

**RESOLUTION NO. PC-2025-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF A GENERAL PLAN AMENDMENT (PGPA-24-0001), REZONE, MASTER PLAN (PMAP-24-0002), AND TENTATIVE TRACT MAP NO. 19351 FOR THE DEVELOPMENT OF 40 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 220, 222, 234, and 236 VICTORIA STREET (“VICTORIA PLACE”)**

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

WHEREAS, a General Plan Amendment, Rezone, Tentative Tract Map, and Master Plan, was filed by Bundy-Finkel Architects, on behalf of WMC, LLC, requesting approval of the following: General Plan Amendment, Rezone, Master Plan, and Tentative Tract Map to facilitate the development of a 40-unit residential common interest development project located at 220, 222, 234, and 236 Victoria Street;

WHEREAS, pursuant to Costa Mesa Municipal Code (CMMC) Section 13-83.63(a) and City Council Policy 500-2, a project screening is required for all residential development proposals within the RIOD, as well as for any privately-initiated General Plan Amendment;

WHEREAS, a screening provides awareness of the application to the community and gives the City Council an opportunity to offer comments on the merits and appropriateness of the proposed development before the applicant submits the formal planning application(s);

WHEREAS, a screening for General Plan Amendment (PSCR-24-0001) and RIOD was conducted by the City Council August 6, 2024, pursuant to the requirements of the CMMC Section 13-83.63(a) and City Council Policy 500-2;

WHEREAS, a General Plan Amendment is required to modify the Land Use Element’s maps, figures, text and tables to apply a RIOD zoning designation to the subject property, as the site currently has a land use designation of General Commercial, which does not allow residential development;

WHEREAS, General Plan Amendment (PGPA-24-0001), includes the following revisions to the Land Use Element, and as depicted in further details in Exhibit A attached hereto::

1. Figure LU-3 – apply the RIOD designation to the project site, without changing the underlying General Commercial land use designation
2. Figure LU-9 – amend text apply the RIOD designation to the project site
3. Table LU-16 – update the Newport Boulevard RIOD Density Column to 117 units and total combined units to 478 units and remove the Floor Area Ratio section as FAR no longer applies to the RIOD
4. Figure LU-11: *Residential Incentive Overlay: Newport Boulevard* by revising exhibits to show the RIOD designation to the project site and revising allowable maximum residential units to 117 units and removing commercial square footage

WHEREAS, based on the proposed General Plan Amendment, adoption of Ordinance No. 25-\_\_ for the Rezone is necessary to establish consistency between the General Plan and Zoning Code;

WHEREAS, consistent with the General Plan Amendment, the Rezone will apply the RIOD zoning designation to the subject project site, currently zoned C2 – General Business District, to facilitate the residential development while maintaining the underlying commercial zoning;

WHEREAS, the Master Plan (PMAP-24-0002) proposes a 40-unit residential development and is consistent with and meets the objectives of the General Plan as market-rate housing is encouraged and is compatible with the existing commercial and residential uses nearby;

WHEREAS, the applicant proposes to deviate from the following development standards: increased floor area ratio; reduced common use open space; increased building height; reduce side setback; reduced rear setback; omit landscape parkways; reduced parking; reduced garage space; and reduced parking space next to buildings;

WHEREAS, Tentative Tract Map No. 19351 is a request to subdivide the property for future individual ownerships through the condominium subdivisions process;

WHEREAS, the Planning Commission is the recommending body and the City Council is the final decision-maker for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, Rezone, Master Plan, and Tentative Tract Map;

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on June 9, 2025 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program was prepared in compliance with CEQA and the local environmental review guidelines;

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit B, and subject to the conditions of approval contained within Exhibit C and Exhibit D1, and all the mitigation measures included in the Mitigation Monitoring and Reporting Program contained within Exhibit D, the Planning Commission hereby **RECOMMENDS** City Council take the following actions:

1. **Approve** General Plan Amendment PGPA-24-0001 to modify the Land Use Element's maps, figures, text and tables to apply a RIOD zoning designation to the subject property, as the site currently has a land use designation of General Commercial, which does not allow residential development; and
2. **GIVE FIRST READING** to Ordinance 25-XX to rezone the project site by applying the RIOD zoning designation to the subject project site, currently zoned C2 – General Business District, to facilitate the residential development while maintaining the underlying commercial zoning; and
3. **Approve** Master Plan PMAP-24-0002 for a 40-unit residential common interest development; and
4. **Approve** Tentative Tract Map No. 19351 to subdivide the properties for condominium purposes.

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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, Rezone, Master Plan and

Tentative Tract Map and upon applicant's compliance with each and all of the conditions in Exhibit C, 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 9th day of June, 2025.**

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Jeffrey Harlan, Chair  
Costa Mesa Planning Commission

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 9, 2025, by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:        COMMISSIONERS

ABSTAIN:       COMMISSIONERS

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Carrie Tai, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2025-

## EXHIBIT A

### GENERAL PLAN AMENDMENT PGPA-24-0001

#### **Amendment to Land Use Map (Figure LU-3)**

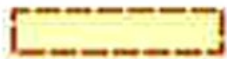
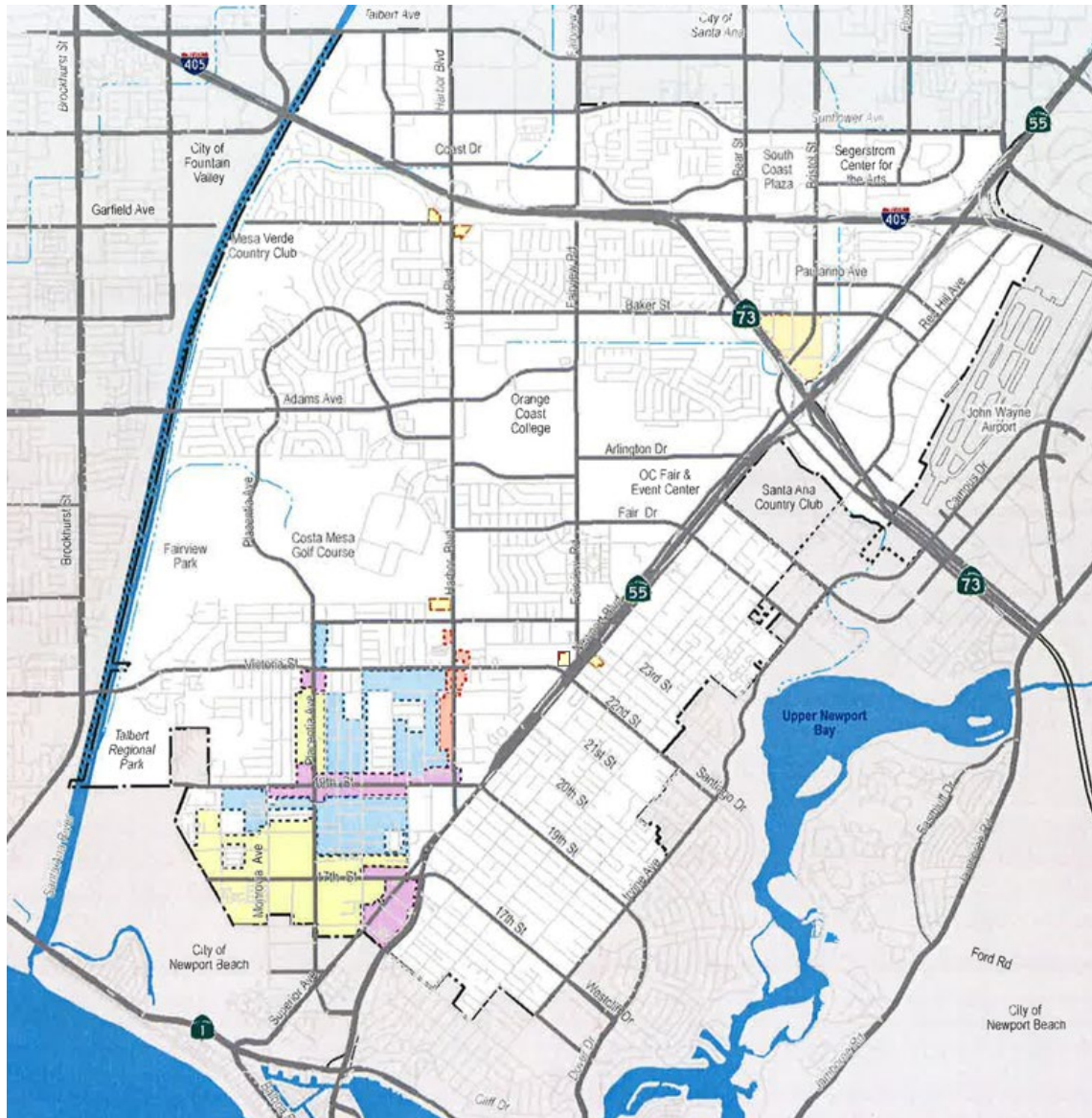
Update Land Use Map by applying the Residential Incentive Overlay District designation to the project site, without changing the underlying General Commercial land use designation:



**Residential Incentive Overlay (30 du/ac)**

## Amendment to Overlays and Urban Plans (Figure LU-9)

Update Figure LU-9: *Overlays and Urban Plans* by applying the Residential Incentive Overlay District designation to the project site, without changing the underlying zone:



**Residential Incentive Overlay (30 du/ac)**

## Amendment to Residential Incentive Overlay (Table LU-16)

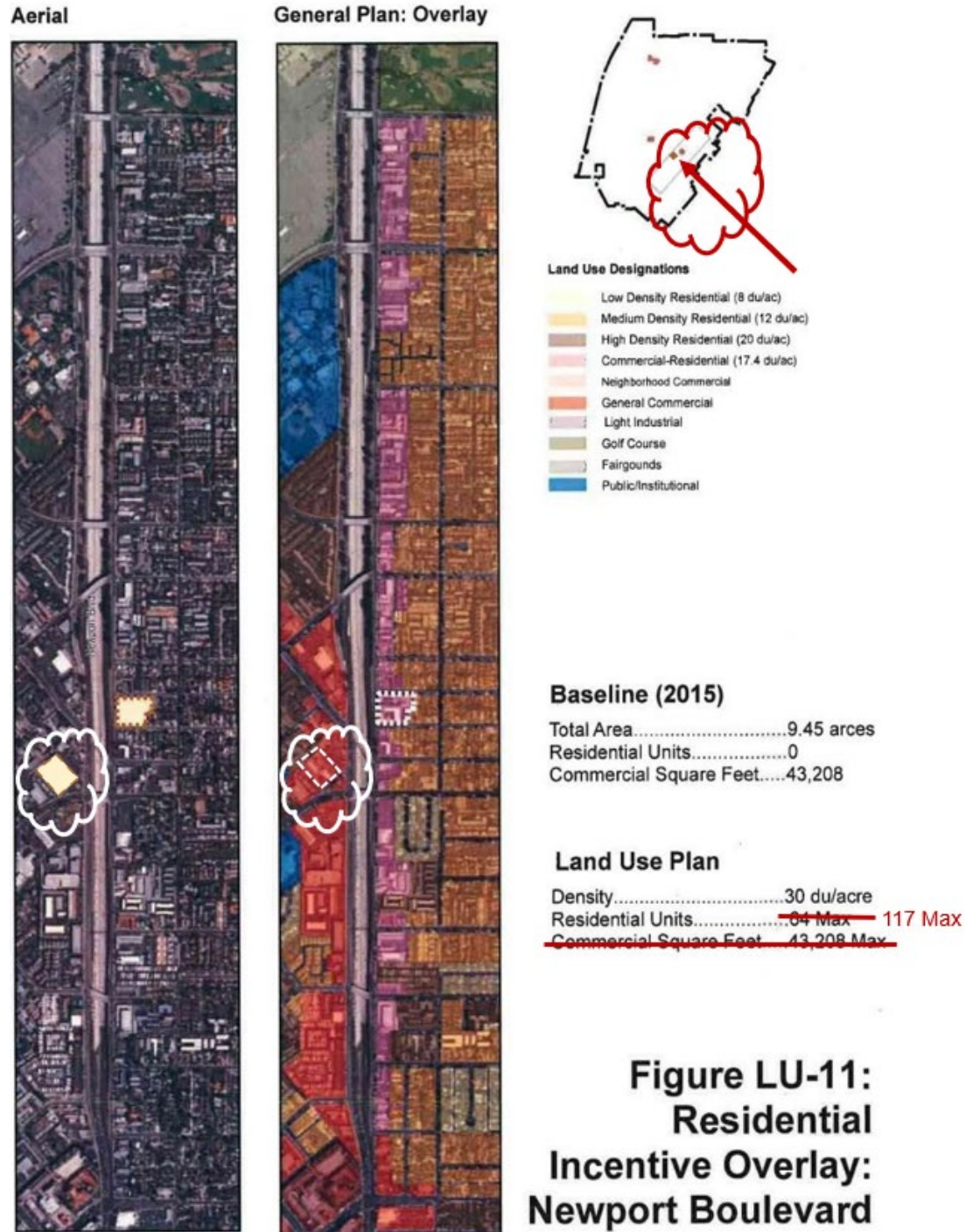
Update Table LU-16: *Residential Incentive Overlay* by updating the Newport Boulevard Residential Incentive Overlay Density Column to 117 units and total combined units to 478 units and remove the Floor-Area Ratio (FAR) calculation as FAR no longer applies to the RIOD:

Categories		Baseline (2015)	Residential Incentive Overlay
Density (DU/AC)		N/A	30
Units	Harbor Boulevard	84	361
	Newport Boulevard	237	<del>64</del> 117
	Total Units	321	<del>425</del> 478
<del>Floor-Area Ratio (FAR)</del>			
Building Square Feet	<del>Harbor Boulevard</del>	<del>162,500</del>	<del>149,976</del>
	<del>Newport Boulevard</del>	<del>582,200</del>	<del>43,208</del>
	<del>Total Building Square Feet</del>	<del>744,700</del>	<del>193,184</del>



## Amendment to Residential Incentive Overlay: Newport Boulevard (Figure LU-11)

Update Figure LU-11: *Residential Incentive Overlay: Newport Boulevard* by revising exhibits to show the Residential Incentive Overlay designation to the project site and revising allowable maximum residential units to 117 units and removing commercial square footage.



## EXHIBIT B

### **FINDINGS**

#### **A. *General Plan Amendment (PGPA-24-0001)***

According to Costa Mesa Municipal Code Section 13-29(g), there are no specific findings required for a General Plan Amendment. Such amendments are considered legislative actions and are subject to the discretion of the City Council. In this case, the proposed General Plan Amendment seeks to modify the Land Use Element's maps, figures, text, and tables to apply the Residential Incentive Overlay District (RIOD) designation to the subject property. The underlying land use designation of General Commercial would remain unchanged.

Below is staff's justification in support of the proposed general plan amendment:

#### ***The proposed project would contribute to the City meeting its City's 6<sup>th</sup> cycle RHNA allocations.***

**Facts in Support:** The City of Costa Mesa's 6th Cycle (2021–2029) Housing Element identifies specific sites to meet the State-mandated Regional Housing Needs Allocation (RHNA) of 11,760 units. The proposed project site is not among these designated housing opportunity sites. Consequently, any residential units approved on this site would contribute additional market-rate housing beyond the City's assigned RHNA, as long as building permits are issued by the end of the planning period in December 2029, thereby supporting the City's broader housing objectives.

The project proposes 40 new ownership housing units, which would enhance the balance between rental and ownership housing in the City. This aligns with General Plan Policy LU-1.3, which encourages the development of owner-occupied housing, such as single-family residences, condominiums, and townhouses, to improve the rental-to-ownership ratio. By facilitating this development through the RIOD, the City can promote homeownership opportunities without altering the existing General Commercial land use designation.

#### ***The proposed density at 22.6 du/acre is appropriate given the property's location, site size, and design of the project.***

**Facts in Support:** Residential Common Interest Developments offer several community benefits, including reduced traffic congestion and enhanced walkability. By concentrating housing units within a compact area, such developments can decrease reliance on automobiles, leading to fewer vehicle trips compared to traditional low-density neighborhoods. The project includes pedestrian pathways that provide access to nearby amenities and services,

consistent with General Plan policies that encourage walkability and connectivity.

The proposed project's density aligns with the existing residential character along Victoria Street, where similar densities are present. Moreover, the development incorporates design features that provide community-oriented amenities such as a barbecue area, children's play area, flex-use space, and proximity to an adjacent passive recreation area. These features contribute to the City's objective of expanding homeownership opportunities and enhancing community well-being. The project's intensity is consistent with the purpose and intent of the RIOD and is designed to operate within the capacity of existing public infrastructure.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(11) “**Rezone Findings**” because:

***Finding: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.***

**Facts in Support of Finding:** The proposed rezone is consistent with the Zoning Code, the General Plan, and applicable planning documents. Specifically, the applicant is requesting to rezone the project site by applying the RIOD zoning overlay over the existing C2 – General Business District zoning. This overlay would implement the General Plan’s Residential Incentive Overlay designation and allow for the development of a residential common interest project pursuant to the provisions of Article 12 (Residential Incentive Overlay District) of the Costa Mesa Municipal Code (CMMC).

To facilitate this rezoning, a General Plan Amendment is also proposed to formally apply the RIOD to the project site. This amendment would modify the Land Use Element maps, figures, text, and tables to reflect the new overlay designation while maintaining the underlying General Commercial land use designation. Per *Table LU-19: General Plan and Zoning Consistency* of the General Plan Land Use Element, the RIOD is considered consistent with the General Commercial land use designation. Therefore, the proposed rezone and General Plan Amendment align with the City’s land use framework and are necessary to support the proposed residential development.

- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(13) – “**Tentative Tract Map Findings**” because:

***Finding: The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zone Code. proposed rezone is consistent with this Zoning Code.***

**Facts in Support of Finding:** The creation of the subdivision aligns with the General Plan by promoting residential development that meets the community's housing needs. Additionally, the subdivision complies with the local Zoning Code and State laws by conforming to established development regulations. Overall, this project supports the City's vision for balanced development and ownership housing.

***Finding: The proposed use of the subdivision is compatible with the general plan.***

**Facts in Support of Finding:** The proposed development aligns with the General Plan by addressing the critical need for housing options within the community. Located near transportation routes and commercial and residential corridors, this development promotes the City's goals of increasing residential density while enhancing accessibility to essential services and transportation. Furthermore, the project supports the General Plan's emphasis on creating inclusive neighborhoods, thereby fostering a supportive environment for a mix of populations and contributing to the overall well-being of the community.

***Finding: 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.***

**Facts in Support of Finding:** The proposed development will be situated in an urbanized area. The site meets the minimum lot size requirement and is a typical shaped lot that can accommodate the buildings and necessary utilities. Grading activities could potentially disturb limited areas of shallow soils impacted by past boat storage and repair operations; however, contamination levels are below regulatory thresholds for the site's current use. With implementation of Mitigation Measure HAZ-1, requiring a Soil Management Plan during grading, the project would not result in substantial environmental damage related to hazardous materials. There are no wildlife habitat or bodies of water on the site or nearby, further ensuring that the development will not result in substantial environmental damage. This strategic location allows for the efficient use of already developed land, minimizing the need for additional site disturbance and preserving green spaces elsewhere in the community. By repurposing this underutilized area, the project will provide much-needed ownership housing.

***Finding: 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***

**Facts in Support of Finding:** The design of the proposed development considers the orientation of the lot, aligning in a manner that maximizes solar

exposure, ensuring natural passive heating during colder months. Additionally, the layout incorporates an outdoor barbeque and children play area at the center of the development and green spaces to promote natural airflow and cooling, minimizing the need for artificial heating or air condition. This approach reflects the principals outlined in State Government Code section 66473.1.

***Finding: 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.***

**Facts in Support of Finding:** The proposed development has been designed to ensure that all existing public entity and utility rights-of-way and easements within the subdivision remain accessible and unobstructed. Coordination with utility providers and the City will be maintained throughout the development process to avoid any disruptions and ensure that essential services can continue to operate efficiently.

***Finding: 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).***

**Facts in Support of Finding:** The applicant has submitted a Preliminary Water Quality Management Plan (PQWMB), which demonstrates that the project will implement best management practices to effectively manage wastewater and prevent any violations of water quality standards.

- D. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(5) – **“Master Plan Findings”** because:

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

**Facts in Support of Finding:** The proposed development is consistent with the broader goals of the General Plan by promoting housing opportunities, as specified in General Plan Land Use Objective LU1-A, Land Use Policy LU-1.3, Land Use Objective LU-2A, and Housing Element Policy HOU-3.2. Additionally, the project design reflects architectural standards and site planning that maintains the character and integrity of the surrounding residential and commercial areas. By prioritizing amenity connectivity and experience, the development fosters a sense of place while contributing to the overall livability of a highly urbanized environment.

***Finding: 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.***

**Facts in Support of Finding:** The proposed development a residential development and not located within a mixed-use overlay district. Therefore, these master plan findings do not apply.

***Finding: 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.***

**Facts in Support of Finding:** The proposed development includes 40 residential ownership units that are proposed to be sold at market rate. The project complies with the maximum density standards allowed pursuant to the proposed RIOD. No affordability covenants are proposed because the project is not required to provide affordable housing in line with the City's inclusionary ordinance nor is the project proposing affordable housing.

- E. The proposed project complies with Title 13, Section 13-83.63(c) of the Costa Mesa Municipal Code "**Master Plan for Residential Incentive Overlay District Findings**" because:

***Finding: The project is consistent with the General Plan and meets the purpose and intent of the residential incentive overlay district.***

**Facts in Support of Finding:** The proposed development is consistent with the broader goals of the General Plan by promoting housing opportunities, as specified in General Plan Land Use Objective LU1-A, Land Use Policy LU-1.3, Land Use Objective LU-2A, and Housing Element Policy HOU-3.2. Additionally, the project meets the purpose and intent of the RIOD as the project provides new housing opportunities and the design reflects architectural standards and site planning that maintains the character and integrity of the surrounding residential and commercial areas. By prioritizing amenity connectivity and experience, the development fosters a sense of place while contributing to the overall livability of a highly urbanized environment.

***Finding: The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas in areas including, but not limited to, patios, balconies, roof terraces, walkways, and landscaped areas.***

**Facts in Support of Finding:** The project provides a mix of private and shared open space amenities that support both individual and community needs. Each

unit includes a private rear yard, a covered second-floor balcony directly accessible from the living room, and an approximately 230-square-foot roof deck, providing multiple outdoor living opportunities. These features are complemented by common amenities such as a barbecue area, children's play area, and flex-use space, which encourage community interaction and recreation. In addition, the project's proximity to a proposed adjacent passive recreation area further enhances the quality of life for residents and reflects strong site planning consistent with this finding.

***Finding: The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, toxic emanations, and air pollution.***

**Facts in Support of Finding:** The project is consistent with residential development standards and has been designed and conditioned to protect future residents from potential environmental impacts such as noise, vibration, light, glare, and air quality. The Mitigated Negative Declaration concludes that noise impacts will be less than significant, as the project's trip generation is minimal and would not noticeably affect existing traffic noise levels. Construction and operational vibration impacts are also expected to be less than significant, and the project has been conditioned to include a lighting plan and photometric study to ensure light and glare are appropriately managed. Furthermore, the project's operations are not anticipated to pose any health risks to nearby sensitive receptors, confirming that it meets all applicable health standards for residential use.

***Finding: The proposed residences have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.***

**Facts in Support of Finding:** The proposed development ensures appropriate separation and screening from neighboring residential and commercial properties. Adjacent land uses include office spaces, automotive services, and multi-family residential units. To the west, Herb's Garage, an auto service center, is situated behind block walls, providing a physical barrier. To the east, an underutilized parking lot associated with an existing office building is also screened by block walls. Landscaping is incorporated along all property setbacks, enhancing the visual buffer and contributing to the aesthetic integration with surrounding uses.

E. The proposed project complies with Title 13, Section 13-83.63(e) of the Costa Mesa Municipal Code **"Deviation from Residential Incentive Overlay District Standards Findings"** because:

***Finding: Strict interpretation and application of the overlay district's development standards would result in practical difficulty inconsistent with***

***the purpose and intent of the General Plan, while the deviation to the regulation allows for a development that better achieves the purposes and intent of the General Plan.***

**Facts in Support of Finding:** The proposed project meets the intent of the RIOD by providing well-designed residential development that aligns with the goals of the General Plan. While the project includes deviations for floor area ratio (1.43 FAR), building height, common use open space, landscape parkways, garage dimensions, parking, and setbacks, these adjustments allow for efficient site planning and enhanced residential amenities. The development includes roof decks, private rear yards, and covered balconies for each unit, supporting livability and quality of life. Although the project proposes 9,817 square feet of common use open space—less than the RIOD's minimum requirement—it includes amenities like a barbecue area, children's play space, flex-use space, and proximity to a proposed adjacent passive recreation area, fulfilling the intent of the standard.

The parking deviation still results in a reasonable parking ratio of 2.58 spaces per unit, with garages and conveniently located open stalls. Reduced side and rear setbacks allow for a more compact and efficient layout that maintains compatibility with surrounding land uses. Though the garage dimensions and stall widths are slightly below standard, the design distributes parking accessibly throughout the site. Overall, the requested deviations facilitate the development of a residential project on an underutilized infill site within an urbanized area, consistent with Land Use Objectives LU1-A and LU-2A and Housing Element Policy HOU-3.2, by offering high-quality, accessible housing within an urban corridor.

***Finding: The granting of a deviation results in a development which exhibits excellence in design, site planning, integration of uses and structures and compatibility standards for residential development.***

**Facts in Support of Finding:** The proposed development includes a cohesive architectural style, the use of high-quality materials, and a well-organized internal circulation that supports both aesthetics and site functionality. The project includes landscaping, rooftop decks, private rear yards, and second-floor balconies for each unit, which provide outdoor space and amenities commonly associated with residential development. The development also includes community-oriented amenities such as a barbecue area, children's play zone, and a flex-use space, promoting a vibrant and engaging environment. Despite requesting deviations for building height, FAR, setbacks, open space, and parking, the project remains compatible with surrounding land uses and maintains an appropriate scale and massing consistent with nearby developments. The proposed site layout efficiently uses the available land while preserving a strong sense of community and contributing positively to neighborhood character.



***Finding: The granting of a deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

**Facts in Support of Finding:** The requested deviations will not be detrimental to public health, safety, or welfare, nor will they negatively impact surrounding properties or improvements. The project has undergone thorough environmental review through a Mitigated Negative Declaration, which determined that potential impacts related to noise, air quality, traffic, and hazardous materials would be less than significant with a few mitigation measures. The development includes appropriate setbacks, enhanced landscaping, and on-site amenities that promote a livable environment while maintaining compatibility with neighboring uses. Additionally, a trip generation memo confirms that the existing street infrastructure can accommodate the project without causing adverse traffic impacts. The overall design supports safe and efficient circulation for vehicles and pedestrians and aligns with City standards to ensure a well-integrated residential neighborhood.

#### **F. California Environmental Quality Act**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. AN IS/MND was prepared for the proposed project, pursuant to CEQA. Although the proposed project could have a significant impact on the environment, mitigation measures have been included as conditions of approval that reduce impacts to less than significant levels.

Mitigation measures from the IS/MND including Mitigation Monitoring and Reporting Program have been included as Exhibit D. If any of these mitigation measures are removed or substantially modified, the Planning Commission must make a recommendation to City Council for their consideration of the removed or modified mitigation measures. The City Council must then make a finding that the removed or modified mitigation measures will not result in significant environmental impacts.

#### **G. Transportation**

The project site is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## **EXHIBIT C**

### **RECOMMENDED CONDITIONS OF APPROVAL**

- Plng.
1. Approval of the General Plan Amendment PGPA-24-0001, Rezone, Master Plan, and Tentative Tract Map No. 19351 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. 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. Master Plan PMAP-24-0002, and Tentative Tract Map No. 19351 shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the IS/MND for this project. Mitigation Measures from the IS/MND for this project have been included as Exhibit D. If any of these conditions are removed or substantially modified, the City Council must make a finding that the project will not result in significant environmental impacts.
  3. The conditions of approval, including Mitigation Measures incorporated as Exhibit D, code requirements, and special district requirements of Master Plan PMAP-24-0002, and Tentative Tract Map No. 19351 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  4. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval including Mitigation Measures and code requirements have been satisfied.
  5. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
  6. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  7. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code

requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.

9. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
10. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
11. The project shall be limited to the type of buildings as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Master Plan.
12. The Master Plan herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more and may be referred to the Planning Commission and/or City Council for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of the Economic and Development Services Director or designee, any of the findings upon which the approval was based are no longer applicable.
13. The applicant and future homeowners shall contract with a waste disposal company that will provide full on-site trash, recyclable, and organics collection. Access for disposal collection shall be provided along the private street or as otherwise authorized. There shall be no storage of trash bins or cans on public streets with the exception of temporary use of the right-of-way for rolling containers or loading to large trash trucks. (SCA U-1)
14. A "Notice to Buyers" shall disclose that the project is located within an area designated as general commercial in the City of Costa Mesa General Plan and is subject to existing and potential annoyances or inconveniences associated with industrial land uses. The Notice shall disclose the existing surrounding industrial land uses, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, and noise and odor generation. In addition, the Notice shall state that the existing land use characteristics are subject to change in the event that new businesses move or existing businesses change ownership.

15. The open, unassigned parking spaces shall be clearly marked as guest parking spaces. Signage will be posted to indicate that these spaces are available to all visitors.
16. All fencing onsite must be block walls. The applicant shall submit a detailed block wall plan for review. The location and heights of block walls shall comply with Code requirements, as well as any visibility standards for traffic safety related to ingress and egress. The private, interior fences between the homes shall be a minimum of six feet in height. (SCA AE-7) (SCA TRA-2)
17. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
18. 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 or employees arising out of, or which are in any way related to, the applicant's project, or any approval 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 City.
19. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.
  - A. The CC&Rs shall contain provisions requiring that the maintenance or HOA homeowner's association (HOA) effectively manage parking and contract with a towing service to enforce the parking regulations and shall

contain restrictions prohibiting parking in the driveway and in front of garage doors.

B. The CC&Rs shall also contain provisions related to use, preservation and maintenance of the common drive aisle and open space areas in perpetuity by the maintenance or homeowner's association.

C. The CC&Rs shall contain restrictions requiring residents to park vehicles in the garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage spaces.

D. The CC&Rs shall contain a notice that all open parking spaces shall be unassigned and available for visitors.

E. The CC&Rs shall be limited to the ground rules related to: architectural control over future building modifications or additions, architectural design and guidelines for the property, and engagement in alternative dispute resolution before filing a lawsuit to resolve conflicts.

F. The CC&Rs shall contain provisions requiring that:

a. The two-car garages in the residential community are being used for vehicle parking by the resident(s).

b. Each two-car garage shall maintain a minimum internal clear dimension of 19 feet, six inches in width and 20 feet in depth, free of obstructions such as storage items, utility equipment, appliances, or other items that would prevent the accommodation of two vehicles.

c. The HOA shall have the authority to address repeated misuse of garage space through established enforcement procedures, including voluntary inspections when warranted.

Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.

20. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities prior to selling any of the units as condominiums.
21. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
22. All utilities servicing irrigation, project lighting and other commonly serving improvements, shall be provided by (a) common meter(s) that is the shared responsibility for all property owners in the development project. The CC&Rs or other organizational documents shall include verbiage requiring the common meters for the life of the development project.
23. The precise grading plan shall clearly show the lowest and highest point of the development. 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.
- Bldg. 24. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. (SCA NOI-1) (SCA AE-8)
25. Prior to issuance of a building permit, the City's Building and Fire Departments shall review the proposed development plans to determine compliance with all building and safety and fire codes, and to ensure safety, suitable occupancy and the necessary occupant ingress and egress.
26. Comply with the requirements of the adopted California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with Chapter 11A and 11B of the California Building Code.
27. If soil contamination exists, then remediation plans shall be submitted to both the Building Division and the County of Orange for review, approval and issuing a permit. Building permit(s) shall not be issued until the soil is certified as clean and usable by a Soil's Engineer. (MM HAZ-1)
28. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code.
29. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code.
30. Construction/ improvements that encroach within Public Utility Easements shall require written approvals from the utility companies associated with that easement.
31. The ground adjacent immediately to the foundation shall be sloped away from the building at a slope of not less than 5% for a minimum distance of 10 feet measured perpendicular to the face of the wall CBC sec. 1804.3. See also exception. ii- On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent California Building Code sec. 1808.7.4
32. All single family residential structures shall be future ready for electric water heater, electric range, electric clothes washer, electric heat pump, energy storage system (ESS), solar ready, and EV charger ready.
- Eng. 33. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit D1)

## PRIOR TO ISSUANCE OF A DEMOLITION OR GRADING PERMIT

- Plng.
1. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
  2. SCAQMD Rule 403 shall be adhered to and ensure the cleanup of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission sources. Particulate matter deposits on public roadways are also prohibited.
  3. All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:
    - Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
    - Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
    - Water excavated soil piles hourly or covered with temporary coverings.
    - Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
    - Wash mud-covered tired and under-carriages of trucks leaving construction sites.
    - Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
    - Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.
    - Cease grading during period when winds exceed 25 miles per hour. (SCA HYD-1)
  4. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that

- a crust will be formed on the ground surface and then watered again at the end of the day. (*SCA HYD-2*)
5. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph. (*SCA HYD-3*)
  6. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. (*SCA TRA-1*)
  7. Prior to Project commencement of construction, the Applicant or designee shall submit a Construction Traffic Management Plan (TMP) for review and approval by the City Traffic Engineer. The TMP shall include signage, lane closures, flag persons, etc., and shall specify that one lane of travel in each direction shall be maintained along City rights-of-way. Bicycle lanes, pedestrian sidewalks, and bus stops shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity while maintaining Americans with Disabilities Act (ADA) accessibility. The TMP shall be incorporated into project specifications for verification prior to final plan approval. (*MM TRA-1*)
  8. Prior to issuance of a grading permit, the contractor shall retain a qualified environmental professional with Phase II/Site Characterization experience, to be approved by the City's Department of Public Works City Engineer, to prepare a Soil Management Plan (SMP). The SMP shall be made available to the contractor, construction workers, and the City Engineer for use during grading/excavation activities. The SMP shall include guidelines for safety measures and soil management in the event that soils are to be disturbed, and for handling soil during any planned earthwork activities. The SMP shall also include a decision framework and specific risk management measures for managing soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. During the grading phase, the qualified professional shall conduct soil sampling and monitor soil conditions. In the event where contaminated soil is discovered, the qualified professional shall take a sample and coordinate laboratory testing to determine contamination levels before the import, export, or re-use of the soil for residential purposes. Should any soil samples identify contamination levels in exceedance of existing Federal, State, and/or local human health screening levels for residential uses, the soil shall be disposed off site by a licensed hazardous waste hauler in accordance with applicable Federal, State, and local regulations. (*MM HAZ-1*)



9. Prior to issuance of a grading permit and any ground-disturbing activities, the project applicant shall consult with a geologist or paleontologist to confirm whether anticipated grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have high sensitivity, construction activity shall be monitored by a qualified paleontologist retained by the project applicant and a written Project Monitoring Plan (PMP) shall be submitted to the City of Costa Mesa's Director of Economic and Development Services for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds. The paleontologist shall have the authority to halt construction during construction activity. Because the project area is immediately underlain by Holocene sediments (low sensitivity) and the depth of these sediments is unknown, spot-check monitoring shall be conducted to identify potential fossils and the lithological transition to Pleistocene sediments. If Pleistocene aged sediments are discovered at depth, monitoring shall transition to full-time as ground-disturbing activities occur at or below this identified depth because these Pleistocene units have been identified as having high sensitivity for paleontological resources. *(MM GEO-1)*
10. In the event of any fossil discovery, regardless of depth or geologic formation, construction work shall halt within a 50-foot radius of the find until a qualified paleontologist retained by the project applicant can determine its significance. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology (2010). The most likely repository is the Natural History Museum of Los Angeles County (NHMLAC). The repository shall be identified, and a curatorial arrangement shall be signed prior to the collection of the fossils. *(MM GEO-2)*
11. Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:
  - Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided

contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.

- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Director of Economic and Development Services for review and approval. The monitoring plan shall include monitor contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.
- In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource ("TCR") shall cease and the Kizh Monitor shall assess the discovery. Construction activities outside the buffer zone may continue during the Kizh Monitor's assessment.
  - Non-Native American (Non-TCR) Discoveries: If warranted based on the qualified archaeologist's evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa's Director of Economic and Development Services shall verify are incorporated into future construction plans, and providing cost estimates.
  - Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Kizh Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Kizh Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Kizh Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.

- The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Kizh Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1. *(MM CUL-1)*
12. Prior to issuance of any grading permits, the Applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The Applicant shall allow 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the Applicant can demonstrate they were unable to secure an agreement with the first preference tribe, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the Applicant may retain an alternative qualified tribal monitor approved by the City. The City approved Monitor (the “Monitor”), shall monitor all “ground-disturbing” Project activities, (i.e., both on-site and any off -site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work), which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively “ground disturbing activities”). A copy of the executed contract shall be submitted to the Costa Mesa Economic and Development Services Department prior to the issuance of any permit necessary to commence ground disturbing activities.

The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe’s cultural practices, including reinternment on site in an appropriate area

determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.

Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete. (*MM TCR-1*)

- Bldg.
13. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits. (*SCA GEO-1*)
  14. Prior to the Building Division (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 Div. will not issue a demolition permit until an Identification no. is provided by AQMD.
  15. Prior to the issuance of grading permits, submit a precise grading plan, an erosion control plan and a hydrology study. A precise grading plan shall not be required if any of the following are met: (1) An excavation which does not exceed 50 CY on any one site and which is less than 2 ft in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area); (2) A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course; and (3) A fill less than 3 ft in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
  16. Prior to the issuance of grading permits, submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.

### **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. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

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| Bldg.        | 2. | Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code. A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the California Building Code. |
|              | 3. | Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.  |
| Fire         | 4. | Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.   |
| Bus.<br>Lic. | 5. | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.  |

#### **PRIOR TO ISSUANCE OF A BUILDING PERMIT**

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| PIng. | 1. | Prior to issuance of building permits, the applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.   |
|       | 2. | The conditions of approval and ordinance or code provisions of the Master Plan shall be blueprinted on the face of the site plan as part of the plan check submittal package.  |
| PIng. | 3. | Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits. |
|       | 4. | Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.   |
|       | 5. | Subject to exceptions to allow for ADA paths of travel or other specific purposes identified by the applicant's landscape architect, all landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.  |
|       | 6. | The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, groundcover and turf requirements per the City's Zoning Code. (SCA AE-2)                                   |

7. Prior to issuance of building permits, a final landscape plan indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division. The driveway entrances shall also be enhanced with pervious pavers, colored concrete, or other treatment to the satisfaction of the Development Services Director. (SCA AE-3)
8. Enhanced landscaping is required within the front setback under the direction of Planning Staff. (SCA AE-4)
9. Prior to the issuance of a building permit, the applicant shall install permanent physical barriers such as bollards, guardrails, fences, or raised curbs and concrete wheel stops at the front edge of all parking spaces adjacent to sidewalks and common use open space. Concrete wheel stops shall be installed 2'-0" from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2'-0" to allow curbing to serve as a wheel stop. These barriers shall be designed and placed to prevent vehicle overhang from encroaching into the project walkways, public sidewalk areas, and common use open areas, and shall comply with all accessibility standards. The design, materials, and placement shall be subject to review of the City Engineer and Planning Division to ensure compatibility with the residential development and surrounding streetscape.
10. The material for the driveways along Victoria Place shall be permeable decorative interlocking pavers.
11. The applicant shall provide for a bicycle rack on the property, based on locational approval from Planning and Transportation Services, to allow for parking credit of one standard parking space. A greater amount of bicycle racks and bicycle lockers can be provided upon approval of the Planning Division.
12. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division. (SCA AE-5)
13. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Economic and Development Services Department. The Lighting Plan shall demonstrate compliance with the following: (a) Lighting design and layout shall limit spill light to no more than 0.5-foot candle at the property line of the surrounding neighbors, consistent with the level of lighting that is deemed necessary for safety and security purposes on site. (b) Glare shields may be required for select light standards. (SCA AE-9)

14. The applicant shall work with any utility agencies' right-of-way areas and/or easements related to any overhead power lines, and receive clearance prior to issuance of building permits.
  15. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas either within the garages or within the side yard areas (behind fences).
  16. All on-site utility services shall be installed underground or on the roof (e.g., satellite dishes), in which case such utility services shall be obscured from view.
  17. On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties to minimize light and glare impacts and shall be of a type approved by the Development Services Director. (SCA AE-10)
  18. The parking area and pedestrian paths shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the site.
  19. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area. If that is not possible due to requirements imposed by the utility companies and/or space limitations, the above-ground utilities shall be screened from view with landscape materials subject to review by Planning staff and the utility company standards.
  20. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
  21. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
  22. Prior to building permit issuance, the applicant shall submit a comprehensive utilities plan that shows utility design, undergrounding and required dedications/easements. The plan will be reviewed by both the City's Building Division and Public Works Department.
  23. Prior to issuance of building permits, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development.
  24. All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. with the existing structure(s). Plans submitted for plan check shall indicate how this will be accomplished. (SCA A-1)
  25. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Director of Economic & Development.
- Play Areas

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|       | 26. | Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights. On a project-specific basis, the Director of Economic & Development or designee shall require that the playground plan adequately serve the anticipated number of users and their activities.   |
| Fire  | 27. | Prior to issuance of a building permit, the applicant shall submit and have approved by the Fire Department an Emergency Access Plan, which identifies and locates all Knox Boxes, Knox key switches, and Click2Enter radio access control receivers. Said plan shall be incorporated into the plan set for building permits.  |
| Trans | 28. | The applicant shall submit a Traffic Impact Fee to the Transportation Division prior to issuance of building permits to fulfill mitigation of off-site traffic impacts. The fee is required in an amount determined by the Transportation Division pursuant to the prevailing schedule of charges adopted by the City Council. The fee is calculated based on the average daily trip generation rate of 86 trip ends for the proposed project and includes a credit for any previously existing use. At the current rate, the estimated Traffic Impact Fee is \$20,315.75. NOTE: The fee will be recalculated at the time of issuance of building permits and based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time. |
| Bldg  | 29. | Comply with the requirements of the latest edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code , California Plumbing Code , California Green Building Standards Code and California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.  |

#### **PRIOR TO FINAL INSPECTION/OCCUPANCY**

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| Plng. | 1. | The applicant shall contact the Planning Division to arrange 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.   |
|       | 2. | Prior to final inspection or Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable. |



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|            | 3. | Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance. Only canopy trees shall be planted within the development and public right-of-way; palm trees shall not be used.   |
|            | 4. | Prior to final building inspection, a bicycle rack shall be installed in a location such that it is functional, accessible and visible to the user. The placement must ensure that parked bicycle do not interfere with vehicle circulation or encroach upon an ADA-compliant walkway or sidewalk, maintaining clear and unobstructed pedestrian access.   |
|            | 5. | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy, and utility releases will not be granted until all such licenses have been obtained.  |
| Play Areas | 6. | Prior to occupancy, the applicant shall submit a letter stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California.   |
| Trans      | 7. | Prior to final inspection or Certificate of Occupancy (C of O) the applicant shall submit a detailed plan to the Transportation Division for review and approval to design and construct a buffered class II bike lane with green bicycle markings. The bike lane shall be a minimum of five feet from the north curb face, and a two-foot buffer is to be placed between the bike lane and the westbound travel lane. |
|            | 8. | All parking spaces shall conform with the City of Costa Mesa Parking Design Standards unless otherwise approved.   |

### **TENTATIVE TRACT MAP**

- |       |    |   |
|-------|----|---|
| PIng. | 1. | The Final Tract Map shall be recorded with the County of Orange prior to the issuance of any precise grading or building permits for the proposed development. However, demolition and rough grading permits may be issued prior to recordation of the Final Tract Map. |
| Eng.  | 2. | Comply with the conditions of approval in the letter prepared by the City Engineer (Exhibit D1).  |

### **SPECIAL DISTRICT REQUIREMENTS**

- |      |    |   |
|------|----|---|
| AQMD | 1. | <p>Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:<br/> 21865 Copley Dr<br/> Diamond Bar, CA 91765-4178<br/> Tel: 909-396-2000<br/> OR<br/> Visit their web site:<br/> <a href="http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381">http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381</a></p> |
|------|----|---|

- The Building Division will not issue a demolition permit until an identification number is provided by AQMD.
- |        |    |  |
|--------|----|--|
| Sani.  | 2. | It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.   |
| Water  | 3. | Applicant is reminded that additional conditions of development may be imposed by Mesa Consolidated Water District (949) 631-1200 and/or other serving utilities. Subject to approval by the board of directors, Mesa Consolidated Water District may require payment of a developer impact fee prior to installation of water service or construction of required master plan facilities. |
|        |    | Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.   |
| School | 4. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.   |
| CDFA   | 5. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 1-888-4FIREANT for information.   |

## **EXHIBIT D**

### **MITIGATION MONITORING AND REPORTING PROGRAM**

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be potentially significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Victoria Place Project (Project); refer to Table 1, *Mitigation Monitoring and Reporting Checklist*. This MMRP is intended to provide verification that the implementation of all mitigation measures identified in the Draft IS/MND are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of all such records in the project file.

This MMRP delineates responsibilities for monitoring the project. Pursuant to CEQA Guidelines Section 15097(a), however, the City of Costa Mesa ultimately remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the mitigation program. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft IS/MND, which provides general background information on the reasons for the adopted mitigation measures.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City of Costa Mesa with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City of Costa Mesa prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.

- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals, as indicated.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City of Costa Mesa. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution, or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162.

**Table 1**  
**Mitigation Monitoring and Reporting Checklist**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
4.5 CULTURAL RESOURCES								
CUL-1	<p>Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior’s Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:</p> <ul style="list-style-type: none"><li>• Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental</li></ul>	<p>Project Applicant; Construction Contractor; Qualified Archaeologist; Native American Monitor</p>	<p>Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities</p>	<p>City of Costa Mesa Development Services Director</p>	<p>Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities</p>			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.</p> <ul style="list-style-type: none"> <li>• Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Director of Economic and Development Services for review and approval. The monitoring plan shall include monitor contact information</li> </ul>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>(including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.</p> <ul style="list-style-type: none"> <li>In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource ("TCR") shall cease and the Kizh Monitor shall assess the</li> </ul>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>discovery. Construction activities outside the buffer zone may continue during the Kizh Monitor's assessment.</p> <ul style="list-style-type: none"> <li>○ <u>Non-Native American (Non-TCR) Discoveries:</u> If warranted based on the qualified archaeologist's evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including</li> </ul>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa's Director of Economic and Development Services shall verify are incorporated into future construction plans, and providing cost estimates.</p> <p>○ <u>Conjoined Archaeological and Native American (TCR) Discoveries:</u> If, following consultation with</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	the Kizh Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Kizh Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Kizh Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature,							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.</p> <ul style="list-style-type: none"> <li>○ The requirements of Section 15064.5 of the CEQA Guidelines shall be followed.</li> </ul> <p>Construction work within the buffer area surrounding a TCR discovery shall resume only after the Kizh Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	(2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1.							
<b>4.7 GEOLOGY AND SOILS</b>								
GEO-1	Prior to issuance of a grading permit and any ground-disturbing activities, the project applicant shall consult with a geologist or paleontologist to confirm whether anticipated grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have high sensitivity, construction activity shall be monitored by a qualified paleontologist retained by the project applicant and a written Project Monitoring Plan (PMP) shall be submitted to the City of Costa Mesa's Director of Economic and Development Services for review and	Project Applicant; Construction Contractor; Qualified Geologist; Qualified Paleontological Monitor	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities	City of Costa Mesa Development Services Director	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds. The paleontologist shall have the authority to halt construction during construction activity. Because the project area is immediately underlain by Holocene sediments (low sensitivity) and the depth of these sediments is unknown, spot-check monitoring shall be conducted to identify potential fossils and the lithological transition to Pleistocene sediments. If Pleistocene-aged sediments are discovered at depth, monitoring shall transition to full-time as ground-disturbing activities occur at or below this identified depth because these Pleistocene units have been identified as having high sensitivity for paleontological resources.							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
GEO-2	In the event of any fossil discovery, regardless of depth or geologic formation, construction work shall halt within a 50-foot radius of the find until a qualified paleontologist retained by the project applicant can determine its significance. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology (2010). The most likely repository is the Natural History Museum of Los Angeles County (NHMLAC). The repository shall be identified, and a curatorial arrangement shall be signed prior to the collection of the fossils.	Construction Contractor; Qualified Paleontological Monitor	During Ground Disturbing Activities	City of Costa Mesa Development Services Director	During Ground Disturbing Activities			
<b>4.9 HAZARDS AND HAZARDOUS MATERIALS</b>								

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
HAZ-1	Prior to issuance of a grading permit, the contractor shall retain a qualified environmental professional with Phase II/Site Characterization experience, to be approved by the City's Department of Public Works City Engineer, to prepare a Soil Management Plan (SMP). The SMP shall be made available to the contractor, construction workers, and the City Engineer for use during grading/excavation activities. The SMP shall include guidelines for safety measures and soil management in the event that soils are to be disturbed, and for handling soil during any planned earthwork activities. The SMP shall also include a decision framework and specific risk management measures for managing soil, including any soil import/export activities, in a manner protective of human	Project Applicant; Construction Contractor; Qualified Environmental Professional with Phase II/Site Characterization Experience	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities	Qualified Environmental Professional; City of Costa Mesa Public Services Director	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>health and consistent with applicable regulatory requirements. If required by regulatory requirements, the preparation and implementation of a cleanup plan such as the RAW shall be deemed necessary.</p> <p>During the grading phase, the qualified professional shall conduct soil sampling and monitor soil conditions. In the event where contaminated soil is discovered, the qualified professional shall take a sample and coordinate laboratory testing to determine contamination levels before the import, export, or re-use of the soil for residential purposes. Should any soil samples identify contamination levels in exceedance of existing Federal, State, and/or local human health screening levels for residential uses, the soil shall be disposed off-site by a licensed hazardous waste hauler in accordance with</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	applicable Federal, State, and local regulations.							
<b>4.17 TRANSPORTATION</b>								
TRA-1	Prior to Project commencement of construction, the Applicant or designee shall submit a Construction Traffic Management Plan (TMP) for review and approval by the City Traffic Engineer. The TMP shall include signage, lane closures, flag persons, etc., and shall specify that one lane of travel in each direction shall be maintained along City rights-of-way. Bicycle lanes, pedestrian sidewalks, and bus stops shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity while maintaining Americans with Disabilities Act (ADA) accessibility. The TMP shall be incorporated into project specifications for verification prior to final plan approval.	Project Applicant; City Traffic Engineer	Prior to and During Ground Disturbing Activities	City of Costa Mesa Public Services Director; City Traffic Engineer	Prior to and During Ground Disturbing Activities			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
4.18 TRIBAL CULTURAL RESOURCES								
TCR-1	Prior to issuance of any grading permits, the Applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The Applicant shall allow 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the Applicant can demonstrate they were unable to secure an agreement with the first preference tribe, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the Applicant may retain an alternative qualified tribal monitor approved by the City. The City approved Monitor	Native American Monitor	Prior to Issuance of Grading Permit; During Ground Disturbing Activities	Costa Mesa Development Services Director	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	(the "Monitor"), shall monitor all "ground-disturbing" Project activities, (i.e., both on-site and any off -site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work), which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively "ground disturbing activities"). A copy of the executed contract shall be submitted to the Costa Mesa Economic and Development Services Department prior to the issuance of any permit							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>necessary to commence ground-disturbing activities.</p> <p>The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase</p>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.</p> <p>Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete.</p>							

**EXHIBIT D1**

**Public Works Conditions**

**Provided Under Separate Cover with June 9, 2025 Planning Commission Packet**