoning application 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 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.

2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

3. Development shall comply with all requirements of Articles 5 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial development standards.

4. Parking stalls on both projects site locations (1661/1663 Superior Ave. & 1645 Superior Ave.) shall be double-striped in accordance with City standards.

5. 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. 6. Comply with the requirements of the following adopted codes: 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, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.

7. Prior to issuing the Building permit the conditions of approval shall be on the approved Architectural plans.
8. A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the 2019 California Building Code.

SPECIAL DISTRICT REQUIREMENTS

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

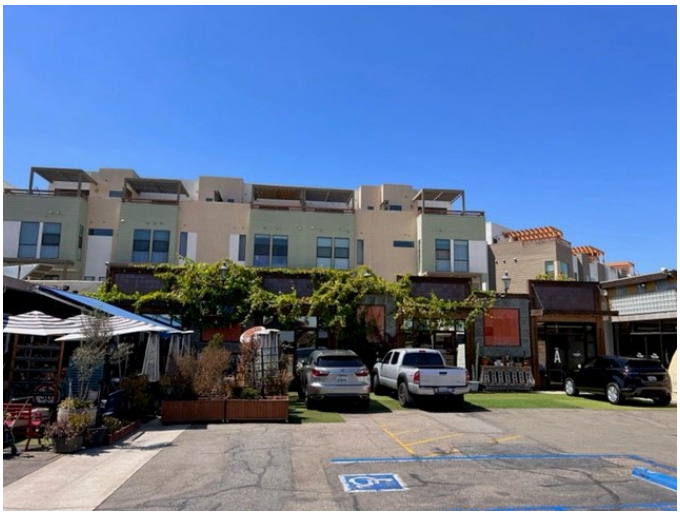
AQMD 1. Prior to the Building Div. (AQMD) issuing a demolition permit contact South Coast Air Quality Management District located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
Or
Visit their web site
http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381
The Building Division will not issue a demolition permit until an Identification number is provided by AQMD.

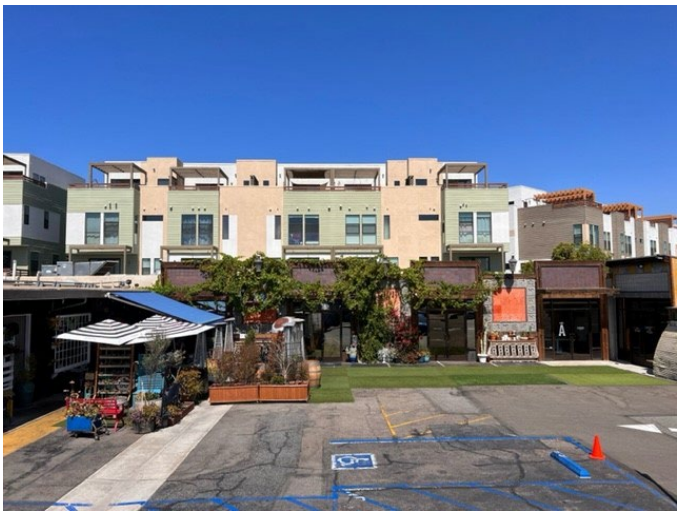
2. Applicants shall contact the Air Quality Management District (AQMD) at 1-(800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD

County 3. Provide a plan to the County of Orange Health Department for review and approval.

1661 SUPERIOR AVENUE (PA-21-07 & ZA-17-16 A1)

EXISTING SITE PHOTOS





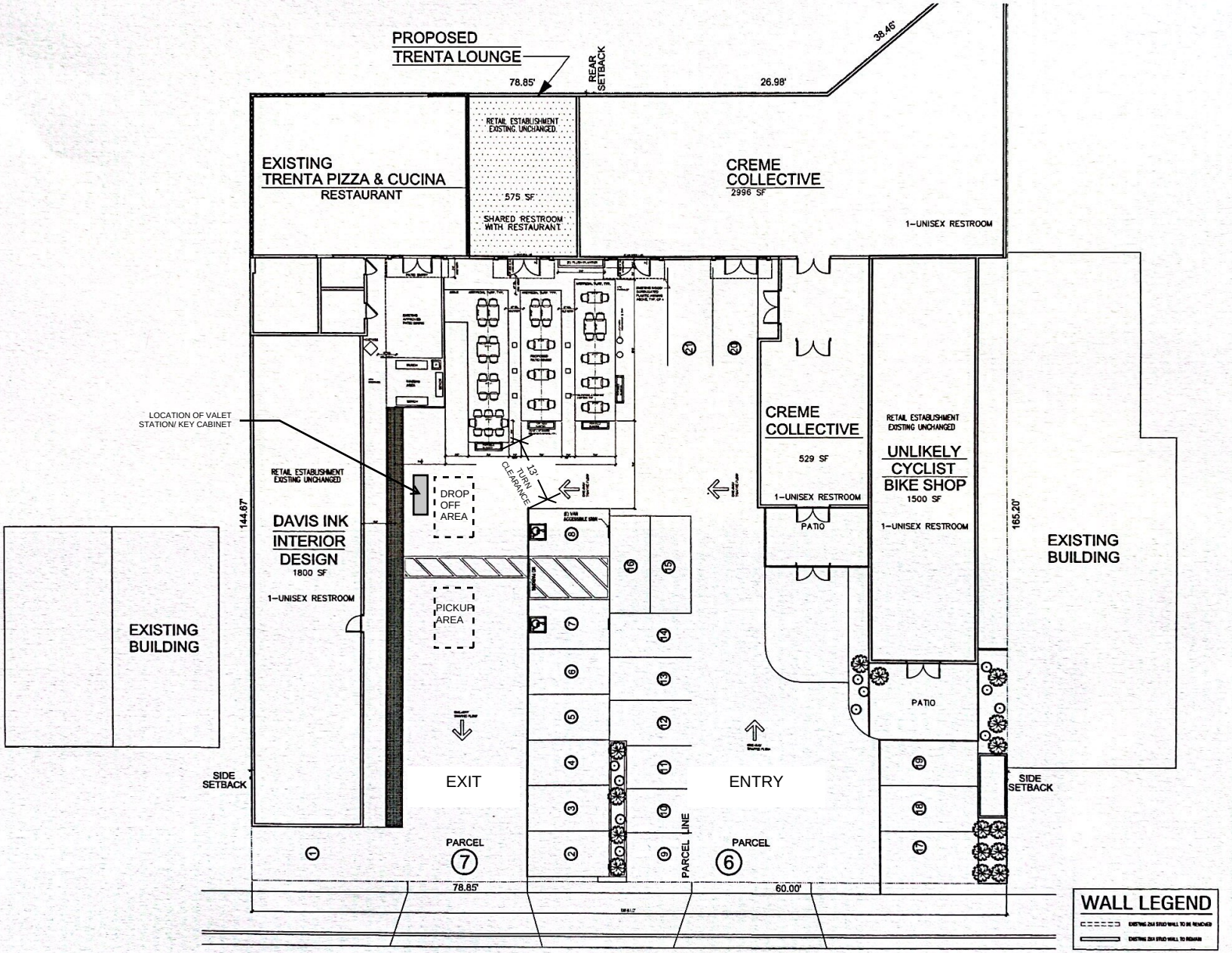


1645 SUPERIOR AVENUE (PA-21-07 & ZA-17-16 A1)

EXISTING SITE PHOTOS







JEFFREY V. RIGGS, ARCHITECT, INC.

25 PECOS RANCHO SANTA MARGARITA, CA 92688
949 233 1553 E: jeffriggs09@gmail.com

TRENTA PIZZA & CUCINA

1661 SUPERIOR AVENUE, UNIT D
COSTA MESA, CA 92627

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DO NOT SCALE PLANS

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT MANAGER:	JVR
DESIGNER:	JVR
DRAWN BY:	JVR
REVIEWED BY:	JVR
1ST BLDG. DEPT. SUBMITTAL	-/-/-
ISSUED FOR CONSTRUCTION:	
JOB NUMBER:	2019070
CAD FILE NAME:	ASP1.DWG

DATE: 10/22/21 SHEET: ASP.1

ARCHITECTURAL SITE PLAN

1ST PLANNING DEPT. SUBMITTAL

Scanned with CamScanner

Alpha professional corp

7850 Slater ave spc 110
Huntington Beach, CA 92647
(714) 679 0028

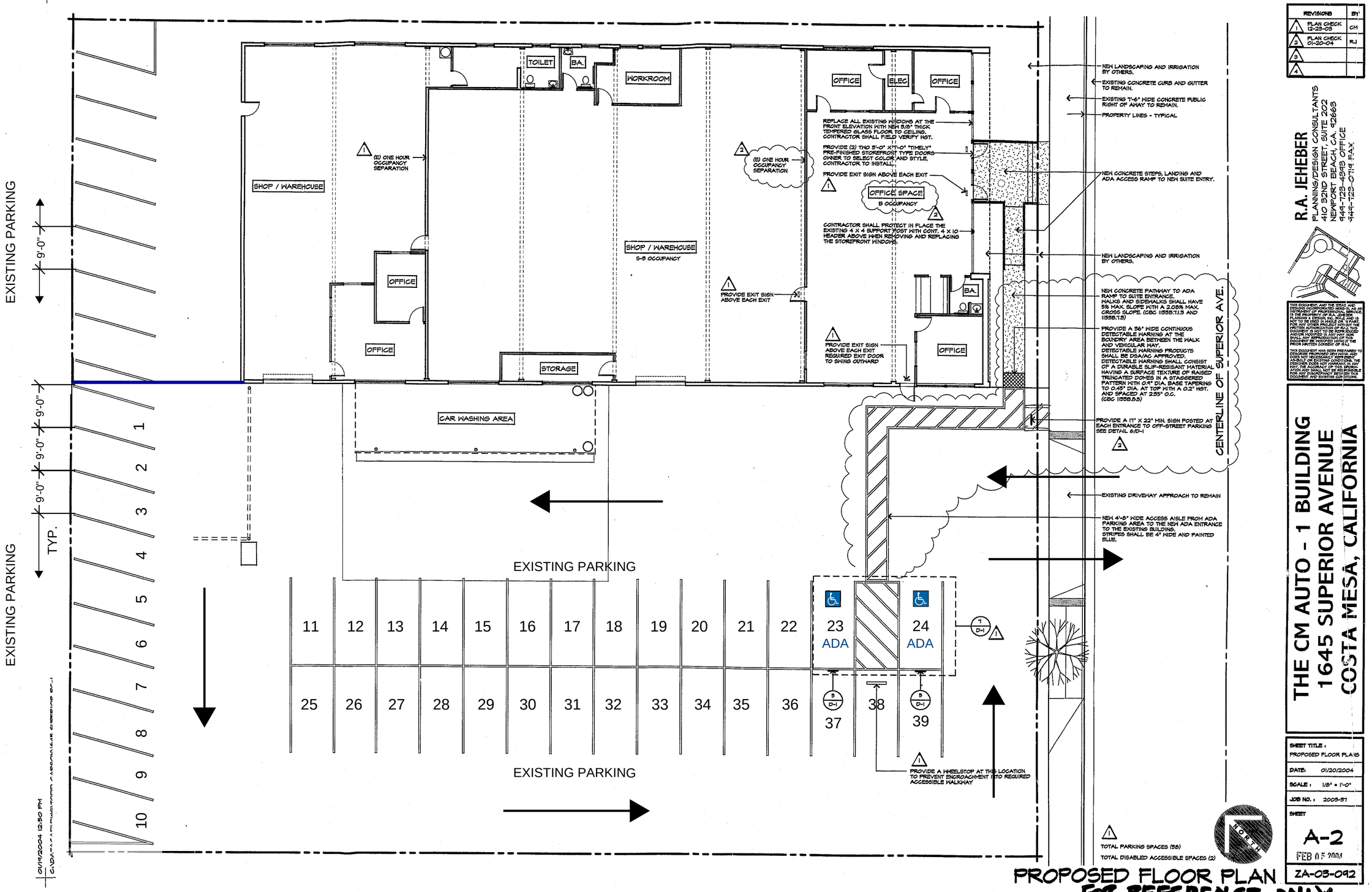
Valet operation plan document

- Net increase in parking with valet implemented is 39 parking spaces
- Loading area is located on the restaurant property west side of the parking lot. Valet is indicated with cones, sings and podium.
- Unloading area is located on the restaurant property south of the parking lot and additional unloading are located at 1645 Superior eve Costa Mesa, CA, 92627.
- Valet staffing is provided by Alpha Professional Corp.
- Our team consists of three individuals for the weekdays and four for the weekend

    - Luis A Espinoza
    - Neftali Torres Falafan
    - Luis Manuel Torres
    - Juan Perez

- Hours of operation

    - Monday – Sunday from 5:00pm – 10:00pm



REVISIONS	BY
1 PLAN CHECK 12-23-03	GM
2 PLAN CHECK 01-20-04	R.J.
3	
4	

R.A. JEHEBER
PLANNING/DESIGN CONSULTANTS
410 32ND STREET, SUITE 202
NEWPORT BEACH, CA. 92663
949-723-4993 OFFICE
949-723-0714 FAX

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THE CM AUTO - 1 BUILDING
1645 SUPERIOR AVENUE
COSTA MESA, CALIFORNIA

SHEET TITLE :	PROPOSED FLOOR PLANS
DATE:	01/20/2004
SCALE :	1/8" = 1'-0"
JOB NO. :	2003-37
SHEET	A-2
	FEB 05 2004
	ZA-03-092

PROPOSED FLOOR PLAN
FOR REFERENCE ONLY

ARIOS, JUSTIN

ATTACHMENT 6

From: ARIOS, JUSTIN
Sent: Tuesday, October 18, 2022 8:20 AM
To: ARIOS, JUSTIN
Subject: FW: I support Trenta Expansion

From: Eric Eisenberg <ericdeisenberg@gmail.com>
Sent: Monday, September 26, 2022 11:41 AM
To: DRAPKIN, SCOTT <SCOTT.DRAPKIN@costamesaca.gov>
Subject: I support Trenta Expansion

Hi Scott,

My name is Eric Eisenberg and I am an owner and investor in 17 West in Costa Mesa. My wife and I own three units in the project and we are in full support of Trenta expanding.

My neighbor reached out to me as he is leading an operation to block Trenta from parking at a car wash next to our community as he is citing potential crime? That seems like a pretty ridiculous case to make against a small business and neighborhood gem looking to expand.

Chris was a huge supporter of Trenta when it first opened and would constantly recommend it to me and others. There is something that happened personally between him and the owner that has caused him to want to hurt the owner's business. He has had issues with other residents at 17 West although I personally get along well with him.

I don't agree with letting personal vendettas come in the way of small businesses and feel as Costa Mesa should do anything we can as a community to support small businesses.

Thank you for taking the time to read.

--
Kind Regards,

Eric D. Eisenberg |

Cell: 516.851.8997|

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ARIOS, JUSTIN

From: Melissa D <mdepuy123@gmail.com>
Sent: Monday, October 3, 2022 8:03 PM
To: ARIOS, JUSTIN
Subject: I Support Trenta

Hi Justin,

I am writing to let you know that I fully support the application no. PA-21-07 & ZA-19-50 (ZA-17-16 A1) by Trenta Pizza.

I have lived in 17 West in the condo directly overlooking Trenta for 3.5 years (1660 topanga) and love the vibrancy this restaurant has brought to our community. It has been amazing to see this restaurant grow, expand, and thrive. I love that it is family-owned and we get the opportunity to see Marco and Giorgio each time we walk over to dine there along with the many other neighbors who enjoy the restaurant - which ends up being about 1x per week minimum :)

I want to address the objections raised by someone in 17 West who I feel tends to be the loudest but represents the few, not the many. That individual also lives in an interior unit where some of the concerns he raised wouldn't affect him and he seems to have a personal issue with Trenta.

Property Values -

- Having a vibrant/thriving restaurant like Trenta has HELPED bring people to the area and increase property values.
- People who buy these types of condos typically want to live in an area where they can walk to an amazing restaurant/coffee shop/etc that has a strong sense of community
- I am VERY concerned that if Trenta moved or wasn't allowed to expand, then it would negatively impact our property values & the community because now that area would be deserted and likely become another homeless gathering area on Superior - This is a HUGE concern of mine.

Noise -

- This has never been a problem for me, and I live with my bedroom windows facing down at Trenta and sleep with my windows open frequently - the only thing you hear is the regular Superior car movement
- When I bought this condo, I knew I was going to be living in a more "urban" like area, not a quiet suburb, and a thriving, delicious restaurant that I can walk to was part of the attraction to live here
- I loved when Trenta used to have live music and we had the benefit of being able to slightly hear

- it when we opened our windows :)
-
-
-
- Outside of music (when they used to have it), we don't ever really hear the restaurant but do get
- the benefit of smelling their delicious pizzas every day from our home.
-
-
-
- At night this noise is not louder than the normal noise from cars driving on Superior. This is
- coming from someone who goes to bed before 9pm. I've never heard the restaurant noise.
-

Light Pollution -

-
-
- This would only affect the houses that face Superior/overlook Trenta directly (which is me). Trenta
- doesn't add to the light pollution, they have very low-lit lighting.
-
-
-
- Superior in general is already a well-lit area so any additional light added by Trenta is negligible
- and is not noticeable even though I sometimes go to bed before they close (again, my bedroom windows are directly overlooking the restaurant)
-
-
-
- I enjoy looking down and seeing the beautiful string lights they have and I think it adds a charm
- to the community.
-

Valet/Parking Expansion -

-
-
- Another neighbor said the Trenta restaurant expansion would impact parking at 17 West. I disagree
- with this because when they had the valet we never had patrons parking in our community, because Trenta took care of that!
-
-
-
- The valet and parking expansion are a great solution to make the nearby residents happy and to
- allow a local business to thrive.
-
-
-
- Trenta has always been considerate of the neighbors
-

Restroom -

-
-
- I disagree with this issue raised by another neighbor. Out of the many times I have been to Trenta
- since it opened, I have only had to wait for a stall 1 time.
-

Trenta Coffee Shop -

- I have been wishing that a coffee shop would open in that plaza! It would be the perfect addition to the community.

It's important that we support the local businesses in the area, especially Trenta since I love the sense of community they have created. After seeing Boathouse Collective not make it through the pandemic, I want to ensure we support our local businesses that contribute to a thriving/bright community like Trenta does.

We have so few restaurants right here and Trenta does a good job of being respectful and welcoming to the nearby residents.

I fully support the Trenta restaurant expansion and parking expansion. When we got the original notice that they were seeking to permanently expand, I was excited and felt I didn't need to speak up because I don't object. Then I got a package from a neighbor that said he wants neighbors to object to it – he has a personal issue with Trenta and has taken action in the past to make it hard for Trenta to do business here.

I urge you to consider this letter as the voice of many - because there are many other homeowners in this community and in Superior Pointe that feel the same as I do.

Thank you,
Melissa

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ARIOS, JUSTIN

From: PARTIDA, ANNA
Sent: Monday, October 17, 2022 8:09 AM
To: ARIOS, JUSTIN
Subject: FW: Trenta Pizza

-----Original Message-----
From: Sarah Stockstill <stockstillsarah@gmail.com>
Sent: Friday, October 14, 2022 11:59 AM
To: DRAPKIN, SCOTT <SCOTT.DRAPKIN@costamesaca.gov>
Subject: Trenta Pizza

Hello,

I would like to advocate for our beloved neighborhood pizza restaurant. I live in the condos directly behind the restaurant and my unit has balconies and bedrooms facing the restaurant almost directly behind. I have no issues with noise or light pollution. Georgio and Mario are very conscientious neighbors and by extension their staff is also very respectful of the neighborhood. Our family and most neighbors in this community value having walkable access to such a wonderful restaurant.

Best,
Sarah Stockstill

Sent from my iPhone
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COLGAN, JULIE

From: GREEN, BRENDA
Sent: November 7, 2022 10:37 AM
To: ARIOS, JUSTIN; LE, JENNIFER; DRAPKIN, SCOTT; COLGAN, JULIE; TERAN, STACY
Subject: FW: Application # PA-21-07 & ZA-19-50

fyi

Brenda Green
City Clerk
City of Costa Mesa
714/754-5221
E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Charles Rollins <sblanket@pacbell.net>
Sent: Monday, November 7, 2022 9:27 AM
To: CITY CLERK <CITYCLERK@costamesaca.gov>
Subject: Application # PA-21-07 & ZA-19-50

Regarding public hearing application # PA-21-07 & ZA-19-50 (ZA-17-16 A1)
Applicant: Marco Palazzo
I am a nearby industrial property owner and would like to say I have had dinner at this restaurant and support his request. I would like also to point out this is the conflict the city of Costa Mesa is encouraging by promoting residential occupation of the historically industrial West Side of Costa Mesa. Businesses and industrial property owners are now victims of the newly built residential housing who knew before purchasing that they were going to be living in an industrial neighborhood. The amount of post WWII tech and innovation that has come from the rich small business, R&D and creative spaces throughout West Side Costa Mesa should be allowed to grow and not be thrown out by the cities misguided plan. Don't put the burden on small business and the industrial spaces to defend their existence to new residents that are attracted to our working neighborhood of West Side Costa Mesa.
Regards
Charles Rollins
711 W 17th St
Costa Mesa, CA
949-722-1084

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File #: 22-946 **Meeting Date:** 11/15/2022

TITLE:

APPROVAL OF GENERAL PLAN AMENDMENT 21-01 FOR THE CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT UPDATE (AS REVISED), AND ADOPTION OF A RESOLUTION TO OVERRULE THE INCONSISTENCY DETERMINATION MADE BY THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY FOR THE CITY OF COSTA MESA'S 2021-2029 SIXTH CYCLE HOUSING ELEMENT UPDATE

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

PRESENTED BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES

CONTACT INFORMATION: JENNIFER LE, (714) 754-5270

RECOMMENDATION:

Staff recommends the City Council:

1. Find that potentially significant effects on the environment have been adequately analyzed in the Initial Study/Mitigated Negative Declaration previously adopted on February 1, 2022 for the 2021-2029 (Sixth Cycle) Housing Element pursuant to State law, and find that none of the conditions described in CEQA Guidelines Section 15162 exist; therefore, no further action is required to comply with CEQA.

2. Approve Resolution No. 2022-XX to Overrule the Orange County Airport Land Use Commission's March 17, 2022 Determination that Costa Mesa's 2021-2029 (Sixth Cycle) Housing Element is inconsistent with the John Wayne Airport Environs Land Use Plan.

3. Approve Resolution No. 2022-XX to approve the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element (General Plan Amendment 21-01), as revised.

4. Direct the City Manager or designee to submit the adopted Housing Element to the State for certification, and authorize the City Manager or designee to make minor revisions to the adopted Housing Element as necessary to obtain State certification.

BACKGROUND:

The Housing Element is a chapter of the City's General Plan and is required by the State to be updated every eight years. It provides an analysis of the City's demographic, economic, and housing characteristics, identifies community housing needs, and establishes objectives, policies, and programs to meet those needs. To remain in compliance with State Housing Law, the City's Housing Element must respond to various State laws and requirements and must be adopted by City Council

and certified by California State Department of Housing and Community Development (HCD).

Regional Housing Needs Assessment (RHNA) Allocation

As required by State Housing law, the State prepared a Regional Housing Needs Assessment (RHNA), and in conjunction with the Southern California Association of Governments (SCAG), allocated 11,760 housing units to the City as the City's "fair share" of regional housing needs. Pursuant to the RHNA, the City is required by the State to plan and zone property to facilitate housing production that meets the City's RHNA allocation, including 2,919 "very low" income units, 1,794 "low" income units, 2,088 "moderate" income units and 4,959 "above moderate" income units. Refer to Table 1. The City is not required to build the aforementioned housing units; however, the City is obligated to update the Housing Element to support housing development through land use related goals, policies, and programs, and submit annual reports to the State as to the City's progress and implementation.

Table 1 – Final RHNA Allocation

Income Category	% of Area Median Income (AMI)	Income Range Min. – Max.		RHNA Allocation
Very Low Income	0-50% AMI	--	$64,050	2,919 units
Low Income	51-80% AMI	$64,051	$102,450	1,794 units
Moderate Income	81-120% AMI	$102,451	$123,600	2,088 units
Above Moderate Income	%120% AMI	$123,601	--	4,959 units
			Total RHNA	**11,760 units**

Public Review Drafts and Planning Commission Recommendation

Following a series of community outreach meetings including townhalls, an online community survey, and study sessions, staff and its expert consultant (Kimley-Horn) prepared an initial draft of the Housing Element Update. The draft Housing Element was made available for public comment in August 2021 and was subsequently discussed at a joint Planning Commission and City Council study session in September 2021. The Draft Housing Element update was submitted to HCD in October 2021, and incorporated City Council, Planning Commission and public comments. HCD comments on the City's draft were received in December 2021.

Subsequently, the Planning Commission reviewed the Draft Housing Element and received public comments at its November 8, 2021, November 22, 2021 and December 13, 2021 public hearings. The Planning Commission discussed the proposed revisions addressing HCD comments, and ultimately recommended approval by a 6-1 vote.

Information regarding the Housing Element Update process is accessible on the City's website at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

City Council Adopted Housing Element - February 1, 2022

Following a preliminary review of the Draft Housing Element at its January 18, 2022 public hearing, the City Council approved and adopted the 2021-2029 (Sixth Cycle) Housing Element (General Plan Amendment 21-01), and the associated Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) on February 1, 2022 by a 6-1 vote.

The staff report focused on responding to State HCD's December 2021 comment letter and recommended adoption of the Housing Element and its submittal to the State for certification prior to the February 11, 2022 statutory deadline. The staff report stated "if HCD requires additional corrections, staff will bring the Housing Element to the Council for an update at that time." At the meeting, staff also acknowledged a comment letter received from the Airport Land Use Commission (ALUC) and indicated that it would continue its work with the ALUC while the Housing Element was being reviewed by State. Staff submitted the adopted Housing Element to the State on February 5, 2022.

January 18, 2022 and February 1, 2022 City Council Reports:
<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5384364&GUID=2517E4A6-107E-496C-84D3-24D70098F31F>

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5394490&GUID=F1DADF56-728F-4C7A-9E6E-70CEF2F0EC46&Options=&Search>=

City Council Approval of the Notice of Intent to Override the ALUC's Consistency Determination - April 5, 2022

When a jurisdiction proposes a General Plan amendment within the "planning boundary" established by the Airport Land Use Commission (ALUC), State law requires the ALUC to make a determination as to whether the proposed land use change is consistent with the applicable Airport Environs Land Use Plan. The ALUC serves as a "limited advisory body" and may make a determination as to consistency but the Costa Mesa City Council has the final authority to make land use decisions in the City.

On March 17, 2022, the ALUC considered the City's 2021-2029 6th Cycle Housing Element. After receiving the ALUC staff presentation and a follow up presentation by City staff, the ALUC determined that the City's Housing Element update is inconsistent with the John Wayne Airport Environs Land Use Plan (AELUP) by a vote of 4-0. Additional information regarding the ALUC March 17, 2022 meeting is available online at:

<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/march-17-2022/>

Pursuant to Public Utilities 21676(b), the City may, after a public hearing, propose to overrule the ALUC's determination by a two-thirds vote of the City Council. Overruling an ALUC inconsistency decision requires two public hearings: one hearing for the City Council determination to notify ALUC of its intention to overrule the ALUC decision, and a second hearing for the City Council to include on the public record any ALUC and/or Caltrans Division of Aeronautics comments, and to adopt the findings to overrule ALUC's determination.

On April 5, 2022, the City Council reviewed a detailed staff analysis of the ALUC determination as well as the required findings necessary to overrule ALUC's inconsistency determination and unanimously adopted Resolution No. 2022-19. This Resolution included the justifications for finding that the 2021-2029 Sixth Cycle Housing Element is consistent with the AELUP pursuant to Public Utilities Code (PUC) Section 21670, and direction to staff to notify the ALUC of the City's intent to "overrule" ALUC's determination.

April 5, 2022 City Council Report:
<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5542239&GUID=99E91626-EFB3-4F8C-9A0F-64160C54C4B7>

Pursuant to Public Utilities Code (PUC) Section 21676, on April 11, 2022, the City Council Resolution was forwarded to both the ALUC and the Caltrans Division of Aeronautics. Subsequently, both agencies provided comment letters (provided as an Attachment 5 to this report) which are hereby included in the public record of the City Council's final decision to overrule the commission.

As discussed in the Analysis section of this report, staff recommends that the City Council hold the second public hearing required as part of the ALUC "overrule" process, and adopt a Resolution to override the ALUC's inconsistency determination.

HCD Comment Letter - April 5, 2022

Following the submittal of the adopted Housing Element in February 2022, HCD provided an additional comment letter dated April 5, 2022. The letter outlined additional State comments and requested updates to certain sections of the adopted Housing Element. HCD's April 5th letter is attached to this report as Attachment 4. As noted in HCD's letter, the City's adopted 2021-2029 Sixth Cycle Housing Element addressed many of the State's statutory requirements. However, additional supporting information, data and updated implementing programs were requested in order to obtain Housing Element certification.

Since receiving HCD's comment letter, staff have worked with the City's expert consultant to complete the additional analyses and revisions and have also had several discussions with HCD staff in order to craft a revised Housing Element that the State will certify.

ANALYSIS:

The Analysis section of this report focuses on proposed revisions made to key sections of the adopted Housing Element to respond to the April 2022 HCD comments. It also provides a summary discussion of the required findings necessary to override ALUC's previous inconsistency determination.

Proposed Revisions to the Adopted Housing Element

In response to HCD's April 2022 comment letter (Attachment 4), the 2021-2029 (Sixth Cycle) Housing Element was revised to provide additional supporting data, analysis, and clarifications regarding Housing Needs, Resources and Constraints, and new and modified Housing Programs.

The revisions to the Housing Element in response to HCD comments do not modify the City's fundamental approach to planning for future housing. The City's Housing Element continues to propose to meet its RHNA allocation through a combination of 1) incremental growth in established single family residential neighborhoods through, for example, accessory dwelling units; and 2) rezoning of sites within and around existing Specific Plan, Urban Plan and residential overlay areas to accommodate the additional housing units necessary to meet the City's RHNA allocation. None of the corridors, housing opportunity sites, or anticipated densities cited in the previously-adopted Housing Element have been modified.

Rather, HCD comments and the proposed revisions focus on providing additional information justifying the City's approach, and providing modified and new housing "programs" specifically requested by the State. In addition, the timing for completion of certain Housing Element programs has been modified and "objectives" were added to each program to further clarify intended outcomes (refer to Housing Element Chapter 4, Housing Programs).

The below discussion highlights key revisions. The proposed revisions to the Housing Element in their entirety are provided in underline/~~strikethrough~~ format as Attachment 1 to this report. The proposed revisions were made available to the public online on November 8, 2022.

- **HCD requested additional analysis and expanded programs related to Extremely Low Income (ELI) Households** and **"Affirmatively Furthering Fair Housing" (AFFH)**

Proposed Housing Element Modification: HCD requested that the analysis for "Affirmatively further [ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2… shall include an assessment of fair housing in the jurisdiction." The revised Housing Element includes additional information regarding the City's capacity to address housing complaints, services provided to the community through the Fair Housing Foundation, concentrations of persons with disabilities and available resources, additional analysis regarding lower income areas and affordability, displacement risk, local knowledge of areas with substandard housing conditions and the estimated need for housing rehabilitation efforts. This information is added throughout Chapters 2 (Community Profile) and 3 (Resources and Constraints) of the Housing Element and also resulted in modified Housing Element Programs 2L *(Development of Housing for Extremely Low and Lower - Income Households)*, 4A (Fair Housing) and 4I (Partnerships with Local Organizations and Community Groups for high poverty census tracts).

- **HCD requested additional information regarding development trends and housing opportunity sites and new programs pertaining to small and large housing sites**

Proposed Housing Element Modification: HCD requested additional information and analysis regarding: 1) redevelopment trends for already- developed properties in Costa Mesa that are similar to identified housing opportunity sites; 2) small (less than an acre) and large (more than 10 acres)

housing opportunity sites; and 3) information regarding environmental constraints that could affect housing opportunity sites. In response, a market analysis and development trend analysis was included in Housing Element Appendix B (Adequate Sites Analysis). In addition, specific findings related to such development trends have been included in the attached Resolution for Housing Element adoption. Additional information regarding small and large housing sites was also added and Program 3Q (Lot Consolidation for small sites) and 3R (Large Sites), summarized below, were also added. Lastly, staff added additional details regarding hazardous materials sites located in Costa Mesa's industrial areas.

- **Program 3Q: *Lot Consolidation***
  - For smaller housing sites, this program commits the City to streamline processes and establish incentives for lot consolidation, publish this information online, monitor the effectiveness, and adjust such incentives as needed.
- **Program 3R: *Development of Large Sites***
  - This program commits the City to evaluating the development status of the five "large" housing opportunity sites identified within the Housing Element and to identify additional housing sites if no development progress is made for each of the five sites. The program will include outreach and promoting housing development.

- **HCD requested the City reduce its ADU construction estimates and expand ADU programs**

Proposed Housing Element Modification: HCD requested the City reduce its ADU construction estimate to 40 to 50 units per year. Staff included information that shows the number of ADU's approved in 2022 already exceed the State's annual estimate, adjusted the projected number of ADU's built per year from 70 ADUs to 50 ADUs, and modified Program 3E and Program 3M related to promoting ADU's and monitoring ADU production throughout the planning period.

- **Program 3E: Promote the Development of ADU's**
  - This program was modified to include a commitment to review and revise the City's ADU Ordinance as necessary to comply with State law. The revisions to the ADU Ordinance identified by the State were already reviewed and recommended for approval by the Planning Commission at its October 24, 2022 public meeting.

- **Program 3M: ADU and JADU Monitoring Program**
  - This program commits the City to monitor ADU production and affordability and make adjustments (e.g., provide additional incentives) if there is a shortfall in ADU construction.

- **HCD requested additional analysis and programs regarding the City's Code required "findings" for residential projects**

Proposed Housing Element Modification: Staff evaluated the City's findings for discretionary approvals that may apply to housing projects (such as a Master Plan, Design Review etc.) and determined that the findings do not adversely affect housing opportunities due to, for example, the denial of projects based on the strict interpretation of the findings' language. Nonetheless, some of the language used in findings may be interpreted broadly and could be modified for clarity. As such, new Program 3S was added.

- **Program 3S: Review and Revise Findings**
  - For housing development land use entitlements that require findings pursuant to the Zoning Code, this program commits the City to review and revise findings language that is capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, or approval certainty.

- **HCD requested additional information regarding Emergency Shelters and programs regarding Permanent Supportive Housing**

Proposed Housing Element Modification: Staff added additional information clarifying that emergency shelters are already allowed by right in the Planned Development Industrial (PDI) zone and provided additional data regarding hazards and available parcels in this zone. In response to State comments, **Program 2J** was also added. This program commits the City to modifying its Zoning Code to include "transitional and supportive housing" in its land use matrix and to allow such uses in a manner that complies with State law.

- **HCD requested additional information and programs regarding the City's Reasonable Accommodation procedures, the definition of Single Housekeeping Unit, and Group Home regulations**

Proposed Housing Element Modification: In response to State comments, staff included additional information, modified Program 2N, and added Programs 2O and 2P as shown below.

- ***Program 2N: Reasonable Accommodation***
  *"The City has completed an analysis of its Reasonable Accommodation process in **Section 3** of this Housing Element. By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. This process is described within the City's Zoning Code and persons may contact the City's planning department for assistance with requests. The City will review and consider revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements.*

  Objectives:

  - *Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints and establish potential objective standards, and provide guidance and amend as necessary to promote greater certainty on how approval findings will be implemented.*

  - *Meet with local organizations and developers to promote access to housing for persons with disabilities and address potential constraints."*

- **Program 2O: Definition of Single Housekeeping Unit**
  "The City's definitions of "family" and "single housekeeping unit" within the zoning code do not differentiate between related and unrelated individuals, or between disabled and non-disabled individuals, living together. Notwithstanding, in order to promote flexibility to

accommodate residents with different living conditions, the City will review and consider revisions to its zoning code per the objectives below.

Objectives:

- *Review and revise the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together."*

- **Program 2P: *Group Homes***

"The City has completed an analysis of its regulations applicable to group homes in ***Section 3*** *of this Housing Element. Group homes are allowed in all residential zoning districts through a conditional or special use permit. The City will review and consider revisions to its zoning code applicable to group homes per the objectives below.*

Objectives:

- *Review and revise the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty."*

- **HCD requested modifications to Housing Element Programs 3B (Fairview Development Center), 3C and 3D related to required rezoning, and Program 3G (the City-wide vote requirement).**

Proposed Housing Element Modification:

- **Program 3B: Fairview Development Center (FDC)**
  - Program 3B was modified to clarify the City's intent to facilitate development on the FDC property, including rezoning, and establishing incentives and expedited processing. The revisions also clarify that if the rezoning of FDC does not occur, the City is obligated to identify other sites to make up the shortfall. The program was also revised to include updated information regarding the City Council's October 2022 approval of an agreement to accept $3.5 Million in State funds to manage and lead establishment of a Specific Plan for the FDC site in coordination with the State. A Request for Proposals (RFP) will be released by year end.

- **Programs 3C (Update the North Costa Mesa Specific Plan) and Program 3D (Update the City's Urban Plans and Overlays):**
  - Programs 3C and 3D were modified to clarify that updating these plans consistent with the Housing Element is necessary and required to meet the City's RHNA allocation.

- **Program 3G: Address the City-wide Vote Requirement in Relation to Housing Element Compliance**

  In its December comment letter, State HCD stated that Measure Y is "clearly a constraint on development and conflicts with meeting state requirements. The element must include a specific analysis of the impacts on housing cost, supply, affordability,

timing and approval certainty. Based on this analysis, the element must include programs to address this constraint in addition to programs to make sites available to accommodate the RHNA." Staff amended the program adding specific "milestones" and a timeline as requested by the State.

In its April comment letter, the State HCD has requested the City "commit to adopt the various planning amendments, alternative actions if the appropriate zoning is not complete and provide parameters that the ballot measure or other actions will be undertaken to address this fundamental constraint to housing development (in addition to the RHNA requirements)."

As such, the City has modified Program 3G to clarify that if there remains a shortfall of sites after a Ballot Measure vote, the City will request an opinion from the State's Attorney General's Office as to the City's options. It also adds language stating that the City will "evaluate and pursue various options to minimize the constraints of a city-wide vote requirement on housing by providing the City Council greater discretion in approving housing and affordable housing…" Program 3G, as revised, is shown below.

*"***PROGRAM 3G: Address City-wide Vote Requirement in Relation to Housing Element Compliance**

As it exists upon adoption of the 2021 2029 Costa Mesa Housing Element, the City's Municipal Code requires voter approval of certain changes in land use, defined as those projects that amend, change or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan, (collectively, legislative changes) and that involve any one of the following changes: adds 40 or more dwelling units, generates more than 200 additional average daily trips; increases the volume/capacity of an intersection based on specified formulas; changes the intersection capacity utilization or level of service based on specified formulas; adds 10,000 square feet of retail, office or other nonresidential; or, where the proposed project, combined with other projects within 8 years and a half mile of each other, meet the above criteria. Additionally, voter approval is required for projects that involve one of the above legislative changes and: changes from public uses to private uses under specified circumstances; land designated as utility right of way under specified circumstances; land donated, bequeathed, or otherwise granted to the City; land used or designated for Costa Mesa school property; or land owned, controlled, or managed by the City.

Through extensive community outreach with Costa Mesa residents, housing advocates, and members of the development community, the City of Costa Mesa has continued to contemplate the role of the City-wide vote requirements in relation to the City's 2021 2029 Housing Element Update. State HCD has identified the City-wide vote process as a clear constraint to the future development of residential uses within the City, a constraint to implementing the land use and zoning changes necessary to achieve State mandated compliance with the RHNA allocation, and also conflicts with meeting State housing requirements. The City recognizes that it must, in coordination with guidance from the City Attorney and input from the community, determine a path forward to be able to adopt

the subsequent changes to specific plans, urban plans, and overlays that are necessary to implement the City's adopted Housing Element and meet the City's RHNA allocation.

The City may move forward with adoption of a state-mandated Housing Element Update; however, it is not clear how the City-wide vote requirement affects the associated rezones and revisions to existing specific plans, urban plans, and overlays included as program actions within the Housing Element.

The City will take the following steps to identify and address specific ways in which the City-wide vote process functions as a constraint to housing compliance, the city's housing goals, and other shared community goals.

MILESTONES	***TIMING FOR COMPLETION***
(1) Engage the community and other stakeholders, and complete legal analysis necessary to identify appropriate modifications to the City's Municipal Code requirement for voter approval	*Complete by June 2022*
(2) Prepare ballot measure language and obtain City Council approval for placement of modifications on the ballot for the November 2022 general election.	*Complete by August 2022*
(3) Inclusion of the proposed measure on the Ballot of Local Election.	*Complete by November 2022*
(4) Creation and adoption of an inclusionary housing ordinance. The Municipal Code exempts "affordable housing proposals required by state or federal law" from the City-wide vote requirement. A City Council- approved inclusionary housing ordinance provides an opportunity to address affordable housing needs City-wide.	*Within 12 months of final adoption of the Housing Element, consistent with Program 2A*
(5) Engage in a community planning and visioning process. Prepare General Plan amendments, rezones, and revisions to existing specific plans, urban plans, and overlays included as program actions necessary to meet the City's RHNA allocation as identified within the Housing Element. Complete appropriate technical studies and CEQA compliance documents. Obtain City Council approval.	*Complete by June 2025*
(6) If there is a continued shortfall of sites after a Ballot Measure vote, the City will request an opinion from the State's Attorney General's Office as to the City's options.	*Complete by December 2025*

In addition to these actions, beginning in 2022 and in conjunction with the City Attorney's Office, the City will evaluate and pursue various options to minimize the constraints of a city-wide vote requirement on housing by providing the City Council greater discretion in approving housing and affordable housing projects to comply with all requirements in State Housing Element law without further ballot initiative.

Objective:

- *Minimize the constraint of a city-wide vote requirement on creation of housing including affordable housing through the modification of existing City overlays, urban plan areas, and specific plans to rezone candidate housing sites that can accommodate affordable housing and a variety of mixed use/ housing options near jobs and transit. By 2025, initiate a ballot measure, or other alternative option, to provide City Council greater discretion in approving affordable housing and mixed use/ housing options in appropriate locations."*

Overrule of ALUC's Inconsistency Determination

Pursuant to PUC Section 21676, on April 5, 2022, the City Council made the findings that the proposed Housing Element is consistent with the purpose of the AELUP as provided below:

- "*It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems."*

- *"It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."*

As indicated in the "Background" section of this report, City staff forwarded to the ALUC and the Caltrans Division of Aeronautics the City Council decision and adopted findings to "overrule" ALUC's determination, and both agencies responded with comments. Staff has specifically responded to these comments in Attachment 5 - "*City Responses to Comments."* Below is a summary of the ALUC and the Caltrans Division of Aeronautics comments and staff responses.

ALUC's Comment Letter

The ALUC's comments related to two primary issues: (1) noise, and (2) safety hazards created by changing certain Housing Element sites land use from commercial/mixed use to residential in close proximity to John Wayne Airport.

In summary, the ALUC determined that the City's assessment for overrule regarding noise was not problematic and agreed that the City's Noise Element adequately addresses the interface of potential residential development and airport noise impacts.

The ALUC comments regarding safety hazards are specifically focused on 2021-2029 6th Cycle Housing Element proposed housing sites located in the North Costa Mesa Specific Plan area. The ALUC contends that because the North Costa Mesa Specific Plan permits building heights in excess of the JWA Horizontal Surface (141 to 145 feet), that these housing sites present a "safety hazard." However, the Public Utilities Code Section 21676 exempts "land use measures" for development in

areas that are “already devoted to incompatible uses.” The North Costa Mesa Specific Plan area is approved for a hotel/residential development project of 304 feet, and is also developed with the Plaza Tower and Center Tower which exceed 20 stories. Since the North Costa Mesa Specific Plan area is already entitled and developed (“devoted”) for residential development and uses that exceed the JWA Horizontal Surface, this PUC provision is not applicable and the Housing Element is consistent with the “purpose” outlined in PUC Section 21670.

Further, the Housing Element makes no changes to height standards already adopted as part of the North Costa Mesa Specific Plan many years ago. The North Costa Mesa Specific Plan only allows residential uses at heights taller than the ALUC’s Horizontal Surface guideline after it has consulted with the Caltrans Division of Aeronautics and received a determination of “no hazard.” The projects already built at such heights in the North Costa Mesa area went through this process and received such a determination”. As such, this issue is sufficiently addressed by existing regulations and no change is proposed.

Caltrans Division of Aeronautics Comment Letter

The Caltrans Division of Aeronautics’ letter primarily comments that the City’s findings related to Public Utilities Code Section 21670 are “not consistent with the planning regulations in the Government Code.” Specifically, the Division’s comments reference the California Land Use regulation relating to “Housing Elements” (Section 65583) and the “Authority for the Scope of General Plans” (Section 65302). However, neither of these provisions are specified for compliance in the PUC provisions relating to the “overrule” process, and therefore are not applicable to the “overrule.” Caltrans also broadly discusses the ALUC comment regarding PUC Purpose No. 2 relating to the housing sites in the North Costa Mesa Specific Plan Area; however, and as indicated above, since the North Costa Mesa Specific Plan area is already entitled and developed (“devoted”) for residential development and uses that exceed the JWA Horizontal Surface, this PUC provision is not applicable and the Housing Element is consistent with the “purpose” outlined in PUC Section 21670.

Staff Recommendation - ALUC Inconsistency Determination

City staff have thoroughly considered the comments by the ALUC and the Caltrans Division of Aeronautics in regard to the proposed Housing Element consistency with the PUC provisions. As further provided above, the ALUC’s and Caltrans’ comments that the proposed 2021-2029 Sixth Cycle Housing Element is inconsistent with the AELUP “purpose” is generally inaccurate. Staff is thus recommending that the City Council overrule the ALUCs determination. In order to effectuate the “overrule,” staff is recommending that the City Council adopt the proposed Resolution provided as Attachment 3, which includes the same findings the City Council previously reviewed and adopted on April 5, 2022.

Next Steps

Staff recommends that the City Council adopt the Resolution overruling ALUC’s inconsistency determination, and adopt the Resolution approving the Housing Element, as revised.

After City Council adoption, the Housing Element, as revised, will be forwarded to the HCD for its

review and certification. State HCD has up to 60 days to complete its review.

After certification, Development Services staff will process for Planning Commission and City Council review subsequent General Plan land use and zoning code amendments as required by the Housing Element. This effort will begin with a community outreach and visioning process.

In addition, City staff and various consultant teams will implement the other required Housing Element programs and actions. There are over 47 program actions identified in the Housing Element, which must be implemented during the eight year planning period. Most programs are required to be completed within the first two to three years of the Housing Element planning period (i.e., by the end of 2025). Compliance with such timelines will require a significant commitment of future City staff time and resources.

ENVIRONMENTAL DETERMINATION:

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study was prepared to evaluate the potential environmental effects associated with the City of Costa Mesa 2021-2029 Housing Element Update. The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for public comments on October 29, 2021. The public comment period ended on November 29, 2021. On February 1, 2022, after consideration of a Planning Commission recommendation and public comments, the City Council adopted and approved the Initial Study/Mitigated Negative Declaration along with the associated Mitigation Monitoring and Reporting Program (MMRP). Pursuant to Government Code Section 15162(a), if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation. Pursuant to CEQA Guidelines Section 15162(a)(1-3), the City as the lead agency has determined that none of the proposed revisions to the Housing Element require subsequent environmental analysis. Therefore, no further documentation is necessary.

ALTERNATIVES:

The City Council alternative actions include:

1. Adopting the Resolutions as proposed;
2. Adopting the Resolutions with modifications to the Housing Element Update; or
3. Not adopting the Resolutions.

Not Adopting the Housing Element update and not receiving State certification would make the City out of compliance with State Housing Element law and would subject the City to potential litigation and other enforcement actions by the State.

FISCAL REVIEW:

The adoption of the Housing Element will have no impact to the City's General Fund. A non-compliant Housing Element may affect the City's ability to receive certain federal, State and regional funding programs that require or consider housing element compliance for eligibility or competitive ranking purposes.

LEGAL REVIEW:

This report has been approved as to form by the City Attorney's Office.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Diversify, stabilize and increase housing to reflect community needs.

CONCLUSION:

Staff recommends the City Council adopt the Resolution to overrule the Orange County ALUC's March 17, 2022 Inconsistency Determination and adopt the Resolution approving the 2021-2029 Housing Element, as revised.

After adoption, the Housing Element, as revised, will be forwarded to the State HCD for certification. After certification by the State, the City will begin implementing the required Housing Element plan and program actions.

Costa Mesa Housing Element

6th Cycle - 2021-2029









Costa Mesa

2021-2029 HOUSING element

City of Costa Mesa

Housing Element

2021-2029

ADOPTED FEBRUARY 2022

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EXECUTIVE SUMMARY

PURPOSE

The Housing Element plans for future housing opportunities within the City of Costa Mesa while also addressing housing needs within the community. This is the 6th cycle of the Housing Element and is for the planning period from 2021 to 2029.

HOUSING ELEMENT UPDATE GUIDING PRINCIPLES

The City of Costa Mesa followed certain "guiding principles" in developing its approach and strategy for accommodating future housing growth. These guiding principles assist with implementation of the housing goals, policies and programs and will aid overall decision making. The guiding principles are rooted in community engagement and local knowledge and input into the planning process. The guiding principles are as follows:

The City will plan for future housing primarily along major commercial, industrial, and mixed use corridors within Costa Mesa that are compatible with growth, while preserving established residential neighborhoods.

Each neighborhood, community, and district within Costa Mesa has its own unique characteristics and needs. Future housing growth will build upon Costa Mesa's history and complement the diversity and unique characteristics that already exist within each area.

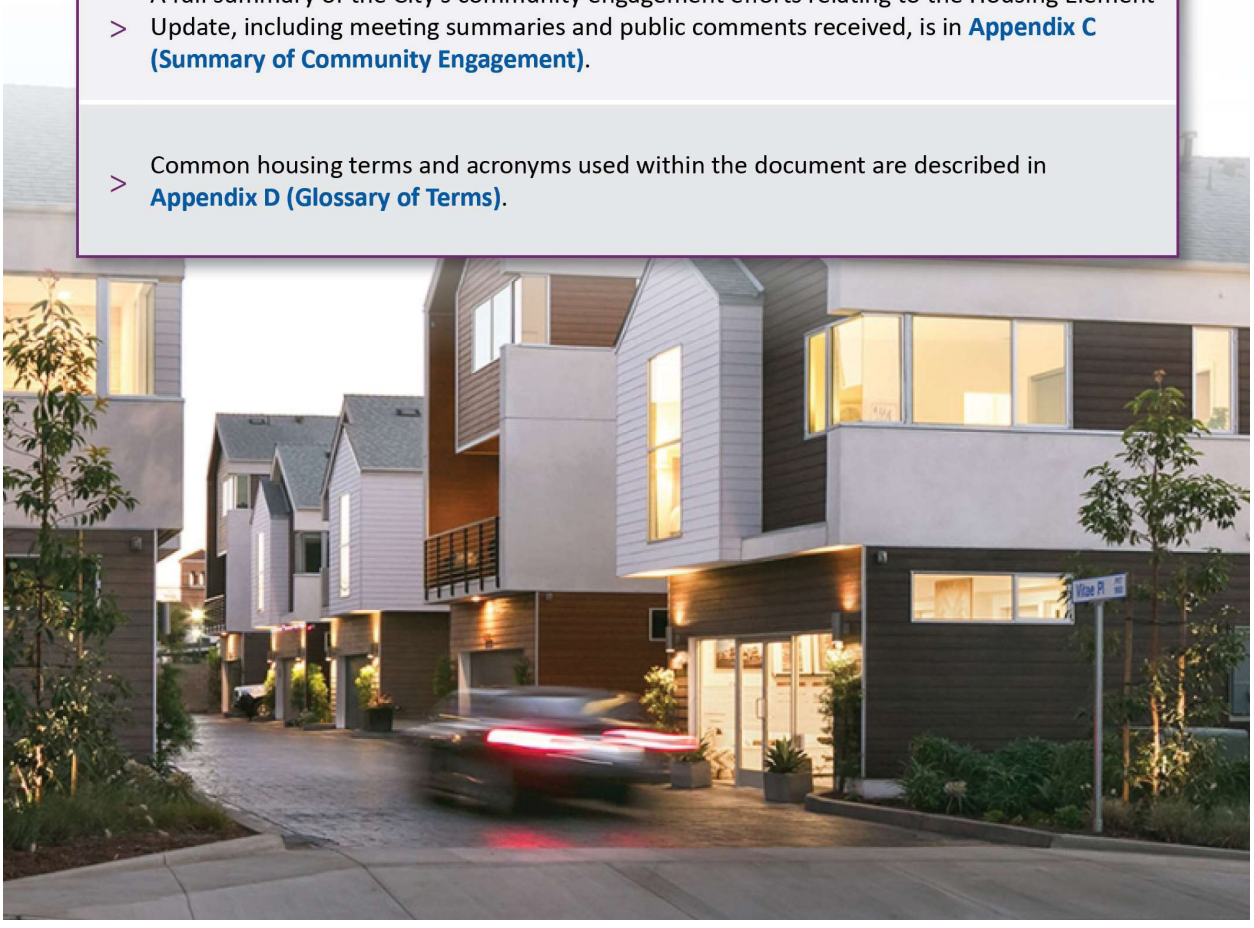
The City will plan for a diverse range of housing forms, types, and densities to address the housing needs of an inclusive and diverse community and provide housing opportunities that meet the needs of all residents, including low-income households, seniors, multi-generational families, larger households and special needs groups.



"HOW TO" GUIDE TO THE HOUSING ELEMENT

The City of Costa Mesa's Housing Element contains a lot of information relating to housing. The guide below is designed to help users navigate to the section of the document that contains the relevant information for each user's needs.

- Demographic information relating to housing, population, and family trends can be found in **Section 2 (Community Profile)**.
- **Section 3 (Constraints, Resources, and Fair Housing)** contains an overview of the City of Costa Mesa's 6th Cycle Candidate Sites Inventory and strategy. A more detailed analysis, including maps and a list of candidate housing sites by Assessor Parcel Number (APN) can be found in **Appendix B (Sites Analysis)**.
- A discussion of potential housing constraints, including governmental, non-governmental, and other constraints, is located in **Section 3**.
- The City's Action Plan to address and facilitate housing growth is located in **Section 4 (Housing Plan)**.
- A full summary of the City's community engagement efforts relating to the Housing Element Update, including meeting summaries and public comments received, is in **Appendix C (Summary of Community Engagement)**.
- Common housing terms and acronyms used within the document are described in **Appendix D (Glossary of Terms)**.



Chapter 1

Introduction



A. Role of the Housing Element

The Housing Element is one of the seven State mandated elements included in the City of Costa Mesa's General Plan. The purpose of the Housing Element is to identify a high-level strategy and blueprint for addressing the City's existing and projected housing needs over the eight-year planning cycle. It contains a detailed work program of the City's housing goals, policies, quantified objectives, and actions or programs for the preservation, improvement, and development of housing for a sustainable future.

Each eight-year planning cycle, the City is allocated a specific number of housing units called the Regional Housing Needs Allocation (RHNA) determined by the Southern California Association of Governments (SCAG). The RHNA quantifies future housing growth within a City. Through research and analysis, the Housing Element identifies potential candidate housing sites and establishes the City's official housing policies and programs to accommodate the City's RHNA allocation. As part of the Housing Element, focus areas and corridors are identified where future housing may be appropriate. Candidate housing sites within those areas are identified in order to show that the City has or will have sufficient land with the appropriate zoning to facilitate the development of housing by the private market in sufficient quantity to meet its RHNA allocation. The Housing Element is not a document that lays out specifically where future housing must go nor does it mandate housing construction. The Housing Element is an important tool for the City of Costa Mesa to plan for and accommodate current and future housing growth within the community, over the eight-year planning cycle (2021-2029).

B. State Policy and Authorization

1. Background

As a mandated element of the Costa Mesa General Plan, the Housing Element must meet all requirements of existing state laws. Goals, programs and policies, and quantified objectives developed within the Housing Element are consistent with state law and are implemented within a designated timeline to ensure the City accomplishes the identified actions as well as maintains compliance with state law. The California Department of Housing and Community Development (HCD) reviews each Housing Element for substantial compliance with state law. HCD's review is required before a local government can adopt its housing element as part of its overall General Plan.

2. State Requirements

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for the Housing Element. California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans no less than once every eight years.

The California Legislature identifies overall housing goals for the State to ensure every resident has access to housing and a suitable living environment; Section 65580 of the California Government Code states the following Housing Element goals:

a. *The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.*
b. *The early attainment of this goal requires cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.*
c. *The provisions of housing affordable to low- and moderate-income households requires the cooperation of all levels of the government.*
d. *Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community. The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.*

Table 1-1 summarizes State Housing Element requirements and identifies location in this document where these requirements are addressed.

Table 1-1: Housing Element Requirements

Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Analysis of employment trends.	Section 65583.a	Chapter 2.B.1
Projection and quantification of existing and projected housing needs for all income groups.	Section 65583.a	Chapter 3.F
Analysis and documentation of the City's housing characteristics, including cost for housing compared to ability to pay, overcrowding, and housing condition.	Section 65583.a	Chapter 2.C, D, F
An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential.	Section 65583.a	Chapter 3.F.1
Analysis of existing and potential governmental constraints upon the maintenance, improvement or development of housing for all income levels.	Section 65583.a	Chapter 3.B
Analysis of existing and potential nongovernmental (private sector) constraints upon maintenance, improvement or development of housing for all income levels.	Section 65583.a	Chapter 3.B
Analysis concerning the needs of the homeless.	Section 65583.a	Chapter 2.E.8
Analysis of special housing needs: handicapped, elderly, large families, farm workers, and female-headed households.	Section 65583.a	Chapter 2.E
Analysis of opportunities for energy conservation with respect to residential development.	Section 65583.a	Chapter 3.G.2
Identification of Publicly-Assisted Housing Developments.	Section 65583.a	Chapter 3.E.3
Identification of Units at Risk of Conversion to Market Rate Housing.	Section 65583.a	Chapter 3.E.3

Table 1-1: Housing Element Requirements		
Housing Element Requirement(s)	**Gov. Code Section**	**Reference in Housing Element**
Identification of the City's goal relative to the maintenance, improvement, and development of housing.	Section 65583.a	Chapter 4
Analysis of quantified objectives and policies relative to the maintenance, improvement, and development of housing.	Section 65583.b	Chapter 4
Identification of adequate sites that will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels.	Section 65583.c(1)	Appendix B
Identification of strategies to assist in the development of adequate housing to meet the needs of low and moderate-income households.	Section 65583.c(2)	Chapter 3.E.1, 2, 3
Description of the Public Participation Program in the formulation of Housing Element Goals, Policies, and Programs.	Section 65583.d	Appendix C
Description of the Regional Housing Needs Assessment (RHNA) prepared by the Southern California Association of Governments.	Section 65583.e	Chapter 3.F
Analysis of Fair Housing, including Affirmatively Furthering Fair Housing.	Section 8899.50	Chapter 3.E
Review of the effectiveness of the past Element, including the City's accomplishments during the previous planning period.	Section 65583.f	Appendix A
Source: State of California, Department of Housing and Community Development.		

Costa Mesa's current Housing Element was adopted in January 2014 for the 5th cycle for the 2014 - 2021 planning period. The 6th Cycle Housing Element will plan for the 2021-2029 planning period. Multiple amendments have been made to Housing Element law since the adoption of the City's 5th Cycle Housing Element; such amendments and subsequent housing laws change the required analysis, reporting and policies contained in the Housing Element. The contents of this updated Housing Element comply with these amendments to state housing law and all other federal, state and local requirements.

3. Regional Housing Needs Assessment

California's Regional Housing Needs Assessment (RHNA) is the basis for determining future housing need, by income category, within the state and is based on growth in population, households, and employment. The statewide RHNA is determined under the administration of the Department of Housing and Community Development (HCD). The quantified housing need is then allocated among the state's 18 Metropolitan Planning Organizations (MPOs). For the City of Costa Mesa's case, this agency is the Southern California Association of Governments (SCAG).

In accordance with Section 65583 of the California Government Code, SCAG then delegates a "fair share" of housing need to its member jurisdictions. The City of Costa Mesa's RHNA allocation is divided amongst four income categories, which are benchmarked on the County of Orange's median income for a family of

four. Table 1-2 below identifies the four income categories by which the City's RHNA allocation is divided. For the 2021-2029 planning period the City of Costa Mesa is allocated a total of 11,760 units as shown below.

Table 1-2: RHNA Income Categories		
Income Category	Percent of Median Family Income (MFI)	Costa Mesa's RHNA Allocation for the 2021-2029 Planning Period
Very Low Income	0-50% MFI	2,919 units
Low Income	51-80% MFI	1,794 units
Moderate Income	81-120% MFI	2,088 units
Above Moderate Income	>120% MFI	4,959 units
	Total	11,760 units

4. Relationship to Other General Plan Elements

The goals, policies, actions, and programs within the Housing Element relate directly to, and are consistent with, all other elements in the City's General Plan. The City's Housing Element identifies programs and resources required for the preservation, improvement, and development of housing to meet the existing and projected needs of its population.

The Housing Element works in tandem with development policies contained in the Land Use Element, most recently amended in 2018. The Land Use Element establishes the location, type, intensity and distribution of land uses throughout the City, and defines the land use build-out potential. By designating residential development, the Land Use Element places an upper limit on the densities and types of housing units constructed in the City. The Land Use Element also identifies lands designated for a range of other uses, including employment creating uses, open space, and public uses. The presence and potential for jobs affects the current and future demand for housing at the various income levels in the City.

The City's Transportation Element also affects the implementation of the Housing Element. The Transportation chapter establishes policies for a balanced circulation system in the City. Costa Mesa's Circulation Element establishes policies governing the system of roadways, intersections, bike paths, pedestrian ways, and other components of the circulations system, which collectively provide for the movement of persons and goods throughout the City. Consequently, the Housing Element must include policies and incentives that consider the types of infrastructure essential for residential housing units in addition to mitigating the effects of growth in the City.

The Housing Element has been reviewed for consistency with the City's other Community Plan Chapters, and the policies and programs in this Element are consistent with the policy direction contained in other parts of the General Plan. As portions of the General Plan are amended in the future, the Housing Element will be reviewed to ensure that internal consistency is maintained.

5. Public Participation

Public participation is a vital component of the Housing Element update process. Public engagement creates opportunities for community members to provide their input and feedback, information which then directs the Housing Element's goals, policies and programs. Section 65583 of the Government Code requires local governments to make diligent and continued efforts to achieve public participation of all

economic segments of the community. Meaningful community participation ensures that a variety of stakeholders and community members are offered a platform to engage in the City's planning process.

The City of Costa Mesa engaged in an extensive community outreach process as part of the development of the 6th Cycle Housing Element. The outreach plan focused on reaching as many segments of the population as possible through a series of citywide meetings, district-specific meetings, focused group meetings, and meetings with topical experts in the area of housing. These efforts were complemented by a series of online presentations, handouts, and community surveys.

Outreach for the 6th Cycle Housing Element to the community are outlined in detail in **Appendix C: Summary of Community Outreach**, and includes the following actions:

- Housing Element Update webpage with all housing materials available in English and Spanish, located at : www.costamesaca.gov/housing-element-update
- Virtual Townhall Meetings
- District Specific Meetings
- Stakeholder Meetings
- Online Community Survey
- City Council and Planning Commission Study Sessions

As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

Appendix C contains a summary of all public comments regarding the Housing Element received by the City during the update process.

6. Data Sources

The data used for the completion of this Housing Element comes from a variety of sources. These include, but are not limited to:

- 2000 and 2010 Census
- American Community Survey
- Regional Analysis of Impediments to Fair Housing (AI)
- Point-in-Time Homeless Census by the Regional Task Force on the Homeless, 2020
- Home Mortgage Disclosure Act (HMDA) lending data
- California Department of Economic Development
- California Employment Development Division Occupational Wage data, 2020
- Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2013-2017

The data sources represent the best data available at the time this Housing Element Update was prepared. The original source documents contain the assumptions and methods used to compile the data.

7. Housing Element Organization

This Housing Element represents the City's policy program for the 2021-2029 6th Planning Period. The Housing Element is comprised of the following Chapters:

Chapter 1: Introduction contains as summary of the content, organization, and statutory considerations of the Housing Element;

Chapter 2: Community Profile contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock;

Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations;

Chapter 4: Policy Plan addresses Costa Mesa's identified housing needs, including housing goals, policies, and programs.

Appendices provides various appendices with supplementary background resources including:

- Appendix A – Review of Past Performance of 5th Cycle Programs
- Appendix B – Summary of Adequate Sites Analysis
- Appendix C – Summary of Outreach
- Appendix D – Glossary of Housing Terms

Chapter 2

Community Profile



Community Profile

This Community Profile for the City of Costa Mesa provides an overview of the City's housing and population conditions. The Community Profile serves as the foundation for the 2021-2029 Housing Element's policies. It describes and assesses the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. The Community Profile provides baseline analysis to inform the goals, programs, and policies, included in the Housing Element.

The data used for this Community Profile has been collected using the most current available data from the Southern California Association of Governments (SCAG), 2010 U.S. Census, 2010-2018 U.S. Census American Community Survey (ACS), the California Department of Finance, the California Employment Development Department, the California Department of Education and other relevant available real estate and market data.

A. Population Characteristics

Population characteristics directly impact the current and future housing demand in a community. The type and extent of housing needs is often influenced by population growth, age composition of the community and the mix of race/ethnicity. These factors also determine the ability of the local population to afford housing costs. The following section describes and analyzes various population characteristics and local trends that affect housing needs.

1. Population Growth

Table 2-1 compares Costa Mesa's forecasted population growth from 2010 to 2040 to the surrounding cities. The U.S. Census reported a population of 109,960 in 2010. Costa Mesa's population represents 3.7 percent of the total Orange County population.

Table 2-1 estimates a 2010-2040 population growth of 5.8 percent, or 6,440 persons. Population growth estimates for Orange County anticipated an increase of 8.7 percent between 2010 to 2020. A 5.8 percent growth is projected for Orange County between 2020 and 2040. Costa Mesa's estimated future population growth rate during that time period is lower than surrounding cities. For example, Irvine's population is estimated to increase 10.5% through 2040 and Newport Beach's population is estimated to increase 3.8% over that same period. This is compared to 2.2% growth in Costa Mesa between 2020 and 2040.

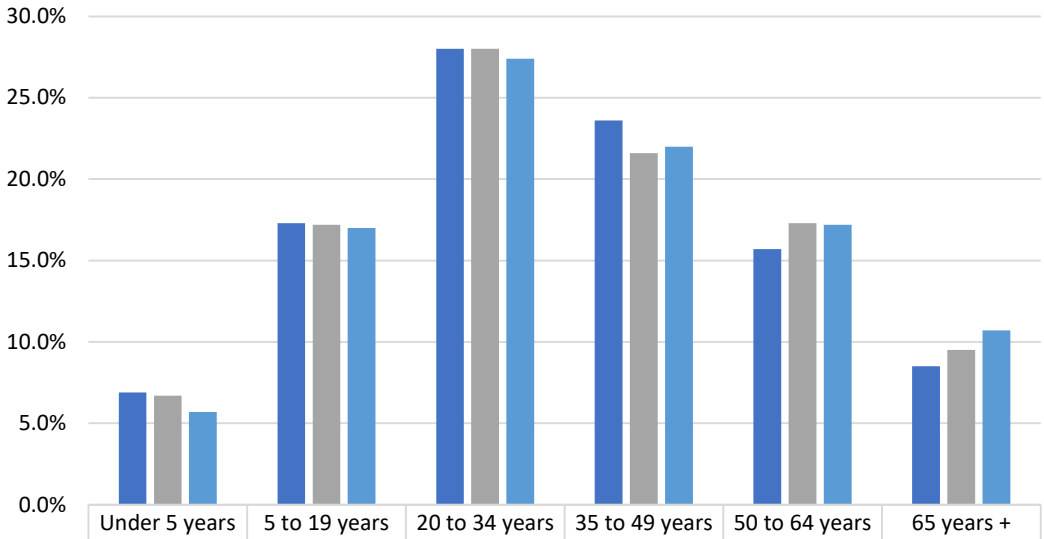
Table 2-1: Population Growth Forecast, 2010-2040							
Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	**109,960**	**111,200**	**113,900**	**116,500**	**116,400**	**3.6%**	**2.2%**
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

2. Age Characteristics

Age composition of a community is a consideration when evaluating housing need – housing demand within the local real estate market may be influenced by the unique preferences of certain age groups. For example, young adults and seniors may favor apartments, low to moderate-cost condominiums, and smaller or more affordable single-family units. Young adults and seniors tend to have comparatively lower or fixed incomes and may have a smaller family size. In comparison, the middle-aged demographic typically represents the largest portion of local home buyers.

As these age cohorts move through different stages of life, housing needs and preferences will likely change. Creating a well-balanced community that provides for the individual housing needs of its residents will consider the changing housing needs of the current and projected future population.

Figure 2-1: Age Distribution in Costa Mesa, 2010-2018



	Under 5 years	5 to 19 years	20 to 34 years	35 to 49 years	50 to 64 years	65 years +
2010	6.90%	17.30%	28.00%	23.60%	15.70%	8.50%
2015	6.70%	17.20%	28.00%	21.60%	17.30%	9.50%
2018	5.70%	17.00%	27.40%	22.00%	17.20%	10.70%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

Figure 2-1 shows age distribution of Costa Mesa residents from 2010 to 2018. Young adults 20 to 34 years were estimated to represent the largest age group in Costa Mesa in 2018 (27.4 percent). Children aged 5 years and under were estimated to represent 5.7 percent of the City's population in 2018. Seniors aged 65 years and over experienced the largest percent change of all age groups between 2010 and 2018 (a 2.2% increase).

These data shown in Figure 2-1 indicate a slight aging trend in the City of Costa Mesa, with some decreases in the population aged 34 years and under and a larger increase for persons aged over 50 years. The population aged 65 and over experienced the most growth. An aging population may result in changing needs for different housing types, amenities, and accessibility to local services.

Table 2-2 displays estimated age characteristics in 2018 for Costa Mesa, Orange County, and adjacent cities. Persons aged 25 to 44 represent the largest population age group in Costa Mesa. Teenagers aged 15 to 17 represent the smallest age group in Costa Mesa (3.2 percent of the total population). Just under 11 percent of Costa Mesa's population are persons aged 65 years or older.

Table 2-2: Age Distribution by Jurisdiction, 2018

Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	**5.7%**	**11.4%**	**3.2%**	**9.6%**	**35.2%**	**24.3%**	**10.7%**
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%

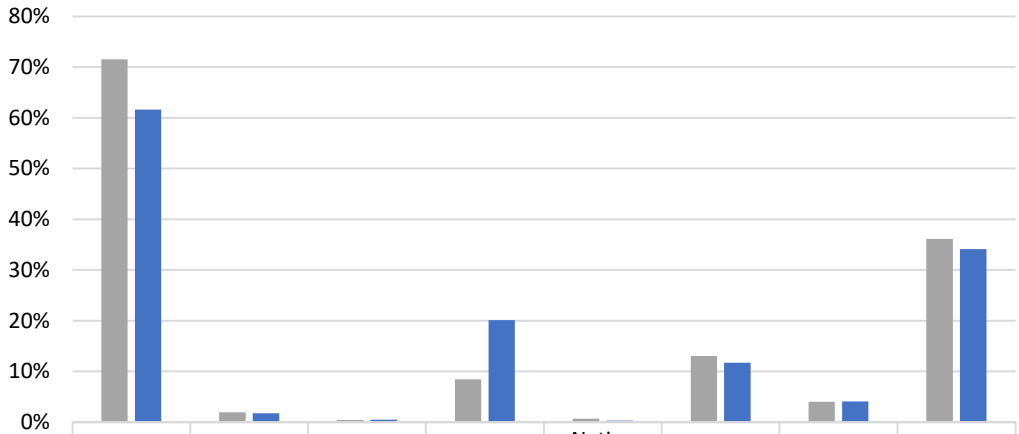
Source: American Community Survey, 5-Year Estimates, 2018

3. Race/Ethnicity Characteristics

Different racial and ethnic groups often represent a variety of household characteristics, income levels, and cultural backgrounds which may influence housing needs, housing choices, and housing types. Various cultures may also influence preferences for specific types of housing that need to be considered in future housing needs of a community.

Figure 2-2 and Table 2-3 compare racial and ethnic composition between Costa Mesa, adjacent communities, and Orange County. The White population represents the largest racial group (71.6 in Costa Mesa). The smallest racial groups, each representing less than 1 percent of the City and County populations, are the American Indian/Alaska Natives and the Native Hawaiian/other Pacific Islanders. The Asian population in Costa Mesa represents 8.4 percent of the total population, compared to 20.1 percent of the total Orange County population. Persons identifying as of Hispanic or Latino origin represent 36.1 percent of entire Costa Mesa's population, compared to 34.1 percent in Orange County. Persons identifying as being of Hispanic or Latino origin may be from any race. This is not additive to the racial composition information shown in Figure 2-2.

Figure 2-2: Percentage of Racial and Ethnic Composition, 2018



	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino
Costa Mesa	71.6%	1.9%	0.4%	8.4%	0.7%	13.0%	4.0%	36.1%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-3: Racial and Ethnic Composition, 2018

Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	**71.6%**	**1.9%**	**0.4%**	**8.4%**	**0.7%**	**13%**	**4%**	**36.1%**
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

Demographic analysis includes evaluating demographic changes over time. The U.S. Census and ACS report little change in racial and ethnic composition in Costa Mesa between 2010 and 2018, as displayed in **Table 2-4**. The greatest percent change was an increase of about 2 percent of the Hispanic and Latino population, regardless of race. The population of persons who identify as two or more races rose by 1.6 percent. The White population experienced the greatest percent decrease between 2010 and 2015 at 5.6 percent. In 2018 the White population increased by 5 percent. Those identifying as Some Other Race increased by 4 percent in 2015 and then decrease by 5.2 percentage points in 2018.

Table 2-4: Racial and Ethnic Composition, 2010-2018					
Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%
Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.					

B. Economic Characteristics

Economic characteristics of a community provide valuable insight into a community's ability to access the housing market. Different job types, income levels and the number of workers in a household could also affect housing affordability and choice. Therefore, a healthy balance between jobs and housing is important when evaluating the economic characteristics of a community.

1. Employment and Wage Scale

The SCAG Growth Forecast Report estimates employment growth for the City of Costa Mesa and nearby cities, as summarized in Table 2-5. From 2012 to 2040, Orange County forecasts a net gain of 373,000 new jobs – a 23.2 percent increase over 28 years. Santa Ana and Newport Beach are estimated to experience the smallest percent growth of approximately 7 percent. Irvine has the fastest growing job market with an estimated increase of almost 40 percent, or 95,600 new jobs. In contrast, Costa Mesa has a forecasted employment growth of 9.9 percent through 2040.

Table 2-6 shows how employment has changed amongst different sectors for Costa Mesa residents between 2010 and 2018. In 2010, the majority of the working population in the City was employed in education services, health care, and social assistance. In 2018, the majority of employed persons were estimated to be in the professional, scientific, management, and administrative services sector. This sector is estimated to have increased by 2.7 percent between 2010 and 2018. Agriculture, forestry, fishing and hunting, and mining represents the sector with the lowest rates of employment for all cities in Orange County.

Table 2-5: Employment Growth Trends, 2012-2040								
Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	# Change 2012-2040	Total % Change
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100	4.1%
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**	**10.2%**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600	42.6%
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200	7.2%
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200	14.8%
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000	24.4%
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*								

Table 2-6: Employment in Costa Mesa by Sector, 2018					
Industry Sector	2010		2018		Percent Change 2010-2018
	# of people employed	% of City Employment	# of people employed	% of City Employment	
Agriculture, forestry, fishing and hunting, and mining	231	0.4%	557	0.9%	0.5%
Construction	3,831	6.4%	3,783	5.9%	-0.5%
Manufacturing	5,768	9.6%	5,869	9.2%	-0.4%
Wholesale trade	2,562	4.3%	2,005	3.2%	-1.1%
Retail trade	6,643	11.1%	7,224	11.3%	0.2%
Transportation and warehousing, and utilities	1,493	2.5%	1,850	2.9%	0.4%
Information	1,385	2.3%	1,216	1.9%	-0.4%
Finance and insurance, and real estate and rental leasing	6,076	10.2%	5,713	9%	-1.2%
Professional, scientific, management, and administrative services	9,150	15.3%	11,436	17.9%	2.7%
Education services, health care, and social assistance	10,210	17.1%	10,360	16.3%	-0.8%
Arts, entertainment, recreation, accommodation, and food services	7,828	13.1%	8,623	13.5%	0.5%
Other services (except public administration)	3,582	6%	3,698	5.8%	-0.2%
Public Administration	1,126	1.9%	1,406	2.2%	0.3%
Total	**59,885**	**100.0%**	**63,740**	**100.0%**	**6.4%**
Source: American Community Survey, 5-Year Estimates, 2010 and 2018.					

The unemployment rate is essential to understand the current and projected housing needs and affordability. According to the 2018 ACS survey data in Table 2-7, Costa Mesa was estimated to have an unemployment rate of 4.8 percent, or 4,445 individuals unemployed in the City. This percentage is slightly less than Orange County's rate of 5.1 percent.

Table 2-7: Unemployment Rate, 2018

Jurisdiction	Unemployment Rate*
Newport Beach	3.4%
Costa Mesa	**4.8%**
Irvine	4.9%
Santa Ana	5.6%
Huntington Beach	4.3%
Orange County	5.1%

*Population 16 years and over
Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-7 shows approximately 4.8 percent of the population in Costa Mesa was estimated to be without work in 2018 and would therefore be more likely to need affordable housing options.

2. Regional Affordable Housing Rates

Income levels can determine affordability and choice of housing types offered in Costa Mesa. According to SCAG's Regional Housing Needs Assessment (RHNA), housing needs are defined by the following four income categories:

- Very Low Income (less than 50 percent of the Orange County's median family income)
- **Low Income** (50-80 percent of Orange County's median family income)
- **Moderate Income** (81-120 percent of Orange County's median family income)
- **Above Moderate Income** (120 percent and above of Orange County's median family income)

Included in the very low-income category is the extremely low-income group. Extremely low incomes are less than 30 percent of the County's median family income. Orange County's 2020 median family income, based on an assumed family of four, is $103,000. Table 2-8 provides a summary of median salary by occupation in Costa Mesa in 2018.

Table 2-8: Median Salary by Occupation in Costa Mesa, 2018	
Occupation	**Salary**
Management	$84,842
Legal	$154,293
Computer and Mathematical	$73,170
Architecture and Engineering	$93,000
Healthcare Practitioners and Technical	$84,833
Business and Financial Operations	$66,708
Life, Physical and Social Sciences	$75,833
Construction and Extraction	$31,719
Education, Training and Library	$52,786
Installation, Maintenance and Repair	$42,193
Community and Social Service	$63,750
Arts, Design, Entertainment, Sports and Media	$62,693
Office and Administration Support	$47,958
Protective Services	$31,979
Healthcare Support	$28,243
Sales	$57,677
Production	$41,490
Transportation	$31,950
Material Moving	$27,401
Building, Grounds Cleaning, and Maintenance	$25,534
Farming, Fishing and Forestry	$31,090
Food Preparation and Serving Related	$26,465
Personal Care and Service	$34,167
Source: American Community Survey, 5-Year Estimates, 2018.	

C. Household Characteristics

A household is defined by the U.S. Census as all persons who occupy a housing unit. This may include single persons living alone, families related through marriage, blood or adoption, domestic partnerships and unrelated individuals living together. Not all housing is considered a housing unit including, nursing facilities, residential care facilities, dormitories, and other group living; the persons living with them also do not constitute a household.

Information on household characteristics assists in understanding growth and determining the housing needs of a community. Income and affordability are best measured at the household level. The special needs of certain groups, such as large families, single parent households, or low, very low, and extremely low-income households must also be assessed to identify potential housing needs. For example, if a city has a predominately aging population of homeowners who may have fixed incomes, the City may consider implementing a home rehabilitation or maintenance assistance program to assist in deferred maintenance due to lack of disposable income.

1. Household Type and Size

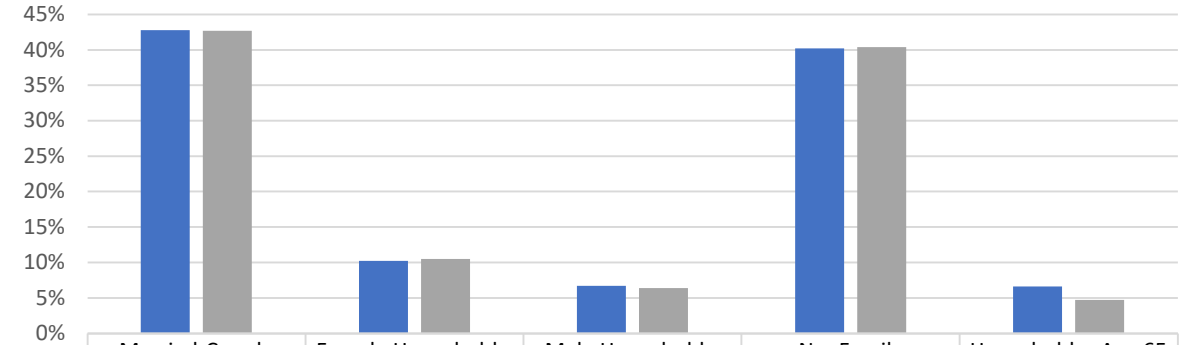
The City of Costa Mesa had an estimated 41,019 households in 2018. Married-couple families are the largest household type in Costa Mesa, representing 42.8 percent of the City's population **(Table 2-9)**. The percentage is lower by comparison to nearby cities. Just under 55 percent of all Orange County residents live in married-couple households. Households of this type typically occupy single family residences with multiple bedrooms. Non-family households are the second largest household type in Costa Mesa, representing 40.2 percent of all households. When combined with senior householders over the age of 65 and living alone, (as shown in **Figure 2-3**), it represents 46.8 percent of all households. Persons aged 65 or older tend to occupy apartments or smaller age-centric living.

Table 2-9: Household Characteristics by Jurisdiction, 2018

Jurisdiction	Married-couple Family Households		Female Household, No Spouse Present		Non-Family Household[1]		Total Households	
	2010	2018	2010	2018	2010	2018	2010	2018
Newport Beach	44.8%	50.1%	5.7%	4.9%	46.7%	42.5%	37,803	37,870
Costa Mesa	**42.7%**	**42.8%**	**10.5%**	**10.2%**	**40.4%**	**40.2%**	**40,104**	**41,019**
Irvine	52.8%	54.2%	9.3%	8.8%	34.0%	33.2%	71,680	95,371
Santa Ana	53.7%	54.3%	16.3%	18.0%	19.5%	18.7%	74,381	76,521
Huntington Beach	48.7%	48.9%	10.0%	10.8%	36.4%	35.1%	75,220	76,821
Orange County	54.2%	54.7%	11.4%	11.8%	29.0%	28.2%	984,503	1,032,373

1. A nonfamily household consists of a householder living alone (a one-person household) or where the householder shares the home exclusively with people to whom he/she is not related.
Source: American Community Survey, 5-Year Estimates, 2018.

Figure 2-3: Costa Mesa Household Characteristics, 2010 and 2018



	Married-Couple Households	Female Households, No Spouse Present	Male Households, No Spouse Present	NonFamily Households	Householder Age 65 or above
2018	42.8%	10.2%	6.7%	40.2%	6.6%
2010	42.7%	10.5%	6.4%	40.4%	4.7%

Source: American Community Survey, 5-Year Estimates, 2010 and 2018.

Table 2-10 summarizes changes in household types between 2010 and 2018. Over this time period, households in Costa Mesa increased by 915. The changes in household types have remained generally constant for all housing types. The two largest percent changes between 2010 and 2018 were a 0.3% decrease for female households and a 0.3% increase for male households.

Table 2-10: Changes in Household Types, 2010-2018

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
Total Households	**40,104**	**100%**	**40,908**	**100%**	**41,019**	**100%**

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Table 2-11: Average Household Size

Jurisdiction	Average Persons per Household
Newport Beach	2.3
Costa Mesa	**2.7**
Irvine	2.7
Santa Ana	4.3
Huntington Beach	2.6
Orange County	3.0

Source: American Community Survey, 5-Year Estimates, 2018.

The average household size in Costa Mesa is estimated to be 2.7 persons per household, as shown in Table 2-11. This is less than Orange County's average household size of 3.0 persons per household. Of Costa Mesa's adjacent communities, the smallest average household size is in Newport Beach (2.3 persons per household), and the largest household size is in Santa Ana (4.3 persons per household).

2. Household Income

Household income is directly connected to housing affordability and housing choice. As household income increases, it is more likely that the household can afford market rate housing units, larger units, and/or pursue ownership opportunities. As household income decreases, households may spend a disproportionate amount of their income on housing. State and federal guidance suggests that households paying more than 30 percent of their income for housing are considered overpaying. Household income and overpayment influences a household's housing cost burden and may influence increased incidences of overcrowding and substandard living conditions in the area. A high housing cost burden may also influence a household's available income for reinvestment in the local economy, education, and other similar investments.

The data for Table 2-12 comes from the Department of Housing and Urban Development (HUD)'s 2020 Comprehensive Housing Affordability Strategy (CHAS) estimates which are based on 2013-2017 American Community Survey (ACS) data and area median family income (AMFI). A total of 52.8 percent of the Costa Mesa population qualify for the moderate-income category. About 29 percent qualify for very low or extremely low income - this is about 11,842 Costa Mesa households that make less than $42,699 annually.

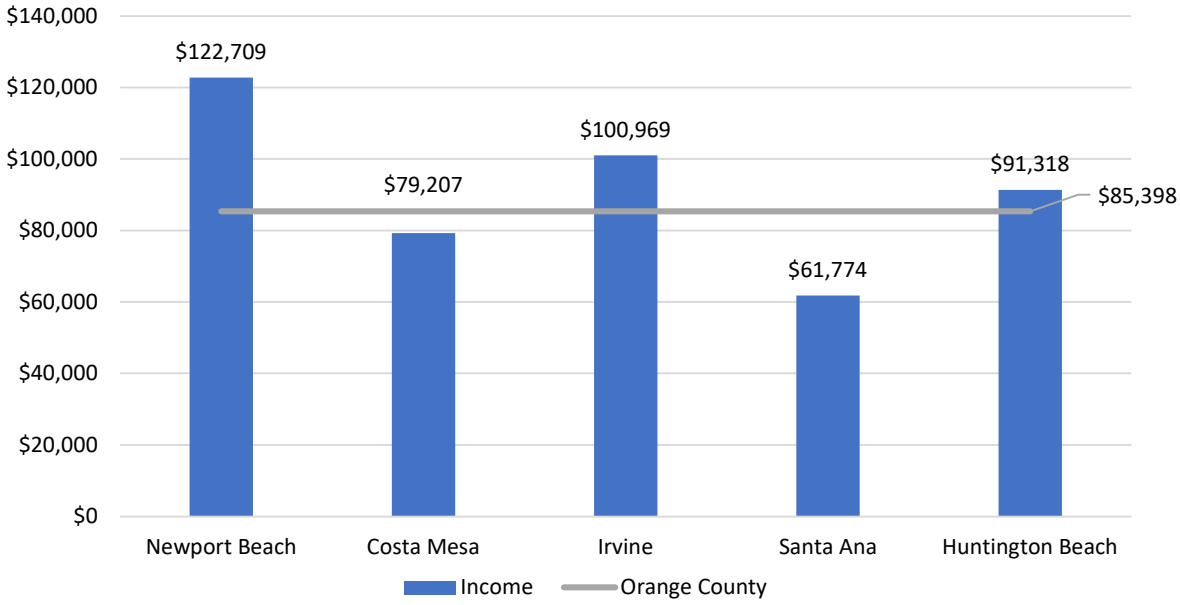
Table 2-12: Households by Income Category, 2020

Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
Total	**40,555**	**100%**

Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.

The median household income in Costa Mesa is $6,191 lower than Orange County's median household income. Figure 2-4 compares Costa Mesa's median household income to that of Orange County and the City's neighboring communities. This figure shows that Costa Mesa households have a lower median household income comparatively.

Figure 2-4: Median Household Income by City, 2018



Source: American Community Survey, 5-Year Estimates, 2018.

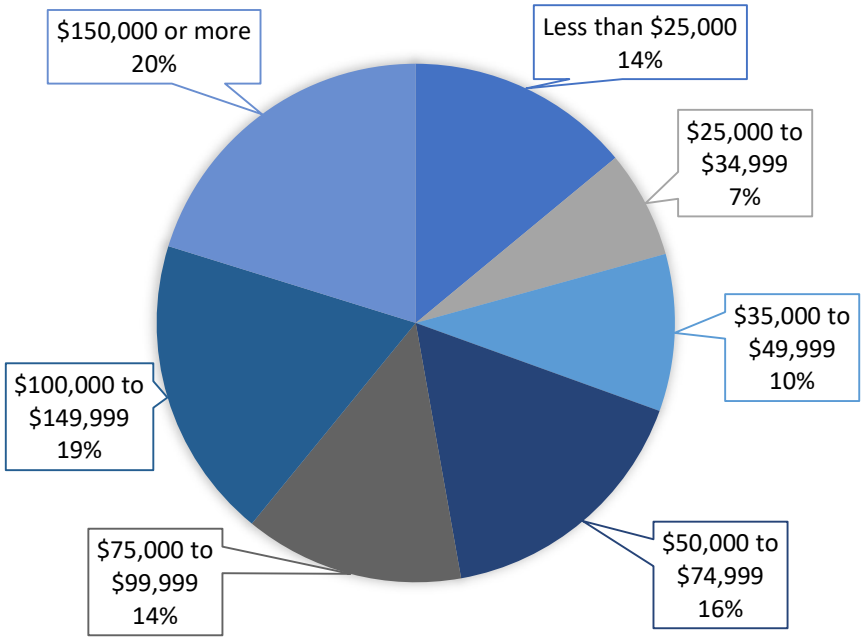
Table 2-13 presents the median income for Costa Mesa and its adjacent cities in comparison to the regional median for Orange County in 2018. Costa Mesa households have a median income 7.2 percent below the regional median. The City's median household income is higher than that of Santa Ana at $61,774. Aside from Costa Mesa and Santa Ana, the other nearby cities have a median income above the regional median. Newport Beach has a significantly higher median household income at $122,709 annually, approximately and 64.5 percent higher than the Costa Mesa's median household income.

Table 2-13: Median Household Income, 2018

Jurisdiction	Median Income	Percent Above/Below Regional Median
Newport Beach	$122,709	43.7%%
Costa Mesa	**$79,207**	**-7.2%**
Irvine	$100,969	18.2%
Santa Ana	$61,774	-27.7%
Huntington Beach	$91,318	6.9%
Orange County	$85,398	--

Source: American Community Survey, 5-Year Estimates, 2018.

Figure 2-5: Costa Mesa Income Breakdown by Income Category



Source: American Community Survey, 5-Year Estimates, 2018.

D. Housing Problems and Housing Needs

The 2020 Comprehensive Housing Affordability Strategy (CHAS) provides detailed information on housing needs by income level for different types of households in Costa Mesa. The most recent available CHAS data for Costa Mesa was published in August 2020 and is based on 2013-2017 American Community Survey (ACS) data (Table 2-14). Housing problems considered by CHAS include:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The types of housing problems in Costa Mesa vary according to household income, housing type, and tenure. Renters make up the greatest percentage of households at about 60 percent. Renters experiencing at least one of the four housing problems listed above represent 33.4 percent of all households and about 55 percent of all renters. Households who do not have any of the four housing problems are similar for both owners and renters (25.7 percent and 26.6 percent, respectively). For the City as a whole, 46.5 percent of households have at least one of the four housing problems.

The severe housing problems category relates to the livability of a residence and critically affects the quality of life of the occupants. These are important to analyze as it may reveal an aging housing stock, as well as a need for affordable housing. Severe housing problems include incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room (rate of severe overcrowding), and a cost burden greater than 50 percent of a household's annual income. Table 2-14 shows that at 70.6 percent or the

majority of Costa Mesa households do not have any of the four severe housing problems. However, 28.2 percent of households do experience at least one of these problems. Renters with at least one severe housing problem represent 21.5 percent of all Costa Mesa households. Owners with at least one severe housing problem represent 6.7 percent of all households.

Table 2-14: Housing Assistance Needs of Lower Income Households, 2013-2017

Housing Problem Overview*	Owner	% of total HH	Renter	% of total HH	Total	% of total HH
Household has at least 1 of 4 Housing Problems	5,330	13.1%	13,540	33.4%	18,870	46.5%
Household has none of 4 Housing Problems	10,425	25.7%	10,785	26.6%	21,210	52.3%
Cost Burden not available, no other problems	95	0.2%	380	0.9%	475	1.2%
Total	**15,850**	**39.0%**	**24,705**	**60.9%**	**40,555**	**100.0%**
Severe Housing Problem Overview**	**Owner**	**% of total HH**	**Renter**	**% of total HH**	**Total**	**% of total HH**
Household has at least 1 of 4 Severe Housing Problems	2,720	6.7%	8,715	21.5%	11,435	28.2%
Household has none of 4 Severe Housing Problems	13,040	32.2%	15,610	38.5%	28,650	70.6%
Cost Burden not available, no other problems	95	0.2%	380	0.9%	475	1.2%
Total	**15,855**	**39.1%**	**24,705**	**60.9%**	**40,560**	**100.0%**

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.
** The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.*
*** The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room, and cost burden greater than 50%.*

1. Overcrowding

"Overcrowding" is generally defined as a housing unit occupied by more than one person per room in a house (including living room and dining rooms, but excluding hallways, kitchen, and bathrooms). An overcrowded household results from either a lack of affordable housing and/or a lack of housing units of adequate size. The combination of lower incomes and high housing costs can result in households living in overcrowded housing conditions. Additionally, overcrowding can indicate that a community does not have an adequate supply of affordable housing, especially for larger families.

Overcrowded and severely overcrowded households can contribute to neighborhood deterioration. This can be due to more intensive use leading to excessive wear and tear, and/or the potential cumulative

overburdening of community infrastructure and service capacity. Generally, overcrowding in neighborhoods could contribute to overall decline in social cohesion and environmental quality. Such decline may spread geographically and impact the quality of life, the economic value of property, and the vitality of commerce within a city.

Table 2-15 summarizes the overcrowding condition in Costa Mesa. Data from the 2018 ACS reports an estimated 6 percent overcrowded housing units and 3 percent severely overcrowded housing units. About 1 percent of owner-occupied housing units are overcrowded and just under 8 percent of renter-occupied housing units are overcrowded. Renters living in overcrowded housing units represent 5.1 percent of all occupied housing units and renters living in severely overcrowded housing units represent 2.8 percent of all occupied housing units.

Table 2-15: Overcrowding by Tenure, 2018

Tenure	Overcrowded Housing Units (1.0 to 1.50 persons/room)		Severely Overcrowded Housing Units (>1.51 persons/room)		Total Overcrowded Occupied Housing Units	
	Count	Percent of Total Occupied Housing Units	Count	Percent of Total Occupied Housing Units	Count	Percent of Total Occupied Housing Units
Owner Occupied	361	0.9%	74	0.2%	435	1.1%
Renter Occupied	2,082	5.1%	1,169	2.8%	3,251	7.9%
Total	**2,443**	**6%**	**1,243**	**3%**	**3,686**	**9%**

Source: American Community Survey, 5-Year Estimates, 2018.

Costa Mesa has one of the largest estimated percentages of renters living in overcrowded housing units compared to nearby cities and Orange County (Table 2-16). With 88 percent of renter-occupied housing units overcrowded, Costa Mesa is slightly less than Newport Beach; however, Newport Beach reports 505 overcrowded renter-occupied units while Costa Mesa reports 3,251. Santa Ana has the lowest percentage of renters living in overcrowded units, but at 27 percent it has the highest rate of owner-occupied housing units experiencing overcrowding (15 percent more than Costa Mesa). Overcrowding in Costa Mesa is 12 percent below the regional percentage for owners and 12 percent above the regional percentage for renters. In comparison, Costa Mesa has one of the lowest rates of overcrowding in owner-occupied housing units (12 percent) behind Newport Beach. Table 2-17 shows the combination of renter occupied and owner occupied indicating that the City of Costa Mesa has the second highest rate of overcrowding in this area of Orange County (9 percent) which is 0.1 percent above the regional total.

Table 2-16: Overcrowded Housing Units by Tenure, 2018				
Jurisdiction	Owner Occupied Overcrowded Units (>1.0 persons/room)		Renter Occupied Overcrowded Units (>1.0 persons/room)	
	Count	Percent of Total Overcrowded Units	Count	Percent of Total Overcrowded Units
Newport Beach	65	11%	505	89%
Costa Mesa	**435**	**12%**	**3,251**	**88%**
Irvine	958	16%	4,921	84%
Santa Ana	6,470	27%	17,375	73%
Huntington Beach	557	20%	2,291	80%
Orange County	21,800	24%	69,713	76%
Source: American Community Survey, 5-Year Estimates, 2018.				

Table 2-17: Overcrowded Housing Units		
Jurisdiction	**Total Overcrowded Units**	**Percent of Jurisdiction's Total Housing Units**
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

2. Overpayment (Cost Burden) for Housing In Relation to Income

Overpayment is an important consideration when evaluating housing need and affordability. State and federal guidance suggests that households paying more than 30 percent of their income for housing are considered overpaying. Overpayment for housing can cause an imbalance for overall household budgets.

Table 2-18 and Table 2-19 provides a summary of housing overpayment in Costa Mesa and a comparative analysis between homeowners and renters. In general, renters are more prone to overpayment than homeowners due to lower incomes that do not allow them to qualify for purchasing a home with a fixed mortgage payment or at an affordable price. In Costa Mesa, 48.8 percent of renters are estimated to spend more than 30 percent of their income on housing. In comparison, 31.8 percent of homeowners spend that same amount. For renters, as their household income rises so does their ability to afford rent. Renters who earn an Area Median Family Income (AMFI) of 30 percent or less have much greater cost burdens than homeowners with the same income; 17.5 percent of renters spend 30 percent or more of their income and 16.3 percent spend over 50 percent. By comparison, homeowners who also earn an AMFI of 30 percent or less, 7.3 percent spend 30 percent of more of their income on housing and 6.2 percent spend over 50 percent. Table 2-18 also shows that homeowners who earn a low to moderate income are the most likely to experience a cost burden of 30 percent or more.

Table 2-18: Summary of Housing Overpayment for Homeowners				
Income by Cost Burden*	Cost Burden > 30%	% of Owner HH	Cost Burden > 50%	% of Owner HH
Household Income is less-than or = 30%	1,165	7.3%	990	6.2%
Household Income >30% to less-than or = 50% AMFI	770	4.9%	505	3.2%
Household Income >50% to less-than or = 80% AMFI	1,230	7.8%	540	3.4%
Household Income >80% to less-than or = 100% AMFI	670	4.2%	185	1.2%
Household Income >100% AMFI	1,200	7.6%	115	0.7%
Total	**5,035**	**31.8%**	**2,335**	**14.7%**

* Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.
Note: AMFI = Area Median Family Income, this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. AMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.
Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.

Table 2-19: Summary of Housing Overpayment for Renters				
Income by Cost Burden	Cost Burden > 30%	% of Renter HH	Cost Burden > 50%	% of Renter HH
Household Income is less-than or = 30%	4,325	17.5%	4,020	16.3%
Household Income >30% to less-than or = 50% AMFI	3,390	13.7%	1,790	7.2%
Household Income >50% to less-than or = 80% AMFI	3,100	12.5%	605	2.4%
Household Income >80% to less-than or = 100% AMFI	725	2.9%	15	0.1%
Household Income >100% AMFI	505	2.0%	10	0.0%
Total	**12,045**	**48.8%**	**6,440**	**26.1%**

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.

E. Special Needs Groups

State law recognizes certain households may have more difficulty in finding adequate and affordable housing due to special circumstances. Special needs populations include seniors, persons with disabilities, female-headed households, large households, and farm workers. Based on the analysis included within this section the City of Costa Mesa has developed Program 2C which describes how the City will expend available CDBG funds to support residents with special housing needs.

Special circumstances may be related to one's employment and income, family characteristics, disability and household characteristics, or other factors. Consequently, certain Costa Mesa residents may experience higher incidences of housing overpayment (cost burden), overcrowding, or other housing problems. The special needs groups analyzed in the Housing Element include the elderly, persons with disabilities (including persons with developmental disabilities), individuals experiencing homelessness, single parents, large households, and farmworkers (Table 2-20). These groups may also overlap, for example some elderly people may have a disability of some type. The majority of these special needs groups could be assisted by an increase in affordable housing.

The following sections provide a detailed discussion of the housing needs facing each particular group in Costa Mesa as well as programs and services available to address their housing needs.

Table 2-20: Special Needs Groups in Costa Mesa

Special Needs Groups	# of People or Households	Percent of Total Households	Percent of Total Population
Senior Population	12,138 people	--	10.7%
Senior Headed Households	9,757 people	--	8.6%
Seniors Living Alone	3,075 households	7.5%	--
Persons with Disabilities	9,224 people	--	8.1%
Large Households (5 or more persons per household)	3,926 households	9.6%	--
Single-Parent Households	3,787 households	9.2%	--
Single-Parent, Female Headed Households with Children (under 18 years)	2,304 households	5.7%	--
People Living in Poverty[1]	14,554 people	--	12.9%
Farmworkers	557 people	--	0.5%
Migrant Farmworkers	340 people	--	--
Seasonal Farmworkers	666 people	--	--
Permanent Farmworkers	1,106 people	--	--
Persons Experiencing Homelessness	193 people	--	0.2%

1. The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty.
Source: American Community Survey, 5-Year Estimates, 2018; Orange County Point in Time County /Homeless Count, 2019.

1. Seniors

The senior population is generally defined as those over 65 years of age. Seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone. Specific housing needs of the senior population include affordable housing, supportive housing, co-living, multi-generational settings such as Accessory Dwelling Units and other housing options that include a planned service component.

Table 2-21 shows that Costa Mesa has a lower senior population compared to some nearby cities and Orange County, in general. Seniors over the age of 65 comprise 10.7 percent of the Costa Mesa population. Costa Mesa seniors represent a greater population percentage than those in Irvine (9.9 percent) and Santa Ana (8.6 percent). Newport Beach has the largest senior population of the area compared at 22.7 percent (12 percent more than Costa Mesa). The senior population of the County of Orange (13.9 percent) is 3.2 percent greater than that of Costa Mesa.

Table 2-21: Persons Age 65 and Over in Costa Mesa

Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	**12,138**	**10.7%**
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-22 illustrates the tenure of senior households in the City of Costa Mesa. The majority of senior households are owner-occupied with 58.8 percent of all senior households.

Table 2-22: Senior Households by Tenure

Tenure	Senior Households	Percent of Total Senior Households
Owner Occupied	5,143	58.8%
Renter Occupied	3,611	41.2%
Total	**8,754**	**100.0%**

Source: American Community Survey, 5-Year Estimates, 2019.

Federal housing data defines the household type as 'elderly family' if it consists of two persons with either or both age 62 or over. Table 2-23 summarizes the income and tenure of elderly family households in Costa Mesa. Of elderly households in Costa Mesa, 24.5 percent earn less than 30 percent of the surrounding area income, 39.4 percent earn less than 50 percent of the surrounding area.

Table 2-23: Elderly Households by Income and Tenure				
Income Category, relative to surrounding area	Owner	Renter	Total	Percent of Total Elderly Households
Extremely Low (30% HAMFI or less)	905	955	1,860	24.5%
Very Low (30% to 50% HAMFI)	840	290	1,130	14.9%
Low (50% to 80% HAMFI)	1,090	555	1,645	21.7%
Moderate (80% to 100% HAMFI)	465	195	660	8.7%
Above Moderate (100% HAMFI or more)	1,720	580	2,300	30.3%
Total	5,020	2,575	7,595	--
Source: HUD CHAS, 2012-2016, (Reported by the Southern California Association of Governments Per-Certified Local Housing Data for 2021).				

In addition to overpayment problems faced by seniors due to their relatively fixed incomes, seniors may be faced with various disabilities. In 2018, the American Community Survey (ACS) 5-year estimate reported 4,064 Costa Mesa seniors with a disability. Among these disabilities, the most common were ambulatory disabilities, independent living disabilities and hearing disabilities. Based on this analysis, the City has developed Program 2D to identify opportunities for Senior Housing developments within Costa Mesa. Actions include outreach and collaboration with the senior housing development community to understand needs and opportunities.

2. Persons with Physical and Developmental Disabilities

Physical and developmental disabilities may hinder access to traditionally designed housing units. Physical, mental, and/or developmental disabilities may deprive a person from earning an income, restrict one's mobility, or make self-care difficult. Some residents may also have disabilities that require living in a supportive or institutional setting. Thus, persons with disabilities generally have special housing needs that must be provided with the City's housing stock.

No current comparisons of disability with income, household size, or race/ethnicity are available. However, it is reasonable to assume that a substantial portion of persons with disabilities would have annual incomes within Federal and State income limits, especially households not in the labor force. Furthermore, lower income persons with disabilities are likely to require housing assistance and services. Housing needs for disabled persons are further compounded by costly design issues and location factors such as proximity to transit, medical services, and retail. For example, special needs households with wheelchair-bound or semi-ambulatory individuals may require ramps, holding bars, special bathroom designs, wider doorways, lower cabinets, elevators, and other interior and exterior design features.

The 2018 ACS identifies six disability types: hearing disability, vision disability, cognitive disability, ambulatory disability, self-care disability, and independent living disability. The Census and the ACS provides clarifying questions to determine persons with disabilities and to differentiate between disabilities. The ACS defines a disability as a report of one of the six disabilities identified by the following questions:

- **Hearing Disability**: Is this person deaf or does he/she have serious difficulty hearing?
- **Visual Disability**: Is this person blind or do they have serious difficulty seeing even when wearing glasses?
- **Cognitive Difficulty**: Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- **Ambulatory Difficulty**: Does this person have serious difficulty walking or climbing stairs?
- **Independent Living Difficulty**: Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

Table 2-24: Disability Status in Costa Mesa

Disability Type	Under 18 with a Disability	18 to 64 with a Disability	65 years and Over with a Disability	Total	Percent of Population with Disability	Percent of Total Population
Population with a Hearing Difficulty	93	904	1,592	**2,589**	28.1%	2.3%
Population with a Vision Difficulty	112	894	905	**1,911**	20.7%	1.7%
Population with a Cognitive Difficulty	371	2,159	1,489	**4,019**	43.6%	3.6%
Population with an Ambulatory Difficulty	48	1,670	2,571	**4,289**	46.5%	3.8%
Population with a Self-care Difficulty	96	591	1,069	**1,756**	19%	1.6%
Population with an Independent Living Difficulty	--	1,403	1,993	**3,396**	36.8%	3%
Total	**535**	**4,625**	**4,064**	**9,224***	**100%***	**8.2%***

Source: American Community Survey, 5-Year Estimates, 2018.
**This number may include persons reporting having one or more disabilities. Percentages include persons reporting having more than one disability and are not additive.*

State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributed to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self- sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Per Section 4512 of the Welfare and Institutions Code, a "developmental disability" means a disability that originates before an individual attains the age of 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. A developmental disability includes intellectual disability, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to intellectual disability or to require treatment like that required for individuals with intellectual disability. This term does not include other handicapping conditions that are solely physical in nature.

According to the Regional Center of Orange County's (RCOC) *Total Annual Expenditures and Authorized Services for Fiscal Year 2019-2020*, a total of 25,163 individuals living in Orange County received services. RCOC represents the fifth largest regional center in California and has over 300 service coordinators. Diagnosis reported by the individuals who received services include 37.6 percent with an intellectual disability, 31 percent with Autism, 2.5 percent with Cerebral Palsy, 1 percent with Epilepsy, 3.9 percent with a Category 5 disability, and 24.1 percent reported "Other". Of those who received services, 31.6 percent reported their race as White, 16 percent reported Asian, 16.1 percent reported Other Ethnicity or Race/Multi-Cultural, and 2 percent reporter Black/African American. Approximately 34 percent of those who received services also reported their ethnicity as Hispanic or Latino. Ages of the 25,163 individuals includes 21.1 percent 2 years or younger, 39.9 percent 3 to 21 years, and 39 percent over the age of 22. The majority of those who received services lived at the home of a parent or guardian (82.3 percent), but 6.8 percent live in a Community Care Facility and 5.6 percent live in Independent Living or Supported Living.

People with developmental disabilities may live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities may require a supervised group living environment. The most severely affected individuals may require an environment where medical attention and physical therapy services are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for persons with developmental disabilities is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

There are several housing types and assistance programs appropriate for people living with a development disability: rent subsidized homes, licensed single-family homes, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 (veterans) homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of housing opportunities represent some of the types of considerations that are important in serving the needs of this group. Incorporating 'barrier-free' design in all new, multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities. Special consideration should also be given to the affordability of housing as people with disabilities may be living on a fixed income.

3. Large Households

Large households are defined as those consisting of five or more members. These households comprise a special need group because many communities have a limited supply of adequately sized and affordable housing units. To save for other basic necessities such as food, clothing, and medical care, it is common for lower income large households to reside in smaller units with a low number of bedrooms, which may result in overcrowding and can contribute to fast rates of deterioration.

Securing housing large enough to accommodate all members of a household is generally more challenging for renters as multi-family rental units are generally physically smaller with limited bedrooms than single-family ownership units. While apartment complexes offering two and three bedrooms are common, apartments with four or more bedrooms are rare; housing units with 4 or more bedrooms account for approximately 15 percent of housing units in the City. Therefore, it is more likely that large households will experience overcrowding in comparison to smaller households. Additionally, single-family homes with higher bedroom counts, whether rental or ownership units, are rarely affordable to lower income households in the region.

According to the 2018 ACS 5-year estimates, there is a much greater amount of large renter households than large owner-occupied households (**Table 2-25**). Approximately, 63 percent of large households are renter households, of which 56 percent are 5-person households. As **Table 2-25** also shows a reverse relation between household size and overcrowding; as the total number of large households decreases, the household size increases. Therefore, 58.3 percent of large households are 5-person households compared to 17.1 percent 7-person households.

Table 2- 25: Large Households by Tenure in Costa Mesa

Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	**1,520**	**37.2%**	**2,571**	**62.8%**	**4,091**	**100%**

Source: American Community Survey, 5-Year Estimates, 2018

Table 2-26 provides comparisons of large households between Costa Mesa and its neighboring cities. At ten percent, Costa Mesa has a lower total number of large households than Orange County (14.2 percent). Of the neighboring cities, Santa Ana has the greatest number of large households (25 percent more than Costa Mesa). In comparison, Costa Mesa has approximately 5 percent more large households than Newport Beach. While lower than the County percentage as a whole, ten percent of the total households containing five or more persons is a large portion of the Costa Mesa community. In response, **Program 2E** describes actions the City will take to encourage the development of additional housing options for large-family households.

Table 2-26: Percent of Large Households by Jurisdiction

	5-Person Households	6-Person Households	7-or-More Person Households	Total Large Households
Newport Beach	3.6%	1.3%	0.3%	5.1%
Costa Mesa	**5.8%**	**2.5%**	**1.7%**	**10.0%**
Irvine	5.3%	1.9%	0.6%	7.8%
Santa Ana	14.2%	9.4%	11.4%	35.0%
Huntington Beach	5.3%	1.6%	0.9%	7.8%
Orange County	7.9%	3.5%	2.8%	14.2%

Source: American Community Survey, 5-Year Estimates, 2018.

4. Single-Parent Households

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Many female-headed households with children are susceptible to having lower incomes than similar two-parent households.

Table 2-27 shows a breakdown of single parent households and poverty status. Of the single parent households in Costa Mesa, the majority are estimated to be female households with no spouse present (60.7 percent) and 39.3 percent are estimated to be male households with no spouse present. With 3,110 single parent households, Costa Mesa is only 0.2 percentage points over Orange County's percentage. Over a quarter of these Costa Mesa single-parent households live under the poverty line (27.4 percent).

Table 2-27: Single Parent Households in Costa Mesa

Jurisdiction	Single Parent-Male, No Spouse Present		Single Parent-Female, No Spouse Present		Single Parent Households Living in Poverty		Single Parent Households	Percent of Total Households
	Count	% of Single Parent HH	Count	% of Single Parent HH	Count	% of Single Parent HH	Count	Percent
Costa Mesa	1,223	39.3%	1,887	60.7%	851	27.4%	3,110	7.6%
Orange County	22,456	29.5%	53,659	70.5%	22,999	30.2%	76,115	7.4%

Source: American Community Survey, 5-Year Estimates, 2018.

5. Farmworkers

Farmworkers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on a generally year-round basis. When workload increases during harvest periods, the labor force is supplemented by seasonal workers, often supplied by a labor contractor. For some crops, farms may hire migrant workers, defined as those whose travel prevents them from returning to their primary residence every evening. Farm workers have special housing needs because they earn lower incomes than many other workers and move throughout the year from one harvest location to the next.

The United States Department of Agriculture, National Agriculture Statistics provides data on hired farm labor across the United States. The data is compiled at both a State and County level. Within Orange County, a total of 99 farms reportedly hired 1,772 workers in 2017. Permanent workers, those who work 150 days or more, represent the largest category of workers with 1,106 workers (62 percent). A total of 666 workers (38 percent) are considered seasonal and work less than 150 days. Orange County reported 340 migrant workers (19 percent) with full time hired labor in 2017. In addition, the County reported 176 unpaid workers.

The median annual salary for the agriculture, forestry, fishing, hunting, and mining industry in Costa Mesa is $31,023, which is 36 percent of the Orange County median income and is considered as a very-low income (2018).

6. Extremely Low-Income Households and Poverty Status

Extremely low-income households are those which earn less than 30 percent of the AMFI. The 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) indicates that there are approximately 6,610 extremely low-income households in Costa Mesa. Table 2-8 identifies occupations with salaries that could qualify as extremely low-income, these include: healthcare support; material moving; building, grounds cleaning, and maintenance; food preparation and serving related.

Extremely low-income households represent approximately 16.3 percent of all Costa Mesa households. Of these households, 76.5 percent are renters and 23.5 percent are homeowners. Extremely low-income renter households represent about 20.5 percent of Costa Mesa renter households, and extremely low-income owner households represent about 9.8 percent of Costa Mesa owner households.

Table 2-28 illustrates the tendencies for extremely low-income households to experience housing problems and cost burdens. The housing problems identified by CHAS include the following:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; or
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

As the table shows, over double the percent of renters experience housing problems and cost burdens than homeowner. Cost burdens over 50 percent are more common than over 30 percent for both extremely low-income renter and owner households. In total, 13.8 percent of all Costa Mesa households earn an extremely low-income and experience at least one housing problem and 12.4 percent spend over half of their income on housing.

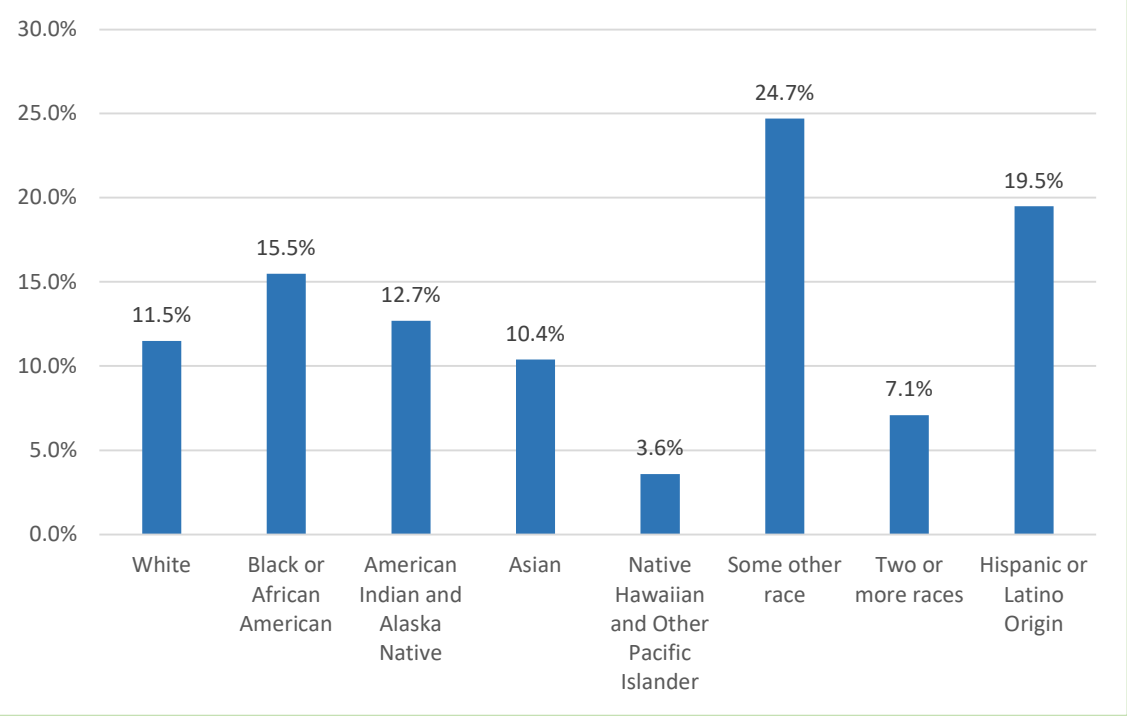
Table 2-28: Housing Needs of Extremely Low-Income Households

Housing Problems	Renter Households		Owner Households		Total Households	
	Count	% of Renter HH	Count	% of Owner HH	Count	% of Total HH
Household has at least 1 of 4 housing problem	4,400	17.8%	1,210	7.6%	5,610	13.8%
Cost burden > 30%	4,325	17.5%	1,165	7.3%	5,495	13.5%
Cost Burden > 50%	4,020	16.3%	990	6.2%	5,015	12.4%

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.

Figure 2-6 compares poverty levels by race and ethnicity in order to identify disparities amongst people in Costa Mesa. Residents who report Some Other Race have the highest percentage of poverty in the City (24.7 percent). About 20 percent of people living under the poverty line are of Hispanic or Latino origin. Combined, the Black and American Indian/Alaska Native populations account for 28.2 percent of those below the poverty level, despite representing a total of just 2.3 percent of the entire population. Native Hawaiian and other Pacific Islander community members have the lowest percentage of poverty, but only represent 0.7 percent of the total City population. The White population is the largest racial group in the City and is estimated to have one of the lower poverty percentages at 11.5 percent.

Figure 2-6: Percent below Poverty Level, by Race and Hispanic or Latino Origin



Source: American Community Survey, 5-Year Estimates, 2018.

Projected Need

To calculate the future needs of extremely low-income households, the City assumes 50 percent of its very low-income RHNA are extremely low-income households. The City was allocated a very low-income RHNA of 2,919 units; as such, the extremely low-income unit need is projected to be 1,459 units.

To address the unique needs of extremely low-income households, the City has included programs in the Housing Plan that seek to provide a variety of housing types that may provide services for extremely low-income households facing other challenges, as well as facilitate the development of new affordable units. Programs that directly address the needs of extremely low-income households include:

- **Program 2J: Transitional and Supportive Housing** will amend the land use matrix to comply with SB 2, create an inventory of sites appropriate for the development of transitional and supportive housing units, and collaborate with organizations on addressing the needs of persons experiencing homelessness and extremely low-income residents.
- **Program 2L: Development of Housing for Extremely Low- and Lower-Income Households** will facilitate the development of housing for extremely low- and lower-income households by subsidizing up to 100 percent of the of the City's application processing fees for qualifying developments where all units are affordable to 80% AMI or lower (when funding is available), and promote the benefits of this program to the development community.

7. Persons Experiencing Homelessness

Throughout the Southern California region, homelessness has become an increasingly important issue. Factors contributing to the rise in homelessness include increased unemployment and underemployment, limited affordable housing available to lower and moderate-income persons (especially extremely low-income households), reductions in public subsidies to lower income persons, and legislative impacts pertaining to the behavioral health system of care and correctional reform mandates.

State law mandates that cities address the special needs of persons experiencing homelessness within their jurisdictional boundaries. "Homelessness" as defined by the U.S. Department of Housing and Urban Development (HUD) has recently been updated to include the following descriptions:

- People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (previously 30 days) and were in shelter or a place not meant for human habitation immediately prior to entering that institution.
- People who are losing their sleeping quarters, which may include a motel or hotel or a doubled-up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The proposed regulation also describes specific documentation requirements for this category.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This category applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

This definition does not include persons living in substandard housing (unless it has been officially condemned); persons living in overcrowded housing (for example, doubled up with others); persons being discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge); or persons who may be at risk of homelessness (for example, living temporarily with family or friends.)

The Point in Time Count is required to be conducted every two years by the local Continuum of Care (CoC) jurisdiction led by the County of Orange Health Care Agency in accordance with the U.S. Department of Housing and Urban Development (HUD) guidelines to provide information on where individuals experiencing homelessness are located in the county. On January 22, 2019, 1,167 volunteers across Orange County counted 6,860 individuals experiencing homelessness; of those, 2,899 were sheltered and 3,961 were unsheltered. The 2021 Point in Time count was deferred to the COVID-19 pandemic and is anticipated to occur in January 2022. The 2019 Point In Time Count individual city results are shown in Table 2-29. Costa Mesa reported a total of 193 individuals experiencing homelessness (187 unsheltered and 6 sheltered); this represents 2.8 percent of the total homeless population for Orange County. This percentage is greater than that of the neighboring cities of Newport Beach and Irvine as both counted under 2 percent.

Santa Ana reported the largest population of people experiencing homelessness as a quarter of the total number for Orange County reside there (23 percent more than Costa Mesa).

Table 2-29: Homeless Count by Jurisdiction – January 22, 2019

Jurisdiction	Unsheltered	Sheltered	Total	% of County
Newport Beach	64	0	64	0.9%
Costa Mesa	**187**	**6**	**193**	**2.8%**
Irvine	127	3	130	1.9%
Santa Ana	830	939	1,769	25.8%
Huntington Beach	289	60	349	5.1%
Orange County	3,961	2,899	6,860	100%

Source: Orange County Point in Time Count, Everyone Counts Report 2019.

The City of Costa Mesa opened an emergency Bridge Shelter at a temporary location in April 2019 with 50 beds, while constructing a permanent shelter location with 72 beds which opened in April 2021. The Bridge Shelter assists persons experiencing homeless with temporary housing along with a variety of programs including:

- Collaborative Case Management
- Housing Related Support Services (including Coordinated Entry System housing assignments, Housing Search Assistance, linking clients to rental assistance programs and other general housing services)
- Legal Services
- Basic Needs (including food, clothing, and housing/emergency services)
- Social Services
- Transportation

The permanent Bridge Shelter publishes bi-weekly reports in which they regularly assist approximately 60 to 110+ persons over a two-week span.

8. Students

The need for student housing is another factor that affects housing demand. Student housing often only produces a temporary housing need based on the duration of the educational institution. The impact upon housing demand is important in areas that surround universities and colleges. Costa Mesa is home to a number of private and public universities and colleges. Located in Costa Mesa are Vanguard University (2,200 students), California Southern University (online), and Orange Coast Community College (24,000 students). Orange Coast Community College is primarily a commuter school serving students local to the south Orange County area. During pre-pandemic conditions when classes were fully in person, OCC had approximately 20,000 students, 39.1% of which were full-time. As OCC had very little on-campus housing, the majority of students commuted into campus. While data is not readily available, it is a fair assumption that the majority of these students live at home with family and do not require separate housing. OCC has recently built on-campus housing which may house up to 800 students.

Typically, students are low-income and may therefore require affordable housing options, especially within easy commuting distance from campuses. To reduce living cost, students may seek shared housing situations to decrease expenses, which may lead to overcrowding. Affordable housing may also influence choices students make after graduating, which may affect the region's economy. College graduates provide a specialized pool of skilled labor that contributes to the region's economy; however, the lack of affordable housing may lead to their departure from the region.

F. Housing Stock Characteristics

Characteristics of the housing stock (growth, type, availability and tenure, age and condition, housing costs, and affordability) may affect the housing needs for the community. This section details the Costa Mesa housing stock characteristics to identify how well the current housing stock meets the needs of its current and future residents.

1. Housing Growth

According to the American Community Survey (ACS), between 2010 and 2018 the Costa Mesa housing stock grew by 0.6 percent, or 1,233 units, as shown in Table 2-30. This is the smallest percent increase for the area. The City of Irvine experienced the largest housing surge of the area during this time with an addition of 25,250 more units (an increase of 30.4 percent more than Costa Mesa). Orange County as a whole saw an increase of 4.6 percent of its total housing stock.

Table 2-30: Housing Unit Growth Trends, 2010-2018

Jurisdiction	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
Newport Beach	43,503	43,690	44,801	0.4%	2.5%
Costa Mesa	**42,867**	**43,030**	**43,100**	**0.4%**	**0.2%**
Irvine	76,184	91,938	101,434	20.7%	10.3%
Santa Ana	77,796	77,192	78,597	-0.8%	1.8%
Huntington Beach	79,166	78,252	81,396	-1.2%	4.0%
Orange County	1,042,254	1,064,642	1,091,376	2.1%	2.5%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

2. Housing Type

Table 2-31 is a breakdown of housing units in the City by type in comparison to Orange County. Costa Mesa is estimated to be predominantly made up of multi-family housing (50.3 percent). The City has an estimated 37.7 percent single-family detached housing and 9.6 percent attached single-family units. This differs from the rest of the region as Orange County reports an estimated 50.7 percent single-family detached units and 34.3 percent multi-family housing. The percentage of mobile homes in Costa Mesa is estimated to be comparable to that of Orange County (2.4 percent and 2.8 percent, respectively). Single-family attached units are less prevalent in Costa Mesa (9.6 percent) than County as a whole (12.2 percent).

Table 2-31: Total Housing Units by Type								
Jurisdiction	Single- Family Detached		Single-Family Attached		Multi-Family		Mobile Homes*	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Costa Mesa	**16,236**	**37.7%**	**4,119**	**9.6%**	**21,692**	**50.3%**	**1,053**	**2.4%**
Orange County	553,164	50.7%	133,326	12.2%	374,176	34.3%	30,710	2.8%

*Includes mobile homes, boats, RVs, vans, etc.
Source: American Community Survey, 5-Year Estimates, 2018.

3. Housing Availability and Tenure

Housing tenure and vacancy rates generally influence the supply and cost of housing. Housing tenure defines if a unit is owner-occupied or renter-occupied, and it relates to the availability of housing product types and length of tenure. The tenure characteristics in a community can indicate aspects of the housing market such as affordability, household stability, and availability of unit types, among others. Tenure distribution may correlate with household income, composition, and age of the householder.

In 2018, owner-occupied housing units accounted for 40.4 percent of the housing stock and 59.6 percent were rental occupied units (Table 2-32). At 88.7 percent, the large majority of single-family units are owner-occupied. Multi-family housing units are conversely predominantly occupied by renters (77.1 percent). Mobile homes in Costa Mesa are estimated to be occupied by mostly owners than renters (4.6 percent and 0.8 percent, respectively).

Table 2-32: Occupied Housing Units by Type and Tenure					
Tenure	Single-Family Detached	Single-Family Attached	Multi-Family	Mobile Homes	Total Occupied Units
Owner Occupied	76.1%	12.6%	6.6%	4.6%	40.4%
Renter Occupied	14.1%	7.9%	77.1%	0.8%	59.6%

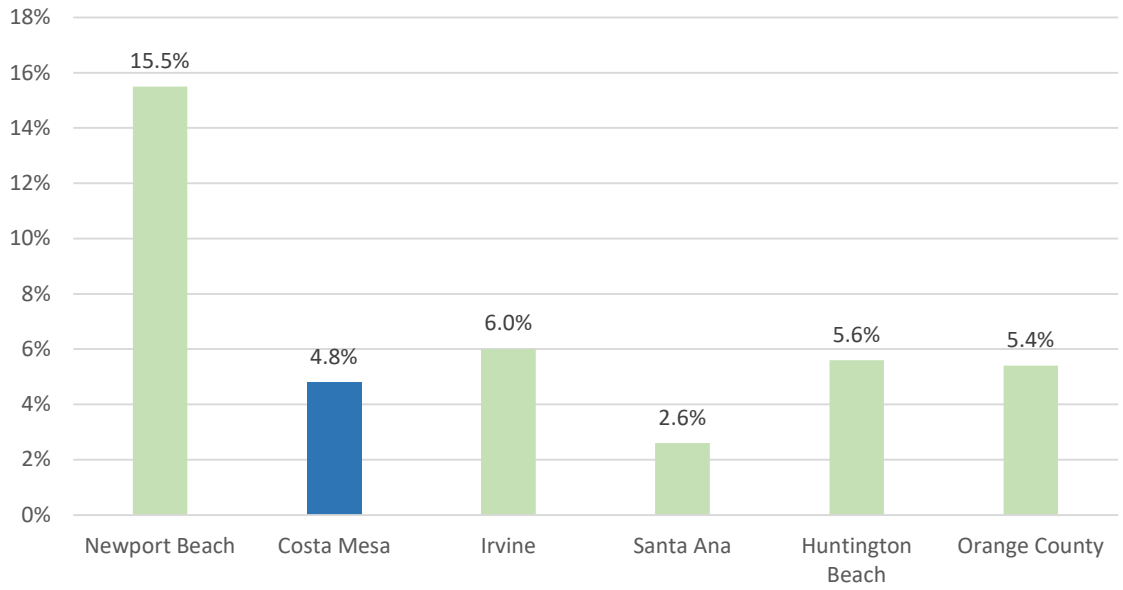
Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-33 compares estimated average household sizes and tenure amongst cities surrounding Costa Mesa. Aside from Santa Ana, all of the cities included below have household sizes that are below that of Orange County and fairly similar amongst owner-occupied households. The average household size for Santa Ana is estimated to be nearly double that of the other cities for both renters and owners and is an average of about 1.6 persons per household more than Costa Mesa. Figure 2-7 illustrates vacancy rates by city and shows that Costa Mesa has the second lowest vacancy rate in the area (4.8 percent). Orange County's vacancy rate is 0.6 percent above that of Costa Mesa.

Table 2-33: Average Household Size by Tenure, 2018			
Jurisdiction	Owner Occupied Household Size	Renter Occupied Household Size	Average Household Size
Newport Beach	2.46	2.02	2.27
Costa Mesa	**2.8**	**2.66**	**2.71**
Irvine	2.81	2.61	2.7
Santa Ana	4.28	4.32	4.3
Huntington Beach	2.58	2.62	2.6
Orange County	2.99	3.06	3.02
Source: American Community Survey, 5-Year Estimates, 2018.			

Vacancy rates may reveal the degree of housing choice available. High vacancy rates generally indicate low demand and/or high supply conditions in the housing market. Low vacancy rates typically indicate high demand and/or low supply conditions in the housing market. Too low of a vacancy rate can force prices up making it more difficult for lower and moderate-income households to find housing. Vacancy rates between two to three percent are usually considered healthy for housing that is owned, and rates of five to six percent are usually considered healthy for rental housing. Costa Mesa's vacancy rate indicates a healthy demand for housing within the City and a potential lack of available housing units at all income categories.

Figure 2-7: Vacancy Rates by Jurisdiction, 2018



Source: American Community Survey, 5-Year Estimates, 2018.

Based on 2018 ACS estimates, the most common reason for vacancies in Costa Mesa is due to units being up for rent (37.8 percent), as shown in Table 2-34. Another 566 units (31.5 percent) are vacant in the City because they are for seasonal, recreational, or occasional use. Homes that have been sold and are not yet occupied represent the lowest vacancy type (4.1 percent).

Table 2-34: Vacant Housing Units by Type in Costa Mesa		
Type of Housing	Estimate	Percent
For rent	786	37.8%
Rented, not occupied	191	9.2%
For sale only	115	5.5%
Sold, not occupied	86	4.1%
For seasonal, recreational, or occasional use	656	31.5%
Other vacant	247	11.9%
Total	**2,081**	**100%**
Source: American Community Survey, 5-Year Estimates, 2018.		

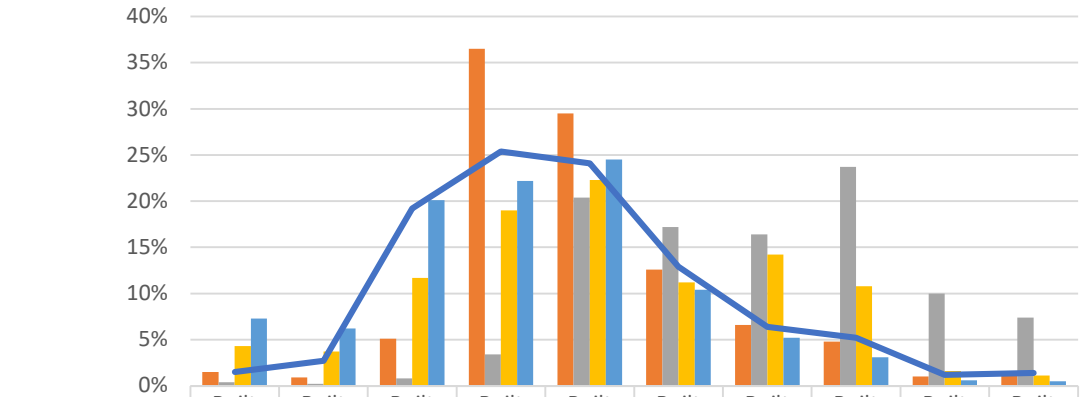
4. Housing Age and Condition

Housing age can be an important indicator of housing condition within a community. For example, housing that is over 30 years old may be in need of rehabilitation, such as a new roof, seismic retrofit, foundation, plumbing, etc. Many federal and state programs use housing age as one factor to determine housing rehabilitation needs.

Figure 2-8 shows the City of Costa Mesa's housing stock was mostly built prior to 1990 and is therefore more likely in need of certain renovations. Almost a quarter of the housing stock was built around the time the City was incorporated in 1953. About 2.6 percent of housing stock was built after 2010. In comparison to neighboring cities, the Cities of Costa Mesa, Huntington Beach, and Santa Ana experienced their peak unit growths between 1950 and 1979. Newport Beach experienced a growth similar to Costa Mesa until 1990 when Newport Beach housing unit growth picked up again. Unlike Costa Mesa, the City of Irvine experienced a housing boom in 1970 through 2009, and it continued building units at a greater rate than the other cities past 2014.

Much of Costa Mesa's housing stock is greater than 30 years old. Many of these houses may have experienced some level of housing renovations since initial construction, but in general an aging housing stock may indicate the potential for substandard housing conditions or a housing stock in need of rehabilitation or maintenance. The City tracks code enforcement cases due to substandard housing conditions and has established a quantified target objective in Chapter 4 for housing rehabilitation goals over the next 8 years.

Figure 2-8: Age distribution of Housing Stock



	Built 1939 or earlier	Built 1940 to 1949	Built 1950 to 1959	Built 1960 to 1969	Built 1970 to 1979	Built 1980 to 1989	Built 1990 to 1999	Built 2000 to 2009	Built 2010 to 2013	Built 2014 or later
Huntington Beach	1.5%	0.9%	5.1%	36.5%	29.5%	12.6%	6.6%	4.8%	1.0%	1.4%
Irvine	0.4%	0.2%	0.8%	3.4%	20.4%	17.2%	16.4%	23.7%	10.0%	7.4%
Newport Beach	4.3%	3.7%	11.7%	19.0%	22.3%	11.2%	14.2%	10.8%	1.6%	1.1%
Santa Ana	7.3%	6.2%	20.1%	22.2%	24.5%	10.4%	5.2%	3.1%	0.6%	0.5%
Costa Mesa	1.5%	2.7%	19.2%	25.4%	24.1%	12.9%	6.4%	5.2%	1.2%	1.4%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-35 provides estimations on the number of units with substandard living conditions (lacking complete plumbing or kitchen facilities or having no telephone service available). In total, 2.4 percent of Costa Mesa units are considered substandard.

Table 2-35: Costa Mesa Units with Substandard Housing Conditions

Housing Condition	Estimate	Percent of Total Housing Units
Lacking complete plumbing facilities	79	0.2%
Lacking complete kitchen facilities	325	0.8%
No telephone service available	613	1.5%
Total	**1,017**	**2.4%**

Source: American Community Survey, 5-Year Estimates, 2018.

Additionally, proactively surveying the City's housing conditions is a primary component of the City's Code Enforcement efforts. The City's Community Improvement Division (Code Enforcement) employs approximately one-dozen full-time code enforcement officers that regularly survey the City's residential neighborhood housing conditions relating to rehabilitation and replacement. According to the Community Improvement Division Manager, rarely does any of the City's housing stock reach a condition that requires replacement (less than approximately one property per year). However, City staff confirmed, based on the 2021-2022 Annual Action Plan there are approximately 88 units in need of rehabilitation annually. This estimate was compiled based on a combination of code enforcement data (based on a review of total

project cases) and data from the City's Street Outreach Team and Housing and Community Development Team and represents approximately 1.6% of the total dwelling units within the City.

With the exception of relatively new housing communities recently developed in the City, the City's Community Improvement Division indicates that the City's residential areas require varying levels of proactive housing condition monitoring, with generally the older residential areas in the City being more prone to substandard housing conditions. These substandard housing conditions include but are not limited to, illegal and unsightly outdoor storage, common areas littered with trash and debris, vegetation overgrowth, and poor overall residential structure maintenance. According to City records, residential properties located in Shalimar neighborhood, Coolidge Avenue/Fillmore Way neighborhood, Mission Drive/Mendoza Drive neighborhood, and the neighborhood located on Wilson Street between Placentia Avenue and Harbor Boulevard require greater attention. For these and other neighborhoods, the City hosts "Community Clean-up Days" where community members and residents are organized to assist in neighborhood clean-up efforts. These efforts include City staff assistance, large dumpster rentals and donations from community businesses and no-profit community groups to support clean-up and rehabilitation efforts. They are held on a weekend day and publicized several weeks in advance by City newsletters and direct communication to community stakeholders. City-sponsored residential neighborhood clean-up events occur multiple times per year.

Also, in monitoring the City's housing stock in regard to the need for housing rehabilitation or replacement, both the City's Code Enforcement team and the City's Building Inspection team proactively and reactively engage in surveying the City's housing conditions as they perform their regular inspections. Housing and building code enforcement not only helps to ensure the habitability of specific properties, but also helps to keep surrounding homes and neighborhoods safe. For a home that shows clear signs of neglect, for example, the City will reach out to the tenant and owner and connect these individuals to resources such as local and regional grants and/or loans, or community service groups that are available to provide rehabilitation assistance. These proactive inspections of the City's housing stock lead to earlier detection of substandard housing conditions and ultimately improve local neighborhoods overall.

5. Housing Costs and Affordability

Housing costs reflect the supply and demand of housing in a community. This section summarizes the cost and affordability of the Costa Mesa housing stock.

The median home value in Costa Mesa is estimated to be $707,600, as shown in Table 2-36. This is $54,700 above the median home value for Orange County and comparable to the home values in Irvine and Huntington Beach. The City of Santa Ana has the lowest home value at $455,300 and the City of Newport Beach has the greatest median home value at $1,787,300.

Table 2-36: Median Home Value by Jurisdiction	
Jurisdiction	Median Home Value
Newport Beach	$1,787,300
Costa Mesa	**$707,600**
Irvine	$797,100
Santa Ana	$455,300
Huntington Beach	$728,200
Orange County	$652,900
Source: American Community Survey, 5-Year Estimates, 2018.	

Table 2-37 outlines the average monthly price of rent by number of bedrooms in Costa Mesa and how it has changed between 2017 and 2020. This data is provided by the Zillow Rent Index Report for Costa Mesa and shows that all units experienced increases in rates in the last three years; for example, one-bedroom rentals rose by 5.1 percent. The price per square foot saw a much greater increase for the three types of units, with 17.9 percent being the greatest increase for 3- or more bedroom units. This may indicate a higher demand and a need to plan for housing for large families within Costa Mesa.

Table 2-37: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	$2,055	$2,077	$2,091	$2,159	5.1%
2 bedrooms	$2,553	$2,582	$2,579	$2,649	3.8%
3 Bedrooms	$3,027	$3,044	$3,097	$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	$2.48	$2.57	$2.97	$2.83	14.1%
2 bedrooms	$2.20	$2.25	$2.32	$2.36	7.3%
3+ Bedrooms	$1.95	$2.15	$2.25	$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

Housing affordability can be inferred by comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

The Federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide to determine a household's eligibility for federal housing assistance. Based on this survey, the California Department of Housing and Community Development (HCD) developed income limits, based on the Area Median Family Income (AMFI), which can be used to determine the maximum price that could be affordable to households in the upper range of their respective income category. Households in the lower end of each category can afford less by comparison than those at the upper end. The maximum affordable home and rental prices for residents in Orange County are shown in Table 2-38 and Table 2-39.

The data shows the maximum amount that a household can pay for housing each month without incurring a cost burden (overpayment). This amount can be compared to current housing asking prices (Table 2-36) and market rental rates (Table 2-37) to determine what types of housing opportunities a household can afford.

Extremely Low-Income Households

Extremely low-income households earn less than 30 percent of the County AMFI – up to $26,950 for a one-person household and up to $41,550 for a five-person household in 2020. Extremely low-income households cannot afford market-rate rental or ownership housing in Costa Mesa without assuming a substantial cost burden. An extremely low-income household at the maximum income limit can afford to pay approximately $1,039 in monthly rent, depending on household size.

Very Low-Income Households

Very low-income households earn between 31 percent and 50 percent of the County AMFI – up to $44,850 for a one-person household and up to $69,200 for a five-person household in 2020. A very low-income household cannot afford market-rate rental or ownership housing in Costa Mesa without assuming a substantial cost burden. A very low-income household at the maximum income limit can afford to pay approximately $1,121 to $1,730 in monthly rent, depending on household size. Given the high cost of housing in Costa Mesa, persons or households of very low-income could not afford to rent or purchase a home in the City.

Low-Income Households

Low-income households earn between 51 percent and 80 percent of the County's AMFI - up to $71,750 for a one-person household and up to $110,650 for a five-person household in 2020. The affordable home price for a low-income household at the maximum income limit ranges from $308,500 to $454,000. Based on the asking prices of homes for sale in 2020 (Table 2-36), ownership housing would not be affordable to low-income households. A one-person low-income household could afford to pay up to $1,794 in rent per month and a five-person low-income household could afford to pay as much as $2,766. Low-income households in Costa Mesa would not be able to afford to rent apartment units.

Moderate Income Households

Persons and households of moderate income earn between 81 percent and 120 percent of the County's AMFI – up to $133,500, depending on household size in 2020. The maximum affordable home price for a moderate-income household is $377,000 for a one-person household and $558,600 for a five-person family. Moderate income households in Costa Mesa would not be able to purchase a home in the City. In comparison to neighboring cities, at this affordable range, moderate income households would only be able to purchase a home in Santa Ana. The maximum affordable rent payment for moderate income households is between $2,163 and $3,338 per month. Appropriately sized market-rate rental housing is generally affordable to households in this income group.

Table 2-37: Affordable Housing Costs in Orange County, 2020						
Annual Income		Mortgage	Utilities^1	Tax and Insurance	Total Affordable Monthly Housing Cost	Affordable Purchase Price
Extremely Low-income (30% of AMFI)						
1-Person	$26,950	$455	$118	$101	$674	$99,990
2-Person	$30,800	$504	$151	$116	$770	$110,500
3-Person	$34,650	$539	$197	$130	$866	$118,000
4-Person	$38,450	$574	$243	$144	$961	$125,800
5-Person	$41,550	$594	$289	$156	$1,039	$130,200
Very Low-Income (50% of AMFI)						
1-Person	$44,850	$835	$118	$168	$1,121	$183,000
2-Person	$51,250	$938	$151	$192	$1,281	$205,500
3-Person	$57,650	$1,028	$197	$216	$1,441	$225,400
4-Person	$64,050	$1,118	$243	$240	$1,601	$245,000
5-Person	$69,200	$1,182	$289	$260	$1,730	$259,000
Low-income (80% AMFI)						
1-Person	$71,750	$1,407	$118	$269	$1,794	$308,500
2-Person	$82,000	$1,592	$151	$308	$2,050	$349,100
3-Person	$92,250	$1,763	$197	$346	$2,306	$386,500
4-Person	$102,450	$1,934	$243	$384	$2,561	$424,000
5-Person	$110,650	$2,062	$289	$415	$2,766	$452,000
Moderate Income (120% AMFI)						
1-Person	$86,500	$1,720	$118	$324	$2,163	$377,000
2-Person	$98,900	$1,951	$151	$371	$2,473	$427,800
3-Person	$111,250	$2,167	$197	$417	$2,781	$475,000
4-Person	$123,600	$2,384	$243	$464	$3,090	$522,700
5-Person	$133,500	$2,548	$289	$501	$3,338	$558,600

Source: Orange County Housing Authority, 2020 Utility Allowance Schedule and California Department of Housing and Community Development, 2020 Income Limits and Kimley Horn and Associates Assumptions: 2020 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on Orange County Utility Allowance.

1. *Utilities includes basic electric, water, sewer/trash, refrigerator, and stove.*

Table 2-38: Affordable Monthly Housing Cost for Renters, 2020				
Annual Income		Rent	Utilities^1	Total Affordable Monthly Housing Cost
Extremely Low-income (30% of AMFI)				
1-Person	$26,950	$556	$118.00	$674
2-Person	$30,800	$619	$151.00	$770
3-Person	$34,650	$669	$197.00	$866
4-Person	$38,450	$718	$243.00	$961
5-Person	$41,550	$750	$289.00	$1,039
Very Low-income (50% of AMFI)				
1-Person	$44,850	$1,003	$118.00	$1,121
2-Person	$51,250	$1,130	$151.00	$1,281
3-Person	$57,650	$1,244	$197.00	$1,441
4-Person	$64,050	$1,358	$243.00	$1,601
5-Person	$69,200	$1,441	$289.00	$1,730
Low-income (80% AMFI)				
1-Person	$71,750	$1,676	$118.00	$1,794
2-Person	$82,000	$1,899	$151.00	$2,050
3-Person	$92,250	$2,109	$197.00	$2,306
4-Person	$102,450	$2,318	$243.00	$2,561
5-Person	$110,650	$2,477	$289.00	$2,766
Moderate Income (120% AMFI)				
1-Person	$86,500	$2,045	$118.00	$2,163
2-Person	$98,900	$2,322	$151.00	$2,473
3-Person	$111,250	$2,584	$197.00	$2,781
4-Person	$123,600	$2,847	$243.00	$3,090
5-Person	$133,500	$3,049	$289.00	$3,338

Source: Orange County Housing Authority, 2020 Utility Allowance Schedule and California Department of Housing and Community Development, 2020 Income Limits and Kimley Horn and Associates Assumptions: 2020 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on Orange County Utility Allowance.

1. Utilities includes basic electric, water, sewer/trash, refrigerator, and stove.

This analysis shows that the moderate- and lower-income households in Costa Mesa generally cannot afford to own a home in Costa Mesa based on for sale housing costs. Lower income households generally cannot afford to rent or own in Costa Mesa based on for sale housing costs and rental prices. Long term, this trend may result in increased instances of overcrowding, an increased number of households with a high housing cost burden, and residents moving out of Costa Mesa for ownership opportunities.

G. Community Profile Summary

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs which are uniquely adapted to fit the needs of Costa Mesa.

The City will need to consider the following findings, but not limited to, based on the data presented in this Community Profile:

- The Costa Mesa population is showing aging trends – housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options. **The City has established Housing Program 2D to address this finding.**
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino – housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community. **The City has established Housing Programs 2E and 4A to address this finding.**
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing including affordable rental options and entry level home ownership facilitation should be considered. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Approximately 48.8 percent of renters and 31.8 percent of homeowners are estimated to spend more than 30 percent of their income on housing, indicating a high housing cost burden overall with a higher proportion of renters compared to owners experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Based on for sale and rental housing prices, a moderate-income household cannot afford to own a home in Costa Mesa, while lower income households cannot afford to own or rent in Costa Mesa without experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities. **The City has established Housing Programs 1A and 1B to address this finding.**
- Costa Mesa has a relatively low vacancy rate, indicating high demand for housing and low availability of housing units within the City. **The City has established Housing Programs 2B and 3A to address this finding.**
- 46.5 percent of Costa Mesa households have at least one of the four identified housing problems, which include:
    - Units with physical defects (lacking complete kitchen or bathroom);
    - Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);

- Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The City has established Housing Programs 1A, 1B, and 4A to address this finding.

The Housing Element's **Chapter 4: Housing Plan** provides goals, policies, and programs for the City of Costa Mesa based on the findings of this analysis. Policies established in the Housing Plan implement the goals and programs of the Housing Element and are reviewed on yearly-basis to identify progress and success.

Chapter 3

Housing Constraints, Resources, and Affirmatively Furthering Fair Housing



Housing Constraints

A variety of factors could affect the number, type, and affordability of housing and housing development in a community. Governmental housing constraints are often specific to the requirements and regulations local governments enforce. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental and market constraints are directly related to the conditions of the local and regional construction and the development market. Nongovernmental constraints in Costa Mesa may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. The focus of this section is recognizing the existing constraints. The following sections will analyze the extent of each constraint on housing development.

A. Nongovernmental Constraints

Nongovernmental constraints are those associate with external market costs and rely predominantly on the economy and cost of land and construction. The availability and cost of land, labor costs, as well as financing, may pose barriers for housing developers and can often deter the development of housing, specifically affordable housing. The following sections highlights the primary market factors that affect the production of housing in Costa Mesa.

1. Land Costs and Construction Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes due to square footage. However, there is wide variation within each construction type, depending on the size of the unit and the number and quality of amenities provided. An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The ICC updates the estimated cost of construction at six-month intervals and provides estimates for the average cost of labor and materials for typical Type V-A wood-frame housing. Estimates are based on "good-quality" construction, providing for materials and fixtures well above the minimum required by state and local building codes. In August 2020, the ICC estimated that the average per square-foot cost for good-quality housing was approximately $118.57 for multi-family housing, $131.24 for single-family homes, and $148.44 for residential care/assisted living facilities. Construction costs for custom homes and units with extra amenities, run even higher. Construction costs are also dependent upon materials used and building height, as well as regulations set by the City's adopted Building Code. For example, according to the ICC, an accessory dwelling unit (ADU) or converting a garage using a Type V-B wood framed unit would costs about $123.68 per square foot. Although construction costs are a significant portion of the overall development cost, they are typically consistent throughout the region and, especially when considering land costs, are not considered a major constraint to housing production in Costa Mesa.

Land costs can also pose a significant constraint to the development of affordable and middle-income housing and represents a significant cost component in residential development. Land costs may vary depending on whether the site is vacant or has an existing use that must be removed. Similarly, site constraints such as environmental issues (e.g., steep slopes, soil stability, seismic hazards, flooding, and contamination) can also be factored into the cost of land. A September 2020 web search for vacant lots for sale in the City of Costa Mesa returned three lots for sale ranging in size from 0.23 acres at $749,000 to 1.03 acres at $2,000,000. Based on current prices of for sale lots, the vacant lots cost an estimated average price per square foot of $68, or about 2.9 million dollars per acre.

Costa Mesa has the lowest cost of land in comparison to the neighboring cities of Santa Ana, Huntington Beach, and Irvine, based on an October 2020 Zillow search for vacant lots. The cost of land in these cities range from $73 per square to $304 per square foot. However, the cost of land in Costa Mesa is still very expensive and though it is consistent with neighboring jurisdictions and the region, it may create a constraint to the development of housing, specifically affordable housing. The City cannot control the cost of land in Costa Mesa or the region, however Chapter 4 of this Housing Element outlines programs and policies to work with developers and interested parties to increase affordable housing options in the City.

2. Available Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, rates and fees charged, laws and regulations governing financial institutions, and equal access to such loans. Additionally, availability of financing affects a person's ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to all residents of a community, regardless of income, sex, race, or ethnicity. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in the Anaheim-Santa Ana-Irvine MSA.

Table 3-1 below displays the disposition of loan applications for the Anaheim-Santa Ana-Irvine MSA, per the 2016 Home Mortgage Discloser Act report. According to the data, applicants in the 120% MSA/MD median income or more had the highest rates of loans approved. Of that income category, applicants who reported White had the highest percentage of approval and the number of applications. Applicants in the less than 50% of the MSA/MD median income categories were showed higher percentages of denied loans than loans originated. According to the data, applicants who reported white were, on average, more likely to be approved for a loan than another race or ethnicity.

Given the relatively high rates of approval for home purchase, improvement, and refinance loans, home financing is generally available and not considered to be a significant constraint to the provision and maintenance of housing in Costa Mesa.

Table 3-1: Disposition of Loan Applications by Race/Ethnicity– Anaheim-Santa Ana-Irvine MSA				
Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	26.2%	52.3%	23.1%	65
Asian	33.9%	42.5%	26.7%	1,382
Black or African American	41.6%	33.7%	25.8%	89
Native Hawaiian or other Pacific Islander	25.0%	44.2%	30.8%	52
White	45.6%	31.2%	26.1%	5,240
Hispanic or Latino	37.9%	38.2%	26.8%	1,566
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	38.1%	34.0%	29.9%	97
Asian	53.3%	25.3%	29.4%	3,153
Black or African American	43.4%	19.1%	41.4%	152
Native Hawaiian or other Pacific Islander	49.4%	39.8%	16.9%	83
White	54.5%	23.3%	27.6%	8,677
Hispanic or Latino	47.6%	27.7%	29.3%	3,245
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	51.4%	25.7%	31.4%	35
Asian	59.5%	19.2%	29.3%	1,495
Black or African American	52.9%	22.1%	30.9%	68
Native Hawaiian or other Pacific Islander	43.5%	13.0%	43.5%	23
White	61.9%	17.2%	26.1%	3,873
Hispanic or Latino	54.0%	21.4%	29.1%	1,347
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	22.7%	29.5%	88
Asian	62.3%	15.6%	28.8%	4,820
Black or African American	55.6%	20.1%	28.6%	234
Native Hawaiian or other Pacific Islander	49.4%	27.6%	31.0%	87
White	66.2%	13.8%	25.1%	12,607
Hispanic or Latino	60.8%	16.4%	26.8%	3,398
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	59.2%	13.0%	32.0%	169
Asian	62.8%	12.9%	29.0%	17,800
Black or African American	57.7%	17.3%	27.2%	624
Native Hawaiian or other Pacific Islander	64.2%	11.4%	26.8%	254
White	68.3%	11.3%	24.9%	49,811
Hispanic or Latino	64.6%	13.3%	26.7%	6,095
Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.				

3. Economic Constraints

Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. It is estimated that housing price and development costs will continue to increase in the City and the region. Moving into 2020, the economy was growing, California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates. COVID-19 had stalled much of the economy in early 2020, however, as the California economy regains momentum, housing stock and prices in the Costa Mesa community remain stable. A housing market analysis by Redfin reports the number of homes sold in August 2020 experienced a 16.1% growth in year-over-year trends and over doubled since the low in May 2020. The same report shows that the median sale price of homes in Costa Mesa is the largest it has been in five years, except for a peak in February 2021; the median number of days on the market was 41 in August 2020 in contrast to 86.5 in at the start of the year.

A 2020 California Association of Realtors (CAR) report found that homes on the market in Orange County experienced a 10.2 percent year to year increase and cost an average of $915,000 in September 2020; over $250,000 higher than the Southern California median home price in the same month ($656,750). According to the CAR First Time Buyer Housing Affordability Index, the median value of a home in Orange County is $730,150 with monthly payments (including taxes and insurance) of $3,690, requiring an average qualifying income of $110,700.

Costa Mesa's home value index ($881,064), which includes single-family residences and condos, has been on a steady increase since Spring 2012, according to Zillow data from September 2020. According to Zillow, this value is seasonally adjusted to remove outliers and only includes the middle price-tier of homes. Costa Mesa home values have gone up 4.9 percent over the past year and Zillow predicts they will rise 4.8 percent within the next year. Orange County by comparison has a median home value index of $775,797, which is $105,267 less than Costa Mesa. Due to the high costs and increasing values, the cost of land and home prices in Costa Mesa may be considered a constraint to the development of and access to housing, particularly affordable housing.

4. Applicant Requests to Develop Below the Maximum Density

The City does not typically receive request to develop below the maximum density permitted for residential projects. Based on review of past projects and discussions with the development community, the existing development standards have not proved to be a constraint to meeting the maximum density. Programs 3B and 3C within the Housing Plan call for revisions to the development standards associated with the North Costa Mesa Specific Plan and the City's Urban Plans and Overlays, including the maximum density permitted. These densities are higher than what is currently permitted within Costa Mesa (with the exception of some areas in the North Costa Mesa Specific Plan where densities have exceeded 90 du/ac for specific projects). Until those zoning changes are made to permit the higher densities identified in the housing element, the City will not be able to evaluate potential requests to develop below the maximum density. The City has committed to working with the community, including the local development community, to create development standards which promote development consistent with the identified densities.

B. Governmental Constraints

In addition to market constraints, local policies and regulations also affect the price and availability of housing and the provision of affordable housing. For example, State and Federal regulations affect the availability of land for housing and the cost of housing production, making it difficult to meet the demand for affordable housing and limiting supply in a region. Regulations related to environmental protection, building codes, and other related topics have significant, often adverse, impacts on housing cost and availability.

While the City of Costa Mesa has no control over State and Federal Laws that affect housing, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing as well as, create barriers to housing development.

1. Land Use Controls

Cities in California are required by Law to prepare a comprehensive, long term General Plan to guide future development. The Land Use Element of the General Plan establishes permitted land uses and development density throughout the City of Costa Mesa. These land uses provide for a wide variety of housing types throughout the City, while also ensuring compatibility between neighboring uses. The following lists the land uses that permit residential developments and the maximum allowable density:

- Low-Density Residential: 8 dwelling units per acre
- Medium-Density Residential: 12 dwelling units per acre
- High-Density Residential: 20 dwelling units per acre
- Commercial-Residential: 12 to 17.4 dwelling units per acre
- Urban Center Commercial: 20 dwelling units per acre / 80 dwelling units per acre
- Multi-Use Center: 6 dwelling units per acre / 40 dwelling units per acre

Overlay Districts

Overlay districts are created in order to incentivize particular development types in an area and/or to implement a Master Plan's strategies and goals. Overlay districts are applied to the Zoning Map and provide a development option in addition to the underlying zoning regulations as they often require stricter and/or more specific standards. An overlay district could also be created to administer the goals of a Master Plan. There are four overlay districts in Costa Mesa, which are detailed below.

Residential Incentive Overlay

The Residential Incentive Overlay District is intended to create opportunities for residential development at strategic locations along Harbor Boulevard and Newport Boulevard. The designation allows for development of new higher-density residential uses in areas where limited residential with lower densities are currently allowed. Small-lot single-family subdivisions are also appropriate in the designated areas. The Residential Incentive Overlay also expands development opportunities on residential and commercial

properties which are not currently developed to their full potential or supporting outdated buildings and underperforming uses.

The following are required for developments in the Residential Incentive Overlay District:

Residential Incentive Development Plan Screening Application – To provide initial feedback to developers, all residential and development projects proposed in this district must submit a screening application for review and approval by the City Council.

Master Plan – All developments proposed in this district require approval of a master plan by the Planning Commission. The master plan must be consistent with the General Plan and meet the intent and purpose of the overlay district. The project must include adequate resident-serving amenities in the common open space areas and private open space area; this may include patios, balconies, roof terraces, walkways, and landscaped areas. The project must be consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations. The residences must have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.

Development Standards – This overlay designation allows for developments that meet the following:

- **Minimum Lot Area:** 0.5 acres
- **Maximum Height**: 4 stories (not including permitted roof top terraces)
- **Maximum Density**: 40 units per acre
- **Minimum Open Space**: 40% of total site area
- **Common Open Space**: 50% of required open space. Recreational facilities for children are required for residential projects with 12 or more units.
- **Front Setback**: 20 feet
- **Side Setback**: 20 feet (30 feet minimum for 4-story developments abutting R2-MD zones)
- **Rear Setback:** 20 feet (30 feet minimum for 4-story developments abutting R2-MD zones)

SoBECA Mixed-Use Overlay

The SoBECA Overlay District establishes provisions for mixed-use development, including live/work development, in the 39-acre SoBECA plan area (located west of the Costa Mesa Freeway, east of the Corona Del Mar Freeway, and south of the San Diego Freeway). This overlay district allows for high-density residential developments with a maximum unit cap and is intended to allow a mix of housing, eclectic retail/services, creative studios, and entertainment/restaurant uses that attract local residents and visitors.

Development Standards – This overlay designation allows for developments that meet the following:

- **Maximum Density:** 40 units per acre
- **Maximum Residential Cap:** 450 units within the SoBECA Urban Plan

Harbor Mixed-Use Overlay

The Harbor Mixed-Use overlay district applies to select areas along Harbor Boulevard and between Wilson Street and 19th Street. The district is intended to introduce a diverse mix of uses to create a more integrated, walkable, and complementary balance of creative commercial and office spaces, neighborhood-serving retail and commercial services, and residential uses along the southern portion of Harbor Boulevard that intersects 19th Street. Since this overlay applies to a commercial corridor and is considered an extension of the 19 West Urban Plan (see below), Live/Work developments are not permitted in this overlay district. The provisions of the 19 West Urban Plan applies to the overlay district.

Development Standards – This overlay designation allows for developments that meet the following:

- **Maximum Density:** 20 units per acre
- **Maximum FAR:** 1.25 for commercial and residential mixed uses
  Maximum Building Height: 4 stories

Westside Urban Plans

In 2005, the City of Costa Mesa approved three strategies based on the Westside Revitalization Oversight Committee's (WROC) Final Report and Implementation Plan. Together these strategies make up the Westside Urban Plans and include the following three urban plans and their individual goals:

19 West Urban Plan – Improve the Urban Plan area by providing visual enhancement and facilitating development of mixed-use urban villages along the specified areas of West 17th Street, West 19th Street, and Superior Avenue.

Mesa West Bluffs Urban Plan – Improve the Urban Plan area by providing visual enhancement and encouraging the development of live/work units or residential development within the plan area.

Mesa West Residential Ownership Urban Plan – Encourage the development of new owner-occupied condominiums and clustered homes by allowing a higher density than currently zoned.

These plans aim to attract investments and improvements to the west side of Costa Mesa and avoids strict architectural guidelines to welcome flexible projects. These three plans provide a framework for major private market reinvestment and improvements for the Westside.

2. State Density Bonus Law

Density bonuses are another way to increase the number of dwelling units allowed in a residentially zoned area. The City of Costa Mesa does not have its own Density Bonus Ordinance but defers to the Government Code Section 65915. However, the City's Zoning Code identifies the purpose of a density bonus as providing incentives for the production of affordable housing, senior housing, and childcare facilities in compliance with State Government section 65915.

The City of Costa Mesa must grant one density bonus to housing developments which contain at least one of the following (excluding any units permitted by the density bonus awarded):

- 10 percent of the total units of a housing development for lower income households;
- 5 percent of the total units of a housing development for very low-income households;
- A senior citizen housing development or a mobile home park that limits residents based on age requirements for housing for older persons; or
- 10 percent of the total dwelling units in a common interest development for persons and families of moderate income, provide that all units the development are offered to the public for purchase;

In addition, a housing development which is awarded a density bonus must maintain an affordable cost for very low- and low-income rental units for a minimum of 55 years. Additional years may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

The following provides the density bonus to be calculated for very low-income, low-income, and moderate-income households:

Table 3-2: Density Bonus for Very Low-Income Households	
Percent Very Low-Income Units	Percent Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

Table 3-3: Density Bonus for Low-Income Households	
Percent Low-Income Units	Percent Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

Table 3-4: Density Bonus for Moderate-Income Households	
Percent Moderate-Income Units	Percent Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

In addition, the Government Code states that when an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with these subdivisions, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density for the entire development, as shown in Table 3-5. This increase may be added to the density bonuses listed above but may not exceed 35 percent.

Table 3-5: Density Bonus for Land Donation	
Percent Very Low-Income	Percent Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

Concessions and Incentives

According to the State Government Code section 65915, an applicant for a density bonus may submit a proposal for a specific concession or incentive; a waiver or reduction of development standards may not affect the number of incentives or concessions to which the applicant is entitled. The following concessions and incentives must be provided to eligible applicants:

- One incentive or concession for projects that include 10 percent of the total units for lower income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.
- Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.
- Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families with moderate income in a common interest development.

Compliance with State Law

Until 2021, under Government Code Section 65915, known as the Density Bonus Law, the maximum bonus was 35%. California state law AB 2345 states that all jurisdictions in California are required to process

projects proposing up to 50% additional density, as long as those projects provide the additional Below Market Rate units (units affordable to low and very low-income households) in the original proposed project, unless the locality already allows a bonus above 35%. The City's Density Bonus program allows a maximum of 35% density increase; however, AB 2345 requires an allowance of up to 50% density bonus when the base BMR is proposed. The City has included a program in Chapter 4: Housing Plan to update the City's Development Code in compliance with state legislation.

3. Residential Development Standards

The City of Costa Mesa established four residential districts to provide a range of housing types. These standards and regulations are intended to create the highest quality residential development, minimize land use conflicts, encourage the maintenance of residential neighborhoods, and implement the goals of the City's General Plan. In addition to residential districts, Costa Mesa also includes three types of mixed-use designations to bring together residential and commercial developments.

- Single-Family Residential District (R1) – Single-Family Residential is intended to promote the development of single-family detached units on lots measuring at least 6,000 square feet. The maximum density is 7.26 dwelling units per gross acre.
- Multiple-Family Residential District, Medium Density (R2-MD) – Medium Density Multiple-Family Residential is intended to promote the development of multi-family properties on lots measuring a minimum of 12,000 square feet. The maximum density is 3,630 square feet per dwelling unit / 12 dwelling units per gross acre.
- Multiple-Family Residential District, High Density (R2-HD) – High Density Multiple-Family Residential is intended to promote the development of multi-family properties with a minimum of 12,000 square feet. The maximum density is 3,000 square feet per dwelling unit / 14.25 dwelling units per gross acre.
- Multiple-Family Residential District (R3) – Multiple-Family Residential is intended to promote the development of multi — family properties with a minimum of 12,000 square feet. The maximum density is 2,178 square feet per dwelling unit / 20 dwelling units per gross acre.
- Town Center District (TC) – Town Center is intended to allow intensely developed mixed commercial and residential uses within a limited geographical area located between Sunflower Avenue, I-405, Bristol Street, and Avenue of the Arts. Developments can range from one- to two-story office and retail buildings to mid- and high-rise buildings, including residential.
- Planned Development Commercial (PDC) – Planned Development Commercial is intended for retail shops, offices, and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential area and the entire community and region. Complementary residential uses may also be included in the planned development.
- Institutional and Recreational Multi-Use District – Institutional and Recreational Multi-Use is only applicable to the Fairview Development Center and is intended to allow the integration of a variety of land uses and intensities at a low to moderate density and intensity.

As mentioned above, the City of Costa Mesa's Zoning Code establishes standards which regulate development throughout the City. The development standards include minimum requirements for lot size, width, building setbacks, and open space. **Table 3-6** provides the development standards applicable to each zoning district in Costa Mesa that permit residential development.

Table 3-6: Development Standards in Costa Mesa - Dimensions

Zone	Dimensions		Min. Yard Setbacks (ft)			Construction Standards		
	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Max. Height*	Min. Open Space (square feet)	Max. Density
Residential Districts								
R1	6,000 sq.ft.	Interior Lot: 50 ft. Corner Lot: 60 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU (1) per 6,000 sq.ft.
R2-MD	12,000 sq.ft.	100 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 3,630 sq.ft.(2)
R2-HD	12,000 sq.ft.	100 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 3,000 sq.ft.
R3	12,000 sq.ft.	100 ft.	20 ft.	5 ft. (3)	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 2,178 sq.ft.
Planned Development Standards								
PDR-LD	5,500 sq.ft.	40 ft.	5 ft. (7)	0-10ft. (8)	5 ft.	27 ft.	45% (6)	8 DUs per acre
PDR-MD	5,500 sq.ft.	-	5 ft.	0-10ft. (8)	5 ft.	27 ft.	45%	12 DUs per acre
PDR-HD	3,000 sq.ft.	-	5 ft.	0-10ft. (8)	5 ft.	27 ft.	42%	20 DUs per acre (4)
PDR-NCM	3,000 sq.ft.	-	-	-	-	-	42%	35 DUs per acre
PDC	N/A	-	-	-	-	-	-	20 DUs per acre (5)
PDI	N/A	-	-	-	-	-	-	N/A

Note:
(1): Dwelling Unit
(2): 1 unit per DU for legal lots existing as of March 16, 1992, that are less than 7,260 sq.ft. in area but not less than 6,000 sq.ft. in area.
(3) Accessory structures that do not exceed 6.5 feet in height in the R1 zone or 15 feet in height in other residential zones may have a zero-side setback. Property line abutting a public street: 10 feet. Property line abutting an alley: 5 feet.
(4): See North Costa Mesa Specific Plan for exceptions. The maximum density for 125 East Baker Street is 58 dwelling units per acre (C0-13-02). The maximum density for 2277 Harbor Boulevard is 54 dwelling units per acre (C0-14-02).
(5): The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions. No residential development is permitted within the 23.4-acre project site generally addressed as 1375 Sunflower Ave. and 3370 Harbor Blvd.
(6): See section 13-60 required open space criteria for planned development residential.
(7): For individual DUs.
(8): feet on one side; 10 feet combination of both sides.
Source: City of Costa Mesa Zoning code

Yard Requirements

Yards provide light and air, pedestrian and vehicular circulation, emergency access, and general aesthetic improvements. The Costa Mesa Zoning Code establishes setback requirements in order to maintain yard area. Minimum setback requirements are consistent in residential districts, 5 feet, but they differ depending on type development in mixed-use districts. While it is possible that setback requirements may pose a constraint on reaching maximum permitted density in some cases, there is enough flexibility in the current ordinances that setback requirements do not constitute a significant constraint on residential development.

Site Coverage and FAR

The City of Costa Mesa establishes site coverage requirements in order to maintain bulk, mass, and intensity of use. Site coverage is not used towards planning residential districts in Costa Mesa as open space and setback requirements ensure structures are located within an area of a lot to avoid massing and excessive density. Site coverage is considered in mixed-use developments when combined with commercial uses.

Floor Area Ratio (FAR) refers to the gross floor area allowed on a site divided by the total gross area of the site. FAR requirements limit the usable floor area to limit the bulk of a building in comparison to the land, other buildings, and public facilities in the area.

Open Space

Open space is used in conjunction with site coverage to control intensity of use and provide for an area that is intended to add light and air. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational area, playgrounds, fountains, swimming pools, and wooded areas. Also included are unenclosed patios, water courses, and surfaces covered by no more than 5 feet in depth by projections which are at least 8 feet above ground. Driveways, parking lots, surfaces designed for vehicular access, upper floor decks, balconies, and areas under projections which are less than 8 feet above ground are not considered open space.

Maximum Building Heights

A structure's height is defined by the Zoning Code as the distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening. A standard 27 feet maximum height is established for two-story residential developments in Costa Mesa in order to maintain compatibility with existing and proposed developments, however a planned development is permitted to be developed up to four stories. The City's General Plan and Zoning Code permit up to four stories south of the 405 Freeway through planned development and in many of the City's urban plan and overlay areas where higher densities are allowed, as well as additional height north of the 405 Freeway in the North Costa Mesa Specific Plan area. Per the City's development standards shown in Table 3-6, a 2-story 14,400 square-foot multi-family development on a 12,000 square-foot lot could develop up to 14 potential 1,000 square-foot units, all while meeting the City's setback, open space, and height requirements. The City's 27-foot height limit for all residential developments does not pose a constraint to meeting the City's established densities and is not considered a constraint to the development of housing.

Parking Standards

The City of Costa Mesa mandates parking requirements be applied to all developments in the City. Table 3-7 provides the required parking for all housing types. The Zoning Code further identifies the number of parking spaces that must be covered and those that can remain uncovered. These requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences.

Table 3-7: Parking Requirements for Residential Uses		
Unit Type		Number of Spaces Required
Single-Family Detached with 4 Bedrooms or Less	Without garage access from alley	4
	With garage access from alley	3
Single-Family Detached with 5 Bedrooms of More	Without garage access from alley	5
	With garage access from alley	4
Multi-Family Residential	Bachelor/Studio	2
	1 Bedroom	2.5
	2 Bedrooms	3
	3 Bedrooms or more	4
Source: City of Costa Mesa Zoning Code		

The cost associated with garage parking construction can be viewed as a constraint to affordable housing development, especially for multi-family housing. However, Costa Mesa's parking regulations differ depending on the number of bedrooms proposed per unit. Affordable housing projects that qualify for a density bonus may also request application for additional incentives which can be provided in the form of reduction of parking requirements. While off-street parking requirements can affect planned residential density, particularly for small lots and in-fill areas, this potential constraint is mitigated by the flexible standards shown above.

Furthermore, in comparison to neighboring jurisdictions (Table 3-8), the City of Costa Mesa has similar parking requirements. Where Costa Mesa differs in single-family parking requirements is in its count of open/driveway parking spaces. The City of Costa Mesa specifically requires 2 spaces in a garage and 2 spaces on a driveway for a single-family detached residence with 4 bedrooms or less; the other cities only provide requirements for the number of vehicles that must be included in a garage. In addition, the other cities require guest parking as a percentage of the total number of units or required spaces, while Costa Mesa requires a set number per unit.

Table 3-8: Parking Standards of Neighboring Communities	
Unit Type	Number of Spaces Required
City of Newport Beach	
Accessory Dwelling Unit	1 parking space, with exceptions [(1)]
Junior Accessory Dwelling Unit	No additional parking required
Single-Unit Dwellings – Attached	2 per unit in a garage
Single-Unit Dwellings – Detached and less than 4,000 sq. ft. of floor area	2 per unit in a garage

Table 3-8: Parking Standards of Neighboring Communities		
Unit Type		Number of Spaces Required
City of Newport Beach		
Single-Unit Dwellings – Detached and 4,000 sq. ft. of floor area		3 per unit in a garage
Single-Unit Dwellings – Balboa Island		2 per unit in a garage
Multi-Unit Dwellings – 3 units		2 per unit covered, plus guest parking 1-2 units, no guest parking required 3 units, 1 guest parking space
Multi-Unit Dwellings – 4 units or more		2 per unit covered, plus 0.5 space per unit for guest parking
Two-Unit Dwellings		2 per unit; 1 in a garage and 1 covered or in a garage
Live/Work Units		2 per unit in a garage, plus 2 for guest/customer parking
Senior Housing – Market Rate		1.2 per unit
Senior Housing – Affordable		1 per unit
City of Irvine		
Single Family	1-3 bedrooms	2 spaces
	4+ bedrooms	3 spaces + visitor parking (2)
Attached Ownership	Studio	1 space + visitor parking (2)
	1 bedroom	1.5 spaces + visitor parking (2)
	2 bedroom	2 spaces + visitor parking (2)
Attached Rental	Studio	1 space + visitor parking (2)
	1 bedroom	1.4 spaces + visitor parking (2)
	2 bedroom	1.6 spaces + visitor parking (2)
	3 bedroom	2 spaces + visitor parking (2)
City of Fountain Valley		
Single-family, detached: up to 4 bedrooms		2 stalls in a garage
Single-family, detached: 5+ bedrooms or homes larger than 4,000 sq. ft.		3 stalls in a garage
Single-family, detached		Same as single-family, detached
Mobile home park		2 covered for unit, plus 0.2 visitor stall/unit provided independent of the unit
Accessory dwelling unit		No parking required beyond that which is required for the primary residence. Pursuant to California Government Code Section 65852.2, replacement parking cannot be required if an existing garage is converted to an ADU.
Multi-family: duplex, condos, other attached dwellings	1 bedroom or less	1 covered stall + 0.5 uncovered + 25% of total required spaces for visitor parking
	2 bedrooms	1 covered stall + 1 uncovered + 25% of total required spaces for visitor parking
	3 bedrooms	2 covered stall + 0.5 uncovered + 25% of total required spaces for visitor parking
	More than 3 bedrooms	2 covered stall + 0.5/room over 3 uncovered + 25% of total required spaces for visitor parking

Note:
1. Parking is waived for ADUs if the property is within ½ mile walking distance to transit (including ferry); within an architecturally or historically significant district; on-street parking permits are required and not provided to the occupant of the ADU; or within one block of a car-share vehicle pick-up/drop-off location
2. Visitor parking: 0.7 space/unit if project has resident garages or 0.4 spaces/unit if the project has resident carports.

Source: City of Newport Beach, Irvine, and Fountain Valley Municipal Codes

Program 2M is included in **Chapter 4: Housing Plan** to review and revise the City's residential off-street parking standards for multi-family residential projects in an effort to facilitate the development of multi-family developments, and specifically affordable housing projects.

4. Variety of Housing Types Permitted

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes, employee and agricultural work housing, transitional and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table 3-9** shows the various housing types permitted throughout the City of Costa Mesa.

Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Single-Family	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P
Multi-Family	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Accessory Dwelling Unit	P	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Common Interest Development	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-	P
Small Lot Subdivision, Residential	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Home Park	-	C	C	C	-	-	-	-	-	-	C	C	C	C	C	C	-	-
Boarding House, Small (1)	-	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Boarding House, Large (1)	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-	-
Residential Care Facility, 6 or Fewer Persons	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P

Table 3-9: Housing Types Permitted in Costa Mesa																		
Housing Types	Zones																	
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.	
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT
Residential Care Facility, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	C	-
Group Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P	P
Group Homes, 7 or More	S	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P	-
Sober Living Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P	-
Sober Living Homes, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P	-
Referral Facility	-	C	C	C	-	C	-	-	-	-	-	C	C	-	-	-	-	-
Single Room Occupancy Residential Hotel (SRO)	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Emergency Shelters	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	-	-
Low Barrier Navigation Centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Farmworker Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Source: City of Costa Mesa Zoning Code

Notes: (1) Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

P – Permitted

C – Conditional Use Permit

S – Special Use Permit

Table 3-9: Housing Types Permitted in Costa Mesa																			
Housing Types	Zones																		
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.		
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R	I&R-MLT	
(-) – Prohibited																			

Single-Family Dwelling

The Costa Mesa Zoning Code defines a Single-Family Dwelling as a building of permanent character which is designed or used for residential occupancy by one family. A single mobile home on a foundation system on a single lot is a single-family dwelling. A single-family dwelling may be attached or detached from another single-family dwelling, including but not limited to an accessory dwelling unit. Single Family dwelling units are permitted in the R1, R2-MD, R2-HD, and R3 residential zones, as well as the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, PDI, and I&R-MLT zones.

Multi-Family Dwelling

A Multi-Family Dwelling is a building of a permanent character which is designed or used for residential occupancy or two or more families. This housing designation may include, duplexes, triplexes, fourplexes, and apartments. The building is typically owned by a single person or agency and rented out to tenants. Each dwelling unit within the structure is occupied by a single housekeeping unit. Multifamily dwelling units are permitted in the R2-MD, R2-HD, and R3 residential zones, the TC commercial zone, and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones, and the I&R-MLT Institution zone.

Accessory Dwelling Unit (ADU)

An ADU is a second dwelling unit established in conjunction with and subordinate to the single-family dwelling unit existing on the property. The ADU may be a studio with no bedroom or contain any number of bedrooms and it may be attached to the single-family dwelling unit or detached and located on the same lot. An ADU may also be referred to as an "accessory apartment", "granny unit", "granny flat", or "in-law apartment". Refer to Costa Mesa City Ordinance 2021-03 for ADU-specific development standards. Accessory dwelling units are permitted in all zones where single-family residential units are also permitted.

Common Interest Development

The City Zoning Code defines Common Interest Developments as containing 2 or more common interest units, which may include, but is not limited to, a community apartment project, rights of exclusive occupancy, a stock cooperative, and/or exclusive occupancy. Common interest developments are permitted in all zones where multifamily developments and units are permitted.

Small Lot Subdivision, Residential

A Small Lot Subdivision refers to a residential development that contains a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel. In a small lot subdivision, the land is subdivided into fee simple parcels containing each unit and each individual lot is provided with either a direct access to a public street/alley or an easement access through a recorded subdivision map. Small Lot subdivision projects are permitted in the R2-MD, R2-HD, and R3 residential zones.

Manufactured Housing

Manufactured housing includes detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. A factory-built structure is considered a single-family home and shall be reviewed under the same standards as a site-built structure if it is manufactured under the authority of 42 U.S.C. section 5401 - National Manufactured Housing Construction and Safety Standards Act. Mobile homes are permitted conditionally in the R2-MD, R2-HD, R3 residential zones and PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones.

Boarding House

A Boarding House is a residence or dwelling, other than a hotel, wherein rooms are rented under 2 or more separate written or oral rental agreements, leases, or subleases. The property owner, agent, or rental manager may or may not reside on the property. A small boarding house rents 2 or less rooms, while a large boarding house rents out 3 to 6 rooms. The City of Costa Mesa prohibits boarding houses that rent more than 6 rooms. Small boarding house developments are permitted in all zones where manufactured/mobile homes are permitted, and large boarding house developments are conditionally permit in these zones.

Residential Care Facility

In Costa Mesa, a Residential Care Facility must be licensed by the State to provide care, services, or treatment to persons living in supportive community residential setting. Residential care facilities may include, but may not be limited to: intermediate care facilities for the developmentally disabled; community care facilities; residential care facilities for the elderly; residential care facilities for the chronically ill; alcoholism and drug abuse facilities; pediatric day health and respite care facilities; residential health care facilities, including congregate living health facilities; family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children. Residential care facilities are permitted in all residential, planned development, and institutional zones.

Group Homes

A Group Home is a facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether State licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes are allowed in all residential zoning districts through a conditional or special use permit. Small group homes are permitted with a special use permit in residential and planned development zones, and they are permitted as a primary use in institutional zones subject to consistency with an adopted Master Plan. Large group homes are conditionally permitted in residential and planned

development zones and are permitted as a primary use in the institutional zones subject to consistency with an adopted Master Plan.

Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City. The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court and have been found to be intended to and actually protective of persons with disabilities. Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled. The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a City far from their actual homes. It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process. The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City. Further, the City does not regulate state licensed homes of six or fewer residents, as that is preempted by state law.

Based on California Health and Human Services (CHHS) data shown below, Costa Mesa has more Certified & Licensed group home facilities (in number and per capita) than the surrounding Orange County jurisdictions. Under the current regulations, there are significant portions of the City that can accommodate additional facilities. Per capita estimates are shown below (based on 2021 US Census population estimates).

- Costa Mesa: 55 Certified and Licensed Facilities (1 per 2,013 residents)
- Newport Beach: 35 Certified and Licensed Facilities (1 per 2,422 residents)
- Huntington Beach: 42 Certified and Licensed Facilities (1 per 2,777 residents)
- Fountain Valley: 16 Certified and Licensed Facilities (1 per 3,530 residents)
- Irvine: 5 Certified and Licensed Facilities (1 per 61,806 residents)
- Santa Ana: 28 Certified and Licensed Facilities (1 per 11,051 residents)

Notwithstanding, the City has included **Program 2P** in the Housing Element to review and consider revisions to its zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.

Transitional Housing

The Costa Mesa Zoning Code defines Transitional Housing as a development with buildings configured as rental developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which may not be less than 6 months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits transitional housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified **Program 2J** to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law.

Supportive Housing

Supportive Housing includes housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits supportive housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified **Program 2J** to update the zoning code to acknowledge supportive housing distinctively in the City's land use matrix, consistent with state law.

Referral Facility

A Referral Facility or a group home may include one or more person who resides there pursuant to a court order or directive from an agency in the criminal justice system. Referral facilities are conditionally permitted in the R2-MD, R2-HD, and R3 residential zones, the PDR-MD, PDR-HD Planned Development zones and the C2 commercial zone.

Single Room Occupancy Residential Hotel (SRO)

An SRO is permitted in certain commercial zones and contains units designed for long-term occupancy by a single person. Double occupancy may be permitted. SROs are conditionally permitted in the C1 and C2 commercial zones.

Emergency Shelter

An emergency shelter provides temporary housing and food for individuals in need or disaster victims. The shelters may be operated by a public or non-profit organization. Emergency shelters are permitted by-right

in the PDI Zone. Emergency shelters are also permitted in the MP Zone with approval of a Conditional Use Permit. All emergency shelters are subject to the following development standards (City-owned emergency shelters are exempt from certain provisions):

- The maximum length of stay may not exceed 120 days in a 365-day period.
- Each emergency shelter may have a maximum of 30 beds.
- Off-site parking must be provided at a parking rate of 1 parking space per 4 beds or one 1 space per employee, whichever is higher. In comparison to the Cities of Newport Beach, Huntington Beach, and Irvine, Costa Mesa's emergency shelter parking requirements are lowest and therefore not considered a constraint.
- Stays at an emergency shelter facility shall be limited to the hours of 5:00 p.m. and 8:00 a.m. the following day.
- Nonoperational and unregistered vehicles may not be kept on site.
- Each emergency shelter will provide an interior and exterior waiting area adequate to accommodate waiting clients and to prevent queuing into the public right-of-way. An exterior waiting area must be physically separated and visually screened from the public right-of-way.
- The emergency shelter facility will provide an on-site resident manager on site at all times.
- A minimum distance of 300 feet must be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- The shelter operator shall provide minimum exterior lighting in compliance with the city's security requirements.
- The shelter operator shall patrol a half-mile radius surrounding the shelter site during hours that the shelter is in operation to ensure that shelter clients and homeless individuals who have been denied access are not congregating in the neighborhood.
- Alcohol and narcotics use, and consumption are prohibited within the facility and on the property.
- An operations plan will be submitted for review and approval by the development services director and police chief prior to operation of the emergency shelter. The plan must include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services, and indoor and outdoor management of the facility.

In April 2021, the City of Costa Mesa completed the construction of its permanent Bridge Shelter within the City. The Costa Mesa City Council purchased the Airway property in March of 2019 and completed $4.5 million worth of capital improvements to convert the 26,000-square-foot industrial warehouse to a 12,000-square-foot 72-bed shelter with a 14,000-square-foot tenant space. The permanent Bridge Shelter was built in coordination with the neighboring City of Newport Beach who made a one-time payment of $1.4 million in capital costs as well as $200,000 in furniture, fixtures, and equipment for the site. Additionally, Newport Beach will provide $1 million annually for 20 set-aside beds.

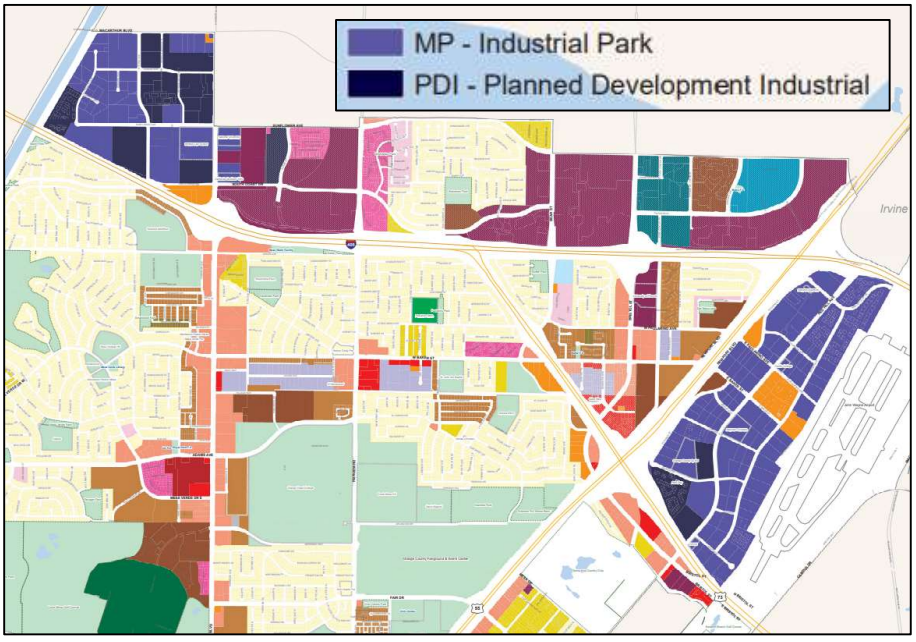
Construction of the Bridge Shelter, as well as the organization and operation of the temporary Bridge Shelter at Lighthouse Church, represent the Costa Mesa's commitment to assisting those residents currently experiencing homelessness. With the shelter in full operation, the City is now able to assist up to

72 residents at one time. This multi-year effort is a tremendous step towards helping to house residents within the City of Costa Mesa who may need assistance and transition to more permanent housing. The City also provides services and assistance to residents of the Bridge Shelter.

In addition, a total of 294 parcels (483.5 total acres and an average parcel size of 1.6 acres) are zoned MP and 150 parcels (168.7 total acres and an average parcel size of 1.1 acres) are zoned PDI which allows for the development of emergency shelters by-right without discretionary approval. Additionally, the Bridge Shelter parcel is approximately 1.3 acres large – which is similar to the average size of other parcels in the MP and PDI zones. These parcels currently include industrial uses such as light manufacturing, warehousing, and logistics centers, office buildings, schools, churches, civic uses and surface parking lots. There are two areas of the City with a mix of PDI and MP zoning – these include the area between John Wayne Airport and the 55 Freeway and the area to the north-west of the City between the 405 Freeway and W MacArthur Boulevard. Parcels located in these PDI and MP zones are all located approximately within a half-mile of a transit stop. In the area closest to John Wayne Airport, the 71 OCTA line runs through Red Hill Avenue. In the area closest to W MacArthur Boulevard, OCTA lines 43, 76, and 37 run along Harbor Boulevard and W MacArthur Boulevard.

Based on CalEnviroScreen 4.0, there are 3 hazardous waste generators within the MP and PDI zones in the north-west portion of the City and 4 near the north-east portion of the City as shown in **Figure 3-1b**. These generators are light industrial uses and do not create an environment unfit for human habitation. Located in close proximity to the area are existing and new housing units. In fact, residential development is allowed in certain industrial zones in the City pursuant to residential overlay zoning and subject to an adopted master plan. As such, the hazardous waste generators identified by CalEnviroScreen 4.0 do not pose a threat to the development and use of future emergency shelters in the area.

Figure 3-1a: Map of MP Zones in Costa Mesa



Source: City of Costa Mesa, Zoning Code Map.

Figure 3-1b: Map of Hazardous Waste Generators



Source: CalEnviroScreen 4.0, Hazardous Waste.

Farmworker Housing

California Health and Safety Code Sections 17021.5 and 17021.6 require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The Costa Mesa Municipal Code does not address Farmworker Housing by definition. A program is included in **Chapter 4: Housing Plan** to ensure the City's development standards allow Farmworker Housing by-right, without a CUP, in single-family zones for six or fewer persons.

Low Barrier Navigation Centers

AB 101 states that "Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state." Low Barrier Navigation Centers are defined as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low Barrier Navigation Centers are required as a use by right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets specified requirements. The Costa Mesa Municipal Code does not address Low Barrier Navigations Centers by

definition. A program is included in Chapter 4: Housing Plan to ensure the City's development standards allow Low Barrier Navigation Centers by-right in all zones that permit mixed-uses and non-residential uses.

5. Planned Development

The intent and purposed of Planned Developments are to provide a method by which appropriately located areas of the City can be developed utilizing more imaginative and innovative planning concepts than would be possible through strict application of existing zoning and subdivision regulations. It is intended that these developments will meet the broader goals of the General Plan and Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring developments. Additional standards for PDs may be found in Chapter V. Article 6 of the City's Zoning Code.

All PDs require approval through a Master Plan and must be reviewed and approved by the Planning Commission. The following provides the process by which PDs may be reviewed:

Preliminary Master Plan: a preliminary master plan may be processed in advance of the master plan to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal or more detailed development plans. Preliminary master plans may also be used as conceptual plans for long-term or phased PDs.

Upon approval of the preliminary master plan, development plans for individual components or phases of the PD are required and will be processed according to the provisions for master plans. Subsequent plans must be consistent with the parameters and general allocation and intensity of uses of the approved preliminary master plan. At the time of approval of the preliminary master plan, the Planning Commission may determine that subsequent development plans may be approved by the Zoning Administrator. In such cases, development plans will be forwarded by the Zoning Administrator, upon an appeal filed or upon motion by the Planning Commission or City Council.

Amendments to the Master Plan: Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by engineering specifications or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

- A change in the use of character of the development;
- An increase in the overall density of the development;
- An increase in overall coverage of structures;
- A reduction or change in character of approved open space;
- A reduction of required off-street parking;
- A detrimental alteration to the pedestrian, vehicular and bicycle circulation, and utility networks; or
- A reduction in required street pavement widths.

Major changes involving substantial amendments to the master plan encompassing one or more of the minor changes listed above, or any other proposed change determined by the Development Services

Director as a major amendment, shall be subject to review and approval by the Zoning Administrator. If the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.

Minor Additions to an Existing PD:

- *Residential buildings—Single-story additions*: Minor single-story additions to existing residential buildings not meeting the criteria below may be approved by a Minor Modification application if the Planning Division finds that the proposed construction does not materially affect the required open space, site coverage, or parking of the PD.
- *Unenclosed patio covers*: Unenclosed patio covers in planned development residential zones, which meet the setback criteria may be approved by the Planning Division:
- *Enclosed patios and room additions*: Enclosed patios and room additions may be permitted pursuant to the parameters for such additions established in the master plan. In cases where the master plan does not include criteria for future enclosed patios and/or room additions, the addition may be permitted if the required open space percentage is met on the affected lot and the addition meets the setbacks established for patio covers with the exception of small lot developments.
- *Residential buildings—Second story additions*: In cases where the master plan does not include criteria for future second-story additions, the planning division may approve any proposed second-story addition that meets the setback standards. Any second-story addition that does not meet all of the following criteria will be subject to Minor Design Review: complies with residential design guidelines adopted by the City Council, and does not materially affect the required open space, site coverage, or parking of the planned development.
- *Nonresidential buildings*: Minor additions to existing nonresidential buildings may be approved by Development Review if the Planning Division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements specified in the approved master plan. If the minor addition results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the Planning Division must find that the minor addition is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

Site Design Concept

To maintain similar development designs and intensities within the different residential zones in the Costa Mesa, the City encourages the following standards and housing types:

Low-Density Zone: Small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development are appropriate.

Medium-Density and High-Density Zone, and North Costa Mesa Zones: Single- and multi-family residential developments containing any type or mixture of housing units, either attached or detached, including but

not limited to, clustered development, townhouses, patio homes, detached houses, duplexes, garden apartments, and high-rise apartments or common interest developments are appropriate.

As a Complementary Use: nonresidential use of a religious, educational, or recreational nature may be allowed if the planning commission finds the use to be compatible with the PD residential project.

As a Complementary Use in PDR-MD, PDR-HD, PDR-NCM Zones: nonresidential uses of a commercial nature may be allowed if the Planning Commission finds the uses to be compatible with the PD residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan Land Use designation.

6. Growth Management Measures - Measure Y

Growth management measures allow cities to grow in a responsibly and orderly manner, however, if overly restrictive, these measures can produce constraints to the development of housing, specifically affordable and accessible housing.

In 2016, residents of Costa Mesa voted to pass Measure Y: An Initiative to Require Voter Approval on Certain Development Projects. The Measure amended the Costa Mesa Municipal Code to require voter approval of any projects involving certain legislative actions (i.e. projects that amend, change, or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan) which:

- Add 40 or more dwelling units;
- Generates more than 200 additional average daily trips (ADT);
- Increases the volume/capacity of an intersection based on specified formulas;
- Changes the intersection capacity utilization or level of service (LOS) based on specified formulas;
- Adds 10,000 square feet of retail, office, or other nonresidential uses; and/or
- Where the proposed project, combined with other projects within 8 years and a half-mile of each other, meet the above criteria.

Voter approval is also required for projects involving the above listed legislative actions which involve:

- Changes from public uses to private uses under special circumstances;
- Land designated as utility right-of-way under specified circumstances;
- Land donated, bequeathed, or otherwise granted to the City;
- Land used or designated for Costa Mesa school property; and/or
- Land owned, controlled, or managed by the City.

Any of these proposed changes as listed above are required to be approved by the Costa Mesa voters through a special or general election after the City Council has approved the project. Applicants may choose to put their project on a General Election which could result in timing delays to the project as those typically only occur in June and November of even numbered years or may pay for a Special Election to occur. Special Elections typically cost approximately $200,000, a cost which must be paid for by the developer. This can be a significant capital investment that may return uncertain election results (even if a project is approved

by the City Council through an entitlement process). This process may discourage developers from pursuing housing development projects and particularly affordable housing projects.

The precise impact on development projects depends heavily on the type of project, number of residential units, and funding sources. The City has not had a project go through the entire Measure Y process to date. While the exact cost and impact is not known, it can be assumed based on the analysis above that the Measure Y process adds time to the entitlement schedule and potentially additional costs if a Special Election is required. Program 3G discusses specific actions the City will take to address Measure Y in the context of the Housing Element and making sites available to accommodate the City's RHNA.

7. Specific Plans

The purpose of a Specific Plan is to implement the goals and objectives of a city's General Plan in a more focused and detailed manner that is area and project specific. The Specific Plan promotes an enhanced aesthetic level throughout the project/community. Specific Plans can contain their own development standards and requirements that may be more restrictive than those defined for a city as a whole.

East 17th Street Specific Plan

The East 17th Street Specific Plan encompasses approximately 33 acres along 17th Street, east of Santa Ana Avenue and west of Irvine Avenue. The area is designated for General Commercial by the General Plan Land Use Element and contains a mix of office and commercial uses.

The intent and purpose of the specific plan is to provide a good transition to neighboring residential areas by alleviating the problems generated by the proximity of commercial and residential uses in the area. In order to do this, the City adopted the following development standards:

- Properties on the south side of the 400 block of the Specific Plan area must maintain a 10-foot landscape buffer and properties on the north side of the 400 block must maintain a 5-foot landscape buffer.
- A Conditional Use Permit is required to permit any development over 2 stories / 30 feet. Developments over 4 stories are prohibited.

Newport Boulevard Specific Plan

The Newport Boulevard Specific Plan was prepared in order to address the development issues that resulted from the completion of the Costa Mesa Freeway. The intent and purpose of this specific plan is to encourage viable commercial businesses along Newport Boulevard, as well as to encourage marginal uses to redevelop. The Newport Boulevard Specific Plan added the "Commercial-Residential" land use designation to allow for a mix of residential and commercial zoning, which would otherwise only occur in Planned Development zoning districts. Maximum residential density ranges from 12 units to 17.4 units per acre through the specific plan area; Table 3-10 below provides the permitted densities.

The Commercial-Residential land use designation is intended to allow commercial uses which serve and complement the residential neighborhoods to the east and within the specific plan. Appropriate uses

include markets, drug stores, retail shops, financial institutions, service establishments and support office uses. Single room occupancy hotels are also permitted in this area. The location of these uses near residential neighborhoods is further intended to reduce the need for longer vehicle trips to areas of more intense commercial activity in order to obtain goods or services.

Table 3-10: Permitted Residential Density		
Lot Size	Street Frontage	Allowable Density
40,000 square feet	120 feet	1 unit/ 3,630 square feet (Medium density at 12 units per acre)
60,000 square feet	150 feet	1 unit/ 3,000 square feet (High density at 14.5 units per acre)
80,000 square feet	180 feet	1 unit/2,500 square feet (High density at 17.4 units per acre)
Source: Newport Boulevard Specific Plan SP-96-01 (1996)		

North Costa Mesa Specific Plan

The North Costa Mesa Specific Plan encompasses 423 acres north of the San Diego Freeway and was adopted in 1994 and last updated in 2016. A specific plan was developed to set standards and strategies for the development of two large areas of undeveloped land in this area. The intent of the specific plan is to implement the policies of the General Plan in a manner that seamlessly integrates a variety of uses and considers the impact of new development on surrounding areas.

Table 3-11 provides the permitted land uses and densities within the specific plan areas, and Table 3-12 provides the maximum building heights allowed.

Table 3-11: Permitted Land Uses and Development Standards				
Land Use Designation	**Typical Uses**	**Zoning Districts**	**Residential Density**	**FAR**
Low Density Residential	Single family detached and attached units, granny units, accessory apartments, family day care	R1, PDR-LD, I&R	≤ 8 units per acre	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
Medium Density Residential	Single-family attached units, multiple family units, senior congregate care facilities, convalescent hospitals, and group residential homes. Ancillary commercial uses are permitted the planned development zones.	R1, R2-MD, PDR-MD, MU, I&R	≤ 12 units per ace	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
High Density Residential	Multiple family units, senior congregate care facilities, convalescent hospitals and group residential homes. Ancillary commercial uses are permitted in the planned development zones.	R2-HD, R3, PDR-HD, PDR-NCM, MU, I&R	≤ 20 units per acre (except the density in PDR-NCM zone is 25-35 units per acre)	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
Commercial Center (1)	Major shopping, service, and office facilities designated serve city-wide and regional markets.	C1, C2, C1-S, PDC, AP, P, CL	≤ 20 units per acre	0.25 high traffic 0.35 moderate traffic 0.45 low traffic 0.75 very low traffic
Regional Commercial	Regional scale uses including major department stores, specialty retail outlets, restaurants, offices, and hotels.	PDC	≤ 20 units per acre	0.652 South Coast Plaza (east of Bear Street) 0.89 South Coast Plaza (west of Bear Street)
Urban Center Commercial	Intensively developed mixed commercial including offices, retail shops, restaurants, and hotels. Residential uses are also permitted pursuant to the North Costa Mesa Specific Plan	PDC, TC	≤ 20 units per acre	See Note 2.
Industrial Park	Wide variety of industrial and compatible office and support commercial uses.	MP, POI, CL	≤ 20 units per acre	0.20 high traffic 0.30 moderate traffic 0.40 low traffic 0.75 very low traffic

Notes:
(1) Home Ranch has a site-specific FAR: 0.37 for the IKEA portion of the project and 0.64 for the office portion
(2) South Coast Metro Center (Area 6) has a site- specific FAR of 0.79. Sakioka Lot 2 (Area 8) has a maximum site- specific FAR of 1.0.
Source: North Costa Mesa Specific Plan (2016)

Table 3-12: Maximum Building Height – North Costa Mesa Specific Plan	
Sub-Are	**Max. Building Height**
Area 1 – Home Ranch	Varies [1]
Area 2 – Metro Pointe	30 feet / 2 stories [2][3] (North of South Coast Drive) 90 feet / 6 stories [2][3] (South of South Coast Drive)
Area 3 – South Coast Plaza and Crystal Court	85 feet / 4 stories
Area 4 – SCP Town Center	315 feet / 25 stories [2]
Area 5 – The Lakes	90 feet / 6 stories [2] (Mid-Rise Residential) 280 feet / 26 stories [2] (High-Rise Residential)
Area 6 – South Coast Metro	Varies [2][4]
Area 7 – Sakioka Lot 1	60 feet / 4 stories [4]
Area 8 – Sakioka Lot 2	60 feet / 4 stories [2][4] (North of Collector Street) 180 feet / 12 stories [2][4] (South of Collector Street)
Notes: (1) See North Costa Mesa Specific Plan. (2) Buildings above 173 feet in height will require a determination of no hazard by the FAA. (3) Current development agreement allows buildings up to 15 stories. (4) Buildings which encroach into the setback for Anton Blvd. and/or Sakioka Dr. cannot exceed 30 feet (approx. 2 stories) within the setback area. *Source: North Costa Mesa Specific Plan (2016)*	

Costa Mesa Theater and Arts District Plan

The Costa Mesa Theater and Art District includes 54 acres of land located east of Bristol Street, south of Sunflower Avenue, west of Avenue of the Arts, and north of the San Diego Freeway. The specific plan area includes high-rise office buildings, cultural facilities, hotels, restaurants, and other commercial uses; it neighbors high-density residential developments. The goals of the plan are to:

- Create a strong sense of place and awareness of a coherent identity for the Costa Mesa Theater and Arts District that will recognize existing cultural and corporate resources in the area and successfully integrate new resources as they are developed.
- Assist pedestrians and vehicle operators in reaching their destinations quickly and easily, and, once they are in the area, make information available that highlights additional points of attraction throughout the district.
- Inform local, regional, national, and international communities about the Costa Mesa Theater and Arts District.
- Support occasional programs and installations in the Costa Mesa Theater and arts District that will recognize the importance of culture and the arts in daily life.

- Encourage appropriate interplay between policies that apply particularly to the Costa Mesa Theater Arts District and those policies that evolve in the City of Costa Mesa to serve regional needs.
- Improve communication and cooperation among area property owners in monitoring and fostering design and development within the district.

8. Housing for Persons with Disabilities

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.

Reasonable Accommodation

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Reasonable Accommodations Chapter of the City of Costa Mesa's Municipal Code identifies the applicability and procedures needed to obtain relief from a Zoning Code provision, regulation, policy, or condition which may cause a barrier to equal opportunity for housing. This regulation applies to any person seeking approval to construct and/or modify residential housing for persons(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities.

An application for a reasonable accommodation must be submitted to the City of Costa Mesa's Planning Division and requires approval by the Development Services Director within 60 days of the application being deemed complete. A denied application may be appealed to the Planning Commission and is subject to the notice, review, approval, and appeal procedures prescribed for any other discretionary permit. There are no fees associated with the application and it must include:

- The zoning code provision, regulation, policy, or condition from which accommodation is being requested;

- The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individual;
- Any other information that the Director reasonably determines is necessary for evaluating the request;
- Documentation that the applicant is either an individual with a disability, applying on behalf of one or more individuals with a disability, or a developer or provider of housing for one or more individuals with a disability;
- The specific exception or modification to the zoning code provision, policy, or practices requested;
- Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence; and
- Any other information that the hearing officer reasonably concludes is necessary to determine whether the grounds for reasonable accommodation can be made, so long as any request for information regarding the disability of the individual(s) benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

The following factors are considered during the review of the application:

- Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.
- Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.
    - In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.
    - In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

The inherent constraints of any reasonable accommodation process are that the accommodation must be both "reasonable" and "necessary." Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for

example. A General Plan and evaluation of uses as consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established **Program 2N** and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process.

Definition of Family

Under the right of privacy, the California Constitution prohibits a restrictive definition of "family" which limits the number of unrelated persons and differentiates between related and unrelated individuals living together. The City of Costa Mesa's Municipal Code defines the term "family" as one or more persons occupying one dwelling unit and living together as a single housekeeping unit. The City also defines a "single housekeeping unit" as occupants which have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Membership in the single housekeeping unit must be fairly stable as opposed to transient, the members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. The City also includes that there is a rebuttable presumption that integral facilities do not constitute single housekeeping units.

The City's Municipal Code provides the following indicators that a household is not operating a single housekeeping unit:

- The occupants do not share a lease agreement or ownership of the property;
- Members of the household have separate, private entrances from other members;
- Members of the household have locks on their bedroom doors; and/or
- Members of the household have separate food storage facilities, such as separate refrigerators.

The Courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability. The City has added **Program 2O** to review and revised the definition of single-housekeeping unit (which is language within the definition of family) to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

9. Development Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees can be a constraint to the maintenance, improvement, and development of housing because the added costs for developers results in higher housing unit costs. Development fees are, however, necessary to provide planning and public services. Table 3-13 provides the planning processing fees and Table 3-14 provides the engineering fees.

Table 3-13: Planning Processing Fees

Review Process			Fee
ABC License Review			$500
Administrative Adjustment			$3,800
Address / Address Change			$200
Appeal	Planning Commission Decision	Located within 500 ft. of project site	$1,220
		Located greater than 500 ft. of project site	$3,825
	Non-Planning Commission Decision	Located within 500 ft. of project site	$690
		Located greater than 500 ft. of project site	$3,825
Banner Permit			$25
CC&Rs Review			$1,000
Certificate of Appropriateness			$7,500
Certificate of Compliance			$1,500
Conditional Use Permit			$7,500
Conditional Use Permit – Measure X			$27,508
Density Bonus Review			$12,000
Design Review	Minor		$1,500
	Major		$3,800
Designating a Cultural Resource			No fee
Development Agreement			Time and materials with $20,000 min. deposit
Development Agreement Annual Review	Planning Commission Review		$1,425
	City Council Review		$1,875
Development Review (Staff)			$1,500
Environmental Review / CEQA			Total consultant contract estimates plus 10%
Flood Zone Determination Letter			$250
Gate Permits			$500
General Plan Amendment Screening			$5,000
General Plan Amendment			$12,000
Home Occupation Permit (Planning Review)			$100
Land Use Restriction			$500
Lot Line Adjustment			$1,500

Table 3-13: Planning Processing Fees		
Review Process		Fee
Master Plan		$9,000
Master Plan Amendment	Minor Change	$1,250
	Minor Amendment	$6,000
	Major Amendment	$7,500
Minor Modification		$500
Minor Conditional Use Permit		$3,800
Minor Design Review		$1,500
Mixed-Use Development Plan Screening		$5,000
Mobile Home Park Applications	Mobile Home Park Conversion	$7,500
	Tenant Relocation (Staff Review)	$5,000
	Tenant Relocation (Third Party Review)	Total consultant contract estimates plus 10%
Off-Site Hazardous Waste Facility	Notice of Intent	$5,000
	Conditional Use Permit	$12,000
	Local Assessment Committee (Formation and Convening)	$5,000
Planned Signing Program		$1,500
Plan Check	Commercial	$250
	Industrial	$250
	Residential – Minor, 4 or Less	$250
	Residential – Major, 5 or More	$500
	Landscape Plan Only	$500
Pre-Application Review		$1,500
Public Entertainment Permit		$1,500
Public Notice (500-Foot Radius and Newspaper Publishing)		$1.00 per mailing address plus publishing costs
Reasonable Accommodation		No fee
Renewal/Time Extension	Director Action	$500
	Zoning Administrator Action	$2,500
	Planning Commission Action	$3,800
Residential and Non-Residential Common Interest Development Conversion		$7,500 plus $115 per unit for required building inspection
Rezone		$10,000
Second-Story Notification		$500
Shared Parking Approval		$500
Small Cell Facility Encroachment Permit – Planning Review		$1,000
Special Use Permit		$5,500
Specific Plan / Amendment		$12,000
Specific Plan Conformity Review		$9,000
Tentative Tract Map		$6,000
Tentative Parcel Map		$3,800

Table 3-13: Planning Processing Fees	
Review Process	**Fee**
Tree Removal Review / Tree Replacement Plan	$500
Urban Master Plan Screening	$10,000
Use Determination Letter	$500
Variance	$7,500
Zoning Verification Letter	$250
Source: City of Costa Mesa Planning Processing Fee Schedule (2019)	

Table 3-14: Engineering Fees	
Type	**Fee**
Drainage Fee	$6,283 - $11,309 per acre + storm drain upgrade
Final Map Check Fee	$90/hour
Off-Site Plan Check	$90/hour
Street Improvement Plan Check Fee	$90/hour
Deposit/bond – Off-Site Work	Twice the amount of the cost estimate of off-site work
Construction Access Permit	$230
Curb and Gutter Permit	$365
Driveway Approach	$425
Sidewalk Approach	$380
Wheelchair Ramp	$365
Public Right-of-Way Inspection	$125/hour
Source: City of Costa Mesa Development Fees (2019)	

The City of Costa Mesa assesses impact fees on a project-by-project basis, taking into account the number of units proposed in the development and the impact these units may have on the local school district, parkland, circulation in the area, and sewage and water infrastructure. Table 3-15 provides the development impact fees as they relate to the development of housing in Costa Mesa.

Table 3-15: Development Impact Fees	
Use	**Fee**
Newport-Mesa Unified School District	
Residential Developer Fees	$1.84 per sq.ft. (additions under 500 sq.ft. may be exempt)
Transportation	
Low Density Residential (9.41 ADT)	$235 per net trip
Medium Density Residential (7.5 ADT)	$235 per net trip
High Density Residential (6.85 ADT)	$235 per net trip
Parkland	
Single-Family Residential	$13,572 per dwelling unit
Multi-Family Residential	$13,829 per dwelling unit
Apartment	$5,000 per dwelling unit
Costa Mesa Sanitary District	
Small New Development Plan Check	$420

Table 3-15: Development Impact Fees		
Use		**Fee**
Large New Development Plan Check		$1,260
Single Family Residential	1 Bedroom	$3,083
	2 Bedrooms	$4,029
	3 bedrooms	$4,973
	4 Bedrooms	$5,918
	5+ Bedrooms	$6,912
Multi-Family Residential	Studio	$1,591
	1 Bedroom	$2,486
	2 Bedrooms	$3,482
	3 bedrooms	$4,426
	4+ Bedrooms	$5,371
San Juaquin Hill Trans. Corridor Agency		
Single-Family Residential		$4,448 per dwelling unit
Multi-Family Residential		$2,595 per dwelling unit
Mesa Water District		
Service Establishment Fee		$20/account
Sources: City of Costa Mesa and Other Agencies Development Fees (2019) *Newport-Mesa Unified School District Developer Fees* *CMSD Sewer Connection Fees (2020)*		

The development fees associated with each project is dependent on the housing type, density, intensity of use, and location. In addition to these direct fees, the total cost of development is contingent on the project meeting the City's policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.

The estimated total development and impact fees for a typical single-family residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations, can range from $40,069 to $45,069. Estimated total development and impact fees for a typical multi-family residential project with ten units, assuming it is consistent with existing city policies and regulations range from $303,008 to $308,008.

These estimates are illustrative in nature and actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Costa Mesa, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 3.98 percent to 4.48 percent of the direct cost of development for a single-family residential project and 4.27 percent to 4.34 percent for a multi-family residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities. The percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

10. On-/Off-Site Improvements

Site improvements in the City consist of those typically associated with development for on-site improvements (street frontage improvements, curbs, gutters, sewer/water, and sidewalks), and off-site improvements caused by project impacts (drainage, parks, traffic, schools, and sewer/water). Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are considered a regular component of development of housing within the City and may also influence the sale or rental price of housing. The majority of cost associated with on and off-site improvements is undertaken by the City and recovered in the City's development and impact fees.

The Costa Mesa Municipal Code requires that all abutting public rights-of-way must be fully improved to the full extent possible as required through the Master Plan of Highways, adopted specific plans, or applicable code sections as directed by the Public Services Department. On-site improvements may include, but are not limited to, curbs, gutters, sewers/water, sidewalks, and undergrounding utility lines for housing developments with at least five units. For example, a project may be accompanied by a condition to upgrade an existing sidewalk. Larger multi-family residential developments may also be conditioned to improve an intersection as a response to the change in traffic patterns. The required public improvements standards are used to ensure that the existing roadways adjacent to new residential construction maintain or provide the appropriate right-of-way. Street work permits are required to authorize construction in these areas.

On- and off-site improvements in Costa Mesa do not pose a constraint the development of housing. Although these improvements create an additional cost, they also ensure adequate services and infrastructure for residents and existing uses. In addition, the improvements are site and project specific. A multi-family project may require the addition of a sidewalk at a specific site, while the same project may not in a different location.

Subdivision Improvements

Title 13 Chapter XI of the Costa Mesa Municipal Code establishes on- and off-site improvements required for subdivisions. The Code states that subdividers must agree to improve all land dedicated for streets, highways, public ways, and easements as a condition precedent to acceptance and approval of a final map. The improvements must include grading, surfacing, sidewalks, curbs, gutters, culverts, bridges, storm drains, water mains, and service connections to the property line with cutoff valves, sanitary sewers, and other structures or improvements which may be required by ordinance for the general use of the lot in the subdivision and for local neighborhood traffic and drainage needs.

Subdivision improvements may add development costs for developers. However, these subdivision improvements are consistent with that of neighboring communities. Additionally, all improvements required add to the livability, safety, and resources of future housing units. Such requirements do not pose an unreasonable constraint to development.

11. Building Codes and Enforcement

The City of Costa Mesa's construction codes are based upon the California Code of Regulations, Title 24 that includes the California Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code,

Green Building Standards Code, and California Referenced Standards Code. These are considered to be the minimum necessary to protect the public health, safety, and welfare of the City's residents. In compliance with State law, the California Building Standards Code is revised and updated every three (3) years. The newest edition of the California Building Standards Code is the 2019 edition with an effective date of January 1, 2020.

Code enforcement is conducted by the City and is based on systematic enforcement in areas of concern and on a complaint basis throughout the city. The Code Enforcement Division works with property owners and renters to assist in meeting State health and safety codes. The Code Enforcement Division investigates complaints regarding violations of the Costa Mesa Municipal Codes. The City's caseload is complaint-based, and deals with issues such as unpermitted structures, poor property maintenance, debris accumulation, and inappropriate storage of vehicles or materials with the intention and goal of working with the community to help resolve issues through voluntary compliance. On average, there are 1,292 total code enforcement cases generated per year.

12. Local Processing and Permit Procedures

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for all permits or reviews are recommended to request a pre-application meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the City's review process, possible project alternatives or revisions; and identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

The typical proposal for a single-family or multi-family residential development entitlement review is provided below:

- New single-family residences that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for single-family developments and do not require public hearings.
- New multi-family developments (with 3 or fewer units) that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for these type of developments (staff report written and posted online) and do not require public hearings. Approximate processing time to get to a decision is typically 6–8 weeks; following planning approval, the project would go through normal plan check process.
- New multi-family developments (with 3 or more units) that comply with development standards are processed through the Design Review application process. The Planning Commission is the

approval body for these types of developments, with a public hearing before the 7-member commission. Approximate processing time is 8–12 weeks; following planning commission approval, the project would go through normal plan check process.

All permit applications are first reviewed by City Staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing. **Table 3-16** identifies the appropriate review process for each planning permit application.

Table 3-16: Planning Application Review Process

Planning Application	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan – Preliminary	Yes	Yes	Planning Division	Planning Commission (1)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission (2)	City Council	No
Local Register of Historic Places	No	No	Planning Commission (3)	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission (3)	Planning Commission (3)	No

Note:
(1) Except where noted otherwise in the Zoning Code.
(2) If located in a redevelopment project area, the Redevelopment Authority is the recommending authority.
(3) Or other commission/committee as designated by the City Council.
Source: City of Costa Mesa Municipal Code Section 13-29. Planning Application Review Process

Table 3-17 shows recent projects which received entitlement approval and the date applicants submitted for building permits. As shown, the gap between planning approval and building submittal ranges from about one week to a little over a year. Applicants may submit for building permits directly after the appeal

period ends (the appeal period is seven days). Timing of submittals is dependent on applicants and may vary based on unique situations unrelated to City processes.

Table 3-17: Residential Project Entitlements			
Application Reference	Entitlement Approval	Building Permit Submittal	Description
DR-18-13	09/10/2018	06/04/2019 (9 months)	Development Review for the construction of a new two-story residence with an attached two-car garage.
DR-18-07	10/02/2018	10/11/2018 (after end of appeal period)	Development Review for the demolition of an existing single-story residence, and the construction of a new, two-story 2,523 sq. ft.
DR-18-12	10/04/2018	11/02/2018 (1 month)	Development Review for a new, two-story single family residence (3,121 sq. ft.) with 4 bedrooms, 4.5 bathrooms and an attached two-car garage.
DR-18-16	01/07/2019	01/22/2019 (2 weeks)	Development Review for the demolition of an existing attached garage structure and 2nd floor deck, to be replaced with a new garage and 425 sq. ft. master bedroom above. Interior work is limited to the 2nd floor master bedroom only
DR-19-03	06/26/2019	08/24/2020 (1 year 2 months) *	Development Review to construct a new two-story residential unit (ADU) which consists of 1 bed, kitchen, family room, parlor and 2 baths. Total square footage is 1,196 sq. ft. Includes a new three car garage.
** The COVID-19 may have played a factor in delay of submitted plans. The City also had to adapt to taking in plans electronically.*			

Between 2017 and April 2022, the Planning Commission reviewed a total of 35 projects proposing 152 total housing units. The average entitlement processing for these projects was an average of 175 days from submittal (less than six months) to final entitlement approval with projects typically being approved in one hearing (only seven of the 35 projects had more than one hearing and none of the projects required more than two hearings). The City's entitlement processing fees are flat rate fees, with any costs associated with project delays resulting from the costs associated with holding the land. All but three of the proposed projects received approval. The following details the reasoning behind the denial of the three projects (eight total units):

- PA-16-68 (March 2017): 2-unit Small Lot Subdivision project
  Project did not meet the Residential Design Guidelines and was not compatible with the surrounding properties due to the large mass and scale of structures, lack of open space, and the side entryway design which resulted in a project closed itself off from the neighborhood.
- PA-16-20/ T-18034 (March 2018): Master Plan for 5-unit live/work development
  Proposed Master Plan does not meet the goals of the General Plan, 19 West Urban Plan and the Zoning Code in terms of design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The project did not comply with live/work development standards such as setbacks and parking standards and the deviations from objective Code

requirements requested by the applicant would have resulted in a project that was inconsistent with the purpose and intent of the General Plan and Urban Plan for the area.

- PA-18-36/ ZA-18-40 (October 2018): Proposal does not meet minimum lot size development standards; applicant requested a Variance for ADU on an R1 property. Variance findings could not be made. ADU development standards have since been modified to remove minimum lot size requirements.

Development Reviews

A Development Review is the processing of a development plan when authority is vested in the Planning Division. The following are subject to development review:

- Single-Story Residential Construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- Two-Story Residential Construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50 percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
- Lot Line Adjustments.
- Any other uses specified in the City's Zoning Code as requiring development review.

13. Applicable Residential Entitlement Approval Findings

Indicated below are the applicable approval findings specified in the Costa Mesa Municipal Code for various residential project entitlements. In order to reduce processing time, and set clear application expectations, staff is trained to provide developers and applicants guidance for compliance with satisfying required findings. This guidance comes in the form of preliminary application reviews, creating and distributing residential development hand-outs (such as specific Residential Design Guidelines and FAQs), planning counter discussions, providing applicants with examples of successful project application submittals and various other types of staff/applicant assistance. In addition, the Planning Commission is regularly trained on the importance of adequately evaluating project findings and offerings project design modifications/solutions for project approval when the Commission believes that the findings are not being satisfied. As indicated further in this Section, very few residential projects have been denied in the last five years, which is an indicator of success for the aforementioned staff and Planning Commission residential development efforts.

Conditional Use Permit Findings.

- 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;
- 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; and
- Granting the conditional use permit or 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.

Design Review Findings.

- The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features;
- The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls; and
- As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

Master Plan Findings.

- 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;
- Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district; and
- As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

In its analysis, Costa Mesa reviewed the approval findings listed above that are applicable to residential projects and found that some contain language which may be interpreted broadly. For example, the first Master Plan finding requires that projects exhibit excellence in design. The master plan process applies to

specific areas of the City where flexibility in development standards is offered through the master plan process due to unique circumstances in the area and to promote revitalization and flexibility necessary to accommodate differing types of residential development within the city. As it is a process used to modify approved development standards, the City reviews development project Master Plans to promote a high quality of life for future residents at all income levels, as well as compatibility with surrounding development. Further, no project has been denied on the basis of not being able to meet these specific findings. Nevertheless, the City understands that approval findings should be clear to applicants and strives to promote quality development within the community. In an effort to further clarify this process, **Program 3S** requires the City to review all findings and revise those findings which are capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, or approval certainty.

C. Infrastructure Constraints

Another factor that may constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often "passed on" as part of home rental or sales rates.

1. Water Supply

The Mesa Water District is responsible for providing safe, local, and reliable water to 110,000 customers in Costa Mesa, as well as some parts of Newport Beach and unincorporated areas of Orange County. Mesa Water pumps water from Orange County's groundwater basin, which is located beneath north-central Orange County between Irvine and the Los Angeles County border and from Yorba Linda to the Pacific Ocean. The groundwater basin derives its water from the Santa Ana River and imported water from the Metropolitan Water District of Southern California. Mesa Water does not depend on other water sources, however, water from Northern California and the Colorado River can be imported as necessary.

In addition to Mesa Water District, a small portion of the City to the east, south of the John Wayne Airport, receives its water from the Irvine Ranch Water District (IRWD). Approximately 50 percent of the IRWD water supply is derived from the Orange County Groundwater Basin. The remaining amount comes from recycled water (23 percent) and potable water imported from MWD (27 percent).

2. Water Production

The independent special district pumps, treats, and delivers about 5 billion gallons of drinking water to homes and businesses per year. The system includes 317 miles of pipeline, 7 wells, 2 reservoirs and the Mesa Water Reliability Facility (MWRF/ "Murph"). The MWRF features 2 deep-water wells, a million-gallon reservoir and nanofiltration technology for water treatment. [1]

[1] Mesa Water District

3. Water Quality

Mesa Water provides safe, drinking water to the community and is considered the most efficient water provider of the 10 Orange County water districts. The water is naturally filtrated through sand and gravel as the Orange County groundwater basin is replenished from the Santa Ana River. Before it enters the distribution system, the water is treated and disinfected with chloramines, which include chlorine and ammonia. In addition to the groundwater, Mesa Water also uses source water from the MWRF, which is safe to drink prior to treatment but has an amber tint. Nanofiltration technology is used to remove the tint prior to adding it to the water supply. [1]

In the event of an emergency, Mesa Water would be provided with water from the Municipal Water District of Orange County (MWDOC), which sources its water from the State Water Project and the Colorado River. The imported water is filtered at Metropolitan's Diemer and Weymouth Filtration Plants where the water is also disinfected with chloramines.

According to Mesa Water District and the City of Costa Mesa Conservation Element, access to water does pose a constraint to the development of housing in the City. Mesa Water District has adopted and regularly updates an Urban Water Management Plan in order to ensure an adequate supply of water for the following 5 years, and the District continuously maintains the reservoir, water mains, and wells. Through continued community outreach and water conservation strategies, the City and the District are able to conserve more water than before – customers have reduced their water usage by 20 percent since 2015[2].

4. Wastewater

Wastewater includes used water, solids, storm water, surface water, groundwater infiltration, and used water from industrial processes, which flows to a treatment plant. Costa Mesa Sanitary District (CMSD) oversees 224.2 miles of gravity sewer mains and, as of 2019, a total of 47,471 connections to single-family residences, multi-family residences, commercial properties, and industrial properties. The District continuously cleans the collection system and uses closed circuit televising (CCTV) to identify problems and ensure quick maintenance. Twenty (20) sewer pumps are located throughout the collection system to maintain gravity flow and continuously report data to the headquarters. Standby generators and bypass pumps are also used in case of emergency. Wastewater collected by CMSD is sent to and treated at the Orange County Sanitation District (OCSD)[3].

Wastewater does not pose a constraint on the development of housing in the City. Given the sufficient infrastructure, access to services, and continuous maintenance, CMSD is confident it can continue to serve the Costa Mesa community through the addition of more housing. Furthermore, CMSD has developed a Sewer Management Plan which ensures the District avoids sewage spills and maintains adequate facilities.

5. Fire and Emergency Services

The City of Costa Mesa's Fire & Rescue Department aims to protect life, property, and the environment using highly trained professionals committed to service excellence. Across six fire stations and City Hall, the

[2] Mesa Water District

[3] Costa Mesa Sanitary District

Department has 94 full-time employees, 84 sworn positions, ten non-sworn positions, and the equivalent of one full-time position with part-time staff to provide 24-hour protection and response to the community's residents, businesses, and visitors. The Costa Mesa Fire & Rescue Department is an "all-risk" and “all-hazard” organization.

Fire Administration Division

The Fire Administration Division provides direction for strategic, operational, and emergency planning through the following:

- Establish policies and procedures;
- Coordinate internal functions of all divisions, programs, and external functions with other City departments and community organizations;
- Develop and manage the budget;
- Coordinate ordering and purchasing;
- Manage the Department's human resources;
- Coordinate additional functions and performs duties as delegated by the City Manager or the City Council;
- Continue to manage and safeguard the City’s rights for local control, including the Emergency Medical Services (EMS) system, as expressly guaranteed by the Health & Safety Code Section 1797.201.

Operations Division

This Division manages Fire, Rescue, and Emergency Medical Services and maintains constant readiness to answer calls for assistance. The Division is tasked with responding to fire, rescue, and environmental emergencies that threaten life, health, and property. The Division also provides fire cause and origin determinations, life and safety inspections, and educational programs. To support these services, the Division offers the following services: emergency planning, communications, training and education, equipment maintenance and repair, supplies, records, and quality control.

Community Risk Reduction Division

This Division works to prevent and reduce risks to the community by enforcing protections standards and fire and life safety codes through fire prevention, planning, and code enforcement. The Department achieves such goals by doing the following:

- Reviewing building construction plans;
- Conducting building construction and business inspections;
- Investigating citizen complaints;
- Monitoring the City's hazardous materials disclosure program as Certified Unified Program Agency (CUPA) liaison to the Orange County Environmental Health Division;
- Providing training to department personnel regarding fire and life safety codes; and
- Assisting professional trades with technical fire code requirements and department public education efforts.

Community risk reduction and fire prevention strategies are critical components for new development projects and throughout the life of the building. During the entitlement and pre-construction phases of a new building or tenant improvement project, the CRR team applies the California Fire Code (CFC) and locally adopted amendments to building and fire system plan review to ensure conformance to state and international standards. Once plans are reviewed and approved and building permits are issued, Fire Protection Specialists perform technical inspections and acceptance tests of fire protection systems and building construction for Fire & Life Safety compliance. After the Certificate of Occupancy is issued for a new building or tenant improvement, Annual Operational Fire Permits are issued based on the hazard of the use, and Company Inspections are conducted to complete emergency response pre-planning operations and verify ongoing compliance with the CFC.

Fire and Emergency Services provide sufficient services which would not cause a strain on the Department's ability to respond to community emergencies. The City recognizes in its General Plan Safety Element that additional emergency services and funding will be required as the population ages and additional residents and employees come to the City; however, this is addressed and maintained in the Safety Element's goals and policies. The existing six facilities are spread out throughout the City in such a way to provide the fastest service possible; the Department aims to respond to at least 80 percent of emergency calls within 5 minutes. In addition, no part of Costa Mesa lies within a State Responsibility Area (SRA), which indicates a fire hazard area, nor the very High Fire Severity Zone[4].

6. Police Services

The Police Department is tasked with protecting life and property while preserving the peace. As of 2020, the department has 215 full-time positions, of which 138 are sworn and 77 are professional staff. Full-time staffing is composed of 13 management positions, 32 supervisory, and 170 line-level positions. Part-time staffing consists of 21.21 full-time equivalents. The department is comprised of three divisions and each division is further split into bureaus and units.

The three divisions are as follows:

- Police Administration
- Police Field Operations
- Police Support Services

Administration Division

The Administration Division is responsible for the department's overall direction and planning with input from other divisions; provides advice to the city manager and the City Council on public safety issues; manages the department budget and financial planning; oversees the department's Volunteer Program and Citizens' Academy through the Crime Prevention Unit; maintains and updates the department's policy and procedures manual; coordinates and disseminates information to the media; provides internal investigation services through the Professional Standards Unit; and supervises training and recruitment. Administration is comprised of the following bureaus and units:

[4] Costa Mesa Safety Element

- Professional Standards
- Public Affairs & Crime Prevention
- Training & Recruitment
- The Office of Emergency Management (OEM)

Field Operations Division

The Field Operations Division provides public safety services through both geographic-based and community-oriented policing. In January 2008, the Costa Mesa Police Department (CMPD) implemented geographic-based policing, which divided the City into two areas, based upon calls for service and geographical boundaries. Each area is overseen by a lieutenant who is the designated area commander for either Area 1 or Area 2. The area commanders are responsible for the delivery of police services to the communities within the designated geographical area. Field Operations is comprised of three bureaus:

- Patrol Services
- Traffic Safety
- Field Operations Administration

Within the three bureaus, there are various specialized units that provide specific police services. They include Patrol, Traffic Safety, Community Policing Unit, South Coast Plaza Detail, K9 Unit, Reserve Program and Park Rangers.

Support Services Division

The Support Services Division is responsible for specialized investigations and provides essential logistical support services to the Police Department. It is responsible for computer-related activities associated with the 24-hour operation of the City's public safety computer system; and responsible for the research and development of numerous programs, including safety equipment, new laws and regulations, and policy development. Support Services is comprised of the following bureaus:

- Investigative Services Bur
- Records and Evidence
- Telecommunications

The City contracts with G4S Secure Solutions (USA) Inc. for jail services and the City of Huntington Beach for airborne law enforcement services.

D. Environmental Constraints

The City of Costa Mesa contains a variety of natural landscapes and environmental features, which may cause constraints to the development of housing. The City is located approximately one mile from the Pacific Ocean, directly alongside the Santa Ana River, and atop an uplifted mesa. As with most of California cities, the City of Costa Mesa sits along major fault lines. In total, the City is susceptible to a variety of environmental hazards that could affect housing, including fires, flooding, and geological and seismic hazards. However, no known environmental or other conditions pose a constraint to or preclude development of housing on identified sites during the planning period.

1. Geologic and Seismic Hazards

According to the Costa Mesa Safety Element of the General Plan, geologic risks are defined as those associated with geological hazards such as seismically induced surface rupture, ground shaking, ground failure, tsunamis, seiches and dam failure, and slope instability leading to mudslides, landslides, and subsidence. The specific geological hazards that may affect the development of housing the City are detail below.

2. Mineral Resources

The City is located over portions of the West Newport Oil Field, particularly on the west side. The Safety Element of the General Plan identifies 15 active oil wells located west of Irvine Avenue, east of the City boundary with Huntington Beach, north of 16th Street, and south of Baker Street. Another 132 oil wells exist in the City; however, they are either plugged and abandoned, idle, or buried.

In addition to oil, peat deposits have been found adjacent to the Santa Ana River. While the quantity does not justify extraction, it is an unstable base for construction and requires removal prior to development. This may create a constraint to the development of housing as it creates additional costs to remove the peat deposits.

3. Seismic Hazards

The City of Costa Mesa is located near several active earthquake faults such as the Newport-Inglewood Fault Zone and the San Joaquin Hills Fault Zone, which would prove the most damaging to the City in the event of an earthquake. Other faults such as the San Andreas, Whittier, Elsinore, Palos Verdes, and Puente Hills Faults are located further away and would potentially cause less direct damage to the City's infrastructure, depending on the magnitude of the quake. The Safety Element notes indirect impact to the City resulting from a severe quake of one of these faults, particularly the San Andreas Fault, includes the need to provide aid, an infusion of households seeking housing, and mass care and sheltering services.

The General Plan Safety Element defines ground shaking as resulting from seismic activity which may be intensified depending on the recorded magnitude and duration of the quake, proximity to the ruptured fault, and the presence of deeper soft soils below the ground surface. The Newport-Inglewood Fault runs directly through the City; the largest quake from this fault was in 1933 at a recorded magnitude of 6.3 on the Richter scale. The San Joaquin Hills Fault is located near Huntington Beach and it is estimated a rupture of this blind thrust fault could result in a magnitude 7.3 quake. The third most likely seismic hazard to the City of Costa Mesa is from the San Andreas Fault, which is expected to produce a magnitude 6.8 to 8 quake in the near future. While the fault is located approximately 48 miles from the City, a quake from the fault may result in simultaneous ruptures of nearby faults. The Safety Element notes a major earthquake occurs on this zone approximately every 145 years; 2002 marked 145 years since the last major rupture.

Given the extent of seismically active areas in California, any new residential structures will face potential hazards. The location of the City of Costa Mesa on relatively flat land improves enable it to provide a safer location for development in comparison to neighboring cities with steep slopes or along the Pacific Ocean.

Therefore, seismic activity in Costa Mesa does not create a burden or constraint to the development of housing.

4. Flood Hazards

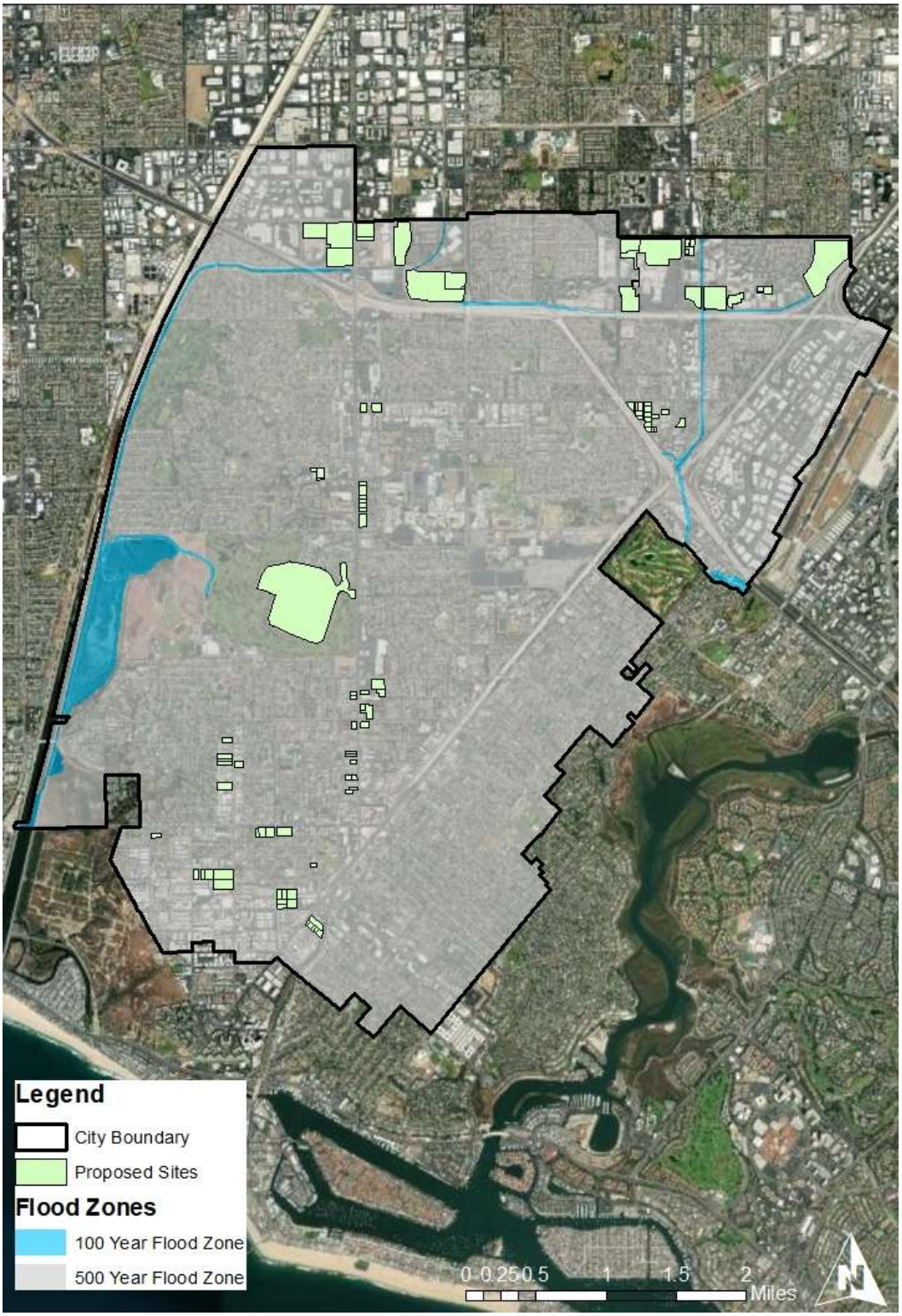
The City of Costa Mesa and surrounding areas are, like most of Southern California, subject to unpredictable seasonal rainfall, and every few years the region is subjected to periods of intense and sustained precipitation that result in flooding. Flooding can be a destructive natural hazard and is a recurring event. A flood is any relatively high streamflow overtopping the natural or artificial banks in any reach of a stream. The City of Costa Mesa's Safety Element Identifies 100-year and 500-year flood zones in the City. Federal Emergency Management Agency (FEMA) flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. Each zone reflects the severity or type of flooding in the area.[5] The 100-year flood zone are areas with a one percent annual chance of flooding, the 500-year flood zones are areas with a 0.2 percent annual chance of flooding. The City's Safety Element cites 100-year floods as potentially having low impacts on the City with minimal flooding in the channels adjacent to Talbert Nature Preserve. A 500-year flood would pose flooding dangers to the northern and western boundaries of the City.

With increased development, there is also an increase in impervious surfaces, such as asphalt. Water that used to be absorbed into the ground becomes runoff to downstream areas. However, various flood control measures help mitigate flood damage in the City, including reservoirs in the San Joaquin Hills and Santa Ana Mountain foothills, and channel alterations for the Santa Ana River. These structures help regulate flow in the Santa Ana River, San Diego Creek, and smaller streams and hold back some of the flow during intense rainfall period that could otherwise overwhelm the storm drain system in Costa Mesa.

Figure 3-2 illustrates the flood zones within the City of Costa Mesa in relation to the proposed sites selected for future housing. There are two housing sites that are adjacent to a 100-year flood zone channel running between the two sites. The majority of the sites are located within the 500-year flood zone. The 500-year flood zone is considered an area of minimal flood hazard and does not present a constraint on the development of housing as the sites are located within an existing developed context. Additionally, all housing sites are serviced by the City's emergency services.

[5] FEMA Flood Zone Designations, Natural resources Conservation Service – Field Office Technical Guides

Figure 3-2: Flood Zones and Identified Sites Map



Sources: FEMA, Flood Zones SCAG, published by Southern California Association of Governments, 2019, accessed December 2021.

5. Dam Inundation

Costa Mesa and numerous other Orange County cities are protected from flooding by both the Santiago Creek Dam and the Prado Dam. The Santiago Creek Dam serves to protect from flooding of the Irvine Lake, approximately 15 miles from the City. While it historically provided irrigation for agriculture, the water is now protected within the reservoir and downstream flow only occurs from seepage and storm water. The Prado Dam is located approximately 30 miles from the City and is continuously improved and maintained by the U.S. Army Corps of Engineers. Recent improvements to the dam have added 190 years of protection. However, should failure occur to either of the dams, flooding would likely occur in the northern and western portions of the City. Such a flood would cause varying degrees of damage to structures north of the San Diego Freeway (I-405) and up to approximately one-mile east of the Santa Ana River. The threat of flooding in these areas due to dam failure is a constraint on the development of housing.

6. Sea Level Rise

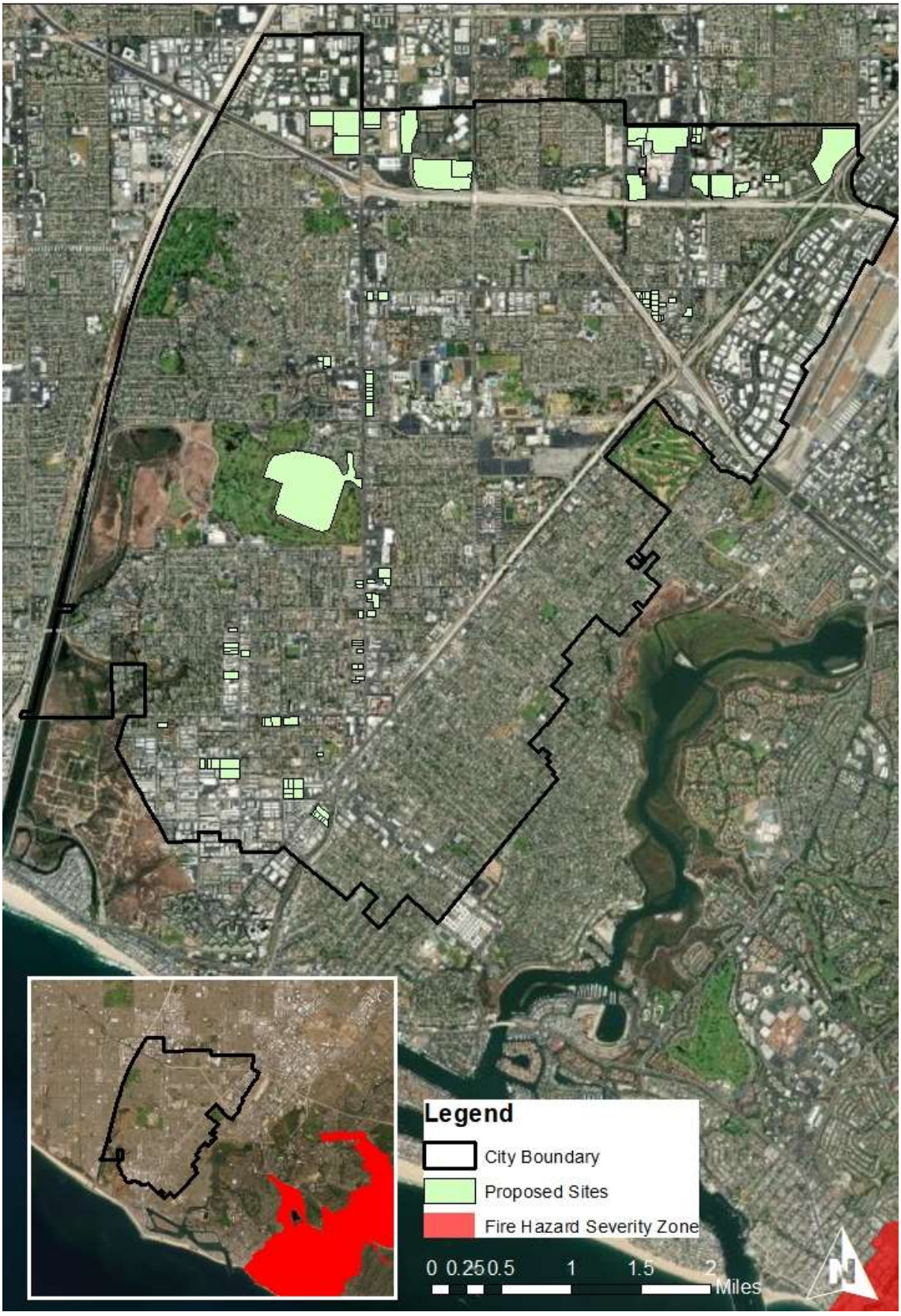
Sea level rise is an important consequence of anthropogenic climate change – resulting from human activity – to coastal communities. Sea level rise may affect Costa Mesa through flooding in low-lying areas, water infiltration into sanitary sewer and storm drain systems, and earthquake-induced tsunami flooding. The City's location along the Santa Ana River places it at risk of these impacts; the City's Safety Element identifies areas to the west of the City, near Talbert Regional Park and Fairview Park, that will become inundated by unimpeded Pacific coastal flooding under a scenario of 100-year flood with a 55-inch (1.4 meters) sea level rise. A 100-year flood risk does not pose significant risk to developments in the City and would likely result in flooding within the channels adjacent to the Talbert Nature Preserve; however, a 500-year flood event would cause significant flooding in the northern and west regions of the City and therefore poses a minimal constraint on housing development. The potential hazard is minimal as the chances of a 500-year floor occurring each year is 0.2 percent.

7. Fire Hazards

The Costa Mesa Safety Element determines the fire hazard severity of an area by the amount and type of vegetation, slope gradient, and weather. Wildfires are particularly prone during late summer and early fall, and during Santa Ana wind events. The Department of Forestry and Fire Protection (Cal Fire) does not list any area within Costa Mesa as a Very High Fire Hazard Severity Zone. The most likely fire risk within the City comes from urban and grassland fires in open spaces, such as Talbert Regional Park. A direct threat from fire is not a significant risk for housing development in Costa Mesa; poor air quality from local and State fires, however, may pose significant health risks to the Costa Mesa population.

Figure 3-3 maps the fire hazard severity zones identified within the City in relation to the proposed sites for future housing. Based on the map there are no fire hazard severity zones within the City of Costa Mesa. As there are no fire hazard severity zones identified within the City, fire is not considered a major hazard or constraint to the development of housing.

Figure 3-3: Fire Hazard Severity Zones and Proposed Sites



Source: VHFHSV in LRA, Cal Fire, November 2011.

E. Affirmatively Furthering Fair Housing (AFFH)

Beginning January 1, 2019, AB 686 established new requirements for all California jurisdictions to ensure that local laws, programs, and activities affirmatively further fair housing. All Housing Elements due on or after January 1, 2021, must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of July 16, 2015.

Fair housing is a condition in which individuals of similar income levels in the same housing market have like ranges of choice available to them regardless of race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor. Under State law, affirmatively further fair housing means "taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. These characteristics can include, but are not limited to race, religion, sec, marital status, ancestry, national origin, color, familiar status, or disability.

The Analysis of Impediments to Fair Housing Choice (Impediments Analysis), prepared for the County of Orange, examines local housing conditions, economics, policies, and practices in order to ensure that housing choices and opportunities for all residents are available in an environment free from discrimination. The (Impediments Analysis) assembles fair housing information, identifies any existing impediments that limit housing choice, and proposes actions to mitigate those impediments. The Regional (Impediments Analysis) examines fair housing issues in the County's unincorporated areas and cooperating cities from 2020 to 2024, it includes additional fair housing issues and data for the City of Costa Mesa.

1. Needs Assessment

The (Impediments Analysis) contains a Countywide analysis of demographic, housing, and specifically fair housing issues in the City of Costa Mesa. The City's demographic and income profile, household and housing characteristics, housing cost and availability, and special needs populations were discussed in the previous Chapter 2: Community Profile.

Analysis of Impediments Outreach FY 2019-2024

As a part of the Regional Analysis for the County, a series of outreach workshops and events were hosted, including the following:

- Outreach by the Lawyers' Committee to tenants, landlords, homeowners, fair housing organizations, civil rights and advocacy organizations, legal services provers, social services providers, housing developers, and industry groups;
- Stakeholder and focus group meetings organized by the Lawyers' Committee in Mission Viejo, Westminster/Garden Grove, Santa Ana, and Fullerton;
- Community meetings across Orange County with additional outreach to members of protected classes, including the Latino and Vietnamese communities; and
- Virtual public hearings and City Council meetings.

Of the fair housing impediments listed in the Regional AI, the City of Costa Mesa was identified as experiencing the following local contributing factors as impediments to fair housing choice:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

Local contributing factors are detailed further below in Section E.4 "Assessment of Contributing Factors to Fair Housing."

Fair Housing Issues

Within the legal framework of federal and state laws and based on the guidance provided by the HUD Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

As a part of the 2019-2024 AI, the County identified fair housing impediments including the following:

- Housing Discrimination
- Reasonable Accommodations
- Density Bonus Incentive
- Zoning
- Affordable Homeownership
- Racial and Ethnic Segregation
- Unfair Lending
- Discriminatory Advertising
- Cost Burden
- Accessibility

Fair Housing Laws

All jurisdictions across California are subject to a number of fair housing laws. The following section details how the City of Costa Mesa maintains compliance with the listed laws. More specific laws are detailed throughout this Chapter 3 (such as Senate Bill 330 and Assembly Bill 686), and programs in the Housing Plan specify which Legislature is addressed.

- **California Fair Employment and Housing Act (FEHA):** The FEHA provides employees with protection from discrimination, retaliation, and harassment in employment, as well as protects tenants or homeowners from discrimination from landlords, real estate agents, home sellers, builders, and mortgage lenders. The City reviews fair housing complaints and lending patterns – details on both are provided within this Affirmatively Furthering Fair Housing section. The City also implements and updates programs to promote fair and equal access to housing. Lastly, the City continues to review standards and requirements that may constrain equal access to housing and the development of affordable housing.
- **Government Code Section 65008:** This Legislature protects lower- and moderate-income households and persons experiencing homelessness from discrimination that inhibits affordable

units and emergency shelters. The following programs address the development of affordable units and emergency shelters: Programs 2B, 2J, 4A, 4B, 4C, 4E, and 4F.

- **Government Code Section 8899.50:** This Legislature establishes the requirement for jurisdictions to administer programs and activities that affirmatively further fair housing. Program 4A establishes actions the City will commit to throughout the 6th Planning Cycle to affirmatively further fair housing.
- **Government Code Section 11135:** This legislation protects residents of the State of California from discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation. Through the Housing Element, the City assesses potential constraints that inhibit all residents from accessing housing and resources. The Housing Plan contains a number of programs that provide for greater access to a variety of housing types for all income levels, promotion of information and resources to special needs groups, and continued review of City permits and processing for streamlining and removal of constraints.
- **Government Code Section 65863 (No-Net-Loss Law):** This Legislature establishes guidance on No-Net-Loss requirements. Jurisdictions are required to maintain adequate sites to accommodate its RHNA at each income category throughout the entirety of the Planning Cycle. Program 3A is included to address the requirements of this Legislature.
- **Density Bonus Law:** The City has an adopted Density Bonus Ordinance. Program 2I is included in the Housing Plan to ensure the Ordinance maintains compliance with State Density Bonus Law. Chapter 3.B.2 provides details on incentives and concessions granted to qualifying projects through the Density Bonus Ordinance.
- **Housing Element Law:** All California jurisdictions are required to adequately plan for the needs of their current and future population. All policies and programs included in the Housing Plan are included to maintain compliance with all California housing laws and to comply with the California State Department of Housing and Community Development's requirements for Housing Elements.

Lending Patterns

Availability of financing affects a person's ability to purchase or improve a home. The analysis of the lending patterns and practices within a community or city help to identify persons who regularly experience disproportionate roadblocks to home ownership. Table 3-18 below identifies the lending patterns by race and ethnicity, as well as income category for the Anaheim-Santa Ana-Irvine MSA. According to the data, applicant in the highest income category were more likely to have a loan approved, compared to applicants in the lower income categories where approval rates were consistently under 55 percent. Additionally, within each income category, applicants who identified as White consistently had higher rates of approval than applicant of color. Overall, applicants who identified as Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Black/African American had the lowest rates of loan approval in all income categories.

Table 3-18: Disposition of Loan Applications by Race/Ethnicity– Anaheim-Santa Ana-Irvine MSA				
Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	26.2%	52.3%	23.1%	65
Asian	33.9%	42.5%	26.7%	1,382
Black or African American	41.6%	33.7%	25.8%	89
Native Hawaiian or other Pacific Islander	25.0%	44.2%	30.8%	52
White	45.6%	31.2%	26.1%	5,240
Hispanic or Latino	37.9%	38.2%	26.8%	1,566
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	38.1%	34.0%	29.9%	97
Asian	53.3%	25.3%	29.4%	3,153
Black or African American	43.4%	19.1%	41.4%	152
Native Hawaiian or other Pacific Islander	49.4%	39.8%	16.9%	83
White	54.5%	23.3%	27.6%	8,677
Hispanic or Latino	47.6%	27.7%	29.3%	3,245
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	51.4%	25.7%	31.4%	35
Asian	59.5%	19.2%	29.3%	1,495
Black or African American	52.9%	22.1%	30.9%	68
Native Hawaiian or other Pacific Islander	43.5%	13.0%	43.5%	23
White	61.9%	17.2%	26.1%	3,873
Hispanic or Latino	54.0%	21.4%	29.1%	1,347
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	22.7%	29.5%	88
Asian	62.3%	15.6%	28.8%	4,820
Black or African American	55.6%	20.1%	28.6%	234
Native Hawaiian or other Pacific Islander	49.4%	27.6%	31.0%	87
White	66.2%	13.8%	25.1%	12,607
Hispanic or Latino	60.8%	16.4%	26.8%	3,398
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	59.2%	13.0%	32.0%	169
Asian	62.8%	12.9%	29.0%	17,800
Black or African American	57.7%	17.3%	27.2%	624
Native Hawaiian or other Pacific Islander	64.2%	11.4%	26.8%	254
White	68.3%	11.3%	24.9%	49,811
Hispanic or Latino	64.6%	13.3%	26.7%	6,095
Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.				

Hate Crimes

Hate crimes are violent acts against people, property, or organizations because of the group to which they belong or identify with. The Federal Fair Housing Act makes it illegal to threaten, harass, intimidate, or act violently toward a person who has exercised their right to free housing choice. In Orange County, there were a total of 9 hate crimes reported in 2019. Table 3-19 below identifies the reported hate crimes in Costa Mesa between 2014 and 2019. Data for hate crimes reported in Costa Mesa was not available by bias for the years 2014-2016 and 2018. However, in 2017 and 2019 a total of 5 hate crimes were reported in the City, all of which were motivated by race, ethnicity, or ancestry.

Table 3-19: Reported Hate Crimes by Bias Motivation for City of Costa Mesa (2014-2019)

Year	Race/Ethnicity/ Ancestry	Religion	Sexual Orientation	Disability	Gender	Gender Identity	Total
2014	NA	NA	NA	NA	NA	NA	0
2015	NA	NA	NA	NA	NA	NA	0
2016	NA	NA	NA	NA	NA	NA	0
2017	2	0	0	0	0	0	2
2018	NA	NA	NA	NA	NA	NA	0
2019	3	0	0	0	0	0	3
2020	7	0	1	0	0	0	8
Total	**12**	**0**	**1**	**0**	**0**	**0**	**13**

Source: Federal Bureau of Investigation, Uniform Crime Reporting. Hate Crime Statistics Report, 2014, 2015, 2016, 2017, 2018, and 2019.

Fair Housing Enforcement and Outreach Capacity

The City of Costa Mesa utilizes the Fair Housing Foundation. The Fair Housing Foundation was formed in 1964 to support and promote freedom of residence through education, advocacy, and litigation, to ensure that all persons have the opportunity to secure safe and decent housing that they desire and can afford. The Fair Housing Foundation is dedicated to eliminating discrimination in housing and promoting equal access to housing choices for everyone.

The City of Costa Mesa has identified the following goals regarding fair housing in collaboration with the Fair Housing Foundation:

- Provide fair housing education and information to apartment managers and homeowner associations on why denial of reasonable modifications/accommodations is unlawful.
- Conduct multi-faceted fair housing outreach to tenants, landlords, property owners, realtors, and property management companies. Methods of outreach may include workshops, informational booths, presentations to community groups, and distribution of multi-lingual fair housing literature.

There are no current fair housing lawsuits within Costa Mesa. The City analyzed data from the Costa Mesa Fair Housing Action Plan from the 2016/2017 reporting period to 2020/2021 and found the following relating to outreach and engagement, property management trainings, fair housing issues, and fair housing allegations as well as how they were resolved:

Fair Housing Action Plan 2016/2017 Summary:

- The Fair Housing Foundation (FHF) conducted 2 tenant & 2 landlord workshops.
- FHF conducted 2 certificate property managers training.
- FHF provided fair housing related serves to 204 unduplicated households: 77.5% of calls came from tenants, 6.4% from property owners & 5.4% from landlords/managers.
- FHF addressed 230 housing issues; top 3 issues were habitability (21%), notices (27%) & lease terms & rent increase (tied at 8% each).
- 18 fair housing allegations were received by FHF regarding mental & physical disability (14) familial status (3), race (2) & gender (1). 11 allegations were resolved via counseling & 7 cases opened; no evidence was found to sustain 4 allegation, 1 investigation was inconclusive, 1 allegation was sustained & 1 case is pending.
- FHF provided over 4,600 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2017/2018 Summary:

- The Fair Housing Foundation (FHF) conducted 2 tenant & 2 landlord workshops.
- FHF conducted 2 certificate property managers training.
- FHF provided fair housing related serves to 206 unduplicated households: 82.5% of calls came from tenants, 4.9% from property owners & 5.8% from landlords/managers.
- FHF addressed 241 housing issues; top 3 issues were notices (22%) habitability (20%) & deposits (12.5%).
- 12 fair housing allegations were received by FHF regarding mental & physical disability (10) familial status (1) & race (1). 7 allegations were resolved via counseling & 5 cases opened; no evidence was found to sustain 2 allegations 1 investigation was inconclusive & 1 case is pending.
- FHF provided over 3,700 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2018/2019 Summary:

- The Fair Housing Foundation (FHF) conducted 1 tenant & 1 landlord workshop.
- FHF conducted 1 certificate property managers training.
- FHF provided fair housing related serves to 178 unduplicated households: 86.0% of calls came from tenants, 2.8% from property owners & 3.9% from landlords/managers.
- FHF addressed 198 housing issues; top 3 issues were habitability (27%), notices (21%) & deposits (9%).
- 19 fair housing allegations were received by FHF regarding mental & physical disability (14), gender (1), race (2), national origin (1), & sexual orientation (1). 16 allegations were resolved via counseling & 3 cases opened; no evidence was found to sustain 1 allegation. Allegations were sustained in 2 cases and resolved through conciliation and education.
- FHF provided over 1,600 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2019/2020 Summary:

- The Fair Housing Foundation (FHF) conducted 1 Fair Housing Workshop.
- FHF provided fair housing related serves to 153 unduplicated households: 91.5% of calls came from tenants, 3.2% from property owners & .6% from landlords/managers.
- FHF addressed 167 housing issues; top 3 issues were habitability (22.1%), notices (14.3%) & lease terms (8.9%).

- 14 fair housing allegations were received by FHF regarding mental & physical disability (12), national origin (1), & familial status (1). 11 allegations were resolved via counseling & 3 cases opened; no evidence was found to sustain 1 allegation. Allegations were sustained in 2 cases and resolved through conciliation and education.
- FHF provided over 2,803 pieces of fair housing literature in English, Spanish and Vietnamese.

Fair Housing Action Plan 2020/2021 Summary:

- The Fair Housing Foundation (FHF) conducted 5 Fair Housing Workshop.
- FHF provided fair housing related serves to 173 unduplicated households: 82.6% of calls came from tenants, 1.7% from property owners & 7.5% from landlords/managers.
- FHF addressed 183 housing issues; top 3 issues were habitability (15.3%), eviction (14.7%) & notices (10.9%).
- 21 fair housing allegations were received by FHF regarding mental & physical disability (10), Age (1), Gender (1), Martial Status (1), national origin (2), familial status (1), Race (4), Source of Income (1). 13 allegations were resolved via counseling & 8 cases opened; no evidence was found to sustain 4 allegations. Allegations were inconclusive in 1 case, allegations were sustained in 3 cases and resolved through conciliation.
- FHF provided over 2,812 pieces of fair housing literature in English, Spanish and Vietnamese.

As noted, the City tracks fair housing cases reported as well as how they were resolved (if resolved) annually through completion of the City of Costa Mesa Fair Housing Action Plan. In addition, as the City updates its Specific Plans, additional outreach will occur to collect feedback from the community and identify rehabilitation and enforcement needs and priorities.

2. Analysis of Federal, State, and Local Data and Local Knowledge

Summary of Local Data

As a part of the Housing Element Update for 2021-2029, the City of Costa Mesa implemented a thorough and expansive outreach program. The program intended to gather a deeper understanding of housing concerns and issues, challenges, and opportunities to housing, and gain insight and feedback from residents and the community on housing in Costa Mesa. As a part of the outreach program, the City hosted the following:

- Virtual townhall community meeting #1 – November 18, 2020
- Online community survey – November 19, 2020
- Subject matter expert meetings – February 9-11, 2021
- District specific meetings – February 18 and 18, 2021
- Targeted focus group meetings – throughout the update 202-2021
- Virtual townhall community meeting #2 – September 2, 2021

During the outreach program the City gathered input and ideas from the public. Key feedback or concerns related to fair housing, which were identified during engagement, include the following:

- Accessory Units should be affordable to lower income households
- The City needs more housing
- There should be more bike lanes to support active transportation
- Housing should be focused on increasing quality of life for residents

- More education about affordable housing to increase public awareness and public opinion
- Need supportive services along with housing
- Overcrowding often occurs and there need to be opportunity for multigenerational living
- Senior housing should be prioritized, followed by housing for persons with disabilities
- More affordable housing near transit and jobs
- Overall need for more affordable housing for residents of Costa Mesa, both for renters and owners

In addition to the fair housing and housing accessibility related concerns, a large percentage of residents were not interested in increasing the housing stock in Costa Mesa. Many residents identified a desire and interest to keep Costa Mesa lower density for single-family homes, a disinterest in ADUs and objections to growth in affordable housing stock.

Historical Impediments to Local Housing Choices and Mobility

Local impediments to housing choices and mobility have been considered as a part of the Housing Element Update for 2021-2029. For example, the City's previous land use and zoning provisions include certain regulations that are considered restrictive in regard to increasing the development of housing units in the City. The City's parking standards for multi-family development requires parking relating to "tenant covered parking," "tenant open parking" and "guest parking," and in certain bedroom configurations, the City's multi-family parking standards require up to four parking spaces per unit (Housing Program 2M is included to "review and revise the Zoning Code's requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing.") Additionally, the City's adopted Specific Plans and Urban Plans include density standards that if increased would allow for greater housing choices in the City and housing located closer to job centers (Housing Program 3C and 3D have been included to amend the City's specific plan and urban plans to increase densities to meet that City's RHNA). Also, in 2016, residents of Costa Mesa voted to pass Measure Y: An Initiative to Require Voter Approval on Certain Development Projects. One of the provisions of this measure requires voter approval for changes in zoning and/or land use that would increase housing within an area by 40 or more residential units. Such a vote may discourage developers from pursuing housing development projects and particularly affordable housing projects (the Housing Element includes Program 3G to take steps to identify and address specific ways in which the City-wide vote process functions as a constraint to housing compliance, the City's housing goals, and other shared community goals).

Lastly, the City has focused in the past on transportation investments related primarily to mobility of single-occupant vehicles (SOVs) instead of multi-modal transportation which available generally to all demographic segments. However, the City now focuses on multi-modal circulation investments such as transportation projects related to traffic calming to increase pedestrian and bike safety, and enhancements to existing sidewalks and the provision of new sidewalks and bike paths and facilities to encourage walkability/bikability in the City.

Past Community Development Action Analysis - Urban Plan Development

As the Costa Mesa community has changed over time from a primarily suburban community within larger Orange County to a mixed use community that includes urban, semi-urban and suburban neighborhoods, the City began to modify its land use plans and zoning to promote mixed use, mixed income walkable residential communities. The first overlay districts, adopted by the City in April 2006, were the SoBECA Urban Plan district and three Westside Residential Urban Plans. These plans served as "overlay zones" and

established provisions for mixed-use development and residential development in the mixed-use overlay areas. The Urban Plans resulted from the collaboration of a 40-member Westside Revitalization Oversight Committee (WROC) appointed in 2003 by the City Council. The Urban Plans followed previous efforts to revitalize the Westside and create an artist village around Bristol Street by other committees.

The intent of the various Westside Urban Plans was to provide an incentive for redevelopment of marginal commercial and industrial properties in an area of the City that was closest to the beach. The 19th West and Mesa West Bluffs plans were developed to provide for a variety of land uses such as mixed use, live/work and residential lofts and to create ownership opportunities on the Westside.

The Mesa West Residential Ownership Overlay was intended to redevelop older rental residential structures with new ownership properties. The overlay allowed for development up to the High Density Residential General Plan capacity regardless of the residential zoning and to allow development up to three-stories in height.

The SoBECA overlay was intended to allow a mix of housing, eclectic retail/service, creative studios and entertainment/restaurant uses that attract local residents and visitors.

Since 2006, the majority of projects in the Westside of the City have been approved under the Urban Plans/overlay districts. Over time, some concerns have been expressed that development under the urban plans has changed the character of neighborhoods and encouraged new development that in some cases removed and replaced existing older housing stock with residential ownership opportunities that were less affordable to existing residents of the area. There is a perception that this has resulted in increased property values limiting the opportunity to consolidate smaller parcels into larger development lots. While much of the development pursuant to the urban plans in the last decade replaced industrial uses and resulted in remediation of a number of brownfield sites, concerns have, nonetheless, arisen regarding the concept of these Urban Plans. The following are concerns that have been expressed regarding implementation of the Urban Plans/overlay districts and potential actions to address these concerns:

Table 3-20: Feedback on the Implementation of the Urban Plans/Overlay Districts

Concern	Remedial Action
Increased density and proximity to single family residences	Modify the boundaries to allow an appropriate transition between the overlay zones and R1 zones
Limited open space / park access	The 2015 amendment requires a minimum of 30-percent open space and inclusion of common recreational areas to promote quality living environments
No variety in products (all 3-4 stories with multiple living levels - not conducive to all ages)	Modify standards to require a mix of two-story and three-story product types
Parking - live/works are used as residential uses but with less parking	Increase guest parking requirement and require the same parking ratio for live/work and residential loft development consistent with residential standards based on number of bedrooms
Saturation of market for live/work products	The majority of new development on the Westside are live/work units; require a mix of live/work and residential lofts, and two-story residential product types
Proximity of residential uses to existing industrial uses	CC&Rs and homebuyer notices provide advance notification to the buyers regarding potential noise

	nuisance impacts associated with living in a mixed use urban environment. Additional buffer may be needed between residential and major industrial uses
Privacy Impacts	Three-story in proximity to single story and two-story development must demonstrate minimal privacy impacts; roof decks and balconies should face project interiors
Increased Height - Live/work development are allowed to be four stories or a maximum 60 feet in height; the amendment in 2015 allowed rooftops to be counted toward open space requirement and not considered a story	Rooftops should be considered as stories to improve neighborhood compatibility. The 30-percent open space requirement should not include roof tops and focus on ground floor amenities to promote quality living environments.

The overlay plans have been amended periodically since adoption to address changes in market demands, land use patterns, and community concerns as identified above. The 6th cycle housing element proposes amendments which respond to community needs and the community's need for a range of housing types and more housing opportunities affordable at all income levels.

Integration and Segregation Patterns and Trends

Race and Ethnicity

The dissimilarity index is the most used measure of segregation between two groups, reflecting their relative distributions across neighborhoods (as defined by census tracts). The index represents the percentage of the minority group that would have to move to new neighborhoods to achieve perfect integration of that group. An index score can range in value from 0 percent, indicating complete integration, to 100 percent, indicating complete segregation. An index number above 60 is considered to show high similarity and a segregated community.

It is important to note that segregation is a complex topic, difficult to generalize, and is influenced by many factors. Individual choices can be a cause of segregation, with some residents choosing to live among people of their own race or ethnic group. For instance, recent immigrants often depend on nearby relatives, friends, and ethnic institutions to help them adjust to a new country.[6] Alternatively, when white residents leave neighborhoods that become more diverse, those neighborhoods can become segregated. Other factors, including housing market dynamics, availability of lending to different ethnic groups, availability of affordable housing, and discrimination can also cause residential segregation.

Figure 3-4 shows the dissimilarity between each of the identified race and ethnic groups and Costa Mesa's White population. The White population within Costa Mesa makes up the majority of the City's population at approximately 71 percent according to 2019 American Community Survey (ACS) estimates.

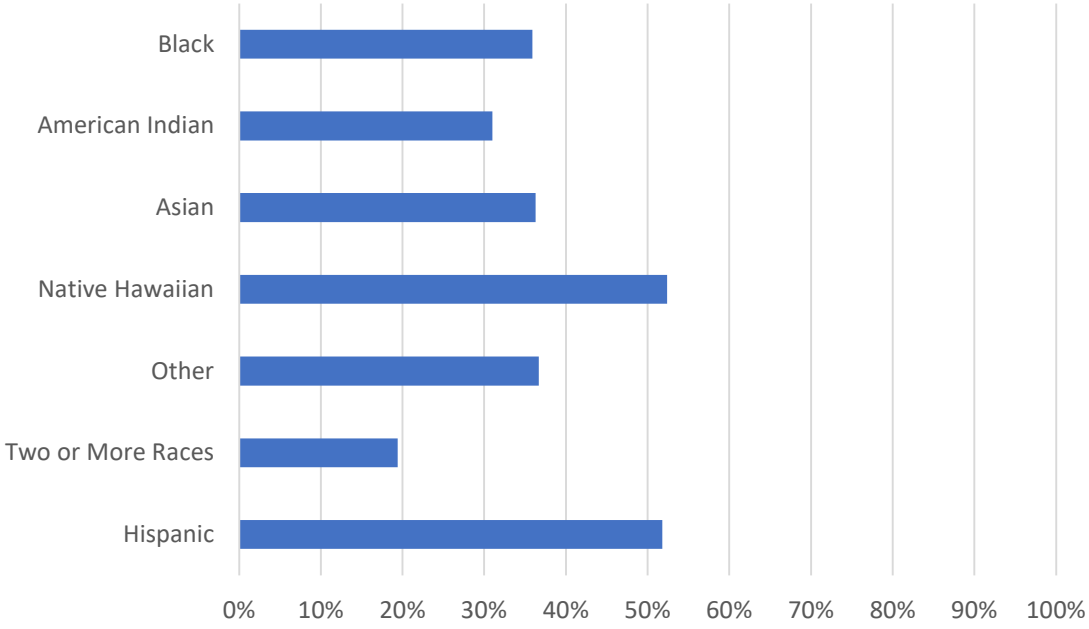
The higher scores shown in the figure below, directly indicate higher levels of segregation among those race and ethnic groups. The race and ethnic groups with the high scores were Native Hawaiian (52.4 percent) and Hispanic (51.8 percent). These scores correlate directly with the percentage of people within that racial or ethnic group that would need to move into a predominantly White census tract in order to

[6] Allen, James P. and Turner, Eugene. "Changing Faces, Changing Places: Mapping Southern California". California State University, Northridge, (2002).

achieve a more integrated community. For instance, 52.4 percent of the Native Hawaiian population would need to move into predominantly White census tract areas to achieve "perfect" integration, or 51.8 percent of the Hispanic population would need to move into predominantly White census tract areas for perfect integration.

As indicated above, a score of 60 or higher indicates a highly similar and segregated area. The City does not have any racial or ethnic groups with scores higher than 60. However, scores above 30 indicate moderate levels of segregation. It is important to note the areas where moderate segregation occurs in order for Costa Mesa to understand any additional disparities in access to opportunities or housing, as well as identify lack of resources for the communities. In the City of Costa Mesa, all racial and ethnic groups, except for those who identify as two or more races, show a score of 30 or greater dissimilarity index. The City of Costa Mesa is committed to furthering fair housing access and increasing fair housing opportunities to communities of color.

Figure 3-4: Dissimilarity Index with White Population in Costa Mesa



	Hispanic	Two or More Races	Other	Native Hawaiian	Asian	American Indian	Black
Dissimilarity Index with Whites	51.8%	19.4%	36.7%	52.4%	36.3%	31.0%	35.9%

Source: Census Scope, Social Science Data Analysis Network

Disability

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special

housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

Table 3-28 provides data for persons with disabilities in Costa Mesa, Orange County, and across California; Figure 3-15 also maps out populations with disabilities throughout the City. There are five census tracts that report 10 to 20 percent of the population with a disability. These tracts are located the center of the City in the south-western region. The central census tracts include the Fairview Developmental Center and a senior living development (Azulon at Mesa Verde). The census tracts in the south-western region also include a senior living development (Vivante Newport Mesa). These may contribute to the higher occurrence of persons with disabilities.

Regarding access to community resources and services, the central census tracts are located near community parks, fire and police services, grocery stores and commercial uses, and medical offices. Public transit runs directly between both central census tracts along Harbor Boulevard, as well as Fairview Road. The south-western census tracts are also located near community parks, grocery stores and commercial uses, medical offices, and they have access to public transit along Placentia Avenue, 19th Avenue, and Victoria Street.

It is the policy and practice of the City to take all reasonable steps to ensure its services, programs and activities are accessible to all members of the public including persons with disabilities. The City's leadership team and accessibility experts work to ensure all departments comply with this policy by carrying out the following functions:

- Provide technical assistance to support City departments in complying with federal, state, and local disability access laws.
- Assist departments and divisions in evaluating their facilities, programs, services, and activities to ensure provision of reasonable accommodations to people with disabilities.
- Facilitate the resolution of grievances filed against the City of Costa Mesa that allege noncompliance with disability access laws.

Additionally, the City is concerned with public right-of-way access for everyone including people with disabilities. Staff is aware of pedestrian mobility concerns for people with various disabilities. The following information describes department programs available to the public:

- Curb Ramp Program – The City administers the Sidewalk Accessibility Curb Ramp Program by identifying locations and managing the installation of curb ramps throughout the city. These ramps provide safer and easier pedestrian access to sidewalks, particularly for persons with disabilities. All newly constructed ramps comply with the current Americans with Disabilities Act standards.
- Contractual Services – The City utilizes contractual services to install curb ramps each year through the ongoing capital-funded program. Along with these ongoing City-funded installation projects, the program also assists and coordinates installation projects with a variety of other programs and construction projects.

- City Staff also utilize a priority approach to select locations for new ramps. Installation project priorities are based on the following criteria:
    - Known routes used, and requests by persons with disabilities
    - Known locations in the walking route to school plans
    - Known routes to senior and community centers and around parks
    - Requests from the community
    - Mobility Access Analysis for People with Disabilities
    - Upon request, staff conducts a study of obstructions blocking pedestrian or wheelchair travel.

Costa Mesa residents with disabilities living in the five census tracts listed above may also benefit from regional resources. The Regional Center of Orange County provide services to person with developmental disabilities, including: housing options, employment opportunities, prenatal diagnostic evaluations, as well as services for early intervention, therapy, respite care, childcare, adult day programs, transportation, medical and dental, and recreation. The following lists a number of additional agencies and organizations and the services they provide for Costa Mesa residents:

- Dayle McIntosh Center - Provides support services, advocacy, transition services, information and referral, peer support, housing assistance, health care access and more.
- Employment Development Department - The California State Disability Insurance Program (SDI) provides short term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work.
- Family Caregiver Resource Center - Assists families who are coping with the physical, emotional, and financial responsibilities of caregiving.
- Help Me Grow - Connects families with developmental, behavioral or learning concerns to resources in the community for children birth to 6 years of age.
- In Home Supportive Services (IHSS) - Provides supportive services to aged, blind, and disabled persons who are limited in their ability to care for themselves and cannot live safely at home without help.
- Lions Sight and Hearing Foundation of Southern California - Provides hearing aids and common eye surgeries Income qualifications apply.
- Orange County Deaf Equal Access Foundation - Provides services to deaf and hard of hearing community including employment assistance, information and referral, advocacy, peer counseling, independent living, communication assistance (info@ocdeaf.org).
- Protection and Advocacy Inc. (PAI) - Provides legal representation in response to rights/violations for persons with disabilities.
- Rehabilitation Institute of Southern California - Programs which increase the ability of disabled individuals to function at home and at school, on the job, and in the community.
- St. Jude Brain Injury Network - Assist persons with a traumatic brain injury to attain access into gainful employment, appropriate community reintegration programs, accessible housing, and research-related education.

Costa Mesa children with disabilities living in the five census tracts listed above also have access to assessments/evaluations and education plans through the Newport-Mesa Unified School District Harper Assessment Center, as well as individual and family counseling, suicide prevention services, and residential services through the South Coast Community Services Student Assistance Program (SAP). Acuity Behavior Solutions provides a variety of Applied Behavioral Analysis techniques for children and teens with autism in Orange County, this includes: play-based applied behavior analysis services, individual in-home therapy, and social skills groups for children and teens.

Income

Government Code Section 65008 provides protection against the discrimination of lower- and moderate-income households that inhibits affordable housing development. As detailed in Chapter 2.C.2, the City of Costa Mesa is made up of households earning a variety of income levels. **Table 2-12** shows over a quarter of Costa Mesa households earn less than 50 percent of the area median family income (AMFI) and just under 40 percent earn over $100,000. **Figures 3-5a** and **3-5b** provide mapping of median incomes and poverty status across the City and in surrounding communities.

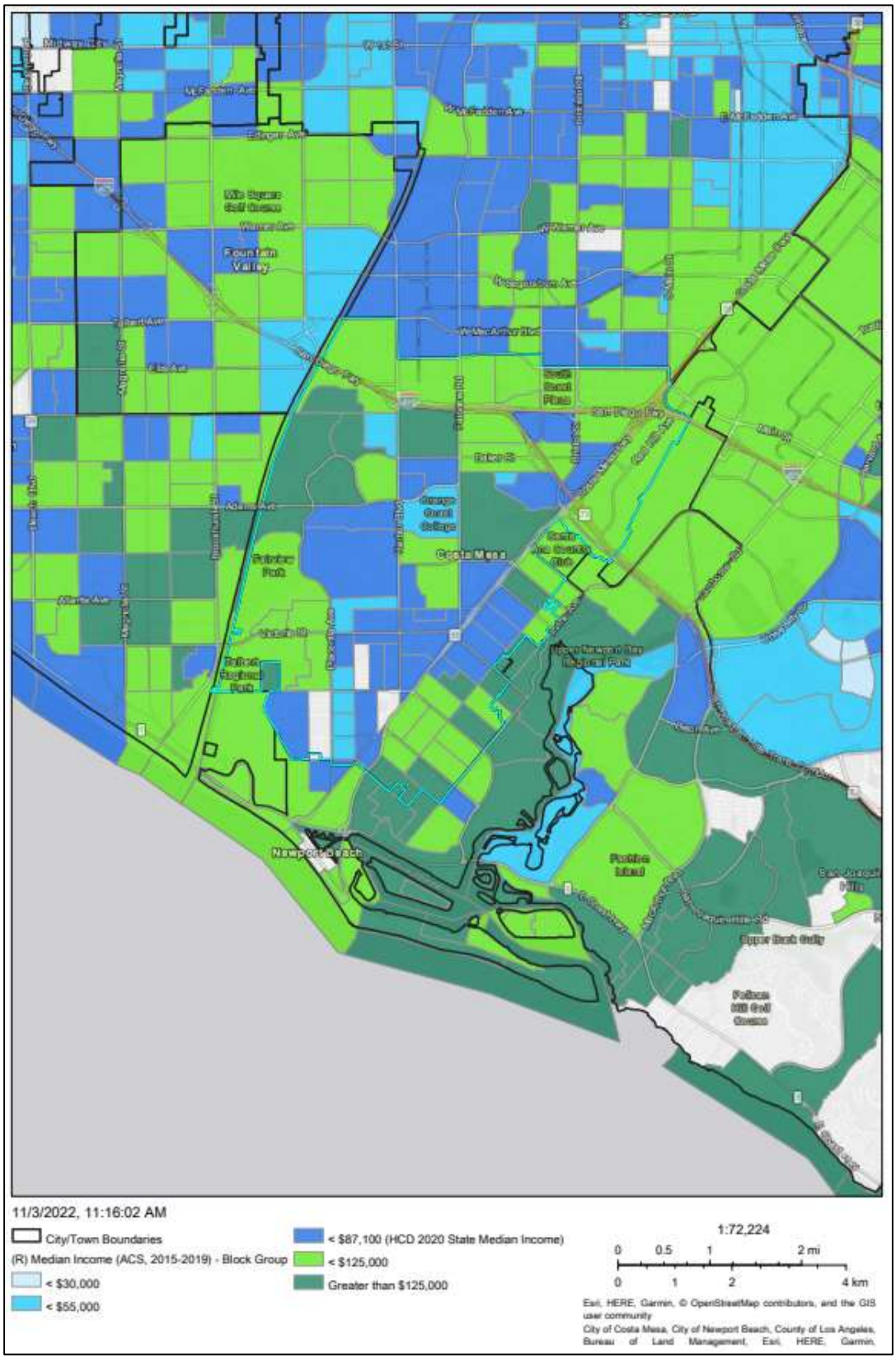
Figure 3-5a illustrates a greater tendency for lower median incomes towards the center of the City with higher median incomes along the City's western, northern, and eastern edges. When considering zoning, block groups with lower median incomes generally overlap with zones that allow for multi-family housing development at higher densities. In comparison, block groups with higher median incomes tend to be zoned for single-family residential. This shows lower income households have a greater ability to afford apartments and condominiums over single-family residences. Chapter 2.F.5 also indicates the housing market for single-family residences is more difficult to access for households not earning an above moderate income.

Figure 3-5b illustrates poverty status by census tract. The data is similar to that of Figure 3-5a as it shows higher concentrations of poverty towards the City's southern and central region. There is one census tract (636.05) that reports 30 to 40 percent of its population falling under the poverty line. This census tract is further detailed in the following section as an area of high segregation and poverty; however, the data is dated 2019 and does not reflect recent development and financing. While the area is identified as high segregation and poverty, it has seen much redevelopment over recent years and the median home value according to 2020 ACS 5-Year Estimates is $922,500. The median contract rent for the census tract is $1,665, and the median household income is $71,150. **Program 4I** is included in the Housing Plan to specifically address the high segregation and poverty finding for census tract 636.05 by partnering with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Furthermore, the Appendix B Sites Analysis includes the identification of a number of sites throughout the entirety of the City so as to provide for future residential development at a variety of densities. This is intended to allow for a variety of housing types affordable to all income categories. Sites were selected based on the availability of land, property owner and developer interest, and access to transportation, resources, and services. A number of sites are located in areas that report both high and lower median

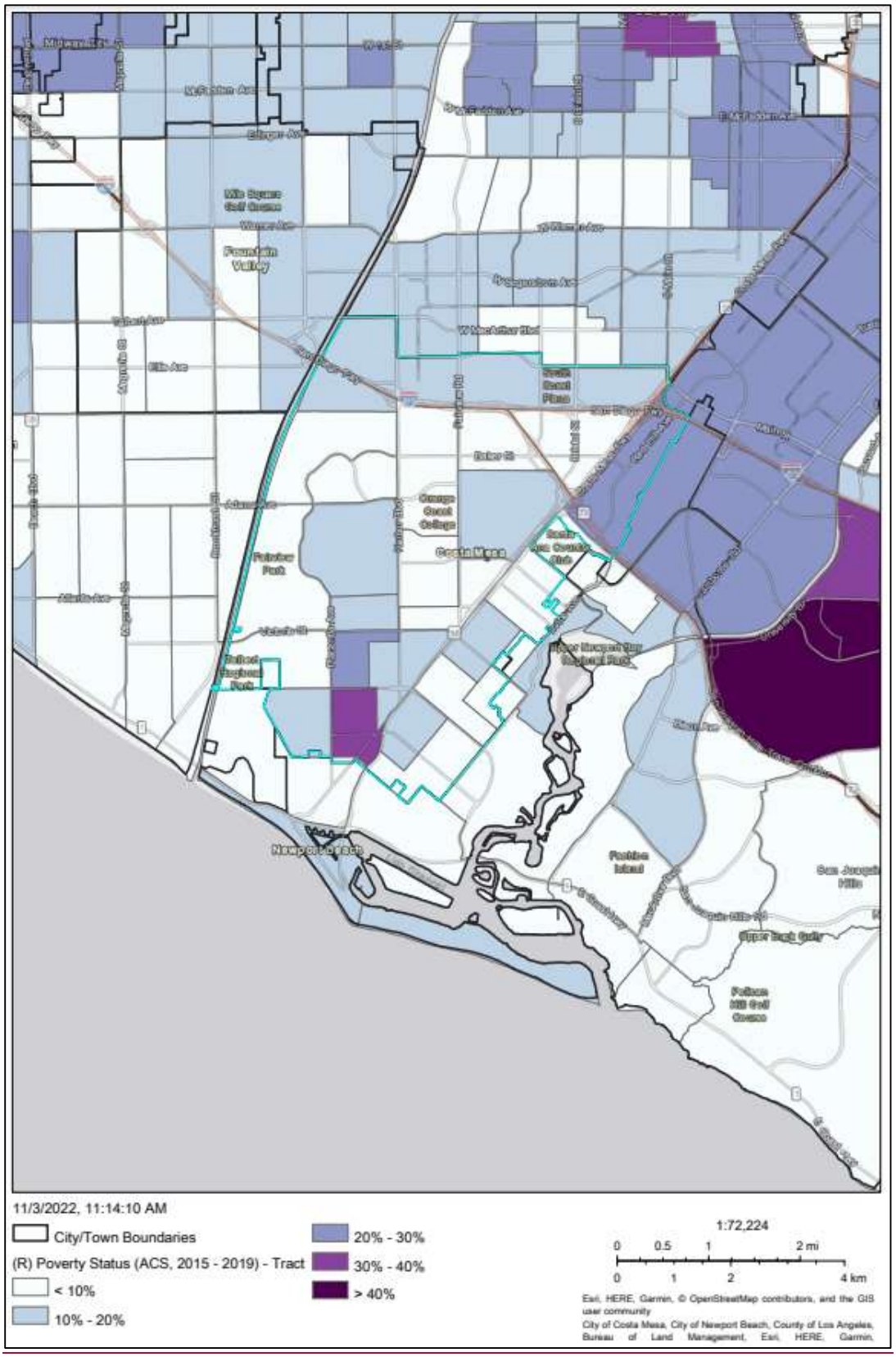
incomes, as shown in Figure 3-5a, so as to provide for future affordable units in areas where existing communities may benefit from and in areas of high opportunity. More details on the sites selection are provided in Appendix B.

Figure 3-5a: Income Segregation – Median Income



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-5b: Income Segregation – Poverty Status



Source: California Department of Housing and Community Development – AFFH Data Viewer

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP)

To assist communities in identifying racially/ethnically concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: RECAPs must have a non-white population of 50 percent or more. Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are substantially lower in many parts of the country, HUD supplements this with an alternate criterion. Thus, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

Location of residence can have a substantial effect on mental and physical health, education opportunities, and economic opportunities. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. However, these areas may also provide different opportunities, such as ethnic enclaves providing proximity to centers of cultural significance, or business, social networks, and communities to help immigrants preserve cultural identify and establish themselves in new places. Overall, it is important to study and identify these areas in order to understand patterns of segregation and poverty in a City.

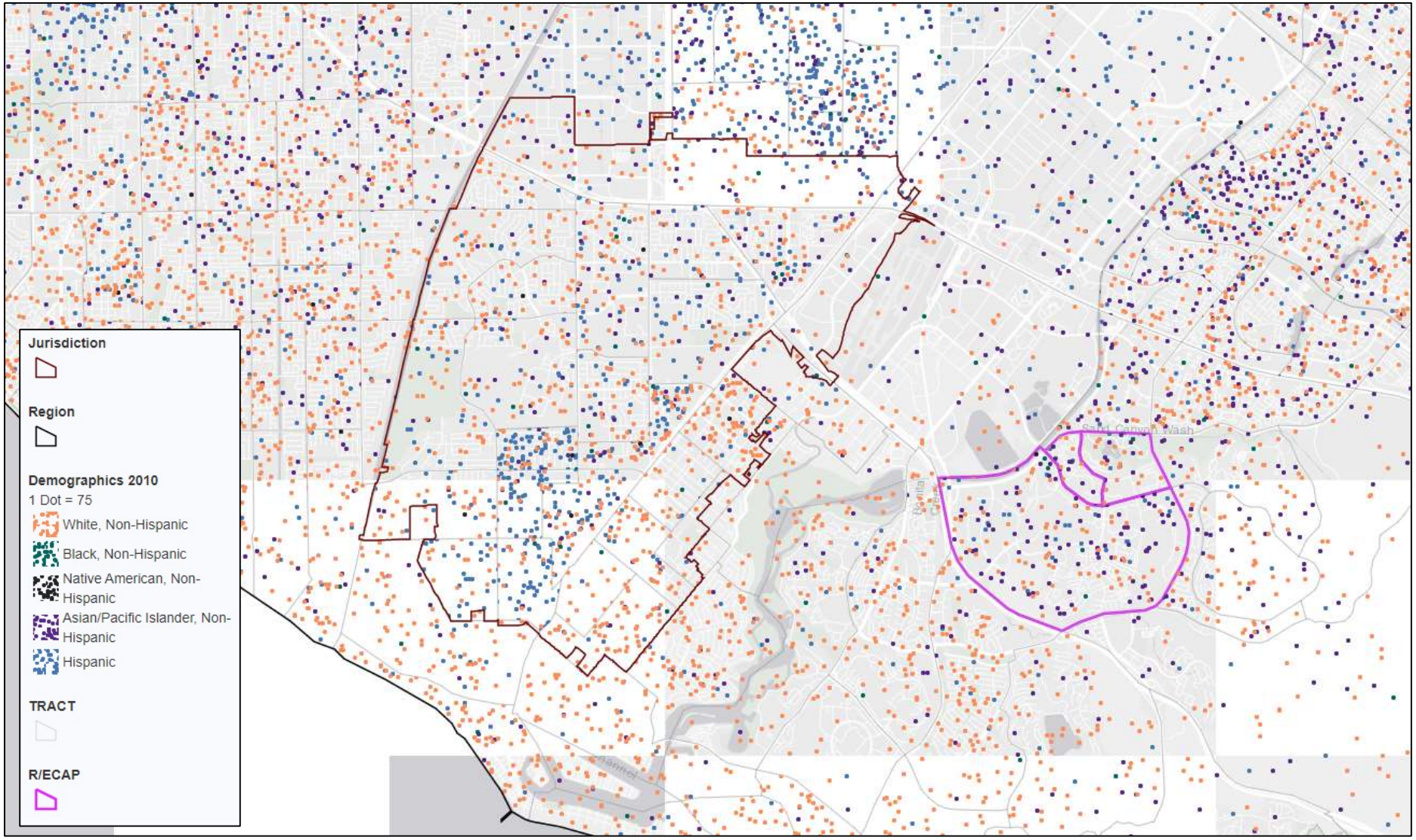
Figure 3-6 below displays the R/ECAP analysis of the Costa Mesa area. The low poverty index captures the depth and intensity of poverty in a given neighborhood. The index uses both family poverty rates and public assistance receipt, in the form of cash-welfare, such as Temporary Assistance for Needy Families (TANF). The poverty rate and public assistance for neighborhoods are determined at the census tract level, and the higher the score, the less exposure to poverty in a neighborhood. HUD provides data for the entire Orange County region, and not Costa Mesa specific, as shown in the map. Figure 3-6a shows that Costa Mesa has a pocket of concentrated Hispanic population towards the southern central region of the City. The eastern region of the City is shown to be mostly made up of concentrated White, Non-Hispanic, population. There is also a minor concentration of Hispanic and Native American, Non-Hispanic, populations in the SoBECA area of Northern Costa Mesa.

While there are no R/ECAP areas within the City, Figure 3-6a shows one in the nearby City of Irvine surrounding the University of California – Irvine campus. According to the AI, it is likely that they qualify as R/ECAPs due to the high proportions of students. In addition, the figure shows a large concentration of Hispanic population directly north of Costa Mesa in the City of Santa Ana. The City of Costa Mesa is committed to increasing housing mobility opportunities for persons outside of the City and in Orange County as a whole. Chapter 4: Housing Plan of this Housing Element outlines housing opportunity, affordable housing, and fair housing strategies to increase opportunities to all households.

Additionally, Figure 3-6b displays the data for TCAC areas of high segregation and poverty. The maps shows that there is one census tract that is designated as high segregation and poverty (census tract: 636.05). Areas that are identified as high segregation and poverty are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county).

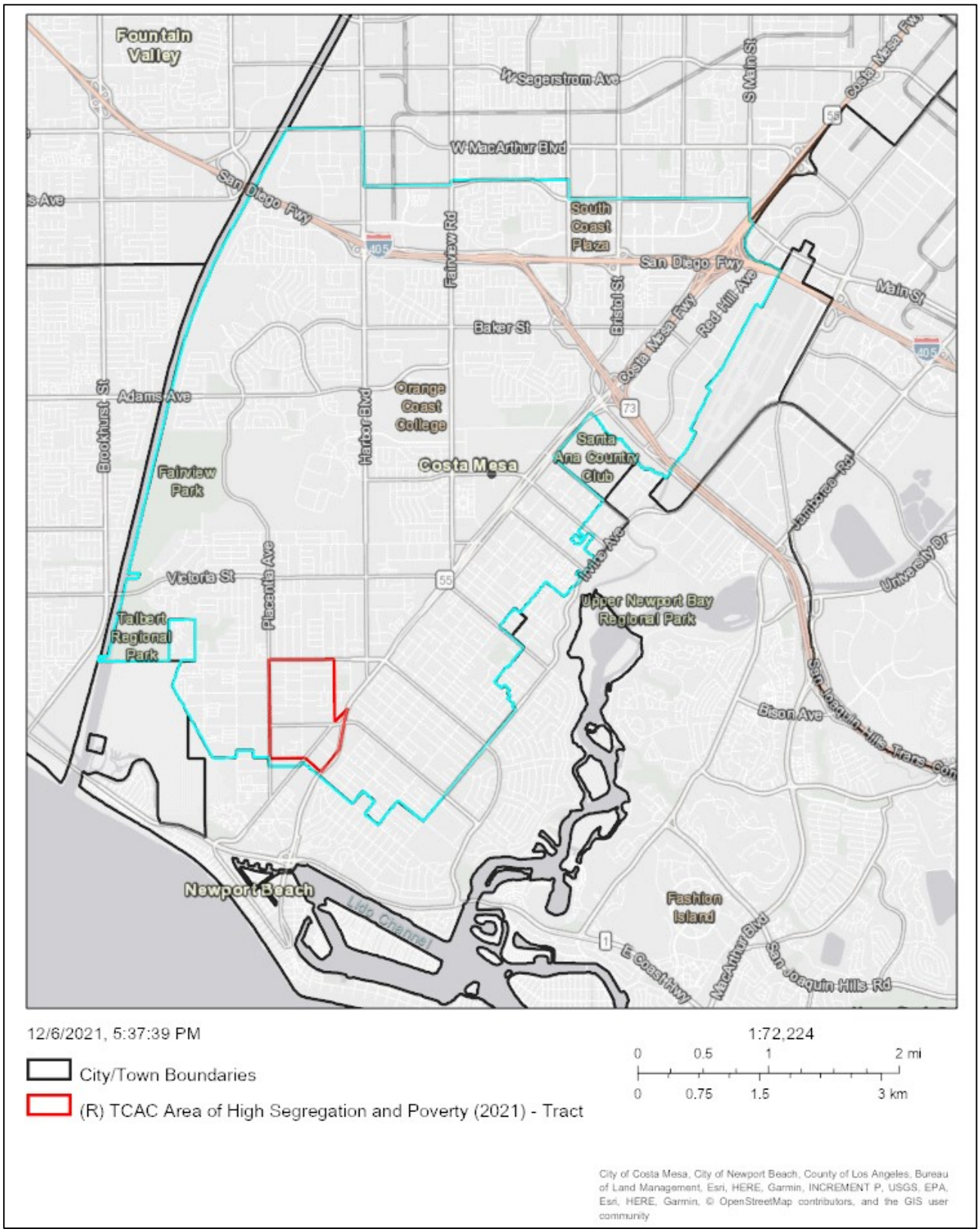
Census tract 636.05 is generally located in the southwestern portion of the City. This tract contains 3 different Costa Mesa City Council Districts - Districts 4, 5, and 6. The zoning designations within this tract is majority industrial (MG, General Industrial) and high density residential (R2-HD and R3), with commercial corridors along Newport Boulevard and 19th Street. The general Westside area also has 3 adopted urban plans, which do not change the underlying zoning of the property but allows for the development of live/work units and/or residential development. Since the adoption of the urban plans in 2006, the City has approved 541 newly constructed units, which includes the subject census tract.

Figure 3-6a: R/ECAP Areas, Costa Mesa



Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool, Data Versions: AFFHT0006, April 28, 2021

Figure 3-6b: TCAC Area of High Segregation and Poverty



Source: California Department of Housing and Community Development – AFFH Data Viewer

Racially or Ethnically Concentrated Areas of Affluence

Racially or Ethnically Concentrated Areas of Poverty have long been analyzed and reviewed as a contributing factor to segregation. However, patterns of segregation in the United States show that of all racial groups, the White population is the most severely insulated (separated from other racial groups).[7] Research also identifies segregation of affluence to be greater than the segregation of poverty. Racial and economic segregation can have significant effects on respective communities, including but not limited to, socioeconomic disparities, educational experiences and benefits, exposure to environmental conditions and crime, and access to public goods and services.

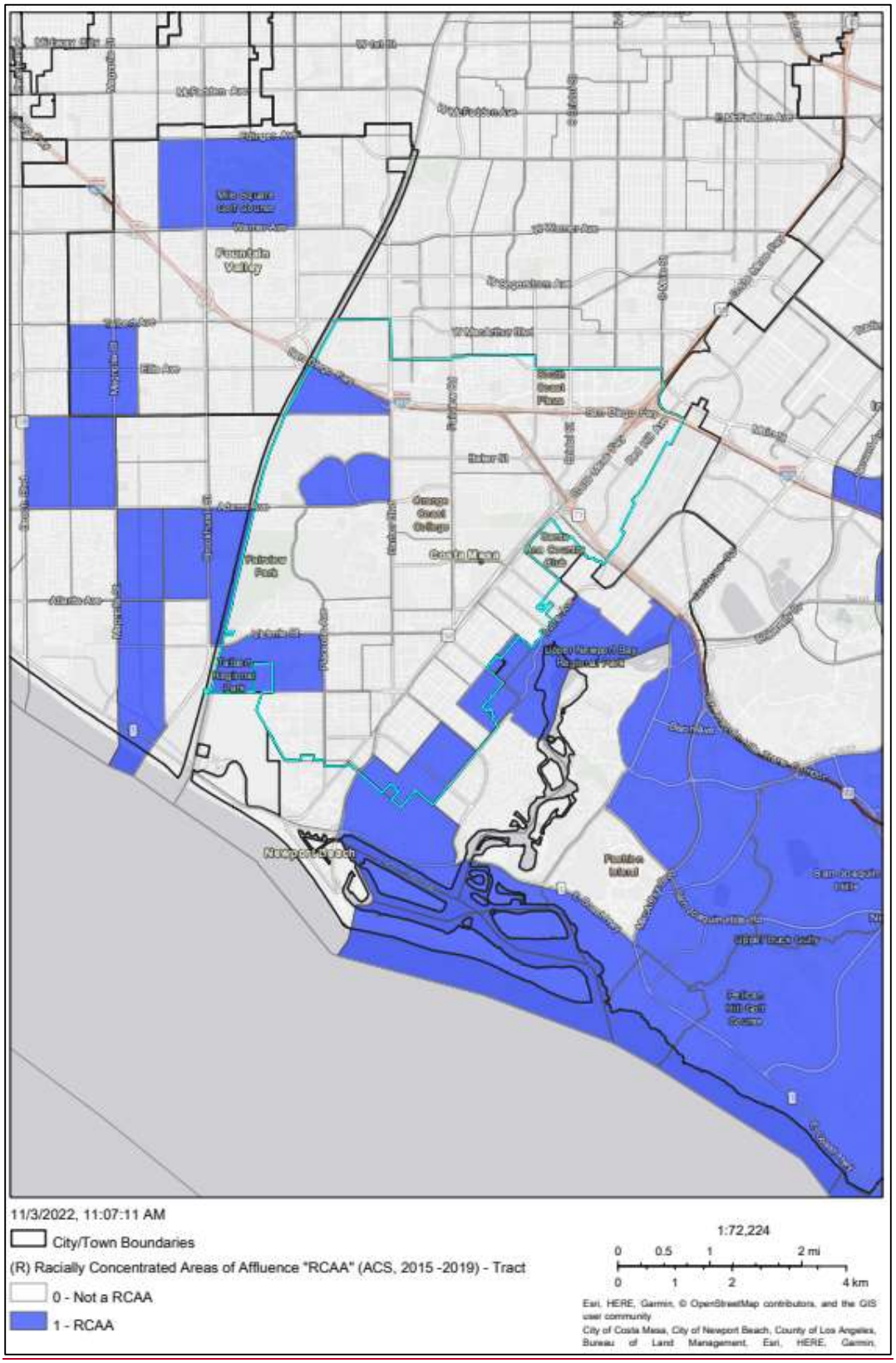
Data used in the analysis of Racially Concentrated Areas of Affluence (RCAA) comes from the 2015-2019 ACS and measured at the census track level. The definition for an RCAA is a census tract in which 80 percent or more of the population is White and a median income of at least $125,000. The nationwide RCAA analysis identifies the following:

- RCAA tracts have more than twice the median household income of the average tract in their metro area.
- Poverty rates in RCAAs are significantly lower and are, on average about 20 percent of a typical tract.
- RCAAs tracts are more income homogenous than R/ECAPs.
- The average RCAA is about 57 percent affluent, whereas the average R/ECAP had a poverty rate of 48 percent.
- The typical RCAA tract has a rate of affluence 3.2 times that of a typical tract, whereas R/ECAPs on average had a poverty rate 3.2 times that of a typical tract.

Overall, RCCAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices. Postwar patterns of suburbanization in many metropolitan areas were characterized by White communities erecting barriers to affordable housing and engaging in racially exclusionary practices. Figure 3-7 illustrates five RCAAs mostly along the City's edges. As noted above, these areas overlap with the presence of single-family neighborhoods. Table 3-21 displays the RCAAs for Costa Mesa, and Table 3-22 shows local (Costa Mesa) and regional (Orange County) context for the median household incomes of White residents.

[7] Racially Concentrated Areas of Affluence: A Preliminary Investigation. University of Minnesota. Edwards Goets, Damiano, Williams. 2019.

Figure 3-7: Racially Concentrated Areas of Affluence, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-21: RCCAs - Median Household Income by Race by Census Tract, Costa Mesa		
Census Tract	Percent Population White	Median Income
Census Tract 638.05	69.5%	$122,750
Census Tract 636.01	62.3%	$120,057
Census Tract 638.02	65.5%	$118,000
Census Tract 631.02	81.6%	$127,153
Census Tract 631.03	75.3%	$131,477
Source: (U.S. Census Bureau) from HCD AFFH Data Viewer, Accessed November 3, 2022.		

Table 3-22: RCCAs - Median Household Income by Race, Costa Mesa and Orange County				
Race	Costa Mesa		Orange County	
	Median Income	Population	Median Income	Population
White	$91,959[1]	72.2%	$98,535[1]	64.3%
All Households	$90,370	--	$94,441	--
Notes: 1. Median income in the past 12 months (in 2020 inflation-adjusted dollars) *Source: American Community Survey, 5-Year Estimates, 2020.*				

Disparities in Access to Opportunity

The UC Davis Center for Regional Change and Rabobank partnered to develop the Regional Opportunity Index (ROI) intended to help communities understand local social and economic opportunities. The goal of the ROI is to help target resources and policies toward people and places with the greatest need to foster thriving communities. The ROI incorporates both "people" and "place components, integrating economic, infrastructure, environmental, and social indicators into a comprehensive assessment of the factors driving opportunity."

The ROI: People is a relative measure of people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life as follows:

- **Education Opportunity**: Assesses people's relative success in gaining educational assets, in the form of a higher education, elementary school achievement, and regular elementary school attendance.
- **Economic Opportunity**: Measures the relative economic well-being of the people in a community, in the form of employment and income level.
- **Housing Opportunity**: Measures the relative residential stability of a community, in the form of homeownership and housing costs.
- **Mobility/Transportation Opportunity**: Contains indicators that assess a community's relative opportunities for overcoming rural isolation.
- **Health/Environment Opportunity**: Measures the relative health outcomes of the people within a community, in the form of infant and teen health and general health.
- **Civic Life Opportunity**: A relative social and political engagement of an area, in the form of households that speak English and voter turnout.

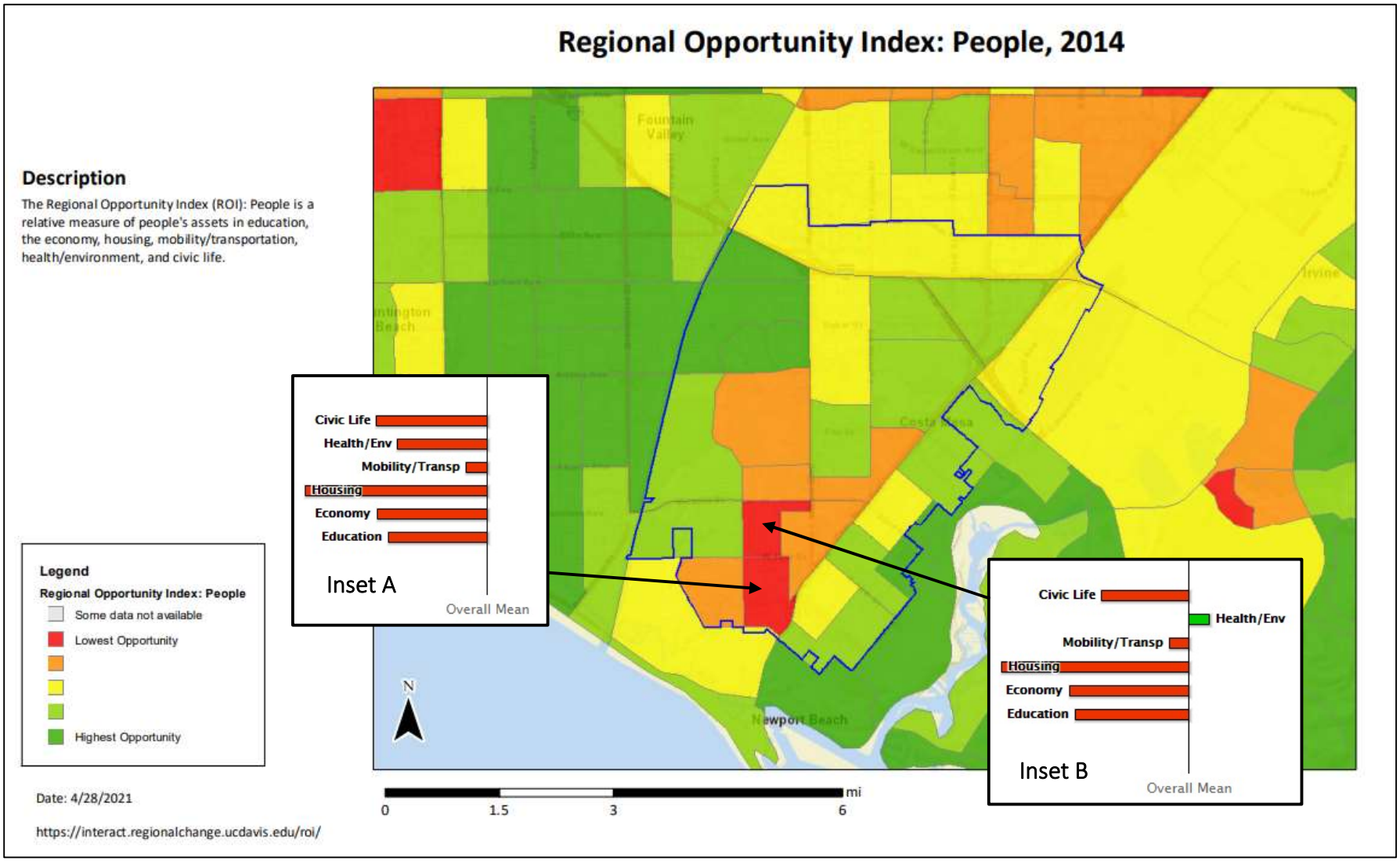
The ROI: Place is a relative measure of an area's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.

- Education Opportunity: Assesses a census tract's relative ability to provide educational opportunity, in the form of high-quality schools that meet the basic educational and social needs of the population.
- Economic Opportunity: Measures the relative economic climate of a community, in the form of access to employment and business climate.
- Housing Opportunity: Measures relative availability of housing in a community, in the form of housing sufficiency and housing affordability.
- Health/Environment Opportunity: A relative measure of how well communities meet the health needs of their constituents, in the form of access to health care and other health-related environments.
- Civic Life Opportunity: Measures the relative social and political stability of an area, in the form of neighborhood stability (living in same residence for one year) and US citizenship.

Figure 3-8 shows the ROI: People classifications throughout the City, the "ROI: People" data identifies the achievement levels that persons living within these census tracts have attained. As the figure shows, classifications vary greatly throughout Costa Mesa. The City has areas of high opportunity to the west and east of the City, but also has areas classified as the low opportunity in the southern and central regions of the City. Persons living in the areas identified as low opportunity "people" are considered to have low achievement opportunities for economic, health, and housing. The figure shows one census tract, identified as Inset B, where the general attainment for education, transportation, housing, economic opportunity, or jobs was low the residents living in this tract. Further analysis shows the census tract, identified as Inset A, has overall very low levers of education, economic, housing, transportation, and civic life attainment among residents. Low attainment levels may project generational poverty, lower levels of upward mobility, and increased challenges accessing essential resources and opportunities. Increase housing opportunities and access, specifically affordable housing, in this area can provide stability, safety, and important resources to a community. The City of Costa Mesa has identified portions of this area to accommodate future growth for low and very low-income housing.

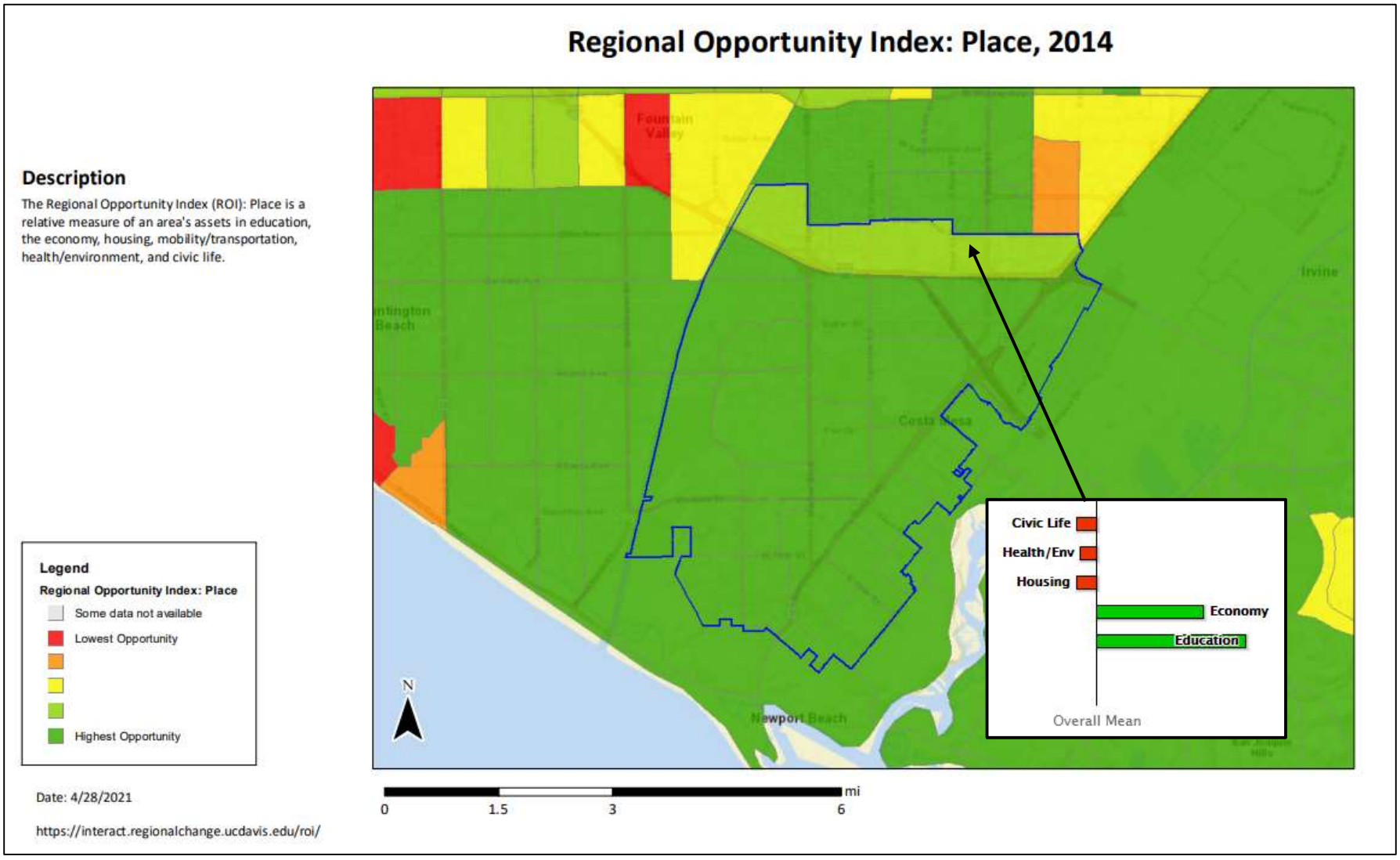
Figure 3-9 displays opportunities provided within each census tracts. The map shows that most of the City is classified as high opportunity. High opportunity areas mean that individual census tracts provide the necessary and essential resources for housing, economic or job opportunity, quality education and educational services, safe and affordable transportation, and quality civic and environmental life. Utilizing areas which provide important and essential resources, to increase housing opportunities can help to break cycles of poverty and increase overall community health. The City of Costa Mesa has identified housing opportunity sites to accommodate the RHNA in a variety of high opportunity areas.

Figure 3-8: Regional Opportunity Index, People – City of Costa Mesa



Source: UC Davis Center for Regional Change and Rabobank, 2014.

Figure 3-9: Regional Opportunity Index, Place – City of Costa Mesa

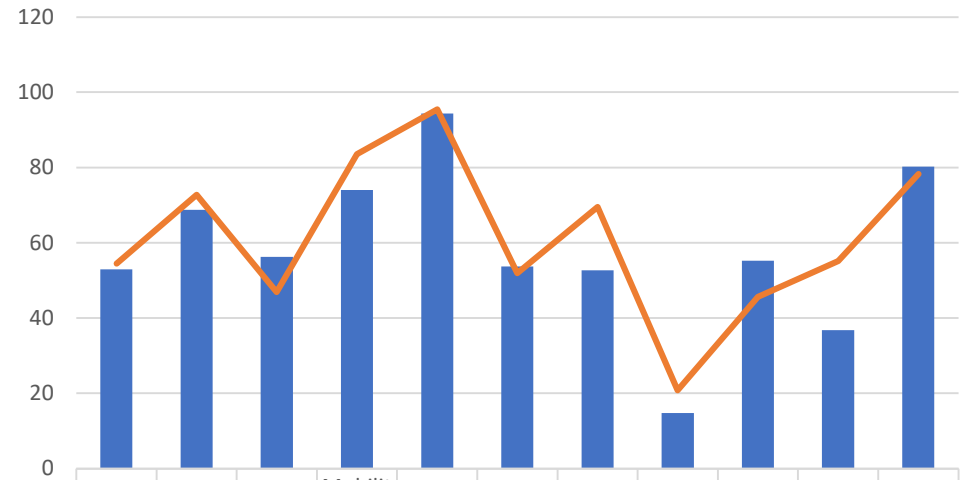


Source: UC Davis Center for Regional Change and Rabobank, 2014.

Additionally, **Table 3-23** and **Figure 3-10** below display the data for Regional Opportunity Index in Costa Mesa overall compared to the State of California. The data shows the following key findings:

- Costa Mesa residents reportedly have lower math and English proficiency levels; however, they have higher rates of college education, high school graduation, UC/CSU eligibility.
- The economic conditions in Costa Mesa are high. There is a higher rate of high-quality employment amongst residents and higher minimum basic income than the State. There are many jobs available, and that trend continues to increase.
- Costa Mesa households are predominantly renter households. Housing adequacy is the same for the City and the State, but homes in Costa Mesa are reportedly less affordable.
- The City reports high rates of available vehicles per household, as well as commute time. Costa Mesa residents spend more time traveling to and from work than residents across the State.
- Despite lower air quality reports, Costa Mesa residents have high access to medical and health care, as well as access to supermarkets.
- Costa Mesa residents have high rates of English fluency, despite slightly lower rates of citizenship.

Figure 3-10: Regional Opportunity Index, Costa Mesa and California



	Education: People	Economy: People	Housing: People	Mobility/Trans: People	Health/Env: People	Civic Life: People	Education: Place	Economy: Place	Housing: Place	Health/Env: Place	Civic Life: Place
Statewide Average	52.95	68.74	56.26	74.02	94.31	53.7	52.68	14.77	55.19	36.73	80.19
City of Costa Mesa	54.44	72.78	46.85	83.51	95.51	51.87	69.51	20.83	45.61	55.11	78.24

Source: UC Davis Center for Regional Change and Rabobank, 2014.

Table 3-23: Opportunity Indicators, Costa Mesa and California			
ROI Indicator		Costa Mesa	California
Education	**People**		
	College Educated Adults	**45%**	38%
	Math Proficiency	**67%**	70%
	English Proficiency	**63%**	65%
	Elementary Truancy	**24%**	24%
	Place		
	High School Graduation Rate	**93%**	83%
	UC/CSU Eligibility	**53%**	41%
	Teacher Experience	**66%**	36%
	High School Discipline Rate	**8%**	6%
Economic	**People**		
	Employment Rate	**92%**	89%
	Minimum Basic Income	**66%**	64%
	Place		
	Job Availability	**1291.12**	701.75
	Job Quality	**50%**	40%
	Job Growth	**4%**	3%
	Bank Accessibility	**0.38**	0.24
Housing	**People**		
	Home Ownership	**39%**	55%
	Housing Cost Burden	**50%**	52%
	Place		
	Housing Adequacy	**91%**	91%
	Housing Affordability	**0.14**	0.19
Mobility	**People**		
	Vehicle Availability	**88%**	86%
	Commute Time	**73%**	60%
	Internet Access	**4.81**	4
Health/Environmental	**Place**		
	Infant Health	**96%**	95%
	Birth to Teens	**5%**	7%
	Years of Life Lost	**25.68**	29.84
	Place		
	Air Quality	**9.35**	10.01
	Prenatal Care	**91%**	83%
	Access to Supermarket	**65%**	53%
	Health Care Availability	**3.63**	1.76
Civic Life	**People**		
	Voting Rates	**27%**	31%
	English Speakers	**91%**	88%
	Place		
	US Citizenship	**81%**	83%
	Neighborhood Stability	**83%**	85%
Source: UC Davis Center for Regional Change and Rabobank, 2014.			

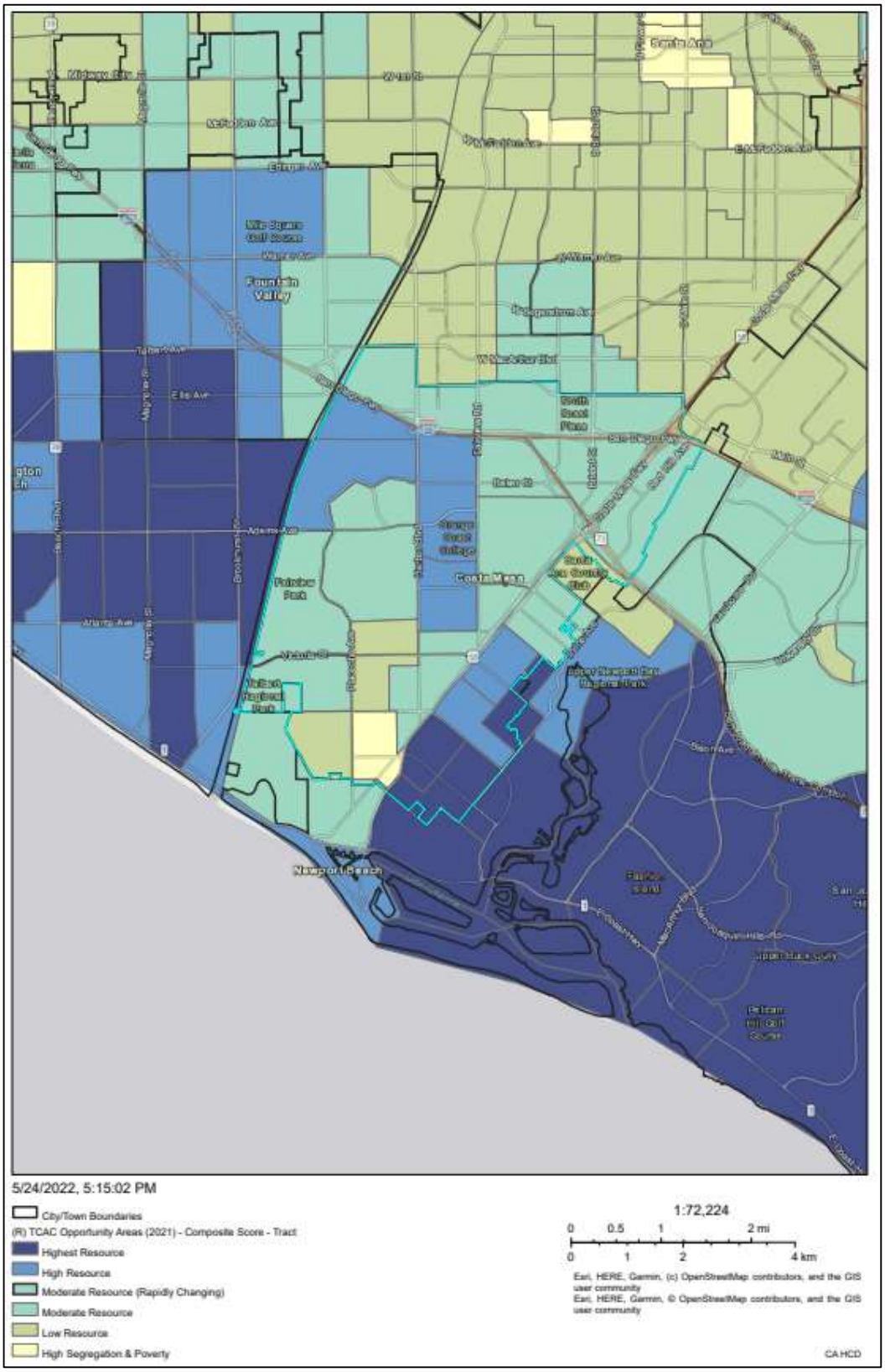
California Tax Credit Allocation Committee (TCAC) Opportunity Area Maps

The Department of Housing and Community Development together with the California Tax Credit Allocation Committee established the California Fair Housing Task Force to provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD). The Task force developed the TCAC/HCD Opportunity Area Maps to understand how public and private resources are spatially distributed. The Task force defines opportunities as pathways to better lives, including health, education, and employment. Overall, opportunity maps are intended to display which areas, according to research, offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.

According to the Task Force's methodology, the tool allocates the 20 percent of the tracts in each region with the highest relative index scores to the "Highest Resource" designation and the next 20 percent to the "High Resource" designation. Each region then ends up with 40 percent of its total tracts as "Highest" or "High" resource. These two categories are intended to help State decision-makers identify tracts within each region that the research suggests low-income families are most likely to thrive, and where they typically do not have the option to live—but might, if given the choice. As shown in **Figure 3-11a** below, much of Costa Mesa is classified moderate to high resource areas with pockets of low resource areas in the southwest region of the City. Costa Mesa has one area identified in **Figure 3-11b** classified as high segregation and poverty in the southern area of the City – census tract 636.05. This census tract includes industrial, residential, and retail/commercial uses, as well as the Costa Mesa Senior Center and new Superior Pointe and 17 West residential developments. While the area is identified as high segregation and poverty, it has seen much redevelopment over recent years and the median home value according to 2020 ACS 5-Year Estimates is $922,500. The median contract rent for the census tract is $1,665, and the median household income is $71,150.

The City of Costa Mesa is committed to exploring programs and avenues to increase housing access and opportunity to both existing residents, future residents, and households in nearby areas. **Program 2L** is included in the **Housing Plan** to facilitate access to funding, priority processing, and outreach for lower income households, including those located in census tract 636.05. **Program 4I** is also included to specifically address the high segregation and poverty finding for census tract 636.05 by partnering with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Figure 3-11a: TCAC/HCD Opportunity Map – Costa Mesa and Surrounding Region



Source: California Tax Credit Allocation Committee and Department of Housing and Community Development, 2021.

Figure 3-11b: TCAC/HCD Opportunity Map – High Segregation and Poverty (2021)



Source: California Tax Credit Allocation Committee and Department of Housing and Community Development, 2021.

Opportunity Areas – Education

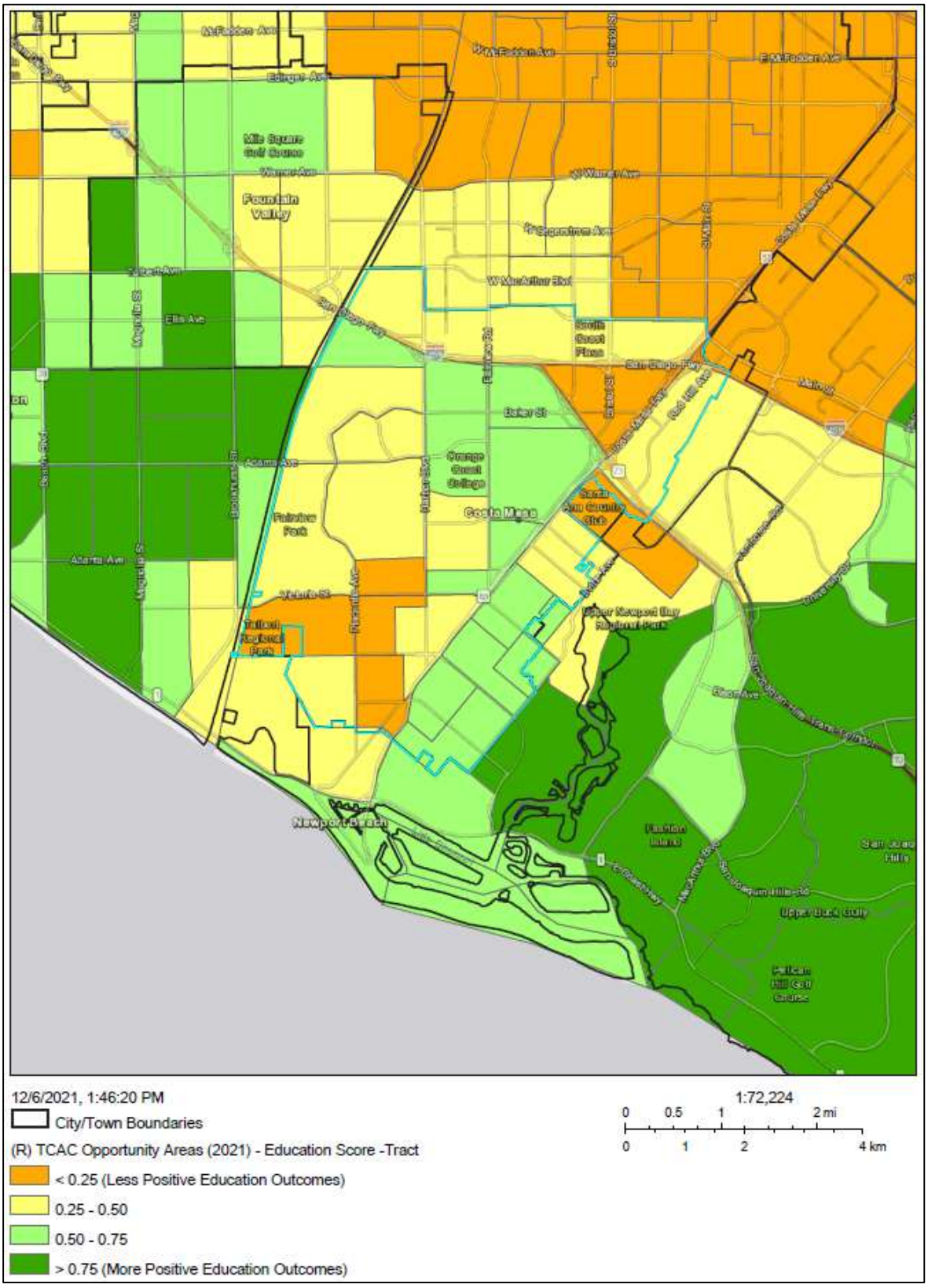
The TCAC/HCD Opportunity Area Maps include education data, as illustrated in **Figure 3-12**. This data represents opportunity levels based on the following four factors:

- Math proficiency – Percentage of 4th graders who meet or exceed math proficiency standards.
- Reading proficiency – Percentage of 4th graders who meet or exceed literacy standards.
- High school graduation rates – Percentage of high school cohort that graduated on time.
- Student poverty rate – Percentage of students not receiving free or reduced-price lunch.

As **Figure 3-12** shows, the City has a variety of education outcome scores. The more positive education outcomes are located over East Side Costa Mesa, east of the 55 Freeway, as well as over the neighborhoods south of the 405-freeway and in the center of the City. The area of the City west of Harbor Boulevard and north of Fairview Park are rated moderate for educational outcomes. West Side Costa Mesa in the City's south-western region has the lowest educational outcome.

Title 1 schools receive additional government funding to assist their lower-income student base who are at risk of falling behind. Within Newport-Mesa Unified School District, there are a total of 10 elementary schools, 2 middle schools, and 2 high schools. The following 3 elementary schools are Title 1 schools: Davis Elementary School, Heinz Kaiser Elementary School, and Woodland Elementary School. Davis Elementary School is located in the center of Costa Mesa just north of the OC Fairgrounds and Heinz Kaiser and Woodland Elementary Schools are both located in East Side Costa Mesa between the 55 Freeway and the Upper Newport Bay State Marine Conservation Area.

Figure 3-12: TCAC/HCD Opportunity Map – Education



Source: California Department of Housing and Community Development – AFFH Data Viewer

Opportunity Indicators

Opportunity indicators also help inform communities about disparities in access to opportunity. The Department of Housing and Urban Development (HUD) developed the opportunity indicators to help inform communities about disparities in access to opportunity, the scores are based on nationally available data sources and assess resident's access to key opportunity assets in the City. Table 3-24 provides the index scores (ranging from zero to 100) for the following opportunity indicator indices:

- **Low Poverty Index:** The low poverty index captures poverty in a given neighborhood. The poverty rate is determined at the census tract level. The higher the score, the less exposure to poverty in a neighborhood.
- **School Proficiency Index:** The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the score, the higher the school system quality is in a neighborhood.
- **Labor Market Engagement Index:** The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract. The higher the score, the higher the labor force participation and human capital in a neighborhood.
- **Transit Trips Index:** This index is based on estimates of transit trips taken by a family that meets the following description: a three-person single-parent family with income at 50% of the median income for renters for the region (i.e. the Core-Based Statistical Area (CBSA)). The higher the transit trips index, the more likely residents in that neighborhood utilize public transit.
- **Low Transportation Cost Index:** This index is based on estimates of transportation costs for a family that meets the following description: a three-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA. The higher the index, the lower the cost of transportation in that neighborhood.
- **Jobs Proximity Index:** The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger employment centers weighted more heavily. The higher the index value, the better the access to employment opportunities for residents in a neighborhood.
- **Environmental Health Index:** The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group.

Table 3-24 below displays the opportunity indices by race and ethnicity for persons in Costa Mesa. According to the data, there is some poverty among the population of Costa Mesa, across all racial/ethnic groups. There are higher levels of poverty among the Hispanic and Native American populations. All racial/ethnic groups in Costa Mesa experience levels of environmental health below 50, meaning all residents are exposed to a higher degree of environmental pollutants. Otherwise, the data shows the City has high marks for school proficiency, labor market, transit, transportation cost, and job proximity.

Table 3-24: Opportunity Indicators, City of Costa Mesa							
(Costa Mesa, CA CDBG) Jurisdiction	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	60.10	72.71	73.56	89.69	81.33	83.04	28.03
Black, Non-Hispanic	55.04	70.24	69.80	90.47	83.27	83.47	25.72
Hispanic	40.06	60.53	56.72	90.42	83.05	78.57	30.24
Asian or Pacific Islander, Non-Hispanic	61.51	71.28	73.20	90.57	82.88	87.44	22.65
Native American, Non-Hispanic	53.54	70.81	68.03	90.49	82.74	81.69	28.26
Population Below Federal Poverty Line							
White, Non-Hispanic	53.85	69.80	68.91	90.07	82.43	80.51	28.58
Black, Non-Hispanic	61.70	78.78	82.00	91.46	84.89	87.37	19.50
Hispanic	33.36	56.69	51.57	90.56	83.60	78.70	31.40
Asian or Pacific Islander, Non-Hispanic	55.36	71.81	73.29	90.38	83.08	84.52	24.46
Native American, Non-Hispanic	50.53	67.96	56.06	91.85	77.66	85.70	19.03
Source: Department of Housing and Urban Development, Affirmatively Furthering Fair Housing Online Mapping tool, Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA							

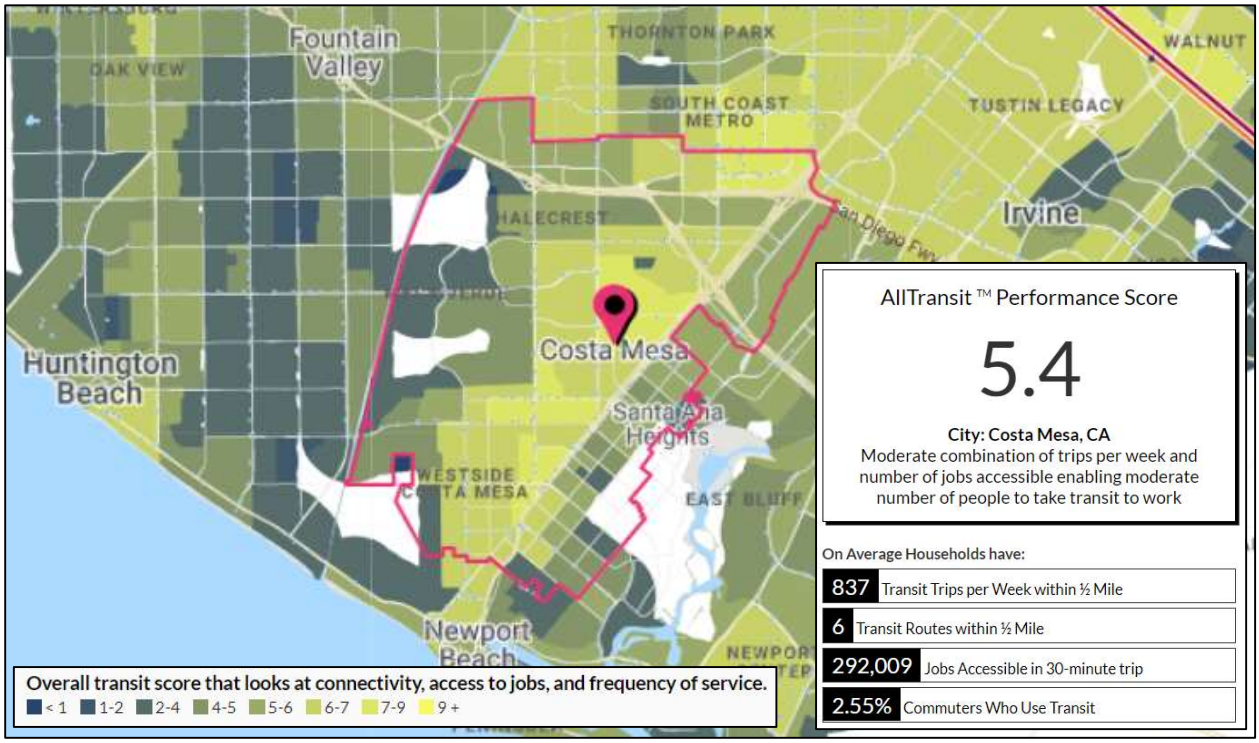
Access to Transit

Transit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to the data provided, Costa Mesa scored a 5.4 AllTransit performance score, illustrating a moderate combination of trips per week and number of jobs accessible that enable a moderate number of people to take transit to work. In comparison to neighboring cities – Huntington Beach scores a 4.4, Irvine scored a 3.6, Santa Ana scored a 6.6, and Newport Beach scored a 3.9. Access to transportation increases both the economic and environmental/health opportunities. Additionally, AllTransit provides the following data for Costa Mesa transportation:

- 98.8% of jobs are located within ½ of transit.
- 99,721 customer households have access to a business within a 30-minute transit commute.
- 2.29% of workers walk to work and 1.43% bike to work
- There are no households within a ½ miles of high frequency transit.
- On average, there are 6 transit routes within ½ of a block group on average.

Table 3-25: Opportunity Indicator – Transit					
Jurisdiction	AllTransit Performance Score	Transit Trips Per Week within 1/2 Mile	Jobs Accessible in 30-min trip	Commuters Who Use Transit	Transit Routes within 1/2 Mile
Costa Mesa	5.4	837	292,009	2.55%	6
Orange County	4.2	528	172,595	2.28%	4
Source: AllTransit Fact Sheet, Costa Mesa, 2021.					

Figure 3-13: All Transit Performance Score – Costa Mesa



Source: AllTransit Fact Sheet, 2021.

Environmental Justice

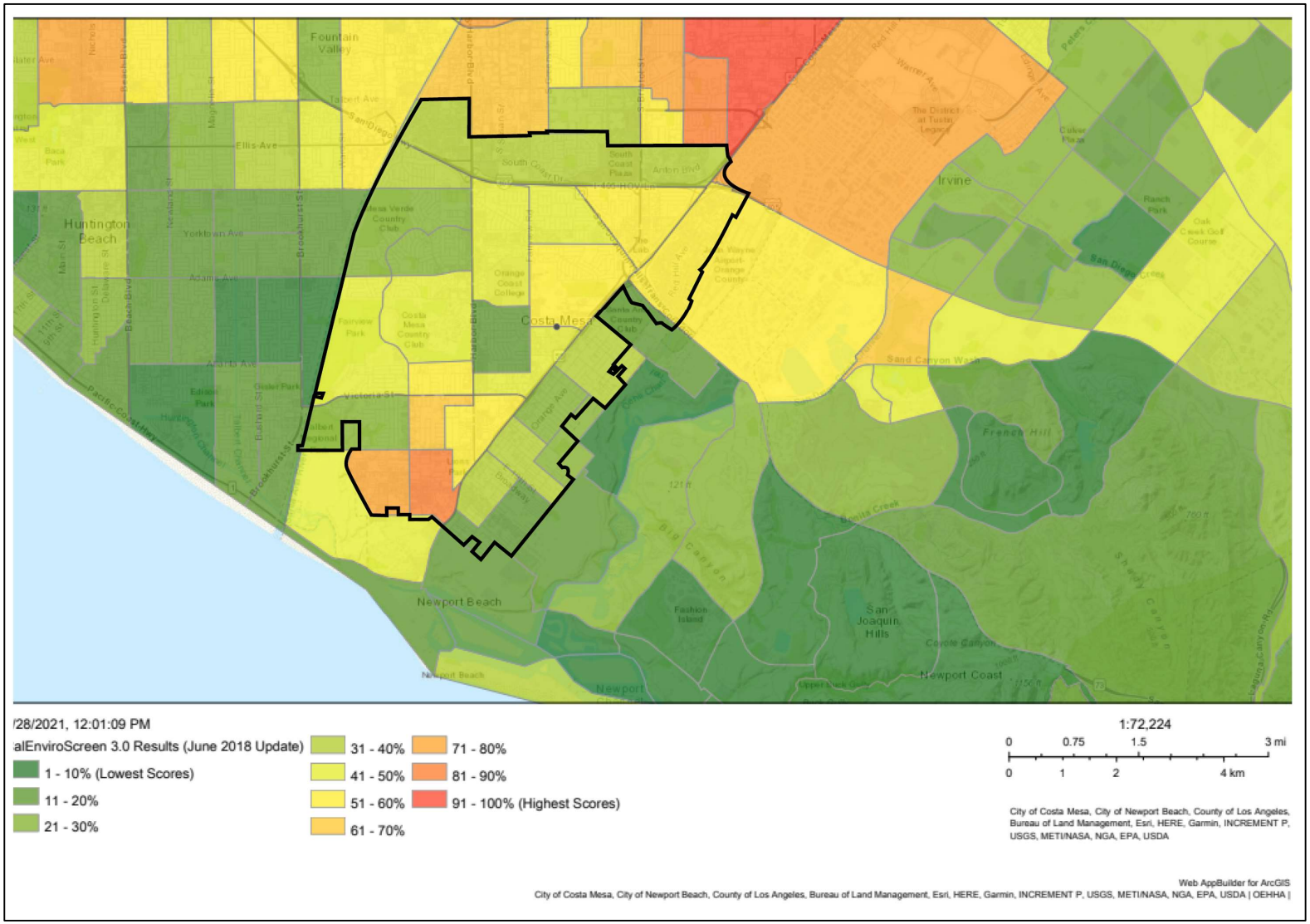
The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution called the California Communities Environmental Health Screening Tool (CalEnviro Screen). In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviro Screen also takes into consideration socioeconomic factors. These factors include educational attainment, linguistic isolation, poverty, and unemployment. Research has shown a heightened vulnerability of people of color and lower socioeconomic status to environmental pollutants. Figure 3-14 below displays mapped results for the CalEnviro Screen in Costa Mesa and the Orange County region. The map shows that Costa Mesa is primarily moderate-scoring, with a few low-scoring census tracts and a couple high-scoring census tracts. High scores signify high levels of pollution burdens and low scores signify

low levels of pollution. Table 3-26 and 3-27 below identifies the CalEnviro Screen scores for the highest and lowest scoring census tracts in Costa Mesa, respectively.

Table 3-26: CalEnviro Screen 3.0 – Highest Scoring Census Tract (6059063605)			
Pollutant	**Percentile***	**Health Risk/Burden**	**Percentile***
Ozone	40	Asthma	47
PM 2.5	53	Low Birth Weight	78
Diesel	51	Cardiovascular Rate	33
Pesticides	0	Education	92
Toxic Releases	85	Linguistic Isolation	76
Traffic	58	Poverty	88
Drinking Water	10	Unemployment	76
Cleanups	98	Housing Burden	74
Groundwater Threats	92		
Hazardous Waste	93		
Impaired Water	0		
Solid Waste	53		
*Percentile derived using a weighted scoring system to determine average pollution burden/ socioeconomic scores relative to other census tracts. *Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed April 28, 2021.*			

Table 3-27: CalEnviro Screen 3.0 – Lowest Scoring Census Tract (6059063905)			
Pollutant	**Percentile***	**Health Risk/Burden**	**Percentile***
Ozone	40	Asthma	33
PM 2.5	53	Low Birth Weight	11
Diesel	46	Cardiovascular Rate	24
Pesticides	0	Education	27
Toxic Releases	89	Linguistic Isolation	22
Traffic	47	Poverty	34
Drinking Water	10	Unemployment	13
Cleanups	44	Housing Burden	59
Groundwater Threats	25		
Hazardous Waste	63		
Impaired Water	0		
Solid Waste	0		
*Percentile derived using a weighted scoring system to determine average pollution burden/ socioeconomic scores relative to other census tracts. *Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed May 24, 2021.*			

Figure 3-14: CalEnviro Screen, Costa Mesa (2018)



Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed April 28, 2021.

3. Discussion of Disproportionate Housing Needs

The analysis of disproportionate housing needs within Costa Mesa evaluates existing housing need, need of the future housing population, and units within the community at-risk of converting to market-rate.

Existing Needs

As described in **Section 3.G.1** of this Housing Element, the Orange County Housing Authority (OCHA) administers Section 8 Housing Choice vouchers within the City of Costa Mesa. For the 2020 year, there were a total of 561 Section 8 voucher holders within the community: 110 for persons with disabilities, 394 for seniors, and 54 families with at least one dependent.

Housing Needs in Costa Mesa

A variety of factors affect housing needs for different households. Most commonly, disability, household income, and household characteristics shape the type and size of housing needed, as well as accessibility based on existing units in a City. **Table 3-28** through **3-35** display data for demographic characteristics of Costa Mesa, as compared to Orange County and the State of California. Additional detailed analysis of the Costa Mesa community is provided in **Chapter 2: Community Profile**.

Table 3-28 displays the data for persons with disabilities in the City, County, and State. Overall, about 10.6 percent of the California population has at least one disability. Orange County and the City of Costa Mesa both have lower percentages by about 2 percent less persons with disabilities. Ambulatory, Independent Living, and Cognitive Difficulties are the top three most common disabilities for all three jurisdictions, in order starting from most common. These figures may be reflective of disabilities commonly found amongst the senior population. Each of reasonable accommodation procedures and opportunity for accessible housing can provide increased housing security for the population with disabilities.

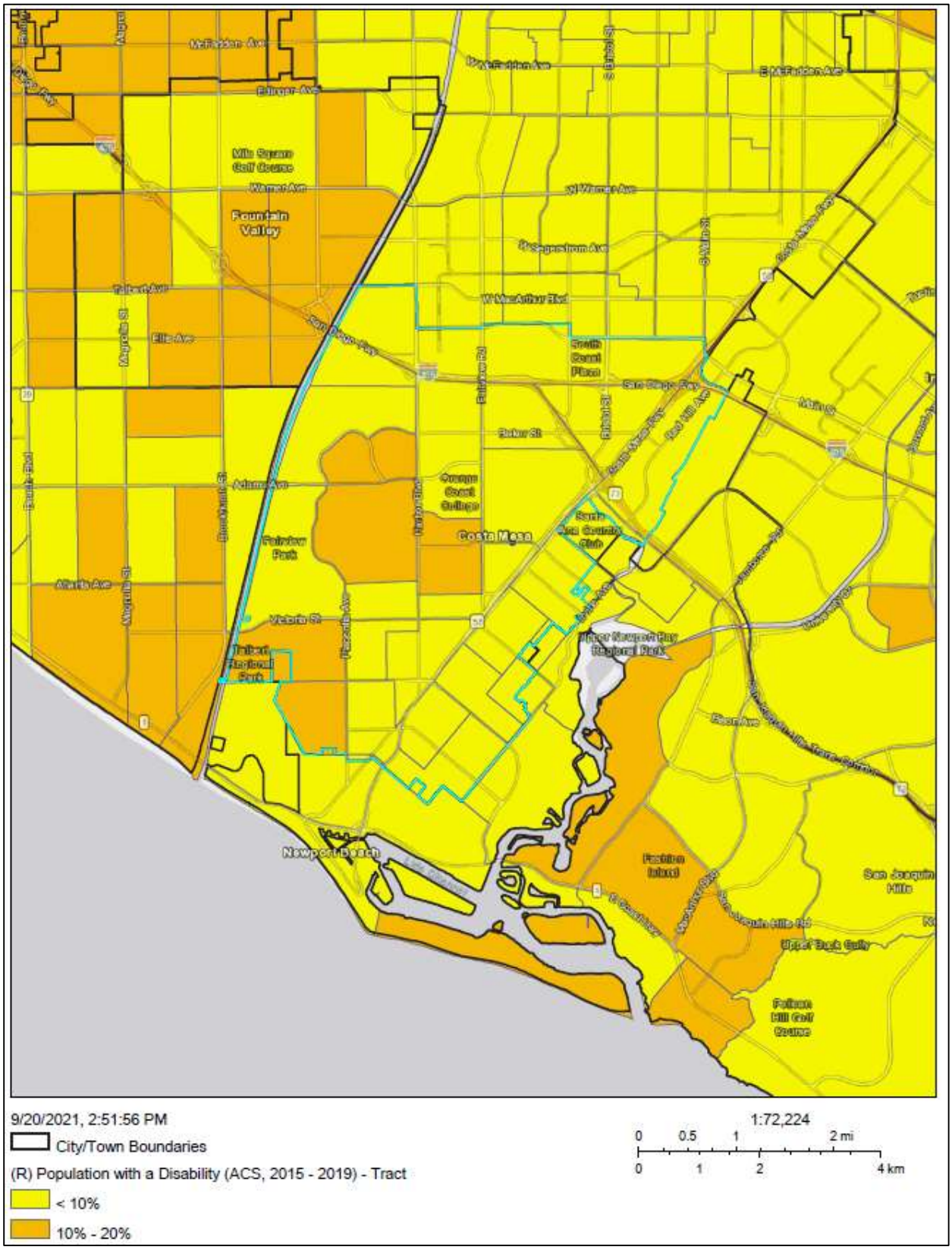
Table 3-28: Population by Disability Type by Geography, 2019

Disability Type	Costa Mesa	Orange County	California
Hearing Difficulty	2.4%	2.5%	2.9%
Vision Difficulty	1.6%	1.5%	2%
Cognitive Difficulty	3.4%	3.4%	4.3%
Ambulatory Difficulty	4.3%	4.5%	5.8%
Self-Care Difficulty	1.7%	2.2%	2.6%
Independent Living Difficulty	3.8%	4.3%	5.5%
Total with a Disability*	**8.3%**	**8.5%**	**10.6%**

* Total of noninstitutionalized population with at least one disability.
Source: American Community Survey, 5-Year Estimates, 2019.

Figure 3-15 shows the population with a disability throughout the City. As illustrated, the majority of the City has census tracts that report less than 10 percent of a disabled population. There are a few census tracts with a population of 10 to 20 percent reporting at least one disability.

Figure 3-15: Population with a Disability, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-29 and 3-30 displays household type and income data for the State, County, and City. Overall, Orange County has the largest percentage of family households (71.7 percent) and Costa Mesa has the smallest with about 10 percent less. Costa Mesa has the lowest percentage of female households without a spouse. Non-family households represent the largest household type in Costa Mesa at 40.5 percent, which is about 9 percent more than California and 12 percent more than Orange County. About 40 percent households in both the State and the County have at least one person above the age of 60, while there are about 30 percent of households in Costa Mesa with at least one person over the age of 60. Different household types have varying housing needs – senior households may benefit from reasonable accommodation procedures and being located near medical facilities, single-parent households may benefit from affordable housing options due to limited income, and family households may benefit from larger housing units located near community areas and schools.

Table 3-29: Population by Familial Status by Geography, 2019

Familial Status	Costa Mesa	Orange County	California
Family Households	59.5%	71.7%	68.7%
Married-Couple Family Households	43.2%	54.9%	49.8%
With Related Children Under 18	29.3%	34.1%	34%
Female Households, No Spouse	10.1%	11.5%	13%
Non-Family Households	40.5%	28.3%	31.3%
Households with One or More People 60 Years+	29.5%	39.9%	39.1%
Total Households	**40,986**	**1,037,492**	**13,044,266**

Source: American Community Survey, 5-Year Estimates, 2019.

Table 3-30 provides a breakdown on incomes for the State, County, and City. The majority of households in each region earn between $100,000 and $200,000 annually. Orange County has the highest median income at $90,234, about $6,000 more than for Costa Mesa and $15,000 more than for California as a whole.

Table 3-30: Households by Income by Geography, 2019

Household Income	Costa Mesa	Orange County	California
Less than $10,000	4.5%	4.2%	4.8%
$10,000-$14,999	2.3%	2.7%	4.1%
$15,000-$24,999	5.6%	5.6%	7.5%
$25,000-$34,999	6%	6%	7.5%
$35,000-$49,999	9.5%	8.8%	10.5%
$50,000-$74,999	15.8%	14.6%	15.5%
$75,000-$99,999	13.9%	12.8%	12.4%
$100,000-$149,999	19.9%	18.6%	16.6%
$150,000-$199,999	10%	11.1%	8.9%
$200,000 or More	12.4%	15.5%	12.2%
Median Income	**$84,138**	**$90,234**	**$75,235**

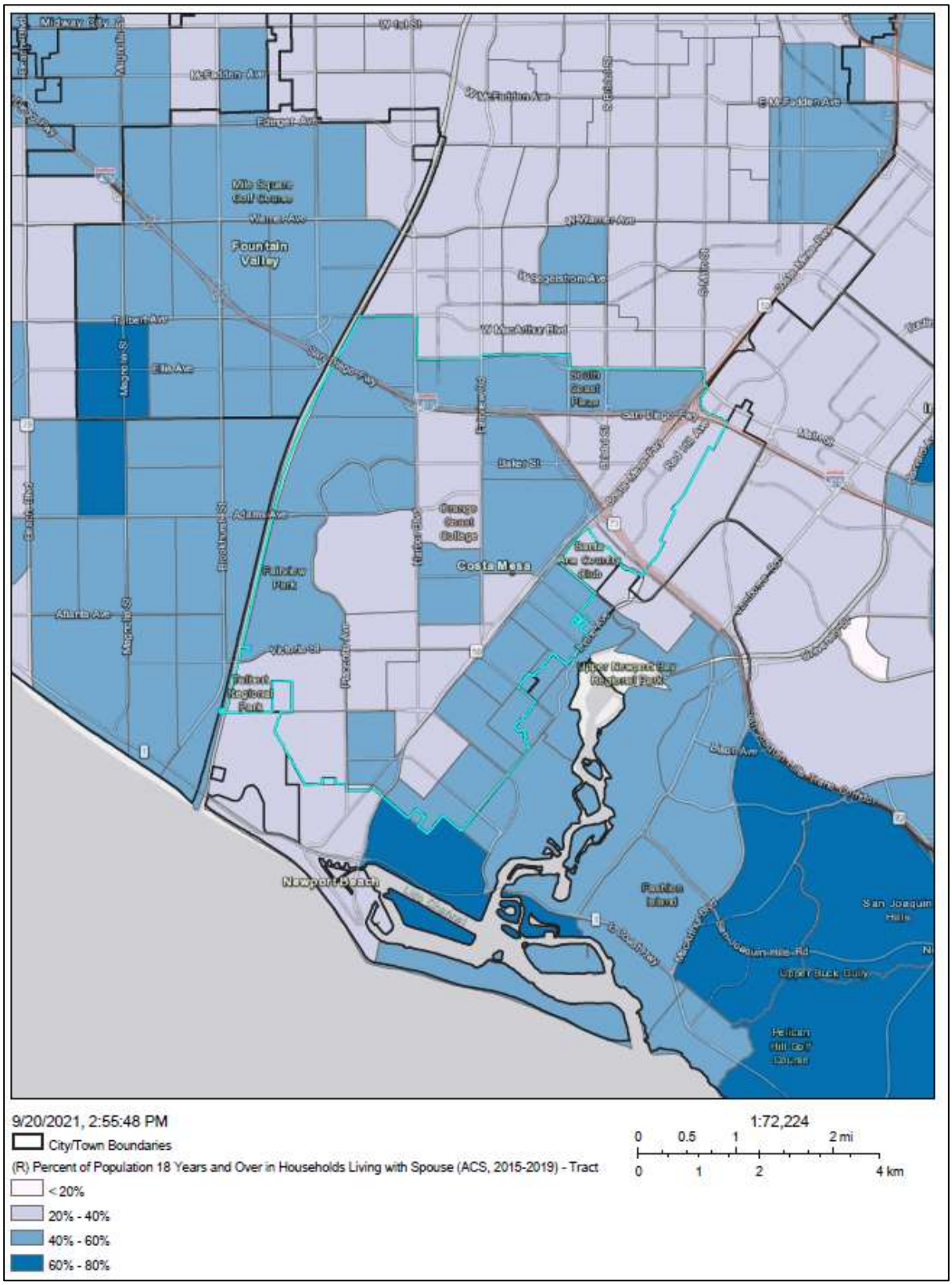
Source: American Community Survey, 5-Year Estimates, 2019.

Figure 3-16 below shows the City has varying rates of married-couple households throughout its different census tracts. In general, the map shows the eastern and western edges of the City, which are predominantly single-family neighborhoods, have the highest rates of married-couple households (40-60 percent). Towards the center of the City, census tracts report approximately 20 to 40 percent married-couple households.

When compared to Figure 3-17, the census tracts with the highest rates of married-couple households overlap with the highest rates of children living in married-couple family households. Costa Mesa has a generally high propensity of children living in married-couple family households throughout most census tracts. In comparison to neighboring communities, however, Costa Mesa has less census tracts with children in married-couple family households.

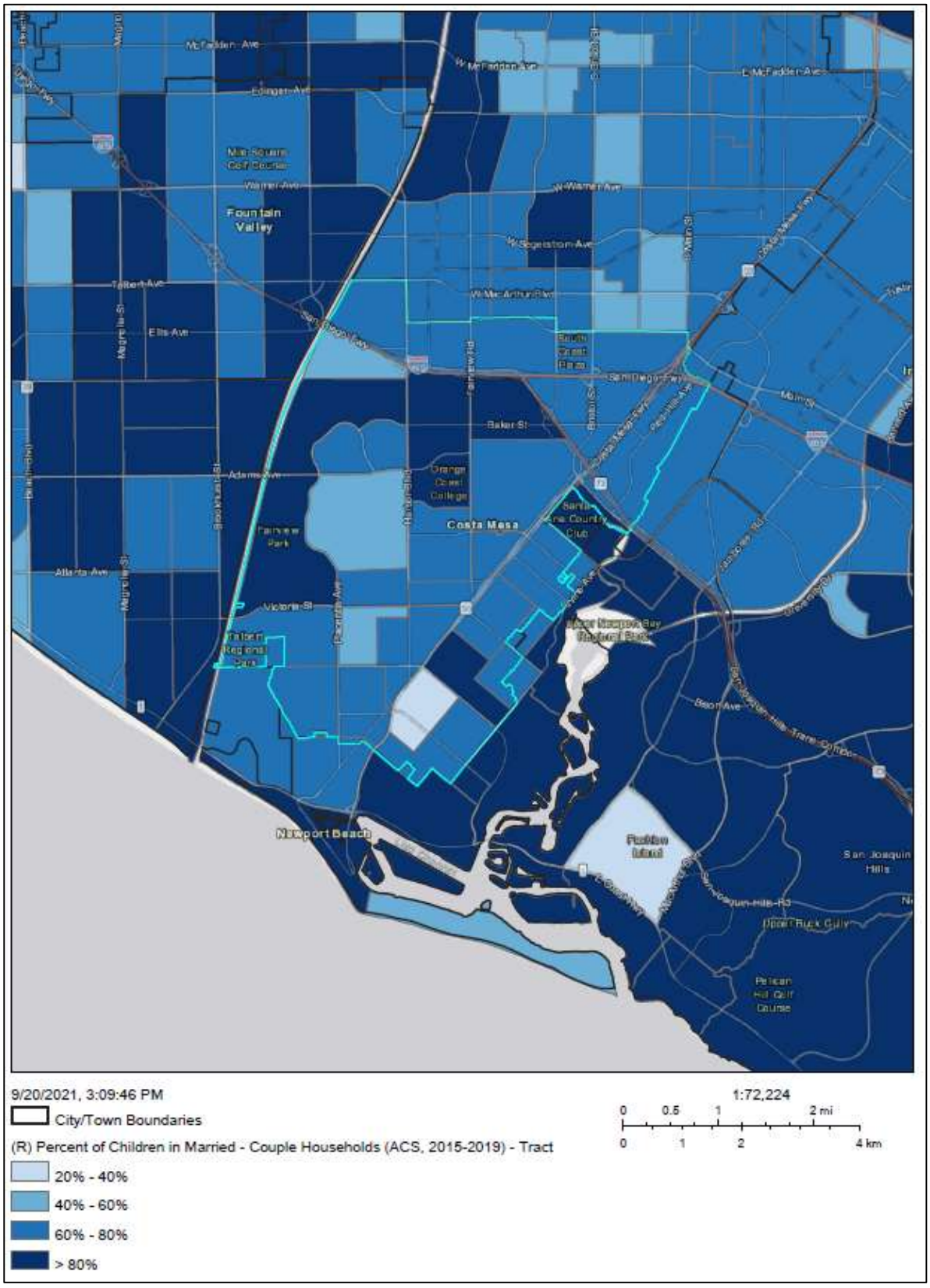
Figure 3-18 shows the City, as with its neighboring communities, has very low rates of children living in female-headed households with no spouse present. Most of the City reports approximately 20 percent of less, except for a census tract towards the southern edge of the City which reports 40 to 60 percent of children living in female-headed households. This same census tract is also one of two which reports 20 to 40 percent of its population over the age of 18 living alone, as illustrated in Figure 3-19. The rest of the City has fairly low rates of individuals living alone, with the remaining census tracts reporting less than 20 percent.

Figure 3-16: Married-Couple Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-17: Children in Married-Couple Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-18: Children in Female-Headed Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-19: Individuals Living Alone, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-31 displays data for households experiencing overpayment or cost burden in the State, County, and City. Housing cost burden can cause mainly displacement, which may create limited access to essential goods and community, as well as employment by potentially increasing commute times. The percentages of households that experience a cost burden greater than 30 percent is overall similar amongst the State, County, and City. Costa Mesa experiences higher rates of cost burden than the County by about two percent. The City also has the largest percentage of households with a cost burden over 50 percent at about 21.6 percent, compared to about 19 percent in both the State and County. Increased opportunity for affordable housing and housing assistance funds help to prevent cost burden on households.

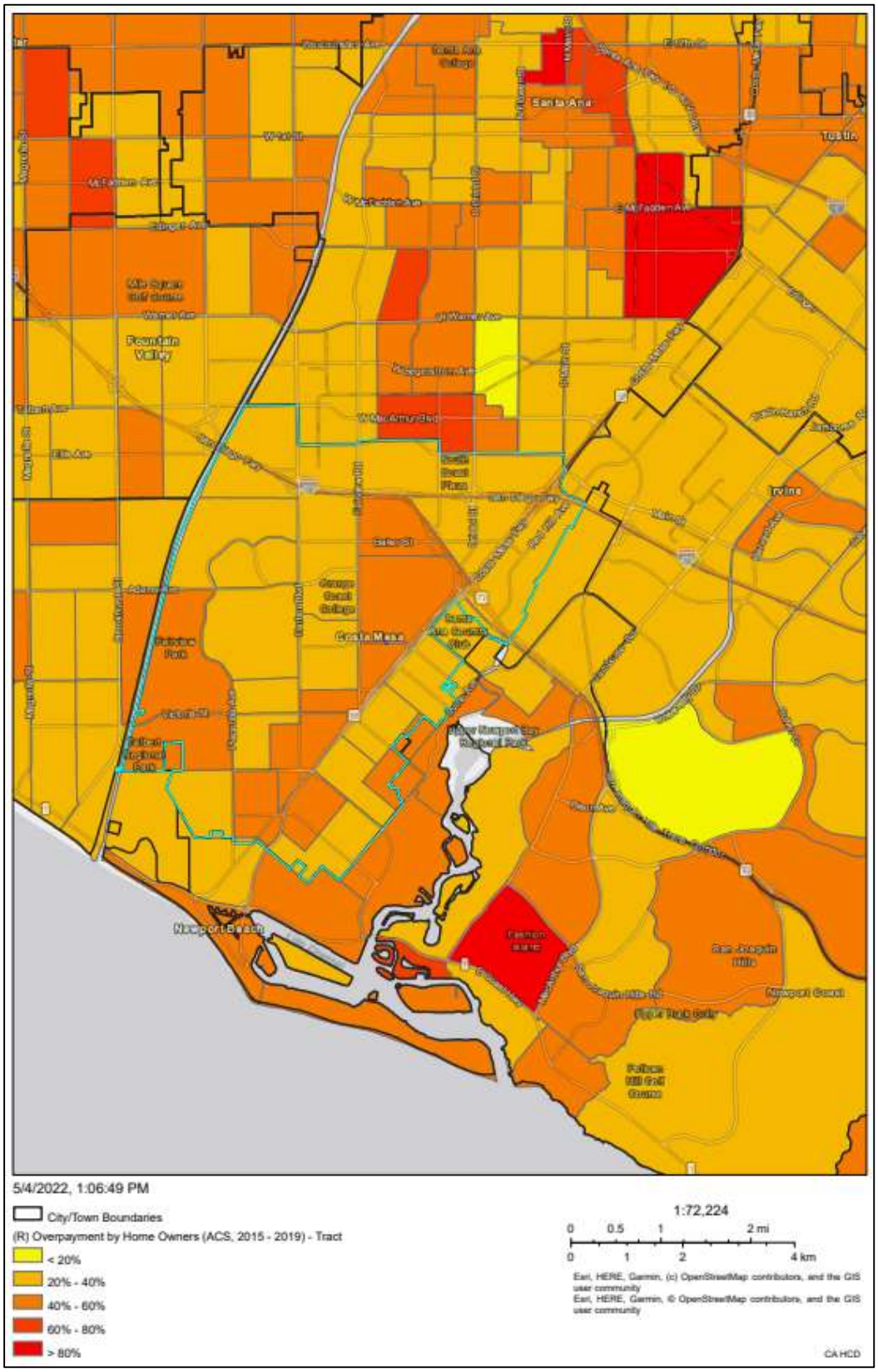
Table 3-31: Household Overpayment by Geography, 2019

Overpayment	Costa Mesa	Orange County	California
Cost Burden > 30%	42.1%	40.5%	40.1%
Cost Burden > 50%	21.6%	19.3%	19.4%
Cost Burden Not Available	1.3%	1.4%	1.4%

Source: HUD Consolidated Planning/CHAS Data, 2013-2017.

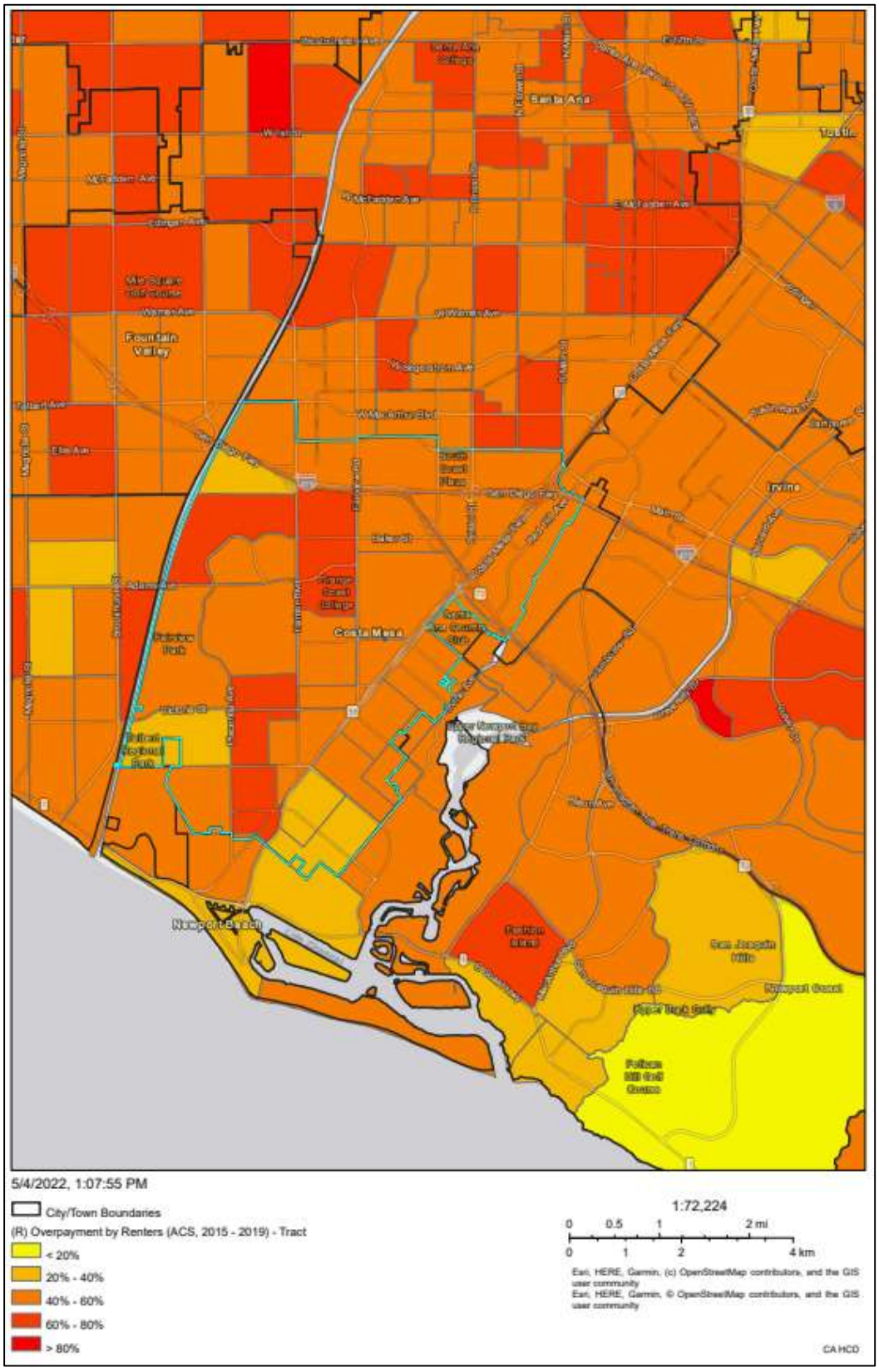
Figure 3-20 shows household overpayment for homeowners and Figure 3-21 shows household overpayment for renters. As illustrated, overpayment disproportionately affects Costa Mesa renters compared to homeowners. Overpayment for homeowners is greater in census tracts along the 55 Freeway. Overpayment for renters is higher to the south of the City in census tracts along Placentia Avenue and to the north in Mesa Verde and along Harbor Boulevard.

Figure 3-20: Overpayment by Homeowners, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Figure 3-21: Overpayment by Renters, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Table 3-32 displays data for household tenure (homeowners and renters) for the State, County, and City. Homeownership is a crucial foundation for households with low incomes to build strength, stability, and independence. The opportunity for transition into the homebuyer's market is important in a healthy housing market. Table 3-32 shows that the City of Costa Mesa has a much lower percentage of homeowners than the County and State, reporting about 38 percent, compared to 57 percent in the County and 55 percent in the State. Costa Mesa also has higher rates of renter at 62 percent, compares to 43 percent in the County and 45 percent in the State.

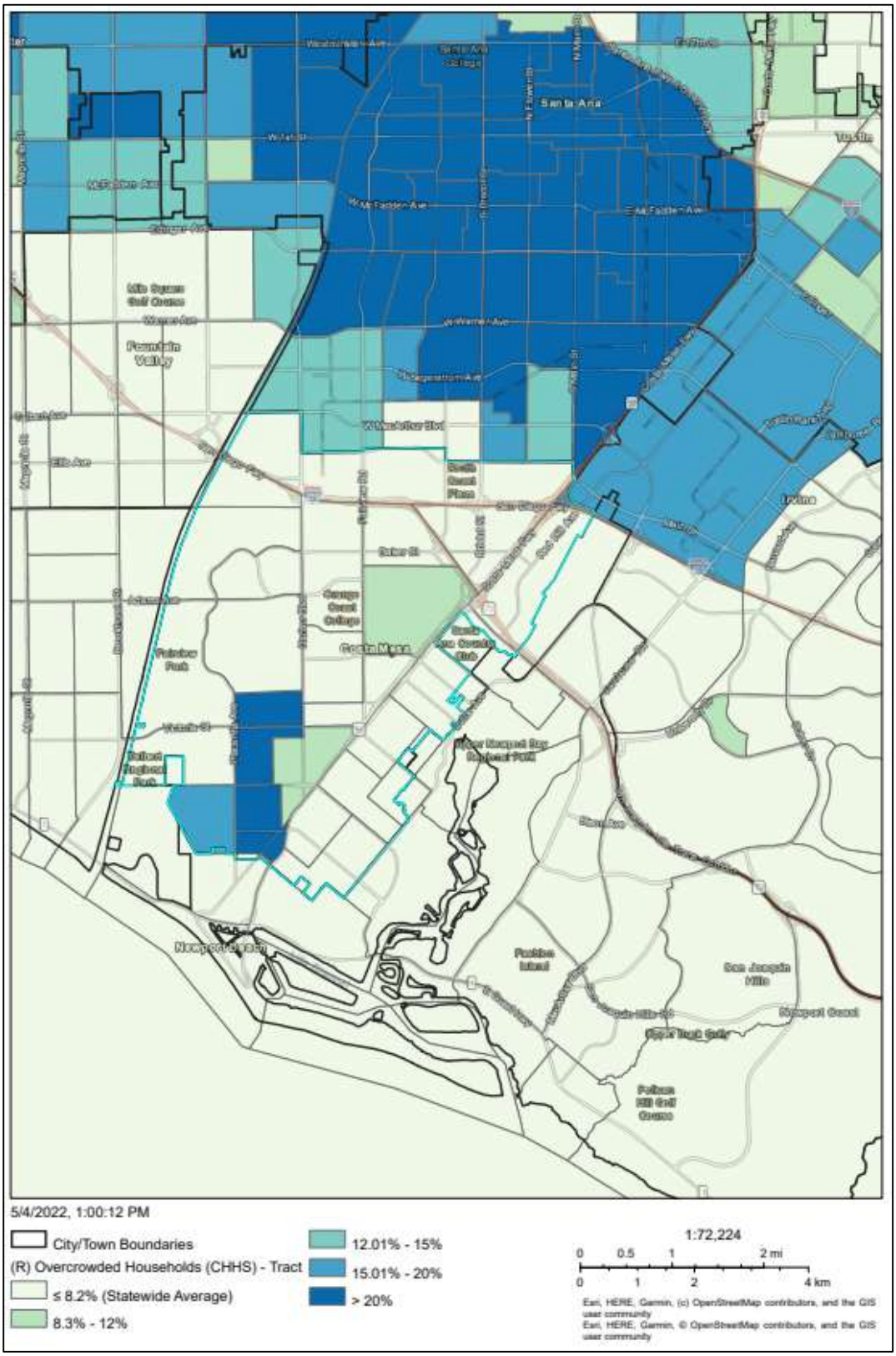
Table 3-32: Households by Tenure by Geography, 2019			
Household Tenure	Costa Mesa	Orange County	California
Owner Households	38.3%	57.4%	54.8%
Renter Households	61.7%	42.6%	45.2%
Total Occupied Housing Units	**40,986**	**1,037,492**	**13,044,266**
Source: American Community Survey, 5-Year Estimates, 2019.			

Additionally, Table 3-33 displays data for overcrowding. Overcrowding is defined as between 1.01 and 1.5 persons per bedroom in a household, and severe overcrowding is defined as more than 1.51 persons per bedroom. Overcrowding often occurs when nonfamily members combine incomes to live in one household, such as college students and roommates. Overcrowding also occurs when there are not enough size-appropriate housing options for large or multigenerational households. The City has the lowest percentages of owner-occupied households with overcrowded and severely overcrowded households compared to the County and State. Renters in Costa Mesa are disproportionately affected by overcrowding when compare to homeowners. Overall, across all three regions, owners were less affected by overcrowding and severe overcrowding.

Figure 3-22 also shows overcrowded households within the City. The figure shows three census tracts with over 20 percent of overcrowded households along Placentia Avenue west of the 55 Freeway.

Table 3-33: Households by Overcrowding by Geography, 2019			
Overcrowding and Tenure	Costa Mesa	Orange County	California
Owner Households			
Overcrowded	0.6%	1.5%	1.6%
Severely Overcrowded	0.2%	0.6%	0.6%
Renter Households			
Overcrowded	5.3%	4.2%	3.6%
Severely Overcrowded	2.7%	2.6%	2.4%
Source: American Community Survey, 5-Year Estimates, 2019.			

Figure 3-22: Overcrowded Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer

Housing Stock in Costa Mesa

Table 3-34 and 3-35 display comparative housing stock data for the State, County, and City. Table 3-20 below shows data for occupied housing units by type. A variety of housing stock provides increased opportunity in communities for different size and household types. The majority of housing stock in Costa Mesa is multi-unit developments (50.6 percent for 2 or more units). Single-family housing units represent about 48 percent of the housing stock in Costa Mesa. Comparatively, single family units represent about 63 percent and 64 percent of the housing stock in the County and the State, respectively.

Table 3-34: Occupied Housing Units by Type by Geography, 2019			
Housing Unit Type	Costa Mesa	Orange County	California
1-Unit, Detached	37.9%	50.6%	57.7%
1-Unit, Attached	9.2%	12.3%	7.0%
2 Units	2.9%	1.6%	2.4%
3 or 4 Units	9.6%	6.9%	5.5%
5 to 9 Units	9.4%	6.7%	6.0%
10 to 19 Units	9.1%	5.4%	5.2%
20 or More Units	19.6%	13.7%	12.3%
Mobile Home	2.2%	2.7%	3.7%
Boat, RV, Van, etc.	0.2%	0.1%	0.1%
Source: American Community Survey, 5-Year Estimates, 2019.			

Table 3-35 below displays housing stock by year built for the City, County, and State. Older housing units generally require more upkeep, regular maintenance, and can cause a cost burden on both renters and homeowners. The majority of Costa Mesa's housing stock (68.2 percent) was built during a housing boom between 1950 and 1979. The trend is similar for the County and State, with majority of units built between 1980 and 2013. Overall, increased numbers of older housing can lead to displacement, cost burden, and substandard living conditions. An analysis of the housing stock in provided in **Chapter 2: Costa Mesa Community Profile**.

Table 3-35: Housing Unit by Year Built by Geography, 2019			
Year Built	Costa Mesa	Orange County	California
Built 2014 or later	2.6%	2.7%	1.7%
Built 2010 to 2013	1.0%	2.0%	1.7%
Built 2000 to 2009	5.2%	8.3%	11.2%
Built 1990 to 1999	6.3%	11.7%	10.9%
Built 1980 to 1989	12.3%	14.9%	15.0%
Built 1970 to 1979	23.6%	23.3%	17.6%
Built 1960 to 1969	26.7%	19.5%	13.4%
Built 1950 to 1959	17.9%	13.0%	13.4%
Built 1940 to 1949	3.1%	2.1%	5.9%
Built 1939 or earlier	1.3%	2.5%	9.1%
Source: American Community Survey, 5-Year Estimates, 2019.			

Future Growth Need

The City's future growth need is based on the RHNA production of 2,919 very low and 1,794 low-income units within the 2021-2029 planning period. Appendix B of this Housing Elements shows the City's ability to meet its 2021-2029 RHNA need at all income levels. This demonstrates the City's ability to accommodate the anticipated future affordable housing needs of the community.

4. Displacement Risk

The potential for economic displacement risk can result from a variety of factors, including large-scale development activity, neighborhood reinvestment, infrastructure investments, and changes in local and regional employment opportunity. Economic displacement can be an inadvertent result of public and private investment, where individuals and families may not be able to keep pace with increased property values and market rental rates.

Urban Displacement

The Urban Displacement Project developed a neighborhood change database to map neighborhood transformations and identify areas vulnerable to gentrification and displacement. This data was developed to assist local decision makers and stakeholders better plan for existing communities and provide additional resources to areas in need or at-risk of displacement and gentrification. Table 3-36 provides the criteria used to identify each displacement typology and the total number of Costa Mesa Census Tracts that currently fall within each category.

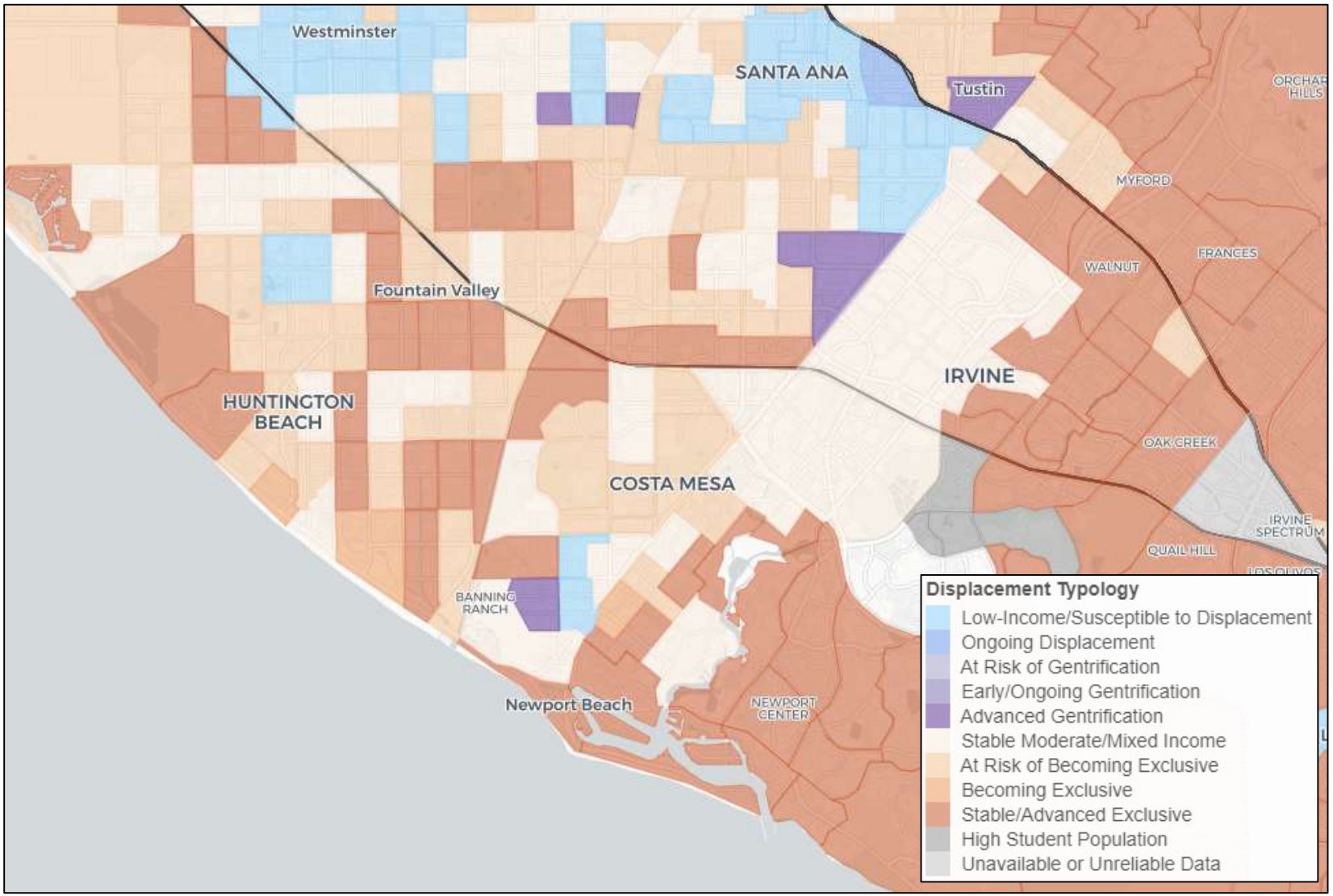
Table 3-36: Displacement Typology Criteria and Costa Mesa Census Tracts

Modified Types and Criteria	Census Tracts
Low-Income/Susceptible to Displacement • Low or mixed low-income tract in 2018.	6059063701 6059063605
Ongoing Displacement of Low-Income Households • Low or mixed low-income tract in 2018. • Absolute loss of low-income households, 2000-2018.	--
At Risk of Gentrification • Low or mixed low-income tract in 2018. • Housing affordable to low or mixed low-income households in 2018. • Didn't gentrify 1990-2000 OR 2000-2018. • Marginal change in housing costs OR Zillow home or rental value increases in the 90th percentile between 2012-2018. • Local and nearby increases in rent were greater than the regional median between 2012-2018 OR the 2018 rent gap is greater than the regional median rent gap.	--
Early/Ongoing Gentrification • Low or mixed low-income tract in 2018. • Housing affordable to moderate or mixed moderate-income households in 2018. • Increase or rapid increase in housing costs OR above regional median change in Zillow home or rental values between 2-12-2018. • Gentrified in 1990-2000 or 2000-2018.	--
Advanced Gentrification • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018.	6059063604

Table 3-36: Displacement Typology Criteria and Costa Mesa Census Tracts		
Modified Types and Criteria	**Census Tracts**	
• Marginal change, increase, or rapid increase in housing costs. • Gentrified in 1990-2000 or 2000-2018.		
Stable Moderate/Mixed Income • Moderate, mixed moderate, mixed high, or high-income tract in 2018.	6059062610 6059063908 6059063902 6059063803	6059063702 6059063201 6059063101
At Risk of Becoming Exclusive • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Marginal change or increase in housing costs.	6059063903 6059063904 6059063102 6059063906 6059063905	6059063808 6059063802 6059063807 6059063202
Becoming Exclusive • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Rapid increase in housing costs. • Absolute loss of low-income households, 2000-2018. • Declining low-income in-migration rate, 2012-2018. • Median income higher in 2018 than in 2000.	6059063301	
Stable/Advanced Exclusive • High-income tract in 2000 and 2018 • Affordable to high or mixed high-income households in 2018. • Marginal change, increase, or rapid increase in housing costs.	6059063907 6059063805 6059063806	6059063601 6059063302 6059063103
Source: Urban Displacement Project, University of California Berkeley (2021).		

Table 3-36 and Figure 3-23 both show the City is mostly made up of census tracts which are currently identified as "exclusive" or are in the process/at-risk of becoming exclusive. These areas overlap with most of the City's single-family neighborhoods. Two census tracts on the west-side of Costa Mesa and to the east of Placentia Avenue are currently identified as low-income and susceptible to displacement. The south-western-most census tract to the west of Placentia Avenue is categorized as "Advanced Gentrification", signifying a rapid increase in housing cost over the past few years.

Figure 3-23: Urban Displacement Project - Gentrification and Displacement



Source: Urban Displacement Project, University of California Berkeley (2021).

Inventory of Assisted Affordable Housing

Affordable covenants help to ensure that certain housing units remain affordable for an extended period of time. Covenants provide lasting affordable options to low and very low-income households in a community. Table 3-37 below provides a list of 1,144 housing units with affordability covenants, of which 75 housing units are at-risk of converting to market-rate between 2021 and 2031.

Jurisdictions are required by State Housing Element Law to analyze government-assisted housing that is eligible to convert from lower income to market rate housing over the next 10 years. State law identifies housing assistance as a rental subsidy, mortgage subsidy or mortgage insurance to an assisted housing development. Government assisted housing may convert to market rate housing for several reasons, including expiring subsidies, mortgage repayments, or expiration of affordability restrictions. Consistent with the requirements to analyze the impacts of the potential conversion of these units to market-rate units, this section provides an analysis of preservation of assisted housing units at-risk of conversion.

Table 3-37: Affordable Housing Units in Costa Mesa with Covenants

Name of Project	Address	Target Group	Potential Expiration	Funding	Target Income Level	Assisted Units
Casa Bella	1844 Park Ave.	Senior	2025	HUD Section 8	Very Low	75
Bethel Towers	678 W. 19th St.	Senior	2067	LIHTC	Low	53
St. John's Manor	2031 Orange Ave.	Senior	5/2062	HUD Section 8, HOME, Costa Mesa Redevelopment, Federal Rental Rehab	Very Low	36
Costa Mesa Family Village	2015 -2019 Pomona Ave. 755-771 W. 20th St. 1924-1932 Wallace Ave.	General	12/2038	Costa Mesa Redevelopment Ground Lease	Very Low/Low	72
Park Place Village (SRO)	1662 Newport Blvd.	General	Perpetuity	Land Use Restriction	Very Low	60
Costa Mesa Village (SRO)	2450 Newport Blvd.	General	Perpetuity	OC Housing Authority, Costa Mesa Redevelopment	Very Low	96
Newport Senior Village (SRO)	2080 Newport Blvd.	Senior	Perpetuity	Land Use Restriction	Very Low/Low	91
HOME Rehabilitation Project #1	734-744 James Street	General	4/2049	HOME	Very Low/Low	11
HOME Rehabilitation Project #3A	745 W. 18th Street	General	5/2056	HOME	Very Low/Low	3
HOME Rehabilitation Project #6	717-721 James Street	General	6/2058	HOME, Federal Rental Rehab	Very Low/Low	8
HOME Rehabilitation Project #3B	707-711 W. 18th Street	General	5/2056	Costa Mesa Redevelopment	Very Low/Low	8
Other Density Bonus Units	Scattered	General	Various	Land Use Restriction	Very Low/Low/	156

Table 3-37: Affordable Housing Units in Costa Mesa with Covenants						
Name of Project	Address	Target Group	Potential Expiration	Funding	Target Income Level	Assisted Units
					Moderate	
Harbor Village	2501 Harbor	Developmentally Disabled and General	Perpetuity	State-Owned	Very Low/Low/ Moderate	550
					TOTAL	1,144
					TOTAL UNITS AT-RISK	75

Sources:
1. *U.S. Department of Housing and Urban Development.*
2. *California Housing Partnership Corporation.*
3. *City of Costa Mesa, 2013*

Cost of Preservation of Units

While there are many options to preserving units including providing financial incentives to project owners to extend lower income use restrictions, purchasing affordable housing units by a non-profit or public agency, or providing local subsidies to offset the difference between the affordable and market rate units, the strategy considered below is to provide local rental subsidy to residents. The rent subsidy would provide financial assistance to residents if their affordable units converted to market rate. To determine the subsidy needed, Fair Market Rents were compared to market rate rents.

Table 3-38: Estimated Monthly Subsidy to Preserve "At-Risk" Units						
Unit Size	Monthly Rents		Number of Units At-Risk	Difference	Monthly Subsidy	Annual Subsidy
	Fair Market Rents[1]	Market Rate[2]				
Efficiency	$1,716	$2,293	0	$577	$0	$0
1-Bedroom	$1,905	$2,707	75	$802	$60,150	$721,800
2-Bedroom	$2,324	$3,352	0	$1,028	$0	$0
3-Bedroom	$3,178	$3,712	0	$534	$0	$0
4-Bedroom	$3,674	N/A	0	$0	$0	$0
					TOTAL	$721,800

Source:
1. HUD FY 2022 Fair Market Rent Documentation System – Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area
2. Kimley-Horn and Associate Analysis – based on apartments listed for rent across ten properties on September 22, 2021.

Cost of Replacement of Units

The City of Costa Mesa can also consider the cost of replacing the units with new construction. Construction cost estimates include all hard and soft costs associated with construction in addition to per unit land costs. The analysis assumes the replacement units are apartments with concrete block with steel frame buildings and parking provided on-site. Square footage estimates are based on estimated size of units to be replaced and assume housing units are developed on multi-family zoned properties. Land costs have been determined on a per unit basis.

Table 3-39: Replacement Cost by Unit Type of At-Risk Units					
Size of Unit	Cost Per Square Foot[1]	Average Square Foot/Unit[2]	Replacement Cost/Unit[3]	Number of Units	Total Replacement Cost
Efficiency	131.24	508	$66,670	0	$0
1-Bedroom	131.24	761	$99,874	75	$7,490,523
2-Bedroom	131.24	1,080	$141,739	0	$0
3-Bedroom	131.24	1,390	$182,424	0	$0
4-Bedroom	131.24	N/A	N/A	0	$0
				TOTAL	$7,490,523

Source:
1. International Code Council – August 2020 Report.
2. Kimley-Horn and Associate Analysis – based on apartments listed for rent across ten properties on September 22, 2021.
3. Includes financing and land acquisition costs of $30,000 per unit.

Resources for Affordable Housing Units

A variety of programs exist to help cities acquire, replace, or subsidize at-risk affordable housing units. The following summarizes financial resources available:

- Community Development Block Grant (CDBG) – CDBG funds are awarded to cities on a formula basis for housing activities. The primary objective of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment and economic opportunity for principally low- and moderate-income persons. Eligible activities include administration, fair housing, energy conservation and renewable energy sources, assistance for economic development, public facilities and improvements and public services.
- HOME Investment Partnership – Local jurisdictions can receive funds by formula from the Department of Housing and Urban Development (HUD) to increase the supply of decent, safe, sanitary, and affordable housing to lower income households. Eligible activities include housing acquisition, rehabilitation, and development, homebuyer assistance, and rental assistance.
- Section 8 Rental Assistance Program – The Section 8 Rental Assistance Program provides rental assistance payments to owners of private, market rate units on behalf of very low-income tenants, senior citizens, disabled and/or handicapped persons, and other individuals for securing affordable housing.
- Section 202/811 Program – Non-profit and consumer cooperatives can receive no-interest capital advances from HUD under the Section 202 program for the construction of very low-income rental housing with the availability of supportive services for seniors and persons with disabilities. These funds can be used in conjunction with Section 811, which can be used to develop group homes, independent living facilities and immediate care facilities. The capital advance funding can also provide project rental assistance for the properties developed using the funds. Eligible activities include acquisition, rehabilitation, new construction, and rental assistance.
- California Housing Finance Agency (CalHFA) Multifamily Programs – CalHFA's Multifamily Programs provide permanent financing for the acquisition, rehabilitation, and preservation of new construction of rental housing that includes affordable rents for low- and moderate-income

families and individuals. One of the programs is the Preservation Loan program which provides acquisition/rehabilitation and permanent loan financing designed to preserve or increase the affordability status of existing multifamily housing projects.

- Low-Income Housing Tax Credit (LIHTC) – This program provides tax credits to individuals and corporations that invest in low-income rental housing. Tax credits are sold to those with high tax liability and proceeds are used to create housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.
- California Community Reinvestment Corporation (CCRC) – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for low-income families, seniors, and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.

Qualified Entities for Preservation of Affordable Housing Units

The following organizations may potentially assist in preserving future at-risk units:

- Jamboree Housing Corporation
- Irvine Housing Opportunities, Inc.
- Bridge Housing Corporation
- The Irvine Company
- Orange County Housing Authority
- Housing Corporation of America
- Southern California Housing Development Corporation
- Century Housing

Quantified Objectives

Housing Element law requires that cities establish the maximum number of units that can be preserved over the planning period. The City's objective it to preserve the 75 affordable housing units "at-risk" of converting to market rate through policy programs provided in Chapter 4: Housing Plan.

SB 330

Effective January 1, 2020, Senate Bill 330 (SB 330) aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and polices that can be applied to residential development. The revised definition of "Housing Development" now contains residential projects of two or more units, mixed-use projects (with two-thirds of the floor area designated for residential use), transitional, supportive, and emergency housing projects. SB330 sets a temporary 5-year prohibition of residential density reduction associated with a "housing development project", from January 1, 2020, to January 1, 2025. For example, during this temporary prohibition, a residential triplex cannot be demolished and replaced with a duplex as this would be a net loss of one unit.

The City is committed to making diligent efforts to engage underrepresented and disadvantaged communities in studying displacement.

5. Summary of Fair Housing Analysis

The analysis conducted in this section regarding fair housing issues within Costa Mesa yielded the following conclusions:

- The dissimilarity analysis shows that nearly all racial and ethnic groups experience moderate to high segregation in the City of Costa Mesa. The Native Hawaiian and the Hispanic population experience the highest levels of segregation, meaning that to create a more integrated city, more than 45 percent of each respective population would need to move into a predominantly white census tract.
- There are no racially or ethnically concentrated census tracts (RECAPs) within Costa Mesa as identified by HUD. This indicates that there are no census tracts within the City with a non-white population of 50 percent or more or any census tracts that have a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan area. However, there is one area identified as high segregation and poverty.
- The data shows that Costa Mesa has ten block groups which meet the criteria for racially concentrated areas of affluence (RCAA). RCAAs are areas which the population is predominantly white with an income over $125,000 or higher.
- The UC Davis Regional Opportunity Index shows that the majority of residents within Costa Mesa have a moderate to high level of achievement and attainment. However, there are two census tracts in the south western portion of the City which show the lowest levels of attainment and achievement for residents, these areas also overlap with the high segregation and poverty area identified by the TCAC map (Figure 3-5b).
- The UC Davis Regional Opportunity Index (ROI)shows that the majority of residents within Costa Mesa have the highest level of access to opportunity throughout the City. Additional analysis of the ROI maps show that the northern portion of the City has moderate to lower levels of access to affordable or appropriate housing.
- The City provides moderate transit trip opportunity, a score of 5.4. Additionally, about 98.8% of all City jobs are within ½ mile of transit but just under 3 percent of the working population uses public transit as a primary source of transportation.
- The City has demonstrated the ability to meet the anticipated future affordable housing needs of the community through the designation of sites to meet the very low and low income RHNA need (Appendix B: Candidate Sites and Housing Resources). These sites are dispersed throughout the community and are identified on sites with high opportunity for residential development.
- There are 75 current units with affordable covenants at risk of converting to market rate before the year 2029 in the City.
- The CalEnviro Screen mapping tool (2018) identified most of the City as “moderate” to “low to moderate” scoring, indicating moderate exposure to harmful pollutants. Additionally, the area which is identified as high segregation and poverty is the highest scoring census tract on the CalEnviro Screen map, indicating high exposure to harmful pollutants.

6. Assessment of Contributing factors to Fair Housing in Costa Mesa

Regionally Identified Contributing Factors

As identified by the AI and the above analysis the City of Costa Mesa experiences the following local contributing factors to fair housing:

- Housing Discrimination – The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City. The AI reports that 609 households in Costa Mesa received fair housing services relating to general housing issues and discrimination allegations. The Fair Housing Foundation (FHF) received 65 housing discrimination inquiries with 9 based on physical or mental disability, 8 related to race, 2 related to national origin, 2 related to gender, 1 related to sexual orientation, and 5 related to familial status.
    - Through CDBG funding the City contracts with the Fair Housing Foundation to provide educational and support services to persons who experience housing discrimination in Costa Mesa. Services include: 1) responding to discrimination inquiries and complaints through screening and counseling, 2) documenting discrimination complaints by opening fair housing cases, 3) investigating discrimination complaints through extensive testing, and 4) resolving discrimination complaints through conciliation, mediation, administrative agency referrals, and litigation.
- Racial and Ethnic Segregation – The Analysis above identifies moderate segregation through the dissimilarity index analysis. Persons who identify as Hispanics, Asian, Native Hawaiian, American Indian, and Black experience over 30 percent dissimilarity with the white population in Costa Mesa. Additionally, while the R/ECAP analysis did not identify R/ECAPs in the City, there are two racially and ethnic concentrated areas of poverty near the City consisting of primarily Hispanic and Asian population.
    - During the AI report period, the City distributed literature on fair housing in English, Spanish, and Vietnamese to target neighborhoods and in conjunction with other neighborhood improvement efforts. This information was also provided at workshop events, at community centers, and at City Hall.
    - The City will continue to outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation,
- Unfair Lending – The Lending Analysis identifies lower rates of home loan approval for moderate, low, and very low-income residents. Additionally, applicants in Costa Mesa who identify as Black experience both lower rates of home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.
    - Currently, the City does not offer homebuyer assistance, but the AI reports that information on housing rehab programs are available on the City's website. The City will continue to provide important ownership information on the City's website. Costa Mesa recognizes that an educated community is an empowered commitment and will considered target education and outreach about loan purchase to residents.
- Overcrowding – the Analysis of Existing Housing Needs in Costa Mesa identified a significantly higher percentage of renters who experience overcrowding in the City than in the County and the

State. Overcrowding can be an indicator of multi-generational living, however in renter ship it is often an indicator that there are not sufficient affordable housing options causing residents to increase the number of persons per unit to lower the overall cost of housing. Overcrowding may also indicate a lack of adequate housing unit types available to residents with large families. While the City does not build housing, they will work with developers and interested parties to increase feasibility and opportunities for both affordable housing and multigenerational housing.

Locally Identified Contributing Factors

There are a number of factors and elements that contribute to and cause fair housing issues. The following lists a number of contributing factors within the City of Costa Mesa:

- **Community Opposition –** As a part of the Housing Element Update, the City hosted a variety of community engagement opportunities to gather feedback and input related housing needs. A large number of community members identified an overall objection to new housing in the City, specifically higher income housing. Traditionally, affordable housing and higher density residential projects receive community pushback or opposition. However, outreach and education can help to shift negative views of additional housing in a positive manner.

- **Lack of Investment in Specific Neighborhoods –** The TCAC map identified census tract: 06059063605 as an area of high segregation and poverty (**Figure 3-5b**); meaning the demographics of this tract are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation. Additionally, this census tract is scored as lowest opportunity in civic life, health, mobility, housing, economy, and education by the UC Davis ROI: People (**Figure 3-8**), which is a relative measure of people's assets in a census tract. While the area was scored as low opportunity for resident assets, it was scored highest opportunity for Place (**Figure 3-9**), meaning the geographic area has high assets and opportunity in education, economic, housing, mobility, health and civic life. The census tract is also identified as having less positive educational outcomes by the TCAC-Education map (**Figure 3-12**) and the highest exposure to harmful pollutants according to the CalEnviro Screen (**Figure 3-14**). Combined data shows that conditions in this area may exacerbate existing segregation trends, low opportunity for community and resident enhancement and upward mobility and that there may be overall lack of public investment in the area.

- **Displacement of Residents Due to Economic Pressures –** The data in the RCAA analysis (**Figures 3-6** through **3-7**) show that there are ten census tracts which meet the criteria for a racially concentrated area of affluence (RCAA). The definition for an RCAA is a census tract in which 80 percent or more of the population is White and has a median income of at least $125,000. The RCAAs are located in the highest resource and highest opportunity areas and are also within areas with the lowest exposure to harmful pollutants. If RCAA expand and gentrification occurs across the city, lower income households are at risk of displacement due to economic pressures and potential changing or increasing costs in housing and essential retail.

7. Analysis of Sites Pursuant to AB 686

AB 686 requires that jurisdictions identify sites throughout the community in a manner that is consistent with its duty to affirmatively further fair housing. The site identification requirement involves not only an analysis of site capacity to accommodate the RHNA (provided in **Appendix B**), but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Figures 3-24 through 3-29 below identify the sites to accommodate future housing, as identified in the adequate sites analysis, overlaid on demographic data using the 2019 American Community Survey 5-Years Estimates.

- Figure 3-24 – Costa Mesa Proposed RHNA Sites, Hispanic/Latino, 2019
- Figure 3-25– Costa Mesa Proposed RHNA Sites, Non-White Population, 2019
- Figure 3-26 – Costa Mesa Proposed RHNA Sites, Low and Moderate Income, 2019
- Figure 3-27 – Costa Mesa Proposed RHNA Sites, R/ECAP Areas, 2019
- Figure 3-28 – Costa Mesa Proposed RHNA Sites, RCAAs, 2019
- Figure 3-29 – Costa Mesa Proposed RHNA Sites, TCAC Opportunity Areas, 2019

Figure 3-24 shows the proposed candidate sites to meet the RHNA for Costa Mesa in relation to the location of residents of Hispanic origin. These sites take into consideration access to vital goods, services, and public transportation and are therefore ideal areas for the City to focus much of its future housing growth. It is anticipated that accessory dwelling unit (ADU) growth, including growth for affordable ADUs, will occur in the less dense areas of the community. Figure 3-24 shows the following findings:

- 22 proposed sites to accommodate the RHNA allocation (totaling 10,385 potential units, or 62.3% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic which is less than 20 percent. Of those units, 2,028 are proposed as affordable to low and very low incomes.
- 29 proposed sites to accommodate the RHNA allocation (totaling 3,594 potential units, or 21.6% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 20 and 40 percent. Of those units, 1,288 are proposed as affordable to low and very low incomes.
- 29 proposed sites to accommodate the RHNA allocation (totaling 1,697 potential units, or 10.2% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 40 and 60 percent. Of those units 524 are proposed as affordable to low and very low incomes.
- 7 proposed sites to accommodate the RHNA allocation (totaling 207 potential units, or 1.2% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 60 and 80 percent. Of those units, 58 are proposed as affordable o low and very low incomes.
- 10 proposed sites to accommodate the RHNA allocation (totaling 790 potential units, or 4.7% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic greater than 80 percent. Of those units, 229 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units does not disproportionately impact areas with larger concentrations of the Hispanic population.

Figure 3-24: Sites Proposed to Accommodate RHNA and Percent Population Hispanic, Costa Mesa

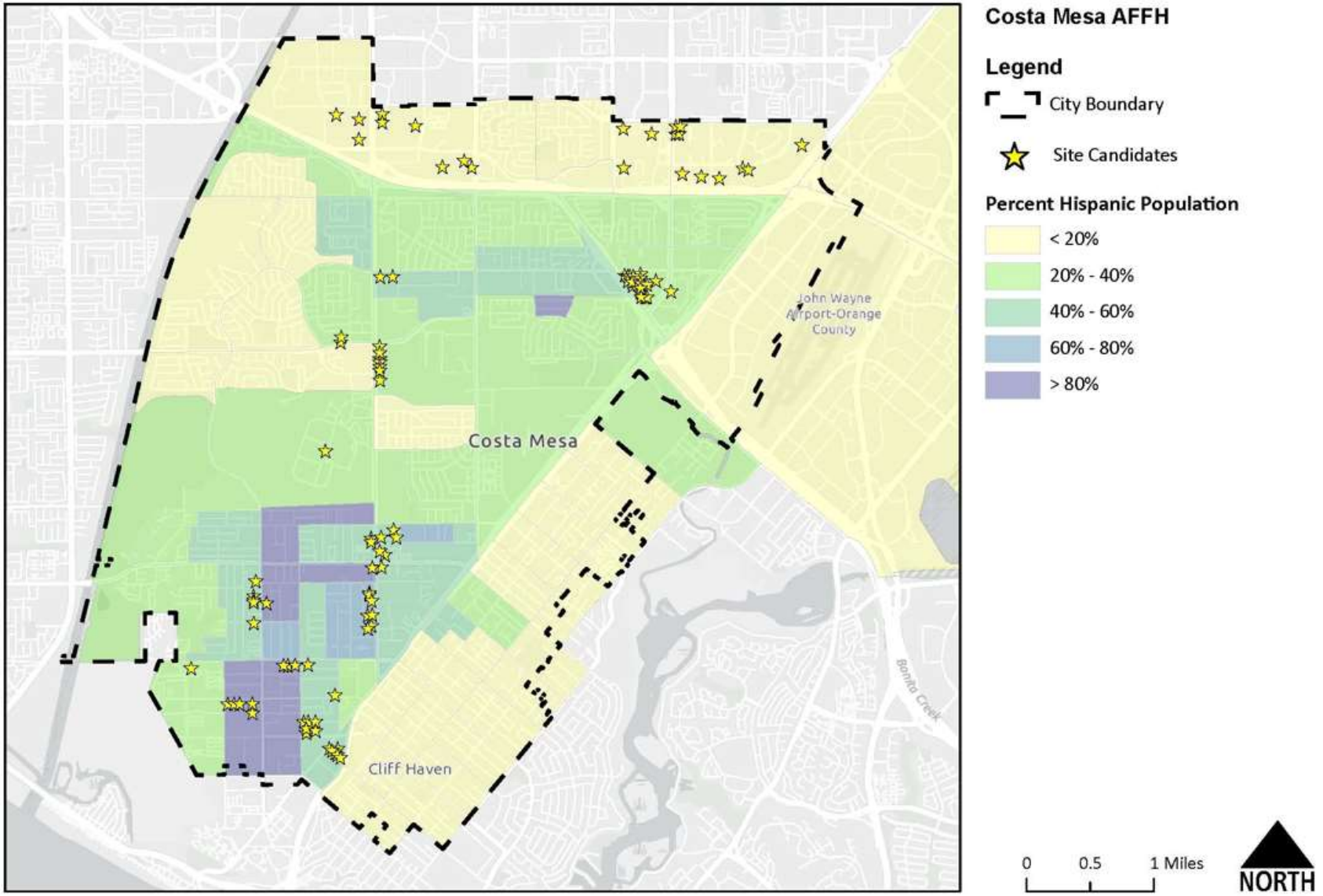


Figure 3-25 shows the proposed candidate sites to meet the RHNA for Costa Mesa in relation with census data showing the percentage of the population within each block group that is Non-white. Figure 3-25 shows the following findings:

- 56 proposed sites to accommodate the RHNA allocation (totaling 14,222 potential units, or 85.3% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White between 40 and 60 percent. Of those units, 3,849 are proposed as affordable to low and very low incomes.
- 24 proposed sites to accommodate the RHNA allocation (totaling 1,454 potential units, or 8.7% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White between 60 and 80 percent. Of those units, 455 are proposed as affordable to low and very low incomes.
- 17 proposed sites to accommodate the RHNA allocation (totaling 997 potential units, or 6.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White greater than 80 percent. Of those units, 287 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units does not disproportionately impact areas with larger concentrations of Non-white populations.

Figure 3-25: Proposed Sites to Accommodate RHNA and Percent Population Non-White, Costa Mesa

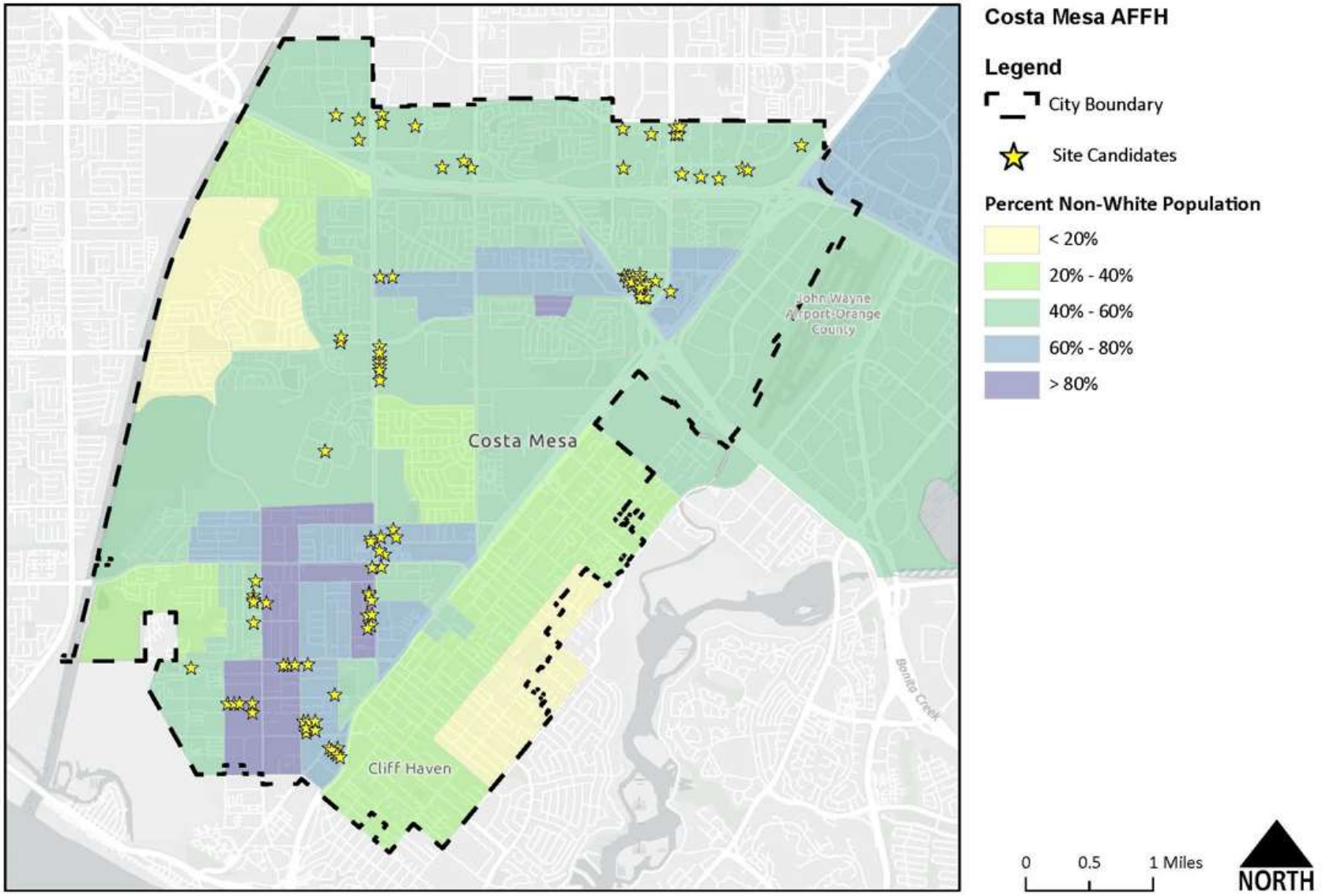


Figure 3-26 shows location of proposed candidate sites to meet the RHNA for Costa Mesa in in comparison with census data showing the percentage of the population within each block group who is categorized as low income or moderate by the American Community Survey. Figure 3-26 shows the following findings:

- 25 proposed sites to accommodate the RHNA allocation (totaling 10,499 potential units, or 63.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income between 25 and 50 percent. Of those units, 2,522 are proposed as affordable to low and very low incomes.
- 53 proposed sites to accommodate the RHNA allocation (totaling 4,989 potential units, or 29.9% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income between 50 and 75 percent. Of those units, 1,728 are proposed as affordable to low and very low incomes.
- 19 proposed sites to accommodate the RHNA allocation (totaling 1,185 potential units, or 7.1% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income greater than 75 percent. Of those units, 341 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units provides increased opportunities for low-income housing in areas with higher rates of low-income persons.

Figure 3-26: Proposed Sites to Accommodate RHNA and Percent Population Low and Moderate-Income, Costa Mesa



Figure 3-27 shows proposed candidate sites to meet RHNA for Costa Mesa in relation with data showing R/ECAP areas within the City. R/ECAPs are racially or ethnically concentrated areas of poverty; they are marked in red hatchings. The goal of the AB 686 analysis is to analyze how the sites identified to accommodate the RHNA allocation may exacerbate or mitigate existing fair housing issues. Figure 3-24 shows there are no R/ECAPs located within the City of Costa Mesa; therefore, no proposed candidate sites are located in a R/ECAP.

Figure 3-28 shows proposed candidate sites to meet RHNA in relation with data showing RCAA areas within the City. RCAAs are racially or ethnically concentrated areas of affluence, they are identified as areas with a median household income greater than $125,000 and a white population of 80 percent of higher. Figure 3-25 shows there are no RCAAs in Costa Mesa; however, there are RCAAs just outside the City's boundaries in Newport Beach.

Figure 3-29 shows proposed candidate sites to meet RHNA for Costa Mesa in relation with the TCAC/HCD Opportunity Areas within the City. TCAC is the California Tax Credit Allocation Committee/Housing and Community Development Opportunity Area Maps which show how resources are spatially distributed throughout the City.

Figure 3-29 shows the following findings:

- 17 proposed sites to accommodate the RHNA allocation (totaling 899 potential units, or 5.4 percent of the total potential units) are located within High Segregation & Poverty Resource areas. Of those units, 298 are affordable to low and very low income groups.
- 10 proposed sites to accommodate the RHNA allocation (totaling 696 potential units, or 4.2 percent of the total potential units) are located within Low Resource areas. Of those units, 200 are affordable to low and very low income groups.
- 56 proposed sites to accommodate the RHNA allocation (totaling 14,227 potential units, or 85.3 percent of the total potential units) are located within Moderate Resource areas. Of those units, 3,850 are affordable to low and very low income groups.
- 5 proposed sites to accommodate the RHNA allocation (totaling 273 potential units, or 1.6 percent of the total potential units) are located within Moderate Resource (Rapidly Changing) areas. Of those units, 78 are affordable to low and very low income groups.
- 9 proposed sites to accommodate the RHNA allocation (totaling 578 potential units, or 3.5 percent of the total potential units) are located within High Resource areas. Of those units, 165 are affordable to low and very low income groups.

Figure 3-27: Proposed Sites to Accommodate RHNA and Racially/Ethnically Concentrated Areas of Poverty, Costa Mesa

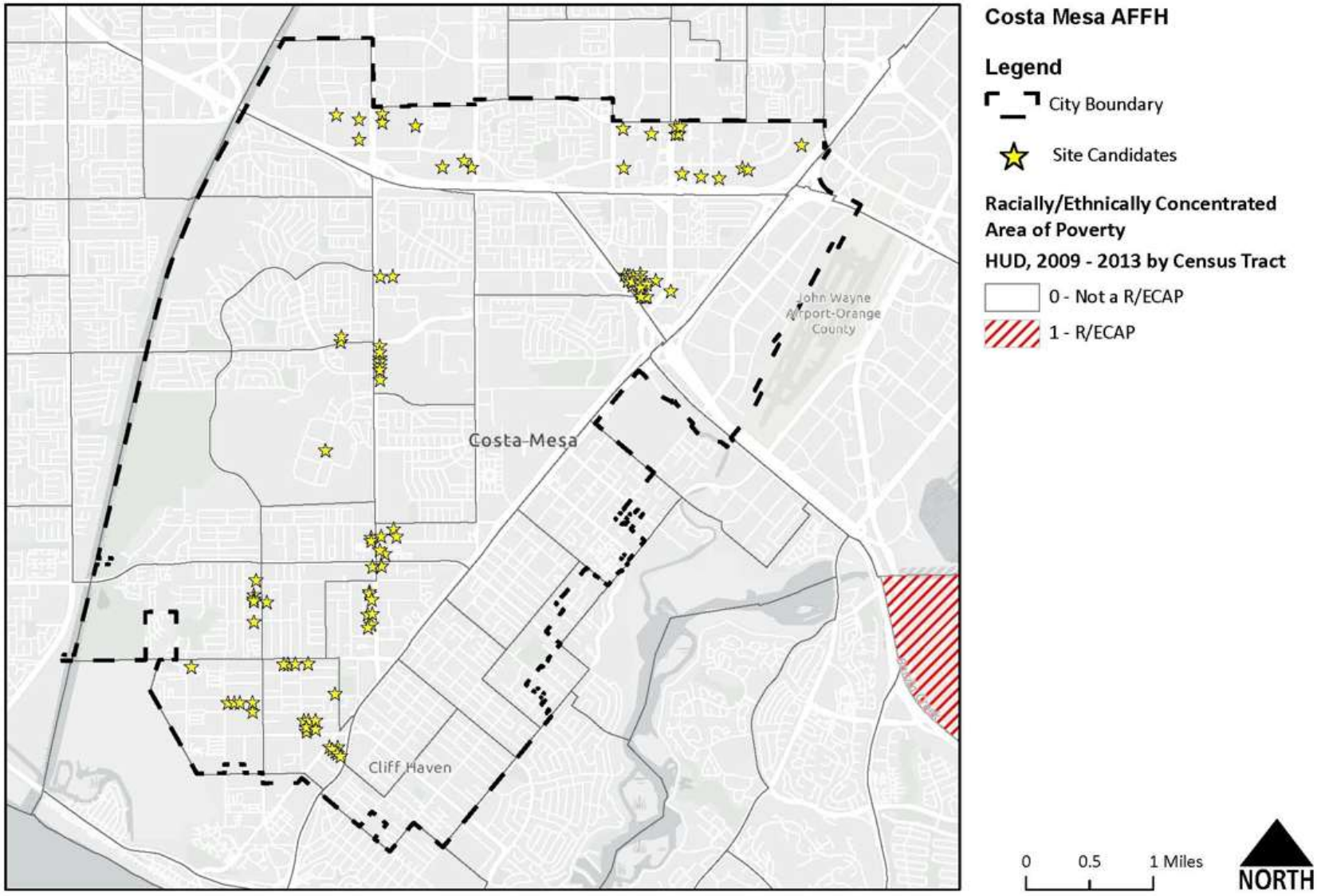


Figure 3-28: Proposed Sites to Accommodate RHNA and Racially/Ethnically Concentrated Areas of Affluence, Costa Mesa

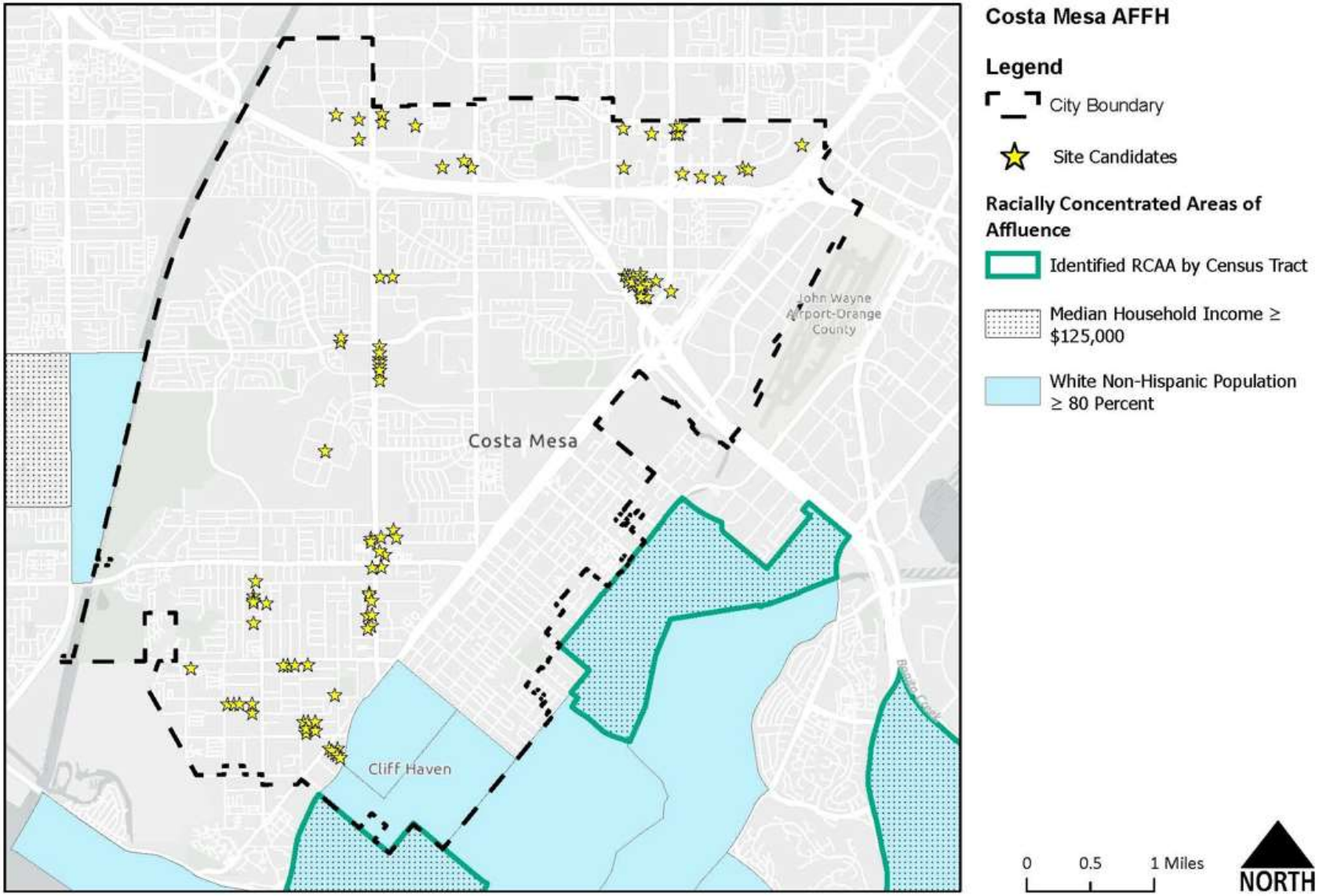
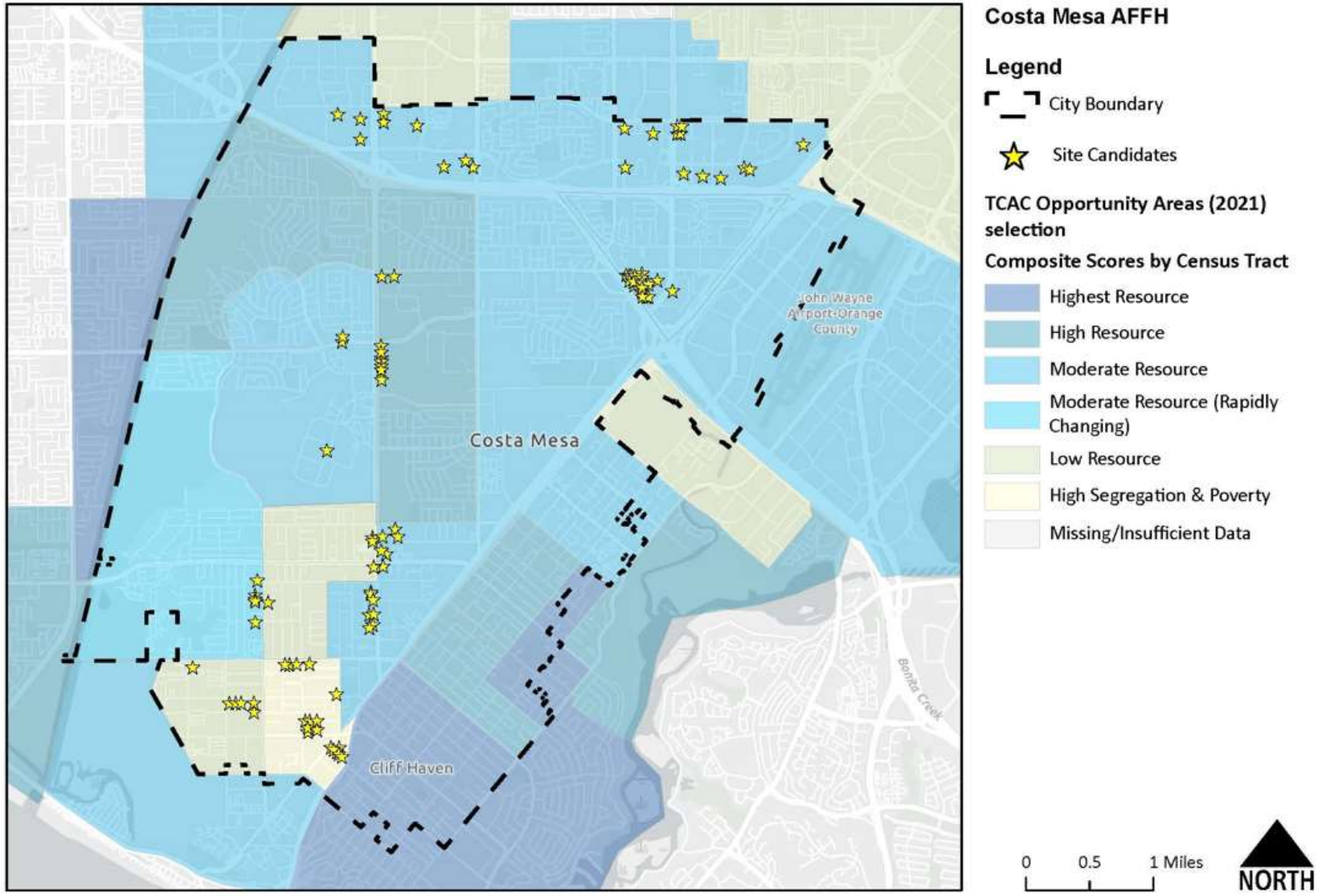


Figure 3-29: Proposed Sites to Accommodate RHNA and TCAC Opportunity Areas, Costa Mesa



8. Analysis of Fair Housing Priorities and Goals

To enhance mobility and promote inclusion for protected classes, the chief strategy included in this Housing Element is to provide sites suitable for affordable housing in high-resource, high-opportunity areas, as demonstrated by the analysis of the housing resource sites contained in Chapter 3: Housing Resources. Other programs that affirmatively further fair housing and implement the AI's recommendations include:

- PROGRAM 2A: Inclusionary Housing Ordinance
- PROGRAM 2B: Affordable Housing Development
- PROGRAM 2C: Supportive Services for Persons with Special Needs
- PROGRAM 2D: Facilitate Development of Senior Housing Options
- PROGRAM 2E: Encourage Development of Housing Options for Large-Family Households
- PROGRAM 2F: Persons with Physical and Developmental Disabilities
- PROGRAM 2H: Farmworker Housing
- PROGRAM 4A: Fair Housing
- PROGRAM 4B: Rental Housing Assistance
- PROGRAM 4D: Fair Housing Assistance
- PROGRAM 4E: Low Barrier Navigation Centers
- PROGRAM 4F: Homeless Shelter

The following table also lists fair housing issues identified and relevant programs included in the Housing Plan addressing each.

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
Racial and Ethnic Segregation	1. Census tract 636.05 is identified as a High Segregation and Poverty area. It is also rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life. 2. Ten census tracts are identified as Racially Concentrated Areas of Affluence. 3. The Hispanic population experiences higher levels of poverty according to HUD Opportunity Indicators.	High	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate racial and ethnic segregation, and outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation. **PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Housing Discrimination	1. The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City.	Medium	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate housing discrimination, as well as continue contracting with the Fair Housing Foundation. **PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Unfair Lending	1. The Lending Analysis identified lower rates of home loan approval for moderate, low, and very low-income residents. Applicants who identified as Black experienced both lower rates of home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.	Medium	**PROGRAM 4A: Fair Housing** – The City will take meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will explore the feasibility of additional actions to mitigate unfair lending, as well as continue

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			providing important ownership information on the City's website.
Access to Opportunity	1. Two census tracts in the City's southern region are rated the lowest ROI score for people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life. 2. Three census tracts are identified as Low Resource areas and one is identified as High Segregation and Poverty according to TCAC data. 3. Four census tracts are identified as having the lowest TCAC Education Outcomes.	High	**PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Environmental Conditions	1. All racial and ethnic groups have low environmental health indices according to HUD Opportunity Indicators. 2. Census tract 636.05 has a CalEnviroScreen 3.0 environmental burden of 81 to 90 percent.	Medium	**PROGRAM 4I: Partnerships with Local Organizations and Community Groups** – The city will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.
Availability of Accessible Housing for Persons with Disabilities	1. Five census tracts reporting 10 to 20 percent of their population having at least one disability. 2. Approximately 86 percent of housing units were built prior to 1989 before the Fair Housing Act and State laws regarding accessibility requirements	High	**PROGRAM 1A: Owner-Occupied Housing Rehabilitation** – This program may be used to assist qualified property owners in improving single-family residential properties, including: health and safety repairs such as mechanical,

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
	for persons with disabilities were adopted.		plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly. **PROGRAM 2C: Supportive Services for Persons with Special Needs** – The City will promote information and outreach to local organizations regarding the availability of CDBG funds for special needs populations to secure decent housing and supportive services. **PROGRAM 2F: Persons with Physical and Developmental Disabilities** – The City will take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures to facilitate access to adequate housing for persons with disabilities. **PROGRAM 2N: Reasonable Accommodation** – The City will outreach to local organizations to promote access to housing for persons with disabilities and address potential constraints, and review and revise its reasonable accommodations process to be

Table 3-40: Affirmatively Furthering Fair Housing Programs Matrix			
Fair Housing Issue	Contributing Factors	Priority	Programs
			consistent with State and federal housing requirements.
Need for affordable housing in new developments.	1. Ten census tracts are identified as Racially Concentrated Areas of Affluence. 2. Eight census tracts with 40 to 60 percent overpayment by homeowners and five census tracts 60 to 80 percent overpayment by renters. 3. Three census tracts with overcrowding greater than 20 percent. 4. Six census tracts reporting Stable/Advanced Exclusive affordability, one census tract reporting Becoming Exclusive, and nine census tracts reporting At Risk of Becoming Exclusive according to the Urban Displacement Project.	High	**PROGRAM 2A: Inclusionary Housing Ordinance** – The City will consider the adoption of an inclusionary zoning ordinance within 12 months of adoption of the 6th Cycle Housing Element. **PROGRAM 2B: Affordable Housing Development** – The City will seek funding, coordinate outreach, provide incentives, and publish informational materials to facilitate and promote the development of affordable housing units.
Displacement Risk	1. One census tract reporting Advanced Gentrification and two census tracts reporting Low-Income/Susceptible to Displacement according to the Urban Displacement Project. 2. A total of 75 assisted affordable units at risk of becoming market-rate between 2021 and 2031.	High	**PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units** – The City will regularly monitor units that have the potential to convert to market-rate, and work with property owners on potential contract and funding extensions.

F. Housing Resources

1. Regional Housing Needs Allocation

This section of the Housing Element provides an overview of the resources available to the City to meet the Regional Housing Needs Allocation (RHNA). The City of Costa Mesa is required to plan for the following 2021-2029 RHNA allocation:

Future Housing Needs

Future housing need refers to the share of the regional housing need that has been allocated to the City. The State Department of Housing and Community Development (HCD) has supplied a regional housing goal to the Southern California Association of Governments (SCAG). SCAG was then required to allocate the housing goal to each jurisdiction within the region through a RHNA Plan. In allocating the region's future housing needs to jurisdictions, SCAG is required to take the following factors into consideration pursuant to Section 65584 of the State Government Code:

- Market demand for housing;
- Employment opportunities;
- Availability of suitable sites and public facilities;
- Commuting patterns;
- Type and tenure of housing;
- Loss of units in assisted housing developments;
- Over-concentration of lower income households; and
- Geological and topographical constraints.

HCD, through a determination process, allocates units to each region across California. It is then up to each region to determine a methodology and process for allocating units to each jurisdiction within that region. SCAG adopted its Regional Housing Needs Allocation (RHNA Plan) in March 2021. This RHNA covers an 8-year planning period (starting in 2021) and addresses housing issues that are related to future growth in the region. The RHNA allocates to each city and county a "fair share" of the region's projected housing needs by household income group. The major goal of the RHNA is to assure a fair distribution of housing among cities and counties within the SCAG region, so that every community provides an opportunity for a mix of housing for all economic segments.

Costa Mesa's share of the SCAG regional growth allocation is 11,760 new units for the current planning period (2021-2029). **Table 3-41: Housing Needs for 2021-2029,** indicates the City's RHNA need for the stated planning period.

Table 3-41: Housing Needs for 2021-2029		
Income Category	Percent of Median Family Income (MFI)	Costa Mesa's RHNA Allocation for the 2021-2029 Planning Period
Very Low Income	0-50% MFI	2,919 units
Low Income	51-80% MFI	1,794 units
Moderate Income	81-120% MFI	2,088 units
Above Moderate Income	>120% MFI	4,959 units
	TOTAL	11,760 units

Residential Sites Inventory

Appendix B of the Housing Element includes the required site analysis tables and site information for the vacant and non-vacant properties to meet the City's RHNA need through the 2021-2029 planning period. The following discussions summarize the City's site inventory and adequate sites identification strategy.

Adequacy of Sites for RHNA

The City of Costa Mesa conducted a thorough analysis of all parcels within the City to determine which areas may have the most realistic potential to redevelop for residential uses within the planning period. The analysis included an in depth look at the following site characteristics for each parcel within the inventory:

- Address
- Ownership
- Zoning (including Specific Plan areas, Urban Plans, and Overlays, if applicable)
- Size (Net developable acres removing known development constraints)
- Density
- Vacancy status
- Previous Housing Element identification
- Potential Development Capacity (Dwelling Units) by income category
- Description of existing use

Most sites identified meet AB 1397 requirements for size as well as infrastructure requirements for available utility service. There is a further analysis regarding consolidation of small sites as well as the development potential of large sites within Appendix B.

The City of Costa Mesa has a total 2021-2029 RHNA allocation of 11,760 units. The Housing Element update lists sites, including accessory dwelling units, that can accommodate approximately 17,531 additional units. Table 3-42 shows a summary of the City's overall capacity to accommodate its RHNA. Overall, the City has adequate capacity to accommodate its 2021-2029 RHNA with a 149% buffer in excess of the City's RHNA need.

Table 3-42: Summary of RHNA Status and Sites Inventory					
	Very Low Income*	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 31, 2021)	3	19	9	8	39
Remaining Unmet RHNA	2,916	1,775	2,079	4,951	11,721
Sites Inventory					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Existing Sites	**1,009**	**562**	**1,084**	**3,655**	**6,310**
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,201	695	1,269	3,265	6,435
SoBECA Urban Plan	128	70	141	383	732
Mesa West Bluff Urban Plan	195	109	208	555	1,071
19 West Urban Plan	115	64	123	335	640
Harbor Mixed Use Overlay	270	151	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	**1,909**	**1,089**	**2,027**	**5,316**	**10,363**
Projected ADU Construction					
Projected ADU Construction	97	168	117	8	391
Sites Inventory Total					
Total Units towards RHNA	3,015	1,819	3,228	8,979	17,042
Total Capacity Over RHNA Categories	103%	102%	155%	181%	145%
*The City's Extremely Low Income (ELI) housing need is assumed to be 50% of the very low RHNA need for the planning period.					

Projects in the Pipeline

Development projects that are in the planning process but have not received approvals or building permits are considered "in the pipeline." For applications submitted for a land use approval, projects are considered "pending" until the necessary land use approvals are issued, at which point a project is deemed "approved." Once a building permit is issued, the project is identified as "building permit issued." When project construction is completed and all necessary building safety inspections have been completed a certificate of occupancy or "final building permit" is issued.

Pursuant to the HCD Housing Element Site Inventory Guidebook Government Code Section 65583.2, for projects yet to receive their certificate of occupancy or final building permit, the element must demonstrate that the project is expected to be built within the planning period. The City believes that many of these "in the pipeline" housing units are likely to be developed within the planning period and could further the City's efforts in reaching its required RHNA, if/once developed. Although "projects in the pipeline" are not

included as "candidate housing sites", they represent opportunities for future housing construction in Costa Mesa within the planning period. If/when these housing units are built, the units will count toward achieving the City's RHNA allocation consistent with State law.

Appendix B contains a summary of housing projects at various planning/development stages, and consist of potential developments of various sizes, types and housing affordability ranges. The summary includes recent housing projects that have been submitted at this time, but not approved; approved but no building permits have been issued or applied for; and other housing projects that City staff is working on in partnership to develop housing resources in the City.

For a variety of reasons, not all projects in the pipeline complete the planning or building permit process and are built and occupied. However, these projects provide an indication of what future completed construction will likely be. City staff will continue to work with the aforementioned project applicants and other City housing efforts to reach the City's Housing Element goals.

Redevelopment of Non-Vacant Sites for Residential Uses

The City of Costa Mesa does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA and are reliant on non-vacant sites to meet their RHNA need. To accommodate the need at all income levels, the City has analyzed sites within non-residentially zoned areas that permit residential development through Specific Plans, Urban Plans, or Overlays. The City also evaluated and included parcels not currently within Urban Plans which will be added when those Urban Plans are amended.

As part of the candidate housing sites analysis, the City has evaluated recent projects that have redeveloped within non-residentially zoned areas that included residential units. Those projects, including the zoning, use prior to redevelopment, and a project analysis of the approved development plan, are shown in Table 3-43. The City's analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in Table B-3.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in Table B-3. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.

The following residential development projects have been constructed on parcels that were either non-residentially zoned or had an existing non-residential use on-site within Costa Mesa.

Table 3-43: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
125 Baker St.	240	PDR - HD	Industrial use	This development is a 240-unit wrap apartment complex on a 4.2-acre parcel in a largely industrial and office area of Costa Mesa. The project was built at a density of approximately 57 du/ac. The site was previously a light industrial and office uses use similar to some of the identified candidate housing sites. The project was rezoned from CL to PDR-HD.
1957 Newport Blvd.	38	PDR - HD	Self-storage use and trailer storage lot	This development is a 38-unit condominium project along the Newport Blvd commercial corridor. The site was previously a self-storage and trailer storage use similar to some of the identified candidate housing sites. The project was rezoned from C1 to PDR-HD.
2277 Harbor Blvd.	200	PDR - HD	Motel use	This development is a 200-unit apartment complex on a previous motel use site. This development is located on Harbor Boulevard and shares many existing characteristics with sites identified within this corridor in the candidate sites inventory. The project was rezoned from C1 to PDR-HD.
671 W. 17th St.	177	MG	Brownfield development (Argotech Industries)	This development is 177 live/work and loft residential units and was developed on a site that was previously largely surface parking area. This site is in the Mesa West Urban Plan area and adjacent to some of the sites identified within the candidate housing sites analysis. This project also shares many existing use characteristics with those identified sites.
1620 and 1644 Whittier Ave.	89	MG	Industrial use (Ametek Aerospace and Defense)	This development is 89 live/work residential units on a former industrial use site in the Mesa West Bluffs Urban Plan area. Similar to 671 W. 17th Street, this site shares many geographic and existing use characteristics with sites identified in the candidate housing sites analysis.
1500 Mesa Verde Drive East	215	PDC	Vacant commercial area	This development is 215 senior apartments developed at four stories along Harbor

Table 3-43: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				Boulevard directly adjacent to existing commercial uses. This project is an example of the types of horizontal mixed-use projects that the City anticipates may develop along Harbor Boulevard and matches assumptions made in the Housing Element.
1527 Newport Boulevard	40	C2 & MG	Industrial uses, including boat and automobile repair	This development is 40 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
132, 134, 140 Industrial Way	22	C2 & MG	Industrial uses, including boat and automobile repair	This development is 22 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
1677-1985 Superior Avenue	49	C2 & MG	Gas station and a mixture of commercial and industrial uses.	This development is 49 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
2025 Placentia Avenue	36	MG	Commercial and industrial uses, including storage and repair for boats	This development is 36 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.
2095 Harbor Boulevard	29	PDC	Commercial buildings and gas station which had been vacant for several years.	This development is 28 single-family homes with live/work potential, including ground floor commercial/office workspaces and two stories above for residential. This development is in the Harbor Mixed Use Urban Plan area along Harbor Avenue and previous uses are consistent with sites identified within the sites inventory.
1672 Placentia Avenue	32	MG	Boat yard and industrial building	This development is 32 live/work units with ground floor commercial/office workspaces

Table 3-43: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.

This analysis of recent sample development projects shows that residential development occurs within the City on sites that have existing non-residential uses. As indicated in the analysis notes, these example sites share many characteristics with the candidate housing sites in **Table B-3.** This demonstrates that there is development potential on these sites as well as interest in developing these types of sites for residential uses within Costa Mesa.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private party lease agreements or other contractual agreements amongst private parties. Additionally, COVID-19 has increased the potential number of vacancies, especially within commercial uses. As part of the sites analysis for very-low and low-income sites, the City conducted discussions with property owners who felt comfortable sharing this information and came forward as interested in developing their properties for housing through the planning period. Notes regarding discussion are found in **Table B-3**.

Regulatory Incentives

Density bonus is a State law which permits increased density, a lowered parking standard, and concessions for projects which provide a certain percentage of their dwelling units as deed restricted to residents at the very-low, low, and moderate-income levels. Projects within infill areas such as Costa Mesa often utilize density bonus provisions to construct affordable units. The City understands that existing land use policy may not necessarily contribute to the development of housing. Therefore, regulatory incentives can be helpful in bringing housing units to the market. The City has committed through **Program 2I,** to annually update the local density bonus ordinance to be consistent with State law if changes are adopted at the State level.

The City has created programs expressly written to address the analysis and potential development of additional regulatory incentives to incentivize the creation of affordable housing. As stated in **Program 2B,** these may include, but are not limited to, the following for projects that propose a percentage of their housing units as affordable:

- Deferment of fees
- Priority Processing
- Modified development standards (above and beyond what is permitted under Density Bonus)

Development Trends and Current Market Demand for Existing Uses

The existing uses within the identified candidate housing sites are primarily commercial, light industrial, and office/business park. The following excerpts are from the Winter 2021 Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey.

Office Space Markets

The COVID-19 pandemic took a toll on traditional office uses when the majority of California's office workforce was required to work from home. This taught employees and employers that remote work was possible and may have sparked a trend of more remote work options in a post-COVID world. An excerpt from the above referenced study indicated that "survey participants are confident about the growth in demand for office space between 2020 and 2023, they are pessimistic about the return to investment in new space today."[8]

This indicates that while we may return to a more normal work setting in the short term, there is likely to be less investment going forward in new office space as employers look to downsize the leasable space they occupy and expand flexible work options to keep employees happy and hard costs down. It is likely this trend occurs into the next decade, opening up existing office uses not operating at full occupancy for residential redevelopment opportunities.

Retails Space Markets

In regard to future retail development trends and demand, the above referenced study noted the following observations from their analysis on participant responses. "During the previous economic expansion, retail space struggled. The current recession tripled down on that struggle. First, the loss of household income and the shelter-in-place policies reduced current demand for brick-and-mortar retail. Second, the inability to physically frequent many retail establishments created a new set of online shoppers, and third, increases in the savings rate on the part of households in response to the recession portends less individual consumption. To be sure, some activities will be coming back, particularly personal services and experiential retail. But now, more marginal properties will not find tenants willing to pay sufficient rent to keep the properties in the retail space."[9]

While COVID-19 had a large impact on retail in the immediate future, overall market trends pointed to a decline in the need for brick-and-mortar retail spaces going back over the past decade. The rise in online retailers such as Amazon and the shift in focus to online sales of major retailers like Target, Walmart, and others have kept shoppers in their homes and away from smaller mom and pop retailers as well. Experiential uses such as restaurants and dining provide more incentive and are likely to bounce back quickly following the removal of COVID-19 protocols. These uses do well in walkable, mixed-use settings with a strong flow of permanent consumers. Residential uses, especially at higher densities, present an opportunity to support future commercial growth including supporting smaller mom and pop retailers in infill settings such as Costa Mesa.

[8] Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey, Winter 2021,
[9] Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey, Winter 2021,

Development Trends

State, regional, and local policy direction promoting the development of housing at all levels to meet existing housing shortages, especially for low-income families, has further driven up the demand for housing. The redevelopment of existing non-vacant land, both in residential and non-residential zones, for multi-family rental and for sale housing provides a realistic opportunity to create affordable housing using the resources available within communities such as Costa Mesa. As a result, much of Costa Mesa's future growth will be on infill opportunities within the City. To facilitate this, the City has proposed actions to evaluate and revise the development standards and permitted uses within many key areas within the City. This increases the developable area within the City where residential development can occur and promotes development at densities which may support affordable housing.

As stated previously, much of Costa Mesa's anticipated future housing growth is expected to occur on infill sites, or sites with existing uses. Development on non-vacant parcels was analyzed to determine a reasonable development capacity based on known constraints and historic development patterns within each of the different zones. Table B-3 in Appendix B contains a detailed description of each existing use. Many of the existing uses were found to be similar with recent redevelopment examples in Costa Mesa. Appendix A also includes outreach to property owners and letters of owner support/developer interest for specific parcels identified in the Housing Element.

Accessory Dwelling Unit Productions

Accessory dwelling units, or ADUs) are housing units which may be developed in addition to an existing single- or multi-family residential use. These housing units can be free-standing or attached to a primary structure and are intended to provide additional housing on an existing residential lot. Often ADUs provide housing for family members or are rented to members of the community.

One of the proposed methods for meeting the City's RHNA at all income levels is through the production of ADUs. A number of State Assembly and Senate Bills were passed in 2018 and 2019 that promote development of ADUs and remove barriers that may inhibit their development within communities. The following is a summary of those bills:

- AB 68 and 881
  - Prohibit minimum lot size requirements
  - Cap setback requirements at 4', increasing the size and location opportunities for ADUs
  - Prohibit the application of lot coverage, FAR, or open space requirements that would prevent an 800 square foot from being developed on a lot
  - Remove the need for replacement parking when converting an existing garage to an ADU
  - Limit local discretion in establishing min and max unit size requirements
  - Mandate a 60-day review period for ADU applications through a non-discretionary process
- SB 13
  - Prohibit owner-occupancy requirements for 5 years
  - Reduce impact fees applicable to ADUs

  - Provide a program for homeowners to delay compliance with certain building code requirements that do not relate to health and safety
- AB 670
  - Prohibits Homeowner's Associations (HOAs) from barring ADUs

As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2021. In 2018, the City permitted 4 ADUs, followed by 6 in 2019 and a 217% increase in 2020 of 19. In 2020, the City received 44 applications proposing ADUs. Of those 44 applications, 19 were issued building permits in 2020 and 1 was issued a building permit and received their Certificate of Occupancy in 2020. In addition, 12 of those 44 applications were issued a building permit in 2021. The remaining are still in plan check or the projects have been abandoned. As of the end of April 2022, the City of Costa Mesa has seen an increase in ADU activity. The City has approved and is in the process of issuing permits for 27 ADUs through approximately one-third of the year. Projected out over 2022, this demonstrates the continued trend of ADU growth and puts the City on pace for 81 approved ADUs in 2022. This exceeds the City's 2022 projection of 50 units by 31 units and positions the City well to exceed its projected ADUs within the planning period. In accordance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (Jr ADUs) are permitted only in single dwelling unit zones.

The City of Costa Mesa has determined based on past performance and the SCAG/HCD approved methodology that it is appropriate to anticipate the development of 391 accessory dwelling units from 2021 to 2029. Approximately 391 of these units are anticipated to be affordable at the low and very-low-income categories. A total of 117 ADUs are anticipated to be affordable at the moderate-income level and 8 ADUs are anticipated at the above moderate-income level.

To assist in reaching the City's ADU development projections, Costa Mesa has included **Program 3E**, which explores actions the City will take to promote and incentivize the development of ADUs during the planning period. As outlined in the program, these actions may include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Waiving specific permitting fees to make ADU development more feasible
- Creating an expedited plan check review process to ease the process for homeowners
- Explore potential State and Regional funding sources for affordable ADUs

Summary of Sites Inventory and RHNA Obligations

As described in this section and in further detail in **Appendix B**, the City of Costa Mesa has identified adequate sites to accommodate the 2021-2029 RHNA obligation of 11,760 housing units. These candidate housing sites, in combination with the programs stated in **Chapter 4**, will help to facilitate the development of future housing within the city.

G. Financial Resources

Providing an adequate supply of decent and affordable housing requires funding from various sources, the City has access to the following funding sources.

1. Section 8 Housing Choice Voucher, CDBG and HOME funds

The Section 8 Housing Choice Voucher program is a Federal government program to assist very low-income families, the elderly, and the disabled with rent subsidy payments in privately owned rental housing units. Section 8 participants are able to choose any housing that meets the requirements of the program and are not limited to units located within subsidized housing projects. They typically pay 30 to 40 percent of their income for rent and utilities. The Orange County Housing Authority (OCHA) administers Section 8 Housing Choice vouchers within the City of Costa Mesa. OCHA reports that as of June 30, 2014, a total of 640 vouchers were granted to Costa Mesa households.

Community Development Block Grants (CDBG)

The Community Development Block Grant (CDBG) program provides annual grants on a formula basis to cities to develop viable urban communities by providing a suitable living environments and by expanding economic opportunities, principally for low- and moderate-income persons (up to 80 percent AMI). CDBG funds can be used for a wide array of activities, including:

- Housing rehabilitation;
- Lead-based paint screening and abatement;
- Acquisition of buildings and land;
- Construction or rehabilitation of public facilities and infrastructure, and:
- Public services for low-income households and those with special needs.

In order to receive CDBG funding, the City of Costa Mesa is required to approve and implement the 2020-2024 Consolidated Plan. This is a planning document that identifies the City's housing and community needs and outlines a strategy to address these needs utilizing funds from the U.S. Department of Housing and Urban Development (HUD).

HUD also requires the City to prepare a One-Year Action Plan for each of the five years covered by the Consolidated Plan. For the 2020-2021 fiscal year the City of Costa Mesa received $1,600,000 in CDBG and HOME funding (including public service grants associated with CDBG) are anticipated to be allocated towards:

(1) Housing Rehabilitation
(2) Tenant-Based Rental Assistance (TBRA)
(3) HOME Administration
(4) Community Housing Development Organization (CHDO) Housing Reserve
(5) Special Housing Code Enforcement
(6) Mercy House – Bridge Shelter
(7) City of Costa Mesa Senior Social Services
(8) Community SeniorServ Meal Programs
(9) Fair Housing Foundation
(10) Youth Employment Services Program
(11) CDBG Administration
(12) Families Forward

HOME Investment Partnership Program (HOME)

The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for households with incomes not exceeding 80 percent of area median income. The program gives local governments the flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations. HOME funds can be used for activities that promote affordable rental housing and homeownership by low-income households.

As with CDBG funding, HOME funds require the City complete a Consolidated Plan and a One-Year Action Plan. The 2020-2024 Consolidated Plan identifies the following objectives for HOME funds:

High Priority Need:

- Housing rehab: $275,000
- Tenant Based Rental Assistance: $150,000
- Community Housing Development Organization Reserve: $180,365
- Program Admin: $50,582

2. Opportunities for Energy Conservation

The primary uses of energy in urban areas are for transportation lighting, water heating, and space heating and cooling. The high cost of energy demands that efforts be taken to reduce or minimize the overall level of urban energy consumption. Energy conservation is important in preserving non-renewable fuels to ensure that these resources are available for use by future generations. There are also a number of benefits associated with energy conservation including improved air quality and lower energy costs.

Energy Use and Providers

Southern California Gas Company (SCG) provides natural gas service for the City. Natural gas is a "fossil fuel" and is a non-renewable resource. Most of the major natural gas transmission pipelines within the City are owned and operated by SCG. SCG has the capacity and resources to deliver gas except in certain situations that are noted in state law. As development occurs, SCG will continue to extend its service to accommodate development and supply the necessary gas lines. Electricity is provided on an as-needed basis to customers within existing structures in the City.

Southern California Edison Company (SCE) is the distribution provider for electricity in Costa Mesa. SCE services an area of 50,000 square miles with a population over 10 million; Costa Mesa represents less than one percent of the population served by SCE. Currently, SCE has no immediate plans for expansion of infrastructure, as most of the City is built out. However, every year SCE expands and improves existing facilities according to demand and they have indicated that future growth in Costa Mesa as anticipated in the General Plan is within the parameters of the overall projected load growth which they are planning to meet.

Energy Conservation

The City's Conservation Element of the General Plan identify and establish goals and policies for preserving and managing natural resources in the City. The element states that solutions to energy problems can be solved through conservation and through the development of alternate energy sources. Energy suppliers are continuously searching for new and expanded sources of conventional fuels such as oil, gas, and coal.

More recently developed fuels, such as nuclear and geothermal, make up a small share of the nation's energy supplies.

The City's Conservation Element states the City does not operate any local utilities related to energy, however, it partners with and supports energy providers to promote sustainable practices through local regulations. The Element also reports that while the national consumption of energy has increased by over 50 percent in the last 30 years, the State of California has remained stable due to conservation campaigns by individuals, businesses, utilities companies, and State and local regulations.

Solar energy is the viable alternate energy source for the City of Costa Mesa. As of January 2020, the State of California requires all new single-family and multi-family homes (up to 3 stories high) include a solar photovoltaic (PV) system as a source of electricity. The California Clean Energy Commission determined this mandate increases the cost of single-family residences by $8,400, but it saves homeowners and renters about $80 per month on electricity costs. To further promote the switch to solar energy, the City of Costa Mesa initiated the Go Green Program which waives permit fees for residential solar installations and electric vehicle charging stations.

The Leadership in Energy and Environmental Design (LEED) certification is a world-wide rating system which reviews and rates buildings, communities, and cities on their energy efficiency and conservation strategies. A LEED certified building is rated based on a set of points received and may be rated "certified" at the lowest and "Platinum" at the highest. In 2007, the City of Costa Mesa implemented a Green Building Program aimed at promoting energy efficiency by expediting the permitting process and waive certain fees for LEED certified projects. The City also became the first California city to require all new Municipal buildings be LEED Gold certified. LEED certified buildings are recognized for providing the following:

- Improved productivity and morale amongst workers, recruitment, and higher retention rates;
- Improved indoor environmental quality and air quality;
- Minimized energy and water costs during construction and operation;
- Minimized waste output;
- Pollution prevention; and
- Low-impact materials that last longer and may be non-toxic, recycled, and sustainably produced.

In February 2021, the City of Costa Mesa became the first city in California to achieve a LEED Gold for Cities and Communities certification.

Lastly, the City also abides to Title 24 standards as mandated by the State. Title 24 establishes energy efficiency standards for residential and nonresidential buildings (new structures and additions) to reduce energy consumption. The standards are updated every three years to achieve greater efficiency and reach for new goals.

Chapter 4

Housing Plan



Housing Plan

The Housing Plan describes the City of Costa Mesa 2021-2029 policy program. The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs further the City's overall housing policy goal is to Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Costa Mesa.

Regional Housing Needs Assessment

The Southern California Association of Governments (SCAG) has conducted a Regional Housing Needs Assessment (RHNA) to determine the City's share of the affordable housing needs for the Orange County region. The RHNA quantifies Costa Mesa's local share housing needs for the region by income category. Income categories are based on the most current Median Family Income (MFI) for Orange County. The City's 2021-2029 RHNA growth need is as follows:

- 2,919 units - Very low income (0-50% County MFI)
- 1,794 units - Low income (51-80% of County MFI)
- 2,088 units - Moderate income (81-120% of County MFI)
- 4,959 units - Above moderate income (120% or more of County MFI)

  11,760 units – Total

A. Guiding Principles

The City of Costa Mesa followed certain "guiding principles" in developing its approach and strategy for accommodating future housing growth. These guiding principles assist with implementation of the housing goals, policies and programs and will aid overall decision making. The guiding principles are rooted in community engagement and local knowledge and input into the planning process. The guiding principles are as follows:

- The City will plan for future housing primarily along major commercial, industrial, and mixed-use corridors within Costa Mesa that are compatible with growth, while preserving established residential neighborhoods.
- Each neighborhood, community, and district within Costa Mesa has its own unique characteristics and needs. Future housing growth will build upon Costa Mesa's history and complement the diversity and unique characteristics that already exist within each area.
- The City will plan for a diverse range of housing forms, types, and densities to address the housing needs of an inclusive and diverse community and provide housing opportunities that meet the needs of all residents, including low-income households, seniors, multi-generational families, larger households, and special needs groups.

As identified in **Chapter 2**, the City will need to consider the following findings based on the data presented in this Community Profile:

- The Costa Mesa population is showing aging trends – housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options. **The City has established Housing Program 2D to address this finding.**
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino – housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community. **The City has established Housing Programs 2E and 4A to address this finding.**
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing including affordable rental options and entry level home ownership facilitation should be considered. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Approximately 48.8 percent of renters and 31.8 percent of homeowners are estimated to spend more than 30 percent of their income on housing, indicating a high housing cost burden overall with a higher proportion of renters compared to owners experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Based on for sale and rental housing prices, a moderate-income household cannot afford to own a home in Costa Mesa, while lower income households cannot afford to own or rent in Costa Mesa without experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities. **The City has established Housing Programs 1A and 1B to address this finding.**
- Costa Mesa has a relatively low vacancy rate, indicating high demand for housing and low availability of housing units within the City. **The City has established Housing Programs 2B and 3A to address this finding.**
- 46.5 percent of Costa Mesa households have at least one of the four identified housing problems, which include:
    - Units with physical defects (lacking complete kitchen or bathroom);
    - Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);
    - Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
    - Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

  The City has established Housing Programs 1A, 1B, and 4A to address this finding.

B. Housing Goals

The City of Costa Mesa has identified the following housing goals as part of this Housing Element Update:

Housing Goal #1: Preserve and enhance the City's existing housing supply.

Housing Goal #2: Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.

Housing Goal #3: Identify adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels and promote a range of housing types to meet the needs of all segments of the Costa Mesa community.

Housing Goal #4: Provide housing opportunities to residents of all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

The goals listed above are described below and on following pages with accompanying policies and programs to achieve them.

C. Housing Policies and Programs

This Housing Element expresses the Costa Mesa's overall housing goals and supporting policies, quantified objectives, and the housing programs to achieve the objectives. The stated Housing Programs are based on a review of past performance of the prior 2013-2021 Housing Element, analysis of current constraints and resources, and input from Costa Mesa residents and stakeholders.

Housing Goal #1
Preserve and enhance the City's existing housing supply.

POLICIES HOU-1

HOU-1.1 Assist low and moderate-income homeowners and renters through housing assistance programs as long as funds are available.

HOU-1.2 Minimize the displacement risk for existing residents when considering approval of future redevelopment and public projects.

HOU-1.3 Prioritize enforcement of City regulations regarding derelict or abandoned vehicles, outdoor storage, substandard or illegal construction and establish regulations to abate blighted or substantially unmaintained properties, particularly when any of the above is deemed to constitute a health, safety, or fire hazard.

HOU-1.4 Establish housing programs and code enforcement as a high priority and provide adequate funding and staffing to support those programs.

HOUSING GOAL 1 IMPLEMENTATION ACTIONS

PROGRAM 1A: Owner-Occupied Housing Rehabilitation

This program is designed to assist qualified property owners to improve single-family residential properties. Improvements include, but are not limited to, health and safety repairs such as mechanical, plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly. The program provides rehabilitation loans (up to $50,000) and grants (up to $14,000). The loan offers deferred payment that will accrue three percent simple interest per annum and will be fully deferred without principal repayment until the sale or transfer of all or any interest in the property, or the occurrence of any other default by the property owner identified in the terms and conditions of the Loan Agreement. Maximum loan-to-value is 85 percent of the current market value.

Objectives:

- Provide informational materials on the Owner-Occupied Housing Rehabilitation program.
- Encourage the participation of seniors, veterans, and disabled residents in this program.
- Evaluate the effectiveness of this program and, if necessary, modify program characteristics.

Timeframe: Annually market information and evaluate the program's effectiveness. Any program modifications to be made within 12 months of final adoption of the 2021-2029 housing element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: Federal HOME funds

PROGRAM 1B: Mobile Home Rehabilitation

The City encourages the preservation of mobile homes as an affordable housing resource. Specifically, the City provides financial assistance (up to $10,000) as a grant to eligible owner-occupants to rehabilitate existing dwelling units.

Objectives:

- Provide financial assistance as long as funding from CDBG funds remains available.
- Market information on funding as available.

Timeframe: Annually market assistance available and grant funding on a case-by-case basis.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: Community Development Block Grants (CDBG) Funds

PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units

The City has 1,144 total housing units with affordability covenants. Of these units, 75 are at risk of converting to market rate between 2021 and 2031 – Casa Bella Apartments. All residential developments with affordability covenants are listed in Section 3.E.4 of this Housing Element.

Objectives:

- Regularly monitor deed-restricted units that have the potential of converting to market-rate during the planning period.
- Work with the property owners of Casa Bella on potential extensions past the current 2025 agreement.
- Comply with noticing requirements and coordinate with qualified entities to preserve at-risk units.

- Assist with funding, as available, or support funding actions for tenant education.

Timeframe: Coordinate with property owners of at-risk units through the end of financial agreements. Annually market tenant education information and available assistance.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division and Planning Division
Funding Source: CDBG, Golden State Acquisition Fund (GSAF), Multifamily Housing Program (MHP)

Housing Goal #2
Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.

POLICIES HOU-2

HOU-2.1 Facilitate the development of housing that meets the needs of all segments of the population including affordable housing and households with specialized needs.

HOU-2.2 Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing through the dissemination of informational materials and discussions with project applicants.

HOU-2.3 Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with State requirements for "reasonable accommodation" for disabled persons and all fair housing laws.

HOU-2-4 Encourage housing programs and future actions that address the need for affordable housing options as well as the housing needs of Costa Mesa's senior resident population and the large households population.

HOUSING GOAL 2 IMPLEMENTATION ACTIONS

PROGRAM 2A: Inclusionary Housing Ordinance

As of adoption of the 6th Cycle Housing Element, the City of Costa Mesa is analyzing the market impacts and potential affordability requirements for an inclusionary housing requirement for specific projects. The City has hired a consultant to evaluate and make recommendations regarding the structure of a potential inclusionary housing ordinance, including the affordability percentage requirement, potential for an in-lieu fee option, and other factors. As part of this effort, the City will consider the applicability of establishing a local preference policy.

Objectives:

- Consider adoption of an inclusionary housing ordinance.

Timeframe: Within 12 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division and Planning Division
Funding Source: In Kind, General Fund

PROGRAM 2B: Affordable Housing Development

The City understands that there may be local procedures or standards that could impact the development of affordable housing. The development process relies on a number of factors working together, including timing, fees and flexibility in design components required of a project. As such, this program aims to inform and incentivize the development community to develop affordable housing.

Objectives:

- Pursue State and regional funding for affordable housing development.
- Pursue local partnerships and annually meet with affordable housing organizations to encourage the development of housing affordable to all segments of the population.
- Establish development incentives (i.e. deferment of fees, priority processing, modified development standards, etc.) for affordable housing projects that meet objective evaluation criteria similar to the process for density bonus concessions.
- Develop clear instructional materials for achieving incentives and make them publicly available on the City's website.

Timeframe: Establish incentives and instructional materials within 12 months of final adoption of the 2021-2029 Housing Element Update. Pursue funding and partnership annually. Meet with organizations annually.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division and Planning Division
Funding Source: HOME, General Fund, State Department of Housing and Community Development Funds, Low Income Housing Tax Credits and CalHFA

PROGRAM 2C: Supportive Services for Persons with Special Needs

The City recognizes special needs groups (as defined in Chapter 2 of this Housing Element) require additional assistance to secure decent housing and supportive services. Through the annual Action Plan process for the CDBG program, the City evaluates the needs of various special needs groups and the allocation of CDBG Public Service dollars accordingly. The City will continue to expend available CDBG funds in a manner that addresses local needs and augments the regional continuum of care system in Orange County.

Objectives:

- Provide information regarding the City's Annual Action Plan findings regarding special needs groups and the availability and allocation of CDBG funds on the City's website.
- Outreach to local organizations working with special needs populations to receive feedback and provide information on the availability of funding.

Timeframe: Annually outreach to local organizations and provide information online regarding the Annual Action Plan findings regarding special needs populations and availability and allocation of CDBG funds.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: CDBG

PROGRAM 2D: Facilitate Development of Senior Housing Options

Senior residents, generally defined as those over 65 years of age, make up approximately 10.7 percent of the population in Costa Mesa and 7.5 percent of all households within the City are seniors living alone. As part of the candidate housing sites analysis, the City has identified one parcel suitable for the specific

development of senior housing. This program aims to coordinate with the development community to facilitate the development of senior housing on this parcel and throughout the City.

Objectives:

- Identify potential opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing.
- Pursue opportunities for senior housing on the Senior Center parcel identified as part of the candidate housing site analysis and/or other sites within the City.

Timeframe: Annually meet with senior housing developers to receive feedback, market housing sites adequate for the development of senior housing and pursue other opportunities for senior housing development.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: HOME, In Kind

PROGRAM 2E: Encourage Development of Housing Options for Large-Family Households

Large households are defined as those consisting of five or more members. In Costa Mesa, approximately 10 percent of all households meet the definition of a large-family household. The majority of large-family households are renter-occupied (62.8 percent) as opposed to owner-occupied (37.2 percent). This is compounded by the fact that single-family detached households, which generally tend to be owner-occupied in Costa Mesa, are more likely to be able to accommodate five or more people while apartment complexes rarely develop units larger than 3 bedrooms.

Objectives:

- Promote and work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments.
- Review development standards to determine if any pose an impediment to the development of larger units. If it is found that certain standards present an impediment, the City will consider amendments to the Zoning Code to alleviate those impediments.

Timeframe: Review development standards for larger units and, if necessary, amend the Zoning Code within 36 months of final adoption of the 2021-2029 Housing Element. Annually meet with housing developers to encourage the development of larger units.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: HOME funds, In Kind

PROGRAM 2F: Persons with Physical and Developmental Disabilities

As identified in **Chapter 2**, the City of Costa Mesa has a total of 9,224 persons reported having at least one physical disability. As of May 2021, approximately 932 persons with a developmental disability have received services through the Regional Center of Orange County (RCOC). The City understands that people with physical and developmental disabilities may have unique needs when looking for housing accommodations and is committed to assisting residents.

Objectives:

- Take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24, as well as reviewing and amending its procedures to comply with State law, as necessary.
- Review procedures and, as necessary, provide more flexibility in housing accommodations for persons with physical and developmental disabilities.

Timeframe: Review procedures to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate, and, if necessary, amend the Zoning Code within 36 months of final adoption of the 2021-2029 Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Source: HOME, CDBG, In Kind

PROGRAM 2G: Safety Element Update and adoption of Environmental Justice Policies

SB 1035 requires that the City review and revise the Safety Element to identify new information relating to flood and fire hazards that was not previously available during the previous revision of the Safety Element. SB 1000 requires that the City incorporate environmental justice policies within the General Plan.

Objectives:

- Revise and amend the current Safety Element.
- Amend portions of the General Plan to include environmental justice policies in compliance with SB 1000.

Timeframe: Within 12 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Development Services Department/Planning Division
Funding Source: State and Federal Grant Funds (e.g., SB2 LEAP funds), In Kind, General Fund

PROGRAM 2H: Farmworker Housing

Per California Health and Safety Code Sections 17021.5 and 17021.6, the City is required to permit farmworker housing by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds.

Objectives:

- Amend the current Zoning Code to meet requirement set forth in the California Health and Safety Code Sections 17021.5 and 17021.6.

Timeframe: Within 12 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind

PROGRAM 2I: Promote State Density Bonus Incentives

Density bonus is an effective incentive to aid in the development of affordable housing units within Costa Mesa through providing concessions to proposed developments that meet specific affordability criteria. These concessions may take the form of additional residential units permitted beyond the density allowed

in the base zoning, a relaxed parking standard, as well as the ability to deviate from development standards. Currently, the maximum number of concessions a project can receive through density bonus is three.

Objectives:

- Evaluate and update the Density Bonus Ordinance to comply with State Density Bonus Law.

Timeframe: Within 24 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2J: Transitional and Supportive Housing

California Government Code Section 65583(c)(3) requires transitional and supportive housing to be permitted in all residential zoning districts under the same restrictions as other residential dwellings of the same type in the same zone. Government Code Section 65651(a) also requires permanent supportive housing to be permitted by-right in zones where multi-family and mixed-use development is permitted, including non-residential zones permitting multi-family uses if they meet the Government Code Section requirements.

Objectives:

- Amend the Zoning Code to include transitional and permanent supportive housing within the City's land use matrix in compliance with Senate Bill 2 and Government Code Section 65651
- Monitor the inventory of sites appropriate to accommodate transitional and supportive housing.
- Proactively engage relevant organizations to meet the needs of persons experiencing homelessness and extremely low-income residents.

Timeframe: Within 24 months of final adoption of the 6th Cycle Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind

PROGRAM 2K: Planning Application Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees are necessary to implement planning, zoning and building safety laws and to provide the public services and infrastructure necessary to serve City residents. This program seeks to avoid application fees creating constraints to the development of affordable housing.

Objectives:

- Review planning application fees, with a special focus on the density bonus fee, and update the fee(s) to avoid creating a constraint to the development of affordable housing.

Timeframe: Within 24 months of final adoption of the 6th Cycle Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2L: Development of Housing for Extremely Low and Lower-Income Households

The City recognizes the importance of supporting the development of housing for low and extremely low income households. It is a primary goal of the Housing Element to increase the feasibility of development of housing for extremely low and low income households.

Objectives:

- Subsidize up to 100 percent of the City's application processing fees for qualifying developments where all units are affordable to 80 percent AMI or lower, as funding is available.
- Annually promote the benefits of this program to the development community by posting information on its webpage and creating a handout to be distributed with land development applications regarding development opportunities and incentives.
- Proactively reach out to developers at least once annually to identify and promote development opportunities.
- Adopt priority processing and streamlined review for developments with units affordable to lower income households.
- Support funding development applications throughout the planning period for projects proposing units affordable to lower income households.

Timeframe: As funding is available, promote the program and outreach; adopt priority processing and other incentives within 24 months of final adoption of the 6th Cycle Housing Element.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2M: Parking Standards for Residential Developments

The City's residential off-street parking requirements are provided in Section 3.B.3 of this Housing Element. Parking requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences. This program seeks to avoid potential constraints due to parking requirements to facilitate the development of multi-family developments, and specifically affordable housing projects.

Objectives:

- Review and revise the Zoning Code's requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2N: Reasonable Accommodation

The City has completed an analysis of its Reasonable Accommodation process in Section 3 of this Housing Element. By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. This process is described within the City's Zoning Code and persons may contact the City's planning department for assistance with requests. The City will review and consider revisions to its Reasonable Accommodation process to be consistent with State and federal fair housing requirements.

Objectives:

- Review and revise the Reasonable Accommodation procedure to promote access to housing for persons with disabilities, address potential constraints and establish potential objective standards, and provide guidance and amend as necessary to promote greater certainty on how approval findings will be implemented.
- Meet with local organizations and developers to promote access to housing for persons with disabilities and address potential constraints.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Annually review and, if necessary, revise the reasonable accommodations procedures. Annually meet with local organizations and housing developers to promote access to housing for persons with disabilities and address potential constraints.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2O: Definition of Single Housekeeping Unit

The City's definitions of "family" and "single housekeeping unit" within the zoning code do not differentiate between related and unrelated individuals, or between disabled and non-disabled individuals, living together. Notwithstanding, in order to promote flexibility to accommodate residents with different living conditions, the City will review and consider revisions to its zoning code per the objectives below.

Objectives:

- Review and revise the definition of "single housekeeping unit" within the zoning code to provide greater flexibility in consideration of accommodating a variety of household situations for related and unrelated individuals living together.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

PROGRAM 2P: Group Homes

The City has completed an analysis of its regulations applicable to group homes in **Section 3** of this Housing Element. Group homes are allowed in all residential zoning districts through a conditional or special use permit. The City will review and consider revisions to its zoning code applicable to group homes per the objectives below.

Objectives:

- Review and revise the City's zoning code and application procedures applicable to group homes to promote objectivity and greater approval certainty.

Timeframe: Review within 24 months of final adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Source: In Kind/General Fund

Housing Goal #3
Identify adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels and promote a range of housing types to meet the needs of all segments of the Costa Mesa community.

POLICIES HOU-3

HOU-3.1 Encourage the conversion of existing marginal, underutilized, or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.

HOU-3.2 Encourage the development of well-planned and designed residential or mixed-use projects which, through vertical or horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project, neighborhood, or geographic area within the City.

HOU-3.3 Actively engage and partner with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability to provide housing opportunities affordable to the incomes of the newly created job opportunities.

HOU-3.4 Consider the potential impact of new housing opportunities and their impacts on existing residential neighborhoods when reviewing development applications affecting residential properties.

HOU-3.5 Encourage residential and mixed-use development along transportation routes and major commercial/mixed use corridors.

HOUSING GOAL 3 IMPLEMENTATION ACTIONS

PROGRAM 3A: Adequate Sites

The City of Costa Mesa is required to maintain an inventory of vacant and underutilized sites and provide this inventory to interested developers as well as make the information publicly available. To keep this list accurate, the City will monitor its status of meeting the Regional Housing Needs Allocation (RHNA) annually and ensure that the City has adequate sites available to accommodate its RHNA.

Objectives:

- Maintain an inventory of vacant and underutilized sites and provide this inventory to interested developers.
- Monitor its status of meeting the Regional Housing Needs Allocation (RHNA) annually and ensure that the City has adequate sites available to accommodate its RHNA. If the City's inventory of adequate sites falls below its remaining RHNA, the City will take actions to identify additional capacity to accommodate the shortfall.
- Promote the development of housing, live/work, and mixed-use development on the sites identified within the inventory through actions such as:
    - Make information on candidate housing sites readily available through a database available to the public.

- Priority processing for candidate housing sites which provide the amount of affordable housing units at the income levels identified within the housing element for individual candidate sites.
- If funding becomes available, the City shall subsidize up to 100 percent of the City's application processing fees for qualifying developments that provide the amount of affordable housing units at the income levels identified within the housing element for individual candidate sites.

Timeframe: Publish candidate housing sites on the City website within 12 months of final adoption of the 2021-2029 Housing Element Update. Provide priority processing for candidate housing sites that meet the outlined requirements throughout the planning period. Market available funding, as available, for projects on candidate housing sites that meet outlined requirements
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3B: Fairview Development Center – State Property

Fairview Development Center, owned by the State of California, is a 109-acre property located at 2501 Harbor Boulevard in Costa Mesa. This property historically housed adults with intellectual and developmental disabilities but is closed and has been identified as surplus property by the State. The City has engaged with the State Department of General Services regarding the future use of the property as a master planned residential/mixed-use community with a substantial affordable housing component and other community amenities.

The City has been coordinating with the State of California Department of General Services (DGS) for future use of the site. The City is considering various zoning strategies permit the residential densities and development of the acreage identified within the candidate housing sites inventory, while also considering expedited permitting.

On June 26, 2022, Senate Bill No. 188 was approved by the State Assembly, which authorized the State to enter into an agreement with the City of Costa Mesa for the City to develop a specific plan for the Fairview Developmental Center property. The State appropriated $3.5 Million to the State Department of Development Services for allocation to the City to facilitate disposition of the Fairview Developmental Center property, by amending the general plan of the City and any appropriate planning documents and zoning ordinances, completing any environmental review, and addressing the economic feasibility of future development to be utilized for a mixed-use development, including mixed-income housing. Pursuant to the Senate Bill, the development would include and prioritize affordable housing, including at least 200 units of permanent supportive housing, and open space.

Objectives:

- Partner with the State to pursue compatible development on the Fairview Development Center site consistent with the State's Site Assessment and the Housing Element's sites analysis to permit residential development at the identified densities.
- Complete rezoning actions at the Fairview Developmental Center through development of a Specific Plan, rezone to an existing City zone, and/or other appropriate rezoning action within three years of an agreement with the State of California. Development at the site will be subject to the City's Inclusionary Housing Ordinance (to be established as outlined in Program 2A) or equivalent

affordability requirements and will be subject to development process incentives such as expedited processing including a dedicated staff project manager to promote future projects within the Fairview Developmental Center property to include affordable housing. The City will develop standards as part of the applicable zoning action to give clear guidance to future development projects with the intent of reducing the time it takes to entitle and develop projects for residential uses. The City will facilitate parceling and site planning at appropriate sizes as part of the Specific Plan, concurrent with the rezoning of the parcel.

- If re-zoning is not completed, the City will identify additional alternative sites within the City that can accommodate a potential shortfall in housing sites to accommodate the remaining RHNA within 180 days of determination of a shortfall of adequate sites as required by SB 166 (No Net Loss) consistent with the objective in Program 3A.
- The City will coordinate land use and zoning efforts concurrent with the city-wide rezoning efforts to implement the housing element. Fairview Developmental Center will go through an RFP process within the next three years to plan to for the development of up to 2,300 residential units (including approximately 900 affordable units).
- On October 4, 2022 the City approved an agreement with the State of California to fund planning services relating to the Fairview Development Center. The agreement stipulates that the State will provide up to $3.5 million in funds to the City to support an up to three-year agreement for a City-led local outreach and land planning effort for the FDC site. The funds will be used for the following land use planning activities: extensive community engagement, technical analysis and infrastructure studies, conceptual land use exhibits and Land Use Alternatives, preparation of a Specific Plan and associated general plan and zoning amendment, preparation of the Environmental Impact Report and associated technical studies pursuant to the California Environmental Quality Act, public hearings and review of the State prepared RFP process for site disposition. The City will facilitate development as appropriate including zoning, incentives, expedited processing and similar actions within three years of final adoption of the 2021-2029 Housing Element.

Timeframe: Negotiate agreement to develop housing at the Fairview Developmental Center site within 36 months of final adoption of the 2021-2029 housing element. or as modified by the State. If unsuccessful, identify additional sites to accommodate shortfall.
Responsible Agency: City of Costa Mesa/State of California
Funding Sources: State and Federal Grant Funds, In Kind

PROGRAM 3C: Update the North Costa Mesa Specific Plan

The North Costa Mesa Specific Plan is an existing specific plan located north of the 405 Freeway, containing a mixture of residential, commercial, office, and cultural/arts uses. Development in this area is typically of higher densities/intensities than other areas in Costa Mesa. This area is a key component of the City's sites strategy for future housing growth.

The City will complete the required zoning code/Specific Plan amendments to update the North Costa Mesa Specific Plan based on the sites analysis to permit residential development at an allowable density up to 90 dwelling units per acre. Through this program, the City will modify development standards to promote residential development at the allowable density. These updates may include amending the boundary of the Specific Plan area as well as revising development standards. The number of housing units able to be

developed in these areas is determined by the density. This program modifies densities within the North Costa Mesa Specific Plan to accommodate the assumptions within the Housing Element.

Objectives:

- Complete the required zoning code/Specific Plan amendments to update the North Costa Mesa Specific Plan based on the sites analysis to permit residential development at an allowable density of up to 90 dwelling units per acre. The City will update standards which apply to the entirety of the specific plan area, including the 16 sites totaling approximately 70.75 acres that are identified within the sites inventory list. 6,435 units identified within the North Costa Mesa Specific Plan across all income levels are identified to meet the City's shortfall in units. As noted in the program, development capacity is determined by density so effectively there are no total unit caps within the North Costa Mesa Specific Plan.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: State and Federal Grant Funds (e.g. SB2 LEAP funds), In Kind, General Fund

PROGRAM 3D: Update the City's Urban Plans and Overlays

The City has adopted Urban Plans and overlays that apply to specific planning areas and corridors within the City. These plans are intended to encourage compatible development through modified development standards and guidelines specific to a localized area of the City.

The City will complete the required zoning code amendments to update the existing Urban Plans and Overlays based on the sites analysis to permit residential development at the densities identified in the candidate housing sites analysis. These updates may include amending the boundary of the Specific Plan area as well as revising development standards. Densities for residential development in the separate Urban Plans and Overlays are anticipated to differ depending on the surrounding context and are listed in **Appendix B.** Based on City Council's concerns with displacement of long-term tenants and to preserve the existing housing stock on the west side, the Mesa West Residential Ownership Overlay is proposed to be removed.

The City has identified the acreage shown below in and around the identified Urban Plan and Overlay areas to either be rezoned or have their zoning characteristics modified through changes to the development standards within the existing Urban Plans. Urban Plan and overlays do not change the base zoning of a parcel, but rather add flexibility in development potential, including uses and densities. There are no caps on residential development within the Urban Plan and Overlay areas.

Objectives:

- Complete the required zoning code amendments to update the existing Urban Plans and Overlays based on the candidate housing sites analysis to permit residential development at the identified allowable densities:
    - 19 West Urban Plan (50 du/ac). The City will update standards which apply to the entirety of the 19 West Urban Plan area, including the 12 sites totaling approximately 12.97 acres that are identified within the sites inventory list. 640 anticipated dwelling units identified within the 19 West Urban Plan across all income levels are identified to meet the City's

shortfall in units. This update will include appropriate development standards to facilitate allowable densities.

- SoBECA Urban Plan (60 du/ac). The City will update standards which apply to the entirety of the SoBECA Urban Plan area, including the 18 sites totaling approximately 12.33 acres that are identified within the sites inventory list. 732 anticipated dwelling units identified within the SoBECA Urban Plan across all income levels are identified to meet the City's shortfall in units. This update will include appropriate development standards to facilitate allowable densities.
- Mesa West Bluff Urban Plan (40 du/ac). The City will update standards which apply to the entirety of the Mesa West Bluff Urban Plan area, including the 16 sites totaling approximately 27.02 acres that are identified within the sites inventory list. 1,071 anticipated dwelling units identified within the Mesa West Bluff Urban Plan across all income levels are identified to meet the City's shortfall in units. This update will include appropriate development standards to facilitate maximum densities.
- Harbor Mixed-Use Overlay (50 du/ac). The City will update standards which apply to the entirety of the Harbor Mixed-Use Overlay area, including the 27 sites totaling approximately 29.38 acres that are identified within the sites inventory list. 1,485 anticipated dwelling units identified within the Harbor Mixed-Use Overlay across all income levels are identified to meet the City's shortfall in units. This update will including appropriate development standards to facilitate maximum densities.

- Remove the Mesa West Residential Ownership Overlay.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: State and Federal Grant Funds (e.g., SB 2 LEAP funds), In Kind, General Fund

PROGRAM 3E: Promote the Development of Accessory Dwelling Units (ADUs)

Costa Mesa has single-family and multi-family residential neighborhoods which create the environment for accessory dwelling units to be built. As discussed in the analysis in **Chapter 3**, new State laws, combined with relaxed development standards (such as waiver of parking requirements along with increased educational efforts by the City) have resulted in an increased number of ADUs being permitted and constructed since 2018. The City anticipates continued growth in ADU development as the concept becomes more common within Southern California. The City will implement programs with the intent of promoting the development of accessory dwelling units within the 6th cycle including the following.

Objectives:

- Review and revise the City's ADU ordinance as necessary to comply with State law.
- Coordinating with the County on implementation of a permit-ready ADU program.
- Post a user-friendly FAQ on the City's website to assist the public.
- Consider waiving certain permitting fees, as funding is available.
- Creating an expedited plan check review process to ease the process for homeowners.
- Research potential State and Regional funding sources for affordable ADUs and make the information found publicly available to homeowners.

- Engaging with residential development applicants regarding ADU opportunities that may not have been considered.

Timeframe: Program components analyzed within 12 months of final adoption of the 2021-2029 housing element., with one additional year for implementation.
Review and revise the ADU ordinance within one year.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types

The City does not currently have a definition or standards within the Zoning Code that address permitting co-living units, efficiency units, or other development types with small unit sizes and shared facilities. Motel conversions to permanent housing are referenced in the Zoning Code but policies and standards have not been updated for many years and may serve as an impediment to conversions. Participants in the City's community outreach process expressed that these types of units may meet a need for students, young professionals, seniors, or anyone within the community who may desire smaller housing unit options that are more affordable. Additionally, the City's analysis in **Chapter 2** showed that non-family households made up an estimated 40.2 percent of total households within Costa Mesa in 2018. Co-living or flexibility in housing types may present increased housing options at different affordability levels for this large portion of households in Costa Mesa.

If an appropriate project becomes available, the City will explore opportunities to implement motel conversions through Project Homekey understanding that it is a competitive grant process that does not guarantee funding. City Council has authorized staff to submit grant applications for two projects under project Homekey and has approved a funding commitment of up to $3.5 million for local match funding for one or two Homekey projects, contingent upon award of State Homekey Program grant. A qualified /experienced City staff member has been assigned to manage these potential program activities.

Objectives:

- Establish definitions of co-living and efficiency housing options within the Costa Mesa Zoning Code
- Develop informational materials which outline the City's process for permitting efficiency unit and co-living housing types and distribute them to interested members of the development community.
- Explore opportunities to implement motel conversions through Project Homekey.
- Comply with State and Federal laws related to displacement and relocation of long-term residents when considering motel conversion opportunities.

Timeframe: Within 24 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: State and Federal Grant Funds (e.g., HUD funds, State Project Homekey funds), In Kind

PROGRAM 3G: Address City-wide Vote Requirement in Relation to Housing Element Compliance

As it exists upon adoption of the 2021-2029 Costa Mesa Housing Element, the City's Municipal Code requires voter approval of certain changes in land use, defined as those projects that amend, change or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan, (collectively, legislative

changes) and that involve any one of the following changes: adds 40 or more dwelling units, generates more than 200 additional average daily trips; increases the volume/capacity of an intersection based on specified formulas; changes the intersection capacity utilization or level of service based on specified formulas; adds 10,000 square feet of retail, office or other nonresidential; or, where the proposed project, combined with other projects within 8 years and a half mile of each other, meet the above criteria. Additionally, voter approval is required for projects that involve one of the above legislative changes and: changes from public uses to private uses under specified circumstances; land designated as utility right-of-way under specified circumstances; land donated, bequeathed, or otherwise granted to the City; land used or designated for Costa Mesa school property; or land owned, controlled, or managed by the City.

Through extensive community outreach with Costa Mesa residents, housing advocates, and members of the development community, the City of Costa Mesa has continued to contemplate the role of the City-wide vote requirements in relation to the City's 2021-2029 Housing Element Update. State HCD has identified the City-wide vote process as a clear constraint to the future development of residential uses within the City, a constraint to implementing the land use and zoning changes necessary to achieve State-mandated compliance with the RHNA allocation, and also conflicts with meeting State housing requirements. The City recognizes that it must, in coordination with guidance from the City Attorney and input from the community, determine a path forward to be able to adopt the subsequent changes to specific plans, urban plans, and overlays that are necessary to implement the City's adopted Housing Element and meet the City's RHNA allocation.

The City may move forward with adoption of a state-mandated Housing Element Update; however, it is not clear how the City-wide vote requirement affects the associated rezones and revisions to existing specific plans, urban plans, and overlays included as program actions within the Housing Element.

The City will take the following steps to identify and address specific ways in which the City-wide vote process functions as a constraint to housing compliance, the city's housing goals, and other shared community goals.

Milestones	Timing For Completion
(1) Engage the community and other stakeholders, and complete legal analysis necessary to identify appropriate modifications to the City's Municipal Code requirement for voter approval	Complete by June 2022
(2) Prepare ballot measure language and obtain City Council approval for placement of modifications on the ballot for the November 2022 general election.	Complete by August 2022
(3) Inclusion of the proposed measure on the Ballot of Local Election.	Complete by November 2022
(4) Creation and adoption of an inclusionary housing ordinance. The Municipal Code exempts "affordable housing proposals required by state or federal law" from the City-wide vote requirement. A City Council- approved inclusionary housing ordinance provides an opportunity to address affordable housing needs City-wide.	Within 12 months of final adoption of the Housing Element, consistent with Program 2A
(5) Engage in a community planning and visioning process. Prepare General Plan amendments, rezones, and revisions to existing specific plans, urban plans, and overlays included as program actions necessary to meet the City's RHNA allocation as identified within the Housing Element. Complete	Complete by June 2025

Milestones	Timing For Completion
appropriate technical studies and CEQA compliance documents. Obtain City Council approval.	
(6) If there is a continued shortfall of sites after a Ballot Measure vote, the City will request an opinion from the State's Attorney General's Office as to the City's options, or other equivalent actions to ensure adequate sites to accommodate the City's RHNA and address constraints to development.	Complete by December 2025

In addition to these actions, beginning in 2022 and in conjunction with the City Attorney's Office, the City will evaluate and pursue various options to minimize the constraints of a city-wide vote requirement on housing by providing the City Council greater discretion in approving housing and affordable housing projects to comply with all requirements in State Housing Element law without further ballot initiative.

Objective:

- Minimize the constraint of a city-wide vote requirement on creation of housing including affordable housing through the modification of existing City overlays, urban plan areas, and specific plans to rezone candidate housing sites that can accommodate affordable housing and a variety of mixed use/ housing options near jobs and transit. By 2025, initiate a ballot measure, or other alternative option, to provide City Council greater discretion in approving affordable housing and mixed use/ housing options in appropriate locations.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind/General Fund

PROGRAM 3H: Analyze the Potential of Establishing an Overlay to Permit Residential Uses in the Airport Industrial Area

The airport industrial area presents an opportunity for future housing growth. There are several sites within this area that do not fall within significant noise contours relating to operations at John Wayne Airport. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Objectives:

- Evaluate the potential to add an overlay to an area in the airport industrial area which would permit residential development.
- Complete a market analysis to determine the potential factors involved with permitting residential uses in the airport industrial area.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3I: Analyze the Potential of Establishing an Overlay to Permit Residential Uses in the 17th Street Corridor Area

The 17th Street corridor has developed into a successful commercial and restaurant hub within the City of Costa Mesa. This area presents the opportunity for focused mixed-use development which would further enliven the corridor through the addition of residential uses. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Objectives:

- Evaluate the potential to add an overlay to an area in the 17th Street corridor area which would permit residential development.
- Complete a market analysis to determine the potential factors involved with permitting residential uses in the 17th Street corridor area.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3J: Analyze the Potential of Modifying the Newport Boulevard Specific Plan to Promote Residential Uses along Newport Boulevard

The Newport Boulevard corridor contains a mix of commercial uses including 1980's-era motels on small lots fronting Newport Boulevard adjacent to SR-55, with established residential communities located in close proximity. This area presents the opportunity for focused mixed-use development which would further enliven the corridor through the addition of strategically located residential uses. The City adopted a Specific Plan for the area in the 1990's which allows for residential development; however, many of its policies have not been updated. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Objectives:

- Evaluate potential modifications to the Newport Boulevard Specific Plan that would promote quality residential development.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3K: Explore Potential Future Housing Opportunities on Church Sites

The City did not identify any church properties as housing opportunity sites within the 2021-2029 Housing Element but believes these partnerships with the local faith-based organizations that serve Costa Mesa could be an important component of the overall process of creating more affordable housing in the community.

Objectives:

- Collaborate with members of the faith-based community to discuss housing and the unique opportunities and challenges faced by faith-based organizations when considering creating housing opportunities on church properties with the potential for wrap around services.
- Develop materials outlining the development process and make them available on the City's website.

Timeframe: Develop online materials on the development process within 12 months of final adoption of the 2021-2029 Housing Element Update and update, as necessary.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind, General Fund

PROGRAM 3L: Annual Progress Reports

The Annual Progress Report outlines the status of residential development projects within the City at various phases of the development process as well as the City's progress towards meeting the stated program actions within the Housing Element. The report is due to the State Department of Housing and Community Development (HCD) each year within a timeline determined and published by the State.

Objectives:

- Annually complete the required housing status reporting through the City's Annual Progress Report.

Timeframe: Annually complete and submit an Annual Progress Report to HCD.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3M ADU and JADU Monitoring Program

ADUs and JADUs may be developed in addition to an existing single- or multi-family residential use and can provide a source of affordable housing for family members, students, and other members of the community. As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications in recent years and anticipates growth throughout the planning period, as detailed in **Appendix B** of this Housing Element.

Objectives:

- Create a monitoring program to track ADU and JADU development and affordability levels throughout the planning period.
- Conduct a review of ADU development and affordability every two years and make adjustments to accommodate a potential shortfall if determined necessary (i.e. additional incentives for ADU development or identification of adequate sites to meet the City's identified unaccommodated need).

Timeframe: Monitoring program created within 36 months of final adoption of the 2021-2029 Housing Element Update. Reviews conducted every two years throughout the planning period, and potential adjustments made within six months.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

PROGRAM 3N: Candidate Sites Used in Previous Housing Elements

Pursuant to State Housing law, candidate sites identified in this Housing Element to accommodate a portion of the City's low- and very low-income RHNA that were identified in previously adopted Housing Elements must be rezoned to allow residential use by right at specified densities for housing developments in which at least 20 percent of the units are affordable to lower income households. By right shall mean the jurisdiction may not require a Conditional Use Permit or other discretionary, local-government review or approval that would constitute a "project", except if the project requires a subdivision; however, the City may impose objective design review standards on projects.

The City has identified as part of this Housing Element updated vacant and nonvacant sites that were used in previous Housing Elements to meet the current RHNA need. This can be found in Table B-6 in Appendix B.

Objectives:

- Place a housing overlay zone over all nonvacant sites included in a prior Housing Element and all vacant sites included in two or more consecutive planning periods that permits by right housing development for projects that meet the requirements of State housing law.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3O: Water and Sewer Resources

Pursuant to Chapter 727, Statues of 2005 (SB 1087), the City of Costa Mesa is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. Additionally, cooperation with local service providers will support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households.

Objectives:

- Submit the General Plan amendment and rezone sites to local water and sewer providers for their review and consideration when reviewing new residential projects.

Timeframe: Within 6 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 3P: Federal/State Housing Programs

The City will provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects using Federal and State housing programs/grants. Additionally, the City will continue to partner with the OC Housing Finance Trust to identify potential funding sources.

Objectives:

- Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects using Federal and State housing programs/grants.
- Continue to partner with the OC Housing Finance Trust to identify potential funding sources.

Timeframe: Annually market available Federal and State housing programs and grants. Meet with qualified interested parties annually to provide technical assistance. Partner with the OC Housing Finance Trust throughout the planning period to identify additional potential funding sources.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division
Funding Sources: State and Federal Grants, OC Housing Finance Trust

PROGRAM 3Q: Lot Consolidation

The City of Costa Mesa has identified several candidate housing sites that are smaller than half an acre in size. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. The City has only identified sites smaller than half an acre which show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement.

Objectives:

- Promote consolidation of residential properties to the development community and property owners to facilitate and promote the development of housing on smaller sites.
- Maintain information on the lot consolidation process and fees online and at City Hall.
- Continue to provide streamlined measures to facilitate consolidation and establish incentives
- Evaluate the effectiveness of streamlining measures by midpoint and make adjustments within 6 months

Timeframe: Within 12 months of final adoption of the 2021-2029 Housing Element, outreach and promote lot consolidation to the development community/property owners, and publish and maintain updated information on the City's lot consolidation processes and fees online and at City Hall.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: General Fund

PROGRAM 3R: Development of Large Sites

The City of Costa Mesa has identified several candidate housing sites that are larger than 10 acres in size as identified previously in Appendix B. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. These sites are:

- Fairview Developmental Center (Addressed separately in **Program 3B**)
- Sakioka Lot 2
- Home Ranch
- South Coast Plaza (assumed 15 acres of the entire property with existing use to remain)
- Pacific Arts Plaza

With the exception of the Fairview Development Center which is addressed separately, all of these properties are regulated by the North Costa Mesa Specific Plan and the zoning will be updated per the objectives in **Program 3C.** Additionally, most of these properties have development agreements which already anticipate the development of housing under existing zoning regulations. These agreements may be modified as necessary to reflect additional housing units and re-zoning as identified by the programs within this housing element. These agreements have been amended in the past so there is precedent for modifying them to adjust to market trends and current development conditions. Therefore, there are no unit caps within the City which would limit the number of units which can be developed on these sites. The sites will be planned to the densities provided within the City's zoning code as amended by the programs within this housing element.

Furthermore, the City has engaged each of these property owners multiple times throughout the development of the Housing Element and the anticipated number of units within the candidate sites inventory is based on input received. These assumptions have been reviewed in depth and the City has confirmed that these sites meet all requirements for the candidate sites inventory and they are likely to develop with residential uses within the planning period.

As stated below, the City will evaluate the development status of these sites within three years of the zoning amendments being completed to the North Costa Mesa Specific Plan. If there are not clear indications that the development of residential units is likely to occur within the planning period, the City will review its current RHNA progress and identify additional candidate sites within one year if necessary.

Objectives:

- Evaluate the development status of the five identified large candidate sites within three years of the applicable zoning amendments being completed. If the sites show no indication of development progress including the assumed density and affordability, the City will review current RHNA progress and identify additional candidate sites within one-year if necessary.
- Continue outreach to property owners through annual meetings. Provide technical assistance, incentives, and strategies as appropriate to facilitate the development of affordable housing, including parceling at appropriate sizes or other tools.
- Promote development of large sites at the densities and affordability levels identified within the housing element.
- Promote the potential subdivision of large sites into multiple parcels for future development through technical assistance, incentives, and strategies during the initial development phases and when applications come into the City for the identified parcels.

Timeframe: Direct outreach to property owners two times per year throughout the planning period. Review of development progress and potential identification of additional candidate housing sites following the schedule within the objectives.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: General Fund

PROGRAM 3S: Review and Revise Findings

The City of Costa Mesa has reviewed the approval findings for the three entitlement processes which are potentially applicable to residential development: Conditional Use Permits, Design Review, and Master

Plan. Although no projects have been denied due to not meeting the specific findings noted in Section 3, the City found that some approval findings may be interpreted broadly and could be modified for clarity.

Objectives:

- Review all approval findings for Conditional Use Permits, Design Review, and Master Plans and revise findings which are capable of being interpreted broadly, with the goal of improving housing cost, supply, timing of approvals, and approval certainty.

Timeframe: Within 12 months of final adoption of the 2021-2029 Housing Element
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: General Fund

Housing Goal #4
Provide housing opportunities to residents of all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

POLICIES HOU-4

HOU-4.1 Support equal housing opportunities as expressed in Federal and State fair housing laws.

HOU-4.2 Promote actions and programs that provide fair housing and counseling services and other housing assistance programs for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City as funding is available.

HOU-4.3 Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements, including those with developmental disabilities.

HOUSING GOAL 4 IMPLEMENTATION ACTIONS

PROGRAM 4A: Fair Housing

The City of Costa Mesa participated in the 2020-24 update to the Orange County Analysis of Impediments to Fair Housing Choice, as well as completed an analysis of local factors to fair housing issues in the City within the Housing Element. Through each analysis, the City identified the following fair housing issues:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

As part of the AFFH assessments, the City also identified the following factors as contributing to fair housing issues in Costa Mesa:

- Community Opposition
- Lack of Investment in Specific Neighborhoods
- Displacement of Residents Due to Economic Pressures

Pursuant to AB 686, the City will affirmatively further fair housing by taking meaningful actions, in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will continue current efforts to further fair housing as well as implement the actions identified in the following table to mitigate local contributing factors to fair housing issues in Costa Mesa.

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	Objective
Housing Mobility				
Housing Discrimination	1. Offer landlord education on fair housing practices and voucher programs.	**Priority Level 1** Annual workshop.	City-wide	Decrease future fair housing-related issues by hosting at last one annual workshop throughout the Planning Cycle.
	2. Extend search times for particular groups with housing choice vouchers, such as larger families with children or persons with disabilities.	**Priority Level 2** Within 36 months of adoption of the 2021-2029 Housing Element Update.	City-wide	Assist particular groups in accessing housing choice vouchers by extending search times.
	3. Accessibility programs focused on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses.	**Priority Level 2** Consider programs and, as necessary, adopt programs within 36 months of identifying a need.	City-wide	Improve accessibility throughout the community by considering programs.
	4. Encourage collaboration between local government and community land trusts as a mechanism to develop affordable housing in higher-opportunity areas.	**Priority Level 1** Annually facilitate collaboration through outreach and meetings.	Areas of high opportunity	Develop affordable housing in higher-opportunity areas of the City through annual outreach and meetings.
Racial and Ethnic Segregation	1. Conduct affirmative marketing to increase awareness and diversity throughout the city.	**Priority Level 1** Annual marketing and outreach.	City-wide	Metrics for this action are difficult to quantify. The City will promote actions which address racial and ethnic segregation as they continue to relate to fair housing issues in Costa Mesa.
	2. Outreach specifically to low and very low-income communities and conduct targeted outreach to residents with moderate and high levels of segregation.	**Priority Level 1** Annual workshop and outreach.	City-wide and focused areas of need	Metrics for this action are difficult to quantify. The City will promote actions which address racial and ethnic segregation as they continue to relate to fair housing issues in Costa Mesa.

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	Objective
Housing Choice and Affordability in Areas of Opportunity				
Unfair Lending	1. Targeted investment and programs, including sweat equity, down payment assistance, and new rental construction.	**Priority Level 2** Within 36 months of adoption of the 2021-2029 Housing Element Update. Review funding opportunities annually.	City-wide	Consider investments and programs to provide assistance for homeowners and residential development.
Community Opposition	1. Develop an educational housing campaign to address community opposition.	**Priority Level 2** Within 24 months of adoption of the 2021-2029 Housing Element Update.	City-wide	Inform the community.
Displacement Due to Economic Pressures	1. Consider and adopt inclusionary requirements.	**Priority Level 1** Within 12 months of adoption of the 2021-2029 Housing Element Update.	City-wide	Consider adoption of an inclusionary requirements.
	2. Work with developers and interested parties to increase feasibility and opportunities for both affordable housing and multigenerational housing.	**Priority Level 1** Within 12 months of adoption of the 2021-2029 Housing Element Update. Review annually as necessary.	City-wide	Provide opportunity for affordable housing and multigenerational housing development with the goal of developing a minimum of 10 new affordable and multigenerational housing units throughout the Planning Cycle.
	3. Make information on affordable housing units (including information on size and type) available to the public on City's webpage.	**Priority Level 1** Within 12 months of adoption of the 2021-2029 Housing Element Update. Review annually and update as necessary.	City-wide	Inform the community of affordable housing opportunities.
Place-Based Strategies – Conservation and Revitalization				
Investment in Specific Neighborhoods	1. Targeted investment in areas of most need focused on improving community assets such as schools, recreational facilities and programs, social service programs, parks, streets, active transportation and infrastructure.	**Priority Level 2** Within 36 months of adoption of the 2021-2029 Housing Element Update. Review funding opportunities and community need annually.	Areas most in need	Provide assistance to areas of need.
	2. Facilitate inter-governmental coordination on areas of high need.	**Priority Level 2** Within 36 months of adoption of the 2021-2029 Housing	Areas most in need	Provide assistance to areas of need.

Contributing Factor	Specific Commitments	Timeframe and Priority	Geographic Target	Objective
		Element Update. Review funding opportunities and community need annually.		
	3. Prioritize capital improvement programs in areas of high need.	**Priority Level 2** Within 36 months of adoption of the 2021-2029 Housing Element Update. Review funding opportunities and community need annually.	Areas most in need	Provide assistance to areas of need.
Protection from Displacement				
Housing Discrimination/ Unfair Lending	1. Provide resources and/or services for multi-lingual tenant legal counseling. Create and promote informational materials on tenant rights and counseling.	**Priority Level 2** Publish information materials within 36 months of adoption of the 2021-2029 Housing Element Update. Review need and services annually.	City-wide	Provide assistance to tenants.
Housing Discrimination/ Displacement Due to Economic Pressures	1. Promote services and resources for rent review board and/or mediation, foreclosure assistance, or multilingual tenant legal counseling services.	**Priority Level 2** Publish information materials within 36 months of adoption of the 2021-2029 Housing Element Update. Review need and services annually.	City-wide	Provide assistance to tenants and potential renters.

Timeframe: Annually outreach to local organizations and lower income communities to discuss fair housing issues and promote actions to mitigate local contributing factors. Promote available funds, ownership information, and details on affordable housing units on the City's webpage within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division
Funding Sources: CDBG

PROGRAM 4B: Rental Housing Assistance

The City began offering a Tenant Based Rental Assistance (TBRA) and other rental assistance programs in 2021. The City will continue to evaluate and offer rental housing assistance programs based on the availability of funding.

Objectives:

- Participate in the Orange County Housing Authority's Housing Choice Vouchers program to provide rent subsidies to very low-income households provided funding is available.
- Evaluate and offer rental housing assistance programs based on the availability of funding.

Timeframe: Promote OCHA Housing Choice Voucher information and rental housing assistance programs, as available, on the City's website.
Responsible Agency: Orange County Housing Authority and City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division
Funding Sources: HUD Section 8 Housing Choice funds administered by the Orange County Housing Authority; State and Federal Grant funds; HOME funds

PROGRAM 4C: Ownership Housing Assistance

In 2021, the City Council approved allocation of half a percent of the City's seven percent retail cannabis tax to fund a first-time homebuyer program in Costa Mesa.

Objectives:

- Evaluate and consider offering ownership housing assistance programs, such as a First-Time Home Buyer Program, based on the availability of funding.
- Provide informational materials, online and at City Hall, on potential paths to home ownership and on assistance and resources available for first-time home buyers.

Timeframe: Annually evaluate and, as funding is available, offer ownership housing assistance programs. Promote informational materials online and at City hall on potential paths to home ownership and on assistance and resources available within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: Orange County Housing Authority and City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division
Funding Sources: Cannabis Retail Tax Revenue

PROGRAM 4D: Fair Housing Assistance

The City contracts with the Fair Housing Foundation to provide fair housing and tenant/landlord mediation services. The Fair Housing Foundation provides fair housing outreach to tenants, landlords, property owners, realtors, and property management companies, as well as housing education and information to apartment managers and homeowner associations.

Objectives:

- Continue to contract with the Fair Housing Foundation and promote available services on the City's webpage.

Timeframe: Contract with the Fair Housing Foundation throughout the planning period and promote updated information on available services online within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division; Fair Housing Foundation
Funding Sources: CDBG

PROGRAM 4E: Low Barrier Navigation Centers

Low Barrier Navigation Centers are housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. These requirements include implementing standards, provisions and limitations governing the permitting, development, siting, and management of Low Barrier Navigation Centers.

Objectives:

- Update the Zoning Code to permit Low Barrier Navigation Center development as a matter of right in appropriate zoning districts, subject to requirements of state law.

Timeframe: Within 24 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division
Funding Sources: In Kind

PROGRAM 4F: Homeless Shelter

In April 2021, the City of Costa Mesa completed the construction of its permanent Bridge Shelter within the city. Construction of the Bridge Shelter, as well as the organization and operation of the temporary Bridge Shelter at Lighthouse Church, and ongoing efforts of the City's Street Outreach Team represent the Costa Mesa's commitment to assisting those residents currently experiencing homelessness. With the shelter in full operation, the City is now able to assist up to 72 residents at one time and connect those residents with services and assistance toward permanent housing solutions.

Objectives:

- Continue to operate and maintain the Bridge Shelter throughout the planning period.
- Promote information on services and assistance available to residents online on the City's website.

Timeframe: Annually review and, if necessary, revise services and assistance programs available based on funding availability. Annually meet with homeless services providers to respond to the needs of persons experiencing homelessness and identify potential opportunities.
Responsible Agency: City of Costa Mesa
Funding Sources: State and Federal Grant Funds (e.g., State SB 2 and Housing and Homelessness Assistance Programs (HHAP), and Federal Emergency Food and Shelter (EFSP)), General Fund

PROGRAM 4G: Assembly Bill 139

AB 139 includes providing sufficient parking to accommodate all staff working in the emergency shelter, provided the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

Objectives:

- Review and update, as necessary, the Zoning Code to comply with parking requirements of AB 139 for emergency shelters.

Timeframe: Within 36 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division
Funding Sources: In Kind/General Fund

PROGRAM 4H: Housing Education and Outreach Program

As a part of the outreach and engagement process, the City found that community opposition to increased housing and affordable housing may create a barrier to housing development. Outreach and education about the importance and benefits of affordable housing can help to address community concerns and negative opinions about affordable housing.

Objectives:

- Develop an outreach program providing educational materials about the purpose and benefits of affordable housing options in the City.

Timeframe: Develop program within 12 months of final adoption and distribute materials within 24 months of adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division
Funding Sources: In Kind/General Fund

PROGRAM 4I: Partnerships with Local Organizations and Community Groups

The City identified Census Tract 636.05 as an area of high segregation and poverty. Areas that are identified as high segregation and poverty are consistent with the standards for both poverty (30 percent of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county). This area is also considered low opportunity and achievement by the ROI: People analysis and experience the highest exposure to harmful pollutants, according to the CalEnviro Screen.

Objectives:

- Partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs to further identify specific needs of this community and connect community members with appropriate resources.

Timeframe: Initiate program within 24 months of final adoption of the 2021-2029 Housing Element Update.
Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division
Funding Sources: In Kind/General Fund

D. Summary of Quantified Objectives

Table 4-1 summarizes the City of Costa Mesa's quantified objectives with regard to the construction, rehabilitation, and preservation of housing. These objectives are established based on the City's resources available over the planning period.

Table 4-1: Summary of Quantified Objectives

Income Group	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA)	4,713 units			2,088 units	4,959 units	11,760 units
Accessory Units	583 units			257 units	18 units	858 units
Conservation[1]	600 units			1,000 units	--	--
Rental Subsidy[2]	570 persons annually			--	--	--
Rehabilitation[3]	88 units			--	--	--

1. Based on 2021-2022 Annual Action Plan estimate of 200 housing units that will benefit from proposed code enforcement activities using CDBG funds.
2. Based on current Orange County Housing Authority (OCHA) rental assistance estimates
3. Based on 2021-2022 Annual Action Plan estimate of rehabilitation of 11 existing units per year.

Appendix A

Review of Past Perfomance



Review of Past Performance

The following chart is a review of the City of Costa Mesa 's housing project and program performance in the 2014-2021 Planning cycle. It is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-2029 6th Cycle.

Program Evaluation for Households with Special Needs

The City of Costa Mesa has demonstrated a significant effort in working towards accomplishing many of the objectives set for the programs of the past cycle. During the fifth cycle, the City completed a number of key programs to support housing opportunity and made substantial progress towards many of its programs. The City's successful programs have been identified as continued for the sixth cycle, due to their success in the fifth cycle.

As a part of analyzing prior programs, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations. The table below provides an overview of the City's prior program accomplishments; achievements related to special needs populations are summarized below:

Seniors

As shown in Section 2, approximately 11% of the population in Costa Mesa are seniors aged 65 years or older. Throughout the 5th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assists using $56,180 CDBG funds through Services for Seniors/Frail Elderly. Additionally, a Single Room Occupancy Ordinance was adopted in 1991. since then, three projects were completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.

On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for 60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.

Persons with Disabilities

As shown in Section 2, approximately 8 percent of the population in Costa Mesa have at least one disability. On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.

In 2020, the owner of Costa Mesa Village was awarded "Section 811" program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State's Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person's needs and provided off-site.

Large Households

Large households are classified as those consisting of five or more members. These households can have difficulty in finding housing options that are adequately sized and affordable. As shown in Section 2, large-family households make up approximately 10% of the total households within Costa Mesa. The City permitted over 950 units across all income levels during the 5th cycle, many of which were single-family and could accommodate large-family households. The majority of those housing units were market rate and not available at levels affordable to low and very low-income households.

The City has implemented Program 2E in the 2021-2029 Housing Element to prioritize development of housing options to accommodate large-family households, including outreach to the development community and a review of the current development standards to determine if any pose potential impediments to building housing that can accommodate larger households.

Farmworkers

As previously discussed, farm workers are not a significant portion of the Costa Mesa community. Their needs are accommodated through housing programs and policies that assist lower-income households in general rather than specialized programs, such as:

- Program HOU 1-6 (rehabilitation loan and grant programs) which provided funding for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.
- Program HOU 2-5 (OCHA rental assistance), which provided homeless prevention services or transitional housing assistance and services to over 450 individuals
- Program HOU 4-4 (preservation of residential developments for families and individuals with specialized housing needs)

Single-Parent Households:

As shown in Section 2, approximately 7.6 percent of Costa Mesa households are single-parent households, a quarter of which (27 percent) live below the poverty line. Costa Mesa Village (CMV), located at 2450 Newport Boulevard, is a 96-unit single room occupancy (SRO) affordable housing development with one manager's unit for a total of 97 units on site. CMV was originally approved and developed as a two-story Travelodge motel in the mid-1980s. In 1991, a conditional use permit (CUP) was approved to allow the conversion of the existing motel into a single room occupancy (SRO) affordable housing development. As part of the conversion project, the City through its Redevelopment Agency (Agency) provided financial assistance for land acquisition costs in the form of a $500,000.00 loan in addition to a $1,200,000.00 loan from the Orange County Housing Authority. The Agency entered into several agreements with Costa Mesa Village, Ltd. (original developer and current owner of CMV) including a Regulatory Agreement to ensure that the units were provided as very low-income units at or below 50-percent of the area median income (AMI) in perpetuity. The conversion improvements were completed in 1993 and the loans were fully repaid in 2014. Changes to the CUP and Regulatory Agreement were proposed and require approval by the City Council. The CUP modifications were reviewed by the Planning Commission on January 24, 2022 and were recommended for City Council approval by the Planning Commission. The modifications are scheduled for review and consideration by the City Council on February 1, 2022. In conjunction with the CUP changes, the property owner is also changing to a well-known California affordable housing developer (Century Housing Corporation). Century Housing Corporation is mission-driven to support and develop quality affordable home development and manage and administer 1000s of affordable units throughout the State.

Persons Experiencing Homelessness (Unhoused)

As shown in Section 2, the 2019 Point in Time Count showed 193 total persons experiencing homelessness (sheltered and unsheltered). As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services. In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law. In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.

During the 5th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or transitional housing assistance and services to over 450 individuals.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Extremely Low Income Households

As shown in Section 2, there are approximately 6,610 extremely low-income households in Costa Mesa per the 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) data available. Extremely low-income renter households have the highest rate of cost burden at 17.5 percent.

Between 2013 and 2020, the City completed 111 mobile home rehabilitation projects, 52 of which were for individuals or family which qualified as extremely low income. The Housing and Community Development Division provided assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants. Funding was provided for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as

an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Additionally in 2020, the owner of Costa Mesa Village was awarded "Section 811" program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State's Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person's needs and provided off-site.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOUSING GOAL-1: Preservation and Enhancement *Preserve the availability of existing housing opportunities and conserve as well as enhance the quality of existing dwelling units and residential neighborhoods.*		
HOU-1.1: Develop standard and/or guidelines for new development with emphasis on site (including minimum site security lighting) and building design to minimize vulnerability to criminal activity.	This is a standard condition of approval for new multiple family residential developments. This concept is reviewed during the planning application process and new multiple family residential development projects are subject to a standard condition of approval.	**Ongoing.** The City of Costa Mesa has developed standards for approval for new multiple family residential developments through standard condition of approval. The City will continue to maintain development standards for new developments to minimize vulnerability to criminal activity.
HOU-1.2: Protect existing stabilized residential neighborhoods, including but not limited to mobile home parks and manufactured home parks, from the encroachment of incompatible or	The Anchor Mobile Home Park (1527 Newport Blvd.) was closed in 2013 and the property is being developed with live/work units consistent with the visions of the West Side Urban Plans.	**Continued.** The City of Costa Mesa recognizes the importance of maintain existing residential neighborhoods and providing housing for all sectors of the Community. The City will continue to encourage compatible development

Policy Objective	Program Accomplishments	Status for Sixth Cycle
potentially disruptive land uses and/or activities.	The City has taken additional action to protect existing stabilized residential neighborhoods including (i) Adoption of a Group Home Ordinance on October 21, 2014 to limit the number and concentration of group homes and sober living facilities; (ii) Extension of a moratorium to prohibit the establishment of new hookah lounges; and (iii) Abatement of a hookah lounge and revocation of a Conditional Use Permit issued to a recycling center due to associated nuisance activities. Additionally, the Zoning Code requires Planning Commission approval to convert to another land use. The City has taken additional action to protect existing stabilized residential neighborhoods, including (i) adoption of a Multiple Family Group Home Ordinance on November 17, 2015 to limit the number and concentration of group homes and sober living facilities in the Multiple Family Residential zones. **Rehabilitation**: The City completed: • 7 mobile home rehabilitation projects during FY 12-13 • 19 mobile home rehabilitation projects during FY 13-14 (12 extremely low income; 7 very low income) • 21 mobile home rehabilitation projects during FY 14-15 (15 extremely low income; 6 very low income) • 19 mobile home rehabilitation projects during FY 15-16 (14 extremely low income; 5 very low income) • 7 mobile home rehabilitation projects during FY 16-17 (2 extremely low income; 5 very low income) • 10 mobile home rehabilitation projects during FY 2018 (9 extremely low income; 1 very low income)	through the enforcement of the Land Use and Zoning Designations.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	• 9 mobile home rehabilitation projects during FY 2019 (5 extremely low income; 2 very low income; 2 low income) • 17 mobile home rehabilitation projects during FY 2020 (9 extremely low income; 6 very low income; 2 low income) The City has continued to protect existing stabilized residential neighborhoods, through adoption of an Ordinance to limit the number and concentration of group homes and sober living facilities in the Multiple Family Residential zones.	
HOU-1.3: Actively enforce existing regulations regarding derelict or abandoned vehicles, outdoor storage, and substandard or illegal building and establish regulations to abate weed-filled yards when any of the above is deemed to constitute a health, safety, or fire hazard.	Ongoing through the implementation and enforcement of Title 20 Property Maintenance, of the Municipal Code. Title 20 establishes standards to ensure proper maintenance, removal of hazardous and improper storage, and removal of weeds and other public nuisances. From 2016 to 2019 the following code enforcement citations were issued: 2016: 454 Citations 2017: 204 Citations 2018: 455 Citations 2019: 171 Citations Information regarding community improvement and code enforcement is available to the public on the City of Costa Mesa's Website, here: https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division	**Continued.** The City of Costa Mesa has implemented and enforces Title 20 throughout the 5th cycle. The City will continue to enforce existing regulations on property maintenance during the 6th cycle.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-1.4: Establish code enforcement as a high priority and provide adequate funding and staffing to support code enforcement programs.	Code enforcement in the City of Costa Mesa is an active department under the Community Improvement Division, between 2016-2018 there were 500 active cases. Citations given each year are listed above. Code enforcement contact and information is found on the City's webpage: https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division	**Continued.** The City recognizes the importance of code enforcement in maintaining its existing housing stock and made it a high priority throughout the 5th cycle. The City of Costa Mesa will continue to make code enforcement a priority for the 6th cycle.
HOU-1.5: Install and upgrade public service facilities (streets, alleys, and utilities) to encourage increased private market investments in declining or deteriorating neighborhoods.	The City of Costa Mesa has continued installing and upgrading public service facilities based upon funding during the 5th cycle.	**Modified.** The City will modify Housing Element Program 1.5 for the 6th Cycle, as necessary, to ensure it is resourceful and useful in efforts to promote and encourage the development of housing in Costa Mesa.
HOU-1.6: Continue existing rehabilitation loan and grant programs for low and moderate-income homeowners as long as funds are available.	Ongoing assistance through the Housing and Community Development Division for owner-occupied units. The Housing and Community Development Division provides assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants. During the 5th Cycle, the City completed a total of 7 owner-occupied rehabilitation projects (4 extremely low income, 1 very low income and 2 low income). • FY 13/14: 1 owner-occupied unit (1 extremely low income) • FY 14/15: 1 owner-occupied unit (1 low income)	**Continued.** The City of Costa Mesa recognizes the importance of funding for low- and moderate-income households in efforts to maintain existing affordable housing stock. The City will continue rehabilitation loan and grant programs for low and moderate-income homeowners as funds are available during the 6th cycle.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	• FY 15/16: 0 owner-occupied unit • FY 16/17: 0 owner-occupied unit • 2018 APR: 3 owner-occupied units (3 extremely low income) • 2019 APR: 1 owner-occupied unit (very low income) • 2020 APR: 1 owner-occupied unit (very low income) Information regarding the loan and grant program as well as contact information is available to the public on the City's webpage at: https://www.costamesaca.gov/city-hall/city-departments/development-services/housing-and-community-development/neighborhood-improvement-programs	
HOU-1.7: Minimize the displacement of existing residences due to public projects.	The City of Costa Mesa continued to monitor and mitigate displacement of residential residences, as a result of public projects, throughout the 5th cycle.	**Continued.** The City of Costa Mesa acknowledges the importance of maintaining existing residential, as well as protecting residential displacement as a result of public projects and facilities. The City will continue to monitor public projects as they relate to existing residential in the 6th cycle.
HOU-1.8: Encourage the development of housing that fulfills specialized needs.	Through the 5th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assists using $56,180 CDBG funds through Services for Seniors/Frail Elderly.	**Continued.** The City recognizes that special needs populations (i.e., seniors, disabled and households with extremely low-income) are more likely at risk to become homeless because they have limited incomes and have other issues that require housing and

Policy Objective	Program Accomplishments	Status for Sixth Cycle
		supportive services. The City of Costa Mesa will continue to support development of housing that fulfills specialized needs during the 6th cycle.
HOUSING GOAL 2 Preserving and Expanding Affordable Housing Opportunities *Provide a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.*		
HOU-2.1: Encourage concurrent applications (i.e., rezones, tentative tract maps, conditional use permits, variance request, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.	Applications for multiple family residential projects requiring multiple approvals are generally processed concurrently. 1957 Newport Blvd. (38 units) 125 E. Baker (240 units) 2277 Harbor Blvd. (200 units)	**Continued.** The City recognizes that a swift and effective review and permitting process can encourage the development of housing in Costa Mesa. The City will continue encouraging concurrent applications when multiple approvals are required, and if consistent with applicable processing requirements during the 6th cycle.
HOU-2.2: Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing.	All units under density bonus agreements with the City are monitored on an annual basis; as of 20121, 2 projects (78 units) are in compliance with the density bonus program that exist in the City. The 2277 Harbor project includes 9 very low-income units; however, the project is still under construction and will be added to the monitoring list.	**Continued.** The City will continue to work with developers to promote the use of density bonus as a means of providing affordable housing, as well as continue to monitor all developments which have been granted density bonuses.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-2.3: Provide incentive bonus units to encourage the redevelopment of residential units that are nonconforming in terms of density. The incentive shall be limited to the multi-family residential land use designations. The density incentive shall be limited to an increase of 25 percent above the Medium-Density or an increase of 50 percent above High-Density. In no case shall the resulting number of units exceed the existing number of units on each site.	Property owners are encouraged to redevelop the site bringing them into conformance while keeping the same number of units.	**Continued.** The City will continue to provide incentive bonus units to encourage the redevelopment of residential units that are nonconforming in terms of density in the 6th cycle.
HOU-2.4: Encourage developers to employ innovative or alternative construction methods to reduce housing costs and increase housing supply.	Most housing construction of wrap and podium product is done with wood construction reducing construction cost. Currently the City provides a variety of handouts regarding building construction on the City's webpage: https://www.costamesaca.gov/residents/information-handouts-forms	**Continued.** The City continued to encourage housing construction with the materials that reduce costs during the 5th cycle. The City of Costa Mesa will continue encouraging developers to utilize alternative construction methods to reduce housing costs and increase housing supply in the 6th cycle.
HOU-2.5: Continue membership in the Orange County Housing Authority to provide rental assistance to very low-income households.	The Orange County Housing Authority maintains the City of Costa Mesa housing assistance program (Section 8). During the 5th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or	**Continued.** The City of Costa Mesa has continued membership in the Orange County Housing Authority to provide rental assistance to very low-income households in the 5th cycle and will continue to do so in the 6th cycle.

Policy Objective	Program Accomplishments	Status for Sixth Cycle

	transitional housing assistance and services to over 450 individuals.
	• FY 13/14:
	  ○ 7 individuals provided homelessness prevention services
	  ○ 23 individuals provided transitional housing assistance and services
	• FY 14/15:
	  ○ 7 individuals provided homelessness prevention services
	  ○ 23 individuals provided transitional housing assistance and services
	• FY 15/16:
	  ○ 9 individuals provided homelessness prevention services
	  ○ 41 individuals provided transitional housing assistance and services
	  ○ 2 individuals funded with Rapid Rehousing
	• FY 16/17:
	  ○ 20 individuals provided homelessness prevention services
	  ○ 25 individuals provided transitional housing assistance and services
	  ○ 1 individual funded with Rapid Rehousing
	• 2018 APR:
	  ○ 7 individuals provided homelessness prevention services
	  ○ 49 individuals provided transitional housing assistance and services
	  ○ 23 individuals funded with Rapid Rehousing	

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-2.6: Provide clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing. Policies and procedures should be ministerial and include but not be limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.), timeframes for decision making, and provisions for relief from the various land-use, zoning, or building regulations that ma constrain the housing for persons of disabilities.	The City continued to address regulations for reasonable accommodation through Zoning Codes through the 5th cycle. In March of 2013, the City adopted an Ordinance, in accordance with Senate Bill 2, to permit emergency shelters by right in the Planned Development Industrial zone. The Ordinance also created provisions for transitional housing and supportive housing that would allow these uses to be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This section is regularly updated to be consistent with State requirements.	**Continued**. As required by state law, the City of Costa Mesa will continue to provide, policies and procedures, for reasonable accommodation in order to promote equal access to housing during the 6th cycle.
HOU-2.7: Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws	Title 13, Chapter IX, Section 15 is regularly reviewed and updated as necessary to be consistent with State requirements. During the 5th cycle, 5 residential developments were presented to the City with requests for reasonable accommodation, of those proposed projects, 5 were approved to include reasonable accommodation measures.	**Continued.** The City of Costa Mesa continually updates City's ordinances, codes, policies, and procedures to stay consistent with State requirements. As required by State law, the City will continue monitoring the implementation of the City's ordinances, codes, policies, and procedures to accommodation for disabled provisions and all fair housing laws.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOUSING GOAL 3: Provisions of Adequate Sites *Provide adequate, suitable sites for residential use and development or maintenance of a range of housing that varies sufficiently in terms of cost, design, size, location, and tenure to meet the housing needs of al segment of the community at a level that can be supported by infrastructure.*		
HOU-3.1: Encourage the conversion of existing marginal or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.	The City continued to encourage the conversion of existing marginal or vacant industrial land as well as taking a number of other actions to support new residential development consistent with environmental conditions during the 5th cycle. In 2006, the City adopted three Urban Plans to encourage the conversion of existing marginal or vacant industrial land in the West Side to mixed-use and residential developments. To date, a total of 966 units have been approved in the Urban Plans.	**Continued.** The City of Costa Mesa will continue to support the change of existing minor or tenantless motels, commercial, and/or industrial land to residential when conditions permit in the 6th cycle.
HOU-3.2: Provide opportunities for the development of well-planned and designed projects which, through vertical or of horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood.	Through the 5th cycle, these design elements were reviewed and considered with development projects. The City is currently reviewing a mixed-use project (One Metro West) with 1,057 residential units, 6,000 SF of commercial retail and 25,000 SF of office space, proposed north of the 405 Freeway that allows for horizontal and vertical mixed use within a single project. The project is anticipated to be reviewed by City Council in mid-2021. With the 2016 General Plan update, the City added a new urban plan overlay for mixed-use on 19th street and Harbor.	**Modified.** The City acknowledges the importance of well-integrated and sustainable design for the future of development in Costa Mesa. The City will continue to review and encourage well-planned, well-design projects during the 6th cycle.
HOU-3.3: Cooperate with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability	The City has continued to facilitate discussion with the Chamber of Commerce, industrial and commercial developers, and large employers to identify programs for a balanced employment/housing opportunity in Costa Mesa. The proposed One Metro West (mixed-use) project has the	**Continued.** The City of Costa Mesa will continue to work with large employers, the Chamber of Commerce, and major commercial and industrial developers to create

Policy Objective	Program Accomplishments	Status for Sixth Cycle
to provide housing opportunities affordable to the incomes of the newly created job opportunities.	potential to provide affordable housing located within proximity to jobs. It includes: • Residential with up to 1,057 rental dwelling units, • 6,000 square feet of specialty retail, • 25,000 square feet of creative office, and • Recreational uses.	
HOU-3.4: Consider the potential impact on housing opportunities and existing residential neighborhoods when reviewing rezone petitions affecting residential properties.	Throughout the 5th cycle, the City continually reviewed rezone applications, of which 8 rezone proposals affected residential properties.	**Continued.** The City of Costa Mesa will continue to review rezoning applications through the 6th cycle. The City will continue to consider
HOU-3.5: Encourage transit-oriented development along transportation corridors.	The City of Costa Mesa is uniquely situated in that more than 90 percent of the residential properties in the City is located within a half-mile of public transit. Accessory Dwelling Unit (ADU) developments are not subject to parking requirements if located within a half mile of a transit stop.	**Continued.** The City of Costa Mesa recognizes the importance of mobility in the framework of housing, the City will continue to support development that is transit oriented in the 6th cycle.
HOUSING GOAL 4: Equal Housing Opportunity *Ensure that all existing and future housing opportunities are open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.*		
HOU-4.1: Support the intent and spirit of equal housing opportunities as express in Federal and State fair housing laws.	The City of Costa Mesa continued to support equal housing in the 5th cycle, as well as continued an ongoing partnership with the Orange County Fair Housing Council.	**Continued.** As required by state law, the City will continue to support Federal and State fair housing laws through equal housing opportunities during the 6th cycle. .

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-4.2: Continue to provide fair housing and counseling services for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City.	The City is a member of a region-wide effort to ensure equal access to housing. Generally, activities have included investigation, resolution, and education. During the 5th Cycle, the City assisted over 1,600 Costa Mesa households with fair housing issues. • FY 13/14: 357 Costa Mesa households were assisted with fair housing issues • FY 14/15: 331 Costa Mesa households were assisted with fair housing issues • FY 15/16: 314 Costa Mesa households were assisted with fair housing issues • FY 16/17: 204 Costa Mesa households were assisted with fair housing issues • 2018 APR: 200 Costa Mesa households were assisted with fair housing issues • 2019 APR: 117 Costa Mesa households were assisted with fair housing issues • 2020 APR: 153 Costa Mesa households were assisted with fair housing issues	**Continued.** The City continued to provide Costa Mesa Residents with fair housing and counseling services in the 5th cycle and will continue providing fair housing and counseling services for residents during the 6th cycle.
HOU-4.3: Encourage programs that address the housing needs of senior citizens.	Ongoing. The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.). As of 2013, accessibility is now required through ADA standards. A 50 percent density increase for construction of very low.	**Continued.** The City was successful in approving programs for senior housing needs in the Housing Element as shown under program accomplishments. As required by state law, the City will continue to support programs for the housing needs of senior citizens through the appropriate methods listed in this table as well as new methods should

Policy Objective	Program Accomplishments	Status for Sixth Cycle
	Additionally, a Single Room Occupancy Ordinance was adopted in 1991, since three projects are completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.	they become available during the 6th cycle.
HOU-4.4: Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements.	2014/2015/2016/2017: The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The draft was certified by California Department of Housing and Community Development on November 22, 2013 in meeting statuary requirements. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.). As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services. In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law. In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.	**Continued.** The City of Costa Mesa completed a number of actions during the 5th cycle to support families and individuals with specialized housing requirements. As required by state law, the City will continue to support the construction, maintenance, and preservation of residential developments for families and individuals with specialized housing requirements.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-4.5: Encourage and support the construction, maintenance, and preservation of residential developments to meet the needs of the developmentally disabled	The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The draft was certified by California Department of Housing and Community Development on November 22, 2013 in meeting statuary requirements. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.). The City partnered with Elwyn California to provide services to persons with special needs. The agency provided input on City's special needs populations, specifically economic opportunities for persons with developmental disabilities using CDBG funds ($5,720).	**Continued.** The City completed a number of actions during the 5th cycle to support the developmentally disabled as shown under program accomplishments. The City of Costa Mesa will continue to promote construction, maintenance, and preservation of residential developments for developmentally disabled within the 6th cycle.
HOUSING GOAL 5: Coordination and Cooperation *Coordinate local housing efforts with appropriate federal, state, regional, and local governments and/or agencies and to cooperate in the implementation of intergovernmental housing programs to ensure maximum effectiveness in solving local and regional housing problems.*		
HOU-5.1: Investigate alternative intergovernmental arrangements and program options to deal with area-wide housing issues and problems.	The City of Costa Mesa continued to investigate alternative intergovernmental arrangements and program options to meet the housing issues. As of 2015, 48 single- and multiple-family units constructed over the last several years through a combination of public/private partnerships.	**Continued.** As required by state law, the City will continue to identify alternative intergovernmental arrangements and program for the housing problem in the 6th cycle.

Appendix B

Summary of Adequate Sites Analysis



A. Candidate Sites Analysis Overview

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

This appendix contains **Table B-5**, which identifies each candidate housing site within Costa Mesa's sites inventory. The sites are identified by assessor parcel number (APN) as well as a unique identifier used to track sites within the inventory. Additionally, the following information is provided for each parcel.

- Address
- Ownership
- Zoning (including Specific Plan areas, Urban Plans, and Overlays, if applicable)
- Size (Net developable acres removing known development constraints)
- Density
- Vacancy status
- Previous Housing Element identification
- Potential Development Capacity (Dwelling Units) by income category
- Description of existing use

A summary of this information is included within the Housing Resources section **(Chapter 3)** of Costa Mesa's 2021-2029 Housing Element.

Table B-1 shows the City's 2021-2029 RHNA need by income category as well as a summary of the sites identified to meet that need. The analysis within this appendix shows that the City of Costa Mesa has the capacity to meet their 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or will be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

Table B-1: Summary of RHNA Status and Sites Inventory					
	Very Low Income*	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 30, 2021)	3	19	9	8	39
Remaining Unmet RHNA	2,916	1,775	2,079	4,951	11,721
Large Sites					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Large Sites	**1,009**	**562**	**1,084**	**3,655**	**6,310**
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,201	695	1,269	3,265	6,435
SoBECA Urban Plan	128	70	141	383	732
Mesa West Bluff Urban Plan	195	109	208	555	1,071
19 West Urban Plan	115	64	123	335	640
Harbor Mixed Use Overlay	270	151	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	**1,909**	**1,089**	**2,027**	**5,316**	**10,363**
Projected ADU Construction					
Projected ADU Construction	97	168	117	8	391
Sites Inventory Total					
Total Units towards RHNA	3,015	1,819	3,228	8,979	17,042
Total Capacity Over RHNA Categories	103%	102%	155%	181%	145%
*The City's Extremely Low Income (ELI) housing need is assumed to be 50% of the very low RHNA need for the planning period.					

1. Approved Projects and Projects in the Pipeline

Approved Projects since June 30, 2022

As shown in **Table B-1**, the City of Costa Mesa has approved residential development projects since the start of the projection period for the 6th Cycle. The projection period is the time in which development activity can count towards meeting the City's 6th Cycle RHNA need. Cities within the Southern California Association of Governments (SCAG) region can begin taking credit for the 6th cycle for development that was approved on or after June 30th, 2021. **Table B-2** contains projects that received approvals during that timeframe.

Table B-2: Units Permitted				
Address	Building Permit Number	Date Issued	Type	Income Category
900 W 20th Street	BC21-00060	7/6/2021	ADU	Low
2994 Croftdon Street, Unit B	BC21-00123	7/7/2021	ADU	Moderate
1850 Paros Circle	BC20-00583	7/7/2021	ADU	Moderate
230 Sherwood Place, Unit B	BC20-00469	7/12/2021	ADU	Low
257 Knox Place	BC21-00228	7/16/2021	ADU	Moderate
2175 Tustin Avenue, Unit C	BC21-00121	7/20/2021	ADU	Low
2545 Westminster Avenue, Unit B	BC21-00225	7/20/2021	ADU	Low
281 E 20th Street	BC20-00376	7/27/2021	SFR	Above Moderate
281 E 20th Street, Unit B	BC20-00376	7/27/2021	ADU	Low
118 Magnolia Street, Unit B	BC21-00261	8/11/2021	ADU	Low
382 Ramona Way, Unit B	BC21-00110	8/11/2021	ADU	Low
700 W 20th Street, Unit D	BC21-00296	8/12/2021	ADU	Very Low
482 E 20th Street, Unit A	BC21-00321	8/13/2021	ADU	Low
2049 Monrovia Avenue, Unit B	BC21-00113	8/31/2021	ADU	Moderate
536 Caleigh Lane	BC19-00957	9/8/2021	SFR	Above Moderate
324 Costa Mesa Street, Unit B	BC20-00578	9/20/2021	ADU	Low
227 Mesa Drive, Unit B	BC21-00140	9/22/2021	ADU	Moderate
330 Ogle Street, Unit B	BC21-00355	9/27/2021	ADU	Low
379 E 19th Street, Unit B	BC21-00190	9/28/2021	ADU	Low
861 Joann Street, Unit B	BC21-00269	9/28/2021	ADU	Moderate
1951 Rosemary Place	BC20-00111	9/28/2021	SFR	Above Moderate
1951 Rosemary Place, Unit B	BC20-00111	9/28/2021	ADU	Moderate
1939 Continental Avenue, Unit B	BC21-00166	10/5/2021	ADU	Very Low
1984 Orange Avenue	BC21-00461	10/13/2021	ADU	Moderate
2510 Carnegie Avenue	BC21-00339	10/14/2021	ADU	Low
974 Linden Place	BC21-00137	10/14/2021	ADU	Very Low
2687 Elden Avenue, Unit B	BC21-00530	10/18/2021	ADU	Low
320 Colleen Place	BC21-00334	11/5/2021	SFR	Above Moderate
320 Colleen Place, Unit B	BC21-00333	11/5/2021	ADU	Low

Table B-2: Units Permitted				
Address	Building Permit Number	Date Issued	Type	Income Category
3078 Roanoke Lane, Unit B	BC21-00265	11/5/2021	ADU	Moderate
246 Cecil Place	BC21-00293	11/16/2021	SFR	Above Moderate
2014 Maple Avenue, Unit 108	BC21-00534	11/22/2021	ADU	Low
2014 Maple Avenue, Unit 109	BC21-00535	11/22/2021	ADU	Low
466 E 18th Street, Unit B	BC21-00408	11/23/2021	ADU	Low
257 Flower Street	BC21-00644	12/3/2021	SFR	Above Moderate
2458 Norse Avenue	BC21-00626	12/3/2021	SFR	Above Moderate
2845 Ellesmere Avenue, Unit B	BC21-00341	12/7/2021	ADU	Low
473 Ogle Street	BC21-00694	12/14/2021	SFR	Above Moderate
363 Rochester Street	BC21-00625	12/20/2021	ADU	Low

Projects in the Pipeline

Development projects that are in the planning process but have not received land use approvals or building permit are considered "in the pipeline." For applications submitted for a land use approval, projects are considered "pending" until the necessary land use approvals are issued, at which point a project is deemed "approved." Once a building permit is issued, the project is identified as "building permit issued." When project construction is completed, and all necessary building safety inspections have been completed a certificate of occupancy or "final building permit" is issued.

Pursuant to the HCD Housing Element Site Inventory Guidebook Government Code Section 65583.2, for projects yet to receive their certificate of occupancy or final building permit, the element must demonstrate that the project is expected to be built within the planning period. The City believes that many of these "in the pipeline" housing units are likely to be developed within the planning period and could further the City's efforts in reaching its required RHNA, if/once developed. Although "projects in the pipeline" are not included as "candidate housing sites", they represent opportunities for future housing construction in Costa Mesa within the planning period. If/when these housing units are built, the units will count toward achieving the City's RHNA allocation as mandated by State law.

The below summary includes housing projects at various planning/development stages, and consist of potential housing developments of various sizes, types and housing affordability ranges. The summary includes recent housing projects that have been submitted for land use approvals at this time but are not yet "approved"; projects that are "approved" but no building permits have been issued or applied for; and other housing projects that City staff is working on in partnership with other entities or agencies to develop housing resources in the City.

- Senior Housing Project at the Senior Center (Jamboree Housing ENA) – On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for

60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.

- Urban Plan Screening Project (1711 & 1719 Pomona Avenue) – On November 16, 2021, the City Council considered an Urban Plan Screening of a Master Plan request for eight live/work units on a 0.46-acre lot. The proposed Master Plan includes a deviation request from the Urban Plan's live/work standards for minimum lot size. The urban planning screening process is the City's first stage of development review for projects proposed in mixed-use overlay districts. The Council generally supported the project's concept, including the request for a deviation from minimum lot size and provided the applicant guidance for the project proposal to include in a future application for Planning Commission consideration.
- Urban Plan Screening Project (1540 Superior Avenue) – On January 18, 2022, the City Council is scheduled to consider an Urban Plan Screening request for nine live/work units on a 0.44-acre lot. The Urban Plan screening process is the City's first stage of development review for projects proposed in mixed-use overlay districts. After the City Council screening, the applicant will use the City Council's guidance to include in a future application for Planning Commission consideration.
- One Metro West (1683 Sunflower Avenue) – The proposed project is a mixed-use development and consists of residential, specialty retail, creative office, and recreational uses. The project is proposed to include up to 1,057 dwelling units (anticipated to be rental units), 25,000 square feet of commercial creative office, 6,000 square feet of specialty retail, and 1.5-acres of public open space. The proposed development includes three multi-family residential structures with a maximum building height of seven stories; one stand-alone office building up to four stories in height; tenant-serving commercial retail space integrated into one of the residential structures; open space; landscaping; streetscape improvements; and a Class-I bike trail system on Sunflower Avenue providing access to the Santa Ana River Trail. The project was approved by City Council in 2021. The project includes 10 percent (106 units) of the residential development project component to be affordable (67 very low income units and 39 low income units) for 40 years. The proposed Project is subject to Measure Y, as codified in Article 22, Chapter IX of Title 13 (Zoning) of the Costa Mesa Municipal Code. Pursuant to Measure Y, after final approval by the City Council, including all CEQA review, the voters must then approve the Project.
- Costa Mesa Village (2540 Newport Boulevard) – Costa Mesa Village is an existing 97-unit SRO/efficiency development which was redeveloped many years ago from an existing motel. An application to update and amend the original entitlement (which allowed for the conversion of the former motel into an SRO/efficiency unit development) was submitted in November of 2021. The intent of the Conditional Use Permit amendment is to modify and update the conditions of the original entitlement while adhering to the City of Costa Mesa's recent SRO policy. The update will include revisions to enhance project housing and social services to qualified low-income individuals and persons with disabilities. Up to 23 of the 97 housing units are anticipated to be supported by Section a 811 subsidy administered by the California Housing Finance Agency (CalHFA) for persons with developmental disabilities, with the remaining units to continue as affordable housing units for individuals living/working in the City of Costa Mesa. The project is expected to be heard by the Planning Commission on January 24, 2022, with the final decision by the City Council thereafter.
- Project Homekey – On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The

proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.

- **The Plant (765-767 Baker Street and 2972 Century Place)** – This project consists of the proposed renovation of three existing commercial buildings (containing the former Car Mart and Plant Stand) totaling 19,100 square feet, for retail and restaurant uses surrounding a central courtyard area. In addition, new buildings are proposed consisting of two greenhouse structures which will contain food stall uses, and a four-story mixed-use building with 48 residential units, 14 live/work units, and 2,570 square feet of workshop/maker office space above a two-level parking structure. This project was approved by the City Council in 2019.
- **Families Forward (Pomona Avenue)** – Families Forward, founded in 1984, is committed to preventing and ending family homelessness in Orange County. Families Forward has acquired and is working on plans to rehabilitate and expand a multi-family property on Pomona Avenue. At completion, the project will include the interior and exterior renovation of the existing 6 units and the addition of 2 new accessory dwelling units that will collectively house 8 families at risk of, or experiencing, homelessness. Families Forward has submitted preliminary plans to the City and are working to advance construction plans which are expected to be submitted to the City for expedited review in January 2022. The project will be owned and operated by Families Forward but is being constructed as a collaboration between Families Forward and HomeAid of Orange County. Families Forward will provide wrap-around services to low- to moderate-income family residents and provide a case manager, housing resource specialist, and other professionals to build a plan toward self-sufficiency. The families will also receive supportive services such as counseling, career coaching and access to our food pantry.

  In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

For a variety of reasons, not all projects in the pipeline complete the planning approval or building permit process and are built and occupied. However, these projects provide an indication of what future housing construction may include within the Housing Element planning period. As indicated above, City staff will continue to work with the aforementioned project applicants and other City housing efforts to reach the City's goals.

Figure B-1: Map of Candidate Housing Sites (All Income Categories)

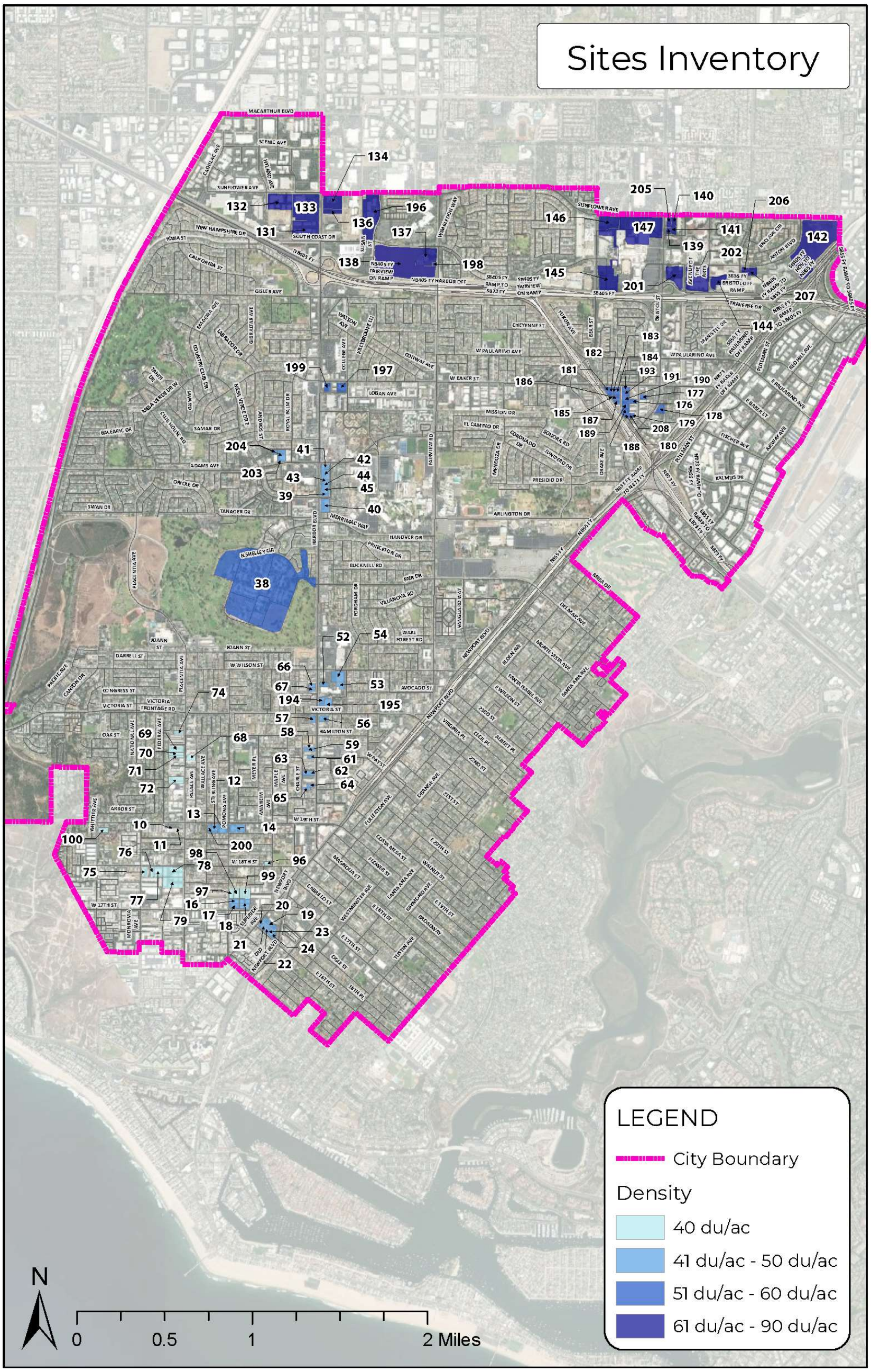


Figure B-2: Map of Candidate Housing Sites (By Zoning)

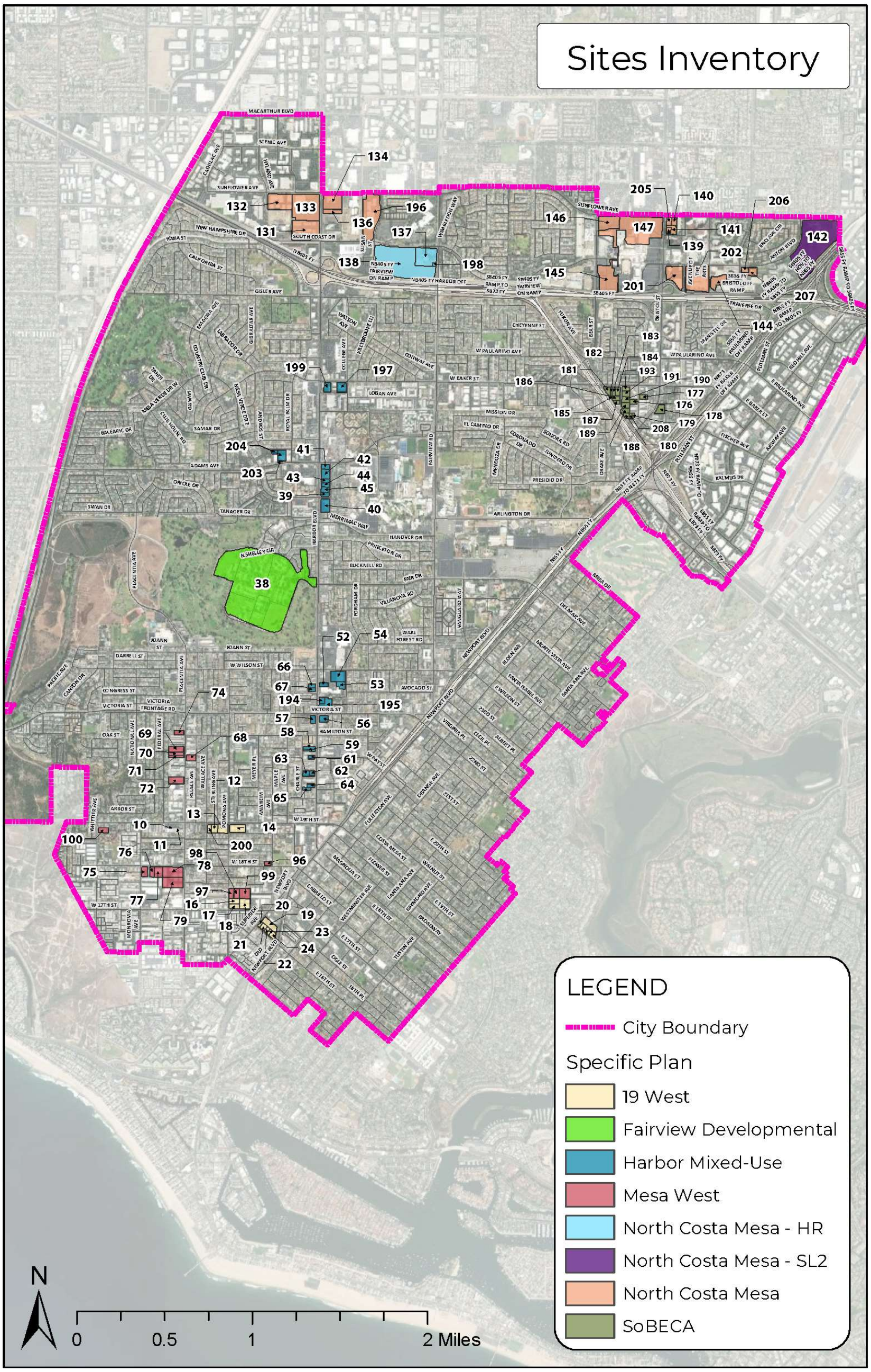
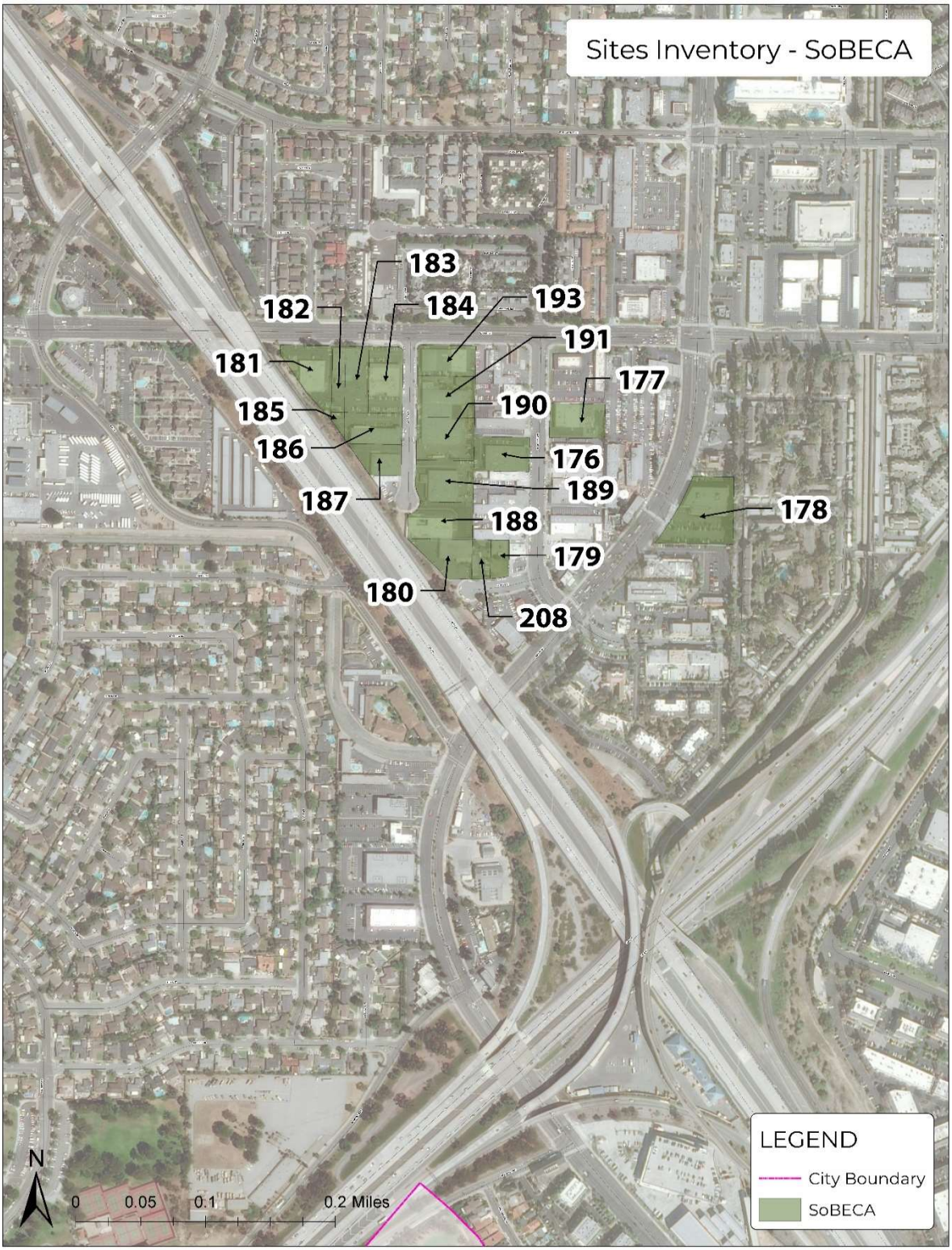


Figure B-2: Map of Candidate Housing Sites (SoBECA Focus)



2. Selection of Sites

The City of Costa Mesa has identified sites with capacity to accommodate the 2021-2029 RHNA. The City has identified 99 parcels within a variety of different zones, specific plan areas, urban plans, and overlays. Each of these either currently permit residential development or will be amended per **Programs 3B and 3C** to permit residential development at the densities specified in **Table B-5.** The identified sites have been evaluated to determine the extent to which on-site uses are likely to redevelop within the planning period. It was found that a number of the existing uses (identified in **Table B-5**) are either permanently closed or available for lease. Many of the uses are in multi-tenant commercial centers with one ownership and most show little to no evidence of recent investment or redevelopment.

The City does not have access to most leasing information as these are generally private documents but has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period. When possible, the City had discussions with property owners to determine interest in redevelopment for residential uses. The analysis also includes several letters of potential residential development interest in **Appendix A**.

Community Input on Sites Selection

Community input was an important component of the sites identification and selection process. The City conducted multiple public outreach meetings, including district specific meetings where community members gave input on areas of importance within their district. This information was collected as notes on maps of each district and can be found in **Appendix C.** Community members also provided feedback on potential housing development types and focus areas on the online community survey. Additionally, draft versions of the sites inventory were discussed at both Planning Commission and City Council study sessions, with decision makers providing input and community members able to make public comments.

Lastly, the City held discussions with major property owners within the City to better understand their long-range plans for development of the properties under their ownership. The City used these discussions to more accurately determine potential unit yield and affordability assumptions for some of the identified candidate housing sites. Additional information is provided for specific properties in **Table B-5**.

3. Redevelopment of Non-Vacant Sites for Residential Uses

The City of Costa Mesa does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA. To accommodate the need at all income levels, the City has analyzed sites within non-residentially zoned areas that permit residential development through Specific Plans, Urban Plans, or Overlays. The City also evaluated and included parcels not currently within Urban Plans which will be added when those Urban Plans are amended as part of **Programs 3B and 3C**.

As the City cannot accommodate 50 percent of the low/very low income RHNA, state law requires that the City analyze the following:

- Analysis of leases that would prevent redevelopment of the site,
- The extent to which existing uses may constitute an impediment to the future residential development within the planning period,
- The City's past experience with converting existing uses to higher density residential uses,

- Current market demand for the existing use,
- Development trends and market conditions, and
- Regulatory or other incentives to encourage redevelopment.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private lease agreements or other contractual agreements amongst parties because they are private documents. Therefore, the City has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period, including past performance, an on-the ground existing use analysis and a market analysis to understand cost of land, construction, and development trends in Costa Mesa.

Experience Developing Non-Vacant Sites for Residential Uses

As part of the candidate housing sites analysis, the City has evaluated recent projects that have redeveloped within non-residentially zoned areas that included residential units. Those projects, including the zoning, use prior to redevelopment, and a project analysis of the approved development plan, are shown in Table B-3. The City's analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in Table B-6. Based on the information provided in Table B-3, the City has created a classification system for sites with characteristics that are applicable to the candidate sites inventory. The intent of this classification system is to draw parallels from past development and local knowledge and trends in development to the potential future development of the candidate housing sites identified. These classifications are based in real past development that has occurred within the City and while some comparisons may not be an exact match for the sites identified, they show a strong correlation with the understanding that every parcel is unique in terms of site characteristics, existing use, ownership, and other factors which can affect future development. The development classes are generally defined as:

- **Development Class A:** Uses on these sites prior to redevelopment included either light industrial or office type uses. These are areas that previously served -commercial or office businesses and have redeveloped throughout the city based on property owner interest and market trends. This also includes uses within the SoBECA Urban Plan area.
- Development Class B: Uses on these sties prior to redevelopment included self-storage, vehicle storage, and industrial uses. Many of these sites are located within the Mesa West or 19 West Urban Plan areas which covers a large portion of the industrial areas within the City.
- Development Class C: Uses on these sites prior to redevelopment included primarily commercial uses along Harbor Boulevard or another major city commercial corridor. These projects are typically in a mixed-use setting, whether within the same development or directly adjacent. Many of these sites are within the Harbor Mixed-Use Urban Plan area.
- Development Class D: These sites are motel conversions within the City. The City is continuing to pursue Project Homekey funds to encourage redevelopment of specific motels within the City in coordination with property owners and operators of these buildings.
- EX: Existing proposed project or anticipated project.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in **Table B-6**. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.

The following residential development projects have been constructed on parcels that were either non-residentially zoned or had an existing non-residential use on-site within Costa Mesa.

Table B-3: Example Development of Non-Vacant Sites for Residential Uses

Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis	Development Class
125 Baker St.	240	PDR - HD	Industrial use	This development is a 240-unit wrap apartment complex on a 4.2-acre parcel in a largely industrial and office area of Costa Mesa. The project was built at a density of approximately 57 du/ac. The site was previously a light industrial and office uses use similar to some of the identified candidate housing sites. The project was rezoned from CL to PDR-HD.	A
1957 Newport Blvd.	38	PDR - HD	Self-storage use and trailer storage lot	This development is a 38-unit condominium project along the Newport Blvd commercial corridor. The site was previously a self-storage and trailer storage use similar to some of the identified candidate housing sites. The project was rezoned from C1 to PDR-HD.	B
2277 Harbor Blvd.	200	PDR - HD	Motel use	This development is a 200-unit apartment complex on a previous motel use site. This development is located on Harbor Boulevard and shares many existing characteristics with sites identified within this corridor in the candidate sites inventory. The project was rezoned from C1 to PDR-HD.	D
671 W. 17th St.	177	MG	Brownfield development (Argotech Industries)	This development is 177 live/work and loft residential units and was developed on a site that was previously largely surface parking area. This site is in the Mesa West Urban Plan area and adjacent to some of the sites identified within the candidate housing sites analysis. This project also shares many existing use characteristics with those identified sites.	B
1620 and 1644	89	MG	Industrial use (Ametek	This development is 89 live/work residential units on a former industrial use site in the	B

Table B-3: Example Development of Non-Vacant Sites for Residential Uses					
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis	Development Class
Whittier Ave.			Aerospace and Defense)	Mesa West Bluffs Urban Plan area. Similar to 671 W. 17th Street, this site shares many geographic and existing use characteristics with sites identified in the candidate housing sites analysis.	
1500 Mesa Verde Drive East	215	PDC	Vacant commercial area	This development is 215 senior apartments developed at four stories along Harbor Boulevard directly adjacent to existing commercial uses. This project is an example of the types of horizontal mixed-use projects that the City anticipates may develop along Harbor Boulevard and matches assumptions made in the Housing Element.	C
1527 Newport Boulevard	40	C2 & MG	Industrial uses, including boat and automobile repair	This development is 40 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.	B
132, 134, 140 Industrial Way	22	C2 & MG	Industrial uses, including boat and automobile repair	This development is 22 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.	B
1677-1985 Superior Avenue	49	C2 & MG	Gas station and a mixture of commercial and industrial uses.	This development is 49 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.	B
2025 Placentia Avenue	36	MG	Commercial and industrial uses, including storage and repair for boats	This development is 36 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.	B
2095 Harbor Boulevard	29	PDC	Commercial buildings and gas station which had been vacant for several years.	This development is 28 single-family homes with live/work potential, including ground floor commercial/office workspaces and two stories above for residential. This development is in the Harbor Mixed Use Urban Plan area along Harbor Avenue and	C

Table B-3: Example Development of Non-Vacant Sites for Residential Uses					
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis	Development Class
				previous uses are consistent with sites identified within the sites inventory.	
1672 Placentia Avenue	32	MG	Boat yard and industrial building	This development is 32 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.	B

This analysis of recent sample development projects shows that residential development occurs within the City on sites that have existing non-residential uses. As indicated in the analysis notes, these example sites share many characteristics with the candidate housing sites in **Table B-6.** This demonstrates that there is development potential on these sites as well as interest in developing these types of sites for residential uses within Costa Mesa.

Existing Uses on Candidate Sites and Redevelopment Opportunity

The City has identified and analyzed existing use on candidate sites in **Table B-6** below. As the City is a built-out community, consisting mainly of commercial retail, industrial and single-family housing, a primary goal was to identify sites compatible for the development of multifamily and mixed-use housing as well as not displace existing residents. Therefore, the City identified the best possible sites with the most feasible opportunity for redevelopment over the next 8 years. In additional to the analysis in **Table B-6** the City utilized locally available SCAG data to identify the following key indicators that the sites included for low and very low-income opportunity are the most appropriate:

- Nine percent of the sites are within areas identifies as Highest Resource by the TCAC
- 55 percent of the sites are within areas identified as moderate resource
- On average, there are 90 healthcare facilities within a one-mile drive from the identified sites
- On average, there are 4 grocery stores or markets within a one-mile drive from the identified sites
- 97 percent of the sites identified are within a High-Quality Transit area, meaning the 97 percent of sites are within one half-mile of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours.

Housing Market Analysis

In addition to an on-the-ground existing use analysis, the City of Costa Mesa has market conditions to facilitate the redevelopment of non-vacant sites for residential. **Table B-3** above shows that a total of 1,167 dwelling units have been constructed through redevelopment in the City. Additionally, a California Association of Realtors report for Historic Housing trends shows that the average time a unit spends on the market in Orange County is just 18.6 days in the last four years (2017-2021) and just 13.3 days in the last

two years.[1] Specifically in Costa mesa, homes spent just over one month on market and the sale-to-list price ratio was 100.14%, indicating a sellers' market and the need for more housing.[2] According to the New Homes Directory (online resource), historical Housing Market data, the average price for an attached unit, 1,500 square feet or less, increased by 48 percent over the last planning cycle ($434,87 in 2014 to $645,000 in 2021).[3]

Additionally, the according to the CAR Current Sales and Price Statistical Survey, the median cost of a home for sale in Orange County increased by 20 percent from 2020-2021 (from $930,000 in October 2020 to $1,120,000 in October 2021).[4] The indicators above signify an increased market demand for new housing.

4. Development of Small Site Parcels

The City of Costa Mesa has identified several candidate housing sites that are smaller than half an acre in size. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. The City has only identified sites smaller than half an acre which show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use. Candidate sites less than half an acre in size represent a small portion of the City's overall RHNA need. A total of nine sites comprise the potential for 114 units, which is 1 percemt of the City's total RHNA need for the period of 11,760.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within **Table B-6**.

The candidate sites that are smaller than half an acre are shown in **Table B-4** below along with descriptions of their likelihood to redevelop that go beyond the descriptions in **Table B-6**.

[1] Median time on Market of Existing Detached Homes, Historical Data, California Association of Realtors (CAR), Accessed online: December 9, 2021. https://www.car.org/marketdata/data

[2] Realtor.com, Housing Market Summary, Costa Mesa. Accessed Online: December 9, 2021. https://www.realtor.com/realestateandhomes-search/Costa-Mesa_CA/overview

[3] New Homes Directory.com, Historical Housing Report in Costa Mesa, Accessed Online: December 9, 2021. https://www.newhomesdirectory.com/California/Costa_Mesa/historical-housing-report

[4] Current Sales and Price Statistics, California Association of Realtors (CAR), Accessed online: December 9, 2021. https://www.car.org/marketdata/data

Table B-4: Analysis of Candidate Housing Sites Under 0.5 acres					
APN	Unique ID	Address	Specific Plan/Urban Plan Area	Size (Ac)	Use Description
42543103	20	1666 Superior Ave	19 West	0.29	These are all adjacent parcels in a contiguous block bounded by E 16th Street, Superior Avenue, E 17th Street, and Newport Blvd. All parcels within this block have been identified as candidate housing sites and total 4.70 acres. Sites 22 and 23 are owned by the same property owner. The existing uses are all car-related industrial uses which are single-story. As shown in **Table B-2**, the City worked with property owners of parcels along Industrial Way (Specifically 132, 134, and 140 Industrial Way, less than a quarter mile southwest of these identified parcels) to facilitate the development of residential uses on parcels previously occupied with the same types of uses as these three parcels (boat and auto repair uses). These parcels are located within the 19 West Urban Plan area and are permitted to develop in the same manner as the parcels along Industrial Way.
42543105	22	126 E 16th St	19 West	0.42	
42543106	23	126 E 16th St	19 West	0.35	
41817101	208	754 Saint Clair St	SoBECA	0.27	These parcels are occupied by warehouse and light industrial uses within the SoBECA Urban Plan area. The SoBECA Urban Plan focuses on residential as a mixed-use component and promoting the development of residential in addition to the existing commercial anchors in the Mall and the Camp. The City has established Program 3D to update the Urban Plans within the City to focus more heavily on residential uses at the identified densities. As identified in **Table B-2**, the City developed Baker Block on industrial parcels which previously occupied similar light industrial uses in a largely industrial corridor approximately one-third of a mile from the SoBECA area. These uses have similar historical context and assumptions have been tied to this project and others as examples of redeveloping these types of uses for residential within industrial areas.
41817102	179	752 Saint Clair St	SoBECA	0.26	
41820202	182	841 Baker St	SoBECA	0.33	
41820205	185	2969 Century Pl	SoBECA	0.09	
13931321	203	1590 Adams Ave	SoBECA	0.27	
14004183	198	N/A	North Costa Mesa	0.23	This parcel is part of the overall Home Ranch parcel described in the Large Site analysis in the following section. Home Ranch is

Table B-4: Analysis of Candidate Housing Sites Under 0.5 acres					
APN	Unique ID	Address	Specific Plan/Urban Plan Area	Size (Ac)	Use Description
					currently a mostly vacant site within the North Costa Mesa Specific Plan area that has an existing development agreement and is currently planned for residential development. The City has actively worked with the property owner throughout the 6th Cycle Housing Element update process to identify an appropriate number of residential units to allocate towards the site. The property owner has indicated they intend to develop residential uses on the Home Ranch site and they are permitted to alter their development agreement or develop outside of it, meaning there are no unit caps in place. While this individual parcel is less than half an acre, it is in common ownership with the larger Home Ranch site which exceeds the half acre standard. This parcel is currently vacant.

Additionally, Policy LU-2.10 of the City of Costa Mesa's Land Use Element within the General Plan promotes lot consolidation of residential properties. While the sites identified in the table above are commercial in nature, the intent of the policy remains effective in consolidating smaller parcels towards the creation of a larger residential development.

5. Development of Large Site Parcels

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these major property owners to determine their future interest in developing housing on the identified properties. These properties when developed pursuant to the densities included within this Housing Element would be subject to the City's inclusionary housing requirements which are in process and anticipated to be adopted per **Program 2A**. This supports the City's assumptions of affordability on the sites described below. The housing element also includes Program 3R which commits the City to take actions to promote the development of large parcels at the densities and affordability levels identified within the housing element. There are no unit caps within the City which would limit the number of units which can be developed on these sites. That is subject to the densities provided within the City's zoning code.

Fairview Developmental Center

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 109 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5th cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City. Conceptual yield studies and draft plans have also been compiled for the property and helped to inform development capacity assumptions. There are no current development agreements or density caps on the property as residential uses are not currently permitted. The City will need to come to an agreement with the State of California for future use of the site and then solicit input from the development community on potential entitlement, likely through a competitive bid process. The City is confident that there is significant interest in redeveloping the property once it becomes available based on informal discussions with developers during the housing element update process.

FDC was discussed multiple times in public workshops by local housing advocacy groups in support of residential uses on the site for primarily affordable housing developments and workforce housing. The City has established **Program 3B** to work with the State of California to establish the FDC area as a mixed-use village that prioritizes housing and promotes development at the densities and affordability levels identified within this housing element. As stated in **Program 3B**, the City envisions a two-year process to negotiate future residential development use on the site. If not established within two years, the City will identify additional sites to accommodate a potential shortfall in sites to accommodate the remaining RHNA.

The City's 6th Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

Sakioka Lot 2

Sakioka Lot 2 is a 30.93-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan.

The site is currently under a development agreement (DA) that was recently extended for ten years until May of 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. This development would occur pursuant to the new densities identified within the Housing Element, which may lead to the development of more units than currently established under the DA. The property owner and City could potentially amend the current DA or the property owner may develop outside of the DA but under the zoning requirements of the North Costa Mesa Specific Plan in order to achieve more than 660 residential units in the future. Therefore, the existing DA does not present a cap or restriction on the future number

of potential units on the Sakioka Lot 2 parcel. Furthermore, there are not affordability caps within the current DA which would limit the number of units which may be affordable. The City's 6th Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories. The property owner has expressed interest in communications with the City in developing for residential uses within the 8-year planning cycle.

Home Ranch

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was executed in 2002 and extended in 2010 for additional 20 years until July of 2030.

The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The property owner has expressed that there are future scenarios which consider fully developing the site for residential uses with some support commercial, which exceeds the assumptions in the housing element. The City conservatively analyzed the potential for a range of uses on the Home Ranch site. This would require a modification of the existing DA, which is possible with property owner and City support. The City's 6th Cycle analysis includes an assumption of 2,215 dwelling units broken down into the very low, low, moderate, and above moderate-income categories. The property owner has expressed interest in communications with the City in developing for residential uses within the 8-year planning cycle.

South Coast Plaza

South Coast Plaza is a large regional mall in the North Costa Mesa area. The mall has ample surface parking and as of adoption of this Housing Element, has a large, big box component which is currently vacant. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The sites analysis makes a conservative potential redevelopment assumption of approximately 15 acres of the 128-acre property.

The City's 6th Cycle analysis includes an assumption of 1,959 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

Pacific Arts Plaza

Pacific Arts Plaza project is an 18.3-acre site located in South Coast Plaza Town Center currently developed with a variety of office buildings and restaurants. The site is designated Cultural Arts Center (CAC) by the General Plan and has a zoning designation of Town Center (TC). The property is also located in the North Costa Mesa Specific Plan. Portions of the site are under a Development Agreement. The existing development approvals referenced in the original Development Agreement that allows for a maximum Floor Area Ratio (FAR) of 1.55 and maximum building square footage of 1,227,978. The Development Agreement was recently extended for two years and will expire in August of 2023. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6th Cycle analysis includes an assumption of 535 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

6. Accessory Dwelling Units

Accessory dwelling units, or ADUs, are housing units which may be developed in addition to an existing single- or multi-family residential use. These housing units can be free-standing or attached to a primary structure and are intended to provide additional housing on an existing residential lot. Often ADUs provide housing for family members or are rented to members of the community.

As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2022. The City approved/permitted the following number of ADUs since 2018:

- 2018 – 4 ADUS
- 2019 – 6 ADUS
- 2020 – 27 ADUs
- 2021 – 43 ADUs
- 2022 (as of the end of April) – 27 ADUs

Of the 41 permits issued in 2021, 1 was available at the extremely-low income level, 3 were available at the very-low income level, 25 were available at the low-income level, and 12 were available at the moderate income level. As of the end of April 2022, the City of Costa Mesa has seen an increase in ADU activity. The City has approved and is in the process of issuing permits for 27 ADUs through approximately one-third of the year. Projected out over 2022, this demonstrates the continued trend of ADU growth and puts the City on pace for 81 approved ADUs in 2022. This exceeds the City's 2022 projection of 50 units by 31 units and positions the City well to exceed its projected ADUs within the planning period.

In compliance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (JrADUs) are permitted only in single dwelling unit zones.

The City of Costa Mesa has determined based on past performance that it is appropriate to anticipate the development of 391 accessory dwelling units from 2021 to 2029 (approximately 50 per year through the planning period). Approximately 265 of these units are anticipated to be affordable at the low and very-low-income categories. A total of 117 ADUs are anticipated to be affordable at the moderate-income level and 8 ADUs are anticipated at the above moderate-income level. This affordability estimation is based on guidance from SCAG and HCD based on surveys of existing ADUs in the SCAG region between April and June 2020. Another local factor that contributes to the City's anticipated overall ADU growth expectations is that the City's ADU provisions are more flexible than the State ADU regulations, and therefore are more desirable for ADU development. For example, the State's minimum standard related to ADU required parking is that ADU's located within 500 feet of certain transit areas are not required to provide parking, whereas the City's ADU standards allow ADUs to be constructed without any parking regardless of location. Also, the State's minimum standard related to ADU height is that a local ADU ordinance shall allow an ADU height a minimum of 16 feet, whereas the City's ADU height standards allow a building height of 27 feet. Lastly, the State's minimum floor area requirement for ADUs is 850 square feet for studio units and 1,000 square feet for one-bedroom units, whereas the City's ADU floor area standards allow for larger ADUs in

that a detached ADU can be constructed up to 1,200 square feet, and an attached ADU may be the greater of 1,000 square feet or 50 percent of the size of the existing residential unit.

The City performed a trend analysis looking at the growth in ADUs from 2018 – 2021. That analysis is shown in the table below.

Table B-5: ADU Assumption Analysis (2018 – 2021)	
Year	ADU Permitted (2018-Based Strategy)
Projection Period Total:	*390*
2028	*50*
2027	*50*
2026	*50*
2025	*50*
2024	*50*
2023	*50*
2022	*49*
*2021**	*41*
2020*	27
2019*	6
2018*	4
"*" indicates actual permitted ADUs within that year.	

As shown in **Table B-4**, Costa Mesa has seen sustained increases in ADU production each year since 2018 with the lowest being a 50% increase between 2018 and 2019 as new State laws and local processes were not common knowledge amongst homeowners. The City expects that they while ADU production is likely to continue to increase year after year, there may be some drop off in that increase as more property owners develop ADUs. The City anticipates approximately 50 ADUs will be permitted per year for the remainder of the planning period.

A further indication of this is recent development trends observed by the City. Planning staff recently received and processed a development which included 13 ADUS which were conversions of existing garages. These units ranged from 152 to 363 square feet and consisted of a studio unit arrangement with one bathroom. This is a direct result of two actions: (1) developers and local property owners becoming educated on the new ADU laws and (2) the City of Costa Mesa making diligent efforts to discuss ADU potential and provide informational materials to the community. In addition to the methodology and concrete local data presented above, the City understands that ADU trends may change. In response, the housing element includes **Program 3M** to monitor ADU production every two years and has stated actions should production not match the anticipated amount in the housing element.

To assist in furthering the recognition and understanding of ADUs potential within Costa Mesa and reach the City's ADU development projections, Costa Mesa has included **Program 3E**, which identifies actions the City will take to promote and incentivize the development of ADUs during the planning period. As outlined in the program, these actions include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Post a user-friendly FAQ on the City's website to assist the public with the general questions.

- Waiving specific permitting fees to make ADU development more feasible
- Creating an expedited plan check review process to ease the process for homeowners
- Research potential State and Regional funding sources for affordable ADUs and make the information found publicly available to homeowners

7. Water, Sewer, and Dry Utility Availability

Each site has been evaluated to ensure there is adequate access to water and sewer connections as well as dry utilities. Each site is situated with a direct connection to a public street that has the appropriate water and sewer mains and other infrastructure to service the candidate site. The City has sufficient total water and sewer capacity (existing and planned) to accommodate the 2021-2029 regional housing need. The City plans for future housing growth through the Mesa Water District Urban Water Management Plan (UWMP). This was most recently updated in 2020. Future sewer capacity is planned for through the Costa Mesa Sanitary District Sewer System Management Plan (SSMP), which was most recently amended and recertified by the Board of Directors in January 2021.

B. Calculation of Unit Capacity

This section contains a description of the candidate sites identified to meet Costa Mesa's RHNA need at all income levels. The full list of these sites is presented in Table B-6.

1. Realistic Capacity and Affordability Calculations

Costa Mesa's 2021-2029 Housing Element sites analysis assumes that each identified candidate housing site will develop with at a range of income levels. Primarily, it is assumed that sites identified within Table B-6 will redevelop with the following affordability characteristics:

- 30% of units available to residents in the low and very low-income categories
- 20% of units available to residents in the moderate-income category
- 50% of units available to residents in the above moderate-income category

Costa Mesa recognizes that not all sites within the inventory will develop such that they meet these affordability assumptions and has included a 37% buffer on the total number of units to assist in accommodating potential differences in future housing development. This buffer is to accommodate the potential that sites may develop for 100% nonresidential uses, however recent development within Costa Mesa has indicated that is unlikely. The following developments have all occurred recently within the City's urban plans, specific plans, overlays, or on non-residentially zoned sites. Many of these are described in more detail in Table B-2.

- 2277 Harbor Blvd – Previous motel use that underwent a rezone from C1 to PDR-HD and developed as a fully residential project with 200 apartment units.
- 671 W 17th Street – Previous industrial brownfield site in the Mesa West Bluff Urban Plan which developed as a fully residential project with 177 live/work units.
- 1620 and 1644 Whittier Avenue – Previous industrial use in the Mesa West Bluff Urban Plan which developed as a fully residential project with 89 live/work units.

- 1500 Mesa Verde East Drive – Commercially zoned parcel along Harbor Boulevard which developed as a fully residential project with 215 senior apartments.
- Brickyard East and West – Previous industrial warehouse uses along Placentia Avenue which developed as a fully residential project with 29 townhouse units.

Consistent with local housing market trends data presented earlier in this appendices, the City of Costa Mesa is seeing an increase in residential development and rarely receives requests for fully non-residential uses in the area identified within the candidate housing sites analysis.

The City has established goals and programs within the Housing Element aimed at identifying funding opportunities and partnering with the development community to increase the amount of affordable housing built in future developments. If the City is able to identify partnerships leading to fully affordable projects, that would also help to cover any potential shortfall in capacity in any of the four income categories. The City of Costa Mesa recognizes that should a "No Net Loss" situation occur, they will be required to identify additional sites and has analyzed additional potential housing sites within the Housing Element's environmental clearance document.

There are several candidate housing sites in which the affordability assumptions differ from those presented above. Those sites include:

- Costa Mesa Senior Housing Project (APN 424-211-01). This site is owned by the City of Costa Mesa who has had previous discussions with a developer on a fully affordable project on this site. This site assumes 60 units which are all affordable at the lower income levels.
- Fairview Developmental Center. This site is analyzed previously in the large site analysis portion of this appendices. This site is owned by the State of California and the City anticipates working in collaboration with the State to support the goal of developing affordable housing. The City has assumed that approximately 40% of the units on this site will be available to residents at the lower income levels, while 30% will be available to residents at the moderate-income levels. The remaining units are anticipated to be market-rate.
- Sakioka Lot 2. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels. This site has an existing development agreement.
- Home Ranch. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels. This site has an existing development agreement.
- Pacific Arts Plaza and Town Center. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the low and very-low income levels. This site has an existing development agreement.

2. Specific Plan, Urban Plan, and Overlays

As identified in Programs 3B and 3C, of the Housing Plan (Chapter 4), the City will be modifying some of the existing Specific Plans, Urban Plans, and Overlays within Costa Mesa. The densities identified in Table B-5 reflect revisions to many of these areas to permit residential development at a higher density than what

the current zoning permits as of adoption of this document. As noted, the City has three years to complete these zoning amendments. The City is proposing to either analyze or modify the following areas:

- North Costa Mesa Specific Plan
- 19 West Urban Plan
- SoBECA Urban Plan
- Mesa West Bluff Urban Plan
- Residential Ownership Urban Plan (Propose to Remove)
- Residential Incentive Overlay
- Harbor Mixed-Use Overlay

These areas, with the exception of the Residential Ownership Urban Plan, which is proposed to be removed, will be modified through **Programs 3B through 3C** to permit residential development at or above the default density for Costa Mesa of 30 dwelling units per acre. When considering appropriate densities, the City held outreach meetings with members of the community, decision-makers, the development community, and major property owners. As part of these meetings, the City discusses and analyzed what densities were appropriate to maintain the character of the surrounding neighborhoods while also presenting the opportunity for future residential development that can realistically facilitate the development of units available at the lower income levels.

The City will continue to conduct community outreach post adoption of the Housing Element to discuss potential revisions to development standards within these areas with the goal of effectively planning for future affordable housing. Densities established as a part of future zoning changes must accommodate the densities shown in **Table B-4** for the sites identified.

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
424-202-02	12	719 W 19th St	PANGE MARC C TR PANGE REVOC TR	C1	G	4	19 West	1.29	50			Yes	64	12	7	12	34	Small commercial uses in a strip mall center. Approximately half of the parcel is surface parking and property abuts a major transportation corridor (19th Street). Shopping Center shows no recent sign of renovation.	12,509	70,028	18%	C
424-202-03	13	707 W 19th St	MUNOZ FAMILY PROPERTIES LLC	C1	G	4	19 West	2.00	50				99	18	10	19	52	Existing single-user (Smart&Final) with large surface parking lot. Potential to redevelop for mixed-use adjacent to major transportation corridor (19th Street).	20,404	108,723	19%	C
424-211-01	14	695 W 19th St	CITY OF COSTA MESA	C1	G	5	19 West (Senior)	2.66	50				60	40	20	0	0	Proposed Senior Center Housing project.	16,181	144,946	11%	EX
424-281-20	16	1710 Pomona Ave	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	1.08	50				53	10	5	10	28	Existing self-storage facility in close proximity to new residential uses and major transportation corridor (17th Street).	17,660	58,633	30%	B
424-281-21	17	670 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	1.06	50				53	10	5	10	28	Existing 2-story office and commercial uses in close proximity to new residential uses and major transportation corridor (17th Street).	12,364	57,813	21%	A
424-281-22	18	660 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	2.22	50				110	20	12	22	55	Existing self-storage facility and light industrial/commercial use in close proximity to new residential uses and major transportation corridor (17th Street).	29,164	120,722	24%	B

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
425-431-02	19	1680 Superior Ave	B D INNS INC	CL	G	6	19 West	2.11	50				105	19	11	21	53	Existing hotel use (Ramada) with large surface parking lot. Property is directly adjacent to Newport Boulevard and next to new multi-family development.	25,337	115,045	22%	D
425-431-03	20	1666 Superior Ave	SCHWARTZ PAUL D 2007 TR	MG	LI	6	19 West	0.29	50		A		14	2	1	2	9	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	3,693	15,921	23%	B
425-431-04	21	116 E 16th St	SHEEHAN MICHAEL W TR	MG	LI	6	19 West	0.73	50		A		36	6	3	7	19	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	13,899	39,955	35%	B
425-431-05	22	126 E 16th St	126 PROPERTIES LLC	MG	LI	6	19 West	0.42	50		A		20	3	2	4	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	10,868	22,831	48%	B

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
425-431-06	23	126 E 16Th St	126 PROPERTIES LLC	C1	G	6	19 West	0.35	50		A		17	3	1	3	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	5,158	19,226	27%	B
425-431-07	24	1601 Newport Blvd	WINKAL HOLDINGS L L C	C1	G	6	19 West	0.79	50				39	7	4	7	22	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	9,604	42,763	22%	B
420-012-16	38	2476 Mark St	STATE OF CALIFORNIA	I&R-MLT	MUC	1	Fairview Developmental	108.91	60				2,300	575	345	690	690	Fairview Developmental Center property. See analysis in Appendix B for additional information on potential to redevelop.	944,681	N/A	N/A	EX
141-361-06	39	2700 Harbor Blvd	FEMINO JAMES J THE J J & S FEMINO LIVING TR	C1	G	3	Harbor Mixed-Use	0.68	50				34	6	3	6	19	Mixed us building with first floor retail and offices	8,228	37,198	22%	C
141-361-11	40	2666 Harbor Blvd	HARBOR CM LLC	C1	G	3	Harbor Mixed-Use	2.41	50				120	22	13	24	60	Former Ace Hardware store, now for lease after Ace went out of business. Large big box structure with surface parking along a major transportation corridor (Harbor Blvd)	44,693	130,965	34%	C

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
141-361-21	41	2790 Harbor Blvd	LEFEBVRE MAUREEN ELIZABETH	C1	G	3	Harbor Mixed-Use	0.75	50				37	7	4	7	20	Mixed use building with retail and offices on first floor and offices on 2nd and 3rd floor. Building is partially vacant with large surface parking lot adjacent to major transportation corridor (Harbor).	10,347	40,932	25%	C
141-361-22	42	2750 Harbor Blvd	SRS COLLEGE CENTER	C1	G	3	Harbor Mixed-Use	1.71	50				85	16	9	17	43	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	12,032	92,942	13%	C
141-361-23	43	2730 Harbor Blvd	SRS COLLEGE CENTER	C1	G	3	Harbor Mixed-Use	0.68	50				33	6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	12,075	36,948	33%	C
141-361-27	44	2710 Harbor Blvd	JOHNSON GREGORY A & JACLYN H	C1	G	3	Harbor Mixed-Use	0.67	50				33	6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	9,240	36,515	25%	C
141-361-28	45	2706 Harbor Blvd	MESA VERDE CENTER LLC	C1	G	3	Harbor Mixed-Use	0.97	50				48	9	5	9	26	Vacant Pier 1 Imports box store and surface parking lot. Building is currently for lease.	14,997	52,666	28%	C

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
419-031-08	52	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	0.75	50				37	7	4	7	20	Surface parking lot within large retail shopping center. Potential for mixed-use redevelopment. Retail center has major big box tenants which have permanently closed, leaving an excess of surface parking.	0	40,935	0%	C
419-031-09	53	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	1.17	50				58	11	6	11	31	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed- use. While the data shows a high development usage, this tenant space remains vacant.	98,908	63,595	156%	C
419-031-12	54	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	3.16	50				158	30	17	31	81	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed- use.	98,908	172,145	57%	C
419-171-58	56	2150 Harbor Blvd	2150 HARBOR BLVD LLC	C1	G	5	Harbor Mixed-Use	1.17	50				58	11	6	11	31	Norms restaurant with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).	6,606	63,521	10%	C
422-021-09	57	2131 Harbor Blvd	SHERMAN DONALD L H	C2	G	4	Harbor Mixed-Use	0.83	50				41	7	4	8	21	Auto parts store, retail store, and pet grooming store, with large surface parking area adjacent to major transportation corridor (Harbor Blvd).	6,891	45,202	15%	C

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422-091-11	58	2075 Harbor Blvd	LEWIS JOHN T & LEWIS MARY K	C2	G	5	Harbor Mixed-Use	0.63	50				31	5	3	6	16	Tools and equipment rental yard adjacent to major transportation corridor (Harbor Blvd).	3,032	34,196	9%	C
422-091-12	59	2069 Harbor Blvd	TANNER DALE A	C2	G	5	Harbor Mixed-Use	0.54	50				26	4	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).	5,032	29,322	17%	C
422-091-14	61	2049 Harbor Blvd	C M HARBOR CM LLC	C2	G	5	Harbor Mixed-Use	0.54	50				26	4	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).	4,586	29,226	16%	C
422-091-24	62	2015 Harbor Blvd	NEWPORT MESA AUTO CENTER LLC	C2	G	5	Harbor Mixed-Use	0.62	50				30	5	3	6	15	Newport Mesa Auto Center with car repair and car wash uses adjacent to major transportation corridor (Harbor Blvd).	9,663	33,643	29%	C
422-091-26	63	2007 Harbor Blvd	949 STORAGE LLC	C2	G	5	Harbor Mixed-Use	0.83	50				41	7	4	8	21	Self-storage facility with surface parking lot and access to major transportation corridor (Harbor Blvd).	14,103	45,248	31%	B
422-101-03	64	1989 Harbor Blvd	JUNEAU PAULINE BRECHT	C2	G	5	Harbor Mixed-Use	0.56	50				27	5	2	5	15	Budget Truck Rental yard which is largely a paved surface parking lot with a small building. Site is adjacent to major transportation corridor (Harbor Blvd).	624	30,425	2%	C
422-101-06	65	1974 Charle St	CHARLE ST REALTY LLC	C2	G	5	Harbor Mixed-Use	0.53	50				26	4	2	5	14	Existing low-intensity light industrial and warehouse uses.	7,962	28,964	27%	A
422-193-23	66	2215 Harbor Blvd	CHEN-RONG PROPERTIES LLC	C2	G	4	Harbor Mixed-Use	0.58	50				28	5	3	5	16	Aging furniture store structure with surface parking lot adjacent to major transportation corridor (Harbor Blvd).	12,757	31,475	41%	C

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422-193-24	67	2205 Harbor Blvd	AQUA 26 LLC	C2	G	4	Harbor Mixed-Use	0.58	50				28	5	3	5	16	Aging motel use with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).	10,089	31,469	32%	C
422-282-11	68	2044 Placentia Ave	SAA 2 LLC	MG	LI	4	Mesa West	1.18	40				47	8	5	9	25	Auto repair shop and light industrial uses with surface parking adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	26,636	64,338	41%	B
422-291-04	69	2065 Placentia Ave	PUBLIC STORAGE PARTNERS LTD	MG	LI	4	Mesa West	1.85	40				73	13	8	14	38	Self-storage facility adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	34,929	100,710	35%	B
422-291-05	70	2065 Placentia Ave	PUBLIC STORAGE INC	MG	LI	4	Mesa West	0.92	40				36	6	3	7	19	Self-storage facility adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	23,549	50,355	47%	B
422-291-06	71	2051 Placentia Ave	PLACENTIA AVE PROPERTIES LLC	MG	LI	4	Mesa West	0.92	40				36	6	3	7	19	Existing office/light industrial uses adjacent to recently developed townhouses and apartments.	6,720	50,355	13%	A
422-301-01	72	1987 Placentia Ave	HARTLEY CO	MG	LI	4	Mesa West	2.31	40				92	17	10	18	47	Warehouses with large surface parking lot. Two buildings on the site. Adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	37,645	125,891	30%	A
422-454-28	74	2101 Placentia Ave	CASACOS LLC	MG	LI	4	Mesa West	0.91	40				36	6	3	7	19	Restaurant with large surface parking lot.	4,802	49,428	10%	C

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																		Potential for mixed-use development.				
424-061-01	75	885 W 18th St	MONROVIA AVENUE PARTNERS LLC	MG	LI	5	Mesa West	1.25	40				49	9	5	9	27	Warehouses with large surface parking lot. One building on the site.	22,144	67,858	33%	B
424-061-03	76	859 W 18th St	CRANK FAMILY 2007 LLC	MG	LI	5	Mesa West	0.81	40				32	6	3	6	17	Auto repair shop with surface parking lot.	16,926	44,209	38%	C
424-061-04	77	851 W 18th St	SEA PROPERTIES	MG	LI	5	Mesa West	1.79	40				71	13	7	14	36	Auto body shop with large surface parking lot.	25,478	97,501	26%	C
424-061-05	78	1791 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	LI	5	Mesa West	4.27	40				170	32	18	34	85	Single-story warehouses with large surface parking lot and drive aisles. Five buildings on the site which show little sign of recent renovation.	72,191	232,421	31%	B
424-061-06	79	1751 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	LI	5	Mesa West	4.70	40				187	35	20	37	95	Single-story warehouses with large surface parking lot and drive aisles. Seven buildings on the site which show little sign of recent renovation.	80,909	255,845	32%	B
424-241-11	96	610 W 18th St	COSTA MESA WOMEN'S CLUB	R2-HD	HDR	5	Mesa West	0.58	40				23	4	2	4	13	Costa Mesa Women's Club with large surface parking lot. Property is adjacent to new park and civic center uses and in a residential setting with both single-family and multi-family uses. Property is underutilized.	5,857	31,413	19%	C
424-281-01	97	1730 Pomona Ave	C & K PARTNERS	MG	LI	5	Mesa West	0.99	40				39	7	4	7	22	Warehouses with surface parking lot. One building on the site.	11,802	54,028	22%	B

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424-281-19	98	424 Pomona Ave	PACIFIC MESA PROPERTIES	MG	LI	5	Mesa West	1.19	40				47	8	5	9	25	Warehouses with large surface parking lot. One building on the site.	19,676	64,716	30%	B
424-281-23	99	660 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	Mesa West	2.26	40				90	17	9	18	45	Large single-story self-storage facility adjacent to existing multi-family residential.	50,219	122,853	41%	B
424-321-17	100	1882 Whittier Ave	AYRES SELF STORAGE COSTA MESA LLC	R2-MD	MDR	5	Mesa West	1.08	40				43	8	4	8	23	Large single-story self-storage facility adjacent to existing multi-family residential.	18,808	59,063	32%	B
139-031-39	131	3303 Harbor Blvd	SDCO COSTA MESA COMMERCE PARK INC	PDI	IP	1	North Costa Mesa	10.00	90				900	171	99	180	450	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses.	160,463	326,700	49%	A
139-031-42	132	1575 Sunflower Ave	RREEF CPIF 1575 SUNFLOWER LLC	MP	IP	1	North Costa Mesa	8.03	90				722	137	79	144	362	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses.	133,055	262,313	51%	A
139-031-67	133	3333 Harbor Blvd	BEG HOLDINGS LP	MP	IP	1	North Costa Mesa	10.00	90				900	171	99	180	450	Sofia University site (former Whittier Law School site) with large surface parking lot and largely underdeveloped land. The City has received interest in the potential future redevelopment of the site for residential uses.	130,197	326,700	40%	EX

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140-041-38	134	3390 Harbor Blvd	HARBOR ASSOCIATES	MP	IP	1	North Costa Mesa	5.78	90				520	98	57	104	260	National University site. Analysis assumes potential redevelopment of the entire site as National University has vacated the existing lease. The City has received interest in the potential future redevelopment of the site for residential uses.	37,672	188,984	20%	EX
140-041-63	136	3390 Harbor Blvd	C J SEGERSTROM & SONS	MP	IP	1	North Costa Mesa	1.69	90				152	28	16	30	77	National University site. Analysis assumes potential redevelopment of the surface parking area. The City has received interest in the potential future redevelopment of the site for residential uses.	0	55,367	0%	EX
140-041-82	137	3315 Fairview Rd	C J SEGERSTROM & SONS	PDC	CC	1	North Costa Mesa - HR	7.58	90		C		443	44	22	44	333	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	40,025	211,382	19%	EX
140-041-93	138	1201 South Coast Dr	HENRY T SEGERSTROM PROP LLC	PDC	CC	1	North Costa Mesa - HR	30.30	90	Vacant	C		1,772	177	88	177	1,330	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	0	844,812	0%	EX
410-051-48	139	3400 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.53	90		G		47	8	5	9	25	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	18,147	40,626	45%	EX

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410-051-51	140	685 Sunflower Ave	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.88	90		G		78	14	8	15	41	Vacant portion of parcel adjacent to parking structure. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	863	67,517	1%	EX
410-051-52	141	3410 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	1.35	90		G		121	22	13	24	61	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	1,014	104,331	1%	EX
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA & SONS	PDC	UCC	2	North Costa Mesa - SL2	30.93	90	Vacant			1,200	120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.	15,275	1,347,311	1%	EX
410-501-31	144	N/A	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	3.39	90				305	57	33	61	153	Large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	0	116,821	0%	EX
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	RC	2	North Costa Mesa	6.41	90				575	120	60	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	15,390	248,505	6%	EX

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412-491-11	146	0	SOUTH COAST PLAZA	PDC	RC	2	North Costa Mesa	5.37	90				483	91	53	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	0	208,379	0%	EX
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	RC	2	North Costa Mesa	10.00	90				900	171	99	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	232,135	387,684	60%	EX
418-161-06	176	2957 Randolph Ave	ZELDEN ALICE WILLER	MG	LI	2	SoBECA	0.72	60				43	8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	16,880	39,375	43%	A
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	LI	2	SoBECA	0.72	60				43	8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	18,531	39,251	47%	A
418-163-05	178	2064 Bristol St	PEP BOYS	C1	G	2	SoBECA	1.47	60				88	16	9	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	19,022	79,928	24%	A
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	G	2	SoBECA	0.26	60		B		15	2	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.	424	14,201	3%	A
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	G	2	SoBECA	0.67	60				40	7	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	12,329	36,507	34%	A

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418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	G	2	SoBECA	0.87	60				52	9	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	11,899	47,299	25%	A
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	G	2	SoBECA	0.33	60		D		19	3	2	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	6,401	17,870	36%	A
418-202-03	183	841 Baker St	BAKER STREET PROPERTIES LLC	C1	G	2	SoBECA	0.60	60		D		35	6	3	7	18	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	8,881	32,546	27%	A
418-202-04	184	801 Baker St	RED MOUNTAIN ASSET FUND ILLC	C1	G	2	SoBECA	0.86	60				51	9	5	10	26	Strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	15,474	46,602	33%	A
418-202-05	185	2969 Century Pl	ECHAN BARBARA TRUST	C1	LI	2	SoBECA	0.09	60		E		5	0	0	1	3	Surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	469	4,712	10%	A
418-202-06	186	2969 Century Pl	ECHAN BARBARA TRUST	MG	LI	2	SoBECA	0.68	60		E		40	7	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	13,488	36,893	37%	A
418-202-07	187	2959 Century Pl	GRAYBAR ELECTRIC CO INC	MG	LI	2	SoBECA	0.50	60				30	5	3	6	15	Electrical equipment manufacture/distributor. Site is within the SoBECA Urban Plan redevelopment area.	10,200	27,436	37%	A
418-202-10	188	2942 Century Pl	SCM ENTERPRISES	MG	LI	2	SoBECA	0.87	60				52	9	5	10	27	Coworking office with large surface parking. Site is within the SoBECA Urban Plan redevelopment area.	14,382	47,242	30%	A

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418-202-11	189	2952 Century Pl	GRAHAM GORDON T TR	MG	LI	2	SoBECA	0.90	60				54	10	5	10	29	Warehouse with large yard. Site is within the SoBECA Urban Plan redevelopment area.	17,227	49,090	35%	A
418-202-12	190	2972 Century Pl	PROJECT C LLC	MG	LI	2	SoBECA	0.94	60				56	10	6	11	29	Auto repair shop with surface parking. Site is within the SoBECA Urban Plan redevelopment area.	18,109	51,374	35%	A
418-202-13	191	2972 Century Pl	PROJECT C LLC	MG	LI	2	SoBECA	0.91	60				54	10	5	10	29	Warehouse with large yard. Site is within the SoBECA Urban Plan redevelopment area.	18,372	49,319	37%	A
418-202-14	193	765 Baker St	PROJECT C LLC	C2	G	2	SoBECA	0.67	60				40	7	4	8	20	Existing auto repair shop use. Site is within the SoBECA Urban Plan redevelopment area.	16,802	36,615	46%	A
419-041-02	194	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	G	5	Harbor Mixed-Use	0.77	50				38	7	4	7	21	Existing aging strip mall with multiple tenants and large surface parking lot area. Site is adjacent to a major transportation corridor (Harbor Blvd).	11,827	41,947	28%	C
419-041-06	195	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	G	5	Harbor Mixed-Use	2.50	50				125	23	13	25	63	99 cent store with large surface parking. Site is adjacent to a major transportation corridor (Harbor Blvd).	37,430	136,349	27%	C
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	G	2	Harbor Mixed-Use	1.90	60				114	21	12	22	59	Existing auto dealer with large surface parking.	24,369	103,666	24%	C
140-041-83	198	N/A	C J SEGERSTROM & SONS	PDC	CC	1	North Costa Mesa - HR	0.23	90	Vacant	C		0	0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	0	6,419	0%	EX
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	G	2	Harbor Mixed-Use	1.27	60		B		74	14	8	14	39	Restaurant and barbershop. Site is anticipated to redevelop	4,434	69,124	6%	C

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																		with adjacent parcels as shown in this table.				
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	G	4	19 West	0.63	50				30	5	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.	9,838	34,468	29%	C
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	CAC	2	North Costa Mesa - Pac Arts	6.27	90		H		186	18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.	81,187	483,505	17%	EX
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	CAC	2	North Costa Mesa - Pac Arts	12.07	90		H		349	35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.	230,300	930,850	25%	EX
139-313-21	203	1590 Adams Ave	C J SEGERSTROM & SONS	C1	G	1	Harbor Mixed-Use	0.19	50		F		9	1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.	247	10,216	2%	EX
139-313-30	204	1590 Adams Ave	C J SEGERSTROM & SONS	C1	G	1	Harbor Mixed-Use	2.40	50		F		120	22	13	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.	27,802	130,680	21%	EX

Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low	Low	Moderate	Above Moderate	Notes	Existing Building SF	Max Buildout per FAR	% Occupied	Dev. Class
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.75	90		G		70	13	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	12,109	57,826	21%	EX
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	0.74	90				66	12	7	13	34	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.	5,026	25,367	20%	EX
410-501-36	207	N/A	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	1.82	90				164	31	18	32	84	Surface parking lot. Property owner has indicated interest in redeveloping the site for residential uses.	5,026	62,729	8%	EX
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	G	1	SoBECA	0.27	60		B		15	2	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.	3,797	14,921	25%	A
140-041-81	196	3333 Susan St	THE HIVE CREATIVE OFFICE INC	PDI	IP	1	North Costa Mesa	4.00	90				432	68	39	72	252	Current Chargers practice field facility. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	93,238	130,680	71%	EX

Appendix C

Summary of Community Engagement



Summary of Community Engagement

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A summary of citizen participation is provided below.

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These recent outreach efforts included Virtual Townhall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from townhall and public meetings, notices, and draft public review documents are available on the City's website: www.costamesaca.gov/housing-element-update.

Outreach for the 6th Cycle Housing Element to the Costa Mesa community includes the following actions:

- **Virtual Townhall Meeting #1** – The City conducted a virtual townhall meeting on November 18, 2020 for community members to come and learn about the Housing Element update process and provide initial feedback and guidance. The townhall was hosted in both Spanish and English. Advertising for the townhall included handouts and flyers, posts on the City's website, doorknob hangers, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 78 participants attended the Townhall.
- **Subject Matter Expert Meetings** – Between February 9, 2020, and February 11, 2021, the City held meetings with various groups of professionals throughout the community to solicit topic-specific input as it relates to the Housing Element. These subject matter expert groups included Developers, Housing Advocates, and Homeless Assistance Providers.
- **District Specific Meetings** – On February 17th and 18th, 2021, the City held two district specific meetings to receive area-specific input from each Council District. The meetings allowed residents and local stakeholders from Council Districts 1-6 to provide recommendations on areas that can/cannot accommodate housing in their district, as well as provide insight on their district-specific needs and considerations as they relate to the Housing Element. Both meetings included a Spanish language breakout room for those who wished to participate in Spanish.
- **Targeted Focus Group Meetings** – Throughout the Housing Element Update period, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. This included meetings with both English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.
- **Online Community Survey** – From November 19, 2020, to February 24, 2021, the City launched an online community survey to gather feedback and input regarding the Housing Element Update. There was a total of 465 survey respondents who participated. The survey was available in Spanish

and English. Participants were asked to consider existing housing and community needs and provide recommendations on the locations and types of housing that would best assist the City.

- **Planning Commission Study Session** – On March 1, 2021, the City held a Planning Commission Study Session to provide information regarding the status of the Housing Element. The study session informed the Planning Commission on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an introduction to the sites analysis in order to meet the City's RHNA allocation.
- **City Council Study Session** – On March 23, 2021, the City held a City Council Study Session to provide information regarding the status of the Housing Element. The study session informed the City Council on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an overview of the potential areas of the City that could be appropriate to include in the City's housing strategy.
- **City Council and Planning Commission Joint Study Session** – On April 27, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide and update and request feedback on the Housing Element Update's progress, including the Community Profile, opportunities and constraints to housing, and potential housing opportunities to meet the RHNA allocation.
- **Virtual Townhall Meeting #2** – The City conducted a second virtual townhall meeting on September 2, 2021, to provide information about the Public Review Draft and information on how the community can provide feedback. The townhall was hosted in both Spanish and English. Advertising for the townhall included city-wide mailer, posts on the City's website, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 69 participants attended the English Townhall and 7 participants attended the Spanish Townhall.
- **City Council and Planning Commission Joint Study Session** – On September 13, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide an update on the Public Review Draft and request feedback prior to submission of the Draft Housing Element to the State Department of Housing and Community Development.

This Appendix contains all public comments regarding the Housing Element received by the City at scheduled public meetings. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have been provided to each member of the City Council.

C.1 Virtual Townhall Meeting #1

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at www.costamesaca.gov/housing-element-update.



City of Costa Mesa

2021-2029 Housing Element Update
Virtual Community Townhall Meeting

We need your input! Please join us at our first virtual community townhall meeting for information about the City's Housing Element Update, new State requirements, and to share your ideas about the future of housing in Costa Mesa.

When: Wednesday, November 18, 2020 at 6 PM
(el miércoles 18 de noviembre del 2020 a las 7:30 PM en español)

For instructions on how to access the meeting go to:
https://www.costamesaca.gov/housing-element-update

Costa Mesa

For questions, please submit an email to housing-element@costamesaca.gov.





2021-2029 HOUSING element

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Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029

Taller Comunitario Virtual

¡Necesitamos su opinión! Por favor únase a nosotros en nuestra primera reunión comunitaria virtual para obtener información acerca de la Actualización del Elemento de Vivienda de la ciudad, los nuevos requisitos por parte del estado, y para compartir sus ideas acerca del futuro habitacional en Costa Mesa.

Fecha: el miércoles 18 de noviembre del 2020 a las 7:30 PM

Para recibir instrucciones sobre cómo obtener acceso a la reunión, vaya a:
https://www.costamesaca.gov/housing-element-update

Costa Mesa

Si tiene preguntas, favor de enviar un correo electrónico a housing-element@costamesaca.gov.





2021-2029 HOUSING element

Ciudad de Costa Mesa

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2021-2029 HOUSING element

Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029

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City of Costa Mesa
2021-2029 HOUSING ELEMENT UPDATE

The City of Costa Mesa is in the process of updating the 2021-2029 Housing Element. This Fact Sheet answers commonly asked questions and provides information about the update process.

What is a Housing Element?

The Housing Element is one of the required elements of the City of Costa Mesa's General Plan. The Housing Element provides policies, programs, and actions that support and encourage housing growth at all income levels.

Key Sections of the Housing Element:

- Population and housing analysis for Costa Mesa
- Evaluation of constraints to building housing and identifying potential resources for housing development
- Evaluation of 2013-2021 Housing Element programs and policies to determine what worked and what needs to be changed
- Analysis of potential housing sites that can accommodate Costa Mesa's anticipated housing needs in the next eight years
- Development of policies, programs, and quantified objectives for the 2021-2029 planning period



What is the Regional Housing Needs Assessment (RHNA) Process?

The RHNA process is mandated by state law and lays out the number of housing units in different income categories that Costa Mesa must plan for. The RHNA is determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) for each city in the Southern California region. For the 2021-2029 Planning Period, the City of Costa Mesa is allocated 11,733 housing units based on the income categories listed below. The Housing Element is required by the State to identify sites to accommodate this estimated growth.

2021 - 2029 City of Costa Mesa RHNA Housing Needs Allocation

Income Category	% of Area Median Income (AMI)	Income Range*		RHNA Allocation (Housing Units)
		Min.	Max.	
Very Low Income	0 - 50%	--	$51,500	2,912 units
Low Income	51 - 80%	$52,530	$82,400	1,790 units
Moderate Income	81 - 120%	$83,430	$133,900	2,084 units
Above Moderate Income	> 120%	$133,900	--	4,947 units
			Total	**11,733 units**

*Income range is based on the 2020 HUD Area Median Income (AMI) for Orange County of $103,000.



City of Costa Mesa
2021-2029 HOUSING ELEMENT UPDATE

Why is the City Updating the Housing Element?

The City of Costa Mesa is required by state law to update its Housing Element every eight years. The current adopted Housing Element is for the 2013-2021 planning period. The City is now planning for the 2021-2029 planning period.

Importance of Updating the Housing Element:

- Allows the community to provide feedback to guide the future of housing in Costa Mesa
- Ensures the City complies with State housing laws
- Allows the City to become eligible for State grants and funding sources
- Demonstrates the ability to meet future anticipated housing growth needs

What is Included in the Update Process?

The update process is community-based and will include a variety of activities to interface with the Costa Mesa community. Key features include:

- A series of community workshops and other community engagement opportunities
- Comprehensive review of the community to analyze existing conditions
- Identification of sites to meet 2021-2029 RHNA
- Public Hearings before the Planning Commission and City Council

How Can You Participate in the Update Process?

There are a variety of ways you can participate throughout the planning process:

- **Virtual Townhall Meeting** will be held on November 18, 2020 for community members to come and learn about the process and provide their feedback and guidance to the City. This townhall meetings will be hosted in English and in Spanish.
- **District Specific Meetings** in December 2020 for in-depth discussions related to issues and opportunities within each of the six unique districts.
- Sign up to be placed on the interest contact list.
- Respond to the Community Survey available on the website.
- Submit written comments to the email address provided below.
- Once all public comments are collected, a Public Review Draft will be available for review and comments in Spring 2021.



Project & Outreach Timeline



For continuously updated information. please visit:
www.costamesaca.gov/housing-element-update
or contact:
Minoo Ashabi, Principal Planner, City of Costa Mesa
housing-element@costamesaca.gov

Costa Mesa



Ciudad de Costa Mesa
Actualización del Elemento de Vivienda 2021-2029

La ciudad de Costa Mesa está en proceso de actualizar el Elemento de Vivienda 2021-2029. Esta hoja informativa responde a las preguntas más frecuentes y proporciona información sobre el proceso de actualización.

¿Qué es un Elemento de Vivienda?

El Elemento de Vivienda es uno de los elementos requeridos por el Plan General de la ciudad de Costa Mesa. El elemento de vivienda proporciona normas, programas y acciones que apoyan y fomentan el crecimiento de la vivienda en todos los niveles de ingreso.

Secciones clave del Elemento de Vivienda:

- Análisis de población y vivienda para Cosa Mesa
- Evaluación de las limitaciones para construcción de viviendas e identificación de recursos potenciales para el desarrollo de viviendas
- Evaluación de los programas y normas del Elemento de Vivienda 2013-2021 para determinar qué funcionó y qué debe cambiarse
- Análisis de sitios potenciales de vivienda que puedan adaptarse a las necesidades habitacionales anticipadas en los siguientes ocho años
- Desarrollo de normas, programas y objetivos cuantificados para el periodo de planificación 2021-2029



¿Qué es el Proceso de Evaluación de las Necesidades Regionales de Vivienda (RHNA)?

El proceso RHNA es un mandato de la ley estatal y establece el número de unidades de Vivienda en las diferentes categorías de ingreso para las que Costa Mesa debe planificar. El RHNA es determinado por el Departamento de Vivienda y Desarrollo Comunitario del estado (HCD) y es distribuido por la Asociación de Gobiernos del Sur de California (SCAG) para cada ciudad en la región del sur de California. Para el Período de Planificación 2021-2029, a la ciudad de Costa Mesa se le asignan 11,733 unidades de Vivienda según las categorías de ingreso que se indican a continuación. El estado requiere que el Elemento de Vivienda identifique los sitios que se adapten a este crecimiento estimado.

2021-2029 Distribución RHNA de las Necesidades de Vivienda de Costa Mesa

Categoría de Ingresos	% de Ingreso Familiar Rango Medio (MFI)	Escala de Ingresos*		Distribución del RHNA
		Min.	Max.	
Ingresos muy bajos	0 - 50%	--	$51,500	2,912 unidades
Ingresos bajos	51 - 80%	$52,530	$82,400	1,790 unidades
Ingresos moderados	81 - 120%	$83,430	$133,900	2,084 unidades
Ingresos por encima de Ingresos Moderados	> 120%	$133,900	--	4,947 unidades
			Total	**11,733 unidades**

El rango de ingresos se basa en el HUD Ingreso Familiar Rango Medio (MFI) del Condado de Orange de $103,000.



Ciudad de Costa Mesa
Actualización del Elemento de Vivienda 2021-2029

¿Por qué la ciudad está Actualizando el Elemento de Vivienda?

La ley estatal requiere que la ciudad de Costa Mesa actualice su Elemento de Vivienda cda ocho años. El Elemento de Vivienda adoptado actualmente es para el período de planificación 2021-2029.

Importancia de Actualizar el Elemento Vivienda:

- Permite a la comunidad proporcionar comentarios para orientar el futuro habitacional de Costa Mesa
- Se asegura que la ciudad cumpla con las leyes estatales de vivienda
- Permite que la ciudad sea elegible para subvenciones estatales y fuentes de financiación
- Demuestra la capacidad de satisfacer las futuras necesidades de crecimiento de vivienda previstas

¿Qué se incluye en el proceso de actualización?

El proceso de actualización se basa en la comunidad e incluirá una variedad de actividades para interactuar con la comunidad de Costa Mesa. Las características clave incluyen:

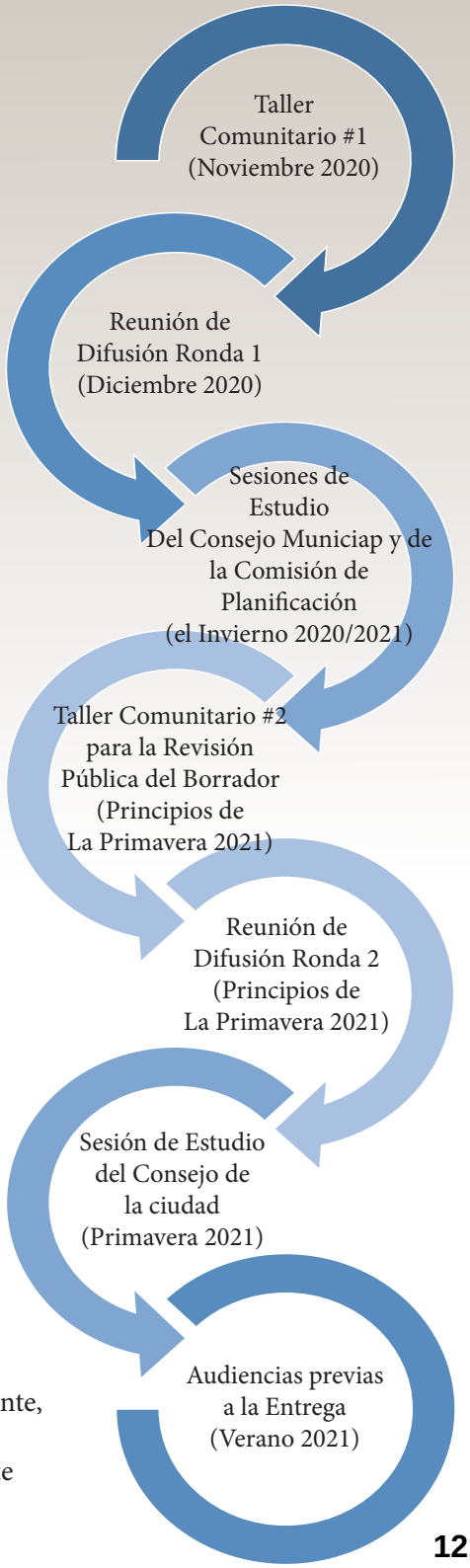
- Una serie de talleres comunitarios y otras oportunidades de participación para la comunidad
- Una revisión integral de la comunidad para analizar las condiciones existentes
- La identificación de sitios para cumplir con el 2021-2029 RHNA
- Audiencias públicas ante la Comisión de Planificación del Consejo Municipal

¿Cómo puede Participar en el Proceso de Actualización?

Hay una variedad de formas en las que puede participar a través del proceso de planificación:

- **El Taller Virtual del Ayuntamiento** se llevará a cabo el 18 de noviembre del 2020 para que la comunidad asista y aprenda sobre el proceso y proporcione sus comentarios y orienten a la ciudad. Estas reuniones públicas se llevarán a cabo en inglés y en español.
- **Reuniones Específicas del Distrito** en diciembre del 2020 para discusiones a fondo relacionadas con problemas y oportunidades dentro de cada uno de los seis distritos únicos.
- Anótese para registrarse en la lista de contactos interesados
- Responda a la Encuesta Comunitaria disponible en el sitio web.
- Envíe sus comentarios por escrito al correo electrónico que se proporciona abajo.
- Para revisar y proporcionar comentarios acerca del Borrador de la Revisión Pública en la primavera del 2021.

Cronograma del Projecto y la Difusión



Para recibir información actualizada continuamente, por favor visite:
www.costamesaca.gov/housing-element-update
o comuníquese con:
Minoo Ashabi, Planificado
housing-element@costamesaca.gov

Costa Mesa

Housing Element Update Townhall Meeting Q&A

The first Housing Element Townhall meetings to kick start the community outreach were held on November 18th at 6:00 (English) and 7:30 (Spanish). A total of 68 individuals participated in the virtual events and presented a number of questions that are included in the following summary. For more details on the meetings such as the video and presentations, please refer to the City's Webpage at: https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update

RHNA – Regional Housing Needs Assessment

1. What is the status of the City's RHNA allocations appeal?

   The Southern California Association of Governments (SCAG) adopted the Draft RHNA Allocations for southern California on September 3, 2020. The City as well as many other cities in the region received a very large RHNA allocation for this Housing Element cycle. The City has appealed the Draft RHNA allocation. Based on initial information from SCAG, the City is anticipating an Appeal Hearing in January 2021. The City will be informed of any changes to the RHNA allocations after the January 2021 Appeal Hearings.

2. How many dwelling units have been allocated to Costa Mesa?

   Costa Mesa has been allocated a total of 11,733 housing units over the next 8 years.

3. What is the RHNA allocations breakdown based on income and can they be adjusted?

   The 11,733 units are divided into four income categories as shown below. The City can go beyond the requirement for very low and low income categories but these minimums are set by the state. Very low and Low income category housing are the most challenging to develop because of the high price of real estate in Orange County.

   Very Low Income: 2,912 units
   Low Income: 1,790 units
   Moderate Income: 2,084 units
   Above Moderate Income: 4,947 units

4. Does permanent supportive housing count towards lower income categories?

   In most cases, newly developed Permanent Supportive Housing can count towards the City's RHNA allocation at the income levels that units are being rented at. Units must meet the Census definition of a dwelling unit (for instance, group homes where tenants only lease a room may not qualify) and fall within the set income ranges for the very-low, low, moderate, and above moderate levels. Every project is a little different and additional project-specific information will be needed in the future to determine if units may qualify.

5. Are there requirements for the number of housing types as there is with income?

   There are no requirements for the number of housing types to be built in the next 8 years; however, the Housing Element includes provisions to address the housing needs of a variety of household types such as seniors, larger families, assisted living, etc.

6. Does the City have a contingency plan if the appeal is not approved?

   If the appeal is not approved, the City will need to proceed with the plan for the addition of 11,733 units over the next 8 years.

7. Why did the City have a very low RHNA during the 5th Housing Element Cycle?
   The methodology used to calculate the RHNA allocations are adjusted each cycle to address the housing need at that particular cycle. With the 5th Cycle, many cities in Orange County received low RHNA numbers based on vacancy and other factors that were reflective of the recession at the time.

Costa Mesa

1. How many City Council districts are in the City?

   There are 6 districts in Costa Mesa. Please visit this link to see which District you live in: http://apps.costamesaca.gov/maps/VotingDistrict.html.

2. Are there reports on the number of recently built units?

   Annual Progress Reports are available on the City website and provide information on the number of permits granted and households added. The 2018-2019 Progress Report is available at this link: https://www.costamesaca.gov/home/showpublisheddocument?id=39281.

3. Can the City engage the State to build housing on publicly owned properties such as the Fairview Developmental Center and the OC Fairgrounds?

   The City can discuss opportunities with the State and add the Zoning and General Plan to allow for additional housing on these sites; however, the State holds the decision making power on those properties and the housing element cycle is for 8 years. The State process for release of public land and development is very lengthy and may not be addressed in this cycle.

4. Does the City have an inclusionary housing ordinance?

   City Staff is currently reviewing options for an inclusionary housing ordinance to coincide with the Housing Element Update. The City Council will be the review and approving body on the ordinance which will also be subject to certain studies to develop potential in-lieu fees. Staff anticipates this ordinance to be ready for review by latter part of 2021.

5. How is rent control managed by the City?

   The City does not currently have rent control measures. Any policies related to rent control at local level may be reviewed and addressed through the 2021-2029 Housing Element Update Process.

Housing Element Update

1. How will zoning be affected?

   The Housing Element Update will assess how additional housing units may be added throughout the City given existing zoning. If existing zoning does not enable the City to reach its RHNA allocation, the Housing Element may recommend future consideration of rezoning.

2. What email address can be used to reach the City's Housing Element Update team?

   Please email any questions or comments regarding the Housing Element Update and future housing growth in Costa Mesa to: housing-element@costamesaca.gov.

3. Is the focus on single-family homes or multi-family rental units?

   The Housing Element Update will look at all types of housing throughout the City and consider opportunities for new housing development. The purpose of the community outreach is to better understand the needs and support of residents on various housing options.

4. Will the new student housing at OCC count towards RHNA?

   The new student housing will not count towards RHNA as it was completed outside of the projection dates (June 30, 2021 to October 15, 2029).

5. How will the City ensure lower income housing is built once the plan is created/hold developers accountable for creating affordable housing?

   The Housing Element may identify potential incentives available to developers who include affordable housing components to housing developments. Most affordable housing agreements require long-term affordability covenants; the state requires a minimum of 55 years.

6. What can be done about the development costs?

   The Housing Element process will include public input regarding possible constraints due to development costs and/or fees. How are other City committees and groups involved in the Housing Element Update?

   The City will be hosting Subject Matter Expert and Target Focus Group meetings to receive feedback from experts in the field on particular topics. These meetings will be posted to the City's Housing Element Update webpage once a date is set and community members may attend.

Other

1. Can higher density housing improve traffic?

   Higher density housing developments may mitigate additional traffic when located within walking distance from amenities, commercial and retail uses, and job centers. Housing developments that incorporate mixed-use methods (combining housing and retail uses) may also decrease the need for residents to drive.

2. How will parks and recreation space be increased as population increases?

   As housing developments are proposed, park fees are assessed in order to ensure adequate recreational open space and maintenance services are provided to the community.

C.2 Online Community Survey

This section contains an outline of the survey questions, summary of survey comments, and total survey results. The survey was made available on the City's webpage and survey results were presented to the City Council.



The City of Costa Mesa is updating its Housing Element and needs your input!

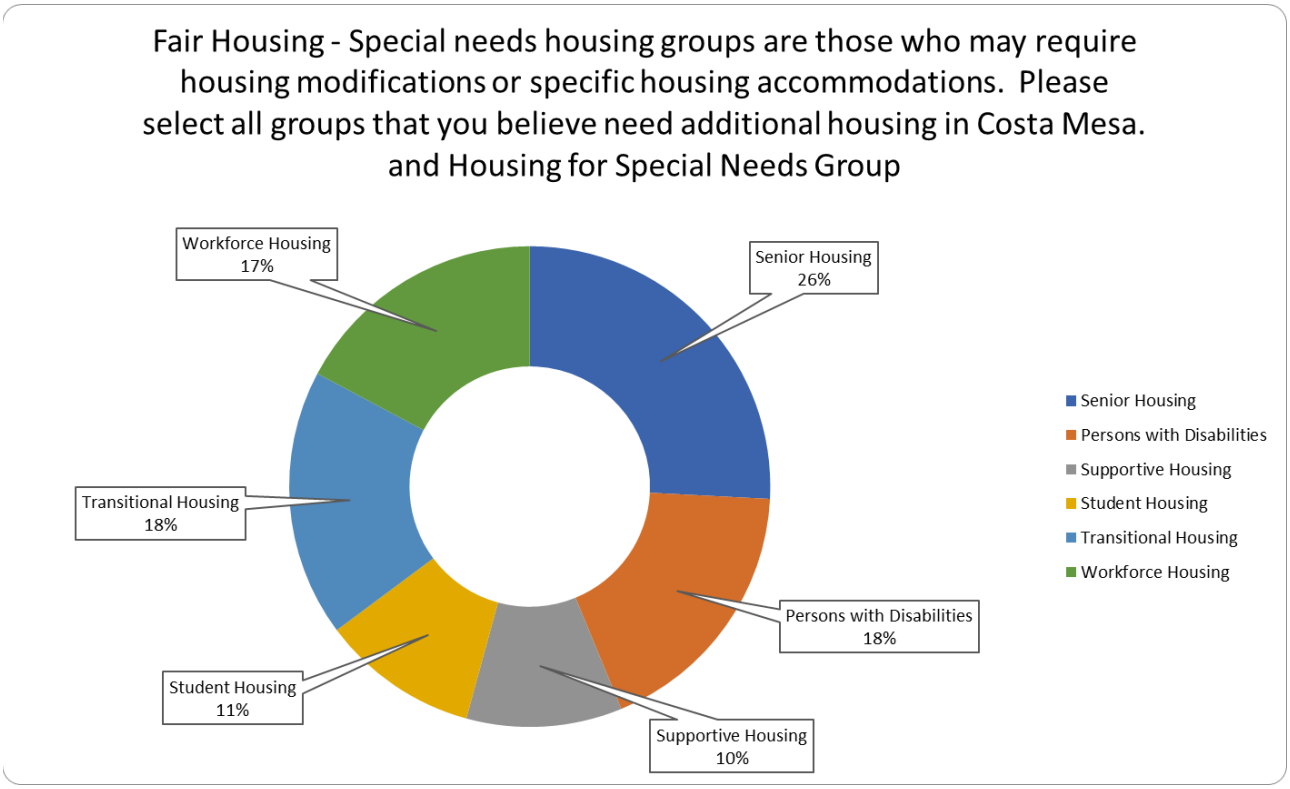
You can take the survey on the Housing Element Update website at **https://qrco.de/bbsnzZ** or by scanning the **QR code** below.

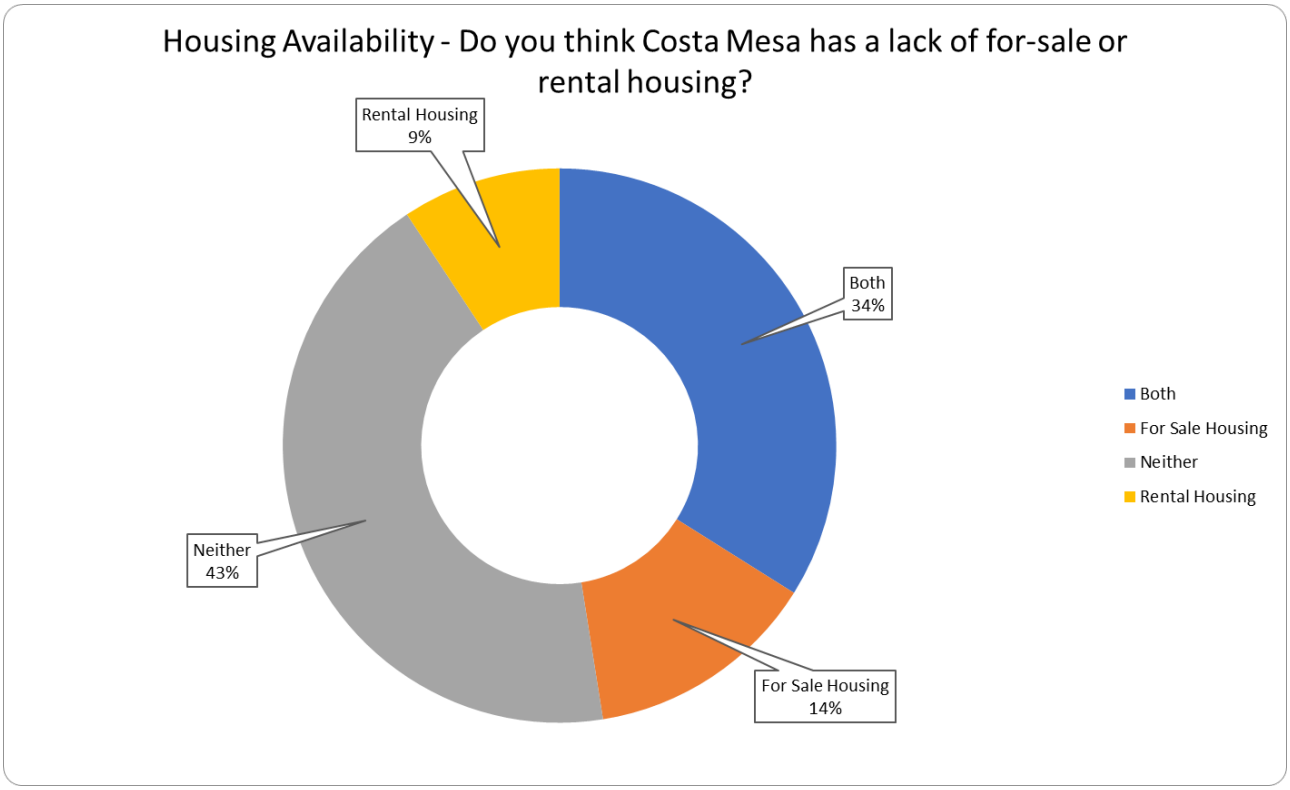
For continuously updated information, please visit: **www.costamesaca.gov/housing-element-update**

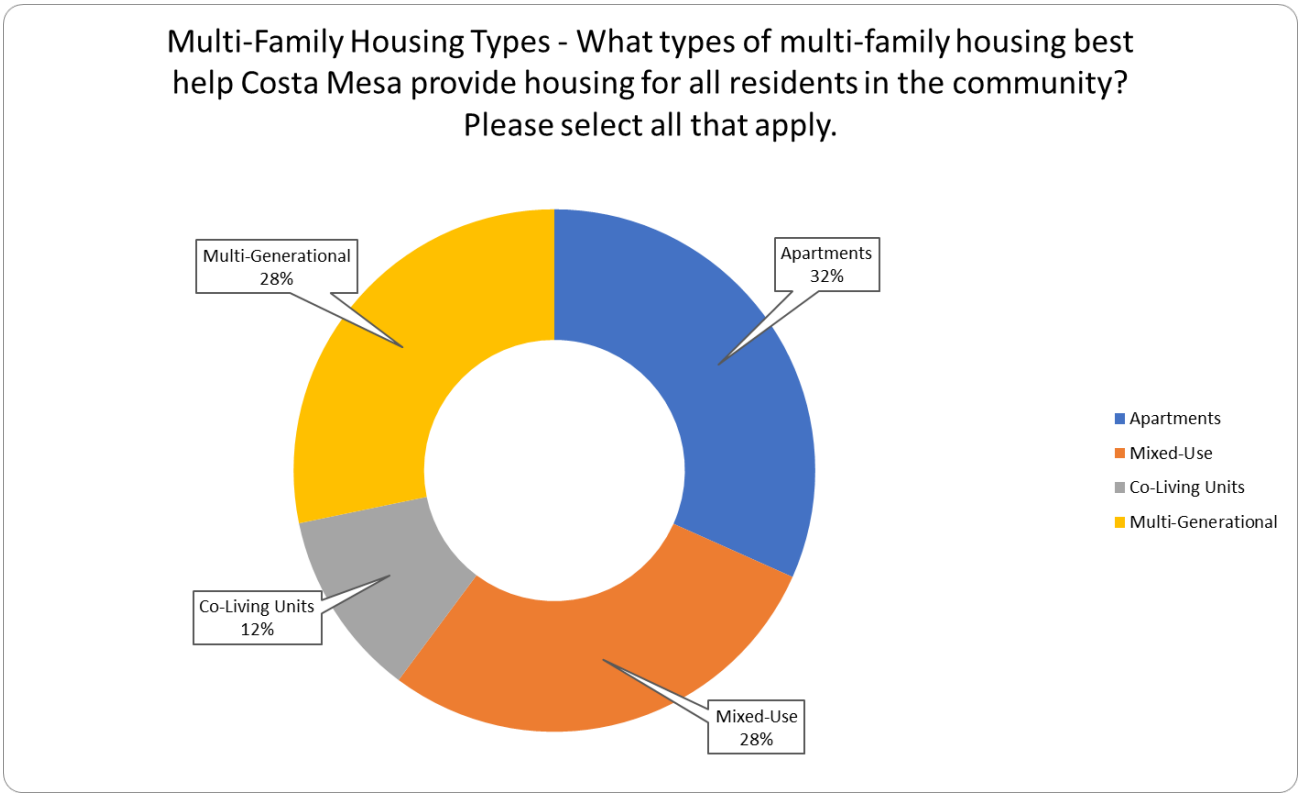
SURVEY

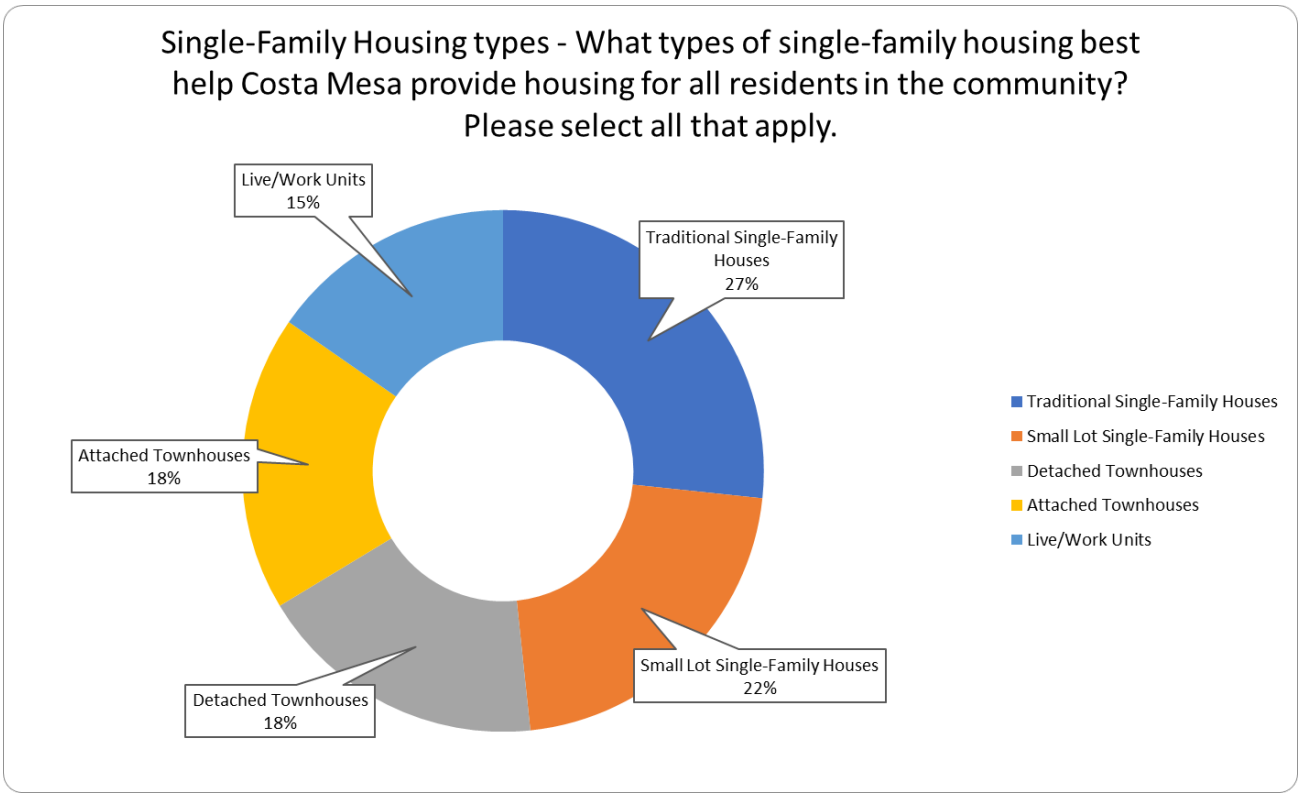
1215

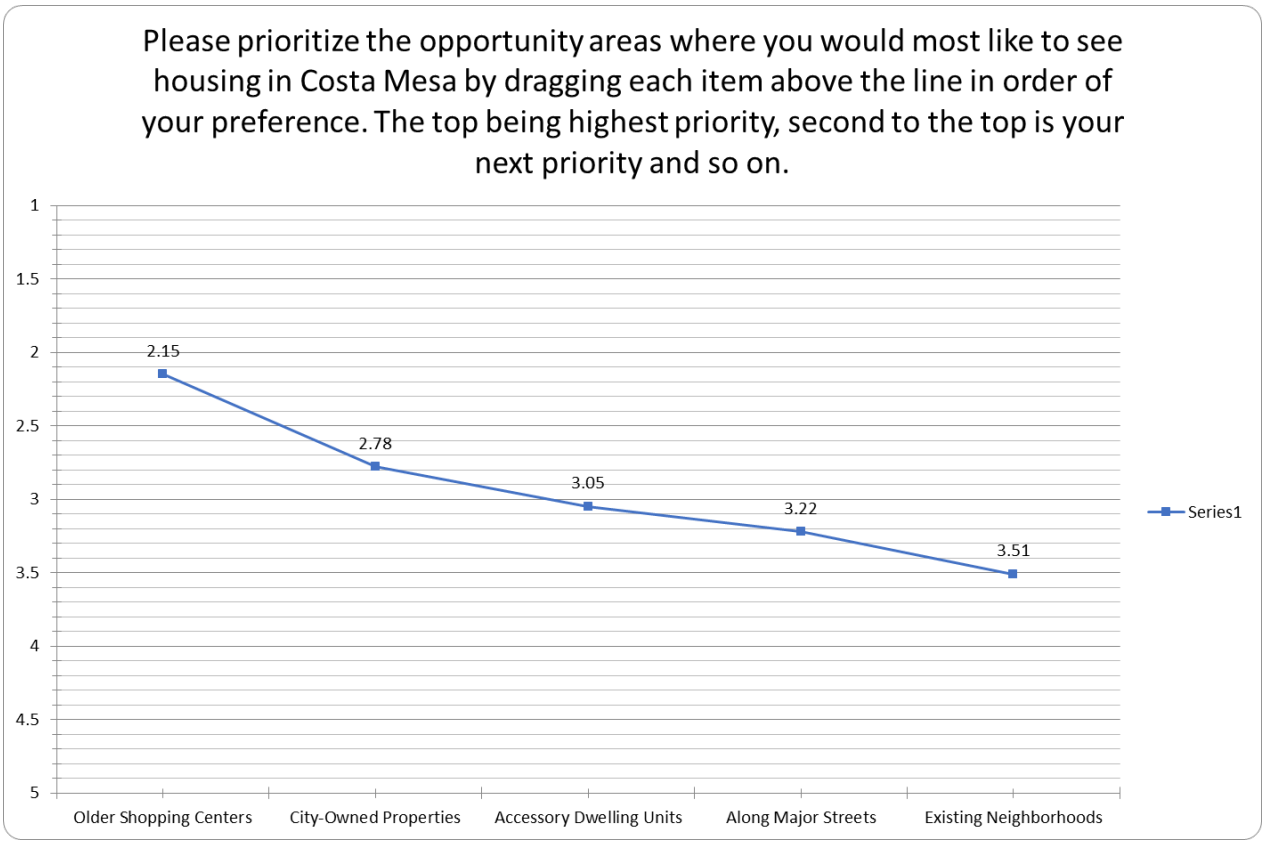
Community Survey Data – English (447 responses)

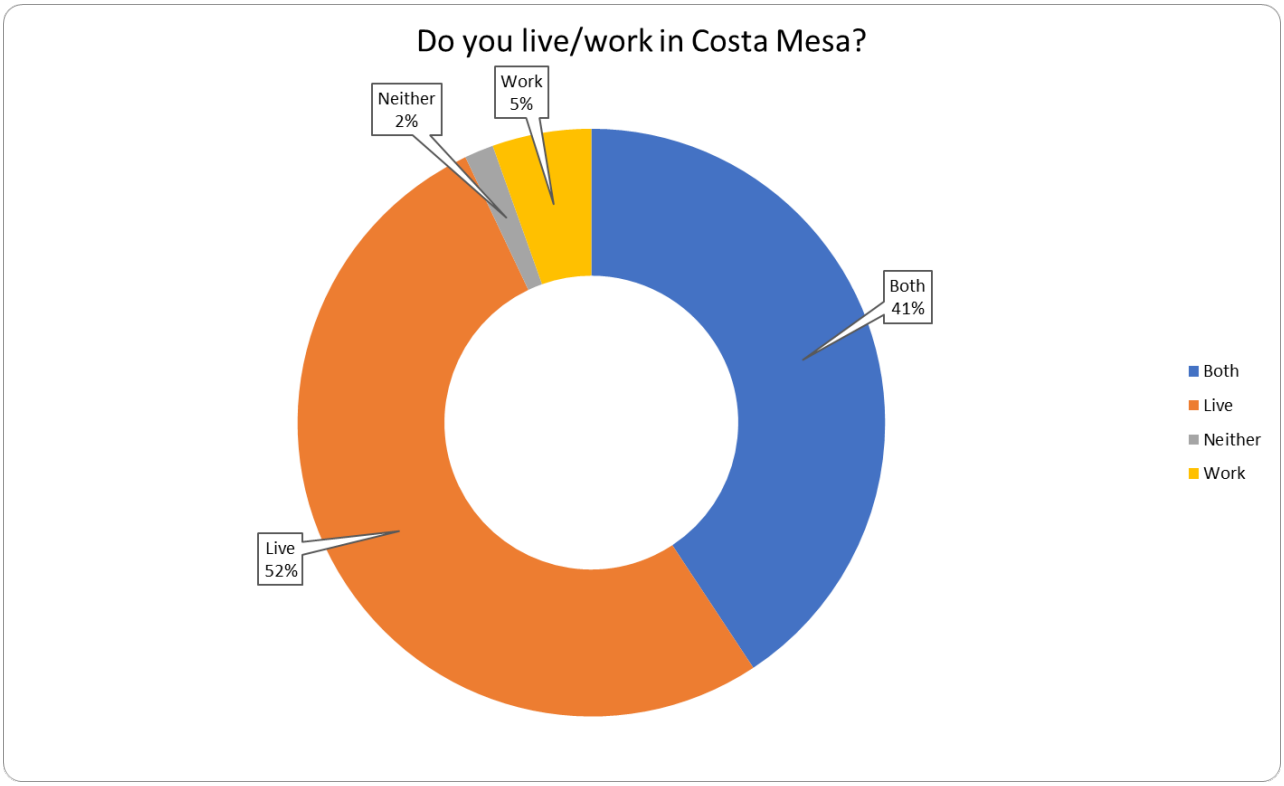


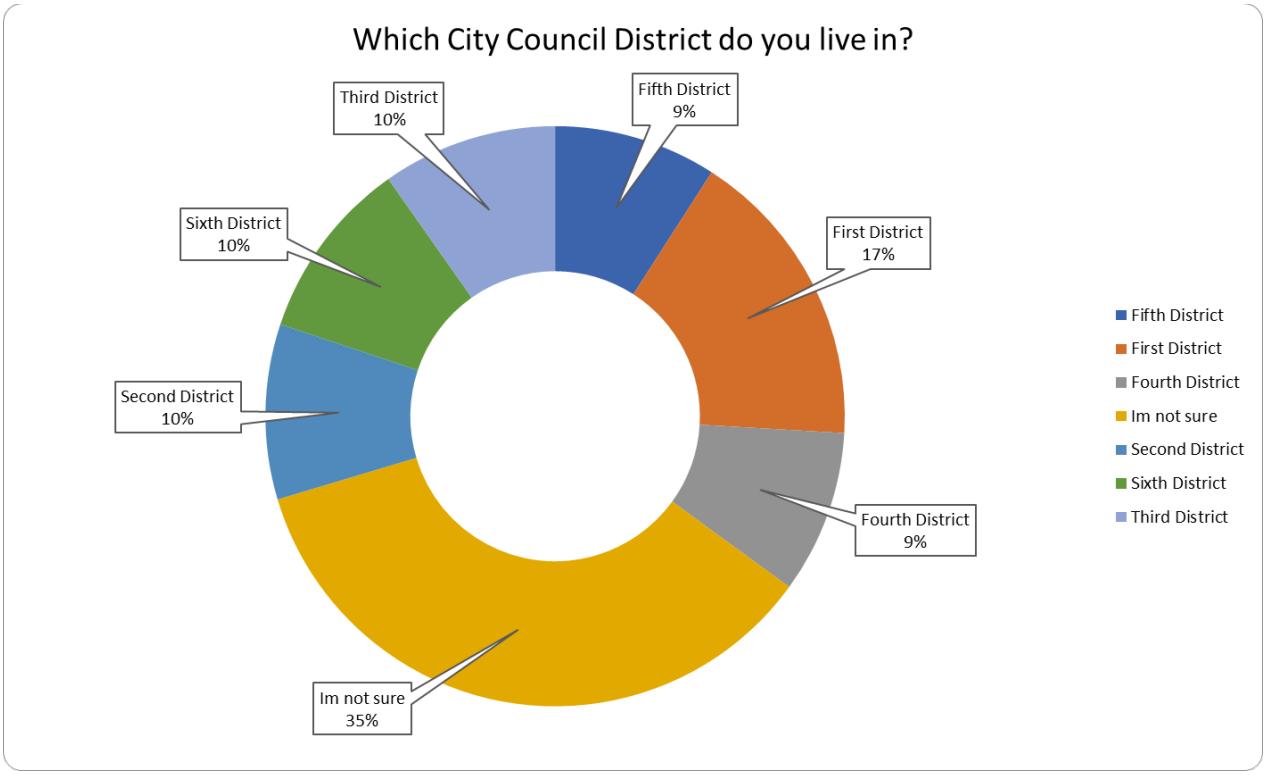


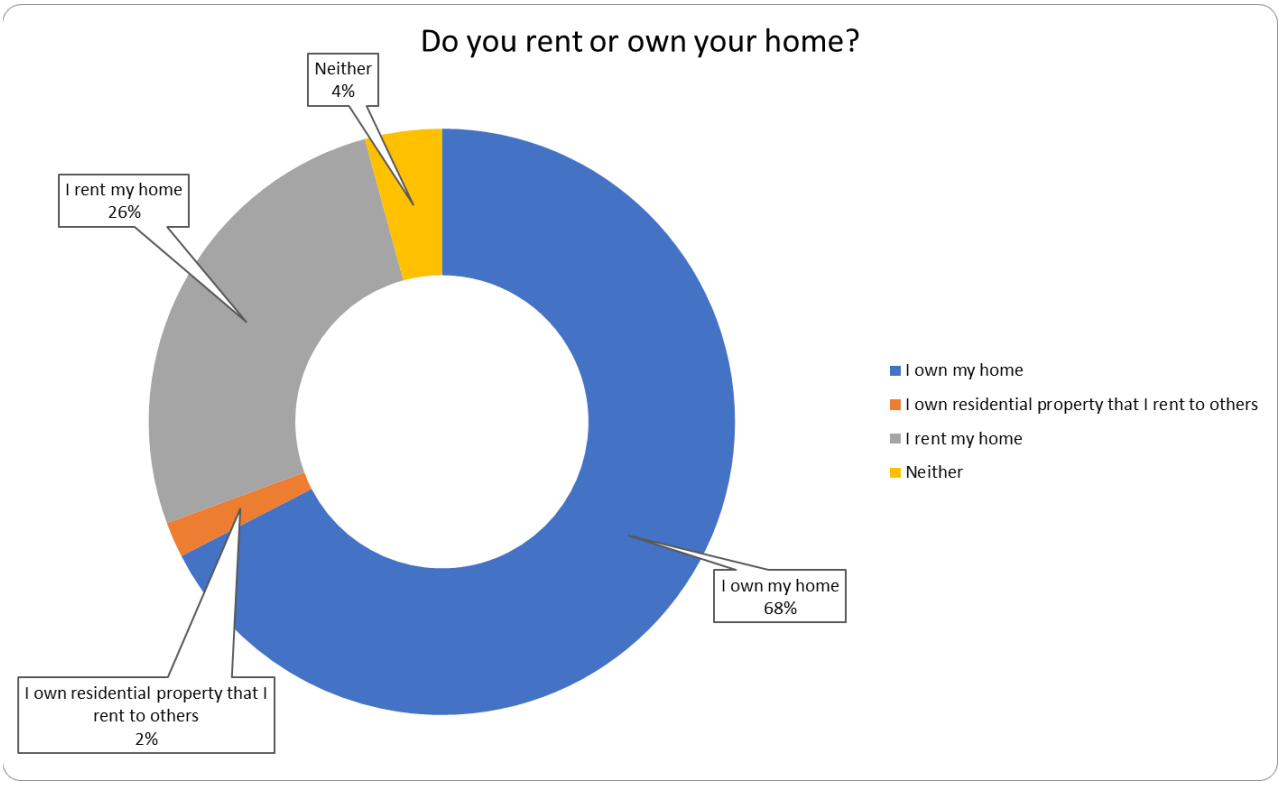

Multi-Family Housing Types - What types of multi-family housing best help Costa Mesa provide housing for all residents in the community? Please select all that apply.
Multi-Generational 28%
Apartments 32%
Co-Living Units 12%
Mixed-Use 28%
Apartments
Mixed-Use
Co-Living Units
Multi-Generational

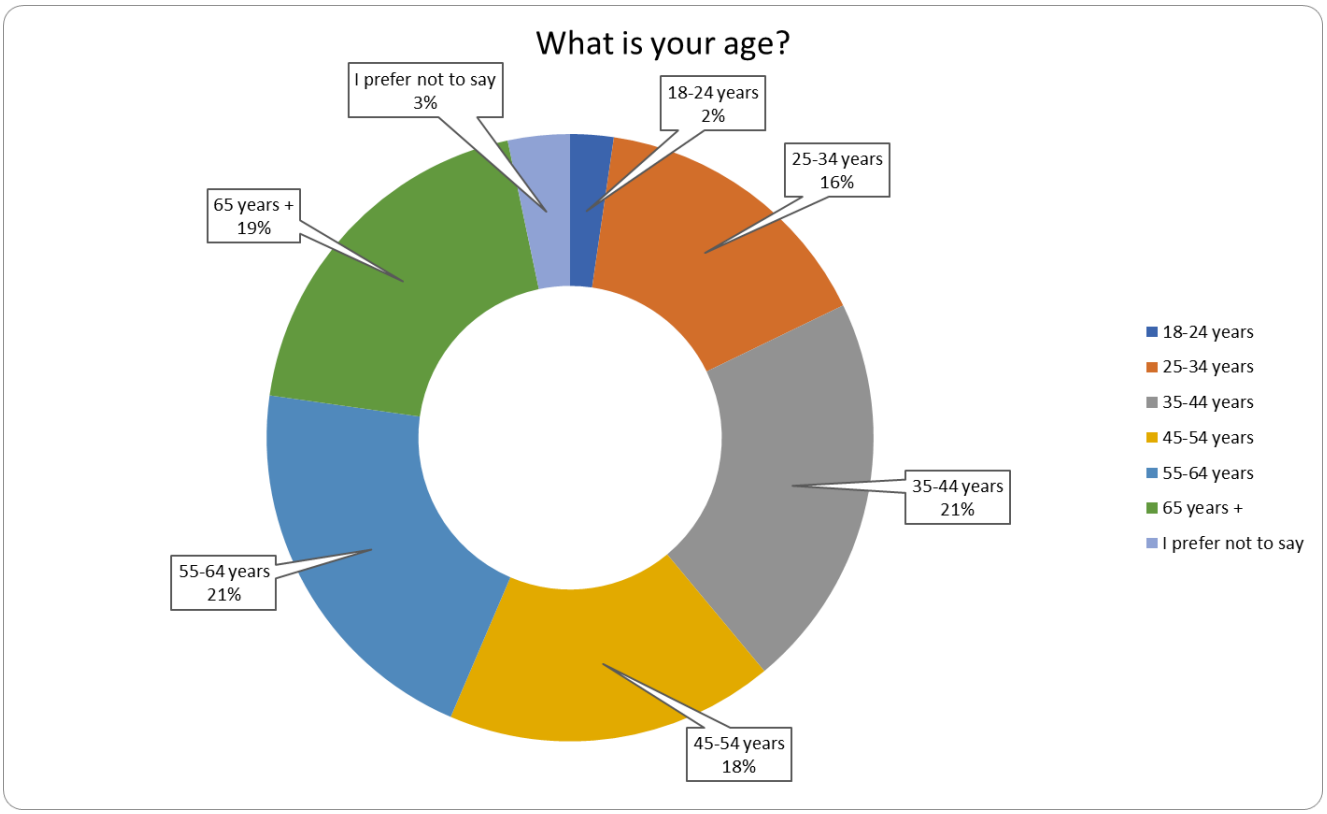

Single-Family Housing types - What types of single-family housing best help Costa Mesa provide housing for all residents in the community? Please select all that apply.
Live/Work Units 15%
Traditional Single-Family Houses 27%
Attached Townhouses 18%
Small Lot Single-Family Houses 22%
Detached Townhouses 18%
Traditional Single-Family Houses
Small Lot Single-Family Houses
Detached Townhouses
Attached Townhouses
Live/Work Units

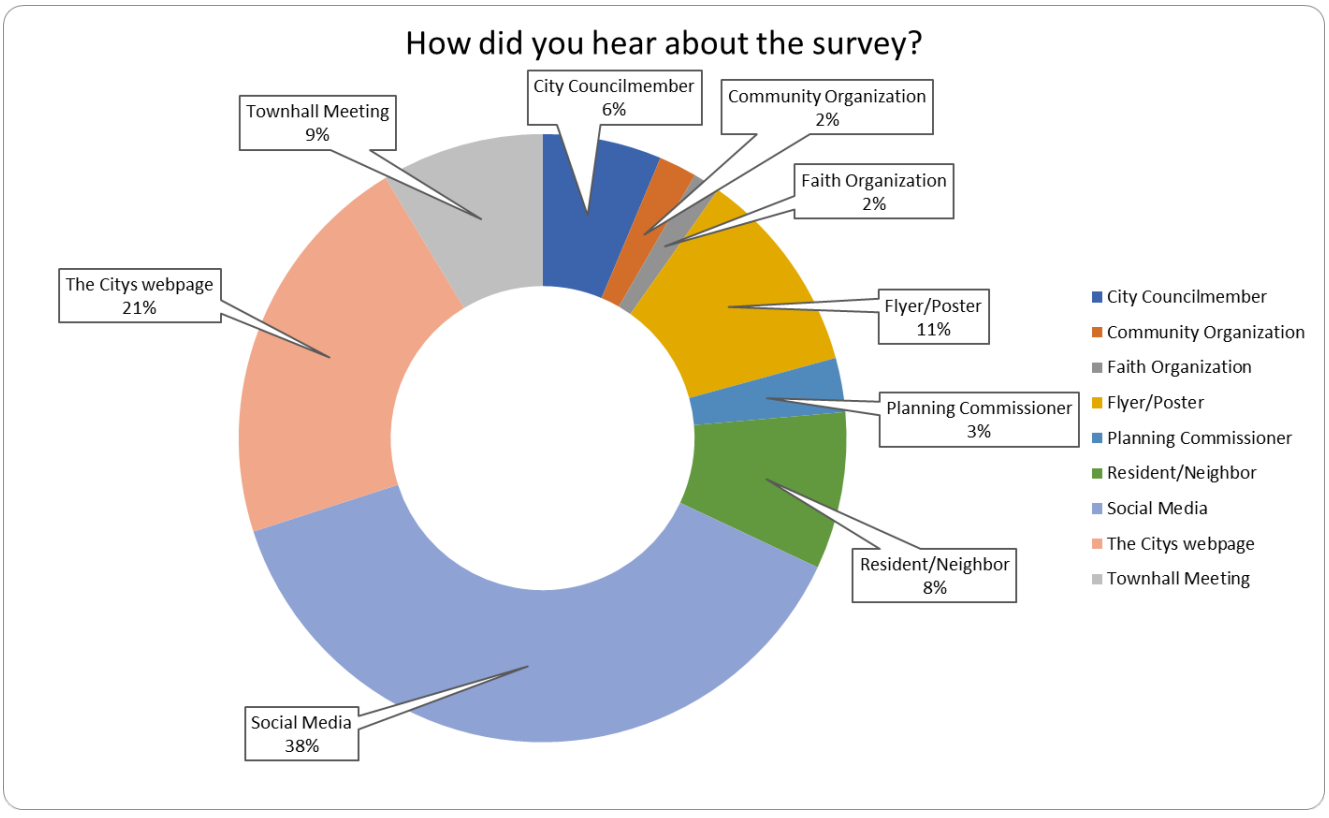

Please prioritize the opportunity areas where you would most like to see housing in Costa Mesa by dragging each item above the line in order of your preference. The top being highest priority, second to the top is your next priority and so on.
1
1.5
2
2.5
3
3.5
4
4.5
5
2.15
2.78
3.05
3.22
3.51
Older Shopping Centers
City-Owned Properties
Accessory Dwelling Units
Along Major Streets
Existing Neighborhoods
Series1


Do you live/work in Costa Mesa?
Neither 2%
Work 5%
Both 41%
Live 52%
Both
Live
Neither
Work


Which City Council District do you live in?
Fifth District 9%
First District 17%
Fourth District 9%
Im not sure 35%
Second District 10%
Sixth District 10%
Third District 10%
Fifth District
First District
Fourth District
Im not sure
Second District
Sixth District
Third District


Do you rent or own your home?
Neither 4%
I rent my home 26%
I own my home 68%
I own residential property that I rent to others 2%
I own my home
I own residential property that I rent to others
I rent my home
Neither


What is your age?
I prefer not to say 3%
18-24 years 2%
25-34 years 16%
65 years + 19%
35-44 years 21%
55-64 years 21%
45-54 years 18%
18-24 years
25-34 years
35-44 years
45-54 years
55-64 years
65 years +
I prefer not to say


How did you hear about the survey?
City Councilmember 6%
Community Organization 2%
Townhall Meeting 9%
Faith Organization 2%
The Citys webpage 21%
Flyer/Poster 11%
Planning Commissioner 3%
Resident/Neighbor 8%
Social Media 38%
City Councilmember
Community Organization
Faith Organization
Flyer/Poster
Planning Commissioner
Resident/Neighbor
Social Media
The Citys webpage
Townhall Meeting

Vision for Housing in Costa Mesa Comments

Retain character of residential neighborhoods. Use Fairview Developmental Center for an affordable housing enclave. Encourage high rise housing development north of the 405.
Live-work sites are too repetitive in style. Overpower neighbors. Subdividing for snaller lots? Need basic lot area a critical issue.
Supportive and transitional housing for homeless, construction with traffic safety in mind (speed bumps in neighborhoods, not more homes than parking, etc), lots of open space/oarks
Housing should be multi-story on major thoroughfare and close proximity to freeways but not impacted by noise and air quality.
More walkable neighborhoods by promoting mixed use development. I see first floor commercial development with apartments or condos above the next few floors. Increasing housing while increasing quality of life.
Housing density has to increase. The choice is between density and sprawl. We need multi-story housing.
A senior living village on 19th at the senior center. A mixed use neighborhood developed on FDC land that includes various levels of affordability, and affordable for sale work force housing. A denser neighborhood north of the 405 that includes affordable work force housing.
Affordable housing for workforce Supportive housing for those who need help
More affordable options for lower to mid income families. Especially focusing on what's available on the westside and making the westside as desirable but still affordable.
Costa Mesa focuses on infilling and densifying what it's already got, without needing to sprawl into the remaining open spaces. We are lucky to have many "centers" in town: W 19th, E 17th, SoBeca, Harbor and Adams, Harbor & 19th. We focus on concentrating our growth around these amenitiy-rich, walkable centers while also allowing context-sensitive infill into our existing neighborhoods. To the extent possible, all new development occur on small- to medium-sized lots by local developers. Vulnerable groups are not institutionalized but accommodated in neighborhood environments. Each neighborhood contains a range of options to accommodate people in different life stages, and with different socio-economic conditions. With all new housing, the street matters most – front doors, big windows, small gardens, transitional space that fosters comfortable interaction within the community and a sense of ownership of the public realm. Trees are everywhere.
Liquid, affordable housing at all income levels near jobs. Costa Mesa should be a 15 minute city that doesn't require automobile ownership.
More of it without all the heartache from boomers. YIMBY
Existing streets-incorporate landscaped wider walkways with separate designated bikeways especially high density areas (Monrovia)...make into one way street from 19th to 15th...gateway street to Newport!!!
Folks that moved to Costa mesa prior to 2010 have no idea what it is like in 2020 being a young family looking to set down ties in Costa Mesa. more housing only enhances our city.
Housing needs to be affordable, near public transit or protected bike lanes, and doesn't create additional drains on public services, utilities or additional demands on parks. Compliance with CEQA, height limits, setbacks and other administrative approvals are mandatory. We must avoid SB 35 streamlining.
More affordable. Safety in high traffic areas. Transitional housing for homeless.

People with jobs working in the area can afford to buy an own housing in the area. Costa Mesa has far too much rental housing, already, and we need not build a single new rental unit. All new units should be ownership opportunities.
Costa Mesa used to be a safe place to raise families. Crime is on the rise as well as homelessness and apartments are overcrowded with multi families filling garages with people instead of vehicles which causes excessive parking problems and overpopulation, density and crime in some areas. The people of Costa Mesa are sick and tired of it and a lot of people have moved away because of it.
To work on beautifying the city. Work on rebuilding the older parts of the community. Start a slow growth plan
first time home buyers
Initial homes for people and luxury small apartment homes for those young with high paying jobs, but needing/wanting a high quality environment and location, but not needing a fancy address.
An inclusive city for people of all walks of life to live cohesively alongside one another.
A city that makes a place for people of all economic income levels. A place where people can work and recreate near where they live.
Safe, affordable, quality housing for all.
My vision is to STOP more housing. You have torn down business in our city to put up God-awful condos everywhere. Gross. Just leave it alone.
No growth. Lower taxes. Safer streets
Housing integration that prioritizes walkability and bikeability. Ideally, residents do not feel compelled to drive to groceries, entertainment, recreation etc within the city.
People who live in Costa Mesa now can choose to live here in the future. Diverse housing options make Costa Mesa desirable along income, age, and social characteristics. There is no shortage of housing for vulnerable populations (undocumented, seniors, homeless).
Affordable apartments or condos that are close to services needed, secure parking and entry. I would prefer no more then 3 to 4 levels and look modern to blend with the surrounding area. Trees, garden area including walking paths and reflecting area.
A diversified housing selection, that is realized through public-private-partnership utilizing Costa Mesa's resources within the opportunity zone, new market tax credits map area, lihtc in the DDA area, and define the developer incentives within the overlays.
I don't envision a large amount of new housing. The space that we have remaining is limited with many areas overcrowded with multiple families living in single family dwellings.
Let the market, and the market professionals determine the demand. If a city is built out, it's done...unless of course you want the kind of urban density that other now-undesirable cities have...Long Beach, L.A. etc... quit the social engineering and do the job of providing city services to city residents and businesses.
Let the market decide. Do you realize that your job isn't to provide housing? Do you understand the difference between the free market system and what they have in, say, Russia or China???
I would like to see higher density, for lower income levels, near transit. We have many parking lots, old shopping centers, and seemingly abandoned business parks that should all be changed to high density housing with public transit. Mixed use would also help keep people out of cars.
To make Costa Mesa the place where everyone living in Newport Beach, who grew up around there, wants to live. Making it more desirable for family's. Less crime. And rezoning old run-down retail centers, creatingmixed-use development's that increases walkability for the younger demographic, families.

BEAUTY! Those big new ugly apartment boxes going up all over OC are AWFUL. SERVICES appropriate to all housing (roads, schools, etc.)
Stop the trend for high density box type living spaces. Tax paying legal residents need yards, side walks, parking. Not cramped into small areas. Traffic congestion has become a major problem.
More single family housing and small lot singe family homes. I do not want to see high rise high density housing which is all rental units. We need to incentive home owner ship in Costa Mesa somehow. I understand that not everyone can own a home here and understand building a small amount of affordable housing but why are we so concentrated on building affordable housing for people who can't afford to live here? I want to live in Newport Beach. I want to live on balboa island, I want to live in CDM but I can't afford it so I bought where I could here in CM if I couldn't afford to live here I would move to a city where I can afford to buy a home or rent. We are a mile away from the beach and understandably people want to live here but is it not a right to live here. I worked my ass off and made some good decisions and saved 12 years for a down payment working as an Electrican to buy here. I am extremely worried of overcrowding, traffic, poultion, crime, trash , graffiti the stretching of our resources such as schools, police and fire and such. There has to be a point where we say enough is enough. No more space, to crowded and that's it. What it comes down to is a quality of life issue here. The quality of life will be greatly diminished as we build the crap out of Costa Mesa.
Access to affordable housing is in line with the median household income. Affordable housing for everyone.
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision.
We need Life Cycle Housing opportunities in Costa Mesa, workforce housing, an Economic Development Director who will help in the creating of an Opportunity Zone.
Appeal the RHNA numbers determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) to numbers that reflect realistic growth in Costa Mesa based on available land and actual census data/ anticipated growth based on historical data. If the appeal is denied, the City of Costa Mesa needs to file a class action lawsuit with Huntington Beach, Newport Beach, Laguna Beach, etc against the State of California HCD. Protect Single Family Homes in R1 zoning at all costs. Do not allow ADU or small lot developments in R1 neighborhoods. Only Allow for more stories, increase building heights, increase FAR and units per acre in R2-HD and R3 zoning west of the 55 freeway/ Harbor Blvd. Provide specific plan overlays on 19th Street, Harbor Blvd, Superior Blvd, etc. that allow for 4 story max mixed use developments (apartments/ condos over retail or commercial). Allow for Live/ Work medium density Developments in MG and MP zoning. Provide developer incentives to build the types of developments that benefit the community.
I hope we will continue to have plenty of single family residences. I would hate to see more condense living arrangements.
The appeal of Costa Mesa is the safe, family-friendly neighborhoods with quality schools and without high-density inside traditional neighborhoods. It's the opposite of Los Angeles.
The city needs to house all income levels so a mixture of housing types will be required. The NIMBY will be very upset if their neighborhood dynamic is threatened so a major PR effort would be needed for any change.,
To make housing affordable to low income. For renters and buyers.

Single family homes and detached townhouses that are affordable as in 400-600/k to bring in young couples to raise their families
Limit high density housing please
Easier renovations to single family housing
Stop building cage apartments, more affordable housing for middle class income PLEASE .
Something without HOAs and something with plenty of parking
We need tob look at mixed use housing along with hi density housing that does not impact our local residents.
Affordable living with various options of housing , safe environment with no halfway houses.
Please NO SHORT TERM HOUSING
More affordable single family housing. Less three story master planned communities.
Affordable housing
I am hopeful that the city won't become overcrowded. Parking in neighborhoods is already difficult, and new construction is being packed into very tight spaces. I would like to see some housing that allows space between units and room for front or backyards.
Let the market determine that within the existing zoning. Increasing home ownership versus rental as the city is upside down in the regard and becoming increasingly a second-class community...inexcusable for a near-beach community.
Affordable housing close to shopping snd transportation.
Eone thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
The one thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
I'd like to see decent housing for the variety of people that live in our community. These should be in safe areas (not on a major street or in areas f noise or other pollution (not freeway adjacent).
I know first-hand that the city must stop the influx of people coming to this city from around the country for rehab's. Insurance fraud the people that are let out just roam our streets in terrorize the neighborhoods.
More dense Multi-Family Rental Housing should be planned north of the 405 Freeway. 580 Anton and 3400 Ave of the Arts and Halcyon House are good examples of what could be and not impact the SFR neighborhoods south of the freeway.
I don't want to see a bunch of dense paraments popping up all over Costa Mesa. Our streets are packed enough with cars. I would rather see more single family homes when there is room to grow, but not they type with no yard.
With limited land, Costa Mesa cannot continue to place high density housing where traffic congestion is already a huge issue because of the proximity to the beach.
Promote single family properties. Not high density. Not sober living. CM is losing its charm fast. Have lived here since '88
High Density DUs north of the 405, in the older industrial section, would be perfect.
Less multi home structures on small plots. There are too many cars parked on the streets due to these developments making it unsafe for children to ride.
My vision for the future of housing in CM is that the community shifts focus on the high cost of housing to focusing on the acts of the family in the home.
I think retaining Costa Mesa's character is very important and not reflected in the 3-story box developments in the Westside. I think future developments should include increased public

transportation to limit traffic. Any new developments must include public parks and open spaces, not a fee to the city that robs residents of recreational opportunities and facilities.
The city is overcrowded already with too much traffic. You would do well to deport illegals so Americans can have access to the housing they are taking up.
Less high density housing in Costa Mesa with improved land use. Current efforts to remove business from Costa Mesa in favor of housing has cost the community dearly. Time to consider the need for business to exist in the City instead of the continued rush to create more housing.
Affordable for single people living alone making a $50,000 salary. These new housing blocks being built all over Costa Mesa with units costing $800,000 or more are ridiculous.
That we face the fact that one city can only accomodate so many people and not destroy everyone's quality of life by making it too dense. I believe in the post-Covid era there will be many shifts in how and where people work, and in what businesses they patronize. It would be wise to see how these trends develop and incorporate the new normal into housing plans.
A variety of housing options at multiple price points to ensure economic diversity of residents. Hourly wage earners need to be able to live where they work to reduce traffic, GhG, other pollutants, and chronic stress
A median income community appealing to families that supports infrastructure and where neighbors cared about each other.
Single story apartments, condos or houses. We have large aging community.
Clean up some of the run down areas. More parks but there doesn't seem to be room. Fill the vacant old shopping centers and large vacant stores with housing.
Safe, clean and a city where I can live and work with peers and multi-generational family members
Housing for families with the majority being for sale housing rather than rental. I realize the idea of home ownership now ranges from the stand alone home to attached duplex houses to condo units. But home ownership stabilizes a community and encourages individuals to take an interest in that community. Most renters don't have an affinity to the town they live in.
Iwould like to see Costa Mesa expand the housing to the maximum without overcrowding. A fair representation of all social classes and races. More high rises perhaps.
More housing everywhere. Especially along Newport Blvd. The model is what they did over by Trader Joe's.
With all residents willing, and developers open, we can add a mix of housing in all districts evenly. We can reduce traffic, and improve our quality of life by creating more mixed-use spaces we can walk and bike to, increasing community connection, supporting business. It takes everyone.
No overcrowding. affordable, attractive housing, family oriented.
Keeping CM beautiful will keep property values and taxes up. Let's not forget about incorporating trees, looking for power line alternatives in the planning efforts.
Diverse people living in medium-to-high density mixed use spaces, live/work areas, and close to affordable and reliable public transportation/
We have to choose between density and sprawl. Density is better.
Smaller houses with large lots to improve the overall landscape, gain better air quality and grow food
N/A
I would prefer limited growth to avoid an already overloaded system.
A safe community with good schools and access to a good mix of large stores and independently owned businesses.

I think Costa Mesa has already built in every square foot of land. I have seen so many high density residential area pop up in Costa Mesa. I think we need to take a hard look at whether we are overbuilding and we should not change any zoning laws in Costa Mesa.
I do not believe that building additional housing would benefit Costa Mesa residents, other than permitting accessory dwelling units. Taking away retail, using city property or permitting multi-family housing in neighborhoods is not something residents want and causes more congestion in the neighborhoods and city.
Too many new multi-level boxy looking homes built now; need more traditional single-level & low multi-level homes
Maintain the single family home style being unique to the allure of Costa Mesa. Invest in downtown CM to increase tourist revenues for all CM business's. Make certain Fairview Park remains untouched. Build houses where the Early College H.S. is. Adams Elementary could be a jewel of CM in a heartbeat for immediate surrounding families.
My vision for housing in Costa Mesa is that every neighbor would have a place to live, connect with others, and thrive because their housing costs are within their budget. I believe this is possible with creativity and developers who are willing to make it happen. I applaud the work of the city to not only pursue a plan, but implement it.
Affordability
Future housing would take advantage of greener living (solar panels, etc), and provide safe spaces for those in the unhoused community, while keeping the safety of neighborhood in mind. Gentrification would be replaced by a more collaborative approach, with minimal hostile architecture.
Maintain Costa Mesa single family housing. No more recovery housing/homeless shelters.
Resident Permit Parking Needs To Be In Place. Please start enforcement again. We fought hard for Resident Parking Permits.
Transform older neighborhoods into newer, improved neighborhoods. Turn Westside CM into Eastside CM / CdM flower streets. Property values go up.
To maintain the status quo. We moved to Costa Mesa almost 40 years ago for its large lots, lack of HOAs, freeway and shopping access. The city needs to push back on the state for mandated housing increases. My neighbors, like me, do not want to live in a congested, high density neighborhood. We successfully fought an out of town developer from ruining our tract with HD housing a few years ago and we'll do it again.
More single family homes. Streets requiring parking permits. Reduce apartment building or require adequate parking to be part of process, 2 car spaces at least per unit. If house is zoned for senior or special needs living, must stay that way. Current issue with previously senior home now rented to 7 people with cars, issues with parking for neighbors.
More single family than apartments, even if it means condos with green space around them. There is too little attention to green spaces for walking, riding bikes, exercise. No new housing should be allowed unless it provides open space for parks!
Let the market dictate the response to needs, not the bureacrats in Sacramento...good grief, this should be obvious...quit social engineering experiments.
Developing some of the industrial land and run-down hotels into quality housing keeping in mind room for plenty of parking and green space. Not 3 story townhouses
Costa Mesa is already impacted any new housing should be multiuse and schools should be open for recreation.
My husband and I are hospital workers (RN) living in a rental duplex. Have wanted to purchase our own single family home but it's just out of reach. Would love to see some affordable single family homes under $500k

Less apartments which increase parking problems in virtually every area in the Westside. The 3 story with roof deck properties (now at a 4th floor position) are ugly. The 2 on my street, Poets Place and next door are basically failures. They look horrible, ruin property values in surrounding areas and they do not sell or rent well. Both properties are mostly not rented, and live in homeowners are very few and far in between. They are essentially high priced apartments which do not rent. Few people want to navigate 3 steep floors.
No more tower housing. It's too congested. Simple like before
A place where we value everyone in our community, regardless of home much money they make. That is why we need housing for very low and extremely low income neighbors. We have so many folks working low wage jobs that serve us, but we don't provide anywhere affordable that they can live in our community.
More affordable housing
SLO growth, additional traffic concerns, we have too many cars parked along streets as is
Costa Mesa is upside down in its ownership to rental ratio. We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership.
We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership. Smaller units work just fine as ownership opportunities. I live in about 1000 square feet and that has been enough for 28 years.
Existing single family home keep the variety of housing architecture. Small rental housing blogs (3 and 4 units). Large developments and small lot homes deteriorate the existing culture.
I believe in placing more value in housing than parking, if you look at an aerial view of most cities, there is more parking area than there is buildings.
Would like Costa Mesa to be free of Homelessness, Low Crime/Drugs, and Open to those that can afford it.
More maintained, nice affordable housing for multiple groups. A mixture of single family homes as well as multi-family units.
Hope there will be opportunities for people who work in Costa Mesa to also live here from CEO's and doctors to service and maintenance workers - a potentially difficult balance.
Density is the only thing that can prevent sprawl. I'm in favor of it.
Unless we are also creating a robust retail environment, quality food, artisan retailers, local businesses, and quality education, as well as sufficient parks and open spaces, I don't believe there should be additional housing units.
Mixed, sustainable, and creative. We need more creative thinking that produces the housing equivalent of the Camp/LAB and less like Triangle Square. The fairgrounds, Fairview development center, and civic center offer a blank canvas to make a new housing hub and "place".
Low to medium density homes which are manageable to buy or rent by mid-level wage earners.
Safe and pleasant neighborhoods based on a shared sense of community and ownership - protecting the product of joint effort and long term investment in places in which our kids can grow up in and continue a legacy
My vision is if people work for it then they will take care of it and the community. If they are provided with a handout from the government they will run this city into the ground. I think our city is very dense and traffic is already congested. The state should consider putting this housing where there is tons of land that isn't already being used (like the desert near Barstow).

Encourage higher density / mixed use housing in areas that are north of the 405 around South Coast Plaza. Try to protect existing single family neighborhoods with incremental increases of development surrounding them. Realistic economic factors must be considered in order for housing to be developed. The projects must make economic sense or else they won't be built. Flexibility in land planning is key while letting the market determine what is ultimately constructed.
More ownership of housing. Updating older two story rental unit buildings. Using industrial properties as a way to increase housing by converting them to mix use housing and commercial space.
clean and safe
The prices continue to sky rocket, existing workforce continues to get pushed out
More affordable apts in the commercial areas west of Superior Ave. More housing is needed on the west side of the city.
More housing options and locating them in areas to make the city more walkable. All hands on deck approach.
I think we need to keep CM as primarily a suburb with mostly single family homes. That is why people want to live here.
we don't need more high end housing, we need affordable housing units for very low and low income. We need several hundred supportive housing units
That all citizens who want to make COSTA MESA home can do so in a property that matches their needs
I personally believe that we have enough housing in CM already. Every time I see a new high-density housing project go up I get really angry. I do support projects for specific at-need groups, including senior housing or assisted living facilities, and more transitional housing for homeless seeking to get off the street.
For the city to meet the needs of every type of housing where people can call home, for those who have families, senior living, student housing,and homeless run housing.
I WOULD LIKE TO SEE HOUSING THAT IS LESS THAN 3 STORIES. aLSO RESIDENTIAL OVER COMMERCIAL
I would want a denser community with multi-use developments. I want it to be easier to get around as well.
A lot of houses for low income people, disabled and seniors.
Keep present zoning. Especially R-1, the most in demand housing type. There's plenty of open land inland a few miles. No high density
we need to take old hotel/bldgs for the homeless. also create more senior living/independent living facilities
To preserve the nature of Costa Mesa I think no housing of any kind should be above 3 stories high, and nothing should be built out to the streets. There should be ample landscaping around all housing (NOT like the awful stuff going up along Placentia) and all housing should have enough parking so there is no overflow onto streets. The pandemic has shown that dense housing is not healthy.
Affordable, walkable/bikable lively neighborhoods.
Quality and serenity,, focus on seniors and families with children
Housing that is affordable for all segments of society and all income levels.
The State wants and we should require at least 20% of new housing to be affordable units for the workers who live here, which is to say low and very low income units. Water is becoming more scarce, and most of the new building leaves no permeable ground for rain percolation, which already is causing flooding and depletion of our ground water. With thousands of new housing units

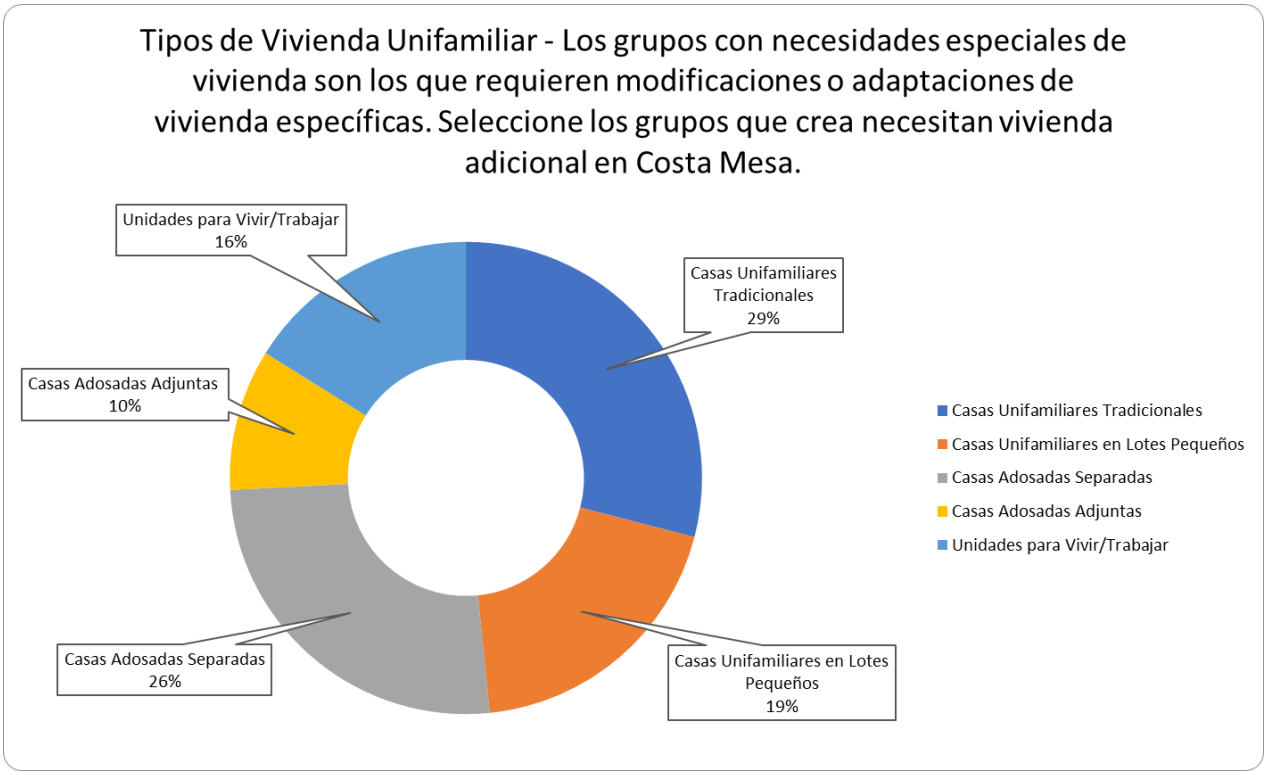
expected, and with no ability to widen roads, parking and traffic congestion will go from bad to worse. No housing plan can be independent of traffic, parking, and resource solutions.
The puss shown here are a good solution. You must preserve CM as a family city. NB plans to put there's bordering CM, and CM looking at out lying spaces. CM already provides MANY homeless persons services, SOS health clinic, soup kitchens, food banks. Do not create housing that will draw more homelessness. We are doing a lot asa city to help.
Affordable housing is becoming harder to find. It would be nice if more affordable housing was available for seniors who only have S.S. for income. Maybe a large community of studio apartments. More housing for the homeless where they could receive the services they need would be nice.
Safe housing for all demographics. But ample parking for units must be required whether for apartments or additional units in neighborhoods
Do not overcrowd Costa Mesa by building up and allowing multi-family developments in R1 and R2 neighborhoods. Preserve the suburban feel that is already being threatened in the City with too many muti-family developments. Turn over MF and CM development areas in decline into small lot, no more than 3 stories.
As Costa Mesa ages so do the people that live here, affordable housing for the Age group 55 and older and affordable housing for first time homebuyers.
Redevelop retail and major streets to accommodate 5-6 story mixed use development with a 15% low income or 12% very low income housing.
replace old one story rentals that have no parking with two story units that provide ample parking. the huge lot houses could add a smaller additional unit or units depending on lot size. a lot of costa mesa is of 70+ year old construction. this would be an opportunity to upgrade to current codes and safety.
I am against the destruction of the single family neighborhoods. I don't have a problem with the small "granny units", but someone built an entire second house taking up the whole backyard in my neighborhood and that is just wrong. The Kmart can be converted to a smart retail/living unit complex if people really think outside the box and not just be motivated by greed.
Take away the seedy motels that attract crime and replace them with housing.
Mixed-use along major arterials, with apartments on older shopping centers and city properties, and incentivize walkability. Keep single-family neighborhoods as cohesive units, i.e. do not allow duplexes/triplexes to be placed inconsistently in single-family neighborhoods.
I would love townhomes near the lab and camp/ triangle where I can walk to things and not have to drive. We have apartments there but the older condo options don't make me want to buy
More enclaves such as Chino has begun building. The homes are reasonably priced on smaller lots...but very quaint. Each enclave has it's own activity center such as a pool and tot lots. Others (The Preserve) have a central facility that has a theater, library, pool, park etc.
I would love options for inclusive housing opportunities without losing the character of our city. I hate when a development goes up in a neighborhood and it stands out. I'd love for new housing to blend it with already existing neighborhoods and infrastructure.
Costa Mesa drew me in because of its large R1 residences which were affordable and accessible 40 years ago. For the future, building on city owned properties and apartments will allow CM to stay accomodate more residents. Multiple housing units on former R1 lots will ruin the city, not everyone can afford to live where they want. I'd love to own a home in South Laguna Beach, that isn't going to happen...
Cleanup and refurbish older housing, incorporation of mixed use and modular compact housing
My visions for future housing is providing housing for low income families.

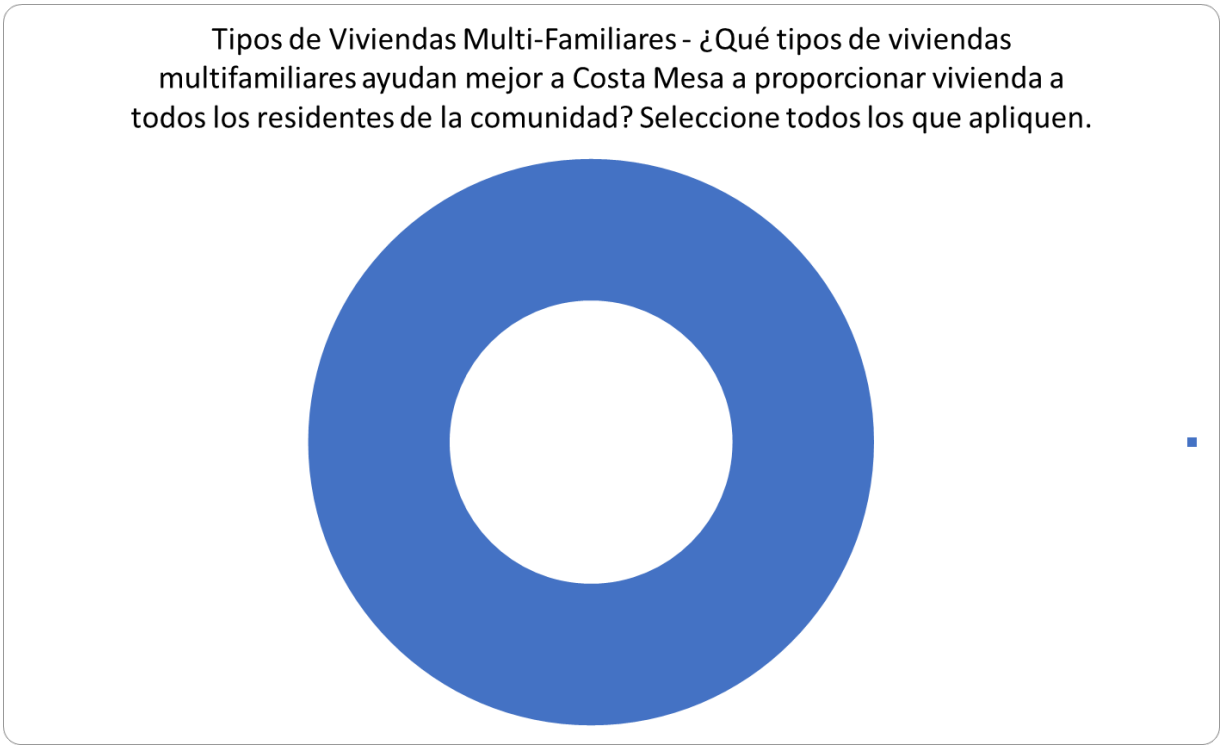
I want more affordable rental housing for families, for disabled people, for the homeless. I want smart, creative, "green" development that will be attractive and beneficial to the entire community. I want Costa Mesa to have a balanced housing supply that lets lower income people live affordably here, not just higher income folks (like me).
Affordable homes for first time buyers. Minimal apartments.
Less transitional housing more senior housing for current residents. Take care of residents and less focus on trying to cram so many more people in our crowded city.
Bring back the family feel instead of the singletons and those who buy for vacation homes.
Affordable, plentiful housing for all financial or age demographics in the city. Housing near jobs and commercial areas to allow for biking and walking and reduce traffic
Village like with a multiple variety of units for those who are not able to earn high incomes
A real mess. The State and SCAG did not take into account the lack of infrastructure (roads, sewer, water) Our K-12 school blogs were built in the 50's. This will not resolve affordability and overall make this a less desirable place for families to reside.
I would hope that the City of the Arts would accommodate their retiring ARTISTS who may be living only on Social Security and retirement, about $3,500 per month.
Less density in west side neighborhoods, more family friendly housing with walkable and green space in neighborhoods
Modern stackable container housing for low income. Perhaps grants for upgrades to older apartments.
My vision would be to have more affordable apartments and mixed use developments. I think Costa Mesa has an ample supply of luxury apartments. Housing is needed for essential workers and their families.
My vision does not include high density living situations that will reduce the quality of life in Costa Mesa
Costa Mesa should be guided by our neighbor Newport Beach in how we handle housing. We should not be guided by Santa Ana or other downscale cities.
Apartments with ample parking on major streets with easy freeway access - We have overcrowded roads - especially in rush hours. Most apts have multiple vehicles - terrible waivers on parking in the past. No parking on streets next to apts.
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing option, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing options, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
A future where there is enough housing at various price/rent for the various income groups.
I would like to see more affordable housing.
Costa Mesa does not need to implement more programs that would lead the city to invite less desirable inhabitants.
Better bike/walk access to work school and shopping areas, better safer bus type transportation, we have great climate many people awesome recreation & shopping, no every has / or can afford a car, since rents are so high these days.
Safe place for our children to walk to school and home. People take pride in where they live and follow community rules. Affordable pricing for lease and renting without huge increases.

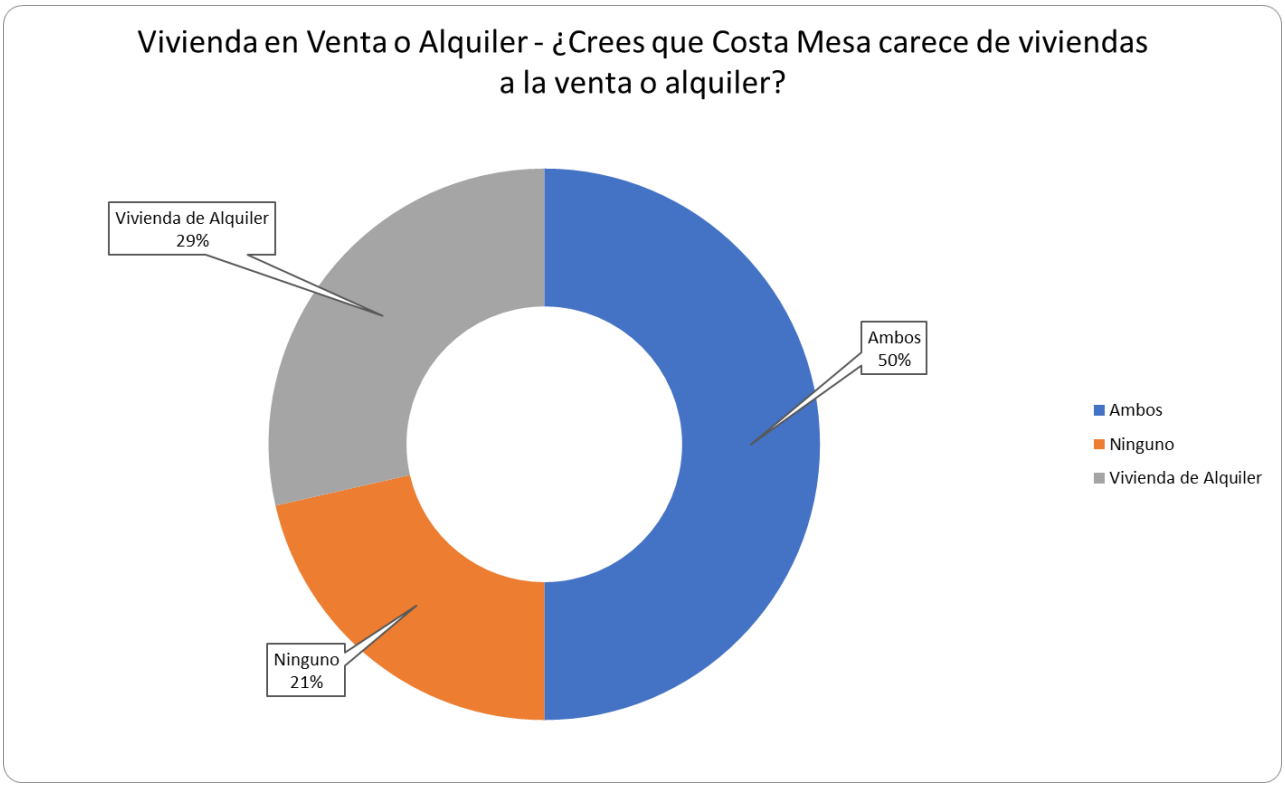
A lot less sober living and senior based facilities, with more traditional single family home in low traffic areas and multifamily units in high traffic areas.
Help residents who want to be able to buy with maybe a rent to own type program or something that helps them work towards purchasing. Eliminate slum lords in our community, those who don't maintain their rental property but charge higher rent. Keep outside developers from over building in our neighborhoods. Maybe convert that police substation by Lions Park to housing? I never see police there. And the giant jail building at City Hall? Is that empty? Fairview Development Center? We could use that property a variety of housing types, plus open space. Unless it remains a hospital? Maybe add a residential community adjacent to IKEA? Or in the former law school near IKEA? The AAA offices don't really need all that space, they could convert some for housing. Please don't destroy our single family home neighborhoods, we've worked hard our whole lives to find our homes and our neighborhoods. I don't think I could have survived this pandemic anywhere else but in our Eastside humble home.
Preserving the lovely single family, large lot areas that are fine (please don't ruin them with high density and additions) while moving into the run down and depressed areas and improving them.
More walkable and bikeable neighborhoods, with a larger variety of housing to support working class families and people from all walks of life.
Our family owns three homes in Costa Mesa and moved to the city in 1967. 3 generations later, our view of the city's housing is troubling. Too many renters and airbnb. Lack of city oversight over older conversions/condos. Condo owners and homes around complexes are tired of condo managements not being accountable for maintaining properties. Please help.
I want Costa Mesa to retain its look, that is to say no big signs (especially L.E.D.), no housing over 3 stories, no overcrowding, keep traffic low.
My vision for Costa Mesa is no more building. Stop all building and do not add anymore living quarters. There is no more room here, build houses in Victorville.
One that meets the needs of our community
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsized city feeling. Let's not turn into Los Angeles. Small is good!!!
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsized clean and safe city feeling. Let's not turn CM into Los Angeles.
All people who work in Costa Mesa should be able to live in Costa Mesa, paricularly those in lower income jobs. Priority to lower income housing should be based on: 1) History of residency in C.M.; 2) Employment in C.M.
Workforce/senior housing located near transit, shopping and entertainment.
I like how Costa Mesa has residential pockets mixed in with retail and restaurants. I don't want retail/services to go away in favor of housing. Also, we need more parks/community center for our children.
no comment
I think costa mesa has done a great job so far keeping up with growth and building sufficient affordable housing. Costa Mesa should continue creating more housing for its lowest income residents.
A place where housing is affordable and available for all people.
I think building 11,000 new housing units is unattainable for our city. Absolute no way. We must push back on this. When does there come a point that we say no more vacancies we are all full? It comes down to a quality of life issue for the current and future residents of Costa Mesa. Costa Mesa will be

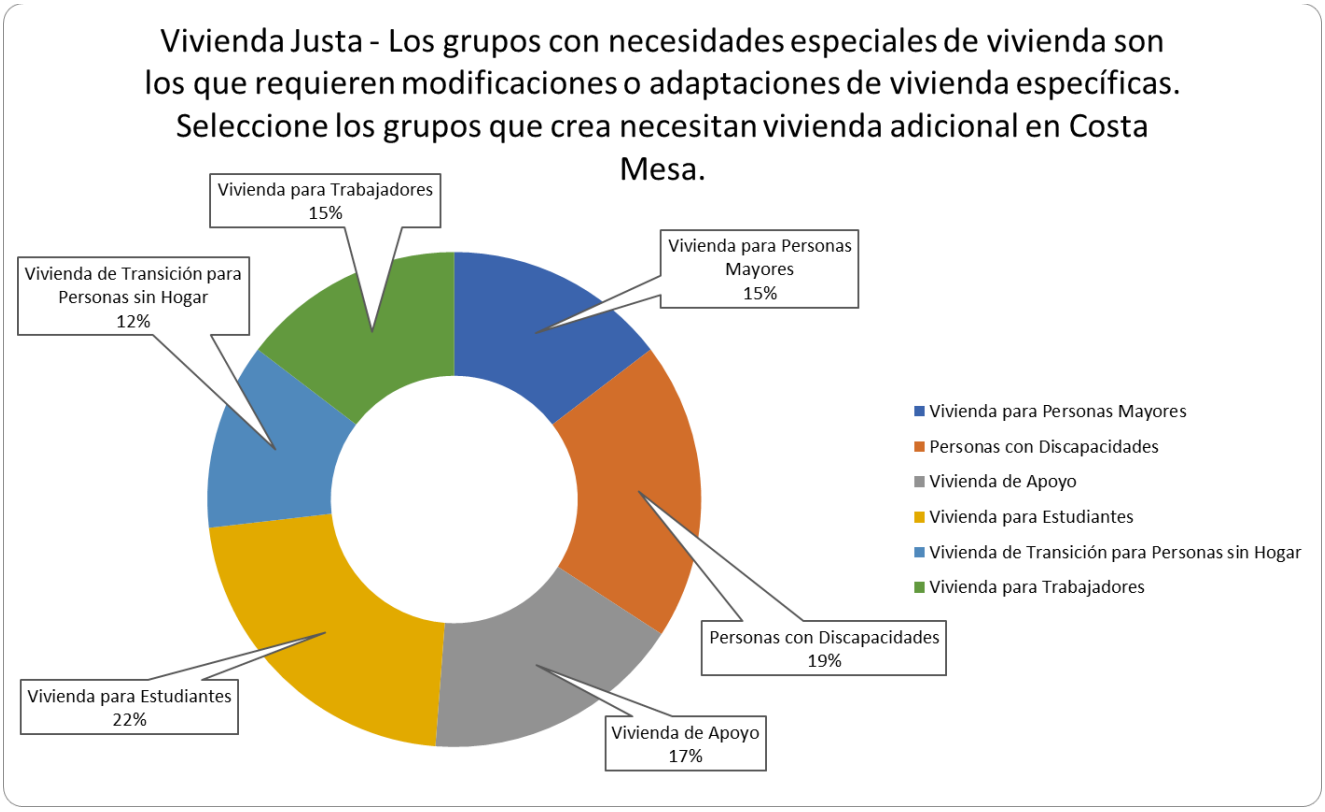
unlivable with the amount of people all this new housing would bring. More people more traffic more pollution, trash, graffiti, trash, blight. All of it. This is proven no doubt. We don't went high rise appt complex's up and down harbor Blvd or especially that disaster One metro west. Bad idea. reasonable size 4 story's max medium density condos if not detached units best
I don't have anything exciting to add here, but I'd like to see affordable and accessible housing for all kinds of people here, and housing provided for those experiencing homelessness.
Maintain neighborhood feeling in R1 neighborhoods with creative solutions for more densely built housing especially live work to reduce traffic. Make sure new units have ample parking.
No more vertical townhomes packed tightly together. Quality, unique single family homes with yard space for kids. Encourage uniqueness with design and architecture. Quality - not quantity. Apartments could be great if they are unique, family friendly and have nice outdoor space.
More plan regarding numbers and traffic problems
To improve the overall variety of housing choice without all the density and poor traffic impact we've been experiencing
A reinvention of the high density rental properties that will make them more desirable, welcoming, friendly and modern.
Stop adding houses, Costa Mesa is already to crowded. Fixing up the junky apartments. From what I hear people in Costa Mesa hate all the new high rise single family homes built.
Preservation of open space; leave parks and existing out door recreational areas intact. Add housing capacity through careful planning of many types of projects; easing zoning to allow easy accessory dwelling units, encourage multiuse commercial with living units above nicely landscaped with buffers to streets and sidewalks so it doesn't "feel" overbuilt. If higher density apartment type projects are approved, they need to also include outdoor green space.
More housing with more options for more people.
My vision is a blend of residential and commercial industry, with a large focus on open spaces, protecting nature and supporting arts/seniors and other community activities.
We need to plan for the growth but should use other cities experiences that have gone through this growth 10-15 years ago and duplicate the successful ones.
We should hold off on building as long as we can. State requirements may change. No more building in high density areas. All income levels and demographics evenly distributed throughout the city. Every area to feel welcoming, seamless and loved.
Enough units to stop all these homeless mothers and children. Scattered through out the city so no one neighborhood has too much of any element. Get rid of some of the sober living homes to make space for families.
Why must there be more housing in already impacted cities?
Multigenerational single family homes and ADU's in neighborhoods and co-op room leases near shopping centers for singles.
Higher density with no plan to accommodate the growing population is irresponsible. Traffic, trash, homelessness are all growing in Costa Mesa and at the nearby beaches. At some point, push back to the State should be made. We are ruining the environment. There was no place on this survey for open spaces, and our commitment to preserving what little nature parks we have. A more obvious place for higher density living would be in the environs of South Coast Plaza, since there are already larger buildings there.

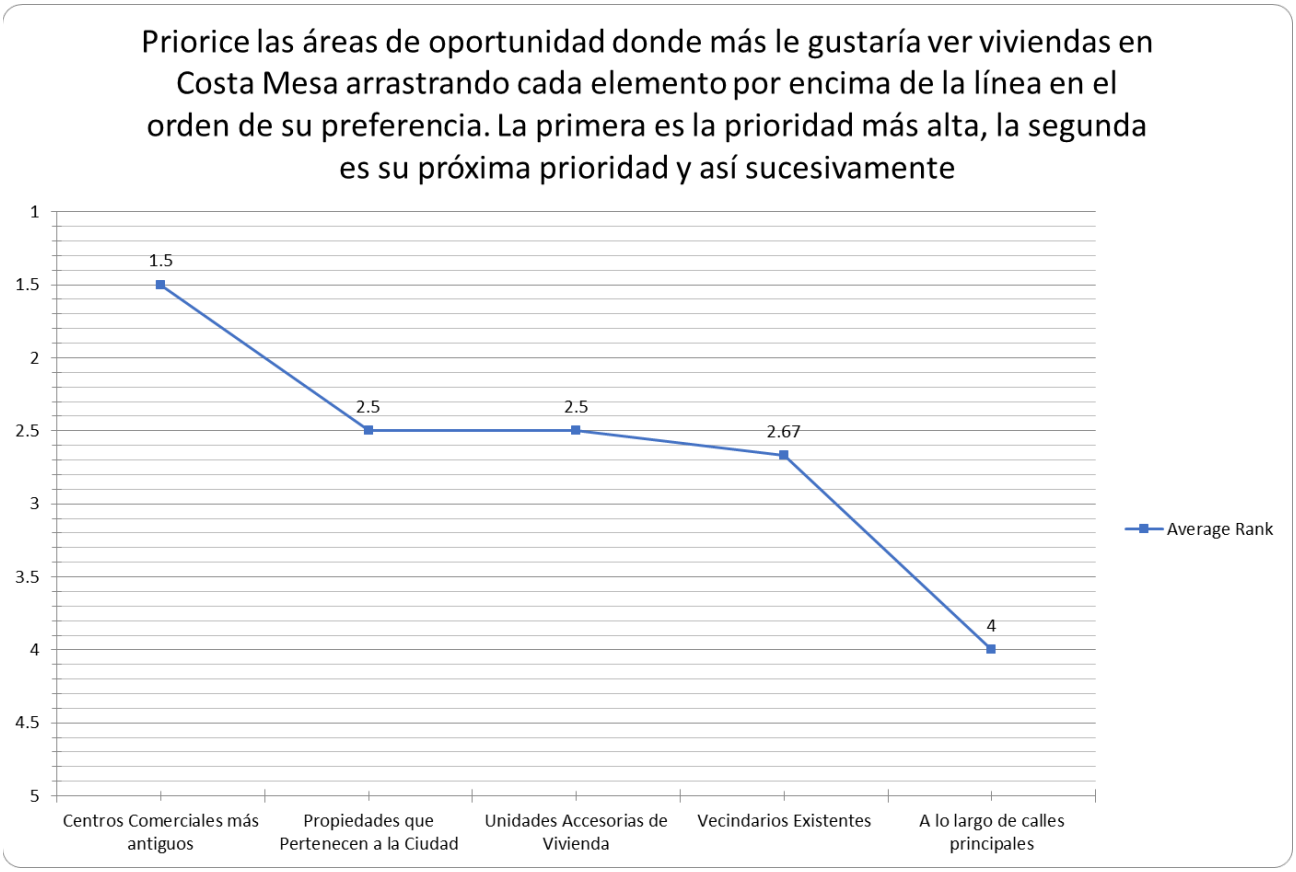
Community Survey Data – Spanish (18 responses)

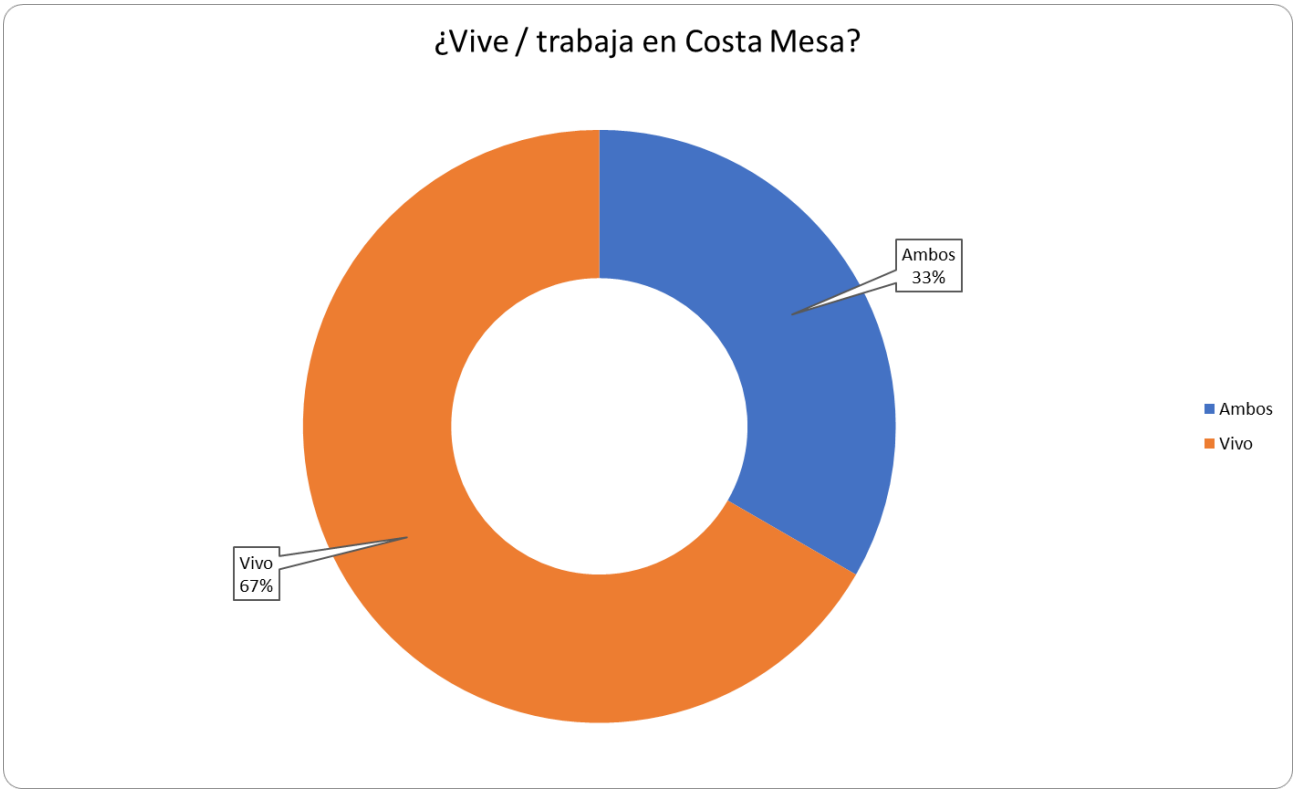


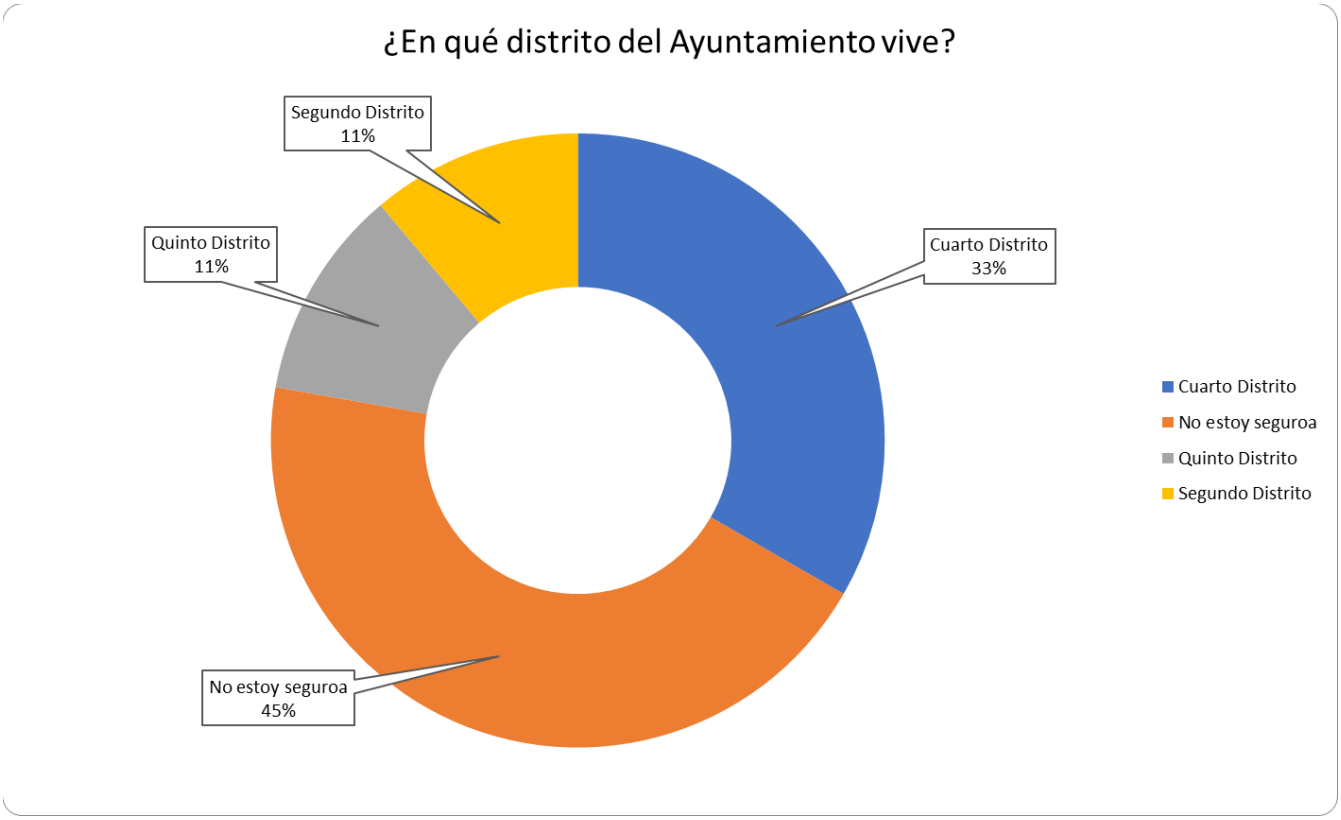


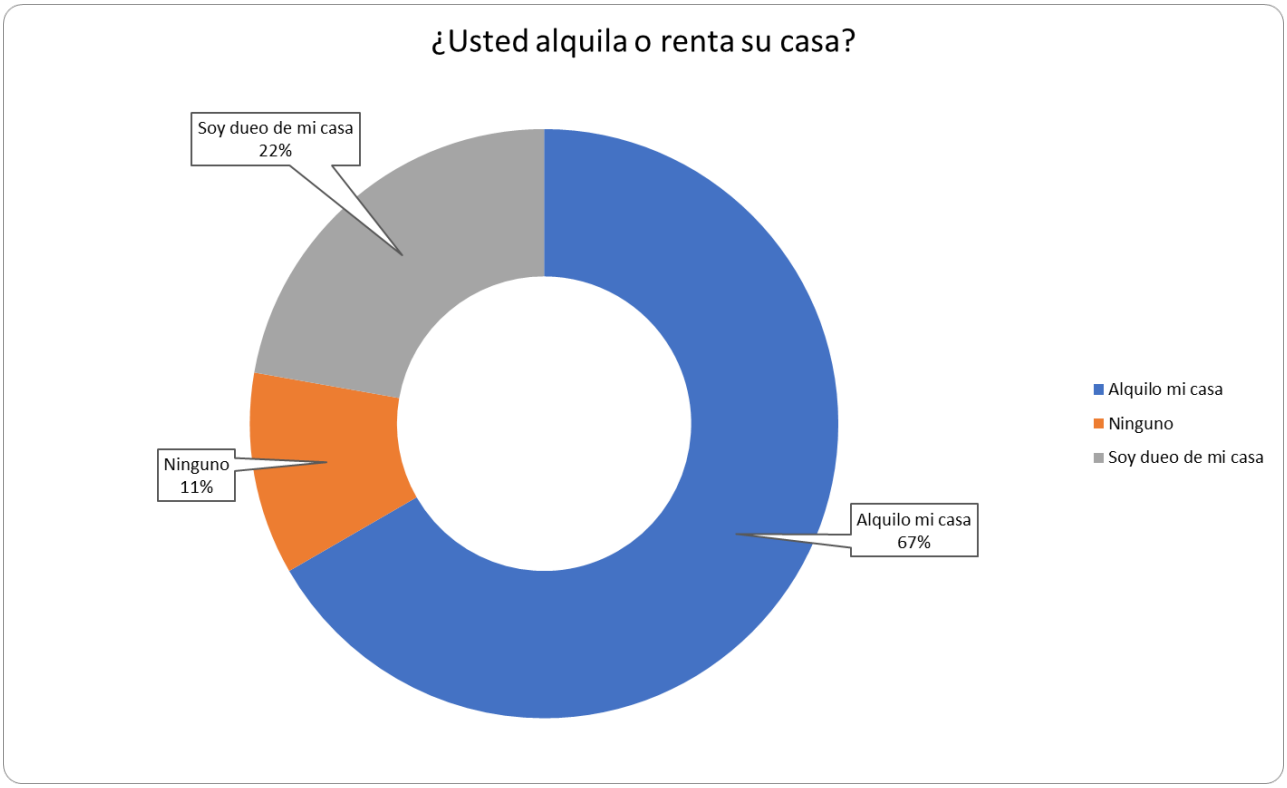

Vivienda en Venta o Alquiler - ¿Crees que Costa Mesa carece de viviendas a la venta o alquiler?
Vivienda de Alquiler 29%
Ambos 50%
Ninguno 21%
Ambos
Ninguno
Vivienda de Alquiler

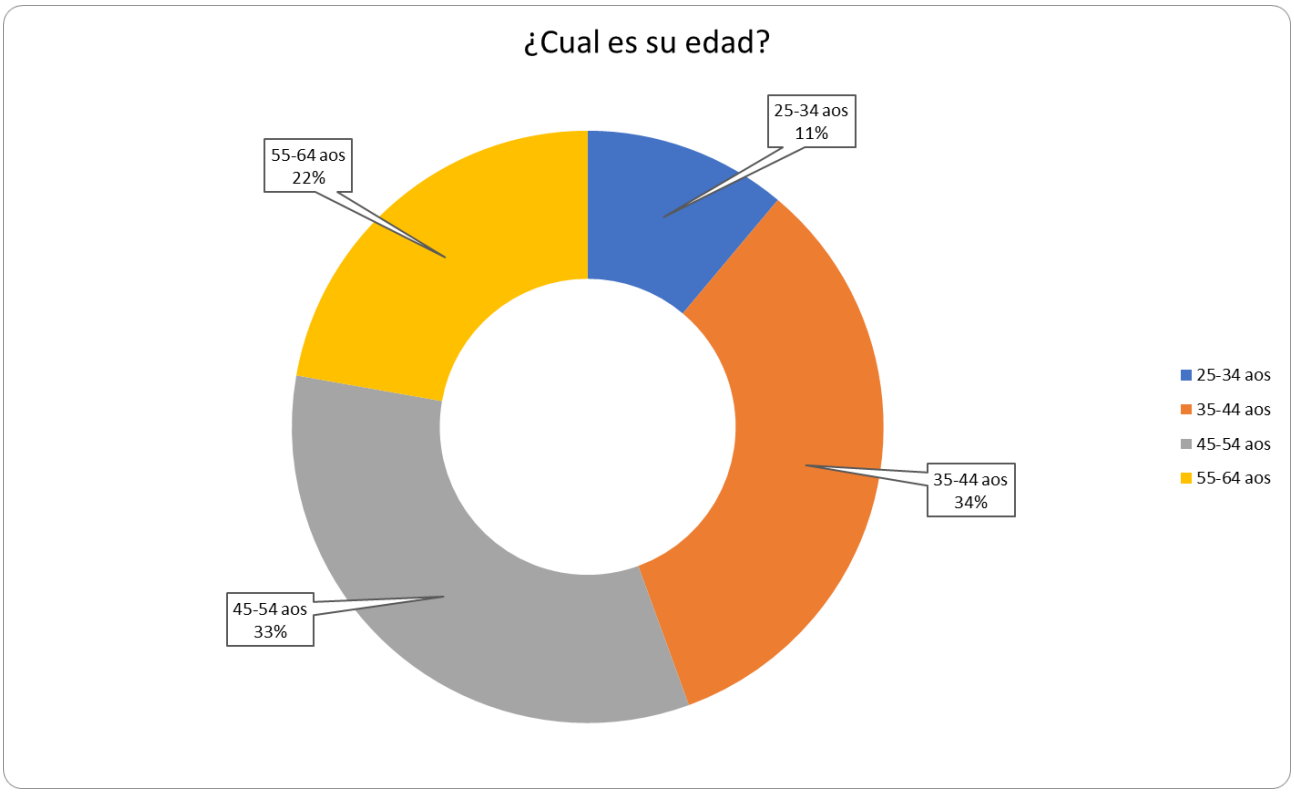

Vivienda Justa - Los grupos con necesidades especiales de vivienda son los que requieren modificaciones o adaptaciones de vivienda específicas. Seleccione los grupos que crea necesitan vivienda adicional en Costa Mesa.
Vivienda para Trabajadores 15%
Vivienda para Personas Mayores 15%
Vivienda de Transición para Personas sin Hogar 12%
Personas con Discapacidades 19%
Vivienda para Estudiantes 22%
Vivienda de Apoyo 17%
Vivienda para Personas Mayores
Personas con Discapacidades
Vivienda de Apoyo
Vivienda para Estudiantes
Vivienda de Transición para Personas sin Hogar
Vivienda para Trabajadores

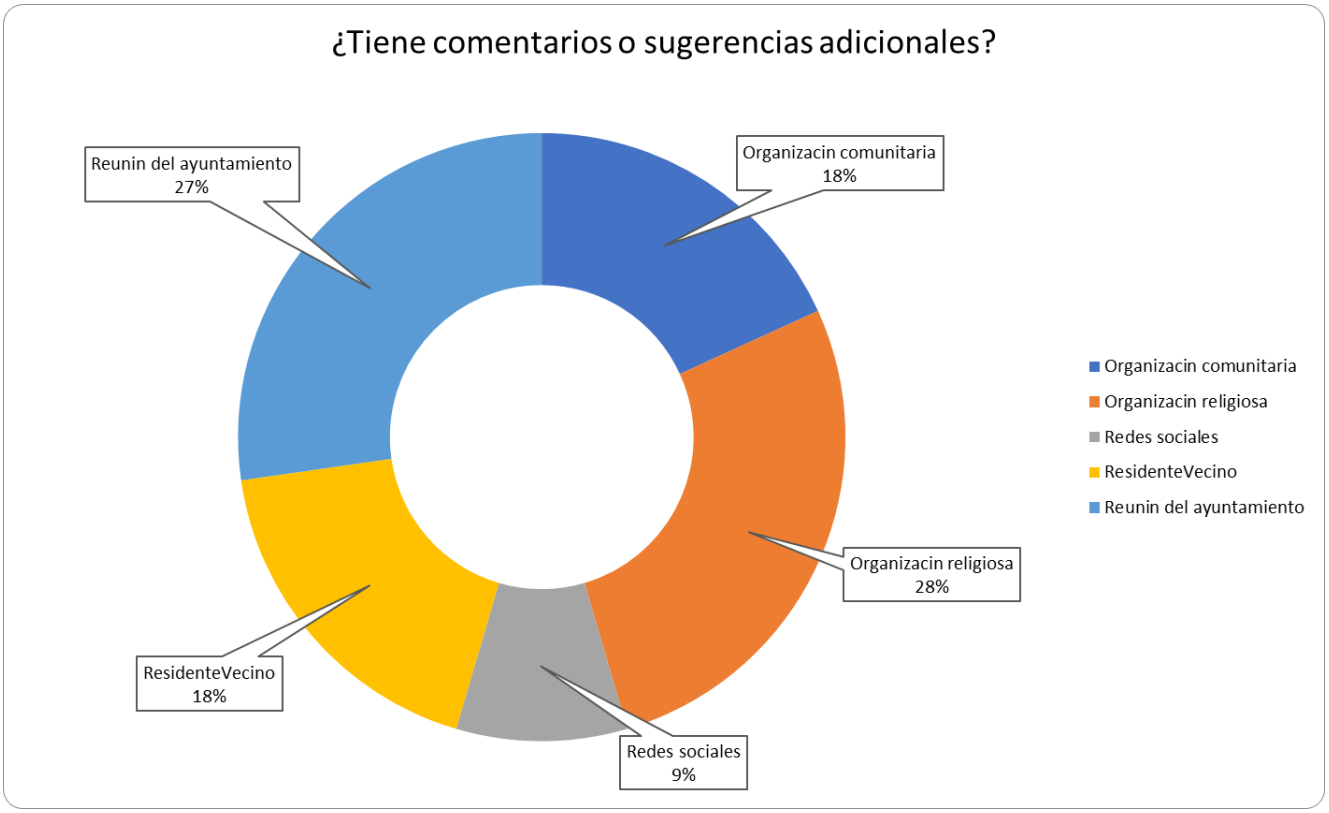

Priorice las áreas de oportunidad donde más le gustaría ver viviendas en Costa Mesa arrastrando cada elemento por encima de la línea en el orden de su preferencia. La primera es la prioridad más alta, la segunda es su próxima prioridad y así sucesivamente
1
1.5
2
2.5
3
3.5
4
4.5
5
1.5
2.5
2.5
2.67
4
Centros Comerciales más antiguos
Propiedades que Pertenecen a la Ciudad
Unidades Accesorias de Vivienda
Vecindarios Existentes
A lo largo de calles principales
Average Rank


¿Vive / trabaja en Costa Mesa?
Ambos
33%
Vivo
67%
Ambos
Vivo


¿En qué distrito del Ayuntamiento vive?
Segundo Distrito 11%
Quinto Distrito 11%
Cuarto Distrito 33%
No estoy seguroa 45%
Cuarto Distrito
No estoy seguroa
Quinto Distrito
Segundo Distrito


¿Usted alquila o renta su casa?
Soy dueo de mi casa 22%
Ninguno 11%
Alquilo mi casa 67%
Alquilo mi casa
Ninguno
Soy dueo de mi casa


¿Cual es su edad?
25-34 aos
11%
35-44 aos
34%
45-54 aos
33%
55-64 aos
22%
25-34 aos
35-44 aos
45-54 aos
55-64 aos


¿Tiene comentarios o sugerencias adicionales?
Organizacin comunitaria
18%
Organizacin religiosa
28%
Redes sociales
9%
ResidenteVecino
18%
Reunin del ayuntamiento
27%
Organizacin comunitaria
Organizacin religiosa
Redes sociales
ResidenteVecino
Reunin del ayuntamiento

Vision for Housing in Costa Mesa Comments

Ver mas casas y viviendas con precios mas comodos (venta y de renta).
Tener más control para que los dueños no cobren más de lo que es. Que los dueños de apartamentos cuando renten el apartamento vaya incluido el garage, porque por donde yo vivo les rentan a otros personas los garages
Que ayga viviendas gusta
Ya han construido demasiados apartamentos en la calles 18th y placentia ,además de otras áreas, lo cual ha incrementado demasiado el tráfico en la ciudad, vendiendo o rentando estos duplex o departamentos a precios demasiado altos. Existe una verdadera necesidad de vivienda o solo están especulando para que los que están construyendo se hagan más ricos? No sobrepoblen la ciudad por favor.
Una zona más comercializada, pero no se olviden que es importante mantener los vecindarios familiares, eso es prioridad.
Mi vision es que aiga mas vivendas acsesibles para la gente con bajos recursos
Un lugar con oportunidad de tener mas viviendas asequibles, par familias de bajos recursos

Summary of Survey Comments

Survey respondents were provided with a variety of opportunities throughout the survey to write in additional comments and feedback. The following provides summaries of the most common comments received organized by topic.

Housing Types:

- Respondents noted that there needs to be more middle housing (i.e. duplex, triplex, etc.) and for-sale condos, especially near transportation corridors. Most recognize that density is the solution to lowering housing costs; however, design and heigh must be considered. Respondents have noted that developments over 3 stories are too tall.
- ADUs present a viable option for survey respondents, given that the ADU remains smaller than the main residence and that it is made affordable.
- Tiny homes have been proposed as a solution for those experiencing homelessness.
- Senior housing must be made affordable and near services/commercial necessities. Respondents have identified a lack of options that allow them to "age in place". Senior housing should include open/green space and remain affordable.
- Mixed-use housing paired with commercial retail may assist in lowering the need for driving. Respondents have also noted that open and green spaces are important for children and families and must therefore be considered for such developments. This in part participates in preserving and establishing a neighborhood feel.
- There is a need for additional transitional and supportive housing to house those experiencing homelessness.

Location of Housing

- Utilize State-owned properties, such as Fairview Developmental Center. City-owned properties should be used for housing or parks/open space.
- Underutilized properties could be used for housing. According to survey comments, respondents recognize there is a low availability of vacant land, but that this would be a good option for future housing.
- Repurposing of hotels and motels into housing – this could be a good option for providing housing for low-income single apartments or for those experiencing homelessness. The Vagabond Inn has been identified as a potential site.
- Respondents have expressed concern about adding density to existing single-family neighborhoods – they wish to retain a neighborhood/ "Costa Mesa feel".
- Housing in industrial areas could be a possibility, but there is a lack of services and open space/parks in those areas
- Mixed use at shopping centers to support small businesses but be careful not to replace businesses with housing.
- Adding senior housing at the existing Senior Center has been identified as a potential option.

Density

- Respondents recommended not to further increase high density areas - population needs to be more equally distributed throughout the City.
- Improve existing neighborhoods but not density – help to renovate existing aging housing stock.

Affordability

- More affordable housing – for families, low/mid income households, workforce, seniors, persons experiencing homelessness, and disabled
- Aid in creating a track to ownership, not all rental units. More ownership units and less new rental units.
- Respondents recommend the City looks into creating an Opportunity Zone.

Open Space

- Lack of open space and services in industrial areas that would affect housing planned in those areas
- City-owned properties should be used for housing or parks/open space
- Respondents have identified a need for open space and parks near residential areas.
- There should be a focus on sustainability in both building housing and in transportation (options other than driving)

Parking

- Walkability and bikability are important factors to survey respondents. Some have noted the City should strive to be a "15-minute city".
- Traffic has been identified as being a topic of concern when considering the planning of additional housing units along major streets. Respondents are concerned about creating further traffic on the roads.
- However, respondents have proposed that parking requirements should be lowered for future affordable housing projects.

C.3 Subject Matter Expert Meetings

This section contains notes and meeting materials provided during the meetings. These include virtual stick-notes and online polling exercises.

Programs

Successful Programs for Helping People Find Housing

VA -programs to help vets get into housing	Human Options Partnership - DV services - need a system to promote flow out of transitional housing options	TBRA Tenant Based Rental Assistance Programs	Affordable Housing Bonuses	Rapid Rehousing - Program designed for homeless families/indivs that are accessing resources - funded federally -	Lack of permanent supportive housing
Access to vouchers and long term subsidy -need for more vouchers	Domestic violence survivors assistance -need to afforde unit they are moving into	Assistance that stays with tenant -goes with the family		Housing-first model. Eliminate barriers to housing	Community Development Partners, Jamboree Housing are great models for permanent supportive
	Link to financial coach -goal is to inform clients to make decisions on their own			Eligibale for rental assistance and security deposit	
	Create flow out of transition program -collective impact			Utilizing existing housing stock - not subsidezed program -not long term subsidy	

Recommendations for New Programs/Services

housing first model w/ supportive services	Supportive services	Financial Literacy/ Economic mobility	Relational mentors
Not just about 1 program - multiple components -rapid housing in conjunction with vouchers and	Multiple layers to address needs	Employment training programs	*List of supportive services -Families Forward menu of services (Rose to send to Nick)
National Alliance to End Homelessness - taking funds provided by federal, state, and local	OC United Way providing financial incentives	County of San Diego Welcome Home OC by United Way	Landlord incentive programs -make housing available to veterans and/or lower-income indivs
Orange County provides Section 8 vouchers			

Constraints to Finding Housing

Income/credit score	Affordable housing - Lack of	Paperwork needed to apply/how to go through process	Method to accomodate moderate housing	Fear-immigration issues	
Coordinated working effort with service providers who have existing relationships	City's incentives haven't helped with building -need incentives for developers to add affordable housing	People don't know that housing is an option for them	Challenges of low-middle class that make an amount that do not allow them to get assistance that's needed	Education - information is currently numbers driven (income, property value, etc.) -Info has to be	
Outreach on requirements to qualify for certain housing/units	Make affordable housing attractive to developers - from City's side	Educational component - there are opportunities for people to find housing	Relation building between homeless population - service providers - and city	Coordination with service providers is key -service providers come with hope	COC - Housing Opportunity Committee - commissioned UCI
Special needs housing - need to remove barriers	Flexibility on developer's and City's side	Benefit from City producing outreach materials on how to go after housing and services available	Would people served be trustful of City produced materials? -can be overwhelming/ must be simple	Format for outreach- -paper -simple -text blasts (Service prodivers to share info via	UCI research on impacts to existing development (locally based approach)

nick.chen@kimley-horn.com

City's Role in Assisting in Efforts

Reduction of impact fees and parking requirements to increase affordable housing	City/State providing land - need to be usable parcels	City needs to look at transportation options around city -walkability, bikability
Case studies available to City to provide to those pushing against the development of affordable	Being willing to change zoning	

Creative Methods/Processes to Consider

Co-Living	Tiny Houses	Add density to existing multi-family	by-right approval for affordable housing	Storage container developments - Potters lane example in industrial area (next to some services but not	Inclusionary housing requirements (reduce option for developers to pay in-lieu	What is most importane near housing - transportation -financial coaches and employment ready programs
Communal living -For those who enjoyed communal living from Bridge Shelter -adds more units	Conversions of existing commercial -Walkup external offices converted to small units		rent-to-own incentives	Not cost helpful	ADUs	-education -groceries
Lack of Community is an issue -People find housing in new cities they do not know	2 level 10-12 unit office conversions			Leverage what is already there and multi-family, rather than new methods like storage containers		
				Quality of living important to consider on this	Industrial area not bikable	

Housing Types

Rental Housing

Current vacancy rate for lower	More affordable rental housing needed Important near concentration of jobs in city
	increase production of market rate rentals currently

Workforce Housing

intergenerational housing -development at senior center to include housing for others but seniors to increase	Divers mix of single/studios and larger units	affordable housing for very-low and low income population	Rental units for persons at lower end of workforce
need for open space for intergenerational housing	Starter units	Along transit routes location	FDC
Opportunities for families making $30k-$90k Rental opportunities	mix income and mix use housing housing for persons with special needs and seniors	larger units with more bedrooms tendency to make affordable housing with a couple bedrooms	overcrowding happening majority single indivs with housing vouchers

Housing Growth in Costa Mesa

Permanent Supportive Housing

Sensitivity towards populations living in motel	Need to take the next step past housing people experiencing homelessness	Trellis No permanent supportive housing currently - persons move to other cities for	Is there community support for SROs or similar? Yes - past projects that received	What is the critical mass of people to justify the cost of development? -mix of units for different incomes/ needs
	A group of people who will always need supportive services	Flexibility in City policy to allow mixes of this to accomodate the need -helps address cost of land too	Public opinion for services show support	range of services/ senior/family housing together example
	Shift in public opinion in last couple years	Educational component to move the conversation -Positive public opinion	People need to be able to graduated from shelters and have access to services - mix in opportunities *Shelters the start	Using State funding - promote availability

Unbalanced

large slant towards market rate housing - above mod housing

Fairview Developmental Center

Reimagine as a housing village 2015/2016 effort capped units -25 housing -25 institutional -50 sports field	large housing amount (increase density) - majority affordable housing	Should be 25% sports and rest housing & affordable housing
State to donate land to City and to create a land trust	Pushback will be from those that want sports fields	See Great Park See Willowick Golf Course project
Looking at City-owned sites in addition to FDC and private Land plays a large factor	Shannon's mountain - 244 units at FDC	Unique opportunity to create more housing and for the State to participate in local solutions

Creative Development Methods/Processes

Affordable housing/inclusionary

flexibility in uses and design/zoning Overlay zones as potential solution	*Collaborative process & community benefit	Inclusionary Housing ordinance have been asking CC	Conversation needed about development needs How do City decisions impact community	What is the City's role in the development process?	Very suburban city - challenge/ resistance to density	SB 9/10 as examples of actions the City might be able to take
Mixing in housing with services/ supportive uses -zoning to allow for housing in other zones	No net loss issue - market rate developments resulting in needing to find new sites for affordable	Messaging is key Community needs to get benefits back for developing at highest use	Rezones to allow for what is needed	Need to work with market-rate developers/ property owner to plan for affordable housing needs	Remind community of benefits to them of having balanced housing	Developments on Church and Hospital properties
Pair with affordable housing policy	Education - Density as the key to affordability Addresses cost of land for development	A large educational component to this	*Less about density and more about affordability in Costa Mesa	Interests/Access of young population in housing types and mobility	-transit oriented -mixed use -open space	

Constraints in the Development Process

Parking

Review parking standards from high density perspective

Baker Block - 2.25 Studio - 1.15 st/ unit
1 bd - 1.65
2 bd - 2.15
inclusive of guest based on demand

Have to consider all components of project - push/pull

High parking ratio/standard

large apartment/ condo projects operate at lower parking ratio

1.5 - 1.75 range - depends on proximity to transit

Higher density projects with underutilized parking

Measure Y

clarity to potential land owners - difficult to determine outcome

-Deters investors

-Clarity on process and when measure Y applies

Developers pass on projects due to risk

complex process that requires understanding from all levels

Variables involved with Measure Y are too complex to work through

Risk is too difficult

Nimby

SF home values increased when near density/ related amenities

Educational component to development projects

Price of Land

Addressed through density - build up

Margins are small

-Consider market and development standards

Creative Methods in Other Cities

Development process

Expedited plan check

fee schedules - land cost - include all fees associated with a project

Include all fees - development impact fees

Space to "color between the lines"

Specific Plans and overlays can be a big benefit

Less impactful an issue compared to others

-streamlining improval process

Develop a one form checklist - centralize the process for fee schedules

Clear online system that provides estimation of fees

prescriptive zoning -

opportunity to meet housing requirement outside of SF areas

Develop in "paint by numbers"

Fees provide benefit and value to the City

-Costa Mesa's fees low compared to neighboring cities

can't look at fees in a vacuum - all attached

Potential Growth Areas

density v FAR consideration

Clarity on Density Bonus

-height is currently easy to use

3 stories changes landscape of what can be done on certain properties

Small lots

.5ac and up

City of Carlsbad downtown example - mix of commercial/ residnetial uses

17th st

-increase height limits and density

North 405

larger lot sizes

Westside - higher density type projects in specific parcels/industrial type areas

200 - 400 units type projects

2.5-4 ac sweet spot

Airport Area - demonstrated demand

Larger lot sizes

Small lots on major boulevard areas present an issue - tough to develop

Boulevards - housing overlay

Impacts of COVID-19

C.4 District Specific Meetings

The section contains all district specific meetings materials, flyers, PowerPoint presentation, participant activities, as well as all available public comments provided during the meetings. Public comments were received verbally and in written form through the Zoom chat. A video recording of each meeting is available at www.costamesaca.gov/housing-element-update.

Unique Characteristics/ Considerations

- Habor & Adams - stores there where housing could fit -also would promote walking/ transit
- Costa Mesa as a place with a mix of neighborhoods

  -Keep SF neighborhoods but include
- Diversity in housing

  -walkability
  -near amenities/ groceries
- Consider units for handicap persons
- Adams - empty parking lots where mixed-use could work

  apartments near/ above retail/
- Intersection of extreme traffic
- Trolley for people to avoid driving
- Senior housing north of freeway (x2)

  -uses that add less to traffic
- Also a bikable area
- Mixed-uses good solution, but not too tall
  -about the Vans building
- Open up housing oportunities with biking ability
- District 1 great for retail and restaurants

  -trendy
  -housing along corridors where
- Affordable housing for working population
- Lots of single-story retail where housing units could go above

Community Housing Needs

- Considering effects to school and infrastructure
- Consider traffic
- Consider COVID - high density increases spread
- Keep character of Costa Mesa

  -not overwhelmed by high development
- Consider the look of the City
- Affordable housing

  -Comprehensive plan for building affordable housing
- Fairview Dev. Center

  -affordable
  -mixed-use
  -Open space
- Open spaces and parks
- Multi-Family -walkable

  -Area North of 405
- Parking lot near CVS on Adams that would be great for housing
- Overcrowding

New/Innovative Trends or Ideas

- Handicap accessible units
- "Provide x number of units that are handicap accessible"
- Affordable housing development in Santa Ana - services on first floor
  -dance studio for
- Services for residents
- ADUs - additional stream of income
- Intergenerational housing
- ADUs as an option for affordable housing option
- Affordable housing - housing for people who work here
- Public/private partnerships - including affordable housing
- Affordable units with larger units
- Ensuring affordable housing is built in developments - must be guaranteed
- Affordable units scattered throughout market-rate units
- Inclusionary Ordinace - 15% units affordable

Housing Types

How do we get affordable high density housing built?

Need to find developers that are willing to engage with the City that will be accepted by Measure Y

How do we bring a high density project into the community

City policy is not flexible enough to allow affordable development

Inclusionary housing ordinance could draw in developers that to do an affordable project

Design details are important to the process - design guidelines need to be in place

Is there the developer interest to come in and develop housing?

Some interest indicated

Needs to be a public/private partnership, not enough City owned land

City historically not asking for that lower income development

educational component - change the understanding of what affordable housing is

Especially in District 2

Needs to be high density - cannot be built in R1 type zones

Workforce housing terminology near working opportunities/ transit

Unique Considerations/Characteristics

Projects north of the 405 are up to 100 du/ac - high density in compatible areas

Needs to be a progression/ transitional zone

Interest in developer engagement process

One Metro West - Measure Y Case study question - what happened?

Community member involvement - get information on community needs for specific projects

Next step is to sit with developers and propose in Costa Mesa knowing Measure Y is in existence

New or Innovative Trends/Ideas

District 2

Costa Mesa Housing Element

Other Growth Areas

Along Harbor & Newport (conversion from retail to mixed use)

Airport area

Newport Blvd has overlay/specific plan for housing - Good opportunity for mixed-use and placemaking

Industrial conversion

Surplus school sites

Underutilized church sites?

Balearic

Parsons School

Whittier Property

Coastline Regional Occupational Program (Old Presidio School)

South Fairview
Wilson
Vacant parcels north of 405

Whittier Law School

Parking lot between south coast drive and sunflower (southeast corner)

Golf courses?

Community Needs

Unique Characteristics
- connected communities

Missing Housing Types
- Workforce housing
- TOD
- Senior housing
- Upzoning north

Could lower minimum parking standards

Med Village densities could be successful

Above Moderate
- attached or detached condominiums
- age restricted?

Support first/last mile improvements + safety enhancements

Development will need to be taller to meet goals

Mixed use with resident serving uses
- grocery
- pharmacy
- services

Need a wide mix of densities where appropriate

Unique Considerations/Characteristics

Community Services

Housing Types

Need for larger housing units -2 floors	Smaller homes at more affordable prices	Consider tiny homes -City to help property owners afford such options
Housing near major corridors -area for taller buildings	incorporate community around the home	Communal spaces where people living nearby can gather
	Communal gardens	Apartments on Center St and Maple have community center in middle (example)
	Spaces for travel trailers -lot near Arco on Bay St. as example	

Challenges

Student housing - -getting their input -1945 -would use mixed-use spaces -consider	Traffic management	Parking	Senior housing	Affordability
More parks & open space -near senior housing also -intergenerational	Bikability/ Walkability (Victoria & Wilson) -more transportation opportunities	Access to public transportation	Senior housing on 19th (the tower) -access to outside -housing for any population -element of the outdoors and	Displacement
	Bikability on 19th Wilson&Fairview removal of biking options	Access to open space - -Library/pool area, there used to be open green space always busy with activities	Senior housing- -larger units/more space -not just about affordability but *quality*	Quality of living is key

Community Housing Opportunities

Love district 4 for diversity

Opportunities

Housing Opportunities for seniors -more senior housing	Mixed-use housing -opportunity for walkability	Affordability for all -inclusionary ordinance	ADUs for long-term rental -cost is a constraint	U-shaped multi-family housing - incorporating open space and space for residents	
Sernior housing: -single-bedroom -with other seniors -low income **Affordable	Parking at multi-unit housing	mixed-use *scattered* throughout, not just in the same areas	STRs as supplemental income	Church parking lots for housing -tiny homes (Hayward as example)	
Rent that isn't more than 1/3 of income	Biking and walking committee partnership	Making sure mixed-uses do not add to traffic - scattering will help relieve potential additional traffic	ADUs good option for seniors looking to live in smaller units	Affordability for current residents - anti-displacement	Affordable family housing

Vision

Santa Ana - main downtown with art walks and dancing -Community nights	19th St. for pedestrians and cyclists to shop and walk	No specific downtown area in Costa Mesa	Diversity is important -inclusive of all people for future generations	Stay in touch with who the community is	Consider climate change -building materials -asking climate experts -green buildings
Build environment and neighbor feel into new housing -forward thinking -housing is not just housing -quality of life	City is doing great moving towards environmental -composting -gardens	Building housing in a way that creates *neighborhood feeling* and community	Include nearby schools and incorporate their expertise on these topics	Green spaces & maintaining parks -street trees -community gardens (people getting together and growing food)	Vertical gardens -being done already at OCC

What is unique about District 5?

multi-culturalism/ diversity	ocean breeze	can still raise a family here - middle class and can get a good education	ADA ramps on traffic breaks
keep Costa Mesa funky - does not have the restrictiveness of other cities	most priviledged residents of Costa Mesa - access to open space, yard, wide strees. Be willing to share	industrial areas bring value/jobs to the area - part of the character of the area	LID/rain garden treatment in areas to expand greenspace
Great potential to be more bikeable and walkable - can get to the beach without hitting a stoplight	Share the good life we have in Costa Mesa	there is a vibe here	Trees in this area

What are community housing needs in District 5?

housing for single people/individuals - shared/co-housing to address this need	large lots with one dwelling	Permanent supportive housing
Project Hope Alliance - homeless children - need for housing for families	storage units - space on rooftops. Conversion to shared housing	live/work units to address work from home conditions going forward

How do we get affordable housing built?

evaluate COVIDs impact on housing	Educational component of different types of housing - workshop/tiny houses	City to provide an incentive to people developing ADUs to offer them at affordable levels	in building support/sell idea - needs to be more community involvement and visual representation
	Efficiency of space and existing units	Manufactured homes/small park models - could help on building costs	AB 387
	include all aspects relating to housing	Potential for pre-approved housing models?	follow up on status of affordable ADU/ incentives discussion

Costa Mesa Housing Element

Other Growth Areas

Harper School Property

Surplus school district property?

Should engage in conversations.

Supportive of housing north of the 405

Whittier Law School

Commercial Shopping Centers

District Characteristics

Disorganized development leading to congestion

Older section of the City

City of the Arts

Community Needs

Near transit and employment

Permanant supportive housing

Artist housing

Affordable + services

Mixed Use Development

Work/Live spaces

Educator housing

Oportunidades de Vivienda

- Nos gustaría ver más apartamentos
- -No hay apartamentos de 3 Recamaras .- cuestan más de $3000 actualmente.
- Renta demasiado alta
- Viviendas tipo Estudio
- ADU's tipo estudio
- Construir más apartamentos que sean accesibles para gente de bajos recursos

Necesidades de la Comunidad

- Apartamentos de bajo recursos
- Que el cosdto de la vivienda sea accesible
- Actualmente el costo es muy alto y tenemos que compartir los departamentos con varias familias
- Apartamentos de costo mas bajo.
- Debido al costo alto tenemos que rentar cuartos en el apartamento

¿Qué ideas tienen sobre este proceso de vivienda?

- Difundirlo más
- Más facilidad para participar en el proceso

Retos en cuanto a La Vivienda

- Alto costo de alquiler
- Por eso la gente trabaja en Costa Mesa y vive en otro lado más económico que Costa Mesa
- Debido al costo alto tienen que rentar cuartos en el apartamento. El costo es alto

Algún comentario adicional

- Otras ciudades tienen más La delincuencia
- Al parecer C. M. es más segura aunque el costo de vivienda es más alto
- Existe más seguridad
- Tener la seguridad que la comunidad no estará expuesta a delincuencia
- La gente prefiere viajar de lejos a trabajar en CM y vivir en otro lado más económico
- Aquí las viviendas están cerca de la playa, negocios, su trabajo.
- CM es muy tranquilo y a la gente le gusta mucho el área. Cerca de los negocios, parques.
- Aquí a la gente le gusta el lugar donde vive
- Se necesitan más viviendas en el lado Oeste.
- La comunidad comenta que la vivienda es cara debido a la carencia de vivienda
- CM es muy segura, un poco más cara pero el clima, los negocios,negocios hispanos son accesibles
- Comunidad hispana no puede pagar las rentas, no hay estacionamiento.
- Difundir esta información en centros comunitarios
- Difundir este proceso y juntas por medio del distrito escolar.
- Difundir en el sitio web de "I love Costa Mesa"

District Specific Meetings Chat

District 2:

19:11:40 From Cash Rutherford : Denser = cheaper. Agreed!
19:22:57 From Mildred Perez : Affordable housing overlays to provide incentives for developers
19:23:17 From Cash Rutherford : Great points - agree with you all.
19:24:12 From Daniel : Didn't a high density development north of the 405 just get voted down?
19:25:48 From Cash Rutherford : I believe the developer has the project on hold due to the constraints of Measure Y.
19:26:56 From Daniel : Would those constraints also be applied to any high density building we are talking about now?
19:27:39 From Cash Rutherford : Yes. Other cities have ran into legal trouble due to policies like Measure Y that prevent high density housing in job-rich areas.
19:30:23 From Daniel : Cash do you know if those cities come to a resolution with that situation?
19:32:04 From Cash Rutherford : There is a precedent of courts and/or state regulators intervening to resolve restrictive policies like measure Y. At a minimum the Housing Element is required to recognize local constraints to development.
19:37:59 From Cynthia McDonald : Cash, Measure Y is based on Redondo Beach's ordinance. That ordinance was litigated and to my knowledge stands to this day. Its is one of the reasons we used it as the basis of our ordinance.
19:38:40 From Daniel : Thank you for the information everyone. I appreciate the shared knowledge.

District 3:

18:49:47 From Carol Buchanan : Is it possible to consider the hosiptal grounds Harbor and Fair by the Gold Course
18:50:02 From Carol Buchanan : Golf Course
18:56:38 From Carol Buchanan : I will have to drive around and look since I have no idea
18:57:05 From Carol Buchanan : It is pretty dense in Costa Mesa
19:05:18 From Carol Buchanan : Also my husband and myself
19:07:35 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : Belearic
19:09:58 From Carol Buchanan : How about the closed Law school opposite AAA on Harbor
19:13:54 From Carol Buchanan : Interesting
19:24:07 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : south coast drive not augusta :)
19:24:22 From Matt Horton, Kimley-Horn to Andrea Marr(Direct Message) : thanks!
19:25:34 From Carol Buchanan : They will fight you for that parking lotu
19:26:11 From Carol Buchanan : Thank you!!
19:27:03 From Carol Buchanan : Back Bay Golf Course would be a great location
19:27:29 From Carol Buchanan : Everyone there hates the fly over from John Wayne
19:30:20 From Carol Buchanan : To bad.

19:38:12 From Carol Buchanan : Thank you, I really enjoyed this insight. I will attend future meeting
19:38:32 From Carol Buchanan : Good Night

District 4:

19:07:12 From Christine Nolf : I have to sign off. I really enjoyed this time with my neighbors. Thank you for facilitating and listening. Count me in for investing in our community.
19:07:36 From Ines Galmiche : Thank you Christine for joining us!
19:08:47 From James : 55+ is senior per HUD rules.
19:09:14 From Linda Kraemer : Love the diversity in District 4
19:12:26 From James : Nature. Good point. Read "The Nature Fix."
19:17:05 From Linda Kraemer : Nature even in our buildings. Green spaces
19:18:29 From Jenna and Alex to Ines Galmiche(Direct Message) : you're doing amazing!
19:28:36 From James : We have a couple of community gardens but need more.
19:50:47 From James : Please allow Airbnb for home owners.

District 5:

18:48:20 From Aaron Klemm to Nick Chen(Direct Message) : My recommendation for the Housing element should plan for SB 9 to pass this session.
18:50:33 From Aaron Klemm to Nick Chen(Direct Message) : Additionally, the base condition 10' setback on exterior side lot lines should be made more conditional. The 10' setback makes sense if the sidewalks/parkway is narrow. However when there is a 7' city owned parkway that is more than adequate to ensure pleasant streetscapes.
18:58:05 From Aaron Klemm : I would encourage the city to keep it simple.
18:59:00 From Aaron Klemm : State policy is focused on high opportunity areas which in practice means traditional SFH zoning. Traditional SFH is super racist/segregationist.
19:01:43 From Aaron Klemm : For 4 story zones, old dilapidated warehouse, boat storage and industrial spaces on the westside are preferable to some of those pollution hotspots.
19:03:19 From Aaron Klemm : I heard the question about parking adequacy. This brings up the issue of complete/safe streets. We can't have more neighbors and more fun without reducing the waste and geometry problems of cars.
19:03:30 From Aaron Klemm : and ceding most of our public spaces to cars.
19:04:08 From Wendy Leece : There are multiple owners/family of the shopping center
19:04:40 From Aaron Klemm : I prefer missing middle housing.
19:05:00 From Aaron Klemm : https://missingmiddlehousing.com/
19:08:17 From Ben Glassman : Aaron you are saying you prefer missing middle over a large apartment complex?
19:09:17 From Aaron Klemm : I think missing middle is the correct next step for Costa Mesa to keep our pro-housing councilmember elected to keep moving to more housing after we exhaust the missing middle.
19:11:05 From olga : Costa Mesa must think about doesn't exist yet but is pictured.....lets narrow streets and have some creative housing in these areas!,,

19:12:40 From olga : We must promote global thinking about housing spaces and sharing public spaces.
19:13:51 From Adam Ereth : The D6 group was just talking about this a few mins ago on Newport Blvd.
19:14:22 From Arlis Reynolds - SOUTH : The "15 minute city" is something I've been learning about as a concept for city planning - reduces traffic, improves health, increases community connections and happiness: https://www.15minutecity.com/about
19:17:06 From Wendy Leece : Have you estimated how many units could be built with in the existing overlays?
19:17:41 From Ben Glassman : Arlis - do you know what ratio CM is currently at regarding the 15min city?
19:18:02 From Arlis Reynolds - SOUTH : I don
19:18:11 From Lori Ann Farrell Harrison : Thank you everyone for your participation!! The City is conducting a Parking Study to identify multiple solutions to address current parking shortages in D4 and D5. Community meetings will be held next month on Thursday, March 4th and on Monday, March 15th. More info to follow. SAVE THE DATE!!!!
19:18:15 From Cindy Brahs : Agree with Jay's concerns however I think Covid has forever impacted a lot of businesses utilitzing WFH. I know of a lot of business that are letting their office leases expire.
19:18:42 From Aaron Klemm : Induced demand exists for both cars and bikes, pedestrian and transit infrastructure. If you make it as safe and convenient as a car the riders will come. Adding road capacity does not reduce congestion. The evidence and literature is very clear on that.
19:19:05 From Arlis Reynolds - SOUTH : I don't - it's a study I'd like to do.. perhaps something we can crowdsource... we've done some research on this for park access (we are deficient) but not other amenities.
19:20:04 From Aaron Klemm : Adding highway lanes to deal with traffic congestion is like loosening your belt to cure obesity.
19:21:29 From Ben Glassman : Lol @Aaron correct not the solution to the root problem
19:21:49 From Eileen Cirillo to Nick Chen(Direct Message) : In the Housing Element are there any requirements for affordable Senior Housing
19:24:18 From olga : What are the sizes of the units in the proposed 30 units per acre?
19:32:10 From Cindy Brahs : Is there a map of county a/o government owned vacant parcels in the city?
19:35:28 From Aaron Klemm : If the housing element can target ab AB 2588 pollution hotspot with an upzoning that makes the land valuable enough to end the pollution that would be great.
19:35:35 From Aaron Klemm : http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588_annual_report_2019.pdf?sfvrsn=30
19:36:24 From Ben Glassman : I agree Olga
19:36:33 From Ben Glassman : Love all the parks and river trail
19:37:02 From Dianne Russell : Yes- we have a great area! Lots of open space.

19:39:14 From Arlis Reynolds - SOUTH : @Olga I think 30 units per acre could look very different with different designs.. here's an article that shows some examples: https://www.theurbanist.org/2017/05/04/visualizing-compatible-density/
19:39:52 From Arlis Reynolds - SOUTH : @Cindy - I will ask for that map.
19:42:14 From Aaron Klemm : Support Alex Lee's bill AB 387 for California to lead on social housing.

19:42:20 From Aaron Klemm : https://eastcountytoday.net/assemblymember-alex-lee-introduces-bill-to-establish-social-housing/#:~:text=According%20to%20the%20bill%2C%20t,limited%20equity%20homeownership%20housing%20and
19:44:11 From Cindy Brahs : There are modular ADU companies out there too.
19:47:43 From olga : I agree Wendy that the staff at city hall needs to be open minded and more learned about the vareities of housing elements!
19:50:49 From Jim : @Arlis and everyone I suppose: there is a catalog of preapproved renovations for the Freedom Home tract. https://www.costamesaca.gov/home/showpublisheddocument?id=250
19:50:57 From Jim : Same could be done for ADUs
19:53:23 From Cindy Brahs : We may want to reconsider some office zoning.
19:53:48 From Wendy Leece : Someone just posted about the pre made plans for Freedom homes. Could include ADU.
19:55:30 From Cindy Brahs : Thank you!
19:55:45 From Wendy Leece : Thank you Good use of time!
19:56:04 From olga : How about small spaces for rvs i think Tustin or Orange have at least one.
19:57:20 From olga : great idea...we should just do it!!!
19:57:57 From Eileen Cirillo : Thank you.
19:58:02 From olga : great idea on the swales at the dividers at oak and 20tho

District 6:

20:00:35 From L. Alejandra Reyes R. C. : Thank you!!
20:01:14 From Jeffrey Harlan : Thanks, all. That was really very helpful and enlightening--great ideas and discussion.

Spanish Breakout Room:

18:39:19 From Lucy : si
18:39:24 From Lucy : si gracias
18:41:41 From Lucy : gracias por la información
18:42:08 From Andy Godinez : De nada, gracias por su participacion
18:47:27 From Andy Godinez : https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update
19:01:12 From Lucy : si gracias

19:01:17 From Molly Mendoza (Kimley-Horn) : https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update
19:01:25 From Mary Martinez. : gracias
19:08:42 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : Even if its not related to the map - can you add their comments?
19:09:12 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : just so we can capture anything additional, we can always reformat
19:25:19 From Molly Mendoza (Kimley-Horn) to Andy Godinez(Direct Message) : Andy - will you just encourage everyone to participate - they don't have to but we want to hear from them :)
19:25:32 From Andy Godinez to Molly Mendoza (Kimley-Horn)(Direct Message) : Copy
19:42:33 From Lucy : gracias
19:43:06 From Andy Godinez : Gracias muchisimo por su tiempo y sus propociones
19:44:02 From Andy Godinez : https://costamesahousingsurvey-sp.metroquest.com/

Other Comments:

18:14:20 From Jan H. to Everyone : Did the State approve our appeal for lowering the total amount of housing Costa Mesa is supposed to cover?
18:14:44 From Jon Zich to Everyone : No
18:16:07 From Minoo Ashabi to Everyone : The City submitted an appeal along with over 50 other cities in the region. Only two appeals were approved based on technical errors so the City's appeal was not approved.
18:16:59 From Jan H. to Everyone : The appeal was very well written. I'm surprised that the state turned it down.
18:19:21 From Molly Mendoza (Kimley-Horn) to Everyone : More information on the cities that appealed and the process is available here: https://scag.ca.gov/rhna
18:27:17 From Pamela Morgan to Everyone : thanks for that info
18:32:46 From Jan H. to Everyone : Do units that are completed in 2021 count towards our total units for Costa Mesa?
18:34:54 From Jan H. to Everyone : How many people are on this zoom meeting?

C.5 Targeted Focus Meeting Notes

The section contains a summary of the targeted focus meetings held with: English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.

Targeted Focus Meeting Notes

The City of Costa Mesa employed a community outreach strategy that engaged community members multiple times at a Citywide level through live workshops, online surveys, and a thirty-day public review draft document. Next, the City went one level lower and held meetings by individual districts to determine what unique characteristics should be taken into consideration. Lastly, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. These communities can be affected by long-range housing plans, just as the rest of the community is, and community feedback from these groups is important to get when developing the Housing Element.

As part of the Targeted Focus Meetings, the City held one on one discussions with representatives from the following segments of the community:

- **Faith-based community (English and Spanish).** The City met with some of the local leaders within the faith-based community to discuss housing-related services currently being provided through church facilities or organizations. Participants in the meeting discussed the challenges the local organizations face when assisting members of the community in looking for housing and the recent successful example at Lighthouse Church. Participants included leaders from Lighthouse Church, The Crossing, and several other local churches as well as Ian Stevenson with Trellis, a community group established by people from all over Costa Mesa to tackle problems faced by residents each day.

- **Organizations that provide services for those experiencing homelessness.** The City met with organizations that provide services to people experiencing homelessness or who are in need of other services, such as locating jobs or completing and filing governmental paperwork. These are organizations that currently work fairly independently. The City discussed future ways in which they could collaborate and potentially assist in the efforts.

- **Costa Mesa Housing Coalition.** The City met with the Costa Mesa Housing Coalition who has been an active participant in all housing element related community meetings and workshops, in addition to the one-on-one meeting held. Some of the comments expressed were that Fairview Development Center should be strongly considered as a viable solution for lower-income housing, that accessory dwelling units were important to the community, and that mobile home parks, churches, and city-owned properties should all be explored. The most important point was that the City needs to pass an inclusionary housing ordinance, which is a program in the housing element and already currently underway.

- **Costa Mesa Mobile Home Park Advisory Committee.** The Mobile Home Park Advisory Committee is a City-established committee comprised of current mobile home park residents. Attendees discussed current issues within the mobile home parks and the need to further protect existing mobile home parks within Costa Mesa. The City did not identify any candidate housing sites on mobile home park sites within the Housing Element.

- **Affordable and market-rate housing developers.** City staff met with developers of both affordable and market-rate housing. Many of the participants had previously done work within the Orange County region and gave recommendations on topics such as density, product type, and potential candidate housing sites.

- **Interested property owners and landowners.** Property owners provided valuable input into existing uses and lease agreements, development agreements with the City, and other background information used in the sites analysis to determine feasibility of some of the candidate housing sites. They also provided information the types of future development they are considering.

C.6 Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 1, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://www.costamesaca.gov/home/showpublisheddocument/46937/637502847448170000

Video Recording: https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

AGENDA

CITY OF COSTA MESA
PLANNING COMMISSION
SPECIAL STUDY SESSION
VIA ZOOM WEBINAR
Monday, March 1, 2021
6:00 p.m.

BYRON DE ARAKAL – CHAIR
KEDARIOUS COLBERT – VICE CHAIR
DIANNE RUSSELL - COMMISSIONER
JOHN STEPHENS – COMMISSIONER
RUSSELL TOLER – COMMISSIONER
JENNA TOURJE – COMMISSIONER
JON ZICH – COMMISSIONER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Planning Commission Members to attend Planning Commission meetings telephonically. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. You are strongly encouraged to observe the Planning Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) AND ONLINE AT youtube.com/costamesatv.

2. Zoom Webinar – March 1, 2021 **6:00 PM**
   Please click the link below to join the webinar:
   https://zoom.us/j/96060379921?pwd=N2lvbzhJM2hWU3puZkk1T3VYTXhoQT09

   Or sign into Zoom.com and "Join a Meeting"
   Webinar ID: 960 6037 9921/ Passcode: 595958
   - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
   - Select "Join Audio via Computer."
   - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meeting begins.

v.1, 2/26/2021

- During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

Participate via telephone: US: + 1 669 900 6833
Webinar ID: 960 6037 9921/ Passcode: 595958

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item may submit your comment via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City as described above **NO LATER THAN 12:00 PM** on the day of the hearing. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information.

4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and we will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

5. The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

v.1, 2/26/2021

CITY OF COSTA MESA PLANNING COMMISSION
SPECIAL STUDY SESSION

MONDAY, MARCH 1, 2021 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

SPECIAL STUDY SESSION ITEM
Public comments are limited to 2 minutes, or as otherwise directed.

1. 2021-2029 HOUSING ELEMENT – STATUS UPDATE

RECOMMENDATION:

Receive and file.

ADJOURNMENT

PLANNING COMMISSION – SPECIAL STUDY SESSION AGENDA REPORT

MEETING DATE: MARCH 1, 2021 **ITEM NUMBER:**

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: FEBRUARY 25, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, PRINCIPAL PLANNER
minoo.ashabi@costamesaca.gov

RECOMMENDATION

Receive and file.

PURPOSE

This study session is intended to provide information to the Planning Commission regarding the status of the Housing Element Update. The report includes a background section on Housing Element law and requirements, status of the Regional Housing Needs Assessment (RHNA) allocation and the City's appeal, Community Outreach efforts to date, a summary of Costa Mesa's Community Profile data, and a brief summary of the "sites analysis" portion of the Housing Element including an overview of the potential areas of the City that may be appropriate for additional housing development in order to meet the City's RHNA allocation.

BACKGROUND

The Housing Element is one of the required General Plan Elements and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to HCD for certification by October 15, 2021. A City Council Study Session was held in February 2020 that includes a comprehensive background on the Housing Element and RHNA. The staff report is available at this link:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf

With the Housing Element Update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. As part of the Update, the City will also establish goals, objectives, policies, and an implementation program demonstrating how Costa Mesa will meet its existing and future housing needs for all income levels and address recent housing legislation adopted in response to the State's housing shortage.

Although the City does not build housing, the Housing Element creates a strategy and regulatory framework, which provides opportunities for the private sector to develop housing.

Regional Housing Needs Assessment Update (RHNA)

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City's RHNA allocation. The allocation is planned for an eight-year cycle. The City is currently in the 6th RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029. A jurisdiction with a non-certified Housing Element has limited access to state funding programs, including CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants. The City recently received an SB2 grant in the amount of $310,000 and Local Early Action Plan (LEAP) funding in the amount of $500,000 to update the Housing Element and to develop other policy programs that promote housing at all income levels, including the Accessory Dwelling Unit (ADU) ordinance and an inclusionary housing ordinance.

In addition, it is important to note that recent legislation, such as AB 72 and SB 35, authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

Under SCAG's approved RHNA Methodology for the 2021-2029 Housing Element planning period, Costa Mesa's draft RHNA allocation was set at 11,733 dwelling units. The final RHNA allocation, which includes a slight increase in the City's RHNA number to 11,760 units, is expected to be adopted by SCAG's Regional Council on March 3, 2021.

RHNA Appeal

The City submitted an appeal of its draft RHNA allocation on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal on January 22, 2021 and made a compelling argument that there were many constrained areas of land (i.e., open spaces and parks, state owned land, John Wayne Airport proximity, etc.) in the City which are subject to external factors and not suitable for housing development within the eight-year cycle.

Even though, there was a general discussion among the subcommittee members that the 6th cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County appeals were denied). The final RHNA number for Costa Mesa will increase slightly from 11,733 to 11,760 due to redistribution of units as a result of the two approved appeals.

Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category (pending the March 3, 2021 decision):

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4, 959
	TOTAL *(Costa Mesa)*	**11,760**
	TOTAL *(SCAG Region)*	**1,341,827**

SB 35, AB 72 and Consequences of a Non-compliant Housing Element

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their housing needs. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described in the next section of this report.

The City is also required to ensure that housing potential or capacity is maintained on sites with the potential to accommodate affordable units (as described in the Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City will eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government's actions do not comply with state law. HCD's website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. https://www.hcd.ca.gov/community-development/accountability-enforcement. shtm l

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law,

the Housing Accountability Act, "no net loss" law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of some level of local control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City's authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue.

HOUSING ELEMENT UPDATE

California's housing element law acknowledges that in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5th cycle. That threshold would drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The following sections discuss the different components of the Housing Element that will be addressed with the update including Community Outreach, the Community Profile, and the Site Inventory Analysis.

Community Outreach

Based on direction from the City Council provided on July 21, 2020, staff has worked with Kimley-Horn to implement a comprehensive outreach approach to ensure creative methods are used to engage harder-to-reach populations including senior citizens,

families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: https://www.costamesaca.gov/home/showpublisheddocument?id=46282 https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be

2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district and utility contacts. The surveys closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2 and 3. A comprehensive analysis of the survey results will be provided at a future meeting.

3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18 to allow for a more detailed discussion of the unique issues and opportunities within each district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District presentation and break out room videos are being posted online.

4. Subject Matter Expert Meetings – Staff have held and are continuing to hold meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, and housing advocates. In addition, staff is in the process of meeting with major landowners, homeless services providers, and targeted meetings with neighborhood groups in harder-to-reach areas of the community.

- Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following general ideas and comments regarding constraints and opportunities were shared at this meeting:
  - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
  - Lower parking standards to match parking demand for large residential complexes
  - Uncertainty associated with the Measure Y process discourages investment
  - Expedite and streamline application processing
  - Provide a clear, comprehensive fee schedule
  - Defer impact fees

- Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments were shared:
  - Housing Element should plan for workforce housing
  - Housing development has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
  - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
  - Provide by right zoning for housing development in appropriate locations
  - Partner with churches and City-owned properties to develop housing in underutilized parking lots
  - Housing should be equitable and distributed fairly in the community
  - There is a need for larger units to accommodate larger households at affordable levels

5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.

6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. To date, there have been a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff will continue its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage harder-to-reach communities; upcoming meetings with major landowners, homeless services providers, and other subject matter experts; and preparation and launch of a series of short

community videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics:

1) Population Characteristics – this data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	**109,960**	**111,200**	**113,900**	**116,500**	**116,400**	**3.6%**	**2.2%**
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%

Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.

The following table shows age distribution in Costa Mesa showing that 20.3% of the polutaion is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018							
Jurisdiction	**Under 5**	**5 to 14**	**15 to 17**	**18 to 24**	**25 to 44**	**45 to 64**	**65 years +**
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	**5.7%**	**11.4%**	**3.2%**	**9.6%**	**35.2%**	**24.3%**	**10.7%**
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%
Source: American Community Survey, 5-Year Estimates, 2018							

The following table shows the racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018								
Jurisdiction	**White**	**Black**	**American Indian and Alaska Native**	**Asian**	**Native Hawaiian or Other Pacific Islander**	**Some Other Race**	**Two or More Races**	**Persons of Hispanic or Latino Origin (of any race)**
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	**71.6**	**1.9%**	**0.4%**	**8.4%**	**0.7%**	**13%**	**4%**	**36.1%**
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%
Source: American Community Survey, 5-Year Estimates, 2018.								

2) Economics Characteristics – this data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*							

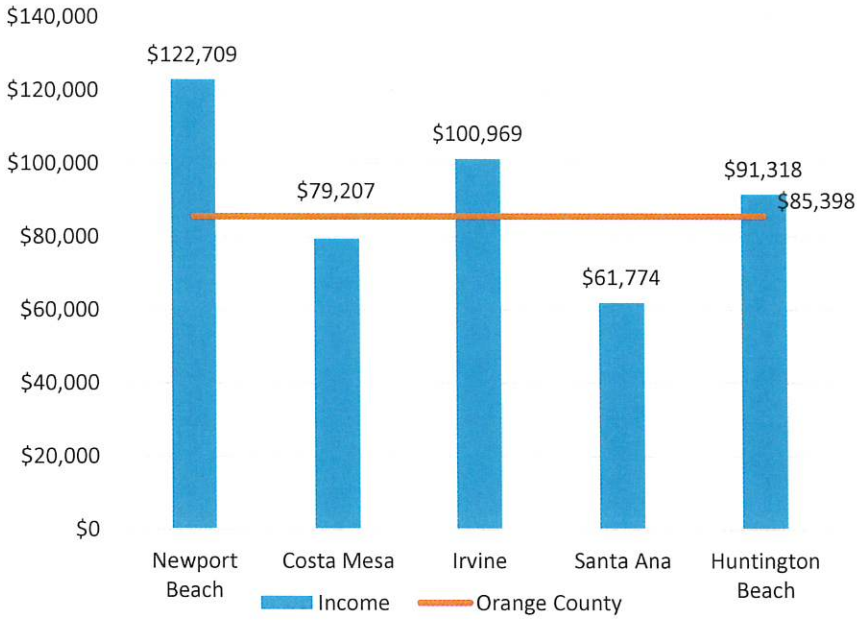
3) Households Characteristics – this data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of the household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	**12,138**	**10.7%**
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
Costa Mesa	**17,568**	**42.8%**	**4,191**	**10.2%**	**16,509**	**40.2%**	**41,019**
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373
Source: American Community Survey, 5-Year Estimates, 2018.							

The following graphic shows that the median household income in Costa Mesa is $79,207 slightly lower than the county average.



4) The Community profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa

Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	**1,520**	**37.2%**	**2,571**	**62.8%**	4,091	100%

Source: American Community Survey, 5-Year Estimates, 2018

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	**Total Overcrowded Units**	**Percent of Total Housing Units**
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is $2,159, $2,649 for a two bedroom unit, and $3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2,055	$2,077	$2,091	$2,159	5.1%
2 bedrooms	$2,553	$2,582	$2,579	$2,649	3.8%
3 Bedrooms	$3,027	$3,044	$3,097	$3,160	4.4%
Price per Square Foot					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2.48	$2.57	$2.97	$2.83	14.1%
2 bedrooms	$2.20	$2.25	$2.32	$2.36	7.3%
3+ Bedrooms	$1.95	$2.15	$2.25	$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

The Community Profile in its entirety will be included in the draft Housing Element and shared at a future meeting.

Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The City will undertake a comprehensive review of all land uses and potential housing sites referred as a "Site Inventory". The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA need without rezoning areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in underutilized areas such as surface parking lots. The ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will only accommodate a small portion of the RHNA allocation.

In discussion with Subject Matter Expert Groups and District-Specific discussions during the community outreach meetings, the following areas were identified as potential areas for housing growth:

1) Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision for the site.
2) Industrial sites – since this area includes larger parcels, it may be appropriate for housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for industrial areas.
3) Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19th Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
4) Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus

land. Large church sites with Public/Institutional zoning could also be considered in the analysis.

5) Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19th Street, and 17th Street – There is currently a mixed use overlay along Harbor Boulevard that extends from 19th Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17th Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17th Street. Both horizontal and vertical mixed use opportunities could be considered.
6) Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
7) Accessory Dwelling Units – The City's local ordinance includes development standards that could allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
8) Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team will evaluate the above listed areas as part of the Site Inventory Analysis effort and will return to the Planning Commission at a future meeting to discuss the housing constraints analysis, the sites analysis, and the draft policy program.

NEXT STEPS:

The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next month, City staff and our consultant will complete outreach efforts and the Community Profile, and will begin the Constraints and Sites Analysis. A City Council Study Session is planned for March 23, 2021. Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a public comment period, along with a CEQA compliance analysis. Ultimately, to meet the state mandated deadline, public hearings on the Housing Element will need to be held in summer 2021 and an adopted Housing Element submitted to State HCD by October 15, 2021.

MINOO ASHABI
Principal Planner

JENNIFER LE
Director of Economic and Development Services

ATTACHMENTS:

1. Social Media Data
2. Community Survey Summary- English language
3. Community Survey Summary- Spanish language

ATTACHMENT 1

HOUSING ELEMENT PUBLIC OUTREACH

English Post	Spanish Post	Date	Facebook Impressions	Instagram Impressions	Nextdoor Impressions	Nixle Texts/ emails	Twitter Impressions	Snapshot Emails Sent	Total Impressions
		2/18/21	321						321
		2/17/21	603						603
		2/16/21	635	1,936	443	6,878			9,982
		2/16/21	1,122	2,910					4,032
		2/15/21	713	2,063	443				3,219
		2/14/21	1,125	1,964					3,089
		2/13/21	785	2,139					2,924
		2/12/21	2,115	5,108					7,223

HOUSING ELEMENT PUBLIC OUTREACH

		2/12/21	998	3,466	890		1,151	11,713	18,218
		2/12/21	591	1,573					2,164
		2/11/21	1,158	1,549					2,707
		2/11/21	568	1074					1,642
		2/10/21	488	1053					1,541
		2/8/21	484	1086					1,570
		2/5/21	1,225	2,511	1,077		1,167	11,862	17,842
		2/4/21	1,770	2,232	987		1,265		6,254
								TOTAL IMPRESSIONS FEB. 4 - 18	**83,331**

C.7 City Council Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 23, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://www.costamesaca.gov/home/showpublisheddocument/47187/637516952381070000

Minutes: https://www.costamesaca.gov/home/showpublisheddocument/47746/637552180849270000

Video Recording: https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true

AGENDA

CITY OF COSTA MESA
CITY COUNCIL
SPECIAL STUDY SESSION
Tuesday, March 23, 2021
5:00 p.m.
CITY HALL, CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA

KATRINA FOLEY - MAYOR
ANDREA MARR - MAYOR PRO TEM
MANUEL CHAVEZ – COUNCIL MEMBER
LOREN GAMEROS - COUNCIL MEMBER
JEFF HARLAN - COUNCIL MEMBER
DON HARPER - COUNCIL MEMBER
ARLIS REYNOLDS – COUNCIL MEMBER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.
If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv (Note the chat feature on YouTube is disabled).

2. Zoom Webinar:
   Please click the link below to join the webinar:
   https://zoom.us/j/94075129334?pwd=Z3B5aUVvU0MrUmRkUFlKaFM4S01Ddz09
   Or sign into Zoom.com and "Join a Meeting"
   Enter Webinar ID: 940 7512 9334/ Password: 030331
   - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
   - Select "Join Audio via Computer."
   - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meeting begins.
   - During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: Call: 1 669 900 6833
Enter Webinar ID: 940 7512 9334/ Password: 030331
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at www.costamesaca.gov or by clicking here.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

CITY OF COSTA MESA CITY COUNCIL
SPECIAL STUDY SESSION

TUESDAY, MARCH 23, 2021 – 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL STUDY SESSION ITEM:
Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.

1. **2021-2029 HOUSING ELEMENT – STATUS UPDATE** **–** Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Receive and file.

ADJOURNMENT

CITY COUNCIL – SPECIAL STUDY SESSION AGENDA REPORT

MEETING DATE: MARCH 23, 2021 **ITEM NUMBER: 1**

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: MARCH 11, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES
MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, PRINCIPAL PLANNER
minoo.ashabi@costamesaca.gov

RECOMMENDATION

Receive and file.

PURPOSE

This study session is intended to provide information and receive feedback from the City Council regarding the Housing Element Update. This report includes information regarding Housing Element law, the Regional Housing Needs Assessment (RHNA), the Housing Element community outreach efforts, Costa Mesa's Community Profile data, and an overview of potential areas of the City that could be appropriate to include in the City's forthcoming housing strategy.

BACKGROUND

The Housing Element is one of the required chapters or "elements" of the General Plan and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to the State Department of Housing and Community Development (HCD) for certification by October 15, 2021.

A City Council Study Session was first held in October 2019 and a second in February 2020 to discuss the Housing Element and RHNA. The staff reports, meeting minutes and videos for these study sessions are available at the following links:

October 8, 2019 Staff Report:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-10-08/Item-1.pdf

Meeting Minutes:
https://www.costamesaca.gov/home/showpublisheddocument?id=46106

Video:
http://costamesa.granicus.com/player/clip/3458?view_id=10&redirect=true

February 25, 2020 Staff Report:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf

Meeting Minutes:
https://www.costamesaca.gov/home/showpublisheddocument?id=46110

Video:
https://costamesa.granicus.com/player/clip/3517?view_id=10&redirect=true

Following the February 2020 Study Session, the City retained Kimley–Horn as the City's consultant expert and launched the Housing Element Update effort in August 2020.

For the Housing Element Update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. As part of the update, the City must also establish goals, policies, objectives and an implementation program that responds to recent housing legislation and demonstrates how Costa Mesa will meet its existing and future housing needs for all income levels.

Although the City does not build housing, the Housing Element creates a strategy and high-level regulatory framework that provides opportunities for the private sector to develop housing.

Regional Housing Needs Assessment Update (RHNA)

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City's RHNA allocation. The RHNA allocation is planned for an eight-year cycle. The City is currently in the 6th RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029.

Under the Southern California Association of Government's (SCAG's) approved RHNA methodology for the 2021-2029 Housing Element planning period, Costa Mesa's draft RHNA allocation was 11,733 units.

RHNA Appeal

On October 20, 2020, the City Council authorized and directed staff to appeal the RHNA allocation. The City submitted its appeal to SCAG on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal at a public hearing on January 22, 2021 and made a compelling argument that there were many constrained areas of land in the City which are subject to external factors and not feasible for housing development within the eight-year cycle.

Even though there was a general discussion among the appeal board members that the 6th cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County cities' appeals were denied). SCAG's decision was ultimately ratified at its meeting of February 16, 2021. The final RHNA allocation for Costa Mesa was increased slightly from 11,733 to 11,760 housing units due to redistribution of units as a result of the two approved appeals.

Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision):

Table 1 – Final RHNA Allocation

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4,959
	TOTAL *(Costa Mesa)*	**11,760**
	TOTAL *(SCAG Region)*	**1,341,827**

The area median income for a 4-person household in Orange County in 2020 was $103,000.

SB 35, AB 72 and Consequences of a Non-compliant Housing Element

A jurisdiction with a non-compliance Housing Element has limited access to state funding programs, potentially jeopardizing millions of dollars in transportation-related grants, CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants.

In addition, recent legislation such as AB 72 and SB 35 authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a

Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their RHNA allocation. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described later in this report.

The City is also required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City may eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government's actions do not comply with state law. HCD's website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. https://www.hcd.ca.gov/community-development/accountability-enforcement.shtml

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law, the Housing Accountability Act, "no net loss" law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City's authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue the city.

PAST PERFORMANCE

The projected housing need for the SCAG region for the 5th cycle RHNA 2013 to 2021 planning period was 412,137 units. The City's RHNA allocation for the 5th Cycle 2013 to

2021 planning period was only two housing units (one very low income unit and one low income unit). In general, many cities received low RHNA allocations during the 5th cycle (Newport Beach was allocated five units and Laguna Beach two units) due to several factors such as foreclosures and high vacancy rates during the recession.

Per Government Code section 65400 the City has prepared annual progress reports (APR) on the status of the Housing Element and the City's progress in meeting its RHNA allocation. https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan/general-plan-annual-reports

The most recent report shows that between 2014 and 2019, the City finalized building permits for 948 new housing units. Of those, eight housing units fell into lower income categories. Additional housing units are currently under construction, including an additional nine deed-restricted "very low income" units associated with the project at the former Costa Mesa Motor Inn site (2277 Harbor Boulevard). As such, the City expects to meet and exceed its RHNA allocation for this planning period.

HOUSING ELEMENT UPDATE

California's housing element law acknowledges that for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5th cycle. That threshold could drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace of housing. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The Housing Element contains the following major components:

- Community Profile
- Opportunities and Constraints Analysis
- Goals, policies and objectives
- Implementation Program
- Appendices
    - Summary of Community Outreach

- Review of Past Performance
- Sites Analysis

The following sections discuss the various components of the Housing Element Update currently underway.

Community Outreach

Based on direction from the City Council, staff have worked with Kimley-Horn to implement a comprehensive outreach approach including using creative methods to engage harder-to-reach populations including senior citizens, families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: https://www.costamesaca.gov/home/showpublisheddocument?id=46282 https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be

2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather high-level information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district staff, and utility contacts. The survey window closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2, 3, and 4.

3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18, 2021 to allow for a more detailed discussion of the unique issues and opportunities within each Council district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District

presentation and break out room videos are posted on the Housing Element Webpage.

4. Subject Matter Expert Meetings – Staff held meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, homeless services providers and housing advocates. In addition, staff is in the process of meeting with major landowners and holding targeted meetings with neighborhood groups in harder-to-reach areas of the community.

    - Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following ideas and comments regarding constraints and opportunities were shared at this meeting:
        - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
        - Lower parking standards to match parking demand for large residential complexes
        - Uncertainty associated with the Measure Y process discourages investment
        - Expedite and streamline planning application processing
        - Provide a clear, comprehensive fee schedule
        - Defer development impact fees

    - Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments regarding constraints and opportunities were shared:
        - Housing Element should plan for workforce housing
        - Housing development in Costa Mesa has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
        - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
        - Provide by right zoning for housing development in appropriate locations
        - Partner with churches and City-owned properties to develop housing in underutilized parking lots
        - Housing should be equitable and distributed fairly in the community
        - There is a need for larger units to accommodate larger households at affordable levels

    - Homeless and service Providers – There were seven participants in this meeting who specialized in homeless services, transitional and permanent housing for homeless individuals and families as well as social services for

domestic violence and women and children. The following general ideas regarding constraints and opportunities were shared:

- Setting aside affordable housing with each development should be considered
- Density bonus should be encouraged with relaxed parking standards
- Option of a 99-year ground lease on City properties for housing development should be considered
- Education and services are needed to help individuals facing housing challenges such as improving credit score, filing paperwork, fear of immigration issues, and mental illness
- Supportive housing with wraparound services, employment training, subsidized housing, education and mentorship programs are needed
- Tenant Based Rental Assistance (TBRA) and other rental subsidy programs are needed
- Place housing close to transportation and providing bike and pedestrian accessibility
- Alternative housing options such as co-living and conversion of commercial and office building into residential units are recommended
- Tiny house sites are recommended

5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.

6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. By early March, there were a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff are continuing its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage in more detailed conversations with harder-to-reach communities; meetings with major landowners to discuss future plans for vacant sites and sites under development agreements; and launch of a series of short videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics of: Population, Economics, and Household Characteristics that are discussed as follows.

1. **Population Characteristics** – This data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	**109,960**	**111,200**	**113,900**	**116,500**	**116,400**	**3.6%**	**2.2%**
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

The following table shows age distribution in Costa Mesa showing that 20.3% of the population is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018

Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	**5.7%**	**11.4%**	**3.2%**	**9.6%**	**35.2%**	**24.3%**	**10.7%**
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%

Source: American Community Survey, 5-Year Estimates, 2018

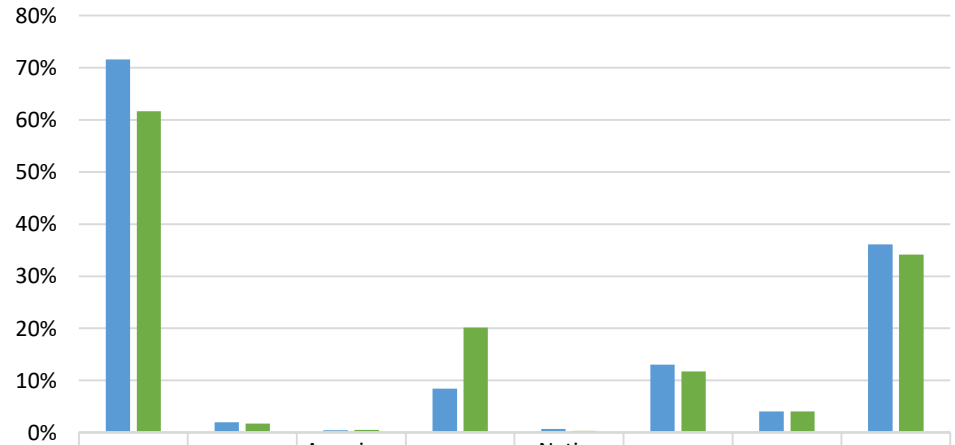
The following table shows racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018

Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	**71.6**	**1.9%**	**0.4%**	**8.4%**	**0.7%**	**13%**	**4%**	**36.1%**
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

The following chart represents the ethnic and racial composition of the City in comparison to Orange County.



	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino
Costa Mesa	71.6%	1.9%	0.4%	8.4%	0.7%	13.0%	4.0%	36.1%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

2. **Economics Characteristics** – This data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*							

The following table shows employment growth in the City and adjacent cities.

Table 5: Employment Growth Trends, 2012-2040							
Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	**84,600**	**89,600**	**92,700**	**93,200**	**5.9%**	**4.0%**	**8,600**
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: *SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.*							

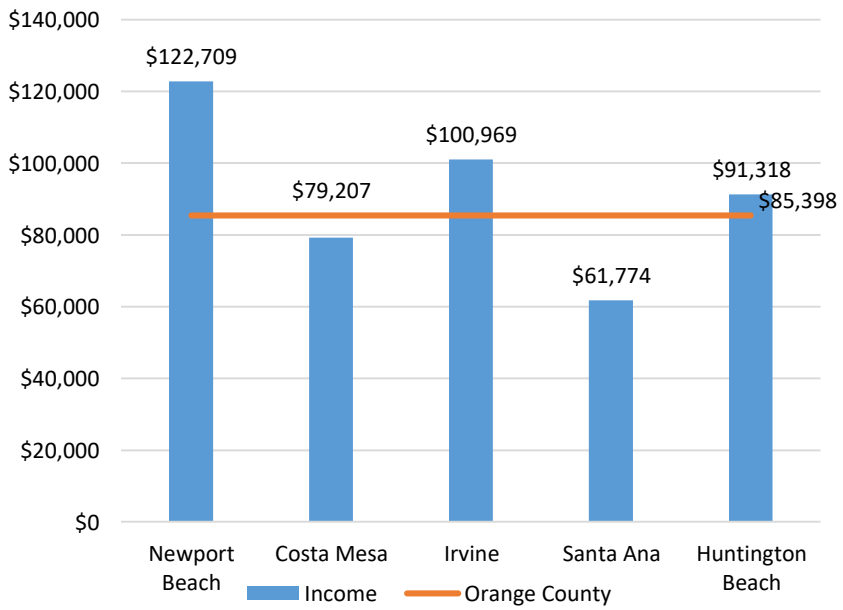
3. **Households Characteristics** – This data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	**12,138**	**10.7%**
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
Costa Mesa	**17,568**	**42.8%**	**4,191**	**10.2%**	**16,509**	**40.2%**	**41,019**
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373
Source: American Community Survey, 5-Year Estimates, 2018.							

The following graphic shows that the median household income in Costa Mesa is $79,207 slightly lower than the county average.



4. **Housing Issues** - The Community Profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa						
Household Size	**Owner**		**Renter**		**Total**	
	Count	**Percent**	**Count**	**Percent**	**Count**	**Percent**
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	**1,520**	**37.2%**	**2,571**	**62.8%**	4,091	100%
Source: American Community Survey, 5-Year Estimates, 2018						

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	**Total Overcrowded Units**	**Percent of Total Housing Units**
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is $2,159, $2,649 for a two bedroom unit, and $3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2,055	$2,077	$2,091	$2,159	5.1%
2 bedrooms	$2,553	$2,582	$2,579	$2,649	3.8%
3 Bedrooms	$3,027	$3,044	$3,097	$3,160	4.4%
Price per Square Foot					
Unit Type	**January 2017**	**January 2018**	**January 2019**	**January 2020**	**% Change 2017-2020**
1 Bedroom	$2.48	$2.57	$2.97	$2.83	14.1%
2 bedrooms	$2.20	$2.25	$2.32	$2.36	7.3%
3+ Bedrooms	$1.95	$2.15	$2.25	$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

The Community Profile in its entirety will be included in the draft Housing Element.

Housing Programs and Policies

In addition to the Community Profile, the Housing Element must include an analysis of opportunities and constraints (both governmental and non-governmental) and must also articulate housing goals, policies and objectives that support and promote housing. Previous Housing Element goals and policies focused on: 1) preserving the existing housing stock including mobile home parks; 2) promoting use of programs such as density bonus to promote affordable housing development; 3) encouraging development or maintenance of a range of housing types that varies sufficiently in terms of cost, design, size, location, and tenure; and 4) ensuring existing and future housing opportunities are open and available to all social and economic segments of the community.

Given that the 6th Cyle RHNA allocation includes 11,760 units, the policies and programs of this Housing Element Update will need to be more detailed and assertive to ensure compliance with State requirements and to support future compatible housing opportunities over the next 8 years.

Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The Housing Element team will undertake a comprehensive review of all land uses and potential housing sites referred as a “Site Inventory”. The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA allocation in affordable categories without re-visioning and revising zoning in certain areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay/urban plan or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in appropriate underutilized areas such as surface parking lots. ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will likely accommodate only a small portion of the RHNA allocation.

In discussions with Subject Matter Expert groups and during the District-Specific outreach meetings, the following areas were identified as potential areas for housing:

1. Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision and opportunities for housing at the site.
2. Industrial sites – There are three major industrial hubs within the City:
    a. the area north of the I-405, some of which is covered by the North Costa Mesa Specific Plan;
    b. the industrial area near Baker Block; and
    c. the industrial area near John Wayne Airport.

    Since these areas include larger parcels, such parcels may be appropriate for larger scale housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for housing in these industrial areas.
3. Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19th Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
4. Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus land. Large church sites with Public/Institutional zoning could also be considered in the analysis.
5. Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19th Street, and 17th Street – There is currently a mixed use overlay along Harbor

Boulevard that extends from 19th Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17th Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17th Street. Both horizontal and vertical mixed use opportunities could be considered.

6. Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
7. Accessory Dwelling Units – The City's local ordinance includes development standards that allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
8. Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team are evaluating the above listed areas as part of the Sites Analysis effort and will return to the City Council at a future meeting to discuss the opportunities and constraints analysis, sites analysis, and the draft policy and implementation program.

Measure Y

As the Housing Element team evaluates areas throughout the City for its ability to support compatible housing projects in Costa Mesa, it appears that Measure Y may present a major challenge in developing a compliant Housing Element. While the state-required Housing Element update itself is exempt from Measure Y, the language of Measure Y is unclear as to how it might apply to any planning or zoning efforts necessary to meet the State-mandated RHNA allocation. Should the City fail to achieve Housing Element certification or fall out of compliance due to an inability to plan or zone for housing needs, the City would be subject to sanctions such as ineligibility for state grants and the loss of transportation funding. This is important as the City receives approximately $5 million per year in funding from the state which currently funds the City's streets, curb and gutter repair, active transportation and other critical infrastructure projects.

In addition to difficulties in maintaining a compliant Housing Element, Measure Y appears to present an impediment to property owners deciding to develop housing in Costa Mesa because of the uncertainty that arises from the need for a ballot measure requiring voter approval. Such potential impediments make it difficult for the City to maintain a compliant Housing Element (given a RHNA allocation of this magnitude), and/or to show sufficient progress toward meeting the City's RHNA allocation each year as required by state law. Staff has already seen a number of interested property owners and developers choose

to invest in other communities rather than risk the time, cost and uncertainty of processing a request through Measure Y.

Maintaining a compliant Housing Element in the context of Measure Y is an important issue warranting continued conversations with the Costa Mesa community, housing advocates, property owners and City staff and officials. Ultimately, we must come to consensus on how to move forward with a successful housing strategy that allows us to achieve our common housing goals.

PLANNING COMMISSION STUDY SESSION

The Planning Commission held a study session on March 1, 2021. There were six public speakers who provided comments regarding several topics including: 1) the importance of an inclusionary housing ordinance with a minimum affordability requirement; 2) amending the Urban Plan and Residential Incentive Overlays to require a minimum affordability requirement; 3) upzoning Fairview Developmental Center to allow a mix of uses, densities and housing types; 4) including provisions for permanent supportive housing; 5) allowing higher densities to attract market rate housing developers that could lead to development of affordable housing; and 6) recognizing Measure Y as a potential impediment, consequences of non-compliance, and that SB 35 that could lead to housing development without California Environmental Quality Act (CEQA) compliance.

The Planning Commission discussed the City's challenges in meeting its high RHNA allocation and provided comments including but not limited to the following:

1. Importance of recognizing that non-compliance with RHNA/State laws will have consequences such as losing local control and streamlining of projects without local input
2. State requirement of AB 1397 related to site area of ½ acre minimum and 10 acre maximum for housing development will affect the City's sites analysis
3. Consideration of allowing for housing on large parking lots of commercial properties
4. Consideration of clustering development in appropriate locations while maintaining open space and the potential for a transfer of development rights policy
5. Consideration of policies that lead to a variety of housing types and designs that are compatible with the Costa Mesa fabric and meet the needs of various populations in terms of household type, age, and income groups
6. Consideration of City-owned properties for housing development
7. Consideration of housing policies that provide a pathway to homeownership

The Planning Commission Study Session can be viewed at the following link:
https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

NEXT STEPS:

The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next few months, the Housing Element Update team will:

- Continue with targeted community outreach efforts
- Complete the Opportunities and Constraints analysis and the comprehensive Sites Analysis
- Hold a joint Planning Commission/City Council Study Session in April to discuss the housing strategy for meeting the City's RHNA allocation, potential programs and policies, and the Housing Element Implementation Program

Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period. After, the revised draft will be submitted to HCD for review. Following any revisions, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

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MINOO ASHABI
Principal Planner

_____

JENNIFER LE
Director of Economic and Development Services

ATTACHMENTS:

1. Social Media Data
2. Community Survey Summary- English language
3. Community Survey Summary- Spanish language
4. Community Survey Comments Summary

C.8 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the April 27, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://www.costamesaca.gov/home/showpublisheddocument/47682/637551264967530000

Minutes: https://www.costamesaca.gov/home/showpublisheddocument/48002/637571885573630000

Video Recording: https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true

AGENDA

CITY OF COSTA MESA
CITY COUNCIL AND PLANNING COMMISSION
SPECIAL JOINT STUDY SESSION
Tuesday, April 27, 2021, 5:00 p.m.
VIRTUAL LOCATIONS, COSTA MESA, CALIFORNIA

JOHN STEPHENS - MAYOR
ANDREA MARR - MAYOR PRO TEM
MANUEL CHAVEZ – COUNCIL MEMBER
LOREN GAMEROS - COUNCIL MEMBER
JEFF HARLAN - COUNCIL MEMBER
DON HARPER - COUNCIL MEMBER
ARLIS REYNOLDS – COUNCIL MEMBER
BYRON DE ARAKAL – PLANNING COMMISSION CHAIR
KEDARIOUS COLBERT – PLANNING COMMISSION VICE CHAIR
ADAM ERETH – PLANNING COMMISSIONER
DIANNE RUSSELL – PLANNING COMMISSIONER
RUSSELL TOLER – PLANNING COMMISSIONER
JENNA TOURJE – PLANNING COMMISSIONER
JON ZICH – PLANNING COMMISSIONER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.
If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv (Note the chat feature on YouTube is disabled).
2. Zoom Webinar:
   Please click the link below to join the webinar:
   https://zoom.us/j/98137963334?pwd=RnBkRThrdGhVaCtnZmtWbEU4eWtWZz09
   Or sign into Zoom.com and "Join a Meeting"
   Enter Webinar ID: 981 3796 3334/Password: 440975
   - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
   - Select "Join Audio via Computer."
   - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meetin g begins.
   - During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

   Participate via telephone: Call: 1 669 900 6833

Enter Webinar ID: 981 3796 3334/Password: 440975
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at www.costamesaca.gov or by clicking here.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

CITY OF COSTA MESA CITY COUNCIL AND PLANNING COMMISSION SPECIAL JOINT STUDY SESSION

TUESDAY, APRIL 27, 2021 – 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE – Mayor Stephens

ROLL CALL

SPECIAL STUDY SESSION ITEM:
Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.

1. **2021-2029 HOUSING ELEMENT** **–** Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council and Planning Commission:

Provide feedback and receive and file.

ADJOURNMENT

CITY COUNCIL/ PLANNING COMMISSION- JOINT STUDY SESSION AGENDA REPORT

MEETING DATE: APRIL 27, 2021 **ITEM NUMBER: 1**

SUBJECT: 2021-2029 HOUSING ELEMENT – COMMUNITY PROFILE, OPPORTUNITIES AND CONSTRAINTS, AND SITE SELECTION PROCESS

DATE: APRIL 23, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, PRINCIPAL PLANNER
MINOO.ASHABI@COSTAMESACA.GOV

RECOMMENDATION:

Provide feedback and receive and file.

PURPOSE:

This joint study session is intended to update and receive feedback from the Planning Commission and City Council on the Housing Element Update. The report is organized into three sections: 1) the Community Profile; 2) opportunities and constraints for housing; and 3) potential housing opportunities to meet the City's Regional Housing Needs Assessment (RHNA) allocation.

BACKGROUND:

With the Housing Element update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. In addition, the Housing Element will provide goals, objectives, policies, and implementation programs demonstrating how Costa Mesa intends to meet its housing needs for all income levels and address recent housing legislation adopted in response to the state's housing shortage.

Per State law, a City-Council approved Housing Element is required to be submitted to the HCD by October 2021. Costa Mesa's RHNA allocation for the 2021-2029 Housing Element planning period is 11,760 dwelling units.

RHNA Allocation

The basis of the Housing Element Update is compliance with RHNA. The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision:

Table 1 – Final RHNA Allocation

Income Category	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. – Max.		RHNA Allocation
Very Low Income	0-50% AMI	$961 - $1,281	--	$64,050	2,919 units
Low Income	51-80% AMI	$2,561	$64,051	$102,450	1,794 units
Moderate Income	81-120% AMI	$3,090	$102,451	$123,600	2,088 units
Above Moderate Income	%120% AMI	>$3,090	$123,601	--	4,959 units
				Total	**11,760 units**

The affordability rates are based on the area median income for a 4-person household in Orange County which was $103,000 in 2020.

Previous Study Sessions

A Planning Commission Study Session was held on March 1, 2021 and a City Council Study Session was held on March 23, 2021. The staff reports and meeting videos for these study sessions are available at the following links:

March 23, 2021 City Council Study Session Staff Report:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf
Meeting Video:
https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true

March 1, 2021 Planning Commission Study Session Staff Report:
http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf
Meeting Video:
https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance, Costa Mesa's demographics and preliminary Community Profile data, summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The previous Study Sessions held with the Planning Commission and City Council focused primarily on the legal requirements and process cities must follow pursuant to State law to update the City's Housing Element for the 2021-2029 8-year cycle. The focus of this report is on the Opportunity and Constraints analysis and the

Housing Opportunity Sites process – two major components of the Housing Element Update for the City of Costa Mesa that will be provided to the State's Department of Housing and Community Development (HCD).

HOUSING ELEMENT UPDATE:

The Housing Element contains the following major components:

1. Community Profile
2. Opportunities and Constraints Analysis
3. Goals, policies and objectives
4. Implementation Program
5. Appendices:
    - Summary of Community Outreach
    - Review of Past Performance
    - Sites Analysis

The following sections discuss the components of the Housing Element Update.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. At the March 23rd City Council study session, preliminary Community Profile data was presented. The draft Community Profile section of the Housing Element has been completed and is included as Attachment 1.

The Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Such data is useful in understanding the community's changing demographics and serves as the foundation for the Housing Element's policies by describing and assessing the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa.

In summary, the Community Profile indicates that:

- Costa Mesa's population is showing aging trends; therefore, housing policies should consider the needs of seniors who typically have a fixed income, need accessibility accommodations, and may seek options for senior communities or assisted living. Multigenerational and large family housing options should also be considered.

- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance programs for renovating their homes to ensuring safe living environments and improve the City's housing stock.

- Costa Mesa experienced the lowest growth in new housing units in the past decade in comparison to neighboring cities. The Opportunities and Constraints analysis

evaluates the factors that may play a role in slow housing development. Housing policies that seek to lessen constraints should be considered.

- By household income, Table 2 shows that approximately 48% of Costa Mesa households fall into lower income categories. Based on market rental and ownership rates, most lower income households are not able to afford to buy or rent most housing in Costa Mesa. Over the long-term, the lack of access can lead to overcrowding, overpayment, and migration of Costa Mesa residents to other communities that are more affordable. This data indicates that production of and access to affordable housing and homeownership facilitation should be considered in the City's housing policies.

Table 2 – Households by Income Category, 2020		
Income Category (% of Orange County's AMI)	**No. of Households**	**Percent**
Extremely Low (30% AMI or less)	6,610	16.3%
Very Low (31 to 50% AMI)	5,220	12.9%
Low (51 to 80% AMI)	7,325	18.1%
Moderate or Above (over 80% AMI)	21,405	52.8%
Total	40,555	100%
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017		

A short video explaining the highlights of the profile is available on the website at this link:

https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update

Housing Opportunities and Constraints

As part of the Opportunities and Constraints Analysis, the City must identify potential constraints to housing development such as:

1) Government regulation including zoning and development standards as well as local initiatives like Measure Y;
2) Protected land or unsuitable land (e.g. land with protected habitat, land within the airport vicinity, land with environmental conditions of concern, and land otherwise physically unsuitable for residential development; and,
3) Land value and housing construction costs.

The discussion is divided into non-governmental constraints and governmental constraints, though the feasibility and likelihood of housing development are affected by a combination and synergies between both.

In addition, resources and opportunities for promoting housing are identified. These opportunities include potential programs to encourage affordable housing (e.g., density

bonus laws, an inclusionary housing ordinance, and CDBG, HOME grant funds, and other funding sources which may be used to fund local housing programs). In addition, potential areas or "opportunity sites" for housing development are identified based on land suitability and feasibility of housing development within the 8-year Housing Element cycle.

Non-Governmental Constraints - Land and Construction Cost

Nongovernmental constraints such as availability and cost of land, housing demand, financing, construction and labor cost largely affect the cost of housing and can produce barriers to housing production and affordability. These constraints can make it challenging for developers to build housing, and especially affordable housing. Although Housing Element policies and programs cannot directly affect these market factors, it aims to mitigate these external factors through the creation of land use policies that encourage housing development and make housing available at affordable rates.

Governmental Constraints – Local Regulations and Process

In addition to market conditions and constraints, local factors affect the cost, price and feasibility of housing development and affordable housing. Regulations related to environmental review, zoning, development standards, building codes, and similar regulations could have significant impacts on housing cost and availability. While the City has no control over State and Federal Laws, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the development and improvement of housing stock and can be addressed by local programs.

Local Land Use Constraints

The Housing Element evaluates the effects of current land use regulations such as overlay zones, height and density restrictions, parking standards, Floor Area Ratios and trip budgets on housing development. Although regulations and development standards are a part of the development environment in every community and are important to maintaining a well-planned compatible community plan, such regulations may become a constraint when the cumulative regulatory environment places an undue burden and thus has the unintended consequence of discouraging development.

The discussion with major landowners and developers as part of the Outreach Program indicated the following major factors in development decisions:

a. Certainty in the entitlement process in the form of by-right development with clear codified development standards and requirements encourages investment;
b. Any requirement to place certain development projects on the local ballot for a vote (e.g. Measure Y) discourages investment;
c. A comprehensive and readily accessible list of City-wide development fees is desired;
d. Streamlined processing is preferred;

e. The need to allow for higher residential densities, depending on product types and in appropriate locations (for example, 100 du/acre north of 405 Freeway may be appropriate while 20 to 40 du/acre may be appropriate on the Westside); and,
f. Flexible parking standards to match parking demand especially for larger residential complexes is desirable;

Measure Y

Measure Y requires voter approval of development projects that meet certain thresholds. In general, projects that require a General Plan Amendment, Specific Plan Amendment or Zone Change and add 40 units or more, or 10,000 square feet of new building area, or meet other specified criteria would be subject to voter approval under Measure Y. In effect, Measure Y locks in land use plans and regulations as of 2016 and limits the City's ability to modify those plans to respond to a changing market or changed conditions without triggering a vote of the City's electorate.

Of the 34 cities in Orange County, there are only a few cities that require certain housing development projects be subject to voter approval. While it may appear that this was the precise intent of Measure Y, it is also possible that the actual effects of Measure Y on future development may be more impactful than originally intended. Experience has shown such ballot measures often stall most housing development in host cities.

Given that the allowable density in the City's base residential zoning districts is a maximum of 20 dwelling units per acre (du/acre) (with some higher densities allowed in overlays, urban plans and specific plans) and given that the State's default density assumption for when the market can begin to produce affordable housing is 30 du/acre, it is clear that modifications to the City's General Plan, zoning, and specific plans will be necessary in order to plan for additional housing to meet the City's RHNA allocation and particularly affordable housing.

On May 26, 2020, following the closure of most retail and restaurant establishments and a struggling hospitality industry due to the COVID-19 pandemic and other economic factors including the rise of online shopping and commercial vacancies along major corridors, the City Council voted to explore the formation of a Citizens Advisory Committee with the goal of seeking opportunities to further economic development through potential amendments to Measure Y and to return to the City Council with a recommendation. In addition, at the last Study Session on March 23, 2021, the City Council requested the City Attorney's Office prepare a memo indicating the implications of Measure Y and its applicability to affordable housing projects. These items are addressed in the Next Steps section of this report.

Infrastructure Constraints and Safety Evaluation

Potential opportunity sites are being evaluated at a high level in regards to infrastructure constraints, particularly with regard to local hazards such as flood zones, airport safety, unstable slopes, emergency services and infrastructure constraints such as sufficient water and sewer supply/capacity and storm drain systems. Future community planning and visioning efforts will consider emergency services, infrastructure, and community needs at a more focused level as post-Housing Element site-specific planning occurs.

Opportunities

Inclusionary Housing Ordinance

For the 2014 to 2021 Housing Element planning period (5th cycle RHNA), nearly 1,200 housing units have been permitted or constructed, with only 39 falling into affordable categories. One approach to address existing constraints to affordable housing is the adoption of an Inclusionary Housing Ordinance. Presently staff is working with a consultant on a financial evaluation of an Inclusionary Housing program, which will balance the need to provide affordable housing with the need to maintain responsiveness to housing market conditions such that inclusionary requirements do not inadvertently disincentivize new housing. The financial evaluation will include recommended policies for both for sale and rental housing projects. The evaluation of a potential Inclusionary Housing program for the City is underway and can be included in the City's Housing Element policy program.

Density Bonus Laws

Density Bonus Law has been used for more than 40 years to allow higher densities over base allowable densities in exchange for providing affordable housing. Density Bonus is a State law intended to encourage developers to incorporate affordable units within a residential project in exchange for density bonuses and relief from other base development standards. Effective as of January 1, 2021, Assembly Bill 2345 amends the Density Bonus Law to expand and enhance development incentives for projects with affordable and senior housing components. AB 2345 is modeled after the City of San Diego's Affordable Homes Bonus Program.

Prior to 2021, the Density Bonus Law permitted a maximum density bonus of thirty-five percent for a housing development in which (a) at least eleven percent (11%) of the total units are for very low income households, (b) at least twenty percent (20%) of the total units are for low income households, or (c) at least forty percent (40%) of the total for-sale units are for moderate income households.

AB 2345 amends the Density Bonus Law to increase the maximum density bonus from thirty-five percent to fifty percent. To be eligible for the maximum bonus, a project must set aside at least fifteen percent (15%) of total units for very low income households, twenty-four percent (24%) of total units for low income households, or forty-four percent (44%) of for-sale units for

moderate income households. Levels of bonus density between thirty-five percent (35%) and fifty percent (50%) are granted on a sliding scale.

In addition, the Density Bonus Law provides that, if requested by a developer, the City must use the state-mandated parking ratios (inclusive of accessible parking and guest parking) for qualifying projects. AB 2345 amends these parking ratios to decrease requirements for two and three bedroom units, as shown in the table below.

Table 3 - Maximum Required Parking Per AB 2345	
Rooms	Number Required
Studio/one Bedroom	1 Space
2 and 3 Bedrooms	2 spaces → 1.5 space
4 Bedrooms	2.5 spaces

Since there have not been any density bonus applications in recent years, the City could include policies to promote and incentivize density bonus projects as a tool for affordable housing development.

Streamlined Application Processing/ Review of Development Standards

The City should evaluate its planning application review process and determine what refinements could be made to streamline applications without jeopardizing consideration of contextual impacts of a project. For example, three-story projects are only allowed in urban plan overlays or through a master plan approval. However, if specific development standards and design guidelines could be codified to address any potential interface issues for small and medium size projects, the City could streamline the project and save processing time and reduce costs for smaller local developers. In addition, the City should evaluate its development standards to ensure they remain appropriate for today's market and development context. For example, residential parking requirements have not been studied or modified in many years and should be "right-sized" for current housing types and housing goals.

Housing Programs

Following dissolution of the Redevelopment Agency in 2012 and the wind down of redevelopment assets by the Successor Agency (i.e. Housing Authority), the City's resources for housing programs were reduced to an administration function for limited state and federal grant dollars only (like CDBG and HOME dollars). The City currently administers a HUD-funded Single Family Residential housing rehabilitation grant and loan program (assists approximately 20 homeowners per year) and a CalHOME loan program to assist homeowners to address building safety and property maintenance issues (maximum of two loans at a time, depending on funding). The City Council has in recent years indicated renewed interest in housing programs and could include a policy to evaluate and potentially allocate additional resources toward new housing programs.

Co-living/Efficiency Units

The zoning code does not explicitly allow for co-living housing types. Co-living refers to a housing type whereby individual living spaces with small footprints and limited personal amenities are provided, coupled with highly amenitized common kitchen and community facilities that are shared. Staff has received inquiries regarding allowing for such housing types in rehabilitated commercial spaces, catering to both a younger demographic as well as a senior demographic. Allowing for such uses could provide an opportunity for a new creative housing type that is likely to be more affordable due to the small footprint of the individual living areas. In addition, evaluating the effectiveness of existing policies intended to encourage motel conversions into efficiency units could be included as a housing policy.

Accessory Dwelling Units (ADU's)

The City recently updated its ADU Ordinance to comply with State law, establishing standards that encourage construction of compatible ADUs within existing neighborhoods. ADU's can range from an attached 150-square-foot efficiency unit to a detached 1,200 square foot ADU (depending on configuration). ADU's provide an opportunity to increase housing stock, and smaller ADU's will likely fall within affordable categories thereby increasing affordable housing opportunities.

ADU's are a part of the City's overall housing strategy to meet its RHNA allocation, as shown in the opportunity sites section of this report. Between 2018 and 2020 when the City adopted its first ordinance specific to ADU's, the City permitted and finaled 29 ADU's (the majority of which were completed in 2020). However, based on the City's new ADU ordinance which allows for an ADU on single family and multifamily properties in compliance with State law), staff is projecting an increase in ADU construction compared to past trends and we anticipate the trend will continue over the next few years as residents become more familiar with ADU's. As such, staff projects over 850 new ADU units over the planning period (with nearly 600 projected to fall within low and very-low income categories). In addition, the City could include as part of its Housing Element a program for education, outreach and informational materials, as well as the potential to offer pre-approved/permit ready ADU plans.

Evaluation of Existing Overlays, Specific Plans, and Urban Plans

Many of the City's urban plans and overlays were developed in 2006 to incentivize housing development but have not been substantially amended since. Since 2006, 604 units have been developed in Urban Plan areas and 200 units have been built in overlay areas over the last 15 years. Re-evaluation of these plans as to their effectiveness and appropriateness given changed market conditions, updated housing goals, while also addressing concerns regarding family dislocation is warranted. Updating the City's existing plans (while identifying new potential areas for compatible housing development) is a fundamental part of the City's overall housing strategy to meet its RHNA allocation, as discussed in the Opportunity Sites section of this report.

Site Inventory/ Opportunity Sites

The following section discusses the required Housing Element components that need to be addressed within the site suitability analysis and for the selection of opportunity sites:

1) Site analysis guidelines
    a. Realistic redevelopment potential in the 8-year planning period
    b. No net loss regulations
    c. Guidance regarding selecting housing opportunity sites between ½-acre and 10 acres in size (AB 1397 guidance)
    d. Fair housing and housing options

2. Sites recommended per the City's outreach process and community feedback
    a. Community Outreach (sites recommended based on public workshops/survey)
    b. Subarea Walkthrough and site strategies (District Meetings)
    c. Subject Matter Expert meetings and major landowners
    d. Accessory Dwelling Units (assumptions based on SCAG's study vs. a more aggressive approach)

3. Site density assumptions based on City's affordability assumptions (City's potential inclusionary housing ordinance and diverse housing types/density examples)

Community Feedback Related to Site Selection

At a fundamental level, community feedback provided through the community survey and outreach meetings provided the basis for focus areas and site selection. Initially, a community survey was made available on the website from December to February with questions relative to housing needs and potential sites. The City received 465 survey responses in English and 18 in Spanish. The responses helped to determine approximate locations for new housing and the desired housing types from the community's standpoint. The results of the surveys were included with the March 23, 2021 Study Session Report and available at these links:
http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-2.pdf
http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-3.pdf

At the district specific meetings, staff and the consultant used neighborhood district maps and community discussions to focus on candidate housing sites within each Council district; and, finally, the Subject Matter Expert meetings with the home builders, advocacy groups and homeless services providers offered more specific direction in terms of programs and policies that could assist the City in meeting its housing goals.

The following comments were received from the public through the surveys and the outreach meetings:

- Under housing options, older shopping centers, City owned properties, and housing along major streets were the top three options
- ADUs were identified as an important housing option
- Participants of the District Meetings and other outreach meetings emphasized the following criteria for site selection:
    - Consider impacts of traffic
    - Consider locations of existing neighborhoods
    - Consider proximity to open space
    - Consider industrial areas (for example, along Logan Ave/Airport Area/Westside Costa Mesa) and along major corridors (for example, Bristol Street/Harbor Avenue/Newport Boulevard)
    - Complementary mixed-use or live-work on smaller commercial corridors like 19th Street and 17th Street
    - Potential for housing north of the 405 Freeway
    - Potential for housing at Fairview Development Center
    - Diversity between renter and ownership opportunities
    - Evaluate existing overlays, urban plans, specific plans for community goals/effectiveness and to avoid overconcentration of dense housing only on the Westside
    - Need to address the missing middle housing and plan for "gentle density"
    - Walkability of neighborhoods to other land uses

While these discussions have provided a framework for site selection, additional discussions with property owners will be necessary to ensure potential sites are feasible. Recently, the Housing Element team has connected with a group of local church leaders led by Trellis who are interested in the option to develop housing at church sites; therefore, staff will be contacting them and evaluating this possibility further as well.

Site Analysis Guidelines

State law requires the City to identify adequate sites to accommodate its fair share allocation for the 6th Cycle Housing Element. Staff has identified a variety of candidate sites through extensive analysis considering site size, viability of the current land use, vacancy rates, and property owner interest. City Council and Planning Commission feedback as well as public input provided through study sessions, townhalls, subject matter meetings and in discussions with major landowners were also considered.

The City is required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the 8-year planning period. If those sites are instead developed for market rate housing or non-residential land uses, the City may eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need. As such, although densities are not established by the Housing Element

Update (rather the Housing Element estimates densities for purposes of establishing whether the City has demonstrated sufficient potential sites and capacity for housing), it is important that density assumptions are conservative and in the "ballpark".

Density and Site Selection

The site selection process goes hand in hand with the identification of potential densities. While a higher density project may be appropriate north of the 405-Freeway (where high quality apartment communities like 580 Anton, Halcyon, Enclave and the Lakes are already developed at densities up to 125 du/acre), a lower or mid-range density is more appropriate on the Westside or on 17th Street because of the smaller sites, existing fabric of the neighborhood and the circulation pattern. In general, larger sites can accommodate more density because the interface with the adjacent community can be better designed with smart site planning, deeper setbacks, and multiple access points. The site selection strategies analyze the potential for housing in various neighborhoods and appropriate compatible densities to address housing growth. Once general housing opportunity locations are identified, planning for appropriate densities and context-sensitive design become the next steps to ensure projects are designed to complement and enhance neighborhoods.

Potential Housing Opportunity Areas and Strategies

The following includes a high-level description of opportunity areas and the density and affordability assumptions being considered to meet RHNA requirements. The background information on each of these potential strategies is included as Attachment 2 and a preliminary map is provided as Attachment 3. Staff is evaluating the feasibility of parcels shown, therefore this map may change over time and prior to the final Housing Element. Staff is reaching out to the owner of each property identified in the Housing Element with an explanation and an opportunity for discussion before the Housing Element is finalized.

Potential Housing Opportunity Areas		
Site/Strategy	**Current**	**Site Area Identified**
Fairview Developmental Center	**Size:** 102 acres **Density:** Up to 40 du/ac **Potential Units:** 535	**Density Proposed:** 60 du/ac **Potential Units:** 1,500 – 2,500
ADUs	ADUs are allowed on single family and multifamily properties.	**Potential Units:** 858 units
North Costa Mesa Specific Plan	**Size:** 37 acres **Density:** 30-100 du/ac **Potential Units:** 535	Approximately 20 parcels **Density Proposed:** 80-90 du/ac **Potential Units:** 11,750 – 12,500
Newport Blvd Specific Plan	**Size:** 68 acres **Density:** 20 du/ac **Potential Units:** 159	Approximately 20 parcels **Density Proposed:** 50 du/ac **Potential Units:** 925

SoBECA Plan	**Size:** 32 acres **Density:** 40 du/ac **Potential Units:** 450	Approximately 18 parcels **Density Proposed:** 60 du/ac **Potential Units:** 771
Residential Incentive Overlay	**Size:** 12 acres **Density:** 30 du/ac **Potential Units:** 360	24 parcels identified **Density Proposed:** 50 du/ac **Potential Units:** 1,101
Harbor Blvd. Mixed Use Overlay	**Size:** 24.5 acres **Density:** 40 du/ac **Potential Units:** 491	Approximately 25 parcels **Density Proposed:** 50 du/ac **Potential Units:** 1,376
Mesa West Residential Ownership Overlay	**Size:** 129 acres **Density:** 20 du/ac **Potential Units:** 282 remaining	Propose to remove.
19 West Urban Plan	**Size:** 129 acres **Density:** 20 du/ac **Potential Units:** 282 remaining	Approximately 15 parcels **Density Proposed:** 50 du/ac **Potential Units:** 771
Mesa West Bluffs Urban Plan	**Size:** 277 acres **Density:** 20 du/ac **Potential Units:** 562 remaining	Approximately 43 parcels **Density Proposed:** 40 du/ac **Potential Units:** 2,090
17th Street East	Residential not currently permitted.	Approximately 9 parcels **Density Proposed:** 60 du/ac **Potential Units:** 263
Airport Area	Residential not currently permitted.	Approximately 8 parcels **Density Proposed:** 80 du/ac **Potential Units:** 844
Church Properties	Residential not currently anticipated.	Approximately 5 parcels **Density Proposed:** 10 - 30 du/ac **Potential Units:** 129 (all assumed to be affordable at low/very low level)

Staff is seeking feedback as to the City Council's interest in pursuing the housing opportunity areas listed above.

Fair Housing and Housing Options

AB 686 creates new requirements for all state and local agencies to ensure that their laws, programs and activities affirmatively further fair housing, and that they take no action inconsistent with this obligation. Beginning January 1, 2019, all housing elements must now include a program that promotes and affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

The diversity of household types would need to be addressed with accommodating a variety of housing types such as for sale and rental housing, multi-generational housing, transitional housing and housing in proximity to transit. In consideration of future housing needs, the City will need to select a combination of housing opportunity sites capable of supporting a variety of housing types. While a large multi-acre site may be suitable for a higher density apartment complex with on-site amenities (typically developed by large housing developers), smaller lots could be zoned for walk up apartments and condominium units that could be developed at smaller scale by the local housing developers.

Future Community Planning and Visioning Efforts

The main intent of the Housing Element is to address RHNA by showing *potential capacity* for housing and identification of a high level housing strategy using goals, policies and programs, to be implemented over the 8-year planning cycle. Implementation of the Housing Element's goals, policies and housing programs will require future General Plan Amendments and rezoning actions which will be accompanied by ongoing in-depth community outreach and visioning exercises. Community visioning is critical to neighborhood planning and necessary to envision how housing opportunity areas identified in a Housing Element will translate into well-designed, high quality, compatible housing projects that fit into the context of their surroundings. Staff have already secured $500,000 in LEAP grant funds to pursue these efforts and will launch those programs following Housing Element adoption as the next step in a larger community conversation surrounding housing in Costa Mesa.

Next Steps

Following this joint study session, staff will complete the opportunities and constraints analysis and sites analysis, and will prepare the draft goals, policies and housing programs section of the Housing Element based on Council and Planning Commission feedback. Staff will provide the complete preliminary draft Housing Element to the City Council and may schedule a third study session in May if needed.

Concurrently, staff will move ahead with exploring the creation of a Citizen Advisory Committee to discuss Measure Y. The City Attorney's Office is also preparing a memo regarding Measure Y, which will be forwarded to the City Council as requested. In addition, staff will re-engage the State along with the Council Ad Hoc Committee regarding the future of the Fairview Development Center.

Following Council feedback, the preliminary draft will be revised and prepared as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period and submitted to State HCD for a 60-day review period. Following any revisions based on feedback, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

CONCLUSION:

Identification of opportunities and constraints and housing opportunity sites are critical steps in the Housing Element Update. Staff is seeking input on the proposed opportunity sites and recommended densities to finalize this step. Staff is also seeking initial feedback regarding the Council's high-level housing goals, in light of the Community Profile, as well as constraints inherent with Measure Y as discussed in this report.

MINOO ASHABI
Principal Planner

JENNIFER LE
Director of Economic & Development Services

ATTACHMENTS:

1. Community Profile (Final Draft)
2. Housing Opportunity Areas Summary
3. Map of Potential Housing Opportunity Areas

April 27, 2021 City Council Joint Study Session

Attachment 2 – Housing Opportunity Areas Summary

1) Accessory Dwelling Units

Current Plan Summary	Proposed Revisions/Notes
• The City does not currently have an anticipated annual ADU development. Since 2018, 29 ADUs have been permitted and constructed.	• The City anticipates that approximately 858 ADUs will be developed within the 8-year planning period based on the recently adopted ADU ordinance and recent changes to State law which promote the development of ADUs. The City will also explore programs as part of the Housing to promote ADU development.

2) Fairview Developmental Center

Current Plan Summary	Proposed Revisions/Notes
• Owned by the State of California Costa Mesa has included Fairview Developmental Center in previous Housing	• Actively pursue an agreement with the State of California for the development of housing at the site • Due to the ownership nature, the City assumes that it may be possible to develop more than 17.5% of the units at the very low/low income levels

3) North Costa Mesa Specific Plan

Current Plan Summary	Proposed Revisions/ Notes
• Adopted in 1994, amended frequently through 2016 • Existing Specific Plan consisting of a range of permitted land uses, including single family through high density residential uses • Densities range from 8 – 35 du/ac, though up to 100 du/ac is	• Amend the plan boundary to include additional parcels west of Harbor Blvd • Propose to amend some land use designations to allow up to 100 du/ac (The Housing Element assumes between 80 and 90 du/ac for planning purposes)

permitted in the South Coast Metro Center (Area 6)	

4) Newport Boulevard Specific Plan

Current Plan Summary	Proposed Revisions/Notes
• Intended to spur residential development in place of commercial uses along Newport Blvd. as new roadways moved traffic from Newport Boulevard to other areas within the City	• Expand the boundary beyond 19th to include additional parcels • Propose to increase density up to 50 du/ac directly adjacent to Newport Boulevard

5) Residential Incentive Overlay

Current Plan Summary	Proposed Revisions/Notes
• Intended to create new housing opportunities for residential development at strategic locations along Harbor and Newport Boulevard • Overlay that adds additional entitlement capabilities to the base zoning	• Expand area to potentially include some of the land previously in the Residential Ownership Overlay • Propose to increase density up to 50 du/ac

6) Harbor Blvd. Mixed-Use Overlay

Current Plan Summary	Proposed Revisions/Notes
• Applies to select areas along Harbor Boulevard between Wilson Street and 19th Street • Intent is to introduce a diverse mix of uses with the objective of creating a more integrated, walkable, and complementary balance of uses	• Propose residential development be allowed in a mixed-use context up to 50 du/ac with horizontal mixed-use along the Harbor corridor encouraged • Propose to extend the northern boundary up to the 405 freeway

7) 19 West Urban Plan

Current Plan Summary	Proposed Revisions/Notes
• Adopted April 2006 • Intended to encourage a mix of uses, including commercial and residential, along 19th Street west of Newport Blvd. • Encourage the design and development of urban residential structures • Has not resulted in much residential development in this area to date	• Propose to increase density up to 50 du/ac • Promote horizontal mixed-use along this corridor as well as vertical mixed-use

8) Mesa West Bluffs Urban Plan

Current Plan Summary	Proposed Revisions/Notes
• Adopted April 2006 • Objective to encourage development of live/work units, stimulate improvement in the area, and meet demand for a new housing type • Some residential development has occurred within the area since adoption of the plan	• Propose to expand the area to potentially include some of the land previously in the Residential Ownership Overlay • Propose to increase density to 40 du/ac

9) 17th Street – East

Current Plan Summary	Proposed Revisions/Notes
• This area does not currently permit residential development	• Area currently experiencing a commercial resurgence • City anticipates crafting development standards within this overlay which would promote either a vertical or horizontal mixed-use setting with the intent of supplementing the commercial

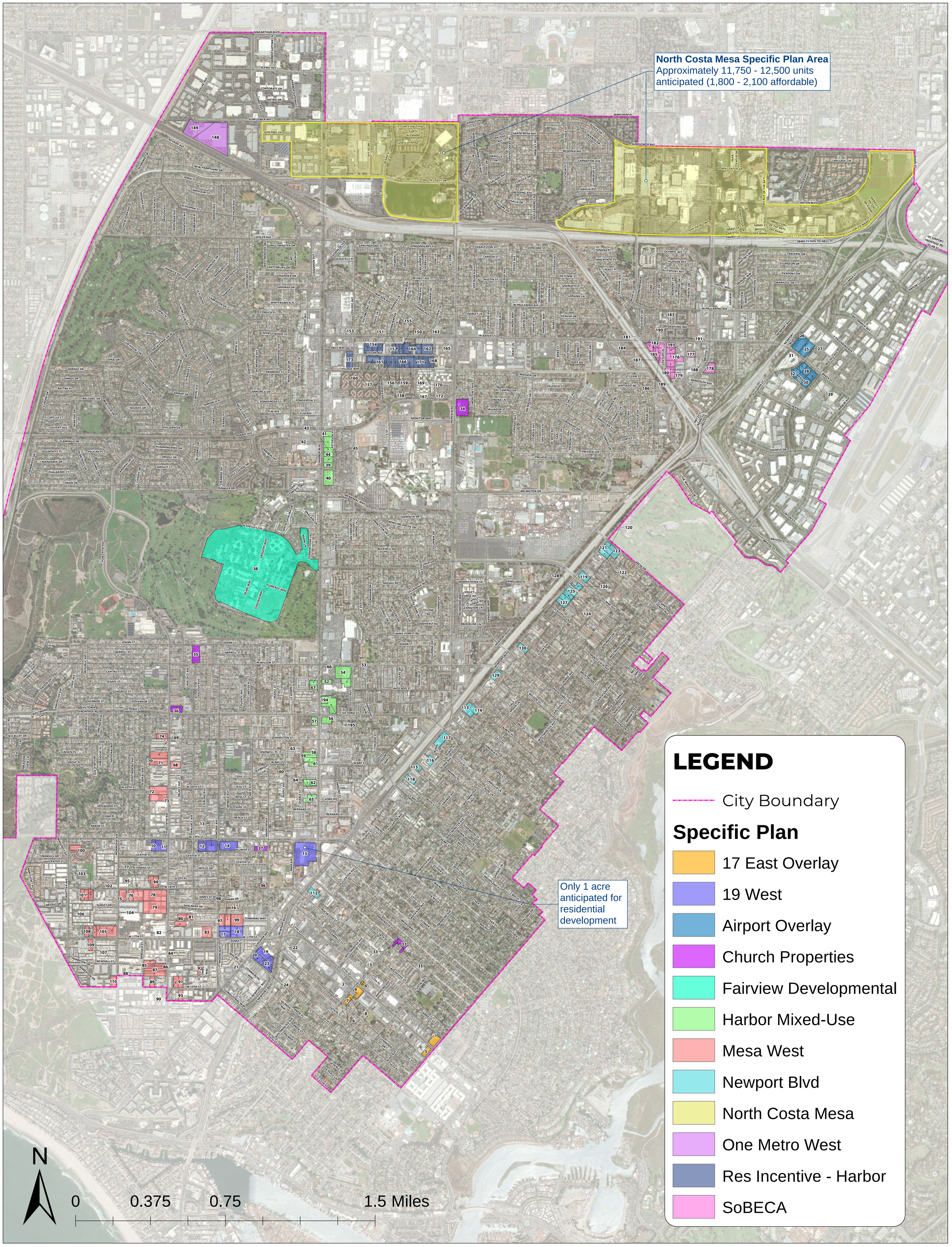
	development through additional users and a more walkable area • Propose the addition of residential uses which may be developed up to 60 du/ac

10) Airport Area

Current Plan Summary	Proposed Revisions/Notes
• This area does not currently permit residential development	• Propose to add residential uses at densities up to 80 du/ac adjacent to Baker Block, outside of the John Wayne Airport noise contour area

Sites Considered but Not Included

- Civic Center Park – City owned open space
- Portions of OC Fairgrounds – State DAA Owned


North Costa Mesa Specific Plan Area
Approximately 11,750 - 12,500 units anticipated (1,800 - 2,100 affordable)
Only 1 acre anticipated for residential development
LEGEND
City Boundary
Specific Plan
17 East Overlay
19 West
Airport Overlay
Church Properties
Fairview Developmental
Harbor Mixed-Use
Mesa West
Newport Blvd
North Costa Mesa
One Metro West
Res Incentive - Harbor
SoBECA
N
0
0.375
0.75
1.5 Miles

C.9 Virtual Townhall Meeting #2

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at www.costamesaca.gov/housing-element-update.

Townhall Meeting #2 Summary

The City of Costa Mesa held a virtual public community workshop in Spanish and English for the 2021-2029, 6th Cycle Housing Element Update on Thursday September 2, 2021. The intent of the workshop was to provide information on the Public Review Draft Housing Element and to gather feedback from the public on proposed housing sites and policy programs. The workshop had a total of 69 participants in the English workshop and 7 participants in the Spanish workshop.

The workshop included a PowerPoint presentation providing information on the following topics:

- The Housing Element Update Process
- Summary of the City's RHNA allocation
- Community Engagement Efforts
- Housing Element Strategy
- Overview of Proposed Housing Programs
- Community Conversation
- Breakout Group #1: Candidate Housing Sites Analysis
- Breakout Discussion #2: Housing Goals, Policies, and Programs

Summary of Community Questions and Comments

Following the presentation, the City provided time for open questions from the public regarding the Housing Element. Questions and comments from the attendees included the following:

- This has been a great process so far with the diligence by the city. I'm excited to see more housing opportunities for folks in our community!
- Was the safe harbor formula not used to have a more realistic estimation of ADU's that could be built?
- What programs would make sure that the built ADU's would be units for Lower income families?
- Can you discuss why the city didn't follow HCD guidance and model practice when using inventory sites in a housing element to discount those sites with a probability of being developed during the cycle?
- HCD will treat the proportion of parcels in the previous housing element that were developed during the previous planning period as the presumptive probability of development for current inventory sites.
- In Costa Mesa that is not feasible since the prior cycle the city only had an RHNA of a couple units. Recent state law requires stricter feasibility assessment for each site. City must comply.
- Nothing precludes the city from voluntarily assigning probabilities for a more accurate plan https://www.lewis.ucla.edu/research/what-gets-built-on-sites-that-cities-make-available-for-housing/
- More housing, more neighbors, less housing burdened people makes for a more fun/lively city. Legalize all types of housing.
- Build more bike lanes so people have options other than a car for local trips!
- What is the city's plan to incorporate local control measures SB 9 and SB 10? Is the city going to incorporate these bills in the housing element or address them in the manner that ADU legalization was handled?
- Publish the incentives: developer competition encourages affordability

- The area on 17th street and Newport Blvd. is on the way to the beach. I have a difficult time understanding how that's a valid census.
- OC has vast, world class water recycling programs that turn wastewater into potable water local supplies.

A video of the full presentation and PowerPoint, including public comments, are available on the City's Housing Element Update webpage: http://www.costamesaca.gov/housing-element-update.

Whiteboard Activity

During the workshop the City conducted a community activity to further engage participants.

Candidate Sites

Participants were asked to share their thoughts on opportunities areas in the City as well as Accessory Dwelling Units (ADUS). The majority of participants were familiar with the high cost of housing and felt there is currently enough housing in the City. In each breakout room participants discussed the following topics:

- Short discussion on why the CEQA analysis may differ a bit from the Housing Element and why the list is smaller than previously shown.
- Are there any areas within the City which should be given further consideration?
- Are there resources which the City can provide to make it easier for those who wish to develop Accessory Dwelling Units?
- Are there any questions we did not cover relating to the Candidate Housing Sites Strategy the City has proposed as part of the draft Housing Element?

Comments and Questions on Candidate Sites
Opportunity Sites
Quality of life is what we're looking for – congestion and traffic concerns with sites
5% or 10% for inclusionary housing ordinance
Concerned about wording in the Housing Element
Need an overall visioning process for the City – need a unified urban plan
Questions on affordability categories
Concerned about the language being used in the document – models currently being used is 10% affordability
Pretty significant changes
Quality of life – members of the community should benefit from the programs
Data check affordability – overburdening
Nothing within motel conversion proves to look at what percentages are made
Consider infrastructure first – look at both sides of the coin, all types of housing development
Densities we have now make the community – you can get anything in Costa Mesa
Attach entire census tract near Newport Blvd. and 17th St. census tract
Accessory Dwelling Units (ADUs)
What were the assumptions made?

Housing Plan

Participants were asked to share their thoughts on the Housing Element's goals. In each breakout room participants discussed the following topics:

- Quick overview of the City's overall housing goals.
- Are there any questions on the purpose of the Housing Plan section within the Housing Element?
- Do you believe there are groups who may have special housing needs that are not represented within this plan?
- Are you aware of any funding sources the City can explore further to implement these programs or promote the development of future housing?
- Are there any questions we did not cover relating to the City's proposed Housing Plan?

Comments and Questions on the Housing Plan
Incentives to developers
DDA Census tract areas – find ways to take advantage of tax credits – target housing towards areas with federal funding
More effectively advertise incentives that exist
Water needs
Geographic distribution of identified capacity
Local workforce
How will infrastructure accommodate this proposed capacity?
Small parcels and high cost
Make sure more housing happens – young professions
Housing for all ages and incomes
Look for opportunities to do more
What is the city's plan to incorporate local control measures SB 9 and SB 10? Is there housing element going to address them in the same manner as ADUs?
Coordination with adjacent cities
Inclusionary housing ordinance – consider implementing faster
SRO and congregate living options
Opportunity zones – address traffic and transportation needs
Communicate opportunities – publish the incentives: developer competition encourages affordability
More specifics on constraints of Measure Y
Low-income Housing Tax Credits (LIHTC) and New Market Tax Credits (NMTC) bring our federal tax dollars to our community to benefit low-income community members
Conversion of commercial/retail to housing opportunities
ADU income restrictions – multigenerational housing
How to encourage ADUs to be affordable?
How will monitoring of ADU affordability and production be implemented?
Lot size restrictions for ADUs
Are ADUs allowed in every neighborhood? Do neighbors have anything to say about one on adjacent property?
West side of 19th St. supermarkets – address food deserts
Have conversations with owners taken place?
Development agreements on identified sites
Set aside affordable housing requirements

C.10 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the September 13, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: https://costamesa.legistar.com/View.ashx?M=PA&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6

Public Comments: https://costamesa.legistar.com/View.ashx?M=E3&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6

City of Costa Mesa

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

Agenda

Monday, September 13, 2021 **5:00 PM** **City Council Chambers**
77 Fair Drive

SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. The Governor's Executive Orders N-25-20 and N-29-20 suspend certain requirements of the Brown Act, and City Council Members, Commissioners, and staff may choose to participate in person or by video conference.
You may participate via the following options:

1. Attending in person: All attendees are required to wear a face covering at all times while in the Council Chambers or City Hall. Please maximize spacing by utilizing all seating in the Chambers.

2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at youtube.com/costamesatv.

3. Zoom Webinar:
Please click the link below to join the webinar:
https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVIyRVZMallZZz09
Or sign into Zoom.com and “Join a Meeting”
Enter Webinar ID: 983 7639 0419/ Password: 905283
• If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
• Select “Join Audio via Computer.”
• The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
• During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone:
Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283
During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

5. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION

SEPTEMBER 13, 2021 – 5:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

BYRON DE ARAKAL
Chair

JON ZICH
Vice Chair

DIANNE RUSSELL
Planning Commissioner

RUSSELL TOLER
Planning Commissioner

ADAM ERETH
Planning Commissioner

TARQUIN PREZIOSI
Assistant City Attorney

JENNIFER LE
Director of Economic and Development Services

CALL TO ORDER

ROLL CALL

NEW BUSINESS:

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

Attachments: Draft Housing Element
Revised densities for candidates sites (545 & 575 Anton Blvd.)
Public Comments

ADJOURNMENT

b File #: 21-375 **Meeting Date:** 9/13/2021

TITLE:

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTED BY:

JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES

CONTACT INFORMATION: MINOO.ASHABI@COSTAMESACA.GOV <mailto:MINOO.ASHABI@COSTAMESACA.GOV>

RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

BACKGROUND:

The basis of the 2021-2029 sixth cycle Housing Element Update is compliance with the State's Regional Housing Needs Assessment (RHNA) for the planning and zoning for additional housing units as allocated by the State and the Southern California Association of Governments (SCAG). The following table provides a breakdown of Costa Mesa's final RHNA allocation:

Table 1 - Final RHNA Allocation

Income Categ	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. - Max.		RHNA Allocation
Very Low Inco	0-50% AMI	$961 - $1,281	--	$64,050	2,919 units
Low Income	51-80% AMI	$2,561	$64,051	$102,450	1,794 units
Moderate Inco	81-120% AMI	$3,090	$102,451	$123,600	2,088 units
Above Modera Income	%120% AMI	>$3,090	$123,601	--	4,959 units
Total					**11,760 units**

During the past year and a half, the City has held several town hall meetings and study sessions

regarding the required Housing Element Update. Study sessions were previously held with the Planning Commission and City Council on March 1, 2021, March 23, 2021, and April 27, 2021. At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance with State Housing Element law, Costa Mesa's demographics and preliminary Community Profile data, a summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The September 13, 2021 study session is the fourth publicly noticed study session regarding the housing element update and process.

The staff reports and meeting videos for previous study sessions are available at the following links:

March 1, 2021 Planning Commission Study Session Staff Report:

http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf

Meeting Video:

<https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true>
March 23, 2021 City Council Study Session Staff Report:
<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf>
Meeting Video:
<https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true>
April 27, 2021 City Council and Planning Commission Joint Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-04-27/Item-1.pdf>
Meeting Video:
<https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true>

ANALYSIS:

At the April 27, 2021 joint Planning Commission/City Council study session, a number of issues were discussed and feedback was received by the public, Planning Commission, and City Council. The purpose of the study session was to provide an opportunity for feedback on the proposed focus areas and corridors for potential housing and the housing opportunity sites and recommended densities within those corridors to finalize the City Council's high-level housing goals. The following is a summary of general comments received during the study session and how they have been addressed in the Public Review Draft Housing Element.

Planning Commission Comments:

1) Consider 4-plex and 6-plex bungalows in single family neighborhoods since they maintain the same height and streetscape.
    - The 4-plex and 6-plex development types can integrate well with established low-density residential neighborhoods. Staff will continue to evaluate how such housing types may be incorporated into the City's planning and zoning codes. However, for Housing Element purposes, the State requires a minimum density of 30 du/acre to demonstrate compliance with RHNA requirements for the provision of housing in affordable categories. The incremental increase in housing in established single family neighborhoods will be addressed through ADU and JADUs and other incremental

changes.

2) Plans for housing should be integrated with more open space and consideration of the existing network of neighborhoods.
    - Open space and other development standards will be evaluated with the comprehensive zoning code and general plan updates following adoption of the Housing Element.
3) Encouraged removal of the Mesa West Residential Ownership urban plan.
    - The Draft Housing Element includes a program for the potential removal of this urban plan following Housing Element adoption.
4) Add residential units on the 17th Street corridor as mixed-use development and around the airport area as alternative housing sites.
    - The Draft Housing Element includes programs for further study of these corridors for potential housing opportunities. Even though specific sites in these areas are not identified as housing opportunity sites, the City could consider these locations as potential housing areas in the future.
5) The City should be proactive in its conversation with faith-based organizations for use of their properties for affordable housing.
    - Programs to continue the conversation with the faith-based community are included in the Draft Housing Element. Please refer to Program 3J.
6) Infrastructure studies (water, sewer, etc) should be considered in planning for additional housing units.
    - As part of the Housing Element Update, the City will prepare an environmental study that will include high-level studies related to infrastructure and public services at a program level. Additional more detailed studies would be undertaken as part of the zoning and General Plan Updates that would be necessary to implement the Housing Element programs.
7) Discussed a citizen advisory committee related to Measure Y.
    - Staff will be undertaking a larger community conversation about the necessity of a compliant Housing Element and the Measure Y process, which include formation of an advisory group. The City anticipates the General Plan and zoning changes necessary to implement the Housing Element will be subject to Measure Y.
8) Consideration should be given to environmental justice goals and affirmative fair housing related to air quality and quality of life with placement of housing along major freeways, near airports, etc.
    - Environmental justice and fair housing goals are incorporated into the fabric of the Housing Element and staff agrees these goals must be a part of future General Plan and zoning actions related to Housing Element implementation. The Draft Housing Element identifies housing opportunity sites along the 405 Freeway such as the Home Ranch and Sakioka sites. These sites are very large and would allow for site planning of mixed-use projects including housing and office use that would allow for site planning solutions including sufficient setbacks for residential units. No housing opportunity sites have been identified along the airport industrial area though staff have included a Housing Element Program to further study this potential.
9) With the potential for housing along Newport Boulevard, Harbor Boulevard and the 17th Street corridors, visioning for these areas and form based codes should be considered to provide flexibility in development while maintaining the streetscape and human scale of development.
    - Through public outreach and comments received from the City Council and Planning

Commission, staff recognizes that there is strong support in the community for developing a specific vision for each of the corridors as identified in the Draft Housing Element for future growth. Visioning exercises and the potential for form-based codes will be evaluated during the general plan and zoning changes that follow the Housing Element.

City Council Comments:

1) Is 850 ADUs in relation to the number of residential lots a realistic assumption?
    - The ADU assumptions are realistic based on the number of applications received in the first 6 months of 2021. The City has also experienced an uptick in the number of ADU proposals in multi-family sites that could lead to even more ADUs than anticipated.
2) The City should consider tracking ADU affordability and data on units occupied by family members.
    - Although there is not City specific data for ADU affordability rates, the Draft Housing Element uses the safe harbor assumptions resulting from SCAG a specific study of the Orange County area. The City could request information on anticipated rental prices or family member occupancy figures at the time of application. The Draft Housing Element recognizes that ADU programs will need to be monitored for effectiveness and includes this in Program 3L of the Housing Plan.
3) Understanding the reasons for Costa Mesa having the lowest number of housing development in the neighboring cities.
    - The City has experienced a decline in larger development applications in the past several years. Based on general feedback from the development community, this is could be due to the uncertainty introduced by Measure Y. However, smaller developments that are below the 40 dwelling unit threshold have been processed since 2016 including a 38-unit development on Newport Boulevard. The Draft Housing Element refers to Measure Y as a potential constraint for housing development and that a vote of the people will be required to fully implement the adopted housing element as drafted. Please refer to Chapter 4, Housing Plan, Program 3G.
4) Importance of communication with the public on data gathered and how the data is being incorporated.
    - The Draft Housing Element includes a comprehensive summary of all public meetings, town halls, surveys and individual submittals. Please refer to Appendix C of the Draft Housing Element.
5) Emphasize the importance of Community Profile and how it is used to formulate the housing plan such as the aging population and their housing needs.
    - The Community Profile includes detailed data on the population, housing and income levels. Based on this data, the housing programs and policies included in the Housing Element Update recognize the needs of seniors, large households and the affordability needs for various households. Although the Housing Element includes the opportunity sites and the programs to address housing needs, some of the incentive to develop these sites are market driven and may need to be adjusted at project level such as the mix of bedrooms in a development or universal design features, etc. Please refer to Section 4, Housing Plan Program 2D and 2E.
6) Integrate senior housing with the rest of the community to promote healthy aging.
    - The Draft Housing Element recognizes that specific features of co-housing and multi-

generational housing needs to be further studied and included in development standards and guidelines in the general plan and zoning code update. Please refer to Chapter 4, Housing Plan, Program 3E.

7) Consider public gathering spaces as much as open space in planning of housing developments.
    - The visioning exercises for specific corridors will include public open spaces and streetscapes studies appropriate for each neighborhood. This effort will be addressed with the General Plan and zoning code amendments following the Housing Element's adoption.
8) Keep studying the airport area as a potential housing opportunity area for younger professionals.
    - As directed by City Council, this area will be evaluated for potential housing opportunities. Coordination with the Airport Land Use Commission will be required. Please see Chapter 4, Housing Plan, Program 3H.
9) Housing units should include a variety of household types such as singles, single parent households and larger families.
    - The Draft Housing Element includes a comprehensive Community Profile that breaks down household types and their housing needs such as non-family households, which have increased in the past decade to more than 40 percent. Please refer to Chapter 4, Housing Plan, Program 3F.
10) Consider hotel/ motel conversion options and using available state funding for such.
    - The City will evaluate the potential benefits of motel conversion, co-living and efficiency housing options. Please refer to Chapter 4, Housing Plan, Program 3F.
11) Consider pre-approved ADU plans to incentivize ADU development.
    - The Draft Housing Element includes a program to promote development of ADUs such as permit ready plans, waiver or reduction of permit fees, expedited plan checks and exploring other funding options. Please refer to Chapter 4, Housing Plan, Program 3E.
12) Discuss housing development options with smaller developers and adjust programs and fees to accommodate large and small size developments.
    - This would require fee studies and additional analysis to formulate an objective basis for varying housing development types. Local developers have been involved in the outreach process and have stated timing and streamlining of project review as an opportunity to improve the development environment.

Public Review Draft Housing Element

Following the April 27, 2021 study session, staff and the City's expert housing consultants prepared the Public Review Draft Housing Element, incorporating feedback from the prior public town halls and study sessions. The Public Review Draft was posted online at the City's website on August 17, 2021 and hardcopies were available at City Hall, the Donald Dungan Library and the Mesa Verde Library. Approximately 40,000 flyers were mailed to Costa Mesa residents City-wide and the release was widely publicized via social media, community platforms and through local contacts with community organizations. Comments on the public review draft are being accepted through September 15, 2021.

As of the writing of this report, the City has received seven written comments via email and six online submissions. Public comments are provided as an attachment to this report and generally pertain to:

- the inclusion of the Chargers / The Hive site as a housing opportunity site;

- the inclusion of local hire requirements for development;
- new housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods;
- increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions;
- consider whether the Casa Bella Apartments should be listed as an “at risk” affordable housing development (i.e. an affordable housing project “at risk” of converting to market rate units); and
- consider how assisted living and group living are counted toward the City’s housing need.

September 2, 2021 Town Hall Meeting

Staff held a town hall meeting on September 2, 2021 to discuss and receive feedback regarding the Public Review Draft. The meetings were virtual and provided in English and Spanish. More than 60 individuals participated in the English language breakout room and six in the Spanish language break out room.

Topics discussed at the town hall meeting included:

- the need for an inclusionary housing ordinance and requiring affordable housing in conjunction with added densities;
- consideration of potential quality of life impacts that may result from higher densities
- use of consistent data related to housing cost burden;
- options and incentives for development of Single Room Occupancies (SROs);
- number of ADUs assumed in the Draft Housing Element;
- consideration of reduced parking and setbacks to incentivize development;
- graphics that show comparison of existing and proposed densities on the identified housing opportunity corridors;
- use of federal monies to encourage higher density development as appropriate;
- affordable housing units assumed for the State-owned Fairview Developmental Center;
- assumptions regarding affordable housing on sites with Development Agreements; and
- consideration of the impacts of added housing units to sewer, water, traffic, other infrastructure and public services including police and fire services.

Housing Element Guiding Principles

Based on input from the community, local officials and business community, and with consideration of the State’s requirements, the City established four guiding principles that were referenced throughout the Housing Element Update process, which shaped the sites analysis process and development of the housing goals, programs, and policies. The guiding principles are rooted in community engagement and local knowledge as follows:

- The City will plan for responsible growth that is fitting for each of the unique areas within the City with the understanding that the different characteristics, even within districts, result in different housing needs and appropriate housing types.
- The City will engage the Costa Mesa community at multiple times throughout the Housing Element update to incorporate local knowledge and input into the planning process.

- The City will create a plan, which meets the local needs of the community as well as the requirements of the State Department of Housing and Community Development (HCD).
- The City will develop actionable policies and programs that address identified constraints within the community profile analysis.

Based on community feedback, the Housing Element identifies housing opportunity sites within "focus areas" and along major corridors in the City that are most suitable for potential future housing growth. These areas include:

- Area north of the 405 Freeway
- SoBECA
- Harbor Boulevard corridor
- Placentia Avenue corridor
- West 19th Street corridor
- Mesa West Bluffs area/ southern portion of Newport Boulevard

Within these corridors and areas, housing opportunity sites were identified for purposes of establishing compliance with RHNA, based on certain criteria.

Housing Element Organization

The Draft Housing Element represents the City's policy program for the 2021-2029 6th Planning Period. The Draft Housing Element is comprised of the following Chapters:

- Chapter 1: The Introduction contains a summary of the content, organization and statutory considerations of the Housing Element;
- Chapter 2: Community Profile contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock;
- Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations; and
- Chapter 4: Policy Plan addresses Costa Mesa's identified housing needs, including housing goals, policies, and programs.

- Appendices provide supplementary background resources including:
  - Appendix A - Review of Past Performance of 5th Cycle Programs
  - Appendix B - Summary of Adequate Sites Analysis
  - Appendix C - Summary of Outreach
  - Appendix D - Glossary of Housing Terms

Chapter 1 - Introduction

The Introduction covers the basics of Housing Element requirements and the related State requirements; includes a reference to all required sections of the Housing Element; and refers to the guiding principles that directed all chapters and the related data sources.

Chapter 2 - Community Profile

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs, which are uniquely adapted to fit the needs of Costa Mesa. The following tables include a few excerpts of the data and highlights specific characteristics of the Costa Mesa population, household types and income levels.

Table 2-4: Racial and Ethnic Composition, 2010-2018

Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

Table 2-10: Changes in Household Types, 2010-2018

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
Total Households	40,104	100%	40,908	100%	41,019	100%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Table 2-12: Households by Income Category, 2020		
Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
Total	40,555	100%
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.		

For the full analysis of the population, income, household characteristics and housing needs, please refer to Chapter 2 of the Draft Housing Element.

Based on the data presented in Chapter 2, the City will need to consider the following findings in development of the housing programs and policies:

- The Costa Mesa population is showing aging trends - housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options.
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino - housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community.
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing (i.e. housing affordable to Costa Mesa households who earn 80% of the Orange County Area Median or AMI) and homeownership facilitation should be considered.
- Costa Mesa housing units experienced the lowest growth in the past decade in comparison to neighboring cities - the following section analyzes potential constraints, which may be playing a role in the slowing of residential development in Costa Mesa. If identified, housing goals should be considered which look to mitigate or eliminate those constraints.
- The majority of housing units in Costa Mesa were built over 30 years ago - households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities.

Chapter 3 - Housing Constraints, Resources and Fair Housing

This section focuses on the variety of factors that could affect the number, type, and affordability of housing and the rate of housing development in a community including governmental housing constraints. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental constraints may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. This section also identifies Measure Y as a potential constraint to implementation of a compliant Housing Element and the development of housing projects in Costa Mesa. The measure requires significant capital investment while introducing uncertainty for

investments due to uncertain election results regardless of the merits of any particular project.

Chapter 4 - Housing Plan

The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs are drafted to further a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices while preserving the special character of Costa Mesa.

The following housing goals have been included in the Draft Housing Element Update:

- Housing Goal #1: Preservation, conservation, and enhancement of existing housing stock and residential neighborhoods within Costa Mesa.
- Housing Goal #2: Providing a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.
- Housing Goal #3: Identification of adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels.
- Housing Goal #4: Existing and future housing opportunities open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

Each one of the housing goals are implemented through housing programs which are actions the City commits to taking to implement its housing plan within specific timeframes over the 8-year Housing Element planning period. Highlights of the housing programs include:

- Program 2A - Inclusionary Housing Ordinance
- Program 2D - Senior Housing Options
- Program 2E - Housing Options for Large Family Households
- Program 3B - Fairview Development Center
- Program 3C - Update the North Costa Mesa Specific Plan
- Program 3D - Update the City's Urban Plans and Overlays
- Program 3E - Promote the Development of Accessory Dwelling Units
- Program 3F - Motel Conversions/Efficiency Units and Co-Living Housing Types
- Program 3G - Measure Y
- Other programs related to evaluating the potential for future housing opportunities along the 17th Street corridor, Airport Industrial Area, and church-owned sites.

Appendix A - Review of Past Performances

This section is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-

2029 6th Cycle.

Appendix B - Site Analysis

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Draft Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

The analysis within this appendix shows that the City has the capacity to meet 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or would be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

Appendix C - Community Outreach

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These outreach efforts included virtual town hall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from town hall and public meetings, notices, and draft public review documents are available on the City's website: www.costamesaca.gov/housing-element-update <http://www.costamesaca.gov/housing-element-update>.

Next Steps and Timeline

The study session is the final opportunity for City Council and Planning Commission feedback and revisions to the Public Review Draft Housing Element before staff submits the document to State HCD for review. The State has 60 days to provide comments on the Housing Element.

After staff receives the State's comments, the Housing Element will be modified to respond and then scheduled for a formal public hearing with the Planning Commission for a recommendation, and City Council afterward for final approval. These hearings are anticipated to occur in December 2021/January 2022. An approved Housing Element must be submitted to the State by February 11, 2022 (which is within 120 days of the statutory deadline of October 15, 2021).

ALTERNATIVES:

No Housing Element decisions are being made at the Study Session; therefore, alternatives are not necessary.

FISCAL REVIEW:

There are no fiscal impacts associated with the study session.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approves it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

Diversify, stabilize and increase housing to reflect community needs.

CONCLUSION:

Staff is seeking additional Planning Commission, City Council and public feedback prior to submission of the Draft Housing Element to the State Department of housing and Community Development for its review and concurrence.

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 1 to Staff Report

The Draft Housing Element is available on the City's Website. Due to the size of the draft Housing Element, click on the link below to view the document.

1. Cover
2. Introduction
3. Profile
4. Housing Constraints, Resources, and Affirmatively Furthering Fair Housing
5. Housing Plan
6. Appendix A - Review of Past Performance
7. Appendix B - Candidate Sites Analysis Overview
8. Appendix C - Summary of Community Engagement
9. Appendix D - Glossary of Housing Terms

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 2

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 3 to Staff Report

A total of 13 written public comments have been received to date which include comments directly emailed to City Staff as well as submittal of the online survey form. The main topics included in the public comments are:

- The inclusion of the Chargers / The Hive site as a housing opportunity site
- The inclusion of local hire requirements
- New housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods
- Increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions.
- Consider whether Casa Bella Apartments should be listed as an at Risk affordable developments
- Consider how assisted living and group living are counted toward the City's housing need

Refer to the attached public comments.

Invesco Real Estate

620 Newport Center Drive
Suite 350
Newport Beach, CA 92660
Telephone (949) 222-6380
Facsimile (949) 222-6376

www.invesco.com

August 30, 2021

Mayor John Stephens
77 Fair Drive
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco ($85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site in walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

Peter Cassiano
Managing Director

P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 1, 2021

Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Em: housing-element@costamesaca.gov

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Southwest Carpenters**"), my Office is submitting these comments on the City of Costa Mesa's ("**City**" or "**Lead Agency**") draft 2021-2029 update to the City's General Plan Housing Element ("**Draft HEU**" or "**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[2]

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

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[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf.

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

[3] City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[4] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[5]

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[6]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.[7] Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents,

---

[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.

[5] City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

[6] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

[7] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

> especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I. CONCLUSION

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[1] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[2]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[3]

[1] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[2] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[4]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

> "$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$
>
> Where:
>
> n = Number of land uses being modeled."[5]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

> "$\text{Emissions}_{pollutant} = VMT * EF_{running,pollutant}$
>
> Where:
>
> $\text{Emissions}_{pollutant}$ = emissions from vehicle running for each pollutant
>
> VMT = vehicle miles traveled
>
> $EF_{running,pollutant}$ = emission factor for running emissions."[6]

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[7] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[8] The default number of construction-related worker trips is calculated by multiplying the

[4] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
[5] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
[6] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[7] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added). [12]

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[13]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[10] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[11] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
[12] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
[13] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.[14] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

[14] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

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Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

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Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

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Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

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Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al.,, et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

1640 5th St.., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

ARIOS, JUSTIN

From: Diane Kastner <dianekastner@hotmail.com>
Sent: Thursday, September 2, 2021 12:56 PM
To: Housing Element
Subject: Feedback-Public Comment

Importance: High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

Kind Regards,

Diane Kastner

Diane Kastner
dianekastner@hotmail.com
Tel. (949) 378-1067

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ARIOS, JUSTIN

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,
Matthew Sheehan

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ARIOS, JUSTIN

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,
N. Henning

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ARIOS, JUSTIN

From: Betsy Densmore <betsydensmore52@gmail.com>
Sent: Sunday, September 5, 2021 10:37 PM
To: Housing Element
Cc: CITY COUNCIL
Subject: Comments on Fair Housing Elements Draft
Attachments: CM Housing Element Testimony Take 2.docx

To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,
Betsy

Betsy Densmore
betsydensmore52@gmail.com
949-500-2381

"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Frankls

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Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the "inclusionary housing ordinance" which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more "granny flats", in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that "affordable housing" will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units (such as Section 8) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly "normal" citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

Betsy

Betsy Densmore

Resident:
1006 Nancy Lane
949-500-2381
Betsydensmore52@gmail.com

Sept 5, 2021

ARIOS, JUSTIN

From: ronronron@juno.com
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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Public Review Draft Community Comments

Chapter 1 (Introduction)
No comments

Chapter 2 (Community Profile)
- On page 2-14 of the Community Profile PDF, the section on "Overcrowding" begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as "Residences" or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as "overcrowded" and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

Chapter 3 (Housing Constraints, Resources, and AFFH)
No comments

Chapter 4 (Housing Plan)
- Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
- Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a 'victory garden' to produce locally and create an outdoor gathering area?

Appendices
No comments

Additional Comments
- Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using (pre - Covid 19) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just ad to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
- Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces.

True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but is seems like everything revolves around money and not quality of life. I hope you prove me wrong.

- For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city is planting Green, as well as the city of the arts. :)

C.11 Public Comments

The section contains all public comments submitted throughout the Housing Element Update and during the Public Review Period. Comments were submitted through the Public Review Period feedback form and by email to City Staff. Public comments provided during the Townhall Meeting, Subject Matter Expert Meeting, District Meetings, Planning Commission and City Council Study Sessions, and Public Hearings are provided in the sections above.

Response to Public Comments

Public Comment	Response
The Housing Element should plan for more housing near jobs, transit stops, and high-resource neighborhoods.	As part of the Housing Element's Section 3 on Affirmatively Furthering Fair Housing (AFFH), the City identifies and analyzes disparities in access to opportunity, including: "improving the quality of life for residents of low-income communities, as well as supporting mobility and access to 'high resource' neighborhoods. This encompasses education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment" (HCD Guidance on AFFH).
Adopt an inclusionary housing ordinance.	The adoption of an inclusionary housing ordinance is Program 2A of the Housing Element Update. The City is currently working on developing an inclusionary housing policy.
The City should adopt a program to allow by-right development for projected proposing 100% units affordable to very low- and low-income households.	The City's Housing Element meets State requirements to allow by-right development for sites identified in the Housing Element that permit at least 20% affordable units as described in Program 3M.
Create a Specific Plan for the Fairview Developmental Center site to facilitate the development of housing affordable to extremely low-income to moderate income households.	Program 3B addresses the City's future planning actions regarding development of the Fairview Developmental Center.
Create new overlay zones along major thoroughfares like Harbor Blvd. to replace failing strip malls with mixed-use developments.	Programs 3C and 3D within the Housing Element will amend the existing specific plans, urban plans, and overlays, many of which are within major thoroughfares, to better suit today's development climate

Public Comment	Response
	while planning responsibly for future potential growth within these areas.
All City Specific Plans and Overlays should have densities of 60 DU/Acres and a requirement of at least 20% affordable units.	The City has proposed densities which take into considerations the development characteristics of each area. Proposed densities range from 40 du/ac to 90 du/ac. The City is working to develop an inclusionary housing policy which will have a citywide affordability requirement for projects that meet established requirements.
Create a land trust to hold donated land.	The City is not proposing a policy related to creating a land trust but may consider that strategy in future implementing efforts.
Add workforce housing.	The City has established a housing strategy which looks to address housing for all segments of the community. More information can be found within Appendix B.
The densities proposed in the Public Review Draft are not high enough to make the sites financially feasible.	The City worked with members of the development community to identify densities which are likely to promote the development of housing at all income levels. The City also analyzed past real world development examples to determine at what densities different housing types are typically proposed.
We should be allowing multi-unit buildings in all neighborhoods.	This is not included as part of the Housing Element Update sites strategies; however, Appendix B identifies sites and strategies to accommodate the development of multi-unit projects throughout the City.
The City should accelerate the pace of ADU developments throughout the community.	Appendix B of the Housing Element discusses projected ADU growth over the next 8 years. Chapter 4: Housing Plan also provides policies and programs the City will

Public Comment	Response
	implement to track and facilitate the development of ADUs.
Casa Bella's subsidized senior housing contract expires in 2025 and should be considered at-risk.	Casa Bella is included in Section 3 – Inventory of Assisted Affordable Housing.
Select part of the Costa Mesa Golf Course and driving range for candidate sites.	This site is not included as part of the Housing Element Update sites strategy as the City is able to meet the RHNA allocation through the selection of other sites. It is also important to the City to maintain limited recreational open space for the community.
Create pathways to home ownership.	The City's Housing Element focuses on strategies for the attainment of both rental and for sale housing. Strategies specifically aimed at home ownership are not included.
Create an Ad Hoc Advisory Committee to review Measure Y and potential constraints on housing.	The City is currently pursuing the creation of an Advisory Committee to review Measure Y and its implications for housing development.
Do not replace El Metate Market with housing.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not replace the Smart & Final with affordable high-density housing on 19th Street.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not propose high density development on 19th Street.	The City's sites strategy includes consideration of the West 19th corridor.
High-density housing on 19th Street will further the parking shortage and decrease property value.	Parking standards may be evaluated during the amendment of the City's overlays and urban plans.
Stop the affordable unit tax on developers.	The City is considering a inclusionary housing policy to address affordable housing requirements for future development projects.
The sites inventory must include probability of development during the RHNA cycle.	Appendix B of the Housing Element provides detailed information on the sites analysis strategies, including the assumed

Public Comment	Response
	affordability percentages. The City has allocated a buffer of units as part of its sites analysis in order to plan for sites potentially developing with lower densities than maximum permitted.
The Housing Element should specify the current available density and the proposed new density for each site identified for rezoning.	Appendix B of the Housing Element includes a detailed list of all sites identified as part of the sites analysis, including the current and proposed densities.
Reduce traffic congestion and consider parking shortages.	The City has considered mobility and access to public transportation when identifying candidate housing sites.
Costa Mesa should be a 15-minute city and become less car-dependent.	The City has considered mobility and access to public transportation when identifying candidate housing sites. In addition, the development of mixed-use projects generally facilitates walkability and sustainable transportation due to the location of housing units near commercial and retail uses.
Adopt a form-based code with objective criteria.	The City will consider different development strategies as part of the update to its existing urban plans and overlays. Currently the urban plans have a form-based like development criteria.
The City should abandon its RHNA appeal and add housing affordable to disadvantaged residents.	The City was not successful in appealing its RHNA allocation. The final RHNA allocation was released by SCAG on March 4, 2021.
How much importance is placed on public comments?	Public participation is critical to the success of the Housing Element and is a required component of the Update. All public comments are included in the Housing Element and all are provided to the City Council for consideration.
The City must engage community participation throughout all stages of the Housing Element.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the

Public Comment	Response
	Housing Element Update period. The City has solicited input from the community, stakeholders, and local organizations at the start of the Update process, during the Public Review period, during public Council and Commission meetings, as well through meetings with City Staff and via email and phone calls.
The City should include affordable housing advocates and local organizations in community outreach efforts.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the Housing Element Update period. The City outreached to and held multiple meetings with local organizations and housing advocates throughout the Update process.
The City should provide further analysis on the constraints for Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza)	The City has considered known constraints to development on these sites. Future implementing projects will be subject to an objective development review process which further analyzes potential constraints.
Program 3F should include long-term resident protections through anti-displacement, right-of-first refusal, and relocation benefits strategies.	The City's Housing Element Draft does not directly address long-term resident strategies but does analyze displacement risk and other environmental justice factors within Section 3 of the document.
The City should adopt a stand-alone program to make mid-cycle adjustments if housing production is not moving forward on identified large sites.	The City reports to HCD annually on its progress towards meeting its RHNA allocation. If HCD determines the City is not making sufficient progress, the City must revise its Housing Element in accordance.
Let single-family homes become duplexes and triplexes.	The Housing Element Update does not include a rezoning of all single-family neighborhoods.
Consider the availability of public open space.	The City has considered the availability of public open space in its sites analysis. Additionally, the City currently requires Park Fees for new residential projects as a

Public Comment	Response
	condition of approval. These fees ensure compliance with State law and provide funds to cover the cost of land acquisition and parkland upgrades to support accessible public park space as population grows.
Add The Hive as a candidate housing site to allow for multi-family housing.	The Hive has been added as a candidate housing site.

Public Review Draft - Community Comments

Chapter 1 (Introduction)

1. I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.
   Quality of Life:
   Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.
   Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.
   Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.
   Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.
   Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.
2. It was very disappointing to see preserve single family neighborhoods (monoplex zoning) as a goal in the Housing element. This is contrary to Costa Mesa's professed values (safe, inclusive, vibrant) and emergent state law. It is also subjective, latently racist and classist. Subjective discretion has historically resulted in treating people with more resources better than those with fewer resources which is another way to say latently racist and classist exclusionary practices wrapped in a ball of boring planning language. Costa Mesa should adopt a form-based code, compliant with state law that uses objective criteria to treat everyone equally under the zoning code and law. If the exclusionary neighbors wish to preserve monoplex zoning they may do so by buying those properties and preserving those parcels through private action. It is not the city's role to preserve exclusionary, high resource enclaves and concentrate housing growth where pollution burdens are higher (arterial and freeway corridors).

Chapter 2 (Community Profile)

1. On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

Chapter 3 (Housing Constraints, Resources, and AFFH)

1. The most powerful thing local elected officials can do on climate change is Urban Infill land use planning. https://coolclimate.berkeley.edu/ca-scenarios/index.html. This draft housing element is a swing and a miss that will jeopardize Costa Mesa's land use authority. This draft is tantamount to climate and racial justice arson. The primary deficiency is a failure to address the primary Governmental constraint on housing, Measure Y. It is a governmental constraint because it is a referendum embedded in municipal code that can be superseded by State law, interpreted by the Attorney General and the courts all of which are all government agencies. City council through its budgetary authority can also choose to defund anything related to implementation of it.
   In light of Title 13, Chapter IX, Article 22 of the municipal code (AKA Measure Y) the Housing Element made a lot more sense. This Municipal code conflicts with state law and all cities are subordinate to state law. The City Council and City Management's unwillingness to confront Measure Y head on leads the this Housing Element to a state of turboparalysis where City Planners and their consultants make vigorous and dramatic motions to meet RHNA goals but the end result is the absence of steady movement any particular direction. This unwillingness to confront Measure Y will likely result in City Council and city management eventually losing its land use authority.
   A second weakness in the draft is the defense of pretextual zoning for parking requirements. This is bad policy and bad planning and pretextual zoning in any form should not be included in any part of Costa Mesa's housing element. Pretextual zoning is contrary to Costa Mesa's values (safe, inclusive and vibrant) and the statutory requirement to AFFH. https://slate.com/business/2021/05/california-parking-minumums-planners-housing-ab1401.html.
   The fees and services nexus studies will need to be re-done thanks to AB602 which requires these fees to levied on a per square foot basis. The current and future fee nexus studies should be publicly noticed and freely available for inspection by Costa Mesans.
   The Housing element draft makes it difficult to undertake an analysis of these fees to determine if they are a constraint on housing production or if the assumptions made at the times of these studies are still valid. One specific example of this is the DIF for San Joaquin Hills TCA. This fee is antithetical to the principal of a toll road where the users pay. This DIF should be re-visited as an obstacle to the city's climate goals and housing goals. It is ridiculous and tantamount to climate arson that new infill housing (ADUs without parking) in Costa Mesa is used to support toll roads.
2. Parking Standards. My comment: Parking is always a problem in new developments, and also in high density residential areas. The City should NOT consider garage parking to be parking at all, since there is nothing assuring the City that is will be used for parking. I believe over half of garages within the city are NOT used for parking, but rather for storage or other uses. I would prefer the City require 1 outdoor parking space per bedroom AND 2-3 public street parking spaces per house/condo specifically for guests. Currently, there are not enough guest parking spaces in new developments or high density (apartment) areas. I always worry about going to a party at a new development, or near apartments, because I know parking is a problem. Taking a taxi is not an appropriate solution, this is not New York City. Riding my bike only works if I have extra time, it's daytime, and I am alone, so biking has limitations.
3. ADUs - Costa Mesa should create standardized ADU plans that residents can use. Most people are converting garages and those have set dimensions. So plans for studio and 1-bedrooms would cut down on costs, fast-track the approval process and encourage more ADU builds. Households are becoming more multi-generational. Folks want to move their elderly parents in with them but still give them their own space. Or grown children move back home for whatever reason and also need a space of their own. Also, there are probably lots of unpermitted ADUs constructed (maybe due to the recession and the need for additional

income). There needs to be a way to get those permitted after the fact (without punishing the homeowners). It'll add to property valuations and increase tax revenue for the city.

4. AFFH - I believe access to affordable utilities applies to this policy. Approvals for solar power and home batteries should be fast-tracked and permitting should not be cumbersome or cost-prohibitive. Access to affordable energy is also an environmental justice issue. Current incentives for electric vehicles benefit affluent residents who can afford to charge their vehicles. Grants should be issued for lower income residents to install solar

Chapter 4 (Housing Plan)

1. Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
2. Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a 'victory garden' to produce locally and create an outdoor gathering area?
3. Regarding the section "PROGRAM 3C: Update the North Costa Mesa Specific Plan", it would be better to not implement the North Costa Mesa Specific Plan, or to scale the North Costa Mesa Specific Plan back significantly. Traffic on Bristol Street (and the neighboring streets) is already very congested. The changes proposed by the North Costa Mesa Specific Plan would worsen the traffic on Bristol Street (and the neighboring streets). Worse traffic reduces the quality of life. Worse traffic is also not "compatible with growth", which is one of the "guiding principles" of the Costa Mesa Housing Plan.
4. HCD requires cities to include a probability weighting of each site in its inventory of actually being developed during the 8 year cycle. Costa Mesa did not do that. Exceeding the city's RHNA goal by 34% addresses this partially but that still assumes that each of the identified sites has about a two thirds probability of being redeveloped. Based on the literature for California cities indicates the Costa Mesa's assumptions are optimistically high. https://escholarship.org/uc/item/6786z5j9.
   The housing element spatially concentrated new housing sites along arterial roads and freeway corridors. This decision places additional noise pollution from cars and particulate matter pollution burdens on those occupants, including low income people. It also concentrates new arrivals in low resource areas and keeps monoplex (single family) zoning exclusionary contrary to the city's values and legal mandate to AFFH.
5. I am not against the City having a Housing Plan in general. The agree that the City should have a "plan" regarding housing. However, I disagree with the allotted number given to each City (11,760). I disagree with some of the wording in the Plan that simply agrees with this number without any push-back. Not all residents agree with the proposal to add so many high density living spaces in the City. Many of us think this is a bad idea & do not support it. Where is our voice and our representation? If it's already listed in the document I am apologize, but I have missed that part.
6. Approve more affordable housing, less luxury housing and luxury apartments. Lobby state to remove CEQA requirements for affordable housing

Appendices

1. Site Analysis. My comment, the only site south of the Freeway that has real merit is the Fairview Developmental Hospital. It's a large site, off major streets, and would be a nice spot to live. I lived right off Harbor Blvd for 2 years, with my bedroom window facing the street. I hated living there because the traffic noise was constant.

I came to the conclusion that nobody wants to live right off a major street, and that people only live there because it's available. I now see so many little houses and apartments being built right on Harbor Blvd, and I scratch my head a little. Who is allowing these places to be built? Have they every lived right on Harbor? Do they know how much is sucks to live there? I have...and I know. The same thing goes for Placentia & 19th St. Again, these are terrible places for people to live. Who wants their front door opening up to Placentia? It's ridiculous. I think all sites within 50 feet of any major street are not fit for anybody to live, not old people, not poor people, not millennials, nobody.

Additional Comments

1. Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using (pre - Covid 19) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just ad to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
2. Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces. True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but is seems like everything revolves around money and not quality of life. I hope you prove me wrong.
3. For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city is planting Green, as well as the city of the arts. :)
4. SB 9, SB 10, SB 477, AB 602 and SB 478 are all on the Governor's desk and polling indicates he will beat the recall and is likely to sign these bills. The city should actively embrace and enable these tools to legalize housing freedom, affirmatively further fair housing and practice Costa Mesa's values (safe, inclusive and vibrant).
5. Housing plan needs to include more dedicated bike paths, similar to the one that runs along the golf course and connects Harbor Blvd to Placentia Ave, and the one along Victoria.
6. According to FORBES what makes a great neighborhood/city is
    - Pride in ownership
    - Low crime rate
    - Great schools
    - Outdoor activities abound
    - Stepping back in time (tree lined streets)
    - Access to medical care
    - Family friendly
    - Close to public transportation
    - Nearby shopping and restaurants

- Nightlife and entertainment
- Walkability

Rather than just looking at housing let's consider the above. Although the plan says it is responsible for policies and programs regarding inclusion and diversity I don't see how this is being done. Where is the infrastructure like safety, green space, water, sewer, schools, police, fire departments that will support any new housing. Where is climate change and sustainability address in these new spaces. How are we going to attract new and interesting businesses? How are we going to get people to stay rather than be just a stop over (on the way to Newport Beach). How are we going to live up to our name, "the City of the Arts"? Where is the quality of life in this proposal rather than just getting more funding and adding more houses. Please consider those of us who really love this City and want to continue to invest it in. I care a lot.

Invesco Real Estate

620 Newport Center Drive
Suite 350
Newport Beach, CA 92660
Telephone (949) 222-6380
Facsimile (949) 222-6376

www.invesco.com

August 30, 2021

Mayor John Stephens
77 Fair Drive
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco ($85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site in walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,



Peter Cassiano
Managing Director

P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 1, 2021

Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Em: housing-element@costamesaca.gov

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Southwest Carpenters**"), my Office is submitting these comments on the City of Costa Mesa's ("**City**" or "**Lead Agency**") draft 2021-2029 update to the City's General Plan Housing Element ("**Draft HEU**" or "**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

The City should require the use of a local skilled and trained workforce to benefit the community's economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area's jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[2]

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[3]

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[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf.

[2] South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10.

[3] City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[4] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[5]

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[6]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.[7] Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents,

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[4] City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.

[5] City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

[6] California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf

[7] Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.

> especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I. CONCLUSION

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[1] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[2]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[3]

[1] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[2] "California Emissions Estimator Model." CAPCOA, 2017, *available at:* http://www.aqmd.gov/caleemod/home.
[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[4]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

> "$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$
>
> Where:
>
> n = Number of land uses being modeled."[5]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

> "$\text{Emissions}_{pollutant} = VMT * EF_{running,pollutant}$
>
> Where:
>
> $\text{Emissions}_{pollutant}$ = emissions from vehicle running for each pollutant
>
> VMT = vehicle miles traveled
>
> $EF_{running,pollutant}$ = emission factor for running emissions."[6]

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[7] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[8] The default number of construction-related worker trips is calculated by multiplying the

[4] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
[5] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
[6] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[7] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added). [12]

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[13]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

[9] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
[10] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
[11] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
[12] "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
[13] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.[14] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

[14] "Appendix D Default Data Tables." CAPCOA, October 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

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Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al.,, et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No,: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

EXHIBIT C

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

1640 5th St.., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

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Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

ARIOS, JUSTIN

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,
N. Henning

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ARIOS, JUSTIN

From: Aaron Klemm <aaron_klemm@hotmail.com>
Sent: Monday, September 13, 2021 5:48 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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Paul Dumont
6535 Lankershim Boulevard
North Hollywood CA 91609
paulrdumont@live.com
818.968.5627

September 13, 2021

Costa Mesa City Council
and Planning Commission
via CityClerk@CostaMesaCA.gov

RE: Public Comment on the Draft Housing Element & Regional Housing Needs

Dear Costa Mesa:

I have worked to provide housing for special needs, low income people for 20 years. Many come from Orange County in general and many are from Costa Mesa specifically. They all suffer from a lack of affordable housing options in their community of choice.

I am writing on their behalf to encourage you to abandon the appeal of the Regional Housing Needs Assessment determination required by the California Department of Housing and Community Development. Besides the sound legal reasoning behind the assessment, you should act in your constituent's best interests by facing reality: there is simply not enough affordable housing for the people who already live in Costa Mesa.

My experience is that when low income Costa Mesa residents can't find housing there, they migrate to other communities - even though Costa Mesa has been their home. And that is the precise reason you, along with other Orange County communities, are pushing back on the requirement that you plan for housing for all of your residents. Pushing "undesirable" people out of town is not only morally reprehensible; it's illegal.

Planning to make housing unavailable for already disadvantaged residents will not pass constitutional muster, and it certainly will not improve your City in the long term. Providing all people with housing opportunities will improve Costa Mesa for everyone.

The incredible amount of taxpayer money you spend to harm poor people's ability to live and thrive in Costa Mesa is fiscally irresponsible. Moving your perceived "problem people" to other jurisdictions is incredibly selfish and solves nothing. You have a duty to make room for everyone. I encourage you to plan accordingly – it's the law.

Sincerely,
Paul Dumont
Paul Dumont

ARIOS, JUSTIN

From: Betsy Densmore <greatmexgrill@gmail.com>
Sent: Monday, September 13, 2021 10:04 PM
To: Housing Element; CITY COUNCIL
Cc: info@fairhousingelements.org
Subject: Re: Comments on Fair Housing Elements Draft

Good evening,

It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.

Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases.that currently consume much too much of their income.

I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.

Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.

Thank you for serving us!

Best Regards,
Betsy

Elizabeth Densmore, Business Manager/Co-owner
Great Mex Grill LLC
www.greatmexgrill.com
greatmexgrill@gmail.com
949-500-2381

On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <betsydensmore52@gmail.com> wrote:

> To Whom It May Concern:
>
> I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.
>
> Best Regards,
> Betsy
>
> Betsy Densmore
> betsydensmore52@gmail.com
> 949-500-2381
>
> *"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering."* Viktor Frankls

ARIOS, JUSTIN

From: bpmarkle1@gmail.com
Sent: Tuesday, September 14, 2021 8:02 PM
To: Housing Element
Subject: 19th Street - Housing Element Draft Proposal (September 13, 2021)

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19th Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costal Mesa on 19th Street west of Harbor Blvd.
3. So many units proposed for 19th Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
    a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
    b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Bryan Markle
717 Center St.
Costa Mesa, Ca 92627
Bpmarkle1@gmail.com

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ARIOS, JUSTIN

From: Eric Markle <ericsmarkle@gmail.com>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Housing Element
Subject: 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.

The Golf course is a better option.

19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.

Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!

Eric Markle
--

Eric Markle

His Word Your Story Podcast

LinkedIn

Instagram

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ARIOS, JUSTIN

From: Holly Rahill <holly.rahill@gmail.com>
Sent: Tuesday, September 14, 2021 3:38 PM
To: Housing Element
Subject: Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.

2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.

3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.

3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.

4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill
Costa Mesa Resident & Home Owner

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ARIOS, JUSTIN

From: Kyle Harper <Harper.Kyle@outlook.com>
Sent: Tuesday, September 14, 2021 3:47 PM
To: Housing Element
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper
HarperPromotional
949.278.1055

Sent from my iPhone

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ARIOS, JUSTIN

From: ryan.forman9@gmail.com
Sent: Tuesday, September 14, 2021 3:33 PM
To: Housing Element
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Best,

Ryan Forman, Resident
Brentwood Property Appraisal
Lic. #3004308

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ARIOS, JUSTIN

From: Eleanor Markle <eamarkle@gmail.com>
Sent: Wednesday, September 15, 2021 5:31 AM
To: Housing Element
Subject: Housing element draft proposal

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19th Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costal Mesa on 19thStreet west of Harbor Blvd.
3. So many units proposed for 19th Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
    a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
    b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Eleanor Markle

717 Center St.

Costa Mesa, Ca 92627

Eamarkle@gmail.com

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PUBLIC LAW CENTER
Providing Access to Justice
For Orange County's Low Income Residents

September 15, 2020

VIA EMAIL

Mayor Katrina Foley
Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626
cityclerk@costamesaca.gov

Bruce A. Lindsay
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
714-446-1400
714-446-1448 FAX
bal@jones-mayer.com

Re: Comment on September 15, 2020 Agenda Item 12 of the Consent Calendar: Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard
Affordable Housing Initiatives under the Settlement Agreement, *Dadey, et al. v. City of Costa Mesa, et al.* (Orange County Superior Court Case No. 30-2014-00757962-CU-CR-CJC)

Dear Mayor Foley and City Council Members:

The Public Law Center writes to encourage the City Council to approve Agenda Item 12 of the Consent Calendar, Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard, at tonight's City Council Meeting. As the Staff Report accurately points out, approving and executing this Affordable Housing Agreement is necessary to comply with the global settlement agreement entered into by all parties in the *Dadey, et al. v. City of Costa Mesa, et al.* and to comply with the July 12, 2018 Stipulated Judgment. Additionally, adopting and executing this Affordable Housing Agreement will provide affordable units to very low income households in Costa Mesa and help the City begin to meet the great need for affordable housing that currently exists. We applaud the City for complying with its agreements and working toward the important goal of expanding the availability of affordable housing in Costa Mesa.

We would also like to take this opportunity to mention the City's other obligations under the Settlement Agreement for *Dadey, et al. v. City of Costa Mesa, et al.*

Fairview Developmental Center

Pursuant to the Settlement Agreement, "The City agrees to exercise reasonable best efforts consistent with and as authorized by applicable law to: (i) promote development of affordable housing at the real property commonly referred to as the Fairview Developmental Center ("FDC") . . . in accordance with the City's land use and zoning for that site of Institutional & Recreational-Multi-Use District (I&R-MLT), which provides for twenty-percent (20%) affordable housing in multi-unit residential developments; (ii) not limit the affordable housing at the FDC to developmentally disabled persons to the extent it is authorized under applicable federal and state law and subject to the conditions of disposition of the State-owned property to do so and to obtain permission from the State of California and any relevant state or federal authorities to permit such housing; (iii) encourage that residential development at FDC provide for a reasonable percentage of extremely low, very low, and low income affordable units, based on the applicable, then-current Orange county income limits established by the Department of Housing and Community Development ("HCD") or the United States Department of Housing and Urban Development ("HUD"); and obtain permission and authority, as necessary, from the State of California and any relevant state or federal authorities toward achieving (i) to (iii) of this subsection 3(a)."

As we understand it, over a year ago the Costa Mesa City Council formed an Ad Hoc Committee of the Council to Address the Upcoming Closure and Potential Future Uses of the Fairview Developmental Center with the objective to "effectively analyze the matter and develop a City of Costa Mesa strategy to address the future of Fairview Developmental Center." We are eager to hear of the Ad Hoc Committee's progress, especially in light of the State's goal to have finalized operational closure of the Fairview Developmental Center by July 1, 2020.

We also expect that, with the upcoming updates for the 6th Cycle Housing Element, there will be a lot of discussions of the role Fairview Developmental Center may play in the City's efforts to reach its future Regional Housing Needs Allocation, estimated to be over 11,000 units.

As the Ad Hoc Committee continues it work and as the City approaches drafting its 6th Cycle Housing Element, we remind the City of its obligations under the Settlement Agreement to use best efforts to ensure that 20% of the housing developed in multi-family residential developments at Fairview Development Center is affordable to extremely-low-, very-low-, and low-income households.

James Street/West 18th Street Properties

The City also agreed to seek proposals to substantially rehabilitate or redevelop affordable housing at the James Street/West 18th Street Properties with new or extended covenants of affordability that include a minimum of ten percent extremely-low-income units.

As we understand, the City issued a request for proposals with a deadline of February 2019 and received several proposals by that deadline. The City staff was then reviewing the proposals to make a recommendation of a finalist development team to the City Council and agendize the

selection for final approval. We are eager to learn of the City's progress in selecting a development team and the currently proposed timeline for this project.

Again, we applaud the City's efforts in making affordable housing a priority and look forward to continuing to work with the City on these important goals.

Sincerely,

/s/
Richard Walker
Senior Staff Attorney
Public Law Center
601 Civic Center Drive West
Santa Ana, CA 92701-4002
(714) 541-1010 ext. 292
rwalker@publiclawcenter.org

Costa Mesa Affordable Housing Coalition

September 10, 2021

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Comments on Draft 2021-2029 Housing Element Update (August 2021)

Dear Ms. Ashabi:

On behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), we thank you for the opportunity to review and comment on the city of Costa Mesa's draft Housing Element—6th cycle—2021-2029. As you know, the Coalition is a local advocacy group which for many years has been encouraging Costa Mesa to actively facilitate the construction of affordable homes for the city's lower income residents. We submit this letter as part of our public comments on the draft Housing Element.

First of all, we congratulate the city for its success in conducting a remarkably robust, open, and serious process of public engagement. The Coalition had the opportunity to meet several times with you and your excellent consultant, Kimley-Horn, in both small and large group settings. Throughout this process, we have been impressed with the city's willingness to listen to our concerns and consider our ideas for spurring the development of homes affordable to the city's lower income residents.

In this letter, we recommend a few important substantive changes to the draft Housing Element and seek clarification on a number of important issues. We begin with recommendations on **our two most pressing concerns**: **the need for the city to adopt expeditiously an effective inclusionary zoning ordinance**, **and the related need to postpone until <u>after</u> adoption of the inclusionary zoning ordinance all zoning changes the Housing Element identifies as essential for meeting the city's 2021-2029 RHNA**.

<u>Recommendations and Requests for Clarification</u>

1. **The city must move expeditiously to adopt an effective inclusionary zoning ordinance**. It is widely understood such an ordinance is one of the most important tools available to a city for spurring the construction of affordable housing for lower income households. We are aware the city has engaged a consultant to help draft an inclusionary zoning ordinance, and the ordinance is nearly ready for presentation to the Planning Commission and City Council for adoption.
    a. **We recommend the draft Housing Element be revised to include a deadline of the end of October 2022 for adoption of an inclusionary zoning ordinance.**
    b. **Given the city's high 2021-2029 RHNA for lower income units and the city's persistent failure to produce any significant amount of lower income units through the last three planning periods, we recommend the city's**

inclusionary zoning ordinance contain provisions for setting aside a minimum of 15% of the units for lower income households.

2. **The city must postpone enactment of any zoning changes or other land use changes affecting allowable residential densities identified in the draft Housing Element as necessary to meet the city's 2021-2029 RHNA until after the city adopts the inclusionary zoning ordinance**.
    a. It would be a grave mistake for the city to enact any zoning or land use changes which increase residential densities without first ensuring those changes are tied to housing affordability requirements. Otherwise, developers could lock in the new increased densities by entering into a development agreement which would not be bound by the new inclusionary zoning ordinance.
    b. Assuming the city meets its October 2022 deadline for adoption of the inclusionary zoning ordinance, we believe the city will be able to meet its obligation to accomplish the specified zoning and other land use changes within three years of certification of the Housing Element.

3. **The city should create a stand-alone program that allows <u>by-right development</u> for new construction projects which make 100% of the units affordable to low-, very low- and extremely low-income households.**

4. **The city should provide additional analysis on the Fairview Developmental Center (FDC) and the implications of SB 82.** In the Housing Element, the city identified FDC as a 109-acre opportunity site and assumes 40% of future units on the site will be affordable to lower income households (575 very low and 345 low).[1] However, SB 82 states:

    "Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property ***not exceeding 20 acres*** located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities… A ***minimum of 20 percent*** of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center…"[2]

5. **The city should <u>decrease</u> the FDC's affordability assumption that 40% of the units will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income.** While SB 82 indicates that a <u>minimum of 20%</u> of units will be affordable to individuals with developmental disabilities, we are unaware of any written or public statement from the state expressing interest in making <u>more than 20%</u> of homes affordable to lower income households.

6. **The city should create a stand-alone program and commit to working with the state to ensure that at least 40% of the total future units on the FDC site will be**

[1] City of Costa Mesa Housing Element 2021-2029 Public Review Draft, Appendix B Candidate Sites Analysis Overview, August 2021, p. B-16.
[2] California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82

affordable to lower income households. There is ample land at FDC to accommodate the affordable housing needs of the city's developmentally and physically disabled residents and the city's lower income working families. To further that end, the city should create **a specific plan for FDC** which would allow high density residential throughout the 109 acres. The city should also issue a request for proposal for the creation of **a master plan** for a housing village at FDC.

7. **Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable development, and perpetuates exclusionary zoning. The city council should adopt a policy <u>to exempt from Measure Y</u> any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.**

8. **The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are in the 2021-2029 sites inventory but are currently under development agreements. Specifically, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement and whether that development agreement will be affected by the city's anticipated future adoption of an inclusionary housing ordinance.**
    a. Sakioka Lot 2 and Home Ranch have been vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle?
    b. Though these three large sites are in the 2021-2029 sites inventory, because they are each currently under a development agreement, they will be exempt from the requirements of the inclusionary housing ordinance the city intends to adopt. <u>The only way these sites would be bound by that ordinance is if the property owners opt into future General Plan and zoning regulations</u>. This fact was confirmed during the city's consideration of the proposal to extend Sakioka Lot 2's Development Agreement. The city confirmed that "if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance **<u>IF</u>** they opted to develop per the future General Plan and zoning regulations."[3]
    c. On April 6, 2021, the city council extended the Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the Development Agreement include affordable housing requirements to help achieve the city's RHNA goals.[4] The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements**. Given the property owner's recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it seems unrealistic to assume the property owner will prioritize the

[3] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.
[4] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.

development of housing affordable to lower income households in developing the property.

d. Similarly, in applying the "15% lower income" assumption to these three large properties, it seems the city is over relying on the assumption that the developers will use the city's existing density bonus to produce affordable units. It should be noted **the density bonus alone has not been effective in producing affordable housing** for lower income households. From 2014-2020, only 30 permitted units were issued at low and very low income.[5] Of those, **only 9 units** are deed restricted at very low and 21 units are non-deed restricted ADUs at very low and low income.

9. **The city should add a chart specifying both the current allowable density and the proposed new density for each of the sites identified for rezoning to accommodate the city's 2021-2029 RHNA.** This information will help the public understand the proposed zoning changes.

10. **The city should strengthen Program 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types to include long-term resident protections through anti-displacement, right-of-first refusal and relocation benefits strategies.**

11. **The city should include a stand-alone program to make mid-cycle adjustments if production is not moving forward on identified large sites and if production falls short of the expected yield during the first half of the planning period.**

Thank you for considering these recommendations for further revisions to and clarifications of the draft 2021-2029 Housing Element update. We welcome the opportunity to continue our dialogue with the city to ensure that the draft Housing Element includes effective policies that will result in new affordable homes for extremely low-, very low- and low-income working families in Costa Mesa.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Paul McDougall, California Housing and Community Development Department
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

[5] Planning Commission Agenda Report- 2020 Annual Review of the Costa Mesa 2015-2035 General Plan, City of Costa Mesa, p. 5, April 26, 2021.

From: Elizabeth Hansburg P4H
To: Chen, Nick; ASHABI, MINOO
Subject: Examples of Workforce Housing by a Market rate developer
Date: Wednesday, February 10, 2021 2:23:55 PM

Done by a private developer, large, 5+ bedrooms, to serve multi-gen families. The project they did in Fullerton did not have enough open space, IMO, but they hit the product type 100%.

https://www.urbanpacific.com/creating-affordable-homes-for-multigenerational-living/

https://www.urbanpacific.com/education/urban-pacific-announces-the-start-of-construction/

--

Elizabeth Hansburg
Co-Founder & Executive Director



c. (714) 872-1418
e. elizabeth@peopleforhousing.org

Click here to become a member of People for Housing!

From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: 19th Street
Date: Tuesday, September 14, 2021 5:59:53 PM

From: Eric Markle <ericsmarkle@gmail.com>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.
The Golf course is a better option.
19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.
Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!
Eric Markle
--

Eric Markle

His Word Your Story Podcast

LinkedIn

Instagram

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: Comments on Fair Housing Elements Draft
Date: Tuesday, September 14, 2021 8:58:09 AM

From: Betsy Densmore <greatmexgrill@gmail.com>
Sent: Monday, September 13, 2021 10:04 PM
To: Housing Element <housing-element@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Re: Comments on Fair Housing Elements Draft

Good evening,
It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.
Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases.that currently consume much too much of their income.
I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.
Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.
Thank you for serving us!
Best Regards,
Betsy
Elizabeth Densmore, Business Manager/Co-owner
Great Mex Grill LLC
www.greatmexgrill.com
greatmexgrill@gmail.com
949-500-2381
On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <betsydensmore52@gmail.com> wrote:

> To Whom It May Concern:
> I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.
> Best Regards,
> Betsy
> Betsy Densmore
> betsydensmore52@gmail.com
> 949-500-2381
> *"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering.*" Viktor Frankls

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From: ASHABI, MINOO
To: LE, JENNIFER; ARIOS, JUSTIN; Chen, Nick
Subject: FW: Community Profile
Date: Monday, September 6, 2021 10:39:17 AM

Please add to public comments.

From: ronronron@juno.com [mailto:ronronron@juno.com]
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Community Profile

Dear Sirs:
On page 2-14 of the Community Profile PDF, the section on "Overcrowding" begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as "Residences" or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as "overcrowded" and artificially skew the data toward implying a greater need for housing remediation than actually exists.
If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.
Thank you for your efforts on an otherwise thankless endeavor.
Sincerely,
Dr. Ron Housepian

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From:	ASHABI, MINOO
To:	LE, JENNIFER; Chen, Nick
Subject:	FW: Concerns regarding Proposed W 19th Street Development
Date:	Tuesday, September 14, 2021 3:45:10 PM

From: Holly Rahill <holly.rahill@gmail.com>
Sent: Tuesday, September 14, 2021 3:38 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.

2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.

3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.

3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.

4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill
Costa Mesa Resident & Home Owner

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick; ARIOS, JUSTIN
Subject: FW: Costa Mesa Draft Housing element study session
Date: Monday, September 13, 2021 6:00:16 PM

From: Aaron Klemm [mailto:aaron_klemm@hotmail.com]
Sent: Monday, September 13, 2021 5:48 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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From:	ASHABI, MINOO
To:	Chen, Nick; LE, JENNIFER
Subject:	FW: Draft Housing Element 2021-2029
Date:	Thursday, September 2, 2021 9:20:50 AM

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Draft Housing Element 2021-2029

Hello,
Regarding Casa Bella Apartments, 1840 Park Ave...
Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.
*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.
I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?
Thank you,
N. Henning

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From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick; ARIOS, JUSTIN
Subject: Fw: Housing Element comments
Date: Thursday, November 19, 2020 8:17:37 AM

From: Russell Toler <russell.toler@gmail.com>
Sent: Wednesday, November 18, 2020 9:01 PM
To: Housing Element
Cc: CITY COUNCIL; HARLAN, JEFFREY; PERKINS, MARC; TOURJE, JENNA; ZICH, JON; COLBERT, KEDARIOUS; DEARAKAL, BYRON; RUSSELL, DIANNE
Subject: Housing Element comments

Hello,

I wanted to provide some comments on the Housing Element update.

There is a full range of historic housing types in between the single family home and the big ugly apartment complex. The "Missing Middle Housing" types – duplexes, quadplexes, rowhouses, and other small multi-family buildings – with good development standards, can all fit well within whatever shades of neighborhood character we're hoping to create or preserve, including our R-1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes (so that families can stay close and people can age in place, among other benefits). I hope that through this update, we focus not just on big projects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small projects. A big reason this sort of incremental development often doesn't pencil out because of parking requirements, which brings me to my next point: cars.

As we grow, we need to figure out how to become less of a car-depended and car-oriented city, otherwise the NIMBYs are right – we'll be a tangled mess of traffic, which no one wants. So to what extent is this new document going to deal with the question of how to uncouple housing from the car demand (or toll) that unnecessarily comes with it? As we try to accommodate 11,000 units over the next 10 years, what are we doing to ensure that owning a car and is optional rather than virtually required?

Lastly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the context of how we want our city to look, feel, and function. How will the occupants of the new housing get around? How will the developments fit into the existing urban fabric and contribute to the neighborhood they're in? How will the new buildings relate to and shape the public space they sit on? We don't want islands of amenity-rich high-density housing fortressed in from bleak rights of way and full of people who never leave the property without a car (if you want to know what I'm describing, drive up Jamboree in Irvine some time). The sustainable, equitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler (lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay)

From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick; EMERY, SUSAN; ARIOS, JUSTIN
Subject: FW: Opinión
Date: Monday, February 15, 2021 8:09:30 AM

FYI,

We had a comment submitted in Spanish that Andy translated for us.

-----Original Message-----
From: GODINEZ, ANDY
Sent: Sunday, February 14, 2021 11:15 PM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Subject: RE: Opinión

Minoo,

To the best of my ability I translated the email below:

"I just wanted to know how much importance will be placed on the comments that are posed by tenants? The importance shouldn't just be placed on the comments posed by business and property owners, but also the people who inhabit those properties. Because without the tenants, the property owners cannot prosper."

Please note that LOA I QUIMONOS is not a word, so I am assuming they meant LOS INQUILINOS, which means THE TENANTS.

Also, it seemed to be one run on sentence so I had to break it into a question and two sentences.

The last portion seems to be a Bible verse and I believe it is being used as part of their signature, so I didn't feel the need to translate that.

Andy Godinez
Code Enforcement Officer
Community Improvement Division
77 Fair Drive
City of Costa Mesa, CA 92626
OFFICE HOURS:
MON.-THURS. 7:00 AM – 5:30 PM
Office: (714) 754-5209
Fax: (714) 754-4856
Andy.Godinez@costamesaca.gov

-----Original Message-----
From: ASHABI, MINOO
Sent: Sunday, February 14, 2021 11:24 AM
To: GODINEZ, ANDY <andy.godinez@costamesaca.gov>
Subject: FW: Opinión

Hi Andy,

We have received this email; could you please translate?

-----Original Message-----
From: Dalia Silva [mailto:slater81017@gmail.com]

Sent: Saturday, February 13, 2021 3:31 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Opinión

Solo quería saber que tan importante son los comentarios de loa i quimonos, porque no solo importa la opinión de los comerciantes y dueños de casa sino del que los habita, porque sin el inquilino, los arrendatarios no pueden prosperar.

Juan 3:16
Porque de tal mantra amo Dios al hombre que dio a su hijo unigenito para que todo aquel que en El crea no se pierda mas tengo vida eterna.

From: ASHABI, MINOO
To: LE, JENNIFER; Chen, Nick
Subject: FW: Proposed W 19th Street Development
Date: Tuesday, September 14, 2021 4:00:53 PM

From: Kyle Harper <Harper.Kyle@outlook.com>
Sent: Tuesday, September 14, 2021 3:47 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.

2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.

3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.

3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.

4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper
HarperPromotional
949.278.1055
Sent from my iPhone

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From: ASHABI, MINOO
To: ARIOS, JUSTIN; Chen, Nick; LE, JENNIFER
Subject: FW: Public Comment: City of Costa Mesa Housing Element Update
Date: Thursday, September 2, 2021 6:02:55 PM

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,
My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.
As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.
Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.
Best,
Matthew Sheehan

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St. Joseph Hospital

August 17, 2020

Dear City of Costa Mesa:

St. Joseph Hospital is an acute-care not-for-profit faith-based hospital founded in 1929 by the Sisters of St. Joseph of Orange, located in the City of Orange, California. St. Joseph Hospital has 465 licensed beds, 379 of which are currently available, and a campus that is approximately 38 acres in size. The hospital's Primary Service Area includes the cities of Orange, Santa Ana, Tustin, Anaheim, Garden Grove, Villa Park, and Westminster. Major programs and services include cardiac care, critical care, diagnostic imaging, emergency medicine, obstetrics and behavioral/psychiatric services. St. Joseph Hospital dedicates resources to improve the health and quality of life for the communities it serves, with special emphasis on the needs of the economically poor and vulnerable.

Over the past two years, St. Joseph Hospital along with 13 other Community-based Organizations have been working together to address the issues of Economic Development, Housing, and Mental Health. In Central Orange County. The goal is to impact systemic change and determinants of health. In addition, St. Joseph Hospital has identified Homeless & Housing as one its key priorities of focus over the next three years. We will develop strategies to address lack of affordable housing under the framework of equity and racial disparities. We firmly believe that in order for communities to thrive, there must be equitable systems in place that support social consciousness, economic stability, and diverse development.

As you are aware, Housing Elements for the 6th cycle period (2021-29) are due to the California Department of Housing and Community Development by October 2021. St. Joseph Hospital understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.[1] Together with local housing advocate groups, we support their efforts on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

St. Joseph Hospital seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element…" Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, St. Joseph Hospital requests that the City include us and our local housing advocates in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments.

St. Joseph Hospital further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate St. Joseph Hospital, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach and community planning process.

To ensure adequate public participation St. Joseph Hospital recommends the following:

1. The City should engage community participation and feedback at all stages of the Housing Element review and update. Participation should not be limited to public hearings.
2. The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.
3. The City's public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.
4. The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.
5. The City should include affordable housing advocates in any anticipated Housing Element Work Group and provide the opportunity for them to provide their analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.
6. The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please feel free to contact me at (714) 771-8000 Ext. 17535 or Cecilia.Bustamante-Pixa@stjoe.org.

Sincerely,

Cecilia Bustamante Pixa

Cecilia Bustamante Pixa, MPH, MHCML
Director, Community Health Investment

[1]California Government Code § 8899.50 (Assembly Bill 686).

Mr. Mayor, Members of the City Council,

I felt that it would be helpful to write out some thoughts on the Housing Element in hopes that it might both shape the document and help keep the conversation going in what I believe to be a good direction. Although much of what I say in this letter is aspirational, I truly believe that Costa Mesa - much more than most of our neighbors - is set up to grow *well* into a leafy, sustainable, interesting, and beautiful urban city. Some of what is written below is immediately applicable to the task at hand (updating the Housing Element), while some of it is applicable to the larger task of updating the Circulation Element and Title 13 of the Municipal Code (zoning) in the wake of the updated Housing Element.

Please note that the ever-present risk of discussing these things is that certain terms and ideas are likely to present themselves very differently in each of our heads. To keep this letter from getting too long, I'm taking that risk. I've provided links throughout and resources at the bottom that might help refine the things I'm trying to say, and I'm also always available to chat.

> *The entire planning profession can be boiled down to "how do we fix the problems caused by cars and apartment bans without banning cars or allowing apartments"*
>
> - Someone on Twitter

1. The shape of the city

A good, healthy city is a collection of complete neighborhoods. *Complete* neighborhoods are geographically finite areas with civic, cultural, and commercial uses embedded into them. They also have a variety of housing types (among other benefits, like the mixing of ages and socio-economic status, this allows people to move through stages of life without having to leave their neighborhoods behind). This idea that neighborhoods are limited in size[1] is key. We often talk about how complete our *city* is (citing the number of dwellings, amount of office and commercial space, etc.), but what *matters* is the proximity of everything. That is really the whole point of a city. But when we disregard the human scale, we create a contradiction of a city. When civic, cultural, and commercial uses, and different housing options are embedded into our neighborhoods and within comfortable walking

[1] A complete neighborhood should roughly have a ¼ mile radius (5-minute walk), since that is the distance that people are generally willing to walk before opting to drive instead.

distance of each other, the city can flourish. But when they are grouped into sectors, miles away from each other and only accessible by car, the city *cannot* function well.

I say this because we need to think about what each neighborhood is lacking before designating vacant or underutilized lots as "opportunity sites" for housing. [2] This is important to remember, because once land is developed, it stays like that for a very long time. However good an increase in housing supply may be, a neighborhood which contains nothing but housing - or worse: nothing but one master-planned, centrally-managed product - is an incomplete neighborhood. Density without amenity is just car-dependent density. See this great blog post on the 5 Cs of neighborhood planning by urban designer Howard Blackson.

My point: *We need to make sure that this Housing Element is actively helping make all of our neighborhoods more complete. And we need to make sure that we aren't precluding the future "completion" of neighborhoods by planning for every last bit of available land to be filled in with nothing but more housing.*

2. **Regulating What Matters**

As with many other cities, it's our development standards that are largely responsible for our shortage of housing. Pre-WWII neighborhoods that represent the best of what we're trying to imitate with our R-1 standards contained a variety of building types, densities, and even uses. What we like about them is that the streets are lined with shade trees, cars move slowly, the buildings are mostly one or two stories and aren't too wide, they have conspicuous front doors and big front windows, they have porches and small gardens in front that make for comfortable transitions between private and public space, etc. If these (and whatever else we identify as the features that make such places desirable) successfully embody the spirit of what R-1 is intended to be, then *these* are the things that we should be regulating. And the same principle applies to whichever type of environment we're trying to achieve - whether we're talking about R-1-type streets or whatever the subsequent "clicks up" are.[3]

[2] This requires a lot-by-lot analysis, but for a simple example - have we identified any land as an "opportunity site" that is in a park-poor neighborhood? (see General Plan Figures OS-R 2 & 3).
[3] The subsequent "clicks up" shouldn't be on their own, far away: they should be embedded into the same neighborhoods - or even blocks!

But rather than regulating the physical things that matter, we've been regulating the abstract things that no one actually cares about. Density caps, minimum lot sizes, and costly parking mandates are three principal zoning culprits that have kept traditional American housing types - those that can deliver good density at multiple scales - out of our city.[4] As a result, our neighborhoods are frozen: single-family homes are selling for millions of dollars, and the only other product that gets built are distorted variants of the single-family home - crammed together unnaturally on jointly-owned lots, often turned away from the public realm. But we need to get our development codes right (code the things that we actually care about) so that our "built-out" parts can be liberated to evolve incrementally and organically.

There are many potential housing types that should be embedded into our neighborhoods, but are simply coded out. Missing middle housing traditionally refers to multiplexes that are the general size and shape as houses and therefore integrate seamlessly into R-1-type environments. But there are many other possibilities of types that are larger than missing middle products, but smaller than wraps or podiums, that - if done well - can work just fine in the *right parts* of each of our neighborhoods. We need to not only allow, but actively facilitate these "small" multi-family, or even mixed-use, infill projects. See here for some examples. We should not be depending on mega-projects to deliver all of our new housing.

Much of what I'm trying to get at is summed up in this line from a great Strong Towns post by Daniel Herriges:

> *Let single-family homes become duplexes and triplexes. Let small apartment buildings, 8 to 12 units, go up on corner lots. Let mom-and-pop stores and cafes open in these areas to serve growing populations.*

Then there are the large parcels in the city - both those still undeveloped and those that are ripe for redevelopment. Historically, large sites have been developed as sealed off pods of a single building type. Monticello - the 20 acre mega-project that turns its back on 3,000 feet of public streets - may have been the first of this type in town, and until recently have been in the form of garden apartments, like these, these, these, these, and these. But this model of development neglects the most *fundamental* principles of city-making: **urban**

[4] To take the simplest example: currently, how could you build a duplex in R-2? To subdivide your land, each new parcel would need 12,000 square feet and 100 feet of frontage(!) To build on an existing, smaller parcel, you would be allowed one unit per 3,630 square feet of lot area (meaning that you would not be able to build a duplex on a typical 6,000 square foot lot). If your lot has been that size since 1992, however, you can build a duplex - but only if you can fit 5 parking spaces on it.

land should be carved into small, walkable blocks, public open spaces, and streets of shared use; buildings should address, and take pedestrian access off those spaces. These are the characteristics that every desirable urban environment shares. But look what we're still allowing to happen with Superior Pointe, 17th West, The Enclave, and Miraval. The edge buildings in the first two at least address and take access off the street (though with questionable frontages), while The Enclave and Mirval have followed in the tradition of walling themselves off from the outside world. Rather than authentic places, these are all homogenous (in so many ways) faux-"communities" - unstitched from the fabric of the surrounding environment, impenetrable by the public, and wholly unable to evolve. You have to leave the whole project if your financial situation changes, if your family grows, or if it's time for grandma to be closer. We are making static, stagnant *projects* rather than *places* - despite how they are branded and marketed. [5] This is largely a matter of getting our codes right, and it should not have to require a colossal effort.

My point: *Our existing neighborhoods cannot be frozen and protected from any change. We need to make sure that our code is set up so that the change that does happen is incremental, context-sensitive, and in the right parts of each neighborhood. For the bigger projects, we need to especially make sure we have better subdivision standards. In all contexts, we should be regulating the things we actually care about, so that each project contributes to the aesthetic quality of our "urban commons."*

3. **Corridor Visioning**

I have heard the idea from the dais that we might want to articulate a vision - or visions - for our corridors, and even regulate them with form-based codes. I want to throw in my support. Like much of Southern California, our grid of corridors is a result of the Public Land Survey System from long before our time. When the functional classification system of highways is applied to this pattern, the result can only be seen as ideal by the most myopic observer. Look what has happened to places like Huntington Beach. We instantly recognize this interpretation of what a street is supposed to be as *not good*, yet we've been allowing the same thing to happen - project-by-project - along what perhaps is our corridor with the most potential: Harbor Blvd. Look at all the new development (for example Blue Sol, Twenty8, Aura, Azulon) and note what they have in common - they don't want to have

[5] 580 Anton is a different sort of project, but errs in the same way as many others. The entirety of the ground floor that is adjacent to the public realm - 700 feet of frontage - is dead. A lot of planning energy went into this project, yet the building fails in its most basic role (from an urban design perspective): shape and engage with the public space of the street. In the core of the City of the Arts, we need to do a better job of communicating our belief that beauty actually matters.

anything to do with Harbor Blvd. This is understandable, since we've allowed Harbor Blvd. to become a high-speed 6+ lane highway (making it a convenient place to *drive through*, but a very unpleasant place to *be*). We also - bewilderingly - have been allowing (even more) single-family homes to back right up to the boulevard. Is this consistent with our vision for our corridors? Is the future of Harbor Blvd. a high-speed channel of privacy walls with the backs of low-density, car-dependent housing on either side? The Planning Commission recently reviewed the plans for a new car wash to be built on a commercially-zoned lot on Harbor and Dale. I checked the zoning: 2 stories maximum, 20-foot setback required for both streets, FAR capped at 0.4, etc. It's no wonder that a car wash is moving in. Each new development betrays the embarrassing fact that we don't know what we want. We don't have a vision.

We would be wise to remember Principle no. 19 of the Charter of the New Urbanism (which is worth reading in its entirety): *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.*

The establishing of a form-based code would force us to figure out what the barriers to development are, what the market can support, and what ideal-yet-practical buildout *should* look, feel, and function like. The development code, then, would be set up to deliver physically-predictable results that are consistent with that vision, and with as little headache as possible each time an application comes in.

My point: *Yes to visioning our corridors, yes to code revisions in light of those established visions, yes to form-based zoning if necessary.*

4. **Open Space**

When the countryside is far away, the city becomes a prison.

- Christopher Alexander

In Southern California we've carpeted the land with low-density, car-dependent sprawl. In our worst suburban pockets, we lack both the benefits of the city *and* the benefits of the country. A wise response is not to try to freeze growth and long for more rural times. Nor is it to swing the other way and hastily welcome any and all growth. Our best approach is to strategically do what we can to control *the shape and character* of our city as the market and the State push us to grow (see No. 1, above). This obviously applies at all scales and should permeate all of our discussions about everything planning-related, but what I'm bringing up

here is the topic of semi-wild, easily-accessible open space *within* the city. The concept of "transfer of development rights" (TDR) programs is traditionally applied to cities that want to curb outward sprawl and protect surrounding farmland. It is dependent on the not-ideal system of regulating the abstract concept of density via the DUA metric. While I very much hope that we can stop regulating density through zoning at the parcel level, the DUA caps at the Land Use Plan[6] level may suffice to make a program like this viable. We have some very large vacant and underutilized parcels in the city, and it would be folly to let them just get paved over without considering whether they (in whole or part) might be opportunities to get more quality open spaces in the city that are easily-accessible to more people. This approach has the added benefit of not requiring that the city purchase the land: the property owner only sells the *rights* to build a specified number of units to another property owner elsewhere, and maintains ownership of the land - with a newly-recorded easement. I've never seen TDR programs set up like this before. But I don't see why the idea wouldn't be worth exploring if we are truly interested in rewilding parts of our city and providing more quality open space to more people as we densify.[7]

Having said that, we also need to recognize the obvious: the topic of urban open spaces and the lack of access to them is a modern, self-inflicted problem. The most common open space is the space between buildings - streets. But since we've allowed most of our streets to be monopolized by cars - and therefore unsafe and unpleasant for people outside of vehicles - none of it "counts." This really is amazing, considering the amount of open space there is in the city and how close it is to all of us! Instead, we provide pockets of turf with plastic play equipment where we can manage, but leave it up to residents to figure out how to navigate to those places safely through a network of disqualified open space that is dominated by fast-moving cars. Whenever we talk about the need for open space, we need to also talk about the need to reconceptualize our streets.

My point: *We need more public open space, and we need it more easily-accessible to more people. This topic increases in importance as we increase in population. A TDR program might be one means towards this end, or maybe we have better ideas. Our streets should serve as public open space too, but they cannot fulfill this basic role when driving convenience is treated as the highest good.*

---

[6] Using DUA at the Land Use Plan level is fine. It should *inform* our zoning. But when the metric is being applied parcel-by-parcel through zoning, it is being used inappropriately.

[7] I am using semi-wild spaces (like Canyon, Talbert, and Fairview Parks) as a gold standard here, but other forms of accessible open space may work well too - especially those that might provide some revenue to the property owner.

5. Parking & Mobility

> *In The High Cost of Free Parking, which the American Planning Association published in 2005, I argued that minimum parking requirements subsidize cars, increase traffic congestion, pollute the air, encourage sprawl, increase housing costs, degrade urban design, prevent walkability, damage the economy, and penalize poor people. Since then, to my knowledge, no member of the planning profession has argued that parking requirements do not cause these harmful effects. Instead, a flood of recent research has shown they do cause these harmful effects. Parking requirements in zoning ordinances are poisoning our cities with too much parking. Minimum parking requirements are a fertility drug for cars.*
>
> - Donald Shoup

> *The right to access every building in a city by private motorcar, in an age when everyone owns such a vehicle, is actually the right to destroy the city.*
>
> - Lewis Mumford

Before we go too deep in our analysis of how much and what sort of housing is possible, we need to figure out what we're going to do about our costly on-site car storage mandates, AKA parking minimums. Arguments in favor of keeping them can only be from the myopic perspective of the driver who has been accustomed to free and easy parking (and no traffic) wherever they go, despite how unrealistic and unsustainable that expectation may be. Arguments for their reduction or removal include sound logic and big-picture thinking.

As we grow, our dependence on cars *needs* to weaken, and the comfort and convenience of getting around in more spatially-efficient ways *needs* to become more viable for more people. Right now, despite our aspirational statements about being a multi-modal city, our codes ensure that driving remains the most convenient option to get around - through the continued use of LOS, high on-site parking requirements, the limitation of FAR and DUA by estimated trip generation, etc.[8] As we prepare for this growth spurt, we need to figure out

[8] Donald Shoup: *Consider the three main elements of city planning. First, divide the city into separate zones (housing here, jobs there, shopping somewhere else) to create travel between the zones. Second, limit density to spread everything apart and further increase travel. Third, require ample off-street parking to spread everything even farther apart and make cars the easiest and cheapest way to travel. Cities have unwisely adopted these three car-friendly policies. Separated land uses, low density, and ample free parking create drivable cities but prevent walkable neighborhoods. Although city planners did not intend to enrich the automobile and oil industries, they have shaped our cities to suit our cars.*

what we need to do to function and thrive as a car-lite city. If we allow the accommodation of cars to shape (and price) the development of 11,760 units, then this problem will be further entrenched for decades, and we will be marching away from our city and state climate goals. Now is the time to decide that we are going to grow sustainably (both spatially and environmentally), and calibrate our codes around more noble needs like beauty, green and active mobility, and affordable housing.

My point: *If we plan for cars and traffic, we'll get cars and traffic. Right now, despite what we say, we are still very much planning for cars and traffic. The discussion of the future of local housing must be intertwined with the discussion of the future of local access and mobility.*

I don't want any of the above points to be construed as hard-edged propositions. They are not intended as solutions, only ideas in an attempt to move the conversation in what I believe is the right direction. I want to push them to the front of our discourse over the vision of our city, and I hope that they can be on our minds as we continue to work out our future.

Thanks for reading,
Russell Toler

Resources

- Blog Post: Density Done Well
- Publication: Density Done Well
- Book: Soft City
- Missing Middle Housing
- AARP Handbook for Improved Neighborhoods
- Users Guide to Zoning Reform
- Lean Code Tool
- Biophilic Cities
- Residential Infill Project (Portland) (Oregon City)
- Random examples of new "small" infill

From: ASHABI, MINOO
To: "bustariley@aol.com"
Cc: ARIOS, JUSTIN; Chen, Nick
Subject: RE: Housing Element Comments
Date: Monday, May 3, 2021 3:00:01 PM

Hello Riley,
Thank you for your interest in the Housing Element Update. We will add your name to the interest list for future email blasts. You could also check the City's website for periodic updates including two new videos:
https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update
Your comment below is noted and will be included in the public comments provided to the City Council.

Minoo Ashabi, AIA
Principal Planner
City of Costa Mesa
714/754-5610
minoo.ashabi@costamesaca.gov

From: bustariley@aol.com <bustariley@aol.com>
Sent: Monday, May 03, 2021 2:54 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Fwd: Housing Element Comments

Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.
I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have allot of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for $570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time…raining…doctors appt…

errands…the list goes on & on).

2. We must set a housing "unit" to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I'm not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc…) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,
Riley Watson

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From:	Cash Rutherford
To:	Kathy Esfahani; Elizabeth Hansburg P4H
Cc:	Chen, Nick; ASHABI, MINOO; Rutherford Cassuis; Dianne Russell
Subject:	RE: Sharing Willowick proposal
Date:	Thursday, February 11, 2021 12:32:27 PM
Attachments:	image001.jpg

Thanks to Minoo, Nick and TeamCM for meeting with us on the housing element update. Please do keep Kathy and the CM affordable housing coalition apprised of the process at is unfolds. We are eager to stay engaged.
Kudos to Elizabeth for sharing the info about Willowick – I think there are definitely some lessons learned in how to approach developing FDC.
All the best,
Cash

Cash Rutherford
Field Coordinator, United to End Homelessness
Orange County United Way
18012 Mitchell South, Irvine, CA 92614
Email: CashR@UnitedWayOC.org
Phone: 949.477.4502
Mobile: 951.265.0461



From: Kathy Esfahani <kathy.esfahani@gmail.com>
Sent: Thursday, February 11, 2021 11:44 AM
To: Elizabeth Hansburg P4H <elizabeth@peopleforhousing.org>
Cc: nick.chen@kimley-horn.com; ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>; Cash Rutherford <CashR@UnitedWayOC.org>; Rutherford Cassuis <cashrutherford@gmail.com>; Dianne Russell <diannelrussell@gmail.com>
Subject: Re: Sharing Willowick proposal

Thanks very much, Elizabeth, for sending this. And thanks to Nick, Minoo, and all involved for hosting such a productive and satisfying meeting. We look forward to participating further in the Housing Element Update process.
Kathy

On Wed, Feb 10, 2021 at 3:10 PM Elizabeth Hansburg P4H <elizabeth@peopleforhousing.org> wrote:

> To be clear, this is a PROPOSAL, and no decision has been made, but for proof of concept, Willowick is a comparable site in size for FDC. It would be an interesting exercise to analyze how these partners are proposing to use the 90+ acres. The partners are City Ventures and Jamboree Housing.
> --
> **Elizabeth Hansburg**

Co-Founder & Executive Director
Image removed by sender.
c. (714) 872-1418
e. elizabeth@peopleforhousing.org
Click here to become a member of People for Housing!

City Ventures

Massing Model

WILLOWICK

SANTA ANA, CA

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ARCHITECTS . PLANNERS . DESIGNERS

WHA.

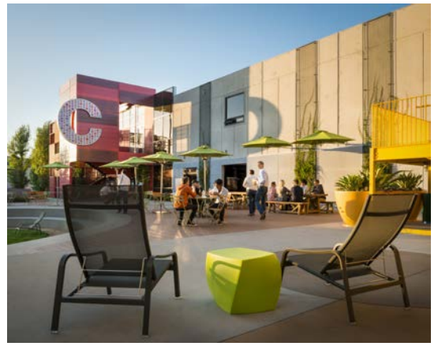
ORANGE COUNTY . LOS ANGELES . BAY AREA



3 RIVERFRONT PARK





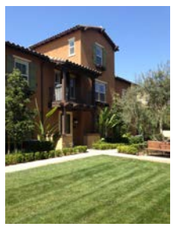






4 COMMUNITY PARK







5 NEIGHBORHOOD VIBE









City Ventures

4.2 INSPIRATIONAL IMAGERY

WILLOWICK

Summary	Acres	Homes	SF
Residential	**62.2**	**1,390**	**102,000**
2-Story SFD	12.2	140	
2-Story Townhomes	10.6	160	
3-Story Townhomes	25.0	520	
4-Story M/U Apartments Over Retail*	9.5	570	25,000
4-Story M/U Apartments Over Cultural*	4.9	300	77,000
Non-Residential	**61.9**		**70,000**
Retail	6.6		70,000
Rec Center	2.7		
Community Park	32.1		
Roads and Misc Open Space	20.5		
Total	**124.1**	**1,690**	**172,000**

*** Includes provision of 423 Affordable Homes in total (25%)**

W. Washington Ave.

11th St.

N. Jackson St.

Hazard Ave.

W. 7th St.

5th St.

PA-1
2-Story Townhomes
± 10.6 Acres
15.2 Homes/Acre
±160 Homes

PA-2
3-Story Triplex
± 5.0 Acres
15.6 Homes/Acre
±80 Homes

PA-3
2-Story SFD
± 7.2 Acres
11.2 Homes/Acre
±80 Homes

PA-4
3-Story Townhomes
± 5.7 Acres
19.2 Homes/Acre
±110 Homes

PA-5
3-Story Townhomes
± 5.7 Acres
24.2 Homes/Acre
±140 Homes

PA-6
Community Park
± 5.1 Acres

PA-7
4-Story M/U Apartments
Over Cultural*
± 4.9 Acres
± 77,000 SF
61.2 Homes/Acre
±300 Homes

PA-8
2-Story SFD
± 5.0 Acres
11.8 Homes/Acre
±60 Homes

PA-9
3-Story Townhomes
± 5.1 Acres
19.2 Homes/Acre
±100 Homes

PA-10
3-Story Townhomes
± 3.5 Acres
24.6 Homes/Acre
±90 Homes

PA-11
4-Story M/U Apartments
Over Retail*
± 5.4 Acres
60.0 Homes/Acre
±320 Homes
± 5,000 SF

PA-12
4-Story M/U Apartments
Over Retail*
± 4.1 Acres
60.0 Homes/Acre
±250 Homes
± 20,000 SF

PA-13
Rec Center
± 2.7 Acres

PA-14
Campesino Park
± 6.4 Acres

PA-15
Retail
± 6.6 Acres
± 70,000 SF

PA-16
Riverfront Park
± 16.8 Acres

Proposed
OC Street
Car Station

Santa Ana
River

OC Street Car Alignment

Spurgeon
Intermediate
School

Spurgeon
Park

CONCEPTUAL LAND USE PLAN
WILLOWICK

WILLOWICK
COMMUNITY
PARTNERS



Summary	Acres	Percent O.S.
Within Golf Course Boundary	**15.3**	**15.1%**
Community Park	5.1	5.0%
Rec Center	2.7	2.7%
Riverfront Park	3.7	3.6%
Linear Park/ Trails	3.8	3.7%
Outside Golf Course Boundary	**19.5**	
Campesino Park	6.4	
Riverfront Park	13.1	
Total	**34.8**	
Net Area (Golf Boundary Area)	**101.8**	**15.1%**
Gross Area (Includes Outside Areas)	**124.1**	**28.0%**

PUBLIC OPEN SPACE ANALYSIS
WILLOWICK

WILLOWICK COMMUNITY PARTNERS

From: Brent Stoll
To: Chen, Nick
Subject: SCMW
Date: Friday, March 12, 2021 9:31:04 AM

Something to think about. Most of the council members and some of the planning commissioners have seen versions of this over the years.
https://www.dropbox.com/sh/khkj4sk4j5e6qzz/AAAj7go8lWZBJ8804ndhkwcGa?dl=0

From: LE, JENNIFER
To: ASHABI, MINOO; ARIOS, JUSTIN; EMERY, SUSAN
Cc: Chen, Nick
Subject: Update
Date: Friday, January 15, 2021 11:35:49 AM
Attachments: image001.png

Hi—
I had a meeting with Kathy Esfahani today of the Affordable Housing Coalition. They are gearing up to participate in the Housing Element and to launch an outreach effort asking Costa Mesa residents to support some bold policies they will be advocating for. Their outreach focus is on promoting understanding of who affordable housing residents are (workforce housing) and confronting density with visuals of example affordable projects. Although we have a different role than an advocacy group, their messaging is in line with ours in terms of promoting an understanding of density and affordable housing issues. These are both topics for our short videos being developed.
Their top 3 policy asks are:

- Inclusionary Housing Ordinance
- A land use plan for Fairview Development Center that incorporates a master planned housing village of sorts with a mix of densities including rentals and low to mod affordable housing mix including a PSH component. Current cap of 500 units and “golf course” style housing is not their vision. Possibly lobbying the State to put the property in a land trust.
- Amending Measure Y so as not to function as a barrier to housing.
- Not top 3 but other things that are priorities for them: Preserving affordable MH parks and motel conversions and ADUs as a potential part of a solution for affordable housing. Offered to be a facilitator of conversations on motel conversions with Hotel owners who they had a relationship with from past efforts (Mike Lin owner of Travelodge was mentioned).

We already have them on our list I’m sure, but they will be one to include in our stakeholders meeting and possibly a one-on-one meeting in the future as we develop our adequate sites analysis and policy plan.

Jennifer Le
Director of Economic and Development Services
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92626
(714) 754-5617



Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Please note: Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom’s direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor’s guidance and reduce the potential spread of COVID-19.

Costa Mesa Affordable Housing Coalition

March 23, 2021

Mayor John Stephens and City Council Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Our Public Comments for the Housing Element Study Session

Dear Mayor Stephens and City Council Members:

The Costa Mesa Affordable Housing Coalition (the Coalition) applauds the extensive outreach efforts of city planning staff and the consultant in attempting to involve the community in the 2021-2029 Housing Element update. The Coalition has been glad to participate in many of these efforts and we appreciate the open minds and skillful listening displayed on the part of the city's agents.

Given the huge RHNA numbers assigned to Costa Mesa in the new planning period, and our community's desperate need for affordable housing, we urge the city to adopt in its Housing Element Update **bold policies** aimed at ensuring **affordable housing actually gets built** here. These are our major policy suggestions:

1. Adopt a highly effective inclusionary housing ordinance. The affordability requirement must hit the sweet spot: It should be high enough that it will help the city meet its RHNA numbers for low and very low income households, but not too high as to discourage development. We believe an excellent model is the inclusionary ordinance which works so well in Irvine. We note it is imperative the ordinance's in lieu fee is high enough to encourage developers to include affordable units in their project, rather than opt for paying the fee.

2. Amend Measure Y so it does not constrain the building of affordable housing. Additionally, we urge the city to interpret Measure Y as written as exempting from the "voter approval" requirement all developments which make at least 20% of their units affordable to low and very low income households.

3. Create a specific plan for the 100-acre Fairview Developmental Center site. The plan should allow densities of at least 60 units to the acre, with at least 20 percent of all units affordable to low and very low income households. Also, lobby the Governor's office to

get the state to either donate the property to the city for affordable housing development or sell the property at a discount to nonprofit developers for that purpose.

4. Create new overlay zones along major thoroughfares like Harbor Blvd. where mixed use development can replace failing strip malls with vibrant new communities of apartments, restaurants and small businesses, incorporating walking and bike trails. These overlays should require at least 20% of the housing to be affordable for low and very low income households.

5. Review and amend all specific plans and overlays in the city to include increased densities of 60 units/acre and a requirement of at least 20% affordable units.

6. Create a housing trust fund to hold the in-lieu fees generated by our new inclusionary ordinance, and prioritize in-lieu fees for use at the Fairview Developmental Center site/city-owned sites/affordable housing in overlay zones.

7. Create a land trust to hold donated land.

Thank you for considering our input on this crucial planning document. We look forward to partnering with you to increase affordable housing in Costa Mesa. Please let us know if you have any questions.

Sincerely,

Kathy Esfahani

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor John Stephens and City Council Members
Cesar Covarrubias, Kennedy Commission
Richard Walker, Public Law Center

August 3, 2020

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909

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

Dear City of Costa Mesa:

The Kennedy Commission (the Commission), a broad-based coalition of residents and community organizations, advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 2001, the Commission has successfully partnered and worked with Orange County jurisdictions to create effective housing and land-use policies that have led to the new construction of homes affordable to lower-income working families.

As you are aware, Housing Elements for the 6th cycle planning period (2021-29) are due to the California Department of Housing and Community Development by October 2021. The Commission understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.[1] Our work focuses on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

Further, the Commission seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..." Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, the Commission requests that the City include us in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments. The Commission further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate the Commission, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach, and community planning process.

To ensure adequate public participation the Commission recommends the following:

[1] California Government Code § 8899.50 (Assembly Bill 686).

1. **The City should engage community participation and feedback at <u>all</u> stages of the Housing Element review and update. Participation should not be limited to public hearings.**

2. **The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.**

3. **The City's public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.**

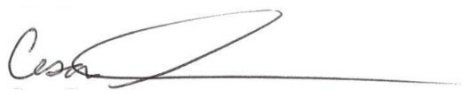
4. **The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.**

5. **The City should include The Commission in any anticipated Housing Element Working Group and provide the opportunity for the Commission to provide its analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.**

6. **The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.**

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City of Costa Mesa to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

Costa Mesa Affordable Housing Coalition

January 26, 2021

Jennifer Le, Director of Economic and Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Working Together on Policies and Programs for the 2021-2029 Housing Element Update

Dear Jennifer,

It was so nice to "meet" you in our recent Zoom call. As I mentioned then, the Costa Mesa Affordable Housing Coalition looks forward to discussing with you, your staff and the consultant the programs and policies Costa Mesa should include in its 2021-2029 Housing Element Update to address the City's housing affordability crisis. We are eager to work with you to help the City meet its steep RHNA challenge.

This letter is advance notice of some of our "big ideas" for the Housing Element Update, to frame our upcoming discussion. We have many other ideas to share, but will save those for another time. Our overall goal for this Housing Element Update is that it will reflect the City's commitment to *prioritize* and *facilitate* the development of rental homes affordable to lower income working families. Market rate (and above) housing has never needed much encouragement to flourish in Costa Mesa. Lower income housing, on the other hand, needs determined support from the City to ensure its development here. We suggest three key strategies for the City to pursue in that regard:

1. Reimagine the 100-acre Fairview Developmental Center (FDC) site as a master planned "housing village" which will provide housing for a broad spectrum of Costa Mesa residents at affordability levels from extremely low income through moderate income; advocate with state officials for donation of the entire 100-acre site for that purpose; take concrete steps at the local level to advance that policy.

2. Adopt a city-wide Inclusionary Housing Ordinance which requires a minimum of 15% of new housing development to be affordable to lower income households.

3. Identify Measure Y as a constraint in the production of housing affordable to lower income households and take steps to amend Measure Y so it no longer constrains that production.

<u>More detailed discussion of the three key strategies:</u>

1. Create a "housing village" on the Fairview Developmental Center (FDC) site[1]

[1] The current General Plan permits up to 582 residential units on FDC, with a mix of 250 single family units (6 du/ac on a minimum of 50 acres) and 332 multiple family units (40 du/ac).

a. The City should reimagine the FDC site as a housing "village" which meets the housing needs of multiple segments of the community by providing rental housing at different income levels, from extremely low through moderate. The village should offer housing for young families just starting out as well as for lower income families with multiple children in need of larger (three- and four-bedroom) apartments; permanent supportive housing for the developmentally disabled community; veterans housing; and mixed-use housing which will allow village residents to work and shop in ground level retail and offices within the village, which itself incorporates generous parks and open space.

b. The City should commit to an intense lobbying campaign to convince Governor Newsom and the Department of General Services to donate the entire 100-acre site into the City's (not yet established) affordable housing land trust for the purpose of facilitating the development of a substantial amount of the affordable housing required by the City's large RHNA allocation.

c. The City should identify the ***entire*** FDC site as an opportunity site for lower and moderate income housing. The City should change the site's current land use designation in the General Plan and its zoning to allow the site to be developed as a master planned "housing village" (described above), including allowable densities of 30-60 units to the acre and mixed-use housing.

d. The City should include a policy in the Housing Element Update to ensure affordable housing gets built at the FDC site, and a policy that requires the issuance of RFP's for affordable housing at the site.

2. Adopt a highly effective Inclusionary Housing Ordinance containing the following elements:

   a. A minimum of 15% of all new housing development will be set aside for *extremely low, very low and low income levels.*

   b. The ordinance should include the following options for meeting the affordable housing requirement: build affordable units on-site or off-site; donate land into the City's affordable housing land trust; pay an in-lieu fee (fee range $10-$20/sf or $10K to $20K per unit).

   c. Create a housing trust fund to hold the in-lieu fees and create a land trust to hold donated land.

   d. Prioritize in-lieu fees for use at FDC site/ city-owned sites/affordable housing in overlay zones.

3. Amend Measure Y so it is no longer a barrier to meeting the city's RHNA requirement for lower income housing.

a. The Housing Element Update should identify Measure Y as a constraint in producing affordable housing.

b. The Housing Element Update should include as a program that the City will take steps to amend Measure Y so it is no longer a barrier to meeting the RHNA requirement for extremely low, very low, and low income housing.

We look forward to partnering with you to increase affordable housing in the City and discussing these ideas at a meeting with you soon. Please let me know some available dates and I'll coordinate with members of our Coalition. Thank you!

Sincerely,

Kathy Esfahani

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor Katrina Foley and City Council Members
Planning Commission Members
Cesar Covarrubias, Kennedy Commission
Richard Walker, Public Law Center

Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the "inclusionary housing ordinance" which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more "granny flats", in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that "affordable housing" will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units (such as Section 8) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly "normal" citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

Betsy

Betsy Densmore

Resident:
1006 Nancy Lane
949-500-2381
Betsydensmore52@gmail.com

Sept 5, 2021

From: REYNOLDS, ARLIS
To: LE, JENNIFER; Chen, Nick; ASHABI, MINOO
Subject: Notes on draft HEA
Date: Thursday, August 12, 2021 10:23:46 AM

You don't often get email from arlis.reynolds@costamesaca.gov. Learn why this is important

All,

I spent about an hour skimming through the draft HEA and keeping these notes on the side. I certainly do not expect you to address every note. I'm sharing these for perspective and to share reactions from this westside reader . I highlighted what I think would be the most relevant comments that we may be able to address in an revised draft.

I'll try to get to the rest tonight!

- Cover page – as I mentioned on the call, my first reaction was that these images do not reflect the diversity we want to honor and protect; the image strikes at the common westside sentiment of "the city" wanting to replace us with they often referred to as "high quality families". It may seem trivial, but the sentiment is real and we want people to feel welcome right away.
- Can we put our new mission statement up front in the document?
- Can we add a table of contents?
- Page 2 – in the interest of encouraging & facilitating community feedback, consider adding to this page:
    - Public Review Period
    - Instructions / opportunities to give feedback – e.g., email XXX; survey on website, etc. ; date of planning/council meeting
- Page 4 – I agree with Harlan's comments about the photos in general – let's show the diversity of existing housing stock to remind ourselves that we have a pretty big range of housing types already!
- Page 4, Role
    - Add the year range at the end of the paragraph – "over the eight-year planning cycle (2021-2019)."
    - Consider adding a statement that clarifies what the HE is and is not…. It is a planning document to show opportunities for housing development; it is NOT a housing plan in the sense that the city dictates construction. (I'm sure there is better language for this!)
- Page 8 – will we have an opportunity to review 2020 census data and update if necessary? Not sure if we anticipate any substantive changes from 2010.
- Page 9 – guiding principles
    - Seems to be a typo in the second principle
    - I thought we had a principle that touched on protecting/maintaining homes of existing residents or minimizing displacement… can we say something about that here, or minimizing impacts on existing residents? It's valuable to acknowledge that we are consciously trying to not create a plan that targets development/overhaul of specific neighborhoods.

If appropriate, it would be great to state upfront here our recognition of the existing diversity in housing stock and our recognition that this plan requires similar diversity/variety in housing solutions

- CH 2 – community profile
  - Table 2-8
    - What is the order here? Should these be in order from highest to lowest?
    - All but one job in this list is below the OC median income – is that accurate? I get that a family with two working adults will be above $103… but my goodness!!!
    - source says American Community Survey. Are these numbers specific to Costa Mesa?
  - Page 19 – what is a "household" compared to a "housing unit"? Might be helpful to have definitions somewhere.
  - Table 2-9 – could we add a table note describing what "non-family household" includes? It sounds bad at first glance (no family!) I think includes senior living alone or young professionals alone or as roommates… totally normal!
  - Page 20 on Household income ---- would be really nice to have a call-out here describing housing burden and "ideal" ratio of income to rent/mortgage; and state that high housing burden reduces residents' ability to spend in the local economy and make educational investments for example. (I see now the section on page 2-15.. but still think we can add something about why a community should care that some people are overburdened)
  - Figure 2-5 --- can we connect this somehow with the data in Table 2-8? E.g., with each income category, give an example of the type of job? I want to make sure we recognize the value lower income jobs have in community
  - Page 2-13 – this is a big statement! "For the City as a whole, 46.5 percent of households have at least one of the four housing problems." Consider putting this in bold or a call-out box.
  - Table 2-20 – what is the definition of poverty, relative to the income levels?
  - Page 2-29 – what's the conclusion about Costa Mesa's vacancy rate…… would be good to include a statement on this. My takeaway is that Costa Mesa's low vacancy rate (lower than average in OC) reflects high demand for living in the city and low housing stock available to meet that demand. If I'm right, this is an important takeaway
  - Page 2-31 – my takeaway is that 50% of our housing stock is at least 60 years old (yikes!) and 75% is at least 40 years old (yikes, yikes!). What does that mean for HE? Potential unsafe conditions? Need for new housing to replace old housing? Opportunity to add housing units with necessary rehabilitation?
  - Page 2-32 – Newport is just nuts!
  - Table 2-35 – this tells me that Moderate income families cannot afford to purchase a home in Costa Mesa, and most low income families cannot afford to

rent either. Is that right? Can we say something somewhere to acknowledge these are not the ingredients for a healthy community?

- Page 2-36 --- this would be the place to make a statement about the housing burden on Costa Mesa families. We should include also:
  - 46.5 percent of Costa Mesa households have at least one of the four housing problems.
  - Something on the low vacancy rate
  - Something about affordability
- *I didn't see much about children/families with children – not sure what we can add here or what the data says, but I know that HOAG as found in its recent community analyses that housing stability is one of the top three health challenges in the community.*

- CH 3 -

Archived: Wednesday, March 3, 2021 9:12:10 PM
From: ASHABI, MINOO
Sent: Tuesday, November 17, 2020 4:18:40 PM
To: ARIOS, JUSTIN
Subject: FW: Feedback for City of Costa Mesa
Response requested: No
Sensitivity: Normal

Please add his name to the list and respond with the usual verbiage. Thank you.

From: AZAD, ARZO
Sent: Tuesday, November 17, 2020 8:19 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Subject: FW: Feedback for City of Costa Mesa

Minoo, please see email below…

Arzo Azad
Website Coordinator
City Manager's Office
(714) 754-5340

From: webmaster@costamesaca.gov <webmaster@costamesaca.gov>
Sent: Monday, November 16, 2020 4:25 PM
To: AZAD, ARZO <arzo.azad@costamesaca.gov>
Subject: Feedback for City of Costa Mesa

You have received this feedback from Herme Gonzalez < herme778@icloud.com > for the following page:

https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update

To whom it may concern, I feel as though the city needs to do something about the cars that are parked with no movement on the street. Parking is an ongoing issue and with less cars on the street better. PARKING GARAGES would be ideal in every few blocks to help with this. Thank you.

Archived: Wednesday, March 3, 2021 9:12:24 PM
From: Fred Arnold
Sent: Wednesday, November 18, 2020 2:57:29 PM
To: Housing Element
Subject: Housing Element Team update
Sensitivity: Normal

Attn: Minoo Ashabi, Principal Planner
I have been attempting To review and understand the new State and City requirements as it relates to Costa Mesa. With all due respect, I feel it is akin to theoretical science fiction. It is difficult to break it down to simple terms such as; high density impact. When traffic, waste removal, fire and flood emergencies etc. are factored in it runs into funding. I can't follow the money because there is none. Costa Mesa is broke. Orange County is broke. The State is broke and looking to the Feds for a bail-out. I see grants are mentioned but from who. More taxes? Please say it isn't so!

We will be watching. We're long term residents of Eastside Costa Mesa and care about the future of our home. Good luck.

Sincerely, Fred and Karen Arnold

Archived: Wednesday, March 3, 2021 9:12:32 PM
From: Russell Toler
Sent: Wednesday, November 18, 2020 9:01:1 PM
To: Housing Element
c: CITY COUNCI HAR AN, JEFFREY PERKINS, MARC TOURJE, JENNA ICH, JON CO BERT, KE ARIOUS EARAKA , BYRON RUSSE , IANNE
Subject: Housing Element comments
Sensitivity: Normal

Hello,

I wanted to provide some comments on the Housing lement update.

There is a full range of historic housing types in between the single family home and the big ugly apartment comple . The Missing Middle Housing types duple es, uadple es, rowhouses, and other small multi family buildings with good development standards, can all fit well within whatever shades of neighborhood character we re hoping to create or preserve, including our R 1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes so that families can stay close and people can age in place, among other benefits . I hope that through this update, we focus not ust on big pro ects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small pro ects. A big reason this sort of incremental development often doesn t pencil out because of parking re uirements, which brings me to my ne t point: cars.

As we grow, we need to figure out how to become less of a car depended and car oriented city, otherwise the NIMB s are right we ll be a tangled mess of traffic, which no one wants. So to what e tent is this new document going to deal with the uestion of how to uncouple housing from the car demand or toll that unnecessarily comes with it As we try to accommodate 11,000 units over the ne t 10 years, what are we doing to ensure that owning a car and is optional rather than virtually re uired

astly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the conte t of how we want our city to look, feel, and function. How will the occupants of the new housing get around How will the developments fit into the e isting urban fabric and contribute to the neighborhood they re in How will the new buildings relate to and shape the public space they sit on We don t want islands of amenity rich high density housing fortressed in from bleak rights of way and full of people who never leave the property without a car if you want to know what I m describing, drive up amboree in Irvine some time . The sustainable, e uitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay

Archived: Wednesday, March 3, 2021 9:12:40 PM
From: ASHABI, MINOO
Sent: Thursday, November 19, 2020 4:10:53 PM
To: Steven C. Shepherd, Architect
c: ARIOS, JUSTIN E, JENNIFER
Subject: Re: Thank You for last night s workshop I have a uestion
Sensitivity: Normal

Hi Steven,

Thank you for your participation we look forward to your continued input and other events for community engagement. Here are the responses to your uestions. I hope you find these responses helpful, but feel free to reach out if you have further uestions.

We will also include these uestions as well as others presented last night on the general A document we are preparing and post it on the webpage.

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance?
The City will need to adopt policies and programs that allow for development of housing at various locations and densities that in entirety address the allocated RHNA. The City is only required to change the general plan and zoning designations that would accommodate the growth but is not accountable for construction of the units. This effort will follow adoption of the Housing Element through a series of general plan amendments and zone changes (all subject to approval by City Council and potentially subject to Measure Y). The City is also required to submit an annual progress report to HCD (Dept. of Housing and Community Development) on development of housing during each year of the housing element cycle.

2. Is compliance based on identifiable land-use densities? yes, please see above

3. Since ADU's & Jr ADU are now allowed based on State law, how does that impact RHNA compliance?
HCD allows the City to count ADUs and JADUs toward RHNA but up to a percentage (latest information is 5 times the number of approved ADUs since 2018)

4. If property currently designated as single-family residential was allowed "by-right" to convert a single-family residence into a duplex or triplex, how would that impact RHNA compliance?
Same as above, the City can only account for a certain percentage of construction or conversion related to ADUs based on past trends. We distinguish ADUs and JADUs as a second unit subordinate to the main house and subject to certain requirements (max. size, etc.), although triplex and duplexes could be the same size.

Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom's direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor's guidance and reduce the potential spread of COVID-19.

Thank you!

Minoo Ashabi
Principal Planner -
evelopment Services epartment
Fair rive Costa Mesa CA

From: Steven C. Shepherd, Architect <steve@shepherdarchitects.com>
Sent: Thursday, November 19, 2020 1:24 PM
To: Housing lement
Subject: Thank ou for last night s workshop I have a uestion

Hello and Thank you for your very informative presentation workshop last night I learned a lot and really appreciated hearing the statements of residents.

I have a couple of very basic uestions:

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance

2. Is compliance based on identifiable land use densities

. Since AD s r AD are now allowed based on State law, how does that impact RHNA compliance

4. If property currently designated as single family residential was allowed by right to convert a single family residence into a duple or triple , how would that impact RHNA compliance

Sorry to ask such foundational uestions, but I am trying to educate myself and have never really been involved these types of issues.

Thank you.

Regards,
Steven C. Shepherd, Architect

P: 714 785 9404
www.ShepherdArchitects.com

Archived: Wednesday, March 3, 2021 9:12:50 PM
From: Nancy Henning
Sent: Monday, November 30, 2020 3:4 :0 PM
To: Housing Element
Subject: 2013-2020 and 2021-2019 Costa Mesa Housing Element Plan
Sensitivity: Normal

I have a few uestions re the 2013-2020 plan. I recently viewed it online due to some changes where I live...at Casa Bella Apartments... and am wondering if you have any recent info about the status of Casa Bella that you are allowed to share with residents. Possibly you can direct this email to the appropriate person if someone else handles these types of in uiries.

For your convenience, I copied the sections from your plan that I m interested in below in this email. In November 2020, Casa Bella totally changed property mgt companies which included a new manager. So far communications have not been great possibly because the new mgr was solely part time to begin and full time beginning this week. He is still getting organized. So far it seems the new company knows very little about Casa Bella and Hud though I could be wrong.

Several residents are worried including myself. We are worried that Casa Bella might be in the process of converting to market rates soon Based on your 2013-2020 plan, it seems likely that the for profit owner might wish to convert to market rates. But your plan also mentioned that the residents of Casa Bella would be given a year s notice and also be given Section 8 vouchers (see below). I m not sure if that is what the City of Costa Mesa ust wishes in order to help us or if it is mandatory for the owner to provide the year s notice as well as vouchers

Also, if we are given Section 8 vouchers, can we use them anywhere in Orange Co or even anywhere in CA or out of state

I realize that most likely the new mgt company will be notifying us eventually. Some of us are ust wanting to get prepared ahead if this is the case...that Casa Bella converts to market rates possibly in 2021

Thank you so much for any information you can provide,
Nancy Henning
See sections below if helpful...copied from your 2013-2021 plan...

Page 3 -37
At Risk Status

Twenty-five properties with 15 affordable units have density bonus agreements that were e ecuted mostly in the late 1990s. These agreements are e piring between 2018 and 2020. Among these units, 85 units are for very low income and 71 are for low-moderate income.

Another property, Casa Bella, is at risk of converting to market-rate housing or losing their low income subsidies within the ne t ten years. At Casa Bella, a total of 75 units are at-risk of converting to market rate rents over the ne t ten-year period. Specifically, Section 8 contract at Casa Bella is set to e pire on September 11, 2015. Casa Bella is considered the highest priority, due to the owner being a for-profit entity. However, the City imposed a land use restriction on Casa Bella in e change for the initial land write down, density increases, parking reductions and participation in HU financing. The land use restrictions re uire Casa Bella to remain affordable for the length of the mortgage, 40 years. In other words, Casa Bella is not at-risk of converting to market rate through a mortgage prepayment. The risk with Casa Bella converting to market rate is associated with the termination of a tenant-based Section 8 contract.

Page 73....
8. Preservation of At-Risk Housing

Overall, 231 housing units in the City of Costa Mesa are considered at risk of converting to market-rate housing. Specifically 25 pro ects with 15 affordable units are at risk due to the e piring density bonus agreements e ecuted during the 1990s.

Another pro ect 75-unit Casa Bella is at risk due to the potential e piration of its Section 8 contract.

2013-2021 Ob ectives: Monitor at-risk status of affordable units. For Casa Bella, work with HU and the property owner to e tend the Section 8 rent subsidy contract. Notify tenants of potential risk of conversion at least one year prior to conversion. Provide information regarding HU 's special vouchers set aside for households losing pro ect-based Section 8 assistance (applicable to Casa Bella only). Work with property owners to pursue State and federal funds for preserving at-risk housing.

Archived: Wednesday, March 3, 2021 9:12:59 PM
From: James Gerrard
Sent: Wednesday, ecember 9, 2020 10:1 :03 AM
To: Housing Element
Subject: Housing Element Updates
Sensitivity: Normal

Hello,

I hope this email finds you well.

My name is ames errard, and I am the overnment Relations Coordinator for Habitat OC.

Please add me to your housing element notification list. Habitat OC currently has 11 families living in Costa Mesa and as a community and county stakeholder we would like to stay update to on our local housing elements. Our mission is to create a world where everyone had a decent place to live, so we believe it is important to ensure a voice for affordable housing and especially affordable homeownership.

Thank you for your time and look forward to participating in your housing element process.

All the best,

James Gerrard

Government Relations Coordinator | **Habitat for Humanity of Orange County**
P.O. Box 15821 | Santa Ana, CA 92735 | www.HabitatOC.org
Office: (714)434-6200 ext. 250 | James@HabitatOC.org



Facebook: /HabitatOC | Twitter: @HabitatOC | Instagram: @HabitatOC | Shop the Habitat ReStores | Learn about homeownership

The Habitat for Humanity of Orange County team is working remotely while managing normal operations. Along with the health and well-being of our staff, our top priority is to continue to serve families and community partners in the safest and most effective way possible.

COLGAN, JULIE

From: Priscilla Rocco <dementedgardensprite@gmail.com>
Sent: Monday, March 01, 2021 12:11 PM
To: PC Public Comments
Subject: Housing Element

The survey gathering information about the housing element does not take into account any of the effects of this enormous housing addition to our already built-out city, fixed street capacity, existing schools and resources. And it is so limited asking preferences between townhomes, etc. when there is no mention of high rises like One Metro West at all. I can only assume that it was designed to achieve a predetermined outcome.

I have to also assume that there are no more guidelines or requirements for green space, trees, permeable ground for water percolation, or parks for families to relax and play, as every new build is all concrete to the property line, and in lieu of parkland, open space, and green areas, developers are paying money to the city allowed by the variances and agreement of the Planning Commission.

Not to mention that this whole Housing Element 10 year project is being driven by the State mandates, but those require 40% affordable housing units, and we DO NOT require ANY affordable housing in new builds!

Please do us the favor of speaking plainly. Is the Planning Commission going to do anything except green light any project that a developer submits?

Since One Metro West has been announced, I have tried multiple times to get Brent Stoll to speak to a group of local residents regarding our concerns, but he has repeatedly refused and the

Planning Commission has already agreed to cutting the parkland in lieu of payment, and we need parks in northern Costa Mesa. In the beginning they boasted 15% affordable housing, now it's down to 10% with no guarantee to the number or duration of years applicable.

And now with the Triangle Square signage issue?! Please just speak plainly. Is the Planning Commission working for the residence of Costa Mesa and taking their concerns and objections into account, or are you working for developers and corporations? Please address these concerns so we can get you on the record.

Thank you,
Priscilla Rocco

Archived: Wednesday, March 3, 2021 9:13:42 PM
From: ASHABI, MINOO
Sent: Tuesday, March 2, 2021 11:13:07 AM
To: ARIOS, JUSTIN
Subject: Fw: Senior Housing Waitlist
Sensitivity: Normal

From: Carol Buchanan <ca mrsb@live.com>
Sent: Tuesday, March 2, 2021 9:1 AM
To: ASHABI, MINOO
Subject: Senior Housing Waitlist

ood Morning,

I am concern that I may miss the option to apply for affordable senior housing when it comes available. So, I would love to be put on a future senior housing list to be advised when I could move in. I do not want to miss this opportunity.
I read the information sent out and it was disturbing that the last words, where the study does not guarantee anything will be done.
I am seeing donut shop which we do not need going in and senior housing only be spoken about for a maybe option. Right now, what is available in Costa Mesa is whatever the market can s ueeze out of you.

Thank you for your time and assistance.

Sincerely,

Carol Buchanan

From: CJ Hunter <mapleknowellhouse@gmail.com>
Sent: Tuesday, April 27, 2021 7:46 AM
To: CITY CLERK
Subject: Housing Element

Dear City Council,

As you begin to review different options for increasing the housing in Costa Mesa, please keep in mind that the status quo does not work. Car centric cities are bound to fail as can be seen by the current housing market which is dominated by car ownership, climate change which is fueled by emissions, and the countless number of cyclists and pedestrians that are killed by cars every year in Costa Mesa and Orange county. I implore you to take drastic action and to save our City.

Newport Boulevard is deteriorating north of 19th Street because commercial businesses are bound to fail there. There is no visibility and it is a haven for druggies with all of the motels and derelict properties. Every property should allow high density housing by right. The location has easy access to the 55 freeway and also is cyclable to downtown Costa Mesa, East Side, West Side, and even the beach.

While we're at it, the same applies for Harbor Boulevard, specifically in "downtown". These properties are falling apart. The City should allow for ground floor commercial, and a minimum of 3 floors of residential above. Having a mixed use neighborhood actually decreases traffic and increases livability. Restaurants and retailers flock to these locations because of the constant pedestrian traffic. Employees of the new commercial business would also live above removing any requirement for a car. These new businesses would also be utilized by the countless number of people who walk and cycle in Westside Costa Mesa. This would also work on West 19th, East 17th, and other potential neighborhoods.

So please, drop the status quo, stop holding our city hostage to the car. Remove as many car and parking requirements and the City will thrive. Will people complain about parking? Yes. Will people spend a couple more minutes commuting in their car? Yes. But ultimately, more people will move away from car dependence if other options are available. Unfortunately our current system doesn't allow for that.

Thank you for your consideration and hard work,

CJ FONG

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

April 30, 2021

Jennifer Le, Director of Economic and Community Development
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Dear Ms. Le:

We are aware that cities in Orange County are in the process of updating their respective Housing Elements in accordance with state law. Please be aware that portions of your city are within the Planning Area for John Wayne Airport, as shown on the attached exhibit. Pursuant to California Public Utilities Code Section 21676(b):

> "Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission."

As such, please incorporate ALUC review into your schedule for the Housing Element Update process. We request that items be referred to ALUC after consideration/approval by your city's Planning Commission. The ALUC meets the third Thursday of each month at 4:00 p.m. in the Airport Commission meeting room at 3160 Airway Avenue, Costa Mesa. For additional submittal information please see Section 4.7 of the AELUP which can be found here:

https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/.

If you have any questions, feel free to contact me at lchoum@ocair.com, or Julie Fitch at jfitch@ocair.com. You may also contact us by phone at (949) 252-5170.

Thank you.

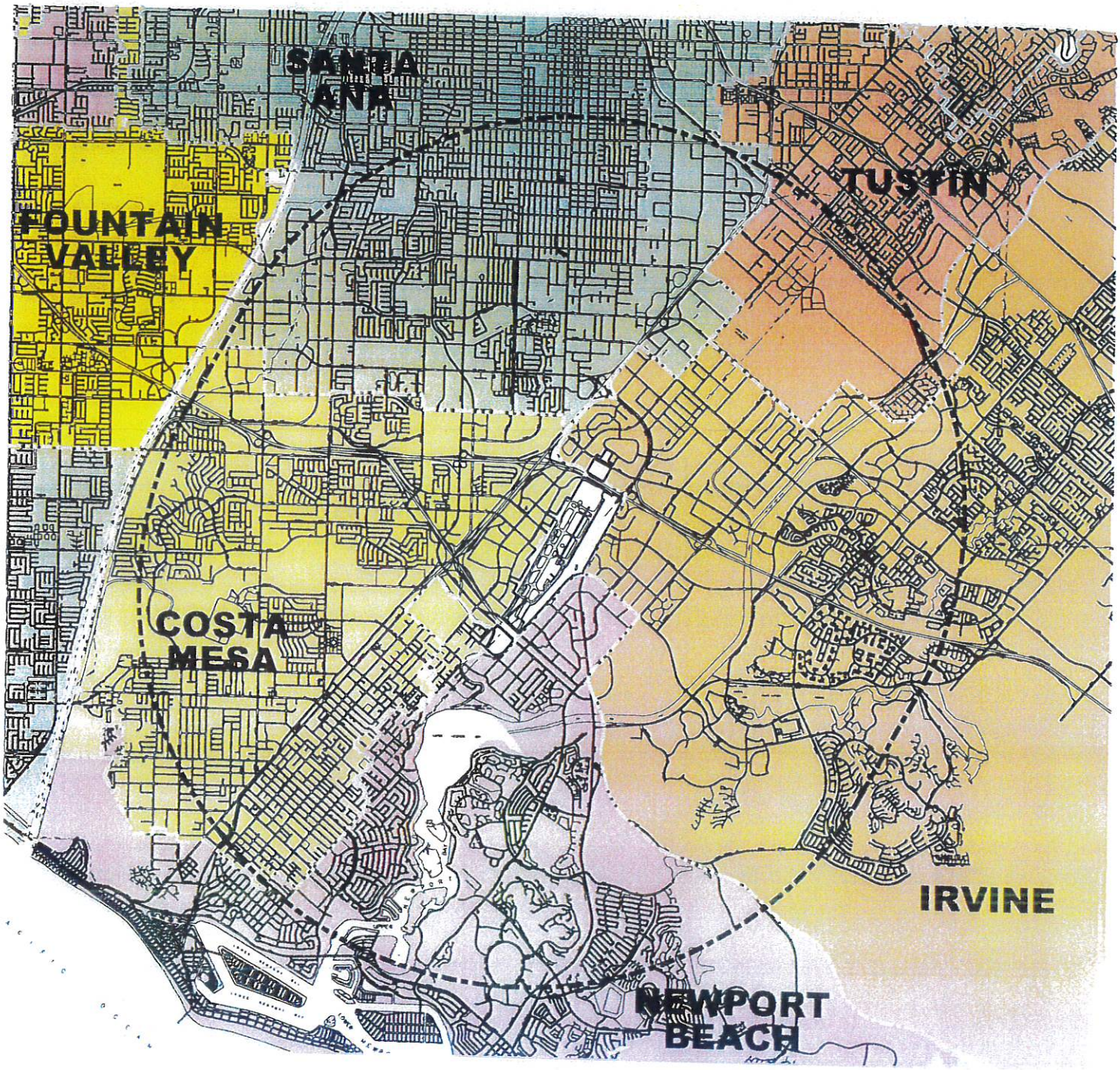
Lea U. Choum

Lea U. Choum
Executive Officer

Attachment: JWA Planning Area

REC'D MAY 0 5 REC'D

AELUP Notification Area for JWA



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000'Radius
- CITY BOUNDARIES
- AIRPORT BOUNDARIES

Scale in Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni, Executive Officer — April 17, 2008 Date

ARIOS, JUSTIN

From: bustariley@aol.com
Sent: Monday, May 3, 2021 2:54 PM
To: Housing Element
Subject: Fwd: Housing Element Comments

Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.

I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have allot of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for $570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time…raining…doctors appt…errands…the list goes on & on).
2. We must set a housing "unit" to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I'm not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc…) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,

Riley Watson

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ARIOS, JUSTIN

From: TONY DOUGHER <playporthoa2017@gmail.com>
Sent: Tuesday, May 11, 2021 10:31 AM
To: Housing Element
Subject: Costa Mesa Mobile Home Coalition

Good Morning Mr. Ashabi,
My name is Michael Dougher, I am a Commissioner on the Mobile Home Advisory Committee and President of the Costa Mesa Mobile Home Coalition.
I have been in contact with Willa Killeen as it pertains to our concerns over the rulings and subsequent planning of 11,000 plus, new dwellings to be built in the next 8 years here in the City and She directed me towards you, the council and the planning commission. We as owners of mobile homes and as rent payers, are more than a little bit terrified about the ramifications that this ruling might have on our lives. As you know a lot of the parks in this city are senior parks where people on very fixed incomes reside. That said, the affordability of owning a mobile home and paying what is now and has been for decades very reasonable rates to lease the land our homes sit on, has afforded the luxury to continue to be able to live here in this beautiful place. The prospect of having our homes torn out from under us at the hands of the City and or faceless Corporate Developers is, as I said, simply terrifying. The Mobile Home Coalition has attended Council meetings; we have submitted Overlay and Zoning proposals and have heard nothing back in at least a year. The Advisory Committee has not met even via ZOOM in a year or more. We understand lockdowns,regulations and restrictions on the already slow wheels of government have practically ground it to a halt. That does not mean however, that we can just leave the most vulnerable among us waving in the breeze as low hanging fruit for developers to pick off without any protections in place.
You need an angel on the affordable housing issue to help with the requirements of the ruling RIGHT? Well here you go Most people who live in MH Parks fall into the low income category, The dwellings are already in place and there are hundreds of them already occupied. It is my hope that you can guide me to the help we need to address this as soon as possible. We need a meeting Sir. I implore you to contact me and get this ball rolling. I believe we can work out a WIN! WIN! for all parties involved.

Yours Respectfully:

Michael Dougher. SP #14
Playport Mobile Village
President: HOA Playport Mobile Village
President: CMMC
Commissioner CMMHAB

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[**Vacant**]

COMMISSIONER
[**Vacant**]

COMMISSIONER
[**Vacant**]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

July 23, 2021

Minoo Ashabi
City of Costa Mesa

Via Email to: minoo.ashabi@costamesaca.gov

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Costa Mesa 6th Cycle Housing Element Update Project, Orange County

Dear Ms. Ashabi:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

    - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
    - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
    - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
    - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

    - Any report that may contain site forms, site significance, and suggested mitigation measures.

      All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the tribes on the attached list for more information.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand well help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

Attachment

ARIOS, JUSTIN

From: Diane Kastner <dianekastner@hotmail.com>
Sent: Thursday, September 2, 2021 12:56 PM
To: Housing Element
Subject: Feedback-Public Comment

Importance: High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

Kind Regards,

Diane Kastner

Diane Kastner
dianekastner@hotmail.com
Tel. (949) 378-1067

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ARIOS, JUSTIN

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,
Matthew Sheehan

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ARIOS, JUSTIN

From: ronronron@juno.com
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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ARIOS, JUSTIN

From: LE, JENNIFER
Sent: Monday, September 13, 2021 11:31 AM
To: Chen, Nick; ARIOS, JUSTIN
Subject: FW: CM - Revised densities for candidate sites (545-575) Anton
Attachments: Revised densities for candidates sites (545 575) Anton Blvd.pdf

From: George Sakioka [mailto:gmks@sakiokacompany.com]
Sent: Monday, September 13, 2021 11:30 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>
Subject: CM - Revised densities for candidate sites (545-575) Anton

Hi Minoo,
Here are our comments for the "revised density for candidate sites" – attachment 2 on the Agenda for 9/13/2021. (see attachment)
These comments are in addition to our previous email comments to the initial draft.

Unique ID sites:

Site 206
- size = 0.75 acres
- typo = "Small commercial out parcel uses."

Site 207
- address = N/A , it is a surface parking lot, not the 575 Anton Building itself.
- notes = surface parking lot

Thanks and I'm happy to discuss in more detail.

George

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ARIOS, JUSTIN

From: ASHABI, MINOO
Sent: Monday, September 13, 2021 11:31 AM
To: ARIOS, JUSTIN; Chen, Nick
Subject: FW: CM- Housing Site Analysis- comments

From: George Sakioka <gmks@sakiokacompany.com>
Sent: Monday, September 13, 2021 11:28 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>
Subject: CM- Housing Site Analysis- comments

Hi Minoo,

Here are our initial comments/clarifications on the DRAFT Housing Element before the "revised densities" for the 9/13/21 agenda.
(I will send comments on the "revised densities" in a separate email.)

Attached is the CM Housing Element Update - **Appendix B site analysis - highlighted** with notes for the Sakioka parcels.

Please refer to the PDF pages of the attached Appendix B Site Analysis for comments/clarifications:

- PDF - Page 11
  - Sakioka Lot 2 = **30.93 acres**

- PDF - Page 23
  - Site 142 = **Roy K. Sakioka & Sons (owner) and 30.93 acres**
  - Site 144 = **address is N/A since it is a surface parking lot only. Remove 24/hr Fitness in the Notes section.**

- PDF - Page 25
  - Site 206 = **.75 acres**

- PDF - Page 26
  - Site 207 = **address is N/A since it is a surface parking lot only.**
  - Notes = **surface parking lot only**

I have also included the following attached documents for your reference.

- CM Plat Map Sakioka Lot 2
- CM Plat Map 545 Anton, Parking Lot & Lot 3

Thank you and I'm happy to discuss any of our comments.

George

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September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 2

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	~~575 Anton Blvd~~	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	~~Small commercial our parcel uses~~. Property owner has indicated interest in redeveloping the site for residential uses.

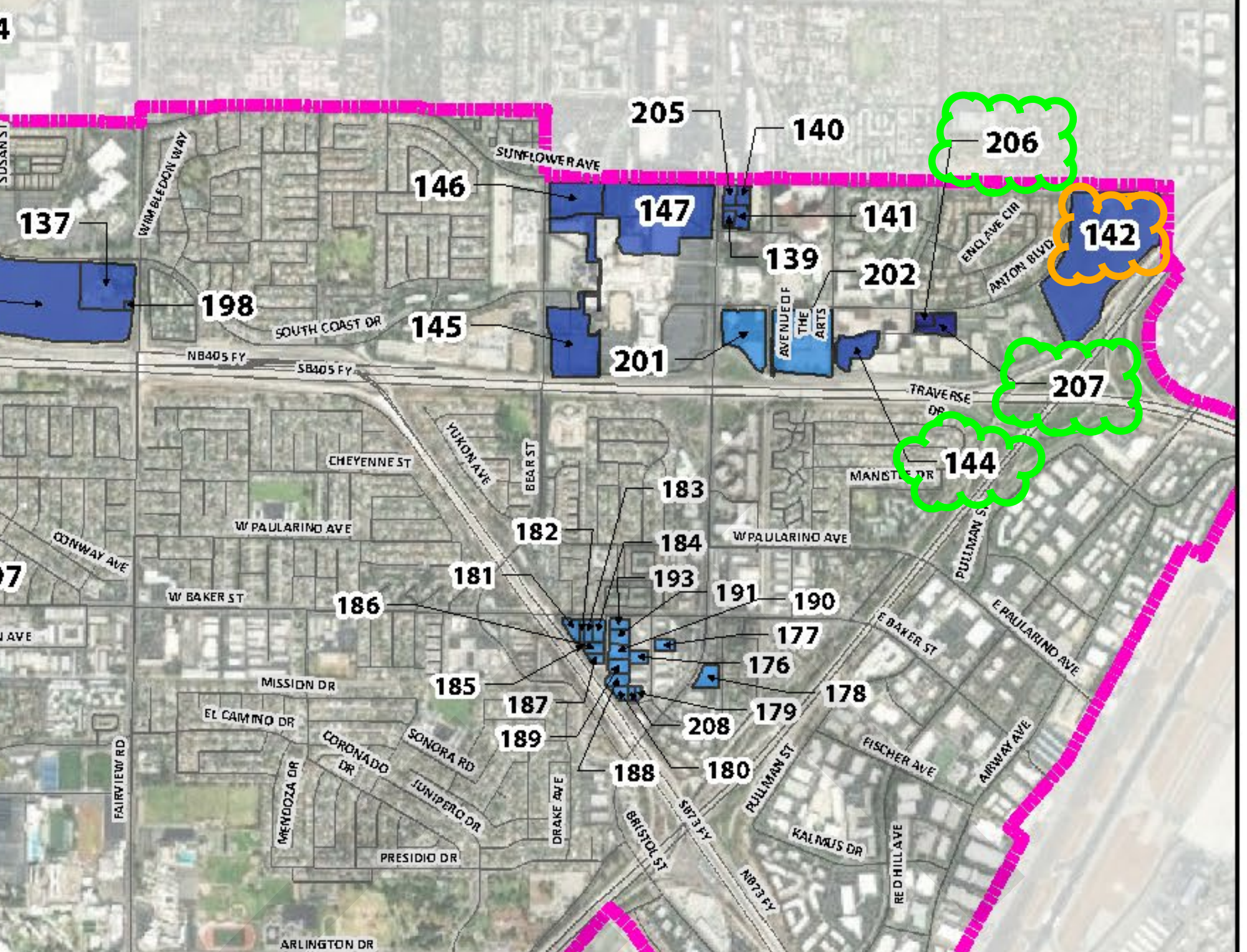
0.75

typo

out

n/A

Surface Parking Lot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208
189
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SUNFLOWER AVE
WIMBLEDON WAY
SOUTH COAST DR
NB405 FY
SB405 FY
TRAVERSE DR
ENCLAVE CIR
ANTON BLVD
AVENUE OF THE ARTS
CHEYENNE ST
YUKON AVE
BEAR ST
MANISTEE DR
W PAULARINO AVE
CONWAY AVE
W BAKER ST
E BAKER ST
E PAULARINO AVE
PULLMAN ST
MISSION DR
EL CAMINO DR
CORONADO DR
SONORA RD
MENDOZA DR
JUNIPERO DR
DRAKE AVE
FAIRVIEW RD
PRESIDIO DR
ARLINGTON DR
BRISTOL ST
SB73 FY
NB73 FY
FISCHER AVE
AIRWAY AVE
KALMUS DR
RED HILL AVE

requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within Table B-3.

4. Development of Large Site Parcels

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these major property owners to determine their future interest in developing housing on the identified properties.

FAIRVIEW DEVELOPMENTAL CENTER

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 114 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5th cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City.

The City's 6th Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

SAKIOKA LOT 2

30.93 AC

Sakioka Lot 2 is a 33-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was recently extended for ten years until May of, 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6th Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

HOME RANCH

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement

Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA ~~INC~~ + sons	PDC	2	North Costa Mesa - SL2	33.02	90	Vacant			120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.
410-501-31	144	~~575 Anton Blvd~~ N/a	JKS-CMFV LLC	PDC	2	North Costa Mesa	3.39	90				61	30	61	153	~~Existing 24-hour fitness with~~ large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	6.41	90				115	57	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-491-11	146	0	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	5.37	90				96	48	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	2	North Costa Mesa	10.00	90				180	90	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
418-161-06	176	2957 Randolph Ave	ZELDEN ALICE WILLER	MG	2	SoBECA	0.72	60				8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	2	SoBECA	0.72	60				8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-163-05	178	2064 Bristol St	PEP BOYS	C1	2	SoBECA	1.47	60				17	8	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	2	SoBECA	0.26	60		B		3	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	2	SoBECA	0.67	60				8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	2	SoBECA	0.87	60				10	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	2	SoBECA	0.33	60		D		3	1	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.

DRAFT

Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	2	Harbor Mixed-Use	1.90	60				22	11	22	59	Existing auto dealer with large surface parking.
140-041-83	198	N/A	C J SEGERSTROM & SONS	PDC	1	North Costa Mesa - HR	0.23	80	Vacant	C		0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	2	Harbor Mixed-Use	1.27	60		B		14	7	14	39	Restaurant and barbershop. Site is anticipated to redevelop with adjacent parcels as shown in this table.
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	4	19 West	0.63	50				6	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	6.27	60		H		18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	12.07	60		H		35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
139-313-21	203	1590 Adams Ave	C J SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	0.19	50		F		1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
139-313-30	204	1590 Adams Ave	C J SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	2.40	50		F		24	12	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.79	90		G		14	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	130				19	9	19	48	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

.75

Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-36	207	~~575 Anton Blvd~~ N/A	JKS-CMFV LLC	PDC	2	North Costa Mesa	1.82	170				61	30	61	157	Surface Parking Lot ~~Small commercial out parcel uses.~~ Property owner has indicated interest in redeveloping the site for residential uses.
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	1	SoBECA	0.27	60		B		3	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.

DRAFT

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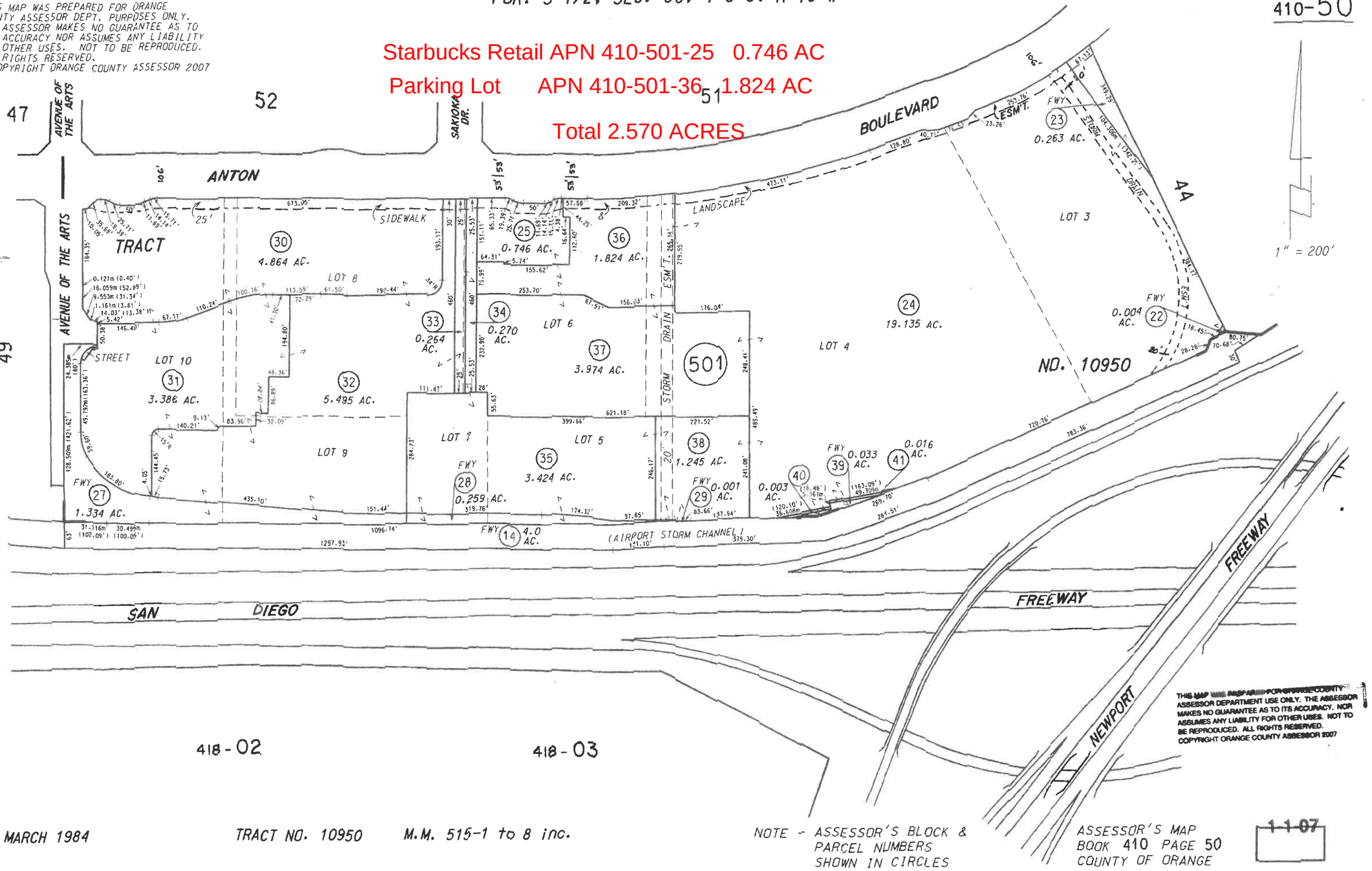
POR. S 1/2, SEC. 36, T 5 S, R 10 W

410-50

Starbucks Retail APN 410-501-25 0.746 AC

Parking Lot APN 410-501-36 1.824 AC

Total 2.570 ACRES



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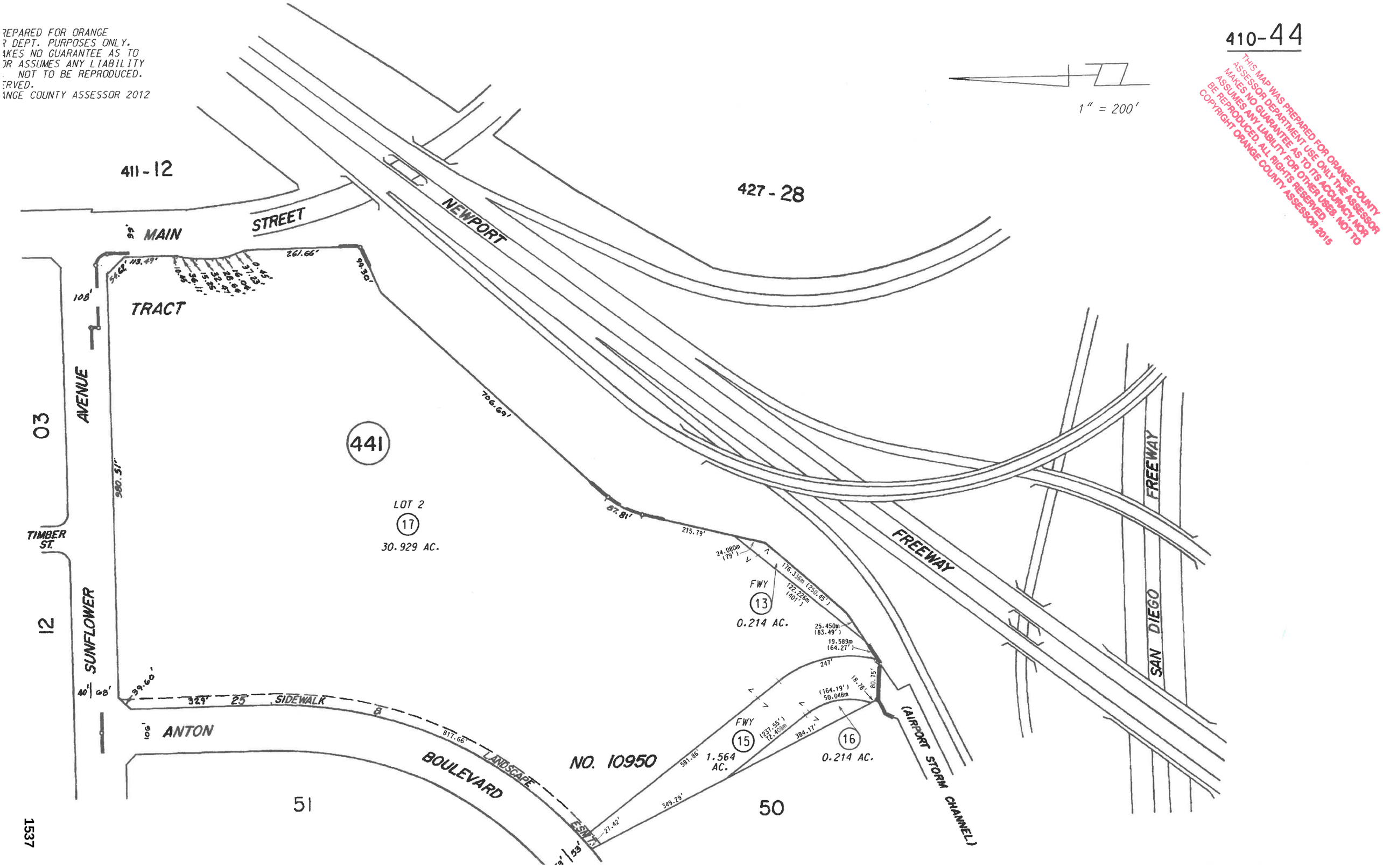
ASSESSOR'S MAP
BOOK 410 PAGE 50
COUNTY OF ORANGE

1-1-07

1536



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ARIOS, JUSTIN

From:	cmcdonald.home@gmail.com
Sent:	Wednesday, September 15, 2021 4:37 PM
To:	CITY COUNCIL; DEARAKAL, BYRON; RUSSELL, DIANNE; ERETH, ADAM; TOLER, RUSSELL; ZICH, JON; Housing Element
Cc:	LE, JENNIFER; ASHABI, MINOO; FARRELL HARRISON, LORI ANN
Subject:	Housing Element Update

Dear City Council Members, Planning Commissioners and City Staff:

A city is a living thing. It will always grow and expand, because if it doesn't, it stagnates. The challenge is growing a city so that it is the best city it can be. It must satisfy the needs of the current residents, while providing for the needs of new and future residents. It needs to be financially stable, but safe and healthy for its residents. In today's world, it must be sustainable and socially equitable. All of this takes good planning by city leaders and city employees.

The Housing Element Update is a very important part of the comprehensive planning process for the City of Costa Mesa. It is an element of the blueprint for the growth of our city. We need it to be the best plan possible for our residents, businesses, and visitors.

This draft Housing Element is built around satisfying the requirements of SCAG and the RHNA that has been imposed on Costa Mesa. The strategy used was to look at the current planning tactics used by the City and adapt those to meet our RHNA. Consideration was given to proximity to transit corridors so that the impacts of traffic caused by any increase in density could potentially be offset by the use of mass transit and active transportation. However, there is no requirement that new housing be mixed-use in order to deter the use of motor vehicles. How will we encourage people to use transit other than cars? There is no requirement that new development include active transportation facilities. That needs to be addressed as part of the process that results from the adoption of the Housing Element Update.

During the recent joint City Council and Planning Commission Study Session it was stated that the diversity and unique characteristics of neighborhoods would be complemented. The size of the parcel would have to accommodate at least 30 du/ac, which narrowed down the choice of some of the parcels. Identifying the potential to redevelop the parcels is also required. However, we see a great deal of the burden of increased density falling on areas that have already been subjected to projects whose impacts were not mitigated, thus causing more stress on residents who already are affected by traffic, pollution, and a decreasing amount of open space.

An inclusionary housing ordinance ("IHO") is being considered. Much has been said about the reasons why young people and seniors cannot afford to live in Costa Mesa. The primary reason why affordable housing hasn't been built is because the price of land is high. But another reason is that the City has not adopted an IHO and no developer will build truly affordable housing unless it is required to do so. Why is an IHO being "considered" when it should have been drafted and implemented long ago as a tactic to satisfy our RHNA? The City needs to move this off the back burner and get it done. By no means should the City Council approve the final zoning changes contemplated by in the Housing Element Update until the City has adopted an IHO.

Many of the identified parcels are being zoned at densities that are typically used for rental housing. We are upside down compared to other cities in terms of home ownership versus rental housing. Homeowners tend to be invested in their communities, which is something encouraged by most cities. How is the City going to make certain affordable home ownership opportunities are provided?

Including ADUs and JADUs to satisfy the numbers is reasonable. However, the City needs to consider ways to induce or assist homeowners to build them. Grants, loans, and tax abatements are all incentives the City should consider.

As noted in Program 3G of the draft Housing Element and by some of the City Council and Planning Commission members, the Housing Element Update will need to be put to a vote by the citizens because it exceeds the limitations under Measure Y. This will require the City to present information to the public, including depictions of buildings of the new levels of density, what you anticipate traffic VMT to be, and environmental impacts.

Measure Y came about because, despite the illusion of the City welcoming participation by residents in the planning process, the voices of the residents were largely ignored. Many residents were not aware of large projects that impacted their quality of life until the framing began. The purpose of Measure Y was not only to engage citizens in the process and give them the ability to have input into large projects, but also to encourage developers to bring better projects to Costa Mesa. Additionally, it was anticipated that the City would adopt a better General Plan because that document would likely be subject to a vote of the residents under Measure Y.

For many years the residents have been asking the City to develop a vision of what the future of Costa Mesa will be. It is understood that this takes time and expertise, but it will never happen unless it gets started. This is the perfect opportunity to do that. Jennifer Le, the City's Director of Economic and Development Services, stated that looking at Form-Based Code will be a part of a major update to our Planning Code. I encourage the City to adopt Form-Based Code, because it will encourage predictable growth that is compatible with existing neighborhoods, while encouraging financial solvency through mixed-use development.

As for the document itself, it is well organized, and I thank Staff and the consultant for the time and care that was taken. I suggest the following modifications/additions:

1. In the Community Profile (Chapter 2), it would be helpful to see:
    a. Population Growth: What has been the historical growth of Newport Beach and Irvine as compared to Costa Mesa? Did Costa Mesa grow more over the past decade or less than these cities? This will tell us if this is a trend or a pattern. It should also be noted that Costa Mesa, unlike Newport Beach and Irvine, is nearly built out and has very little space in which to add housing without repurposing commercial/industrial properties. Also, the fact that high cost of land contributes to the lack of affordability and growth of housing should be included.
    b. Age Characteristics: How does Costa Mesa compare to California? The US? Is the increase in people over 65 living in Costa Mesa unique or is this because people in the US are living longer overall?
2. Chapter 4, Housing Plan, includes programs where developers are identified and encouraged to work with the City on senior housing and mixed-use projects within the Urban Plan areas. I encourage the City to include that same action in Program 2B, Affordable Housing Development.
3. Appendix B, Candidate Sites Analysis and Overview:
    a. A major corridor, Newport Boulevard has been ignored. This area has many aging properties that could be repurposed for housing; however, careful consideration needs to be given to how those projects would impact the adjoining neighborhoods. Since Newport Boulevard is one-way on either side of the freeway, walkability, bikeability and mixed-use developments must be prioritized.
    b. Most of the parcels have been assigned a future density that we typically see as multi-family rental housing when built out. The City already is upside-down in the ratio of homeownership to rental housing compared to other cities in Orange County. How will the City remedy this situation?
4. It would be very helpful if hyperlinks/cross-references could be added to the document so readers could more easily find definitions and use of terms in various sections. For example, I tried to find "high resource neighborhoods" that were referenced in the joint Study Session and had a difficult time finding it (used twice in Chapter 3, but not defined).

Thank you for your consideration.

Cynthia McDonald

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ARIOS, JUSTIN

From: fred solter <fsolter@msn.com>
Sent: Wednesday, September 15, 2021 4:27 PM
To: Housing Element
Subject: Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

Absurd levels of Density are Not Acceptable

State Mandates Violate - 'Local Governance' principals

also:

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area. Another benefit to utilizing the golf course is the reduction in land that needs watering which would reduce the overall water demand on the city.
4. Another potential location for these proposed units would be the Fairview Development Center.
Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.
5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

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ARIOS, JUSTIN

From: Louis <Louis@LouisShapiro.com>
Sent: Wednesday, September 15, 2021 10:25 AM
To: Housing Element
Cc: ASHABI, MINOO
Subject: ADU comments and Questions

Dear Housing Element,

Meeting:

I was on the Thursday September 2nd evening community meeting .

Want to thank your staff for the professionalism, the number of staff showing up for the meeting. As well as the different categories of topics that were included.

Used a cell phone and did not use zoom. Was limited on being able to raise my hand or make comments. Also was not able to move from main room to other rooms. I would recommend on future invites to the meeting to go into detail on best ways to attend the meeting and protocols.

There was a large amount of information provided before the meeting which was excellent. Even after reading the information felt largely not prepared for the meeting. Not sure how to resolve this disconnect. But wanted to make your staff aware of this as if I felt a disconnect maybe others in the meeting felt the same way.

Maybe if the agenda is more clear before the meeting and a contact person for an inquiry before the meeting may help the meeting to go more smoothly.

I realize that state, county and city requirements for ADU are still being defined. With this in mind I am making the following comments. Also not an expert with all the rules and regulations proposed and have been made into law. As a home owner making the following comments. Want to thank the City for making public comments available for shaping ADU's in the City of Costa Mesa.

My comments below is for R1 zoning only.

Comments:

A. FORMAL NAMES OF AREAS WITH THE CITY

The city has identified different areas within the city limits. Can we have formal names for these areas and city boundaries? Can these formal names be used in the reporting processes?

B. FEATURES AND BENEFITS

On the information that was provided before the meeting. Was not able to find information on Cottages, Duplex and Triplexes. But the information was on larger apartment complexes.

As a home owner we are interested in features and benefits. Not so much technical details about the city requirements for densities, tax credits to the city and other city related technical details.

I am pleased to find a glossary of terms that is helpful. But it is easy to get over whelmed with all the technical details that are involved with a ADU both from a State and the City requirements. Within the calendar last year, the ADU process is much easier. Want to thank the city for making it much easier in the planning process.

C. PERMITIING PROCESSES

It seems to me we submit our proposal for an ADU and it is reviewed within the guidelines. To me if the guidelines are more clear it would be an easier process. My thinking is if it the criteria broken down down into categories and posted on the city website it would be easier prior to submitting the application for approval. Would it be possible to break up the ADU's permitting process in the City in the following categories:

R1 Zoning:
A. Garage conversion
B. Single Free standing
C. Existing Single Family Home conversion D. Duplexes C. Triplexes E. Cottage Clusters F. Number of ADU's on a lot permitted.

Some ideas would be a flow chart of the permitting processes to include allowed, not allowed, in process of change. Then into sub categories.
These different categories have different requirements. Maybe even a spreed sheet table that has check boxes on the requirements would be helpful. Any more color on this subject would be helpful. Ways to make it easier as a home owner to understand the ADU processes.

From my understanding, I can be wrong. But Duplexes, Triplexes and Cottage Clusters are not allowed under R1 zoning.
Can this be changed? Is this a State or City mandate?

On Duplexes, Triplexes, and Cottage clusters to have consideration to allow under R1 Zoning under the definition of use for a ADU with the criteria of California and City codes.

During the meeting the process of planning and permitting of ADU seems to be capped for the number of ADU.
I am not clear on the # of ADU permitted per year. Any color on this subject would be helpful.

D. YEARLY REPORTING OF ADU's

To produce a yearly report that would have these details:
Under R1 Zoning, ADU permitted to include Garage Conversion, Single Free Standing, Existing Single Family Home Conversion, Duplexes, Triplexes, and Cottage Clusters.

1. #1 Parking Spaces allocated
2. SQ Feet of ADU
3. Set Back requirements
4. 1 Story or two story, or multi story
5. The intended use of the ADU (Family, Income, Guest House) 6. The length of time for planning process, Permitting and build completion 7. Estimated Costs of permits, and build costs.
8. Building Materials used (high, medium, low cost) 9. The area formal location name within the city

Please consider my comments for future planning.

Best Regards,
Mr. Louis Shapiro

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ARIOS, JUSTIN

From: Yesenia Markle <yessiemrkl@gmail.com>
Sent: Wednesday, September 15, 2021 9:09 AM
To: Housing Element
Subject: Housing Proposal

To whom it may concern. I am writing to share my concerns on the proposed Housing element draft presented on September 13, 2021.

I oppose this proposal for the following reasons:

1. Smart & Final and El Metate are very conveniently located within our neighborhood. Many people walk to these stores for their groceries. If both of these are torn down, where will the residents buy their food? Many residents do not have the luxury of a vehicle to drive for groceries. Do not tear down the grocery stores to build "affordable housing".

2. Adding low-income housing will not solve the problem of homelessness, it will only add to overcrowding and the parking shortage for residents in the area. This is a recipe for slum and overcrowding.

3. I suggest using the golf course area/driving range which is raw land. This area will easily accommodate all the affordable housing the state law is requiring.

4. Another potential location for these proposed units would be the Fairview Development Center.

Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.

5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Thank you for your time,

Yesenia Markle
Costa Mesa Resident

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ARIOS, JUSTIN

From: Richard Walker <rwalker@publiclawcenter.org>
Sent: Thursday, September 16, 2021 12:35 AM
To: ASHABI, MINOO
Cc: Housing Element
Subject: Comment Letter re Draft 6th Cycle Housing Element
Attachments: Costa Mesa Comment Letter to the City - 09.15.21.pdf

Please find attached Public Law Center's Comment Letter regarding Costa Mesa's Draft 6th Cycle Housing Element. Please do not hesitate to reach out with any questions or concerns.

Regards,

Richard Walker (he, him, his)
Senior Staff Attorney
Housing and Homelessness Prevention
Public Law Center
601 Civic Center Drive W.
Santa Ana, CA 92701
714.541.1010 Ext. 292
rwalker@publiclawcenter.org

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PUBLIC LAW CENTER
Providing Access to Justice
For Orange County's Low Income Residents

September 15, 2021

Minoo Ashabi
Principal Planner
Developmental Services Department
City of Costa Mesa
77 Fair Drive,
Costa Mesa, CA 92626
housing-element@costamesaca.gov
minoo.ashabi@costamesaca.gov

RE: City of Costa Mesa Draft 6th Cycle Housing Element

Dear Ms. Ashabi and City Staff,

Public Law Center ("PLC") is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals and families across Orange County. Our services are provided across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Additionally, PLC provides legal assistance to community organizations. Further, the mission of our Housing and Homelessness Prevention Unit includes preserving and expanding affordable housing. Thus, we write on behalf of individuals in need of affordable housing in Orange County to comment on the City of Costa Mesa ("the City") Draft 6th Cycle Housing Element.

Government Code Section 65583 requires that a housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.[1] Additionally, the housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.[2] We commend the City on its efforts to engage its residents in the housing element update process and in its attempts to identify and address the housing needs of its residents. However, the City's Draft 6th Cycle Housing Element fails to meet all of the requirements of State law and fails to contain strong commitments to implement meaningful programs and actions that will address the housing needs of its residents.

Extremely Low-Income Households

Local agencies shall calculate the subset of very-low-income households allotted that qualify as extremely-low-income households.[3] To make this calculation, the local agency may

[1] Cal. Gov. Code Section 65583.
[2] Cal. Gov. Code Section 65583.
[3] Cal. Gov. Code Section 65583(a)(1).

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either use available census data or presume that 50% of the very-low-income households qualify as extremely-low-income households.[4]

In describing its RHNA, the City lists a need for 2,919 very low-income units but does not explain how many of these households are considered extremely-low-income.[5] The City states that there are approximately 6,610 extremely-low-income households within the jurisdiction, but does not utilize this information to calculate the need for extremely-low-income units within the jurisdiction.[6] The City must describe its need for extremely-low-income households and very-low-income households, which shall equal the jurisdiction's allocation of very-low-income households.[7]

Emergency Shelters

The housing element shall include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.[8] Additionally, each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.[9]

Although it appears that the City has existing ordinances that satisfy these requirements, the City has not clearly described these ordinances, policies, and standards because it provides conflicting information.[10] First, the City's table describing housing types permitted across various zoning districts does not state that emergency shelters are permitted within any zone.[11] The City later states that emergency shelters are permitted in the MP Industrial Zone.[12] Then in its review of past performance, the City states that the City adopted an ordinance to permit emergency shelters by-right within the Planned Development Industrial Zone.[13] The City must clarify where emergency shelters are permitted without a conditional use or other discretionary permit and specify whether these zones can accommodate at least one year-round emergency shelter.

Emergency Shelter Need

Further, the identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter.[14] The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an

[4] Cal. Gov. Code Section 65583(a)(1).
[5] City of Costa Mesa, 2021–2029 Housing Element Draft, 1-4, 3-76, 3-77, 4-22, B-2 (August 2021).
[6] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-11 (August 2021).
[7] Cal. Gov. Code Section 65583(a)(1).
[8] Cal. Gov. Code Section 65583(a)(4)(A).
[9] Cal. Gov. Code Section 65583(a)(4)(A).
[10] Cal. Gov. Code Section 65583(a)(4)(D).
[11] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-17 (August 2021).
[12] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).
[13] City of Costa Mesa, 2021–2029 Housing Element Draft, A-8 (August 2021).
[14] Cal. Gov. Code Section 65583(a)(4)(A).

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average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.[15]

First, the City identifies 193 persons experiencing homelessness within the jurisdiction: 6 sheltered and 187 unsheltered.[16] Second, the City's emergency Bridge Shelter has opened its permanent location with 72 beds available.[17] However, the City's website states that the City of Newport Beach "entered into a partnership with the city," contributed a total of $1.6 million toward the construction and furnishing of the shelter, and will continue to "provide $1 million annually for 20 set-aside beds."[18] This means only 55 of the Bridge Shelter beds are available to accommodate the City's homeless population, requiring that the City still zone for sufficient emergency shelter capacity to accommodate 132 unsheltered individuals within its jurisdiction. Third, the City does not specify whether the Shelter has any unused beds on an average monthly basis or what percentage of those in emergency shelters move on to permanent housing. The City must provide this information to accurately assess its emergency shelter need and determine whether its identified zones can accommodate this need.

Emergency Shelter Standards

The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. [19] However, because the Bridge Shelter currently has 72 beds, the City must clarify whether it still requires that each emergency shelter have a maximum of 30 beds.[20] This information is important to determine how many shelters the City would need to accommodate its 132 unsheltered homeless individuals.

Special Housing Needs

The housing element must analyze special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability;[21] large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.[22]

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[15] Cal. Gov. Code Section 65583(a)(7).

[16] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-27 (August 2021).

[17] City of Costa Mesa, *Costa Mesa Bridge Shelter*, https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter (last visited Sep. 13, 2021).

[18] City of Costa Mesa, *Costa Mesa Bridge Shelter*, https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter (last visited Sep. 13, 2021).

[19] Cal. Gov. Code Section 65583(a)(4)(A).

[20] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).

[21] "'Developmental disability' means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature." Cal. Welfare and Institutions Code Section 4512.

[22] Cal. Gov. Code Section 65583(a)(7).

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Seniors

The City explains that "seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone," resulting in a need for affordable housing, supportive housing, co-living, multi-generational living options, and alternative housing options with service components.[23] The City then touches on overpayment issues and disabilities seniors often face.[24] This analysis of senior housing needs is shallow and should be more detailed. The City should include a description of the financial challenges that seniors may face, the number of lower-income seniors living within the jurisdiction, and an analysis of challenges specific to lower-income seniors.

To address senior housing issues, the City identified Program 2D, which requires the City to "identify opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing."[25] However, "identifying opportunities" is extremely vague and does not actually commit the City to taking any action to help seniors address their special housing needs. Further, the City does not address any of the other challenges seniors face that contribute to the difficulty in finding appropriate, affordable housing. The City does not attempt to assist lower income seniors to find affordable housing and does not claim it will attempt to create this type of housing. The City must revise this program and include others that actually address senior housing needs and that commit the City to take specific actions.

Persons With Disabilities

The City first discusses the housing challenges that persons with physical and developmental disabilities may face, such as limited income, restricted mobility, reduced ability for self-care, and disabilities that require a supportive or institutional setting.[26] Further, housing with modifications for persons with disabilities can be costly and should be located near transit, medical services, and retail.[27]

This brief listing of challenges does not constitute a thorough analysis of the special housing needs of this group. Although the City states that "no current comparisons of disability with income, household size, or race/ethnicity are available," the City should conduct its own analysis of this demographic.[28] Such an analysis is important to understanding how these factors exacerbate housing challenges and will enable the City to create specific programs that meet the needs of as many residents with disabilities as possible.

To address these needs, the City states that "incorporating 'barrier-free' design in all new, multi-family housing . . . is especially important to provide the widest range of choices for residents with disabilities" and that "special consideration should also be given to the

[23] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).
[24] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).
[25] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-6 (August 2021).
[26] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).
[27] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-20 (August 2021).
[28] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

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affordability of housing as people with disabilities may be living on a fixed income."[29] However, the City merely lists several housing types and assistance programs that can help meet these special housing needs and does not reference any City programs that incorporate barrier-free designs or prioritize low-income residents with disabilities.[30]

Instead, Program 2F: Persons with Physical and Developmental Disabilities states that "the City will continue to take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24 as well as reviewing and amending its procedures to comply with State law as necessary."[31] Similar to Program 2D for seniors, this program does not commit the City to taking meaningful actions to address these special housing needs, even though the City identified meaningful actions in its analysis that would help meet these needs, such as incorporating "barrier-free" designs in housing. Since Program 2F is insufficient, the City must either revise this program or create a new program that accounts for the special needs of persons with physical or developmental disabilities.[32]

Large Households

The City states that "a limited supply of adequately sized and affordable housing units," causes lower-income large households to face overcrowding in smaller units with less bedrooms.[33] Lower-income renters are particularly vulnerable to this because rental units with more than three bedrooms are rare and more expensive.[34] Again, this analysis is lacking important details, such as the existing number of four-bedroom or larger units in the City and their level of affordability, the number of large households that are lower income or cost burdened, and other pertinent factors, all of which would influence the programs the City should create to meet these needs. The City should take additional steps to study this group further and provide analysis that is more detailed.

Program 2E: Encourage Development of Housing Options for Large-Family Households is another vague program that merely states that "the City will work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments" and will "review development standards to determine if any pose an impediment to the development of large units."[35] If the City finds any impediments, the program only requires that the City "consider amendments to the Zoning code to alleviate those impediments."[36] The program does not commit the City to taking any specific actions that will actually assist large households. The City should revise the program to be more descriptive by including specific incentives or actions that will be taken to encourage the development of four-bedroom or larger units and by including a specific timetable for the review of development standards that might impeded the

[29] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 to 2-22 (August 2021).
[30] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 (August 2021).
[31] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).
[32] Cal. Gov. Code Section 65583(a)(7).
[33] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).
[34] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).
[35] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).
[36] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

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development of larger units. If any impediments are encountered, the City should commit to take actual steps toward revising the standards to mitigate this constraint. As the City does additional analysis, it should also revise its program to address the needs of large households who are at lower-income levels. The City should also revise the program to not just encourage four-bedroom units, but four-bedroom *and larger* units to accommodate different sizes of large households, such that it addresses the overcrowding issue.[37]

Single-Parent Households

The City's extremely brief description of single-parent households states that these residents have a "greater need for affordable and accessible day care, health care, and other supportive services," and that "many female-headed households with children are susceptible to having lower incomes than similar two-parent households."[38] Despite this acknowledgement, the City provides no additional discussion of these challenges, nor does it specify a program that addresses these needs. For example, the City notes that 27.4% of its single-parent households are living in poverty, but makes no attempt to address this issue.[39]

The City must further discuss the special needs of single-parent and female-headed households and describe the City's resources and unmet needs for such groups.[40] The City must identify programs that specifically assist single-parent and female-headed households.

Farmworkers

In attempting to analyze the special housing needs of farmworkers, the City explains who farmworkers are and simply states that farmworkers "earn lower incomes than many other workers and move throughout the year from one harvest location to the next."[41] This statement is not an analysis of farmworkers' special housing needs. Additionally, Program 2H is not sufficient to meet the needs of this group because it merely brings the City's zoning code into compliance with state law.[42] With 2,669 farmworkers living within the jurisdiction, the City must identify unique factors that affect their ability to obtain housing, their specific housing needs, and create programs to address these needs.[43]

No Net Loss Requirements

Government Code Section 65863 requires that jurisdictions maintain adequate sites to accommodate its remaining unmet RHNA in each income category throughout the entire planning period. If there is a shortfall of sites to accommodate its RHNA, the jurisdiction must either amend its site inventory to include sites that were previously unidentified or rezone sites to

[37] Cal. Gov. Code Section 65583(a)(7).
[38] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).
[39] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).
[40] Cal. Gov. Code Section 65583(a)(7).
[41] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).
[42] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-8 (August 2021).
[43] City of Costa Mesa, 2021–2029 Housing Element Draft, 2-18 (August 2021).

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meet the need.[44] Failure to do so would constitute a violation of the No Net Loss law and Housing Element law.[45]

To ensure a jurisdiction can accommodate its entire RHNA throughout the planning period and avoid these violations, HCD recommends that jurisdictions include a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for lower incomes.[46] Alternatively, jurisdictions may create a buffer by projecting capacity less than what is allowed from the maximum density in anticipation of reductions in density, or rezoning additional sites above what is needed to accommodate the RHNA.[47]

Through its site inventory, rezoned sites, and ADUs, the City has created a 34 percent buffer, with only a five percent buffer for lower income units.[48] Because lower income units are the most difficult to construct, the City should increase the lower income buffer to avoid violating the No Net Loss and other Housing Element laws.

Constraints

Governmental Constraints

The housing element must contain an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in Section 65583(c)(1),[49] and for persons with disabilities,[50] including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development.[51]

The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the RHNA and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.[52]

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[44] HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).
[45] HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).
[46] HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).
[47] HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).
[48] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-77 (August 2021).
[49] "Housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing." Cal. Gov. Code Section 65583(c)(1).
[50] "'Developmental disability' means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature." Cal. Welfare and Institutions Code Section 4512; Cal. Gov. Code Section 65583(a)(7).
[51] Cal. Gov. Code Section 65583(a)(5).
[52] Cal. Gov. Code Section 65583(a)(5).

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The Draft provides an analysis of the City's current "1. Land Use Controls", but fails to mention how, if at all, these land use controls are constraints to housing development.[53] If the City determines land use controls constrains housing development, and if so, a program should be included to prevent such constraints. The element exhibits the same issue in the "4. Variety of Housing Types Permitted" and "5. Planned Development" section of Governmental Constraints to affordable housing development.[54] On pages 3-6 to 3-8, the element provides a description of zoning codes and regulations, but does not conclude how, or if, these codes are a constraint on housing development.[55] The element should mention if these restrictions are constraints to housing developments, and if so provide a program to eliminate or mitigate such constraints.[56]

Measure Y is a slow growth program, "An Initiative to Require Voter Approval on Certain Development Projects".[57] Program 3G discusses actions the City will take to address Measure Y in the context of the Housing Element.[58] Program 3G asserts it must determine "a path forward" in consideration of Measure Y to be able to adopt changes necessary to implement the City's housing element to meet the City's state mandated RHNA allocation.[59] Essentially, Program 3G is a plan to deal with a housing constraint and gives the City a 3 year time frame to "deal" with the issue, but provides no concrete steps.[60] The City should provide more concrete steps on how it plans to address Measure Y as a constraint and alternative options in the event that voter approval does not pass, to ensure the City is compliant with Housing Element Laws.

Nongovernmental Constraints

The housing element must also analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by Section 65583.2(c), and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the RHNA.[61]

The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.[62]

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[53] City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).
[54] City of Costa Mesa, Draft 2021-2029 Housing Element 3-16 to 3-23 (August 2021).
[55] City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).
[56] HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Constraints*, https://www.hcd.ca.gov/community-development/building-blocks/constraints/nongovernment-constraints.shtml#requisite (last visited September 1, 2021).
[57] City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).
[58] City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).
[59] City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).
[60] City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).
[61] Cal. Gov. Code Section 65583(a)(6).
[62] Cal. Gov. Code Section 65583(a)(6).

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The element asserts construction costs are a major portion of development costs, but is not a constraint to housing development since construction costs are "consistent with the region".[63] Just because the City's construction costs are consistent within the region does not mean they are not a constraint to development. For example, the element mentions the cost of land is consistent with the region, but that the"[the cost of land] may create a constraint to the development of housing, specifically affordable housing."[64] The City contradicts its own logic in the housing element. For this reason, the City should analyze development costs as an actual constraint on the development of housing and create a program to mitigate constraints on affordable housing development caused by the construction costs.

The element identifies "Cost of Land" as a constraint to housing development and mentions Chapter 4 to accommodate these constraints.[65] The element should identify exactly which program(s) within Chapter 4 address and mitigate the high cost of land. Additionally, the element claims "Available Financing" is not a constraint to the provision and maintenance of housing in the City.[66] On the same page, the element asserts that White applicants were more likely to be approved for a loan than their non-White counterparts.[67] The City should implement a program to ensure equal opportunities to all loan applicants as inconsistent lending practices is a constraint to fair and affordable housing.

The element identifies Program 2A to "consider" an inclusionary housing ordinance within two years of implementing the sixth cycle housing element.[68] Program 2B explains the City will "analyze potential development incentives" to encourage affordable housing development.[69] Program 2A and 2B embody noncommittal, vague language with no quantified goal. "Analyzing" incentives will not lower barriers to the development and maintenance of affordable housing. Program 2E exhibits the same issue, as the City will "consider" removing impediments in the City's zoning ordinance for developments to accommodate underserved large families.[70] Program 2I exists to promote state bonus density incentives.[71] According to the element, such incentives "*may* take the form of additional residential units permitted beyond the density allowed in the base zoning..."[72] The language of Programs 2A, 2B, 2E and 2I is vague, non-committal and observes no quantified objective.[73] The City should amend these programs to create concrete steps that will result in beneficial outcomes during the planning period and incorporate a quantified goal to assess if these programs are making progress.

[63] City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).
[64] City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).
[65] City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).
[66] City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).
[67] City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).
[68] City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 (August 2021).
[69] City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-6 (August 2021).
[70] City of Costa Mesa, Draft 2021-2029 Housing Element 4-6 to 4-7 (August 2021).
[71] City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).
[72] City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).
[73] City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-7 (August 2021).

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Similar to the issues listed above in Program 2, Program 3A adopts language that is vague, noncommittal and unquantified[74], so it is unclear how this program will loosen constraints on affordable housing development. For example, Program 3A claims "The City will *consider* and *promote* various incentives to *encourage* development of housing, live/work, and mixed-use development in its Urban Plan and Specific Plan areas."[75] Programs 3B, 3E, 3F, 3H, 3I, 3J, 3O, 4A, 4C and 4D display the same deficiencies.[76] The City should amend this program to adopt mandatory language with a time sensitive, quantified goal to encourage the development of affordable housing.

The element assesses 5th cycle policy progress within Appendix A: Review of Performance.[77] In this section, the City fails to provide a quantified analysis of fifth cycle progress, which makes it difficult to determine the effectiveness of the policy and whether it should remain in the sixth cycle housing element. For example, the City dedicated Policy HOU-1.5 to maintaining and upgrading "deteriorating" neighborhoods to encourage private development,[78] however the element fails to determine if this policy was effective in encouraging housing development in the fifth cycle. The element maintains Policy HOU-1.5 in the sixth cycle "to ensure it is resourceful and useful in efforts to promote and encourage the development of housing".[79] With lack of data or measured progress, it is unclear if Policy HOU-1.5 was effective in the past and whether it should remain in the sixth cycle element. Policy HOU-1.7, HOU-2.1, HOU-2.3, HOU-2.4, HOU-3.1, HOU-3.2, HOU-3.4, HOU-4.1, HOU-4.2, HOU-4.4 and HOU-5.1 exhibit the same issues.[80] The element is void of information necessary to form an assessment on Policy progress. The element should provide policy data of past performance success or failure to determine if a policy should remain in the sixth cycle housing element.

Site Inventory

The housing element must include an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level.[81] A jurisdiction may identify sites by a variety of methods, such as re-designating property to a more intense land use category, increasing the density allowed within one or more categories, and identifying sites for accessory dwelling units ("ADUs").[82]

[74] City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).
[75] City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).
[76] City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 to 4-17 (August 2021).
[77] City of Costa Mesa, Draft 2021-2029 Housing Element Appendix A, A-2 (August 2021).
[78] City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).
[79] City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).
[80] City of Costa Mesa, Draft 2021-2029 Housing Element A-5 to A-13 (August 2021).
[81] Cal. Gov. Code Section 65583(a)(3); Cal. Gov. Code Section 65583.2(a).
[82] Cal. Gov. Code Section 65583.1(a).

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The site inventory must provide for a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.[83]

Determining Site Capacity

Based on the information provided in the site inventory, a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period.[84] To determine the number of housing units that can be accommodated on each site when the jurisdiction does not adopt a law or regulation requiring the development of a site at a minimum density, the jurisdiction shall demonstrate how the number of units determined for that site will be accommodated.[85]

The number of units that can be accommodated on each site shall be adjusted as necessary based on the potential and actual governmental constraints upon maintenance, improvement, or development of housing, including land use controls and site improvements; the realistic development capacity for the site; typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction; and the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.[86]

Here, the City does not describe a methodology that considers these factors. Further, although the City assumes "that sites identified within [the City's site inventory] will redevelop with . . . 30% of units available to residents in the low and very low-income categories," the City has not justified this assumption.[87] In fact, Program 2A: Inclusionary Housing Ordinance does not actually require developers to set aside any units for affordable housing, but merely states that the City will continue to analyze the impacts of inclusionary ordinances and "consider adoption of an inclusionary housing ordinance."[88] The City must reanalyze its site capacities in light of this unsupported assumption.

Lower Income Sites Size

If a site is smaller than half an acre or larger than ten acres, it cannot be deemed adequate to accommodate lower income housing unless the locality can demonstrate that sites of an equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site.[89] Alternatively, the locality may provide other evidence to HCD that the site is adequate to accommodate lower income housing.[90]

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[83] Cal. Gov. Code Section 65583(c)(1).
[84] Cal. Gov. Code Section 65583.2(c).
[85] Cal. Gov. Code Section 65583.2(c)(1).
[86] Cal. Gov. Code Section 65583.2(c)(2).
[87] City of Costa Mesa, 2021–2029 Housing Element Draft, B-12 (August 2021).
[88] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).
[89] Cal. Gov. Code Section 65583.2(c)(2).
[90] Cal. Gov. Code Section 65583.2(c)(2).

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The City has identified numerous sites for lower-income housing that are either smaller than half an acre or larger than ten acres. Because the City has not demonstrated that sites of equivalent sizes have been successfully developed in the previous cycle for an equivalent number of lower-income units, the City has attempted to provide other evidence that these sites are adequate for lowing income housing.

Regarding sites smaller than half an acre, the City has merely stated that it only identified these sites that "show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement."[91] The City based these identifications on common ownership and assumed willingness to consolidate parcels.[92] However, these assumptions are not evidence that these sites can actually be developed for lower-income housing or that they will be consolidated. The City must provide more evidence or remove these sites from its inventory.

In addressing sites larger than ten acres, the City again could not demonstrate that sites of equivalent size have been successfully developed in the previous cycle for an equivalent number of lower income units. Instead, the City attempts to provide evidence for each site. However, the Fairview Developmental Center was identified in the 5th Cycle but was not developed and its development potential is based on a City ad hoc committee's meetings and reports.[93] The City does not claim that the State is actually interested in developing lower-income housing here. Further, for Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza, the City describes the properties and states for each one that "the City has had continued discussions with the property owners who have indicated that there is potential for future housing development on the site in strategic areas."[94] This vague statement and lack of evidence to support an assumption for future development is not sufficient to deem these properties adequate for lower-income housing. The City must provide more evidence or remove these sites from its inventory.

Nonvacant Sites Owned by the City

If a nonvacant site is owned by the city or county, the description shall include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with the Surplus Lands Act.[95]

Site 424-211-01 is owned by the City, but it is unclear whether it is nonvacant. The City must clarify this. If it is nonvacant, the City must provide the requisite information or remove the site from its inventory.

Nonvacant Sites for 50% or More of Housing Need

If the jurisdiction is relying on nonvacant sites to accommodate 50% or more of its housing need for lower-income households, the methodology used to determine additional

[91] City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).
[92] City of Costa Mesa, 2021–2029 Housing Element Draft, B-11 (August 2021).
[93] City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).
[94] City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 to B-11 (August 2021).
[95] Cal. Gov. Code Section 65583.2(b)(3).

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development potential shall demonstrate that the existing use identified does not constitute an impediment to additional residential development during the planning period.[96]

Here, only four sites have been identified as vacant. Therefore, the City must revise its stated methodology for nonvacant sites to describe how it will address existing uses impeding additional residential development.

Sites with Current or Past Residential Uses

For sites that currently have residential uses; have had a residential use within the past five years that have been vacated or demolished; are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to very-low- or low-income residents; are subject to any other form of rent or price control through the public entity's valid exercise of its police power; or are currently occupied by very-low- or low-income residents shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site.[97]

Site 425-431-02 is a hotel and Site 422-193-24 is a motel. If either of these sites have current residential uses or are currently occupied by very-low- and low-income residents, the City must create a program that requires developers to replace these units at the same or lower income level.

Presumption of Impeding Additional Residential Development

An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.[98]

Although the City has claimed that many of its sites are likely to be redeveloped within the planning period and provides examples of development on nonvacant sites for residential uses, it has not provided actual, individualized evidence that any of these uses will be discontinued.[99] Therefore, none of these sites can overcome the presumption that their existing uses will impede additional residential development.

Accessory Dwelling Units

A jurisdiction may count an ADU for purposes of identifying adequate sites for housing.[100] The number of ADUs identified is based on the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right; the need for these units in the community; the resources or incentives available for their development; and any other relevant factors determined by HCD.[101] To estimate the number of ADUs that will be developed in the planning period, a jurisdiction must generally use a three-part approach

[96] Cal. Gov. Code Section 65583.2(g)(2).
[97] Cal. Gov. Code Section 65583.2(g)(3).
[98] Cal. Gov. Code Section 65583.2(g)(2).
[99] City of Costa Mesa, 2021–2029 Housing Element Draft, B-7 (August 2021).
[100] Cal. Gov. Code § 65852.2(m); Cal. Gov. Code § 65583.1(a).
[101] Cal. Gov. Code Section 65583.1(a).

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addressing (1) development trends, (2) anticipated affordability, and (3) resources and incentives.[102]

When assessing development trends, a jurisdiction must consider the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right;[103] the need for these units in the community;[104] the availability of ADUs and JADUs that will be part of the rental stock, rather than used as offices or guest houses;[105] and more recent trends.[106] However, HCD Staff has stated that the following two approaches would be accepted without further analysis or incentives: (1) average ADU applications from the beginning of the 5th Cycle to 2017, multiplied by five; or (2) average ADU applications from 2018, multiplied by eight. If jurisdictions anticipate a higher ADU production, HCD will require more analysis and incentives to show the higher production can be met.

The City has determined its ADU production estimate "based on past performance and the SCAG/HCD approved methodology" to claim 858 ADUs for the planning period.[107] The City has permitted 4 ADUs in 2018, 6 in 2019, 19 in 2020, and 12 so far in 2021.[108] Utilizing the second "HCD approved methodology," the City should have only claimed 88 ADUs over the planning period. To justify the additional 770 ADUs, the City must demonstrate that its offered incentives can achieve the higher production. The City states that Program 3E will do so.[109]

Program 3E states that "the City will evaluate potential programs with the intent of promoting the development of accessory dwelling units," which may include the following:

- Coordinating with the County on implementation of a permit-ready ADU program;
- Post a user-friendly FAQ on the City's website to assist the public;
- Waiving certain permitting fees to make ADU development more feasible;
- Creating an expedited plan check review process to ease the process for homeowners; and
- Explore potential State and Regional funding sources for affordable ADUs.

However, Program 3E does not thoroughly describe these incentives, does not analyze how these incentives will boost ADU production, and does not commit the City to implement any of these incentives. Even if all of these incentives were implemented, none of them promotes

[102] HCD, ADU Handbook, 19 (December 2020).
[103] Cal. Gov. Code § 65583.1(a); HCD, ADU Handbook, 19 (December 2020).
[104] Cal. Gov. Code § 65583.1(a).
[105] HCD, Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs), *Requisite Analysis*, https://hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/accessory-dwelling-units.shtml (last visited March 21, 2021).
[106] HCD, ADU Handbook, 19 (December 2020).
[107] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).
[108] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).
[109] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

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the creation of ADUs that can offer affordable rents for very-low-, low-, or moderate-income households.[110]

The City must reduce its ADU production estimate to a more realistic number, revise Program 3E to include the information stated above, and include more incentives such as:

- Prototype plans;[111]
- Reduce or eliminate building permit/development fees;[112]
- Affordability monitoring programs;[113]
- Incentives for affordability;[114]
- Financing – construction & preservation;[115]
- Outreach, promotion, and educational materials;[116] and
- Amnesty programs (SB 13).

Programs

The housing element must include programs that allow the jurisdiction to achieve its stated housing goals and objectives. Programs must set forth a schedule of actions during the planning period, each with a timeline for implementation.[117] The jurisdiction may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element.[118] The jurisdiction may do so through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law.[119]

To make adequate provision for the housing needs of all economic segments of the community, the programs shall address housing issues such as inadequate site inventories, meeting lower income housing needs, removing constraints, maintaining affordable housing, promoting affirmatively furthering fair housing, preserving assisted housing developments, encouraging accessory dwelling units, and facilitating public participation. To make these programs most effective, HCD recommends jurisdictions include the following: definite time frames for implementation; an identification of agencies and officials responsible for

[110] HCD, ADU Handbook, 19 (December 2020); Cal. Gov. Code § 65583.1(a); Cal. Health and Safety Code § 50504.5.
[111] HCD, ADU Handbook, 19 (December 2020).
[112] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[113] HCD, ADU Handbook, 19 (December 2020).
[114] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[115] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[116] SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).
[117] Cal. Gov. Code Section 65583(c).
[118] Cal. Gov. Code Section 65583(c).
[119] Cal. Gov. Code Section 65583(c).

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implementation; a description of the local government's specific role in program implementation; a description of the specific action steps to implement the program; proposed measurable outcomes; demonstration of a firm commitment to implement the program; and an identification of specific funding sources, where appropriate.[120]

As has been stated throughout our comment letter, the City's programs lack the detail and specificity recommend by HCD. Most goals are simply "ongoing" without definite timeframes or specific action steps. Also, most of the City's programs are noncommittal only planning to "promote," "encourage," or "evaluate."[121] The City should revise its programs generally to include more firm commitments, definite time frames, and specific action steps.

Affirmatively Furthering Fair Housing

California law requires that public agencies administer all "programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing."[122] To affirmatively further fair housing, a public agency must do the following:

> [Take] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.[123]

Meaningful action means taking significant action that is designed and reasonably expected to achieve a material positive change that affirmatively furthers fair housing.[124]

Housing elements must incorporate the obligation to affirmatively further fair housing in the following aspects: (1) outreach, (2) assessment of fair housing, (3) site inventory, (4)

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[120] HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Program Overview and Quantified Objectives*, https://hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml (last visited April 4, 2021).

[121] City of Costa Mesa, 2021–2029 Housing Element Draft, Chapter 4 (August 2021).

[122] Cal. Gov. Code Section 8899.50(b).

[123] Cal. Gov. Code Section 8899.50(a)(1).

[124] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 66 (April 2021); Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42354. Although the Department of Housing and Urban Development does not enforce this federal AFFH rule, California law has adopted the federal rule. This means that the federal AFFH rule can inform how to interpret the obligation to affirmatively further fair housing in California law.

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identification and prioritization of contributing factors, and (5) goals, policies, and actions. Each section is addressed below.[125]

Outreach

Beyond preexisting outreach requirements, jurisdictions must include a summary of their fair housing outreach capacity.[126] Jurisdictions "must describe meaningful, frequent, and ongoing public participation with key stakeholders."[127] Moreover, jurisdictions must summarize "issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics, if that proves to be the case."[128]

The City must further describe its outreach efforts or make additional outreach efforts related to fair housing. While the City describes its multiple efforts to engage residents in the housing element update process,[129] none of the described efforts seem to relate to fair housing. The topics discussed at the meetings referenced by the City seem to focus on general housing element requirements and specifically housing development and site identification. None of the stakeholders referenced generally seem to indicate stakeholders connected with fair housing expertise and insights. While the City's online survey had one question under the category "Fair Housing," the question seems to be more related to special housing needs in the community and not necessarily to issues of fair housing. They City's fair housing assessment does describe some outreach related to fair housing specifically, but that outreach was conducted prior to 2019 and in conjunction with the Impediments Analysis for the entire County and not specific outreach for the City.[130] Additionally, the City has not established that it engages in "frequent" and "ongoing" public participation with key fair housing stakeholders. City does not identify key stakeholders that were invited to engage with the City regarding fair housing issues and fails to summarize issues that contributed to lack of participation. The City should describe, or encourage, additional key stakeholder participation, especially as it relates to fair housing, and address lack of participation by any key stakeholders or demographics.

Assessment of Fair Housing

A fair housing assessment needs to have a summary of fair housing enforcement and capacity.[131] In addition, the assessment must analyze these five areas: (1) fair housing enforcement and outreach capacity; (2) integration and segregation patterns and trends related to people with protected characteristics; (3) racially or ethnically concentrated areas of poverty (R/ECAPs) or racially concentrated areas of affluence (RCAAs); (4) disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and (5)

[125] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).
[126] Cal. Gov. Code Section 65583(c)(10)(A)(i).
[127] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).
[128] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 22 (April 2021).
[129] City of Costa Mesa, 2021–2029 Housing Element Draft, Appendix C (August 2021).
[130] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-45 (August 2021).
[131] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

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disproportionate housing needs within the jurisdiction, including displacement risk.[132] Furthermore, each of these analyses must include local and regional patterns and trends, local data and knowledge, and other relevant factors.[133] The analyses should each arrive at conclusions and have a summary of fair housing issues.[134]

Fair Housing Enforcement and Outreach Capacity. The City references utilizing and contracting with Fair Housing Council of Orange County and Fair Housing Foundation for fair housing enforcement and outreach capacity.[135] However, the City only describes the missions and work of these organizations and largely identifies efforts to educate residents and housing providers, without any description of actual enforcement activities or a description of the actual outreach capacity. The City should include details describing actual enforcement and outreach capacity.

Segregation and Integration. "At minimum, the analysis must discuss levels of segregation and integration for race and ethnicity, income, familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation."[136]

The City must bolster its discussion of segregation and integration. While the City analyzes some data regarding other protected classes, as it relates specifically to segregation the City largely focuses its analysis on race and ethnicity and to some extent income, the City should consider these segregations trends over timer and consider whether there are patterns of segregation for other protected classes including familial status and persons with disabilities.[137] While the City does some comparisons between the City, State, and County data, the City does not actually analyze regional segregation and integration trends other than occasionally mentioning trends along its borders. If protected classes are being segregated into other locations in the region and isolated from Costa Mesa, the City should be consider what factors are contributing to those trends. For example, the percentage of family households in Costa Mesa is significantly less than the County and the State.[138] Additionally, the City references some local factors and knowledge, such as the number of fair housing complaints from residents, it does not do much analysis of this local data or knowledge or consider other local data and knowledge.[139] To strengthen its analysis, the City should analyze integration and segregation patterns and trends based on income, familial status, and disability status currently and over time and provide additional analysis of ethnic and racial segregation over time. The analysis should be at a local and regional level for all protected classes. Furthermore, the City should utilize local data and

[132] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 27–28, 62 (April 2021).
[133] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).
[134] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).
[135] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-48, 3-67 (August 2021).
[136] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 31 (April 2021).
[137] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-49 to 3-57 (August 2021).
[138] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-62 (August 2021).
[139] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-67 (August 2021).

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knowledge and other relevant factors "beyond data that identifies and compares concentrations of groups with protected characteristics."[140]

R/ECAPs and RCAAs. Jurisdictions must identify R/ECAPs and RCAAs.[141] "The analysis must be conducted at a regional and a local level where the incidence of concentrated areas of poverty is discussed relative to the region and within the locality. Importantly, this regional comparison should discuss the incidence of racial concentrations in areas of affluence."[142]

While the City does an analysis of R/ECAPs,[143] the City does not even mention RCAAs, local data, local knowledge, or other relevant factors. We recommend that the City present and analyze all relevant regional and local data about R/ECAPs and RCAAs. The City should also employ local data and knowledge, and other relevant factors.

Disparities in Access to Opportunity. The City's discussion of disparities in access to opportunity is inadequate. HCD's Guidance Memo presents questions that the City "should, at minimum" answer.[144] These questions cover disparities in educational, transportation, economic, and environmental opportunities, and disparities in other factors.[145] While the City utilizes some data sources regarding these factors and does an analysis of the factors, the City fails to connect the factors to data related to protected classes and whether there are disparities related to members of protected classes and access to opportunities.

Disproportionate Housing Needs, Including Displacement. Jurisdictions must analyze both disproportionate housing needs and displacement.[146] "[C]ategories of housing need are based on such factors as cost burden and severe cost burden, overcrowding, homelessness, and substandard housing conditions."[147]

The City touches on cost burden, severe cost burden, and overcrowding, but only does a comparison of this date between the City, County, and the State.[148] There is no discussion as to whether members of protected classes living in the City are experiencing these housing needs at greater rates than other residents and what factors are contributing to those disproportionate housing needs among protected classes. Substandard housing seems to only be addressed as the

[140] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 25 (April 2021).
[141] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32–34 (April 2021).
[142] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32 (April 2021).
[143] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-50 to 3-52 (August 2021).
[144] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35 (April 2021).
[145] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35–36 (April 2021).
[146] Cal. Gov. Code Section 65583(c)(10)(ii).
[147] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 39 (April 2021).
[148] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-61 to 3-65 (August 2021),

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age of housing units.[149] The City should do more analysis of issues regarding substandard housing in the City, particularly as it impacts protected classes. There is no analysis of homelessness as it relates to fair housing and impacts on protected classes, which the City must consider. We recommend following HCD's Guidance Memo and analyzing the aforementioned disproportionate housing needs, especially as they relate to protected classes.

Additionally, the City only touches on displacement and seems to indicate that there is no affordable housing complexes at risk of conversion to market rate and therefore no displacement risk to consider. The City should revise this section for two major reasons. First, the City has a significant and recent history of displacement concerns as was raised in multiple public meetings which has resulted in the City eliminating or seeking to eliminate certain housing policies that caused displacement and to change how it identifies sites in those areas. The City needs to analyze and address these displacement concerns, even if the City thinks it has already resolved the issue. Second, the City goes through great lengths to distribute more of its affordable units in its site inventory in areas that have lower concentrations of ethnic and racial minorities and low-income households. However, the City still identifies many housing sites in these areas, just predominately for market rate. An influx of market rate units into low-income and segregated communities creates the risk of indirect displacement and the City should analyze and address this potential.

Conclusion and Summary of Fair Housing Issues. None of the City's sections conclude and summarize fair housing issues, likely because the City does not actually connect the analysis of the various factors to fair housing issues and the impacts on protected classes. The City should revise its assessment of fair housing and provide conclusions and summaries of the fair housing issues experienced by its residents.

Site Inventory

A jurisdiction's site inventory must be consistent with the jurisdiction's obligation to affirmatively further fair housing.[150] "Sites must be identified and evaluated relative to the full scope of the assessment of fair housing."[151] The jurisdiction should consider the following during its site inventory analysis:

- how identified sites better integrate the community;
- how identified sites exacerbate segregation;
- whether the jurisdiction concentrated the RHNA by income group in certain areas of the community;
- whether local data and knowledge uncover patterns of segregation and integration; and
- how other relevant factors can contribute to the analysis.[152]

[149] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-64 to 3-65 (August 2021).
[150] Cal. Gov. Code § 65583.2(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45 (April 2021).
[151] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 3, 45 (April 2021).
[152] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45–46 (April 2021).

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The identified sites must attempt to improve conditions related to integration and segregation patterns and trends related to people with protected characteristics; racially or ethnically concentrated areas of poverty or affluence; disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and disproportionate housing needs within the jurisdiction, including displacement risk.[153] Moreover, the jurisdiction must map the number of units at identified sites and include the sites' assumed affordability.[154] The jurisdiction should also address whether it groups sites near areas of concentrated affluence or areas of concentrated poverty.[155]

The City provides several maps of its site inventory in relation to concentrations of ethnic and racial minorities and lower-income residents.[156] While these maps do not identify the sites by assumed affordability, the City does provide an analysis of the affordability levels as it relates to the different categories and demographics contained in the maps. It is clear from the City's analysis that it went to great lengths to distribute more of the affordable units in areas of higher income residents and higher concentrations of White residents in an attempt to affirmatively further fair housing. While this is commendable, it is still concerning that, for example, there are no sites in any of the areas in the City with less than 40% non-White residents.[157] So while the City made an attempted to further fair housing among the sites identified, it does not seem that the City made an effort to affirmatively further fair housing in the actual selection of the sites. The City should make a greater effort to identify sites throughout the community, including in areas of the City with less than 40% non-White residents and the City should further analyze whether the identification of the majority of its sites in lower-income communities with higher concentrations of racial and ethnic minorities actually furthers fair housing or will only result in continued trends of segregation.

Identification and Prioritization of Contributing Factors

As a result of a jurisdiction's assessment of fair housing, the jurisdiction must identify and prioritize significant contributing factors to fair housing issues.[158] The jurisdiction must explain how it prioritized contributing factors.[159] "A fair housing contributing factor means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues."[160] The jurisdiction must follow these steps:

[153] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(ii).
[154] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021).
[155] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 48 (April 2021).
[156] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-68 to 3-74 (August 2021).
[157] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-72 (August 2021).
[158] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(iii).
[159] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).
[160] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

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(1) identify fair housing issues and significant contributing factors;
(2) prioritize contributing factors, giving highest priority to those factors that
    (a) deny fair housing choice or access to opportunity or
    (b) negatively impact fair housing or civil rights compliance; and
(3) discuss strategic approaches to inform and strongly connect these contributing factors to goals and actions.[161]

The City seems to only adopt the same four factors identified for the City in the countywide Analysis of Impediments,[162] which likely is due to the fact that the City fails to fully assess fair housing and just provides data in attempt to satisfy the State requirements. Additionally, the City does not prioritize contributing factors. The City must do so to comply with State law. We suggest the City consult HCD's Guidance Memo for further details.

Goals, Policies, and Actions

Jurisdictions must provide goals, policies, and a schedule of actions during the planning period to affirmatively further fair housing.[163] These goals, policies and actions must be based on the jurisdiction's identification and prioritization of contributing factors.[164] The jurisdiction's actions may address, but are not limited to, the following areas:

- mobility enhancement,
- new housing choices and affordability in high opportunity areas,
- place-based strategies for preservation and revitalization,
- displacement protection, and
- other program areas.[165]

The jurisdiction's actions must be meaningful and sufficient to overcome identified patterns of segregation and to affirmatively further fair housing.[166] Accordingly, actions must commit to specific deliverables, measurable metrics, or specific objectives.[167] Actions must also have definitive deadlines, dates, or benchmarks for implementation.[168] In contrast, "programs that 'explore' or 'consider' on an 'ongoing' basis are inadequate . . . ."[169] Moreover, adequate

[161] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).
[162] City of Costa Mesa, 2021–2029 Housing Element Draft, 3-46, 3-67 to 3-68 (August 2021).
[163] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).; Cal. Gov. Section 65583(c)(10)(A)(iv)–(v).
[164] Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).
[165] Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).
[166] Cal. Gov. Section 8899.50(a)(1), (b); AFFH Guidance Memo 51–53 (April 2021).
[167] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).
[168] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).
[169] HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

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actions must be "in addition to combatting discrimination" and "well beyond a continuation of past actions."[170]

The City's goals, policies, and actions fall below California law's standard. Many of the City's goals, policies, and actions do nothing more than make information available on its website claiming that "an educated community is an empowered community."[171] The City assumes that by providing information on its website, information likely already available on the internet, somehow housing discrimination will end, the community will become integrated, and all individuals will have equal access to housing opportunities. The City should consider goals that will actually result in beneficial impacts to the community beyond just making information available online. Also, the City has other goals, policies, and actions that only commit the City to continuing current programs. For instance, the City will continue to contract with the Fair Housing Foundation or continue to participate in the Orange County Housing Authority's Housing Choice Voucher program."[172] But the City already provided these services, which means that they cannot count as satisfactory affirmatively furthering fair housing goals. Additionally, these goals are vague and it is unclear how the City actually engages with these entities and what services and programs the City's residents gain by these programs. For example, it is unclear what City action actually makes any difference in or has any influence on the provision of Housing Choice Vouchers to City residents. While the City provides other goals that are beyond providing information or continuing past actions, many of the City's goals, policies, and actions are noncommittal and generally the City's fair housing goals lack measurable objectives and specific timelines for implementation, as has been discussed throughout our comment letter. The Program 2A: Inclusionary Housing Ordinance could go a long way toward combatting patterns of segregation and encouraging affordable housing throughout the community, but the City states that it will only "consider" adoption of such an ordinance.[173] Other goals state the City will simply "analyze potential development incentives for affordable housing," "pursue opportunities," "encourage development," "consider amendments" and "continue to evaluate." These exemplify the City's failure to include measurable objectives and concrete action steps or firm commitments to address the housing needs of its residents.[174] For most of its goals, the City designates the timeframes as "ongoing"—a feature that renders goals inadequate.[175] Because many of the City's goals, policies, and actions lack measurable objectives and timelines for implementation, this section cannot withstand HCD's scrutiny. We suggest picking actions that go beyond providing information and beyond continuing past actions. We also recommend that the City add specific metrics and milestones to its goals. We again refer the City to HCD's Guidance Memo.

[170] Cal. Gov. Code Section 8899.50(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).
[171] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-15 to 4-18 (August 2021).
[172] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-16 to 4-17 (August 2021).
[173] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).
[174] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).
[175] City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).

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Conclusion

The housing element process is an opportunity for jurisdictions to meet the needs of California's residents, including needs for housing that is accessible to seniors, families, and workers and the needs of extremely-low-, very-low-, and low-income families for affordable housing. We commend the efforts the City is making to identify and address the housing needs of all of its residents and we hope that the City will take advantage of this opportunity to adopt meaningful programs that actually commit the City to take actions during the planning period to address the housing needs of its most vulnerable residents and to affirmatively further fair housing. We look forward to continuing to work with the City through this process and encourage the City to reach out to us with any questions or concerns.

Sincerely,
THE PUBLIC LAW CENTER, BY:



Richard Walker, Housing and Homelessness Prevention Unit, Senior Staff Attorney
Alexis Mondares, Housing and Homelessness Prevention Unit, Legal Fellow

601 Civic Center Drive West · Santa Ana, CA 92701-4002 · (714) 541-1010 · Fax (714) 541-5157

California Consortium of Addiction Programs and Professionals

2400 Marconi Ave.
Sacramento, CA 95821

T (916) 338-9460
F (916) 338-9468

ccapp.us

September 15, 2021

Lori Ann Farrell Harrison
City Manager
City of Costa Mesa
77 Fair Dr.,
Costa Mesa, CA 92626

Re: Objection to Housing Element.

Dear Ms. Harrison:

On behalf of the California Consortium of Addiction Programs and Professionals (CCAPP) - the largest statewide consortium of community-based for profit and non-profit recovery residences – we respectfully object to Costa Mesa's housing element because it contains discriminatory clauses against people in recovery in blatant violation of fair housing.

Several items[1] in Costa Mesa's municipal code (see detailed list attached) echo practices already proven discriminatory per the outcome of Encinitas and *Pacific Shores et. Al. v. City of Newport Beach.* They specifically target recovery residences and are discriminatory at every level because they ask people of a disabled class to adhere to regulation that people who are not disabled are not required to conform to. Employment checks, 24-hour supervision of adults in recovery, and distance requirements are glaringly not "reasonable accommodations," in any sense of the definition.

On March 25, 2021, the Department of Housing and Community Development (HCD) sent the City of Encinitas a letter declaring their ordinance to be discriminatory and contrary to both state and federal law (see attached). This led to an immediate response from the city and this ordinance has since then been repealed. Subsequently, on May 3, 2021, the City of Anaheim was sent a letter of technical assistance regarding its discriminatory ordinance that is very similar to the Encinitas notice of violation. CCAPP has notified HCD of all known ordinances of similar nature including yours so that the same enforcement action can be taken.

In *Pacific Shores et. al. v. City of Newport Beach,* the City of Newport Beach settled with the plaintiffs, agreeing to pay $5.25 million to a group of recovery residences. Given the settlement and both outside and in-house counsel, this case cost the City of Newport Beach well over $10 million over the seven year course of trying to defend its actions. This outcome was prior to the attached 10-page notice of violation sent to the City of Encinitas which reads, in part:

[1] Title 9, Chapter II, Article 23 of the Municipal Code, Chapters XV and XVI of Title 13 (Zoning), and Article 23 of Title 9 (Licenses and Business Regulations)

> "On December 16, 2020, the City adopted Ordinance No. 2020-16, amending the Municipal Code to regulate Group Homes and, as a subset of Group Homes, Sober Living Facilities. Described in greater detail below, HCD finds that the City's ordinance is in violation of statutory prohibitions on discrimination in land use (Gov. Code, § 65008) by imposing separate requirements on housing for a protected class (based on familial status and disability), limiting the use and enjoyment of their home, and jeopardizing the financial feasibility of group and sober living homes. The City must take immediate steps to repeal Ordinance No. 2020-16."

The notice of violation is a clear and unmistakable declaration that these ordinances are in violation of state housing laws. It also makes clear that HCD will take action, up to and including, the assistance of the California Office of the Attorney General.

And it is for these reasons that we object to your housing element as proposed.

Sincerely,



Pete Nielsen
President and Chief Executive Officer

Specific Considerations Objectionable in the Municipal Code

1. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

   (a) The owner/operator shall submit an application to the director that provides the following information:

   (7) relapse policy

   Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

   (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

   (1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

   (vii). The relapse policy;

   These provisions target persons with disability. Other homes within the jurisdiction are not required to report to the city when a person relapses or what preparations are made for such an occurrence.

2. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

   (b) *Requirements for operation of group homes.*

   (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

   Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

   (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

   (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

   Recovery residences are homes, not facilities. There are no "day-to-day operations" which require 24 hour supervision. This requirement, particularly for smaller homes will make it economically unfeasible to exist. Recovery residences cannot simply require 24-hour supervision without paying the persons responsible for providing this service. Typical, house managers, senior residents, or mentors are paid a small stipend of their contributions to the leadership they provide. To change this model to 24-hour supervision would make this type of housing unaffordable. Three 8-hours shifts at $15 per hour would increase the cost of the unit to $2,520 per week, or $10,080 per month. If it is the city's intention to expel this housing from the jurisdiction via onerous financial requirements, the resulting homelessness increase should be taken into consideration.

   Persons in this stage of recovery are not in need of supervision as determined by the American Society of Addiction Medicine:

Although persons in recovery are afforded protections under the Americans with Disabilities Act, the disability concerned does not imply that persons in recovery are in need of physical assistance (dressing, feeding) or in need of supervision. In fact, the American Society of Addiction Medicine Placement criteria for addictions patients, originally published in 1991 and now in its third edition (2013), directly contradicts the notion that persons in recovery residences are being supervised, in a clinical sense. Use of this criteria is a decades old industry standard and is now required for all programs licensed or certified by the Department of Health Care Services. By definition, persons living in a recovery residence do not require supervision. Applying ASAM criteria, persons in a supportive living environment would, at most, be classified as level 1.0, although many in long term recovery may not even be assessed as needing any treatment:

"At ASAM Level 1 placement/Recovery Environment, it is clear that medical experts do not consider supervision to be necessary. Likening this level to a mental health scenario, one could compare this level to a patient who has received a higher level of care, inpatient or otherwise, and is now perhaps receiving medication and attending weekly therapy."

3. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) Requirements for operation of group homes.

(11) In addition to the regulations listed above, the following shall also apply to sober living homes:

i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs including but not limited to Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rule and regulations, refusal to actively participate in such a program shall be cause for eviction.

ii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

(ii) The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

The ordinances asks for "immediate removal" of persons not "actively participating" in a "legitimate recovery program" and to ban communication with other residents should relapse occur.

Substance use disorder is prone to relapse. A person should not become homeless for relapse. Substance use disorder is a medical issue. Anyone relapsing may be in physical danger and in need of detoxification or treatment. In fact, "immediate removal" of a client in a licensed treatment program is prohibited by regulation due to safety concerns for the relapsing client. It takes time to contact family, arrange for detoxification, and find an open treatment bed, immediate removal is unrealistic and dangerous.

As for "legitimate recovery programs" as define in the ordinances, many persons in long term recovery do not necessarily attend meetings or have a need for outpatient services. For some hiking in the wilderness, working, or reuniting with family constitutes all the recovery services that they need. You cannot force people to attend a religious group or seek medical attention that they no longer need and do not desire to participate in. It is their right, this right was made clear when the City of Dana Point successfully sued a recovery residence for requiring that outside services be attended as a violation of state licensing law for alcohol drug treatment facilities. People in recovery are mature adults with civil rights which include the right to pursue personal recovery activities as they choose. How can city staff, with no knowledge of recovery define what is "legitimate?"

And what constitutes "active participation?" Who decides how much attendance is necessary for each person? To prove any program attendance, requires violating the disabled persons' privacy (particularly if the attendance involves outpatient treatment, a medical service, as opposed to mutual aid meetings). Maintaining records regarding medical and spiritual attendance for an individual is a violation of privacy, and in the case of outpatient treatment, a violation of Health Insurance Portability and Accountability Act of 1996. Asking city staff to review the personal health and spiritual activities of any of its citizens is a violation of privacy on every level.

4. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

As per California statute, employers are prohibited from denying employment based upon disability. A one year sobriety requirement clearly violates employment laws.
Many people with substance use disorder lose employment for reasons stated in the ordinances. House managers live at the residence. Denial of housing based on employment history is beyond reasonable. Realizing that people in early recovery often have legal issues connected to previous drug use, denial of housing based on criminal history, including simple possession of cannabis, is discriminatory and specifically designed to limit this type of housing. Are other renters in the jurisdiction denied housing for this broad array of criminal acts? Are other renters denied housing based on employment loss? Are other businesses who provide housing held to this standard?

5. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes*.

(11) In addition to the regulations outlined above, the following shall also apply to sober living homes:

v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Are other citizens prohibited from profanity or being "obnoxious?" Are other families required to respond to neighbor's complaints? Who decides what "unduly interfering" means? There are code compliance mechanisms in place to handle such complaints for other persons in the jurisdiction. Why is this disabled class being subjected to different criteria with consequences that can lead to removal of housing for them? Should all citizens in the jurisdiction who violate noise codes or use their First Amendment rights to express themselves in poor taste be subject to loss of residency and homelessness? Is an arbitrary "be good" clause a reasonable accommodation?

6. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) Requirements for operation of group homes.

(2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

There exist parking regulation that governs where individuals can park. These parking requirements go beyond existing regulations and subject a disabled class of individuals to separate and discriminatory rules. Individuals without disability are not told they can only park one car in a 500 feet distance from their home.

7. Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

i. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism

or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

Municipal Code Title 13, Chapter XVI, 13-223. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

(b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

The types of facilities where distance requirements may be imposed is set by state statute. These ordinances are contrary to this statute. State statute applies to licensed facilities only and the arbiter who decides whether "overconcentration" exists is the Department of Health Care Services:

> **"1520.5. (b) The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of residential facilities that impair the integrity of residential neighborhoods. Therefore, the department shall deny an application for a new residential facility license if the department determines that the location is in a proximity to an existing residential facility that would result in overconcentration."**

The distance requirements set forth in the aforementioned ordinances more than double the distance requirements set by state statute. It is excessive and discriminates against a disabled class of people as it excludes what is in essence a normal residence from many spaces that other residents without this disability would not have to adhere to.

Furthermore, if say a group of birdwatchers wanted to move into a residence they would not be expected to notify every neighbor within 500 ft of their property that they are moving in. They would

also not be required to hold a hearing to make a case as to why they should be permitted to move in to that space. These practices are discriminatory and clearly meant to exclude sober living homes.

8. Municipal Code Title 13, Chapter XVI, 13-320. Purpose.

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

(b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;

This is discriminatory on face value. Would a concentration of birdwatchers living together degrade a neighborhood? Would a concentration of LGBTQ individuals degrade a neighborhood? There are no services in a recovery residence; they are not institutions. As for "secondary impacts" of group homes we ask that the city produce concrete evidence of such impacts.

9. Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(2) The application includes a live scan of the house manager and/or operator of the group home.

House managers typically live with residents and are a part of the family in much the same way a parent would act as a mentor, leader, and a person who encourages that rules are followed, chores are completed, and disputes are amicably resolved. Requiring a live scan is excessive and discriminatory. As per California employment statute, employers are prohibited from sharing background information about their employees.

ARIOS, JUSTIN

From:	Darryl Shinder <darryl@pipelinepromotions.com>
Sent:	Wednesday, September 15, 2021 4:26 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject:	Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Ordinance 14-13.pdf; Ordinance 13-05.pdf

Hello,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-29 and 3-30 the Public Review Draft (August 2021) discusses the City's definition of Single Housekeeping Unit. The City's presentation of that definition is misleading to the public and HCD.

Since 2013, the City has amended its definition of Single Housekeeping Unit twice for the express purpose of excluding Group Homes for persons with disabilities from qualifying as a Single Housekeeping Unit in order to subject housing for persons with disabilities to the City's discriminatory zoning regulations.

First, in December 2013, the City enacted Ordinance 13-05. As explained at the time by City staff, Ordinance 13-05 amended the definition of Single Housekeeping Unit for the express purpose of excluding Group Homes from its coverage to enable the City to subject Group Homes to discriminatory zoning regulations. A copy of the relevant City report regarding Ordinance 13-05 is attached to this email.

Next, in October 2014, the City again amended the definition of Single Housekeeping Unit as part of Ordinance 14-13, which simultaneously enacted discriminatory zoning regulations that applied solely to Group Homes for persons with disabilities. Ordinance 14-13 also added a definition for Group Home (formerly defined as Residential Service Facilities), which its discriminatory zoning regulations – enacted in the very same ordinance -- targeted with laser-like efficiency:

> Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.
>
> Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Ordinance 14-13 simultaneously and retroactively prohibited any existing use defined as a Group Homes, including Sober Living Homes, from the City's R-1 zoning district unless the Group Home obtained a Special Use Permit (SUP). The City then denied SUPs to most existing R-1 Group Homes and cited and ordered them to close, ousting their disabled residents from their housing. In 2015, the City extended similar zoning regulation to its Multifamily Zoning Districts.

Since enactment of Ordinance 14-13's definition of Single Housekeeping Unit, there is no public record reflecting any determination by the City that supportive housing of persons with disabilities constitutes a Single Housekeeping Unit.

Thanks for your attention in this matter,

Darryl Shinder
SoCal Recovery

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ORDINANCE NO. 14-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES

THE CITY COUNCIL OF THE CITY OF COSTA MESA MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THE FOLLOWING ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the single-family characteristics of its single-family neighborhoods, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

WHEREAS, both the California Supreme Court and United States Supreme Court have held that cities have the right to regulate both the number of people who may reside in a single family home and the manner in which the single family is used as long as such regulations do not unfairly discriminate or impair an individual's rights of privacy and association; and

WHEREAS, individuals and families often purchase homes in single-family neighborhoods for the relative tranquility and safety that often accompanies such neighborhoods and with the expectation of establishing close and long-standing ties with their neighbors; and

WHEREAS, with these expectations, individuals and families commit to making what will be, for most of them, the single largest financial investment of their lives, as well as one of the most significant emotional investments; and

WHEREAS, the Federal Fair Housing Act Amendments ("FHAA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of zoning ordinances which would on their face or have the effect of discriminating against equal housing opportunities for the handicapped; and

WHEREAS, a core purpose of the FHAA, FEHA and California's Lanterman Act is to provide a broader range of housing opportunities to the handicapped; to free the handicapped, to the extent possible, from institutional style living; and to ensure that handicapped persons have the opportunity to live in normal residential surroundings and

use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-handicapped; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the City provide reasonable accommodation to its zoning ordinances if such accommodation is necessary to afford a handicapped person an equal opportunity to use and enjoy a dwelling; and

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use; and

WHEREAS, in enacting this Ordinance the City Council of the City of Costa Mesa is attempting to strike a balance between the City's and residents' interests of preserving the single family characteristics of single-family neighborhoods and to provide opportunities for the handicapped to reside in single-family R1 zones that are enjoyed by the non-handicapped; and

WHEREAS, over the past several years the City, County and State have seen a significant increase in the number of single-family homes being utilized as alcohol and drug recovery facilities for large numbers of individuals (hereafter, "sober living homes"); and

WHEREAS, the increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 (hereafter, "the Act") adopted by California voters which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the City of Costa Mesa has seen a sharp increase of sober living homes, which has generated community outcry and complaints including, but not limited to overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities in close proximity to each other creating near neighborhoods of sober living homes; and

WHEREAS, this significant increase in sober living homes has become an rising concern for cities statewide as local officials are in some cases being bombarded with complaints from residents about the proliferation of sober living homes; conferences drawing local officials from around the state are being held discussing what to do about the problems associated with sober living homes; it has been the topic of several League of California Cities meetings; there have been numerous city-sponsored attempts at legislative fixes that have failed in committee; and litigation is spreading across the state as cities attempt to address the problem; and

WHEREAS, as of the date of adoption of this Ordinance, it is estimated that the City of Costa Mesa is home to 1,214 alcohol and drug recovery beds, divided as follows: 40 licensed residential facilities/certified alcohol and drug programs in residential zones, providing 398 beds; 94 unlicensed sober living homes in residential zones, providing 740 beds; and 1 sober living home on two separate parcels, providing 76 beds in a non-residential zone; and 28 nonresidential services facilities, providing support services such as administrative offices, therapy etc.; and

WHEREAS, the number of sober living homes in the City of Costa Mesa is rapidly increasing, leading to an overconcentration of sober living homes in the City's R1 neighborhoods, which is both deleterious to the single-family character of the R1 neighborhoods and may also lead to the institutionalization of such neighborhoods; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the single family neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered handicapped under both the FHAA and FEHA; and

WHEREAS, concentrations of sober living homes and/or the placement of inordinately large numbers of recovering addicts in a single dwelling can undermine the benefits of home ownership in single-family neighborhoods for those residing nearby and undermine the single-family characteristics of neighborhoods; and

WHEREAS, in some cases, operators of sober living homes have attempted to house inordinately large numbers of recovering addicts in a single-family dwelling in Costa Mesa; for example, in one case an operator has placed 15 beds in a single-family home; and there has been a tendency for sober living homes to congregate in close proximity (for example, five sober living homes are located next to each other on one street in a R1 zone); and

WHEREAS, the City has experienced situations in which single-family homes are remodeled to convert common areas such as family rooms, dressing rooms, and garages into bedrooms (in one case a patio was converted to a room where 6 beds were found) or to add multiple bedrooms for the sole purpose of housing large numbers of recovering addicts in a single dwelling; and

WHEREAS, it has been the City's experience that most, if not all, operators of sober living homes have taken the stance that the FHAA and FEHA prohibit the City from regulating them in any fashion, that they are free to house as many recovering addicts in a single home as they desire, and that they are not required to make any showing to obtain an accommodation from the City's zoning ordinances, which allow a sober living home to house up to six recovering addicts as a matter of right; and

WHEREAS, based on the City's experience it has become clear that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, this Ordinance and the balance of the City's zoning scheme have built in an accommodation for group homes to locate in the R1 neighborhoods as long as they are serving six or fewer tenants, whereas a similarly situated and functioning home with non-handicapped tenants would be defined as a boarding house and only be allowed three residents; and

WHEREAS, this Ordinance will provide a mechanism for a group home to seek additional accommodation above the six residents upon making a showing, as required by state and federal law, that such additional accommodation is reasonably necessary to afford the handicapped the right to use and enjoy a dwelling in a manner similar to that enjoyed by the non-handicapped; and

WHEREAS, permitting six or fewer residents in a sober living home and establishing distance requirements is reasonable and non-discriminatory and not only helps preserve the single family characteristic of single family neighborhoods, but also furthers the purpose for which sober living homes are established: (1) the State legislature in establishing licensed residential care facilities as a residential use, including group homes serving recovering addicts, found that six residents was a sufficient number to provide the supportive living environment that experts agree is beneficial to recovery; (2) Group Homes serving six or fewer have existed and flourished in the State for decades and there has been no significant efforts or suggestions to increase the number; (3) the City has received expert testimony stating that six is a reasonable number for a sober living facility and is sufficient to provide the supportive living environment that is beneficial to recovery and that larger numbers can actually reduce the chances of recovery; (4) a 2005 UCLA study found that 65-70% of recovering addicts do not finish the recovery programs into which they are placed and a comfortable living environment is a factor in whether recovering addicts will finish their programs; (5) drug and alcohol addiction is known to affect all income levels and there is no evidence in the record that individuals residing in sober living homes are financially unable to pay market rate rents and certainly the experience in the City of Newport Beach, where rents and property are among the most expensive in Orange County, is evidence that such addiction has a profound effect on the wealthy; (6) in any event, receiving rent from up to six individuals will provide sufficient income for operators of sober living homes and result in revenue which is well above market rate rents; (7) the evidence in the record indicates that in general operators of sober living homes do not incur significant costs over and above what landlords of other similarly-situated homes may incur; and (8) limiting the number of recovering addicts that can be placed in a single-family home enhances the potential for their recovery; and

WHEREAS, sober living homes do not function as a single-family unit nor do they fit the City's zoning definition of a single-family for the following reasons: (1) they house

extremely transient populations (programs are generally about 90 days and as noted, the 2005 UCLA study found that 65-70% of recovering addicts don't finish their recovery programs); (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are often just kicked out of the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay significantly above-market rate rents; and

WHEREAS, the size and makeup of the households in sober living homes, even those allowed as a matter of right under the Costa Mesa Municipal Code, is dissimilar and larger than the norm, creating impacts on water, sewer, roads, parking and other City services that are far greater than the average household, in that the average number of persons per California household is 2.90 (2.74 in Costa Mesa's R1 zones according to the City's General Plan), while a sober living facility allowed as a matter of right would house six, which is in the top 5% of households in Orange County according to the most recent U.S. federal census data; and

WHEREAS, all of six individuals residing in a sober living facility are generally over the age of 18, while the average household has just 2.2 individuals over the age of 18 according to the most recent federal census data; and

WHEREAS, the City utilizes federal census data and other information relating to the characteristics of single-family neighborhoods for among other things: (1) determining the design of residential homes, residential neighborhoods, park systems, library systems, transportation systems; (2) determining parking and garage requirements of single-family homes; (3) developing its General Plan and zoning ordinances; (4) determining police and fire staffing; (5) determining impacts to water, sewer and other services; and (5) in establishing impacts fees that fairly and proportionally fund facilities for traffic, parks, libraries, police and fire; and

WHEREAS, because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single home and the lack of regulations, sober living facilities present problems not typically associated with more traditional single-family uses, including: the housing of large numbers of unrelated adult who may or may not be supervised; disproportionate numbers of cars associated with a single-family home which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no interaction with the neighborhood; a history of opening facilities in complete disregard of the Costa Mesa Municipal Code and with little disregard for impacts to the neighborhood; disproportional impacts from the average dwelling unit to nearly all City services including sewer, water, parks, libraries, transportation infrastructure, fire and

police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

WHEREAS, a 650-foot distance requirement provides a reasonable market for the purchase and operation of a sober living home within the City and still results in preferential treatment for sober living homes in that non-handicapped individuals in a similar living situation (i.e., in boardinghouse-style residences) cannot reside in the R1 zone; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the handicapped with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the handicapped, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with a single-family neighborhood, that when operated responsibly, a group homes, including sober living homes, provide a societal benefit by providing the handicapped the opportunity to live in single-family neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to R1 zones to group homes, including sober living homes, than to boardinghouses provides a benefit to the City and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are handicapped individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in a single home are lessened; and

WHEREAS, in addition to group homes locating in single-family neighborhoods other state-licensed residential care facilities for six or fewer persons who are mentally disordered or otherwise handicapped or supervised, are also taking up residence in single-family neighborhoods; and

WHEREAS, the purpose of group homes for the handicapped is to provide the handicapped an equal opportunity to comfortably reside in the single family neighborhood of their choice; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b)(3) (General

Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1: The following definitions in Section 13-6 (Definitions) of Article 2 (Definitions) of Chapter I (General) of Title 13 (Planning, Zoning and Development) are hereby repealed, amended or added as follows:

Alcoholism or drug abuse recovery or treatment facility means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to Section 11834.01 of the California Health & Safety Code. *Alcoholism or drug abuse recovery or treatment facilities* are a subset of residential care facilities.

Boardinghouse A residence or dwelling, other than a hotel, wherein rooms are rented under three or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two or fewer rooms being rented. Boardinghouse, large means three or more rooms being rented.

Development Services Department means the Development Services Department of the City of Costa Mesa.

Disabled shall have the same meaning as *handicapped*.

Fair housing laws means the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Integral facilities. Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as Integral Facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral uses. Any two or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state and local laws to its operation.

Operator means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Planning division. The planning division of the Development Services Department of the City of Costa Mesa.

Referral facility. A residential care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include but may not be limited to the following: intermediate care facilities for the developmentally disabled (Health & Saf. Code §§ 1267.8, 1267.9); community care facilities (Health & Saf. Code §§ 1500 et seq.); residential care facilities for the elderly (Health & Saf. Code §§ 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Saf. § 1568.02); alcoholism and drug abuse facilities (Health & Saf. Code §§ 11834.02-11834.30); pediatric day health and respite care facilities (Health & Saf. Code §§ 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Saf. Code §§ 1265 – 1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115-5120).

[*Residential services facilities* is hereby deleted.]

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Section 2: Chapter XV (Group Homes) of Title 13 (Planning, Zoning and Development) is hereby added as follows:

Chapter XV: Group homes.

13-310 Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the City's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

13-311 Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

1. An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; and (8) a fee for the cost of processing of the application as set by Resolution of the City Council. No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

2. The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.

3. The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.

4. The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24-hour basis and who are responsible for the day-to-day operation of the group home.

5. All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

6. Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code Section 1503.5 and Section 80001(c)(3) of title 22, California Code of Regulations.

7. Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.

8. If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

9. The property must be fully in compliance with all building codes, municipal code and zoning code

10. In addition to the regulations outlined above, the following shall also apply to sober living homes:

    i. The sober living home is not located within 650 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

    ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

    iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

    iv. The number of occupants subject to the sex offender registration requirements of Penal Code Section 290 does not exceed the limit set forth in Penal Code Section 3003.5 and does not violate the distance provisions set forth in Penal Code Section 3003.

    v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

vii. The sober living home shall not provide any of the following services as they are defined by Section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

11. An applicant may seek relief from the strict application of this Section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(9) above. The special use permit shall be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following circumstances:

1. Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

2. Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

3. Any owner/operator or staff person has been convicted of or pleaded *nolo contendere*, within the last seven to ten years, to any of the following offenses:

   i. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290 (last 10 years);
   ii. Arson offenses – violations of Penal Code Sections 451-455 (last seven years); or
   iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last 10 years).
   iv. The unlawful sale or furnishing of any controlled substances (last seven years).

4. Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

5. The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.

6. A special use permit for a sober living home shall also be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following additional circumstances:

    i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.

    ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

    iii. The sober living home, as measured by the closest property lines, is located within 650 feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state licensed alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

7. For any other significant and/or repeated violations of this Section and/or any other applicable laws and/or regulations.

8. Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this Ordinance, that has obtained a reasonable accommodation pursuant to Section 13-200.62.

13-312 Compliance.

(a) Existing group homes must apply for a special use permit within 90 days of the effective date of this ordinance.

(b) Group homes that are in existence upon the effective date of this ordinance shall have one (1) year from the effective date of this ordinance to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six resident maximum.

(c) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

13-313 Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Ordinance shall be prospective in application from its effective date.

13-314 – 13-350 [Reserved.]

Section 3: Article 15 (Reasonable Accommodations) of Chapter IX (Special Land Use Regulations) of Title 13 (Planning, Zoning and Development) is hereby repealed and replaced with the following:

13-200.60 Purpose.

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq. and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed.

13-200.61 Applicability.

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing.

13-200.62 Reasonable accommodations – procedure.

(a) Application required. An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the

following information and be subject to the determinant factors required by this section.

(b) Submittal requirements. The application shall be made in writing, and shall include the following information:

1. The zoning code provision, regulation, policy, or condition from which accommodation is being requested;

2. The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;

3. Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;

4. Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;

5. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant;

6. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

7. Any other information that the Hearing Officer reasonably concludes is necessary to determine whether the findings required by Section (e) can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected;

(c) Fees. No application fee is required.

(d) Director action. Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit provided that, notwithstanding any other provision to the contrary, the standard of review on appeal shall not be *de novo* and the planning commission shall determine whether the findings made by the director are supported by substantial evidence presented during the evidentiary hearing. The planning

commission, acting as the appellate body, may sustain, reverse or modify the decision of the director or remand the matter for further consideration, which remand shall include specific issues to be considered or a direction for a *de novo* hearing.

(e) Grounds for reasonable accommodation. The following factors shall be considered in determining whether to grant a reasonable accommodation:

1. Special needs created by the disability;
2. Potential benefit that can be accomplished by the requested modification;
3. Potential impact on properties within the vicinity;
4. Physical attributes of the property and structures;
5. Alternative accommodations that may provide an equivalent level of benefit;
6. In the case of a determination involving a single family dwelling, whether the residents would constitute a single housekeeping unit;
7. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
8. Whether the requested accommodation would require a fundamental alteration in the nature of a City program;
9. Whether granting the request would be consistent with the City's General Plan; and,
10. The property will be used by an individual with disability protected under fair housing laws.

(f) Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.
2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

4. The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

6. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.

7. Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

8. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program.

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's General Plan or an applicable Specific Plan.

4. Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

5. Any other factors that would cause a fundamental alteration in the City's zoning program, as may be defined in the Fair Housing Law.

13-200.63 Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Ordinance shall be prospective in application from its effective date.

13-200.64 – 13.200.69 [Reserved.]

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.

Section 6. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED and ADOPTED this 21st day of October, 2014.

James M. Righeimer
Mayor, City of Costa Mesa

ATTEST:

Brenda Green
Brenda Green,
City Clerk

APPROVED AS TO FORM:

Thomas Duarte,
City Attorney

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

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number 14-13 was introduced at a regular meeting of said City Council held on the 7th day of October, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 21st day of October, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS: Genis, Mensinger, Monahan, Righeimer

NOES: COUNCIL MEMBERS: Leece

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 22nd day of October, 2014.

Brenda Green
Brenda Green, City Clerk

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 14, 2013 **ITEM NUMBER: PH 3**

SUBJECT: **CODE AMENDMENT C0-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATED TO RESIDENTIAL FACILITIES**

DATE: **OCTOBER 3, 2013**

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

PRESENTATION BY: **MEL LEE, SENIOR PLANNER**

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

DESCRIPTION

Code Amendment CO-12-02 is related to the Zoning Code regulations for residential facilities. More specifically, the amendment is proposed to the following Code Section in Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit".

RECOMMENDATION

Recommend that City Council approve and give first reading to the ordinance.

ANALYSIS

The proposed Code amendment involves changing the current zoning code definition of "single housekeeping unit" which is currently defined as follows:

> *Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.*

Per State law, the City is required to treat residential facilities serving six or fewer persons (defined in the Zoning Code above as residential care and residential service facilities), as a single-family residential use in the R1 zone. In 2011, in response to a complaint received by the City's Code Enforcement Division, the City attempted to enforce the six or fewer requirement against a single-family residence on Van Buren Avenue. During the inspection, the Code Officer observed 11 beds and 13 residents in the home. The case was referred to the City Attorney's Office for action, and the operator took the City to civil court for the action. The Court ruled in favor of the operator, and held the City liable for financial damages incurred by the operator. It was determined that the current code definition for "single housekeeping unit" was legally indefensible. The proposed code amendment would revise the current code definition of single housekeeping unit as follows:

> *Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.*

The revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facility in an R1 zone and withstand legal scrutiny.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

LEGAL REVIEW

The draft ordinance has been reviewed by the City Attorney's office.

ALTERNATIVES

The City could continue to apply "single house keeping unit" as currently defined in Code; however, this has not stood up to legal challenge when residential care or residential service facilities are found to have occupants of R1 zoned dwellings that exceed six persons.

CONCLUSION

As noted earlier, the revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facilities in an R1 zone and withstand legal scrutiny. If the Commission recommends that City Council approve and give first reading to the ordinance, it will be tentatively scheduled for the November 5, 2013, City Council meeting.

MEL LEE, AICP
Senior Planner

GARY ARMSTRONG, AICP
Economic and Development Services Director

Distribution: Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

Attachment: 1. Draft Ordinance

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

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

SECTION 1: CODE AMENDMENT. Title 13 of the Costa Mesa Municipal Code is hereby amended to include the following definition - Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit":

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

SECTION 2: ENVIRONMENTAL DETERMINATION. The code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a

certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2013.

_____

Mayor of the City of Costa Mesa

ATTEST:

_____

City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

_____

City Attorney

ARIOS, JUSTIN

From:	David Alexander <rawrecoveryllc@gmail.com>
Sent:	Wednesday, September 15, 2021 5:53 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; Pete Nielsen; sharon.rapport@csh.org
Subject:	Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Table 1 - CM discriminatory zoning regulations.pdf; Table 2.pdf; Table 1-1 CM CityCode 1-72.pdf

Dear Gentleperson:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmative Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 650583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by City.)

1. The City's Draft Housing Element utilizes standards that have been expressly rejected by the State of California.

At page 3-46, the Public Review Draft indicates that it is guided by "the HUD Fair Housing Planning Guide" and limits the scope of its analysis to the 2019-2024 Regional Analysis of Impediments to Fair Housing (AI) that covered 16 cities in Orange County, including Costa Mesa. The City's entire reliance on the Regional 2019-2014 AI not only applies the incorrect legal standards, but also fails to focus on the activities of Costa Mesa (as opposed to the region or 15 other cities). First, the AI is insufficient for purposes of state law. Under Government Code 8899.50, the applicable standard in California is:

> the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section. Government Code 8899.50(c).

While the City's Regional AI, published on May 5, 2020, may have comported with the standards mandated by the Trump Administration, those standards were a deliberate rollback of the standards expressly adopted by reference in Government Code 8899.50(c).

Moreover, the City's reliance on an undefined "HUD Planning Guide" throughout Chapter 3E is bewildering since the applicable guide, entirely ignored by the City, is HCD's *Affirmatively*

Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements (April 2021 Update), published months before the Public Review Draft was issued in August 2021.

2. The City's Draft Housing Element fails to consider its own zoning regulations and practices, which are the principal source of housing discrimination in Costa Mesa.

Instead of conducting the mandated assessment, the City relies exclusively on the wholly inapplicable and inadequate 2020 AI in addressing its Section 3E4: Assessment of Contributing factors to Fair Housing in Costa Mesa. As a result, this portion of the City Housing Element is wholly inadequate, disregarding that:

- The City has enacted explicitly discriminatory zoning regulations that target Supportive Housing for Disabled Persons for exclusion and expulsion from Costa Mesa's residential zoning districts. (See attached Table 1; see CityCode for text of City's zoning code cited in Table 1.)

- The City has engaged in discriminatory code enforcement; specifically, it has targeted its code enforcement activities at Group Homes. (See attached Table 2.)

- The City has gone so far as to sue Supportive Housing Providers (defined as Group Homes) in state court, seeking to have them declared as a public nuisance solely because they operate with a SUP or CUP pursuant to Zoning Code Chapters XV and XVI, and not because of any nuisance behaviors. As a result of the City's state court actions against Supportive Housing/Group Homes, the City has forced Group Homes to shutter and required that operators evict disabled residents during the height of Covid-19 in the Winter of 2020.

- Of the 26 Supportive Housing/Group Homes that applied for CUP under the City Zoning Chapter XVI (CMMC 13-323), each applicant was an existing Group Home that predated the adoption of Chapter XVI. Of the 26 CUP applications submitted, the City granted only two. It ordered that the other 24 to shutter and to force their disabled residents from their homes. See Table 3 attached.

- While the City professes to support fair housing in the Public Review of its Housing Element, it is presently actively engaged in trying to cover up the discriminatory provisions in its own Zoning Code. Since 2014, the City has tried to justify its discrimination against Group Homes/Supportive Housing by arguing that it treats Boardinghouse worse.

- But that is obviously inaccurate on the face of the City's own zoning code: As reflected in Table 1, the City gives preferential treatment to Boardinghouses – and all residential uses except for Group Homes (Supportive Housing for disabled persons).

- To cover up the most glaring disparities between the City's regulation of Group Homes and Boardinghouses, the City is presently in the process of amending the definition of Boardinghouse as part of Code Amendment CO-2020-02, which will modify the definition of Boardinghouse.

The City's zoning code and its enforcement of that code are the most significant sources of housing discrimination and fair housing violations in Costa Mesa. But the City's draft Housing Element fails to review any of its own zoning procedure and practices, preferring to hide behind its wholly inadequate 2020 Regional AI.

Without this fulsome evaluation, the City cannot meet the requirements of the State's Housing Element laws.

Thank you for your time and consideration of this matter,

--
Dave Alexander
Founder
RAW Recovery

(949) 214-9307
dave@rawrecovery.com
www.rawrecovery.com
581 Blumont, Laguna Beach, CA 92651

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Zoning regulations for unlicensed[1] residential uses in Costa Mesa's multi-family zoning districts

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home[2]*	*Group Home[3]*	*Boardinghouse, Small < 3 rental rooms[4]*	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling[5]*
Use Definitions					
Use defined based on disability status of residents, CMMC 13-06	Yes, CC 9[6]	Yes, CC 5	No, CC 3	No, CC 3	No CC 4

[1] Licensed uses are subject to state-mandated zoning entitlements and restrictions. The Costa Mesa Municipal Code (CMMC) defines these uses as "***Residential care facilities.*** A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9);community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health &Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 11834.02—11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120)." CMMC 13-06.

[2] "***Sober living home*** means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit." CMMC 13-06.

[3] "***Group home.*** A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit." CMMC 13-06.

[4] "***Boardinghouse.*** A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited." CMMC 13-06.

[5] "***Dwelling, multi-family*** "Dwelling, multi-family" or "multi-family dwelling" is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families." CMMC 13-06.

[6] ***"CC #"*** refers to page numbers in the excerpt of the current Costa Mesa Municipal Code [as of 05/09/2021], attached to this Table for reference.

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Use defined based on nature of the disability of dwelling's residents, CMMC 13-06	Yes, CC 9	No, CC 5	No, CC 3	No, CC 3	No CC 4
Permitted Zoning District					
Permitted in Residential Zoning District, CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Multifamily Zoning Districts (R2-MD, R2-HD, R3), CMMC 13-30	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Planned Development Residential Districts (PDR-LD, PDR-MD, PDR-HD, PRD-NCM, PDC, PDI), CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	Yes, CC 31	Yes, CC 31	No, CC 31	No, CC 31	No, CC 31
Specially or Conditionally Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	NA, CC 31	NA, CC 31	No, CC 31	No, CC 31	No, CC 31
Nonconforming Use Status					
Existing uses required to apply for Special or Conditional Use Permit to continue existing use, 13-324, 13-207.1 versus 13-204, 13-30	Yes, CC 67, 59	Yes, CC 67, 59	No, CC 54	No, CC 54	NA, CC 31

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Separation Requirement					
Separation requirement imposed on existing uses, 13-322, 13-323, 13-324 versus 13-30, 13-204, 13-207.1	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	No, CC 54	No, CC 54	NA, 13-30
Separation requirement imposed on new uses, 13-322, 13-323, 13-324 versus 13-30 fn 7	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. CC 49	Yes: Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse. CC 49	NA, 13-30
Dwelling Operator's Permit Required					
Owner or operator of dwelling must obtain an "Operator's Permit," CMMC 13-323, 9-372, or meet same conditions for Operator's Permit under SUP requirements, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Owner or operator of dwelling must obtain an "operator's permit" as a condition to qualify for a conditional use permit, CMMC 13-323, 9-372, or meet same conditions for Operator's Permit to qualify for SUP, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No
Permit Application Requirements					
Permit Application: Required to list applicant/operator's every general partner and every owner with controlling interest in corporation. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide permit history or operation of similar use at any time anywhere in the United States. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide copy of rules governing conduct of residents occupying dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to identify the name, address, telephone, CDL of onsite dwelling manager. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Permit Application: Required to provide document reflecting criteria for acceptance of resident in dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide blank copies of all forms that residents of dwelling are required to complete. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Notice Requirements, July 2017 (17-05) - October 2018 (18-06) time period					
Public notice of hearing on application for special use permit, CMMC 13-311(b) versus CMMC 13-29(c) [07/2017-09/2018]	Notice to be mailed to the ***owner of record and occupants*** of all properties within five hundred (500) feet of the location of the group home.	Notice to be mailed to the ***owner of record and occupants*** of all properties within five hundred (500) feet of the location of the group home.	Notices of the hearing shall be mailed to all ***property owners*** within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all ***property owners*** within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all ***property owners*** within a five hundred-foot radius of the project site
Occupancy limit on number of residents per dwelling					
Occupancy limitation	City Housing Element	City Housing Element	State Housing Law/UHC	State Housing Law/UHC	State Housing Law/UHC
On-Site Manager Requirements					

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Dwelling must have a 24/7 onsite manager. CMMC 13-311(a)(4) + CMMC 9-274(b)(1) versus State Housing Law	Yes, CC 62, 70	Yes, CC 62, 70	No, State Housing Law	No, State Housing Law	No, State Housing Law
Vehicle Restrictions					
Each dwelling resident limited to one vehicle that must be used as resident's primary form of transportation, 13-311(a)(5) + CMMC 9-274(b)(2)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Resident Parking Restrictions					
Each dwelling resident must park her vehicle on dwelling premises or within 500 feet of dwelling, 13-311(a)(5) + CMMC 9-274(b)(2) versus CMMC Title 10, Ch X (Stopping, Standing and Parking)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Eviction requirements					
Landlord/operator must notify resident's emergency contact, OCHA OC Links Referral Line, and Costa Mesa's Network for Homeless Solutions before an evicting resident, CMMC 13-311(a)(10) + 9-374(b)(6)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must provide transportation to alternative housing to any resident evicted from dwelling, CMMC 13-311(a)(11) + 9-374(b)(7)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must maintain eviction records for one year resident's eviction from dwelling, CMMC 13-311(a)(12) + 9-374(b)(8)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Regulation of Residents within Dwelling					
Each resident of dwelling must actively participate in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must maintain records showing that resident is actively participating in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate a rule warning that if a resident refuse to actively participating in a legitimate self-improvement program (e.g., 12-step program), then the resident may be evicted. CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/Operator must prohibit residents from use of any non-prescription drugs. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must evict any resident caught using any non-prescription drug. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Landlord/operator must promulgate a good neighbor policy directing residents "to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit." CMMC 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate written protocol for onsite manager to follow in response to a neighbor's complaint. CMMC protocol for 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
Owner, Landlord, Operator, and Employee Qualification Requirements					
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was terminated from a job for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was terminated from a job alcohol for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25

CMMC Regulations Governing Residential Uses in City's Multifamily Districts	*Sober Living Home*[2]	*Group Home*[3]	*Boardinghouse, Small < 3 rental rooms*[4]	*Boardinghouse, Large < 7 rental rooms*	*Multi-family Dwelling*[5]
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if he was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contrendere to any PC 451 arson offense or furnishing any controlled substance within 7 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she is in recovery from abuse of drugs or alcohol and has been abstained for less than one year before applying to the City for that zoning permit. CMMC 13-311(b)(6), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 64, 72	No	No, CC 25	No, CC 25	No, CC 25

CHAPTER I. IN GENERAL

ARTICLE 1. TITLE AND AUTHORITY

13-1. Title.

This title shall be known as the "City of Costa Mesa Planning, Zoning and Development Code," hereafter referred to as the "Zoning Code." (Ord. No. 97-11, § 2, 5-5-97)

13-2. Purpose.

The purpose of this Zoning Code is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the city by providing regulations to ensure that an appropriate mix of land uses occur in an orderly manner. In furtherance of this purpose the city desires to achieve a pattern and distribution of land uses which generally:

(a) 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 the infrastructure.

(b) Ensure the long-term productivity and viability of the community's economic base.

(c) Promote land use patterns and development which contribute to community and neighborhood identity.

(d) Ensure correlation between buildout of the general plan land use map and master plan of highways. (Ord. No. 97-11, § 2, 5-5-97)

13-3. Authority and general plan consistency.

(a) This Zoning Code is a tool for implementing the goals, objectives and policies of the Costa Mesa General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (State Government Code section 65000 et seq.). All development within the incorporated area of the city shall be consistent with the general plan.

(b) The subdivision provisions of this Zoning Code are intended to supplement and implement the Subdivision Map Act, and serve as the subdivision ordinance of the city. If the provisions of this Zoning Code conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail. (Ord. No. 97-11, § 2, 5-5-97)

13-4. References to other laws.

In some portions of this Zoning Code it is necessary to reference other applicable laws, for example the State Government Code, and in some instances specific code sections are given. These references are accurate as of the adoption of this Zoning Code, and these references may be amended from time to time. (Ord. No. 97-11, § 2, 5-5-97)

ARTICLE 2. DEFINITIONS

13-5. Purpose.

The intent of this article is to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in Chapter IX, Special Land Use Regulations, and Chapter XII, Special Fee Assessments. (Ord. No. 97-11, § 2, 5-5-97)

13-6. Definitions.

Abutting. Sharing a common boundary, of at least one (1) point.

Accessory building. A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

Accessory dwelling unit (ADU). See section 13-35.

Accessory use. A use incidental and subordinate to, and devoted exclusively to the main use of the land or building thereon.

Adjacent. Same as abutting, but also includes properties which are separated by a public right-of-way, not exceeding one hundred twenty (120) feet in width.

Administrative adjustment. A discretionary entitlement, usually granted by the zoning administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Adult business. See Chapter IX, Special Land Use Regulations, Article 1, Adult Businesses, for specific definitions and terms.

Alcoholism or drug abuse recovery or treatment facility means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to section 11834.01 of the California Health & Safety Code. Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

Alteration (structure). Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

Ambient noise level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Antenna. Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

Antenna, amateur radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, communication. All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

Antenna height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

Antenna, satellite dish. An antenna intended for the purpose of receiving or transmitting communication to or from an orbiting satellite.

Antenna, whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Apartment. A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one (1) family, as the term "family" is defined in this Zoning Code.

Assembly use. A use conducted in a structure or portion of a structure for the purpose of a civic, education, political, religious, or social function or for the consumption or receipt of food and/or beverages. Assembly use includes, but is not limited to, churches and other places of religious assembly, mortuaries, primary and secondary schools, trade and vocational schools, colleges, amusement centers, billiards parlors, bowling centers, establishments where food or beverages are served, motion picture theaters, physical fitness facilities, skating rinks, and dance, martial arts, and music studios. Assembly use does not include sexually oriented businesses.

Association (homeowners'). The organization of persons who own a lot, parcel, area, airspace, or right of exclusive occupancy in a common interest development and who have interests in the control of common areas of such project.

Attached (structure). Any structure that has a wall or roof in common with another structure.

Attic. Any non-habitable area immediately below the roof and wholly or partly within the roof framing.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding the sun or providing an architectural accent.

Basement. A space wholly or partially underground and having more than one-half (½) of its height, measuring from floor to ceiling, below the average grade. If the finished floor level directly above the basement is more than four (4) feet above grade at any point, the basement shall be considered a story.

Boardinghouse. A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited.

Building. Any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building height. The distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening.

Building, main. The building or buildings within which the principal use permitted on the lot is conducted.

Carport. A permanent, roofed structure, not completely enclosed which is used for vehicle parking.

Central administrative office. An establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company.

Churches and other places of religious assembly. A type of assembly use which has the principal purpose of religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times. The use may also include accessory facilities in the same or separate building that includes classrooms, assembly rooms, restrooms, kitchen, and a library. Other uses such as, but not limited to, day care facilities, nursery schools, schools, retail sales, and services to businesses, are not considered a primary function of churches and other places of religious assembly.

Cigar bar. See Smoking lounge.

City. City of Costa Mesa.

Common area. Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest developments.

Common interest development. A development as defined in State Civil Code section 1350, containing two (2) or more common interest units, as defined in Civil Code section 783; a community apartment project, as defined in State Business and Professional Code section 11004, containing two (2) or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two (2) or more rights of exclusive occupancy.

Conditional use permit. A discretionary approval usually granted by the planning commission which allows a use or activity not allowed as a matter of right, based on specified findings.

Convenience stores, mini-markets. A retail store, generally less than ten thousand (10,000) square feet in area, that sells a variety of convenience foods, beverages and non-food items. Fresh dairy products, produce and/or meat may be offered on a limited basis.

County. County of Orange.

Covered parking space. A garage, carport or parking space which is completely covered by a roof.

Density bonus. A minimum increase of twenty-five (25) percent over the allowable residential dwelling unit density as specified by the zoning classification.

Development. The division of land into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development review. The processing of a development plan when authority for approval is vested in the planning division.

Development services department means the Development Services Department of the City of Costa Mesa.

Development services director. The director of development services of the City of Costa Mesa, or his/her designee.

Disabled shall have the same meaning as handicapped.

Dormer. A vertical window in a projection built out from a sloping roof.

Driveway, common. A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

Driveway, individual. The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.

Dwelling, single-family. "Dwelling, single-family" or "single-family dwelling" is a building of permanent character placed in a permanent location which is designed or used for residential occupancy by one (1) family. A single mobilehome on a foundation system on a single lot is a single-family dwelling. (See Manufactured housing).

Dwelling, multi-family. "Dwelling, multi-family" or "multi-family dwelling" is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families.

Dwelling unit. One (1) or more rooms in any building designed for occupancy by one (1) family, and containing one (1) kitchen unit, including manufactured housing. (See Manufactured housing).

Easement. A grant of one (1) or more property rights by the owner for use by the public, a corporation or another person or entity.

Electronic cigarette. An electronic and/or battery-operated device used to provide an inhalable dose of nicotine by delivering a vaporized solution. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor.

Electronic game machine. Any electronic or mechanical device which upon insertion of a coin, slug, or token in any slot or receptacle attached to the device or connected therewith, operates, or which may be operated for use as a game, contest, or amusement through the exercise of skill or chance.

Emergency shelters. A facility that provides immediate and short-term housing for homeless persons that is limited to occupancy of six months or less. Supplemental services may include counseling and access to social programs. No individual or household may be denied to emergency shelter because of an inability to pay.

Entertainment (live). Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one (1) or more persons whether or not they are compensated for the performance.

Establishment where food or beverages are served. Any commercial use that sells prepared food and/or beverages for consumption on-site or off-site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the development services director, where the sale of food or beverages is clearly incidental to the primary use. All establishments selling alcoholic beverages for consumption on-site are included within this definition

Fair housing laws means the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

Family. One (1) or more persons occupying one (1) dwelling unit and living together as a single housekeeping unit.

Family day care home, large. A home which provides family day care to seven (7) to fourteen (14) children as defined in section 1596.78 of the State Health and Safety Code.

Family day care home, small. A home which provides family day care to eight (8) or fewer children as defined in section 1596.78 of the State Health and Safety Code.

Floor area ratio. The gross floor area of a building or project divided by the project lot area upon which it is located.

Garage. An accessory or attached enclosed building with doors, designed and/or used for vehicle parking.

Garage sale. An event for the purpose of selling or trading personal property. Garage sale includes yard sale.

General plan. The City of Costa Mesa General Plan as adopted or amended from time to time by the city council.

Grade. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Gross acreage. The total area within the lot lines of a lot of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot, and not including adjacent lands already dedicated for such purposes.

Gross floor area. The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas.

Gross leasable area. The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas.

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Guestroom. A room occupied or intended, arranged, or designed for occupancy by one (1) or more guests.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one (1) or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Hazardous materials. Any material of quantity, concentration, physical or chemical characteristics, that poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment; or any material requiring a Material Safety Data Sheet according to Title 8, section 339 of the State Code of Regulation.

Height. See Building height and Antenna height.

Home occupation. Any business or commercial use conducted within a dwelling unit.

Hookah lounge. See Smoking lounge.

Hotel. Any building or combination of buildings generally three (3) or more stories in height containing six (6) or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Integral facilities. Any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation shall be referred to as integral facilities and shall be considered one (1) facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one (1) facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one (1) licensed or unlicensed facility.

Integral uses. Any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one (1) use for purposes of applying federal, state and local laws to its operation.

Intersection. The general area where two (2) or more roadways join or cross.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

Landscaping. Plant materials such as lawn, groundcover, trees and shrubs.

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven (7) feet, and where the aggregate area of the loft does not exceed one third (1/3) of the area of the room in which it is located.

Lot.

(a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.

(b) A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

Lot area. The total land area of a project after all required dedications or reservations for public improvements including but not limited to streets, parks, schools, and flood control channels. This phrase does not apply in the planned development zones where the phrase “site area,” as defined in Chapter V, Development Standards, is used.

Lot, corner. A lot abutting on and at the intersection of two (2) or more streets which intersect at an angle that is equal to or less than one hundred thirty-five (135) degrees.

Lot, depth. The average of the horizontal distance between the front and the rear lot lines.

Lot, development. The master lot or project site upon which a development will be constructed.

Lot, individual dwelling unit. An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

Lot, interior. A lot abutting only one (1) street, or a lot abutting two (2) streets which intersect at an angle greater than one hundred thirty-five (135) degrees.

Lot, width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building setback line.

Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one (1) or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.

Marijuana. Has the same definition as that set forth in California Health & Safety Code section 11018.

Marijuana cultivation and/or medical marijuana cultivation. The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.

Master plan. The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

Master plan of highways. The graphic representation of the city’s ultimate circulation system contained in the general plan. It illustrates the alignment of the major, primary, secondary and collector highways.

Median. A paved or planted area separating a parking area, street, or highway, into two (2) or more lanes or directions of travel.

Medical marijuana. Marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.

Medical marijuana dispensary. A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three (3) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State Health and Safety Code Sections 11362.5 et seq., and 11362.7 et seq., which shall include, but not be limited to, any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

Minor conditional use permit. A discretionary approval granted by the zoning administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

Minor modification. A discretionary entitlement granted by the planning division, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Mixed use development. The development of lot(s) or structure(s) with two (2) or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See Manufactured housing.

Mobile home park. Any area or tract of land where two (2) or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with section 18200) of Division 13 of the State Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Motel. Any building or combination of buildings of one (1) to three (3) stories in height having six (6) or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

Municipal Code. City of Costa Mesa Municipal Code.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. *Open space* may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five (5) feet in depth by projections which are at least eight (8) feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight (8) feet above grade.

Open space, common. An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

Open space, private. An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

Operator means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Organizational documents. The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

Parcel. Same as Lot.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

Paved area. Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.

Peak hour. The hour during the AM peak period (typically 7:00 a.m.—9:00 a.m.) or the PM peak period (typically 3:00 p.m.—6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

Permitted use. Any use allowed in a land use zoning district without requiring a discretionary approval, and subject to the provisions applicable to that district.

Planned development. A land area which is developed as an integrated unit under single ownership or control and having planned development zoning designation.

Planning application. A broad term for any development project or land use which requires the discretionary review and approval of either the planning division, zoning administrator, planning commission, redevelopment agency or city council. Planning applications include administrative adjustments, conditional use permits, development reviews, variances, redevelopment actions, etc.

Planning division. The planning division of the development services department of the City of Costa Mesa.

Project. See Development.

Property line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Property line, front. The narrowest property line of a lot abutting a public or private street. If two (2) or more equal property lines are narrowest, the front shall be that property line across which the development takes its primary access (if the primary access is determined to be equal, there shall be two (2) front property lines). However, for non-residentially zoned property, any property line abutting a public street designated as a secondary, primary or major street on the master plan of highways shall be deemed a front property line. A non-residentially zoned property shall have more than one (1) front property line when it abuts more than one street designated as secondary, primary, or major on the master plan of highways.

For R-1 zoned property located on corner lots, the front property line may be the property line towards which the front of the dwelling unit is oriented.

Property line, rear. The property line opposite the front property line. A corner lot with more than one (1) front property line shall have more than one (1) rear property line. Irregularly shaped lots may also have more than one (1) rear property line.

Property line, side. Any property line which is not a front or rear property line.

Property line, ultimate. The boundary of a lot after the dedication of land for use as public right(s)-of-way.

*Public area. E*stablishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

Public hearing. A public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed action, and which affords to any affected person or persons the opportunity to present their views, opinions, and information on such proposed applications. “Mandatory hearings” are those required to be held by law, and “discretionary hearings” are those which may be held within the sole discretion of the hearing body.

Public right-of-way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Recyclable materials. Reusable materials including but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstruction. Recyclable materials do not include refuse, hazardous materials or hazardous waste.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products.

Recycling and collection facility. A building or enclosed space used for the collection and processing of recyclable materials for preparation for shipment, or to an end user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

Redevelopment action. A discretionary review conducted by the redevelopment agency for applications for development in the redevelopment project area, based on the adopted redevelopment plan and specified findings.

Referral facility. A residential care facility or a group home where one (1) or more person’s residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety

Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 11834.02—11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120).

Residential, multi-family. Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one (1) primary dwelling unit on a lot.

Residential, single-family. Detached single-family home where there is no more than one (1) primary dwelling unit on a lot.

Room, bedroom. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count.

Room, home office. A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study or library.

Senior congregate care facility. A structure(s) providing residence for thirteen (13) or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a property line or lot line.

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Single room occupancy residential hotel. A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

Slope. The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

Small lot subdivision. A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/alley or an easement access through a recorded subdivision map.

Smoking lounge. Any facility or location whose business operation, whether as a primary use or an ancillary use, is characterized by the sale, offering, and/or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vaping lounges, or cigar bars.

Smoking/vaping retailer. A smoke shop, electronic cigarette retailer, vapor cigarette retailer, or any other retail business that sells tobacco, electronic cigarettes, and related products primarily for off-site consumption. Smoking/vaping retailers shall not include food or beverage service, outdoor seating, or an indoor seating area greater than one hundred (100) square feet in area.

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. *Sober living homes* shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Specific plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and the provisions of State Government Code section 65450 et seq.

State. State of California.

Story. For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than four (4) feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

Street. A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. *Streets* do not include driveways which only provide access to parking areas.

Structure. Anything, including a building, located on the ground in a permanent location or attached to something having a permanent location on the ground.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Tandem parking. An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signified the placement of standard parking spaces one behind the other within the enclosed area of a garage.

Townhouse. A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three (3) or more dwelling units.

Transitional housing. A development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Trip (vehicle). A one-way vehicular journey either to or from a site, or totally within the site i.e. internal trip. Each trip has two (2) trip ends, one at the beginning and the other at the destination.

Trip rate (vehicular). The anticipated number of vehicle trips to be generated by a specific land use type or land use classification. The trip rate is expressed as a given number of vehicle trips for a given unit of development intensity (i.e., trip per unit, trip per one thousand (1,000) square feet, etc.).

Uncontrolled environment. A location where there is the exposure (to radiofrequency radiation) of individuals who have no knowledge or control of their exposure. The exposures may occur in living quarters or work places where there are no expectations that the exposure levels may exceed the exposure and induced current levels permitted for the general public.

Underroof. All of the area within the walls of the building that a roof covers. Areas under porches, roof overhangs, garage protrusions, breezeways and other similar architectural design features are not considered as underroof.

Unit. A particular building or structure, or portion thereof, that is designed, intended or used for exclusive occupancy, possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Warehouse, mini. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where at least one of the stalls or lockers has less than five hundred (500) square feet of floor area.

Warehouse, public. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where all the stalls or lockers have more than five hundred (500) square feet of floor area.

Vacancy rate (common lot development conversion). The ratio of vacant apartments being offered for rent or lease in the City of Costa Mesa, shown as a percentage of the total number of apartments in the city.

Vape lounge. See Smoking lounge.

Vape shop. See Smoking/vaping retailer.

Variance. A discretionary entitlement, usually granted by the planning commission, which permits departure from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Yard. Any open space on a lot unoccupied and unobstructed from the ground upward, except an inside court.

Yard, front. The yard between the front line of a building and the front line of the lot upon which the building is located.

Yard, rear. The yard extending from the extreme rear line of the main building to the rear lot line on which the building is situated.

Yard, side. The yard extending from the front yard, or from the front lot line where no front yard is required, to the rear yard or rear lot line, between the side lot line and the nearest wall of the main building or any accessory structure attached thereto.

Zero lot line. The location of a structure on a lot in such a manner that one (1) or more of the structure's sides rest directly on a lot line. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21)

ARTICLE 3. REVIEW AUTHORITIES

13-7. Purpose.

The purpose of this article is to establish the project review authority of the city council, the redevelopment agency, the planning commission, the zoning administrator and the planning division. (Ord. No. 97-11, § 2, 5-5-97)

13-8. City council.

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four (4) or fewer lots with no development agreements. The city council may impose conditions of approval. (Ord. No. 97-11, § 2, 5-5-97)

13-9. Redevelopment agency.

(a) *Declaration of need of agency*. It is hereby found and declared, pursuant to State Health and Safety Code section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.

(b) *Council declared agency*. The five (5) members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

(c) *Term of agency members*. Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember. (Ord. No. 97-11, § 2, 5-5-97)

13-10. Planning commission.

(a) *Commission.* Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California Government Code, there is hereby created a planning commission, which shall consist of seven (7) members. There shall be one (1) member from each electoral district of the city and one (1) at-large member.

(b) *Appointment and removal of commissioners.* Each council member elected by district shall nominate the planning commission member for his or her district, subject to approval by a majority vote of the entire city council. The mayor shall nominate the at-large planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

(c) *Residency in districts.* Except for the at-large member, each member of the planning commission must be a resident of the electoral district from which the member is nominated at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the district from which the member was appointed, for any reason other than a change in district boundary lines required following the decennial census, that member's appointment will automatically terminate. The at-large member must be a resident of the city. If the at-large member ceases to be a resident of the city, that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.

(d) *Term.* The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.

(e) *Ex-officio member of commission.* The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

(f) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

(g) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

(h) *Councilmember ineligibility.* No member of the city council shall be eligible for membership on the planning commission.

(i) *Authority of the planning commission.*

(1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:

a. Public and private buildings and works, streets, parks, grounds and vacant lots.

b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.

c. The location of any proposed buildings, structures, or works.

(2) The planning commission is authorized to act upon the following discretionary actions:

a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.

b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.

c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 13 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State Government Code.

(j) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:

(1) The time and place of meeting.

(2) The time and method of electing officers.

(3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.

(k) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19)

13-11. Zoning administrator.

(a) The development services director or designee is authorized to act as the zoning administrator according to procedures set forth in the State Government Code.

(b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.

(1) Administrative adjustment;

(2) Minor conditional use permit;

(3) Lot line adjustment;

(4) Wireless telecommunications use permit (see section 19-15); and

(5) Any action specified in this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

13-12. Planning division.

The development services director or designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, Wireless Telecommunications Use Permit (see section 19-15), and other duties as designated by the development services director, planning commission, city council and this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

ARTICLE 4. ENFORCEMENT

13-13. Purpose.

The purpose of this article is to establish the parameters for the enforcement of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-14. Enforcement officer designated.

The development services director or duly authorized representative is hereby empowered and it shall be his/her duty to enforce all provisions of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-15. Duties.

All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in

conflict with the provisions of this Code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this Zoning Code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. No. 97-11, § 2, 5-5-97)

13-16. Enforcement.

(a) *Criminal prosecution*. Any person, whether as principal, agent, or employee, violating the terms of this zoning code may be prosecuted as provided in section 1-33 of this Municipal Code.

(b) *Criminal citation*. For the purposes of this zoning code, a violation of the terms of this zoning code may be cited as either an infraction or misdemeanor pursuant to State Government Code sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code.

(c) *Civil action*. As an alternative to prosecution or citation, or as an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of this zoning code.

(d) *No criminal prosecution, citation or penalty*. Notwithstanding the provisions of subsections (a) and (b) of this section, no person shall be criminally prosecuted or cited, or suffer any criminal penalty, for any violation of the provisions of section 13-30, table 13-30, rows 31a and/or 31b relating to the prohibition of medical marijuana dispensaries or medical marijuana cultivation within the city, or for a violation of the provisions of Chapter IX, Article 20 related to the prohibition against medical marijuana cultivation.

(e) *Nuisance.* Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this title or any condition of approval, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 10-13, § 2, 10-19-10; Ord. No. 10-14, § 2, 11-16-10; Ord. No. 16-01, § 2, 1-19-16)

13-17. Public nuisance defined; procedure.

Any building or structure set up, constructed, erected, enlarged, converted, moved or maintained contrary to the provisions of this Zoning Code, and any use of land, building or premises established, conducted or maintained contrary to the provisions of this Municipal Code or other applicable laws, may, by the city council, after public hearing, be declared to be unlawful and a public nuisance as established in this section. No conditions described in this section may be declared a public nuisance until the following steps have been taken:

(a) There shall be an inspection and investigation of the premises by whatever department heads or their authorized designees within the city as are affected by the condition of the premises, including but not limited to, the development services director, planning division, police department, and county health officer.

(b) The responsible owner, lienholder or occupier of the premises shall be given notice setting forth the violations, corrections which must be made, and a specific reasonable time within which to make such corrections. The notice shall be given either in person or by registered or certified mail to the responsible property owner, lienholder or occupier and by a posting on the property.

(c) In the event the responsible owner, lienholder or occupier does not comply with the demand for correction as set forth in subsection (b) within the specific time stated therein, the city council shall set the matter for formal hearing and shall post the property at least ten (10) days prior to the time of the hearing and shall serve the responsible owner, lienholder or occupier of the property a copy of the notice of the formal hearing, either in person or by registered or certified mail.

(d) At the hearing as set forth in subsection (c) the city council shall take oral or written testimony as evidence to substantiate their findings with respect to the violation. Evidence may be presented by investigative officers on behalf of the city, while the owner, lienholder or occupier may present evidence in his or her own behalf. At the close of the hearing, the city council shall find and determine, based upon the evidence presented, that a public nuisance does or does not exist.

(e) Upon finding that a public nuisance exists as provided for in subsection (d), the city council shall give the responsible property owner, lienholder or occupier notice in writing that the condition must be corrected, prevented, restrained or abated within a thirty-day period.

(f) If at the end of the thirty (30) day period granted for compliance the responsible owner, lienholder or occupier has not complied with the mandate of the city council, the city attorney shall commence appropriate legal proceedings either civil, criminal or both, as the circumstances warrant.

(g) In the event the city council determines by a four-fifths (4/5) vote that any conditions described above cause an emergency situation threatening serious bodily harm or imminent, substantial property damage, the foregoing procedures and time limits may be waived and upon reasonable notice under the circumstances to the responsible property owner, lienholder or occupier, the city council may at a public hearing find and determine such conditions a nuisance and order immediate abatement.

(h) The city's cost of abatement proceedings shall constitute a special assessment upon the lot involved and payable and collectible as set forth in State Government Code sections 38773.1 and 38773.5 and other applicable laws. (Ord. No. 97-11, § 2, 5-5-97)

13-18. Remedies cumulative.

The remedies provided in this article shall be cumulative and not exclusive. (Ord. No. 97-11, § 2, 5-5-97)

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CHAPTER II. ZONING DISTRICTS ESTABLISHED

13-19. Purpose.

The intent of this chapter is to establish and state the purpose of the various zoning districts, as well as to describe their boundaries on the official zoning map. (Ord. No. 97-11, § 2, 5-5-97)

13-20. Zoning districts.

In order to classify, regulate, restrict and separate the uses of land and buildings, regulate the height and bulk of buildings and the area of yards and other open spaces about buildings, and regulate population density, the following classes of zones are established:

(a) *R1 Single-Family Residential District*. This district is intended to promote the development of single-family detached units located on lots with a minimum lot size of six thousand (6,000) square feet, and a maximum density of 7.26 dwelling units per gross acre.

(b) *R2-MD Multiple-Family Residential District, Medium Density*. This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand six hundred thirty (3,630) square feet per dwelling unit, which equals twelve (12) dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of six thousand (6,000) square feet up to seven thousand two hundred sixty (7,260) square feet are allowed two (2) dwelling units.

(c) *R2-HD Multiple-Family Residential District, High Density*. This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand (3,000) square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.

(d) *R3 Multiple-Family Residential District*. Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is twelve thousand (12,000) square feet. The maximum density allowed is two thousand one hundred seventy-eight (2,178) square feet per dwelling unit, which equals twenty (20) dwelling units per gross acre.

(e) *AP Administrative and Professional District*. This district is intended to establish areas within which public administrative, professional and business offices may be located. It is the further purpose of this district to limit the intensity of use within the district to be compatible with the types of activities generally associated with office developments.

(f) *CL Commercial Limited District*. This district is intended for unique areas of land which, due to the proximity of residential development or the potential for traffic circulation hazards, require special precautions to be taken to assure appropriate development. The district is also intended for industrial areas where commercial uses must be considered according to their compatibility with existing or permitted industrial uses.

(g) *C1 Local Business District*. This district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the city. The permitted and conditional uses as well as development standards are aimed toward reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.

(h) *C2 General Business District*. This district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.

(i) *C1-S Shopping Center District*. This district is intended for large commercial lots constructed as a unified and integrated development. It is the further purpose to provide a wide range of goods and services on a community and regional scale.

(j) *TC Town Center District*. This district is intended to allow intensely developed mixed commercial and residential uses within a very limited geographical area bounded by Sunflower Avenue to the north, 1-405 to the south, Bristol Street to the west, and Avenue of the Arts to the east. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings.

(k) *P Off-Street Parking District*. This district is intended to allow parking lots, and buildings incidental to the operation of the parking lot.

(l) *I & R Institutional and Recreational District*. This district is intended to allow land uses which provide recreation, open space, health and public service uses. Development in this designation may occur on either public or private property.

(m) *I & R-S Institutional and Recreational School District*. This district is intended to allow public and private educational facilities on either public or private property.

(n) *MG General Industrial*. This district is intended for a variety of industrial areas which contain a wide range of light and general industrial activities. Development standards and the approval of conditional uses shall be aimed toward eliminating possible hazards to adjoining properties, especially in those areas where residential uses are in the vicinity.

(o) *MP Industrial Park*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.

(p) *PDR-LD Planned Development Residential—Low Density (up to 8 dwelling units per acre); PDR-MD Planned Development Residential—Medium Density (up to twelve (12) dwelling units per acre); PDR-HD Planned Development Residential—High Density (up to twenty (20) dwelling units per acre or higher pursuant to an adopted specific plan); PDR-NCM Planned Development Residential—North Costa Mesa (twenty-five (25) to thirty-five (35) dwelling units per acre)*. These districts are intended to provide for excellence in the design of residential projects. Within the low-density zone typical designs include small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development.

Within the medium density, high density, and north Costa Mesa zones, site design could include single-and multiple-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to clustered development, townhouses, patio houses, detached houses, duplexes, garden apartments, high rise apartments or common interest developments. Complementary non-residential uses could also be included in the planned development.

(q) *PDC Planned Development Commercial*. This district is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential areas, as well as the entire community and region. Complementary residential uses could also be included in the planned development.

(r) *PDI Planned Development Industrial*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.

(s) *MU Mixed-Use Overlay*. This district may overlay the R2-MD, R2-HD, R3, CL, C1, C2, MG, PDR-HD, PDR-MD, or I&R districts, and it is intended to allow development of residential and nonresidential uses as mixed, integrated projects. This overlay district shall only be applied to the zoning map in conjunction with the adoption of an urban plan for the designated area. The urban plan is a regulating plan that shall define the unique characteristics of the overlay area, include a matrix of permitted, conditionally permitted, and prohibited uses and provide development standards. The provisions of the mixed-use overlay shall be activated by adoption of a master plan.

(t) *Institutional and Recreational Multi-Use District*. This district is intended to allow the integration of a variety of land uses and intensities. This zoning district category includes uses which are low to moderate in density and intensity and urban in character. The multi-use center designation is applicable only to the Fairview Development Center property at 2501 Harbor Boulevard. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 05-3, § 1a., 2-7-05; Ord. No. 06-9, § 1a., 4-18-06; Ord. No. 07-2, § 1a.—c. 2-6-07; Ord. No. 16-09, § 2, 10-4-16)

13-21. Overlay districts.

Overlay zoning districts may also be created in conjunction with special regulations. (Ord. No. 97-11, § 2, 5-5-97)

13-22. Zoning district boundaries.

The zoning districts listed in section 13-20, zoning districts, and the boundaries of each, are shown on the official zoning map, filed in the planning division. (Ord. No. 97-11, § 2, 5-5-97)

13-23. Division of official zoning map.

The official zoning map may be subdivided into district maps, and such district maps may be separately used for amending the zoning map or for any official reference to the zoning map. (Ord. No. 97-11, § 2, 5-5-97)

13-24. Changes in boundaries.

All changes shall be made by ordinance adopting an amended zoning map, or part of the zoning map or district map. (Ord. No. 97-11, § 2, 5-5-97)

13-25. Uncertainty of boundaries.

Where uncertainty exists as to the boundaries of any zone shown on the zoning map, or any district map, the following rules shall apply:

(a) When boundaries of zones are approximately following street, alley or lot lines, such lines shall be construed as the boundaries.

(b) In the case of undivided properties, or property not yet subdivided, and a zone boundary divides the lot, the location of the zone boundary, unless indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map. (Ord. No. 97-11, § 2, 5-5-97)

13-26. Limitation of land use.

No new building shall be erected, nor shall any building or land be used for any purpose except as provided and allowed for in this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

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CHAPTER III. PLANNING APPLICATIONS

13-27. Purpose.

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures. (Ord. No. 97-11, § 2, 5-5-97)

13-28. Types.

(a) Administrative adjustment. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a)
ADMINISTRATIVE ADJUSTMENTS

Standard	*Deviation Range*
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height.	More than 33 1/3 % but no more than 50%
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

(b) *Conditional use permit*. Any use specified in this Zoning Code as requiring a conditional use permit.

(1) *Common interest development conversion*. For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial, commercial, office, and/or mixed-use project.

(c) *Density bonus or incentive*. Any request for incentives to produce lower income and senior housing per State Government Code section 65915.

(d) *Design review*. Any construction that results in three (3) or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.

(e) *Development review*. The following shall be subject to development review:

(1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of two (2) or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the planning division.

(2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units that complies with any residential design guidelines adopted by city council.

(3) *Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones*. However, building additions that do not exceed two thousand (2,000) square feet or fifty (50) percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.

(4) Lot line adjustment; and

(5) Any other use specified in this Zoning Code as requiring development review.

(f) *Lot line adjustment*. Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.

(g) *Master plan*. Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), mixed-use overlay (MU), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD and MU zones, and are not required in C1-S, I&R-S, and I&R zones.

(1) Minor changes: Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

a. A change in the use or character of the development;

b. An increase in the overall density or floor area ratio of the development;

c. An increase in overall coverage of structures;

d. A reduction or change in character of approved open space;

e. A reduction of required off-street parking;

f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or

g. A reduction in required street pavement widths.

h. An increase of more than six (6) inches in building height.

i. A decrease in building setback greater than can be approved by a minor modification by the development services director.

(2) *Major amendments*. Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)i., or any proposed change determined by the development services director as a major amendment, shall be subject to review and approval by the zoning administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the zoning administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.

(3) *Minor amendments*.

a. Minor amendments to existing master plans in planned development zones are subject to section 13-56, master plan required.

b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements

specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the planning division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

(4) *Mixed-use development plan screening application*. Applicants for residential or mixed-use development projects in a mixed-use overlay district shall submit a screening application for consideration by city council at a public meeting. No other concurrent application for development may be submitted for processing until city council comments have been received. The purpose of the screening application is to receive city council comments on the merits and appropriateness of the proposed development. No other action on the screening application will be taken by city council. The submittal requirements for the screening review are specified on the city's planning application form, and the city council's review comments on the proposed project for processing shall not set precedent for approval of the master plan.

(h) *Minor conditional use permit*. Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.

(i) *Minor design review*. The following shall be subject to minor design review:

(1) Two-story residential construction that does not comply with any residential design guidelines adopted by the city council in the following zones:

a. R1 zone: Any two-story construction or second-floor addition; and

b. R2-MD, R2-HD, and R3 zones: Any two-story construction on a lot that results in two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units.

(2) Reserved for future use.

(3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.

(j) *Minor modification*. Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

TABLE 13-28(j)(1)

MINOR MODIFICATION

Standard	*Deviation Range*
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of nineteen (19) feet from the front property line	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of thirty-six (36) inches on corner lots in multi-family residential zones	100% or less
Increase in depth of permitted projections into required yards	20% or less
Decrease in minimum driveway width for two (2) or more dwelling units	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less

(2) *Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features*. However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.

(3) Fabric awnings that project no more than five (5) feet from the building face.

(4) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.

(k) *Mobile home park conversion*. Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.

(l) *Planned signing program*. A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.

(m) *Redevelopment action*. Any development or use proposed within the redevelopment project area as specified by the redevelopment plan or by policy of the redevelopment agency as requiring redevelopment agency approval.

(n) Reserved.

(o) *Rezone*. Any proposed change to the official zoning map.

(p) *Specific plan conformity review*. Any proposed action or land use which is required by the applicable specific plan to be reviewed for conformity with the purpose and intent of the plan.

(q) *Tentative tract or parcel map (including vesting)*. Any proposed subdivision of land which is required by a provision of the Subdivision Map Act or this Zoning Code to file a tentative tract or parcel map.

(r) *Variance*. Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or administrative adjustment, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.

(s) *Landmarks and historic districts located within the city*. A person may request placement of a significant historic structure on the local Register of Historic Places subject to the criteria and procedures established in Chapter IX, Article 14, Historic Preservation.

(t) *Certificate of appropriateness*. A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a "designated cultural resource" listed on the city's local Register of Historic Places. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16)

13-29. Planning application review process.

(a) *Application*.

(1) Application for any planning application shall be made to the planning division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the planning division.

(2) All applications shall be signed by the record owner of the real property to be affected. This requirement may be waived upon presentation of evidence substantiating the right of another person to file the application.

(b) *Fees*. The application shall be accompanied by all applicable processing fees as established by resolution of the city council.

(c) *Public hearing*. Upon receipt of a complete application for a planning application, the planning division shall fix a time and place of the public hearing if one is required pursuant to Table 13-29(c). For planning applications which require review by both the planning commission and city council or redevelopment agency, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than forty-five (45) days from the receipt of the planning commission's recommendation.

TABLE 13-29(c)

PLANNING APPLICATION REVIEW PROCESS

Planning Applications	*Public Notice Required*	*Public Hearing Required*	*Recommending Authority*	*Final Review Authority*	*Notice of Decision*
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission; and, if located in a redevelopment project area, the Redevelopment Agency	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other commission/ committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other commission/ committee as designated by the City Council	Planning Commission or other commission/ committee as designated by the City Council	No

(d) *Public notice.* When required pursuant to Table 13-29(c), public notice shall be given as described in the following subsections. Public notices shall contain a general explanation of the proposed planning application and

any other information reasonably needed to give adequate notice of the matter to be considered.

(1) *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a five hundred (500) foot radius of the project site, except for applications for the construction of a building(s) one hundred fifty (150) feet or more in height; these applications shall require a greater notice radius:

Building Height in Feet	*Notice Requirement*
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius

The required notice radius shall be measured from the external boundaries of the property described in the application. The notice shall be mailed no less than ten (10) days prior to the hearing or determination on the application. The planning division shall require mailing labels from the project applicant for this purpose. The mailing labels shall reflect the last known name and address of owner(s) as shown on the last equalized county assessment roll or by a more current listing.

(2) *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than ten (10) days prior to the date set for the hearing or determination on the application.

(3) *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than ten (10) days prior to the date set for the public hearing.

(e) *Review criteria.* Review criteria for all planning applications shall consist of the following:

(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.

(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.

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

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

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

(7) For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

(8) For affordable multi-family housing developments which include a minimum of sixteen (16) affordable dwelling units at no less than twenty (20) dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

(f) *Conditions*. The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also

require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

(g) *Findings*. When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

(1) Administrative adjustment and variance findings:

a. 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.

b. 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.

c. 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.

(2) Conditional use permit and minor conditional use permit findings:

a. 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.

b. 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.

c. Granting the conditional use permit or 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.

(3) Density bonus and concession or incentive findings:

a. The request is consistent with State Government Code section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.

b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.

c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5 or for rents for the targeted units.

d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(4) Lot line adjustment findings: The lot line adjustment and improvements are consistent with the general plan, any applicable specific plan and this Zoning Code.

(5) Master plan findings:

a. 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.

b. Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.

c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

(6) Minor modification findings:

a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.

b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

(7) Mobile home park conversion findings:

a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State Government Code.

b. The proposed conversion project is consistent with the general plan, any applicable specific plan and this Zoning Code.

(8) Planned signing program findings:

a. The proposed signing is consistent with the intent of Chapter VIII, Signs, and the General Plan.

b. The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors and illumination.

c. The proposed signs are compatible with the buildings and developments they identify taking into account materials, colors and design motif.

d. Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard sign provisions would allow.

(9) Redevelopment action findings: The proposed use and/or development is consistent with the guidelines of the redevelopment plan.

(10) Common interest development conversion findings:

a. The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and

b. The proposed common interest development conversion project conforms to adopted general plan policies and any applicable specific plan or urban plan, and if applicable, increases the supply of lower cost housing in the city and/or that the proposed conversion project fulfills other stated public goals.

c. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.

d. The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.

e. The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.

f. For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.

g. For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

(11) Rezone findings: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

(12) Specific plan conformity review findings: Refer to the applicable specific plan text.

(13) Tentative parcel or tract map findings:

a. The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.

b. The proposed use of the subdivision is compatible with the general plan.

c. The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.

d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.

e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.

f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).

(14) Design review and minor design review findings:

a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

b. The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.

c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

(h) *Decision*.

(1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.

(2) For planning applications which require the planning commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the planning commission for a report, unless the change or addition was previously considered by the planning commission. It shall not be necessary for the planning commission to hold a public hearing to review the referral. Failure of the planning commission to report to the final review authority within forty (40) days after the referral shall be deemed approval of the proposed change or addition.

(i) *Notice of decision*.

(1) Notice of the zoning administrator's decision shall be given within five (5) days of the decision to the city council, planning commission and to any affected party requesting the notice. Any member of the planning commission or city council may request review of a zoning administrator's decision within seven (7) days of the notice of the decision. No fee shall be charged for such review.

(2) Notice of the planning commission's and/or redevelopment agency's decision shall be given within five (5) days to the city council and to any affected party requesting the notice. Any member of the city council may request review of the decision within seven (7) days of the notice of the decision. No fee shall be charged for such review.

(j) *Appeals*. Appeals of the final review authority shall be filed within seven (7) days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) *Time limits and extensions*.

(1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.

(2) a. Unless otherwise specified by condition of approval, any permit or approval not exercised within twenty-four (24) months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with paragraph (4) of this subsection;

b. The permit shall not be deemed "exercised" until at least one of the following has first occurred:

1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the building official.

2. A certificate of occupancy has been issued.

3. The use is established and a business license has been issued.

4. A time extension has been granted in compliance with paragraph (3) of this subsection.

(3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within twenty-four (24) months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in paragraph (2).

(4) *Extension of time*.

a. *Filing and review of request*. No less than thirty (30) days or more than sixty (60) days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the city council.

b. For extension requests not to exceed one hundred eighty (180) days: The director of development services may extend the time for an approved permit or approval to be exercised. Only one request for an extension of one hundred eighty (180) days may be approved by the director. Any subsequent extension requests shall be considered by the original approval authority.

c. For extensions requests of more than one hundred eighty (180) days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.

(5) Fees for extensions of time for planning applications may be established by resolution of the city council.

(6) *Action on extension request*. A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for

denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.

(7) *Effect of expiration*. After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval, or other city permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

(l) *Building permits/authority to proceed*. No building permit or authority to proceed shall be granted until all required review and approval has been obtained and all applicable appeal periods have expired.

(m) *Compliance*. Final occupancy shall not be granted unless the site development conforms to the approved set of building plans, applicable conditions of approval and code requirements.

(n) *Reapplication*. Upon final denial of any planning application, a new application for substantially the same planning application may not be filed within six (6) months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven (7) days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(o) *Enforcement authority*.

(1) The planning commission may require the modification or revocation of any planning application and/or pursue other legal remedies as may be deemed appropriate by the city attorney, if the planning commission finds that the use as operated or maintained:

a. Constitutes a public nuisance as defined in State Civil Code Sections 3479 and 3480; or

b. Does not comply with the conditions of approval.

(2) The modification or revocation of any permit by the planning commission under this subsection shall comply with the notice and public hearing requirements set forth in subsections (c) and (d). The development services director may require notice for a development review or minor modification, if deemed appropriate.

(p) *Amendment to a planning application*. Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two (2) instances:

(1) Minor amendments to conditional use permits shall be processed as minor conditional use permits; and

(2) Amendments to master plans which comply with section 13-28(f)(1) may be authorized by the planning division.

(q) *Concurrent processing*. Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 5—7, 3-2-98; Ord. No. 99-17, § 4, 11-15-99; Ord. No. 01-11, § 1a., 3-5-01; Ord. No. 01-16, §§ 1c.—e., 6-18-01; Ord. No. 03-8, § 3, 9-2-03; Ord. No. 05-2, § 1d., e., 2-22-05; Ord. No. 06-7, § 1a., 4-18-06; Ord. No. 06-9, § 1c., 4-18-06; Ord. No. 07-17, § 1c., d., 10-2-07; Ord. No. 09-13, § 1, 11-17-09; Ord. No. 17-12, § 1, 9-19-17; Ord. No. 18-06, § 1, 9-4-18)

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13-30. Purpose.

The purpose of this chapter is to provide a comprehensive list of uses which are permitted, conditionally permitted, or prohibited in the various zoning districts, as represented by Table 13-30, Land Use Matrix. In evaluating a proposed use, the following criteria shall also be considered:

(a) Uses determined as permitted may be subject to a discretionary review when construction is proposed, pursuant to Chapter III, Planning Applications.

(b) Uses proposed in the planned development zones are subject to verification of consistency with the master plan adopted for planned development zones. A proposed use not expressly allowed by the adopted master plan may require additional discretionary review pursuant to Table 13-30, Land Use Matrix.

(c) All listed uses in the matrix are subject to verification of compliance with density and floor area ratio limits, parking requirements and performance standards which may, in certain cases, prevent the establishment of the use.

(d) Any proposed use not listed in the Land Use Matrix shall be reviewed by the development services director to determine its similarity to another listed use. If no substantial similarity exists, the proposed use shall require approval of a conditional use permit prior to establishment of the use.

(e) For the purpose of Table 13-30, Land Use Matrix, the various zoning districts are labeled as follows:

Residential zones: R1, R2-MD, R2-HD, and R3

Commercial zones: AP, CL, C1, C2, C1-S, and TC

Industrial zones: MG and MP

Planned Development Residential zones: PDR-LD, PDR-MD, PDR-HD, and PDR-NCM

Planned Development Commercial zone: PDC

Planned Development Industrial zone: PDI

The Parking zone: P

Institutional and Recreational zones: I & R, I & R-S, and I & R-MLT

(f) For zoning districts located in a specific plan area, please refer to the appropriate specific plan text to determine if any additional regulations related to land uses are applicable.

(g) For the mixed-use overlay district located in an urban plan area, please refer to the appropriate urban plan text for additional regulations related to development standards and allowable land uses as applicable.

TABLE 13-30

CITY OF COSTA MESA LAND USE MATRIX

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S[1]	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S[1]	I&RMLT[1]	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P[4]	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•

	ZONES																				
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•
4. Boarding-house, small[7]	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
5. Boarding-house, large[7]	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•
6. Residential care facility, six (6) or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	P	•
7. Group homes, six (6) or fewer	S	S[6]	S[6]	S[6]	•	•	•	•	•	•	•	•	S[6]	S[6]	S[6]	S[6]	S[6]	S[6]	P	•	P	•
7.1 Sober living homes, six (6) or fewer	S[5]	S[6]	S[6]	S[6]	•	•	•	•	•	•	•	•	S[6]	S[6]	S[6]	S[6]	S[6]	S[6]	P	•	•	•
8. Residential care facility, seven (7) or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
9. Group homes, seven (7) or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
9.1 Sober living homes, seven (7) or more	•	C[6]	C[6]	C[6]	•	•	•	•	•	•	•	•	•	C[6]	C[6]	C[6]	C[6]	C[6]	P	•	•	•
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C[2]	C[2]	C[2]	•	•	•	C[2]	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•

	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Reserved for future use.																						
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																					
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																					
15. Reserved for future use																						
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use. Land use restriction required.	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•

	ZONES																				
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
17. Family day care—Large (7 to 14 children) (subject to the requirements of section 13-37, large family day care homes)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P	•	P[2]	•
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P[3]	P[3]	P	•	P[3]	•
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P[3]	P[3]	•	•	P[3]	•
20. Reserved for future use.																						
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2,3]	P[2]	P[2]	P[2]	P[2]	P[2,3]	P[2,3]	P[2]	•	P[2]	•
22. Home occupations that generate traffic and do not involve more than 1 customer/ client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2,3]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2,3]	MC[2,3]	MC[2,3]	•	MC[2,3]	•

	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	P[2]	•
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	P[2]	•
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]

	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S[1]	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S[1]	I&RMLT[1]	P
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	P[2]	P[2]	C[2]	C[2]	P[2]	P[2]	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	P[2]	C[2]	C[2]	•
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	•	P	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S[1]	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S[1]	I&RMLT[1]	P
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	P	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31b. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31c. Cannabis and/or marijuana distributer	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S[1]	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S[1]	I&RMLT[1]	P
31d. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
31e. Cannabis and/or marijuana retail sales	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	C[9]	•	•	•	•	•	C[9]	•	•	•	
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•	•	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S[1]	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S[1]	I&RMLT[1]	P
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	P	P	•
35. Public offices and facilities, such as city halls, court-houses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	P	•	•	•
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•
37. Schools: trade and vocational	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	P	P	•	•
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	•	C	•	•	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	C	•	•

	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
39a. Emergency shelters	•	•	•	•	•	•	•	•	•	•	•	C[10]	•	•	•	•	•	P[10]	•	•	•	•
SPECIAL SEASONAL EVENTS																						
40. Reserved.																						
41. Christmas tree lots; pump-kin patches; fireworks stands; produce stands (subject to the requirements of title 9, chapter II, regulation of certain businesses)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•
COMMERCIAL AND INDUSTRIAL USES																						
42. Acupressure; massage (subject to the requirements of title 9, chapter II, article 22, Massage establishments and practitioners)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	P[2]	•	•	•	•	•
43. Adult businesses (See Sexually-oriented businesses)																						

	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
44. Aggregate batch plants; Rock or asphalt crushing; Sand blasting	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
45. Ambulance services	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	•	MC	MC	•	•	•	•
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	•
47. Animal hospitals; veterinary services	•	•	•	•	•	C	C	P	P	C	C	C	•	•	•	•	P	•	•	•	•	•

(kenneling only when incidental to principal hospital use)																						
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
48a. Antique malls	•	•	•	•	•	•	P	P	P	•	MC	MC	•	•	•	•	P	MC	•	•	•	•
49. Artists, sculptors studios	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
50. Auction houses	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
51. Automobile (See Motor vehicle)																						
52. Banks; savings and loans; and other financial institutions	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
53. Bars; nightclubs (See Establishments where food or beverages are served)																						
54. Barber and beauty shops	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
55. Billiards parlors	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
56. Botanical gardens; Zoos	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	C	•	•	•
57. Bowling centers	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	C	C	•	•	•	•	•
58. Breweries; Distilleries	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
59. Reserved																						
60. Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•	•
61. Business services—See Offices																						
62. Car washes	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
63. Carts—Outdoor retail sales in conjunction with an	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•

established business																						
64. Catering	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	•
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
69. Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	C[2]	C[2]	C[2]	•	•	•	•	•
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
73. Electronic game machines (four (4) or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)—Excluding amusement centers listed separately	•	•	•	•	•	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	•	MC[2]	MC[2]	MC[2]	MC[2]	MC[2]	•	•	•	•
74. Engineering; architectural; and surveying services—See Offices																						
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S[1]	TC[1]	MG	MP	PDR-LD[1]	PDR-MD[1]	PDR-HD[1]	PDR-NCM[1]	PDC[1]	PDI[1]	I&R[1]	I&R-S[1]	I&RMLT[1]	P

75. Entertain-ment, live or public	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	•
76. Establish-ments where food or beverages are served	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	•	•	•
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
78. Flower stands —See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
80. Grocery stores —See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	C[2]	C[2]	•	•	•	•	C[2]	C[2]	C[2]	•	•	•
82. Heliports; Helistops	•	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	C	C	C	C	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	C	P	•	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•	•
87. Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
88. Liquor stores	•	•	•	•	•	•	C[2]	C[2]	C[2]	C[2]	•	•	•	•	•	•	C[2]	•	•	•	•	•

(subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)																						
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
90. Manufac-turing: Light EXCEPT the following which are prohibited: • Manufacture of fertilizer • Manufacture of products involving the use of explosives • Manufacture of rubber (including tires), steel	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•
	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
91. Manufac-turing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	C[2]	•	•	•	•
92. Manufac-turing of stone, clay, glass and concrete products EXCEPT the following which are prohibited: • Manufacture of flat glass • Manufacture of cement and structural clay products • Manufacture of concrete, gypsum and plaster products • Manufacture of abrasive and asbestos products • Manufacture of nonclay refractories	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•

and crucibles • Processing and preparation of clay, ceramic and refractory minerals																						
93. Manufac-turing or processing of foods and beverages EXCEPT the following which are prohibited: • Meat and poultry packing plants • Grain mills • Sugar refining • Fats and oils processing mills • Seafood canneries and packaging (See also Breweries; Distilleries; Coffee roasting)	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	P[2]	•	•	•	•
94. Massage—See also Acupressure (subject to the requirements of title 9, chapter II, article 22, massage establishments and practitioners)	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	P[2]	•	•	•	•	•
95. Medical laboratories	•	•	•	•	MC	MC	P	P	P	P	MC	MC	•	•	•	•	MC	MC	•	•	•	•
	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
96. Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	P[2]	P[2]	•	•	•	•	•	•	•	•	•	•
97. Motels—(Subject to requirements of chapter IX, article 8, motels)	•	•	•	•	•	•	C[2]	C[2]	•	•	•	•	•	•	•	•	•	•	•	•	•	•

Excluding Hotels listed separately																						
98. Motion picture and television studios	•	•	•	•	C	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•	•
99. Motion picture theaters and other theaters not within two hundred (200) feet of residential zones	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•
100. Motion picture theaters and other theaters within two hundred (200) feet of residential zones	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	C	•	•	•	•	•
101. Motor oil, used—Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	P[2]	P[2]	P[2]	•	P[2]	P[2]	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•
102. Motor vehicle, boat, and motorcycle retail sales, leasing, rentals and service with two (2) or more outdoor display parking spaces	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
103. Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with one (1) or less outdoor display parking space and no service (subject to verification of parking availability)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
104. Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•

105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C[2]	C[2]	C[2]	•	•	•	•	•	•	•	C[2]	•	•	•	•	•
106. Motor vehicle; boat; and motorcycle repair services (including body and paint work), not within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•	•
109. Offices: central administrative	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	P	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•
111. Offices: general	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	•
112. Reserved																						
113. Offices:	•	•	•	•	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•	•

medical and dental																						
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	C	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P
116. Off-street parking lots and structures, incidental uses within	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	•	MC
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
118. Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•
119. Photocopying; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
120. Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
121. Photofinishing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•	•
122. Photography: Commercial	•	•	•	•	P	P	P	P	P	P	MC	MC	•	•	•	•	P	MC	•	•	•	•
123. Photography: portrait studio	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	P	MC	•	•	•	•
124. Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•	•
128 Research and development	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	•	P	•	•	•	

laboratories—Other than cannabis and/or marijuana testing laboratories																						
129. Restau-rants—See Establishments where food or beverages are served																						
130. Retail: general—Excluding antique malls, pawn shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
131. Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales	•	•	•	•	P	P	P	P	P	P	P[2]	P[2]	•	P	P	P	P	P[2]	•	•	•	•

	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
132. Retail: nonstore	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
133. Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•	•	•
134. Sexually-oriented businesses (subject to the requirements of title 9, chapter IV and title 13, chapter IX, sexually-oriented businesses)	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	•	•	•	•	•	•	•	P[2]	•	•	•	•	•
135. Skating rinks	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	C	C	C	•	•
135a. Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	C[2]	•	•	P[2]	•	•	•	•	C[2]	•	•	•	•	•
135b. Smoking/	•	•	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	P[2]	P[2]	P[2]	P[2]	P[2]	•	•	•	•

vaping retailer (subject to chapter IX, article 19, smoking and vaping uses)																						
136. Storage of chemicals and allied products (except as incidental use)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
137. Storage of explosives	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
138. Storage of fertilizer	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
139. Storage of motor vehicles—Outdoor (not including impound yard)	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	C	MC	•	•	•	•
139a. Storage of motor vehicles—Indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
140. Storage of petroleum and coal products	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
141. Storage of rock, sand, crushed aggregate and gravel	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
142. Studios: dance; martial arts; music, etc.	•	•	•	•	•	•	P	P	P	MC	MC	MC	•	MC	MC	MC	P	MC	•	•	•	•
143. Supermarkets—See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
144. Tattoo parlors	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•
	ZONES																					
LAND USES	**R1**	**R2-MD**	**R2-HD**	**R3**	**AP**	**CL**	**C1**	**C2**	**C1-S[1]**	**TC[1]**	**MG**	**MP**	**PDR-LD[1]**	**PDR-MD[1]**	**PDR-HD[1]**	**PDR-NCM[1]**	**PDC[1]**	**PDI[1]**	**I&R[1]**	**I&R-S[1]**	**I&RMLT[1]**	**P**
145. Tire sales and installation not within two hundred (200) feet of residential zone	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
146. Tire sales and installation within	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•

two hundred (200) feet of residential zone																						
147. Tow companies with or without impound yard	•	•	•	•	•	•	C	C	C	•	MC	MC	•	•	•	•	•	MC	•	•	•	•
148. Transfer station for refuse, sewage treatment	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	C	•	•	•
149. Trucking: local and long distance	•	•	•	•	•	•	•	C	•	•	P	P	•	•	•	•	•	C	•	•	•	•
150. Ware-houses, mini (subject to the requirements of chapter IX, article 7, mini-warehouses)	•	•	•	•	•	•	C[2]	C[2]	C[2]	•	MC[2]	MC[2]	•	•	•	•	•	MC[2]	•	•	•	•
151. Ware-houses, public	•	•	•	•	•	•	C	C	C	•	P	P	•	•	•	•	•	P	•	•	•	•
152. Warehous-ing of durable and nondurable goods except livestock and poultry—See also Storage	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
153. Wholesale trade of motor vehicles, boats and motorcycles with outdoor storage of vehicles	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
154. Wholesale trade of motor vehicles, boats and motorcycles without outdoor storage of vehicles	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
155. Wholesale trade of durable, nondurable goods, except livestock, poultry and perishable goods	•	•	•	•	•	MC	MC	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•

[1] Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.

[2] This use is subject to the requirements of the referenced Municipal Code article or section.

[3] If residential uses exist, accessory uses shall be permitted.

[4] For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C—Conditional Use Permit; MC—Minor Conditional Use Permit; P—Permitted; •—Prohibited; and S—Special Use Permit.

[5] Six-hundred--fifty-foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).

[6] Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).

[7] Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

[8] Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.

[9] Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.

[10] Emergency shelters located on sites owned, controlled, and/or operated by the city in the MP and/or the PDI zone are a permitted use and the standards in section 13-200.79(1), (2), (4), (8), (10) and (13) do not apply to such uses.

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-4, § 2, 2-2-98; Ord. No. 98-5, § 8, 3-2-98; Ord. No. 00-5, § 1(b), 3-20-00; Ord. No. 01-1, § 1, 1-15-01; Ord. No. 01-30, § 1a(Att. A), 1-7-02; Ord. No. 02-4, § 1b(Att. A), 3-18-02; Ord. No. 02-12, § 1c, 6-17-02; Ord. No. 05-2, § 1f.(Att. A), 2-22-05; Ord. No. 05-11, § 2b., 7-19-05; Ord. No. 06-2, § 1a., 2-7-06; Ord. No. 06-9, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 2-6-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2B., 3-19-13; Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 14-13, 10-21-14; Ord. No. 15-06, §§ 1—3, 7-7-15; Ord. No. 15-10, § 2B, 9-15-15; Ord. No. 15-11, §§ 3—5, 11-17-15; Ord. No. 16-01, § 4, 1-19-16; Ord. No. 16-09, §§ 4, 5(Exh. A), 10-4-16; Ord. No. 16-13, § 2, 11-15-16; Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-03, § 3, 1-16-18; Ord. No. 18-04, § 3, 4-3-18; Ord. No. 19-13, § 3, 9-3-19; Ord. No. 19-15, § 1, 9-17-19; Ord. No. 21-03, § 4, 3-2-21)

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ARTICLE 15. REASONABLE ACCOMMODATIONS

13-200.60. Purpose.

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed. (Ord. No. 14-13, § 3, 10-21-2014)

13-200.61. Applicability.

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing. (Ord. No. 14-13, § 3, 10-21-2014)

13-200.62. Reasonable accommodations—Procedure.

(a) *Application required*. An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the following information and be subject to the determinant factors required by this section.

(b) *Submittal requirements*. The application shall be made in writing, and shall include the following information:

(1) The zoning code provision, regulation, policy, or condition from which accommodation is being requested;

(2) The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;

(3) Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;

(4) Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;

(5) The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;

(6) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

(7) Any other information that the hearing officer reasonably concludes is necessary to determine whether the findings required by subsection (e) of this section can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

(c) *Fees*. No application fee is required.

(d) *Director action*. Within sixty (60) days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation

request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

(e) *Grounds for reasonable accommodation*. The following factors shall be considered in determining whether to grant a requested accommodation:

(1) Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.

(2) Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.

a. In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

(f) *Findings*. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

(4) The requested accommodation is consistent with surrounding uses in scale and intensity of use.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(6) If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.

(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

(1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(3) Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.

(4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law. (Ord. No. 14-13, § 3, 10-21-2014; Ord. No. 17-05, § 1, 5-2-17)

13-200.63. Severability.

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date. (Ord. No. 14-13, § 3, 10-21-2014)

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CHAPTER X. NONCONFORMING USES, DEVELOPMENTS AND LOTS

13-201. Purpose.

The purpose of this chapter is to identify the development parameters regarding nonconforming uses, developments and lots. (Ord. No. 97-11, § 2, 5-5-97)

13-202. Definitions.

The following terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

Conforming use. An existing and legally established use which is permitted in a particular zone by this Zoning Code.

Conforming development. An existing and legally established development which conforms to the development standards required by this Zoning Code.

Nonconforming development. An existing and legally established development which no longer conforms to the development standards required by this Zoning Code.

Nonconforming dwelling unit. An existing and legally established dwelling unit which no longer conforms to the development standards required by this Zoning Code or which is located in a district where it is no longer permitted.

Nonconforming lot. An existing and legally established lot not complying with the minimum area and dimension standards required by this Zoning Code.

Nonconforming mobile home park. An existing and legally established mobile home park which no longer conforms to the development standards or location provisions required by this Zoning Code.

Nonconforming use. An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code.

Nonconforming use of land or of land with minor structures only. An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code and where such use involves no individual structure with a replacement cost exceeding five thousand dollars ($5,000.00). (Ord. No. 97-11, § 2, 5-5-97)

13-203. Maintenance and repair.

(a) Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe, except as noted in subsection (b), by order of any official charged with protecting the public safety, nor shall it prevent alterations necessary for compliance with requirements of other governmental agencies.

(b) If a nonconforming development or portion of a development containing a nonconforming use becomes physically unsafe or unlawful because of lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be re stored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. (Ord. No. 97-11, § 2, 5-5-97)

13-204. Nonconforming provisions.

The following table identifies the provisions governing nonconforming uses and/or developments:

TABLE 13-204

NONCONFORMING PROVISIONS—USES

TYPE OF USE	***CONTINUANCE OF A USE PERMITTED***	***CHANGE OF USE PERMITTED***
Conforming Use in a Nonconforming Development	YES—No restrictions on use.	YES—Exception: If the development has less parking than required for the existing conforming use, the existing use may not be replaced with a use requiring more parking unless the additional parking required for the new use is provided. Other uses on the same site may continue with the existing nonconforming parking.
Nonconforming Use in a Conforming or Nonconforming Structure:		
Nonresidential Structures	YES—However, when a nonconforming use is discontinued or abandoned for 6 consecutive months or for 18 nonconsecutive months during any three-year period (except when government action impedes access to the premises) or when it is replaced for any time period by a conforming use, the development shall not thereafter be used except in conformity with the regulations of the district in which it is located. For purposes of this chapter, a discontinued use shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.	YES—Any nonconforming use may be changed to another nonconforming use provided that the development services director finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the premises to bring them into greater conformance with the requirements for the district. Structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use.
Residential Structures	YES—However, when a nonconforming use is discontinued or abandoned for any period of time, it may not be reestablished. All subsequent uses in the residential structure shall conform to this Zoning Code.	YES—However, only to a use conforming to the provisions of this Zoning Code.
Nonconforming Mobile Home Parks	YES—A nonconforming mobile home park may continue unless and until no one resides onsite for a continuous period of 6 months.	YES—However, the conversion is subject to the procedures for Mobile Home Park Conversions in Chapter III Planning Applications.

TYPE OF USE	*CONTINUANCE OF A USE PERMITTED*	*CHANGE OF USE PERMITTED*
Nonconforming Use of Land or Land with Minor Structures only	1. Legally established agricultural uses may continue until the land is developed. 2. If the use is discontinued or abandoned for any period of time, all subsequent uses shall conform to this Zoning Code. 3. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time it became nonconforming. 4. No nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the time the use became nonconforming.	YES—However, only to a use conforming to the provisions of this Zoning Code.

TABLE 13-204

NONCONFORMING PROVISIONS—DEVELOPMENTS

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
All Nonresidential Developments containing Nonconforming Uses	No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted.	The following provisions shall apply to the reconstruction of legal nonconforming commercial, industrial and institutional developments. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director. 1. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be destroyed to an extent of more than 50 percent of the market value, it shall not be reconstructed unless such destruction is unintentional.

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
		In the case of unintentional destruction, the development may be restored to its original building intensity (floor area ratio) and use provided that: a. The rebuilding complies with all other applicable sections of this Zoning Code and other codes including but not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. b. The rebuilding would not increase the development's nonconformity. 2. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.
Nonconforming Nonresidential Developments containing Conforming Uses	Alterations may be made provided that all of the following criteria are met: 1. The alteration itself complies with all applicable sections of this Zoning Code and other codes; 2. In permitting such an alteration, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the development to bring it into greater conformance with the standards for the district; and 3. The development will not be made more nonconforming.	
Nonconforming Use of Land or Land with Minor Structures only	No nonconforming structure shall be erected or altered in connection with the nonconforming use of land.	

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
Nonconforming Dwelling Units containing Conforming Uses	Alterations may be made to nonconforming dwelling units provided the following criteria are met: 1. The zone is residential; 2. The alteration or addition itself complies with all applicable sections of this Zoning Code and other codes; 3. The addition does not occupy the only portion of an area which can be used for required garages, parking spaces or access thereto; and 4. The residential development will not be made more nonconforming. 5. When the existing main building, excluding architectural features, projects into required setback areas, minor building additions may encroach into required setback areas with approval of a minor modification.	The following provisions shall apply to the reconstruction of legal nonconforming dwelling units. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director. 1. If the unit(s) in any residential zone is/are destroyed unintentionally by any means, to any extent, the damage may be restored and the occupancy continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity. 2. See section 13-205 regarding provisions for rebuilding after voluntary destruction in multi-family zones. 3. Should a legally constructed dwelling unit in a commercial or industrial zone be destroyed by any means to an extent of more than 50 percent of the market value, it shall not be reconstructed. 4. Should a legally constructed dwelling unit in a commercial or industrial zone be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.

TYPE OF DEVELOPMENT	*ALTERATION OF DEVELOPMENT*	*REBUILDING AFTER DESTRUCTION*
Nonconforming or Conforming Dwelling Units containing Nonconforming Uses	1. No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted. 2. In nonconforming mobile home parks, existing mobile homes may be replaced by other mobile homes provided that the total number of units within the mobile home park is not increased and the mobile home park will not be made more nonconforming in respect to this Zoning Code.	
Nonconforming Mobile Home Parks		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 28, 3-2-98)

13-205. Provisions for multi-family zones for rebuilding after voluntary destruction.

(a) If units in the R2-MD, R2-HD, R3 or PDR zones are voluntarily demolished, an equal or lesser number of units may be rebuilt so long as the development complies with all other applicable sections of this Zoning Code and other codes. This includes but is not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. Furthermore, the allowable density or number of units to be redeveloped shall be limited to the general plan rebuilding incentive for the current land use designation. The resulting number of units shall not exceed the existing number of legal nonconforming units nor be more than the number of units that would have been allowed on March 15, 1992. The rebuilding shall not increase the development's nonconformity.

(b) Consideration may be given through the master plan process, to allow rebuilding of existing multiple-family residential projects that do not fully meet all the other applicable sections of this Zoning Code and other code standards. Consideration shall be given to the provision of tandem parking for units requiring more than one dedicated parking space and for cantilevered second story living areas over drive or yard areas. Through the master plan process, the rebuilding project must demonstrate why strict compliance with each of the current standards is either infeasible or unnecessary. In exchange for any deviation from current standards, the project must provide additional amenities such as those listed below:

(1) Provision of garages instead of carports for greater security.

(2) Useable open space with amenities.

(3) Flower beds and adequate lawns of sufficient area to create a useable recreation area.

(4) Individual vegetable garden areas screened by hedges.

(5) Masonry planters, potted flowers and shrubs on decks and balcony flower boxes.

(6) Trellises with vines.

(7) Minimum size trees based on box size rather than gallons such that thirty (30) percent or more of the trees are a minimum twenty-four-inch box size.

(8) CC&Rs to ensure landscape maintenance.

(9) On-site manager for projects of fifteen (15) units or less.

(10) Awnings, especially along the front for color and product definition, and a better facade.

(11) Stamped concrete or decorative at entrances and critical driveway intersections.

(12) Meandering rather than straight sidewalks.

(13) Terraced elevations at all sides to reduce scale and massing.

(14) Upgraded windows and doors for noise reduction.

(15) Covered/screened dumpsters for projects of four (4) units or less.

(16) Concrete slab where the trash truck would stop to compact trash to prevent damage, or contract for roll-off service so that the trash truck does not come on-site.

(17) Orientation of units away from the street toward interior courtyards.

(18) Adequate lighting for security (beyond parking and driveway lighting required by code).

(19) Gates and intercom system for security.

(20) Other amenities that enhance the project and the overall neighborhood.

(c) In reviewing the master plan, the planning commission shall decide if the degree of deviation is warranted, if the proposed amenities are sufficient to offset the deviation, and if the maximum allowable density shall be reduced due to the deviation.

(d) The master plan shall be processed as shown in Chapter III, Planning Applications.

(e) *Findings*. The findings necessary to grant the master plan are:

(1) Full compliance with current development standards would make rebuilding infeasible;

(2) The proposed rebuilding is substantially compatible with surrounding developments and would not be materially detrimental to other properties in the area;

(3) The proposed rebuilding is less nonconforming than the existing development; and

(4) The proposed rebuilding provides additional amenities that ensure a high quality development. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 29, 3-2-98; Ord. No. 05-3, § 1h., 2-7-05)

13-206. Nonconforming fences and walls.

Nonconforming fences or walls may remain unless destroyed, damaged or altered (by any means or cause) to the extent of more than fifty (50) percent of its value. When the destruction, damage or alteration exceeds fifty (50) percent of its value then the reconstruction shall conform to the Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-207. Nonconforming lots.

(a) Uses permitted in the zone shall be permitted on nonconforming lots, subject to all other property development standards of the zone.

(b) When two (2) or more contiguous nonconforming lots or portions of lots are held under common ownership, they shall be deemed merged when and as provided for in the Subdivision Map Act (State Government Code Sections 66410 to 66499.58). (Ord. No. 97-11, § 2, 5-5-97)

13-207.1. Group homes.

If any lawfully existing group home is in violation of section 13-30 and (i) it would be an economic hardship to bring the use into compliance immediately, or (ii) a vested right exists to continue the use, the development services director may, upon request of the owner or at the director's own initiative, establish a reasonable amortization period by the end of which the use must be in compliance. (Ord. No. 00-5, § 1(f), 3-20-00)

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CHAPTER XV. GROUP HOMES

13-310. Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs. (Ord. No. 14-13, § 2, 10-21-2014)

13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

i. The name, address, phone number and driver's license number of the owner/operator;

ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

a. Every general partner of the partnership,

b. Every owner with a controlling interest in the corporation,

c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;

iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

iv. The name, address, phone number and driver's license number of the house manager;

v. A copy of the group home rules and regulations;

vi. Written intake procedures;

vii. The relapse policy;

viii. An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;

ix. Blank copies of all forms that all residents and potential residents are required to complete; and

x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

(2) The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven (7) occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.

(3) The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.

(4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

(6) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.

(7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.

(8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

(9) The property must be fully in compliance with all building codes, municipal code and zoning.

(10) At least forty-eight (48) hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:

i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

iii. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;

iv. Provide the information obtained from paragraphs ii and iii of this subsection (a)(10) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (a)(10) as soon as possible.

(11) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

i. Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;

ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(10) and (a)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the occupant for the cost of transportation.

(13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

i. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

iv. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.

v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(15) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

(7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (a)(10) through (13).

(8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62. (Ord. No. 14-13, § 2, 10-21-14; Ord. No. 17-05, § 2, 5-2-17)

13-312. Compliance.

(a) Existing group homes must apply for a special use permit within ninety (90) days of the effective date of this chapter.

(b) Group homes that are in existence upon the effective date of this chapter shall have one (1) year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, must first comply with the six-resident maximum.

(c) Existing group homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 14-13, § 2, 10-21-2014)

13-313. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 14-13, § 2, 10-21-2014)

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CHAPTER XVI. GROUP HOMES IN THE R2-MD, R2-HD AND R3 RESIDENTIAL ZONES AND THE PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, AND PDI (PLANNED DEVELOPMENT ZONES)

13-320. Purpose.

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

(a) Ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations;

(b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;

(c) Providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood; and

(d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs. (Ord. No. 15-11, § 2, 11-17-15)

13-321. Definitions.

Property. For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map. (Ord. No. 15-11, § 2, 11-17-15)

13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(1) The application for and operation of the group home complies with subsections (a)(1), (a)(2) and (a)(4) through (a)(14) of section 13-311.

(2) The application includes a live scan of the house manager and/or operator of the group home.

(3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

(b) The development services director may issue, revoke or deny a special use permit for a group home including a sober living home subject to this chapter pursuant to the procedures and requirements of section 13-311.

(c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

13-323. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

(a) The requirements of Chapter III, Planning Applications, of this title have been met.

(b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

(c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility or state licensed drug and alcohol treatment facility.

(d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

13-324. Compliance.

(a) Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants that are in existence upon the effective date of this section may continue to operate subject to the following:

(1) A complete application for a special use permit is filed within 90 days of the effective date of this chapter; and

(2) The group home is in full compliance with all of the conditions of this chapter within one (1) year of its effective date. Notwithstanding the foregoing, existing group homes obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval.

(b) Group homes, state licensed residential care facilities and state licensed drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven (7) or more occupants that are in existence upon the effective date of this chapter may continue to operate subject to the following:

(1) The operator of a group home obtains an operator's permit pursuant to section 9-372 et seq., within one hundred twenty (120) days from the effective date of this chapter; and

(2) The group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility is in full compliance with all conditions of this chapter, including obtaining a conditional use permit, within one (1) year from the effective date of this chapter. Notwithstanding the foregoing, an existing group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 15-11, § 2, 11-17-15)

13-325. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 15-11, § 2, 11-17-15)

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ARTICLE 23. GROUP HOMES

9-370. Definitions.

The definitions set forth in Title 13 of this Code shall apply to the provisions of this article unless otherwise provided for herein. (Ord. No. 15-13, § 1, 11-17-15)

9-371. Zoning requirements.

In addition to the requirements of this article, all group homes subject to this article shall comply with the requirements set forth in Chapter XVI of Title 13 of this Code. (Ord. No. 15-13, § 1, 11-17-15)

9-372. Operator's permit required.

It is unlawful for any person to operate, or to permit any person to operate, a group home on any property located within the R2-MD, R2-HD, R3, PDR-LD, PDR-MD and/or PDR-HD zone, without a valid permit issued for that group home pursuant to the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

9-373. Exceptions.

The requirements of this article shall not apply to:

(a) A group home that has six (6) or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Chapters XV and XVI of Title 13 of this Code;

(b) A state licensed alcoholism or drug abuse recovery or treatment facility; or

(c) A state licensed residential care facility. (Ord. No. 15-13, § 1, 11-17-15)

9-374. Requirements for issuance of operator's permit.

(a) The owner/operator shall submit an application to the director that provides the following information:

(1) The name, address, phone number and driver's license number of the owner/operator;

(2) If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:

i. Every general partner of the partnership;

ii. Every owner with a controlling interest in the corporation; and

iii. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder.

(3) The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;

(4) The name, address, phone number and driver's license number of the house manager;

(5) A copy of the group home rules and regulations;

(6) Written intake procedures;

(7) The relapse policy;

(8) An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;

(9) Blank copies of all forms that all residents and potential residents are required to complete; and

(10) A fee for the cost of processing of the application as set by resolution of the city council.

(b) *Requirements for operation of group homes*.

(1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

(2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

(3) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code section 1503.5 and section 80001(c)(3) of Title 22, California Code of Regulations.

(4) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.

(5) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

(6) At least forty-eight (48) hours prior to eviction from or involuntary termination of residency in a group home, the operator thereof shall:

i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

ii. Contact the Orange County Health Care Agency OC Links Referral Line or other entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;

iii. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, determine the services available therefrom; and

iv. Provide the information obtained from paragraphs ii and iii of this subsection (b)(6) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the city and obtain the occupant's signed acknowledgement thereon;

v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the city as part of the special use permit for that facility, the operator shall comply with paragraphs i though iv of this subsection (b)(6) as soon as possible.

(7) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:

i. Make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home;

ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.

(8) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(6) and (a)(7) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(7) by providing remuneration to the occupant for the cost of transportation.

(9) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

(10) The property must be fully in compliance with all building codes, municipal code and zoning.

(11) In addition to the regulations outlined above, the following shall also apply to sober living homes:

i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

ii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

iii. The number of occupants subject to the sex offender registration requirements of Penal Code section 290 does not exceed the limit set forth in Penal Code section 3003.5 and does not violate the distance provisions set forth in Penal Code section 3003.

iv. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

vi. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

(c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Article 15 of Chapter IX of Title 13 of this Code.

(d) The operator's permit shall be issued by the director if the applicant is in compliance, or, where applicable, has agreed to comply, with the requirements of subsections (a) and (b) above.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not disabled or handicapped as defined by the FHAA and FEHA.

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

ii. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations. (Ord. No. 15-13, § 1, 11-17-15; Ord. 17-06, § 1, 5-2-17)

9-375. Transfer of operator's permit.

(a) An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the director pursuant to the requirements of section 9-374.

(b) An operator's permit may not be transferred to any other person or entity. No operator's permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein. (Ord. No. 15-13, § 1, 11-17-15)

9-376. Revocation of operator's permit.

An operator's permit may be revoked upon a hearing by the director pursuant to section 9-120 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of section 9-374. (Ord. No. 15-13, § 1, 11-17-15)

9-377. Reapplication after denial or revocation.

(a) An applicant for an operator's permit whose application for such an operator's permit has been denied may not reapply for such an operator's permit for a period of six (6) months from the date such notice of denial was issued.

(b) A holder of an operator's permit that has been cancelled, revoked or otherwise invalidated may not reapply for an operator's or a user's permit for a period of six (6) months from the date that such revocation, cancellation or invalidation became final. (Ord. No. 15-13, § 1, 11-17-15)

9-378. Compliance.

A group home that is subject to the provisions of this article that is in existence as of the effective date of this ordinance shall have one hundred twenty (120) days to comply with the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

View the mobile version.

TABLE 2

City's SmartSheets: Summary of code enforcement citations issued between 2016 and June 2019 that list violation as CMMC §§ 13-311 (R1 regulations) or 13-323 (MFD regulations)

Year	Doc No.	Total Code Enforcement Citations Issued for all Code Violations	Code Enforcement Citations for Violation of Zoning Chapter XVI (13-323)	Code Enforcement Citations for Violation of Zoning Chapter XV (13-311)	Code Enforcement Citation for Violation of Zoning Chapter XVI (13-323) + XV (13-311)	Zoning Chapter XVI (13-323) Citations as Percent of Total Citations	Zoning Chapter XVI (13-323) + XV (13-311) Citations as Percent of Total Citations
2016	1107	454	16	29	16+29= 45	29/454= 6%	45/454= 10%
2017	1108	204	12	3	12+3= 15	12/204= 6%	15/204= 7%
2018	1109	455	131	41	131+41= 172	131/455= 29%	172/455= 38%
2019 (to 06/13/19)	1110	171	30	5	30+5= 35	30/171= 18%	35/171= 20%

ARIOS, JUSTIN

From: Melissa Goodmon <melissa.goodmon@casacaprirecovery.com>
Sent: Wednesday, September 15, 2021 4:59 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Table 1 - Evolution of City's RA regulations[93].pdf

To whom it may concern:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-28 and 3-29, the Public Review Draft (August 2021) discusses the City's Reasonable Accommodation (RA) procedures as part of its discussion about removing constraints on housing for disabled persons. The City's discussion regarding its reasonable accommodation procedure is misleading. In fact, the City's RA procedures, standards and processes violate state fair housing rights. By failing to address the inadequacy of the City's RA procedures, the City's housing element fails to address the removal of constraints to housing for disabled persons.

The City has amended its RA procedures twice since 2014 for the purpose of making it impossible for any Supportive Housing for disabled persons (classified as Group Homes by the City) to obtain the protection afforded to them by federal and state fair housing laws.
In 2014, the City enacted Ordinance 14-13, which outlawed any existing or future Supportive Housing for disabled persons in the City's R-1 zoning districts unless permitted by the City. (The City extended that prohibition against Supportive Housing to its Multifamily Zoning districts the next year with the adoption of Ordinance 15-11. These regulations are codified in the City's Zoning Code Chapters XV and XVI.)

In the ***very same ordinance*** that first imposed these discriminatory zoning regulations, Ordinance 14-13, the City ***simultaneously*** amended its RA regulations, making it impossible for any Supportive Housing provider providing shelter to disabled persons to obtain relief from Ordinance 14-13's discriminatory provisions. (The City amended its RA provisions a second time in 2017.) The changes in the City's RA regulations are reflected in the attached Table 1. The City amended its RA regulations to preclude Supportive Housing for disabled persons (aka Group Homes) from obtaining any relief from the City's discriminatory zoning regulations.

The amended RA regulations had their intended effect: RA applications are determined by the City's Development Services Director. Since 2014, the Director has received nearly 50 RA applications from Supportive Housing providers seeking exception to Zoning Code Chapters XV (Ordinance 14-13) and XVI (Ordinance 15-11). From that stack, the Director has granted only two. The first was an application that he originally denied, reversing that denial only after the applicant sued the City for violation of fair housing laws. The second was styled as an RA decision, but was mislabeled since it made no actual request for an exception of any zoning regulation.

Most RA applications submitted by Supportive Housing providers (Group Homes) seek relief from the separation requirement between the applicant's location and any other facility serving or housing disabled persons. If the applicant falls short of the mandatory separation distance, then its application for an SUP or CUP is denied without exception.

The Director's determinations of 22 RA applications submitted by Supportive Housing providers subject to Zoning Code Chapter XVI (CMMC 12-323) demonstrate the violations of state fair housing laws committed by the City, an obvious constraint to housing for disabled persons not addressed in the Draft Housing Element. A copy of each Director's RA decision is attached.

In each of these RA decisions (save two), the Director uniformly imposes an unlawful standard on determining whether an RA is necessary:

> The application established that the waiver of the separation requirement would allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of these dwellings. However, approval of the request is not necessary to allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of a dwelling within the City.

The two exceptions are PA-16-03, which did not seek an RA and PA16-06 which failed to identify the RA requested.

Of the 20 RA applications denied by the Director, each denial was the result of City practices that violate fair housing laws. First, the City's RA regulation requires each of eight findings must be made for an RA to be granted. This requirement violates state law since it put the burden of showing no fundamental alternation on the applicant, not the City. That error, couple with the City's misapplication of the standard to show "necessity" under FEHA, are among the greatest constraints to housing for the disabled in Costa Mesa.

The City's Draft Housing Element fails to address this significant constraint on the provision of housing for persons with disabilities and reflect a failure to identify impediments to affirmatively furthering fair housing.

Sincerely,
Melissa H. Goodmon

Additional attachments can be found in this Dropbox link due to its size it can't be part of the attachment;

https://www.dropbox.com/s/iuwkwrthabgi9tb/RA decision re CMMC 13-323.pdf?dl=0

Melissa Holmes Goodmon
Founder & CEO
CASA CAPRI RECOVERY
4001 Westerly Place STE 110
Newport Beach California 92660
Cell: 949-861-0576
Admissions: 844-207-4880

www.casacaprirecovery.com



"We help women overcome addiction by providing community connection & purpose"

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City's Required Findings for Granting Reasonable Accommodation, 2009-Current

2009-2014: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 09-02, CMMC 13-200.62, enacted 03/03/2009	**2014-2017: Zoning Code Required Findings for Reasonable Accommodation**, Ordinance 14-13, enacted 10/21/2014, adding CMMC 13-200.62(f): "*Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval.*"	**2017-Current: Zoning Code Required Findings for Reasonable Accommodation**, Ordinance 17-05, enacted 05/02/2017, amending CMMC 13-200.62(f): "*Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval.*"
None.	(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.	(1) The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under the fair housing laws.
	(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.	(2) The requested accommodation is necessary to provide one (1) or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
	(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.	~~(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.~~ (4) <u>The requested accommodation is consistent with surrounding uses in scale and intensity of use.</u>
	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
	(6) Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.	(6) <u>If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary</u> to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.
	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
	(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.	(8) The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.

ARIOS, JUSTIN

From:	Paul Alexander <paulalexander7@yahoo.com>
Sent:	Wednesday, September 15, 2021 2:38 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject:	Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Group Home Activity Summary .pdf; second attachment.pdf; Third attachment.pdf

Dear Sir or Madam:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-19, the Public Review Draft (August 2021) discusses the City's definitions of Supportive Housing and Transitional Housing, definitions that the State required the City to enact. The City's discussion regarding these definitions is misleading and incomplete.

Although the City enacted these definitions, it has failed or refused to apply them to any residential use in the City in order to circumvent the state-law protective afforded Supportive Housing. Instead, the City uniformly classifies any Supportive Housing for disabled persons as a Group Home: Group Home: A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Once Supportive Housing is classified by the City as a Group Home, the City then subjects the Supportive Housing to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI. These chapters prohibit existing and future Supportive Housing in any residential district in Costa Mesa unless the Supportive Housing obtains a Special Use Permit or a Conditional Use Permit and an Operator's Permit.

While many of Costa Mesa's Supportive Housing providers have applied for SUPs or CUPs pursuant to the City's Zoning Code Chapters XV and XVI, the City has denied the vast majority of those applications. As a result, since 2014 the City has forced the closure of more than 80% of the existing Supportive Housing in Costa Mesa, a fact that the City publicizes on its public website.

I have attached pages from the City's website reflecting the effect of its discriminatory regulation of Supportive Housing. (Note: The attached webpage entitled Group Home Activity Summary indicates that the City has approved six CUPs for Supportive Housing. That statement is misleading, since five of those CUPs were issued in the 1980s and 1990s before the City enacted its discriminatory zoning requirements.)

Thank you for your consideration.

Paul

Group Home Activity Summary

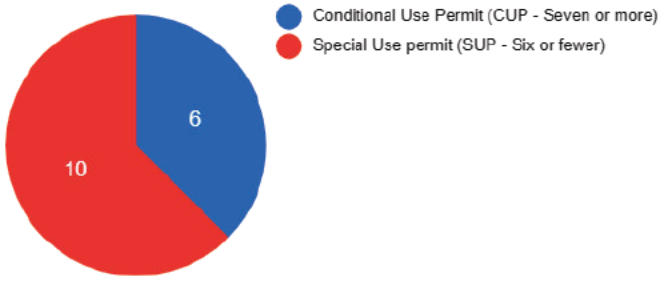
City Approved Applications

16

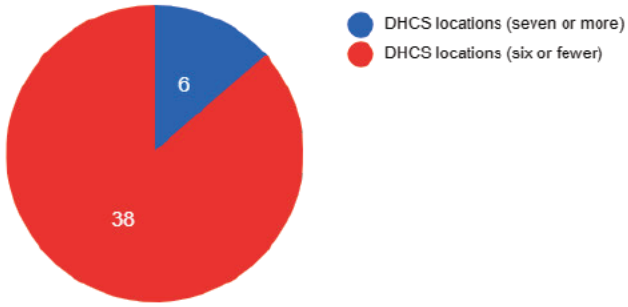
State DHCS Approved locations within City limits

44

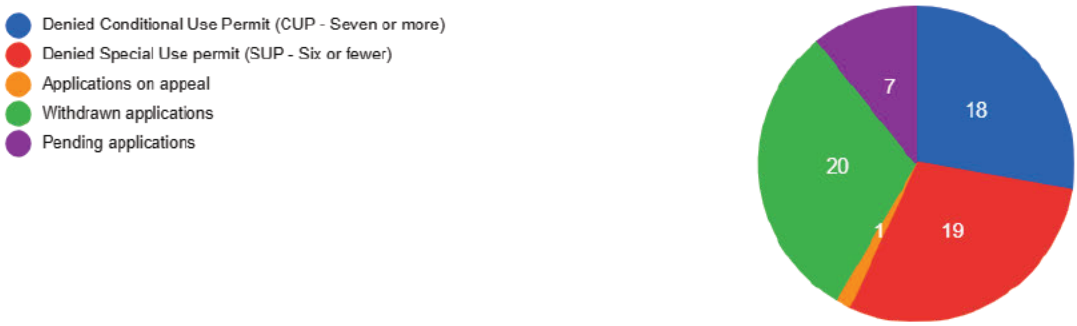
Breakdown of Type of City Approved Appliction



Breakdown of Type of State Approved Application



Additional City Application Information



Code Enforcement Activity

Locations Under Review for Compliance

30

Citations Issued

227

Closed Facilities

82

Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	*16th Place*	413	Clean Path Recovery	6
2	*16th Place*		Reflections Recovery Center	6
3	*16th Place*	491	South Coast Behavioral Health	6
4	*18th Street W*	777	777 House	12
5	*18th Street W*	679	Discovery House	6
6	*18th Street W*	685	Discovery House	78
7	*19th Street E*	177	Agape House	6
8	*Alder Lane*	2527	New Family Solutions	6
9	*Anaheim*	2216	Playa House	Unknown
10	*Anaheim Avenue*	1769	Morning Side Recovery	6
11	*Anaheim Avenue*	2216	Playa House	Unknown
12	*Arbor Street*	973	Solid Landings	6
13	*Augusta*	1180	Hampton	Unknown
14	*Babb Street*	2959	Unknown	10
15	*Bay St*	431		Unknown
16	*Boston Way*	3145	Solid Landings	15
17	*Bowling Green*	273	Solid landings	6
18	*Briar Rose*	1631	Monarch Recovery	6
19	*Cabrillo Street*	218	Sober Sanctuaries, Inc.	12
20	*Canadian Drive*	3159	Clean Path Recovery	6
21	*Cassia Avenue*	3107	Rock Solid	22
22	*Charleston St*	1143	Solid Landings	8
23	*Charleston St*	1174	Solid Landings	6
24	*Cheyenne Street*	1055	Solid Landings	6
25	*Conway*	1252	Solid Landings	6
26	*Coolidge Avenue*	3004	Clean Path Recovery	6
27	*Coolidge Avenue*	3004	Solid Landings	18
28	*Dahlia Avenue*	924	Solid Landings	6
29	*Darrel*	871	Solid Landings	6
30	*Doctors Circle*	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	*E. 18th St*	166	Casa Capri	Unknown
32	*Flower*	268		Unknown
33	*Gisler Avenue*	1811	Solid Landings	6
34	*Grant Avenue*	3044	Solid Landings	6
35	*Hamilton Street*	394	Solid Landings	6
36	*Hamilton Street*	396		Unknown
37	*Hamilton Street*	382	Solid Landings	Unknown
38	*Harbor Boulevard, Unit*	2374	Strong Woman	Unknown
39	*Iowa Street*	1804	Lotus Place Recovery	6
40	*Joann Street*	574		Unknown
41	*Joann Street*	578		Unknown
42	*La Salle*	2829		Unknown
43	*La Salle Avenue*	2869	OC Recovery	Unknown
44	*La Salle Avenue*	2829	Solid Landings	6
45	*Marseilles Way*	2450	Lotus Recovery	Unknown
46	*Marseilles Way*	2450		Unknown
47	*Mendoza Avenue*	2869	Clean Path Recovery	Unknown
48	*Meyer Pl*	2012	Unknown	Unknown
49	*Monte Vista Avenue*	291	Unknown	6
50	*Monterey Avenue*	2822	Solid Landings	6
51	*Nebraska Place*	3238	Healing Path	4
52	*Olympic Ave*	13741	Unknown	Unknown
53	*Olympic Avenue*	13741	Solid Landings	6
54	*Orange Avenue*	1513	Hotel California by the Sea	6
55	*Orange Avenue*	1775	Morning Side Recovery	12
56	*Orange Avenue*	1965	Solid Landings	6
57	*Orange Avenue Unit A*	2379	Balboa Horizons	Unknown
58	*Orange Avenue Unit B &*	2379	Balboa Horizons	Unknown
59	*Pamela Ln*	2264	The Book House	16
60	*Paularino Ave*	959	Playa House	6
61	*Paularino Avenue*	778	Agape House	6
62	*Placentia Ave., Unit B*	2190		Unknown
63	*Placentia Avenue*	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	*Plumer Street*	697	Pillars Recovery	15
65	*Plumer Street*	697	Solid landings	15
66	*Plumeria Place*	3465	Mainstay Recovery	6
67	*Pomona Avenue*	1827	Clean Path Recovery	13
68	*Pomona Avenue*	2220	Safe Harbor Treatment Center For Women	6
69	*Raleigh Avenue*	2186	Agape House	6
70	*Republic Avenue*	2131	Sam's House	6
71	*San Bernardino*	1589	Ohio House	7
72	*San Bernardino*	1578	Ohio House	8
73	*Sturgeon Dr*	506	Time 2 Care llc	6
74	*Trinity Drive*	3066	Camilla's Recovery	6
75	*Valencia Street*	1009	Morning Side	24
76	*Velasco Lane*	2866	Easy Way Out LLC	Unknown
77	*Victoria St.*	357	Windward Way	Unknown
78	*Victoria St.*	351	Windward Way	Unknown
79	*Victoria Street*	310	Sober Partners	24
80	*Victoria Street*	310	Sober Partners Project	Unknown
81	*Virginia Place*	132	Sober Living House	6
82	*W. Bay Street*	431	California Prime Recovery	Unknown
83	*Walnut*	271	Solid Landings	6

Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1	10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2	10/04/16	16th Pl.	4134	40884	Flower	Cypress
3	06/01/16	18th E.	116	41475	Grant	Sherry
4	04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5	04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6	04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7	04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8	03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9	03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10	03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11	03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12	03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13	03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14	02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15	02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16	02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17	02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18	02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19	02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20	10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21	10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22	11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23	11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24	11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25	11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26	12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27	12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28	02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29	11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30	10/13/16	21st E	175	41560	Norwood	Kenneth
31	07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32	07/20/16	23rd	160	41654	LLC	DZ
33	07/21/16	23rd	165	41655	Garden LLC	Aunties
34	07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
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20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	$2,100.00
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
20-12 (ii), 13-323, 13-26, 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 (e), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 (e)	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(ll)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(ll)	900
9-372, 13-26, 20-12(ll)	450
9-372, 13-26, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	900
9-372, 13-26, 2012(ll)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjormad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreeen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (ll)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(ll)	750
9-372, 13-26, 20-12(ll)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 21-12(ll)	1500
13-26, 13-311, 2012(ll)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(ll)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(ll)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia Pl	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia Pl	175	40734	Equities LLC	Norah
289	03/13/19	Virginia Pl	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia Pl	175	40726	Equities LLC	Norah
291	02/05/19	Virginia Pl	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia Pl	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(ll)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(ll)	900
13-26, 9-372, 20-12 (ll)	900
13-26, 9-372, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(ll)	2000

ARIOS, JUSTIN

From:	Jason Brewer <jabrewer376@gmail.com>
Sent:	Thursday, September 16, 2021 1:33 PM
To:	Housing Element; Compliancereview@hcd.ca.gov
Cc:	dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject:	Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments:	Table 1.pdf; Table 2.pdf; Table 3.pdf

Greetings,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmatively Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 65583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by the City).

The City's Draft Housing Element is grossly inadequate because it fails to address the greatest source of housing discrimination in Costa Mesa: The City of Costa Mesa itself.

Nowhere does the Draft Housing Element address the effect of the City's discriminatory zoning regulations against Group Homes (i.e., Supportive Housing for persons with disabilities.)

If Supportive Housing provides housing to persons with disabilities, then the City defines and classifies that residential use as a "Group Home":

> Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

The definition of Group Home includes Sober Living Homes, which are defined as:

> Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Since the City's last Housing Element in 2013, the City has engaged in a pattern or practice of discrimination against Supportive Housing, specifically, Group Homes and Sober Living Homes.

Attached to this email is a chart that illustrate the effect of the City's discrimination against Group Homes. It shows that even though Group Homes make up an infinitesimal percentage of the total number of dwellings in Costa Mesa, the City's discriminatory zoning practices have further reduced the number of housing opportunities for persons with disabilities.

No new Group Homes have opened in the City since 2015 following the City adoption of Ordinance 14-13 (enacting Zoning Code Chapter XV) and Ordinance 15-11 (enacting Zoning Code Chapter XVI).

The City acknowledges in public records that as of in 2017, there were only existing 99 Group Homes in Costa Mesa, comprising 0.002% of the total number of dwellings in Costa Mesa (42,867). (See Table 1 attached to this email.)

Each of those 99 Group Homes was subject to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI, which prohibited each of the 99 Group Homes to continue providing housing to disabled persons unless they obtained a permit.

Of the 99 Group Homes, 76 homes applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI. The others quit the process as futile in light of the City's unwavering policy of discrimination.

Of the 76 Group Homes that applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI, the City granted by 2919 only 14 permits, the remainder were denied by the City or abandoned the application process as futile. The last permit granted was in 2019; no new applications for permits have been submit because the City's policy of discrimination deters person seeking to provide Supportive Housing to persons with disabilities.

Group Homes without permits are subject to citation, criminal prosecution and civil abatement by the City. The City has aggressively cited Group Homes that provide housing to disabled persons but lack a City-issued permit. (See Tables 2 and 3 attached to his email.)

To date, the City has also sued 11 Supportive Housing providers as a "public nuisance" solely on the basis that each provides Supportive Housing to persons with disabilities but lacks a City-issued permit pursuant to Zoning Code Chapter XV or Chapter XVI.

Under the City's Zoning Code the only zoning district in which Group Homes are permit of right is the Institutional and Recreational district, which is expressly reserved for non-residential uses. (CMMC 13-30 Table: Land Use Matrix.)

The complete failure of the City's Housing Element, 2021-2029 (Public Review Draft) to discuss – let alone address -- the City's pattern or practice of zoning discrimination not only offends Government Code § 65008, but utterly fails to meeting the statutory requirements pursuant to Government Code § 65583(c)(10) regarding the City's compliance with Government Code § 8899.50(a)(1)

("affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity . . . fostering and maintaining compliance with civil rights and fair housing laws.")

Thank you for your consideration.

Jason Brewer

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Application of City's Regulation of Group Homes, Zoning Code Chapters XV and XVI

2010: **42,867** Dwellings in Costa Mesa	***2017***: **99** Sober Living Homes in Costa Mesa	***2018***: **76** Applications submitted by unlicensed and licensed Sober Living homes subject Zoning Code Chapters XV (14-13) or XVI (15-11)	***2018***: **13** Permits Granted under Zoning Code Chapters XV (14-13) or XVI (15-11)	***2019***: **14** Permits Granted under Code Chapters XV (14-13) or XVI (15-11)
Total for 2010: 42,867 dwellings	"Based on the most recent data compiled by City staff, there are approximately 99 sober living homes within Costa Mesa. Of these, 38 are located in single-family neighborhoods and 61 are within multi-family residential zones."	"The City has received applications for 65 sober living homes and 11 licensed treatment facilities that are subject to compliance with Ordinance Nos. 14-13 and 15-11."	"Twelve (12) sober living homes serving six or fewer residents have been approved by the City, and one sober living home serving 13 men has been approved."	"Twelve sober living homes serving six or fewer residents have been approved by the City, and two sober living homes serving seven or more residents have been approved by the City."
(City Housing Element, 2013-2021, CityGP 248)	(City PCAR, 08/28/2017, City 12946; City PCAR, 08/28/2017, City 12748)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCAR, 02/11/2019, City 13504)
42,867	**99/42,867 = 0.002%**	**76/99 = 77%**	• **13/76 = 17%** • **13/99 = 13%** • **13/42,867 = 0.0003%**	• **14/76 = 18%** • **14/99 = 14%** • **14/42,867 = 0.0003%**

Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1	10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2	10/04/16	16th Pl.	4134	40884	Flower	Cypress
3	06/01/16	18th E.	116	41475	Grant	Sherry
4	04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5	04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6	04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7	04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8	03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9	03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10	03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11	03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12	03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13	03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14	02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15	02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16	02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17	02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18	02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19	02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20	10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21	10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22	11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23	11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24	11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25	11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26	12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27	12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28	02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29	11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30	10/13/16	21st E	175	41560	Norwood	Kenneth
31	07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32	07/20/16	23rd	160	41654	LLC	DZ
33	07/21/16	23rd	165	41655	Garden LLC	Aunties
34	07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12 (ll)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	$2,100.00
9-372, 13-26, 13-323, 20-12(ll)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
20-12 (ii), 13-323, 13-26, 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 (e), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 (e)	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(ll)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(ll)	900
9-372, 13-26, 20-12(ll)	450
9-372, 13-26, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	900
9-372, 13-26, 2012(ll)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjormad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreeen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (ll)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(ll)	750
9-372, 13-26, 20-12(ll)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 20-12(ll)	900
13-26, 13-311, 21-12(ll)	1500
13-26, 13-311, 2012(ll)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(ll)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(ll)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia Pl	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia Pl	175	40734	Equities LLC	Norah
289	03/13/19	Virginia Pl	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia Pl	175	40726	Equities LLC	Norah
291	02/05/19	Virginia Pl	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia Pl	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(ll)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(ll)	900
13-26, 9-372, 20-12 (ll)	900
13-26, 9-372, 20-12(ll)	1500
9-372, 13-26, 20-12(ll)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(ll)	2000

Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	*16th Place*	413	Clean Path Recovery	6
2	*16th Place*		Reflections Recovery Center	6
3	*16th Place*	491	South Coast Behavioral Health	6
4	*18th Street W*	777	777 House	12
5	*18th Street W*	679	Discovery House	6
6	*18th Street W*	685	Discovery House	78
7	*19th Street E*	177	Agape House	6
8	*Alder Lane*	2527	New Family Solutions	6
9	*Anaheim*	2216	Playa House	Unknown
10	*Anaheim Avenue*	1769	Morning Side Recovery	6
11	*Anaheim Avenue*	2216	Playa House	Unknown
12	*Arbor Street*	973	Solid Landings	6
13	*Augusta*	1180	Hampton	Unknown
14	*Babb Street*	2959	Unknown	10
15	*Bay St*	431		Unknown
16	*Boston Way*	3145	Solid Landings	15
17	*Bowling Green*	273	Solid landings	6
18	*Briar Rose*	1631	Monarch Recovery	6
19	*Cabrillo Street*	218	Sober Sanctuaries, Inc.	12
20	*Canadian Drive*	3159	Clean Path Recovery	6
21	*Cassia Avenue*	3107	Rock Solid	22
22	*Charleston St*	1143	Solid Landings	8
23	*Charleston St*	1174	Solid Landings	6
24	*Cheyenne Street*	1055	Solid Landings	6
25	*Conway*	1252	Solid Landings	6
26	*Coolidge Avenue*	3004	Clean Path Recovery	6
27	*Coolidge Avenue*	3004	Solid Landings	18
28	*Dahlia Avenue*	924	Solid Landings	6
29	*Darrel*	871	Solid Landings	6
30	*Doctors Circle*	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	*E. 18th St*	166	Casa Capri	Unknown
32	*Flower*	268		Unknown
33	*Gisler Avenue*	1811	Solid Landings	6
34	*Grant Avenue*	3044	Solid Landings	6
35	*Hamilton Street*	394	Solid Landings	6
36	*Hamilton Street*	396		Unknown
37	*Hamilton Street*	382	Solid Landings	Unknown
38	*Harbor Boulevard, Unit*	2374	Strong Woman	Unknown
39	*Iowa Street*	1804	Lotus Place Recovery	6
40	*Joann Street*	574		Unknown
41	*Joann Street*	578		Unknown
42	*La Salle*	2829		Unknown
43	*La Salle Avenue*	2869	OC Recovery	Unknown
44	*La Salle Avenue*	2829	Solid Landings	6
45	*Marseilles Way*	2450	Lotus Recovery	Unknown
46	*Marseilles Way*	2450		Unknown
47	*Mendoza Avenue*	2869	Clean Path Recovery	Unknown
48	*Meyer Pl*	2012	Unknown	Unknown
49	*Monte Vista Avenue*	291	Unknown	6
50	*Monterey Avenue*	2822	Solid Landings	6
51	*Nebraska Place*	3238	Healing Path	4
52	*Olympic Ave*	13741	Unknown	Unknown
53	*Olympic Avenue*	13741	Solid Landings	6
54	*Orange Avenue*	1513	Hotel California by the Sea	6
55	*Orange Avenue*	1775	Morning Side Recovery	12
56	*Orange Avenue*	1965	Solid Landings	6
57	*Orange Avenue Unit A*	2379	Balboa Horizons	Unknown
58	*Orange Avenue Unit B &*	2379	Balboa Horizons	Unknown
59	*Pamela Ln*	2264	The Book House	16
60	*Paularino Ave*	959	Playa House	6
61	*Paularino Avenue*	778	Agape House	6
62	*Placentia Ave., Unit B*	2190		Unknown
63	*Placentia Avenue*	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	*Plumer Street*	697	Pillars Recovery	15
65	*Plumer Street*	697	Solid landings	15
66	*Plumeria Place*	3465	Mainstay Recovery	6
67	*Pomona Avenue*	1827	Clean Path Recovery	13
68	*Pomona Avenue*	2220	Safe Harbor Treatment Center For Women	6
69	*Raleigh Avenue*	2186	Agape House	6
70	*Republic Avenue*	2131	Sam's House	6
71	*San Bernardino*	1589	Ohio House	7
72	*San Bernardino*	1578	Ohio House	8
73	*Sturgeon Dr*	506	Time 2 Care llc	6
74	*Trinity Drive*	3066	Camilla's Recovery	6
75	*Valencia Street*	1009	Morning Side	24
76	*Velasco Lane*	2866	Easy Way Out LLC	Unknown
77	*Victoria St.*	357	Windward Way	Unknown
78	*Victoria St.*	351	Windward Way	Unknown
79	*Victoria Street*	310	Sober Partners	24
80	*Victoria Street*	310	Sober Partners Project	Unknown
81	*Virginia Place*	132	Sober Living House	6
82	*W. Bay Street*	431	California Prime Recovery	Unknown
83	*Walnut*	271	Solid Landings	6

ARIOS, JUSTIN

From: Keith Randle <kbrandle@yahoo.com>
Sent: Monday, September 20, 2021 1:53 PM
To: shannan.west@hcd.ca.gov; marisa.prasse@hcd.ca.gov; robin.huntley@hcd.ca.gov; compliancereview@hcd.ca.gov; Garrett M. Prybylo; Isaac R. Zfaty; Housing Element; MHAssistance@hcd.ca.gov; MRLComplaint@hcd.ca.gov; Keith Randle
Subject: Formal Complaint of Discrimination by the City of Costa Mesa California Code 65000 et,al.
Attachments: HCD Discrimination Complaint City of Costa Mesa _000163.pdf; HCD letter to City of Anaheim_ 000165.pdf; HCD City of Costa Mesa Resolution NO 18-16_000157.pdf; HCD City of Costa Mesa Conditionals of approval_000158.pdf; HCD City of Costa Mesa Letter dasted July 20 2018 from Sheri Vander Dussen_000159.pdf; HCD City of Costa Mesa Letter dasted August 7th From Fidel Gamboa with operatort permit application_000160.pdf; HCD City of Costa Mesa Letter datted September 9, 2021 from Sheri Vander Dussen re operators permitt_000162.pdf

0Shannan
I am sending this formal compliant (attached) against the City of Costa Mesa. The City is violating California Code 65000 et.al, including 65008, 65580 and 65585
Time is of the essence. I ask you to review the attachments and that you send a cease and desist letter, similar to the one you sent to the cities of Anaheim (attached) and Encinitas earlier this year. I also request that you put a halt to the issuing of Costa Mesa's Housing Element.
I will also send you a hard copy to you at:
2020 W El Camino Ave, Suite 500 Sacramento Ca. 95833. If you have a different mailing address let me know.
Please acknowledge receipt of this email to kbrandle@yahoo.com
I appreciate you looking into this matter.
Keith Randle
http://www.summitcoastalliving.com
949 689-8880
2100 Highland Drive
Newport Beach Ca 92660

There are 7 attachments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Summit Coastal Living

a sober community of living

September 20, 2021

Shannan West,

Land Use and Planning Unit Chief

Department of Housing and Community Development

2020 W El Camino Ave, Suite 500

Sacramento, CA 95833

Dear Shanna West,

I am writing you to report a violation of California's Planning and Zoning Law (Gov.Code 65000 et al) by the City of Costa Mesa. I own and operate sober living homes, located in Costa Mesa, CA. Both of the locations have approved conditional use permits. Both are similar in lot and livable square footage. Both have been approved by the city, with conditions that violate California's Planning and Zoning Law, specifically Gov. Code 65000 et.al. The property at 2041 Tustin Avenue, Costa Mesa, has conditions that are more discriminatory than the property at 165 East Wilson Street, also in Costa Mesa. I feel my property rights have been violated.

I went through a long process to be compliant with the City of Costa Mesa **(Ordinance PA-16-04)**, including multiple planning commission hearings, and appeals to the city council on the property I own at 2041 Tustin Ave, Costa Mesa. It is a legal triplex comprising of a 3 bedroom and 2, 2-bedroom apartments. A total of 7 bedrooms.

I have attached a copy of the conditions of approval for 2041 Tustin Ave, Costa Mesa, CA.

Although all of the 30 conditions treat me differently than my neighbors, I am most concerned about the following 6 conditions outlined in the **Condition of Approval Exhibit B Resolution No 18-16 pages 8-12,** which are highly discriminatory; they also violate the City's Housing element in effect at the time of approval, and I believe Fair Housing Laws.

Condition 2: ***The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager***. My neighbors, who have the same triplex units as I do, have no such restrictions placed on them and have the same number of residents as I do in some of the units. I have had 13 residents in the three unit since October, 2013. Additionally the number of residents residing in each of the three units at the property are less than the number allowed pursuant to the city of Costa Mesa's housing element.

Keith Randle
2041 Tustin Avenue, Suite A
Costa Mesa, CA 92627

949-689-8880
800-698-0835
keith@summitcoastalliving.com

Condition 7. ***All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and /or on the street withing 500 feet of the property***. No residential property owner in Costa Mesa has such restrictions.

Condition 15: ***The applicant shall provide neighbors with the telephone number of the on-site manager or property owner, for the purpose of allowing the neighbors to lodge complaints or describe concerns about the operation of the property***. My neighbors are not required to give me their names and numbers. This is a leading statement encouraging neighbors to file complaints. By the way I have never had a complaint filed with the city or its services since operation began in 2013.

Condition 17. ***The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property.*** Again, none of my neighbors and/or property owners in Costa Mesa have this condition on their property.

Condition 27. ***All parking spaces, including those within garages shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.*** Again, my neighbors do not have this condition placed on their properties. My neighbors' garages are all used for personal storage. The majority do not park in their garages.

And the most discriminatory condition of all:

Condition 29. ***No more than two residents living in the facility at any one time shall have a domicile outside the state of California.*** This condition is violation of Federal and State housing Laws. I am a real estate Broker in the State of California. If I were to enforce such a condition I would be in violation of discrimination and my broker's license could be revoked and subject to litigation, not to mention my loss of livelihood for me and my family.

I am appealing to you to submit a similar letter to the City of Costa Mesa as you have this year to the Cities of Anaheim (attached) and Encinitas.

The City, like others in the area, are going through the "Housing Element" approval process. I do not see how Costa Mesa's housing element can be approved by the State when they have not been adhering to their current housing element and State laws, not to mention being in the process of renewing their Housing element. **The City of Costa Mesa is discriminating against me and my residents and treating me differently than my neighbors a violation of California's Planning and Zoning Law (Gov.Code Section 65000 et.al) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code Section 65008**

I need help ASAP. There is a housing shortage and a high degree of homelessness in the state. I offer a safe and sober environment for people in recovery to better their lives.

Please direct any communication to me via email, kbrandle@yahoo.com and / or my mailing address 2100 Highland Drive, Newport Beach CA, 92660.

Please call me to discuss as time is of the essence. 949 689-8880

With kind regards,



Keith Randle

Summit Coastal Living

www.summitcoastalliving.com

Cc Marisa Prasse, Robin Huntley, Garrett Prybylo, Isaac Zafaty, Keith Randle

compliancereview@hcd.ca.gov

housing-element@costamesaca.gov

Attachments:

State of California Department of Housing letter from Shannan West to Niki Wetzel, Deputy Director City of Anaheim dated May 3 2021.

City of Costa Mesa Resolution No.18-16 pages 1-7.

City of Costa Mesa Exhibit B : Conditions of Approval pages 8-12.

City of Costa Mesa letter to Keith Randle Subject Conditional Use Permit dated July 20,2018.

Email From Fidel Gamboa, City of Costa Mesa Community improvement manager.

City of Costa Mesa Letter from Sheri Vanderdussen to Keith randle Date September 9th 2021.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

May 3, 2021

Niki Wetzel, Deputy Director
Planning and Services Division
Planning and Building Department
City of Anaheim
200 S. Anaheim Boulevard, Suite 162
Anaheim, CA 92805

RE: City of Anaheim Approach to Community Care Facilities and Sober Living Homes – Letter of Technical Assistance

Dear Niki Wetzel:

The California Department of Housing and Community Development (HCD) has reviewed the City of Anaheim's (City's) land-use regulations set out in Municipal Code sections 18.16.058 (Community Care Facilities-Unlicensed (Small) and Sober Living Homes (Small)) and 18.38.123 (Community Care Facilities-Unlicensed and Sober Living Homes) (Municipal Code) as well as the City's proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) (Zoning Code Amendment) pursuant to Government Code sections 65585 and 65008, the latter of which prohibits discrimination in land use.

In support of its review, HCD held a call with City staff on March 23, 2021, to discuss HCD's concerns that the City's Municipal Code and its proposed Zoning Code Amendment potentially conflict with statutory prohibitions on discrimination in land use (Gov. Code, § 65580) by imposing separate, more onerous requirements on housing for a protected class, limiting the use and enjoyment of their homes, and jeopardizing the financial feasibility of group homes, which the City refers to as "community care facilities-unlicensed" and "sober living homes." During the call, City staff requested a letter of technical assistance to assist and inform its City Council regarding the potential impacts their decisions have surrounding these issues. HCD provides the following technical assistance pursuant to that request.

Background Information: California's Planning and Zoning Law Prohibits Discrimination.

California's Planning and Zoning Law (Gov. Code, § 65000 et al.) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code section 65008, subdivision (a), deems any action taken by a city or

county to be null and void if such action denies to an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to illegal discrimination. Under the law, it is illegal to discriminate based on protected class such as race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability (including individuals in recovery for drug or alcohol abuse, whether or not they are actively seeking recovery assistance), veteran or military status, or genetic information.

The law further recites multiple categories of actions that are determined to be discriminatory, including:

- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against a protected class (Gov. Code, § 65008, subd. (b)(1)(B));

- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against residential developments because they are "intended for occupancy by persons and families of very low, low, or moderate income, ... or persons and families of middle income" (Gov. Code, § 65008, subds. (a)(3) and (b)(1)(C)); and

- Imposition of different requirements on a residential use by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residential uses. (Gov. Code, § 65008, subd. (d)(2)(A).)

Proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) Potentially Discriminates

Recitals in the draft Ordinance for Zoning Code Amendment 2021-00176 include statements that are potentially concerning. The recital notes "continuous resident complaints regarding quasi-residential facilities expressing concerns such as overcrowding, parking, noise, and loitering"; the need to "preserve the character of single-family residential neighborhoods"; and the desire to "provide an accommodation for disabled persons that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals". The proposed solution to these recited concerns is to regulate Community Care Facilities-Unlicensed and Sober Living Homes, and to require additional distancing requirements between Community Care Facilities-Unlicensed and Sober Living Homes as well as impose additional distancing requirements from residential uses that are deemed "quasi-residential". The City considers the following residential uses to be quasi-residential:

- Community Care Facilities, regardless of size, both licensed and unlicensed
- Sober Living Homes, regardless of size
- Senior Living Facilities, regardless of size
- Transitional Housing (Large)

- Supportive Housing (Large)
- Short-Term Rental Units (although these are not the subject of these regulations, their impacts are cited as part of the justification for these regulations).

The proposed Zoning Code Amendment is problematic for the following reasons:

1) These restrictions lump together various living arrangements for regulation, such as large, licensed community care facilities, with residential homes occupied by individuals or groups of individuals, based only on protected characteristic without explanation, analysis, or data to justify doing so. In fact, the only characteristic that they appear to have in common is that they are occupied by persons with disabilities, a fact that is concerning.

2) There are no similar restrictions on non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)

3) Regulation of cars, traffic, noise, loitering, and overcrowding can be administered directly through the City's existing laws. This approach applies universally and does not discriminate against persons with disabilities or persons or families with very low, low, moderate, or middle household incomes.
    a. Population density can be regulated by reference to floor space and facilities.
    b. Noise and morality can be regulated by enforcement of police power ordinances and criminal statutes.
    c. Traffic and parking can be regulated by limitations on the number of cars (and applied evenly to all households) and by off-street parking requirements.[1]

4) Citywide implementation of distancing requirements threatens the capacity to facilitate a sufficient number of facilities to meet the special needs of the City's residents who require residing in Community Care Facilities and Sober Living Homes.

    Existing requirements for Sober Living and Community Care Facilities severely restrict the sites in which they can be located. However, Community Care Facilities may not be located within 300 feet of another Community Care Facility or 800 feet of a Sober Living Home. Sober Living Homes may not be located within 800 feet of another Sober Living Home. (Municipal Code § 18.38.123.020.0205.) Proposed amendments would further, substantially restrict the locations for such residences. In particular, it would extend these kinds of restrictions to preclude Sober Living and Community Care Facilities near senior living facilities, transitional housing, supportive housing, and short-term rentals.

[1] As the Supreme Court explained in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133: "In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users."

The draft Zoning Code Amendment cites records from the California Department of Social Services dated May 28, 2020, that "show more than 100 state-licensed community care facilities for adults and the elderly are located in the City and that the City is home to 15 licensed and/or certified alcoholism and drug abuse recovery or treatment facilities providing 205 beds." Since Anaheim's population is roughly 350,000 persons, and the City's housing element cites 26,240 persons with disabilities currently residing in the City (2011 ACS, S1810), existing facilities appear to fall short of meeting the need. The Zoning Code Amendment creates additional barriers for persons with disabilities to obtain housing.

The City should treat Group Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The proposed Zoning Code Amendment is an excessive regulation that fails to achieve the expressed intent of "restrict[ing] residential zones to specified types of uses deemed compatible" or "preserv[ing] the character of single-family residential neighborhoods".

5) Transitional and supportive housing regardless of size are by law "residential uses," not quasi-residential, and may only be subject to the restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) Under state law, for instance, if the transitional or supportive housing is located in a single-family home, the city cannot require a use permit for the transitional or supportive housing unless it also generally requires a use permit for all other single-family homes. Likewise, unless all single-family homes are subject to an operator's permit, such a permit cannot be required for transitional and supportive housing.[2]

6) Community Care Facilities and Sober Living Homes with current distancing less than the proposed requirement are "grandfathered in" only under limited circumstances.

7) Under certain circumstances, the grandfathered distancing exemption can be revoked, thus reducing the City's ability to provide much needed housing and undermining the purpose of grandfathering.

8) Persons residing in Community Care Facilities and Sober Living Homes are disabled and generally lower income. Implementing constraints to providing these types of housing opportunities could have the effect of increasing the City's homeless population and thwarting efforts to house the homeless.

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[2] Note that some Community Care Facilities, Sober Living Homes, and Senior Living Facilities may also qualify as Transitional or Supportive Housing. The City's ordinance should recognize this and acknowledge that when they do so, the rules for transitional and supportive housing would control under Government Code section 65583.

9) The City's obligation is to provide equal opportunities in housing to persons with disabilities as are provided to those without disabilities, not to merely provide opportunities that "bear some resemblance" to the opportunities offered to non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)

Existing Municipal Code Sections 18.16.058 and 18.38.123 Potentially Discriminate

HCD is concerned about Municipal Code sections 18.16.058 and 18.38.123. Although the requirements seek to address the "adverse impacts" of various group homes arrangements, these kinds of ordinances—calling out protected classes for specific regulatory action based on concerns of this nature—can result in significant barriers to housing for persons with disabilities in a way that a more generalized regulatory response, targeting actions or impacts rather than persons, would not.[3]

Existing Municipal Code is problematic for the following reasons:

1) *Municipal Code requires a discriminatory permitting process for Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058)*

   The Municipal Code requires an onerous permit and registration process for Community Care Homes and Sober Living Homes—including registration with the Orange County Sherriff's Department and compliance with "certification" guidelines crafted for those who are being monitored through the criminal justice system. This onerous and intrusive permit process is not applied in a non-discriminatory manner to all residential uses, and, as such, is a violation of Government Code section 65008, subdivision (d)(2). The City should treat Community Care Facilities and Sober Living Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The Fair Housing Act (FHA) also prohibits the enforcement of zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled.[4] Government Code section 65008, subdivision (d)(2)(A), prohibits imposition of different requirements on a residence intended for occupancy by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residences.

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[3] See, e.g., Brian J. Connolly and Dwight H. Merrian, Planning and Zoning for Group Homes: Local Government Obligations.

[4] See, e.g., United States Department of Justice and United States Department of Housing and Urban Development, Joint Statement: Local Land Use Laws and Practices and the Application of the Fair Housing Act (November 10, 2016) ("Joint Statement"), p. 4 ("A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Fair Housing Act because it treats persons with disabilities differently based on their disability"); see also *Oconomowoc Residential Programs, Inc. v. City of Milwaukee* (7th Cir. 2002) 300 F.3d 775, 783.

2) *The Municipal Code applies to both existing and future Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058.040.090)*

The Municipal Code requires facilities existing prior to the effective date of regulations to apply for the Operator's Registration or Operator's Permit within 180 days of the effective date of the regulations. It is questionable whether the retroactive application of the ordinance in this manner is constitutional. The courts have instructed, "If the law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid"[5] and "The rights of users of property as those rights existed at the time of adoption of a zoning ordinance are well recognized and have always been protected."[6] For this reason, zoning ordinances typically exempt existing uses from new zoning regulations.

3) *The Municipal Code requires a 24-hour house manager. (Municipal Code section 18.38.123.020.0203)*

The Municipal Code requires Community Care Facilities and Sober Living Homes to have a house manager reside on site or any number of persons acting as a house manager who are present at the facility on a 24-hour basis or who will be available 24-hours per day, seven days per week to physically respond within 45 minutes. Residents are frequently persons of very low- or low-income and are disabled. The house manager requirement creates a financial hardship on the residents as the additional costs create an additional expense for the residents.

The requirement to have a house manager effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled in conflict with the FHA.[7] It is hugely intrusive in that it interferes with the residents' freedom to live with persons of their choice, and adds significant additional expense, both problematic under notions of fair housing. (Gov. Code, § 65008.)

4) *The Municipal Code limits occupancy to residents who are handicapped. (Municipal Code section 18.16.058.040.0401.02)*

Under the Municipal Code, an Operator's Registration and an Operator's Permit application shall be denied or revoked for multiple reasons, including accepting residents, other than a housing manager or staff, who are not handicapped as defined in the FHA and FEHA.

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[5] *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 551-552.
[6] *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651.
[7] *Oconomowoc Residential Programs, supra,* 300 F.3d at p. 783.

In limiting residence in this way, the Municipal Code impermissibly discriminates on the bases of familial status. (See Gov. Code, § 12955, subd. (l).) The Municipal Code prohibits any residents that are not "handicapped," which means that Community Care Facilities and Sober Living Homes designed for families are effectively prohibited in the City because these requirements would prevent families, including non-disabled spouses and small children, from residing in the residence. In the context of a Sober Living Home, this prohibition would also effectively preclude sober living arrangements for nursing mothers, mothers of infants or small children, and parents endeavoring to reunify with children after recovery. This restriction effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled in conflict with the FHA.[8]

5) *Sober Living Homes require residents to be actively participating in legitimate recovery program. (Municipal Code sections 18.16.058.040.0401.04 and 18.38.123.020.0210.01)*

The Municipal Code contains a requirement for active participation of all residents in a legitimate recovery program located off-site and cites an Operator's Registration and an Operator's Permit application shall be denied or revoked for failing to take measures to remove any resident of a Sober Living Home who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Disability rights laws apply not only to individuals with histories of drug addiction or alcoholism who are currently participating in recovery programs, but also those who have completed those programs or who are "erroneously regarded as using drugs when in fact they are not."[9] Additionally, state or local zoning and land use ordinances may not, consistent with the FHA, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate.[10]

By precluding persons who are not currently participating in established recovery programs, the Municipal Code discriminates based upon disability. Further, the enforcement of such a provision may unconstitutionally intrude into the privacy interests of disabled persons if it forces residents to provide records to the City as part of its land-use enforcement efforts.[11]

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[8] *Oconomowoc Residential Programs, supra,* 300 F.3d at p. 783.
[9] *Hernandez v. Hughes Missile System Co.* (9th Cir. 2004) 362 F.3d 564, 568.
[10] Joint Statement, supra note 4, p. 13.
[11] See, e.g., Cal. Const. art. 1,§ 1.

6) *Other regulations imposing different requirements on Community Care Facilities and Sober Living Homes than are imposed on other residential uses.*

- All facilities shall have a good neighbor policy, which directs residents to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. (Municipal Code § 18.38.123.020.0209.03)
- All garages, driveways, and/or assigned parking spaces associated with the facility shall be available for the parking of vehicles at all times. (Municipal Code § 18.38.123.020.0204.01)
- The facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose. Residents of all units on a parcel will be combined to determine the total number of residents. (Municipal Code § 18.38.123.0201 and 0202)
- Existing, as well as proposed separation requirements. Existing requirements state Sober Living Homes shall not be located within 800 feet of other Sober Living Homes or Alcoholism or Drug Abuse Recovery or Treatment Facilities. Proposed amendments are address earlier in this correspondence. (Municipal Code § 18.38.123.020.0205)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population—persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

7) *Other regulations imposing different requirements on Sober Living Homes than are imposed on other residential uses.*

- A Sober Living Home shall have a visitation policy that precludes any visitors who are under the influence of any drug or alcohol. (Municipal Code § 18.38.123.020.0210.02)
- A Sober Living Home shall have a controlled substance policy, which, at a minimum, states the prohibition of the use of any alcohol or any non-prescription drugs at the facility or by any resident either on- or off-site. (Municipal Code § 18.38.123.020.0210.03)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population – persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

Community Care Facilities and Sober Living Home requirements may conflict with housing element policies and programs

HCD reminds the City that its decisions and actions must align with, and not contradict, the policies, principles, and strategies included in its current 5th cycle housing element. Community Care Facilities and Sober Living Home requirements may conflict with or fail to implement multiple provisions of the City's general plan housing element, including:

- Policy Consideration 5.0: Affordable Housing Opportunities for Anaheim Residents
- Policy Consideration 7.0: Housing Availability and Affordability
- Guiding Principle B: The availability of a range of housing choices for a variety of incomes in Anaheim contributes to a balanced community and community investment.
- Guiding Principle C: Persons with special housing needs should have access to a variety of housing choices that are integrated within the community.
- Housing Production Strategy 1D: Encourage the Development of Housing for Extremely-Low-Income Households
- Housing Production Strategy 1E: Encourage the Development of Housing for Special Needs Households
- Housing Quality and Design Strategy 3B: Monitoring of Adopted Reasonable Accommodation Procedures
- Affordable Housing Opportunity Strategy 5A: Local Support of Regional Fair Housing Efforts

Additionally, HCD reminds the City that its housing element update for the 6th cycle planning period is due October 15, 2021. While multiple laws require the element to analyze and include programs to mitigate potential governmental constraints, including constraints for persons with disabilities (Gov. Code § 65583, subds. (c)(3), (c)(5), (a)(5), and (a)(7)), new requirements surrounding the City's obligation to affirmatively further fair housing (Gov. Code § 65583, subd. (c)(10)) also apply. Implementation of discriminatory regulations not only violates Housing Element Law, it fails to allow the City to meet its obligation to affirmatively further fair housing pursuant to Government Code section 8899.50.

Conclusion

HCD reminds the City that California is experiencing a severe housing crisis and the availability of housing affordable to all income levels is of vital statewide importance. (Gov. Code § 65580.)

HCD has reviewed the City's municipal code and proposed amendments under Government Code section 65585. HCD's authority pursuant to Government Code

section 65585 extends to statutory prohibitions on discrimination in land use (Gov. Code, § 65008). HCD has found that the City's municipal code potentially discriminates against persons in protected classes and that adoption of Zoning Code Amendment No. 2021-00176 (DEV2021-0027) would amplify HCD's concerns. HCD recommends the City reject the Zoning Code Amendment and amend its current municipal code to ensure it adheres to the nondiscrimination requirements in Government Code section 65008.

Thank you for reaching out to HCD for this guidance. For technical assistance regarding the City's 6th cycle housing element update, please contact Marisa Prasse at Marisa.Prasse@hcd.ca.gov. If you have any questions or would like to discuss the content of this letter, please contact Robin Huntley at Robin.Huntley@hcd.ca.gov.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

RESOLUTION NO. 18-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND APPROVING CONDITIONAL USE PERMIT PA-16-04 FOR A SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING NINE OCCUPANTS (INCLUDING ONE LIVE-IN HOUSE MANAGER) WITHIN THREE EXISTING UNITS AT 2041 TUSTIN STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Summit Coastal Living with respect to the real property located at 2041 Tustin Avenue; and

WHEREAS, the application submitted to the City consists of a Conditional Use Permit to allow the subject sober living facility to serve up to 12 residents and one house manager within three existing units; and

WHEREAS, the City of Costa Mesa recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing disabled persons, as defined by state and federal law, the opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions; therefore, providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and

WHEREAS, the City of Costa Mesa has adopted standards for the operation of group homes, residential care facilities and state licensed drug and alcohol facilities that are intended to provide opportunities for disabled persons, as defined by state and federal law, to enjoy comfortable accommodations in a residential setting; and

WHEREAS, the City of Costa Mesa has found that congregating sober living homes in close proximity to each other does not provide disabled persons, as defined in state and federal law, with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide

relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, the City of Costa Mesa has determined that a separation requirement for such facilities will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons; and

WHEREAS, the City of Costa Mesa has determined that a group home, sober living home or state licensed drug and alcohol treatment facility shall be operated on a single parcel of land; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15301 (Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa; and

WHEREAS, the conditional use permit application was processed in the time and manner prescribed by federal, state and local laws; and

WHEREAS, on August 28, 2017 the Planning Commission conducted a duly noticed public hearing, at which time interested persons had an opportunity to testify either in support of or in opposition to the application, and determined by a 4-1 vote to deny the Application; and

WHEREAS, the Planning Commission voted 5-0 at its meeting of September 11, 2017, to adopt Resolution PC-17-32 denying this application; and

WHEREAS, the Applicant appealed the decision of the Planning Commission in a timely manner; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 20, 2018, with all persons having the opportunity to speak for and against the proposal, at which time the Council voted 3-2 to approve the Application; and

WHEREAS, at the public hearing held by the City Council on March 20, 2018, the applicant expressly agreed to be bound by all of the conditions of approval set forth herein, including, but not limited to numbers 17, 28, 29 and 30 as set forth in Exhibit B hereto; and

WHEREAS, the resolution memorializing the City Council's decision on March 20, 2018 to approve the application was placed on the agenda for City Council meeting of April 3, 2018; and

WHEREAS, at its meeting of April 3, 2018, based on issues raised during public testimony, the City Council directed that a new public hearing should be held by the City Council to determine if the application should be approved or denied; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 5, 2018, with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED, therefore, that based on the evidence in the record, the applicant's agreement to be bound by the conditions of approval and the findings contained in this resolution, the City Council hereby **REVERSES THE PLANNING'S COMMISSION'S DENIAL** and **APPROVES** Conditional Use Permit PA-16-04.

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

PASSED AND ADOPTED this 5th day of June, 2018.

Sandra L. Genis, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 18-16 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5th day of June, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Righeimer, Stephens, Mansoor, and Genis.

NOES: COUNCIL MEMBERS: Foley

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 6th day of June, 2018.

Brenda Green, City Clerk

EXHIBIT A

FINDINGS (APPROVAL)

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) 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 Findings: A sober living home is a supportive living environment for persons who are recovering from drug and/or alcohol addiction. The subject property is not within 650 feet of any other sober living home or state licensed drug and alcohol facility that is currently permitted pursuant to City of Costa Mesa land use requirements. This separation distance helps to preserve the residential character of neighborhoods and facilitates General Plan Land Use Element Goal LU-1F.1 and Housing Element Goal HOU-1.2 in that it protects existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. The configuration of the buildings and the site's proximity to an alley on the easterly property line help minimize potential impacts.

The sober living home has operated at this location for more than five years. During that time, the City has received no complaints regarding the operation of the facility from surrounding residents. The facility has generated few requests for emergency services, and no requests for Code Enforcement action. The property is well maintained. The applicant has operated this facility in a manner that does not conflict with the residential character of the neighborhood. There is adequate space to accommodate vehicles belonging to the occupants on the driveway and on the street.

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 Findings: As part of the application process, the sober living operator was required to Live Scan all owners/operators who have contact with residents and house managers. Additionally, the sober living operator submitted a copy of the House Rules, Relapse Policy and all forms distributed to residents. These documents demonstrate that the facility will be operated in a manner consistent with the provisions of the Costa Mesa Municipal Code. There have not been any code enforcement complaints since Summit Coast Living began operating at the property more than five years ago. Further, the facility has not generated an extraordinary number of calls for emergency services which would place an unreasonable burden on City services.

The Costa Mesa Municipal Code and the conditions of approval require the owner to operate the facility in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Existing mature landscaping, fences and an adjacent alley provide a buffer from adjacent properties and the adjoining street and sidewalk, helping to minimize impacts to the surrounding neighborhood. The owner will provide his name and phone number to neighbors so they may contact him if there are any concerns regarding operation of the facility. The sober living home is subject to a City inspection of the interior and/or exterior of the facility to verify that the approved use has not been altered and that the property complies with all applicable code(s) upon 24-hour written notice.

The operator is an active member of The Sober Living Network, a non-profit organization that sets the most comprehensive standards for sober living homes in the nation. This organization conducts annual inspections to insure member facilities are in compliance. The standards promulgated by this organization can be found at www.soberhousing.net. These standards reinforce the City's regulations.

The facility will house up to eight residents and one house manager (as conditioned) in three existing units. Combined, these units feature seven bedrooms and four bathrooms. There are also three kitchens, three indoor living areas, and distinct outdoor living areas. The project provides seven parking spaces, and there are additional parking spaces available in the driveway should they be needed by residents. The proposed occupancy of the facility is reasonable. The owner has demonstrated an ability to operate the facility in a manner that is compatible with the 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 Findings: The use is consistent with Housing Element Goal HOU-1.8 of the General Plan, which encourages the development of housing that fulfills specialized needs by providing living opportunities for disabled individuals. The facility provides an accommodation for the disabled that is reasonable and actually resembles the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a residential neighborhood. The facility offers a comfortable living environment that will enhance opportunities for the disabled, including recovering addicts, to be successful in their programs.

The subject property contains three existing units on a legal non-conforming site. The proposed use is consistent with the general plan designation.

B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.

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

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.

2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, and these conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement 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. 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)].

4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.

5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).

6. The project is subject to compliance with all applicable federal, state, and local laws.

7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.

8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.

10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.

11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.

12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

15. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.

16. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.

CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).

18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.

20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.

21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.

22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.

23. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.

24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:

    a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
    b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
    c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
    d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

    If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.

26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.

27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.

28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.

29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.

30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

CODE REQUIREMENTS

Ping. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.

Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

CITY OF COSTA MESA
P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle
Summit Coastal Living
2100 Highland Dr.
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.

To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at jennifer.le@costamesaca.gov. Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Sincerely,

Sheri Vander Dussen

Sheri Vander Dussen, AICP
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services
Fidel Gamboa, Community Improvement Manager
File: PA-16-04

VANDER DUSSEN, SHERI

From: GAMBOA, FIDEL
Sent: Tuesday, August 7, 2018 2:07 PM
To: 'krandle@villarealestate.com'; 'Keith Randle'
Subject: Conditional Use Permit PA-16-04
Attachments: PA-16-04 2041 Tustin.pdf

Keith,

please see the attached notice from Sheri Vander Dussen. We have not heard back from you regarding the remaining to-do items on your Conditional Use permit. Please contact Jennifer Le at (714) 754-5617 regarding your intent to implement conditional use permit #PA-16-04. To setup a fire inspection, please contact Jon Neal at (714) 754- 5049 and to obtain a business license please visit City hall at 77 Fair drive on the 1st floor. If the City does not hear back from you within seven (7) business days, I will have to hand the matter over to code staff for enforcement of City regulations.

Thank you,

FIDEL GAMBOA JR | COMMUNITY IMPROVEMENT MANAGER
City of Costa Mesa | Development Services Department
Phone 714.754.5625 | Fax 714.754.4856

City of Costa Mesa, Development Services Department
77 Fair Drive, P.O. 1200, Costa Mesa, CA 92628-1200
Phone: (714) 754-5245 Fax: (714) 754-4856 www.costamesaca.gov

Zoning
Office to Assign

OPERATOR'S PERMIT APPLICATION (Group Homes with 7 or more occupants)

PART 1 – PROPOSED FACILITY LOCATION

Property Address_____City_____State _____ Zip _____

PART 2 – PROJECT DESCRIPTION [Please check type of permit you are requesting]

☐ **Group Home**
☐ **Sober Living Home**

[Describe your proposed facility and attach detailed description and required submittal information]

_____

_____

_____

_____

_____

_____

PART 3 – FACILITY OWNER/OPERATOR INFORMATION *(CMMC Sec.9-374(a)(1))*

Name of Facility Operator/Owner: *[Individual or corporation]* _____

Phone _____ **Fax** _____

Address _____ **Email**_____

City _____ **State** _____ **Zip Code** _____

Driver's License Number _____ **Type** _____ **State** _____ **Exp. Date** _____

☐ **Supplemental Operator/Owner Information Attached**

* *Provide a complete list of Owners/Corporate Officers including titles and indicate those involved in Group Home Operational Tasks.*

PART 4 – PROPERTY OWNER INFORMATION

PROPERTY ADDRESS: _____ ***APN:*** _____

Property Owner _____ **Phone** _____ **Fax** _____

Address _____ **Email** _____

City _____ **State** _____ **Zip Code** _____

PART 5 – HOUSE MANAGER INFORMATION *(CMMC Sec. 9-374 (a)(2))*

Name of Live-in House Manager _____

Phone _____ **Fax** _____

Address _____ **Email** _____

City _____ **State** _____ **Zip Code** _____

Driver's License Number _____ **Type** _____ **State** _____ **Exp. Date** _____

❑ **Supplemental House Manager Information Attached**

** *Provide a complete list of all House Managers who will be responsible for the Group Home 24-hours/7-days per week.*

PART 6 – REQUIRED DOCUMENTS

Application must provide the following attachments:

1. Copy of the Group Home Rules & Regulations *(CMMC Sec. 9-374 (a)(3))*
2. Copy of the Written Intake Procedures *(CMMC Sec. 9-374 (a)(4))*
3. Copy of the Relapse Policy *(CMMC Sec. 9-374 (a)(5))*
4. Blank forms that all residents and potential residents are required to complete. *(CMMC Sec. 9-374 (a)(7))*
5. Copy of Conditional Use Permit *(CMMC Sec 13-323)*

PART 7 – REASONABLE ACCOMMODATION REQUEST *(CMMC Sec. 9-374 (c))*

Are you requesting Reasonable Accommodation?*

❑ **Yes**

❑ **No**

**If you are requesting reasonable accommodation, you must complete Part 10 starting on Page 4.*

PART 8 - Affirmation

Please read carefully:

I understand that as defined by Title 1 section 1-35(l) that I am deemed the responsible party for any violation(s) of the Costa Mesa Municipal Code that may arise at the proposed facility location.

I also affirm that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home.

I also understand that the operation of this Group Home or Sober Living facility will adhere, unless exempt through a reasonable accommodations approval, to all the requirements listed under section 9-374 (a) and (b) of the CMMC.

I certify that this Group Home or Sober Living facility is not, and will not be, operated as an "integral facility" or an "integral use" as defined in CMMC 13-6.

I declare under PENALITY OF PERJURY under the laws of the State of California that the foregoing statements are true and correct and that any permit issued based on false or misleading statements will be deemed invalid.

Signatures – Property owner and Facility Owner/Operator must both sign.

Facility Owner/Operator

Print Name: _____

Signature: _____ Date: _____

Property Owner

Print Name: _____

Signature: _____ Date: _____

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART 9 BELOW – "OFFICE USE ONLY"

Date Application Received: _____ By: _____

Date Application Determined Complete: _____ By: _____

Assigned Case No.: _____

Reasonable Accommodation Included?

☐ **Yes**

☐ **No**

CITY OF COSTA MESA
P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

September 9, 2021

Keith Randle
2100 Highland Dr.
Newport Beach, CA 92660

Subject: PA-16-04; Approval of a Purported Sober Living Home at 2041 Tustin Avenue

Dear Keith,

In response to a recent inquiry of yours regarding the Operator's Permit for your facility at 2041 Tustin Avenue, our staff searched City records. As a result, we have determined that the City never did issue an Operator's Permit for this facility.

You may recall that on June 5, 2018, the City Council adopted Resolution No. 18-16 approving your Conditional Use Permit (CUP) application. A copy of this resolution was transmitted to you by the City Clerk on June 15, 2018. The Council reversed a prior decision of the Planning Commission to deny your CUP. Resolution No. 18-16 includes 30 conditions of approval.

During the search for your Operator's Permit, I discovered that I sent you a letter on July 20, 2018 asking you to contact Jennifer Le, then Assistant Director of Development Services, regarding your intent to comply with two conditions of approval that were supposed to be satisfied within 30 days. On August 7, 2018, Fidel Gamboa, Community Improvement Manager, sent an email to you, reminding you of the need to contact Ms. Le regarding compliance with your conditions. The City does not have a record of your response to either of these communications.

After reviewing the City's records, I have determined that the City has no evidence of your compliance with the following conditions of approval:

Condition 1: Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.

An Operator's Permit was never issued.

Condition 2: The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

Your application requested approval to serve 13 men, plus one house manager. There is no documentation in the City's records that you reduced the occupancy of this facility.

Condition 13: The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the permit.

The Fire Department has no record of you requesting this required inspection.

Condition 14: The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

The Finance Department indicates that no business license was ever issued.

Condition 27: All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automotive parking.

The City's records do not include the required documentation that parking spaces remain free and clear for parking of vehicles associated with the group home.

In order to comply with the terms of the CUP, please take the following steps immediately.

1. Submit a new application for the Operator's Permit. I have attached a copy of the application. A new application will ensure that all information is current since the original application was filed in 2016. (There will be no fee to process this application.) If you believe your current house manager already passed the City's live scan background check, we would be happy to confirm that once the Operator's Permit application has been submitted. Please submit this application directly to me.
2. Contact the Fire Department to schedule the required fire inspection. You may reach our Fire Marshal, Jon Neal, at 714-754-5409.
3. Contact Fidel Gamboa, Community Improvement Manager, at 714-754-5625 to arrange an inspection of the property to confirm that the number of residents and beds has been reduced to eight, as required by the City Council. This inspection will also confirm that all required parking spaces remain accessible for parking.
4. Apply for and obtain a Business License. Please note you will be required to remit back taxes and penalties since you have been operating without a business license for three years.

Condition 23 states, "This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services." Failure to comply with the steps outlined above within 30 days will result in enforcement action by the City, which may ultimately lead to a public hearing to consider revoking the CUP that allows operation of the group home at this location.

If you have any questions regarding the actions necessary to demonstrate compliance with Resolution No. 18-16, please feel free to contact me at 714-754-5278 or via email at sheri.vanderdussen@costamesaca.gov.

Regards,

Sheri Vander Dussen
Interim Assistant Director

Attachments: Letter dated July 20, 2018 regarding compliance with Resolution No. 18-16
Email dated August 7, 2018, from Fidel Gamboa
Operator's Permit Application

C: Jon Neal, Fire Marshal
Fidel Gamboa, Community Improvement Manager
Tarquin Preziosi, Assistant City Attorney
File: PA-16-04

ARIOS, JUSTIN

From: Keith Randle <kbrandle@yahoo.com>
Sent: Thursday, September 23, 2021 3:44 PM
To: john.buettner@hcd.ca.gov; compliancereview@hcd.ca.gov; Housing Element
Subject: Fw: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element
Attachments: HVD follow up letter to John Bruenner STATE of Ca._000168.pdf

Keith Randle Broker Associate Villa Real Estate 949.689.8880 Cell 949.698.1288 Office krandle@villarealestate.com BRE # 00993898

----- Forwarded Message -----
From: Keith Randle <kbrandle@yahoo.com>
To: john.buettner@hcd.ca.go <john.buettner@hcd.ca.go>; compliancereview@hcd.ca.gov <compliancereview@hcd.ca.gov>; housing-element@costamesaca.gov <housing-element@costamesaca.gov>
Sent: Thursday, September 23, 2021, 03:37:52 PM PDT
Subject: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element

John,
As requested by you I am following you with the synopsis we discussed in detail yesterday.
I have also copied the City of Costa Mesa.
Thanking you in advance for your help on this urgent matter

Keith Randle
Summit Coastal Living
949 689-8880

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Summit Coastal Living

a sober community of living

2041 Tustin Ave A, B and C. Costa Mesa Ca. 92627

Synopsis

The above referenced property was built in 1969 as a legal Triplex. It is located in the City of Costa Mesa. It sits on a 9629 sq ft lot and is 3312 sq ft of livable sq footage. The configuration is as follows.

One 3 Bedroom, 2 bathrooms detached home plus two 2-bedroom, 1 bathroom apartment style units in the rear of the property. Each unit has a functioning kitchen. There are a total of 4 enclosed garages. There is additional off street / driveway parking for approx. 10 additional cars. There are a total of 3 laundry areas. Units A & B have large enclosed yards, while unit C has a large 2nd story open deck which is approx. 440 sq ft. Each unit has its own mail box, electric and gas meter, there is a common water meter.

Unit A houses 5 residents, Unit B houses 4 residents, unit C houses 4 residents, a total of 13 residents since 2013. Per the city of Costa Mesa's housing element at the time of application and approval, I would be able to house 4.5 residents in each of the 2-bedroom homes and 6 residents in the 3-bedroom home. A total of 15 residents

The surrounding properties are multi family dwelling, condominiums and single-family homes. My Triplex is of the same configuration as approx. 20 of my immediate neighbors.

The Triplex directly behind me is identical in configuration and for the past 4-5 years has also houses a total of 13 residents.

I have owned the property since February 2006. In October on 2013, seeing a need for quality sober housing in the area, I starting renting homes out to sober male residents. Being a real estate Broker and property manager for this property (plus others that I own in Costa Mesa) the transition was seamless. **I offer no services other than housing.** My homes are fully furnished and I operate on a 30-day month to month lease agreement.

The City nor any of my neighbors knew the residents of this property were sober until I made application for a conditional use permit (CUP) in 2016, based on the City of Costa Mesa's Ordinance PA -16-04. This ordinance was enacted by Costa Mesa to limit the number of sober living homes to one home within a 650-foot radius and the number of occupants per home to 6 residents. I was the first to make application for two properties that I own and rent as sober housing. The other property is located one mile away at 165 East Wilson Street, Costa Mesa. The city put added pressure on the existing sober living homes by stating that the order one's application was received, was the order the application was reviewed.

Keith Randle
2041 Tustin Avenue, Suite A
Costa Mesa, CA 92627

949-689-8880
800-698-0835
keith@summitcoastalliving.com

I had the first, 165 E Wilson and second, 2041 Tustin Ave applications submitted per the City's Ordinance. I believe there were approx. 20 plus applications submitted pursuant to Ordinance PA-16-04. To the best of my knowledge my two properties were the only applications approved in the past 5 years. All the other applications were denied at the planning commission level and again on appeal to the City Council. Reasonably accommodation was applied for but denied in all cases

It is interesting to note that the approval of 165 E. Wilson Street eliminated 6 other sober living homes within the 650-foot radius. About 2 years later when 2041 Tustin Ave was approved it had different conditions attached to the approval (see attached conditions of approval). I argued at the appeals that the two properties were very similar in their configuration. I believe to this day the city had no intentions of approving 2041 Tustin Ave. I believe it was the city's intent to use the ordinance to totally eliminate sober housing within the city. They were hoping that I would just go away. As time went on and I became more educated on federal law and state code (65000 et.al) and more importantly the Housing Elements, I became more and more determined to fight for my property legal rights.

The process became very contentious and political. The city kept making changes to the original application and it took about 8-12 months to actually have a hearing at the Planning Commission. During this time, the city saw they were over their head with the ordinance, so they hired an outside consulting firm, Kimley-Horn, to manage the process and to write the staff reports. The Lead Consultant was Sheri Vander Dussen. The consultant's report either denied or recommended that and application move forward to the planning commission hearing. There was a total of 6 staff reports written for 2041 Tustin Ave. In all cases the consultant recommended approval of the application as presented. It was denied by the planning commission twice, then I had appeals presented to two city councils. Finally, the city council approved my application with conditions (attached).

During this process I learned, along with others, that the City's Ordinance violated federal fair housing laws. Additionally, at my second city council appeal, I challenged the city council that the city of Costa Mesa was in violation of its own **Housing Element** with the conditions of approval they were placing on my application with regard to the number of occupants

Since 2013 to present, I have rented the homes as sober living residences. During this time, I have never had a complaint from a neighbor directed to me or to the city of Costa Mesa. Additionally, there has been calls for service only two times within this eight-year time frame. As stated earlier, it was unknown to the city or my immediate neighbors it was a sober residence. My ex-wife owns the property next to me and she did not know until I asked her to write a recommendation for me that I included in my application. My 19- and 20-year-old children at the time of the application did not know. I have always been very mindful of my neighbors and the privacy of my residents. I have always been very hands on. I live ½ mile from the property and visit it multiple times, daily.

To sum up the 30 ways the City of Costa Mesa treats me differently to my neighbors is outlined in the attached Exhibit B, Conditions of Approval.

The most egregious being condition number 29. "No more than two residents living in the facility at any one time shall have a domicile outside the state of California".

As I stated in my complaint, I am a real estate broker in California. By agreeing to the above I would knowingly be putting my broker's license and livelihood in jeopardy.

I have attached a Comparative Analysis between the two properties that I applied for the CUP. 165 East Wilson and 2041 Tustin Ave. As you will see, I truly believe the property at 165 E Wilson was approved by the planning commission at the first hearing as it eliminated 6 other sober living homes within the 650-foot radius. I also believe the property at 2041 Tustin Ave was denied by the planning commission two times as its approval would not eliminate any sober living homes within the 650-foot radius.

The city of Costa Mesa discriminates against residents of sober living homes and it violates State and Federal housing Laws. They are in breach of their current housing element and should be sanctioned with cease-and-desist notice, as the city of Anaheim and Encinitas have been by your state agency. They should not be awarded a renewal of their housing element as a reward for their violations. Time is of the essence. I ask that you act on this matter against the City of Costa Mesa to send a message to all other California cities who want to act in the same discriminatory way.

Thanking you in advance.

Sincerely,

Keith Randle

Keith Randle

www. Summitcoastalliving.com

949 689-8880

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle
Summit Coastal Living
2100 Highland Dr.
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.

To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at jennifer.le@costamesaca.gov. Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Sincerely,

Sheri Vander Dussen

Sheri Vander Dussen, AICP
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services
Fidel Gamboa, Community Improvement Manager
File: PA-16-04

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.

2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, and these conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement 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. 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)].

4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.

5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).

6. The project is subject to compliance with all applicable federal, state, and local laws.

7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.

8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.

10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.

11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.

12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.

14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

15. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.

16. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.

CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).

18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.

20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.

21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.

22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.

23. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.

24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:

    a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
    b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
    c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
    d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;

    If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.

26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.

27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.

28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.

29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.

30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

CODE REQUIREMENTS

Plng. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.

Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

ARIOS, JUSTIN

From: Anne Paulson <anne.paulson@gmail.com>
Sent: Friday, October 22, 2021 11:42 AM
To: Housing Element; housingelements@yimbylaw.org
Subject: Comments on Costa Mesa's Draft Housing Element

Dear Costa Mesa,

Thanks for the opportunity to comment on Costa Mesa's Draft Housing Element. It has virtues, but also flaws.

ADUs

Costa Mesa permitted 10 ADUs a year the last three years. It is predicting 107 a year for the next cycle. Costa Mesa permitted 4 ADUs in 2018, 6 in 2019, and 19 in 2020, an average of 10 a year. They're predicting 858 a year for the 6th Cycle. Page B-11 of the Housing Element says, "The City of Costa Mesa has determined based on past performance and the SCAG/HCD approved methodology that it is appropriate to anticipate the development of 858 accessory dwelling units from 2021 to 2029." HCD has not approved a methodology that allows cities to project ten times as many ADUs as they have been permitting.

Residential Development Constraints

Costa Mesa analyzes its residential development standards and concludes that none are constraints on development. Costa Mesa requires two parking spaces, ~640 square feet, for a studio apartment; a typical studio apartment is around 500-600 square feet. And Costa Mesa claims, without any evidence, that this requirement doesn't make modest studio apartments financially infeasible.

In other words, **Costa Mesa requires more space for parking for a studio apartment than for people living in the apartment, and says that's not a constraint on building studio apartments.** Costa Mesa's justification is that they're no worse than other nearby jurisdictions. But those other jurisdictions also are failing to build enough housing**.** The neighboring jurisdictions' residential development standards are burdensome and excessive, and so are Costa Mesa's.

Site Inventory

Costa Mesa plans most of its new housing on five big nonvacant sites: Fairview Development Center, Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza. The city says the owners have indicated there is the potential for future housing development on each of these sites. However, "potential for future housing development" does not forestall the possibility that these sites might not be redeveloped, or might be redeveloped as something other than housing. The city is required to discount the number of units expected from a non-vacant site, if the site might not be redeveloped for housing. **The number of units expected from the big housing sites is inflated, because the city did not discount as it is required to do.**

The Draft Housing Element must be revised to deal with these issues.

--
-- Anne Paulson

It isn't a contest. Enjoy the ride.

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Initial Comments to Draft Housing Element dated August 2021City of Yorba Linda

October 13th, 2021

RE: Initial Comments to Draft Housing Element dated August 2021

Dear Ms. Ashabi:

Congratulations on the completion of the 6th Cycle housing element draft. We commend the city for completing its draft early and providing ample time for public comment. In conjunction with the Campaign for Fair Housing Elements, we have reviewed your draft housing element and would like to share the following feedback:

1) We are concerned about ADU projections that appear overly optimistic: Your housing element anticipates 858 ADUs, which is an estimated 107 per year during the 6th cycle planning period. This seems unrealistic. HCD has described two "safe harbors" for estimating ADU production (p. 31, Housing Element Site Inventory Guidebook). In the first safe harbor, the city may use the trend in ADU construction since January 2018; as Costa Mesa permitted 4 ADUs in 2018, 6 in 2019 and 19 in 2020, that trend is about 10 ADUs per year or 80 for the next eight year planning period. For the second safe harbor, the city would use five times the construction trend prior to 2018. From 2013-2017, Costa Mesa permitted 8 eight ADUs, or about 2 a year. Five times two is 10, so the second safe harbor yields the same result, about 10 ADUs a year. We do not feel that the city adequately justified a projection of well over ten times the safe harbors.

2) The majority of small sites identified for affordable housing (that are not part of a larger parcel or development proposal) are in Latino, low income neighborhoods or existing commercial areas. Have you considered opening up other areas for development, particularly near high performing schools? Legislation like SB 9 and SB 10 provides opportunities for infill development in high opportunity communities. Implementing some of these guidelines would go a long way to desegregating housing in Costa Mesa.

3) The Fairview Developmental Center (FDC) is owned by the state and was included on the last Housing Element, but no housing has been developed. We are not aware of a commitment from the state to developing it as affordable housing. Assuming that 920 homes of the 2300 proposed (40%) will be low-income affordable is overly optimistic without an agreement in place. According to the Kennedy Commission, 20% low income is a more realistic figure based on SB 82. We suggest revising it to reflect that input.

4) We commend the city for seeking out discussions with property owners interested in developing their properties for very-low and low-income housing through the planning period. However, for the remaining sites (for which no interview was conducted), the city says it does not have access to private party lease agreements or other contractual agreements among private parties. Under these circumstances, the safe assumption would be to assume zero likelihood of redevelopment for those sites; however the city does not do that. The assumption is that the sites will turn over even without any evidence to support it.

5) This lack of analysis, coupled with the uncertainty of the FDC and the development agreements encumbering low-income housing on the other major sites (Sakoika

Lot 2, Home Ranch, and Pacific Arts Plaza) leads us to the conclusion that there are insufficient sites for affordable housing. We would advise the city to increase the number sites for low and very low income housing to enable a buffer for low income housing. There is currently a sufficient buffer for moderate and above moderate (market rate). We advise the city to create a buffer for low income housing; 15-30% is the HCD-recommended buffer.

6) We take issue with the assumption that the city's development standards, particularly parking requirements, are not a constraint. Costa Mesa's parking requirements are onerous. The city requires 2 parking spaces for a studio apartment and 3 parking spaces for a two-bedroom apartment. These are burdensome parking requirements, and are a barrier to reducing the cost of housing, both market-rate and affordable.

7) Lastly, Measure Y, the requirement that development proposals over 40 units must be approved by voters is the single largest barrier to new housing development in the city. The city is indeed caught in a bind, having to defend a bad policy that inhibits the ability to comply with state law. Therefore we recommend that you take action to explicitly exempt any development project that includes low, very low or extremely low income housing.

Thank you for all of your efforts to create a fair and legally compliant housing element. As frequent attendees in community meetings, we understand the city council has many difficult choices to make with regard to its 6th Cycle Housing Element. We encourage the city council to do what is right, even if it is unpopular,

and to develop an exemplary housing element that will comply with both the spirit and letter of state housing element law.

Sincerely,

Elizabeth Hansburg

Co-Founder & Director

People for Housing Orange County is a network of housing advocates fighting for more inclusive housing policies in Orange County's high opportunity communities. By legalizing the construction of multifamily housing, streamlining the permitting of all housing, increasing funding for subsidized affordable housing, we believe a future of abundant housing is possible. We envision an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.

ARIOS, JUSTIN

From: Jennifer Hope DesRochers Webster <jenhweb@gmail.com>
Sent: Friday, October 8, 2021 9:41 PM
To: Housing Element
Subject: Feedback: Housing Element Update - Westside overcrowding

Feedback: Housing Element Update

Response-Westside Costa Mesa is overwhelmed with too much population. Too many cars. Not enough parking. People walk a block or more away from home to find parking.

Please implement this information.. dense housing with apartments & Multi family housing are over crowding the Westside. Please reconsider increased housing "outside" district #4 Ie the west side.

Sincerely,
Jennifer Webster
Westside Resident 30 yrs since September 1988

--
Jennifer Hope Webster "To know God and Make Him known. Be filled with love, joy, peace, patience, kindness, goodness, faithfulness and self-control in the power and might of the Fruit of the Holy Spirit" Bible -My purpose statement

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ARIOS, JUSTIN

From: Gonzalez Romero, Arysa (TRBL) <aromero@aguacaliente.net>
Sent: Monday, November 15, 2021 8:31 AM
To: Housing Element
Subject: City of Costa Mesa 2021-2029 6th Cycle Housing Element Update

Greetings,

A records check of the Tribal Historic preservation office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Thank you,

Arysa Gonzalez Romero, M.S., RPA.
Historic Preservation Technician
Agua Caliente Band of Cahuilla Indians
Tribal Historic Preservation Office
Main (760)-883-1327 | Cell (760)-831-2484

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Costa Mesa Affordable Housing Coalition

November 30, 2021

Mr. Paul McDougall
Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Ave., Suite 500
Sacramento, CA 95833

RE: Summary of Concerns Regarding Costa Mesa's Housing Element Update

Dear Mr. McDougall:

We so appreciate the opportunity to speak with you and Marissa Prasse yesterday regarding Costa Mesa's draft Housing Element Update (2021-2029). As you may know, the Costa Mesa Affordable Housing Coalition is a local advocacy group which for years has urged Costa Mesa to facilitate the construction of affordable homes for the city's lower income residents. This letter summarizes the key concerns we articulated in yesterday's meeting.

First, we applaud the city's remarkably robust, open, and serious efforts at public engagement in its Housing Element process. We also congratulate the city for its mostly excellent draft Housing Element. We are particularly pleased the draft clearly states Costa Mesa's commitment to adopting (finally!) an inclusionary zoning ordinance.

Now, the concerns. We have two:

(1) The draft fails to adequately analyze the constraints on affordable housing development specific to each of the four largest sites in the sites inventory, and

(2) The draft fails to adequately analyze the paralyzing effect the city's "Measure Y" will have on affordable housing development.

I.) Inadequate Analysis of the Four Largest Sites

A. The city should provide additional analysis on the Fairview Developmental Center (FDC) site and the implications of SB 82.

The Housing Element identifies FDC as a 109-acre state-owned opportunity site and assumes it can accommodate 2,300 housing units, and that 40% of those future units will be affordable to lower income households (575 very low and 345 low).[1] Problematically, however, SB 82 states:

[1] Costa Mesa Housing Element, Appendix B Candidate Sites Analysis Overview, October 6, 2021, p. B-15.

"Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property ***not exceeding 20 acres*** located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities… A ***minimum of 20 percent*** of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center…[2]"

Given the dictates of SB 82, the city needs to justify its assumption about the number of units possible on the site, as well as its affordability assumption that 40% of the units at FDC will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income. While SB 82 indicates that a minimum of 20% of units will be affordable to individuals with developmental disabilities, there has been no written or public statement from the state expressing interest in making more than 20% of homes affordable to lower income households.

The FDC site holds tremendous potential for meeting the city's considerable lower income RHNA (4713 units). The fact the site is state-owned, however, could be a significant constraint in developing **any** housing there within the next eight years, much less the **920 units** of lower income housing specified in the sites inventory. The city should create a stand-alone program and commit to actively working with the state to accomplish the specified housing development at FDC anticipated in the sites inventory.

B. The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are currently under development agreements with no affordable housing requirements.

Though these three large sites are in the 2021-2029 sites inventory, they will not be subject to any future inclusionary housing ordinance the city adopts because each site is already under a development agreement with no inclusionary requirement. The only way the owner of one of these sites will be bound by a future inclusionary ordinance is if that owner opts into future General Plan and zoning regulations.[3]

Absent such a choice to opt into a different governing land use regime, there is **no reason** to expect any of these property owners will **voluntarily** include in their respective projects any lower income affordable housing, much less the 15% lower income housing reflected in the sites inventory. Significantly, one of these large property owners has explicitly signaled his **unwillingness** to be bound by an affordable housing requirement.

[2] California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82

[3] This fact was confirmed during the city's consideration of the proposal to extend Sakioka Lot 2's Development Agreement; the city confirmed that "if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance IF they opted to develop per the future General Plan and zoning regulations." (Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.)

On April 6, 2021, the Costa Mesa City Council extended the expiring Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the City Council require the extended Development Agreement include affordable housing requirements to help achieve the city's lower income RHNA goals.[4] The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements.**[5] Given the property owner's very recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it is unrealistic to assume that same property owner will prioritize the development of housing affordable to lower income households in developing the property.

The city offers **no rationale** for its expectation the owners of Sakioka Lot 2 and the other two large sites will voluntarily include affordable housing in their future developments. Importantly, these three large sites are in prime locations near South Coast Plaza, where land values are among the highest in the city. Moreover, each of these three property owners is a longtime owner who has practiced the art of holding onto the land for decades while land values continually climbed upward. Given these facts, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement which insulates the site from any affordable housing requirements.

Additionally, it is highly significant Sakioka Lot 2 and Home Ranch have been **vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle? The city must provide that analysis.**

Finally, the city should **clarify if the affordability assumptions on these three large sites include units that result from a density bonus.** For example, the draft indicates that for Sakioka Lot 2, the city "determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels."[6] Is this 15% actually a density bonus where a developer would be granted a higher density on the proposed development and in exchange, the developer would have to set aside 15% of the units to be affordable? The significance of such a calculation is that **the developer may elect to not develop Sakioka Lot 2 to full capacity under the density bonus, and thereby opt out of including any affordable housing**.

II.) Inadequate Analysis of Measure Y's Constraints on Affordable Housing Development

Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable, development, and perpetuates exclusionary zoning. The city

[4] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.
[5] Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 2.
[6] Costa Mesa Housing Element, Appendix B Candidate Sites Analysis Overview, October 6, 2021, p. B-12.

council should adopt a policy to exempt from Measure Y any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.

Thank you for considering our concerns about the draft 2021-2029 Housing Element Update. For your reference, we are attaching our September letter to the city with more extensive comments on the draft. This letter focuses only on our top concerns.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Minoo Ashabi, Principal Planner of the City of Costa Mesa
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

ARIOS, JUSTIN

From: ARIOS, JUSTIN
Sent: Thursday, January 6, 2022 8:16 AM
To: ARIOS, JUSTIN
Subject: FW: Constraints on Development: Parking

From: Anne Paulson [mailto:anne.paulson@gmail.com]
Sent: Wednesday, January 5, 2022 7:29 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Constraints on Development: Parking

Dear Costa Mesa Councilmembers,

I understand you're having a hearing next week concerning constraints that you may be imposing that impede development of housing. I commend you for considering this important issue.

I sent this comment to your Housing Element email in October, but I'm repeating it now, somewhat edited, for consideration in your hearing. Thanks.

Costa Mesa's Parking Requirements are Excessive

In your Draft Housing Element, Costa Mesa analyzes your residential development standards and concludes that none are constraints on development. However, Costa Mesa's parking standards look like they would definitely constrain development. Costa Mesa requires two parking spaces, ~640 square feet, for a studio apartment; a typical studio apartment is around 500-600 square feet.

In other words, Costa Mesa requires more space for parking for a studio apartment than for people living in the apartment, and you say that's not a constraint on building studio apartments. Costa Mesa's justification is that you're no worse than other nearby jurisdictions. But those other jurisdictions also are failing to build enough housing. The neighboring jurisdictions' residential development standards are burdensome and excessive, and so are Costa Mesa's.

Parking spaces are very, very expensive to build. An above-ground space will cost around $50-60,000 to build. An underground space will cost around $70-90,000. So the parking alone for that studio apartment will cost upwards of $100,000 to build, well over $150,000 if it's underground. This can be the difference between financial feasibility and financial infeasibility. Moreover, this is an issue of fairness. Costa Mesa has sunny, mild weather, great for biking or e-biking. Yet a person on a limited income, who wants to save money by forgoing a car, or a family that wants to save by just having one car, is still forced to pay for parking they don't want.

Your parking requirements are excessive across the board: 2 parking spaces for a studio apartment, 2.5 for a 1 BR, 3 for a 2 BR, 4 for a 3 BR apartment. In every case, you're requiring as much or more space for the cars as for the people. It's like instead of expecting developers to build apartments for people with attached parking, you're expecting developers to build giant parking lots for cars, with a little attached storage to store humans when they're not in the cars.

Please change these parking requirements. They make no sense, they're unfair, and they constrain development.

Thank you.
--
-- Anne Paulson

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Disability Rights California
California's protection & advocacy system

LEGAL ADVOCACY UNIT
350 S. Bixel St., Ste. 290
Los Angeles, CA 90017
Tel: (213) 213-8000
Fax: (213) 213-8001
TTY: (800) 719-5798
Intake Line: (800) 776-5746
www.disabilityrightsca.org

Sent Via Email Only

January 18, 2022

City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cityclerk@costamesaca.gov

Re: PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

To Mayor John Stephens and the Honorable Members of the City Council:

We are writing to urge the City Council not to approve the draft Housing Element until it is revised to reflect changes that are needed in Costa Mesa's laws and procedures to reduce barriers to housing for people with disabilities. Disability Rights California is a non-profit agency established under federal law to protect, advocate for and advance the human, legal and service rights of Californians with disabilities.[1] Disability Rights California works in partnership with people with disabilities, striving towards a society that values all people and supports their rights to dignity, freedom, choice, and quality of life. Since 1978, Disability Rights California

[1] Disability Rights California provides services pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011,3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq.

has provided essential legal services to people with disabilities regarding access to housing and other critical needs.

The California Department of Housing and Community Development ("HCD") sent the City a December 3, 2021 letter regarding revisions that the City must make to the draft Housing Element to bring it into compliance with the law. The December 3 letter explained that the City would need to address a number of issues concerning "Housing for People with Disabilities." However, the revisions to the draft Housing Element before the Council's consideration today fail to adequately respond to the issues raised by HCD. We write to call particular attention to the following:

1. Reasonable Accommodation

HCD's December 3, 2021 letter noted that the "additional factors" that the City may consider in its review of a reasonable accommodation application "may act as constraints," and explained that the draft Housing Element must "include specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The revisions to the draft Housing Element do not adequately respond to this comment. If an accommodation is necessary to provide people with disabilities full and equal access to housing due to their disabilities, an accommodation must be provided unless the City can demonstrate that doing so would be an undue financial and administrative burden or would be a fundamental alteration of the relevant programs, services, or activities. The same is true if a reasonable accommodation is necessary to provide meaningful access to housing for people with disabilities. The City's current reasonable accommodation procedures create additional and unnecessary barriers to access because they allow for consideration of additional factors, such as impact on neighbors. Impact on neighbors, for instance, may only come into the reasonable accommodation analysis if it gives rise to an undue financial and administrative burden on the City, in light of the full resources available to the City, or if it would result in an unavoidable and fundamental alteration to a relevant City program, service, or activity. Otherwise it may not be considered at all, and the City should not be inviting neighbors, who may oppose a reasonable accommodation request due to fear and stereotypes regarding people with disabilities, to weigh in on the request. Moreover,

the City's draft Housing Element notes that the City's current procedure is to consider "the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it." Draft HE at 3-33. This is an illegal factor: the City must consider each reasonable accommodation request on its own and may not deny an accommodation request on the grounds that others may make a similar request.

Additionally, Disability Rights California has gained some familiarity with the actual operation of Costa Mesa's reasonable accommodation process through our representation of an individual plaintiff in the *Insight v. Costa Mesa* case, and we have been appalled at what we have learned. Costa Mesa Zoning Code and practice put the burden on the *applicant* to demonstrate that a requested accommodation would not be an undue burden or fundamental alteration, which is contrary to law. Moreover, Costa Mesa requires applicants to submit their reasonable accommodation requests to City staff for a purported consideration of their request, but City staff admitted to us in deposition testimony that this is a sham proceeding in the case of group homes seeking a waiver of the City's 650-foot separation requirement, because the City Council has directed staff *never* to grant such a request.

The City's revised Housing Element neither adequately acknowledges nor responds to these problems, which result in unnecessary and illegal barriers to access for people with disabilities.

2. Definition of Family

HCD's December 3 letter observed that the City defines "family" as "a single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities" and explained that the Housing Element "should include specific analysis of any potential constraint, including considering public comment and add or modify programs as appropriate." However, the revised Housing Element does not do this. The definition ignores the fact that many individuals with disabilities do have a disability-related reason for needing separate leases, or for taking their meals separately, or for keeping expenses separate from other members of the household, or for relying on a third party to

determine who else lives in the household, for instance. Public benefits programs that people qualify for on the basis of disability, such as housing or income subsidies, for instance, can require things such as separate leases, meals, or finances. People can have a disability-related reason for having separate food. Due to a disability-related impairment, a person may need a third party to organize their housing and determine who else will be living with them. The revised Housing Element does not engage with any of these matters and entirely disregards the constraints that they place on housing options for people with disabilities.

Nor does the Housing Element acknowledge that, as a practical matter, these are *only* constraints for people with disabilities. The City has no practice of investigating whether blood relatives, or roommates without disabilities, are actually eating meals or doing chores together. The restrictions only become an issue with people with disabilities are living together, because they will be treated as a "group home" if they cannot demonstrate that they are a family/single housekeeping unit.

3. Group Homes

HCD's December 3 letter accurately observes that the "City's zoning code appears to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors." As noted above, the City does not have "a barrier-free definition of family," as the December 3 letter explains is required. As a result, the City subjects housing for people with disabilities to onerous regulations and excludes them from some residential zones. And, as the December 3 letter notes, "these housing types in many cases are subject to a special use or conditional use permit, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses."

The revised Housing Element does not "include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate," as the December 3 letter explains that it should. Instead, the revised Housing Element

simply argues without evidence that Costa Mesa is justified in imposing these restrictions on housing options for people with disabilities. The revised Housing Element argues that, by limiting housing options for people with disabilities, the City is actually *protecting* them. But this is nonsensical. Many people have a disability-related reason for needing to live in the kind of housing that Costa Mesa terms a "group home." Our client in the *Insight* case, for instance, is a woman with mental health disabilities who needed to live in a supportive environment for a month or two while she transitioned from a psychiatric facility to community living. Costa Mesa's group home ordinances restrict the ability of housing providers to create this kind of housing in the community. There are far too few housing options for people with disabilities as it is. And in the case of our client, enforcement of Costa Mesa's group home ordinances will result in Insight's housing being shut down, with nowhere else in the City to go. Because it is the only housing of its kind in the region, people like our client will have nowhere to go for that kind of housing, and will be either stuck in an institution or living in a housing situation that does not provide what they need.

We urge the City Council not to approve the draft Housing Element until it fully responds to these and other barriers to access for people with disabilities.

Sincerely,



Autumn M. Elliott
Litigation Counsel

Zeenat Hassan
Staff Attorney

CC: Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov;

Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov

From: Mary Helen Beatificato <mh@nsightrecovery.com>
Sent: Tuesday, January 18, 2022 11:35 AM
To: CITY CLERK
Cc: Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov
Subject: [NOENCRYPT] PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

To the Mayor and Honorable Members of the City Council,

In connection with tonight's public hearing on the City's Housing Element Update, I am writing to express concerns about the Costa Mesa's group home regulations and reasonable accommodation process and share my experience with you as an illustration of how these regulations are a very real barrier to the provision of housing for people with disabilities.

Since early 2015, my company (Insight Psychology and Addiction, Inc.) has been providing supportive housing in a six-unit apartment building in a multi-family residential zoning district in Costa Mesa. In late 2015 (i.e., after my company had already started providing its supportive housing), the City adopted its group home regulations for multi-family zoning districts that purport to apply retroactively to existing group homes. Those regulations are codified in Chapters XV and XVI of Title 13 of the Costa Mesa Municipal Code (starting at § 13-310). Costa Mesa also adopted "operator's permit" requirements for providers of group housing, which are codified in Article 23 of Chapter II of Title 9 of the Costa Mesa Municipal Code (starting at § 9-370).

The type of housing my company provides is exceptionally rare and desperately needed. We provide supportive housing to adults with mental health disabilities, like PTSD, bipolar disorder, anxiety, and depression. Our supportive housing is not a sober living home. Most of our residents are "stepping down" from in-patient psychiatric treatment and learning how to live independently. We provide a crucial step between in-patient care and independent living. We are the only supportive housing of this kind in the region. Our residents would not be eligible to live in a sober living home (nor would they want to).

After the City adopted its new group home regulations, City staff informed me I would need a conditional use permit if I wanted to continue providing this supportive housing. I promptly applied for the permit. It took the City two and a half years to process my application (September 2016 through July of 2018), and then the City told me it planned to deny my application because my supportive housing is within 650 feet (measured "as the crow flies" from outer property lines) from new group homes that opened after my housing in unincorporated Orange County (i.e., outside Costa Mesa City limits).

I asked the City to relax its separation requirement for my supportive housing (which pre-dates the City's group home regulations and the new group homes in unincorporated County territory) as a disability-related "reasonable accommodation." The City's process for evaluating reasonable accommodation requests is in Article 15 of Chapter IX of Title 13 of the Costa Mesa Municipal Code (starting at § 13.200.60) puts the burden on the individual making the request to prove up a number of different "findings," many of which are on subjects that are exclusively within the City's knowledge and control (e.g., requiring ***the applicant*** to prove the accommodation "will not impose an undue financial or administrative burden ***on the city***" [emphasis added]). The full list of findings is in Costa Mesa Municipal Code Section 13-200.62(f). Even though it seemed like this was designed to be an impossible task, I followed the City's procedure and submitted a formal

request for a "reasonable accommodation" on August 3, 3018. On April 5, 2019, the City's Zoning Administrator denied my request for a reasonable accommodation because he said, based on my letter, he could not make all eight of the findings required by CMMC § 13-200.62(f). The Zoning Administrator's denial was largely based on his misconception that the housing my company provides is a sober living home, or that the needs of my residents could be met by the City's sober living homes). That is patently false. In fact, I provided detailed reasons why sober living homes cannot meet the needs of the individuals who reside in Nsight's supportive housing.

I appealed the Zoning Administrator's denial of my accommodation request to the Costa Mesa Planning Commission and Costa Mesa City Council. Both bodies held duly-noticed public hearings on my appeals where they sent mailers to all residents within 500 feet of my supportive housing. At those public hearings, members of the community did not hide their fears and prejudices about group housing for people with disabilities. Most of the speakers had no direct experience with my supportive housing (which had already been operating for three years with no code enforcement complaints at the time of the hearings). The Planning Commission and City Council denied my appeals, and the City ordered me to cease operating my supportive housing within 30 days. As a last resort, I filed a legal action that is still pending. Our trial date is April 5, 2022.

There is no question that the City's group home regulations have had their intended effect of reducing the numbers of group homes for people with disabilities in Costa Mesa. The City posts spreadsheets on its website tracking the group homes it has successfully closed (links below).

- City approved sober living/group homes - https://app.smartsheet.com/b/publish?EQBCT=f6f1941be3624556ab1b03e829df4639
- State approved facilities (DHSC) - https://app.smartsheet.com/b/publish?EQBCT=5fc6477aa1974f16b790242bbd936b8c
- Application Status - https://app.smartsheet.com/b/publish?EQBCT=c24b90faafff4b0680b6e86564927908
- Group homes cited - https://app.smartsheet.com/b/publish?EQBCT=aff3877f2ef54eb285196f94a1607cd9
- Operators that have closed - https://app.smartsheet.com/b/publish?EQBCT=664bc6e0f3354741801736f60b3ce47c
- Locations under review - https://app.smartsheet.com/b/publish?EQBCT=5459f35580524b4ab147a085d7720b0c

The City's data shows it has issued ***hundreds of citations*** for violations of its group home regulations (see "Group homes cited" link) and ***closed more than 80 group homes*** (see "Operators that have closed" link). Of ***sixty-six applications*** for group home permits (conditional use permits/CUPs and special use permits/SUPs), the City has ***only approved one*** (see "Application Status" link).

The City's regulations have had a devastating impact on the availability of shared housing for people with disabilities. Between 2017 (when grace periods ended and the City started enforcing its group home ordinances in earnest) and 2021, the City has lost ***more than 70%*** of its group home beds:

Group Home Beds*	**2014**	**2017**	**2021**
Beds in the Single Family Residential Zone	386	425	183
Beds in Multi-Family Residential Zones	762	1,273	296**

Beds in Other Zones	76	82	0
TOTAL BEDS	**1,224**	**1,780**	**479**

* All of these figures come from the City's own data, which Insight provided to the City in connection with its summary judgment motion in its legal action against Costa Mesa.
** This figure and the grand total include the 30 beds Insight is currently providing. Closing Insight's housing will therefore, result in a loss of 6.26% of the City's total beds (i.e., 30 of 479 is 6.26%).

The City's Housing Element Update does not address or mitigate these barriers. It does not address the comments the City received from the California Department of Housing and Community Development (HCD) on December 3, 2021. HCD's comment letter instructed the City to provide "specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The draft Housing Element Update does not do this.

It is essential that the City Council listen to the needs of the people with disabilities who rely on shared housing and the providers of shared housing as it updates its Housing Element. If I can be of any assistance, please do not hesitate to contact me directly.

Sincerely,

Mary Helen Beatificato

Best regards,
Mary Helen Beatificato
CEO & General Counsel
Call or Text: (949) 214-8618

NSIGHT
PSYCHOLOGY & ADDICTION
WHEN INDIVIDUAL THERAPY IS NOT ENOUGH

Nsight Psychology & Addiction
4000 Birch Street, Suite 112
Newport Beach, CA 92660
www.NsightRecovery.com

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1810

From: Autumn Elliott <Autumn.Elliott@disabilityrightsca.org>
Sent: Tuesday, January 18, 2022 11:58 AM
To: CITY CLERK
Cc: Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov
Subject: PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)
Attachments: 2022.01.18 Public Comment to CM re HE.pdf

Please see attached public comments for today's City Council meeting.

Thank you,

Autumn M. Elliott
Litigation Counsel
Disability Rights California, Legal Advocacy Unit
350 South Bixel Street, Suite 290, Los Angeles, CA 90017
Tel: (213) 213-8000 or D: (213) 213-8125 | Fax: (213) 213-8001
TTY: (877) 669-6023
Email: Autumn.Elliott@disabilityrightsca.org
Intake Line: 800-776-5746

Disability Rights California

Website: www.disabilityrightsca.org | www.disabilityrightsca.org/espanol

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Disability Rights California
California's protection & advocacy system

LEGAL ADVOCACY UNIT
350 S. Bixel St., Ste. 290
Los Angeles, CA 90017
Tel: (213) 213-8000
Fax: (213) 213-8001
TTY: (800) 719-5798
Intake Line: (800) 776-5746
www.disabilityrightsca.org

Sent Via Email Only

January 18, 2022

City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cityclerk@costamesaca.gov

Re: PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

To Mayor John Stephens and the Honorable Members of the City Council:

We are writing to urge the City Council not to approve the draft Housing Element until it is revised to reflect changes that are needed in Costa Mesa's laws and procedures to reduce barriers to housing for people with disabilities. Disability Rights California is a non-profit agency established under federal law to protect, advocate for and advance the human, legal and service rights of Californians with disabilities.[1] Disability Rights California works in partnership with people with disabilities, striving towards a society that values all people and supports their rights to dignity, freedom, choice, and quality of life. Since 1978, Disability Rights California

[1] Disability Rights California provides services pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011,3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq.

has provided essential legal services to people with disabilities regarding access to housing and other critical needs.

The California Department of Housing and Community Development ("HCD") sent the City a December 3, 2021 letter regarding revisions that the City must make to the draft Housing Element to bring it into compliance with the law. The December 3 letter explained that the City would need to address a number of issues concerning "Housing for People with Disabilities." However, the revisions to the draft Housing Element before the Council's consideration today fail to adequately respond to the issues raised by HCD. We write to call particular attention to the following:

1. Reasonable Accommodation

HCD's December 3, 2021 letter noted that the "additional factors" that the City may consider in its review of a reasonable accommodation application "may act as constraints," and explained that the draft Housing Element must "include specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The revisions to the draft Housing Element do not adequately respond to this comment. If an accommodation is necessary to provide people with disabilities full and equal access to housing due to their disabilities, an accommodation must be provided unless the City can demonstrate that doing so would be an undue financial and administrative burden or would be a fundamental alteration of the relevant programs, services, or activities. The same is true if a reasonable accommodation is necessary to provide meaningful access to housing for people with disabilities. The City's current reasonable accommodation procedures create additional and unnecessary barriers to access because they allow for consideration of additional factors, such as impact on neighbors. Impact on neighbors, for instance, may only come into the reasonable accommodation analysis if it gives rise to an undue financial and administrative burden on the City, in light of the full resources available to the City, or if it would result in an unavoidable and fundamental alteration to a relevant City program, service, or activity. Otherwise it may not be considered at all, and the City should not be inviting neighbors, who may oppose a reasonable accommodation request due to fear and stereotypes regarding people with disabilities, to weigh in on the request. Moreover,

the City's draft Housing Element notes that the City's current procedure is to consider "the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it." Draft HE at 3-33. This is an illegal factor: the City must consider each reasonable accommodation request on its own and may not deny an accommodation request on the grounds that others may make a similar request.

Additionally, Disability Rights California has gained some familiarity with the actual operation of Costa Mesa's reasonable accommodation process through our representation of an individual plaintiff in the *Insight v. Costa Mesa* case, and we have been appalled at what we have learned. Costa Mesa Zoning Code and practice put the burden on the *applicant* to demonstrate that a requested accommodation would not be an undue burden or fundamental alteration, which is contrary to law. Moreover, Costa Mesa requires applicants to submit their reasonable accommodation requests to City staff for a purported consideration of their request, but City staff admitted to us in deposition testimony that this is a sham proceeding in the case of group homes seeking a waiver of the City's 650-foot separation requirement, because the City Council has directed staff *never* to grant such a request.

The City's revised Housing Element neither adequately acknowledges nor responds to these problems, which result in unnecessary and illegal barriers to access for people with disabilities.

2. Definition of Family

HCD's December 3 letter observed that the City defines "family" as "a single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities" and explained that the Housing Element "should include specific analysis of any potential constraint, including considering public comment and add or modify programs as appropriate." However, the revised Housing Element does not do this. The definition ignores the fact that many individuals with disabilities do have a disability-related reason for needing separate leases, or for taking their meals separately, or for keeping expenses separate from other members of the household, or for relying on a third party to

determine who else lives in the household, for instance. Public benefits programs that people qualify for on the basis of disability, such as housing or income subsidies, for instance, can require things such as separate leases, meals, or finances. People can have a disability-related reason for having separate food. Due to a disability-related impairment, a person may need a third party to organize their housing and determine who else will be living with them. The revised Housing Element does not engage with any of these matters and entirely disregards the constraints that they place on housing options for people with disabilities.

Nor does the Housing Element acknowledge that, as a practical matter, these are *only* constraints for people with disabilities. The City has no practice of investigating whether blood relatives, or roommates without disabilities, are actually eating meals or doing chores together. The restrictions only become an issue with people with disabilities are living together, because they will be treated as a "group home" if they cannot demonstrate that they are a family/single housekeeping unit.

3. Group Homes

HCD's December 3 letter accurately observes that the "City's zoning code appears to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors." As noted above, the City does not have "a barrier-free definition of family," as the December 3 letter explains is required. As a result, the City subjects housing for people with disabilities to onerous regulations and excludes them from some residential zones. And, as the December 3 letter notes, "these housing types in many cases are subject to a special use or conditional use permit, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses."

The revised Housing Element does not "include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate," as the December 3 letter explains that it should. Instead, the revised Housing Element

simply argues without evidence that Costa Mesa is justified in imposing these restrictions on housing options for people with disabilities. The revised Housing Element argues that, by limiting housing options for people with disabilities, the City is actually *protecting* them. But this is nonsensical. Many people have a disability-related reason for needing to live in the kind of housing that Costa Mesa terms a "group home." Our client in the *Insight* case, for instance, is a woman with mental health disabilities who needed to live in a supportive environment for a month or two while she transitioned from a psychiatric facility to community living. Costa Mesa's group home ordinances restrict the ability of housing providers to create this kind of housing in the community. There are far too few housing options for people with disabilities as it is. And in the case of our client, enforcement of Costa Mesa's group home ordinances will result in Insight's housing being shut down, with nowhere else in the City to go. Because it is the only housing of its kind in the region, people like our client will have nowhere to go for that kind of housing, and will be either stuck in an institution or living in a housing situation that does not provide what they need.

We urge the City Council not to approve the draft Housing Element until it fully responds to these and other barriers to access for people with disabilities.

Sincerely,



Autumn M. Elliott
Litigation Counsel

Zeenat Hassan
Staff Attorney

CC: Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov;

Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov;
Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov;
Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov;
Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov

From: Christopher Brancart <cbrancart@brancart.com>
Sent: Tuesday, January 18, 2022 12:01 PM
To: GREEN, BRENDA; NGUYEN, DAVID; CITY CLERK
Cc: Megan.Kirkeby@hcd.ca.gov; Huntley, Robin@HCD; Marisa.Prasse@hcd.ca.gov; Melinda.Coy@hcd.ca.gov; Compliancereview@hcd.ca.gov
Subject: CC Mtg - 01/18/2022 - Public Comment - Please disctributed before CC mtg
Attachments: LT City and HCD - Agenda Item CC Mtg 01-18-2022 (sent).pdf

Please see attached public comment re an agenda item on tonight's CC agenda, 01/18/2022. Thank you.

--
Christopher Brancart
Brancart & Brancart
(650) 879-0141 (voice)
(650) 879-1103 (fax)

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January 18, 2022

Via Email

Brenda Green, City Clerk
David Nguyen, Deputy City Clerk
Stacy Bennett, Deputy City Clerk
City of Costa, City Hall
77 Fair Drive
Costa Mesa, CA 92626
brenda.green@costamesaca.gov
david.nguyen@costamesaca.gov
stacy.bennett@costamesaca .gov
cityclerk@costamesaca.gov

Megan Kirkeby, Deputy Director
Robin Huntley, Analyst
Marisa Prasse, Analyst
Melinda Coy, Manager
Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
Fax: (916) 263-7453
Megan.Kirkeby@hcd.ca.gov
Robin.Huntley@hcd.ca.gov
Marisa.Prasse@hcd.ca.gov
Melinda.Coy@hcd.ca.gov
Compliancereview@hcd.ca.gov

Re: City of Costa Mesa: Updated Draft Costa Mesa Housing Element Sixth Cycle, 2021-2029 (Draft dated: January 2022)
City Council Meeting, January 18, 2022, Public Hearing Item 1

Dear Gentlepersons:

The City of Costa Mesa released last Friday its updated Draft Housing Element in response to comments by the public and review by the Department of Housing and Community Development. The City will conduct a public hearing on the updated draft Housing Element at tonight's City Council meeting.

Because the updated draft fails to adequately address the public and HCD comments regarding the original draft, submitted October 6, 2021, and contains several provisions that violate the state Government Code governing zoning and

planning, we urge the City Council to revise the updated draft as follows:

1. **Enforcement, HCD Letter, dated December 3, 2021, Appendix, p. 2.** The greatest source of fair housing complaints regarding dwellings in the City of Costa Mesa since 2015 has been the City's own group home regulations, codified at CMMC 9-370 et seq., 13-310, et seq., and 13-320, et seq. The City's updated draft fails to address this fact.

2. **Disproportionate Housing Need including Displacement Risk, HCD Letter, dated December 3, 2021, Appendix, p. 2.** The updated draft fails to address the displacement of persons with disabilities as a result of the City's retroactively applied group home regulations, City Zoning Code, Chapters XV and XVI. City records report that pursuant to those regulations, the City had shuttered more than 82 group homes and cited at least 227 for failure to comply with the City's group home regulations. Moreover, as early as 2015, the City acknowledged that its group home regulations would result in the closure of group homes, rendering the occupants of those homes homeless. This program by the City of Costa Mesa has been the greatest source of displacement in Costa Mesa since 2015.

3. **Supportive Housing by Right, HCD Letter, dated December 3, 2021, Appendix, pp. 6, 7.** There is no record of the City approving supportive housing since 2015. On the contrary, the City has legislated to dismantle existing supportive housing and to preclude new supportive housing from being built in Costa Mesa. The only zoning district in which supportive housing may be located by right is the City's Institutions and Recreation district, a non-residential zoning district.

4. **Reasonable Accommodation, HCD Letter, dated December 3, 2021, Appendix, pp. 6, 7.** The City amended its requirements and standards to obtain a reasonable accommodation (RA) from its zoning regulations at the same time it enacted its second ordinance, 14-13, to limit the number and location of group homes. This timing was not a coincidence. The City overhauled its RA requirements as part of Ordinance 14-13 in order to preclude existing group homes from avoiding closure as a result of the retroactive application of the City's group home regulations.

5. **Definition of Family, HCD Letter, dated December 3, 2021,**

Appendix, p. 7. The City amended its definition of Single Housekeeping Unit (SHU) in 2013 pursuant to Ordinance 13-05 for the express purpose of excluding group homes from qualifying as an SHU. The City further amended that definition as part of Ordinance 14-13, enacting its R-1 group home regulations, by inserting terms and conditions that explicitly exclude group homes from qualifying as an SHU.

6. Group Homes, HCD Letter, dated December 3, 2021, Appendix, p. 8. The City has amended its zoning regulations several times since 2013 to limit, close, and exclude group homes for persons with disabilities. In 2013, it enacted Ordinance 13-05, redefining SHU to exclude group homes from qualifying as an SHU so that they are subject to enforcement and closure by the City. In 2014, the City enacted Ordinance 14-13, narrowing its RA requirements, further narrowing the SHU definition, defining group homes in terms of the disability status of residents, and retroactively prohibiting group home in the City's R-1 districts unless permitted. Permitting, however, was subject to several discriminatory conditions. See Zoning Code, Tit. 13, Chapters I, XV. In 2015, the City extended its group home regulations to its multi-family residential districts, imposing additional permitting requirements that apply to no other businesses providing housing in the City. See Zoning Code, Tit. 13,Chapter XVI and Bus. Reg., Chapter II, Article 23. That same legislation imposed discriminatory hearing and notice requirements on group homes that apply to no other land uses regulated by the City.

Several group homes have challenged the application of these regulations to them individually and have lost for a variety of reasons before federal District Judge James Selna. But no court has ever addressed whether the City's group home regulations are themselves discriminatory on their face – until last week. An order by Judge Selna, dated January 12, 2022, finds that the regulations do indeed discriminate on their face, presenting a prima facie case of intentional discrimination committed by the City of Costa Mesa.

The City's current Zoning Code violates state and federal nondiscrimination laws, including Cal. Govt. Code § 65008. For that reason and others, it also violates state Housing Element and Affirmatively Furthering Fair Housing requirements. For HCD to approve the updated draft would be to give its stamp of approval to intentional discrimination on the basis of disability and make a

mockery of the State Planning and Zoning Law requirements under the Cal. Govt. Code.

Thank you for your consideration.

Yours truly,

David Alexander, Founder,
RAW Recovery
(949) 214-9307
dave@rawrecovery.com

YIMBY LAW

CALIFORNIA YIMBY

February 28, 2022

Policy Recommendations for 6th Cycle Housing Element

Dear Planning staff:

YIMBY Law submits this letter to share our policy goals and recommendations for the Policies and Programs section of your Housing Element. We appreciate the opportunity to participate in the Housing Element process.

The Policies and Programs section of the city's Housing Element must respond to data, analysis and findings presented in the Housing Needs section. We repeatedly see findings that housing prices are high, segregation exists, and there is a lack of housing for special populations, but the Policies and Programs don't respond to these findings or try to change outcomes. The overview of the city's housing environment should set the scene, and the policies and programs should explain what the city is going to do to fix it.

Our policy goals are as follows:

Affirmatively Furthering Fair Housing

1. **Prioritize rezoning in high resource, historically exclusionary neighborhoods.** Many of the highest resource neighborhoods with the best access to jobs, good schools, and other amenities have histories of exclusion which are still reflected in their zoning. Cities should rezone to allow more housing opportunities in those neighborhoods, particularly those with low Vehicle Miles Traveled, as part of their

Housing Elements.

2. **Establish a strong tenant protection ordinance so that new housing benefits everyone.** Development should not permanently displace current residents. Housing replacement programs, temporary housing vouchers, right of return, and demolition controls will create stability for renters while allowing new homes to be built for new households and to accommodate the growth associated with RHNA. In your sites inventory and rezoning programs, you should prioritize development on sites with owner-occupied housing & commercial uses over those with existing rent-controlled apartments or other rental housing with lower income residents.

3. **Support homeownership opportunities for historically excluded groups.** Homeownership continues to be a path to building financial security and inter-generational wealth, which has been systematically denied to many Americans. As a society, we need to make this right by intentionally offering opportunities to communities who have been excluded. The housing element should identify opportunities to create a variety of for-sale housing types and create programs to facilitate property ownership among excluded groups.

Site Capacity

4. **Adequately plan for density.** Ensure that a site's density will accommodate the number of homes that are projected to be built. In addition, make sure height limits, setback requirements, FAR, and other controls allow for adequate density and the ability to achieve a site's realistic capacity. Housing will not be feasible if you have a high density paired with low height limits. This density should be emphasized around jobs and transit and should go beyond the Mullin density in those areas.

5. **Provide sufficient zoned capacity to accommodate all income levels, including a minimum No Net Loss buffer of 30%.** Not every site will be developed at maximum density during the eight-year planning period. Identify an ample amount of opportunity sites and zone the sites to accommodate lower-income housing types (usually a statutory minimum of 30 dwelling units per acre) to give the city the best chance at meeting its RHNA.

6. **Use data from the 5th Cycle to calculate the likelihood of development for your 6th Cycle site inventory.** Likelihood of development is a measure of the probability of an inventory site being developed during the planning period. The median likelihood of development across the state is 25%, meaning only one of every four sites will likely be developed during the planning period for the median city. Incorporating the likelihood of development into the zoned capacity will set the city up to successfully achieve their RHNA, making the housing element less of a paper exercise and more of an actionable, functional document.

Accessory Dwelling Units

7. **Commit to an automatic mid-cycle adjustment if ADU permitting activity is lower than estimated in the housing element.** We highly recommend complying with HCD's standards of using one of its "safe harbor" methodologies to anticipate future ADU production. However, if the city is optimistic about ADU growth, then creating an automatic mid-cycle adjustment will automatically facilitate alternative housing options (i.e., a rezoning program, removing development constraints, ADU incentives, etc.) if the city falls behind the estimated ADU production.

8. **Incentivize new ADUs, including those that are rent-restricted for moderate- or lower-income households or that are prioritized for households with housing choice vouchers.** Consider offering low- or no-interest loans, forgivable loans, impact fee waivers for ADUs that are 750 square feet or larger, allowances to facilitate two-story and second-story ADU construction, etc.

Zoning

9. **Allow residential to be built in areas that are zoned for commercial use.** There are a myriad of ways to do this, but a housing overlay is one common policy. Additionally, consider eliminating new commercial space in mixed-use developments where there is not a strong demand or there is otherwise a glut of commercial space that is unused or frequently vacant.

10. **Allow flexibility in inclusionary zoning.** Cities should require different percentages for different AMI levels. Additionally, we urge cities to incentivize land

dedication to affordable developers in order for market-rate developers to meet their inclusionary requirements. Avoid getting trapped into thinking that the affordable units must be "sprinkled throughout" the market-rate units, or require the market-rate units to look exactly the same as the affordable ones. This should be balanced against not locating all of the affordable units in one place and ghettoizing neighborhoods by creating or perpetuating racially concentrated areas of poverty.

Better Entitlement Process & Reducing Barriers to Development

11. **Ensure that the city has a ministerial process for housing permitting, especially multi-family housing, and remove impact fees for deed-restricted housing.** A discretionary process for housing development creates uncertainty and adds to the cost of construction. For example, multi-family housing should not require a conditional use permit or city council approval unless the builder is asking for unique and extraordinary concessions. Right-sizing governmental constraints, entitlement processes, and impact fees will help the city successfully meet its RHNA.

12. **Reduce parking standards and eliminate parking minimums.** Minimum parking requirements are a major constraint on housing, especially for lower cost housing types. They can cost in excess of $30,000 per spot and can raise rents by as much as 17%, and eliminating them is particularly important for smaller & other spatially constrained sites. Consider adopting a parking maximum.

13. **Cap fees on all new housing.** Most construction costs are outside the City's control, but reducing impact fees can demonstrate that a city is serious about building new housing. At a minimum, cities should delay the collection of impact fees until the issuance of the certificate of occupancy to reduce financial impacts on new housing and make the units cheaper by not asking the developer to carry impact fee charges or debt throughout the construction phase.

14. **Provide local funding.** One of the largest barriers to building new affordable homes is the lack of city/county funds available to assemble sites, provide gap funding, and to pay for dedicated staff. Without new funding, especially at the local level, we will not be able to build more affordable homes. There are three

new revenue streams that should be considered: 1) **Transfer tax**, a one-time payment levied by a jurisdiction on the sale of a home, may be utilized to raise much needed revenue to fund affordable homes; 2) **Vacancy tax** may be collected on vacant land to convince landowners to sell their underutilized properties and be used to fund the construction of affordable homes; 3) **Commercial linkage** fees should be adopted or revisited for increases on new commercial developments.

We urge you to include these policies in your 6th cycle Housing Element.

Best regards,

Sonja Trauss

Executive Director

YIMBY Law

sonja@yimbylaw.org

Costa Mesa Affordable Housing Coalition

February 1, 2022

Mayor John Stephens and Members of the City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA

RE: Measure Y and Complying with Costa Mesa's RHNA Requirement

Dear Mayor Stephens and Council Members:

There are two critical things Costa Mesa must do to comply with its legal obligation to accommodate its 2021-2029 RHNA for lower income households. The first thing is to **adopt a strong inclusionary housing ordinance** requiring **a minimum of 15%** of all new homes to be affordable to lower income households. The second is to **amend Measure Y** so it no longer impedes housing development in Costa Mesa.

Members of the Costa Mesa Affordable Housing Coalition (the Coalition) participated in the City's well-attended January 11th community meeting on Measure Y. We were very pleased to hear **widespread support for amending Measure Y**. Many residents who called in during the meeting specifically lamented Costa Mesa's lack of affordable housing. These same residents expressed the common sense view that Measure Y's burdensome "city-wide vote" requirement is impeding the construction of new residential development in our city. While a few commenters warned the City not to touch Measure Y, the vast majority of callers supported amending this voter-enacted law so Costa Mesa can gain the affordable housing so many of our residents desperately need.

In my public comments, I suggested the City should **amend Measure Y to state that it does not apply to <u>any housing development which includes a</u> <u>minimum percentage</u> of lower-income affordable units**. At the time, I urged a 20% requirement for exemption from Measure Y. While 20% would be terrific, our Coalition would also support a 15% lower-income affordable requirement for exemption from Measure Y. Absent such an amendment, Costa Mesa will never meet its lower income RHNA obligation, and its residents will continue to suffer the life-constricting consequences of paying unaffordable rents. We urge you to act.

Thank you for considering our concerns about the draft 2021-2029 Housing Element Update.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Justin Arias, Associate Planner for the City of Costa Mesa
Paul McDougal and Marisa Prasse, California Department of Housing and Community Development
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

THE Kennedy COMMISSION

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909

February 1, 2022

Mayor John Stephens and Members of the City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Agenda Item 1. CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT

Dear Honorable Mayor Stephens:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than $27,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that has led to the new construction of homes affordable to lower income working families.

In order to meet its 2021-2029 RHNA goals, the City must adopt an Inclusionary Housing Ordinance with a 15% requirement of affordable housing production at extremely low, very low and low-income categories. In addition, the City must exempt affordable housing development projects, especially those that include extremely low, very low, and low-income units. Measure Y is the City's largest constraint to affordable housing development. By requiring a "city-wide vote", Measure Y is preventing the devlopment of much needed affordable housing.

Density bonus alone will not develop affordable housing that is needed in the City. The City's 5th Cycle RHNA progress demonstrates that above moderate income housing production has outpaced lower income housing development by a 38 to 1 ratio. The density bonus alone has not been effective in producing affordable housing for lower income households. From 2014-2020, only 30 permitted units were issued at low and very low income. Of those, **only 9 units** are deed restricted at very low and 21 units are non-deed restricted ADUs at very low and low income.

We strongly encourage the City to prioritize the development of affordable homes to better meet the housing needs of low income residents in Costa Mesa. The Commission has provided the following recommendations for the City to consider:

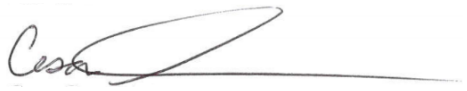
1. Adoption of an effective Inclusionary Housing Ordinance with a 15% requirement of affordable housing production at extremely low, very low and low-income categories within the first 2 years of the next planning period.
    a. The Housing Element should be revised to contain a clear commitment to adopt an Inclusionary Housing Ordinance by October 2022 in order to have a beneficial impact in the upcoming planning period.
    b. The City must adopt the Inclusionary Housing Ordinance prior to any zoning changes or other land use changes that could negatively affect allowable residential densities needed to meet 2021-2029 RHNA goals.

2. The City must make mid-cycle adjustments to programs to better facilitate affordable housing development if RHNA goals are not moving forward during the first half of the 2021-2029 planning period, especially among low, very low, and extremely low income.

3. The City's largest constraint to affordable housing development is Measure Y because it incentivizes less dense and thus unaffordable development. The City must exempt affordable housing development projects especially those that include extremely low, very low, and low-income units.

The Commission looks forward to partnering with the City to increase affordable home opportunities for lower income households in the Costa Mesa. Please keep us informed of any updates and meetings regarding strategies to increase affordable homes for lower income households in the City. If you have any questions, please feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

Public Hearing 1 – Public Comments

From: Mary Helen Beatificato <mh@nsightrecovery.com>
Sent: Monday, January 31, 2022 10:12 AM
To: CITY CLERK; CONSTITUENT SERVICES; STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS
Cc: McDougall, Paul@HCD; Prasse, Marisa@HCD; BARLOW, KIMBERLY HALL
Subject: [NOENCRYPT] Comment on Public Hearing Item #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)
Attachments: DOC012722.pdf

Madam City Clerk and Honorable Members of the City Council,

Attached please find a comment letter on Public Hearing Item #1 for the February 1, 2022 City Council meeting — the 2021-2029 (Sixth Cycle) Housing Element Update. This is the comment letter I sent to HCD on the final draft of Costa Mesa's Housing Element Update. A link to the attachments to the letter is below.

HCD Attachments

Best regards,

Mary Helen Beatificato

CEO & General Counsel
Call or Text: (949) 214-8618

NSIGHT
PSYCHOLOGY & ADDICTION
WHEN INDIVIDUAL THERAPY IS NOT ENOUGH

Nsight Psychology & Addiction
4000 Birch Street, Suite 112
Newport Beach, CA 92660
www.NsightRecovery.com

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NSIGHT ™
PSYCHOLOGY & ADDICTION

January 27, 2022

To: Paul.McDougall@hcd.ca.gov; Marisa.Prasse@hcd.ca.gov

RE: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element

Dear Mr. McDougall and Ms. Prasse,

The City of Costa Mesa's Draft Housing Element update for the Sixth Cycle (2021-2029) does not address the comments relating to "Housing for Persons with Disabilities" that the California Department of Community Development ("HCD") provided to Costa Mesa in your letter, dated December 3, 2021. (Attachment 1.) We (and others) raised this issue through written comments before the City Council's January 11, 2022, public hearing on the draft Housing Element update. (Attachment 3.) City staff and the City Council did not address (or even acknowledge) our comment letters during the public hearing.

Insight's Housing in Costa Mesa

As you may recall, my company (Insight Psychology and Addiction, Inc.) provides supportive housing for adults transitioning from 24-hour psychiatric care to community living (i.e., being able to live where and with whom one chooses, such as living alone, living with loved ones, or living with housemates/roommates). Our housing is located in one of Costa Mesa's multifamily residential zoning districts. At the time we established our housing (which consists of six units, each with six or fewer beds), it was permitted by right.

The purpose of our housing is to foster autonomy in the least restrictive environment possible. For this reason, our Costa Mesa housing does not provide any licensable services on site and, therefore, is not required to obtain — nor eligible for — any state licenses. Although there is a desperate unmet need for this type of transitional supportive housing, there is no other housing like it in Orange County. (See Attachment 6, pp. 64, 67-68, ¶¶ 20-21, 37-40.) We are not a sober living home. We are not a licensed residential care facility. Costa Mesa created definitions of "family" and "single housekeeping unit" that are designed to ensure our residents could never qualify. (See Attachment 12, pp. 94, 101.)

4000 Birch Street, Suite 112A • Newport Beach, CA 92660
2499/035905-0001
17412232.3 a01/26/22 Tel: 888-256-2201 or 949-216-3851 Fax: 949-203-0402 • www.NsightRecovery.com

Costa Mesa's Group Home Regulations

In late 2015, Costa Mesa adopted group home regulations and operator's permit requirements for "group homes" in multifamily zones. The express purpose of the City's group home regulations is to address a perceived "proliferation" of a narrow subset of group homes — i.e., sober living homes. (Attachment 4, p. 2, last recital.) Costa Mesa did not perform any technical studies or other formal analysis for its group home regulations (Attachment 12, p. 56), and Costa Mesa's Director of Economic and Development Services (Jennifer Le) acknowledges its group home regulations were largely based on "unsubstantiated citizen complaints." (Attachment 13, p. 6, ¶ 16.)

Impact of Group Home Regulations on Shared Housing for People with Disabilities

The City's group home regulations set out to reduce the number of group homes in the City, and they are working as designed. They have had a drastic impact on the City's stock of shared housing for people with disabilities:

Group Home Beds*	2014	2017	2021
Beds in the Single Family Residential Zone	386	425	183
Beds in Multi-Family Residential Zones	762	1,273	296**
Beds in Other Zones	76	82	0
TOTAL BEDS	**1,224**	**1,780**	**479**

* All of these figures come from the City's own data, which Insight provided to the City in connection with its summary judgment motion in its legal action against Costa Mesa. (See Attachments 19, 20, and 21; see also Attachment 13 [Exhibit 2 – 2014 data]; Attachment 13 [Exhibit 3 – 2017 data]; Attachments 14-18 [2021 data].)

** This figure and the grand total include the 30 beds my company is currently providing. Closing Insight's housing will therefore, result in a further loss of 6.26% of the City's total beds (i.e., 30 of 479 is 6.26%).

Impact of Group Home Regulations on Insight's Housing

My company's experience navigating Costa Mesa's group home regulations is a case-in-point on why the City has lost so many of its group homes and has not replaced them with new operators. Even though our housing is a lawful preexisting use, Costa Mesa's group home regulations purport to require it to obtain a conditional use permit (CUP) and require it to comply with the City's 650-foot separation requirement (i.e., group homes cannot be located within 650 feet of a state-licensed facility or another group home). City staff told us our housing ***cannot obtain a CUP*** because it is 476 feet and 636 feet respectively from state-licensed residential drug or alcohol treatment facilities that are located outside Costa Mesa's jurisdiction in unincorporated

Orange County. Notably, our housing was there first, but that was irrelevant to the City. (Attachment 9, p. 41].)

We applied for a reasonable accommodation asking the City to relax its separation requirement in this instance to allow us to continue providing this much-needed housing. (Attachment 6.) We told the City there is no other housing like ours in Orange County. (Attachment 6, pp. 6, 12; Attachment 9, p. 23.) We told the City we cannot feasibly move our housing to another location. (Attachment 9, p. 32.) We pointed out that we'd been providing our housing for more than three years with no code enforcement complaints. (Attachment 9, p. 33-37, 40.) We offered to stipulate to conditions of approval to address the City's stated concerns (e.g., limiting occupancy, limiting vehicles). (Attachment 8, pp. 39-40; Attachment 9, p. 29.) Nevertheless, Costa Mesa ***denied*** our accommodation request to relax the separation requirement because, in their words, "[i]t doesn't meet the separation requirement." (Attachment 9, p. 70, lines 14-17.)

The process took ***more than three years*** (October of 2016 through November of 2019). We spent ***hundreds of hours*** on submittals and ***thousands of dollars*** on application fees and mailing labels. We endured ***two vicious public hearings***, one for the Planning Commission and one for the City Council. Before both hearings, the City sent mailers to the owners and occupants of all of the properties within 500 feet of our housing and published notice on its website and in the newspaper identifying our housing as a "group home" and, in doing so, "outing" our residents' disabilities to their neighbors and the community as a whole. At those hearings, public commenters did not hide their fear and animosity about people with disabilities. (See, e.g., Attachment 9, p. 53, lines 22-23 ["... somebody is mentally disabled does not belong in a neighborhood next door to me or any of us in this room."]; id., at p. 54, lines 17-22 ["... mentally ill cannot associate with our children, neighbors. They are just having a ... disability that can be helped only in a mental institution."].) It wasn't just me who had to withstand this cruelty — two of my former residents attended the Planning Commission hearing, and one of my former residents attended the City Council hearing. (Attachment 8, pp. 74-77 ["When you say no to Nsight, you're saying no to a woman like me..."]; Attachment 9, pp. 59-60.)

Our request was doomed from the start. The City has since acknowledged that there was never any possibility the City would relax the separation requirement for us because the Council had previously given "very clear direction that they didn't want to have any kind of deviation from the 650-foot separation, no matter what type of group home it was." (Attachment 11, p. 112, lines 22-25.) Indeed, even though more than twenty preexisting group homes have requested the City relax the separation requirement to allow them to continue providing housing, Costa Mesa has ***never*** approved such a request for a group home that required a CUP. (Attachment 22.)

Litigation Regarding Costa Mesa's Group Home Regulations

In March of 2020, my company and one of our former residents filed a legal action against the City of Costa Mesa alleging its actions with respect to Insight violate a variety of fair housing and disability discrimination laws — *Insight Psychology and Addiction, Inc. v. City of Costa Mesa*, United States District Court for the Central District of California, Case No. 8:20-cv-00504-JVS-JDE. Our trial date is April 5, 2022, and we currently have cross motions for summary judgment pending (with a hearing date of February 14, 2022).

Contrary to the City's claims in its revised Housing Element update, the City's group home regulations have ***not*** been "upheld by numerous courts in both state and federal court." (Attachment 2, p. 3-21.) Conspicuously, the City's proposed changes to its Housing Element update do not cite any legal decisions upholding its (or any other agency's) group home regulations. There are numerous decisions finding similar regulations in other cities discriminatory, such as *Pacific Shores Properties, LLC v. City of Newport Beach*, 730 F.3d 1142, 1165 (9th Cir. 2013) ("Subjecting an entity protected by anti-discrimination laws to a permit or registration requirement, when the requirement is imposed for a discriminatory purpose, has obvious adverse impacts upon that entity ... This would be true even if such permits were granted freely, which is decidedly not the case here.")

In fact, a recent United States District Court decision denied Costa Mesa's motion for summary judgment in an action brought by an operator of a sober living home (Ohio House, LLC). With respect to that disparate treatment claim, the Court found:

> ... Ohio House has presented evidence from which ***a reasonable jury could conclude that there are no set of circumstances under which the Regulations would be valid***. For instance, if the fact-finder accepts Ohio House's claim that the Regulations are impermissibly discriminatory under a disparate treatment theory, they could conclude that this would be true in every circumstance. This is especially true because ***the City has not identified any circumstances under which the Regulations would be permissible*** if Ohio House otherwise proves its discrimination claim.

(Attachment 5, p. 16 [emphasis added].) The legality of the Costa Mesa's group home regulations are very much in question.

Unrefuted Expert Analysis Shows Disparate Impact

In connection with Insight's legal action, Insight retained a well-respected demographer and statistician (Ann Moss Joyner of the Cedar Grove Institute for Sustainable Communities) to analyze the impacts of Costa Mesa's group home regulations. To Insight's knowledge, no one has done this before (including the City). Ms. Moss Joyner prepared a detailed report. (Attachment 23.) Her conclusions are on pages 88-89. Among other things, Ms. Moss Joyner concluded:

> - I find that the City's zoning regulations on Group Homes and boardinghouses reduce the availability of housing for people with disabilities in ways that they do not restrict the availability of housing for the population at large living in dwellings that are less likely to house people with disabilities (e.g. single family and multifamily housing).
>
> ...

> - I find that the City set out to reduce the presence of existing Group Homes in the City and did this by its use of its Zoning Code, its Special and Conditional Use Permit process, its Reasonable Accommodation process, and its implementation practices, all of which reduced the availability of Group Homes as supportive housing for those with disabilities.
>
> - I find that the City's Zoning Code, its Special and Conditional Use Permit process, its Reasonable Accommodation process, and its implementation of implementation practices made it more difficult to site Group Homes than to provide housing for the residents of the City without disabilities (e.g. single family and multifamily housing).
>
> ...
>
> Taken together, all of the analysis above shows that the City set out to reduce the purported "overconcentration" of Group Homes without providing a mechanism whereby there were sufficient sites wherein Group Homes that serve residents with varied kinds of disabilities might locate within the City with City approval. Thus, the result is a severe reduction in the availability of supportive housing for residents with disabilities in Costa Mesa and – without Insight's supportive housing – no transitional community supportive housing for those with mental health disabilities.

(Attachment 23, p. 89.) Insight provided this report to the City in July of 2021. After that, the City had two months to retain its own expert to peer review Ms. Moss Joyner's findings and prepare a rebuttal report. Insight does not know what effort, if any, the City made to find an expert to review Ms. Moss Joyner's findings, but what is clear is that ***the City has never provided a rebuttal report***. To Insight's knowledge, Ms. Moss Joyner is the only expert who has ever analyzed the impacts of Costa Mesa's group home regulations.

Housing Element Update

Costa Mesa's housing regulations must proactively account for the needs of residents with disabilities. Its housing element must include "[a]n analysis of any special housing needs, such as those of ... persons with disabilities." Gov. Code § 65583(a)(7). Its zoning actions are "null and void" if they deny "to any individual or group of individuals the enjoyment of a residence ... because of ... [disability]." *Id.*, at § 65008(a)(1)(B). Even if the City claims its group home regulations are ***intended*** to "benefit" people with disabilities (which Insight disputes), this Housing Element update requires Costa Mesa to take stock and meaningfully analyze whether its group home regulations are ***actually*** benefitting people with disabilities who rely on shared housing. They are not. They have resulted in the loss of more than 70% of the City's group home beds since 2017. (See Attachments 20-21.)

Insight, its residents, operators of many other group homes, their residents, and disability rights advocates have been ringing the alarm bell for years that there are serious problems with Costa Mesa's group home regulations. The City has ignored us.

Your office's December 3, 2021 comment letter told the City in no uncertain terms that it needs to undertake a "specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate." (Attachment 1, p. 8.) Instead of providing the "specific analysis" HCD and the Housing Element Law requires, Costa Mesa's revised Housing Element update adds superficial language that, in many instances, is demonstrably false:

Additional Language in Housing Element Update	Insight's Response
Group Homes	
"Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City." (Attachment 2, p. 3-21.)	Many people with disabilities (including residents of our housing) cannot "live in any residential property in the City." This is no different than telling individuals who rely on wheelchairs they can live in "any residential property" without regard to whether the property has wheelchair access. As a result of our residents' disabilities, they need shared housing — it is therapeutic for individuals transitioning from inpatient psychiatric hospitals to have housemates going through similar experiences they can confide in. As a result of their disabilities, they do not have the ability to arrange this housing for themselves (e.g., find an available unit, furnish it, set up utilities, find roommates with similar disabilities, etc.). They need someone (in this case, Insight) to make those arrangements for them. Importantly, the City's Zoning Code does not allow group homes in the exact same places it allows single and multi-family dwellings. To illustrate, if Insight stopped providing its shared housing for people with disabilities (which the City deems an unpermitted "group home"), the City would permit (by right) the ***same six units*** to be used for apartment rentals for the ***same number of occupants*** (or more) with the ***same number of vehicles*** (or more) with no requirements for length of tenancy. If our units were used for apartment rentals, they would not need a CUP or

Additional Language in Housing Element Update	Insight's Response
	operator's permit. There would be no separation requirements.
"The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court." (Attachment 2, p. 3-21.)	This is false. See Attachment 5 for an example of a recent Federal Court decision that held "a reasonable jury could conclude that there are no set of circumstances under which the Regulations would be valid."
The group home regulations are "intended to and actually protective of persons with disabilities." (Attachment 2, p. 3-21.)	The Housing Element Law requires the City to evaluate the ***actual results*** of its housing regulations (not their intended results). Costa Mesa's group home regulations have resulted in a loss of more than 70% of its group home beds. (See Attachments 20-21; see also Attachment 13 [Exhibit 3 – 2017 data] and Attachments 14-21 [2021 data].) At a minimum, the Housing Element Law requires the City to investigate whether its own actions are a constraint of shared housing for people with disabilities. Based on Insight's experience navigating the City's group home regulations, and the City's own data, the obvious, unavoidable answer is yes.
"Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled." (Attachment 2, p. 3-21.)	The City's SUP, CUP, operator's permit, and separation requirements make it exceptionally difficult to site group homes in the City's residential zoning districts. They have not resulted in group homes being "integrated into residential communities." There were substantially more group homes in residential communities before the City adopted its group home regulations than there are now. The only areas where the City's zoning purports to permit group homes by right are ***institutional*** districts (where the Land Use Element of the City's General Plan outright prohibits residential uses).
"The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a	"Multiple adjoining properties clustered together" is not an "institutionalized setting[]." It is simply medium or high density housing (e.g., apartment rentals or condos). The City's zoning allows this kind of housing ***by right*** for multi-family units. It should do the same for group homes.

Additional Language in Housing Element Update	Insight's Response
City far from their actual homes." (Attachment 2, p. 3-21.)	Other than the occupancy standards in the State Housing Code, the City has no constraints on the occupancy of a single-family or multi-family household. If any household (group home or not) has "crammed quarters," the City could address this by enforcing the State's occupancy limits. Insight's housing, for instance, does not have more than two residents per bedroom. Any eviction could result in homelessness, but the City does not regulate evictions for other types of rental housing. Moreover, if the City is concerned about "eviction[s] without warning," it's regulations should preserve pre-existing group homes (not prohibit them). Instead, the City's group home regulations have resulted in numerous "eviction[s] without warning." They have resulted in the closure of more than 80 group homes with no protection or transition plan for the residents of those homes. For example, after the City denied Insight's CUP and accommodation request, the City ordered us to "cease and desist" from providing housing within 30 days. The City was not concerned about what would happen to our residents if we closed.
"It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process." (Attachment 2, p. 3-21.)	The City did no studies to determine if group homes have a greater impact on traffic, noise, parking, etc. than other types of housing. (Attachment 12, p. 56.) The City's assumption that there is more "drug-related activity" in a group home than any other type of household is based on prejudice about people in recovery. The City has no data that shows group homes generate more drug-related calls for service than other types of residences. Finally, it is incredibly disappointing that the City's Housing Element would say group homes detract from the residential character of neighborhoods or make them less desirable places to live. The residents of group homes want to live in residential neighborhoods just as much as the residents of other households. The

Additional Language in Housing Element Update	Insight's Response
	City has no data showing property values or rental values decreased in neighborhoods with group homes.
"The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments." (Attachment 2, p. 3-21.)	Even if this is true, the "model operational standards" of the "recovery community" would not be appropriate for every type of group home. The residents of Insight's housing are not in the "recovery community." They are a ***clinically distinct population*** with different needs (e.g., they would not benefit from Big Book study or 12-step meetings). Simply put, you cannot have one set of "model operational standards" for every type of group home. If there are to be operational standards, the operators (or the pertinent industry) are in a better position than the City to determine what those standards should be.
"Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City." (Attachment 2, p. 3-21.)	The City's' data reports that, as of April of 2021, it has only approved 16 group homes, and at least five of those approvals (more than 30%) pre-date the City's group home regulations. Of the 67 group homes that applied for CUPs, the City has only approved one. That is an approval rate of less than 1.5%. (Attachment 23, p. 20; see also Attachment 14.)
"There is no shortage of options for those seeking to live in a recovery home in low or high density areas of the City." (Attachment 2, p. 3-21.)	Costa Mesa's approach to group homes it treats all group homes, sober living homes, and state-licensed facilities as if they are interchangeable. They are not. Different types of group homes and facilities provide different levels of care to clinically distinct populations. Even if the City had a sufficient number of one type of group home (e.g., sober living homes), it could still have a ***shortage*** of another type of group home that meets a different need (e.g., transitional housing for people with psychiatric illness who do not need addiction care). Claiming "there is no shortage of options" for people with disabilities who rely on shared housing ignores overwhelming evidence in the record from group home operators, their residents, and

Additional Language in Housing Element Update	Insight's Response
	disability rights advocates that there is a dire shortage of housing for certain groups.
"... the City does not regulate state licensed homes of six or fewer residents, as that is permitted by state law." (Attachment 2, p. 3-21.)	This is another example of Costa Mesa treating all group homes, sober living homes, and state-licensed facilities as if they are interchangeable. Our residents do not need (nor want) to live in a state-licensed home. The purpose of our Costa Mesa housing is to foster autonomy in the least restrictive environment possible. State-licensed homes provide a higher level of care that would defeat the core purpose of our housing. Importantly, Costa Mesa's group home regulations prohibit group homes within 650 feet of state-licensed facilities, so the location of these facilities (which the City cannot regulate if they have 6 beds or less) inherently impacts where group homes can be sited. For example, our housing is located within 650 feet of state-licensed facilities that opened ***after*** we had already been operating (and are outside Costa Mesa's jurisdictional boundaries), but the existence of these new facilities is the reason the City is telling us we need to shutter our housing. The City's group home regulations prioritize state-licensed facilities to the detriment of group homes. The result is that the City may have a sufficient amount of state-licensed facilities to meet the needs of its community, but it suffers from a dearth of group homes.
SOLUTION: Costa Mesa's Housing Element update should include a program that requires the City to repeal its group home regulations ***by a specified deadline***. Costa Mesa's housing should treat group homes the same way it treats other households in the same zones in the same structures. If multi-family housing is permitted by right, a household comprised of shared housing for people with disabilities in a multi-family structure should be permitted by right as well.	
Transitional Housing	
"Currently, the city permits transitional housing in consistent with the development standards and	Costa Mesa's Zoning Code definition of "transitional housing" (CMMC § 13-6) is very similar to the definition in the Housing Element Law (Gov. Code §

Additional Language in Housing Element Update	Insight's Response
regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified Program 2J to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law." (Attachment 2, p. 3-21.)	65582(j)). There are many types of shared housing for people with disabilities that that do not meet the Housing Element Law's definition of "transitional housing," e.g., because their length of tenancy is not necessarily six months or longer. Insight's housing is transitional (i.e., it is a safe place for psychiatric patients to transition to community living), but it does not qualify as "transitional housing" under this definition because there is no requirement that residents live there for six months or longer. Moreover, Costa Mesa's Zoning Code does not define or use the term "single-family unit" or "SFU," but its definitions of "family" and "single housekeeping unit" ***preclude*** "transitional housing" (as defined) from qualifying as either a "family" or a "single housekeeping unit" for a variety of reasons. Residents of "transitional housing": • Will not have "established ties and familiarity with each other; • Will not necessarily "share meals", "household activities", and "responsibilities"; • Probably will not share "expenses"; • Probably will not have control over who becomes a member of the household; • Probably will not share a lease agreement; • May have locks on their bedroom doors; and • May have separate food storage facilities. Many providers of transitional housing do not operate on a "nonprofit basis." If a provider of transitional housing has more than one unit or operation in Costa Mesa, it is considered an "integral facility" (see CMMC §13-6) which results in a "rebuttable presumption" that its housing is not a

Additional Language in Housing Element Update	Insight's Response
	single housekeeping unit. Costa Mesa outright prohibits group homes from operating as "integral facilities. (See CMMC §§ 9-374(b)(4), 13-311(a)(7).) Even if the tenancies of transitional housing are 6+ months, it is not clear that the City would consider this "fairly stable as opposed to transient." The City's Zoning Code does not define "transient." This means that, unless transitional housing is state-licensed and has six beds or less (in which case, State law requires Costa Mesa to treat it the same as a single-family residence), Costa Mesa will regulate it as a "group home" with: (1) discretionary permit requirements (i.e., SUP and CUP); (2) operator permit requirements; (3) separation requirements; and (4) an outright prohibition on "integral facilities (as broadly defined by Costa Mesa's Zoning Code). This is a constraint on transitional housing for all of the reasons discussed above.
SOLUTION: At a minimum, Program 2J should require Costa Mesa to amend its definition of "transitional housing" ***by a specific deadline*** to ensure that "transitional housing" is not treated differently from other households (e.g., single-family dwellings," "multi-family dwellings," "common interest developments," etc.), regardless of whether the "transitional housing" meets the City's definition of "family" and/or "single housekeeping unit."	
Supportive Housing	
"Currently, the city permits supportive housing in consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified Program 2J to update the zoning code to acknowledge supportive housing distinctively in	Costa Mesa's Zoning Code definition of "supportive housing" (CMMC § 13-6) is very similar to the definition in the Housing Element Law (Gov. Code § 65582(g)). There are many types of shared housing for people with disabilities that that do not meet the Housing Element Law's definition of "supportive housing," e.g., because it does not restrict occupancy to the "target population" (as defined in § 65582(i)). Insight's housing is a supportive community, but it does not qualify as "supportive housing" under this definition. Although Insight's housing is affordable ($1,500/month), it does not limit eligibility to "persons with low incomes." Although virtually all

Additional Language in Housing Element Update	Insight's Response
the City's land use matrix, consistent with state law." (Attachment 2, p. 3-22.)	residents receive psychiatric services off site, Insight's housing is not "linked to an onsite or offsite service." Under Costa Mesa's Zoning Code, "supportive housing" cannot qualify as a "single-family unit" (which we infer means "family" or "single housekeeping unit") for all of the reasons discussed in the previous row. As with transitional housing, this means that, unless supportive housing is state-licensed and has six beds or less (in which case, State law requires Costa Mesa to treat it the same as a single-family residence), Costa Mesa will regulate it as a "group home" with: (1) discretionary permit requirements (i.e., SUP and CUP); (2) operator permit requirements; (3) separation requirements; and (4) an outright prohibition on "integral facilities (as broadly defined by Costa Mesa's Zoning Code). This is a constraint on supportive housing for all of the reasons discussed above.
SOLUTION: At a minimum, Program 2J should require Costa Mesa to amend its definition of "supportive housing" ***by a specific deadline*** to ensure that "supportive housing" is not treated differently from other households (e.g., single-family dwellings," "multi-family dwellings," "common interest developments," etc.), regardless of whether the "supportive housing" meets the City's definition of "family" and/or "single housekeeping unit."	
Reasonable Accommodations	
"The inherent constraints of any reasonable accommodation process are that the accommodation must be both 'reasonable' and 'necessary.' Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for example. A General Plan and evaluation of uses as	Costa Mesa's "Reasonable Accommodation" procedure (CMMC §§ 13-200.60 to 13.300.63) blatantly violates federal and state fair housing and disability discrimination laws. (See, e.g., 28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).) Its submittal requirements alone (CMMC §13-200.62(a)-(b)) require a level of sophistication, time, and resources that will deter or disqualify a broad range of people with disabilities from even applying. For example, requiring the request to be submitted "in writing" disqualifies individuals who cannot write. The submittal requirements also include unrestricted catchalls allowing the Director and Hearing Officer to

Additional Language in Housing Element Update	Insight's Response
consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established Program 2N and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process." (Attachment 2, p. 3-34.)	demand "[a]ny other information" they determine is necessary. In my company's case, staff used this process to justify invasive and burdensome demands into my company's proprietary business operations, which we provided because we had no other choice. The City will not grant an accommodation request unless the Director can make eight separate findings (CMMC § 13-200.62(f)), and contrary to Federal and State law, the City ***puts the burden on the requester*** to prove up ***all eight*** findings. (Attachment 8, pp. 27-28].) For example, the City's Code requires it to deny an accommodation request unless the requester can prove (among other things) that the request "will not impose an undue financial or administrative burden on the city, as 'undue financial or administrative burden' is defined in fair housing laws and interpretive case law." (CMMC § 13-200.62(f)(3).) This is an impossible task for most (if not all) requesters. It requires requesters to ***prove a negative*** (i.e., that granting their request will not result in an fundamental alternation or an undue burden), and the information needed to even begin this analysis is exclusively within the City's control. That is why State and Federal law requires agencies ***to grant*** an accommodation request unless the agency can prove doing so would be an undue burden or fundamental alteration. (28 C.F.R. § 35.130(b)(7); 28 C.F.R. § 35.150(a)(3).)

SOLUTION: Program 2N should require the City to amend its reasonable accommodation process ***by a specified deadline*** to do all of the following:

1. Specify that City staff will assist requesters with the submittal process (e.g., requesters who are not able to write may make verbal requests) (see CMMC § 13-200.62(a)-(b));

2. Clarify that requesters do not need to provide any medical information or documentation as part of their submittal for a disability-related accommodation request (see CMMC § 13-200.62(b)(2), (4));

3. Remove open-ended submittal requirements (see CMMC § 13-200.62(b)(3), (7));

Additional Language in Housing Element Update	Insight's Response
4. To protect the requesters' privacy, provide an appeal procedure that does not require any noticed public hearings or meetings of any kind that are open to the public (see CMMC § 13-200.62(d));	
5. Remove the "Grounds for reasonable accommodation" and "Findings" subsections (CMMC § 13-200.62(e)-(g)) entirely and replace them with a procedure that places the burden on the requester to establish the request is "reasonable" and "necessary" and, if the requester makes those showings, places the burden on the City to establish granting the request is an "undue burden," "fundamental alteration," or "direct threat," and specify that the City ***must grant the request*** unless it makes one or more of these findings.	
Definition of Family	
"The courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability." (Attachment 2, p. 3-34)	The City's residential zones regulate density of housing units (i.e., how many housing units can be on an acre) without regard to ***who*** lives in them or ***how many*** occupants live in them (subject to the State's occupancy limits). In contrast, the City's definition of "single housekeeping unit" has nothing to do with density. It regulates the occupants' relationships with each other (e.g., whether they have "established ties and familiarity with each other) and how they manage their household (e.g., whether they share common areas, meals, household activities, expenses, responsibilities, etc.). This definition also regulates the business operations of the housing provider — the "residential activities of the household" must be "conducted on a nonprofit basis." There are many households in Costa Mesa that would not meet all of the City's requirements for "single housekeeping units." For example, rental properties are not typically "conducted on a nonprofit basis." The purpose of rental properties is to draw income. Costa Mesa has no concerns about the inherently profit-driven nature of the housing market unless the property is a "group home." As another example, many blood-related households do not share meals or chores, but that result in Costa Mesa imposing heightened permitting requirements for them. The City only invokes its requirements for "single housekeeping unit" to exclude (or impose onerous

Additional Language in Housing Element Update	Insight's Response
	permitting requirements) on shared housing for people with disabilities (i.e., group homes).

SOLUTION: Add a Program requiring the City to amend its definition of "single housekeeping unit" ***by a specified deadline*** to remove arbitrary constraints on shared housing for people with disabilities. For example, "single housekeeping unit" could simply be defined as "the occupant(s) of a dwelling unit."

Conclusion

In December of 2020, the City of Encinitas adopted group home regulations that Encinitas explicitly modeled after Costa Mesa's regulations. In March of 2021, HCD sent Encinitas a Notice of Violation outlining the numerous ways Encinitas's regulations failed to protect people with disabilities. (Attachment 24.) HCD's Notice of Violation to Encinitas hit the nail on the head. My company's experience navigating Costa Mesa's group home regulations prove all of HCD's concerns were valid. For the sake of our residents and others like them whose lives depend on shared housing, we respectfully request HCD provide the same direction to Costa Mesa.

Sincerely,

Mary Helen Beatificato

Attachments:

1. HCD's Comment Letter on Costa Mesa's Housing Element Update, December 3, 2021
2. Redline of Costa Mesa's Housing Element Update (Excerpts), January 18, 2022
3. Written Comments for Costa Mesa's City Council's Public Hearing on Housing Element Update, January 11, 2022
4. Costa Mesa Ordinance No. 14-13
5. Order on Cross Motions for Summary Judgment in *Ohio House, LLC v. City of Costa Mesa*, United States District Court for the Central District of California Case No. 8:19-cv-1710-JVS (GJSx), January 12, 2022
6. Insight's Request for a Reasonable Accommodation, August 3 10, 2018
7. Declaration of Carla DiCandia, Senior Outreach Manager for Oceanview Adult Psychiatric Hospital, December 5, 2021
8. Transcript of the Planning Commission Hearing on Insight's Appeal, August 12, 2019
9. Transcript of the City Council Hearing on Insight's Appeal, November 5, 2019
10. City Council Resolution Denying Insight's Appeal, November 5, 2019
11. Transcript of the Deposition of Willa Bouwens-Killeen, Costa Mesa's Zoning Administrator at the time of Insight's Appeals (Excerpts), October 27, 2021
12. Transcript of the Deposition of Jennifer Le, Costa Mesa's Director of Economic and Development Services (Excerpts), November 4, 2021
13. Declaration of Jennifer Le, Costa Mesa's Director of Economic and Development Services, December 6, 2021
14. 2021 Smartsheet – Application Status
15. 2021 Smartsheet – City Approved Sober Living/Group Homes
16. 2021 Smartsheet – DHCS Facilities
17. 2021 Smartsheet – Closed Operations
18. 2021 Smartsheet – Group Homes Cited
19. 2014 Data on Costa Mesa Group Homes
20. 2017 Data on Costa Mesa Group Homes
21. 2021 Date on Costa Mesa Group Homes
22. Chart of Outcomes of Group Homes' Reasonable Accommodation Requests
23. Disparate Effect Analysis: Costa Mesa California Group Homes Zoning Policies and Action, by Ann Moss Joyner, July 26, 2021
24. HCD's Notice of Violation to City of Encinitas, March 25, 2021

From: Zeenat Hassan <Zeenat.Hassan@disabilityrightsca.org>
Sent: Monday, January 31, 2022 11:14 AM
To: CITY CLERK; CONSTITUENT SERVICES; STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS
Cc: Autumn Elliott; paul.mcdougall@hcd.ca.gov; marisa.prasse@hcd.ca.gov; BARLOW, KIMBERLY HALL
Subject: Comment on Public Hearing Item #1: Costa Mesa 2021-2029 (6th Cycle) Housing Element
Attachments: 2022.01.24 DRC letter to HCD re public comments to Costa Mesa on HE.pdf; Attachment A - 01.18.2021 DRC public comment on Costa Mesa HE.pdf

Good morning,

For tomorrow's City Council meeting, please find attached DRC's public comments on Public Hearing Item #1: The City's Sixth Cycle Housing Element. It is a copy of the letter DRC submitted to HCD in regards to the City's Housing Element. The letter references a prior comment letter we submitted to the City Council on January 18, 2021, which is included here for reference as Attachment A.

Thank you,

Zeenat Hassan (she/her)
Staff Attorney 2, Civil Rights Practice Group
Disability Rights California
Mailing address: 2111 J St., #406, Sacramento, CA 95816
Direct: (510) 267-1225 | Fax: (510) 267-1201
Intake Line: (800) 776-5746 | TTY: (800) 719-5798

Disability Rights California

Website: www.disabilityrightsca.org | www.disabilityrightsca.org/espanol

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Disability Rights California
California's protection & advocacy system

LEGAL ADVOCACY UNIT
350 S. Bixel St., Ste. 290
Los Angeles, CA 90017
Tel: (213) 213-8000
Fax: (213) 213-8001
TTY: (800) 719-5798
Intake Line: (800) 776-5746
www.disabilityrightsca.org

Sent Via Email Only

January 18, 2022

City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cityclerk@costamesaca.gov

Re: PUBLIC HEARING ITEM #1 - CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

To Mayor John Stephens and the Honorable Members of the City Council:

We are writing to urge the City Council not to approve the draft Housing Element until it is revised to reflect changes that are needed in Costa Mesa's laws and procedures to reduce barriers to housing for people with disabilities. Disability Rights California is a non-profit agency established under federal law to protect, advocate for and advance the human, legal and service rights of Californians with disabilities.[1] Disability Rights California works in partnership with people with disabilities, striving towards a society that values all people and supports their rights to dignity, freedom, choice, and quality of life. Since 1978, Disability Rights California

[1] Disability Rights California provides services pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011,3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq.

has provided essential legal services to people with disabilities regarding access to housing and other critical needs.

The California Department of Housing and Community Development ("HCD") sent the City a December 3, 2021 letter regarding revisions that the City must make to the draft Housing Element to bring it into compliance with the law. The December 3 letter explained that the City would need to address a number of issues concerning "Housing for People with Disabilities." However, the revisions to the draft Housing Element before the Council's consideration today fail to adequately respond to the issues raised by HCD. We write to call particular attention to the following:

1. Reasonable Accommodation

HCD's December 3, 2021 letter noted that the "additional factors" that the City may consider in its review of a reasonable accommodation application "may act as constraints," and explained that the draft Housing Element must "include specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate." The revisions to the draft Housing Element do not adequately respond to this comment. If an accommodation is necessary to provide people with disabilities full and equal access to housing due to their disabilities, an accommodation must be provided unless the City can demonstrate that doing so would be an undue financial and administrative burden or would be a fundamental alteration of the relevant programs, services, or activities. The same is true if a reasonable accommodation is necessary to provide meaningful access to housing for people with disabilities. The City's current reasonable accommodation procedures create additional and unnecessary barriers to access because they allow for consideration of additional factors, such as impact on neighbors. Impact on neighbors, for instance, may only come into the reasonable accommodation analysis if it gives rise to an undue financial and administrative burden on the City, in light of the full resources available to the City, or if it would result in an unavoidable and fundamental alteration to a relevant City program, service, or activity. Otherwise it may not be considered at all, and the City should not be inviting neighbors, who may oppose a reasonable accommodation request due to fear and stereotypes regarding people with disabilities, to weigh in on the request. Moreover,

the City's draft Housing Element notes that the City's current procedure is to consider "the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it." Draft HE at 3-33. This is an illegal factor: the City must consider each reasonable accommodation request on its own and may not deny an accommodation request on the grounds that others may make a similar request.

Additionally, Disability Rights California has gained some familiarity with the actual operation of Costa Mesa's reasonable accommodation process through our representation of an individual plaintiff in the *Insight v. Costa Mesa* case, and we have been appalled at what we have learned. Costa Mesa Zoning Code and practice put the burden on the *applicant* to demonstrate that a requested accommodation would not be an undue burden or fundamental alteration, which is contrary to law. Moreover, Costa Mesa requires applicants to submit their reasonable accommodation requests to City staff for a purported consideration of their request, but City staff admitted to us in deposition testimony that this is a sham proceeding in the case of group homes seeking a waiver of the City's 650-foot separation requirement, because the City Council has directed staff *never* to grant such a request.

The City's revised Housing Element neither adequately acknowledges nor responds to these problems, which result in unnecessary and illegal barriers to access for people with disabilities.

2. Definition of Family

HCD's December 3 letter observed that the City defines "family" as "a single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities" and explained that the Housing Element "should include specific analysis of any potential constraint, including considering public comment and add or modify programs as appropriate." However, the revised Housing Element does not do this. The definition ignores the fact that many individuals with disabilities do have a disability-related reason for needing separate leases, or for taking their meals separately, or for keeping expenses separate from other members of the household, or for relying on a third party to

determine who else lives in the household, for instance. Public benefits programs that people qualify for on the basis of disability, such as housing or income subsidies, for instance, can require things such as separate leases, meals, or finances. People can have a disability-related reason for having separate food. Due to a disability-related impairment, a person may need a third party to organize their housing and determine who else will be living with them. The revised Housing Element does not engage with any of these matters and entirely disregards the constraints that they place on housing options for people with disabilities.

Nor does the Housing Element acknowledge that, as a practical matter, these are *only* constraints for people with disabilities. The City has no practice of investigating whether blood relatives, or roommates without disabilities, are actually eating meals or doing chores together. The restrictions only become an issue with people with disabilities are living together, because they will be treated as a "group home" if they cannot demonstrate that they are a family/single housekeeping unit.

3. Group Homes

HCD's December 3 letter accurately observes that the "City's zoning code appears to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors." As noted above, the City does not have "a barrier-free definition of family," as the December 3 letter explains is required. As a result, the City subjects housing for people with disabilities to onerous regulations and excludes them from some residential zones. And, as the December 3 letter notes, "these housing types in many cases are subject to a special use or conditional use permit, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses."

The revised Housing Element does not "include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate," as the December 3 letter explains that it should. Instead, the revised Housing Element

simply argues without evidence that Costa Mesa is justified in imposing these restrictions on housing options for people with disabilities. The revised Housing Element argues that, by limiting housing options for people with disabilities, the City is actually *protecting* them. But this is nonsensical. Many people have a disability-related reason for needing to live in the kind of housing that Costa Mesa terms a "group home." Our client in the *Insight* case, for instance, is a woman with mental health disabilities who needed to live in a supportive environment for a month or two while she transitioned from a psychiatric facility to community living. Costa Mesa's group home ordinances restrict the ability of housing providers to create this kind of housing in the community. There are far too few housing options for people with disabilities as it is. And in the case of our client, enforcement of Costa Mesa's group home ordinances will result in Insight's housing being shut down, with nowhere else in the City to go. Because it is the only housing of its kind in the region, people like our client will have nowhere to go for that kind of housing, and will be either stuck in an institution or living in a housing situation that does not provide what they need.

We urge the City Council not to approve the draft Housing Element until it fully responds to these and other barriers to access for people with disabilities.

Sincerely,



Autumn M. Elliott
Litigation Counsel

Zeenat Hassan
Staff Attorney

CC: Marisa.Prasse@hcd.ca.gov; HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov;

Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov

Disability Rights California
California's protection & advocacy system

LEGAL ADVOCACY UNIT
350 S. Bixel St., Ste. 290
Los Angeles, CA 90017
Tel: (213) 213-8000
Fax: (213) 213-8001
TTY: (800) 719-5798
Intake Line: (800) 776-5746
www.disabilityrightsca.org

January 21, 2022

Sent via email only

Paul McDougall and Marisa Prasse
Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Re: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element

Dear Mr. McDougall and Ms. Prasse:

This letter follows our public comments to the City of Costa Mesa at yesterday's City Council meeting (included for your reference here as Attachment A). We write to draw your attention to the City's decision to ignore comments from our office on barriers to housing for people with disabilities and instead move forward with approval of its revised Housing Element.

Yesterday, the Costa Mesa City Council held a public hearing on revisions to its draft Housing Element (public hearing item #1 on the agenda). In accordance with the City's procedural rules, DRC emailed our written comments to the City Clerk before noon. The City Clerk confirmed receipt and informed us that our comment letter would be provided to the City Council, posted on the City's website, and made part of the meeting record. However, the City Council failed to address our comments in any way.

Our comments focused on three key points:

1) The City's reasonable accommodation process violates fair housing laws by, among other problems, considering inappropriate factors like neighbors' opinions, illegally putting the burden on applicants to demonstrate that their requested accommodation is *not* an undue burden or fundamental alteration, and having a sham administrative process that purports to evaluate reasonable accommodation requests from group home operators, when the result is in fact a foregone conclusion;

2) The City's definitions of "family" and "single housekeeping unit" discriminate against people with disabilities; and

3) The City's zoning code imposes discriminatory barriers on housing for people with disabilities.

Our letter also noted that HCD raised each of these issues in its December 3, 2021 letter to the City on its draft Housing Element, and that the City's revised Housing Element failed to consider or evaluate any of these problems. The City Council did not include our concerns in its summary of public comments. In fact, they did not discuss their zoning code's effect on housing for people with disabilities (particularly its group home ordinances) at all.

Worse, the City Council also engaged in a procedural irregularity that has the effect of curtailing opportunities for public participation. The notice of public hearing on the approval of the Housing Element stated that there would be two public hearings: the first on January 18, 2022 and the second on February 1, 2022. But at yesterday's public hearing, the City Council voted to continue the hearing to February 1, 2022. This means that there will be only <u>one</u> public hearing (held over two days) instead of two separately noticed public hearings. The City Council did this to avoid noticing the second public hearing. Their decision means that members of the public who missed yesterday's meeting will not receive notice of a second public hearing as expected.

We urge HCD not to certify the City's revised Housing Element until it addresses the identified barriers to housing for people with disabilities.

Sincerely,

Autumn M. Elliott
Litigation Counsel

Zeenat Hassan
Staff Attorney II

CC: HousingElements@hcd.ca.gov; melinda.coy@hcd.ca.gov; Kyle.Krause@hcd.ca.gov; Zachary.Olmstead@hcd.ca.gov; KC.Mohseni@hcd.ca.gov; Jennifer.Seeger@hcd.ca.gov; Geoffrey.Ross@hcd.ca.gov; Megan.Kirkeby@hcd.ca.gov; Janeen.Dodson@hcd.ca.gov; Ryan.Seely@hcd.ca.gov; Pedro.Galvao@hcd.ca.gov

From: Choum, Lea [JWA] <LChoum@ocair.com> on behalf of Mailbox, ALUC <alucinfo@ocair.com>
Sent: Tuesday, February 1, 2022 10:45 AM
To: CITY CLERK
Subject: ALUC Comments on Public Hearing Item 1
Attachments: ALUC Comments to City Council Item 1.pdf

To the City Clerk,

Please see the attached comment letter from the Airport Land Use Commission regarding Item 1 on today's City Council Agenda related to the Housing Element Update (GP-21-01).

Thank you,
Lea

Lea U. Choum
Executive Officer
Airport Land Use Commission for Orange County
Office: 949-252-5123
ALUC Line: 949-252-5170

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AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

February 1, 2022

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

Subject: Public Hearing Item #1 – City of Costa Mesa 2021-2029 (SIXTH CYCLE) Housing Element (GP-21-01)

City Council Members:

Public Hearing Item #1 on your February 1, 2022 City Council Meeting Agenda states that the Council shall "adopt a Resolution that approves and adopts the Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program, and approve General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element update."

On December 23, 2021, the proposed Housing Element Update was referred to the Airport Land Use Commission (ALUC) for Orange County for a consistency determination at its January 20, 2022 meeting. After reviewing the submittal and discussing the proposed sites with Community Development staff, we received a letter from Community Development Director Jennifer Le requesting to withdraw the Housing Element Update submittal and remove the item from the ALUC agenda (see attached letter). On Friday, January 28th, we received notice that the Housing Element would be on today's agenda with a staff recommendation of approval by City Council.

Please note that housing sites proposed in the Housing Element Update fall within the Planning/Notification Area for John Wayne Airport, and therefore require ALUC review. Pursuant to California Public Utilities Code (PUC) Section 21676(b):

> "Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission for a consistency review. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local

> agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670."

As such, in accordance with state law, the City's proposed General Plan Amendment/Housing Element Update must be reviewed by ALUC prior to approval by City Council. Otherwise, the intent of the PUC will be overlooked and the City would be in violation of PUC 21676.

Also, please keep in mind that to overrule ALUC's findings, the City must provide 45 days' notice of an intent to overrule ALUC's findings and must allow ALUC thirty (30) days to provide advisory comments before a hearing to overrule is conducted. Failing to do so would be a violation of PUC Sections 21676 and 21676.5.

Thank you for your consideration on this matter. Should you need additional information, please contact me at 949-252-5123 or lchoum@ocair.com.

Sincerely,

Lea U. Choum

Lea U. Choum
Executive Officer, ALUC for Orange County

cc: Members of the ALUC for Orange County
Jennifer Le, Community Development Director

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

January 13, 2022

Lea U. Choum
Planning Manager, Facilities Development
John Wayne Airport, Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

Dear Lea Choum,

As we discussed, this letter is in response to the City's recent submittal and request for scheduling the Housing Element consideration at the January 21, 2022 Airport Land Use Commission regular meeting. Thank you for the time that you and other ALUC staff has provided to Costa Mesa in this regard. As we discussed, staff is considering the best options going forward and, presently, narrowing-down what this path may be. Therefore, please consider this letter as the City's request to, for now, table the ALUC review. Staff will reach out to you once a clearer direction for this review is determined.

Thank you again for your efforts assisting the City with this matter.

Sincerely,

JENNIFER LE,

Director of Economic and Development Services

From: Sherry Daley <sherry.ccapp@gmail.com>
Sent: Tuesday, February 1, 2022 11:53 AM
To: CITY CLERK; STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS
Cc: Pete Nielsen
Subject: Opposition to Housing Element
Attachments: CCAP objection to CM misrepresentation in Housing Element.pdf; Exh 1 - 02-2022 Updated Draft CM Housing Element.pdf; Exh 2 - 02-2022 Updated Draft CM Housing Element.pdf

Please see attached letter and exhibits concerning:

City of Costa Mesa: Updated Draft Costa Mesa Housing Element
Sixth Cycle, 2021-2029 (January 2022)

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Sherry Daley
Vice President of Governmental Affairs and
Corporate Communications
(209)200-0757

CCAPP
California Consortium of
Addiction Programs and
Professionals

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California Consortium of Addiction Programs and Professionals

2400 Marconi Ave.
Sacramento, CA 95821

T (916) 338-9460
F (916) 338-9468

ccapp.us

January 31, 2022

Via Email

City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cityclerk@costamesaca.gov
john.stephens@costamesaca.gov
andrea.Marr@costamesaca.gov;
Manuel.Chavez@costamesaca.gov;
Loren.Gameros@costamesaca.gov;
jeffrey.Harlan@costamesaca.gov;
Don.Harper@costamesaca.gov;
arlis.Reynolds@costamesaca.gov

Re: City of Costa Mesa: Updated Draft Costa Mesa Housing Element Sixth Cycle, 2021-2029 (January 2022)

Dear City Council Members:

On behalf of the California Consortium of Addiction Programs and Professionals (CCAPP) - the largest statewide consortium of community-based, for-profit and nonprofit recovery residences and the only National Association for Recovery Residences (NARR) affiliate in California - we object to the misrepresentation in the *City of Costa Mesa: Updated Draft Costa Mesa Housing Element Sixth Cycle, 2021-2029* (Draft dated: February 2022), which the City Council considers on February 1, 2022.

In the latest draft of the City's Housing Element (February 2022), the City of Costa Mesa continues to misrepresent the position of CCAPP and NARR. Despite our written comments to the City to the contrary, the City continues to erroneously asserts that its discriminatory zoning regulation of group homes is consistent with NARR and CCAPP's voluntary operational standards:

> The recovery community, including industry associations like Sober Living Network and the **National Alliance for Recovery Residences**, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does

exactly that, regulating operators, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. (See Exhibit 1, pp. 3-20, 3-21.)

NARR and CCAPP vigorously object to this misrepresentation for two reasons:

- First, it is a deliberate misrepresentation of CCAPP/NARR's position. The City has been on notice since at least September 15, 2021, that CCAPP/NARR view the City's group homes regulations as discriminatory and injurious to disabled persons seeking housing. In fact, the City's Housing Element (February 2022) includes our written comment objecting to the City's group home regulation, including a section-by-section analysis of the City discriminatory operator's permit regulations. (Exhibit 2, [Public Comments, Updated Draft (February 2022).

- Second, the City attempts to invoke our good name as a cover for discriminatory housing regulation that we oppose, misrepresenting our position and injuring our organization.

CCAPP urges City Council and HCD to reject the City's Housing Element, as written (February 2022), because its zoning regulations continues to be discriminatory requiring housing for disabled persons to adhere to regulation that people who are not disabled are not required to conform to. CCAPP continues to oppose the adoption of the Housing Element due to the refusal, on the city's part, to rescind this ordinance.

The City's ordinance in no way resembles what CCAPP/NARR require for certification. Certification is a voluntary method of encouraging owners, operators, residents, and communities to learn and grow together. The ordinance is not even a thinly veiled attempt to ban this housing. Please refrain from insinuating that CCAPP standards resemble or support the City's ordinance in any way.

This letter serves as our notice to you that CCAPP has not changed its position on your ordinance and refutes the insinuation made by the City that CCAPP, in any way, supports the city's approach to recovery residence housing bans. As such, we respectfully request that the city ceases further enforcement of the ordinance until it is repealed. We also respectfully request that the city refund any and all permit fees, compliance-related fees, and any ordinance-related fines if levied and collected, to the recovery residences that were compelled to comply with the ordinance.

Thank you for your consideration.

Sincerely,

Pete Nielsen

Pete Nielsen
Chief Executive Officer

c.c.:
Megan Kirkeby, Marisa Prasse, Melinda Coy, and Robin Huntley HCD (Megan.Kirkeby@hcd.ca.gov

Robin.Huntley@hcd.ca.gov
Marisa.Prasse@hcd.ca.gov
Melinda.Coy@hcd.ca.gov
compliancereview@hcd.ca.gov)
Nelson Chan, Department of Fair Employment and Housing
Rob Bonta, Department of Justice
Steve Padilla, California Coastal Commission
Senator Richard Pan
Assemblyman Jim Wood
Richard Figueroa, Office of the Governor

City of Costa Mesa

Housing Element

2021-2029

CITY COUNCIL HEARING DRAFT

FEBRUARY 2022

more than 6 rooms. Small boarding house developments are permitted in all zones where manufactured/mobile homes are permitted, and large boarding house developments are conditionally permit in these zones.

Residential Care Facility

In Costa Mesa, a Residential Care Facility must be licensed by the State to provide care, services, or treatment to persons living in supportive community residential setting. Residential care facilities may include, but may not be limited to: intermediate care facilities for the developmentally disabled; community care facilities; residential care facilities for the elderly; residential care facilities for the chronically ill; alcoholism and drug abuse facilities; pediatric day health and respite care facilities; residential health care facilities, including congregate living health facilities; family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children. Residential care facilities are permitted in all residential, planned development, and institutional zones.

Group Homes

A Group Home is a facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether State licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Small group homes are permitted with a special use permit in residential and planned development zones, and they are permitted as a primary use in institutional zones. Large group homes are conditionally permitted in residential and planned development zones and are permitted as a primary use in the I&R institutional zone.

Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City. The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court, and have been found to be intended to and actually protective of persons with disabilities. Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled. The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in crammed quarters, subject to eviction without warning and left vulnerable and homeless in a City far from their actual homes. It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process. The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery

home in low or high density areas of the City. Further, the City does not regulate state licensed homes of six or fewer residents, as that is preempted by state law.

Transitional Housing

The Costa Mesa Zoning Code defines Transitional Housing as a development with buildings configured as rental developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which may not be less than 6 months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits transitional housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified **Program 2J** to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law.

Supportive Housing

Supportive Housing includes housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits supportive housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified **Program 2J** to update the zoning code to acknowledge supportive housing distinctively in the City's land use matrix, consistent with state law.

Referral Facility

A Referral Facility or a group home may include one or more person who resides there pursuant to a court order or directive from an agency in the criminal justice system. Referral facilities are conditionally permitted in the R2-MD, R2-HD, and R3 residential zones, the PDR-MD, PDR-HD Planned Development zones and the C2 commercial zone.

Single Room Occupancy Residential Hotel (SRO)

California Consortium of Addiction Programs and Professionals

2400 Marconi Ave.
Sacramento, CA 95821

T (916) 338-9460
F (916) 338-9468

ccapp.us

September 15, 2021

Lori Ann Farrell Harrison
City Manager
City of Costa Mesa
77 Fair Dr.,
Costa Mesa, CA 92626

Re: Objection to Housing Element.

Dear Ms. Harrison:

On behalf of the California Consortium of Addiction Programs and Professionals (CCAPP) - the largest statewide consortium of community-based for profit and non-profit recovery residences – we respectfully object to Costa Mesa's housing element because it contains discriminatory clauses against people in recovery in blatant violation of fair housing.

Several items[1] in Costa Mesa's municipal code (see detailed list attached) echo practices already proven discriminatory per the outcome of Encinitas and *Pacific Shores et. Al. v. City of Newport Beach.* They specifically target recovery residences and are discriminatory at every level because they ask people of a disabled class to adhere to regulation that people who are not disabled are not required to conform to. Employment checks, 24-hour supervision of adults in recovery, and distance requirements are glaringly not "reasonable accommodations," in any sense of the definition.

On March 25, 2021, the Department of Housing and Community Development (HCD) sent the City of Encinitas a letter declaring their ordinance to be discriminatory and contrary to both state and federal law (see attached). This led to an immediate response from the city and this ordinance has since then been repealed. Subsequently, on May 3, 2021, the City of Anaheim was sent a letter of technical assistance regarding its discriminatory ordinance that is very similar to the Encinitas notice of violation. CCAPP has notified HCD of all known ordinances of similar nature including yours so that the same enforcement action can be taken.

In *Pacific Shores et. al. v. City of Newport Beach,* the City of Newport Beach settled with the plaintiffs, agreeing to pay $5.25 million to a group of recovery residences. Given the settlement and both outside and in-house counsel, this case cost the City of Newport Beach well over $10 million over the seven year course of trying to defend its actions. This outcome was prior to the attached 10-page notice of violation sent to the City of Encinitas which reads, in part:

---

[1] Title 9, Chapter II, Article 23 of the Municipal Code, Chapters XV and XVI of Title 13 (Zoning), and Article 23 of Title 9 (Licenses and Business Regulations)

> "On December 16, 2020, the City adopted Ordinance No. 2020-16, amending the Municipal Code to regulate Group Homes and, as a subset of Group Homes, Sober Living Facilities. Described in greater detail below, HCD finds that the City's ordinance is in violation of statutory prohibitions on discrimination in land use (Gov. Code, § 65008) by imposing separate requirements on housing for a protected class (based on familial status and disability), limiting the use and enjoyment of their home, and jeopardizing the financial feasibility of group and sober living homes. The City must take immediate steps to repeal Ordinance No. 2020-16."

The notice of violation is a clear and unmistakable declaration that these ordinances are in violation of state housing laws. It also makes clear that HCD will take action, up to and including, the assistance of the California Office of the Attorney General.

And it is for these reasons that we object to your housing element as proposed.

Sincerely,

Pete Nielsen

Pete Nielsen
President and Chief Executive Officer

Specific Considerations Objectionable in the Municipal Code

1. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

   (a) The owner/operator shall submit an application to the director that provides the following information:

   (7) relapse policy

   Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

   (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

   (1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

   (vii). The relapse policy;

   These provisions target persons with disability. Other homes within the jurisdiction are not required to report to the city when a person relapses or what preparations are made for such an occurrence.

2. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

   (b) *Requirements for operation of group homes.*

   (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

   Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

   (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

   (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

   Recovery residences are homes, not facilities. There are no "day-to-day operations" which require 24 hour supervision. This requirement, particularly for smaller homes will make it economically unfeasible to exist. Recovery residences cannot simply require 24-hour supervision without paying the persons responsible for providing this service. Typical, house managers, senior residents, or mentors are paid a small stipend of their contributions to the leadership they provide. To change this model to 24-hour supervision would make this type of housing unaffordable. Three 8-hours shifts at $15 per hour would increase the cost of the unit to $2,520 per week, or $10,080 per month. If it is the city's intention to expel this housing from the jurisdiction via onerous financial requirements, the resulting homelessness increase should be taken into consideration.

   Persons in this stage of recovery are not in need of supervision as determined by the American Society of Addiction Medicine:

Although persons in recovery are afforded protections under the Americans with Disabilities Act, the disability concerned does not imply that persons in recovery are in need of physical assistance (dressing, feeding) or in need of supervision. In fact, the American Society of Addiction Medicine Placement criteria for addictions patients, originally published in 1991 and now in its third edition (2013), directly contradicts the notion that persons in recovery residences are being supervised, in a clinical sense. Use of this criteria is a decades old industry standard and is now required for all programs licensed or certified by the Department of Health Care Services. By definition, persons living in a recovery residence do not require supervision. Applying ASAM criteria, persons in a supportive living environment would, at most, be classified as level 1.0, although many in long term recovery may not even be assessed as needing any treatment:

"At ASAM Level 1 placement/Recovery Environment, it is clear that medical experts do not consider supervision to be necessary. Likening this level to a mental health scenario, one could compare this level to a patient who has received a higher level of care, inpatient or otherwise, and is now perhaps receiving medication and attending weekly therapy."

3. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) Requirements for operation of group homes.

(11) In addition to the regulations listed above, the following shall also apply to sober living homes:

i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs including but not limited to Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rule and regulations, refusal to actively participate in such a program shall be cause for eviction.

ii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

(ii) The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

The ordinances asks for "immediate removal" of persons not "actively participating" in a "legitimate recovery program" and to ban communication with other residents should relapse occur.

Substance use disorder is prone to relapse. A person should not become homeless for relapse. Substance use disorder is a medical issue. Anyone relapsing may be in physical danger and in need of detoxification or treatment. In fact, "immediate removal" of a client in a licensed treatment program is prohibited by regulation due to safety concerns for the relapsing client. It takes time to contact family, arrange for detoxification, and find an open treatment bed, immediate removal is unrealistic and dangerous.

As for "legitimate recovery programs" as define in the ordinances, many persons in long term recovery do not necessarily attend meetings or have a need for outpatient services. For some hiking in the wilderness, working, or reuniting with family constitutes all the recovery services that they need. You cannot force people to attend a religious group or seek medical attention that they no longer need and do not desire to participate in. It is their right, this right was made clear when the City of Dana Point successfully sued a recovery residence for requiring that outside services be attended as a violation of state licensing law for alcohol drug treatment facilities. People in recovery are mature adults with civil rights which include the right to pursue personal recovery activities as they choose. How can city staff, with no knowledge of recovery define what is "legitimate?"

And what constitutes "active participation?" Who decides how much attendance is necessary for each person? To prove any program attendance, requires violating the disabled persons' privacy (particularly if the attendance involves outpatient treatment, a medical service, as opposed to mutual aid meetings). Maintaining records regarding medical and spiritual attendance for an individual is a violation of privacy, and in the case of outpatient treatment, a violation of Health Insurance Portability and Accountability Act of 1996. Asking city staff to review the personal health and spiritual activities of any of its citizens is a violation of privacy on every level.

4. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;

(2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.

(3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or

iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).

iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).

(4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

(5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

As per California statute, employers are prohibited from denying employment based upon disability. A one year sobriety requirement clearly violates employment laws.
Many people with substance use disorder lose employment for reasons stated in the ordinances. House managers live at the residence. Denial of housing based on employment history is beyond reasonable. Realizing that people in early recovery often have legal issues connected to previous drug use, denial of housing based on criminal history, including simple possession of cannabis, is discriminatory and specifically designed to limit this type of housing. Are other renters in the jurisdiction denied housing for this broad array of criminal acts? Are other renters denied housing based on employment loss? Are other businesses who provide housing held to this standard?

5. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes*.

(11) In addition to the regulations outlined above, the following shall also apply to sober living homes:

v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Are other citizens prohibited from profanity or being "obnoxious?" Are other families required to respond to neighbor's complaints? Who decides what "unduly interfering" means? There are code compliance mechanisms in place to handle such complaints for other persons in the jurisdiction. Why is this disabled class being subjected to different criteria with consequences that can lead to removal of housing for them? Should all citizens in the jurisdiction who violate noise codes or use their First Amendment rights to express themselves in poor taste be subject to loss of residency and homelessness? Is an arbitrary "be good" clause a reasonable accommodation?

6. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) Requirements for operation of group homes.

(2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

There exist parking regulation that governs where individuals can park. These parking requirements go beyond existing regulations and subject a disabled class of individuals to separate and discriminatory rules. Individuals without disability are not told they can only park one car in a 500 feet distance from their home.

7. Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

i. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

(6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism

or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

Municipal Code Title 13, Chapter XVI, 13-223. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

(b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

The types of facilities where distance requirements may be imposed is set by state statute. These ordinances are contrary to this statute. State statute applies to licensed facilities only and the arbiter who decides whether "overconcentration" exists is the Department of Health Care Services:

> **"1520.5. (b) The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of residential facilities that impair the integrity of residential neighborhoods. Therefore, the department shall deny an application for a new residential facility license if the department determines that the location is in a proximity to an existing residential facility that would result in overconcentration."**

The distance requirements set forth in the aforementioned ordinances more than double the distance requirements set by state statute. It is excessive and discriminates against a disabled class of people as it excludes what is in essence a normal residence from many spaces that other residents without this disability would not have to adhere to.

Furthermore, if say a group of birdwatchers wanted to move into a residence they would not be expected to notify every neighbor within 500 ft of their property that they are moving in. They would

also not be required to hold a hearing to make a case as to why they should be permitted to move in to that space. These practices are discriminatory and clearly meant to exclude sober living homes.

8. Municipal Code Title 13, Chapter XVI, 13-320. Purpose.
This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

    (b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;

This is discriminatory on face value. Would a concentration of birdwatchers living together degrade a neighborhood? Would a concentration of LGBTQ individuals degrade a neighborhood? There are no services in a recovery residence; they are not institutions. As for "secondary impacts" of group homes we ask that the city produce concrete evidence of such impacts.

9. Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

    (a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

        (2) The application includes a live scan of the house manager and/or operator of the group home.

House managers typically live with residents and are a part of the family in much the same way a parent would act as a mentor, leader, and a person who encourages that rules are followed, chores are completed, and disputes are amicably resolved. Requiring a live scan is excessive and discriminatory. As per California employment statute, employers are prohibited from sharing background information about their employees.

Costa Mesa Affordable Housing Coalition

February 1, 2022

Mayor John Stephens and Members of the City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA

RE: Measure Y and Complying with Costa Mesa's RHNA Requirement

Dear Mayor Stephens and Council Members:

There are two critical things Costa Mesa must do to comply with its legal obligation to accommodate its 2021-2029 RHNA for lower income households. The first thing is to **adopt a strong inclusionary housing ordinance** requiring **a minimum of 15%** of all new homes to be affordable to lower income households. The second is to **amend Measure Y** so it no longer impedes housing development in Costa Mesa.

Members of the Costa Mesa Affordable Housing Coalition (the Coalition) participated in the City's well-attended January 11th community meeting on Measure Y. We were very pleased to hear **widespread support for amending Measure Y**. Many residents who called in during the meeting specifically lamented Costa Mesa's lack of affordable housing. These same residents expressed the common sense view that Measure Y's burdensome "city-wide vote" requirement is impeding the construction of new residential development in our city. While a few commenters warned the City not to touch Measure Y, the vast majority of callers supported amending this voter-enacted law so Costa Mesa can gain the affordable housing so many of our residents desperately need.

In my public comments, I suggested the City should **amend Measure Y to state that it does not apply to <u>any housing development which includes a</u> <u>minimum percentage</u> of lower-income affordable units**. At the time, I urged a 20% requirement for exemption from Measure Y. While 20% would be terrific, our Coalition would also support a 15% lower-income affordable requirement for exemption from Measure Y. Absent such an amendment, Costa Mesa will never meet its lower income RHNA obligation, and its residents will continue to suffer the life-constricting consequences of paying unaffordable rents. We urge you to act.

Thank you for considering our concerns about the draft 2021-2029 Housing Element Update.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Justin Arias, Associate Planner for the City of Costa Mesa
Paul McDougal and Marisa Prasse, California Department of Housing and Community Development
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

Appendix D

Glossary of Housing Terms



Glossary of Housing Terms

Above-Moderate-Income Household. A household with an annual income usually greater than 120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available legibility limits established by the U.S. Department of housing and Urban Development (HUD) for the Section 8 housing program.

Affirmatively Furthering Fair Housing (AFFH): Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Apartment. An apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one (1) family for sleeping or living purposes and containing one (1) kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Sections 221 (d) (3) (below-market interest rate program), Federal Sections 101 (rent supplement assistance), CDBG, FmHA Sections 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

Below-Market-Rate (BMR). Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as “low income” or “moderate income.” (2) The financing of housing at less than prevailing interest rates.

Build-Out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed to include all floor area or housing units possible under zoning regulations.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitled communities and administered by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Condominium. A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See "Townhouse.")

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document which affects the transfer of ownership of real estate from the seller to the buyer.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, Residential. The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Down Payment. Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit (DU). A building or portion of a building containing one or more rooms, designed for, or used by one family for living or sleeping purposes, and having a separate bathroom and only one kitchen or kitchenette. See Housing Unit.

Elderly Housing. Typically, one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

Emergency Shelter. A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See "Homeless" and "Transitional Housing.")

Extremely Low-Income Household. A household with an annual income equal to or less than 30% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposed of administering the Section 8 Program.

Family. (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An Individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [Governor's Office of Planning and Research, General Plan Guidelines].

General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (US Environmental Protection Agency)

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic Property. A historic property is a structure or site that has significant historic, architectural, or cultural value.

Household. All those persons—related or unrelated—who occupy a single housing unit. (See "Family.")

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low-and moderate-income households.

Housing Element. One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and

implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must be updated every five years.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance, and utilities. For rental housing this is defined as rent and utilities.

Housing Ratio. The ratio of the monthly housing payment to total gross monthly income; also called Payment-to-Income Ratio or Front-End Ratio.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City's statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Jobs-Housing Balance. A ratio used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area. The General Plan uses SCAG's definition which is a job total equal to 1.2 times the number of housing units within the area under consideration.

Land Use Classification. A system for classifying and designating the appropriate use of properties.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low-Income Household. A household with an annual income usually no greater than51%-80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Low-income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in housing for low-income households.

Manufactured Housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards

Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See "Mobile home" and "Modular Unit.")

Mixed-Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Moderate-Income Household. A household with an annual income usually no greater than 81%-120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Monthly Housing Expense. Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis. Used with gross income to determine affordability.

Multiple Family Building. A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowded Housing Unit. A housing unit in which the members of the household, or group are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

Parcel. A lot or tract of land.

Planning Area. The area directly addressed by the general plan. A city's planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

Policy. A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See "Program.")

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or "poverty thresholds" varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the "who," "how" and "when" for carrying out the "what" and "where" of goals and objectives.

Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction and affecting a broad geographic area.

Regional Housing Needs Assessment. A quantification by the local council of governments of existing and projected housing need, by household income group, for all localities within a region.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential. Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See "Dwelling Unit.")

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Residential, Multiple Family. Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

Residential, Single-Family. A single dwelling unit on a building site.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. An amendment to the map to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Second Unit. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. "Granny Flat" is one type of second unit.

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing "housing assistance payments" to owners, developers, and public housing agencies to make up the difference between the "Fair Market Rent" of a unit (set by HUD) and the household's contribution toward the rent, which is calculated at 30% of the household's adjusted gross monthly income (GMI). "Section 8" includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Shared Living Facility. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.

Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See "Townhouse.")

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See "Family.")

Single Room Occupancy (SRO). A single room, typically 80-250 square feet, with a sink and closet, but which requires the occupant to share a communal bathroom, shower, and kitchen.

Subsidize. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms or mortgage interest deductions or tax credits from federal and/or state income taxes, sale, or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Health and Safety Code Section 53260(d), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. [California Health and Safety Code Sections 50675.14(b) and 53260(d)]

Target Areas. Specifically, designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by Very-Low and Low-income households.

Tax Increment. Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community's supply of very low- and low-income housing.

Tenure. A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is owner-occupied only if the owner or co-owner lives in it. All other occupied units are classified as renter-occupied including units rented for cash rent and those occupied without payment of cash rent.

Townhouse. A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.

Transitional Housing. Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See "Homeless" and "Emergency Shelter.")

Undevelopable. Specific areas where topographic, geologic, and/or superficial soil conditions indicate a significant danger to future occupants and a liability to the City.

Acronyms Used

ACS: American Community Survey
BMPs: Best Management Practices
CALTRANS: California Department of Transportation
CEQA: California Environmental Quality Act
CHAS: Comprehensive Housing Affordability Strategy
CIP: Capital Improvement Program
DDS: Department of Developmental Services
DIF: Development Impact Fee
DU/AC: Dwelling Units Per Acre
EDD: California Employment Development Department
FAR: Floor Area Ratio
FEMA: Federal Emergency Management Agency
HCD: Department of Housing and Community Development
HOA: Homeowners Association
HUD: Department of Housing and Urban Development
LAFCO: Local Agency Formation Commission
MFI: Median Family Income
NPDES: National Pollutant Discharge Elimination System
RTFH: Regional Task Force on the Homeless
RTP: Regional Transportation Plan
SCAG: Southern California Association of Governments
SPA: Sectional Planning Area
STF: Summary Tape File (U.S. Census)
TOD: Transit-Oriented Development
TDM: Transportation Demand Management
TSM: Transportation Systems Management
WCP: Water Conservation Plan

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR THE APPROVAL OF GENERAL PLAN AMENDMENT 21-01, CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT UPDATE, AS REVISED PURSUANT TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT COMMENTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa adopted the General Plan's Fifth Cycle Housing Element on January 21, 2014;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, the Housing Element is one of the seven State-mandated General Plan chapters or "elements" and is a component of the City of Costa Mesa 2015-2035 General Plan;

WHEREAS, California State Housing Element Law establishes the requirements for Housing Elements, and California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years. Additionally, the California Legislature identifies overall housing goals for the State with the goal of ensuring every resident has access to housing and a suitable living environment;

WHEREAS, the City of Costa Mesa has been assigned an allocation of 11,760 new housing units as its share of the regional housing need assessment (RHNA) in Southern California;

WHEREAS, the City of Costa Mesa has completed extensive public outreach that included conducting two City-wide Townhall meetings on November 18, 2020 and September 2, 2021, hosting outreach meetings for each of the City's six voting districts on February 17, 2021 and February 18, 2021, a special study session with the Planning Commission was held on March 1, 2021 and with the City Council on March 23, 2021, and on April 27, 2021 and September 13, 2021, the City Council and Planning Commission held joint public study sessions;

WHEREAS, the Housing Element update must be adopted by City Council and certified by California State Department of Housing and Community Development (HCD), and the Planning Commission is required to make a recommendation regarding the Housing Element update prior to City Council adoption and HCD certification;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Housing Element Update in compliance with CEQA and the local environmental review guidelines and reviewed by the Planning Commission;

WHEREAS, the IS/MND were circulated for the required 30-day public review period from October 29, 2021, to November 29, 2021;

WHEREAS, the final adoption of the IS/MND along with the associated Mitigation Monitoring and Reporting Program (MMRP) is subject to City Council discretion as the final approval authority, after consideration of the Planning Commission recommendation and public comments received during the public review period;

WHEREAS, the IS/MND and MMRP reflects the independent judgment and analysis of the City of Costa Mesa;

WHEREAS, the public review draft Housing Element was circulated for public comment between August 17, 2021 and September 15, 2021;

WHEREAS, On October 6, 2021, the Draft Housing Element Update was sent to the HCD for review and comment, and on December 3, 2021, the Department of HCD forwarded the State's review comments regarding the 2021-2029 Draft Housing Element update;

WHEREAS, duly-noticed public hearings were held by the Planning Commission for the review of the Draft Housing Element update on November 8, 2021, November 22, 2021 and December 13, 2021;

WHEREAS, the Planning Commission at its December 13, 2021 meeting reviewed the Draft Housing Element update that included revisions based on the State's review comments and after considering public input recommended by a 6-1 vote that the City Council approve the Housing Element update and associated IS/MND;

WHEREAS, a duly-noticed public hearing was held by the City Council for the review of the Draft Housing Element update on January 18, 2022, public comments were considered by the City Council, and the City Council continued the item to the February 1, 2022 City Council meeting;

WHEREAS, on February 1, 2022, the City Council held a duly noticed public hearing, considered the Planning Commission recommendation and public comments, and at the conclusion of the public hearing, the City Council, by a vote of 6-1, adopted Resolution No. 2022-06 that approves and adopts the IS/MND, MMRP and approved General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element Update;

WHEREAS, on February 4, 2022, the City of Costa Mesa re-submitted the adopted 2021-2029 Housing Element to the HCD for review and certification;

WHEREAS, on April 5, 2022, HCD provided to the City of Costa Mesa a report of its review that includes advisement of further revision to the adopted 2021-2029 Housing Element;

WHEREAS, the City of Costa Mesa revised the previously adopted 2021-2029 Housing Element to address the HCD response letter, which is attached to this Resolution as Attachment 1;

WHEREAS, seven days prior to the City Council meeting, the City of Costa Mesa posted on the City's website the revised 2021-2029 Housing Element for public review;

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162(a)(1-3), the City of Costa Mesa as the lead agency has determined that none of the proposed revisions based on the HCD comments to the Housing Element require subsequent environmental analysis;

WHEREAS, on November 15, 2022, the City Council held a duly noticed public hearing, considered public comments and considered approval of the revised 2021-2029 Housing Element and Resolution 2022-XX to overrule the March 17, 2022 Orange County Airport Land Use Commission's determination that the City's 2021-2029 Sixth Cycle Housing Element is inconsistent with the 2008 John Wayne Airport Environs Land Use Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

Section 1. The City has considered the findings, comments and recommendations set forth in HCD's letter dated April 5, 2022 which determined that the City's 2021-2029 Housing Element, adopted February 1, 2022, required revisions to comply with State Housing Element Law;

Section 2. The City has revised the adopted 2021-2029 Housing Element as recommended by HCD and General Plan Amendment 21-01, 2021-2029 (Sixth Cycle) Housing Element, as revised, is attached to this Resolution as Attachment 1;

Section 3. The 2021-2029 (Sixth Cycle) Housing Element, as revised, sets forth the housing policies for the City, facilitates the preservation and development of housing, and establishes programs to accommodate the City's share of the regional housing need.

Section 4. In accordance with Government Code Section 65583, the City finds that the City's Sixth Cycle (2021-2029) Housing Element, as revised, complies with the duty to affirmatively further fair housing.

Section 5. The City finds that the Sixth Cycle (2021-2029) Housing Element, as revised, complies with the requirements of State law.

Section 6. The City finds that based on a variety of factors including the increasing demand for housing in the Southern California region, development trends, property owner interest, structure age, property valuation, and development capacity, as well the likelihood of the City's commercial area zoning standards, specific plans and urban plans along commercial corridors and otherwise being modified to include greater housing opportunities based on the Housing Programs included in the City's Sixth Cycle 2021-2029 Housing Element Update which will facilitate commercial uses on non-vacant sites converting to mixed-use and/or residential developments; together with recent regional

development trends (where conversion of non-residential uses on non-vacant sites to housing developments to accommodate a range of household types including lower income households has been prevalent); the documented interest from housing developers to construct housing projects in the City of Costa Mesa; and the existing uses on the sites identified in the Housing Element sites inventory to accommodate the RHNA including the lower income RHNA are likely to be integrated with new residential uses, or discontinued during the planning period; and therefore are not considered significant impediments to additional residential development during the period covered by the City's Sixth Cycle 2021-2029 Housing Element Update;

Section 7. The City adopted Resolution 2022-xx on November 15, 2022 that overruled the ALUC determination that the Costa Mesa 2021-2029 Sixth Cycle Housing Element is inconsistent with the AELUP and made appropriate findings that the Housing Element is consistent with the purpose of the article stated in Public Utilities Code Section 21670. The findings are included as Exhibit "A" as attached to the November 15, 2022 Resolution for overrule. Pursuant to Public Utilities Code Section 21676, the ALUC and the Caltrans Division of Aeronautics provided comments to the City regarding the City's proposed decision and findings to overrule the ALUC determination, and the City made these comments part of the public record to overrule the ALUC determination as required pursuant to the Public Utilities Code.

Section 8. The City Council considered public comments received during the public review period and determined that no new environmental documentation pursuant to CEQA is required because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier IS/MND adopted on February 1, 2022 pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier IS/MND, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier IS/MND, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier IS/MND, (e) no considerably different mitigation measures have been identified, and (f) no mitigation measures found infeasible have become feasible;

Section 9. The City Council hereby approves and adopts General Plan Amendment 21-01, 2021-2029 (Sixth Cycle) Housing Element, as revised, which updates the previously-approved City-adopted Fifth Cycle Housing Element, attached hereto as Attachment 1.

Section 10. Pursuant to State housing element law, the City Council hereby authorizes the Director of Economic and Development Services to submit the adopted 2021-2029 (Sixth Cycle) Housing Element, as revised, to the HCD for State certification.

Section 11. The Director of Economic and Development Services of the City of Costa Mesa is authorized to make minor non-substantive modifications to the Housing Element as necessary to make it internally consistent or address additional comments from HCD as part of the Housing Element certification process.

PASSED, APPROVED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN,** City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Resolution No. 2022-__ was duly adopted at a regular meeting of the City Council of the City of Costa Mesa held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this ___day of _____, 2022.

_____
Brenda Green, City Clerk

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE CITY OF COSTA MESA'S 2021-2029 SIXTH CYCLE HOUSING ELEMENT IS INCONSISTENT WITH THE JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, the Housing Element is one of the seven State-mandated General Plan chapters or "elements" and is a component of the City of Costa Mesa 2015-2035 General Plan;

WHEREAS, California State Housing Element Law establishes the requirements for Housing Elements, and California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years. Additionally, the California Legislature identifies overall housing goals for the State with the goal of ensuring every resident has access to housing and a suitable living environment;

WHEREAS, after the City of Costa Mesa completed extensive public outreach that included conducting two City-wide Townhall meetings on November 18, 2020 and September 2, 2021, hosting outreach meetings for each of the City's six voting districts on February 17, 2021 and February 18, 2021, a special study session with the Planning Commission was held on March 1, 2021 and with the City Council on March 23, 2021, and on April 27, 2021 and September 13, 2021, the City Council and Planning Commission held joint public study sessions;

WHEREAS, the Planning Commission reviewed and considered the 2021-2029 Sixth Cycle Housing Element at its regular meetings on November 8, 2021, November 22, 2021 and December 13, 2021 and, following consideration of public comments, recommended City Council approval by a 7-0 vote;

WHEREAS, the City Council of the City of Costa Mesa reviewed and considered the 2021-2029 Sixth Cycle Housing Element on January 18, 2022 and February 1, 2022, and following consideration of public comments, adopted the Housing Element by a 6-1 vote on February 1, 2022;

WHEREAS, the City Council of the City of Costa Mesa re-reviewed and considered edits to the 2021-2029 Sixth Cycle Housing Element based on HCD comments, and following consideration of public comments, adopted the Housing Element by a x-x vote on November 15, 2022;

WHEREAS, California Public Utilities Code Section 21676(b) requires the City of Costa Mesa to refer an amendment of the City's general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Airport Land Use Commission (ALUC) pursuant to Section 21675 to the ALUC for their consideration.

WHEREAS, at a duly-noticed public hearing on March 17, 2022, the ALUC reviewed City of Costa Mesa's 2021-2029 Sixth Cycle Housing Element and found the proposed General Plan Housing Element Amendment to be inconsistent with the AELUP by a 4-0 vote;

WHEREAS, the City of Costa Mesa does not waive any objection to and/or right to challenge any failure by the ALUC or the Caltrans Division of Aeronautics to proceed in the manner required by law, including but not limited to, Public Utilities Code Sections 21670 through 21679.5, related to the above referenced March 17, 2022, finding of inconsistency.

WHEREAS, pursuant to Public Utilities Code Sections 21670 and 21676, the City of Costa Mesa may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of the City Council, if the City of Costa Mesa makes specific findings that the proposed project is consistent with the purpose of Section 21670;

WHEREAS, at a duly-noticed public hearing on April 5, 2022, the Costa Mesa City Council took action to adopt Resolution No. 2022-19 that included specific findings that the 2021-2029 Sixth Cycle Housing Element is consistent with the purpose of the article stated in Section 21670 of the Public Utilities Code by a 6-0 vote;

WHEREAS, pursuant to Public Utilities Code Section 21676, on April 11, 2022, the City of Costa Mesa provided the ALUC and the Caltrans Division of Aeronautics the City's proposed decision to overrule the ALUC determination and specific findings that the 2021-2029 Sixth Cycle Housing Element is consistent with the purpose of the article stated in Section 21670;

WHEREAS, pursuant to Public Utilities Code Section 21676, the ALUC and the Caltrans Division of Aeronautics can and did provide comments regarding the City's proposed decision and findings to overrule the ALUC determination;

WHEREAS, pursuant to Public Utilities Code Section 21676, the ALUC and the Caltrans Division of Aeronautics comments regarding the City's proposed decision and findings to overrule the ALUC determination are advisory to the City, and the City must include these comments on the public record prior to a final decision to overrule the ALUC determination;

WHEREAS, the City has considered the ALUC and the Caltrans Division of Aeronautics comments regarding the City's proposed decision and findings to overrule the ALUC determination and these comments have been made as part of the public record of the City Council final decision to overrule the ALUC determination;

NOW, THEREFORE, the Costa Mesa City Council **DOES HEREBY RESOLVE** to overrule the Orange County Airport Land Use Commission Determination that the 2021-2029 Sixth Cycle Housing Element is inconsistent with the John Wayne Airport Environs Land Use Plan.

BE IT FURTHER RESOLVED that the City Council DOES HEREBY MAKE the findings that the 2021-2029 Sixth Cycle Housing Element is consistent with the purpose of the article stated in Section 21670 of the Public Utilities Code, as shown in Exhibit "A", FINDINGS.

PASSED, APPROVED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST: APPROVED AS TO FORM:

_____ _____
Brenda Green, City Clerk Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN,** City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Resolution No. 2022-__ was duly adopted at a regular meeting of the City Council of the City of Costa Mesa held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this ___day of _____, 2022.

_____
Brenda Green, City Clerk

EXHIBIT "A"

FINDINGS

The Costa Mesa City Council makes the following findings pursuant to Section 21670 of the Public Utilities Code as follows:

A. ***Finding No. 1****: It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.*

   Justification for finding: The March 17, 2022 ALUC inconsistency determination did not identify concerns with noise in regard to the City's Housing Element update. To the contrary, the ALUC determination indicated that the City's candidate housing sites are appropriately located outside of airport noise contours of concern and further the City's General Plan Noise Element addresses potential applicable residential noise impacts in General Plan Noise Element Policies N-1.1, N-1.5, N-1.6, N-2.4 and N-2.6. Specifically, the ALUC recognized that the City's Noise Element Policy N-2.6 requires an "interior noise standard of 45 dBA CNEL be enforced for any new residential project," which is consistent with the ALUC residential noise standards. Therefore, the City is justified to make the finding to overrule the ALUC inconsistency determination in regard to PUC Finding No. 1.

B. ***Finding No. 2****: (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.*

   Justification for finding: As indicated in the above section entitled "Justification for finding," the City's Noise Element Policies adequately address the public exposure to excessive noise.

In addition, at the March 17, 2022 ALUC hearing, the ALUC determined that that the City's existing maximum building height provisions were inconsistent with the Airport Environs Land Use Plan (AELUP) for nine candidate housing sites located in two geographic areas of the City. According to the ALUC staff report, the City's existing North Costa Mesa Specific Plan provisions permit a maximum building height that could potentially result in building construction that exceeds the 206-foot John Wayne Airport Imaginary Horizontal Surface. However, the City's Housing Element update does not grant any entitlements, change any land use standards or authorize any development beyond what is allowed under the City's current General Plan and Zoning Code (including the maximum building height identified inconsistent by the ALUC). Therefore, the ALUC's determination of inconsistency is not based on proposed polices of the Housing Element update but rather existing height standards in the North Costa Mesa Specific Plan.

In addition, both ALUC staff and at least one of the Commissioners during the public hearing recognized that the data used for calculating maximum building height elevation was likely not accurate (Google is the data source used to establish existing ground topography). Using imprecise and unreliable data is problematic in this situation as the ALUC determination for three candidate housing sites is based on discrepancies of only three to five feet. As such, this identified inconsistency is likely not inconsistent and can be addressed pending actual topographical data either at the time of the North Costa Mesa Specific Plan update or when an actual project is proposed, which will require additional ALUC review.

Lastly, the remaining six candidate housing sites that the ALUC determined were inconsistent were previously reviewed in 2006 and 2007 by the ALUC. In 2007, the City submitted a project for ALUC consideration that included a mixed-use development with both hotel and residential uses (referred to as the Wyndham Hotel and High Rise Residential Project) in the South Coast Plaza Town Center area. This area already contains Plaza Tower and Center Tower which exceed 20 stories. The project included a General Plan Amendment, a Specific Plan Amendment, an Environmental Impact Report (EIR), a Final Master Plan and a proposed subdivision. The ALUC determined that the project and the General Plan/Specific Plan amendments were inconsistent in regard to the inclusion of height standards that penetrate the AELUP horizontal imaginary surface, and the City subsequently overruled the ALUC determination. The City's overrule finding was based on the Federal Aviation Administration (FAA) findings that the then proposed building height of 304 feet Area Mean Sea Level (AMSL) "would not adversely affect air safety" and the FAA subsequently issued a "no hazard determination." Additionally, the FAA conditioned that any future buildings proposed in this area with height proposed above 173

feet above grade level would require a specific determination of “no hazard” by the FAA in order to move forward. This requirement is included in the height standards of the North Costa Mesa Specific Plan applicable to the candidate housing sites in question. Therefore, potential safety risks associated with future construction on these six candidate housing sites are addressed by the FAA requirement and the Specific Plan requirements and the City’s Housing Element Update. Therefore, the City is justified to make the finding to overrule the ALUC inconsistency determination in regard to PUC Finding No. 2.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

April 5, 2022

Lori Ann Farrell Harrison, City Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Lori Ann Farrell Harrison:

RE: City of Costa Mesa's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Costa Mesa's (City) housing element adopted on February 2, 2022 and received for review on February 4, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Disability Rights California, Costa Mesa Affordable Housing Coalition, Kennedy Commission, Nsight and Californians for Homeownership pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements described in HCD's prior December 3, 2022 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication Jennifer Le, Scott Drapkin and the rest of the City's housing element team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need assistance, please contact me at Paul.McDougall@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF COSTA MESA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at http://www.hcd.ca.gov/community-development/building-blocks/index.shtml and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   While the element includes a general summary of outreach and includes some additional data related to disparities in access to opportunity, it largely was not revised to address HCD's findings related to the following:

   - Enforcement
   - Integration and Segregation (please see finding related to income and persons with disabilities)
   - Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Areas of Affluence (RCAA)
   - Disproportionate Housing Need including Displacement Risk (please see finding related to overpayment, overcrowding, housing conditions and homelessness)
   - Local Data and Knowledge, and Other Relevant Factors
   - Goals, Actions, Metrics, and Milestones

   Please see HCD's prior review which details the necessary revisions.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

   Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

Extremely Low-income (ELI) Households: While the element includes some analysis of the existing housing needs of ELI households, it must still identify the projected housing need for ELI households as describe in HCD's prior review.

Housing Conditions: The element describes the age of the housing stock and includes some information on code enforcement. However, the element must still include an estimate of the number of units in need of rehabilitation and replacement. This analysis could address housing conditions at a neighborhood or area level to address requirements related to the assessment of fair housing (See above). Please see HCD's prior review for additional information.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Suitability of Nonvacant Sites: While the element includes some additional information on development potential based on existing versus allowable intensities and a brief housing market analysis, it must still provide supporting information to demonstrate the similarity between redevelopment trends and identified sites. Please see HCD's prior review for additional information.

In addition, as noted in the prior review, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. Based on a cursory review of the adoption resolution (Resolution Number 2022-06), findings were not made regarding existing uses. Future re-adoption of the housing element must contain the appropriate findings. HCD will provide samples under separate cover.

Small Sites: The element includes some analysis of small sites and the potential for consolidation and notes Policy 2.10 in the land use element of the general plan. However, Policy 2.10 appears oriented toward single family lots and does not provide clear mechanisms for promoting lot consolidation. As a result, the element should include a program with specific commitment and timing to establish incentives and promote lot consolidation, including outreach with property owners.

Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. For example, typical developments with units affordable to lower income households consist of 50 to 150 units. Several sites identified far exceed this typical range. HCD's prior review found the element should demonstrate the potential for larger sites to be developed as

assumed in the planning period, including affordability. In response, the element now describes expressed interest in developing housing in the planning period and absence of explicit caps on affordability. However, the element should still describe how these larger sites facilitate affordability in the planning period, particularly given typical ranges for affordable developments. Further, the element must include a program to facilitate the assumed affordability on larger sites and, similar to Program 3B (Fairview Development Center), should consider alternative actions if the sites are not developed in the planning period as assumed, especially related to affordability.

Environmental Constraints: While the element now generally describes potential environmental constraints related to fire and flooding, it must still describe any other known environmental or other conditions that could impact housing development on identified sites in the planning period.

Accessory Dwelling Units (ADUs): HCD's prior review found the element should reconcile 2020 numbers with HCD's records (19 ADUs) and rescale assumptions based on permitted units and other relevant factors and add or modify programs as appropriate. In response, the element now assumes 70 ADUs per year (adjusted from over 100 ADUs per year). However, these adjusted assumptions are not supported by analysis and programs. First, the element must still reconcile 2020 numbers (27 ADUs) with HCD records. Second, recent trends (20 ADUs per year since 2018) do not support a four-fold increase. While the element notes the uptick (41 ADUs in 2021), it should rescale assumptions to a more appropriate number around 40 to 50 ADUs per year.

Electronic Site Inventory: As noted in the prior review, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: The element now includes some discussion related to available acreage and proximity to transportation and services; but it should still clarify emergency shelters are permitted without discretionary action; discuss the presence of reuse opportunities; and analyze any conditions inappropriate for human habitation.
- *Permanent Supportive Housing*: The element was not revised to address this finding. Please see HCD's prior review for additional information.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Processing and Permit Procedures: The element now describes approval bodies for various entitlements and indicates typical multifamily developments are subject to Planning Commission approval. In addition, as noted in the prior review, the analysis should address the typical number of public hearings, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty.

Housing for Persons with Disabilities:

- *Reasonable Accommodation*: HCD's prior review found the City's reasonable accommodation procedure contains potential constraints. For example, while HCD agrees that local actions must be consistent with the general plan, the purpose of the procedure is to provide exception in land use, including the general plan, so persons with disabilities can enjoy access to housing. Further, the housing element, including provisions for reasonable accommodation and obligations to affirmatively further fair housing (AFFH), are also part of the general plan. In response, the element does not appear to agree the procedure contains constraints but commits (Program 2N) to review and revise the ordinance to comply with state and federal fair housing laws, which casts uncertainty on what will be revised. As a result, Program 2N should be revised to provide certainty and specific commitment to revise the ordinance and ensure a process that promotes housing access for persons with disabilities. For example, the Program could commit to revise the procedure with parameters on what will be achieved through revisions such as promoting access to housing for persons with disabilities, addressing constraints such as approval findings and establishing objective standards (e.g., health and safety) and guidance to promote certainty on how approval findings will be implemented.
- *Definition of Family*: HCD's prior review found the zoning code defines single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities. In response, the element concludes the definition of family and single housekeeping unit do not touch on whether members are with a disability and is not intended to discriminate against persons with disabilities. However, the element provides no analysis to support this conclusion and should include a program to address the constraint. Please see HCD's prior review for additional information.
- *Group Homes*: The element includes various conclusions and statements about the City's zoning code and group homes, but it still must analyze the exclusion of these housing types from some residential zones and use permit and other requirements, including enforcement as constraints on housing for persons with disabilities and add or modify programs as appropriate. Based on a complete analysis, the element should add or modify program. Please see HCD's prior review for additional information.

B Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the*

administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)

As noted in the prior review, to have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitment. In response to add discrete timelines, the element, for several actions, now commits to review or evaluate programs annually. However, an annual review does not result in a beneficial impact or a housing outcome. Programs should have specific commitment with discrete timing to achieve a housing outcome in the planning period. For example, Program 1A (Owner Occupied Housing Rehabilitation) should at least annually market information on the program, describe when the City will evaluate effectiveness and make adjustments and could commit to process a target number of applications per year. Please see HCD's prior review for additional programs to be revised.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

   As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

   - Shortfall of Adequate Sites: As noted in the prior review, programs to rezone sites and accommodate a shortfall of adequate sites (3C and 3D) must be revised to address all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i) and commit to allowable densities, minimum acreage to be rezoned, number of shortfall units and amending any caps on residential development. In response, the element now states rezoning is not necessary to accommodate a shortfall of adequate sites. However, the element does not demonstrate how this conclusion is derived. The element should either demonstrate how adequate sites are demonstrated based on existing zoning, including development standards or revise programs as described in HCD's prior review.
   - Program 3B (Fairview Development Center): While the Program now commits to negotiate an agreement and alternative actions, it should also commit to facilitate development as appropriate, including zoning, incentives, expedited processing and

similar actions and include timing for when alternative actions will be completed if necessary.

- Large and Small Sites: As noted in Finding A3, programs should be added or modified to ensure availability and affordability of development in the planning period as anticipated in the sites inventory.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

   ELI Households: Program 2L is now revised to subsidize processing fees when funding is available and promote the benefits of the program. However, the Program should also commit to additional actions to assist in the development of housing for ELI households. The Program should commit to proactively reach out to developers at least annually and ongoing to identify development opportunities, adopt priority processing and streamlined review, grant concessions and incentives and assist, support or pursue funding applications at least annually and ongoing throughout the planning period.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Findings A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

   In addition, Program 3G now includes a specific schedule of actions to, among other things, engage the community, propose a ballot measure, adopt an inclusionary ordinance (exempting affordable housing proposals) and prepare planning amendments to meet the RHNA. However, the Program should also commit to adopt the various planning amendments, alternative actions if the appropriate zoning is not complete and provide parameters that the ballot measure or other actions will be undertaken to address this fundamental constraint to housing development (in addition to RHNA requirements).

5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   As noted in Finding A1, the element requires a complete analysis of AFFH. Depending upon the results of that analysis, the City must revise or add programs.

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

May 10, 2022

Scott Drapkin, Assistant Director
City of Costa Mesa, Development Services
77 Fair Drive
Costa Mesa, CA 92626

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission Determination for Costa Mesa 2021-2029 Housing Element Update.

Dear Mr. Drapkin:

We are in receipt of your April 11, 2022 email notifying the Airport Land Use Commission (ALUC) for Orange County of the City's intent to overrule the ALUC's inconsistency determination on the 2021-2029 Housing Element Update. City Council Resolution No. 2022-xx was attached (finalized as Resolution No. 2022-19). In accordance with Section 21676 of the Public Utilities Code, the ALUC submits the following comments addressing the proposed overrule findings for the above-referenced project. This letter is advisory to the City and must be included in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the City's governing body.

Please be advised that California Public Utilities Code (PUC) Section 21678 states: "With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation."

Background

On March 17, 2022, the ALUC for Orange County found the Costa Mesa Housing Element Update to be inconsistent with the *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)* on a 4-0 vote. The inconsistent finding was based on AELUP Sections 2.1.3 and 2.1.4, and PUC Sections 21674(a) and 21674(b). ALUC has the following comments regarding Resolution No. 2022-19 and the findings of facts included therein.

The City has stated in its resolution, "WHEREAS, California Public Utilities Code Section 21676(b) requires the City of Costa Mesa to refer an amendment of the City's general plan or

specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Airport Land Use Commission (ALUC) pursuant to Section 21675 to the ALUC for their consideration." This paraphrasing of the wording in PUC Section 21676(b) has neglected to include the requirement that a city must refer such actions to ALUC *prior* to approval by the city. The specific PUC wording is, "Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675 , the local agency shall first refer the proposed action to the commission." The City failed to refer its Housing Element Update to ALUC prior to its approval action. The City approved the Update on February 1, 2022 and scheduled the item for ALUC review on March 17, 2022.

Response to Finding No. 1 - Regarding Public Utilities Code (PUC) Section 21699
PUC Section 21699 referred to in Finding No. 1, relates to noise standards. ALUC's inconsistency finding was not based on noise standards, therefore, the City's Finding No. 1 does not address the inconsistency finding and is not an adequate finding on which to base the City's overrule. The ALUC appreciates that the City's Noise Element addresses potential noise impacts and that the City requires an "interior noise standard of 45 dBA CNEL be enforced for any new residential project."

Response to Finding No. 2 - Regarding PUC Section 21670
Section 2.1.4 of the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* and PUC Section 21670 states that the purpose of ALUCs is "to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." ALUC's inconsistency finding was based on the safety hazards created by changing the land use from commercial/mixed-use to residential in high-rise buildings in close proximity to John Wayne Airport.

The six housing sites identified in the 2021-2029 Housing Element Update located in the North Costa Mesa area of Focus Area 2 (Sites 139, 140, 141, 201, 202 and 205) are part of the Cultural Arts Center area and have existing height limitations of 315 feet AGL. With ground elevations ranging from 32 to 36 feet, the proposed residential buildings on these sites would penetrate the JWA horizontal surface by 141 to 145 feet. Sites in this area were previously reviewed by ALUC in 2006 and 2007 for proposed residential uses and found to be inconsistent with the *AELUP for JWA* because of penetration of the JWA horizontal obstruction surface. At that time, the FAA determined that the project was an obstruction by exceeding the standards of FAR Part 77, Subpart C, by (1) surpassing the 200 feet AGL threshold and (2) exceeding the horizontal surface for JWA, but determined the project was not a hazard to air navigation. The City then took steps to overrule the ALUC in accordance with PUC Sections 21676 and 21676.5. Although the City overruled at that time, it does not change the fact that the ALUC previously made a finding of inconsistency. Therefore, it would be contrary to the prior ALUC decision if the ALUC were to find these candidate housing sites, now included in the City-adopted 2021-2029 Housing

Element Update, as consistent. The ALUC continues to believe that high-rise residential uses that penetrate the obstruction imaginary surfaces would pose a safety risk to the future residents. The City's finding also addresses the site elevation data for three other candidate housing sites in Focus Area 2 (Sites 144, 206 and 207) as being imprecise and unreliable. Google Earth was used for site elevation analysis because it was the tool that ALUC had available. If the City had provided site elevation data, the ALUC would have used that for its analysis.

The finding notes that actual topographic data can be included in future North Costa Mesa Specific Plan updates or when an actual project is proposed. While these future actions would require ALUC review, and may indeed include detailed topographic data, the ALUC used the data available at the time of the current Housing Element Update. It was important for ALUC to review potential penetrations of obstruction surfaces during this Update analysis since allowable building heights plus site elevations could exceed the horizontal surface threshold. If a potential surface penetration were not identified during ALUC's review of this general plan Housing Element Update, there would likely be future assertions by the City during subsequent project reviews, that ALUC had not identified any issues previously. Subsequent projects such as Zoning Code and specific plan amendments will be evaluated and analyzed by ALUC in accordance with Public Utilities Code (PUC) Section 21675 when they are submitted by the City.

Additionally, in accordance with Public Utilities Code (PUC) Section 21675, which states that local agencies must first refer proposed General Plan Amendments to ALUC prior to City action, the ALUC's role is to identify possible conflicts with an AELUP at the earliest possible opportunity. In the case of the City's 2021-2029 Housing Element Update, the City took approval action prior to ALUC review and did not act in accordance with the PUC.
We urge the City Council to take ALUC's concerns into consideration in its deliberations prior to deciding whether to overrule ALUC. Thank you for the opportunity to provide these comments.

Sincerely,

Gerald A. Bresnahan for
Chairman

cc: Members of Airport Land Use Commission for Orange County
Gabrielle Sefranek, Caltrans/Division of Aeronautics

California Department of Transportation

DIVISION OF AERONAUTICS
P.O. BOX 94274, MS–40 | SACRAMENTO, CA 94274–0001
(916) 879-6596 | FAX (916) 653-9531 TTY 711
www.dot.ca.gov

June 7, 2022

Mr. Scott Drapkin
Assistant Director, Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Mr. Drapkin:

Thank you for including the California Department of Transportation (Caltrans), Division of Aeronautics (Division) in the overrule process for the above-referenced project. California Public Utilities Code (PUC) Section 21676 (http:www.leginfo.ca.gov/calaw.html), requires Caltrans to review the specific findings a local government intends to use when proposing to overrule an Airport Land Use Commission (ALUC). Specifically, the findings are examined to determine whether they are consistent with the purposes of the statutes as set forth in the State Aeronautics Act (SAA) per PUC Section 21670 et seq.

Section 21670(a) outlines five separate purposes for the legislation as follows:

- "…to provide for the orderly development of each public use airport in this state…"

- "…to provide for the orderly development of…the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards…"

- "…to provide for the orderly development of…the area surrounding these airports so as…to prevent the creation of new noise and safety problems."

- "…to protect the public health, safety, and welfare by ensuring the orderly expansion of airports…"

- "…to protect the public health, safety, and welfare by…the adoption of land use measures that minimize the public's exposure to excessive noise and safety

hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

Additionally, the SAA identifies the California Airport Land Use Planning Handbook (Handbook) to provide guidance for conducting airport land use compatibility planning as required by PUC Sections 21670-21579.5

Simply stated, the findings must show evidence that the city is minimizing the public's exposure to excessive noise and safety hazards within areas around public airports.

The proposed project, the City of Costa Mesa 2021-2029 6th Cycle Housing Element was reviewed by the Orange County ALUC (OCALUC) to determine whether the action is consistent with the Airport Environs Land Use Plan (AELUP). The ALUC staff report specifically described four AELUP consistency review areas for the Housing Element update: 1) Aircraft Noise Impacts, 2) Aircraft Height Restrictions, 3) Flight Tracks and Safety Zones, and 4) Heliports. The Orange County ALUC staff recommended a rule for inconsistency pursuant to AELUP Sections 2.1.3, 2.1.4 and PUC Section 21674.

Our review of the materials provided indicates the prime issue of inconsistency lies in the City's blueprint for future potential actions that are needed to meet the City's Regional Housing Needs Analysis allocation and comply with State Housing Element law. In accordance with Housing Element law, the City will process General Plan, Zoning Code and Specific Plan amendments, which would be subject to ALUC review. The City contends the Housing Element update does not in and of itself include any changes to local land use standards, including height restrictions, location, or number of housing units.

The City asserts specific findings to justify this overrule.

Finding No. 1: "…the City's candidate housing sites are appropriately located outside of airport noise contours of concern and further the City's General Plan Noise Element addresses potential applicable residential noise impacts in General Plan Noise Element Policies N-1.1, N-1.5, N-1.6, N-2.4 and N-2.6."

However, this finding is not consistent with planning regulations in the Government Code, to wit:

Government Code 65583
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

Government Code 65302
(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental

justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

In addition, SB 1000, chaptered in 2016, requires local governments to identify environmental justice communities (called "disadvantaged communities") in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including to facilitate transparency and public engagement in local governments' planning and decision-making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation.

Finding No. 2: "…the City's Housing Element update does not grant any entitlements, change any land use standards or authorize any development beyond what is allowed under the City's current General Plan and Zoning Code…"

The City believes that the proposed recommendation to submit future permits is premature based on Public Utilities Code Section 21676.5(a), which states:

"*If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made*."

As the Housing Element is a mandatory part of the General Plan and requires an amendment to the General Plan, it falls under the same review requirements for determining consistency.

California courts have supported the ALUC review of General Plans in *Watsonville Pilots Assoc. v. City of Watsonville (April 12, 2010) 183 Cal.App.4th 1059*. The City must conform to the State Aeronautics Act (SAA, Public Utilities Code Section 21670 et seq.) in its approach to planning areas adjoining the airport.

The SAA is intended to protect public safety by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports. According to the Court, the Handbook is a guide for counties with an ALUC; must be relied upon relative to height, use, safety, and density criteria by alternative procedure counties; and in the case of Watsonville, the city must adopt in its General Plan noise and safety criteria that are consistent with the criteria in the Handbook. The Court opined that "*we can see nothing in the statutory language that indicates that the Legislature intended to grant discretion to an affected city ... to decide which of the Handbook's criteria should be incorporated into such a city's general plan.*" As a result, Watsonville's 2030 General Plan, which conflicted with the Handbook's restrictions on land uses near airports, was therefore invalid.

The Division has reviewed the proposed findings provided by the City and has determined the findings are insufficient to warrant this proposed overrule. Specifically, the findings are not consistent with the purposes of the statutes set forth in the California Public Utilities Code (PUC) section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC statutes set forth in PUC section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC, section 21670(a) (1) and (2).

Based on the information provided by both the City and the OCALUC, the Division does not agree with the City's findings.

The Division strongly recommends not approving this overrule due to significant safety risks and potential noise incompatibility. Please note the PUC reference below, which mandates that local agencies shall be guided by the height, use, noise, safety, and density criteria as established in the Handbook:

California Public Utilities Code, section 21674.7 (b):

It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division.

It must be understood that protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use

compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use is essential.

The John Wayne Airport is a vital part of the air transportation system and is an economic asset with its 350,000 operations and 10.7 million commercial passengers in 2019. The airport will continue to increase commercial and air cargo service at John Wayne Airport, and we commend the efforts of the Orange County Airport Land Use Commission in making careful and reasoned decisions in attempting to ensure compatible land uses in the vicinity of the Airport.

Although the need for compatible and safe land uses near airports in California is both a local and State issue, airport staff, airport land use commission and airport land use compatibility plans are key to protecting an airport and the people residing, working and recreating in the vicinity of an airport. Consideration given to the issue of compatible land uses within an airport's environs should help to relieve future conflicts between airports and their neighbors.

As a reminder, pursuant to PUC 21676, et seq., the local agency governing body shall include comments from the OCALUC and the Division in the final record of any final decision to overrule the commission.

Please note: The Division comments are to be included in the public record of any decision to overrule the OCALUC.

These comments reflect the areas of concern to the Caltrans's Division of Aeronautics. We appreciate the opportunity to review and comment on this project. If you have questions, please do not hesitate to contact us at (916) 654-5203.

Sincerely,



Jeffrey L. Spencer
Associate Transportation Planner
Division of Aeronautics
Office of Planning

c: Lea Choum, Executive Officer, Orange County Airport Land Use Commission
Matt Friedman, Chief, Office of Aviation Planning, Division of Aeronautics

City Responses to Comments

Airport Land Use Commission (ALUC) May 10, 2022 Comments

ALUC Comment for purpose Finding No. 1 (direct quote from ALUC letter provided below):

Response to Finding No. 1 - Regarding Public Utilities Code (PUC) Section 21699
PUC Section 21699 referred to in Finding No. 1, relates to noise standards. ALUC's inconsistency finding was not based on noise standards, therefore, the City's Finding No. 1 does not address the inconsistency finding and is not an adequate finding on which to base the City's overrule. The ALUC appreciates that the City's Noise Element addresses potential noise impacts and that the City requires an "interior noise standard of 45 dBA CNEL be enforced for any new residential project."

City response to ALUC comment to purpose Finding No. 1:

The ALUC comments responded to the City that the ALUC "inconsistency finding was not based on noise standards." However, the ALUC comments further indicated that they appreciate that the City's Noise Element addresses potential airport noise impacts and requires an interior noise standard of 45 dBA CNEL to be enforced for any new residential project. Therefore, the Housing Element is consistent with the "purpose" outlined in PUC Section 21670.

ALUC comment for purpose Finding No. 2 (direct quote from letter provided below):

Response to Finding No. 2 - Regarding PUC Section 21670
Section 2.1.4 of the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* and PUC Section 21670 states that the purpose of ALUCs is "to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." ALUC's inconsistency finding was based on the safety hazards created by changing the land use from commercial/mixed-use to residential in high-rise buildings in close proximity to John Wayne Airport.

The six housing sites identified in the 2021-2029 Housing Element Update located in the North Costa Mesa area of Focus Area 2 (Sites 139, 140, 141, 201, 202 and 205) are part of the Cultural Arts Center area and have existing height limitations of 315 feet AGL. With ground elevations ranging from 32 to 36 feet, the proposed residential buildings on these sites would penetrate the JWA horizontal surface by 141 to 145 feet. Sites in this area were previously reviewed by ALUC in 2006 and 2007 for proposed residential uses and found to be inconsistent with the *AELUP for JWA* because of penetration of the JWA horizontal obstruction surface. At that time, the FAA determined that the project was an obstruction by exceeding the standards of FAR Part 77, Subpart C, by (1) surpassing the 200 feet AGL threshold and (2) exceeding the horizontal surface for JWA, but determined the project was not a hazard to air navigation. The City then took steps to overrule the ALUC in accordance with PUC Sections 21676 and 21676.5. Although the City overruled at that time, it does not change the fact that the ALUC previously made a finding of inconsistency. Therefore, it would be contrary to the prior ALUC decision if the ALUC were to find these candidate housing sites, now included in the City-adopted 2021-2029 Housing

(continued)

Element Update, as consistent. The ALUC continues to believe that high-rise residential uses that penetrate the obstruction imaginary surfaces would pose a safety risk to the future residents. The City's finding also addresses the site elevation data for three other candidate housing sites in Focus Area 2 (Sites 144, 206 and 207) as being imprecise and unreliable. Google Earth was used for site elevation analysis because it was the tool that ALUC had available. If the City had provided site elevation data, the ALUC would have used that for its analysis.

The finding notes that actual topographic data can be included in future North Costa Mesa Specific Plan updates or when an actual project is proposed. While these future actions would require ALUC review, and may indeed include detailed topographic data, the ALUC used the data available at the time of the current Housing Element Update. It was important for ALUC to review potential penetrations of obstruction surfaces during this Update analysis since allowable building heights plus site elevations could exceed the horizontal surface threshold. If a potential surface penetration were not identified during ALUC's review of this general plan Housing Element Update, there would likely be future assertions by the City during subsequent project reviews, that ALUC had not identified any issues previously. Subsequent projects such as Zoning Code and specific plan amendments will be evaluated and analyzed by ALUC in accordance with Public Utilities Code (PUC) Section 21675 when they are submitted by the City.

City response to ALUC comment to purpose Finding No. 2:

The ALUC comment letter indicates that in regard to PUC Finding No. 2, their "inconsistency finding was based on the safety hazards created by changing the land use from commercial/mixed use to residential high rise building in close proximity to John Wayne Airport. The ALUC finding of inconsistency specifically pertains to proposed housing sites located within the North Costa Mesa Specific Plan area. As indicated by the ALUC comment, the PUC Purpose Finding No. 2 clearly references "the protection of public health, safety and welfare"; however, this finding in complete context also specifies "to minimize the public's exposure to excessive noise and safety hazards around public airports to the extent that these areas are not already devoted to incompatible uses" [emphasis added]. As indicated in the "City Council adopted Justification for purpose Finding No 2", the area of the housing sites that the ALUC determined were "incompatible" are located in the North Costa Mesa Specific Plan area which is approved ("devoted") for a hotel/residential development project of 304 feet. At the time this project was approved, the City processed an ALUC overrule with findings based on the Federal Aviation Administration (FAA) determination that the proposed building height of 304 feet "would not adversely affect air safety" and the FAA subsequently issued a "no hazard determination." Additionally, this area is currently developed with the "Plaza Tower" and "Center Tower" buildings which both exceed 20 stories. Since this area, as determined by the ALUC, is already "devoted" with similar "incompatible uses", purpose Finding No. 2 is not applicable to the subject housing sites pursuant to the PUC provisions. Therefore, the proposed justification to overrule the ALUC determination for purpose Findings No. 2 is appropriate, and the Housing Element is consistent with the "purpose" outlined in PUC Section 21670.

Caltrans Division of Aeronautics June 7, 2022 Comments

Caltrans comment for purpose Finding No. 1 (direct quote from letter provided below):

Finding No. 1: "...the City's candidate housing sites are appropriately located outside of airport noise contours of concern and further the City's General Plan Noise Element addresses potential applicable residential noise impacts in General Plan Noise Element Policies N-1.1, N-1.5, N-1.6, N-2.4 and N-2.6."

However, this finding is not consistent with planning regulations in the Government Code, to wit:

Government Code 65583
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

Government Code 65302
(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental

(continued)

justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

In addition, SB 1000, chaptered in 2016, requires local governments to identify environmental justice communities (called "disadvantaged communities") in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including to facilitate transparency and public engagement in local governments' planning and decision-making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation.

City response to Caltrans comment to purpose Finding No. 1:

In regard to Finding No. 1, the Caltrans Division of Aeronautics (Caltrans) responded that the City's findings are "not consistent with the planning regulations in the Government Code." Specifically, the Caltrans' comments reference the California Land Use provisions relating to "Housing Elements" (Section 65583) and the "Authority for the Scope of General Plans" (Section 65302). However, neither of these provisions are specified for compliance in the PUC provisions relating to the "overrule" process, and therefore are not applicable. Finding No. 1 is specifically related to "noise" and, as confirmed by the ALUC, the City's Noise Element addresses potential airport noise impacts and requires an interior noise standard of 45 dBA CNEL to be enforced for any new residential project. Therefore, the Housing Element is consistent with the "purpose" outlined in PUC Section 21670.

Caltrans comment for purpose Finding No. 2 (direct quote from letter provided below):

Finding No. 2: "...the City's Housing Element update does not grant any entitlements, change any land use standards or authorize any development beyond what is allowed under the City's current General Plan and Zoning Code..."

The City believes that the proposed recommendation to submit future permits is premature based on Public Utilities Code Section 21676.5(a), which states:

(continued)

"If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made."

As the Housing Element is a mandatory part of the General Plan and requires an amendment to the General Plan, it falls under the same review requirements for determining consistency.

California courts have supported the ALUC review of General Plans in *Watsonville Pilots Assoc. v. City of Watsonville (April 12, 2010) 183 Cal.App.4th 1059*. The City must conform to the State Aeronautics Act (SAA, Public Utilities Code Section 21670 et seq.) in its approach to planning areas adjoining the airport.

The SAA is intended to protect public safety by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports. According to the Court, the Handbook is a guide for counties with an ALUC; must be relied upon relative to height, use, safety, and density criteria by alternative procedure counties; and in the case of Watsonville, the city must adopt in its General Plan noise and safety criteria that are consistent with the criteria in the Handbook. The Court opined that "*we can see nothing in the statutory language that indicates that the Legislature intended to grant discretion to an affected city ... to decide which of the Handbook's criteria should be incorporated into such a city's general plan.*" As a result, Watsonville's 2030 General Plan, which conflicted with the Handbook's restrictions on land uses near airports, was therefore invalid.

City Response to Caltrans comment to Finding No. 2:

In regard to Finding No. 2, the Division responded that the purpose of the Division's review of the City's ALUC Determination overrule findings is to "determine whether they are consistent with the purpose of the statutes as set forth in the State Aeronautics Act (SAA) per PUC Section 21670." The Division comments, similar to the above ALUCs comments, cites the PUC provision related to safety and noise hazards around public airports. As previously indicated, the area of the housing sites that the ALUC determined were "incompatible" in regard to safety are located in the North Costa Mesa Specific Plan area which is entitled for a hotel/residential development project of 304 feet. At the time of approval of this project, the City processed an ALUC overrule with findings based on the Federal Aviation Administration (FAA) determination that the proposed building height of 304 feet "would not adversely affect air safety" and the FAA subsequently issued a "no hazard determination." Additionally, this area is currently developed with the Plaza Tower and Center Tower which exceed 20 stories. Since this area, as determined by the ALUC, is already "devoted" with similar "incompatible uses", Finding No. 2 is not applicable to the subject housing sites. Therefore, the proposed justification to overrule the ALUC determination for purpose Findings No. 2 is appropriate, and the Housing Element is consistent with the "purpose" outlined in PUC Section 21670.

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-930 **Meeting Date:** 11/15/2022

TITLE:

APPROVAL OF AMENDMENT TO CITYWIDE RENTAL ASSISTANCE PROGRAM WITH MERCY HOUSE FUNDED BY THE AMERICAN RESCUE PLAN ACT (ARPA)

DEPARTMENT: **CITY MANAGER'S OFFICE**

PRESENTED BY: **NATE ROBBINS, NEIGHBORHOOD IMPROVEMENT MANAGER**

CONTACT INFORMATION: **LORI KARAGUEZIAN, SENIOR MANAGEMENT ANALYST, (714) 593-5347**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 3 (Attachment 1) to the Subrecipient Agreement (SRA) with Mercy House Living Centers increasing the compensation by $500,000 and authorize the appropriation of American Rescue Plan Act (ARPA) funds for program administration for the City's ARPA Rental Assistance Program for lower-income households.

2. Authorize the City Manager and City Clerk to execute all agreements and any amendments to the agreements.

BACKGROUND:

Since March 2020, the COVID-19 Pandemic has had significant economic impacts on communities. Programs designed to provide a safety net for residents have been necessary to mitigate the related impacts pertaining to food, housing, and income insecurity.

The City's response to the COVID-19 Pandemic included Citywide Rental Assistance programs funded initially with both CDBG-CV and HOME funding sources. As of this time, all CDBG-CV Rental Assistance funds have been exhausted, and HOME Rental Assistance funds are the only remaining funds available for households with minor children in need of rental assistance and are fully contracted with the non-profit service provider Families Forward.

American Rescue Plan Act (ARPA) Funds

The American Rescue Plan Act (ARPA) of 2021, passed by the United States Congress and signed into law on March 11, 2021, includes $350 billion of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency.
The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

The City of Costa Mesa was allocated ARPA-SLFRF funds of $26,481,093, of which 50% was received and expended in FY2020-21 primarily for small business grants and to offset revenue losses and finance increased costs resulting from the pandemic. The other 50% was received in FY2021-22. ARPA-SLFRF eligible use for housing assistance includes development of affordable housing and rental assistance to needy families.
At the June 21, 2022 City Council meeting, the Council approved an appropriation of $500,000 in American Rescue Plan Act funds to augment the City's HUD-funded Rental Assistance Programs to continue offering much-needed assistance to Costa Mesa renters.

Community Development Block Grant Coronavirus (CDBG-CV)

The Coronavirus Aid, Relief and Economic Security Act of 2020 (the "Cares Act") provided $5 billion in Community Development Block Grant Coronavirus funding ("CDBG-CV") to assist low-income and vulnerable Americans impacted by the Coronavirus pandemic. The U.S. Department of Housing and Urban Development ("HUD") allocated $2 billion of these funds to eligible jurisdictions by using the existing CDBG grant formula. The CDBG-CV program is a COVID 19 resource that was approved as a substantial amendment to the FY 2019-2020 Annual Action Plan and is not a recurring source of funding.

City Council accepted round one of CDBG-CV funds on May 26, 2020 in the amount of $668,658 and round two of CDBG-CV funds on October 9, 2020 in the amount of $1,168,216 for a total of $1,836,874 in CDBG-CV funds awarded to the City. Of this amount, a total of $905,000 was allocated for rental assistance. As of this date, the rental assistance funds have been completely expended.

HOME Tenant Based Rental Assistance Program (TBRA)

The HOME TBRA Pilot Program was initiated as part of the 2020-2024 Consolidated Plan process with an initial allocation of $150,000 for the program in FY 2020-2021. Families Forward was selected as the subrecipient administrator for the program in November 2020 and was subsequently allocated an additional $150,000 in November 2021 for a total allocation of $300,000 for the TBRA program. The agreement with Families Forward will soon expire but can be extended as needed to close out the final expenditure of all funds.

ANALYSIS:

Mercy House is a local 501(c)(3) organization and has over thirty (30) years of experience providing services to homeless and at-risk households. Over the past two years, Mercy House was awarded and has successfully administered $392,633 in CDBG-CV Rental Assistance funds to keep forty-three (43) at-risk households in their homes, in addition to their operation of the City's Permanent

Bridge Shelter.

The CDBG-CV Rental Assistance funds awarded to Mercy House were allocated specifically for assisting individuals and/or households without minor children. However, those funds have been totally expended. The proposed award of $500,000 in ARPA Rental Assistance funds will be used by Mercy House to assist *both* individuals and families, as outlined in the Scope of Work (Attachment 2).

Below are some highlights of the new ARPA Rental Assistance Program:

PURPOSE

- To provide Costa Mesa households with financial assistance to maintain housing at-risk of being lost or secure permanent housing for those experiencing homelessness.

ELIGIBILITY

- All Costa Mesa residents earning at or below 50% of the Area Median Income (AMI), or $67,750 for a family of four, are eligible to apply.

APPLICATION PROCESS

- Mercy House will have two English/Spanish-speaking staff dedicated to supporting interested households in completing and submitting a Program application.
- At launch, Mercy House will host a Rental Assistance Application Workshop where members of the community can receive real-time assistance to complete and submit a Program application.

ASSISTANCE

- The Program will provide a maximum of six (6) months of rental assistance with no cap on the amount of assistance.
- The Program can provide up to six (6) months of rental arrears, which do not count toward the maximum of six (6) months of prospective rental assistance.
- While enrolled in the Program, no household will pay more than 30% of their adjusted gross income toward rent.

TERM

- Mercy House projects to expend all funds by December 31, 2023.

PROJECTED ACCOMPLISHMENTS

- Over the Program term, Mercy house projects to assist approximately 54 households with rental assistance and associated services.

ALTERNATIVES:

This item is administrative in nature.

FISCAL REVIEW:

Upon approval by City Council, ARPA funds in the amount of $500,000 will be appropriated for this program.

LEGAL REVIEW:

The City Attorney's office has reviewed this report and approved it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Diversify, Stabilize and Increase Housing to Reflect Community Needs

CONCLUSION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 3 (Attachment 1) to the Subrecipient Agreement (SRA) with Mercy House Living Centers increasing the compensation by $500,000, and authorize the appropriation of ARPA funds for program administration for the City's ARPA Rental Assistance Program for lower-income households.

2. Authorize the City Manager and City Clerk to execute all agreements and any amendments to the agreements.

ATTACHMENT 1

AMENDMENT NUMBER THREE
TO 2020-2021 SUBRECIPIENT AGREEMENT
AMONG THE CITY OF COSTA MESA, AS GRANTEE UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS PROGRAM,
THE COSTA MESA HOUSING AUTHORITY AND MERCY HOUSE LIVING CENTERS

This Amendment Number Three (“Amendment”) is made and entered into this 15th day of November, 2022 (“Effective Date”), by and among the CITY OF COSTA MESA ("CITY"), a municipal corporation and MERCY HOUSE LIVING CENTERS, a nonprofit corporation ("SUBRECIPIENT"). CITY and AUTHORITY are collectively referred to herein as "CITY."

WHEREAS, CITY and SUBRECIPIENT entered into an agreement dated October 6, 2020 for SUBRECIPIENT to provide shelter, supportive services and housing navigation services for homeless men and women (the "Agreement"); and

WHEREAS, CITY and SUBRECIPIENT entered into an Amendment One dated June 15, 2021 to amend the use of Community Development Block Grant-Coronavirus ("CDBG-CV") funds and extend the term (“Amendment One”); and

WHEREAS, Amendment One provides for the expiration of the Agreement on June 30, 2022; and

WHEREAS, CITY and SUBRECIPIENT entered into an Amendment Two dated June 21, 2022 to amend the Agreement term to expire on June 30, 2023 and to increase the amount of CDBG-CV funds to $392,633.00 ("Amendment Two"); and

WHEREAS, CITY was awarded American Rescue Plan Act (“ARPA”) funds through the United States Department of the Treasury; and

WHEREAS, CITY desires to provide an additional Five Hundred Thousand Dollars ($500,000.00) of ARPA funds to SUBRECIPIENT; and

WHEREAS, CITY and SUBRECIPIENT desire to extend the term for an additional six (6) months, through December 30, 2023; and

WHEREAS, CITY and SUBRECIPIENT desire to amend the Scope of Services to include the additional services set forth in Exhibit “A,” attached hereto and incorporated herein by this reference; and

WHEREAS, CITY and SUBRECIPIENT desire to include ARPA related provisions to the Agreement to ensure compliance with all ARPA-related laws and regulations.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The term of the Agreement shall be extended through December 31, 2023.
2. The Scope of Services shall be amended to include the additional services set forth in Exhibit A.
3. Section 4 of the Agreement shall be amended to include that SUBRECIPIENT'S total compensation shall not exceed Five Hundred Thousand Dollars ($500,000.00) of ARPA funds.

4. The Agreement shall be amended to include Section 13(c), providing that "SUBRECIPIENT understands, acknowledges, and agrees that the funding source for its work is from the American Rescue Plan, Coronavirus State and Local Fiscal Recovery Funds (collectively "ARPA") and as such, SUBRECIPIENT is required to comply with the regulations associated with ARPA funds pursuant to 31 CFR Part 35. Those regulations and reporting requirements are set forth in Exhibit "B" attached hereto and incorporated herein by reference. By executing this Contract, SUBRECIPIENT agrees to comply with all such regulations and reporting requirements and shall familiarize itself with those requirements."
5. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
6. All other terms, conditions, and provisions of the Agreement shall remain in full force and effect.
7. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

SUBRECIPIENT

_____ Date: _____
Signature

_____
Name and Title

CITY OF COSTA MESA

_____ Date: _____
John Stevens
Mayor

ATTEST:

_____
Brenda Green
City Clerk

APPROVED AS TO FORM:

_____ Date: _____
Kimberly Hall Barlow
City Attorney

APPROVED AS TO INSURANCE:

_____ Date: _____
Ruth Wang
Risk Management

APPROVED AS TO CONTENT:

_____ Date: _____
Lori Karaguezian
Project Manager

DEPARTMENTAL APPROVAL:

_____ Date: _____
Lori Ann Farrell Harrison
City Manager

APPROVED AS TO PURCHASING:

_____ Date: _____
Carol Molina
Finance Director

EXHIBIT A

SCOPE OF SERVICES

City of Costa Mesa ARPA Rental Assistance Program

SCOPE OF WORK

Program Overview

The City of Costa Mesa (City) is seeking the services of an experienced local non-profit and/or consultant (Program Administrator) to implement and administer the American Rescue Plan Act (ARPA) Rental Assistance Program (Program). The purpose of the Program is to provide very-low income Costa Mesa residents with financial assistance to maintain housing at-risk of being lost or secure permanent housing for those experiencing homelessness.

Program Administrator Requirements

Program Administrator shall manage the application, verification, payment and reporting for the Program as follows:

- Provide technical assistance to individuals applying for rental assistance.
- Determine applicant eligibility and complete intake documentation.
- Determine maximum allowable rent payment per the Orange County Housing Authority (OCHA) Payment Standards (City to provide).
- Distribute rental assistance payments to landlords. Payments will be made in the form of grants payable to the landlord/property owner for a maximum term of six (6) months.
- Distribute rental arrears payments (as applicable) to landlords. Rental arrears payment will be made in the form of a grant to the landlord/property owner for a maximum of six (6) months of past-due rent. Rental arrears payments do not count toward the maximum term of rental assistance payments.
- Assess applicant eligibility and amount of assistance required based on evaluation of family or individual's financial need. Participating households shall earn no more than 50% of the Area Median Income (AMI) and pay no more than 30% of their Adjusted Gross Income toward rent.
- Develop, prepare, distribute and process Program application forms, surveys and reporting materials.
- Provide outreach and circulate information of the availability of the Program in coordination with the City.
- Ensure each case file is appropriately closed-out and case files shall be maintained for a period of no less than four (4) years.

Verify the following requirements of Program applications:

- Household is a current resident of Costa Mesa or is currently homeless with strong ties to Costa Mesa (i.e. Live, Work, School).
- Household income at or below 50% AMI as determined by a Part 5 HUD Income Calculator.
- Current rental payments as evidenced by an executed lease.
- Documented need for the Program assistance.
- Tenant and landlord/property owner self-certification (under penalty of perjury) that they are not receiving any other form of rental subsidy or assistance for the participating household.

Verify the following Program grant payment requirements with landlord/property owner:

- Validate lease/rental agreement between tenant and landlord.
- Obtain a landlord/property owner affidavit affirming Program terms.
- Create and send letters to applicants confirming or denying their Program grant payment.
- Issue rental assistance payments directly to landlord/property owner and send an invoice to the City.

PROGRAM SPECIFICATIONS

Distribution of Funds

Funds will be disbursed from the Program Administrator directly to the landlord/property owner for rental assistance on behalf of an approved program participant. No funds will be disbursed directly to Program beneficiaries.

Amount of rental assistance shall be objectively determined based on the following formula:

- (Household's Adjusted Gross Income x 0.3) – Base Rent = Maximum Rental Assistance Payment
    - In special cases, and only when expressly approved by the City, Program Administrator may provide financial assistance equal to 100% of a households rent when failure to do so would result in a shortfall.

Prior to the award of funds, Program Administrator shall submit the following documents to the City:

From the Landlord/Property Owner:

- W-9 for the Landlord/Property Owner receiving rental payment; and
- Signed affidavit affirming that the Landlord/Property Owner has not and will not receive payment for the same month(s) rent due for the same tenant from any other rental assistance program.

From the Tenant/Household:

- Executed Rental Assistance Agreement that includes a signed affidavit affirming that the tenant is not receiving rent from any other sources (rental assistance programs, sub-lessees, roommates, etc.).

Reporting Requirements

Monthly - Program Administrator shall submit quarterly reports addressing progress of objectives identified in the Scope of Work by the 15th of the month following the close of each prior month.

Quarterly - Program Administrator shall submit quarterly invoices for services provided to the City by the 15th of the month following the close of the quarter. Quarterly invoices must include back-up documentation for all costs submitted for reimbursement. Only those items in the approved budget, or an approved amendment, will be eligible for reimbursement.

Annually – Program Administrator shall provide an annual report within 45 days of the completion of each contract year. The annual report shall provide a summary of applicants who were approved and received rental assistance to include the following data:

- Name and address
- Participant eligibility
- Income level, ethnicity and race category
- Documented need for rental assistance
- Total rental assistance payment approved including the amount paid and for what month(s)/year

Program Administrator shall provide a summary of applicants who were denied rental assistance to including the following:

- Name and address
- Reason for rental assistance program denial

Program Administrator shall prepare, submit and report the results of a Client Satisfaction Survey of all program applicants to determine their satisfaction with participating in the program and working with the Program Administrator.

If the contract between the City and Program Administrator is extended, the Program Administrator shall provide annual reports following each subsequent contract year.

EXHIBIT B

ARPA REQUIREMENTS

ARPA Regulations, 31 CFR Part 35 (“Regulations”) are incorporated herein and made a part of this Contract

CONTRACTOR agrees to be bound by the reporting requirements set out in the Regulations. This includes submitting quarterly reports by the 15th of the month following the end of each quarter to the City. The reports must include, but is not limited to, the use of the funds, documentation/receipts of the funds spent, description of the project and status of completion of the project. The Director of Finance may require additional information of CONTRACTOR for compliance with ARPA Regulations.

CONTRACTOR, in the performance of this Contract and as a sub-receipient of ARPA funds, as well as all of its subcontractors, must comply with the following:

1. CONTRACTOR, and any and all of its subcontractors, must ensure that they do not deny benefits, services or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity) in accordance with Title VI of the Civil Rights Act of 1964, Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23. CONTRACTOR will be required to submit data showing compliance with the above.

2. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found at 2 CFR Part 200 Appendix II.

3. The Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251et seq.) and all applicable standards, orders or regulations.

4. The Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) regulations regarding restrictions on lobbying and required certificates.

5. Section 2 CFR 200.323 regarding Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (EPA guidelines at 40 CFR Part 247.

6. Section 200.322 of 2 CFR 200.322, Domestic preferences for procurements.

File #: 22-940 **Meeting Date:** 11/15/2022

TITLE:

COMMITMENT OF $975,000 IN AMERICAN RESCUE PLAN ACT FUNDS TO FAMILIES FORWARD FOR DEVELOPMENT OF THE BUNGALOWS AFFORDABLE HOUSING PROJECT LOCATED AT 2039 POMONA AVENUE

DEPARTMENT: **CITY MANAGER'S OFFICE**

PRESENTED BY: **NATE ROBBINS, NEIGHBORHOOD IMPROVEMENT MANAGER**

CONTACT INFORMATION: **LORI KARAGUEZIAN, SENIOR MANAGEMENT ANALYST, 714-754-5347**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the appropriation and allocation of $975,000 in American Rescue Plan Act (ARPA) funds, or any other viable source of funds, to Families Forward for the development of The Bungalows Project, an affordable housing project to serve an estimated 36 individuals, contingent upon the successful completion of a financial feasibility analysis by the City's third-party underwriting consultant, Keyser Marston Associates.

2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition.

BACKGROUND:

Project Description

Families Forward is a local 501(c)(3) nonprofit organization, established in 1984 to serve homeless and at-risk families with minor children. Families Forward is an industry leader in high-quality service delivery, enabling each household they serve to achieve independence and stability. The mission of Families Forward is to help vulnerable households achieve and maintain economic stability and self-sufficiency through food, housing, counseling, education, and other support services.

The Bungalows Project ("The Bungalows" or "Project") is located at 2039 Pomona Ave, Costa Mesa, and aims to provide up to 36 individuals with permanent affordable housing and supportive services in eight housing units for Costa Mesa families earning at or below 50% of the Area Median Income for a period of not less than 20 years. Families Forward acquired the property in March 2021 for

$2.4M in private donor funds.

The units were unoccupied at the time of purchase, therefore, there was no displacement of residents or required relocation expenses. Construction and rehabilitation costs for The Bungalows will be funded through a combination of Families Forward's existing capital, a construction loan, in-kind donations, and public/private grants.

Families Forward is collaborating on the Bungalows with HomeAid Orange Country for project management assistance to reduce construction costs by securing in-kind donations of materials and supplies. With the increase of inflation, oil prices, and labor shortages in mind, Families Forward is relying on grants to cover any additional project costs.

Request for Qualifications (RFQual)

On July 18, 2022, the City issued RFQual #23-01 soliciting proposals for HOME funds for the development of affordable housing projects. The RFQual was published on the City website, on Planet Bids, and an electronic letter was emailed to interested developers and nonprofit organizations who had previously requested to be informed of affordable housing development opportunities and funding.

Following the release of RFQual #23-01, Families Forward submitted a proposal requesting gap financing for The Bungalows.

American Rescue Plan Act (ARPA) Funds

The American Rescue Plan Act (ARPA) of 2021, passed by the United States Congress and signed into law on March 11, 2021, includes $350 billion of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

The City of Costa Mesa was allocated ARPA-SLFRF funds of $26,481,093, of which 50% was received and expended in FY2020-21 primarily for small business grants and to offset revenue losses and increased costs resulting from the pandemic. The other 50% was received in FY2021-22. ARPA-SLFRF is eligible to use for housing assistance including development of affordable housing.

In July 2022, the US Department of the Treasury and the Department of Housing and Urban Development (HUD) collaborated to release the "Affordable Housing How-To Guide", which provides guidance to local governments on best-practices when utilizing ARPA funds to develop housing.

As stated in the Guide, "[ARPA] funds used for affordable rental housing… are presumptively eligible uses if the units funded serve households at or below 65% of AMI for a period of 20 years or greater."

The Bungalows, as proposed, is affordable rental housing serving households at or below 50% AMI for a period of 20 years; therefore, is presumed eligible to receive an award of ARPA funds.

ANALYSIS:

Families Forward has updated and resubmitted their proposal (Attachment 1) for The Bungalows, wherein, they are requesting a $975,000 grant as gap financing to develop the Project.

The Bungalows is an 8-unit, in-fill, affordable housing development situated in a predominantly multi-family residential neighborhood that will serve up to 36 individuals. The Project includes substantial rehabilitation of all internal and external spaces, including the renovation of 6 existing units, as well as ground-up construction of 2 new accessory dwelling units (ADUs). The Project will consist of four 1-bedroom/1-bath units, three 2-bedroom/2-bath units, and one 3-bedroom /2-bath unit, with a total livable area of 5,282 square feet. At lease-up, the Bungalows will provide permanent housing and supportive services for up to eight (8) households (up to 34 people) earning at or below 50% of the Area Median Income (i.e. $67,750/yr for a household of four). As will be stipulated in the Affordable Housing Agreement, a local preference for all eight units will be given to homeless and at-risk households with strong “Live, Work, School” ties to Costa Mesa throughout the 20-year affordability period.

The Project also contemplates the rehabilitation of existing on-site amenities including the driveway, landscaping, laundry facilities, two courtyards, storage building and updated utility connections. The Bungalows will be closely managed by Families Forward’s Property Management Team as well as a Property Maintenance Technician. In addition, tenants will have access to a 24/7 emergency maintenance line and an online portal to complete tasks such as requesting repairs or paying rent.

City Staff has reviewed Families Forward’s proposal and determined the Project aligns with the Council Goal to “Diversify, Stabilize and Increase Housing to Reflect Community Needs.” Additionally, the Project’s new construction of two (2) very-low income ADU’s will count toward the City’s 6th Cycle Regional Housing Needs Assessment (RHNA) allocation of 11,760 housing units. Lastly, through a strong partnership with the Newport Mesa Unified School District (NMUSD), the City has identified the need for affordable housing able to accommodate households consisting of 3+ members. Per NMUSD’s data regarding the Free-Reduced Price Meal Program, 35% (5,929) of the nearly 18,000 students enrolled are eligible to receive free meals. Eligibility for the Free Meal Program is contingent upon a student’s annual household income being at or below 130% of the Federal Poverty Level, or $36,075 annually for a household of four.

The Project is in the best interest of the City and will provide much-needed affordable housing for Costa Mesa families with children.

ALTERNATIVES:

The City Council may choose not to approve an award of $975,000 to the Project. If the City does not approve the funding, Families Forward will likely not be able to move forward with this project. This is not recommended as long-term affordable housing for very-low income Costa Mesa families experiencing and at-risk of homelessness is a Council priority.

FISCAL REVIEW:

Upon City Council approval, ARPA funds or other eligible funds in the amount of $975,000 will be appropriated for this project.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approved as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Diversify, Stabilize and Increase Housing to Reflect Community Needs

CONCLUSION:

Staff recommends the City Council:

1. Approve the appropriation and allocation of $975,000 in American Rescue Plan Act (ARPA) funds, or any other viable source of funds, to Families Forward for the development of The Bungalows Project, contingent upon the successful completion of a financial feasibility analysis by the City's third-party underwriting consultant, Keyser Marston Associates.

2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition.

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-939 **Meeting Date:** 11/15/2022

TITLE:

APPROVE A COMMITMENT OF $850,000 OF LOW/MODERATE INCOME HOUSING ASSET FUNDS TO CM MERCY HOUSE CHDO, LLC, FOR THE CONVERSION OF THE MOTEL 6 INTO A HOMEKEY PROJECT LOCATED AT 2274 NEWPORT BOULEVARD IN COSTA MESA

DEPARTMENT: **CITY MANAGER'S OFFICE**

PRESENTED BY: **NATE ROBBINS, NEIGHBORHOOD IMPROVEMENT MANAGER**

CONTACT INFORMATION: **LORI KARAGUEZIAN, SENIOR MANAGEMENT ANALYST, 714-754-5347, Lori.Karaguezian@costamesaca.gov**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve an appropriation and allocation of $850,000 in Low/Moderate Income Housing Asset Funds to CM Mercy House CHDO LLC for development of the Motel 6 Project Homekey Housing Project.

2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition and create an estimated 88 units of permanent affordable housing.

BACKGROUND:

Project Description

The Motel 6 Housing Project ("Motel 6" or "Project") is located at 2274 Newport Boulevard, Costa Mesa. The Project site is approximately 1.16 acres, which includes the building currently occupied by Motel 6 Costa Mesa, consisting of 94 guest rooms for commercial/hospitality use. The proposed Project contemplates the conversion of the motel property into 88 units of permanent affordable housing. The project will include 30 units for Veterans at-risk of or experiencing homelessness, 10 units for households at-risk of or experiencing homelessness that are eligible to receive Mental Health Services Act (MHSA) assistance, and the remaining 47 units will be set-aside for Costa Mesa senior citizens (age 62+) earning 50% or less of the Area Median Income (AMI). The Project has secured funding commitments from and is an outstanding collaboration between the State Homekey Program, County of Orange and City of Costa Mesa.

Homekey Program

The California Department of Housing and Community Development's Homekey Program ("Homekey" or "Homekey Program") provides direct housing opportunities for homeless and at-risk households by subsidizing the acquisition and conversion of hotels and motels into permanent housing.

Motel conversions to permanent housing and participation in the Homekey Program were identified as City Council objectives during the goal-setting retreat held in September 2021.

On April 25, 2022, the Motel 6 Project was awarded $10,675,000 in Homekey funds from the State. Per Homekey Program requirements, construction and/or rehabilitation of Homekey units must be completed within 12 months of the date of grant award (i.e. April 25, 2023) and the Project must be fully occupied within 90 days of completing construction.

When completed, the Motel 6 Project will generate up to 88 units of permanent affordable housing and will be the first deed-restricted affordable housing units credited towards the City's 6th Cycle Regional Housing Needs Assessment (RHNA) allocation of 11,760 new housing units.

HOME Investment Partnerships Program

The City of Costa Mesa is a recipient of two U.S. Department of Housing and Urban Development (HUD) grant program funds, the Community Block Grant (CDBG) Program and the HOME Investment Partnerships Program (HOME).

The Housing and Community Development Division (HCD) of the Development Services Department is responsible for administering the City's CDBG and HOME grants. CDBG and HOME-funded activities must address the needs outlined in the City's Consolidated Plan. The Consolidated Plan is a five-year planning document required by HUD for all communities receiving federal community development grant funds. The Annual Action Plan is the one-year expenditure plan for the use of HUD's annual allocation of funds.

On May 3, 2022, the City Council approved the FY 2022-2023 Annual Action Plan, which included the authorization to issue a Request for Qualifications (RFQ) to solicit applications for funding to support permanent affordable housing in the City using HOME Program funds. The total funds allocated to this effort for 2022-2023 include HOME program income and prior year uncommitted HOME entitlement funds in the amount of $2.3 million.

Request for Qualifications (RFQ)

On July 11, 2022, the City issued RFQl #23-01 soliciting proposals for HOME funds for affordable housing development projects. The RFQ was published on the City website, on Planet Bids, and an electronic letter was emailed to interested developers and nonprofit organizations who had previously requested to be informed of affordable housing development opportunities and funding.

Following the release of RFQ #23-01, Community Development Partners (CDP) and Mercy House (as co-owners, co-developers, and managing partners) submitted a proposal identifying a funding

gap of $1.5 Million for the Motel 6 project. The proposal met the minimum threshold requirement of 75 points, thus qualifying the proposal to be brought before City Council for review and potential funding award.

On July 19, 2022, the City Council approved an award of $1.5 Million in HOME funds to CDP to develop the Motel 6 into permanent affordable housing. All City HOME funds will be disbursed to the Project as repayable loans subject to a Regulatory Agreement, which will stipulate the required terms and conditions of the loan.

Local Match for Homekey Funds

On November 16, 2021, the City Council approved a total allocation of $3.5 million in ARPA funds as local match for “one or two” potential Homekey projects. Since the second project is no longer moving forward as a Homekey project, the total allocation of $3.5 million in ARPA funds was approved by the City Council for this project. This funding, when added to the HOME funds of $1.5 million, results in a total of $5 million for this project and the creation of much needed additional affordable housing in Costa Mesa.

Summary of *Awarded* City Funding

Funding Source	Approved	Type	Amount
American Rescue Plan Act (ARPA)	11/16/21	Grant	$3,500,000
HOME Investment Partnerships Program (HOME)	7/19/22	Loan	$1,500,000
Total Financial Award			**$5,000,000**

Request For Additional Funding

On October 27, 2022, City and County staff were notified by the Developer of an unanticipated rise in construction costs due to inflation and supply chain challenges being experienced throughout the nation. County staff will be taking a recommendation to their Board of Supervisors on December 6, 2022 to award an additional $850,000 to CM Mercy House CHDO LLC for the Project, which will cover 50% of the increased costs.

The other 50% of the funding gap of $850,000 is recommended by Staff to be funded by the City’s Low and Moderate Income Housing Fund, to ensure completion of the project.

Low/Moderate Income Housing Asset Fund

The Low/Moderate Income Housing Asset Fund (LMIHAF) can be used to develop affordable housing for those at or below 80% AMI. Per the FY 20-21 Housing Authority Annual Report as Housing Successor, as of December 31, 2021, the City’s LMIHAF had an ending balance of $3.7 million making it an ideal source to help fund the gap.

ANALYSIS:

The Motel 6 Project will provide permanent affordable housing for eighty-seven (87) individuals certified as extremely-low (30% AMI) and very-low (50% AMI) income. The successful operation of the Project relies upon the provision of on-site case management to these vulnerable veterans, seniors and at-risk households.

An additional contribution of $850,000 to the Motel 6 project will allow the Developer to complete the Project as originally intended by subsidizing the increased material costs and construction. The Developer has already reduced other costs to reduce the funding gap to the greatest extent possible. This final funding allocation, in concert with the County's contribution of an equal amount, will help the project come to final fruition.

Summary of *Proposed* City Funding

Funding Source	Approved	Type	Amount
American Rescue Plan Act (ARPA)	11/16/21	Grant	$3,500,000
HOME Investment Partnerships Program (HOME)	7/19/22	Loan	$1,500,000
LMIHAF	TBD	Loan	$ 850,000
Total Financial Award			**$5,850,000**

ALTERNATIVES:

The City Council may choose not to approve the additional contribution of $850,000 to the Project. If the City does not approve the additional funding, the Project will lack the financing it requires to move forward and it will not take place.

FISCAL REVIEW:

Upon City Council approval, LMIHAF funds in the amount of $850,000 will be appropriated for this project. There are sufficient fund balances to support this request.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and approved as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Diversify, Stabilize and Increase Housing to Reflect Community Needs

CONCLUSION:

Staff recommends the City Council:

1. Approve an appropriation and allocation of $850,000 in Low/Moderate Income Housing Asset Funds for development of the Motel 6 Project Homekey Project.

2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition.

77 Fair Drive
Costa Mesa, CA 92626

File #: 22-953 **Meeting Date:** 11/15/2022

TITLE:

ADOPTION OF THE 2022 - 2025 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA (CITY) AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTIONS FOR CMCEA AND THE CONFIDENTIAL UNIT

DEPARTMENT: CITY MANAGER'S OFFICE- HUMAN RESOURCES DIVISION

PRESENTED BY: KASAMA LEE, HUMAN RESOURCES MANAGER

CONTACT INFORMATION: KASAMA LEE, HUMAN RESOURCES MANAGER (714) 754-5169

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the 2022 - 2025 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa City Employees Association (CMCEA);

2. Approve and Adopt Resolution Numbers 2022-XX, 2022-XX, 2022-XX, 2022-XX, 2022-XX, and 2022-XX revising the pay ranges for CMCEA and the Confidential Unit (Attachments I - VII);

3. Approve the Fiscal Impact Analyses (Attachment VIII); and

4. Authorize the City Manager and members of the City's Negotiation Team to execute the MOU documents and appropriate into the respective departmental budgets.

BACKGROUND:

In March 2020, mid-way through the budget development process, the City was faced with the impacts of the worldwide coronavirus pandemic (COVID-19). The multiple emergency proclamations of the United States President, State of California Governor, and the City Manager for the City of Costa Mesa propelled the City into full emergency management mode. On March 12, 2020, pursuant to Government Code Section 8558 (c) and Chapter 1 of Title 6 of the City of Costa Mesa Municipal Code, the City Manager and Director of Emergency Services issued an Emergency Declaration due to the unanticipated and deadly COVID-19 worldwide outbreak. The City was faced with significant and unprecedented workload and financial challenges due to the continuing global COVID-19 pandemic. In addition to the devastating impacts on public health and mortality, the impact of COVID -19 on the American economy was also severe. As a result, numerous General Fund revenue sources were declining significantly including tax revenues (e.g., sales tax, hotel tax, and business license tax, etc.).

At the June 25, 2020 Council Meeting, a Side Letter of Agreement with CMCEA was approved to achieve the equivalency of a five percent (5%) furlough. The Side Letter of Agreement also contained the following key provisions:

- Two (2) year contract extension to June 30, 2022
- Elimination of Tier 2 vacation accrual plan
- 2% salary increase effective June 2022
- Elimination of Tier 2 salary ranges
- Increase flex benefit contribution by $100/mo. effective June 2022

The side letter language stated that a one-time payment would be made by the City to the employees equivalent to the reductions taken should the City receive Federal stimulus funds in excess of $40.5 million. The City of Costa Mesa had received CARES Act funding from the State of $1.4 million and the County of Orange of $1.0 million totaling $2.4 million, and finally, the federal government recently approved the American Rescue Plan allocating $28.3 million to the City of Costa Mesa. Between CARES Act and the American Rescue Plan, the City was expected to receive an estimated amount of $30.7 million. Pro-rated to the nine months into the current fiscal year, the stimulus funding equated to an estimated $30.4 million. As a result, staff requested to cease the five percent (5%) furloughs/reductions and provide staff with the one-time reimbursement for the pay reductions implemented since July 1, 2020.

At the April 6, 2021 City Council meeting, the City Manager was authorized by City Council to enter into side letter negotiations for the sole purpose of eliminating the five (5%) percent furlough across all labor groups. Staff met with all of the City's employee associations to negotiate the elimination of the furlough and reimbursement of salary and benefit cuts already incurred. An agreement was reached with CMCEA to amend the 2020 side letters. The elimination of the furlough and reimbursement of salary cuts were also applied to non-represented Confidential employees.

The Fiscal Year 2022-2023 budget includes a total of 550 full-time employees which includes 261 CMCEA employees and 22 Confidential employees. During the Great Recession, the City lost 146 full-time positions. While the number of full-time staff at the City has grown, the workload attributed to the pandemic, implementation of Measure Q and major development projects across the City, in addition to an increased workload overall, has magnified the need to both stabilize and enhance the workforce commensurately.

The previous collective bargaining agreement between the City and CMCEA covered years 2016-2022 and expired on June 30, 2022. A series of collaborative and productive meetings between the City's designated negotiation team and CMCEA's negotiation team were held, which resulted in the attached tentative agreement 2022 - 2025 CMCEA MOU (Attachment I). The proposed MOU would expire on June 30, 2025.

ANALYSIS:

For the duration of the 2016-2022 MOU agreement, CMCEA and Confidential employees realized incremental increases in salaries and benefits. The last across-the-board increases for CMCEA and Confidential employees included:

- 2% salary increase in June 2022
- 2.75% increase in July 2019 and July 2018
- 2.5% increase in July 2017 and March 2017
- Reduction of 3.044% in retirement contributions in March 2017
- Reduction of 1% in retirement contributions in July 2017 and July 2018
- $181/mo. health benefits increase in March 2017
- $100/mo. health benefits increase in July 2017, July 2018, July 2019, and June 2022

The expiration of the CMCEA MOU for 2016-2022 prompted labor negotiations discussions. However, prior to the expiration of the MOU, the City took several significant actions to help address recruitment and retention issues. While these actions helped address a number of hard-to-fill positions through market adjustments, salary and benefits remain a challenge in this competitive employment market with the current inflation rate at 8% and the Consumer Price Index at 8%.

The City's Negotiation Team and CMCEA Negotiation Team held several meetings to discuss the MOU and issues raised by both parties, including but not limited to wages, benefits, and personnel policies. During the course of negotiations, the City Negotiation Team has met with the City Council to discuss the status and progress of negotiations and to receive direction specific to provisions under consideration. The negotiations were collaborative and were based on the shared interests of the CMCEA employees and the City. The results of the negotiations have been compiled in a proposed MOU. The proposed MOU takes into consideration specific objectives that align with the City Council's Strategic Plan Goal - *Recruit, Retain High Quality Staff* and the City's current financial health as the proposed provisions have financial implications. A summary of the most significant MOU revisions is included below.

The following are the key provisions of the negotiated CMCEA MOU:

- Term of MOU
  - Upon City Council adoption the term of this MOU will commence on July 1, 2022, to be effective through June 30, 2025.

- Salaries and Wages
  - Effective January 2023, two percent (2%) increase
  - Effective July 2023, three percent (3.0%) increase
  - Effective July 2024, three percent (3.0%) increase

- Cost Sharing and Retirement Contributions
  - Effective July 2023, reduction of 3% of employee cost sharing which will require future City Council approval to amend the City's current cost sharing agreement with CalPERS via Government Code 20516(a).

- Health Insurance/Flex Benefit Contribution
  - Effective January 2023, the flexible benefit monthly contribution will increase to $1,550 per month. The maximum cash out will be $1,500 per month.
  - Effective January 2024, the flexible benefit monthly contribution will increase to $1,600 per month. The maximum cash out will be $1,500 per month.
  - Effective January 2025, the flexible benefit monthly contribution will increase to $1,650 per month. The maximum cash out will be $1,500 per month.

- Deferred Compensation
  - Effective January 2023, annual employer match contribution up to 0.5% of base salary.

- Standby Pay
  - Increase of ½ hour per weekday and 1.25 hours per weekend day and holidays.

- Vacation Accrual
  - Maximum accrual for vacation leave increased to 380 hours.

- Sick Leave
  - Sick leave accrual convert to bi-weekly accrual
  - Maximum accrual is 480 hours
  - New employees shall be provided with 96 hours in sick leave bank upon hire.

- Shift Assignment Pay
  - Allows employees regularly assigned to day shift, to receive shift assignment pay when working over-time in an A.M. or P.M. shift.

- Performance Evaluations
  - Employees to receive their merit increase no later than 60 days from their anniversary date.

The CMCEA negotiating team have agreed to a tentative agreement. The CMCEA ratification process was completed on November 4, 2022. The above mentioned provisions will also apply to non-represented Confidential employees.

Some of the provisions agreed to above may have an impact on other employee groups per the “me too” provisions in other side letters and resolutions. These provisions are currently under review, and updated side letters and resolutions for the Costa Mesa Fire Association, Costa Mesa Fire Management Association, Costa Mesa Police Management Association, Costa Mesa Division Managers Association, and unrepresented Executives and Confidential Managers will be brought back at a future council meeting for City Council approval.

Approval of the attached resolutions confers authority upon the City Manager to take all steps necessary to implement this MOU.

ALTERNATIVES:

The parties to this agreement considered a variety of issues in the context of good faith negotiations

in accordance with Government Code Section 3500, et seq. (Meyer-Milias-Brown Act). The CMCEA members have ratified the tentative agreement. This MOU represents the successful conclusion of labor negotiations, and alternatives need not be considered as a result of collaborative efforts expended.

FISCAL REVIEW:

The Fiscal Impact Analysis prepared pursuant to the City Council Policy 300-8 Transparency in Labor Negotiations recognizes the Fiscal Year 2022-23 increase is estimated at $570,000, and will take effect during the payroll cycle inclusive of January 1, 2023. The estimated annual fiscal impact to the City's future budget is $1.5 million, cumulating to approximately $3.6 million over the life of the contract.

Staff is requesting budget appropriations in the respective departments. General Fund revenues are tracking higher than pre-pandemic levels, and can cover the financial impact this fiscal year. Funding for future fiscal years will be included as part of that respective year's budget process.

LEGAL REVIEW:

The City's special counsel, Liebert Cassidy Whitmore (LCW) and City Attorney's Office have reviewed the agreements and resolutions and this report and approved them as to form.

CONCLUSION:

The proposed MOU and salary range adjustments support the City's Strategic Plan Goals to recruit and retain high quality staff. Staff recommends that the City Council:

1. Approve and adopt the Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa City Employees Association. (Attachment I).
2. Adopt Resolution Number 2022-XX (Attachment II), which revises the pay ranges for CMCEA effective January 2023.
3. Adopt Resolution Number 2022-XX (Attachment III), which revises the pay ranges for CMCEA effective July 2023.
4. Adopt Resolution Number 2022-XX (Attachment IV), which revises the pay ranges for CMCEA effective July 2024.
5. Adopt Resolution Number 2022-XX (Attachment V), which revises the pay ranges for the Confidential Unit effective January 2023.
6. Adopt Resolution Number 2022-XX (Attachment VI), which revises the pay ranges for the Confidential Unit effective July 2023.
7. Adopt Resolution Number 2022-XX (Attachment VII), which revises the pay ranges for the Confidential Unit effective July 2024.
8. Approve the Fiscal Impact Analyses (Attachment VIII).
9. Authorize the City Manager and the City's Negotiation Team to execute the MOU documents, and appropriate into the respective departmental budgets.

MEMORANDUM OF UNDERSTANDING

Between The Representative of the

Costa Mesa City Employees Association

And the City of Costa Mesa

CMCEA

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CHAPTER 1 - INTRODUCTION

ARTICLE 1 - RECOGNITION/PREAMBLE

1.1 By resolution of the City Council of the City of Costa Mesa and pursuant to the provisions of the Meyers-Milias-Brown Act, Section 3500 et. Seq. of the California Government Code, the City of Costa Mesa (hereinafter called the "City") has recognized the Costa Mesa City Employees Association (hereinafter referred to as "Association" or "CMCEA") as the exclusive representative and agent for collective bargaining for the employees in job classifications set forth herein. The Association and the City are the Parties to this agreement and are jointly recognized herein below as "The Parties."

1.2 This Memorandum of Understanding (MOU) has been prepared by representatives of the City and representatives of CMCEA who have met and conferred in good faith, examining a number of proposals and counter proposals concerning wages, hours of employment, fringe benefits and other terms and conditions of employment for the employees of the City as defined in Section 1.1 herein.

1.3 It is the mutual understanding of the City and Association that this MOU shall be submitted to the Costa Mesa City Council with the joint recommendation of the parties that this MOU be adopted and that said City Council will take such other action as may be needed to implement its provisions.

1.4 The wages, hours and other terms and conditions of employment specifically referenced in this MOU shall remain in effect unless and until modified, amended or deleted by means of future meet and confer processes, including impasse resolution procedures. If a tribunal of competent jurisdiction holds that any part of this MOU is found to be insufficient, in conflict or inconsistent with other laws, regulations or the obligations of the Parties as defined herein, or is otherwise held to be invalid, unlawful or unenforceable, such part or provision, and only such part or provision shall be severed from this MOU or shall be suspended or superseded by such applicable laws and regulations. To the extent that the implementation thereof falls within the scope of representation, it shall be controlled by the provisions of Government Code Section 3500 et. seq.

1.5 For the term of this MOU, neither party shall be compelled to meet and confer with the other concerning any issue expressly provided for in this MOU. Each Party to this MOU hereby expressly waives its right to demand that the other Party meet and confer concerning any issue expressly covered herein. However, nothing in this MOU shall prohibit these Parties from meeting and conferring over any issue provided for in this MOU.

1.6 Continuous uninterrupted and efficient service to the City of Costa Mesa by the City and its employees, and orderly employer-employee relations are essential considerations of this MOU. Accordingly, CMCEA agrees on behalf of itself and its members, individually and collectively, that there shall not be any strikes, non-informational picketing, boycotting, work stoppages, slow-down strikes or any other concerted job actions or by refusal to render services, including overtime or any other curtailment or restriction of work and services at any time.

1.7 CMCEA recognizes its duty and obligation to comply with the provisions of Section 1.6 of this MOU and to make every reasonable effort to assure that all employees covered by this MOU similarly do so. In the event of any concerted activity by employees in violation of the provisions or intent of Section 1.6, CMCEA hereby agrees to direct its members to cease said action or conduct forthwith. No employee covered by this MOU shall be entitled to any benefits or wages whatsoever while engaged in activities prohibited by Section 1.6.

1.8 All rights to manage, organize, direct and control the City's business, including all of the terms and conditions of the employment of any employee of the City, which are not expressly limited, modified, amended or eliminated by this or any other MOU, are retained exclusively by the City and its management

personnel. City Management also retains exclusive jurisdiction over any residual portions of any managerial rights which have in part been limited, modified or amended by this MOU.

1.9 During the term of this MOU, the parties agree either side can propose MOU language to clean up provisions which are either outdated or in need of modification. Any language changes must be mutually agreeable.

ARTICLE 2 - TERM OF AGREEMENT

The term of this MOU will commence on July 1, 2022, and will expire in the pay period which includes June 30, 2025.

CHAPTER 2 - COMPENSATION

ARTICLE 3 - SALARIES AND WAGES

3.1 - **BASE SALARY**

Employees covered by this MOU shall be compensated at the monthly base salary rates established for their classification under the Basic Pay Schedule per City Council resolution. An employee occupying a position in the classified service shall be compensated within the range established for his or her position as provided in Rule 6 of the Personnel Rules and Regulations. The minimum rate for the class generally shall apply to an employee upon his or her original appointment. Employees who are re-employed shall receive a rate within the range established for the class and agreed upon by the appointing authority and the employee prior to appointment.

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023), two percent (2.0%) increase for all classifications subject to this MOU.

Effective the pay period that includes July 1, 2023, three percent (3%) increase for all classifications subject to this MOU.

Effective the pay period that includes July 1, 2024, three percent (3%) increase for all classifications subject to this MOU.

3.2 - **MERIT SALARY ADVANCEMENT**

No salary advancement within a classification shall be made so as to exceed the maximum rate established in the pay plan. Advancement shall not be automatic but shall depend upon increased service value to the City as recommended by their supervisor based upon performance record, special training undertaken, length of service and other pertinent factors.

An employee who does not receive an evaluation within sixty (60) days of their anniversary date (i.e., the date the evaluation is due) will receive their merit increase effective the pay period including the employee's anniversary date regardless of the evaluation rating (which may be less than satisfactory) on an evaluation received after that date. Once the employee receives their evaluation, if an additional increase is recommended, it will be received retroactive to the employee's anniversary date. An employee who is at top step is not eligible for a merit increase.

3.3 - **LABOR MARKETPLACE**

The "labor marketplace" however defined, shall not mandate any specific compensation adjustment yet may be one of many factors assessed by the parties in determining levels of compensation. In assessing the labor marketplace, both public and private sector classifications may be given consideration as a factor in assessing the "labor marketplace" indication of total compensation levels. The "total compensation" of employees within the unit and in the "labor marketplace" may be a factor in assessing compensation levels. "Total compensation" shall include but not be limited to the value of City funded base salary, retirement, deferred compensation, health insurance, and other forms of City-funded remuneration as agreed to between the City and the Association.

ARTICLE 4 – ADDITIONAL COMPENSATION

4.1 - **BILINGUAL PAY**

Bilingual pay of two and one half percent (2.5%) or five percent (5%) of the employee's base hourly rate for regularly scheduled hours is available to those employees who qualify (based on their skills) per this Article. Employees are eligible to receive bilingual pay if their classification and particular position has been approved by the City Manager or designee to receive the pay. If so approved, employees shall receive the pay.

If an employee wants to test to qualify for bilingual pay, the City will pay for one test per year per employee. An employee may take the test more than once during the year at their own expense. Employees must be certified annually by their department director and may be re-tested by the Human Resources Division annually to verify their foreign language proficiency in order to maintain eligibility for bilingual pay. If an employee is re-tested by the City, the City will pay for the test.

The City agrees to receive CMCEA input as to what languages should be considered for the bilingual program.

The following standard of spoken Spanish, Vietnamese, or American Sign Language is followed for the 2 ½ % Certification:

A. The applicant has the ability to create with language, recombining and adapting learned material to express personal meaning and can handle simple situations and transactions in the course of their work such as explanation of procedures, obtaining personal information, instructions to victims and onlookers, among others.

B. The applicant is able to maintain simple face-to-face conversations, asking and answering questions regarding everyday survival on topics most related to self and immediate work environment; courtesy requirements, and personal needs during the course of routine calls not likely to be of a life or death nature.

C. The applicant can be understood with some repetition by a sympathetic native speaker.

D. The applicant demonstrates mastery of work-related vocabulary including: time, days of the week, months, family members, parts of the body, motions and states, greetings, home and community, food and beverages, alphabet and numbers, vehicles, simple commands, interrogatory words, etc.

E. Accuracy is required in the present tense and gender distinctions.

F. Core vocabulary of 300-600 words.

The 5% Certification requires:

A. Accuracy in present and past tenses.

B. Core vocabulary of 600-1200 words.

C. Exhibits good pronunciation, stress, and intonation skills as judged by the ability to be understood with little repetition or confusion by native speaker.

D. Ability to interview the victim of a crime or accident or other situation involving a native speaker of Spanish or Vietnamese and the conduct simple interrogations and investigations which could be of a life or death nature.

E. Ability to understand description, narration, main ideas and details on a variety of topics beyond the immediate situation.

4.2 - **MATRON PAY**

The City will endeavor to ensure that non-sworn staff will not be assigned to perform this duty, pursuant to Police Department policy. However, when required as an incidental assignment for trained non-sworn personnel other than a Custody Officer, employees will be paid five percent (5%) of their base hourly rate for each hour they perform the matron duty.

4.3 - **"EMD" CERTIFICATION PAY**

Telecommunication Division employees who possess an Emergency Medical Dispatch Certification (EMD), shall receive 5% of base salary for regularly scheduled hours paid each pay period.

4.4 - **STANDBY PAY**

Employees who are released from active duty but who are required by their department to leave notice where they can be reached and be available to return to active duty when required by the department at any time other than their regularly scheduled working hours, shall be said to be on standby duty.

An employee assigned to standby duty shall be paid at the rate of one (1) hour per weekday and four (4) hours per weekend day (for up to a total of thirteen (13) straight time hours) at their base hourly rate for each week so assigned, plus compensation for each hour actually worked pursuant to the callback provisions. If a holiday falls within the assigned standby week, an additional four (4) hours at the employee's base hourly rate will be given to the person assigned to standby.

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023), an employee assigned to standby duty shall be paid at the rate of one and one-half (1.5) hours per weekday and five and one-quarter (5.25) hours per weekend day (for up to a total of eighteen (18) straight time hours) at their base hourly rate for each week so assigned, plus compensation for each hour actually worked pursuant to the callback provisions. If a holiday falls within the assigned standby week, an additional five and one quarter (5.25) hours at the employee's base hourly rate will be given to the person assigned to standby.

Employees on standby duty must remain within a reasonable commuting distance in which the employee must be able to respond to the worksite within one hour of being called. During standby duty, the employee must refrain from activities that might impair their ability to respond or perform assigned duties in a satisfactory manner.

4.5 - **COURT STANDBY PAY**

If an employee receives a job-related subpoena to be standby for court while in a non-paid status (time off), they shall receive two hours at the base hourly rate for each court session.

4.6 - **SHIFT ASSIGNMENT PAY EXCEPT FOR TELECOMMUNICATIONS BUREAU**

The City will pay a shift differential for employees in CMCEA-represented classifications who actually work a minimum of five (5) hours during the shift as defined below:

A. A P.M. Shift Differential of 5% over the assigned rate per shift for all CMCEA represented classifications assigned to work a night (swing) shift schedule.

B. An A.M. Shift Differential of 10% over the assigned rate per shift for all CMCEA represented classifications assigned to work a morning (graveyard) shift schedule.

C. Employees eligible for shift differential who work a Cross-Over Shift schedule beginning in one shift, but including at least five (5) hours worked into a P.M. or A.M. Shift, will be compensated at the appropriate Shift Differential rate. For example, an employee working a ten-hour Cross-Over Shift where two-and-a-half hours fall into the PM Shift and seven-and-a-half hours fall into the AM Shift would earn two-and-a half hours of PM Shift Differential and seven-and-a-half hours of AM differential.

D. Employees eligible for shift differential who work an overtime shift during the P.M. or A.M. shift hours will be compensated at the appropriate Shift Differential rate for those hours.

Employees who are continuously and regularly assigned to the Day shift are not eligible for Shift Assignment Pay.

4.7 – **SHIFT ASSIGNMENT PAY TELECOMMUNICATIONS BUREAU**

Employees in the telecommunications bureau in the classifications of Communications Officer, Senior Communications Officer and Communications Supervisor shall receive a shift differential of 7.5% for those actual hours worked between the hours of 6:00 p.m. to 6:00 a.m. only.

4.8 – **SHORTHAND ASSIGNMENT PAY**

Shorthand is a desirable requirement for all secretarial classifications. The City will pay a 2.5% monthly assignment differential (i.e., 2.5% of the employee's base hourly rate for regularly scheduled hours) for each full month that an incumbent in a secretarial classification is assigned by the Department Director to utilize the ability to take dictation at a minimum rate of 70 words per minute. In order to receive and maintain the monthly assignment differential, the incumbent must have successfully passed the City's shorthand test and the Department Director must annually certify that the incumbent routinely utilizes the skill in the workplace. Effective with this 2022- 2025 MOU, no future employee will be eligible for this pay.

4.9 – **CLASS A and B LICENSE INCENTIVE PAY**

Eligible employees assigned to positions requiring daily operation of equipment requiring a valid Class A/B California Driver's License shall receive an annual $700 incentive bonus, subject to the following eligibility criteria:

A. Eligibility – The employee must meet all of the following in order to be eligible for the annual bonus incentive:

- Employee must be assigned to a position requiring regular operation or maintenance of equipment requiring a valid Class A/B California Driver's License.
- As a condition of employment, employee must obtain and maintain the required California Driver's license and endorsements (airbrakes, tanker and passenger endorsement if applicable). A manual transmission endorsement shall no longer be required effective August 30, 2020.
- Employee must have a rating of "meets standards" or higher on the employee's most recent annual performance evaluation. If an employee does not receive their evaluation within 60 days of its due date, they have satisfied this provision.
- Employee must have successfully completed probation.
- Employee must have successfully passed the DMV Medical examination.

B. Payment of Annual Incentive – Eligible employees shall receive this annual incentive bonus on their respective anniversary date. Employees must receive a rating of "meets standards" or higher on their most recent annual performance evaluation and submit a copy of their current Class A/B California Driver's License and current DMV medical certification prior to receipt of the bonus.

C. Lapse of License – Any eligible employee assigned to positions requiring daily operation of equipment requiring a valid Class A/B California Driver's License who allow their Class A/B California Driver's License to lapse may be subject to discipline up to and including termination. Any annual incentive bonus to be paid on their next anniversary date will be reduced on a prorated basis.

D. DOT Drug and Alcohol Testing Regulations - Eligible employees assigned to positions requiring daily operation of equipment requiring a valid Class A/B California Driver's License will be subject to the DOT Drug and Alcohol Testing Regulations and the City's Drug & Alcohol Policy adopted pursuant to the DOT Regulations.

E. License and DMV Physical Fees - Any employees who successfully renew their Class A/B California Driver's Licenses or acquire a new license upon starting a new assignment requiring a Class A/B California Driver's License shall, upon submission of a receipt by the employee, be reimbursed by the City for the difference in fee charged by the DMV between such license and a Class C Driver's license. The cost of the DMV physical/medical exam will be scheduled and paid by the City.

4.10 – **MOVE UP PAY**

Eligible employees temporarily assigned to perform the work of a higher classification for a period of at least two weeks will be compensated at 5% above their current rate of pay for up to 90 days. After 90 days, either the position will be reclassified, the employee will be given an acting appointment, or the move-up duties will be removed from the employee's assignment. Time limits on move-up pay may be extended on an individual basis by prior written, mutual agreement by the City and CMCEA. An acting appointment will be made when the employee is performing all of the duties of the higher-level classification.

Move-up pay will be included in the calculation of the overtime rate when an employee earns overtime.

4.11 – **SAFETY SHOE ALLOWANCE**

For those employees covered under the City's Safety Shoe Policy and who meet the criteria for the replacement, repair or purchase of safety shoes, the City agrees to pay up to $225 for the shoe that

meets the minimal standard established by the program. All safety shoes/boots purchased must comply with the City's Safety Shoe Policy.

4.12 – **DEFERRED COMPENSATION MATCH**

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023), for any employees who make a voluntary contribution to the employee's 457(b) account with the City's 457(b) provider, the City will make an annual contribution to the City's 457 (b) provider that will equal up to 0.5% of annual base salary for the payroll calendar year.

The City's contribution will be made on the second to the last pay period of the payroll calendar year. The first contribution will be made in December 2023. If at the time of contribution, the employee has already contributed the maximum allowable per the IRS, the contribution will be issued as earnings. If an employee leaves the bargaining unit (through promotion or separation), the contribution to the City's 457 plan will occur in their last pay period.

ARTICLE 5 - CLASSIFICATION AND COMPENSATION

5.1 - **REQUEST FOR STUDIES**

Employees seeking a classification study of their position may request a study through CMCEA. Each January, CMCEA may request that the Human Resources Division conduct up to five classification studies. The CMCEA will be responsible for submitting completed Position Analysis Questionnaires for the requested position studies with a cover memorandum explaining the changes in duties, organization or marketplace for each position. The Human Resources Division will study the positions and meet with CMCEA with its recommendations.

In January of each year, CMCEA may request that the Human Resources Division conduct up to five compensation studies. The Human Resources Division will study the positions and meet with CMCEA with its recommendations.

Commencing with the meet and confer process regarding negotiation of a successor to the 2022-2025 MOU, the results of the above studies shall be one of many factors that may be considered by the parties in formulating and considering proposals for a successor to the 2022-25 MOU, however the product of the above studies shall not result in any mandated changes in wages, hours or other terms and conditions of employment.

5.2 - **NEW CLASSIFICATIONS**

The City acknowledges its legal obligation to meet and consult with CMCEA prior to the creation of a new classification and to bargain in good faith regarding the appropriate salary for the new classification within its bargaining unit.

ARTICLE 6 - HOURS WORKED

6.1 - **OVERTIME**

If an employee is required to work longer than the normal work week or shift, the employee shall be compensated for the overtime either (1) by being allowed one and one-half (1-1/2) times the amount of actual overtime hours worked, to be earned as compensatory time off ("comp time"), or (2) by payment for such overtime actually worked paid at time and one half. . Overtime will be paid as follows: if actual hours worked exceed 40 hours in the defined workweek the employee shall be paid for those hours per the requirements of the Fair Labor Standards Act (FLSA) and paid at their regular rate of pay per the FLSA. If an employee works hours outside their regular shift, but the employee

has not worked in excess of 40 hours in their workweek (because they took some form of leave) those hours are referred to as "contract overtime" and paid at 1.5 times the employee's base hourly rate of pay if the overtime is mandatory and 1.0 times the employee's base hourly rate of pay if the overtime was voluntary.
Paid leave shall not be considered hours worked for purposes of computing overtime eligibility.

6.2 - **COMPENSATORY TIME OFF**

A. Accrual of Compensatory Time Off: An employee who earns overtime may, with the department director's approval, accumulate compensatory time off to a maximum accumulation of sixty (60) hours. Employees in the Police Department who must work without regard to the listed holidays in Article 11.11 may accrue compensatory time to a maximum of 80 hours.

B. Use of Compensatory Time Off: A written request to use accrued C.T.O. shall be made and approved no later than 24 hours prior to the requested time off. Twenty-four (24) hours is considered reasonable notice.

All employees (on a first come, first served basis) who submit a request for time off may utilize accrued compensatory time off ("CTO"), provided their vacancy does not result in less than minimum staffing levels on the shift they are scheduled to work. This policy is subject to suspension in emergency situations at the discretion of the Department Director or their designee.

Employees assigned to rotating shifts (i.e., employees who may work different shifts based on shift selection) may not submit a CTO request more than 30 calendar days in advance of the shift rotation in which the CTO day off would fall.

Employees will submit their request to the shift supervisor who shall as soon as possible determine if the CTO request may be granted if it does not take the shift below minimum staffing.

If the CTO vacancy would result in less than minimum staffing levels, the employee will be required to identify an alternate date to take CTO or make approved arrangements for a day-for-day shift trade. A shift trade will not result in overtime compensation or CTO accrual since the employee whose shift is worked gets credit for the shift as regular hours worked.

C. Cash-Out of Compensatory Time Off: Employees will be allowed to cash-out up to 40 hours of compensatory time (time off accrued in lieu of paid overtime) in any payroll period. On the first pay day in January of each year, employees' compensatory time banks shall cashed out down to 40 hours unless an employee informs payroll that they elect to cash out all of their accrued compensatory time on the first pay day in January.

6.3 - **CALL BACK DUTY**

Employees who are recalled to active duty from off-duty not as an extension of the scheduled or normal work shift will be considered to be "on call" and shall receive overtime compensation at time and one half (1½) for time actually worked or two (2) hours of overtime pay, whichever is greater. Employees who are required to report to work immediately shall be compensated at the time of recall. Employees who are required to report to work at a later time shall be compensated after returning to work. Employees who are able to handle the incident by phone or other electronic means without reporting to duty shall be compensated according to the same callback provisions.

6.4 - **CALL RESPONSE DURING LUNCH PERIODS**

Except for employees who receive a paid lunch period, if an employee is required to work during their lunch period, the time they work during their lunch period shall be at time and one-half (1.5). Employees are not permitted to forego any portion of their lunch period without prior approval.

6.5 - **DAY-FOR-DAY EXCHANGE OF WORK SHIFTS**

Day-for-Day exchange of work shifts may be granted by the department director for emergency or other justifiable reasons.

6.6 - **SHIFT TRADING**

The practice of shift trading shall be voluntary on behalf of each employee involved in the trade. The trade must be due to the employee's desire or need to attend to a personal matter and not due to the department's operations. All shift trades must be approved in advance.

The employee providing the trade shall not have their compensable hours increased as a result of the trade; nor shall the employee receiving the trade have their compensable hours decreased as a result of the trade. Any hours worked beyond the normal workday will be credited to the individual actually doing the work.

"Paybacks" of shift trades are the obligation of the two employees involved in the trade. Paybacks are to be completed within the shift deployment of the initial shift trade. Any dispute as to paybacks is to be resolved by the involved employees, and under no circumstances will the department be obligated for any further compensation whatsoever to any of the involved employees. The department is not responsible in any manner for hours owed to employees by other employees that leave the employment of the City or are assigned other duties. Shift trades are not subject to the grievance procedure.

If one individual fails to appear for the other (regardless of the reason), the person who agreed to work the shift per a shift trade will be listed as absent and will be required to use appropriate accrued leave.

A record of all initial shift trades and "paybacks" shall be maintained by the involved employees on forms provided by the department ("Shift Trade Log").

6.7 - **ATTENDANCE**

Employees shall be in attendance at their work in accordance with Personnel Rules and Regulations and department policies regarding hours of work, holidays and leaves. All departments shall keep daily attendance records. Any unauthorized tardiness or absence is cause for disciplinary action.

ARTICLE 7 – WORKWEEK AND WORK SCHEDULES

7.1 – **WORKWEEK**

The average workweek for all full-time positions shall be forty (40) hours. The FLSA workweek is 168 regularly recurring hours. For employees scheduled to work a 9/80 or 3/12 work schedule, their FLSA workweek begins four hours after the start time of their shift on their alternating regular day off. For employees working the 5/40 or 4/10 work schedules, their FLSA workweek shall begin Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.

7.2 – **WORK SCHEDULE**

The following are work schedules that may be worked by employees:

5/40 - five eight (8) hour days on and two days off.

9/80 – four nine hour work days followed by one eight hour work day followed by two consecutive days off followed by four nine hour workdays followed by three consecutive days off, or

4/10 - four ten (10) hour days on and three days off.

3/12 – three twelve- hour work days followed by one eight-hour work day followed by three consecutive days off followed by three twelve-hour workdays followed by four consecutive days off. This work schedule is only for the Telecommunications Bureau.

Work schedules for work shifts established on a pay period basis shall usually be ten (10) eight hour days on and four days off. All employees shall be scheduled at least two consecutive calendar days off. The work schedule for each position shall be established by the department director and approved by the City Manager or designee.

7.3 – **SHIFT COVERAGE FOR TELECOMMUNICATIONS DIVISION**

Employees in the Telecommunications Division working the 3/12 work schedule shall not fall below the minimum staffing of four (4) employees, except that during the hours of 0200 to 0600 from Sunday to Thursday where minimum staffing is three (3) employees.

CHAPTER 3 - BENEFITS

ARTICLE 8 – HEALTH INSURANCE AND RETIREE MEDICAL BENEFIT PROGRAM

8.1 – **IRS SECTION 125 BENEFIT PLAN**

The City shall continue to provide the amounts listed below toward the payment of premium for employees covered by this Agreement under an IRS Section 125 Benefit Plan. The current core benefits include life and long term disability insurance. Medical insurance is a core benefit which a City employee is required to carry unless they is covered by another medical insurance plan (as addressed in Article 8.4 below) with comparable coverage at the end of the open enrollment period.

8.2 – **MANDATORY BENEFITS**

Employees must use a portion of the City contribution to pay for life insurance and long-term disability. Employees also must enroll in medical insurance unless the employee meets the eligible opt out requirements to receive cash in lieu.

8.3 – **PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

The City contracts with the California Public Employees' Retirement System ("CalPERS") for medical insurance pursuant to the Public Employees' Medical and Hospital Care Act ("PEMHCA"). The City will contribute the annual CalPERS statutory minimum on behalf of each participant in the program, which is included in the amount of the City's contribution to the flexible benefit account (i.e., the Section 125 Benefit Plan) described below. Eligible employees may select any of the medical insurance plans offered by CalPERS.

8.4 – **CONTRIBUTION AMOUNT**

For those employees who enroll in City offered coverage, the City's contribution towards each employee's flexible benefit account is one thousand five hundred dollars ($1,500.00) per month. This amount is inclusive of the CalPERS statutory minimum amount for each month.

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023), the City amount is increased to $1,550.00 per month.

Effective the pay period that begins on December 17, 2023 (with a pay date of January 5, 2024), the City amount is increased to $1,600.00 per month.

Effective the pay period that begins on December 15, 2024 (with a pay date of January 3, 2025), the City amount is increased to $1,650.00 per month.

Opt Out: All employees must enroll in an available City health program unless they opt out. In order to opt out, an employee must provide the following: (1) proof that the employee and all individuals for whom the employee intends to claim a personal exemption deduction for the taxable year or years that begin or end in or with the City's plan year to which the opt out applies ("tax family"), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"); and (2) the employee must sign an attestation that the employee and their tax family have or will have such minimum essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt-out payment cannot be made and the City will not in fact make payment if the employer knows that the employee or tax family member doesn't have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023), the maximum opt-out payment is $1,500.00. Employees who use benefits that are less than maximum amount set forth above (after purchase of medical, life and LTD) shall receive the difference between the maximum amount set forth above and the amount they use toward benefit payments. Employees who use benefits shall receive the annual health benefit increases set forth above.

8.4 – **QUALIFICATION FOR FLEX CONTRIBUTION**

Employees must receive compensation for the entire pay period to receive the flexible benefit contribution amount. Use of accrued leave qualifies as compensation for this purpose. Employees will be ineligible for the flexible benefit contribution if the employee records absence without pay hours within the pay period except if an employee exhausts their accrued leaves prior to the end of the pay period, they shall receive the flex contribution for that pay period. This exception will be permitted once per every six (6) months per rolling year. Disciplinary actions will not disqualify an employee from receiving the flex contribution. Catastrophic illness leave donations to employees will not meet the qualifications for the flex contribution. In addition, to the preceding, for employees within the first six (6) months of employment, or employees who take unpaid time off during the City's "holiday closure they will not lose their flex contribution if they record absence without pay

8.5 – **RETIRED EMPLOYEES MEDICAL PROGRAM**

Unit employees hired by the City prior to January 1, 2004 who participated in the City's group health insurance plan for at least five (5) consecutive years and are enrolled in City medical insurance immediately prior to retirement who retire immediately commence receiving a retirement allowance upon separation from City service will participate in the retiree life and medical insurance programs

as defined in City Council Policy 300-1.The City shall continue to provide life and medical insurance for retired employees of the City as defined in Council Policy 300-1.

ARTICLE 9 – RETIREMENT

9.1 – **CALPERS**

The City contracts with CalPERS for retirement benefits.

A. Employees Who Are Not "New Members" as Defined by Government Code Section 7522.04(f) – i.e., "Classic Members"

1. Retirement Formula: The City contracts with CalPERS to provide the 2.5% at 55 retirement formula ("tier 1") as set forth in California Government Code Section 21354.4 for all employees covered by this MOU hired before March 11, 2012 and the 2% at 60 retirement formula ("tier 2") as set forth in California Government Code Section 21353, for all employees covered by this MOU who were hired between March 12, 2012 and December 31, 2012 or hired after December 31, 2012 as lateral employees who qualify as "classic members" under the Public Employees' Pension Reform Act of 2013 ("PEPRA").

2. Retirement Benefit Calculation Period: The City's contract with CalPERS provides for the "Single Highest Year" retirement benefit for these employees per Government Code section 20042. The retirement benefit is based on the highest annual compensation for the twelve (12) consecutive months selected by the employee or not selected, the employee's last twelve (12) months of employment.

3. Payment of Employee/Member Contribution:

   a. Employees Subject to the 2.5% @ 55 formula:

      These employees will pay the full CalPERS member contribution equal to eight percent (8%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

   b. Employees Subject to the 2%@60 formula:

      These employees will pay the full CalPERS member contribution equal to seven percent (7%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

4. Cost Sharing:

   a. Classic member employees subject to the 2.5%@55 formula pay 2.469% of compensation earnable pursuant to Government Code section 20516(a) and 1.531% of compensation earnable pursuant to Government Code section 20516(f). Effective July 1, 2023, classic member employees subject to the 2.5%@55 formula shall have their cost sharing per Government Code section 20516(a) reduced by 1.469% for a net contribution of one percent (1%) and cost sharing pursuant to 20516(f) will be reduced from 1.531% to 0%.

b. Classic member employees subject to the 2%@60 formula pay five percent (5%) of compensation earnable pursuant to Government Code section 20516(f). Effective the pay period that includes July 1, 2023, cost sharing for employees subject to the 2%@60 formula will be reduced from five percent (5%) to two percent (2%) and will be pursuant to Government Code section 20516(a).

B. **For "New Member" Employees**

"New Members" are defined in Government Code section 7522.04(f) as follows:

"New member" means any of the following:

(1) An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date.

(2) An individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a member of another public retirement system prior to that date, but who was not subject to reciprocity under subdivision (c) of Section 7522.02.

(3) An individual who was an active member in a retirement system and who, after a break in service of more than six months, returned to active membership in that system with a new employer.

New Members are subject to the provisions of this subsection B:

1. Retirement Formula: Unit members who are defined as "new members" are covered by the 2%@62 formula provided for by the Public Employees' Retirement Law at Government Code section 7522.20.

2. Retirement Benefit Calculation Period: These employees' final compensation is based on the highest annual average compensation earnable during the three consecutive years of employment immediately preceding the effective date of their retirement or any other three consecutive year period chosen by the employee as set forth in Government Code section 7522.32(a).

3. Payment of Employee/Member Contribution: New member employees are responsible for paying the employee contribution of one-half of the total normal cost of the plan (rounded to the nearest quarter of one-percent), as defined by CalPERS in their annual valuation, through a payroll deduction. This amount is determined by CalPERS each year.

4. Cost Sharing: New member employees will cost share (pursuant to Government Code section 20516(f)), a percentage of pensionable compensation that when combined with the payment of their employee/member contribution will equal twelve percent (12%) of pensionable compensation. For example, if the CalPERS annual valuation report for 2022, provides that the City's normal cost rate is 6.50%, the new member employees will cost share 5.5% of pensionable compensation for 2022. If, for example, the CalPERS annual valuation report for 2023, provides that the City's normal cost rate is 6.75%, the new member employees will cost share 5.25% of pensionable compensation for 2023.

   Effective the pay period that includes July 1, 2023, new member employees will cost share (pursuant to Government Code section 20516(f), a percentage of pensionable compensation that when combined with the payment of their employee/member

contribution will equal nine percent (9%) of pensionable compensation. For example, if the CalPERS annual valuation report for 2023, provides that the City's normal cost rate is 6.50%, the new member employees will cost share 2.5% of pensionable compensation for effective the pay period including July 1, 2023. If, for example, the CalPERS annual valuation report for 2024, provides that the City's normal cost rate is 6.75%, the new member employees will cost share 2.25% of pensionable compensation for 2024.

C. Adoption of the IRS Code section 414(h)(2) Resolution

The City has adopted the CalPERS resolution in accordance with IRS Code section 414(h)(2) to ensure that the employee contribution is made on a pre-tax basis.

9.2 – **CALPERS CONTRACT**

The City will continue to provide pension benefits to represented employees in accordance with the CalPERS contract in effect on the effective date of this MOU. The City's contract with CalPERS for employees covered by this MOU includes the following options:

- Section 20042 (Final Compensation 1 Year only applies to classic member employees)
- Section 20037 (Final Compensation 3 Years only applies to New Member employees)
- Section 20516 (Employee Sharing Additional Cost, only applies to classic member Tier 1 employees)
- Section 20965 (Unused Sick Leave Credit – Local Member)
- Section 21031 Public Service Credit for Limited Prior Service
- Sections 21624/21626 (Post-Retirement Survivor Allowance, only applies classic member employees)
- Section 21620 ($500 Retired Death Benefit)
- Section 21329 (2% Annual Cost-of-Living Allowance Increase)
- Section 21354.4 (2.5% @ 55 Formula for Local Miscellaneous Members, only applies to classic member Tier 1 employees)
- Section 21353 (2% @ 60 Formula for Industrial and Miscellaneous Members, only applies to classic member Tier 2 employees)
- Section 7522.20 2 @ 62 Formula for Miscellaneous/Industrial Members
- Section 20903 (Additional Service Credit 2 Years – Local Member)
- Section 21635 (Post-Retirement Survivor Allowance to Continues After Remarriage)
- Section 21573 (Survivor Benefit Level 3)
- Section 21551 (Pre-Retirement Death Benefits to Continue After Remarriage of Survivor)
- Section 20055 (Prior Service)
- Section 21024 Military Service Credit as Public Service
- Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmericCorps Service)
- Section 21027 Military Service Credit for Retired Persons
- IRC 414(h)(2) (Pre-tax payroll deduction plan for member contributions and service credit purchase)

ARTICLE 10 – TUITION REIMBURSEMENT AND PROFESSIONAL DEVELOPMENT

10.1 – **TUITION REIMBURSEMENT**

Tuition and/or textbook costs required to complete educational courses which are taken by an employee and which pertain to their City employment, may be reimbursed to the employee by the City if reimbursement is recommended by the employee's department director and approved by the

City Manager or designee. The employee on whose behalf the recommendation is made must also maintain a passing grade of a "C" or better, Credit/No Credit or a Certificate of Completion, which is verified by the Assistant City Manager's receipt of an official copy of the employee's grades prior to any reimbursement.

A. The City will reimburse up to a maximum of $1,250 per fiscal year for qualifying tuition and/or textbook (including e-textbooks) costs.

B. To become eligible for tuition reimbursement, employees shall have completed one year of service prior to enrollment in such classes.

C. The parties agree that the City's budgetary guidelines do not impact the tuition reimbursement program, nor do the guidelines prevent a represented employee from continuing to participate in tuition reimbursement for approved courses.

10.2 – **PROFESSIONAL DEVELOPMENT**

The City endorses outside City-paid education and training, attendance at professional meetings and conferences, and dues and memberships in job specific organizations in which the City receives specific benefits for all CMCEA represented employees. Department directors may request in the budget up to $1,000 per full-time department employee per year with appropriate justification from the employee. The up to $1,000 Professional Development budget per full-time department employee limit pertains to education/training, meetings/seminars and conferences (including travel and meals), dues and memberships. Department directors have the right to determine the benefit to the City for the professional development request, staffing requirements and funding availability. Employees have the right to appeal to the Human Resources Division if they feel their request did not receive fair consideration by their Department Director.

CHAPTER 4 – LEAVES OF ABSENCE

ARTICLE 11 – LEAVES

11.1 – **VACATIONS**

A. Vacation Leave is to enable employees to spend a reasonable amount of time away from their job and to return to work refreshed. Employees accrue vacation when in paid status. If an employee is absent without pay for an entire pay period, they will not accrue vacation for that pay period. If an employee is absent without pay for a partial pay period, their accrual will be pro-rated.

B. Employees shall accrue vacation leave as follows:

Years of Service	Hours Accrued Per Year	Maximum Accrual
0.00 – 2.99	92	380
3.00 – 4.99	116	380
5.00 – 9.99	140	380
10.00 – 14.99	164	380
15.00 – 19.99	188	380
20.00 +	212	380

The City Manager or designee shall have discretion to start a new employee at higher accrual rate or with hours in their bank upon hire.

C. Maximum Accumulation of Vacation Leave - All employees shall be permitted to accrue up to three hundred eighty (380) hours of vacation leave. If an employee's vacation accrual reaches 380 hours, the employee will stop accruing additional vacation leave unless there is an exception as provided in Subsection G of this Article based on department needs. Vacation accruals will re-commence in the next pay period following the use of vacation leave that reduces the balance below the maximum accrual. It is the responsibility of the employee to manage accrued vacation time off by requesting, scheduling and using vacation to avoid not accruing vacation because they have accrued the maximum accrual. .

D. Vacation Leave Cash Outs

1. Through December 31, 2022

a. During the first payroll periods commencing on and after January 1, April 1, July 1, October 1 and the last pay period of 2022, unit members shall have the option of converting up to eighty (80) hours of earned and accrued vacation leave to cash for every forty (40) hours of vacation leave used during said quarterly period of time.

b. During the payroll period commencing each July 1, unit members shall have the option of reducing the three hundred eighty (380) hour maximum vacation leave accrual to two hundred forty (240) hours.

2. Vacation Leave Cash Out for 2023 and Thereafter

On or before the pay period which includes December 15 of each calendar year (which includes December 15, 2022)**,** an employee may make an irrevocable election to cash out up to the maximum amount of vacation leave which they will be earned in the following calendar year at the employee's base hourly rate of pay as follows:

An employee can cash out vacation during any quarter of the following year as long as on the date(s) chosen for cash out the employee has earned at least the amount of vacation they chose to cash out. Employees who made an irrevocable election to cash out vacation shall choose to be paid out during one or more of the following payroll periods:

- Payroll period that includes April 1st
- Payroll period that includes July 1st
- Payroll period that includes October 1st
- Final Payroll period of the calendar year

Employees will notify the Human Resources Division of which quarter(s) they wish their cash outs to be paid by the payroll deadlines as set by the Finance Department and Human Resources Division. Any remaining elected vacation hours that have not been previously paid out during the year will be paid out on the final payroll period of the calendar year.

E. Scheduling of Vacation Leave - Employees must submit vacation requests in a timely manner to ensure that requests are granted. Vacation requests will be evaluated based on each department's operational needs taking into consideration the employee's specific requested time off. Scheduled vacations shall only be cancelled in the event of an emergency.

F. Departmental Needs & Exception - When an employee submits a timely vacation leave request and the Supervisor and/or the Department Director must deny it due to the operational needs

of the City and/or Department, an exception may be granted by the Department Head with a written explanation from the employee's supervisor and advance approval from the City Manager or designee. If such an exception is granted, the employee will be paid cash for any vacation time which would accrue in excess of the maximum amount allowed to be accrued. The payment will be processed for the pay period in question. There will be no approvals for vacation leave accrual beyond the maximum accrual level.

Should a scheduled Vacation Leave have to be cancelled by the Department Head due to the operational needs of the City/Department, and the cancellation would cause the employee to accrue above the maximum vacation accrual, an exception for a "Cash-Out" may be granted by the Department Head with a written explanation from the employee's supervisor and advance approval from the City Manager or designee. If such an exception is granted, the employee will be paid cash for any vacation time that would accrue in excess of the maximum amount allowed to be accrued.

G. Vacation Leave Procedure

1. An employee may only take vacation leave with hours they have accrued.

2. The time during the calendar year at which an employee shall take their vacation shall be determined by the department director with particular regard for the need for the employee's services and due regard for the wishes of the employee.

3. In the event one or more municipal holidays fall within a vacation leave, the day will be considered a holiday, not vacation.

4. An employee shall not accrue vacation if on an unpaid leave of absence.

H. Terminal Vacation Pay - Upon termination, employees will paid for their vacation accrued through their date of termination at their base hourly rate of pay.

11.2 – **SICK LEAVE**

A. The Sick Leave Bank

All employees in the unit have a Sick Leave Bank. The Sick Leave Bank is a bank of hours that an employee can use for a bona fide illness. Effective the payroll that includes July 1 of each year, the Sick Leave Bank shall be augmented with a maximum of ninety-six (96) hours of credited sick leave, but in no case shall the annual augmentation result in more than one hundred ninety-two (192) hours in the Sick Leave Bank on July 1 of any year. (For example, if on July 1 of any year the Sick Leave Bank reflects a balance of one hundred thirty-two (132) hours, that employee's bank would receive a sixty (60) hour augmentation. On the other hand, if the Sick Leave Bank reflected a balance of fifty (50) hours, the employee would receive a ninety-six (96) hour augmentation, resulting in a then total accumulation of one hundred forty-six (146) hours.) The sick leave hours in the Sick Leave Bank shall have no cash value, shall not be convertible to cash or to any other form of compensation.

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023) employees can only accrue sick leave in the Sick Leave Bank. The Sick Leave Bank will have the following provisions:

1. Employees accrue 96 hours per year at the rate of 3.69 hours per pay period.
2. Employees can accrue up to 480 hours in the Sick Leave Bank.

3. Any new employees hired or rehired into the unit after January 1, 2023 shall be provided with 96 hours of sick leave upon being hired. The City Manager or designee shall have discretion to start a new employee with additional hours in their sick leave bank upon hire.

B. The Secondary Sick Leave Bank.

Employees hired prior to September 21, 2014, were able to accrue sick leave into the Secondary Sick Leave Bank. Hours in this bank can still be used as sick leave when employees are sick but no sick leave is accrued in these banks and the sick leave contained in the Secondary bank have no cash value.

C. The Tertiary Sick Leave Bank

Beginning in the pay period that includes July 1, 2021, any hours remaining from the annual augmentation that were not placed in the Sick Leave Bank, will be placed in the employees Tertiary Sick Leave Bank. (For example, if on July 1 of any year, the Sick Leave Bank reflects a balance of one hundred thirty-two (132) hours, that employee's Sick Leave Bank would receive a sixty (60) hour augmentation and the employee's Tertiary Sick Leave Bank would receive a thirty-six (36) hour augmentation. The maximum accrual for the Tertiary Sick Leave Bank is 288 hours. The sick leave contained in the Tertiary bank have no cash value.

Effective the pay period that begins on December 18, 2022 (with a pay date of January 6, 2023), no additional hours will accrue in the tertiary bank. An employee with hours in this tertiary bank can use those hours during their employment.

D. Sick leave hours in the Sick Leave Bank and Secondary Sick Leave Bank shall be used in case of a bona fide illness of the employee. Sick leave may also be used up to one half of one year's annual accrued sick leave (i.e., 48 hours) for serious illness or emergency of their child, parent, spouse, domestic partner, grandchild, grandparent or sibling who is incapacitated and/or requires the service of a physician, and when the presence of the employee is required. Sick leave hours in the Tertiary Sick Leave Bank shall be used in case of serious health condition of the employee, as defined by the City's Family Care and Medical Leave Act Administration Regulation or up to one half of one year's annual accrued sick leave (i.e., 48 hours) may be used to care for the employee's child, parent, spouse, domestic partner, grandchild, grandparent or sibling who is experiencing a serious health condition and the employee's presence is recommended by a physician or health care provider.

Employees can use up to 48 hours per calendar year for sick leave (from any bank in which they have an accrual for family members described in the above paragraph.

E. At the conclusion of the emergency, said employee shall return to work as soon as possible. The employee taking such sick leave shall notify their immediate supervisor prior to or within one-half (1/2) hour after the time set for the beginning of their scheduled shift or the commencement of their work assignment, or as otherwise specified by the department. When absence is for more than three (3) scheduled shifts, the employee may be required to present a physician's release to the department director indicating that the physician is knowledgeable of the essential functions of the employee's job and that in the doctor's medical opinion that the employee is medically fit to return to the employee's regular job. If the employee is not able to perform the essential functions of their job, the physician's release must indicate what essential functions of the employee's job cannot be performed by the employee, and for how long of time the employee will be unable to perform these functions in the doctor's opinion. Said physician's release may be required by the department director. The department director shall forward the certificate to the Assistant City Manager for filing.

F. The City Manager, upon written request, may grant that accrued sick leave may be taken by the employee when the employee's services are required by their relative which may be outside the employee's immediate household.

G. Separation from City - The sick leave hours in the any of the sick leave banks shall have no cash value, shall not be convertible to cash or to any other form of compensation. At the time of retirement from the City (defined as having applied for retirement benefits from CalPERS) an employee with sick leave in the Primary, Secondary and Tertiary Sick Leave Bank can convert that sick leave to service credit at the rate of 1 day = 0.004 years of service credit.

H. Accrued vacation leave normally will be used for sickness when all of an employee's accumulated sick leave has been exhausted. An employee may volunteer to use compensatory time off when all of their accumulated sick leave has been exhausted. This accrued time may also be utilized to supplement Long Term Disability insurance, provided the supplemental does not exceed 100 percent of the employee's regular rate of pay.

I. Sick Leave During Vacation - An employee who becomes hospitalized or seriously ill or injured while on vacation may have such period charged to their accumulated sick leave instead of to the vacation provided:

1. Immediately upon return to duty, the employee submits to their department director a written request for sick leave and a written statement signed by their physician stating that the employee had a serious illness or injury and dates of their serious illness or injury.

2. The department director recommends and the City Manager approves the granting of such sick leave.

3 Other Limitations - No employee shall be entitled to accrue or to take sick leave with pay while absent from duty for any of the following reasons:

a. Disability or illness arising from employment other than with the City of Costa Mesa.

b. Leave of absence without pay.

c. Absence due to any reason other than certifiable illness.

J. Penalty For Sick Leave Abuse - Employees who abuse sick leave may be denied sick leave pay, and may incur other discipline up to and including termination. When, in the judgment of the department director, the employee's reasons for being absent are inadequate, they shall change the payroll time report to indicate that the absence was leave without pay. Employees shall then have the right of appeal through the appropriate administrative processes prior to any loss of pay for suspected abuse of sick leave.

K. Extended Sick Leave - On written request of the employee and recommendation by the department director, the City Manager may authorize a leave of absence without pay for the purpose of recovering from an illness, provided:

1. The employee has used up all of their accumulated sick leave, but may retain compensatory time and vacation time.

2. The employee presents to their department director an estimate of the time needed to recover signed by a physician approved by the City.

3. An employee returning to work from an extended sick leave will be required to obtain and provide to their supervisor and the Human Resources Division a medical certification stating that they is fit to return to work.

11.3 – **ENTITLEMENT TO VACATION AND SICK LEAVE**

For the purpose of computing an employee's entitlement to vacation and sick leave, an employee's continuous service shall be based on the employee's date of initial probationary employment with the City. This date shall be the employee's anniversary date for vacation and sick leave purposes subject to the provisions contained herein. An employee who leaves City employment and returns within one year, shall have the break in service reduced from the amount of continuous service. If an employee leaves City employment for more than one year and then returns to City employment, .the City Manager or designee shall have discretion to start the employee at a higher accrual rate or with hours in their bank upon hire.

11.4 – **LEAVES OF ABSENCE WITH OR WITHOUT PAY**

The following leaves of absence are for leaves other than statutory leaves:

A. Special Leaves of Absence Without Pay - The department director may authorize special leaves of absence without pay for a period of up to two (2) weeks (14 consecutive days).

B. Ninety (90) Calendar Days or Less - Upon the written recommendation of the department director, the City Manager or designee may authorize special leaves of absence without pay for a period or periods not to exceed ninety (90) calendar days for purposes deemed by the City Manager or designee to be beneficial to the City.

C. In Excess Of Ninety (90) Calendar Days - The City Manager may, grant leaves of absence with or without pay in excess of ninety (90) calendar days for purposes deemed by the City Manager to be beneficial to the City.

D. Continuation of Benefits - The employee shall be responsible for paying for the continuation of employee benefits when a leave of absence exceeds one (1) full pay period.

11.5 – **LEAVE FOR NON OCCUPATION INJURY OR ILLNESS**

The City grants employees a leave of absence due to an injury or illness that prevents them from performing or safely performing the essential functions of their positions in accord with state and federal laws.

A. An employee who requires a leave of absence for medical reasons must notify their supervisor in writing of the need for such a leave as soon as the employee learns that they is, or will become, temporarily disabled and unable to work due to the medical condition. A medical statement signed by a licensed physician must be submitted with the leave request. The medical certificate must state that the employee has a medical condition prohibiting them from performing the essential functions of their job, and must provide the anticipated length of absence and any functional limitations that the employee may have upon returning to work.

B. Unless concurrently on a Family Care and Medical Leave, an employee granted a non-occupational disability leave of absence shall utilize available accrued sick leave, and vacation time during the period of their disability. The employee may elect to use compensatory time off prior to being granted leave without pay. Paid leave must be exhausted prior to being granted leave without pay unless the employee is concurrently on a Family Care and Medical Leave. (Refer to Administrative Regulation 2.28 - Family Care and Medical Leave).

C. An employee may continue life, health, dental and long-term disability coverages while on leave of absence without pay by paying the full cost of such coverages. The City will pay its share of the employee's health insurance premiums for an employee on FMLA/CFRA unpaid leave of absence for up to 12 weeks. If the employee's portion of the premiums are not paid or the employee fails to pay the premiums after 12 weeks, the employee will be terminated from coverage. (Also refer to Administrative Regulation 2.28 - Family Care and Medical Leave).

D. An employee returning from a non-occupational disability leave must provide a physician's statement that indicates that they is fit to return to work.

E. If additional leave is desired, the employee may request the additional leave in accordance with the extended leave provision in the Personnel Rules and Regulations.

An employee who returns to work at the end of their leave of absence will be returned to their former position or to a similar position for which they is qualified, unless the position has been eliminated due to layoffs.

11.6 – **CATASTROPHIC ILLNESS LEAVE**

The following sets forth how employees can use catastrophic illness:

A. Definition of Catastrophic Illness or Injury - An acute or prolonged illness usually considered to be life-threatening or with the threat of serious residual disability.

B. Eligibility for Catastrophic Leave - Employees may qualify for catastrophic leave if the employee or an employee's spouse, child, parent or domestic partner is experiencing a medically verified catastrophic illness or injury that creates a financial hardship for the employee. An employee must exhaust all vacation, compensatory time, and eligible sick leave prior to using catastrophic leave donations. Employees will not be eligible to receive additional leave accruals while using catastrophic leave donations.

C. Donations - Employees will be permitted to voluntarily transfer 8 hours per pay period of accrued vacation or compensatory time, to a catastrophic leave bank of an employee who has exhausted their accrued leave banks as a result of a catastrophic illness or injury. In no event shall sick leave be donated. Donations may be made across all divisions and departments within the City.

D. Coordination with Other Paid Benefits – Employees who are receiving long-term disability or workers' compensation benefits may supplement the benefits with catastrophic leave not to exceed their base salary. Employees will continue to be eligible for routine special and premium pays, certification pays, etc. while on catastrophic leave. "Routine" pay is defined as additional pay in which the employee receives on a continuous basis (e.g. bilingual pay, EMD pay, etc…), but does not include pays in which an employee only receives while performing a specific function and/or non-routine assignment (e.g. Matron pay, etc.). At no time, will the combination of donated leave and long-term disability or workers' compensation benefits result in the employee receiving more than 100% of their regular wages. Catastrophic leave donations will not meet the qualifications for the flex contribution and cannot be used towards voluntary deductions (including deferred compensation, United Way deductions, etc.).

An employee requesting catastrophic leave donations must submit a completed Catastrophic Leave Request form to their department director. In the event that the employee is incapacitated and cannot complete the Catastrophic Leave Request form, the department director may submit it on the employee's behalf.

11.7 – **MILITARY LEAVES**

An employee having a probationary or regular appointment shall be entitled to such benefits as are provided in the California Military and Veterans Code and the U.S. Code. An employee requesting such military leave shall present a copy of their military orders to their department director prior to the beginning of the leave.

Employees are entitled to a temporary military leave of absence not to exceed 180 calendar days per year. Employees having more than one year continuous service and granted a military leave of absence are entitled to receive the equivalent salary up to the first 30 calendar days of any one military leave, or during any one (1) calendar year. Weekend drills are excluded from the meaning of ordered military leave. An employee who is ordered to a weekend drill can request to flex their time off during the same FLSA workweek.

11.8 – **SCHOOL ACTIVITY LEAVE**

CMCEA has requested that Labor Code Section 230.8, which deals with unpaid leaves of absence to participate in various school activities of an employee's dependents, specifically be referenced with this MOU. Employees may use accrued leave time or vacation time, or if no time is available, time without pay, for activities described in Labor Code 230.8. Employees are entitled to up forty (40) hours per calendar year or eight (8) hours per month of unpaid leave. The Employee will provide written verification of any such activity for which they request time off, at the request of their department director.

11.9 – **REPORTING ABSENCES**

An employee who is absent from duty because of illness or injury (i.e., the need to use sick leave) shall report such absence to their department director or immediate supervisor prior to the time of expected absence whenever possible, and in no case later than one-half (1/2) hour before unless an emergency prevents the employee from reporting their absence the beginning of their normal work shift. Absences not reported in such manner may be subject to disciplinary action.

11.10 – **BEREAVEMENT LEAVE**

Whenever an employee is compelled to be absent from duty by reason of a death or critical illness where death appears imminent of grandparent, father, mother, brother, sister, (this includes step brothers and sisters) wife, husband, or child of employee, spouse, or domestic partner such employee shall, upon approval of their department director, be entitled to charge such absence as "bereavement leave" to a maximum of five (5) working days in a calendar year. This leave may also be used in the case of a miscarriage by a female employee and/or employee whose spouse or registered domestic partner suffers a miscarriage. This would also apply in the case of a miscarriage by a surrogate. Any additional time that may be required must be approved by the employee's Department Head (and will be approved if required by law) and will be charged first to sick leave, then the employee can choose between vacation, compensatory time off or floating holiday leave. If all such leaves are exhausted it will be charged to unpaid leave if the employee does not have accrued sick leave, vacation compensatory time off or floating holiday leave**.** The City Manager or designee, upon written request, may grant bereavement leave to an employee for persons in other relationships to the employee than are listed above.

11.11 – **HOLIDAY LEAVE**

The following are the ten (10) designated holidays:

- New Year's Day - January 1st

- Martin Luther King, Jr. - third Monday in January
- President's Day - third Monday in February
- Memorial Day - Last Monday in May
- Independence Day - 4th of July
- Labor Day - 1st Monday in September
- Veteran's Day - November 11th
- Thanksgiving Day - 4th Thursday in November
- Day after Thanksgiving - 4th Friday in November
- Christmas Day - December 25th

In the event any of the above holidays fall on Saturday, the preceding Friday will be observed. In the event any of the above holidays fall on Sunday, the following Monday will be observed.

A. In addition to the ten holidays above, employees receive sixteen (16) floating holiday hours. Employees may schedule with their supervisor any time during the year to use the floating holiday hours. At the end of the calendar year, any remaining holiday hours will be cashed out. Employees hired after January 1st of each year are eligible for the 16 hours of floating holiday pay on a pro-rata basis during the calendar year based on the established City holiday schedule. If an employee separates from the service of the City and has used or been paid for floating holiday pay in advance of Lincoln's Birthday and/or California Admission Day, the City will deduct the cash value for the floating holiday benefits paid, but unearned, from the final paycheck.

B. In order to be eligible for holiday pay for the ten holidays above, an employee must either work or be on paid status the day immediately before, or after the holiday if scheduled.

C. All employees who receive time off for the above listed holidays shall receive full pay.

D. Paid Full Shifts for Holidays - When a holiday is observed by the City, employees who take the holiday off shall record on their timesheets the hours that correspond with their regular workday shift within their established workweek schedule (i.e., employees on the four ten-hour day workweek (4/10) will record 10 hours for the holiday; employees who work on a 9/80 work schedule shall record 9 hours, or 8 hours as applicable, for the holiday; and employees regularly scheduled to eight-hour workday schedules shall record 8 hours for the holiday.)

E. Employees Who Work Without Regard to Holidays - Prior to the beginning of each calendar year, Police Department employees who must work without regard to the above listed holidays must irrevocably elect for the next year to either receive holiday leave (in which case they will receive one hundred and twenty (120) hours if assigned to a 4/10 or 3/12 work schedule, one hundred and eight (108) hours if assigned to a 9/80 work schedule or ninety-six (96) hours if assigned to a 5/40 work schedule) that they can use either on the actual holiday or work on the holiday and use at another time) or cash out for the holidays (in which case they will receive ninety-six (96) hours of holiday pay).

Employees who choose the cash out option will receive a holiday pay bank of 96 hours beginning the first pay period for the new payroll year. This holiday pay bank may be cashed out at any time during the year. At the end of the payroll year, any remaining holiday pay will be cashed out unless the employee previously elects to have it applied as accrued vacation. Throughout the payroll year, if an employee, who has selected holiday pay, decides to take a holiday off, they must use either vacation or comp time, to cover the leave since they received holiday pay.

Notwithstanding the above, if due to the way the pay periods occur, an employee receives 11 or 13 holidays in the calendar year, employees who choose the cash option will receive 104

hours (if there are 13 holidays) or 88 hours (if there are 11 holidays) beginning the first pay period of the new payroll year.

Employees who irrevocably elect (prior to the end of the calendar year for the following calendar year) to earn holiday leave rather than holiday pay will receive a bank of 96, 108, or 120 hours, depending upon their assigned work schedules. The hours will be available the first pay period of the new payroll year. Employees will have holiday leave available to use during the year, including (assuming if the employee requests and is approved for taking a holiday off, an actual holiday). However, employees must make a request to use holiday leave at least four (4) working days prior to the requested time off. Approval of the time off request will be based upon available staffing needs and the needs of the employee. At the end of the payroll year, any remaining hours in the holiday leave bank will be carried over to the next payroll year (however, the subsequent year's bank shall be reduced by the number of hours carried over).

Notwithstanding the above, if due to the way the pay periods occur, an employee receives 11 or 13 holidays in the calendar year, employees who choose the leave option will depending on their schedule receive 104, 116 or 128 hours (if there are 13 holidays) or 88, 96 or 108 hours (if there are 11 holidays) beginning the first pay period of the new payroll year.

For employees who work without regard to holidays, to the extent permitted by law or by CalPERS, for those who take the cash out option, it will be reported as special compensation per Title 2 California Code of Regulations section 571 and 571.1

F. Employees hired after January 1 of each year are eligible for holiday pay on a pro-rata basis during the calendar year based on the established City holiday schedule. If an employee separates from the service of the City and has used or been paid for holiday pay in advance of the date(s) or day(s) the holidays actually occurred, the City will deduct the cash value for the holiday benefits paid, but unearned, at the time of separation from the final paycheck. If an employee transfers or promotes to a position not covered by this provision and the employee has been paid in advance of the date(s) or day(s) the holidays actually occurred, the employee will be required to record absence with no pay for the remainder of the holidays that year.

11.12 – **JURY DUTY**

1. An employee who is called for jury duty shall be compensated (as though they was working) for those hours of absence due to the jury duty that occurs during the employee's regularly scheduled working hours. Employees are required to provide documentation to Human Resources that they are on jury duty and once completed, documentation from the court that they have completed their jury duty service. This documentation is necessary for employees to receive pay for jury duty.

2. If a unit member is required to be absent from work to report for jury duty, the employee will notify their supervisor of the absence as soon as possible, including, a phone message the night before if the employee finds out via a phone recording that they must report the next day.

3. An employee on jury duty must either return to work after the jury service is done for the day if there are still four hours or more left on their shift or call in to their supervisor and ask to use leave to cover the rest of their shift.
4. An employee who is called to jury duty on a non-working day will not receive compensation or be authorized to change their schedule as a result of being called to jury duty.

5. An employee who is scheduled for a swing or graveyard shift on a day they is called to jury service will be authorized to change their work hours in order to report to jury service under the same provisions of 1-3 above.

6. An employee who is called to jury duty will not be subject to working their full graveyard or swing shift if there is not a minimum of 10 hours before or after assigned jury duty. If there is less than 10 hours between the end of a shift and the start of jury duty, an employee will be permitted to leave their shift early to allow for a minimum break of 10 hours. If there is less than 10 hours between the end of jury duty and the start of their shift, an employee will be able to delay their usual start time to ensure a 10-hour break in between. In this event, the employee's usual end time will remain the same. For any additional time taken off before or after jury duty, an employee will be required to utilize paid accrued time subject to supervisor approval.

   The employee is entitled to retain any mileage allowance if paid by the court.

11.13 – **INDUSTRIAL ACCIDENT LEAVE**

A. In the event that any employee is absent from work as a result of any injury, illness or disease arising out of and during the course of employment with the City of Costa Mesa, such absence shall be considered to be industrial accident leave as specified below and nothing contained in this MOU shall be deemed to affect or limit in any manner the employee's entitlement to medical, surgical and hospital treatment as provided under California's Workers' Compensation laws.

   1. Eligibility

      a. If the employee is unable to perform their assigned duties due to job-related injury or illness and is entitled to Worker's Compensation Temporary Disability under the provisions of California's Workers' Compensation Act.

      b. If the employee reports all on-the-job or off-the-job injury or illness which may impair their ability to perform regularly assigned duties to their supervisor within 24 hours (or the next regularly scheduled workday, whichever is sooner) of the incident, except under extenuating circumstances. Extenuating circumstances under which an employee may report an injury beyond the above limits shall include but not be limited to a report at the time the employee realizes the injury is disabling and the medical evidence is consistent with the claim. Failure to report said injury or accident may be grounds for disciplinary action. After review by the Department, said report shall then be forwarded to the Risk Management Division.

      c. Medical treatment is provided and maintained by a licensed physician, chiropractor or a licensed medical practitioner as prescribed by a licensed physician, acceptable to the City's Workers' Compensation Administration. If the employee has notified the Personnel Office in writing prior to a job injury/illness, the employee's own physician may be used if said physician treats for workers' compensation and can attest that they previously directed treatment for them and has their medical records including their medical history. After thirty days, an employee has the right to select their own physician provided the employee notifies the Workers' Compensation Administrator in writing of the doctor's name and address prior to the first appointment. The employee must *also* be disabled from and unable to perform any work regularly performed by a City employee that the City makes available with priority being in the employee's department and light duty availability.

   2. Caveat - If the illness or injury resulted from the failure to wear prescribed safety or personal protective clothing or equipment; use provided safeguards or safety equipment; follow safety rules and regulations, or other departmental work rules; or the employee's

gross negligence or willful misconduct was the proximate cause of the absence; *the incident* may be grounds for disciplinary action.

3. Administration

   a. Any employee who is going to be absent from work over one week with an industrial injury shall contact his designated departmental safety representative each Thursday or any other time designated by the departmental safety representative and report their medical progress and approximate date of return to work and any other information the designated departmental safety representative deems appropriate.

   b. Employees on industrial leave must report any change in their normal place of residence or the address reported where they will be during normal business hours while recovering from job-related injuries or illness. Before leaving that location for a period in excess of one (1) day, they shall notify the departmental safety representative, and must be available for appointments or consultation as may be required by the City or Workers' Compensation Administrator. The departmental safety representative shall issue weekly reports to the department director with copies to the Risk Management Division advising of the employee's status.

   c. The employee must make available after each medical appointment a medical prognosis for the likelihood of the employee's return to their regular and/or light duty with all applicable work restrictions. Industrial leave may not be granted if a light duty job assignment is available within the employee's work restrictions.

   d. If further remedial action is indicated, the employee must follow a course of treatment which will enable return to full employment at the earliest possible time.

4. Denial of Industrial Leave - Industrial leave will not be approved when any of the conditions of section 1 above are not met, or when competent medical authority as outlined in 1.d of this section determines the disability to be a result of a pre-employment or non-industrial medical condition/ Industrial leave will also be denied if the leave requested is due to a medical condition for which the employee has already received a Settlement or a Compromise and Release pursuant to a prior legal action, or is requested relative to an injury or illness for which the City has previously denied industrial leave.

5. Industrial Leave will terminate when one of the following occurs:

   a. The employee fails to follow the advice of the treating physician by failing to pursue a course of treatment which will lead to recovery in a timely manner.

   b. The employee's condition becomes medically permanent and stationary within the guidelines of the state's Workers' Compensation scheme.

   c. It is medically determined that the employee will never be capable of performing the duties of their classification.

   d. The employee no longer qualifies for *a* compensable industrial leave as defined in paragraph C below.

   e. The employee is engaged in outside employment or activity which would impede recovery and prolong their return to work as determined by competent medical authority.

B. In all cases as specified in Item 8.13(A) above where sickness or injury is incurred as a result of employment and is initially compensable under California's Worker's Compensation laws, the employee's full regular salary for the waiting period required under such laws shall be paid by the City.

If there is a question about whether the injury or illness qualifies as an industrial injury under the state's Workers' Compensation laws, the City will conduct an investigation and make a determination as provided under such laws. Compensation for time off due to disability during this determination period will be maintained through the use of the employee's personal accrued leave. If the injury is determined to be industrial, then the time off due to the disability will be converted to Industrial Accident Leave and the personal leave hours used during the determination period will be restored to the employee.

C. All regular or probationary full-time employees, shall be entitled to Industrial Accident Leave and compensation on the following basis:

When any full-time employee of the City (including probationary full time employees) qualifies for temporary disability payment under the State of California Labor Code or the Workers' Compensation benefits, the employee shall receive paid leave, after a three-day waiting period for a period not to exceed (up to) sixty-six work days (528 hours) of leave for each separate injury. An injury shall be deemed to continue through a recurrence or aggravation to the original injury. Claimed recurrences or aggravations of any injury approved for industrial leave shall be charged to the balance, if any, of the maximum allowance of such leave for the original injury.

The leave in this section is intended for compensation while the employee is disabled from work and shall not be used to attend doctor's appointments, physical therapy, or other medical appointments when the employee is cleared to work light, modified or regular duty.

D. Employees with accepted industrial injury leave shall continue to receive a flex contribution for benefits in accordance with Section 7.3. Employees under this section will be responsible for the employee portion of health and any other cafeteria plan premiums for the duration of coverage under the plan.

11.14 – **FAMILY AND MEDICAL CARE LEAVE**

RIGHTS AND OBLIGATIONS - As required by State and Federal law ("FMLA") the City will provide family and medical care leave for eligible employees. Administrative Regulation 2.28 sets forth employees' rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth therein are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA), and the regulations of the California Fair Employment and Housing Commission implementing the California Family Rights Act (CFRA) (Government Code 12945.2).

ENTITLEMENTS - Rights of qualified employees under FMLA include: (1) entitlement of up to 12 weeks of unpaid leave in a year; (2) continuation of the City's portion of any medical insurance contributions made on behalf of the employee for the duration of the leave; and (3) no loss of seniority.

CHAPTER 5 – EMPLOYER-EMPLOYEE RELATIONS

ARTICLE 12 - GRIEVANCES

12.1 – **DEFINITION OF A GRIEVANCE**

A "grievance" is a formal, written allegation by an employee or CMCEA (referred to as "grievant"),

that that there has been a violation, misinterpretation or misapplication of this Memorandum of Understanding and/or provisions of the Personnel Rules and Regulations or other City policies. Other matters for which a special method of review is provided by law, ordinance, resolution, or by administrative regulations and procedures of the City, are not within the scope of this procedure, although other methods of review may be joined with the grievance procedure where the factual basis for the review and the grievance are similar. The grievance procedure is the sole and exclusive method to resolve any grievance as defined herein.

If the employee's grievance alleges that the City's violation, misinterpretation or misapplication of this Memorandum of Understanding and/or provisions of the Personnel Rules and Regulations or other City policies was caused by discrimination, the grievance shall be placed in abeyance. The City will promptly conduct an investigation of the allegation of discrimination per its harassment, discrimination and retaliation policy. If there is a finding of discrimination, the City will work with the employee and/or their representative to address a remedy. If the investigation concludes that there was no discrimination, the grievant may still continue with the grievance procedure.

12.2 – **GRIEVANCE PROCEDURE**

1. Informal Resolution: Every effort shall be made to resolve a grievance through discussion between the employee and their immediate supervisor. It is the spirit and intent of this procedure that all grievances are settled quickly and fairly without any discrimination against employees who may seek to resolve a grievance by invoking this procedure. Every effort should be made to find an acceptable solution at the lowest level of supervision. Within fifteen (15) calendar days after a grievant (either an employee or the Association) knew, or by reasonable diligence should have known, of the condition upon which a grievance may be based, the grievant shall attempt to resolve it by an informal meeting with the grievant's immediate supervisor.

2. The immediate supervisor shall render their decision in writing within fifteen (15) calendar days of the informal conference. If the problem cannot be resolved between the employee and the supervisor, the employee may, within ten (10) calendar days from the date of receiving the answer from their supervisor, request and be granted a meeting with the division manager, if one exists, in order to discuss the grievance.

3. The division head shall render their decision in writing within fifteen (15) calendar days of receiving the appeal. If the division head and employee cannot reach a solution to the grievance, the employee may, within ten (10) calendar days from the date of receiving the answer from the division manager, request, in writing, and be granted a meeting with the department director within seven (7) calendar days of the grievant's request to discuss the grievance to try and reach a resolution which is satisfactory to the grievant. The department director shall meet with the employee within seven (7) calendar days unless the date is mutually extended between the director and the grievant. If the grievant and director cannot satisfactory resolve the grievance, the director will issue a written decision regarding the grievance within fifteen (15) calendar days after meeting with the grievant.

4. The grievant may, within fifteen (15) calendar days from the date of the decision by the department director, submit a written appeal to the City Manager or designee or request grievance mediation.

5. As an alternative to proceeding directly to the final step of the grievance procedure, the parties may mutually agree to submit a grievance to mediation. A request for mediation may be presented in writing to the Assistant City Manager or designee within fifteen (15) calendar days from the date a decision was rendered by the Department director. A request for mediation will automatically suspend the normal processing of grievance until the mediation process is

completed, or the request is denied. The Assistant City Manager shall endeavor to schedule the mediation meeting within thirty (30) calendar days. The mediation process shall be optional. Within ten (10) calendar after completion of the mediation process, assuming the mediation does not resolve the grievance, the employee may request to proceed to the final step of the grievance process.

6. Should grievance mediation not produce satisfactory resolution, the grievant may request the matter be heard by City Manager or designee, or an impartial hearing officer (arbitrator). The recommendation of an arbitrator shall be advisory to the City Manager or designee. Should the matter be submitted directly to the City Manager or designee they shall schedule a meeting or respond in writing. Each party shall pay the cost of the arbitration. A court reporter shall be retained only by mutual consent of the parties. If the grievant chooses to have the matter heard by a hearing officer (arbitrator), the grievant and City representative can agree on an arbitrator. If the parties cannot reach agreement on an arbitrator, the Human Resources Manager or designee will send a letter to the State Mediation and Conciliation Service at PERB requesting a list of seven (7) arbitrators. Once the list is received, the representatives of the parties shall strike names until an arbitrator is chosen. The parties shall toss a coin to determine who shall strike the first name. Once the arbitrator is selected, the parties will contact the arbitrator to schedule a hearing.

7. If any of the time limits associated with any of the steps wherein an employee may appeal the determination of a prior step should elapse, the grievance shall be considered withdrawn. Time limits may be extended by mutual consent. If the supervisor or manager responding on behalf of the City fails to respond within the prescribed time limits, the grievance will be deemed to have been denied and the employee may go to the next step.

8. An employee who is a grievant may request the assistance of another person of their own choosing in preparing and presenting their grievance at any level of review. In the event the employee desires the presence of a representative who is an employee of the City, they shall make such request through the supervisor and the supervisor shall make the necessary arrangements for the employee representative to be present. Any representative of the employee must be acceptable to the Association, or said representative shall not assist the employee with the grievance.

9. The employee and/or their representative may use a reasonable amount of work time as determined by the appropriate supervisor or department director in presenting the appeal. However, no employee shall absent himself or herself from scheduled work without first being excused by their supervisor.

10. No employee shall be required to be represented by CMCEA in processing a grievance.

11. Employees shall be assured freedom from reprisal for using the grievance procedures, or for being a witness in a grievance, by both the City and the employee organization.

12. The settlement terms of a grievance whether filed by CMCEA or an employee shall not conflict with the express provisions of this MOU.

13. A group grievance may be filed when one (1) set of circumstances or occurrences affects more than one (1) employee in the same manner or to the same extent. The group may file one (1) document which all members of the group have read and signed. Members of the group shall be limited to those who have signed the grievance. The resolution of a group grievance may not be consistent among all employees in the group grievance due to differences in the circumstances or occurrences that brought about the grievance.

ARTICLE 13 - DISCIPLINE

13.1 – **BASIS FOR DISCIPLINE**

The tenure of every City employee shall be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action, which shall be commensurate with the seriousness of the offense and with consideration of the employee's prior performance record. Disciplinary action shall be based upon any of the following grounds, but is not limited to only these grounds:

A. Fraud in securing employment or making a materially false statement on an application for employment or on any supporting documents furnished with or made a part of any application.

B. Incompetence such as failure to comply with the minimum standards for an employee's position for a reasonable period of time.

C. Neglect of duty, such as failure to perform the duties required of an employee's position.

D. Willful disobedience and insubordination such as a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.

E. Dishonesty involving employment.

F. Using or being under the influence of alcohol or intoxicating drugs while on duty without a prescription. Bringing alcohol or controlled substances onto any City work premises, or onto any location where City business or services are performed by City employees.

G. Addiction to or habitual use of alcoholic beverages, narcotics or any habit forming drug.

H. Inexcusable absence without leave.

I. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

J. Discourteous treatment of the public.

K. Improper or unauthorized use of City property.

L. Violation of the rules and regulations of any department.

M. Any act of conduct undertaken which, either during or outside of duty hours, is of such a nature that it causes discredit to fall upon the City, the employee's department or division.

N. Failure to maintain proper conduct during working hours causing discredit to the employee's department or division. Such as:

1. Fighting or causing an assault on a fellow worker, citizen or any other person while employed by the City.

2. Abusing City records or information obtained while in the employ of the City.

3. Falsification of City records.

4. Threats of bodily harm perpetrated at work, or toward fellow workers.

5. Failure to observe work schedules, including lunch periods and breaks.

6. Consistent failure to perform work assignments in an acceptable manner or at an acceptable level of output.

7. Destruction of City property.

8. Engaging in any sort of harassment (sexual, racial, ethnic, religious, etc.)

9. Intentionally treating other employees differently because of their race, sex, age, religion, national origin, marital status, physical or mental disability, sexual preference or other protected category.

O. Abuse of sick leave.

P. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of City property.

Q. The employee's failure to resolve a physical or mental infirmity(s) or defect(s), when it is within the capacity of the employee to do so and when directed by their supervisor.

R. Outside employment which conflicts with the employee's position and is not specifically authorized by the department director.

S. Acceptance from any source of any emolument, reward, gift or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties.

T. Falsification of any City report or record, or of any report or record required to be, or, filed by the employee.

U. Violation of any of the provisions of the City Code, ordinances, resolutions, or any rules, regulations or policies which may be prescribed by the City Council, City Manager, department manager or supervisor.

V. Political activities precluded by Local, State or Federal law.

W. Other acts which are incompatible with service to the public.

13.2 – **TYPES OF DISCIPLINE**

Types of discipline include the following: warning/reprimand, suspension, demotion or reduction in pay and dismissal. Voluntary demotions as well as performance evaluations are not considered disciplinary actions. The appeal or the review of a performance evaluation is limited to the supervisor's supervisor, whomever that may be. The following procedures shall be followed when, in the judgment of the department director, an employee has committed an act or omission that justified the disciplinary action indicated. Except for written warnings/reprimands, the department director or their designee shall advise employees of contemplated disciplinary actions in writing and allow the employee an opportunity to respond to such charges prior to taking action.

When life, or employee safety, is endangered, or the self-control of an employee is questionable, a

supervisor shall take immediate action to reduce or eliminate the danger or to establish control. In case of an emergency, an employee shall have all of the rights set forth herein, except, in the discretion of the Department Directors, Assistant City Manager, City Manager or designee, an employee may be placed on administrative leave with pay pending pre-disciplinary procedures.

A. Warning/Reprimand: If the warning/reprimand is in writing it should be signed by the employee acknowledging receipt. The department shall give the employee a copy and forward a copy to the Assistant City Manager for review and retention in the employee's personal history file. A written warning/reprimand shall contain a description of the events which necessitated the action, specific expectations of change by the employee, and notice of further action in the event a change by the employee does not occur. An employee shall have the right to attach a written rebuttal and/or file an appeal.

B. Suspension: A department director or their designee may suspend an employee with or without pay from their position. Any placement of an employee on administrative leave pending pre-disciplinary response shall be with pay. The Department Director shall advise the Assistant City Manager in writing of such intended action and shall give a copy of such statement to the employee. The written statement shall contain a description of the events which necessitated the suspension, a statement of the charges, notification that the employee may review and be provided with the materials leading to the suspension, the right of the employee to meet with the Department Director and/or to respond in writing within a reasonable time frame to the charges, and notice of further action in the event a change by the employee does not occur. Unless extended by approval of the City Manager or designee on written recommendation of the department director, the maximum period of suspension shall be thirty (30) calendar days. These procedures are available prior to the implementation of discipline.

   Disciplinary actions involving suspensions of four (4) work days or less, as well as oral and written reprimands are not exempt from the notification requirements. However, in such disciplinary actions the employee does not have the right to respond to the Department Director prior to the effective date of the proposed action.

C. Demotion or Reduction in Pay: A department director shall advise the Assistant City Manager in writing of their intention to demote or reduce the salary of an employee prior to taking such action. In demoting an employee or reducing their salary, the department director shall make a written notice and shall give a copy of said notice for demotion or reduction in pay to the employee and forward a copy to the Assistant City Manager for review and retention in the employee's personal history file. The written statement shall contain a description of the events which necessitated the demotion, a statement of the charges, notification that the employee may review and be provided with the materials leading to the demotion, the right of the employee to meet with the Department Director and/or respond in writing within a reasonable time frame to the charges, and notice of further action in the event a change by the employee does not occur.

D. Dismissal: A department director shall advise the Assistant City Manager in writing of their intention to dismiss an employee prior to taking such action. In dismissing an employee, the department director shall make a written notice and shall give a copy of said notice of dismissal to the employee and forward a copy to the Assistant City Manager for review and retention in the employee's personal history file. The written statement shall contain a description of the events which necessitated the dismissal, a statement of the charges, notification that the employee may review and be provided with the materials leading to the dismissal, and the right of the employee to meet with the Department Director and/or respond in writing within a reasonable time frame to the charges. These procedures are pre-disciplinary in nature.

13.3 **– NOTICES**

Written notices will be given to the employee in person whenever possible and the employee's signature obtained to indicate receipt. In the absence of personal service, the notice may be sent by certified mail.

13.4 – **EMPLOYEE'S RESPONSE**

An employee's opportunity to respond to the Department Director is not intended to be adversarial in nature. An employee has the right to have a representative of their own choosing at the meeting. The employee need not be accorded the opportunity to cross-examine a department's witnesses, nor to present a formal case in opposition to the proposed discipline. However, the limited nature of this response does not obviate the Department Director's responsibility to initiate further investigation if the employee's version of the facts raises doubts as to the accuracy of the department director's information leading to the discipline proposal. An employee may elect not to respond, thereby waiving any further pre-disciplinary response.

The Department Director will evaluate the proposed discipline in light of the employee's response, if any. Within five (5) working days of the employee's response, or deadline for response, a decision will be transmitted in writing to the employee. Service of the decision will be in person or by certified mail.

13.5 – **APPEAL PROCEDURE**

Major Discipline

Any permanent employee in the classified service shall have the right to appeal any termination, suspension of forty (40) hours or more, denial of a merit increase, reduction in salary, or non-probationary demotion. The appeal process shall not be applicable to probationary employees. The appeal process shall not be applicable to verbal reprimands and performance evaluations.

An employee desiring to appeal the Department Director's decision shall have ten (10) calendar days after receipt of the response to file an appeal. The employee's request for appeal must be addressed to the Assistant City Manager and received in the Human Resources Division so that same is date stamped by the Human Resources Division within the 10-day period.

If, within the 10-day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the Department Director shall be considered conclusive and shall take effect as prescribed. If, within the 10-day appeal period, the employee involved files such notice of appeal by giving written notice of appeal to the Human Resources Division, an arbitration appeal hearing shall be established as follows (the discipline shall nonetheless be implemented concurrent with the Department Director's determination, subject to later modification as may result from the appeal process):

A. The employee shall file a written request with the Human Resources Division for advisory arbitration to the City Manager or designee. The City and employee will be responsible for all arbitration-related expenses, excluding attorney fees and staff time.

B. If the employee chooses to have the matter heard by a hearing officer (arbitrator), the employee's representative and City representative can agree on an arbitrator. If the parties cannot reach agreement on an arbitrator, the Human Resources Manager or designee will send a letter to the State Mediation and Conciliation Service at PERB requesting a list of seven (7) arbitrators. Once the list is received, the representatives of the parties shall strike names until an arbitrator is chosen. The parties shall toss a coin to determine who shall strike the first name. Once the arbitrator is

selected, the parties will contact the arbitrator to schedule a hearing

C. The selected arbitrator shall serve as the hearing officer.

D. Where practicable, the date for a hearing shall not be less than 20 calendar days, nor more than 60 calendar days, from the date of the filing of the appeal with the Assistant City Manager. The parties may stipulate to a longer or shorter period of time in which to hear the appeal. All interested parties shall be notified in writing of the date, time, and place of hearing.

E. All hearings shall be private provided, however, that the hearing officer shall, at the request of the employee, open the hearing to the public.

F. Subpoenas and subpoenas duces tecum pertaining to a hearing shall be issued at the request of either party, not less than seven (7) calendar days, prior to the commencement of such hearing. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the hearing officer.

G. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded. The hearing officer shall not be bound by technical rules of evidence. The hearing officer shall rule on the admission or exclusion of evidence.

H. Each party shall have these rights: To be represented by legal counsel or other person of their choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called their to testify; and to rebut the evidence against their. The employee, may be called by the party bearing the burden of proof and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation. A court reporter will be engaged to record the hearing, unless the parties (City, hearing officer, employee/employee representative) mutually agree that same is not necessary.

I. The hearing shall proceed in the following order, unless the hearing officer, for special reason, otherwise directs:

1. The party imposing discipline shall be permitted to make an opening statement;

2. The appealing party shall then be permitted to make an opening statement;

3. The party imposing disciplinary action shall produce the evidence on their part; the City bears the burden of proof and burden of producing evidence;

4. The party appealing from such disciplinary action may then open their defense and offer their evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;

5. The parties may then, in order, respectively offer rebutting evidence only, unless the hearing officer for good reason, permits them to offer evidence upon their original case;

6. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the hearing officer.

J. The hearing officer shall determine relevancy, weight, and credibility of testimony and evidence. They shall base their findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties and Personnel Division representatives, shall be excluded from the hearing unless the hearing officer, in their discretion, for good cause, otherwise directs. No still photographs, moving pictures, or television pictures shall be taken in the hearing chamber during a hearing. The hearing officer, prior to or during a hearing, may grant a continuance for any reason they believes to be important to reaching a fair and proper decision. The hearing officer shall render their judgment as soon after the conclusion of the hearing as possible and in no event later than 30 days after conducting the hearing. Their decision shall set forth which charges, if any, are sustained and the reasons therefore. The opinion shall set forth findings of fact and conclusions.

K. The hearing officer may recommend sustaining or rejecting any or all of the charges filed against the employee. They may recommend sustaining, rejecting, or modifying the disciplinary action invoked against the employee.

L. The hearing officer's opinion and recommendation shall be filed with the City Manager or *designee*, and the Assistant City Manager and shall set forth their findings and recommendations. If it is a dismissal hearing and a dismissal is not the hearing officer's recommendation, the opinion shall set forth the date the employee is recommended to be reinstated and/or other recommended action. The reinstatement date, if appropriate, may be any time on or after the date of disciplinary action.

M. The decision of the City Manager or Assistant City Manager shall be final and conclusive. Copies of the City Manager's or designee's decision, including the hearing officer's recommendation(s) shall be filed where appropriate, including the employee's personnel file, unless no discipline is upheld by the City Manager or designee.

N. Each party will be responsible for all arbitration-related expenses, excluding attorney fees and staff time. Each party shall bear its own witness and attorney fees. If either party unilaterally cancels or postpones a scheduled hearing, thereby resulting in a fee charged by the hearing officer or court reporter, then the party responsible for the cancellation or postponement shall be solely responsible for payment of that fee. This process shall not apply to mutual settlements by the parties which result in an arbitration fee.

O. In the case of suspension, demotion, reduction in salary, or dismissal prescribed by the City Manager or designee, the time of such suspension, demotion or dismissal shall be effective from the first day after such delivery of said decision by the City Manager or designee, whichever is applicable.

P. The employee may be placed on administrative leave until resolution/conclusion of the appeals process.

Q. The provisions of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this section, including the appeal the City Manager's or designee's final decision into the California Court System, which must be made in accordance to the time standards and procedures established by Section 1094.6 and 1094.5 of the Code of Civil Procedure.

Minor Discipline

Any permanent employee in the classified service shall have the right to appeal any written reprimand and/or suspension of four (4) days or less. The appeal process shall not be applicable to

those positions which may be deemed exempt from the classified service or to probationary employees.

If the problem cannot be resolved between the employee and the supervisor, the employee may, within ten (10) calendar days from the date of receiving the answer from their supervisor, request and be granted an interview with the department director or their designee, in order to discuss the appeal.

The department director or designee shall render their decision in writing within fifteen (15) calendar days of receiving the appeal. If the department director and employee are unable to arrive at a satisfactory solution, the employee may, within fifteen (15) calendar days from the date of the decision by the department director, submit a written appeal to the City Manager or designee. The City Manager or designee will respond or their designee will respond or schedule a meeting within fifteen (15) calendar days. The City Manager or designee shall render their judgment as soon after the conclusion of the hearing as possible and in no event later than 30 days after conducting the hearing. Their decision shall set forth which charges, if any, are sustained and the reasons therefore. The opinion shall set forth findings of fact and conclusions.

ARTICLE 14 – LAYOFF PROCEDURES

14.1 – **PURPOSE**

Employees covered by this MOU may be laid off due to material changes in the essential duties of their job or due to material changes in the organization. Likewise, the shortage of work or funds available to the City may also cause layoffs. In addition, in the event that the grant funding is no longer available, the position may be eliminated. Grant funded/limited term employees may be laid off out of seniority. If a layoff is deemed necessary, the Department Directors or Assistant City Manager shall notify the City Manager or designee of the layoff with reasons therefore thirty (30) calendar days before the effective date of layoff. Said employee shall be considered for re-employment as provided by the Personnel Rules.

14.2 – **PROCEDURE**

When a position within a class is abolished thereby necessitating a layoff, the following procedure shall be followed:

A. Reductions in the workforce shall be made by class within a department except that, where appropriate, the City Manager or designee may authorize a layoff by division or smaller unit within a department. In the event of a comprehensive reduction in the workforce, the City Manager or designee may decide to lay off by class City-wide regardless of department.

B. In accordance with Rule 14, Section 9 of the Personnel Rules and Regulations, thirty (30) calendar days before the effective date of layoff, the Department Directors or Assistant City Manager shall notify the City Manager or designee of the intended action with reasons therefore In the event a decision is made by the City to contract out for a specific service performed by City employees, the City will give the affected employees a minimum of six (6) months advance notification in which to evaluate their own situation and assist in planning for the future. The City shall meet and consult with CMCEA on such matters as the timing of the layoff and the number and identity of the employees affected by the layoff.

C. A reassignment or voluntary demotion within the employee's division or department to an equivalent or lower job class may be made to prevent a layoff, provided the employee is qualified by education and/or experience, is capable of performing the duties of the classification and has satisfactory performance evaluations for the preceding two (2) years. An

employee so reassigned or demoted shall be placed on the salary step within the new classification range closest to the rate of pay which the employee previously received. Whenever an employee is reassigned or demoted to a vacant position in the same class, an equivalent class, or lower class as herein provided, they shall retain the same anniversary date for purposes of merit pay increases. An employee so reassigned or demoted shall be reinstated to their former job class and salary step status when positions in the former job class within the affected division or department become vacant, provided that the employee has performed satisfactorily in the current position and requests reinstatement to the former position. Such reinstatement shall be on the basis of City-wide seniority.

D. In the event of a layoff, those employees in the classification affected with the least City-wide seniority shall be laid off first. Seniority shall be defined as continuous City service based upon hire date. Strict application of seniority shall prevail unless exceptional circumstances occur of which the concerned employee organization shall be fully apprised in advance. The order of layoff shall be:

1. Part-time and temporary employees in the affected classification shall be separated first.

2. Probationary employees in the affected classification shall be separated next.

3. Permanent employees with the least City seniority will be laid off first. Other affected employees will be laid off in sequential order thereafter.

4. Exceptional circumstances, as used above, includes the City's maintenance of a qualified workforce of competent employees based upon the persons employed having satisfactory performance evaluations for the preceding two (2) years.

5. Exceptional circumstances also include the recognition of the need to retain employees possessing special technical skill, training or knowledge within an affected classification as dictated by the work or services being performed. This exception can only be applied to those classifications within the occupational series utilizing said skills, knowledge or training. The determination to grant such an exception can be made only with the approval of the City Manager or designee. The City will share the findings of any proposed exception with CMCEA prior to making any recommendation to the City Manager or designee.

6. Employees who have not successfully completed promotional probation by the layoff notification date shall revert back to the last class in which the employee held permanent status for purposes of determining order of layoff.

7. When two (2) or more employees have *equal* seniority, the department shall determine the layoff order for these employees based upon merit and ability as determined by their performance evaluations for the preceding two (2) years and possession of specific technical skills utilized in the job.

E. An employee scheduled to be laid off is entitled to displace, or "bump," into a position in a classification within the same occupational series which is currently being held by an incumbent with less overall City seniority, provided it is in a position in which the employee formerly held permanent status or one in which the employee is qualified by education and/or experience, and is capable of performing.. The employee must exercise their displacement rights in writing within five (5) working days from receipt of layoff notification.

F. When the employee with the least City seniority is displaced by the person scheduled for layoff, the displaced employee shall be considered as laid off for the same reason as the person who

displaced him or her and shall in the same manner be eligible to displace to a position in the same manner as described above.

G. An employee laid off from City employment shall be eligible for the same sick leave payoff as defined in the Sick Leave Incentive Program for retirees.

H. The name of an employee who has been laid off due to the reduction in the workforce shall be placed on the reemployment list for their job class. The reemployment list shall be used by all appointing authorities within the affected division or department whenever a vacancy for that class is to be filled. Names will remain on the appropriate reemployment list for a period of three (3) years from the date of separation. Persons on the reemployment list shall be reemployed within the division or department from which they were laid off at their former salary step status when positions in their former job class become vacant. Reemployment shall be on the basis of previous City seniority. After separation from City employment for more than one (1) year, a person rehired may be required to successfully pass a physical and competency examination.

I. Whenever an employee is reemployed to a vacant position in their former job class, they shall be given a new anniversary date for purposes of merit pay increases and performance reviews in accordance with the provisions of the City's Personnel Rules and Regulations.

J. An employee rehired from the reemployment list shall be considered to have continuous service for seniority purposes and may be credited with the amount of accumulated vacation and sick leave they had accrued at the time of layoff if they remits to the City of Costa Mesa the payments received by the employee under the City's separation provisions and the Sick Leave Incentive Program.

K. Failure to return to work from layoff within twenty-one (21) calendar days after notice to return has been served upon the former employee by certified or registered mail at their last known address on file with the City’s Human Resources Division shall constitute the employee's waiver of any right to return to work and eliminates any future reemployment requirements placed on the City.

L. All other benefits or programs in effect at the time of layoff shall be forfeited upon reemployment unless they are still applied to the old classification at the time of rehire or provided to new hires as of that date.

Employees subject to layoff may file a grievance under Rule 25 of the Personnel Rules and Regulations only if there has been an improper interpretation or misapplication of this procedure.

ARTICLE 15 – UNIFORM APPLICATION OF RULES

To attempt to maximize the uniform application of policies and rules, the City has an interest in providing training and information to assist employees in understanding their rights. Through the committed efforts of both the City's Human Resources Division and CMCEA, attempts will be made to resolve any related problems utilizing processes such as supervisory training, explanation of the harassment policy and informal grievance procedures.

ARTICLE 16 – COST OF SERVICES

16.1 – **POLICY**

It is in the interest of the City of Costa Mesa and CMCEA to establish a consistent policy regarding the City's approach to evaluating the cost of providing municipal services on a regular basis in which CMCEA has an interest. It is recognized that as prudent professionals, the ongoing evaluation of costs should be a collective process of sharing information on a participative basis to develop sound decisions and appropriate practices. The City is interested in involving the employee associations to the greatest degree in this regard; and, as such, agrees to make them part of discussions regarding the contracting out of bargaining unit work.

16.2 – **CONTRACTING OUT**

It is further agreed that should a decision be made to contract out for a specific service which is at the time being performed by employees covered by this MOU, the employees affected will be given sufficient notice (a minimum of six months) in which to evaluate their own situation and plan for their future. To this end, the City will make every effort to transfer and utilize regular attrition in making the necessary adjustments. The City will assist employees in this endeavor through training and through preferential treatment (under meritorious consideration) when filing vacancies.

ARTICLE 17 – TEMPORARY EMPLOYMENT IN CMCEA-REPRESENTED POSITIONS

The City agrees to adhere to the hours limitation as outlined in Administrative Regulation 2.7 to ensure that temporary employees are not hired into vacated CMCEA-represented positions for long durations.

ARTICLE 18 – LABOR MANAGEMENT DISCUSSIONS

In the absence of contract re-openers, the City and CMCEA agree to meet not more than twice in a calendar year to discuss issues of mutual interest which may be subject to the meet-and-confer process. This MOU can be only amended by the written agreement of both sides.

ARTICLE 19 - SUPERVISORY JOB CLASSIFICATIONS

The employees in the classifications identified on Appendix A have been determined by the City Manager or designee to be supervisory employees. A “supervisory” employee is one who has recommendation authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, evaluate or discipline other employees, and/or responsibility to direct employees.

ARTICLE 20 - PERSONNEL RULES AND REGULATIONS

All applicable City Personnel Rules and Regulations (which have not been included herein) should be reviewed by employees as they may apply to them. If there is any conflict between this MOU and the Personnel Rules, the MOU provision shall apply.

ARTICLE 21 – BENEFIT REVIEW COMMITTEE

The Association shall maintain two representatives on the City’s Benefit Review Committee. The Committee continually evaluates the City’s benefit programs and makes recommendations on plan changes, benefit levels, payroll deductions and the addition or deletion of plans. Participation on the Benefit Review Committee meets the City’s obligation to negotiate with the associations on changes to the City’s group benefit plans unless an association determines that such changes are detrimental to the interest of its members.

REPRESENTATIVES OF THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA)

ROBERT P. GONZALEZ
CMCEA President and
Negotiations Team Member

ARASH RAHIMIAN
CMCEA Negotiations Team Member

PAUL M. MACKINEN
CMCEA Negotiations Team Member

RYAN BOHR
CMCEA Negotiations Team Member

KELLY DALTON
CMCEA Negotiations Team Member

TIA GRASSO
OCEA Associate General Counsel

REPRESENTATIVES OF THE CITY OF COSTA MESA

LORI ANN FARRELL HARRISON
City Manager

KASAMA LEE
Human Resources Manager

ALMA L. REYES
Assistant to the City Manager

CAROL L. MOLINA
Finance Director

PETER J. BROWN
Labor Negotiator

APPENDIX A

CMCEA Classifications

Accountant
Accounting Specialist I
Accounting Specialist II
Accounting Supervisor
Active Transportation Coordinator
Administrative Assistant
Animal Control Officer
Arts Specialist
Assistant Engineer*
Assistant Fire Marshal
Assistant Planner
Assistant Recreation Supervisor
Assistant Storekeeper
Associate Engineer*
Associate Planner
Building Inspector I*
Building Inspector II*
Building Technician I
Building Technician II
Business License Inspector
Buyer
Central Services Supervisor
Chief Construction Inspector*
Chief Plans Examiner
Chief of Code Enforcement
Chief of Inspection*
Civilian Investigator
Code Enforcement Officer
Communications Installer
Communications Officer
Communications Supervisor
Community Outreach Worker
Community Outreach Supervisor
Community Services Specialist
Construction Inspector*
Contract Administrator*
Court Liaison Officer
Crime Analyst
Crime Prevention Specialist
Crime Scene Investigation Supervisor
Crime Scene Investigator
Custody Officer
Custody Supervisor
Economic Development Administrator
Electrical Inspector*
Electronics Technician
Emergency Medical Services Coordinator
Emergency Services Administrator
Emergency Services Training Specialist
Engineering Technician I*
Engineering Technician II*
Engineering Technician III*
Equipment Mechanic I*
Equipment Mechanic II*
Equipment Mechanic III*
Executive Assistant
Facilities Maintenance Technician*
Fairview Park Administrator*
Financial Analyst
Fire Protection Analyst
Fire Protection Specialist
Grant Administrator
Graphics Designer
Lead Equipment Mechanic*
Lead Facilities Maintenance Technician*
Lead Maintenance Worker*
Maintenance Assistant*
Maintenance Superintendent*
Maintenance Supervisor*
Maintenance Worker*
Management Aide
Management Analyst
Messenger
Network Systems Administrator
Office Coordinator
Office Specialist
Office Specialist I
Office Specialist II
Offset Press Operator I
Offset Press Operator II
Park Ranger
Permit Processing Specialist
Personal Computer/Network Assistant
Plan Check Engineer
Plan Checker
Police Records Administrator
Police Records Bureau Supervisor
Police Records Shift Supervisor
Police Records Technician
Police Training Administrator
Police Training Assistant
Principal Civil Engineer*
Principal Planner
Programmer Analyst I
Programmer Analyst II
Property/Evidence Specialist
Property/Evidence Supervisor
Public Right of Way Coordinator*
Purchasing Supervisor
Range Master
Recreation Coordinator
Recreation Specialist
Recreation Supervisor
Revenue Supervisor
Senior Accountant
Senior Code Enforcement Officer
Senior Combination Inspector*
Senior Communications Officer
Senior Communications Supervisor
Senior Electrical Inspector*
Senior Engineer*
Senior Lead Maintenance Worker*
Senior Maintenance Technician*
Senior Maintenance Worker*
Senior Management Analyst
Senior Planner
Senior Police Records Technician
Senior Programmer Analyst
Storekeeper*
Tax Auditing Specialist
Treasury Specialist
Video Production Coordinator
Video Production Specialist
Website Coordinator
Zoning Administrator

Classifications in **bold** denote supervisory classifications
*Classifications eligible for safety shoe allowance

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION PURSUANT TO THE 2022 - 2025 MEMORANDUM OF UNDERSTANDING.

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on June 7, 2022, the City Council adopted Resolution No. 2022-35, revising the pay ranges for job classifications represented by the Costa Mesa City Employees Association, effective June 19, 2022; and

WHEREAS, on September 6, 2022, the City Council adopted Resolution No. 2022-59, establishing the new job classification of Custody Supervisor and pay ranges for the new classification; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-35 and 2022-59 to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes pay date of January 6, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
0062	Accountant	CMC	644	$6,641	$6,973	$7,322	$7,688	$8,072	$8,476	$8,900	Monthly
				$79,692	$83,676	$87,864	$92,256	$96,864	$101,712	$106,800	Annual
				$38.31	$40.23	$42.24	$44.35	$46.57	$48.90	$51.35	Hourly
0061	Accounting Specialist I	CMC	577	$4,197	$4,407	$4,627	$4,858	$5,101	$5,356	$5,624	Monthly
				$50,364	$52,884	$55,524	$58,296	$61,212	$64,272	$67,488	Annual
				$24.21	$25.43	$26.69	$28.03	$29.43	$30.90	$32.45	Hourly

0060	Accounting Specialist II	CMC	606	$4,850	$5,092	$5,347	$5,614	$5,895	$6,190	$6,499	Monthly
				$58,200	$61,104	$64,164	$67,368	$70,740	$74,280	$77,988	Annual
				$27.98	$29.38	$30.85	$32.39	$34.01	$35.71	$37.49	Hourly
0066	Accounting Supervisor	CMC	697	$7,753	$8,141	$8,548	$8,975	$9,424	$9,895	$10,390	Monthly
				$93,036	$97,692	$102,576	$107,700	$113,088	$118,740	$124,680	Annual
				$44.73	$46.97	$49.32	$51.78	$54.37	$57.09	$59.94	Hourly
0107	Active Transportation Coordinator	CMC	732	$8,928	$9,374	$9,843	$10,335	$10,852	$11,395	$11,965	Monthly
				$107,136	$112,488	$118,116	$124,020	$130,224	$136,740	$143,580	Annual
				$51.51	$54.08	$56.79	$59.63	$62.61	$65.74	$69.03	Hourly
0013	Administrative Assistant	CMC	590	$4,929	$5,175	$5,434	$5,706	$5,991	$6,291	$6,606	Monthly
				$59,148	$62,100	$65,208	$68,472	$71,892	$75,492	$79,272	Annual
				$28.44	$29.86	$31.35	$32.92	$34.56	$36.29	$38.11	Hourly
0469	Animal Control Officer	CMC	617	$5,495	$5,770	$6,059	$6,362	$6,680	$7,014	$7,365	Monthly
				$65,940	$69,240	$72,708	$76,344	$80,160	$84,168	$88,380	Annual
				$31.70	$33.29	$34.96	$36.70	$38.54	$40.47	$42.49	Hourly
0307	Arts Specialist	CMC	733	$5,415	$5,686	$5,970	$6,269	$6,582	$6,911	$7,257	Monthly
				$64,980	$68,232	$71,640	$75,228	$78,984	$82,932	$87,084	Annual
				$31.24	$32.80	$34.44	$36.17	$37.97	$39.87	$41.87	Hourly
0103	Assistant Engineer	CMC	672	$6,866	$7,209	$7,569	$7,947	$8,344	$8,761	$9,199	Monthly
				$82,392	$86,508	$90,828	$95,364	$100,128	$105,132	$110,388	Annual
				$39.61	$41.59	$43.67	$45.85	$48.14	$50.54	$53.07	Hourly
0217	Assistant Fire Marshal	CMC	897	$6,825	$7,166	$7,524	$7,900	$8,295	$8,710	$9,146	Monthly
				$81,900	$85,992	$90,288	$94,800	$99,540	$104,520	$109,752	Annual
				$39.38	$41.34	$43.41	$45.58	$47.86	$50.25	$52.77	Hourly
0151	Assistant Planner	CMC	889	$6,340	$6,657	$6,990	$7,339	$7,706	$8,091	$8,496	Monthly
				$76,080	$79,884	$83,880	$88,068	$92,472	$97,092	$101,952	Annual
				$36.58	$38.41	$40.33	$42.34	$44.46	$46.68	$49.02	Hourly
0301	Assistant Recreation Supervisor	CMC	625	$5,415	$5,686	$5,970	$6,269	$6,582	$6,911	$7,257	Monthly
				$64,980	$68,232	$71,640	$75,228	$78,984	$82,932	$87,084	Annual
				$31.24	$32.80	$34.44	$36.17	$37.97	$39.87	$41.87	Hourly

0808	Assistant Storekeeper	CMC	571	$4,190	$4,399	$4,619	$4,850	$5,093	$5,348	$5,615	Monthly
				$50,280	$52,788	$55,428	$58,200	$61,116	$64,176	$67,380	Annual
				$24.17	$25.38	$26.65	$27.98	$29.38	$30.85	$32.39	Hourly
0104	Associate Engineer	CMC	699	$8,604	$9,034	$9,486	$9,960	$10,458	$10,981	$11,530	Monthly
				$103,248	$108,408	$113,832	$119,520	$125,496	$131,772	$138,360	Annual
				$49.64	$52.12	$54.73	$57.46	$60.33	$63.35	$66.52	Hourly
0152	Associate Planner	CMC	649	$7,291	$7,656	$8,039	$8,441	$8,863	$9,306	$9,771	Monthly
				$87,492	$91,872	$96,468	$101,292	$106,356	$111,672	$117,252	Annual
				$42.06	$44.17	$46.38	$48.70	$51.13	$53.69	$56.37	Hourly
0132	Building Inspector I	CMC	643	$6,448	$6,770	$7,109	$7,464	$7,837	$8,229	$8,640	Monthly
				$77,376	$81,240	$85,308	$89,568	$94,044	$98,748	$103,680	Annual
				$37.20	$39.06	$41.01	$43.06	$45.21	$47.48	$49.85	Hourly
0138	Building Inspector II	CMC	866	$6,770	$7,109	$7,464	$7,837	$8,229	$8,640	$9,072	Monthly
				$81,240	$85,308	$89,568	$94,044	$98,748	$103,680	$108,864	Annual
				$39.06	$41.01	$43.06	$45.21	$47.48	$49.85	$52.34	Hourly
0130	Building Technician I	CMC	581	$4,590	$4,820	$5,061	$5,314	$5,580	$5,859	$6,152	Monthly
				$55,080	$57,840	$60,732	$63,768	$66,960	$70,308	$73,824	Annual
				$26.48	$27.81	$29.20	$30.66	$32.19	$33.80	$35.49	Hourly
0131	Building Technician II	CMC	613	$5,386	$5,655	$5,938	$6,235	$6,547	$6,874	$7,218	Monthly
				$64,632	$67,860	$71,256	$74,820	$78,564	$82,488	$86,616	Annual
				$31.07	$32.63	$34.26	$35.97	$37.77	$39.66	$41.64	Hourly
0088	Business License Inspector	CMC	850	$4,850	$5,093	$5,348	$5,615	$5,896	$6,191	$6,501	Monthly
				$58,200	$61,116	$64,176	$67,380	$70,752	$74,292	$78,012	Annual
				$27.98	$29.38	$30.85	$32.39	$34.02	$35.72	$37.51	Hourly
0051	Buyer	CMC	857	$5,539	$5,816	$6,107	$6,412	$6,733	$7,070	$7,424	Monthly
				$66,468	$69,792	$73,284	$76,944	$80,796	$84,840	$89,088	Annual
				$31.96	$33.55	$35.23	$36.99	$38.84	$40.79	$42.83	Hourly
0035	Central Services Supervisor	CMC	655	$6,086	$6,390	$6,710	$7,046	$7,398	$7,768	$8,156	Monthly
				$73,032	$76,680	$80,520	$84,552	$88,776	$93,216	$97,872	Annual
				$35.11	$36.87	$38.71	$40.65	$42.68	$44.82	$47.05	Hourly

0123	Chief Construction Inspector	CMC	662	$6,415	$6,736	$7,073	$7,427	$7,798	$8,188	$8,597	Monthly
				$76,980	$80,832	$84,876	$89,124	$93,576	$98,256	$103,164	Annual
				$37.01	$38.86	$40.81	$42.85	$44.99	$47.24	$49.60	Hourly
0110	Chief Plans Examiner	CMC	718	$9,732	$10,219	$10,730	$11,267	$11,830	$12,421	$13,042	Monthly
				$116,784	$122,628	$128,760	$135,204	$141,960	$149,052	$156,504	Annual
				$56.15	$58.96	$61.90	$65.00	$68.25	$71.66	$75.24	Hourly
0126	Chief of Code Enforcement	CMC	664	$6,477	$6,801	$7,141	$7,498	$7,873	$8,267	$8,680	Monthly
				$77,724	$81,612	$85,692	$89,976	$94,476	$99,204	$104,160	Annual
				$37.37	$39.24	$41.20	$43.26	$45.42	$47.69	$50.08	Hourly
0128	Chief of Inspection	CMC	681	$8,190	$8,600	$9,030	$9,482	$9,956	$10,454	$10,977	Monthly
				$98,280	$103,200	$108,360	$113,784	$119,472	$125,448	$131,724	Annual
				$47.25	$49.62	$52.10	$54.70	$57.44	$60.31	$63.33	Hourly
0466	Civilian Investigator	CMC	628	$5,697	$5,982	$6,281	$6,595	$6,925	$7,271	$7,635	Monthly
				$68,364	$71,784	$75,372	$79,140	$83,100	$87,252	$91,620	Annual
				$32.87	$34.51	$36.24	$38.05	$39.95	$41.95	$44.05	Hourly
0120	Code Enforcement Officer	CMC	626	$5,361	$5,629	$5,910	$6,206	$6,516	$6,842	$7,184	Monthly
				$64,332	$67,548	$70,920	$74,472	$78,192	$82,104	$86,208	Annual
				$30.93	$32.48	$34.10	$35.80	$37.59	$39.47	$41.45	Hourly
0430	Communications Installer	CMC	858	$5,241	$5,503	$5,778	$6,067	$6,370	$6,688	$7,022	Monthly
				$62,892	$66,036	$69,336	$72,804	$76,440	$80,256	$84,264	Annual
				$30.24	$31.75	$33.33	$35.00	$36.75	$38.58	$40.51	Hourly
0231	Communications Officer	CMC	616	$5,692	$5,977	$6,276	$6,590	$6,920	$7,266	$7,629	Monthly
				$68,304	$71,724	$75,312	$79,080	$83,040	$87,192	$91,548	Annual
				$32.84	$34.48	$36.21	$38.02	$39.92	$41.92	$44.01	Hourly
0232	Communications Supervisor	CMC	645	$6,577	$6,906	$7,251	$7,614	$7,995	$8,395	$8,815	Monthly
				$78,924	$82,872	$87,012	$91,368	$95,940	$100,740	$105,780	Annual
				$37.94	$39.84	$41.83	$43.93	$46.13	$48.43	$50.86	Hourly
0611	Community Outreach Supervisor	CMC	900	$6,644	$6,976	$7,325	$7,691	$8,076	$8,480	$8,904	Monthly
				$79,728	$83,712	$87,900	$92,292	$96,912	$101,760	$106,848	Annual
				$38.33	$40.25	$42.26	$44.37	$46.59	$48.92	$51.37	Hourly

0610	Community Outreach Worker	CMC	893	$5,076	$5,330	$5,596	$5,876	$6,170	$6,479	$6,803	Monthly
				$60,912	$63,960	$67,152	$70,512	$74,040	$77,748	$81,636	Annual
				$29.28	$30.75	$32.28	$33.90	$35.60	$37.38	$39.25	Hourly
0703	Community Services Specialist	CMC	582	$4,616	$4,847	$5,089	$5,343	$5,610	$5,890	$6,185	Monthly
				$55,392	$58,164	$61,068	$64,116	$67,320	$70,680	$74,220	Annual
				$26.63	$27.96	$29.36	$30.83	$32.37	$33.98	$35.68	Hourly
0121	Construction Inspector	CMC	867	$5,835	$6,127	$6,433	$6,755	$7,093	$7,448	$7,820	Monthly
				$70,020	$73,524	$77,196	$81,060	$85,116	$89,376	$93,840	Annual
				$33.66	$35.35	$37.11	$38.97	$40.92	$42.97	$45.12	Hourly
0100	Contract Administrator	CMC	691	$7,546	$7,923	$8,319	$8,735	$9,172	$9,631	$10,113	Monthly
				$90,552	$95,076	$99,828	$104,820	$110,064	$115,572	$121,356	Annual
				$43.53	$45.71	$47.99	$50.39	$52.92	$55.56	$58.34	Hourly
0706	Court Liaison Officer	CMC	854	$5,495	$5,770	$6,059	$6,362	$6,680	$7,014	$7,365	Monthly
				$65,940	$69,240	$72,708	$76,344	$80,160	$84,168	$88,380	Annual
				$31.70	$33.29	$34.96	$36.70	$38.54	$40.47	$42.49	Hourly
0099	Crime Analyst	CMC	859	$5,697	$5,982	$6,281	$6,595	$6,925	$7,271	$7,635	Monthly
				$68,364	$71,784	$75,372	$79,140	$83,100	$87,252	$91,620	Annual
				$32.87	$34.51	$36.24	$38.05	$39.95	$41.95	$44.05	Hourly
0467	Crime Prevention Specialist	CMC	852	$5,389	$5,658	$5,941	$6,238	$6,550	$6,877	$7,221	Monthly
				$64,668	$67,896	$71,292	$74,856	$78,600	$82,524	$86,652	Annual
				$31.09	$32.64	$34.28	$35.99	$37.79	$39.68	$41.66	Hourly
0189	Crime Scene Investigation Supervisor	CMC	50	$8,247	$8,659	$9,092	$9,547	$10,024	$10,525	$11,051	Monthly
				$98,964	$103,908	$109,104	$114,564	$120,288	$126,300	$132,612	Annual
				$47.58	$49.96	$52.45	$55.08	$57.83	$60.72	$63.76	Hourly
0465	Crime Scene Specialist	CMC	638	$5,586	$5,865	$6,158	$6,466	$6,789	$7,128	$7,484	Monthly
				$67,032	$70,380	$73,896	$77,592	$81,468	$85,536	$89,808	Annual
				$32.23	$33.84	$35.53	$37.30	$39.17	$41.12	$43.18	Hourly
0705	Custody Officer	CMC	854	$5,495	$5,770	$6,059	$6,362	$6,680	$7,014	$7,365	Monthly
				$65,940	$69,240	$72,708	$76,344	$80,160	$84,168	$88,380	Annual
				$31.70	$33.29	$34.96	$36.70	$38.54	$40.47	$42.49	Hourly

0190	Custody Supervisor	CMC	612	$8,247	$8,659	$9,092	$9,547	$10,024	$10,525	$11,051	Monthly
				$98,964	$103,908	$109,104	$114,564	$120,288	$126,300	$132,612	Annual
				$47.58	$49.96	$52.45	$55.08	$57.83	$60.72	$63.76	Hourly
0149	Economic Development	CMC	898	$9,642	$10,124	$10,630	$11,162	$11,720	$12,306	$12,921	Monthly
	Administrator			$115,704	$121,488	$127,560	$133,944	$140,640	$147,672	$155,052	Annual
				$55.63	$58.41	$61.33	$64.40	$67.62	$71.00	$74.54	Hourly
0134	Electrical Inspector	CMC	868	$5,835	$6,127	$6,433	$6,755	$7,093	$7,448	$7,820	Monthly
				$70,020	$73,524	$77,196	$81,060	$85,116	$89,376	$93,840	Annual
				$33.66	$35.35	$37.11	$38.97	$40.92	$42.97	$45.12	Hourly
0431	Electronics Technician	CMC	875	$6,524	$6,850	$7,192	$7,552	$7,930	$8,326	$8,742	Monthly
				$78,288	$82,200	$86,304	$90,624	$95,160	$99,912	$104,904	Annual
				$37.64	$39.52	$41.49	$43.57	$45.75	$48.03	$50.43	Hourly
0221	Emergency Medical	CMC	706	$8,086	$8,490	$8,915	$9,361	$9,829	$10,320	$10,836	Monthly
	Services Coordinator			$97,032	$101,880	$106,980	$112,332	$117,948	$123,840	$130,032	Annual
				$46.65	$48.98	$51.43	$54.01	$56.71	$59.54	$62.52	Hourly
0096	Emergency Services	CMC	53	$8,866	$9,309	$9,774	$10,263	$10,776	$11,315	$11,881	Monthly
	Administrator			$106,392	$111,708	$117,288	$123,156	$129,312	$135,780	$142,572	Annual
				$51.15	$53.71	$56.39	$59.21	$62.17	$65.28	$68.54	Hourly
0234	Emergency Services	CMC	860	$5,481	$5,755	$6,043	$6,345	$6,662	$6,995	$7,345	Monthly
	Training Specialist			$65,772	$69,060	$72,516	$76,140	$79,944	$83,940	$88,140	Annual
				$31.62	$33.20	$34.86	$36.61	$38.43	$40.36	$42.38	Hourly
0101	Engineering Technician I	CMC	591	$4,827	$5,068	$5,321	$5,587	$5,866	$6,159	$6,467	Monthly
				$57,924	$60,816	$63,852	$67,044	$70,392	$73,908	$77,604	Annual
				$27.85	$29.24	$30.70	$32.23	$33.84	$35.53	$37.31	Hourly
0102	Engineering Technician II	CMC	853	$5,386	$5,655	$5,938	$6,235	$6,547	$6,874	$7,218	Monthly
				$64,632	$67,860	$71,256	$74,820	$78,564	$82,488	$86,616	Annual
				$31.07	$32.63	$34.26	$35.97	$37.77	$39.66	$41.64	Hourly
0116	Engineering Technician III	CMC	632	$5,921	$6,217	$6,528	$6,854	$7,197	$7,557	$7,935	Monthly
				$71,052	$74,604	$78,336	$82,248	$86,364	$90,684	$95,220	Annual
				$34.16	$35.87	$37.66	$39.54	$41.52	$43.60	$45.78	Hourly

0440	Equipment Mechanic I	CMC	570	$4,066	$4,269	$4,482	$4,706	$4,941	$5,188	$5,447	Monthly
				$48,792	$51,228	$53,784	$56,472	$59,292	$62,256	$65,364	Annual
				$23.46	$24.63	$25.86	$27.15	$28.51	$29.93	$31.43	Hourly
0441	Equipment Mechanic II	CMC	851	$4,864	$5,107	$5,362	$5,630	$5,912	$6,208	$6,518	Monthly
				$58,368	$61,284	$64,344	$67,560	$70,944	$74,496	$78,216	Annual
				$28.06	$29.46	$30.93	$32.48	$34.11	$35.82	$37.60	Hourly
0445	Equipment Mechanic III	CMC	856	$5,241	$5,503	$5,778	$6,067	$6,370	$6,689	$7,023	Monthly
				$62,892	$66,036	$69,336	$72,804	$76,440	$80,268	$84,276	Annual
				$30.24	$31.75	$33.33	$35.00	$36.75	$38.59	$40.52	Hourly
0014	Executive Assistant	CMC	609	$5,421	$5,692	$5,977	$6,276	$6,590	$6,920	$7,266	Monthly
				$65,052	$68,304	$71,724	$75,312	$79,080	$83,040	$87,192	Annual
				$31.28	$32.84	$34.48	$36.21	$38.02	$39.92	$41.92	Hourly
0407	Facilities Maintenance Technician	CMC	589	$4,726	$4,962	$5,210	$5,470	$5,743	$6,030	$6,332	Monthly
				$56,712	$59,544	$62,520	$65,640	$68,916	$72,360	$75,984	Annual
				$27.27	$28.63	$30.06	$31.56	$33.13	$34.79	$36.53	Hourly
0304	Fairview Park Administrator	CMC	887	$8,120	$8,526	$8,952	$9,400	$9,870	$10,364	$10,882	Monthly
				$97,440	$102,312	$107,424	$112,800	$118,440	$124,368	$130,584	Annual
				$46.85	$49.19	$51.65	$54.23	$56.94	$59.79	$62.78	Hourly
0057	Financial Analyst	CMC	899	$7,193	$7,553	$7,931	$8,328	$8,744	$9,181	$9,640	Monthly
				$86,316	$90,636	$95,172	$99,936	$104,928	$110,172	$115,680	Annual
				$41.50	$43.58	$45.76	$48.05	$50.45	$52.97	$55.62	Hourly
0218	Fire Protection Analyst	CMC	876	$6,825	$7,166	$7,524	$7,900	$8,295	$8,710	$9,146	Monthly
				$81,900	$85,992	$90,288	$94,800	$99,540	$104,520	$109,752	Annual
				$39.38	$41.34	$43.41	$45.58	$47.86	$50.25	$52.77	Hourly
0215	Fire Protection Specialist	CMC	861	$6,448	$6,770	$7,109	$7,464	$7,837	$8,229	$8,640	Monthly
				$77,376	$81,240	$85,308	$89,568	$94,044	$98,748	$103,680	Annual
				$37.20	$39.06	$41.01	$43.06	$45.21	$47.48	$49.85	Hourly
0065	Grant Administrator	CMC	877	$7,089	$7,443	$7,815	$8,206	$8,616	$9,047	$9,499	Monthly
				$85,068	$89,316	$93,780	$98,472	$103,392	$108,564	$113,988	Annual
				$40.90	$42.94	$45.09	$47.34	$49.71	$52.19	$54.80	Hourly

0029	Graphics Designer	CMC	610	$4,862	$5,105	$5,360	$5,628	$5,909	$6,204	$6,514	Monthly
				$58,344	$61,260	$64,320	$67,536	$70,908	$74,448	$78,168	Annual
				$28.05	$29.45	$30.92	$32.47	$34.09	$35.79	$37.58	Hourly
0446	Lead Equipment Mechanic	CMC	869	$5,909	$6,204	$6,514	$6,840	$7,182	$7,541	$7,918	Monthly
				$70,908	$74,448	$78,168	$82,080	$86,184	$90,492	$95,016	Annual
				$34.09	$35.79	$37.58	$39.46	$41.43	$43.51	$45.68	Hourly
0409	Lead Facilities Maintenance Technician	CMC	863	$5,552	$5,830	$6,122	$6,428	$6,749	$7,086	$7,440	Monthly
				$66,624	$69,960	$73,464	$77,136	$80,988	$85,032	$89,280	Annual
				$32.03	$33.63	$35.32	$37.08	$38.94	$40.88	$42.92	Hourly
0405	Lead Maintenance Worker	CMC	864	$5,552	$5,830	$6,122	$6,428	$6,749	$7,086	$7,440	Monthly
				$66,624	$69,960	$73,464	$77,136	$80,988	$85,032	$89,280	Annual
				$32.03	$33.63	$35.32	$37.08	$38.94	$40.88	$42.92	Hourly
0402	Maintenance Assistant	CMC	550	$3,800	$3,990	$4,190	$4,399	$4,619	$4,850	$5,092	Monthly
				$45,600	$47,880	$50,280	$52,788	$55,428	$58,200	$61,104	Annual
				$21.92	$23.02	$24.17	$25.38	$26.65	$27.98	$29.38	Hourly
0412	Maintenance Superintendent	CMC	881	$7,530	$7,906	$8,301	$8,716	$9,152	$9,610	$10,090	Monthly
				$90,360	$94,872	$99,612	$104,592	$109,824	$115,320	$121,080	Annual
				$43.44	$45.61	$47.89	$50.28	$52.80	$55.44	$58.21	Hourly
0406	Maintenance Supervisor	CMC	670	$6,514	$6,840	$7,182	$7,541	$7,918	$8,314	$8,730	Monthly
				$78,168	$82,080	$86,184	$90,492	$95,016	$99,768	$104,760	Annual
				$37.58	$39.46	$41.43	$43.51	$45.68	$47.97	$50.37	Hourly
0403	Maintenance Worker	CMC	846	$4,200	$4,410	$4,630	$4,861	$5,104	$5,359	$5,627	Monthly
				$50,400	$52,920	$55,560	$58,332	$61,248	$64,308	$67,524	Annual
				$24.23	$25.44	$26.71	$28.04	$29.45	$30.92	$32.46	Hourly
0243	Management Aide	CMC	892	$5,578	$5,857	$6,150	$6,457	$6,780	$7,119	$7,475	Monthly
				$66,936	$70,284	$73,800	$77,484	$81,360	$85,428	$89,700	Annual
				$32.18	$33.79	$35.48	$37.25	$39.12	$41.07	$43.13	Hourly
0074	Management Analyst	CMC	872	$6,413	$6,734	$7,071	$7,425	$7,796	$8,186	$8,595	Monthly
				$76,956	$80,808	$84,852	$89,100	$93,552	$98,232	$103,140	Annual
				$37.00	$38.85	$40.79	$42.84	$44.98	$47.23	$49.59	Hourly

0001	Messenger	CMC	501	$3,807	$3,997	$4,197	$4,407	$4,627	$4,858	$5,101	Monthly
				$45,684	$47,964	$50,364	$52,884	$55,524	$58,296	$61,212	Annual
				$21.96	$23.06	$24.21	$25.43	$26.69	$28.03	$29.43	Hourly
0041	Network Systems	CMC	631	$7,910	$8,305	$8,720	$9,156	$9,614	$10,095	$10,600	Monthly
	Administrator			$94,920	$99,660	$104,640	$109,872	$115,368	$121,140	$127,200	Annual
				$45.63	$47.91	$50.31	$52.82	$55.47	$58.24	$61.15	Hourly
0006	Office Coordinator	CMC	848	$4,581	$4,810	$5,050	$5,303	$5,568	$5,846	$6,138	Monthly
				$54,972	$57,720	$60,600	$63,636	$66,816	$70,152	$73,656	Annual
				$26.43	$27.75	$29.13	$30.59	$32.12	$33.73	$35.41	Hourly
0003	Office Specialist	CMC	525	$3,324	$3,490	$3,664	$3,847	$4,039	$4,241	$4,453	Monthly
				$39,888	$41,880	$43,968	$46,164	$48,468	$50,892	$53,436	Annual
				$19.18	$20.13	$21.14	$22.19	$23.30	$24.47	$25.69	Hourly
0004	Office Specialist I	CMC	545	$3,673	$3,857	$4,050	$4,252	$4,465	$4,688	$4,922	Monthly
				$44,076	$46,284	$48,600	$51,024	$53,580	$56,256	$59,064	Annual
				$21.19	$22.25	$23.37	$24.53	$25.76	$27.05	$28.40	Hourly
0005	Office Specialist II	CMC	845	$3,958	$4,156	$4,364	$4,582	$4,811	$5,052	$5,305	Monthly
				$47,496	$49,872	$52,368	$54,984	$57,732	$60,624	$63,660	Annual
				$22.83	$23.98	$25.18	$26.43	$27.76	$29.15	$30.61	Hourly
0031	Offset Press Operator I	CMC	847	$4,249	$4,461	$4,684	$4,918	$5,164	$5,422	$5,693	Monthly
				$50,988	$53,532	$56,208	$59,016	$61,968	$65,064	$68,316	Annual
				$24.51	$25.74	$27.02	$28.37	$29.79	$31.28	$32.84	Hourly
0034	Offset Press Operator II	CMC	595	$4,508	$4,733	$4,970	$5,219	$5,480	$5,754	$6,042	Monthly
				$54,096	$56,796	$59,640	$62,628	$65,760	$69,048	$72,504	Annual
				$26.01	$27.31	$28.67	$30.11	$31.62	$33.20	$34.86	Hourly
0521	Park Ranger	CMC	725	$5,076	$5,330	$5,596	$5,876	$6,170	$6,479	$6,803	Monthly
				$60,912	$63,960	$67,152	$70,512	$74,040	$77,748	$81,636	Annual
				$29.28	$30.75	$32.28	$33.90	$35.60	$37.38	$39.25	Hourly
0028	Permit Processing	CMC	569	$4,141	$4,348	$4,565	$4,793	$5,033	$5,285	$5,549	Monthly
	Specialist			$49,692	$52,176	$54,780	$57,516	$60,396	$63,420	$66,588	Annual
				$23.89	$25.08	$26.34	$27.65	$29.04	$30.49	$32.01	Hourly

0039	Personal Computer/	CMC	849	$4,508	$4,733	$4,970	$5,219	$5,480	$5,754	$6,042	Monthly
	Network Assistant			$54,096	$56,796	$59,640	$62,628	$65,760	$69,048	$72,504	Annual
				$26.01	$27.31	$28.67	$30.11	$31.62	$33.20	$34.86	Hourly
0109	Plan Check Engineer	CMC	883	$8,928	$9,374	$9,843	$10,335	$10,852	$11,395	$11,965	Monthly
				$107,136	$112,488	$118,116	$124,020	$130,224	$136,740	$143,580	Annual
				$51.51	$54.08	$56.79	$59.63	$62.61	$65.74	$69.03	Hourly
0114	Plan Checker	CMC	886	$7,764	$8,152	$8,560	$8,988	$9,437	$9,909	$10,404	Monthly
				$93,168	$97,824	$102,720	$107,856	$113,244	$118,908	$124,848	Annual
				$44.79	$47.03	$49.38	$51.85	$54.44	$57.17	$60.02	Hourly
0095	Police Records	CMC	52	$8,866	$9,309	$9,774	$10,263	$10,776	$11,315	$11,881	Monthly
	Administrator			$106,392	$111,708	$117,288	$123,156	$129,312	$135,780	$142,572	Annual
				$51.15	$53.71	$56.39	$59.21	$62.17	$65.28	$68.54	Hourly
0461	Police Records Bureau	CMC	842	$8,247	$8,659	$9,092	$9,547	$10,024	$10,525	$11,051	Monthly
	Supervisor			$98,964	$103,908	$109,104	$114,564	$120,288	$126,300	$132,612	Annual
				$47.58	$49.96	$52.45	$55.08	$57.83	$60.72	$63.76	Hourly
0012	Police Records Shift	CMC	594	$4,896	$5,141	$5,398	$5,668	$5,951	$6,249	$6,561	Monthly
	Supervisor			$58,752	$61,692	$64,776	$68,016	$71,412	$74,988	$78,732	Annual
				$28.25	$29.66	$31.14	$32.70	$34.33	$36.05	$37.85	Hourly
0010	Police Records Technician	CMC	546	$3,855	$4,048	$4,250	$4,462	$4,685	$4,919	$5,165	Monthly
				$46,260	$48,576	$51,000	$53,544	$56,220	$59,028	$61,980	Annual
				$22.24	$23.35	$24.52	$25.74	$27.03	$28.38	$29.80	Hourly
0460	Police Training	CMC	844	$8,866	$9,309	$9,774	$10,263	$10,776	$11,315	$11,881	Monthly
	Administrator			$106,392	$111,708	$117,288	$123,156	$129,312	$135,780	$142,572	Annual
				$51.15	$53.71	$56.39	$59.21	$62.17	$65.28	$68.54	Hourly
0459	Police Training Assistant	CMC	862	$5,893	$6,188	$6,497	$6,822	$7,163	$7,521	$7,897	Monthly
				$70,716	$74,256	$77,964	$81,864	$85,956	$90,252	$94,764	Annual
				$34.00	$35.70	$37.48	$39.36	$41.33	$43.39	$45.56	Hourly
0106	Principal Civil Engineer	CMC	726	$10,884	$11,428	$11,999	$12,599	$13,229	$13,890	$14,585	Monthly
				$130,608	$137,136	$143,988	$151,188	$158,748	$166,680	$175,020	Annual
				$62.79	$65.93	$69.23	$72.69	$76.32	$80.13	$84.14	Hourly

0154	Principal Planner	CMC	704	$9,642	$10,124	$10,630	$11,162	$11,720	$12,306	$12,921	Monthly
				$115,704	$121,488	$127,560	$133,944	$140,640	$147,672	$155,052	Annual
				$55.63	$58.41	$61.33	$64.40	$67.62	$71.00	$74.54	Hourly
0043	Programmer Analyst I	CMC	870	$7,003	$7,353	$7,721	$8,107	$8,512	$8,938	$9,385	Monthly
				$84,036	$88,236	$92,652	$97,284	$102,144	$107,256	$112,620	Annual
				$40.40	$42.42	$44.54	$46.77	$49.11	$51.57	$54.14	Hourly
0044	Programmer Analyst II	CMC	692	$8,406	$8,826	$9,267	$9,730	$10,216	$10,727	$11,263	Monthly
				$100,872	$105,912	$111,204	$116,760	$122,592	$128,724	$135,156	Annual
				$48.50	$50.92	$53.46	$56.13	$58.94	$61.89	$64.98	Hourly
0463	Property/Evidence Specialist	CMC	623	$5,182	$5,441	$5,713	$5,999	$6,299	$6,614	$6,945	Monthly
				$62,184	$65,292	$68,556	$71,988	$75,588	$79,368	$83,340	Annual
				$29.90	$31.39	$32.96	$34.61	$36.34	$38.16	$40.07	Hourly
0462	Property/Evidence Supervisor	CMC	843	$8,247	$8,659	$9,092	$9,547	$10,024	$10,525	$11,051	Monthly
				$98,964	$103,908	$109,104	$114,564	$120,288	$126,300	$132,612	Annual
				$47.58	$49.96	$52.45	$55.08	$57.83	$60.72	$63.76	Hourly
0124	Public Right of Way Coordinator	CMC	731	$5,361	$5,629	$5,910	$6,206	$6,516	$6,842	$7,184	Monthly
				$64,332	$67,548	$70,920	$74,472	$78,192	$82,104	$86,208	Annual
				$30.93	$32.48	$34.10	$35.80	$37.59	$39.47	$41.45	Hourly
0053	Purchasing Supervisor	CMC	879	$7,753	$8,141	$8,548	$8,975	$9,424	$9,895	$10,390	Monthly
				$93,036	$97,692	$102,576	$107,700	$113,088	$118,740	$124,680	Annual
				$44.73	$46.97	$49.32	$51.78	$54.37	$57.09	$59.94	Hourly
0468	Range Master	CMC	855	$5,495	$5,770	$6,059	$6,362	$6,680	$7,014	$7,365	Monthly
				$65,940	$69,240	$72,708	$76,344	$80,160	$84,168	$88,380	Annual
				$31.70	$33.29	$34.96	$36.70	$38.54	$40.47	$42.49	Hourly
0290	Recreation Coordinator	CMC	583	$4,390	$4,610	$4,840	$5,082	$5,336	$5,603	$5,883	Monthly
				$52,680	$55,320	$58,080	$60,984	$64,032	$67,236	$70,596	Annual
				$25.33	$26.60	$27.92	$29.32	$30.78	$32.33	$33.94	Hourly
0508	Recreation Specialist	CMC	890	$3,370	$3,538	$3,715	$3,901	$4,096	$4,301	$4,516	Monthly
				$40,440	$42,456	$44,580	$46,812	$49,152	$51,612	$54,192	Annual
				$19.44	$20.41	$21.43	$22.51	$23.63	$24.81	$26.05	Hourly

0302	Recreation Supervisor	CMC	666	$6,644	$6,976	$7,325	$7,691	$8,076	$8,480	$8,904	Monthly
				$79,728	$83,712	$87,900	$92,292	$96,912	$101,760	$106,848	Annual
				$38.33	$40.25	$42.26	$44.37	$46.59	$48.92	$51.37	Hourly
0058	Revenue Supervisor	CMC	880	$7,753	$8,141	$8,548	$8,975	$9,424	$9,895	$10,390	Monthly
				$93,036	$97,692	$102,576	$107,700	$113,088	$118,740	$124,680	Annual
				$44.73	$46.97	$49.32	$51.78	$54.37	$57.09	$59.94	Hourly
0067	Senior Accountant	CMC	663	$7,305	$7,670	$8,053	$8,456	$8,879	$9,323	$9,789	Monthly
				$87,660	$92,040	$96,636	$101,472	$106,548	$111,876	$117,468	Annual
				$42.14	$44.25	$46.46	$48.78	$51.23	$53.79	$56.48	Hourly
0119	Senior Code Enforcement	CMC	896	$5,761	$6,049	$6,351	$6,669	$7,002	$7,352	$7,720	Monthly
	Officer			$69,132	$72,588	$76,212	$80,028	$84,024	$88,224	$92,640	Annual
				$33.24	$34.90	$36.64	$38.48	$40.40	$42.42	$44.54	Hourly
0139	Senior Combination	CMC	874	$7,447	$7,819	$8,210	$8,621	$9,052	$9,505	$9,980	Monthly
	Inspector			$89,364	$93,828	$98,520	$103,452	$108,624	$114,060	$119,760	Annual
				$42.96	$45.11	$47.37	$49.74	$52.22	$54.84	$57.58	Hourly
0238	Senior Communications	CMC	630	$6,120	$6,426	$6,747	$7,084	$7,438	$7,810	$8,200	Monthly
	Officer			$73,440	$77,112	$80,964	$85,008	$89,256	$93,720	$98,400	Annual
				$35.31	$37.07	$38.93	$40.87	$42.91	$45.06	$47.31	Hourly
0233	Senior Communications	CMC	667	$8,247	$8,659	$9,092	$9,547	$10,024	$10,525	$11,051	Monthly
	Supervisor			$98,964	$103,908	$109,104	$114,564	$120,288	$126,300	$132,612	Annual
				$47.58	$49.96	$52.45	$55.08	$57.83	$60.72	$63.76	Hourly
0136	Senior Electrical Inspector	CMC	873	$6,449	$6,771	$7,110	$7,465	$7,838	$8,230	$8,642	Monthly
				$77,388	$81,252	$85,320	$89,580	$94,056	$98,760	$103,704	Annual
				$37.21	$39.06	$41.02	$43.07	$45.22	$47.48	$49.86	Hourly
0105	Senior Engineer	CMC	884	$9,464	$9,937	$10,434	$10,956	$11,504	$12,079	$12,683	Monthly
				$113,568	$119,244	$125,208	$131,472	$138,048	$144,948	$152,196	Annual
				$54.60	$57.33	$60.20	$63.21	$66.37	$69.69	$73.17	Hourly
0432	Senior Lead Maintenance	CMC	871	$6,048	$6,350	$6,667	$7,000	$7,350	$7,717	$8,103	Monthly
	Worker			$72,576	$76,200	$80,004	$84,000	$88,200	$92,604	$97,236	Annual
				$34.89	$36.63	$38.46	$40.38	$42.40	$44.52	$46.75	Hourly

0433	Senior Maintenance Technician	CMC	597	$4,804 $57,648 $27.72	$5,044 $60,528 $29.10	$5,296 $63,552 $30.55	$5,561 $66,732 $32.08	$5,839 $70,068 $33.69	$6,131 $73,572 $35.37	$6,438 $77,256 $37.14	Monthly Annual Hourly
0404	Senior Maintenance Worker	CMC	587	$4,570 $54,840 $26.37	$4,798 $57,576 $27.68	$5,038 $60,456 $29.07	$5,290 $63,480 $30.52	$5,554 $66,648 $32.04	$5,832 $69,984 $33.65	$6,124 $73,488 $35.33	Monthly Annual Hourly
0244	Senior Management Analyst	CMC	895	$6,733 $80,796 $38.84	$7,070 $84,840 $40.79	$7,424 $89,088 $42.83	$7,795 $93,540 $44.97	$8,185 $98,220 $47.22	$8,594 $103,128 $49.58	$9,024 $108,288 $52.06	Monthly Annual Hourly
0153	Senior Planner	CMC	878	$8,385 $100,620 $48.38	$8,804 $105,648 $50.79	$9,244 $110,928 $53.33	$9,706 $116,472 $56.00	$10,191 $122,292 $58.79	$10,701 $128,412 $61.74	$11,236 $134,832 $64.82	Monthly Annual Hourly
0011	Senior Police Records Technician	CMC	561	$4,152 $49,824 $23.95	$4,360 $52,320 $25.15	$4,578 $54,936 $26.41	$4,807 $57,684 $27.73	$5,047 $60,564 $29.12	$5,299 $63,588 $30.57	$5,564 $66,768 $32.10	Monthly Annual Hourly
0048	Senior Programmer Analyst	CMC	710	$9,204 $110,448 $53.10	$9,664 $115,968 $55.75	$10,147 $121,764 $58.54	$10,654 $127,848 $61.47	$11,187 $134,244 $64.54	$11,746 $140,952 $67.77	$12,333 $147,996 $71.15	Monthly Annual Hourly
0050	Storekeeper	CMC	588	$4,560 $54,720 $26.31	$4,788 $57,456 $27.62	$5,027 $60,324 $29.00	$5,278 $63,336 $30.45	$5,542 $66,504 $31.97	$5,819 $69,828 $33.57	$6,110 $73,320 $35.25	Monthly Annual Hourly
0089	Tax Auditing Specialist	CMC	865	$5,890 $70,680 $33.98	$6,185 $74,220 $35.68	$6,494 $77,928 $37.47	$6,819 $81,828 $39.34	$7,160 $85,920 $41.31	$7,518 $90,216 $43.37	$7,894 $94,728 $45.54	Monthly Annual Hourly
0064	Treasury Specialist	CMC	639	$5,890 $70,680 $33.98	$6,185 $74,220 $35.68	$6,494 $77,928 $37.47	$6,819 $81,828 $39.34	$7,160 $85,920 $41.31	$7,518 $90,216 $43.37	$7,894 $94,728 $45.54	Monthly Annual Hourly
0240	Video Production Coordinator	CMC	657	$6,886 $82,632 $39.73	$7,230 $86,760 $41.71	$7,591 $91,092 $43.79	$7,971 $95,652 $45.99	$8,370 $100,440 $48.29	$8,788 $105,456 $50.70	$9,227 $110,724 $53.23	Monthly Annual Hourly

0241	Video Production Specialist	CMC	885	$4,981	$5,230	$5,491	$5,766	$6,054	$6,357	$6,675	Monthly
				$59,772	$62,760	$65,892	$69,192	$72,648	$76,284	$80,100	Annual
				$28.74	$30.17	$31.68	$33.27	$34.93	$36.68	$38.51	Hourly
0038	Website Coordinator	CMC	849	$4,508	$4,733	$4,970	$5,219	$5,480	$5,754	$6,042	Monthly
				$54,096	$56,796	$59,640	$62,628	$65,760	$69,048	$72,504	Annual
				$26.01	$27.31	$28.67	$30.11	$31.62	$33.20	$34.86	Hourly
0156	Zoning Administrator	CMC	727	$8,840	$9,282	$9,746	$10,233	$10,745	$11,282	$11,846	Monthly
				$106,080	$111,384	$116,952	$122,796	$128,940	$135,384	$142,152	Annual
				$51.00	$53.55	$56.23	$59.04	$61.99	$65.09	$68.34	Hourly

SECTION 2. The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association. There will be no Employer Paid Member Contribution (EPMC).

SECTION 3. All parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly

passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION PURSUANT TO THE 2022 - 2025 MEMORANDUM OF UNDERSTANDING.

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on November 15, 2022, the City Council adopted Resolution No. 2022-XX, revising the pay ranges for job classifications represented by the Costa Mesa City Employees Association, effective the pay period that includes pay date of January 6, 2023; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-XX to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes July 1, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
0062	Accountant	CMC	644	$6,840	$7,182	$7,541	$7,918	$8,314	$8,730	$9,167	Monthly
				$82,080	$86,184	$90,492	$95,016	$99,768	$104,760	$110,004	Annual
				$39.46	$41.43	$43.51	$45.68	$47.97	$50.37	$52.89	Hourly
0061	Accounting Specialist I	CMC	577	$4,323	$4,539	$4,766	$5,004	$5,254	$5,517	$5,793	Monthly
				$51,876	$54,468	$57,192	$60,048	$63,048	$66,204	$69,516	Annual
				$24.94	$26.19	$27.50	$28.87	$30.31	$31.83	$33.42	Hourly
0060	Accounting Specialist II	CMC	606	$4,995	$5,245	$5,507	$5,782	$6,071	$6,375	$6,694	Monthly
				$59,940	$62,940	$66,084	$69,384	$72,852	$76,500	$80,328	Annual
				$28.82	$30.26	$31.77	$33.36	$35.03	$36.78	$38.62	Hourly

0066	Accounting Supervisor	CMC	697	$7,987	$8,386	$8,805	$9,245	$9,707	$10,192	$10,702	Monthly
				$95,844	$100,632	$105,660	$110,940	$116,484	$122,304	$128,424	Annual
				$46.08	$48.38	$50.80	$53.34	$56.00	$58.80	$61.74	Hourly
0107	Active Transportation Coordinator	CMC	732	$9,196	$9,656	$10,139	$10,646	$11,178	$11,737	$12,324	Monthly
				$110,352	$115,872	$121,668	$127,752	$134,136	$140,844	$147,888	Annual
				$53.05	$55.71	$58.49	$61.42	$64.49	$67.71	$71.10	Hourly
0013	Administrative Assistant	CMC	590	$5,076	$5,330	$5,597	$5,877	$6,171	$6,480	$6,804	Monthly
				$60,912	$63,960	$67,164	$70,524	$74,052	$77,760	$81,648	Annual
				$29.28	$30.75	$32.29	$33.91	$35.60	$37.38	$39.25	Hourly
0469	Animal Control Officer	CMC	617	$5,661	$5,944	$6,241	$6,553	$6,881	$7,225	$7,586	Monthly
				$67,932	$71,328	$74,892	$78,636	$82,572	$86,700	$91,032	Annual
				$32.66	$34.29	$36.01	$37.81	$39.70	$41.68	$43.77	Hourly
0307	Arts Specialist	CMC	733	$5,578	$5,857	$6,150	$6,457	$6,780	$7,119	$7,475	Monthly
				$66,936	$70,284	$73,800	$77,484	$81,360	$85,428	$89,700	Annual
				$32.18	$33.79	$35.48	$37.25	$39.12	$41.07	$43.13	Hourly
0103	Assistant Engineer	CMC	672	$7,070	$7,424	$7,795	$8,185	$8,594	$9,024	$9,475	Monthly
				$84,840	$89,088	$93,540	$98,220	$103,128	$108,288	$113,700	Annual
				$40.79	$42.83	$44.97	$47.22	$49.58	$52.06	$54.66	Hourly
0217	Assistant Fire Marshal	CMC	897	$7,030	$7,381	$7,750	$8,137	$8,544	$8,971	$9,420	Monthly
				$84,360	$88,572	$93,000	$97,644	$102,528	$107,652	$113,040	Annual
				$40.56	$42.58	$44.71	$46.94	$49.29	$51.76	$54.35	Hourly
0151	Assistant Planner	CMC	889	$6,530	$6,856	$7,199	$7,559	$7,937	$8,334	$8,751	Monthly
				$78,360	$82,272	$86,388	$90,708	$95,244	$100,008	$105,012	Annual
				$37.67	$39.55	$41.53	$43.61	$45.79	$48.08	$50.49	Hourly
0301	Assistant Recreation Supervisor	CMC	625	$5,578	$5,857	$6,150	$6,457	$6,780	$7,119	$7,475	Monthly
				$66,936	$70,284	$73,800	$77,484	$81,360	$85,428	$89,700	Annual
				$32.18	$33.79	$35.48	$37.25	$39.12	$41.07	$43.13	Hourly
0808	Assistant Storekeeper	CMC	571	$4,315	$4,531	$4,758	$4,996	$5,246	$5,508	$5,783	Monthly
				$51,780	$54,372	$57,096	$59,952	$62,952	$66,096	$69,396	Annual
				$24.89	$26.14	$27.45	$28.82	$30.27	$31.78	$33.36	Hourly

0104	Associate Engineer	CMC	699	$8,862	$9,305	$9,770	$10,258	$10,771	$11,310	$11,876	Monthly
				$106,344	$111,660	$117,240	$123,096	$129,252	$135,720	$142,512	Annual
				$51.13	$53.68	$56.37	$59.18	$62.14	$65.25	$68.52	Hourly
0152	Associate Planner	CMC	649	$7,510	$7,886	$8,280	$8,694	$9,129	$9,585	$10,064	Monthly
				$90,120	$94,632	$99,360	$104,328	$109,548	$115,020	$120,768	Annual
				$43.33	$45.50	$47.77	$50.16	$52.67	$55.30	$58.06	Hourly
0132	Building Inspector I	CMC	643	$6,640	$6,972	$7,321	$7,687	$8,071	$8,475	$8,899	Monthly
				$79,680	$83,664	$87,852	$92,244	$96,852	$101,700	$106,788	Annual
				$38.31	$40.22	$42.24	$44.35	$46.56	$48.89	$51.34	Hourly
0138	Building Inspector II	CMC	866	$6,972	$7,321	$7,687	$8,071	$8,475	$8,899	$9,344	Monthly
				$83,664	$87,852	$92,244	$96,852	$101,700	$106,788	$112,128	Annual
				$40.22	$42.24	$44.35	$46.56	$48.89	$51.34	$53.91	Hourly
0130	Building Technician I	CMC	581	$4,729	$4,965	$5,213	$5,474	$5,748	$6,035	$6,337	Monthly
				$56,748	$59,580	$62,556	$65,688	$68,976	$72,420	$76,044	Annual
				$27.28	$28.64	$30.08	$31.58	$33.16	$34.82	$36.56	Hourly
0131	Building Technician II	CMC	613	$5,549	$5,826	$6,117	$6,423	$6,744	$7,081	$7,435	Monthly
				$66,588	$69,912	$73,404	$77,076	$80,928	$84,972	$89,220	Annual
				$32.01	$33.61	$35.29	$37.06	$38.91	$40.85	$42.89	Hourly
0088	Business License Inspector	CMC	850	$4,997	$5,247	$5,509	$5,784	$6,073	$6,377	$6,696	Monthly
				$59,964	$62,964	$66,108	$69,408	$72,876	$76,524	$80,352	Annual
				$28.83	$30.27	$31.78	$33.37	$35.04	$36.79	$38.63	Hourly
0051	Buyer	CMC	857	$5,706	$5,991	$6,291	$6,606	$6,936	$7,283	$7,647	Monthly
				$68,472	$71,892	$75,492	$79,272	$83,232	$87,396	$91,764	Annual
				$32.92	$34.56	$36.29	$38.11	$40.02	$42.02	$44.12	Hourly
0035	Central Services Supervisor	CMC	655	$6,269	$6,582	$6,911	$7,257	$7,620	$8,001	$8,401	Monthly
				$75,228	$78,984	$82,932	$87,084	$91,440	$96,012	$100,812	Annual
				$36.17	$37.97	$39.87	$41.87	$43.96	$46.16	$48.47	Hourly
0123	Chief Construction Inspector	CMC	662	$6,608	$6,938	$7,285	$7,649	$8,031	$8,433	$8,855	Monthly
				$79,296	$83,256	$87,420	$91,788	$96,372	$101,196	$106,260	Annual
				$38.12	$40.03	$42.03	$44.13	$46.33	$48.65	$51.09	Hourly

0110	Chief Plans Examiner	CMC	718	$10,024	$10,525	$11,051	$11,604	$12,184	$12,793	$13,433	Monthly
				$120,288	$126,300	$132,612	$139,248	$146,208	$153,516	$161,196	Annual
				$57.83	$60.72	$63.76	$66.95	$70.29	$73.81	$77.50	Hourly
0126	Chief of Code Enforcement	CMC	664	$6,671	$7,005	$7,355	$7,723	$8,109	$8,514	$8,940	Monthly
				$80,052	$84,060	$88,260	$92,676	$97,308	$102,168	$107,280	Annual
				$38.49	$40.41	$42.43	$44.56	$46.78	$49.12	$51.58	Hourly
0128	Chief of Inspection	CMC	681	$8,437	$8,859	$9,302	$9,767	$10,255	$10,768	$11,306	Monthly
				$101,244	$106,308	$111,624	$117,204	$123,060	$129,216	$135,672	Annual
				$48.68	$51.11	$53.67	$56.35	$59.16	$62.12	$65.23	Hourly
0466	Civilian Investigator	CMC	628	$5,869	$6,162	$6,470	$6,793	$7,133	$7,490	$7,864	Monthly
				$70,428	$73,944	$77,640	$81,516	$85,596	$89,880	$94,368	Annual
				$33.86	$35.55	$37.33	$39.19	$41.15	$43.21	$45.37	Hourly
0120	Code Enforcement Officer	CMC	626	$5,522	$5,798	$6,088	$6,392	$6,712	$7,048	$7,400	Monthly
				$66,264	$69,576	$73,056	$76,704	$80,544	$84,576	$88,800	Annual
				$31.86	$33.45	$35.12	$36.88	$38.72	$40.66	$42.69	Hourly
0430	Communications Installer	CMC	858	$5,398	$5,668	$5,951	$6,249	$6,561	$6,889	$7,233	Monthly
				$64,776	$68,016	$71,412	$74,988	$78,732	$82,668	$86,796	Annual
				$31.14	$32.70	$34.33	$36.05	$37.85	$39.74	$41.73	Hourly
0231	Communications Officer	CMC	616	$5,865	$6,158	$6,466	$6,789	$7,128	$7,484	$7,858	Monthly
				$70,380	$73,896	$77,592	$81,468	$85,536	$89,808	$94,296	Annual
				$33.84	$35.53	$37.30	$39.17	$41.12	$43.18	$45.33	Hourly
0232	Communications Supervisor	CMC	645	$6,775	$7,114	$7,470	$7,843	$8,235	$8,647	$9,079	Monthly
				$81,300	$85,368	$89,640	$94,116	$98,820	$103,764	$108,948	Annual
				$39.09	$41.04	$43.10	$45.25	$47.51	$49.89	$52.38	Hourly
0611	Community Outreach Supervisor	CMC	900	$6,844	$7,186	$7,545	$7,922	$8,318	$8,734	$9,171	Monthly
				$82,128	$86,232	$90,540	$95,064	$99,816	$104,808	$110,052	Annual
				$39.48	$41.46	$43.53	$45.70	$47.99	$50.39	$52.91	Hourly
0610	Community Outreach Worker	CMC	893	$5,229	$5,490	$5,764	$6,052	$6,355	$6,673	$7,007	Monthly
				$62,748	$65,880	$69,168	$72,624	$76,260	$80,076	$84,084	Annual
				$30.17	$31.67	$33.25	$34.92	$36.66	$38.50	$40.43	Hourly

0703	Community Services Specialist	CMC	582	$4,754 $57,048 $27.43	$4,992 $59,904 $28.80	$5,242 $62,904 $30.24	$5,504 $66,048 $31.75	$5,779 $69,348 $33.34	$6,068 $72,816 $35.01	$6,371 $76,452 $36.76	Monthly Annual Hourly
0121	Construction Inspector	CMC	867	$6,010 $72,120 $34.67	$6,311 $75,732 $36.41	$6,627 $79,524 $38.23	$6,958 $83,496 $40.14	$7,306 $87,672 $42.15	$7,671 $92,052 $44.26	$8,055 $96,660 $46.47	Monthly Annual Hourly
0100	Contract Administrator	CMC	691	$7,773 $93,276 $44.84	$8,162 $97,944 $47.09	$8,570 $102,840 $49.44	$8,998 $107,976 $51.91	$9,448 $113,376 $54.51	$9,920 $119,040 $57.23	$10,416 $124,992 $60.09	Monthly Annual Hourly
0706	Court Liaison Officer	CMC	854	$5,661 $67,932 $32.66	$5,944 $71,328 $34.29	$6,241 $74,892 $36.01	$6,553 $78,636 $37.81	$6,881 $82,572 $39.70	$7,225 $86,700 $41.68	$7,586 $91,032 $43.77	Monthly Annual Hourly
0099	Crime Analyst	CMC	859	$5,869 $70,428 $33.86	$6,162 $73,944 $35.55	$6,470 $77,640 $37.33	$6,793 $81,516 $39.19	$7,133 $85,596 $41.15	$7,490 $89,880 $43.21	$7,864 $94,368 $45.37	Monthly Annual Hourly
0467	Crime Prevention Specialist	CMC	852	$5,551 $66,612 $32.03	$5,829 $69,948 $33.63	$6,120 $73,440 $35.31	$6,426 $77,112 $37.07	$6,747 $80,964 $38.93	$7,084 $85,008 $40.87	$7,438 $89,256 $42.91	Monthly Annual Hourly
0189	Crime Scene Investigation Supervisor	CMC	50	$8,494 $101,928 $49.00	$8,919 $107,028 $51.46	$9,365 $112,380 $54.03	$9,833 $117,996 $56.73	$10,325 $123,900 $59.57	$10,841 $130,092 $62.54	$11,383 $136,596 $65.67	Monthly Annual Hourly
0465	Crime Scene Specialist	CMC	638	$5,752 $69,024 $33.18	$6,040 $72,480 $34.85	$6,342 $76,104 $36.59	$6,659 $79,908 $38.42	$6,992 $83,904 $40.34	$7,342 $88,104 $42.36	$7,709 $92,508 $44.48	Monthly Annual Hourly
0705	Custody Officer	CMC	854	$5,661 $67,932 $32.66	$5,944 $71,328 $34.29	$6,241 $74,892 $36.01	$6,553 $78,636 $37.81	$6,881 $82,572 $39.70	$7,225 $86,700 $41.68	$7,586 $91,032 $43.77	Monthly Annual Hourly
0190	Custody Supervisor	CMC	612	$8,494 $101,928 $49.00	$8,919 $107,028 $51.46	$9,365 $112,380 $54.03	$9,833 $117,996 $56.73	$10,325 $123,900 $59.57	$10,841 $130,092 $62.54	$11,383 $136,596 $65.67	Monthly Annual Hourly

0149	Economic Development	CMC	898	$9,931	$10,428	$10,949	$11,496	$12,071	$12,675	$13,309	Monthly
	Administrator			$119,172	$125,136	$131,388	$137,952	$144,852	$152,100	$159,708	Annual
				$57.29	$60.16	$63.17	$66.32	$69.64	$73.13	$76.78	Hourly
0134	Electrical Inspector	CMC	868	$6,010	$6,311	$6,627	$6,958	$7,306	$7,671	$8,055	Monthly
				$72,120	$75,732	$79,524	$83,496	$87,672	$92,052	$96,660	Annual
				$34.67	$36.41	$38.23	$40.14	$42.15	$44.26	$46.47	Hourly
0431	Electronics Technician	CMC	875	$6,719	$7,055	$7,408	$7,778	$8,167	$8,575	$9,004	Monthly
				$80,628	$84,660	$88,896	$93,336	$98,004	$102,900	$108,048	Annual
				$38.76	$40.70	$42.74	$44.87	$47.12	$49.47	$51.95	Hourly
0221	Emergency Medical	CMC	706	$8,330	$8,746	$9,183	$9,642	$10,124	$10,630	$11,161	Monthly
	Services Coordinator			$99,960	$104,952	$110,196	$115,704	$121,488	$127,560	$133,932	Annual
				$48.06	$50.46	$52.98	$55.63	$58.41	$61.33	$64.39	Hourly
0096	Emergency Services	CMC	53	$9,131	$9,588	$10,067	$10,570	$11,099	$11,654	$12,237	Monthly
	Administrator			$109,572	$115,056	$120,804	$126,840	$133,188	$139,848	$146,844	Annual
				$52.68	$55.32	$58.08	$60.98	$64.03	$67.23	$70.60	Hourly
0234	Emergency Services	CMC	860	$5,646	$5,928	$6,224	$6,535	$6,862	$7,205	$7,565	Monthly
	Training Specialist			$67,752	$71,136	$74,688	$78,420	$82,344	$86,460	$90,780	Annual
				$32.57	$34.20	$35.91	$37.70	$39.59	$41.57	$43.64	Hourly
0101	Engineering Technician I	CMC	591	$4,970	$5,219	$5,480	$5,754	$6,042	$6,344	$6,661	Monthly
				$59,640	$62,628	$65,760	$69,048	$72,504	$76,128	$79,932	Annual
				$28.67	$30.11	$31.62	$33.20	$34.86	$36.60	$38.43	Hourly
0102	Engineering Technician II	CMC	853	$5,549	$5,826	$6,117	$6,423	$6,744	$7,081	$7,435	Monthly
				$66,588	$69,912	$73,404	$77,076	$80,928	$84,972	$89,220	Annual
				$32.01	$33.61	$35.29	$37.06	$38.91	$40.85	$42.89	Hourly
0116	Engineering Technician III	CMC	632	$6,099	$6,404	$6,724	$7,060	$7,413	$7,784	$8,173	Monthly
				$73,188	$76,848	$80,688	$84,720	$88,956	$93,408	$98,076	Annual
				$35.19	$36.95	$38.79	$40.73	$42.77	$44.91	$47.15	Hourly
0440	Equipment Mechanic I	CMC	570	$4,187	$4,396	$4,616	$4,847	$5,089	$5,343	$5,610	Monthly
				$50,244	$52,752	$55,392	$58,164	$61,068	$64,116	$67,320	Annual
				$24.16	$25.36	$26.63	$27.96	$29.36	$30.83	$32.37	Hourly

0441	Equipment Mechanic II	CMC	851	$5,010	$5,261	$5,524	$5,800	$6,090	$6,394	$6,714	Monthly
				$60,120	$63,132	$66,288	$69,600	$73,080	$76,728	$80,568	Annual
				$28.90	$30.35	$31.87	$33.46	$35.13	$36.89	$38.73	Hourly
0445	Equipment Mechanic III	CMC	856	$5,399	$5,669	$5,952	$6,250	$6,562	$6,890	$7,234	Monthly
				$64,788	$68,028	$71,424	$75,000	$78,744	$82,680	$86,808	Annual
				$31.15	$32.71	$34.34	$36.06	$37.86	$39.75	$41.73	Hourly
0014	Executive Assistant	CMC	609	$5,586	$5,865	$6,158	$6,466	$6,789	$7,128	$7,484	Monthly
				$67,032	$70,380	$73,896	$77,592	$81,468	$85,536	$89,808	Annual
				$32.23	$33.84	$35.53	$37.30	$39.17	$41.12	$43.18	Hourly
0407	Facilities Maintenance Technician	CMC	589	$4,867	$5,110	$5,365	$5,633	$5,915	$6,211	$6,522	Monthly
				$58,404	$61,320	$64,380	$67,596	$70,980	$74,532	$78,264	Annual
				$28.08	$29.48	$30.95	$32.50	$34.13	$35.83	$37.63	Hourly
0304	Fairview Park Administrator	CMC	887	$8,364	$8,782	$9,221	$9,682	$10,166	$10,674	$11,208	Monthly
				$100,368	$105,384	$110,652	$116,184	$121,992	$128,088	$134,496	Annual
				$48.25	$50.67	$53.20	$55.86	$58.65	$61.58	$64.66	Hourly
0057	Financial Analyst	CMC	899	$7,410	$7,780	$8,169	$8,577	$9,006	$9,456	$9,929	Monthly
				$88,920	$93,360	$98,028	$102,924	$108,072	$113,472	$119,148	Annual
				$42.75	$44.88	$47.13	$49.48	$51.96	$54.55	$57.28	Hourly
0218	Fire Protection Analyst	CMC	876	$7,030	$7,381	$7,750	$8,137	$8,544	$8,971	$9,420	Monthly
				$84,360	$88,572	$93,000	$97,644	$102,528	$107,652	$113,040	Annual
				$40.56	$42.58	$44.71	$46.94	$49.29	$51.76	$54.35	Hourly
0215	Fire Protection Specialist	CMC	861	$6,640	$6,972	$7,321	$7,687	$8,071	$8,475	$8,899	Monthly
				$79,680	$83,664	$87,852	$92,244	$96,852	$101,700	$106,788	Annual
				$38.31	$40.22	$42.24	$44.35	$46.56	$48.89	$51.34	Hourly
0065	Grant Administrator	CMC	877	$7,301	$7,666	$8,049	$8,451	$8,874	$9,318	$9,784	Monthly
				$87,612	$91,992	$96,588	$101,412	$106,488	$111,816	$117,408	Annual
				$42.12	$44.23	$46.44	$48.76	$51.20	$53.76	$56.45	Hourly
0029	Graphics Designer	CMC	610	$5,007	$5,257	$5,520	$5,796	$6,086	$6,390	$6,709	Monthly
				$60,084	$63,084	$66,240	$69,552	$73,032	$76,680	$80,508	Annual
				$28.89	$30.33	$31.85	$33.44	$35.11	$36.87	$38.71	Hourly

0446	Lead Equipment Mechanic	CMC	869	$6,086	$6,390	$6,710	$7,046	$7,398	$7,768	$8,156	Monthly
				$73,032	$76,680	$80,520	$84,552	$88,776	$93,216	$97,872	Annual
				$35.11	$36.87	$38.71	$40.65	$42.68	$44.82	$47.05	Hourly
0409	Lead Facilities	CMC	863	$5,718	$6,004	$6,304	$6,619	$6,950	$7,298	$7,663	Monthly
	Maintenance Technician			$68,616	$72,048	$75,648	$79,428	$83,400	$87,576	$91,956	Annual
				$32.99	$34.64	$36.37	$38.19	$40.10	$42.10	$44.21	Hourly
0405	Lead Maintenance Worker	CMC	864	$5,718	$6,004	$6,304	$6,619	$6,950	$7,298	$7,663	Monthly
				$68,616	$72,048	$75,648	$79,428	$83,400	$87,576	$91,956	Annual
				$32.99	$34.64	$36.37	$38.19	$40.10	$42.10	$44.21	Hourly
0402	Maintenance Assistant	CMC	550	$3,913	$4,109	$4,314	$4,530	$4,757	$4,995	$5,245	Monthly
				$46,956	$49,308	$51,768	$54,360	$57,084	$59,940	$62,940	Annual
				$22.58	$23.71	$24.89	$26.13	$27.44	$28.82	$30.26	Hourly
0412	Maintenance	CMC	881	$7,755	$8,143	$8,550	$8,978	$9,427	$9,898	$10,393	Monthly
	Superintendent			$93,060	$97,716	$102,600	$107,736	$113,124	$118,776	$124,716	Annual
				$44.74	$46.98	$49.33	$51.80	$54.39	$57.10	$59.96	Hourly
0406	Maintenance Supervisor	CMC	670	$6,710	$7,046	$7,398	$7,768	$8,156	$8,564	$8,992	Monthly
				$80,520	$84,552	$88,776	$93,216	$97,872	$102,768	$107,904	Annual
				$38.71	$40.65	$42.68	$44.82	$47.05	$49.41	$51.88	Hourly
0403	Maintenance Worker	CMC	846	$4,326	$4,542	$4,769	$5,007	$5,257	$5,520	$5,796	Monthly
				$51,912	$54,504	$57,228	$60,084	$63,084	$66,240	$69,552	Annual
				$24.96	$26.20	$27.51	$28.89	$30.33	$31.85	$33.44	Hourly
0243	Management Aide	CMC	892	$5,744	$6,031	$6,333	$6,650	$6,983	$7,332	$7,699	Monthly
				$68,928	$72,372	$75,996	$79,800	$83,796	$87,984	$92,388	Annual
				$33.14	$34.79	$36.54	$38.37	$40.29	$42.30	$44.42	Hourly
0074	Management Analyst	CMC	872	$6,607	$6,937	$7,284	$7,648	$8,030	$8,431	$8,853	Monthly
				$79,284	$83,244	$87,408	$91,776	$96,360	$101,172	$106,236	Annual
				$38.12	$40.02	$42.02	$44.12	$46.33	$48.64	$51.08	Hourly
0001	Messenger	CMC	501	$3,921	$4,117	$4,323	$4,539	$4,766	$5,004	$5,254	Monthly
				$47,052	$49,404	$51,876	$54,468	$57,192	$60,048	$63,048	Annual
				$22.62	$23.75	$24.94	$26.19	$27.50	$28.87	$30.31	Hourly

0041	Network Systems	CMC	631	$8,147	$8,554	$8,982	$9,431	$9,903	$10,398	$10,918	Monthly
	Administrator			$97,764	$102,648	$107,784	$113,172	$118,836	$124,776	$131,016	Annual
				$47.00	$49.35	$51.82	$54.41	$57.13	$59.99	$62.99	Hourly
0006	Office Coordinator	CMC	848	$4,717	$4,953	$5,201	$5,461	$5,734	$6,021	$6,322	Monthly
				$56,604	$59,436	$62,412	$65,532	$68,808	$72,252	$75,864	Annual
				$27.21	$28.58	$30.01	$31.51	$33.08	$34.74	$36.47	Hourly
0003	Office Specialist	CMC	525	$3,423	$3,594	$3,774	$3,963	$4,161	$4,369	$4,587	Monthly
				$41,076	$43,128	$45,288	$47,556	$49,932	$52,428	$55,044	Annual
				$19.75	$20.73	$21.77	$22.86	$24.01	$25.21	$26.46	Hourly
0004	Office Specialist I	CMC	545	$3,783	$3,972	$4,171	$4,380	$4,599	$4,829	$5,070	Monthly
				$45,396	$47,664	$50,052	$52,560	$55,188	$57,948	$60,840	Annual
				$21.83	$22.92	$24.06	$25.27	$26.53	$27.86	$29.25	Hourly
0005	Office Specialist II	CMC	845	$4,077	$4,281	$4,495	$4,720	$4,956	$5,204	$5,464	Monthly
				$48,924	$51,372	$53,940	$56,640	$59,472	$62,448	$65,568	Annual
				$23.52	$24.70	$25.93	$27.23	$28.59	$30.02	$31.52	Hourly
0031	Offset Press Operator I	CMC	847	$4,376	$4,595	$4,825	$5,066	$5,319	$5,585	$5,864	Monthly
				$52,512	$55,140	$57,900	$60,792	$63,828	$67,020	$70,368	Annual
				$25.25	$26.51	$27.84	$29.23	$30.69	$32.22	$33.83	Hourly
0034	Offset Press Operator II	CMC	595	$4,644	$4,876	$5,120	$5,376	$5,645	$5,927	$6,223	Monthly
				$55,728	$58,512	$61,440	$64,512	$67,740	$71,124	$74,676	Annual
				$26.79	$28.13	$29.54	$31.02	$32.57	$34.19	$35.90	Hourly
0521	Park Ranger	CMC	725	$5,229	$5,490	$5,764	$6,052	$6,355	$6,673	$7,007	Monthly
				$62,748	$65,880	$69,168	$72,624	$76,260	$80,076	$84,084	Annual
				$30.17	$31.67	$33.25	$34.92	$36.66	$38.50	$40.43	Hourly
0028	Permit Processing	CMC	569	$4,265	$4,478	$4,702	$4,937	$5,184	$5,443	$5,715	Monthly
	Specialist			$51,180	$53,736	$56,424	$59,244	$62,208	$65,316	$68,580	Annual
				$24.61	$25.83	$27.13	$28.48	$29.91	$31.40	$32.97	Hourly
0039	Personal Computer/	CMC	849	$4,644	$4,876	$5,120	$5,376	$5,645	$5,927	$6,223	Monthly
	Network Assistant			$55,728	$58,512	$61,440	$64,512	$67,740	$71,124	$74,676	Annual
				$26.79	$28.13	$29.54	$31.02	$32.57	$34.19	$35.90	Hourly

0109	Plan Check Engineer	CMC	883	$9,196	$9,656	$10,139	$10,646	$11,178	$11,737	$12,324	Monthly
				$110,352	$115,872	$121,668	$127,752	$134,136	$140,844	$147,888	Annual
				$53.05	$55.71	$58.49	$61.42	$64.49	$67.71	$71.10	Hourly
0114	Plan Checker	CMC	886	$7,996	$8,396	$8,816	$9,257	$9,720	$10,206	$10,716	Monthly
				$95,952	$100,752	$105,792	$111,084	$116,640	$122,472	$128,592	Annual
				$46.13	$48.44	$50.86	$53.41	$56.08	$58.88	$61.82	Hourly
0095	Police Records Administrator	CMC	52	$9,131	$9,588	$10,067	$10,570	$11,099	$11,654	$12,237	Monthly
				$109,572	$115,056	$120,804	$126,840	$133,188	$139,848	$146,844	Annual
				$52.68	$55.32	$58.08	$60.98	$64.03	$67.23	$70.60	Hourly
0461	Police Records Bureau Supervisor	CMC	842	$8,494	$8,919	$9,365	$9,833	$10,325	$10,841	$11,383	Monthly
				$101,928	$107,028	$112,380	$117,996	$123,900	$130,092	$136,596	Annual
				$49.00	$51.46	$54.03	$56.73	$59.57	$62.54	$65.67	Hourly
0012	Police Records Shift Supervisor	CMC	594	$5,043	$5,295	$5,560	$5,838	$6,130	$6,436	$6,758	Monthly
				$60,516	$63,540	$66,720	$70,056	$73,560	$77,232	$81,096	Annual
				$29.09	$30.55	$32.08	$33.68	$35.37	$37.13	$38.99	Hourly
0010	Police Records Technician	CMC	546	$3,970	$4,169	$4,377	$4,596	$4,826	$5,067	$5,320	Monthly
				$47,640	$50,028	$52,524	$55,152	$57,912	$60,804	$63,840	Annual
				$22.90	$24.05	$25.25	$26.52	$27.84	$29.23	$30.69	Hourly
0460	Police Training Administrator	CMC	844	$9,131	$9,588	$10,067	$10,570	$11,099	$11,654	$12,237	Monthly
				$109,572	$115,056	$120,804	$126,840	$133,188	$139,848	$146,844	Annual
				$52.68	$55.32	$58.08	$60.98	$64.03	$67.23	$70.60	Hourly
0459	Police Training Assistant	CMC	862	$6,070	$6,373	$6,692	$7,027	$7,378	$7,747	$8,134	Monthly
				$72,840	$76,476	$80,304	$84,324	$88,536	$92,964	$97,608	Annual
				$35.02	$36.77	$38.61	$40.54	$42.57	$44.69	$46.93	Hourly
0106	Principal Civil Engineer	CMC	726	$11,210	$11,771	$12,360	$12,978	$13,627	$14,308	$15,023	Monthly
				$134,520	$141,252	$148,320	$155,736	$163,524	$171,696	$180,276	Annual
				$64.67	$67.91	$71.31	$74.87	$78.62	$82.55	$86.67	Hourly
0154	Principal Planner	CMC	704	$9,931	$10,428	$10,949	$11,496	$12,071	$12,675	$13,309	Monthly
				$119,172	$125,136	$131,388	$137,952	$144,852	$152,100	$159,708	Annual
				$57.29	$60.16	$63.17	$66.32	$69.64	$73.13	$76.78	Hourly

0043	Programmer Analyst I	CMC	870	$7,213	$7,574	$7,953	$8,351	$8,769	$9,207	$9,667	Monthly
				$86,556	$90,888	$95,436	$100,212	$105,228	$110,484	$116,004	Annual
				$41.61	$43.70	$45.88	$48.18	$50.59	$53.12	$55.77	Hourly
0044	Programmer Analyst II	CMC	692	$8,657	$9,090	$9,545	$10,022	$10,523	$11,049	$11,601	Monthly
				$103,884	$109,080	$114,540	$120,264	$126,276	$132,588	$139,212	Annual
				$49.94	$52.44	$55.07	$57.82	$60.71	$63.74	$66.93	Hourly
0463	Property/Evidence	CMC	623	$5,338	$5,605	$5,885	$6,179	$6,488	$6,812	$7,153	Monthly
	Specialist			$64,056	$67,260	$70,620	$74,148	$77,856	$81,744	$85,836	Annual
				$30.80	$32.34	$33.95	$35.65	$37.43	$39.30	$41.27	Hourly
0462	Property/Evidence	CMC	843	$8,494	$8,919	$9,365	$9,833	$10,325	$10,841	$11,383	Monthly
	Supervisor			$101,928	$107,028	$112,380	$117,996	$123,900	$130,092	$136,596	Annual
				$49.00	$51.46	$54.03	$56.73	$59.57	$62.54	$65.67	Hourly
0124	Public Right of Way	CMC	731	$5,522	$5,798	$6,088	$6,392	$6,712	$7,048	$7,400	Monthly
	Coordinator			$66,264	$69,576	$73,056	$76,704	$80,544	$84,576	$88,800	Annual
				$31.86	$33.45	$35.12	$36.88	$38.72	$40.66	$42.69	Hourly
0053	Purchasing Supervisor	CMC	879	$7,987	$8,386	$8,805	$9,245	$9,707	$10,192	$10,702	Monthly
				$95,844	$100,632	$105,660	$110,940	$116,484	$122,304	$128,424	Annual
				$46.08	$48.38	$50.80	$53.34	$56.00	$58.80	$61.74	Hourly
0468	Range Master	CMC	855	$5,661	$5,944	$6,241	$6,553	$6,881	$7,225	$7,586	Monthly
				$67,932	$71,328	$74,892	$78,636	$82,572	$86,700	$91,032	Annual
				$32.66	$34.29	$36.01	$37.81	$39.70	$41.68	$43.77	Hourly
0290	Recreation Coordinator	CMC	583	$4,521	$4,747	$4,984	$5,233	$5,495	$5,770	$6,059	Monthly
				$54,252	$56,964	$59,808	$62,796	$65,940	$69,240	$72,708	Annual
				$26.08	$27.39	$28.75	$30.19	$31.70	$33.29	$34.96	Hourly
0508	Recreation Specialist	CMC	890	$3,471	$3,645	$3,827	$4,018	$4,219	$4,430	$4,651	Monthly
				$41,652	$43,740	$45,924	$48,216	$50,628	$53,160	$55,812	Annual
				$20.03	$21.03	$22.08	$23.18	$24.34	$25.56	$26.83	Hourly
0302	Recreation Supervisor	CMC	666	$6,844	$7,186	$7,545	$7,922	$8,318	$8,734	$9,171	Monthly
				$82,128	$86,232	$90,540	$95,064	$99,816	$104,808	$110,052	Annual
				$39.48	$41.46	$43.53	$45.70	$47.99	$50.39	$52.91	Hourly

0058	Revenue Supervisor	CMC	880	$7,987	$8,386	$8,805	$9,245	$9,707	$10,192	$10,702	Monthly
				$95,844	$100,632	$105,660	$110,940	$116,484	$122,304	$128,424	Annual
				$46.08	$48.38	$50.80	$53.34	$56.00	$58.80	$61.74	Hourly
0067	Senior Accountant	CMC	663	$7,524	$7,900	$8,295	$8,710	$9,146	$9,603	$10,083	Monthly
				$90,288	$94,800	$99,540	$104,520	$109,752	$115,236	$120,996	Annual
				$43.41	$45.58	$47.86	$50.25	$52.77	$55.40	$58.17	Hourly
0119	Senior Code Enforcement Officer	CMC	896	$5,933	$6,230	$6,542	$6,869	$7,212	$7,573	$7,952	Monthly
				$71,196	$74,760	$78,504	$82,428	$86,544	$90,876	$95,424	Annual
				$34.23	$35.94	$37.74	$39.63	$41.61	$43.69	$45.88	Hourly
0139	Senior Combination Inspector	CMC	874	$7,670	$8,054	$8,457	$8,880	$9,324	$9,790	$10,279	Monthly
				$92,040	$96,648	$101,484	$106,560	$111,888	$117,480	$123,348	Annual
				$44.25	$46.47	$48.79	$51.23	$53.79	$56.48	$59.30	Hourly
0238	Senior Communications Officer	CMC	630	$6,303	$6,618	$6,949	$7,296	$7,661	$8,044	$8,446	Monthly
				$75,636	$79,416	$83,388	$87,552	$91,932	$96,528	$101,352	Annual
				$36.36	$38.18	$40.09	$42.09	$44.20	$46.41	$48.73	Hourly
0233	Senior Communications Supervisor	CMC	667	$8,494	$8,919	$9,365	$9,833	$10,325	$10,841	$11,383	Monthly
				$101,928	$107,028	$112,380	$117,996	$123,900	$130,092	$136,596	Annual
				$49.00	$51.46	$54.03	$56.73	$59.57	$62.54	$65.67	Hourly
0136	Senior Electrical Inspector	CMC	873	$6,642	$6,974	$7,323	$7,689	$8,073	$8,477	$8,901	Monthly
				$79,704	$83,688	$87,876	$92,268	$96,876	$101,724	$106,812	Annual
				$38.32	$40.23	$42.25	$44.36	$46.58	$48.91	$51.35	Hourly
0105	Senior Engineer	CMC	884	$9,749	$10,236	$10,748	$11,285	$11,849	$12,441	$13,063	Monthly
				$116,988	$122,832	$128,976	$135,420	$142,188	$149,292	$156,756	Annual
				$56.24	$59.05	$62.01	$65.11	$68.36	$71.78	$75.36	Hourly
0432	Senior Lead Maintenance Worker	CMC	871	$6,229	$6,540	$6,867	$7,210	$7,570	$7,949	$8,346	Monthly
				$74,748	$78,480	$82,404	$86,520	$90,840	$95,388	$100,152	Annual
				$35.94	$37.73	$39.62	$41.60	$43.67	$45.86	$48.15	Hourly
0433	Senior Maintenance Technician	CMC	597	$4,948	$5,195	$5,455	$5,728	$6,014	$6,315	$6,631	Monthly
				$59,376	$62,340	$65,460	$68,736	$72,168	$75,780	$79,572	Annual
				$28.55	$29.97	$31.47	$33.05	$34.70	$36.43	$38.26	Hourly

0404	Senior Maintenance Worker	CMC	587	$4,708	$4,943	$5,190	$5,450	$5,722	$6,008	$6,308	Monthly
				$56,496	$59,316	$62,280	$65,400	$68,664	$72,096	$75,696	Annual
				$27.16	$28.52	$29.94	$31.44	$33.01	$34.66	$36.39	Hourly
0244	Senior Management Analyst	CMC	895	$6,936	$7,283	$7,647	$8,029	$8,430	$8,852	$9,295	Monthly
				$83,232	$87,396	$91,764	$96,348	$101,160	$106,224	$111,540	Annual
				$40.02	$42.02	$44.12	$46.32	$48.63	$51.07	$53.63	Hourly
0153	Senior Planner	CMC	878	$8,636	$9,068	$9,521	$9,997	$10,497	$11,022	$11,573	Monthly
				$103,632	$108,816	$114,252	$119,964	$125,964	$132,264	$138,876	Annual
				$49.82	$52.32	$54.93	$57.68	$60.56	$63.59	$66.77	Hourly
0011	Senior Police Records Technician	CMC	561	$4,276	$4,490	$4,714	$4,950	$5,198	$5,458	$5,731	Monthly
				$51,312	$53,880	$56,568	$59,400	$62,376	$65,496	$68,772	Annual
				$24.67	$25.90	$27.20	$28.56	$29.99	$31.49	$33.06	Hourly
0048	Senior Programmer Analyst	CMC	710	$9,478	$9,952	$10,450	$10,973	$11,522	$12,098	$12,703	Monthly
				$113,736	$119,424	$125,400	$131,676	$138,264	$145,176	$152,436	Annual
				$54.68	$57.42	$60.29	$63.31	$66.47	$69.80	$73.29	Hourly
0050	Storekeeper	CMC	588	$4,695	$4,930	$5,177	$5,436	$5,708	$5,993	$6,293	Monthly
				$56,340	$59,160	$62,124	$65,232	$68,496	$71,916	$75,516	Annual
				$27.09	$28.44	$29.87	$31.36	$32.93	$34.58	$36.31	Hourly
0089	Tax Auditing Specialist	CMC	865	$6,068	$6,371	$6,690	$7,024	$7,375	$7,744	$8,131	Monthly
				$72,816	$76,452	$80,280	$84,288	$88,500	$92,928	$97,572	Annual
				$35.01	$36.76	$38.60	$40.52	$42.55	$44.68	$46.91	Hourly
0064	Treasury Specialist	CMC	639	$6,068	$6,371	$6,690	$7,024	$7,375	$7,744	$8,131	Monthly
				$72,816	$76,452	$80,280	$84,288	$88,500	$92,928	$97,572	Annual
				$35.01	$36.76	$38.60	$40.52	$42.55	$44.68	$46.91	Hourly
0240	Video Production Coordinator	CMC	657	$7,092	$7,447	$7,819	$8,210	$8,620	$9,051	$9,504	Monthly
				$85,104	$89,364	$93,828	$98,520	$103,440	$108,612	$114,048	Annual
				$40.92	$42.96	$45.11	$47.37	$49.73	$52.22	$54.83	Hourly
0241	Video Production Specialist	CMC	885	$5,130	$5,387	$5,656	$5,939	$6,236	$6,548	$6,875	Monthly
				$61,560	$64,644	$67,872	$71,268	$74,832	$78,576	$82,500	Annual
				$29.60	$31.08	$32.63	$34.26	$35.98	$37.78	$39.66	Hourly

0038	Website Coordinator	CMC	849	$4,644	$4,876	$5,120	$5,376	$5,645	$5,927	$6,223	Monthly
				$55,728	$58,512	$61,440	$64,512	$67,740	$71,124	$74,676	Annual
				$26.79	$28.13	$29.54	$31.02	$32.57	$34.19	$35.90	Hourly
0156	Zoning Administrator	CMC	727	$9,105	$9,560	$10,038	$10,540	$11,067	$11,620	$12,201	Monthly
				$109,260	$114,720	$120,456	$126,480	$132,804	$139,440	$146,412	Annual
				$52.53	$55.15	$57.91	$60.81	$63.85	$67.04	$70.39	Hourly

SECTION 2. The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association. There will be no Employer Paid Member Contribution (EPMC).

SECTION 3. All parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION PURSUANT TO THE 2022 - 2025 MEMORANDUM OF UNDERSTANDING.

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on November 15, 2022, the City Council adopted Resolution No. 2022-XX, revising the pay ranges for job classifications represented by the Costa Mesa City Employees Association, effective the pay period that includes July 1, 2023; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-XX to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes July 1, 2024. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
0062	Accountant	CMC	644	$7,046	$7,398	$7,768	$8,156	$8,564	$8,992	$9,442	Monthly
				$84,552	$88,776	$93,216	$97,872	$102,768	$107,904	$113,304	Annual
				$40.65	$42.68	$44.82	$47.05	$49.41	$51.88	$54.47	Hourly
0061	Accounting Specialist I	CMC	577	$4,452	$4,675	$4,909	$5,154	$5,412	$5,683	$5,967	Monthly
				$53,424	$56,100	$58,908	$61,848	$64,944	$68,196	$71,604	Annual
				$25.68	$26.97	$28.32	$29.73	$31.22	$32.79	$34.43	Hourly
0060	Accounting Specialist II	CMC	606	$5,145	$5,402	$5,672	$5,956	$6,254	$6,567	$6,895	Monthly
				$61,740	$64,824	$68,064	$71,472	$75,048	$78,804	$82,740	Annual
				$29.68	$31.17	$32.72	$34.36	$36.08	$37.89	$39.78	Hourly

0066	Accounting Supervisor	CMC	697	$8,226	$8,637	$9,069	$9,522	$9,998	$10,498	$11,023	Monthly
				$98,712	$103,644	$108,828	$114,264	$119,976	$125,976	$132,276	Annual
				$47.46	$49.83	$52.32	$54.93	$57.68	$60.57	$63.59	Hourly
0107	Active Transportation Coordinator	CMC	732	$9,473	$9,947	$10,444	$10,966	$11,514	$12,090	$12,694	Monthly
				$113,676	$119,364	$125,328	$131,592	$138,168	$145,080	$152,328	Annual
				$54.65	$57.39	$60.25	$63.27	$66.43	$69.75	$73.23	Hourly
0013	Administrative Assistant	CMC	590	$5,229	$5,490	$5,765	$6,053	$6,356	$6,674	$7,008	Monthly
				$62,748	$65,880	$69,180	$72,636	$76,272	$80,088	$84,096	Annual
				$30.17	$31.67	$33.26	$34.92	$36.67	$38.50	$40.43	Hourly
0469	Animal Control Officer	CMC	617	$5,831	$6,123	$6,429	$6,750	$7,088	$7,442	$7,814	Monthly
				$69,972	$73,476	$77,148	$81,000	$85,056	$89,304	$93,768	Annual
				$33.64	$35.33	$37.09	$38.94	$40.89	$42.93	$45.08	Hourly
0307	Arts Specialist	CMC	733	$5,744	$6,031	$6,333	$6,650	$6,983	$7,332	$7,699	Monthly
				$68,928	$72,372	$75,996	$79,800	$83,796	$87,984	$92,388	Annual
				$33.14	$34.79	$36.54	$38.37	$40.29	$42.30	$44.42	Hourly
0103	Assistant Engineer	CMC	672	$7,283	$7,647	$8,029	$8,430	$8,851	$9,294	$9,759	Monthly
				$87,396	$91,764	$96,348	$101,160	$106,212	$111,528	$117,108	Annual
				$42.02	$44.12	$46.32	$48.63	$51.06	$53.62	$56.30	Hourly
0217	Assistant Fire Marshal	CMC	897	$7,241	$7,603	$7,983	$8,382	$8,801	$9,241	$9,703	Monthly
				$86,892	$91,236	$95,796	$100,584	$105,612	$110,892	$116,436	Annual
				$41.78	$43.86	$46.06	$48.36	$50.78	$53.31	$55.98	Hourly
0151	Assistant Planner	CMC	889	$6,727	$7,063	$7,416	$7,787	$8,176	$8,585	$9,014	Monthly
				$80,724	$84,756	$88,992	$93,444	$98,112	$103,020	$108,168	Annual
				$38.81	$40.75	$42.78	$44.93	$47.17	$49.53	$52.00	Hourly
0301	Assistant Recreation Supervisor	CMC	625	$5,744	$6,031	$6,333	$6,650	$6,983	$7,332	$7,699	Monthly
				$68,928	$72,372	$75,996	$79,800	$83,796	$87,984	$92,388	Annual
				$33.14	$34.79	$36.54	$38.37	$40.29	$42.30	$44.42	Hourly
0808	Assistant Storekeeper	CMC	571	$4,445	$4,667	$4,900	$5,145	$5,402	$5,672	$5,956	Monthly
				$53,340	$56,004	$58,800	$61,740	$64,824	$68,064	$71,472	Annual
				$25.64	$26.93	$28.27	$29.68	$31.17	$32.72	$34.36	Hourly

0104	Associate Engineer	CMC	699	$9,129	$9,585	$10,064	$10,567	$11,095	$11,650	$12,232	Monthly
				$109,548	$115,020	$120,768	$126,804	$133,140	$139,800	$146,784	Annual
				$52.67	$55.30	$58.06	$60.96	$64.01	$67.21	$70.57	Hourly
0152	Associate Planner	CMC	649	$7,735	$8,122	$8,528	$8,954	$9,402	$9,872	$10,366	Monthly
				$92,820	$97,464	$102,336	$107,448	$112,824	$118,464	$124,392	Annual
				$44.63	$46.86	$49.20	$51.66	$54.24	$56.95	$59.80	Hourly
0132	Building Inspector I	CMC	643	$6,840	$7,182	$7,541	$7,918	$8,314	$8,730	$9,166	Monthly
				$82,080	$86,184	$90,492	$95,016	$99,768	$104,760	$109,992	Annual
				$39.46	$41.43	$43.51	$45.68	$47.97	$50.37	$52.88	Hourly
0138	Building Inspector II	CMC	866	$7,182	$7,541	$7,918	$8,314	$8,730	$9,166	$9,624	Monthly
				$86,184	$90,492	$95,016	$99,768	$104,760	$109,992	$115,488	Annual
				$41.43	$43.51	$45.68	$47.97	$50.37	$52.88	$55.52	Hourly
0130	Building Technician I	CMC	581	$4,870	$5,114	$5,370	$5,638	$5,920	$6,216	$6,527	Monthly
				$58,440	$61,368	$64,440	$67,656	$71,040	$74,592	$78,324	Annual
				$28.10	$29.50	$30.98	$32.53	$34.15	$35.86	$37.66	Hourly
0131	Building Technician II	CMC	613	$5,714	$6,000	$6,300	$6,615	$6,946	$7,293	$7,658	Monthly
				$68,568	$72,000	$75,600	$79,380	$83,352	$87,516	$91,896	Annual
				$32.97	$34.62	$36.35	$38.16	$40.07	$42.08	$44.18	Hourly
0088	Business License Inspector	CMC	850	$5,147	$5,404	$5,674	$5,958	$6,256	$6,569	$6,897	Monthly
				$61,764	$64,848	$68,088	$71,496	$75,072	$78,828	$82,764	Annual
				$29.69	$31.18	$32.73	$34.37	$36.09	$37.90	$39.79	Hourly
0051	Buyer	CMC	857	$5,877	$6,171	$6,480	$6,804	$7,144	$7,501	$7,876	Monthly
				$70,524	$74,052	$77,760	$81,648	$85,728	$90,012	$94,512	Annual
				$33.91	$35.60	$37.38	$39.25	$41.22	$43.28	$45.44	Hourly
0035	Central Services Supervisor	CMC	655	$6,457	$6,780	$7,119	$7,475	$7,849	$8,241	$8,653	Monthly
				$77,484	$81,360	$85,428	$89,700	$94,188	$98,892	$103,836	Annual
				$37.25	$39.12	$41.07	$43.13	$45.28	$47.54	$49.92	Hourly
0123	Chief Construction Inspector	CMC	662	$6,807	$7,147	$7,504	$7,879	$8,273	$8,687	$9,121	Monthly
				$81,684	$85,764	$90,048	$94,548	$99,276	$104,244	$109,452	Annual
				$39.27	$41.23	$43.29	$45.46	$47.73	$50.12	$52.62	Hourly

0110	Chief Plans Examiner	CMC	718	$10,325	$10,841	$11,383	$11,952	$12,550	$13,177	$13,836	Monthly
				$123,900	$130,092	$136,596	$143,424	$150,600	$158,124	$166,032	Annual
				$59.57	$62.54	$65.67	$68.95	$72.40	$76.02	$79.82	Hourly
0126	Chief of Code Enforcement	CMC	664	$6,870	$7,214	$7,575	$7,954	$8,352	$8,770	$9,208	Monthly
				$82,440	$86,568	$90,900	$95,448	$100,224	$105,240	$110,496	Annual
				$39.63	$41.62	$43.70	$45.89	$48.18	$50.60	$53.12	Hourly
0128	Chief of Inspection	CMC	681	$8,690	$9,124	$9,580	$10,059	$10,562	$11,090	$11,645	Monthly
				$104,280	$109,488	$114,960	$120,708	$126,744	$133,080	$139,740	Annual
				$50.13	$52.64	$55.27	$58.03	$60.93	$63.98	$67.18	Hourly
0466	Civilian Investigator	CMC	628	$6,045	$6,347	$6,664	$6,997	$7,347	$7,714	$8,100	Monthly
				$72,540	$76,164	$79,968	$83,964	$88,164	$92,568	$97,200	Annual
				$34.88	$36.62	$38.45	$40.37	$42.39	$44.50	$46.73	Hourly
0120	Code Enforcement Officer	CMC	626	$5,687	$5,971	$6,270	$6,584	$6,913	$7,259	$7,622	Monthly
				$68,244	$71,652	$75,240	$79,008	$82,956	$87,108	$91,464	Annual
				$32.81	$34.45	$36.17	$37.98	$39.88	$41.88	$43.97	Hourly
0430	Communications Installer	CMC	858	$5,559	$5,837	$6,129	$6,435	$6,757	$7,095	$7,450	Monthly
				$66,708	$70,044	$73,548	$77,220	$81,084	$85,140	$89,400	Annual
				$32.07	$33.68	$35.36	$37.13	$38.98	$40.93	$42.98	Hourly
0231	Communications Officer	CMC	616	$6,040	$6,342	$6,659	$6,992	$7,342	$7,709	$8,094	Monthly
				$72,480	$76,104	$79,908	$83,904	$88,104	$92,508	$97,128	Annual
				$34.85	$36.59	$38.42	$40.34	$42.36	$44.48	$46.70	Hourly
0232	Communications Supervisor	CMC	645	$6,978	$7,327	$7,693	$8,078	$8,482	$8,906	$9,351	Monthly
				$83,736	$87,924	$92,316	$96,936	$101,784	$106,872	$112,212	Annual
				$40.26	$42.27	$44.38	$46.60	$48.93	$51.38	$53.95	Hourly
0611	Community Outreach Supervisor	CMC	900	$7,049	$7,401	$7,771	$8,160	$8,568	$8,996	$9,446	Monthly
				$84,588	$88,812	$93,252	$97,920	$102,816	$107,952	$113,352	Annual
				$40.67	$42.70	$44.83	$47.08	$49.43	$51.90	$54.50	Hourly
0610	Community Outreach Worker	CMC	893	$5,385	$5,654	$5,937	$6,234	$6,546	$6,873	$7,217	Monthly
				$64,620	$67,848	$71,244	$74,808	$78,552	$82,476	$86,604	Annual
				$31.07	$32.62	$34.25	$35.97	$37.77	$39.65	$41.64	Hourly

0703	Community Services Specialist	CMC	582	$4,897 $58,764 $28.25	$5,142 $61,704 $29.67	$5,399 $64,788 $31.15	$5,669 $68,028 $32.71	$5,952 $71,424 $34.34	$6,250 $75,000 $36.06	$6,562 $78,744 $37.86	Monthly Annual Hourly
0121	Construction Inspector	CMC	867	$6,192 $74,304 $35.72	$6,502 $78,024 $37.51	$6,827 $81,924 $39.39	$7,168 $86,016 $41.35	$7,526 $90,312 $43.42	$7,902 $94,824 $45.59	$8,297 $99,564 $47.87	Monthly Annual Hourly
0100	Contract Administrator	CMC	691	$8,006 $96,072 $46.19	$8,406 $100,872 $48.50	$8,826 $105,912 $50.92	$9,267 $111,204 $53.46	$9,730 $116,760 $56.13	$10,217 $122,604 $58.94	$10,728 $128,736 $61.89	Monthly Annual Hourly
0706	Court Liaison Officer	CMC	854	$5,831 $69,972 $33.64	$6,123 $73,476 $35.33	$6,429 $77,148 $37.09	$6,750 $81,000 $38.94	$7,088 $85,056 $40.89	$7,442 $89,304 $42.93	$7,814 $93,768 $45.08	Monthly Annual Hourly
0099	Crime Analyst	CMC	859	$6,045 $72,540 $34.88	$6,347 $76,164 $36.62	$6,664 $79,968 $38.45	$6,997 $83,964 $40.37	$7,347 $88,164 $42.39	$7,714 $92,568 $44.50	$8,100 $97,200 $46.73	Monthly Annual Hourly
0467	Crime Prevention Specialist	CMC	852	$5,717 $68,604 $32.98	$6,003 $72,036 $34.63	$6,303 $75,636 $36.36	$6,618 $79,416 $38.18	$6,949 $83,388 $40.09	$7,296 $87,552 $42.09	$7,661 $91,932 $44.20	Monthly Annual Hourly
0189	Crime Scene Investigation Supervisor	CMC	50	$8,750 $105,000 $50.48	$9,187 $110,244 $53.00	$9,646 $115,752 $55.65	$10,128 $121,536 $58.43	$10,634 $127,608 $61.35	$11,166 $133,992 $64.42	$11,724 $140,688 $67.64	Monthly Annual Hourly
0465	Crime Scene Specialist	CMC	638	$5,925 $71,100 $34.18	$6,221 $74,652 $35.89	$6,532 $78,384 $37.68	$6,859 $82,308 $39.57	$7,202 $86,424 $41.55	$7,562 $90,744 $43.63	$7,940 $95,280 $45.81	Monthly Annual Hourly
0705	Custody Officer	CMC	854	$5,831 $69,972 $33.64	$6,123 $73,476 $35.33	$6,429 $77,148 $37.09	$6,750 $81,000 $38.94	$7,088 $85,056 $40.89	$7,442 $89,304 $42.93	$7,814 $93,768 $45.08	Monthly Annual Hourly
0190	Custody Supervisor	CMC	612	$8,750 $105,000 $50.48	$9,187 $110,244 $53.00	$9,646 $115,752 $55.65	$10,128 $121,536 $58.43	$10,634 $127,608 $61.35	$11,166 $133,992 $64.42	$11,724 $140,688 $67.64	Monthly Annual Hourly

0149	Economic Development Administrator	CMC	898	$10,229 $122,748 $59.01	$10,740 $128,880 $61.96	$11,277 $135,324 $65.06	$11,841 $142,092 $68.31	$12,433 $149,196 $71.73	$13,055 $156,660 $75.32	$13,708 $164,496 $79.08	Monthly Annual Hourly
0134	Electrical Inspector	CMC	868	$6,192 $74,304 $35.72	$6,502 $78,024 $37.51	$6,827 $81,924 $39.39	$7,168 $86,016 $41.35	$7,526 $90,312 $43.42	$7,902 $94,824 $45.59	$8,297 $99,564 $47.87	Monthly Annual Hourly
0431	Electronics Technician	CMC	875	$6,920 $83,040 $39.92	$7,266 $87,192 $41.92	$7,629 $91,548 $44.01	$8,010 $96,120 $46.21	$8,411 $100,932 $48.53	$8,832 $105,984 $50.95	$9,274 $111,288 $53.50	Monthly Annual Hourly
0221	Emergency Medical Services Coordinator	CMC	706	$8,579 $102,948 $49.49	$9,008 $108,096 $51.97	$9,458 $113,496 $54.57	$9,931 $119,172 $57.29	$10,428 $125,136 $60.16	$10,949 $131,388 $63.17	$11,496 $137,952 $66.32	Monthly Annual Hourly
0096	Emergency Services Administrator	CMC	53	$9,406 $112,872 $54.27	$9,876 $118,512 $56.98	$10,370 $124,440 $59.83	$10,888 $130,656 $62.82	$11,432 $137,184 $65.95	$12,004 $144,048 $69.25	$12,604 $151,248 $72.72	Monthly Annual Hourly
0234	Emergency Services Training Specialist	CMC	860	$5,814 $69,768 $33.54	$6,105 $73,260 $35.22	$6,410 $76,920 $36.98	$6,731 $80,772 $38.83	$7,068 $84,816 $40.78	$7,421 $89,052 $42.81	$7,792 $93,504 $44.95	Monthly Annual Hourly
0101	Engineering Technician I	CMC	591	$5,120 $61,440 $29.54	$5,376 $64,512 $31.02	$5,645 $67,740 $32.57	$5,927 $71,124 $34.19	$6,223 $74,676 $35.90	$6,534 $78,408 $37.70	$6,861 $82,332 $39.58	Monthly Annual Hourly
0102	Engineering Technician II	CMC	853	$5,714 $68,568 $32.97	$6,000 $72,000 $34.62	$6,300 $75,600 $36.35	$6,615 $79,380 $38.16	$6,946 $83,352 $40.07	$7,293 $87,516 $42.08	$7,658 $91,896 $44.18	Monthly Annual Hourly
0116	Engineering Technician III	CMC	632	$6,281 $75,372 $36.24	$6,595 $79,140 $38.05	$6,925 $83,100 $39.95	$7,271 $87,252 $41.95	$7,635 $91,620 $44.05	$8,017 $96,204 $46.25	$8,418 $101,016 $48.57	Monthly Annual Hourly
0440	Equipment Mechanic I	CMC	570	$4,311 $51,732 $24.87	$4,527 $54,324 $26.12	$4,753 $57,036 $27.42	$4,991 $59,892 $28.79	$5,241 $62,892 $30.24	$5,503 $66,036 $31.75	$5,778 $69,336 $33.33	Monthly Annual Hourly

0441	Equipment Mechanic II	CMC	851	$5,160	$5,418	$5,689	$5,973	$6,272	$6,586	$6,915	Monthly
				$61,920	$65,016	$68,268	$71,676	$75,264	$79,032	$82,980	Annual
				$29.77	$31.26	$32.82	$34.46	$36.18	$38.00	$39.89	Hourly
0445	Equipment Mechanic III	CMC	856	$5,560	$5,838	$6,130	$6,436	$6,758	$7,096	$7,451	Monthly
				$66,720	$70,056	$73,560	$77,232	$81,096	$85,152	$89,412	Annual
				$32.08	$33.68	$35.37	$37.13	$38.99	$40.94	$42.99	Hourly
0014	Executive Assistant	CMC	609	$5,752	$6,040	$6,342	$6,659	$6,992	$7,342	$7,709	Monthly
				$69,024	$72,480	$76,104	$79,908	$83,904	$88,104	$92,508	Annual
				$33.18	$34.85	$36.59	$38.42	$40.34	$42.36	$44.48	Hourly
0407	Facilities Maintenance	CMC	589	$5,013	$5,264	$5,527	$5,803	$6,093	$6,398	$6,718	Monthly
	Technician			$60,156	$63,168	$66,324	$69,636	$73,116	$76,776	$80,616	Annual
				$28.92	$30.37	$31.89	$33.48	$35.15	$36.91	$38.76	Hourly
0304	Fairview Park Administrator	CMC	887	$8,613	$9,044	$9,496	$9,971	$10,470	$10,994	$11,544	Monthly
				$103,356	$108,528	$113,952	$119,652	$125,640	$131,928	$138,528	Annual
				$49.69	$52.18	$54.78	$57.53	$60.40	$63.43	$66.60	Hourly
0057	Financial Analyst	CMC	899	$7,630	$8,012	$8,413	$8,834	$9,276	$9,740	$10,227	Monthly
				$91,560	$96,144	$100,956	$106,008	$111,312	$116,880	$122,724	Annual
				$44.02	$46.22	$48.54	$50.97	$53.52	$56.19	$59.00	Hourly
0218	Fire Protection Analyst	CMC	876	$7,241	$7,603	$7,983	$8,382	$8,801	$9,241	$9,703	Monthly
				$86,892	$91,236	$95,796	$100,584	$105,612	$110,892	$116,436	Annual
				$41.78	$43.86	$46.06	$48.36	$50.78	$53.31	$55.98	Hourly
0215	Fire Protection Specialist	CMC	861	$6,840	$7,182	$7,541	$7,918	$8,314	$8,730	$9,166	Monthly
				$82,080	$86,184	$90,492	$95,016	$99,768	$104,760	$109,992	Annual
				$39.46	$41.43	$43.51	$45.68	$47.97	$50.37	$52.88	Hourly
0065	Grant Administrator	CMC	877	$7,520	$7,896	$8,291	$8,706	$9,141	$9,598	$10,078	Monthly
				$90,240	$94,752	$99,492	$104,472	$109,692	$115,176	$120,936	Annual
				$43.38	$45.55	$47.83	$50.23	$52.74	$55.37	$58.14	Hourly
0029	Graphics Designer	CMC	610	$5,157	$5,415	$5,686	$5,970	$6,268	$6,581	$6,910	Monthly
				$61,884	$64,980	$68,232	$71,640	$75,216	$78,972	$82,920	Annual
				$29.75	$31.24	$32.80	$34.44	$36.16	$37.97	$39.87	Hourly

0446	Lead Equipment Mechanic	CMC	869	$6,269	$6,582	$6,911	$7,257	$7,620	$8,001	$8,401	Monthly
				$75,228	$78,984	$82,932	$87,084	$91,440	$96,012	$100,812	Annual
				$36.17	$37.97	$39.87	$41.87	$43.96	$46.16	$48.47	Hourly
0409	Lead Facilities	CMC	863	$5,890	$6,184	$6,493	$6,818	$7,159	$7,517	$7,893	Monthly
	Maintenance Technician			$70,680	$74,208	$77,916	$81,816	$85,908	$90,204	$94,716	Annual
				$33.98	$35.68	$37.46	$39.33	$41.30	$43.37	$45.54	Hourly
0405	Lead Maintenance Worker	CMC	864	$5,890	$6,184	$6,493	$6,818	$7,159	$7,517	$7,893	Monthly
				$70,680	$74,208	$77,916	$81,816	$85,908	$90,204	$94,716	Annual
				$33.98	$35.68	$37.46	$39.33	$41.30	$43.37	$45.54	Hourly
0402	Maintenance Assistant	CMC	550	$4,031	$4,233	$4,445	$4,667	$4,900	$5,145	$5,402	Monthly
				$48,372	$50,796	$53,340	$56,004	$58,800	$61,740	$64,824	Annual
				$23.26	$24.42	$25.64	$26.93	$28.27	$29.68	$31.17	Hourly
0412	Maintenance	CMC	881	$7,990	$8,389	$8,808	$9,248	$9,710	$10,195	$10,705	Monthly
	Superintendent			$95,880	$100,668	$105,696	$110,976	$116,520	$122,340	$128,460	Annual
				$46.10	$48.40	$50.82	$53.35	$56.02	$58.82	$61.76	Hourly
0406	Maintenance Supervisor	CMC	670	$6,911	$7,257	$7,620	$8,001	$8,401	$8,821	$9,262	Monthly
				$82,932	$87,084	$91,440	$96,012	$100,812	$105,852	$111,144	Annual
				$39.87	$41.87	$43.96	$46.16	$48.47	$50.89	$53.43	Hourly
0403	Maintenance Worker	CMC	846	$4,454	$4,677	$4,911	$5,157	$5,415	$5,686	$5,970	Monthly
				$53,448	$56,124	$58,932	$61,884	$64,980	$68,232	$71,640	Annual
				$25.70	$26.98	$28.33	$29.75	$31.24	$32.80	$34.44	Hourly
0243	Management Aide	CMC	892	$5,917	$6,213	$6,524	$6,850	$7,192	$7,552	$7,930	Monthly
				$71,004	$74,556	$78,288	$82,200	$86,304	$90,624	$95,160	Annual
				$34.14	$35.84	$37.64	$39.52	$41.49	$43.57	$45.75	Hourly
0074	Management Analyst	CMC	872	$6,805	$7,145	$7,502	$7,877	$8,271	$8,685	$9,119	Monthly
				$81,660	$85,740	$90,024	$94,524	$99,252	$104,220	$109,428	Annual
				$39.26	$41.22	$43.28	$45.44	$47.72	$50.11	$52.61	Hourly
0001	Messenger	CMC	501	$4,038	$4,240	$4,452	$4,675	$4,909	$5,154	$5,412	Monthly
				$48,456	$50,880	$53,424	$56,100	$58,908	$61,848	$64,944	Annual
				$23.30	$24.46	$25.68	$26.97	$28.32	$29.73	$31.22	Hourly

0041	Network Systems	CMC	631	$8,390	$8,810	$9,251	$9,714	$10,200	$10,710	$11,246	Monthly
	Administrator			$100,680	$105,720	$111,012	$116,568	$122,400	$128,520	$134,952	Annual
				$48.40	$50.83	$53.37	$56.04	$58.85	$61.79	$64.88	Hourly
0006	Office Coordinator	CMC	848	$4,860	$5,103	$5,358	$5,626	$5,907	$6,202	$6,512	Monthly
				$58,320	$61,236	$64,296	$67,512	$70,884	$74,424	$78,144	Annual
				$28.04	$29.44	$30.91	$32.46	$34.08	$35.78	$37.57	Hourly
0003	Office Specialist	CMC	525	$3,527	$3,703	$3,888	$4,082	$4,286	$4,500	$4,725	Monthly
				$42,324	$44,436	$46,656	$48,984	$51,432	$54,000	$56,700	Annual
				$20.35	$21.36	$22.43	$23.55	$24.73	$25.96	$27.26	Hourly
0004	Office Specialist I	CMC	545	$3,895	$4,090	$4,295	$4,510	$4,736	$4,973	$5,222	Monthly
				$46,740	$49,080	$51,540	$54,120	$56,832	$59,676	$62,664	Annual
				$22.47	$23.60	$24.78	$26.02	$27.32	$28.69	$30.13	Hourly
0005	Office Specialist II	CMC	845	$4,200	$4,410	$4,630	$4,862	$5,105	$5,360	$5,628	Monthly
				$50,400	$52,920	$55,560	$58,344	$61,260	$64,320	$67,536	Annual
				$24.23	$25.44	$26.71	$28.05	$29.45	$30.92	$32.47	Hourly
0031	Offset Press Operator I	CMC	847	$4,507	$4,732	$4,969	$5,217	$5,478	$5,752	$6,040	Monthly
				$54,084	$56,784	$59,628	$62,604	$65,736	$69,024	$72,480	Annual
				$26.00	$27.30	$28.67	$30.10	$31.60	$33.18	$34.85	Hourly
0034	Offset Press Operator II	CMC	595	$4,783	$5,022	$5,273	$5,537	$5,814	$6,105	$6,410	Monthly
				$57,396	$60,264	$63,276	$66,444	$69,768	$73,260	$76,920	Annual
				$27.59	$28.97	$30.42	$31.94	$33.54	$35.22	$36.98	Hourly
0521	Park Ranger	CMC	725	$5,385	$5,654	$5,937	$6,234	$6,546	$6,873	$7,217	Monthly
				$64,620	$67,848	$71,244	$74,808	$78,552	$82,476	$86,604	Annual
				$31.07	$32.62	$34.25	$35.97	$37.77	$39.65	$41.64	Hourly
0028	Permit Processing	CMC	569	$4,392	$4,612	$4,843	$5,085	$5,339	$5,606	$5,886	Monthly
	Specialist			$52,704	$55,344	$58,116	$61,020	$64,068	$67,272	$70,632	Annual
				$25.34	$26.61	$27.94	$29.34	$30.80	$32.34	$33.96	Hourly
0039	Personal Computer/	CMC	849	$4,783	$5,022	$5,273	$5,537	$5,814	$6,105	$6,410	Monthly
	Network Assistant			$57,396	$60,264	$63,276	$66,444	$69,768	$73,260	$76,920	Annual
				$27.59	$28.97	$30.42	$31.94	$33.54	$35.22	$36.98	Hourly

0109	Plan Check Engineer	CMC	883	$9,473	$9,947	$10,444	$10,966	$11,514	$12,090	$12,694	Monthly
				$113,676	$119,364	$125,328	$131,592	$138,168	$145,080	$152,328	Annual
				$54.65	$57.39	$60.25	$63.27	$66.43	$69.75	$73.23	Hourly
0114	Plan Checker	CMC	886	$8,235	$8,647	$9,079	$9,533	$10,010	$10,511	$11,037	Monthly
				$98,820	$103,764	$108,948	$114,396	$120,120	$126,132	$132,444	Annual
				$47.51	$49.89	$52.38	$55.00	$57.75	$60.64	$63.68	Hourly
0095	Police Records Administrator	CMC	52	$9,406	$9,876	$10,370	$10,888	$11,432	$12,004	$12,604	Monthly
				$112,872	$118,512	$124,440	$130,656	$137,184	$144,048	$151,248	Annual
				$54.27	$56.98	$59.83	$62.82	$65.95	$69.25	$72.72	Hourly
0461	Police Records Bureau Supervisor	CMC	842	$8,750	$9,187	$9,646	$10,128	$10,634	$11,166	$11,724	Monthly
				$105,000	$110,244	$115,752	$121,536	$127,608	$133,992	$140,688	Annual
				$50.48	$53.00	$55.65	$58.43	$61.35	$64.42	$67.64	Hourly
0012	Police Records Shift Supervisor	CMC	594	$5,194	$5,454	$5,727	$6,013	$6,314	$6,630	$6,961	Monthly
				$62,328	$65,448	$68,724	$72,156	$75,768	$79,560	$83,532	Annual
				$29.97	$31.47	$33.04	$34.69	$36.43	$38.25	$40.16	Hourly
0010	Police Records Technician	CMC	546	$4,089	$4,293	$4,508	$4,733	$4,970	$5,219	$5,480	Monthly
				$49,068	$51,516	$54,096	$56,796	$59,640	$62,628	$65,760	Annual
				$23.59	$24.77	$26.01	$27.31	$28.67	$30.11	$31.62	Hourly
0460	Police Training Administrator	CMC	844	$9,406	$9,876	$10,370	$10,888	$11,432	$12,004	$12,604	Monthly
				$112,872	$118,512	$124,440	$130,656	$137,184	$144,048	$151,248	Annual
				$54.27	$56.98	$59.83	$62.82	$65.95	$69.25	$72.72	Hourly
0459	Police Training Assistant	CMC	862	$6,251	$6,564	$6,892	$7,237	$7,599	$7,979	$8,378	Monthly
				$75,012	$78,768	$82,704	$86,844	$91,188	$95,748	$100,536	Annual
				$36.06	$37.87	$39.76	$41.75	$43.84	$46.03	$48.33	Hourly
0106	Principal Civil Engineer	CMC	726	$11,547	$12,124	$12,730	$13,367	$14,035	$14,737	$15,474	Monthly
				$138,564	$145,488	$152,760	$160,404	$168,420	$176,844	$185,688	Annual
				$66.62	$69.95	$73.44	$77.12	$80.97	$85.02	$89.27	Hourly
0154	Principal Planner	CMC	704	$10,229	$10,740	$11,277	$11,841	$12,433	$13,055	$13,708	Monthly
				$122,748	$128,880	$135,324	$142,092	$149,196	$156,660	$164,496	Annual
				$59.01	$61.96	$65.06	$68.31	$71.73	$75.32	$79.08	Hourly

0043	Programmer Analyst I	CMC	870	$7,430	$7,801	$8,191	$8,601	$9,031	$9,483	$9,957	Monthly
				$89,160	$93,612	$98,292	$103,212	$108,372	$113,796	$119,484	Annual
				$42.87	$45.01	$47.26	$49.62	$52.10	$54.71	$57.44	Hourly
0044	Programmer Analyst II	CMC	692	$8,916	$9,362	$9,830	$10,322	$10,838	$11,380	$11,949	Monthly
				$106,992	$112,344	$117,960	$123,864	$130,056	$136,560	$143,388	Annual
				$51.44	$54.01	$56.71	$59.55	$62.53	$65.65	$68.94	Hourly
0463	Property/Evidence Specialist	CMC	623	$5,498	$5,773	$6,062	$6,365	$6,683	$7,017	$7,368	Monthly
				$65,976	$69,276	$72,744	$76,380	$80,196	$84,204	$88,416	Annual
				$31.72	$33.31	$34.97	$36.72	$38.56	$40.48	$42.51	Hourly
0462	Property/Evidence Supervisor	CMC	843	$8,750	$9,187	$9,646	$10,128	$10,634	$11,166	$11,724	Monthly
				$105,000	$110,244	$115,752	$121,536	$127,608	$133,992	$140,688	Annual
				$50.48	$53.00	$55.65	$58.43	$61.35	$64.42	$67.64	Hourly
0124	Public Right of Way Coordinator	CMC	731	$5,687	$5,971	$6,270	$6,584	$6,913	$7,259	$7,622	Monthly
				$68,244	$71,652	$75,240	$79,008	$82,956	$87,108	$91,464	Annual
				$32.81	$34.45	$36.17	$37.98	$39.88	$41.88	$43.97	Hourly
0053	Purchasing Supervisor	CMC	879	$8,226	$8,637	$9,069	$9,522	$9,998	$10,498	$11,023	Monthly
				$98,712	$103,644	$108,828	$114,264	$119,976	$125,976	$132,276	Annual
				$47.46	$49.83	$52.32	$54.93	$57.68	$60.57	$63.59	Hourly
0468	Range Master	CMC	855	$5,831	$6,123	$6,429	$6,750	$7,088	$7,442	$7,814	Monthly
				$69,972	$73,476	$77,148	$81,000	$85,056	$89,304	$93,768	Annual
				$33.64	$35.33	$37.09	$38.94	$40.89	$42.93	$45.08	Hourly
0290	Recreation Coordinator	CMC	583	$4,657	$4,890	$5,134	$5,391	$5,661	$5,944	$6,241	Monthly
				$55,884	$58,680	$61,608	$64,692	$67,932	$71,328	$74,892	Annual
				$26.87	$28.21	$29.62	$31.10	$32.66	$34.29	$36.01	Hourly
0508	Recreation Specialist	CMC	890	$3,575	$3,754	$3,942	$4,139	$4,346	$4,563	$4,791	Monthly
				$42,900	$45,048	$47,304	$49,668	$52,152	$54,756	$57,492	Annual
				$20.63	$21.66	$22.74	$23.88	$25.07	$26.33	$27.64	Hourly
0302	Recreation Supervisor	CMC	666	$7,049	$7,401	$7,771	$8,160	$8,568	$8,996	$9,446	Monthly
				$84,588	$88,812	$93,252	$97,920	$102,816	$107,952	$113,352	Annual
				$40.67	$42.70	$44.83	$47.08	$49.43	$51.90	$54.50	Hourly

0058	Revenue Supervisor	CMC	880	$8,226	$8,637	$9,069	$9,522	$9,998	$10,498	$11,023	Monthly
				$98,712	$103,644	$108,828	$114,264	$119,976	$125,976	$132,276	Annual
				$47.46	$49.83	$52.32	$54.93	$57.68	$60.57	$63.59	Hourly
0067	Senior Accountant	CMC	663	$7,749	$8,136	$8,543	$8,970	$9,419	$9,890	$10,385	Monthly
				$92,988	$97,632	$102,516	$107,640	$113,028	$118,680	$124,620	Annual
				$44.71	$46.94	$49.29	$51.75	$54.34	$57.06	$59.91	Hourly
0119	Senior Code Enforcement Officer	CMC	896	$6,112	$6,418	$6,739	$7,076	$7,430	$7,801	$8,191	Monthly
				$73,344	$77,016	$80,868	$84,912	$89,160	$93,612	$98,292	Annual
				$35.26	$37.03	$38.88	$40.82	$42.87	$45.01	$47.26	Hourly
0139	Senior Combination Inspector	CMC	874	$7,900	$8,295	$8,710	$9,146	$9,603	$10,083	$10,587	Monthly
				$94,800	$99,540	$104,520	$109,752	$115,236	$120,996	$127,044	Annual
				$45.58	$47.86	$50.25	$52.77	$55.40	$58.17	$61.08	Hourly
0238	Senior Communications Officer	CMC	630	$6,490	$6,815	$7,156	$7,514	$7,890	$8,285	$8,699	Monthly
				$77,880	$81,780	$85,872	$90,168	$94,680	$99,420	$104,388	Annual
				$37.44	$39.32	$41.28	$43.35	$45.52	$47.80	$50.19	Hourly
0233	Senior Communications Supervisor	CMC	667	$8,750	$9,187	$9,646	$10,128	$10,634	$11,166	$11,724	Monthly
				$105,000	$110,244	$115,752	$121,536	$127,608	$133,992	$140,688	Annual
				$50.48	$53.00	$55.65	$58.43	$61.35	$64.42	$67.64	Hourly
0136	Senior Electrical Inspector	CMC	873	$6,841	$7,183	$7,542	$7,919	$8,315	$8,731	$9,168	Monthly
				$82,092	$86,196	$90,504	$95,028	$99,780	$104,772	$110,016	Annual
				$39.47	$41.44	$43.51	$45.69	$47.97	$50.37	$52.89	Hourly
0105	Senior Engineer	CMC	884	$10,041	$10,543	$11,070	$11,623	$12,204	$12,814	$13,455	Monthly
				$120,492	$126,516	$132,840	$139,476	$146,448	$153,768	$161,460	Annual
				$57.93	$60.83	$63.87	$67.06	$70.41	$73.93	$77.63	Hourly
0432	Senior Lead Maintenance Worker	CMC	871	$6,414	$6,735	$7,072	$7,426	$7,797	$8,187	$8,596	Monthly
				$76,968	$80,820	$84,864	$89,112	$93,564	$98,244	$103,152	Annual
				$37.00	$38.86	$40.80	$42.84	$44.98	$47.23	$49.59	Hourly
0433	Senior Maintenance Technician	CMC	597	$5,096	$5,351	$5,619	$5,900	$6,195	$6,505	$6,830	Monthly
				$61,152	$64,212	$67,428	$70,800	$74,340	$78,060	$81,960	Annual
				$29.40	$30.87	$32.42	$34.04	$35.74	$37.53	$39.40	Hourly

0404	Senior Maintenance Worker	CMC	587	$4,848	$5,090	$5,345	$5,612	$5,893	$6,188	$6,497	Monthly
				$58,176	$61,080	$64,140	$67,344	$70,716	$74,256	$77,964	Annual
				$27.97	$29.37	$30.84	$32.38	$34.00	$35.70	$37.48	Hourly
0244	Senior Management Analyst	CMC	895	$7,144	$7,501	$7,876	$8,270	$8,684	$9,118	$9,574	Monthly
				$85,728	$90,012	$94,512	$99,240	$104,208	$109,416	$114,888	Annual
				$41.22	$43.28	$45.44	$47.71	$50.10	$52.60	$55.23	Hourly
0153	Senior Planner	CMC	878	$8,894	$9,339	$9,806	$10,296	$10,811	$11,352	$11,920	Monthly
				$106,728	$112,068	$117,672	$123,552	$129,732	$136,224	$143,040	Annual
				$51.31	$53.88	$56.57	$59.40	$62.37	$65.49	$68.77	Hourly
0011	Senior Police Records Technician	CMC	561	$4,405	$4,625	$4,856	$5,099	$5,354	$5,622	$5,903	Monthly
				$52,860	$55,500	$58,272	$61,188	$64,248	$67,464	$70,836	Annual
				$25.41	$26.68	$28.02	$29.42	$30.89	$32.43	$34.06	Hourly
0048	Senior Programmer Analyst	CMC	710	$9,764	$10,252	$10,765	$11,303	$11,868	$12,461	$13,084	Monthly
				$117,168	$123,024	$129,180	$135,636	$142,416	$149,532	$157,008	Annual
				$56.33	$59.15	$62.11	$65.21	$68.47	$71.89	$75.48	Hourly
0050	Storekeeper	CMC	588	$4,836	$5,078	$5,332	$5,599	$5,879	$6,173	$6,482	Monthly
				$58,032	$60,936	$63,984	$67,188	$70,548	$74,076	$77,784	Annual
				$27.90	$29.30	$30.76	$32.30	$33.92	$35.61	$37.40	Hourly
0089	Tax Auditing Specialist	CMC	865	$6,250	$6,562	$6,890	$7,234	$7,596	$7,976	$8,375	Monthly
				$75,000	$78,744	$82,680	$86,808	$91,152	$95,712	$100,500	Annual
				$36.06	$37.86	$39.75	$41.73	$43.82	$46.02	$48.32	Hourly
0064	Treasury Specialist	CMC	639	$6,250	$6,562	$6,890	$7,234	$7,596	$7,976	$8,375	Monthly
				$75,000	$78,744	$82,680	$86,808	$91,152	$95,712	$100,500	Annual
				$36.06	$37.86	$39.75	$41.73	$43.82	$46.02	$48.32	Hourly
0240	Video Production Coordinator	CMC	657	$7,305	$7,670	$8,053	$8,456	$8,879	$9,323	$9,789	Monthly
				$87,660	$92,040	$96,636	$101,472	$106,548	$111,876	$117,468	Annual
				$42.14	$44.25	$46.46	$48.78	$51.23	$53.79	$56.48	Hourly
0241	Video Production Specialist	CMC	885	$5,285	$5,549	$5,826	$6,117	$6,423	$6,744	$7,081	Monthly
				$63,420	$66,588	$69,912	$73,404	$77,076	$80,928	$84,972	Annual
				$30.49	$32.01	$33.61	$35.29	$37.06	$38.91	$40.85	Hourly

0038	Website Coordinator	CMC	849	$4,783	$5,022	$5,273	$5,537	$5,814	$6,105	$6,410	Monthly
				$57,396	$60,264	$63,276	$66,444	$69,768	$73,260	$76,920	Annual
				$27.59	$28.97	$30.42	$31.94	$33.54	$35.22	$36.98	Hourly
0156	Zoning Administrator	CMC	727	$9,378	$9,847	$10,339	$10,856	$11,399	$11,969	$12,567	Monthly
				$112,536	$118,164	$124,068	$130,272	$136,788	$143,628	$150,804	Annual
				$54.10	$56.81	$59.65	$62.63	$65.76	$69.05	$72.50	Hourly

SECTION 2. The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association. There will be no Employer Paid Member Contribution (EPMC).

SECTION 3. All parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR CLASSIFICATIONS IN THE CONFIDENTIAL UNIT

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on June 7, 2022 the City Council adopted Resolution No. 2022-41, revising the pay ranges for job classifications in the Confidential Unit, effective June 19, 2022; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-41 to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. Employer-Employee Organization Relations Resolution No. 95-63, as authorized under the California Government Code (Section 3500, et seq.), defines "Employee, Confidential" as any employee whose normal duties would give the employee access to decisions or the decision-making processes of the City concerning any matters relating to employer-employee relations; and said Resolution sets forth the "Policy and Standards for Determination of Appropriate Units", including the provision that confidential responsibilities are determining factors in establishing appropriate units. Accordingly, specific positions have been determined by the City Manager (Employee Relations Officer) as having access to or preparing confidential materials and/or information and/or recommendations on behalf of the City in matters relating to employer-employee relations and are included in this Confidential Employees Unit.

SECTION 2. The following positions of the Office of the City Manager, Finance Department and Information Technology Department, placed under the Confidential Unit Salary Schedule, are hereby revised to reflect the salary ranges and monthly rates of pay specified, effective the pay period that includes pay date of January 6, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
0171	Accountant	CON	620	$6,740	$7,077	$7,431	$7,803	$8,193	$8,603	$9,033	Monthly
	(Confidential)			$80,880	$84,924	$89,172	$93,636	$98,316	$103,236	$108,396	Annual
				$38.88	$40.83	$42.87	$45.02	$47.27	$49.63	$52.11	Hourly
0026	Administrative Assistant	CON	593	$5,002	$5,252	$5,515	$5,791	$6,081	$6,385	$6,704	Monthly
	(Confidential)			$60,024	$63,024	$66,180	$69,492	$72,972	$76,620	$80,448	Annual
				$28.86	$30.30	$31.82	$33.41	$35.08	$36.84	$38.68	Hourly

0018	Benefits Coordinator	CON	592	$4,892	$5,137	$5,394	$5,664	$5,947	$6,244	$6,556	Monthly
				$58,704	$61,644	$64,728	$67,968	$71,364	$74,928	$78,672	Annual
				$28.22	$29.64	$31.12	$32.68	$34.31	$36.02	$37.82	Hourly
0063	Budget Analyst	CON	679	$7,193	$7,553	$7,931	$8,328	$8,744	$9,181	$9,640	Monthly
				$86,316	$90,636	$95,172	$99,936	$104,928	$110,172	$115,680	Annual
				$41.50	$43.58	$45.76	$48.05	$50.45	$52.97	$55.62	Hourly
0809	Budget Specialist	CON	891	$5,979	$6,278	$6,592	$6,922	$7,268	$7,631	$8,013	Monthly
				$71,748	$75,336	$79,104	$83,064	$87,216	$91,572	$96,156	Annual
				$34.49	$36.22	$38.03	$39.93	$41.93	$44.03	$46.23	Hourly
0040	Computer Operations/ Networking Supervisor	CON	689	$8,439	$8,861	$9,304	$9,769	$10,257	$10,770	$11,309	Monthly
				$101,268	$106,332	$111,648	$117,228	$123,084	$129,240	$135,708	Annual
				$48.69	$51.12	$53.68	$56.36	$59.18	$62.13	$65.24	Hourly
0021	Deputy City Clerk	CON	656	$5,717	$6,003	$6,303	$6,618	$6,949	$7,296	$7,661	Monthly
				$68,604	$72,036	$75,636	$79,416	$83,388	$87,552	$91,932	Annual
				$32.98	$34.63	$36.36	$38.18	$40.09	$42.09	$44.20	Hourly
0016	Executive Assistant to the City Manager	CON	648	$6,714	$7,050	$7,402	$7,772	$8,161	$8,569	$8,997	Monthly
				$80,568	$84,600	$88,824	$93,264	$97,932	$102,828	$107,964	Annual
				$38.73	$40.67	$42.70	$44.84	$47.08	$49.44	$51.91	Hourly
0019	Executive Assistant *(Confidential)*	CON	609	$5,504	$5,779	$6,068	$6,371	$6,690	$7,025	$7,376	Monthly
				$66,048	$69,348	$72,816	$76,452	$80,280	$84,300	$88,512	Annual
				$31.75	$33.34	$35.01	$36.76	$38.60	$40.53	$42.55	Hourly
0007	Human Resources Offices Specialist II	CON	560	$4,019	$4,220	$4,431	$4,653	$4,886	$5,130	$5,386	Monthly
				$48,228	$50,640	$53,172	$55,836	$58,632	$61,560	$64,632	Annual
				$23.19	$24.35	$25.56	$26.84	$28.19	$29.60	$31.07	Hourly
0087	Human Resources Administrator	CON	697	$8,257	$8,670	$9,104	$9,559	$10,037	$10,539	$11,066	Monthly
				$99,084	$104,040	$109,248	$114,708	$120,444	$126,468	$132,792	Annual
				$47.64	$50.02	$52.52	$55.15	$57.91	$60.80	$63.84	Hourly
0079	Human Resources Analyst	CON	659	$6,830	$7,171	$7,530	$7,906	$8,301	$8,716	$9,152	Monthly
				$81,960	$86,052	$90,360	$94,872	$99,612	$104,592	$109,824	Annual
				$39.40	$41.37	$43.44	$45.61	$47.89	$50.28	$52.80	Hourly
0017	Human Resources Assistant	CON	590	$5,002	$5,252	$5,515	$5,791	$6,081	$6,385	$6,704	Monthly
				$60,024	$63,024	$66,180	$69,492	$72,972	$76,620	$80,448	Annual
				$28.86	$30.30	$31.82	$33.41	$35.08	$36.84	$38.68	Hourly

0072	Human Resources Technician	CON	627	$5,824 $69,888 $33.60	$6,115 $73,380 $35.28	$6,421 $77,052 $37.04	$6,742 $80,904 $38.90	$7,079 $84,948 $40.84	$7,433 $89,196 $42.88	$7,805 $93,660 $45.03	Monthly Annual Hourly
0245	Management Aide *(Confidential)*	CON	892	$5,661 $67,932 $32.66	$5,944 $71,328 $34.29	$6,241 $74,892 $36.01	$6,553 $78,636 $37.81	$6,881 $82,572 $39.70	$7,225 $86,700 $41.68	$7,586 $91,032 $43.77	Monthly Annual Hourly
0084	Management Analyst *(Confidential)*	CON	872	$6,510 $78,120 $37.56	$6,835 $82,020 $39.43	$7,177 $86,124 $41.41	$7,536 $90,432 $43.48	$7,913 $94,956 $45.65	$8,309 $99,708 $47.94	$8,724 $104,688 $50.33	Monthly Annual Hourly
0008	Office Specialist II *(Confidential)*	CON	561	$4,019 $48,228 $23.19	$4,220 $50,640 $24.35	$4,431 $53,172 $25.56	$4,653 $55,836 $26.84	$4,886 $58,632 $28.19	$5,130 $61,560 $29.60	$5,386 $64,632 $31.07	Monthly Annual Hourly
0055	Payroll Coordinator	CON	621	$5,977 $71,724 $34.48	$6,276 $75,312 $36.21	$6,590 $79,080 $38.02	$6,920 $83,040 $39.92	$7,266 $87,192 $41.92	$7,629 $91,548 $44.01	$8,010 $96,120 $46.21	Monthly Annual Hourly
0056	Payroll Supervisor	CON	896	$7,870 $94,440 $45.40	$8,263 $99,156 $47.67	$8,676 $104,112 $50.05	$9,110 $109,320 $52.56	$9,566 $114,792 $55.19	$10,044 $120,528 $57.95	$10,546 $126,552 $60.84	Monthly Annual Hourly
0078	Principal Human Resources Analyst	CON	669	$7,182 $86,184 $41.43	$7,541 $90,492 $43.51	$7,918 $95,016 $45.68	$8,314 $99,768 $47.97	$8,730 $104,760 $50.37	$9,166 $109,992 $52.88	$9,624 $115,488 $55.52	Monthly Annual Hourly
0170	Senior Accountant *(Confidential)*	CON	622	$7,414 $88,968 $42.77	$7,785 $93,420 $44.91	$8,174 $98,088 $47.16	$8,583 $102,996 $49.52	$9,012 $108,144 $51.99	$9,463 $113,556 $54.59	$9,936 $119,232 $57.32	Monthly Annual Hourly
0054	Senior Budget Analyst *(Confidential)*	CON	680	$7,913 $94,956 $45.65	$8,309 $99,708 $47.94	$8,724 $104,688 $50.33	$9,160 $109,920 $52.85	$9,618 $115,416 $55.49	$10,099 $121,188 $58.26	$10,604 $127,248 $61.18	Monthly Annual Hourly
0246	Senior Management Analyst *(Confidential)*	CON	895	$6,835 $82,020 $39.43	$7,177 $86,124 $41.41	$7,536 $90,432 $43.48	$7,913 $94,956 $45.65	$8,309 $99,708 $47.94	$8,724 $104,688 $50.33	$9,160 $109,920 $52.85	Monthly Annual Hourly
0052	Senior Programmer Analyst *(Confidential)*	CON	710	$9,340 $112,080 $53.88	$9,807 $117,684 $56.58	$10,297 $123,564 $59.41	$10,812 $129,744 $62.38	$11,353 $136,236 $65.50	$11,921 $143,052 $68.78	$12,517 $150,204 $72.21	Monthly Annual Hourly

0046	Systems & Programming	CON	730	$10,322	$10,838	$11,380	$11,949	$12,546	$13,173	$13,832	Monthly
	Supervisor			$123,864	$130,056	$136,560	$143,388	$150,552	$158,076	$165,984	Annual
				$59.55	$62.53	$65.65	$68.94	$72.38	$76.00	$79.80	Hourly

SECTION 3: Except as provided herein, all compensation, hours and other terms and conditions of employment presently enjoyed by Confidential employees shall remain in full force and effect unless changed subsequent to meetings between the City and representatives of the "Confidential" employees.

SECTION 4: The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association.

A. Classic Members - Employees Subject to the 2.5% @ 55 formula:

These employees will pay the full CalPERS member contribution equal to eight percent (8%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

Classic member employees subject to the 2.5%@55 formula pay 2.469% of compensation earnable pursuant to Government Code section 20516(a) and 1.531% of compensation earnable pursuant to Government Code section 20516(f).

B. Classic Members - Employees Subject to the 2%@60 formula:

These employees will pay the full CalPERS member contribution equal to seven percent (7%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

Classic member employees subject to the 2%@60 formula pay five percent (5%) of compensation earnable pursuant to Government Code section 20516(f).

C. New Members - Employees Subject to the 2%@62 formula:

These employees are responsible for paying the employee contribution of one-half of the total normal cost of the plan (rounded to the nearest quarter of one-percent), as defined by CalPERS in their annual valuation, through a payroll deduction. This amount is determined by CalPERS each year.

New member employees will cost share (pursuant to Government Code section 20516(f)), a percentage of pensionable compensation that when combined with the payment of their employee/member contribution will equal twelve percent (12%) of pensionable compensation.

SECTION 5: Amendments made pertaining to the fringe benefits, City Rules and Regulations and other employment conditions for employees represented by the Costa Mesa City Employees Association shall also apply to "Confidential" unrepresented employees unless specifically excluded. Any positions that may qualify to be part of this unrepresented unit shall be added as part of the process of adoption of salary schedules after consultation with the bargaining unit and employees.

SECTION 6. All resolutions and parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 15th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR CLASSIFICATIONS IN THE CONFIDENTIAL UNIT

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on November 15, 2022 the City Council adopted Resolution No. 2022-XX, revising the pay ranges for job classifications in the Confidential Unit, effective the pay period that includes pay date of January 6, 2023; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-XX to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. Employer-Employee Organization Relations Resolution No. 95-63, as authorized under the California Government Code (Section 3500, et seq.), defines "Employee, Confidential" as any employee whose normal duties would give the employee access to decisions or the decision-making processes of the City concerning any matters relating to employer-employee relations; and said Resolution sets forth the "Policy and Standards for Determination of Appropriate Units", including the provision that confidential responsibilities are determining factors in establishing appropriate units. Accordingly, specific positions have been determined by the City Manager (Employee Relations Officer) as having access to or preparing confidential materials and/or information and/or recommendations on behalf of the City in matters relating to employer-employee relations and are included in this Confidential Employees Unit.

SECTION 2. The following positions of the Office of the City Manager, Finance Department and Information Technology Department, placed under the Confidential Unit Salary Schedule, are hereby revised to reflect the salary ranges and monthly rates of pay specified, effective the pay period that includes July 1, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
0171	Accountant	CON	620	$6,943	$7,290	$7,654	$8,037	$8,439	$8,861	$9,304	Monthly
	(Confidential)			$83,316	$87,480	$91,848	$96,444	$101,268	$106,332	$111,648	Annual
				$40.06	$42.06	$44.16	$46.37	$48.69	$51.12	$53.68	Hourly
0026	Administrative Assistant	CON	593	$5,152	$5,410	$5,681	$5,965	$6,263	$6,576	$6,905	Monthly
	(Confidential)			$61,824	$64,920	$68,172	$71,580	$75,156	$78,912	$82,860	Annual
				$29.72	$31.21	$32.78	$34.41	$36.13	$37.94	$39.84	Hourly

0018	Benefits Coordinator	CON	592	$5,038	$5,290	$5,555	$5,833	$6,125	$6,431	$6,753	Monthly
				$60,456	$63,480	$66,660	$69,996	$73,500	$77,172	$81,036	Annual
				$29.07	$30.52	$32.05	$33.65	$35.34	$37.10	$38.96	Hourly
0063	Budget Analyst	CON	679	$7,410	$7,780	$8,169	$8,577	$9,006	$9,456	$9,929	Monthly
				$88,920	$93,360	$98,028	$102,924	$108,072	$113,472	$119,148	Annual
				$42.75	$44.88	$47.13	$49.48	$51.96	$54.55	$57.28	Hourly
0809	Budget Specialist	CON	891	$6,159	$6,467	$6,790	$7,130	$7,486	$7,860	$8,253	Monthly
				$73,908	$77,604	$81,480	$85,560	$89,832	$94,320	$99,036	Annual
				$35.53	$37.31	$39.17	$41.13	$43.19	$45.35	$47.61	Hourly
0040	Computer Operations/ Networking Supervisor	CON	689	$8,692	$9,127	$9,583	$10,062	$10,565	$11,093	$11,648	Monthly
				$104,304	$109,524	$114,996	$120,744	$126,780	$133,116	$139,776	Annual
				$50.15	$52.66	$55.29	$58.05	$60.95	$64.00	$67.20	Hourly
0021	Deputy City Clerk	CON	656	$5,888	$6,182	$6,491	$6,816	$7,157	$7,515	$7,891	Monthly
				$70,656	$74,184	$77,892	$81,792	$85,884	$90,180	$94,692	Annual
				$33.97	$35.67	$37.45	$39.32	$41.29	$43.36	$45.53	Hourly
0016	Executive Assistant to the City Manager	CON	648	$6,916	$7,262	$7,625	$8,006	$8,406	$8,826	$9,267	Monthly
				$82,992	$87,144	$91,500	$96,072	$100,872	$105,912	$111,204	Annual
				$39.90	$41.90	$43.99	$46.19	$48.50	$50.92	$53.46	Hourly
0019	Executive Assistant *(Confidential)*	CON	609	$5,669	$5,952	$6,250	$6,562	$6,890	$7,235	$7,597	Monthly
				$68,028	$71,424	$75,000	$78,744	$82,680	$86,820	$91,164	Annual
				$32.71	$34.34	$36.06	$37.86	$39.75	$41.74	$43.83	Hourly
0007	Human Resources Offices Specialist II	CON	560	$4,140	$4,347	$4,564	$4,792	$5,032	$5,284	$5,548	Monthly
				$49,680	$52,164	$54,768	$57,504	$60,384	$63,408	$66,576	Annual
				$23.88	$25.08	$26.33	$27.65	$29.03	$30.48	$32.01	Hourly
0087	Human Resources Administrator	CON	697	$8,505	$8,930	$9,377	$9,846	$10,338	$10,855	$11,398	Monthly
				$102,060	$107,160	$112,524	$118,152	$124,056	$130,260	$136,776	Annual
				$49.07	$51.52	$54.10	$56.80	$59.64	$62.63	$65.76	Hourly
0079	Human Resources Analyst	CON	659	$7,034	$7,386	$7,755	$8,143	$8,550	$8,978	$9,427	Monthly
				$84,408	$88,632	$93,060	$97,716	$102,600	$107,736	$113,124	Annual
				$40.58	$42.61	$44.74	$46.98	$49.33	$51.80	$54.39	Hourly
0017	Human Resources Assistant	CON	590	$5,152	$5,410	$5,681	$5,965	$6,263	$6,576	$6,905	Monthly
				$61,824	$64,920	$68,172	$71,580	$75,156	$78,912	$82,860	Annual
				$29.72	$31.21	$32.78	$34.41	$36.13	$37.94	$39.84	Hourly

0072	Human Resources Technician	CON	627	$5,998 $71,976 $34.60	$6,298 $75,576 $36.33	$6,613 $79,356 $38.15	$6,944 $83,328 $40.06	$7,291 $87,492 $42.06	$7,656 $91,872 $44.17	$8,039 $96,468 $46.38	Monthly Annual Hourly
0245	Management Aide *(Confidential)*	CON	892	$5,831 $69,972 $33.64	$6,123 $73,476 $35.33	$6,429 $77,148 $37.09	$6,750 $81,000 $38.94	$7,088 $85,056 $40.89	$7,442 $89,304 $42.93	$7,814 $93,768 $45.08	Monthly Annual Hourly
0084	Management Analyst *(Confidential)*	CON	872	$6,705 $80,460 $38.68	$7,040 $84,480 $40.62	$7,392 $88,704 $42.65	$7,762 $93,144 $44.78	$8,150 $97,800 $47.02	$8,558 $102,696 $49.37	$8,986 $107,832 $51.84	Monthly Annual Hourly
0008	Office Specialist II *(Confidential)*	CON	561	$4,140 $49,680 $23.88	$4,347 $52,164 $25.08	$4,564 $54,768 $26.33	$4,792 $57,504 $27.65	$5,032 $60,384 $29.03	$5,284 $63,408 $30.48	$5,548 $66,576 $32.01	Monthly Annual Hourly
0055	Payroll Coordinator	CON	621	$6,157 $73,884 $35.52	$6,465 $77,580 $37.30	$6,788 $81,456 $39.16	$7,127 $85,524 $41.12	$7,483 $89,796 $43.17	$7,857 $94,284 $45.33	$8,250 $99,000 $47.60	Monthly Annual Hourly
0056	Payroll Supervisor	CON	896	$8,105 $97,260 $46.76	$8,510 $102,120 $49.10	$8,936 $107,232 $51.55	$9,383 $112,596 $54.13	$9,852 $118,224 $56.84	$10,345 $124,140 $59.68	$10,862 $130,344 $62.67	Monthly Annual Hourly
0078	Principal Human Resources Analyst	CON	669	$7,397 $88,764 $42.68	$7,767 $93,204 $44.81	$8,155 $97,860 $47.05	$8,563 $102,756 $49.40	$8,991 $107,892 $51.87	$9,441 $113,292 $54.47	$9,913 $118,956 $57.19	Monthly Annual Hourly
0170	Senior Accountant *(Confidential)*	CON	622	$7,637 $91,644 $44.06	$8,019 $96,228 $46.26	$8,420 $101,040 $48.58	$8,841 $106,092 $51.01	$9,283 $111,396 $53.56	$9,747 $116,964 $56.23	$10,234 $122,808 $59.04	Monthly Annual Hourly
0054	Senior Budget Analyst *(Confidential)*	CON	680	$8,150 $97,800 $47.02	$8,558 $102,696 $49.37	$8,986 $107,832 $51.84	$9,435 $113,220 $54.43	$9,907 $118,884 $57.16	$10,402 $124,824 $60.01	$10,922 $131,064 $63.01	Monthly Annual Hourly
0246	Senior Management Analyst *(Confidential)*	CON	895	$7,040 $84,480 $40.62	$7,392 $88,704 $42.65	$7,762 $93,144 $44.78	$8,150 $97,800 $47.02	$8,558 $102,696 $49.37	$8,986 $107,832 $51.84	$9,435 $113,220 $54.43	Monthly Annual Hourly
0052	Senior Programmer Analyst *(Confidential)*	CON	710	$9,621 $115,452 $55.51	$10,102 $121,224 $58.28	$10,607 $127,284 $61.19	$11,137 $133,644 $64.25	$11,694 $140,328 $67.47	$12,279 $147,348 $70.84	$12,893 $154,716 $74.38	Monthly Annual Hourly

0046	Systems & Programming	CON	730	$10,632	$11,164	$11,722	$12,308	$12,923	$13,569	$14,247	Monthly
	Supervisor			$127,584	$133,968	$140,664	$147,696	$155,076	$162,828	$170,964	Annual
				$61.34	$64.41	$67.63	$71.01	$74.56	$78.28	$82.19	Hourly

SECTION 3: Except as provided herein, all compensation, hours and other terms and conditions of employment presently enjoyed by Confidential employees shall remain in full force and effect unless changed subsequent to meetings between the City and representatives of the "Confidential" employees.

SECTION 4: The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association.

A. Classic Members - Employees Subject to the 2.5% @ 55 formula:

These employees will pay the full CalPERS member contribution equal to eight percent (8%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

Effective the pay period that includes July 1, 2023, classic member employees subject to the 2.5%@55 formula shall have their cost sharing per Government Code section 20516(a) reduced by 1.469% for a net contribution of one percent (1%) and cost sharing pursuant to 20516(f) will be reduced from 1.531% to 0%.

B. Classic Members - Employees Subject to the 2%@60 formula:

These employees will pay the full CalPERS member contribution equal to seven percent (7%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

Effective the pay period that includes July 1, 2023, cost sharing for employees subject to the 2%@60 formula will be reduced from five percent (5%) to two percent (2%) and will be pursuant to Government Code section 20516(a).

C. New Members - Employees Subject to the 2%@62 formula:

These employees are responsible for paying the employee contribution of one-half of the total normal cost of the plan (rounded to the nearest quarter of one-percent), as defined by CalPERS in their annual valuation, through a payroll deduction. This amount is determined by CalPERS each year.

Effective the pay period that includes July 1, 2023, new member employees will cost share (pursuant to Government Code section 20516(f), a percentage of pensionable compensation that when combined with the payment of their employee/member contribution will equal nine percent (9%) of pensionable compensation.

SECTION 5: Amendments made pertaining to the fringe benefits, City Rules and Regulations and other employment conditions for employees represented by the Costa Mesa City Employees Association shall also apply to "Confidential" unrepresented employees unless specifically excluded. Any positions that may qualify to be part of this unrepresented unit shall be added as part of the process of adoption of salary schedules after consultation with the bargaining unit and employees.

SECTION 6. All resolutions and parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 15th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR CLASSIFICATIONS IN THE CONFIDENTIAL UNIT

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on November 15, 2022 the City Council adopted Resolution No. 2022-XX, revising the pay ranges for job classifications in the Confidential Unit, effective the pay period that includes July 1, 2023; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-XX to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. Employer-Employee Organization Relations Resolution No. 95-63, as authorized under the California Government Code (Section 3500, et seq.), defines "Employee, Confidential" as any employee whose normal duties would give the employee access to decisions or the decision-making processes of the City concerning any matters relating to employer-employee relations; and said Resolution sets forth the "Policy and Standards for Determination of Appropriate Units", including the provision that confidential responsibilities are determining factors in establishing appropriate units. Accordingly, specific positions have been determined by the City Manager (Employee Relations Officer) as having access to or preparing confidential materials and/or information and/or recommendations on behalf of the City in matters relating to employer-employee relations and are included in this Confidential Employees Unit.

SECTION 2. The following positions of the Office of the City Manager, Finance Department and Information Technology Department, placed under the Confidential Unit Salary Schedule, are hereby revised to reflect the salary ranges and monthly rates of pay specified, effective the pay period that includes July 1, 2024. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
0171	Accountant	CON	620	$7,151	$7,509	$7,884	$8,278	$8,692	$9,127	$9,583	Monthly
	(Confidential)			$85,812	$90,108	$94,608	$99,336	$104,304	$109,524	$114,996	Annual
				$41.26	$43.32	$45.48	$47.76	$50.15	$52.66	$55.29	Hourly
0026	Administrative Assistant	CON	593	$5,306	$5,571	$5,850	$6,143	$6,450	$6,773	$7,112	Monthly
	(Confidential)			$63,672	$66,852	$70,200	$73,716	$77,400	$81,276	$85,344	Annual
				$30.61	$32.14	$33.75	$35.44	$37.21	$39.08	$41.03	Hourly
0018	Benefits Coordinator	CON	592	$5,191	$5,451	$5,724	$6,010	$6,310	$6,625	$6,956	Monthly

				$62,292	$65,412	$68,688	$72,120	$75,720	$79,500	$83,472	Annual
				$29.95	$31.45	$33.02	$34.67	$36.40	$38.22	$40.13	Hourly
0063	Budget Analyst	CON	679	$7,630	$8,012	$8,413	$8,834	$9,276	$9,740	$10,227	Monthly
				$91,560	$96,144	$100,956	$106,008	$111,312	$116,880	$122,724	Annual
				$44.02	$46.22	$48.54	$50.97	$53.52	$56.19	$59.00	Hourly
0809	Budget Specialist	CON	891	$6,343	$6,660	$6,993	$7,343	$7,710	$8,096	$8,501	Monthly
				$76,116	$79,920	$83,916	$88,116	$92,520	$97,152	$102,012	Annual
				$36.59	$38.42	$40.34	$42.36	$44.48	$46.71	$49.04	Hourly
0040	Computer Operations/ Networking Supervisor	CON	689	$8,952	$9,400	$9,870	$10,364	$10,882	$11,426	$11,997	Monthly
				$107,424	$112,800	$118,440	$124,368	$130,584	$137,112	$143,964	Annual
				$51.65	$54.23	$56.94	$59.79	$62.78	$65.92	$69.21	Hourly
0021	Deputy City Clerk	CON	656	$6,066	$6,369	$6,687	$7,021	$7,372	$7,741	$8,128	Monthly
				$72,792	$76,428	$80,244	$84,252	$88,464	$92,892	$97,536	Annual
				$35.00	$36.74	$38.58	$40.51	$42.53	$44.66	$46.89	Hourly
0016	Executive Assistant to the City Manager	CON	648	$7,122	$7,478	$7,852	$8,245	$8,657	$9,090	$9,545	Monthly
				$85,464	$89,736	$94,224	$98,940	$103,884	$109,080	$114,540	Annual
				$41.09	$43.14	$45.30	$47.57	$49.94	$52.44	$55.07	Hourly
0019	Executive Assistant *(Confidential)*	CON	609	$5,838	$6,130	$6,437	$6,759	$7,097	$7,452	$7,825	Monthly
				$70,056	$73,560	$77,244	$81,108	$85,164	$89,424	$93,900	Annual
				$33.68	$35.37	$37.14	$38.99	$40.94	$42.99	$45.14	Hourly
0007	Human Resources Offices Specialist II	CON	560	$4,264	$4,477	$4,701	$4,936	$5,183	$5,442	$5,714	Monthly
				$51,168	$53,724	$56,412	$59,232	$62,196	$65,304	$68,568	Annual
				$24.60	$25.83	$27.12	$28.48	$29.90	$31.40	$32.97	Hourly
0087	Human Resources Administrator	CON	697	$8,761	$9,199	$9,659	$10,142	$10,649	$11,181	$11,740	Monthly
				$105,132	$110,388	$115,908	$121,704	$127,788	$134,172	$140,880	Annual
				$50.54	$53.07	$55.73	$58.51	$61.44	$64.51	$67.73	Hourly
0079	Human Resources Analyst	CON	659	$7,248	$7,610	$7,990	$8,389	$8,808	$9,248	$9,710	Monthly
				$86,976	$91,320	$95,880	$100,668	$105,696	$110,976	$116,520	Annual
				$41.82	$43.90	$46.10	$48.40	$50.82	$53.35	$56.02	Hourly
0017	Human Resources Assistant	CON	590	$5,306	$5,571	$5,850	$6,143	$6,450	$6,773	$7,112	Monthly
				$63,672	$66,852	$70,200	$73,716	$77,400	$81,276	$85,344	Annual
				$30.61	$32.14	$33.75	$35.44	$37.21	$39.08	$41.03	Hourly
0072	Human Resources	CON	627	$6,178	$6,487	$6,811	$7,152	$7,510	$7,886	$8,280	Monthly

	Technician			$74,136	$77,844	$81,732	$85,824	$90,120	$94,632	$99,360	Annual
				$35.64	$37.43	$39.29	$41.26	$43.33	$45.50	$47.77	Hourly
0245	Management Aide	CON	892	$6,006	$6,306	$6,621	$6,952	$7,300	$7,665	$8,048	Monthly
	(Confidential)			$72,072	$75,672	$79,452	$83,424	$87,600	$91,980	$96,576	Annual
				$34.65	$36.38	$38.20	$40.11	$42.12	$44.22	$46.43	Hourly
0084	Management Analyst	CON	872	$6,906	$7,251	$7,614	$7,995	$8,395	$8,815	$9,256	Monthly
	(Confidential)			$82,872	$87,012	$91,368	$95,940	$100,740	$105,780	$111,072	Annual
				$39.84	$41.83	$43.93	$46.13	$48.43	$50.86	$53.40	Hourly
0008	Office Specialist II	CON	561	$4,264	$4,477	$4,701	$4,936	$5,183	$5,442	$5,714	Monthly
	(Confidential)			$51,168	$53,724	$56,412	$59,232	$62,196	$65,304	$68,568	Annual
				$24.60	$25.83	$27.12	$28.48	$29.90	$31.40	$32.97	Hourly
0055	Payroll Coordinator	CON	621	$6,341	$6,658	$6,991	$7,341	$7,708	$8,093	$8,498	Monthly
				$76,092	$79,896	$83,892	$88,092	$92,496	$97,116	$101,976	Annual
				$36.58	$38.41	$40.33	$42.35	$44.47	$46.69	$49.03	Hourly
0056	Payroll Supervisor	CON	896	$8,350	$8,767	$9,205	$9,665	$10,148	$10,655	$11,188	Monthly
				$100,200	$105,204	$110,460	$115,980	$121,776	$127,860	$134,256	Annual
				$48.17	$50.58	$53.11	$55.76	$58.55	$61.47	$64.55	Hourly
0078	Principal Human	CON	669	$7,619	$8,000	$8,400	$8,820	$9,261	$9,724	$10,210	Monthly
	Resources Analyst			$91,428	$96,000	$100,800	$105,840	$111,132	$116,688	$122,520	Annual
				$43.96	$46.15	$48.46	$50.88	$53.43	$56.10	$58.90	Hourly
0170	Senior Accountant	CON	622	$7,866	$8,259	$8,672	$9,106	$9,561	$10,039	$10,541	Monthly
	(Confidential)			$94,392	$99,108	$104,064	$109,272	$114,732	$120,468	$126,492	Annual
				$45.38	$47.65	$50.03	$52.53	$55.16	$57.92	$60.81	Hourly
0054	Senior Budget Analyst	CON	680	$8,394	$8,814	$9,255	$9,718	$10,204	$10,714	$11,250	Monthly
	(Confidential)			$100,728	$105,768	$111,060	$116,616	$122,448	$128,568	$135,000	Annual
				$48.43	$50.85	$53.39	$56.07	$58.87	$61.81	$64.90	Hourly
0246	Senior Management	CON	895	$7,250	$7,613	$7,994	$8,394	$8,814	$9,255	$9,718	Monthly
	Analyst *(Confidential)*			$87,000	$91,356	$95,928	$100,728	$105,768	$111,060	$116,616	Annual
				$41.83	$43.92	$46.12	$48.43	$50.85	$53.39	$56.07	Hourly
0052	Senior Programmer	CON	710	$9,910	$10,406	$10,926	$11,472	$12,046	$12,648	$13,280	Monthly
	Analyst *(Confidential)*			$118,920	$124,872	$131,112	$137,664	$144,552	$151,776	$159,360	Annual
				$57.17	$60.03	$63.03	$66.18	$69.50	$72.97	$76.62	Hourly
0046	Systems & Programming	CON	730	$10,950	$11,497	$12,072	$12,676	$13,310	$13,975	$14,674	Monthly

Supervisor	$131,400	$137,964	$144,864	$152,112	$159,720	$167,700	$176,088	Annual
	$63.17	$66.33	$69.65	$73.13	$76.79	$80.63	$84.66	Hourly

SECTION 3: Except as provided herein, all compensation, hours and other terms and conditions of employment presently enjoyed by Confidential employees shall remain in full force and effect unless changed subsequent to meetings between the City and representatives of the "Confidential" employees.

SECTION 4: The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association.

A. Classic Members - Employees Subject to the 2.5% @ 55 formula:

These employees will pay the full CalPERS member contribution equal to eight percent (8%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

Classic member employees subject to the 2.5%@55 formula pay 1% of compensation earnable pursuant to Government Code section 20516(a).

B. Classic Members - Employees Subject to the 2%@60 formula:

These employees will pay the full CalPERS member contribution equal to seven percent (7%) of compensation earnable towards their CalPERS member contribution. As a result, the City pays and reports zero percent (0%) of compensation earnable as an Employer Paid Member Contribution (EPMC) under Government Code section 20636(c)(4) pursuant to section 20691.

Classic member employees subject to the 2%@60 formula pay 2% of compensation earnable pursuant to Government Code section 20516(a).

C. New Members - Employees Subject to the 2%@62 formula:

These employees are responsible for paying the employee contribution of one-half of the total normal cost of the plan (rounded to the nearest quarter of one-percent), as defined by CalPERS in their annual valuation, through a payroll deduction. This amount is determined by CalPERS each year.

New member employees will cost share (pursuant to Government Code section 20516(f), a percentage of pensionable compensation that when combined with

the payment of their employee/member contribution will equal nine percent (9%) of pensionable compensation.

SECTION 5: Amendments made pertaining to the fringe benefits, City Rules and Regulations and other employment conditions for employees represented by the Costa Mesa City Employees Association shall also apply to "Confidential" unrepresented employees unless specifically excluded. Any positions that may qualify to be part of this unrepresented unit shall be added as part of the process of adoption of salary schedules after consultation with the bargaining unit and employees.

SECTION 6. All resolutions and parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 15th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

LSL

Transparency in Labor Negotiations (TIN) Analysis Certification

City of Costa Mesa Policy 300-8 Section 2 of Practices and Procedures states:

Section 2 Economic Analysis

a. The Finance Director shall prepare an economic analysis on the fiscal impacts of each term and condition of employment made available to the members of all recognized employee organizations. The economic analysis must be verified by an independent auditor.
b. The economic analysis shall be updated with each proposal and counterproposal presented throughout the negotiation process and posted on the website along with all proposals and counter proposals.
c. The economic analysis shall be prepared in the format shown on Attachment A and shall include written council member acknowledgement that the analysis has been reviewed by the council member.

Certification:
In accordance with this section, Lance, Soll & Lunghard, LLP, an independent auditor, has reviewed the **Costa Mesa Proposal #8 for Fiscal Year 2022-23 to the City of Costa Mesa Employees Association (CMCEA) for Fiscal Year 2022-23 dated October 17, 2022** and the related study of supplemental data prepared by the City and believe that they accurately reflect the fiscal impacts of the proposal.

Bryan Gruber, CPA
Partner, Lance, Soll & Lunghard, LLP

Fiscal Impact Analysis for Compliance with City Council Policy 300-8 - Transparency in Labor Negotiations
Cost of Costa Mesa City Employees Association (CMCEA) Contract
Based on Fiscal Year 2022-23 Projected Costs: City to CMCEA Proposal #8

CONFIDENTIAL

		CMCEA	1.00%	1.00%	2.00%	3.00%	3.00%		
	Value of Pay/ Benefit	Projected Budget FY 22-23 Cost to City [1]	**Value of 1%** FY 22-23 Cost to City	**City Proposal** FY 22-23 Cost to City	FY 22-23 Cost to City	**City Proposal** FY 23-24 Cost to City	FY 24-25 Cost to City	Existing Unfunded Liability	Existing Funded Liability
Base Salary		**$22,272,467**	**$22,495,192**	**$22,495,192**	**$22,717,917**	**$23,399,454**	**$24,101,438**		
Incremental cost on Base Salary only			*$222,725*	*$222,725*	*$445,449*	*$681,537*	*$701,984*		
Pension / Retirement Benefits									
Tier 1 - Classic	2.5% @ 55	1,242,141	1,254,563	1,254,563	1,266,984	1,304,994	1,344,143	$82,803,428 [2]	$151,216,989
Tier 2 - Classic	2.0% @ 60	Included Above	Included Above	Included Above	Included Above	Included Above	Included Above		
PEPRA	2.0% @ 62	Included Above	Included Above	Included Above	Included Above	Included Above	Included Above		
Employee Contribution Reduction- July 1, 2023 (3.0%)					703,036	724,127	745,851		
Cafeteria - Health	$18,000 per year	4,698,000	4,698,000	4,698,000	4,698,000	4,698,000	4,698,000		
Cafeteria Increase Request	$50/Year/FTE			54,027	54,027	162,081	270,135		
Benefits					0	0			
Bilingual Pay	5.0%	147,534	149,010	149,010	150,485	155,000	159,650		
Bilingual Pay	2.5%	6,697	6,763	6,763	6,830	7,035	7,246		
Shorthand Pay	2.5%	1,943	1,962	1,962	1,981	2,041	2,102		
Holiday Allowance Pay		91,996	92,916	92,916	93,836	96,651	99,551		
Class A/B License	$700 per year	2,800	2,800	2,800	2,800	2,884	2,970		
Shift Differential Pay	10.0%	76,389	77,153	77,153	77,917	80,254	82,662		
Shift Differential Pay	7.5%	79,426	80,220	80,220	81,014	83,445	85,948		
Shift Differential Pay	5.0%	5,977	6,037	6,037	6,097	6,280	6,468		
Shift Assignment Pay - TBD				49,023	49,508	50,994	52,523		
Standby Pay		103,727	104,764	104,764	105,802	108,976	112,245		
Additional Standby Pay Hours				34,275	68,550	70,607	72,725		
Emergency Medical Dispatch Pay	5.0%	61,734	62,351	62,351	62,968	64,857	66,803		
Uniform Pay		8,649	8,735	8,735	8,822	9,086	9,359		
Other Benefits									
Medicare	1.45%	329,945	334,775	335,982	339,801	349,995	360,495		
Deferred Comp (0.5% City Contribution)				56,238	56,795	116,997	120,507		
Overtime [3]		1,342,793	1,356,221	1,356,221	1,369,649	1,410,738	1,453,060		
Retiree Medical [4]		1,645,302	1,645,302	1,645,302	1,645,302	1,648,647	1,698,107		
Excess Accrual Payoff / Cash outs [5]		85,055	85,905	85,905	86,756	89,359	92,039		
Vacation Accrual				115,241	116,551	120,048	123,649		
Total		**$ 32,202,574**	**$ 32,462,669**	**$ 32,772,681**	**$ 33,771,427**	**$ 34,762,548**	**$ 35,767,676**		
Total Annual Incremental Cost			$ 260,095	$ 570,107	$ 1,568,853	$ 1,989,867	$ 1,005,128		
Annual % Increase			0.8%	1.8%	4.9%	5.9%	2.9%		
Cumulative Impact				**$ 570,107**	**$ 1,568,853**	**$ 2,559,974**	**$ 3,565,102**		
Cost Impact to Confidential Unit		3,475,960							
Cost Impact to Part-time Employees		6,029,974							
		41,708,508							

CONFIDENTIAL

Fiscal Impact Analysis for Compliance with City Council Policy 300-8 - Transparency in Labor Negotiations
Cost of Costa Mesa City Employees Association (CMCEA) Contract
Based on Fiscal Year 2022-23 Projected Costs: City to CMCEA Proposal #8

Total Number of Employees

CMCEA Employees	261
Confidential Employees	22
Part-time Employees (in full-time equivalents)	115

Notes:

(1) Cost of Contract per item based on FY 2022-23 Adopted Budget and in some cases, prior year actuals'

(2) Amounts from PERS Valuation for Miscellaneous Employees dated July 2021. UAL as of June 30, 2020 for Miscellaneous is $107,866,534, with Market Value of Assets (Funded) of $196,987,648 City estimated proportionate share for CMCEA, Confidential and Part-Time Employees based on FTEs.

(3) Overtime is not explicit in the contract, however is estimated based on the amount spent in prior years.

(4) Rate per employee is not explicit in the contract, however is calculated based on projected employer contributions calculated by Nyhart, an independent actuary with assumptions listed in the report that includes both explicit and implicit rate subsidy.

(5) Excess Accrual Payoff / Cash Out is not explicit in the contract, however is estimated based on the amount spent in prior years

(6) Prorated for six months of FY 22-23. as of June 1, 2023

Council Member Acknowledgement:

John Stephens, Mayor

Andrea Marr, Mayor Pro Tem - District 3

Don Harper, Council Member - District 1

Loren Gameros, Council Member - District 2

Manuel Chavez, Councilmember - District 4

Arlis Reynolds, Council Member - District 5

Jeffrey Harlan, Council Member - District 6

77 Fair Drive
Costa Mesa, CA 92626

City of Costa Mesa

Agenda Report

File #: 22-954 **Meeting Date:** 11/15/2022

TITLE:

ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF COSTA MESA (CITY) AND THE COSTA MESA POLICE ASSOCIATION (CMPA) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTION FOR CMPA

DEPARTMENT: **CITY MANAGER'S OFFICE- HUMAN RESOURCES DIVISION**

PRESENTED BY: **KASAMA LEE, HUMAN RESOURCES MANAGER**

CONTACT INFORMATION: **KASAMA LEE, HUMAN RESOURCES MANAGER (714) 754-5169**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the Side Letter of Agreement between the City of Costa Mesa and CMPA (Attachment I);

2. Approve and Adopt Resolution Number 2022-XX revising the pay ranges for CMPA (Attachment II);

3. Approve the Fiscal Impact Analyses (Attachment III);

4. Authorize the City Manager and members of the City's Negotiation Team to execute the Side Letter of Agreement documents, and amend the Fiscal Year 2022-23 Adopted Budget for the Police Department accordingly.

BACKGROUND:

In March 2020, the City was faced with significant and unprecedented workloads and financial challenges due to the emergence of the worldwide coronavirus (COVID-19) pandemic. In addition to the devastating impacts on public health and mortality, the impact of COVID-19 on the regional, national and global economy was also significant. As a result, numerous General Fund revenue sources declined significantly, including tax revenues (e.g., sales tax, hotel tax, and business license tax, etc.).

Three months after the pandemic was declared, at the June 25, 2020 City Council Meeting, a Side Letter Agreement with CMPA was approved to achieve a five percent (5%) salary furlough and budgetary savings. The Side Letter Agreement also included the following key provisions:

- Four (4) year contract extension to June 30, 2024
- 104 hour furlough (5% compensation reduction) in FY 2020-2021

- No base salary increase in FY 2021-22
- A one percent (1%) increase in base salary in FY 2022-23, and a one percent (1%) employer match to Retirement Health Savings Accounts
- A two percent (2%) increase in base salary in FY 2023-24
- Elimination of Tier 2 vacation accrual plan
- Ability for Association to request contract reopeners in Years 2, 3 and 4.

The 2020 side letter also stated that employees would be reimbursed for the 5% salary furloughs if the City received Federal stimulus funds in excess of $40.5 million. The City of Costa Mesa did receive Federal American Rescue Plan funding, albeit a lesser amount, of $28.3 million. Nonetheless, the City reimbursed all employees for the 5% furloughs due to their contributions and good faith bargaining which eliminated the need for layoffs at a time when the continuation of core public services was absolutely essential.

The current collective bargaining agreement between the City and CMPA covers 132 sworn Police Officers during the period of 2018-2024 and is scheduled to expire on June 30, 2024. CMPA requested to exercise the reopener for FY 2021-2022 and a series of collaborative and productive meetings between the City's negotiation team and CMPA's negotiation team were held, which resulted in the attached tentative Side Letter of Agreement (Attachment I). Under the proposed Side Letter of Agreement, the current term of the MOU would be extended by one year and expire on June 30, 2025. More importantly, the revised Side Letter of Agreement provides for the following: 1) Modest salary increases over the remaining three years of the contract to ensure Police Officer compensation remains competitive and is at or above the market; 2) Special compensation for Officers working in high risk or specialized assignments (e.g. Gang Unit) to further enhance participation and training in those assignments consistent with other cities; and, 3) A recruitment and retention incentive to encourage more tenured and experienced Police Officers and Sergeants to remain at the City longer to help train the next generation of Costa Mesa Police Officers.

ANALYSIS:

The City's Negotiation Team and CMPA Negotiation Team held several meetings to discuss the MOU and issues raised by both parties, including but not limited to wages and benefits. During the course of negotiations, the City Negotiation Team met with the City Council to discuss the status and progress of negotiations and to receive direction specific to provisions under consideration. The negotiations were fully collaborative and were based on the shared interests of the CMPA employees and the City. The results of the negotiations have been compiled in the proposed Side Letter of Agreement.

The Police Officer classification has historically been a hard-to-fill position in the City and in the industry nationwide. With the current inflation rate at 8% and the Consumer Price Index at 8%, salary and benefits remain a challenge in this competitive employment market. The proposed Side Letter of Agreement takes into consideration specific objectives that align with the City Council's Strategic Plan Goals - *Recruit, Retain High Quality Staff and Strengthen the Public's Safety and Improve Quality of Life* and the City's improved financial health as the proposed provisions have financial implications. A summary of the most significant MOU revisions is included below.

The following are the key provisions of the negotiated CMPA Side Letter:

- Term of Side Letter Upon City Council adoption, the term of the MOU will be extended through June 30, 2025
- Salaries and Wages
    - Effective January 2023, a 2% base salary increase
    - Effective July 2023, an additional 3.0% base salary increase (above the 2% base salary increase negotiated in June 2020)
    - Effective July 2024, a 4.25% base salary increase
- Cost Sharing and Retirement Contributions
    - Effective July 2023 reduction of 1.25% of employee cost sharing, which will require future City Council approval to amend the City's current cost sharing agreement with CalPERS via Government Code 20516(a).
- Recruitment and Retention Pay
    - Effective January 2023, 10% of base salary for 25 years of sworn service
    - Effective July 2024, 7% for 20 years of sworn service and 5% for 15 years of sworn service
    - Effective January 2025, 2.5% for 10 years of sworn service
    - For Police Officers transferring in from other agencies, up to 10 years of sworn employment outside of Costa Mesa can be counted
- Deferred Compensation
    - Effective July 2024, employer contribution of 0.5% of base salary.
- Specialty Assignment Pay
    - Net 5% special assignment pay for Traffic (Non-Motor), Traffic Investigator, ISB Detective, SIU Detective, Gang Unit Investigator, SRO, Training/Recruitment Officer, South Coast Plaza Officer, and CPU Officer. The net 5% reflects the net impact of the new 7.5% specialty pay with the simultaneous removal of the 2.5% Uniform Pay for patrol assignments.

The CMPA Negotiation Team has agreed to a tentative agreement. The CMPA member ratification process was completed on November 5, 2022 with a majority of members approving the proposed tentative agreement featuring the items outlined above.

Some of the provisions agreed to above impact other employee groups per the "me too" provisions negotiated during the pandemic in other employee association side letters and resolutions. These provisions are currently under review and updated side letters and resolutions for the Costa Mesa Fire Association, Costa Mesa Fire Management Association, Costa Mesa Police Management Association, Costa Mesa Division Manager Association and unrepresented Executives and Confidential Managers will be brought back at a future council meeting for approval.

ALTERNATIVES:

The parties to this agreement considered a variety of issues in the context of good faith negotiations in accordance with Government Code Section 3500, et seq. (Meyer-Milias-Brown Act). The CMPA members have ratified the tentative agreement. This MOU represents the successful conclusion of labor negotiations, and alternatives need not be considered as a result of collaborative efforts expended.

FISCAL REVIEW:

The Fiscal Impact Analysis prepared pursuant to the City Council Policy 300-8 Transparency in Labor Negotiations recognizes the CMPA Fiscal Year 2022-23 increase is estimated at $620,000, and will take effect during the payroll cycle inclusive of January 1, 2023. The estimated annual fiscal impact to the City's FY 2023-24 Budget is $1.9 million, and approximately $4.1 million in FY 2024-25. General Fund revenues are tracking well above pre-pandemic levels as evidenced by the projected $3.6 million surplus for the fiscal year ended June 30, 2022, as well as current year revenue receipts. As such, it is anticipated that General Fund revenues can cover the fiscal impact of this proposal in the current year, as well as the out-years.

Staff is requesting budget appropriations in the Police Department to effectuate the provisions contained in the proposed Side Letter of Agreement. Funding for future fiscal years will be included as part of that respective year's budget.

LEGAL REVIEW:

The City's special counsel, Liebert Cassidy Whitmore (LCW) and City Attorney's Office have reviewed the agreements and resolutions and this report and approved them as to form.

CONCLUSION:

The proposed MOU and salary range adjustments support the City's Strategic Plan Goals to recruit and retain high quality staff and strengthen the Public's Safety and Improve the Quality of Life. Staff recommends that the City Council:

1. Approve and adopt the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Police Association. (Attachment I).

2. Adopt Resolution Number 2022-XX (Attachment II), which revises the pay ranges for CMPA.

3. Approve Fiscal Impact Analyses (Attachment III).

4. Authorize the City Manager and members of the City's Negotiation Team to execute the Side Letter of Agreement documents, and appropriate into the Police Department's Fiscal Year 2022-23 Adopted Budget.

SIDE LETTER OF AGREEMENT

CITY OF COSTA

AND

THE COSTA MESA POLICE ASSOCIATION

This Side Letter of Agreement (Agreement) between the City of Costa Mesa (City) and the Costa Mesa Police Association (Association) (collectively "Parties") is entered into with respect to the following:

WHEREAS, the Parties are currently parties to a Memorandum of Understanding (MOU) with a term that expired on June 30, 2020, but was extended by a side letter (Attached hereto as Exhibit A) to expire on June 30, 2024; and

WHEREAS, the side letter in Section 3.2 gave the Association the option to reopen negotiations for the purpose of increasing pay and benefits and the Association exercised that option; and

WHEREAS, the Parties have negotiated modifications to wages and benefits that modify the provisions of their MOU and wish to memorialize those changes in this Agreement;

WHEREAS, the following memorializes the parties' agreement.

The Parties agree to the following modifications to their MOU effective upon City Council approval of this Agreement on November 15, 2022 as reflected by the track changes to each of the articles below.

ARTICLE 2 - TERM OF AGREEMENT

2.1 The term of this MOU will commence on July 1, 2018, and will expire in the pay period that includes June 30, 2025~~4~~.

ARTICLE 3 - BASIC SALARIES AND WAGES

3.1. Employees covered by this MOU shall be compensated at the established monthly base salary rates under the Basic Pay Schedule for covered employees. The three (3) classifications in the Association, under this Schedule Police Officer, Senior Police Officer, and Police Sergeant shall be assigned a range number established by the City Council resolution.

~~Effective in the pay period which includes July 1, 2021, the Association has the option to reopen negotiations for the purpose of increasing pay and benefits. If the Association elects to exercise this option, it must notify the City no later than April 1, 2021. Any changes to the MOU must be by mutual agreement of the parties.~~

~~Effective in the pay period which includes July 1, 2022, employees shall receive a one percent (1.0%) base salary increase. In addition, the Association has the option to reopen negotiations for the purpose of increasing pay and benefits. If the Association elects to exercise this option, it must notify the City no later than April 1, 2022. Any changes to the MOU must be by mutual agreement of the parties.~~

Effective the pay period that includes pay date of January 6, 2023, employees shall receive a two percent (2.0%) base salary increase for all classifications subject to this MOU.

~~Effective in the pay period which includes July 1, 2023, employees shall receive a two percent (2.0%) base salary increase. In addition, the Association has the option to reopen negotiations for the purpose of increasing pay and benefits. If the Association elects to exercise this option, it must notify the City no later than April 1, 2023. Any changes to the MOU must be by mutual agreement of the parties.~~

Effective the pay period that includes July 1, 2023, employees shall receive an additional three percent (3%) base salary increase for all classifications subject to this MOU. This three percent (3%) is in addition to but will not be compounded on the two percent (2%) which the parties previously (in 2020) agreed would be provided effective the pay period that includes July 1, 2023.

Effective the first full pay period beginning after July 1, 2024, employees shall receive a four and one quarter percent (4.25%) base salary increase for all classifications subject to this MOU.

The parties agree that the reopener provisions (for 2022 and 2023) addressed above (originally contained in the~~ir~~ July 2020 Side Letter) have been satisfied and there are no further reopeners through the end of the term of this~~eir~~ MOU on June 30, 2025.

3.2 RECRUITMENT AND RETENTION INCENTIVE PAY

Recruitment and Retention Incentive Pay is compensation to incentivize Police Department sworn employees to remain with the City of Costa Mesa.

Effective the pay period including the pay date of January 6, 2023, employees in this bargaining unit who have been employed in a full-time sworn law enforcement position (as defined by California Penal Code sections 830.1, 830.2, 830.32 and 830.33 or the out-of-state equivalent as determined by the Chief of Police) for twenty-five (25) years or more (with a maximum of 10 years in such a position outside of the City of Costa Mesa) shall receive recruitment and retention incentive pay of ten percent (10%).

Effective the first full pay period beginning after July 1, 2024, employees in this bargaining unit who have been employed in a full-time sworn law enforcement position (as defined by California Penal Code sections 830.1, 830.2, 830.32 and 830.33 or the out-of-state equivalent as determined by the Chief of Police) for twenty (20) years or more (with a maximum of 10 years in such a position outside of the City of Costa Mesa shall receive recruitment and retention incentive pay of seven and one-half percent (7.5%).

Effective the first full pay period beginning after July 1, 2024, employees in this bargaining unit who have been employed in a full-time sworn law enforcement position (as defined by California Penal Code sections 830.1, 830.2, 830.32 and 830.33 or the out-of-state equivalent as determined by the Chief of Police) in a full-time sworn law enforcement position with the City of Costa Mesa for fifteen (15) years or more (with a maximum of 10 years in such a position outside of the City of Costa Mesa) shall receive recruitment and retention incentive pay of five percent (5%).

Effective the pay period that including the pay date of January 3, 2025, employees in this bargaining unit who have been employed) in a full-time sworn law enforcement position (as defined by California Penal Code sections 830.1, 830.2, 830.32 and 830.33 or the out-of-state equivalent as determined by the Chief of Police) in a full-time sworn law enforcement position with the City of Costa Mesa for ten (10) years or more (with a maximum of 10 years in such a position outside of the City of Costa Mesa shall receive recruitment and retention incentive pay of two and one-half percent (2.5%).

Other civilian service will not count towards full-time sworn law enforcement service for this purpose.

The above recruitment and retention incentive pays are not cumulative. Once an employee becomes eligible for the next level of recruitment and retention incentive pay, they shall qualify for that level and no longer receive the prior level of pay (i.e. the maximum total incentive pay an employee can receive is a total of 10% for 25 or more years of sworn law enforcement service).

The parties agree, to the extent permitted by law, the compensation in this section is special compensation and shall be reported as such pursuant to Title 2 California Code of Regulations, Section 571 and 571.1.

3.3 **DEFERRED COMPENSATION**

Effective the first full pay period beginning after July 1, 2024, the City will make a contribution to the City's 457(b) provider that will equal one half of one percent (0.5%) of each employee's base salary. Employees are responsible for tracking contributions to ensure that total contributions made by the City and employee do not exceed the maximum allowable contributions as per the IRS. City contributions are per year only. As such, they expire on the last payroll of the calendar year.

ARTICLE 5 - RETIREMENT

5.1 **CALPERS -** The City contracts with CalPERS for retirement benefits.

A. Employees Who Are Not "New Members" as Defined by Government Code Section 7522.04(f) – i.e., "Classic Members"

4. Cost Sharing: Classic member employees subject to the 3%@50 formula currently pay an additional five percent (5%) of compensation earnable as cost sharing into their employee account with CalPERS in accordance with Government Code section 20516(a).

Effective the pay period that includes July 1, 2023, for Classic member employees subject to the 3%@50 formula, cost sharing per Government Code section 20516(a) will be reduced by one and one quarter percent (1.25%) for a net contribution of three and three quarters' percent (3.75%) per Government Code section 20516(a). When this three and three quarters' percent (3.75%) is added to the employees' payment of nine percent (9%) towards their member contribution, employees shall pay twelve and three quarters' percent (12.75%) compensation earnable towards their pension.

B. For "New Member" Employees

3. Payment of Employee/Member Contribution: New member employees are responsible for paying the employee contribution of one-half of the total normal cost of the plan, as defined by CalPERS, through a payroll deduction. This amount will be determined by CalPERS in the future.

Effective the pay period that includes July 1, 2023, for new member employees subject to the 2.7%@57 formula, if one-half of the CalPERS' annual normal cost rate goes below 12.75% (and it is rounded by CalPERS to the nearest one-quarter of a percent), new member employees subject to the 2.7%@57 formula shall pay the difference between the one-half of the total normal cost rate and twelve and three-quarters; percent (12.75%) of compensation earnable as cost sharing pursuant to Government Code section 20516(f).

Effective the pay period that includes July 1, 2023, for new member employees subject to the 2.7%@57 formula, if one-half of the CalPERS' annual normal cost rate exceeds 12.75% (and it is rounded by CalPERS to the nearest one-quarter of a percent), the City will contribute the amount above 12.75% to the deferred compensation account (per IRS Code section 457(b)) of each new member.

ARTICLE 12 - SPECIALTY ASSIGNMENT PAY

12.3 **UNIFORM ASSIGNMENT PAY** - Employees in the classifications of Senior Police Officer and Police Sergeant who are regularly assigned to uniform automobile/motorcycle patrol~~, or traffic enforcement~~ shall receive uniform assignment pay (2.5% of base salary). Employees, assigned to patrol ~~or traffic enforcement~~ for less than 14 consecutive days shall not be eligible for Uniform Assignment Pay. ~~All Police Officers who are receiving Uniform Assignment Pay upon the effective date of this agreement shall continue to receive such pay.~~ Uniform

assignment pay shall also be applicable to employees in the Police Officer classification who are regularly assigned to uniform automobile/motorcycle patrol ~~or traffic enforcement after three years of service with the City of Costa Mesa~~.

12.8 TRAFFIC DETAIL ASSIGNMENT PAY

Effective the pay period that includes pay date of January 6, 2023, employees assigned to traffic detail (Non-Motors) or who are assigned as Traffic Investigators shall receive seven and one-half percent (7.5%) of base salary while so assigned. Employees receiving this pay shall not be eligible to receive Uniform Assignment Pay provided for above in Article 12.3, and therefore, employees assigned to one of these specialty assignments will receive a net increase of five percent (5%) of base salary.

12.9 DETECTIVE / GANG UNIT INVESTIGATOR PAY

Effective the pay period that includes pay date of January 6, 2023, employees assigned as either an Investigative Services Bureau or Special Investigations Unit Detective or a Gang Unit Investigator shall receive seven and one-half percent (7.5%) of base salary while so assigned. Employees receiving this pay shall not be eligible to receive Uniform Assignment Pay provided for above in Article 12.3, and therefore, employees assigned to one of these specialty assignments will receive a net increase of five percent (5%) of base salary.

12.10 POLICE SPECIALTY OFFICER PAY

Effective the pay period the includes pay date of January 6, 2023, employees assigned in any of the following specialty officer assignments shall receive seven and one-half percent (7.5%) of base salary while so assigned: 1) School Resources Unit; 2) Training/Recruitment Unit; 3) South Coast Plaza Unit; 4) Community Policing Unit ~~Officer~~; and, 5) Professional Standards/Admin Unit. Employees receiving this pay shall not be eligible to receive Uniform Assignment Pay provided for above in Article 12.3, and therefore, employees assigned to one of these specialty assignments will receive a net increase of five percent (5%) of base salary.

REPRESENTATIVES OF THE COSTA MESA POLICE ASSOCIATION

JERAD A. KORTE
CMPA President

JAMES A. BROWN
CMPA Negotiations Team Member

JESSE W. CHARTIER
CMPA Negotiations Team Member

VIJAY K. CHAWLA
CMPA Negotiations Team Member

BRIAN T. HERNANDEZ
CMPA Negotiations Team Member

REPRESENTATIVES OF THE CITY OF COSTA MESA

LORI ANN FARRELL HARRISON
City Manager

ALMA L. REYES
Assistant to the City Manager

CAROL L. MOLINA
Finance Director

KASAMA LEE
Human Resources Manager

SIDE LETTER OF AGREEMENT

CITY OF COSTA

AND

THE COSTA MESA POLICE ASSOCIATION

This Side Letter of Agreement (Agreement) between the City of Costa Mesa (City) and the Costa Mesa Police Association (Association) (collectively "Parties") is entered into with respect to the following:

WHEREAS, the Parties are currently parties to a Memorandum of Understanding (MOU) with a term that expires on June 30, 2020; and

WHEREAS, as a result of the impacts of COVID-19 on the City, the Parties have met and conferred for the purpose of achieving cost savings. This has resulted in the Parties agreeing to some modifications to their MOU including a four-year extension of the term of the MOU; and

WHEREAS, the following memorializes the parties' agreement.

The Parties agree to the following modifications to their MOU effective the pay period including July 1, 2020 (i.e., June 21, 2020), as reflected by the track changes to each of the articles below.

ARTICLE 1 - RECOGNITION/PREAMBLE

1.9 During the term of this MOU, the parties agree either side can propose MOU language to clean up provisions which are either outdated or in need of modification. Any language changes must be mutually agreeable.

ARTICLE 2 - TERM OF AGREEMENT

2.1 The term of this MOU will commence on July 1, 2018, and will expire in the pay period that includes June 30, 2024~~0~~.

ARTICLE 3 - BASIC SALARIES AND WAGES

3.1. Employees covered by this MOU shall be compensated at the established monthly base salary rates under the Basic Pay Schedule for covered employees. The three (3) classifications in the Association, under this Schedule Police Officer, Senior Police Officer, and Police Sergeant shall be assigned a range number established by the City Council resolution.

Effective in the pay period which includes July 1, 2021, the Association has the option to reopen negotiations for the purpose of increasing pay and benefits. If the Association elects to exercise this option, it must notify the City no later than April 1, 2021. Any changes to the MOU must be by mutual agreement of the parties.

Effective in the pay period which includes July 1, 2022, employees shall receive a one percent (1.0%) base salary increase. In addition, the Association has the option to reopen negotiations for the purpose of increasing pay and benefits. If the Association elects to exercise this option, it must notify the City no later than April 1, 2022. Any changes to the MOU must be by mutual agreement of the parties.

Effective in the pay period which includes July 1, 2023, employees shall receive a two percent (2.0%) base salary increase. In addition, the Association has the option to reopen negotiations for the purpose of increasing pay and benefits. If the Association elects to exercise this option, it must notify the City no later than April 1, 2023. Any changes to the MOU must be by mutual agreement of the parties.

3.2 FURLOUGHS

Each member of the Association is required to take a total of one hundred and four (104) hours of unpaid furlough during the twenty-six (26) consecutive pay periods between June 21, 2020 and June 19, 2021.

The method/manner in which furlough hours are taken are to be determined by mutual agreement of the parties.

If the City receives financial relief from the County of Orange, State of California, or the Federal Government for any issues related to the impact of COVID-19 in excess of $40.5 million for Fiscal Year 2020/2021, each member of the Association will receive a payment equivalent to the dollar savings of the furlough hours already taken (base rate including incentive pay x furlough hours).

ARTICLE 6 - RETIREE MEDICAL

6.1 The Defined Contribution Retirement Health Savings Plan ("Plan") went into effect January 1, 2004 and payments made by the City were suspended in 2010. The purpose of the Plan was to establish a tax protected savings program for every full-time employee that will:

- Provide a retiree medical benefit for employees who were hired after January 1, 2004 who will not be eligible for the health insurance contribution under the Council Policy 300-1.
- Provided a supplemental benefit to the City contribution under Council Policy 300-1 for employees hired before January 1, 2004.

The program requires mandatory participation by all full-time employees. Employees make a monthly contribution to the plan equal to 1% of their base monthly salary. Effective the pay period that includes July 1, 2022, the City will match the 1% monthly contribution into each employees' account. The account assets that accumulate, plus investment earnings, will be used in retirement to pay health insurance premiums and other eligible out-of-pocket medical expenses such as deductibles, co-payments, vision care or dental care. Employee contributions plus vested employer contributions are portable if an employee should leave employment with Costa Mesa prior to retirement.

For all employees in the unit, the City will pay the CalPERS statutory minimum for each member of the bargaining unit for retiree medical benefits.

ARTICLE 13 - VACATION LEAVE

13.2 ACCRUAL OF VACATION LEAVE

A. Employees ~~who were hired by the City or submitted an application for City employment prior to May 1, 2016,~~ shall accrue vacation leave as follows ("Tier 1"):

1. Upon completion of one (1) year continuous full-time service but less than three (3) years of continuous full-time service an employee shall accrue ninety-two (92) hours per year that are accrued each pay period.

2. Upon completion of three (3) years of continuous full-time service, but less than five (5) years of continuous full-time service, an employee shall accrue one hundred sixteen (116) hours per year that are accrued each pay period.

3. Upon completion of five (5) years of continuous full-time service, but less than ten (10) years of continuous full-time service, an employee shall accrue one hundred forty (140) hours per year that are accrued each pay period.

4. Upon completion of ten (10) years of continuous full-time service, but less than fifteen

(15) years of continuous full-time service, an employee shall accrue one hundred sixty-four (164) hours per year that are accrued each pay period.

5. Upon completion of fifteen (15) years of continuous full-time service but less than twenty (20) years of continuous full-time service, an employee shall accrue one hundred eighty-eight (188) hours per year that are accrued each pay period.

6. Upon completion of twenty (20) years or more of continuous full-time service, an employee shall accrue two hundred twelve (212) working hours per year that are accrued each pay period.

~~B. Employees whose application for employment with the City was submitted on May 1, 2016 or after shall receive annual vacation leave as follows("Tier 2"):~~

~~1. Upon being hired by the City and through completion of less than three (3) years of continuous full-time service, an employee shall accrue eighty (80) hours per year that are accrued each pay period.~~

~~2. Upon completion of three (3) years of continuous full-time service, but less than seven (7) years of continuous full-time service, an employee shall accrue one hundred twenty (120) hours per year that are accrued each pay period.~~

~~3. Upon completion of seven (7) years of continuous full-time service, but less than thirteen (13) years of continuous full-time service, an employee shall accrue one hundred forty (140) hours per year that are accrued each pay period.~~

~~4. Upon completion of thirteen (13) years of continuous full-time service, but less than fifteen (15) years of continuous full-time service, an employee shall accrue one hundred sixty (160) hours per year that are accrued each pay period.~~

~~5. Upon completion of fifteen (15) years of continuous full-time service, but less than twenty (20) years of continuous full-time service, an employee shall accrue one hundred eighty (180) hours per year that are accrued each pay period.~~

~~6. Upon completion of twenty (20) years of continuous full-time service, an employee shall accrue two hundred (200) hours per year that are accrued each pay period.~~

Effective June 21, 2020, the "Tier 2" vacation leave accrual plan shall sunset. Current employees in the "Tier 2" plan will be placed on the "Tier 1" vacation leave accrual plan according to their current years of service effective June 21, 2020. All new employees hired on June 21, 2020, or after, will be placed on the "Tier 1" vacation leave accrual plan.

C. Vacation Accrual Implementation and Ceiling - The accrual of vacation hours is be capped at the following maximum levels based upon an employee's years of service as follows:

Tier 1

Years of Service	Annual Accrual	Maximum Accrual
1-2	92.0	184.0
3-4	116.0	232.0
5-9	140.0	280.0
10-14	164.0	320.0
15-19	188.0	320.0
20+	212.0	320.0

~~Tier 2~~

~~Years of Service~~	~~Annual Accrual~~	~~Maximum Accrual~~
~~0-2~~	~~80.0~~	~~160.0~~
~~3-6~~	~~120.0~~	~~240.0~~
~~7-12~~	~~140.0~~	~~280.0~~
~~13-14~~	~~160.0~~	~~320.0~~
~~15-19~~	~~180.0~~	~~320.0~~
~~20+~~	~~200.0~~	~~320.0~~

Once the maximum accrual is reached, the employee will stop accruing additional Vacation Leave. Annual vacation accruals will re-commence in the next pay period following the use of vacation leave which reduces the balance below the maximum accrual. It is the responsibility of the employee to manage accrued vacation time off by requesting, scheduling and using vacation to avoid not accruing vacation because he/she has accrued the maximum accrual

ARTICLE 17 – LAYOFF PROCEDURES

17.2 During fiscal year 2020-21, the City agrees that employees covered by this MOU ~~memorandum of understanding~~ cannot be subject to layoff from City employment.

REPRESENTATIVES OF THE COSTA MESA POLICE ASSOCIATION

J. Korte #632

JERAD KORTE
CMPA President

J. Tripp #604

JONATHAN TRIPP
CMPA Negotiations Team Member

K. Dimel #447

CMPA Negotiations Team Member

CMPA Negotiations Team Member

REPRESENTATIVES OF THE CITY OF COSTA MESA

LORI ANN FARRELL HARRISON
City Manager

SUSAN PRICE
Assistant City Manager

KASAMA LEE
Acting Human Resources Manager

ITZIA CARVAJAL
Acting Human Resources Administrator

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION PURSUANT TO THE 2022 SIDE LETTER.

WHEREAS, on June 7, 2022, the City Council adopted Resolution No. 2022-36, revising the pay ranges for job classifications represented by the Costa Mesa Police Association, effective June 19, 2022; and

WHEREAS, the City of Costa Mesa and the Costa Mesa Police Association are currently parties to a Memorandum of Understanding (MOU) with a term that expired on June 30, 2020, but was extended by a side letter to expire on June 30, 2024; and

WHEREAS, the parties have negotiated modifications to wages and benefits that modify the provisions of their MOU; and

WHEREAS, the City Council desires to repeal and replace Resolution No. 2022-36, to revise the pay ranges for the classifications specified herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes the pay date of January 6, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay steps.

Class Code	Class Title	Grade	Step 1	2	3	4	5	6	7	
0201	Police Officer	050	$7,208	$7,568	$7,946	$8,343	$8,760	$9,198	$9,658	Monthly
			$86,496	$90,816	$95,352	$100,116	$105,120	$110,376	$115,896	Annual
			$41.58	$43.66	$45.84	$48.13	$50.54	$53.07	$55.72	Hourly
0203	Police Sergeant	056	$8,786	$9,225	$9,686	$10,170	$10,679	$11,213	$11,774	Monthly
			$105,432	$110,700	$116,232	$122,040	$128,148	$134,556	$141,288	Annual
			$50.69	$53.22	$55.88	$58.67	$61.61	$64.69	$67.93	Hourly
0202	Sr Police Officer	052	$7,567	$7,945	$8,342	$8,759	$9,197	$9,657	$10,140	Monthly
			$90,804	$95,340	$100,104	$105,108	$110,364	$115,884	$121,680	Annual
			$43.66	$45.84	$48.13	$50.53	$53.06	$55.71	$58.50	Hourly

SECTION 2. The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes July 1, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay steps.

Class	Class Title	Grade	Step							
Code			1	2	3	4	5	6	7	
0201	Police Officer	050	$7,568	$7,946	$8,343	$8,760	$9,198	$9,658	$10,141	Monthly
			$90,816	$95,352	$100,116	$105,120	$110,376	$115,896	$121,692	Annual
			$43.66	$45.84	$48.13	$50.54	$53.07	$55.72	$58.51	Hourly
0203	Police Sergeant	056	$9,225	$9,686	$10,170	$10,679	$11,213	$11,774	$12,363	Monthly
			$110,700	$116,232	$122,040	$128,148	$134,556	$141,288	$148,356	Annual
			$53.22	$55.88	$58.67	$61.61	$64.69	$67.93	$71.33	Hourly
0202	Sr Police Officer	052	$7,945	$8,342	$8,759	$9,197	$9,657	$10,140	$10,647	Monthly
			$95,340	$100,104	$105,108	$110,364	$115,884	$121,680	$127,764	Annual
			$45.84	$48.13	$50.53	$53.06	$55.71	$58.50	$61.43	Hourly

SECTION 3. The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the first full pay period beginning after July 1, 2024. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay steps.

Class	Class Title	Grade	Step							
Code			1	2	3	4	5	6	7	
0201	Police Officer	050	$7,890	$8,284	$8,698	$9,133	$9,590	$10,069	$10,572	Monthly
			$94,680	$99,408	$104,376	$109,596	$115,080	$120,828	$126,864	Annual
			$45.52	$47.79	$50.18	$52.69	$55.33	$58.09	$60.99	Hourly
0203	Police Sergeant	056	$9,617	$10,098	$10,603	$11,133	$11,690	$12,274	$12,888	Monthly
			$115,404	$121,176	$127,236	$133,596	$140,280	$147,288	$154,656	Annual
			$55.48	$58.26	$61.17	$64.23	$67.44	$70.81	$74.35	Hourly
0202	Sr Police Officer	052	$8,282	$8,696	$9,131	$9,588	$10,067	$10,570	$11,099	Monthly
			$99,384	$104,352	$109,572	$115,056	$120,804	$126,840	$133,188	Annual
			$47.78	$50.17	$52.68	$55.32	$58.08	$60.98	$64.03	Hourly

SECTION 4. The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City

employees. Employees will contribute towards the employee and employer contribution as stipulated in the Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association. There will be no Employer Paid Member Contribution (EPMC).

SECTION 4. All parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 15th day of November, 2022.

_____
John Stephens, Mayor

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

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

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of November, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of November, 2022.

_____
Brenda Green, City Clerk

(SEAL)

LSL

Transparency in Labor Negotiations (TIN) Analysis Certification

City of Costa Mesa Policy 300-8 Section 2 of Practices and Procedures states:

Section 2 Economic Analysis

a. The Finance Director shall prepare an economic analysis on the fiscal impacts of each term and condition of employment made available to the members of all recognized employee organizations. The economic analysis must be verified by an independent auditor.
b. The economic analysis shall be updated with each proposal and counterproposal presented throughout the negotiation process and posted on the website along with all proposals and counter proposals.
c. The economic analysis shall be prepared in the format shown on Attachment A and shall include written council member acknowledgement that the analysis has been reviewed by the council member.

Certification:
In accordance with this section, Lance, Soll & Lunghard, LLP, an independent auditor, has reviewed the **City of Costa Mesa Proposal #2 to the City of Costa Mesa Police Association (CMPA) for Fiscal Year 2022-23 dated November 1, 2022** and the related study of supplemental data prepared by the City and believe that they accurately reflect the fiscal impacts of the proposal.

Bryan Gruber, CPA
Partner, Lance, Soll & Lunghard, LLP

PrimeGlobal
An Association of Independent Accounting Firms

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Fiscal Impact Analysis for Compliance with City Council Policy 300-8 - Transparency in Labor Negotiations
Cost of Costa Mesa Police Association (CMPA) Contract
Based on Fiscal Year 2022-23 Projected Costs
City to CMPA Counter 2

		CMPA (1% base)	1.00%	1.00%	2.00%	5.00%	4.25%			
				CMPA Proposal		**Includes 2% already negotiated**				
	Value of Pay/ Benefit	Baseline Analysis FY 22-23 Cost to City [1]	**Value of 1% FY 22-23 Cost to City**	FY 22-23 Cost to City	FY 22-23 Cost to City	FY 23-24 Cost to City	FY 24-25 Cost to City	Existing Unfunded Liability	Existing Funded Liability	Projected Funded Liability
Base Salary		**$14,693,562**	**$14,840,497**	**$14,840,497**	**$14,987,433**	**$15,736,805**	**$16,405,619**			
Incremental cost on Base Salary only			*$146,936*	*$146,936*	*$293,871*	*$749,372*	*$668,814*			
Reduction of the 2% already negotiated						*($453,223)*	*$0*			
Recruit & Retain Pay- 25 years 10% Year 1				*$127,137*	254,274	354,085	397,319			
Recruit & Retain Pay- 20 years 7.5% Year 1				*$0*		-	146,969			
Recruit & Retain Pay- 15 years 5% Year 2							77,278			
Recruit & Retain Pay- 10 years 2.5% Year 3							134,200			
Pension / Retirement Benefits								$124,958,329 [2]	$180,614,594 [2]	
Tier 1	3.0% @ 50	2,842,427	2,870,851	2,870,851	2,899,276	3,044,239	3,173,620			
Tier 2	2.7% @ 55	Included Above	Included Above	Included Above	Included Above	Included Above	Included Above			
Retirement Employer Rate	2.0%						0			
Retirement Pick Up	1.25%					229,434	244,018			
Cafeteria - Health	$2,119 monthly	3,356,496	3,356,496	3,356,496	3,356,496	3,356,496	3,356,496			
Benefits										
Bilingual Pay (5% of Senior Police Officer position Top Step subject to revision based on salary adjustments)	$227.15 per pay period	165,365	167,019	167,019	168,673	177,106	184,633			
Bilingual Pay (2.5% of Senior Police Officer position Top Step subject to revisions based on salary adjustments)	$113.67 per pay period	20,670	20,876	20,876	21,083	22,137	23,078			
Holiday Allowance Pay		226,412	228,676	228,676	230,940	242,487	252,793			
Canine Assignment Pay	11.3%	25,191	25,443	25,443	25,695	26,980	28,126			
Canine Maintenance Pay ($15 x 1.5 x 7 hrs per pay period)	$157.50 per pay period	8,190	8,190	8,272	8,354	8,771	9,144			
Motor Officer Assignment Pay	5.0%	59,078	59,669	59,669	60,260	63,273	65,962			
Motor Officer Maintenance Pay (3 hrs x 1.5 x Senior Police Officer position Top Step subject to revisions based on salary adjustments)	$255.54 per pay period	66,440	67,105	67,105	67,769	71,158	74,182			
Motor Training Officer Assignment Pay	5.0%	5,681	5,738	5,738	5,795	6,085	6,343			
POST Advanced Certificate Pay	10.0%	779,189	786,981	786,981	794,772	834,511	869,978			
POST Intermediate Certificate Pay	5.0%	166,175	167,837	167,837	169,499	177,974	185,538			
							0			
Uniform Assignment Pay	2.5%	216,658	218,825	218,825	220,991	232,041	241,903			
Uniform Maintenance Allowance (Article 22 of MOU)	$17 per pay period	22,100	22,100	22,321	22,100	22,100	23,039			
Special Assignment Pay various positions	5.0%			128,977	257,953	270,851	282,362			
Special Assignment Pay Officers Returning to Patrol	1% or 3%			51,591	103,181	108,340	112,945			
							0			

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Fiscal Impact Analysis for Compliance with City Council Policy 300-8 - Transparency in Labor Negotiations
Cost of Costa Mesa Police Association (CMPA) Contract
Based on Fiscal Year 2022-23 Projected Costs

Other Benefits								0
Medicare		1.45%	238,593	240,975	240,979	243,359	255,511	266,370
Overtime [3]			2,992,954	3,022,884	3,022,884	3,052,813	3,205,454	3,341,686
Retiree Medical [4]			846,918	846,918	846,918	846,918	848,640	848,640
Excess Accrual Payoff / Cash outs [5]			154,897	156,446	156,446	157,995	165,895	172,945
One Time Equipment Pay	$	3,000.00			0	0	0	
457 Contribution		0.50%						97,607
Total			**$ 26,886,998**	**$ 27,113,526**	**$ 27,294,401**	**$ 27,955,629**	**$ 29,460,373**	**$ 31,022,793**
Total Annual Incremental Cost				$ 226,529	$ 407,403	$ 1,068,632	$ 1,504,744	$ 1,562,420
Annual % Increase				0.8%	1.5%	3.9%	5.4%	5.3%
Value of a 1% Cal PERS Pick Up				$ 534,540				
Cumulative Impact						**$ 1,068,632**	**$ 2,573,375**	**$ 4,135,795**

TOTAL

Total Number of CMPA Employees 132

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Fiscal Impact Analysis for Compliance with City Council Policy 300-8 - Transparency in Labor Negotiations
Cost of Costa Mesa Police Association (CMPA) Contract
Based on Fiscal Year 2022-23 Projected Costs

Notes:

(1) Cost of Contract per item based on FY 2022-23 Adopted Budget and in some cases, prior year actuals.

(2) Amounts from PERS Valuation for Safety Police Plan dated July 2021. UAL as of June 30, 2020 for Safety Police Plan is $134,408,959, with Market Value of Assets (Funded) of $194,274,521
City estimated proportionate share for CMPA Employees based on FTEs.

(3) Overtime is not explicit in the contract, however is estimated based on the amount spent in prior years

(4) Rate per employee is not explicit in the contract, however is calculated based on projected employer contributions calculated by Nyhart, an independent actuary with assumptions listed in the report that includes both explicit and implicit rate subsidy.

(5) Excess Accrual Payoff / Cash Out is not explicit in the contract, however is estimated based on the amount spent in prior years

Council Member Acknowledgement:

John Stephens, Mayor

Andrea Marr, Mayor Pro Tem - District 3

Don Harper, Council Member - District 1

Loren Gameros, Council Member - District 2

Manuel Chavez, Councilmember - District 4

Arlis Reynolds, Council Member - District 5

Jeffrey Harlan, Council Member - District 6