

RESOLUTION NO. PC-2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, RELATIVE TO 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: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, 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, 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;

WHEREAS, the Draft IS/MND was circulated for the required 30-day public review period beginning on April 1, 2025, and ending on April 30, 2025;

WHEREAS, the final adoption of the IS/MND shall be considered by the City Council as the final approval authority, after evaluation of the environmental document and all comments on the Draft IS/MND received during the public review period;

WHEREAS, written comments received from the general public, government entities, and other interested parties were responded to, where appropriate, in the manner prescribed in California Code of Regulations Section 15073;

WHEREAS, no significant new information has been added to the IS/MND since its circulation for public comment and no changes to the proposed project have occurred which would require recirculation of the IS/MND under CEQA Guidelines Section 15073.5;

WHEREAS, the Planning Commission has reviewed and considered the IS/MND and has found that the IS/MND adequately evaluates the environmental impacts of the proposed project, and the IS/MND is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the IS/MND reflects the independent judgment and analysis of the City of Costa Mesa.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDS AS FOLLOWS:

Section 1. Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The City Council hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto as Exhibit A and Exhibit B and incorporated herein by this reference. The City finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program. To the extent there is any conflict between the Mitigation Monitoring and Reporting Program, and the Draft IS/MND, the terms and provisions of the Mitigation Monitoring and Reporting Program shall control.

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.

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

Carrie Tai, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2025-

EXHIBIT A

MITIGATED NEGATIVE DECLARATION

The Mitigated Negative Declaration for the Project and Appendices are available online at:

<https://www.costamesaca.gov/government/departments-and-divisions/economic-and-development-services/planning/environmental-notice-and-reports>

EXHIBIT B

FINAL MITIGATED NEGATIVE DECLARATION

The Final Mitigated Negative Declaration for the Project is available online at:

<https://www.costamesaca.gov/government/departments-and-divisions/economic-and-development-services/planning/environmental-notice-and-reports>

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">• Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental	<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>			

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	<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>							

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	<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"> • 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 							

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	<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"> 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 							

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	<p>discovery.</p> <p>Construction activities outside the buffer zone may continue during the Kizh Monitor's assessment.</p> <ul style="list-style-type: none"> ○ <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 							

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	<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>							

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	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,							

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	<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"> ○ The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. <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>							

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	(2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1.							
4.7 GEOLOGY AND SOILS								
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		
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	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		
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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			
4.9 HAZARDS AND HAZARDOUS MATERIALS								

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	VERIFICATION OF COMPLIANCE		
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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			

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	<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>							

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	applicable Federal, State, and local regulations.							
4.17 TRANSPORTATION								
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			

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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		
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	(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							

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	<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>							

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	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							

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	<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>							

