CITY OF COSTA MESA

PLANNING COMMISSION

Agenda

Monday, July 14, 2025	**6:00 PM**	**City Council Chambers** **77 Fair Drive**

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

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

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As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing. Agendas and reports can be viewed on the City website at https://costamesa.legistar.com/Calendar.aspx.

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PLANNING COMMISSION REGULAR MEETING

JULY 14, 2025 – 6:00 P.M.

JEFFREY HARLAN
CHAIR

JON ZICH
VICE CHAIR

ANGELY ANDRADE
PLANNING COMMISSIONER

ROBERT DICKSON
PLANNING COMMISSIONER

KAREN KLEPACK
PLANNING COMMISSIONER

DAVID MARTINEZ
PLANNING COMMISSIONER

JOHNNY ROJAS
PLANNING COMMISSIONER

TARQUIN PREZIOSI
ASSISTANT CITY ATTORNEY

CARRIE TAI
DIRECTOR

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS AND PRESENTATIONS

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA
Comments are limited to three (3) minutes, or as otherwise directed.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

CONSENT CALENDAR:

1. **JUNE 23, 2025 UNOFFICIAL MEETING MINUTES** **25-385**

   RECOMMENDATION:
   Planning Commission approve the Regular Meeting Minutes of June 23, 2025.

   Attachments: June 23, 2025 Unofficial Meeting Minutes

PUBLIC HEARINGS:

1. **RECOMMENDATION TO THE CITY COUNCIL ON A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONE, DESIGN REVIEW, TENTATIVE TRACT MAP, AND DENSITY BONUS FOR A 142-UNIT, OWNERSHIP RESIDENTIAL DEVELOPMENT AT 3150 BEAR STREET** **25-384**

RECOMMENDATION:

Staff recommends that the Planning Commission:
1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and,
2. Adopt a Resolution recommending that the City Council take the following actions, including:
a. General Plan Amendment (PGPA-24-0002): Amend the General Plan Land Use Element including changing the Land Use Designation of the project site from General Commercial to High Density Residential;
b. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Administrative and Professional (AP) to Multiple Family Residential (R3);
c. Design Review: Approve the Design Review for the development of the project including 142 dwelling units with a maximum height of 4 stories/52 feet;
d. Tentative Tract Map No. 19334: Approve the Tentative Tract Map to subdivide the property into a residential common interest development; and
e. Density Bonus: Approve the density bonus which will provide seven very low income units in exchange for a 20 percent density bonus resulting in an additional 20 units.

Attachments: Agenda Report
1. Draft Resolution (ISMND)
Exhibit A to Attachment 1 - Draft ISMND
Exhibit B to Attachment 1 - Final ISMND
2. Draft Resolution (Project)
Exhibit B to Attachment 2 - Engineering Conditions of Approval
Exhibit C to Attachment 2 - Draft Ordinance (Rezone)
Exhibit D to Attachment 2 - Plans
Exhibit E to Attachment 2- Tentative Tract Map
3. Applicant Letter
4. Density Bonus Letter
5. Trip Generation Memo
6. Site Photos
7. Fiscal Analysis
8. Arborist Report
9. Draft CC&Rs
10. Vicinity and Zoning Map
11. Shiffer Park Dedication Commitment

OLD BUSINESS: NONE

NEW BUSINESS: NONE

DEPARTMENTAL REPORTS:

1. PUBLIC WORKS REPORT

2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY REPORT

ADJOURNMENT

PLANNING COMMISSION MEETING:

Costa Mesa Planning Commission meets on the second and fourth Monday of each month at 6:00 p.m.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an affected party files an appeal to the City Council, or a member of City Council requests a review. Applications for appeals are available through the City Clerk's Office; please call (714) 754-5225 for additional information.

CONTACT CITY STAFF:

77 Fair Drive, Costa Mesa, CA 92626
Planning Division (714) 754-5245
planninginfo@costamesaca.gov

77 Fair Drive
Costa Mesa, CA 92626

CITY OF COSTA MESA

Agenda Report

File #: 25-385 **Meeting Date:** 7/14/2025

TITLE:

JUNE 23, 2025 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

RECOMMENDATION:

Planning Commission approve the Regular Meeting Minutes of June 23, 2025.

REGULAR PLANNING COMMISSION
MONDAY, JUNE 23, 2025 - MINUTES

CALL TO ORDER - The Regular Planning Commission Meeting was called to order by Chair Jeffrey Harlan at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG – Chair Harlan led the Pledge of Allegiance.

ROLL CALL

Present: Chair Jeffrey Harlan, Vice Chair Jon Zich, Commissioner Angely Andrade, Commissioner Robert Dickson, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Johnny Rojas

Absent: None.

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Jay Humphrey expressed concern regarding the formatting of staff reports posted for public access. He noted that when printing these documents at home, sections are often cut off due to page size inconsistencies between the screen format and standard home printer settings. He acknowledged that this issue likely affects many residents, not just locally. Mr. Humphrey requested that staff ensure documents intended for public consumption are formatted for effective home printing, so residents are not required to spend significant time adjusting settings.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Andrade reiterated comments from the previous meeting, expressing appreciation for the City of Costa Mesa and the Police Department for issuing a public statement in response to current concerns affecting local residents. She acknowledged the importance of reassuring the community that they are safe and protected under the law. Commissioner Andrade encouraged residents to support one another during this time, highlighting the work of Orange County Rapid Response (OCCR), a grassroots organization assisting individuals who are fearful of leaving their homes to meet basic needs such as grocery shopping or child drop-offs. She invited the public to contribute through food donations, essential item deliveries, or financial

support. Commissioner Andrade concluded with a message in Spanish, reaffirming the City's commitment to maintaining safety and upholding legal protections for all residents.

Commissioner Dickson provided a reminder that the annual Fish Fry will take place next weekend at Lions Park, beginning Friday and continuing through Sunday evening (approximately 8:00 p.m.). He encouraged the community to attend and enjoy the event, highlighting the excellent fish, carnival rides, and various booths hosted by community organizations and City departments. He also noted that several commissioners and community members will be volunteering and emphasized the Fish Fry as a true community celebration.

Commissioner Martinez shared that on June 19, the Airport Land Use Commission found both the Hive Live and Victoria Place projects consistent with the Airport Environs Land Use Plan, meaning no City Council override is required. He echoed Commissioner Dickson's announcement about the upcoming Fish Fry at Lions Park and encouraged the community to attend. He also reminded the public about Costa Mesa's Independence Day celebration on July 3 at the OC Fairgrounds, from 5:00 to 11:00 p.m., and recommended biking to the event to avoid parking challenges. Commissioner Martinez concluded by expressing support for Commissioner Andrade's earlier comments.

Vice Chair Zich expressed enthusiasm at the high level of public participation, emphasizing that increased community engagement leads to better and more community-focused decision-making. He encouraged those attending—whether regularly involved or newly introduced by a neighbor—to stay informed by signing up for E-Notifications on the City of Costa Mesa's website. This feature allows residents to receive updates on various topics, including Planning Commission and City Council agendas.

Chair Harlan promoted the upcoming Concerts in the Park series, beginning July 8 at Fairview Park, highlighting it as a free, family-friendly event with great music and food.

CONSENT CALENDAR:

1. **JUNE 9th 2025 UNOFFICIAL MEETING MINUTES**

MOVED/SECOND: DICKSON / MARTINEZ
MOTION: to approve Consent Calendar with one minor change to correct the spelling of Commissioner Dickson's name.
The motion carried by the following roll call vote:
Ayes: Chair Harlan, Commissioner Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
Nays: None

Absent: None
Recused: None
Motion carried: 7-0

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

PUBLIC HEARINGS:

1. **DESIGN REVIEW (PDES-24-0013) AND TENTATIVE PARCEL MAP 2024-156 FOR A RESIDENTIAL SMALL LOT SUBDIVISION TO CREATE TWO PARCELS EACH CONTAINING A NEW TWO-STORY DETACHED SINGLE-FAMILY RESIDENCE AND AN ATTACHED TWO-CAR GARAGE AT 2280 ELDEN AVENUE**

   Three ex-parte communication from Chair Harlan, Commissioner Andrade, Commissioner Martinez.

   Assistant Planner Jeffrey Rimando presented the item.

   The Commission inquired about revisions to the conditions of approval, specifically regarding a required maintenance agreement for a small lot subdivision, which staff explained is a standard municipal code requirement due to shared property areas. Clarification was also requested on the removal and redlining of certain conditions, which staff noted were updated in coordination with the applicant. Questions were raised about the lack of red curb painting near a fire hydrant and stop sign, with staff citing state vehicle code regulations that prohibit parking within 15 feet of a hydrant regardless of curb color, and additional considerations such as sight distance and long-term maintenance. Concerns about the placement and accessibility of trash bins were noted, and staff confirmed the plans were drawn to scale but deferred specifics to the applicant. A public comment about a six-foot wall along the sidewalk was addressed, and staff clarified that it pertained to a different agenda item.

   The Chair opened the Public Hearing.

   The Commission asked the applicant to clarify the location and purpose of a six-foot masonry wall mentioned in the staff report, noting that such walls were not reflected in the project images or typical of the surrounding neighborhood. The applicant explained that the wall is a vinyl replacement for an existing rear property wall, requested by neighbors, and confirmed that no tall walls would be placed along the public-facing sides of the property. Additional questions were raised about the spacing and accessibility of trash bins, to which the project architect responded that the site plans are illustrative and that bin placement can be adjusted. When asked hypothetically how the design might

differ without zoning code restrictions, the architect emphasized that the project was intentionally designed with community-oriented features, such as open space, thoughtful driveway placement, and reduced building massing to reflect the character of Eastside Costa Mesa. The Commission also expressed appreciation for the inclusion of additional trees along the sidewalk and the use of low, open fencing along street-facing sides.

The Chair opened public comment.

There were no public comments.

The Chair closed Public Comment.

The Chair closed the Public Hearing.

Commissioner Dickson made a motion to approve the application. Seconded by Vice Chair Zich.

The Commission expressed strong support for the project, noting that it aligns with the intent of the Small Lot Subdivision Ordinance and conforms well to the General Plan. Commissioners praised the thoughtful architectural design, attention to neighborhood context, and the applicant's collaboration with staff on conditions of approval. They commended the project's emphasis on marketability, provision of usable open space, inclusion of garages, and overall contribution to much-needed for-sale housing in Costa Mesa. Additional comments highlighted the benefits of new sidewalk and curb ramp installations and appreciation for the removal of previously noted concerns through redline edits. The CEQA exemption under Sections 15315 and 15303 was formally added to the motion, and all commissioners indicated their support for the project as a well-balanced and appropriately scaled addition to the neighborhood.

MOVED/SECOND: DICKSON/ ZICH
MOTION: Move staff recommendation.
The motion carried by the following roll call vote:
Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

OLD BUSINESS:

1. FAIRVIEW DEVELOPMENTAL CENTER SPECIFIC PLAN LAND USE PLAN - REVIEW AND RECOMMENDATION

Advanced Planning Manager Anna McGill presented the item.

The Commission discussed the background and legislative context of the project, specifically citing Government Code provisions that guide economic feasibility and housing priorities for the site. Staff explained the evolution of unit estimates from 1,500 and 2,500 in earlier documents to the current study of up to 4,000 units, noting this range was developed to evaluate feasibility scenarios and anticipate potential master developer proposals. Questions were raised about emergency access requirements, with staff stating that 2,300 units is the threshold for requiring a second access road, and limitations exist under state law in denying waivers or concessions for such infrastructure. The Commission also explored the disconnect between the 40% affordability assumption in the Housing Element and its financial feasibility, acknowledging that the City's original projection may have been overly optimistic. Staff emphasized that housing element numbers are estimates based on land capacity and not hard limits. It was noted that in past projects, the City encouraged dispersion of affordable units, though financing realities often favor clustering. Lastly, staff confirmed that units only count toward the current RHNA cycle if a building permit is issued within the designated timeframe, and clarified that no current plans exist to remove the golf course.

The Chair Opened for public comment.

Bob Knapp, shared personal and community concerns regarding the proposed development. He emphasized the importance of the Costa Mesa Golf Course—not as a luxury, but as a valuable community asset—highlighting its role in youth sports, high school athletics, and charitable events. Drawing on his experience as a former City recreation manager, he underscored the critical value of recreation facilities for local families, particularly those with limited resources. He questioned why alternative access routes, such as via Harle Avenue, were not explored and expressed concern about the apparent absence of safety netting and the potential loss of existing athletic fields. Mr. Knapp urged the Commission to reconsider and further study the proposed development plans, particularly considering the unexpected 4,000-unit density figure and its impacts on recreational resources and community well-being.

Jay Humphrey expressed concerns about the proposed site layout, specifically the roadway alignment and its impact on the golf course. He suggested that the new development area could be shifted toward Harbor Boulevard, preserving the golf course and avoiding the need for a new access road across it. He also questioned the necessity of the EOC (Emergency Operations Center)

remaining in its current location and proposed exploring a land swap that would benefit both the developer and the public. Mr. Humphrey encouraged the Commission to recommend continued discussions with the state to pursue alternative site configurations. Additionally, he requested that future public meetings be held in a Town Hall format to allow all attendees to hear the full range of questions and responses, ensuring greater transparency and public engagement.

Mike Decker expressed his deep commitment to the City's well-being and stated his intent to listen and gather information. Mr. Decker shared three observations: he strongly supports preserving the integrity of both city golf courses (Mesa Linda and Los Lagos); he noted that the proposed development appears to be forming a "city within a city," with features such as shopping and daycare; and he expressed concern that the Emergency Operations Center (EOC) did not appear to be a high priority in the plan, recommending that it be elevated above higher-end housing in importance.

Steve McNally stated he attended several meetings on the Fairview Developmental Center site, including state and city presentations, and expressed concern that the public was asked to provide input without fully understanding the site's funding and legal constraints. He questioned the tangible benefits—such as tax revenue or truly affordable housing—of the various development options and emphasized the need for housing that is actually accessible to low-income individuals, not just expensive market-rate units. He referenced other available public properties and funding sources, such as county-controlled land and Mental Health Services Act funds, and encouraged collaborative, multi-agency efforts to develop sustainable and inclusive housing solutions.

Brett Eccles, emphasized the critical shortage of active sports fields in Costa Mesa for both youth and adults. He noted that the City controls only four properties suitable for such use, which is insufficient for current demand and will become even more inadequate as new residents move into the proposed development. While he acknowledged the benefits of additional housing, he stressed the importance of expanding open space and active-use areas. Citing U.S. Census data indicating that approximately 19% of Costa Mesa's population is under age 18, he urged the Commission to consider allocating roughly 20% of the development area for open and active recreational use. Mr. Eccles highlighted the growing popularity of sports like girls' flag football, lacrosse, and field hockey, and warned that merely replacing existing fields rather than expanding capacity misses a key opportunity. He also advocated for installing lighting to maximize field use and pointed out the challenges faced by City staff in permitting fields under current conditions. As a point of reference, he compared the site to Jack Hammett Sports Complex, which spans 14.5 acres.

Diane Russell, expressed ongoing concern about the lack of clarity in the proposed plan, particularly regarding the affordable housing component. She cautioned against the potential erosion of deeply affordable units over time, especially if developers claim such housing is financially unfeasible. She urged the City to include firm commitments within the specific plan to preserve very low- and low-income housing and to maximize the total number of affordable units. Additionally, she suggested exploring a pedestrian or bike path connection to Fairview Park to enhance community access and integration. Ms. Russell concluded by indicating she would continue to engage as the planning process moves forward.

Brett Woods, expressed strong support for youth sports despite not being a personal sports fan. He emphasized the vital role youth sports play in teaching children important life lessons such as teamwork, discipline, sportsmanship, leadership, resilience, and how to handle failure—skills that contribute to long-term mental well-being. He urged the City to recognize its role in supporting these developmental opportunities and not to hinder access to them. Mr. Woods advocated for increasing the number of utility fields in the proposed development, noting that the current two fields shown are insufficient. He emphasized the need for "lights, nets, and whistles"—lit, multipurpose fields that can serve a wide range of youth sports. He also encouraged City staff and decision-makers to engage with the local community to better understand actual field needs, noting that current demand exceeds supply, especially for utility fields, while sports like baseball and tennis are already adequately served.

Melissa Hanson, emphasized the importance of planning the site's future with both care and conscience. She shared her deep personal and professional ties to the community and called on the Commission to support Concept 2, urging that a significant portion of the 95-acre site be permanently dedicated to athletic fields without impacting the public golf courses. She highlighted the growing demand for youth sports and underscored that structured recreation is essential for children's development—not just open space, but fields where youth can learn teamwork, leadership, and resilience. Ms. Hanson stressed that recreation and affordable housing must coexist in the plan, and she urged the City to include specific, non-negotiable requirements in the specific plan, such as dedicated acreage for fields and phased development ensuring recreational facilities are built alongside housing. She concluded by advocating for a holistic and equitable vision of Costa Mesa that prioritizes the needs of children and families.

Rick O'Neill, expressed support for the Fairview Development Project while emphasizing the importance of preserving the integrity of the Costa Mesa Golf

Course. He acknowledged the need for change to meet affordable housing goals but urged that the golf community be actively involved in the decision-making process to minimize negative impacts. He described the course as a thriving, community-centered space with a unique layout and high daily use, praising both its staff and role in youth sports. Mr. O'Neill noted the disappearance of other golf courses across Orange County and advocated for preserving Costa Mesa's course as a valuable and irreplaceable community asset. He encouraged continued public dialogue and thanked the Commission for the opportunity to speak.

John Henson, expressed significant concern about traffic impacts, noting that the potential addition of thousands of housing units could result in 4,000 to 8,000 more cars using Harbor Boulevard and Fairview Road daily—already congested routes. He urged the Commission to consider limiting the project to the lower end of the proposed unit range. Second, Mr. Henson voiced strong support for preserving the Costa Mesa Golf Course, highlighting the broader trend of public course closures across Orange County. He warned that eliminating public golf facilities would push the sport further out of reach for average residents, making it increasingly exclusive to private club members.

Greg Pro, voiced strong support for preserving the golf course, while also acknowledging the importance of the proposed development. He expressed growing concern for youth sports field availability, noting that the current plan lacks adequate parking for field users, which could lead to enforcement and access issues similar to those experienced near the State Streets baseball fields. He questioned the usefulness of the earlier community survey, where a majority favored Concept 1 and 2, which were later deemed financially infeasible—suggesting that feasibility studies should precede public input. Mr. Pro emphasized the growing popularity and demographic shift in golf, citing increased diversity and family use. He recommended the City engage its existing golf course contractor to explore viable solutions. Additionally, he stressed the need for protective fencing near parking areas adjacent to fields and concluded by urging the City to account for elementary school capacity, noting the potential influx of young children that the development could bring.

Pete Nevins, urged the Commission to avoid increasing frustration for Costa Mesa residents, particularly with respect to traffic congestion and access to the golf course. Speaking as both a resident and an employee at the Costa Mesa Country Club, he highlighted the high demand for the facility among community members of all ages, from children to seniors. He asked that this be carefully considered in the planning process to preserve the public's ability to enjoy recreational amenities like the golf course.

Tim B. Allen, expressed deep appreciation for the community value of the Costa Mesa Golf Course, emphasizing its inclusivity and role in serving residents and surrounding communities. Reflecting on his personal experience buying a home without affordability programs, he voiced concern about the scale and density of the proposed development, noting the visual and infrastructural impacts—such as the lack of visible parking, and the potential need for services like a police station, fire station, hospital, and school within the project. He also referenced prior city projects in his neighborhood, which he has experienced firsthand, and encouraged continued community engagement and input as the plans evolve.

Ned Whitmore, expressed concern that the proposed development plans do not adequately account for the impact on the golf course, particularly Mesa Linda, which he described as one of his favorite courses. He noted that in the two higher-density concepts, a proposed access road would cut across the course, significantly altering its playability, and potentially reducing it to a par-66 layout, diminishing its value to the community. He questioned the necessity of a second road and suggested exploring alternative routes—such as an extension toward Adams Avenue—to help distribute traffic more evenly rather than concentrating it on Harbor Boulevard, which is already heavily congested. Mr. Whitmore encouraged the City to support the smaller-scale plan to protect the integrity of the golf course and limit excessive traffic impacts.

Carrie McCarthy, emphasized the urgent need for additional softball and utility fields in Costa Mesa, particularly for girls. She noted that her league currently has access to only one field at TeWinkle Park during limited hours, forcing most games to be played in Newport Beach. She advocated for creating a stronger local hub for youth sports in Costa Mesa. As a former Division I softball player and current coach, she highlighted the unique opportunity Southern California offers for young athletes to train with high-level talent and stressed the importance of providing varied, accessible facilities. Ms. McCarthy, a resident near the golf course, also expressed strong support for preserving the Costa Mesa Golf Course as a valued community amenity.

Kirk Bauermeister, urged the City to take a deliberate and strategic approach in planning for the Fairview Developmental Center site. While acknowledging the importance of addressing affordable housing, he cautioned against overloading this project as the sole solution, especially given its potential to add over 3,000 units and significantly increase demand for recreational space. He strongly opposed any reduction to the Costa Mesa Golf Course, particularly Mesa Linda, which he described as a vital and affordable resource for seniors, students, and community members. With other local courses closing or being reduced, he warned that eliminating this course would limit access, increase prices, and diminish quality of life for residents. Mr. Bauermeister

recommended forming a community advisory group to ensure stakeholder input is incorporated throughout the planning process, stating that inclusive planning leads to smoother implementation and long-term success. He offered his own support and encouraged the City to consider the generational impact of its decisions.

Kathy Espahani, voiced strong support for maximizing affordable housing at the Fairview Developmental Center site, calling it a generational opportunity for Costa Mesa to meet the pressing needs of lower-income residents. She expressed concern, echoing earlier comments, that the commitment to affordable housing—particularly the proposed 40% very low- and low-income requirement—could be weakened over time. To safeguard that commitment, she recommended that the City formally include a 40% inclusionary housing requirement in the specific plan, ensuring that regardless of the final unit count, the affordability target is met. She added that such a provision would allow the State, as landowner, to adjust land pricing accordingly to maintain financial feasibility for developers. Ms. Espahani urged the City to hold firm on this requirement to ensure the project meaningfully addresses community housing needs

Cynthia McDonald, expressed appreciation for the wide range of community members who came forward to share their perspectives on the Fairview Developmental Center Specific Plan. She emphasized the value of resident input, particularly from groups advocating for special needs services, youth sports, and affordable housing. Ms. McDonald voiced disappointment that previous calls for an advisory committee were not supported by the City, despite the clear evidence that residents could significantly contribute to a better outcome. She criticized the proposed plan as relying on outdated urban planning principles, lacking emphasis on modern concepts like mixed-middle housing, walkability, bike ability, and strong community design. She also raised concerns about the secondary access road, questioning its necessity and potential impact during emergencies. Lastly, she supported calls for a Town Hall meeting and affirmed that, if the City does not host one, community groups such as Costa Mesa First would.

The Chair closed the public comments.

During the discussion, commissioners and staff explored the complexities of the Fairview Developmental Center Specific Plan, emphasizing the challenge of balancing much-needed housing—particularly affordable units—with the preservation of vital community assets like open space, athletic fields, and the golf course. Several commissioners expressed concern about the feasibility and public support for the proposed site concepts, especially the addition of a second access road that could impact the Mesa Linda golf course. They

questioned whether the community's feedback, particularly from the workshops, had been meaningfully incorporated into the current plan and voiced frustration that the more publicly favored concepts had been deemed financially infeasible only after gathering community input. Staff clarified that financial feasibility and environmental compliance were guiding factors in advancing the plan and noted that while the site concepts helped frame the discussion, the specific plan would be refined based on updated analyses and community input. Commissioners also discussed the importance of making youth sports facilities and deep affordability requirements non-negotiable elements within the plan. Staff reaffirmed that there would be additional opportunities for public engagement moving forward and that the adoption of the guiding principles would help ensure that future planning aligns with community values, state mandates, and long-term city goals.

MOVED/SECOND: ZICH/ DICKSON
MOTION: Receive and File
The motion carried by the following roll call vote:
Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

The Chair called for a break.

The Chair called the meeting back into order at 9:38p.m.

NEW BUSINESS:

1. **STUDY SESSION REGARDING THE 2025 ZONING CODE AMENDMENT PCTY-25-0001 FOR MINOR TECHNICAL UPDATES**

   Assistant Planner Caitlyn Curley presented the item.

   Discussion ensued regarding proposed zoning code amendments, particularly the height and placement of fences and walls in front yard setbacks. Commissioners questioned the rationale behind allowing six-foot opaque walls 10 feet from the property line, expressing concerns about the impact on neighborhood aesthetics and the pedestrian experience. Staff clarified that the six-foot height would only be allowed beyond the first 10 feet and noted that many existing walls would become nonconforming if the limit were pushed further back. It was emphasized that these updates were intended as technical cleanups, not broader policy shifts, but staff welcomed direction from the

Commission if changes were desired. Commissioners debated the balance between community openness and the need for privacy, security, and safety for pets and children, suggesting alternatives like transparency or opacity standards. Other items discussed included how the proposed changes interact with existing Zoning Administrator determinations, the formatting of zoning code sections, parking requirements for counseling offices, and garage space under SB 9. Commissioners also requested a list of uncodified determinations and expressed interest in a broader review of the zoning code in future sessions.

The Chair opened for public comment.

There were no public comments.

The Chair closed public comment.

Commissioner Martinez made a motion to receive and file. Seconded by Commissioner Dickson.

MOVED/SECOND: MARTINEZ/ DICKSON
MOTION: Receive and File
The motion carried by the following roll call vote:
Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

REPORT - PUBLIC WORKS – None.

REPORT - DEVELOPMENT SERVICES – Director Tai thanked Commissioner Martinez for presenting the Airport Land Use Commission results. She informed the Planning Commission that two previously reviewed projects, Hive Live and Victoria Place, are scheduled for City Council consideration on July 15. She also announced that a new housing development at 3150 Bear Street will be presented at the next Planning Commission meeting, continuing the trend of bringing forward housing projects. Lastly, she noted that the zoning code amendment will return for a public hearing later in July.

REPORT - ASSISTANT CITY ATTORNEY - None.

ADJOURNMENT AT 10:14p.m.

Submitted by:

_____
CARRIE TAI, SECRETARY
COSTA MESA PLANNING COMMISSION

77 Fair Drive
Costa Mesa, CA 92626

CITY OF COSTA MESA

Agenda Report

File #: 25-384 **Meeting Date:** 7/14/2025

TITLE:

RECOMMENDATION TO THE CITY COUNCIL ON A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONE, DESIGN REVIEW, TENTATIVE TRACT MAP, AND DENSITY BONUS FOR A 142-UNIT, OWNERSHIP RESIDENTIAL DEVELOPMENT AT 3150 BEAR STREET

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTED BY: CHRIS YEAGER, SENIOR PLANNER

CONTACT INFORMATION: CHRIS YEAGER, 714-754-4883; Christopher.Yeager@costamesaca.gov

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and,

2. Adopt a Resolution recommending that the City Council take the following actions, including:

a. General Plan Amendment (PGPA-24-0002): Amend the General Plan Land Use Element including changing the Land Use Designation of the project site from General Commercial to High Density Residential;

b. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Administrative and Professional (AP) to Multiple Family Residential (R3);

c. Design Review: Approve the Design Review for the development of the project including 142 dwelling units with a maximum height of 4 stories/52 feet;

d. Tentative Tract Map No. 19334: Approve the Tentative Tract Map to subdivide the property into a residential common interest development; and

e. Density Bonus: Approve the density bonus which will provide seven very low income units in exchange for a 20 percent density bonus resulting in an additional 20 units.

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JULY 14, 2025 ITEM NUMBER: PH-1

SUBJECT: RECOMMENDATION TO THE CITY COUNCIL ON A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONE, DESIGN REVIEW, TENTATIVE TRACT MAP, AND DENSITY BONUS FOR A 142-UNIT, OWNERSHIP RESIDENTIAL DEVELOPMENT AT 3150 BEAR STREET

FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTATION BY: CHRIS YEAGER, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: **CHRIS YEAGER**
714-754-4883
Christopher.Yeager@costamesaca.gov

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    b. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Administrative and Professional (AP) to Multiple Family Residential (R3);

    c. Design Review: Approve the Design Review for the development of the project including 142 dwelling units with a maximum height of 4 stories/52 feet;

d. Tentative Tract Map No. 19334: Approve the Tentative Tract Map to subdivide the property into a residential common interest development; and

e. Density Bonus: Approve the density bonus which will provide seven very low income units in exchange for a 20 percent density bonus resulting in an additional 20 units.

APPLICANT OR AUTHORIZED AGENT:

The authorized agent is Vanessa Scheidel, representing Meritage Homes.

PLANNING APPLICATION SUMMARY

Location:	3150 Bear Street	Application Number:	MND (SCH No. 2025050135); PGPA-24-0002
Request:	The proposed project would redevelop the 6.12-acre subject property with up to 142 residential ownership units (including a minimum of 7 very low-income units) with 20 single family dwellings and 122 townhomes, and 93,500 square feet of on-site open space. The request includes a General Plan Amendment to change the General Plan land use designation of the subject property from General Commercial to High Density Residential, Rezone to change the site's zoning designation from Administrative Professional (AP) to Multiple Family Residential (R3), Design Review to provide site plan and architectural details, a Tentative Tract Map to allow for individual ownership of the units, and Density Bonus.		

	SUBJECT PROPERTY:		SURROUNDING PROPERTY:
Zone:	Current: Administrative and Professional (AP) Proposed: R3	North (across the 405 fwy):	PDC (Planned Development Commercial) developed with South Coast Plaza
General Plan:	Current: General Commercial Proposed: High Density Residential	South:	PDR-LD (Planned Development Residential – Low Density) developed with single family residences and CL (Commercial Limited) developed with an office building
Lot Dimensions:	Irregular - Approximately 469 feet by 600 feet	East:	R1 (Single Family Residential) developed with single family residences
Lot Area:	6.12 acres	West (across Bear Street):	I&R (Institutional and Recreational) developed with Shiffer Park
Existing Development:	Office building and event center that was formerly occupied by Trinity Broadcasting Network.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Requirement	Proposed/Provided	Compliance
Base Dwelling Units per Acre	20	20	Yes
Front Setback	20 feet	From 7.29 feet to 45 feet	No -Density Bonus Waiver Requested
Side Setback (L/R)	(10 ft/5 ft)	(45 ft/15.75 ft)	Yes
Rear Setback	15 ft	15.5 ft	Yes
Distance Between Buildings	10 Feet for main buildings	10 Feet	Yes
Driveway Width	16 feet	26 feet	Yes

Development Standard	Requirement	Proposed/Provided	Compliance
Individual Dwelling Unit Minimum Lot Area	3,000 square feet with an overall average of 3,500 square feet	2,017 square feet with an overall average of 2,395 square feet	No – Density Bonus Waiver Requested
Maximum Building Height	2 stories 27 FT Maximum	4 stories 52 feet	No – Density Bonus Waiver Requested
Minimum Open Space	40%	35%	No -Density Bonus Waiver Requested
Individual Dwelling Unit Lot	40% of induvial lot with minimum 400 square feet and no dimension less than 15 feet	Approx 50% with minimum of approximately 500 square feet and min dimensions of 15.5 feet	Yes
Townhome Private Open Space	An adjoining patio required with no dimension less than 10 feet.	Units include minimum 55 square foot balconies	No -Density Bonus Waiver Requested
Combined Parkway Width	10 feet	0 feet	No – Density Bonus Waiver Requested
Storage	200 cubic feet for townhomes	Minimum 200 cubic feet	Yes – Condition of Approval
Parking			
Residential (Density Bonus)	236	319	Yes
CEQA Status	Mitigated Negative Declaration (SCH No. 2025050135)		
Final Action Body	City Council		

EXECUTIVE SUMMARY:

Meritage Homes (applicant) has filed applications for the development of a 142-unit residential ownership development located at 3150 Bear Street. The application includes a General Plan Amendment, Rezone, Design Review, Tentative Tract Map, and Density Bonus. The approximately 6.12-acre site is currently designated for commercial uses. The existing development is proposed to be demolished and redeveloped to accommodate the residential development. While the Planning Commission typically serves as the final review authority for a Tentative Tract Map, Design Review, and Density Bonus applications, in this case, all related applications—General Plan Amendment, Rezone, Design Review, Tentative Tract Map, and Density Bonus require City Council approval. As these requests are being processed concurrently, the Planning Commission would provide a recommendation to the City Council for decision.

On September 3, 2024, the City Council reviewed a General Plan screening application for the proposed development and provided feedback. In accordance with the California Environmental Quality Act (CEQA), the project requires approval of a Mitigated Negative Declaration and adoption of a Mitigation Monitoring and Reporting Program (MMRP).

Staff recommends that the Planning Commission make a recommendation to City Council to approve the project.

BACKGROUND:

As shown in Figure 1 below, the project site is located at 3150 Bear Street and is bound by the 405 Freeway to the north, single-family residences to the east and south, a two story office-building to the south, and across Bear Street, to the west, is Shiffer Park. The site has a General Plan Land Use Designation of "General Commercial" and is zoned "Institutional and Recreational" (I&R).

The project site is entirely within the Airport Planning Area for John Wayne Airport, as defined by the Airport Land Use Commission (ALUC) of Orange County. Consequently, any proposed amendments to the General Plan must be referred to the ALUC for a consistency determination prior to adoption by the City Council. Following a recommendation from the Planning Commission, ALUC consistency must be confirmed before City Council action. This requirement aligns with Section 21676(b) of the California Public Utilities Code, which mandates that local agencies submit such proposals to the ALUC to ensure compatibility with the Airport Environs Land Use Plan (AELUP). The project will be heard by ALUC at its regular meeting on July 17, 2025.

Figure 1 Project Location

The project site also resides within a "Measure K" corridor. This Measure, approved by Costa Mesa voters on November 8, 2022, seeks to revitalize commercial corridors by promoting new housing in commercial and industrial areas while preserving the character of adjacent residential neighborhoods. The Measure allows for land use changes within identified corridors including general plan amendments, rezoning, and specific plan amendments without a vote of the people.

Site History

The project site was used for agricultural purposes until the late 1970's when the existing development was constructed. The site was occupied by Trinity Broadcasting Network (TBN), as their international headquarters for over 20 years. TBN ceased operations in 2017. The site was then occupied as an office space and event center.

General Plan Amendment Screening

City Council Policy 500-2 establishes a procedure for processing privately-initiated General Plan Amendments. This procedure involves a City Council screening of these requests prior to their acceptance for formal processing. The General Plan Screening is not a public hearing but requires a majority vote by the City Council in order for the application to proceed and be evaluated under the City's entitlement process.

On September 3, 2024, the City Council conducted a General Plan Screening for the proposed development. At that meeting, the City Council on a 7-0 vote directed staff to allow for the submittal of a land use application for a General Plan Amendment. The City Council staff report, minutes, and video of the General Plan Screening are available at these links:

September 3, 2024 City Council staff report :
https://costamesa.legistar.com/LegislationDetail.aspx?ID=6845949&GUID=403DA47F-9344-43A8-9509-1941A24CED2E

Minutes from September 3, 2024 City Council meeting:
https://costamesa.legistar.com/View.ashx?M=M&ID=1213770&GUID=368AD39B-871F-4F01-95A1-02496FFA4FD2

Video from September 3, 2024 City Council meeting:
https://costamesa.granicus.com/player/clip/4167?view_id=14&redirect=true

Based on the feedback provided in the screening, modifications to the project include reorienting the townhomes along the main entry street to have their front entrances face the street and the inclusion of sidewalks along all private streets. The applicant

discussed improvements to Shiffer Park but has elected to provide payment to the City in lieu of constructing the improvements. Additional discussion is below.

PROJECT DESCRIPTION

As shown in Figure 2 below, the project proposes to demolish the existing development and construct a Residential Common Interest Development (RCID) consisting of 20 two-story, detached, single-family dwellings along the southern and eastern project limits, and 122 stacked townhomes within eight, four-story buildings. The project proposes to include 93,500 square feet of on-site open space. (i.e., common recreation area, passive recreation areas, decorative plantings, and private balconies). An additional 13,278 square feet of passive recreation area is proposed within the public right-of-way, which is maintained by the property owner through an existing maintenance agreement. All proposed infrastructure improvements would be located on-site with lateral connections located in the public right-of-way. For additional details refer to the project plans provided as Exhibit C to Attachment 2.

Figure 2 Overall Site Plan

Vehicular access to the development is in the same general area on Bear Street as the existing entrance but the project proposes a new drive approach and traffic signal to be installed. An existing emergency access gate will be reconstructed at the project intersection with Olympic Avenue. Pedestrian access is provided by sidewalks accessing the public right-of-way and an additional pedestrian gate accessing Olympic Avenue. The pedestrian gate will be locked outside of the operating hours of Shiffer Park.

The proposed development requires the following planning applications:

- General Plan Amendment
    - Existing Land Use Designation: General Commercial
    - Proposed Land Use Designation: High Density Residential

- Zone Change
    - Existing Zoning District: Institutional and Recreational.
    - Proposed Zoning District: R3 – Multiple Family Residential.

- Design Review – Required for construction which results in three or more dwelling units on residential zones except for planned development.

- Tentative Tract Map – Proposed to establish easements and allow for individual ownership of the units.

- Density Bonus– Request to provide 122 units, with 5% affordable income units at the very low income level (7 units proposed) for a 20% density bonus. The request includes waivers to deviate from development standards related to maximum height, front setback, open space, parkways, and individual unit lot size, and side-by-side units. A concession is requested to deviate from the residential design guidelines. The project also proposes to utilize density bonus parking ratios.

- Mitigated Negative Declaration – Environmental analysis stating that the project will not have significant environmental impacts after specific mitigation measures are implemented pursuant to California Environmental Quality Act ("CEQA").

ANALYSIS

General Plan Amendment and Rezone

As shown in Figure 3 below, the project site has a current General Plan land use designation of "General Commercial" which is intended to permit a wide range of

commercial uses that serve both local and regional needs. The overall City-wide land area dedicated to "General Commercial" is 614.44 acres (this proposed site accounts for approximately one-percent of the City's "General Commercial" land use area).

To allow for the development of the project, an amendment to the Land Use Element of the General Plan is proposed. The amendment would change portions of the text, graphics, and tables within the Land Use Element; all other General Plan elements would remain the same. The Land Use Element would be amended to change the site's existing General Commercial land use designation to High Density Residential. High Density Residential land use designations are intended for residential development with a density of up to 20 units to the acre.

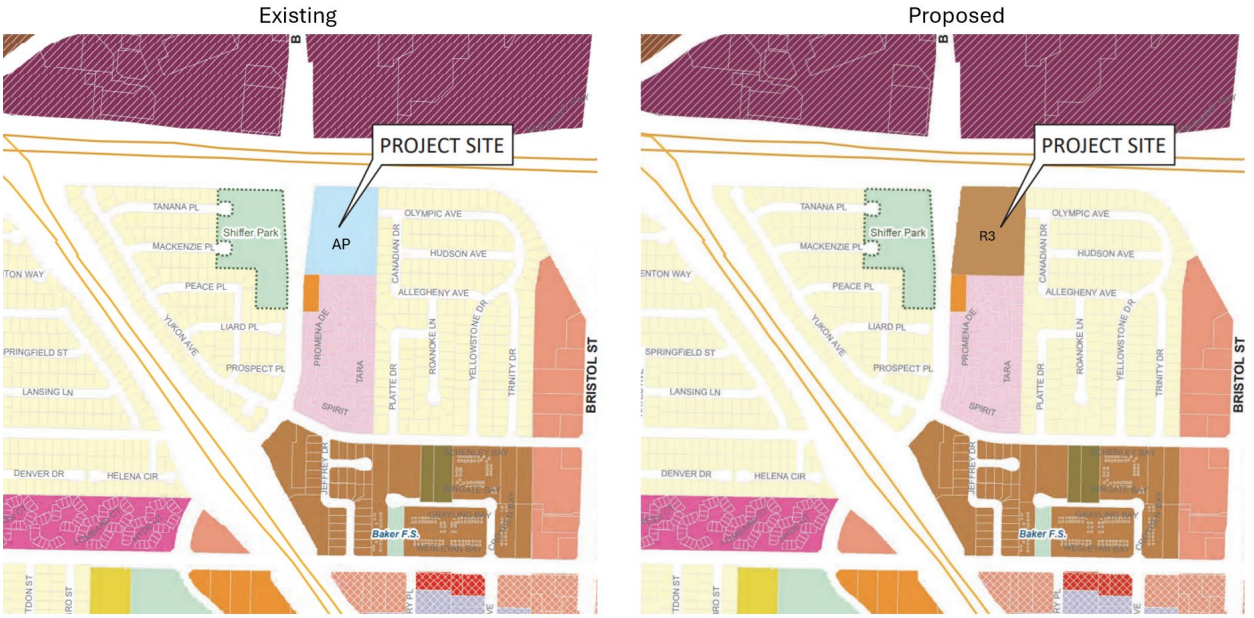
Figure 3 General Plan Amendment

As shown in Figure 4 below, the proposed rezone would replace the site's current AP zoning district with R3 to allow residential uses. Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-20, *Zoning Districts*, R3 districts are intended to promote the development of multi-family rental as well as ownership dwelling units.

According to the City's General Plan Land Use Element, areas designated as High Density Residential are intended for residential development with a density of up to 20 dwelling units per acre with some exceptions. The proposed base density for the project complies with a proposed 20 units per acre. These exceptions include "density bonuses" or density as permitted through approved Specific Plans or Master Plans. The General Plan includes a policy that "High-Density Residential areas should be in proximity to transportation

routes, especially those served by public transit, and also within convenient distances to shopping and employment centers. Although proximity to transportation routes can result in a residential development being subject to impacts, High-Density Residential development can be less susceptible to impacts when visual and acoustical shielding techniques are incorporated into the project."

Figure 4 Rezone



The site is generally consistent with this policy in that it is located in proximity to major streets and transportation routes including Bear Street, Bristol Street, Baker Street, and South Coast Drive. The project site is also easily accessible to the Interstate 405 freeway and the State Route 73 freeway. The Orange County Transportation Authority (OCTA) operates the 55 bus route nearby with two bus stops located approximately a half mile away on Baker Street. There are also on-street Class 2 bike lanes on Bear Street which connects to the City's bicycle infrastructure. The project site is surrounded primarily by residential uses with the exception of an existing office building to the south of the project site. To the north of the project, across from the 405 freeway, is a variety of commercial and retail uses including South Coast Plaza and Metro Pointe. Additional resident serving retail and restaurants exist in the area along Bristol Street, Baker Street, and Paularino Avenue.

Fiscal Review:

Due to the unique nature of the proposed project including a General Plan Amendment and Rezone, staff evaluated the project's fiscal impact to the City. A fiscal impact analysis is attached and was prepared by Zimmerman Group and was reviewed by the City's Finance Department. The analysis projects the expenditures and revenue directly to the City as a result of the project. If a project has a net fiscal surplus, then it has a fiscal benefit

to the City. Zimmerman Group projected the new fiscal impacts generated by the proposed project and found that once it is fully operational, the project would result in an estimated net review to the City of approximately $78,058 annually. Zimmerman Group determined that the property tax and sales tax revenue would exceed the projected annual city expenditures related to public services.

Design Review

As shown in the proposed site plan (Figure 2), the project includes eight four-story buildings including 122 dwelling units, and an additional 20 single family dwellings along the south and west property lines, for a total of 142 units. Pedestrian circulation is provided by sidewalks and pathways throughout the project site. Raised crosswalks are included near the central amenity area which will act as a walkway across the street and a speed bump for vehicles. The project includes the reconstruction of the vehicular entrance on Bear Street and the emergency access gate accessing Olympic Avenue. Within the project site, easement access is provided for various utility agencies.

Figure 5 Project Entry Rendering

Detached Units

As shown in Figure 6 below, the 20 detached units consist of two plan types with craftsmen and farmhouse architectural elements. All units are proposed to include an attached two-car garage with ground floor living space. Each proposed detached unit would have its own private open space in the form of private back yards. Each unit will include stucco, stone veneer, wood like siding, flat roof tiles, and traditional fenestration patterns. Each unit is proposed to be two stories with a maximum height of 27 feet which complies with the maximum permitted height.

Figure 6 Detached Units

Plan 1

Plan 2

Plan 1 proposes to include three bedrooms on the second floor as well as a laundry room and two bathrooms. Plan 1 is proposed with a modern farmhouse architectural element. It includes elements such as board-and-batten siding, a steep gable roof, and a welcoming front porch with simple columns.

Plan 2 proposes to include one bedroom on the first floor and three additional bedrooms on the second floor. Plan 2 includes Contemporary Craftsman architectural elements. It has a more streamlined appearance with stucco and vertical siding, a modest front porch entry, and decorative elements like the over-garage trellis.

Attached Units

122 of the units are proposed to be spread across eight, four-story buildings with a maximum height of 52 feet. As proposed, and discussed further below, the project requests a waiver to allow for the maximum building height to exceed the CMMC standard. Specifically, the townhome portion of the project would have a maximum height of four stories/52-feet (two stories and 25 feet above the CMMC maximum height). The townhome component has been located as far as possible (greater than 120 feet) from the established residential units to reduce any privacy or shade impacts.

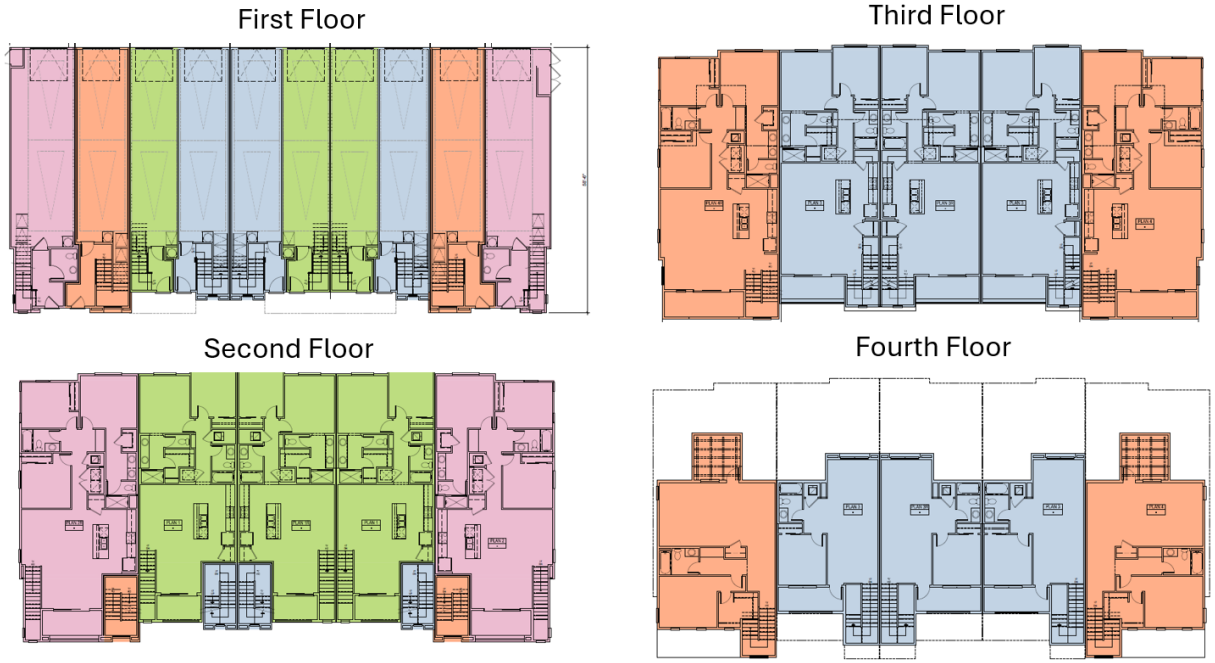
Figure 7 Attached Unit Architecture

As shown in Figures 5 and 7 above, the townhomes include modern craftsmen architectural styles. Key architectural elements include the varied gabled rooflines with dormer accents which reference modern craftsmen and farmhouse forms. The buildings feature a combination of vertical board-and-batten siding and horizontal lap siding which creates visual interest and breaks up the massing, typical of contemporary craftsmen and farmhouse aesthetics. The project will feature a mix of neutral earth tones (grays, whites, and natural wood-like finishes) which results in a clean, modern appearance, while maintaining warmth. The repeated rectangular windows with simple trim and awnings provide a modern, functional feel. The use of wooden trellis-style structures, and integrated balconies, contributes to a pedestrian-friendly and layered facade.

As shown in Figure 8 below, each unit is accessed via a ground floor entry and is proposed to include an attached, tandem, two-car garage. The units include the following characteristics:

- Plan 1 (green) includes an entry on the first-floor with the remainder of the living space being located on the second-floor. The plan includes two bedrooms, two bathrooms, an open main living space, and a private balcony.
- Plan 2 (pink) includes an entry on the first-floor with the remainder of the living space being located on the second-floor. The plan includes three bedrooms, two full bathrooms, one half bathroom, open living space, and a private balcony.
- Plan 3 (blue) includes an attached, tandem, two-car garage and ground floor entry. The main living space for the unit is located on the third and fourth floor and includes an open living area and multiple balconies. The plan proposes to have three bedrooms and three bathrooms.
- Plan 4 (orange) includes an attached, tandem, two-car garage and ground floor entry. The main living space for the units is located on the third and fourth floor and includes an open living area and multiple balconies. The plan proposes to have four bedrooms and three bathrooms.

Figure 8 Attached Unit Floor Plans



Design Guidelines:

The project is subject to design review consistent with the City of Costa Mesa residential design guidelines ("Guidelines"). The Guidelines are intended to promote design excellence in new residential construction. The Guidelines encourage architectural diversity that considers the existing neighborhood character and anticipated trends and development. It recognizes that there will be instances when these guidelines may yield

an unsatisfactory design and that an applicant may propose a design that meets the intent of these design guidelines but not the specific criteria. In these instances, overriding consideration will be given to meeting the intent of the Residential Design Guidelines and promoting design excellence.

The immediately surrounding neighborhoods features a diverse collection of architectural styles including other residences with traditional design elements including two-story Spanish eclectic homes and one-story post-war cottages. The proposed design of the detached and attached units meets the intent of the City's Residential Design Guidelines including the following:

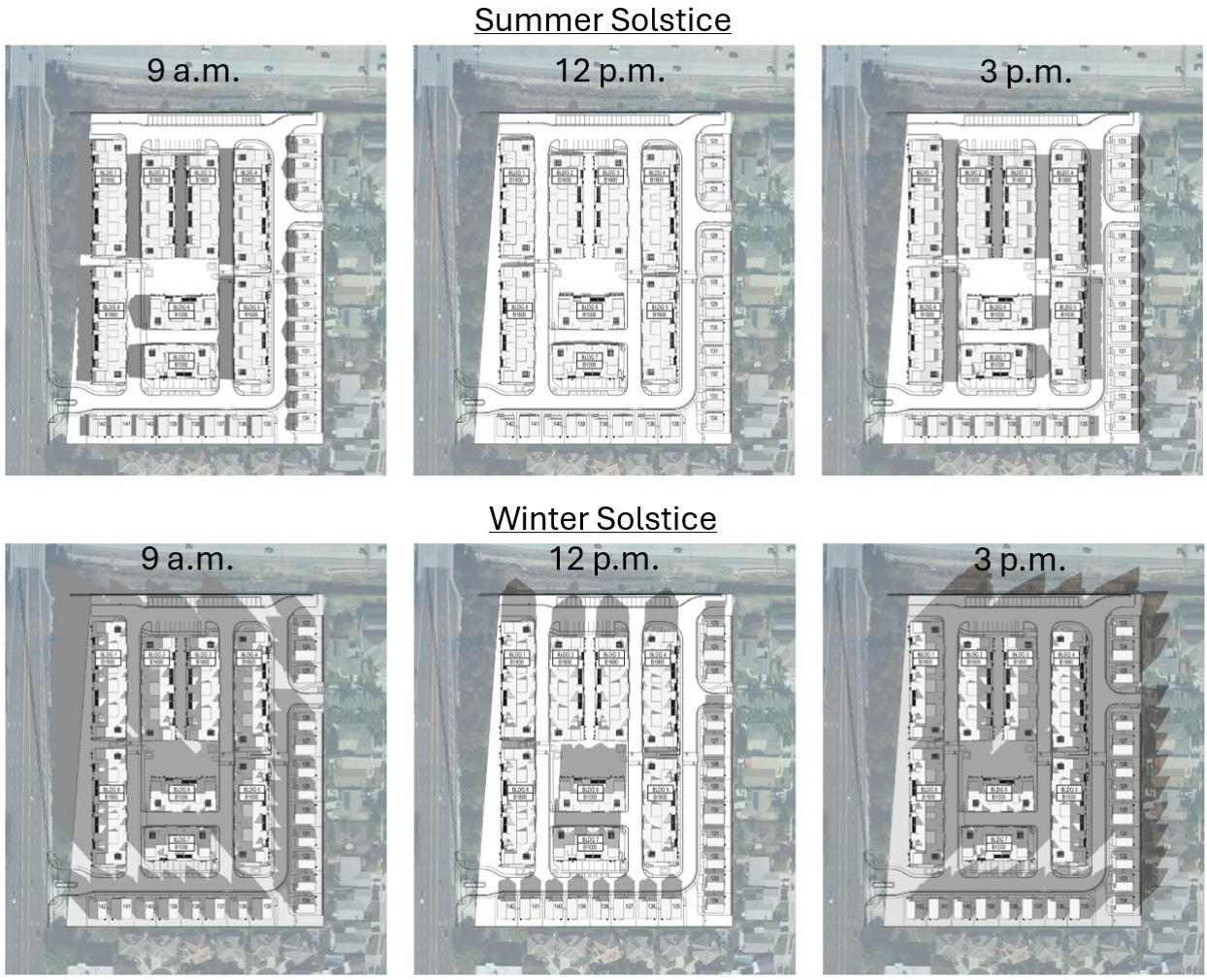
- ***Second Story Design*:** The Guidelines identify that two story structures shall be designed with articulation and off-sets on all elevations to avoid a boxy appearance from the street and neighboring views. In addition, second-story floor area should not exceed 100 percent of the first-floor area. The second story floor to ceiling dimension should be similar to the first floor so that the second story does not appear out of proportion.

  The detached units have been designed in a simple, traditional architectural elements. The two-story structures include enhanced detailing on the front elevations including front porches, multiple cladding materials, and gabled roof forms. Plan 1 includes a setback second story and Plan 2 features a wood trellis over the garage which provides additional interest on the front elevations. Although the side and rear elevations will be minimally visible to the neighboring properties, a waiver is requested to allow for a flat elevation on the side and rear elevations and is further discussed below. The side and rear facades will be largely screened by landscaping from the neighboring properties. The second floor area of the units is less the first-floor area. The second story floor to ceiling height is the same as the first floor and complies with the guidelines. The attached dwellings have been designed with articulation and off sets on the various elevations to avoid boxy appearances and complies with the guidelines. Balconies, insets and articulation are provided.

- ***Building Mass*:** The Guidelines establish that long, unbroken facades should be avoided. Variety should be accomplished through variation in building heights and forms. Pursuant to CMMC Section 13-41(2)(b), structures having dwelling units attached side by side shall avoid the long-row effect with a break in the facade by having an offset in the front building line of at least four feet for every two dwelling units within such structure. Both the Guidelines and the CMMC identify that alternative designs which accomplish the same purpose may be approved by the final review authority. Finally, consideration should be given on light, air, and privacy of the of adjoining properties.

The detached units are small in scale and would not result in long unbroken facades. The townhome component of the project includes articulation and setbacks between units, however, the applicant is requesting a waiver to deviate from the requirements for side-by-side units which is discussed in the Density Bonus section below. The attached townhomes are located in buildings with up to 16 units in a row. To meet the intent of the guidelines, the end two units on each side of the buildings project out 4 feet 6 inches. In addition, every two units for the interior units includes a 1 foot 6 inch offset in the buildings. In addition to the offsets, landscaping is provided between each individual garage door. The project also includes balconies, additional insets above the first floor, and multiple cladding materials which further helps to avoids a long, row like affect. To reduce building mass, the fourth floor is included as a pop-up within the roof form of the building which reduces the overall mass of the building.

Figure 9 Shade Analysis



In accordance with CMMC Section 13-41(2)(c), consideration has been given to the effect of proposed development on the light and air of adjacent properties.

The applicants supplied a shade study (Figure 9 above) which shows additional shading created by the project, but due to the placement of the four-story townhomes approximately 120 feet away from the existing neighborhoods, the majority of the new shade created would fall on Bear Street and within the project site while existing and proposed landscaping would shade the properties to the east in the evening hours.

- ***Second-Story Side Setbacks***: According to the Residential Design Guidelines, the project is required to provide a 10-foot average side yard setback. The proposed right side yard setback is 15.75 feet and the left side setback is 45 feet. In addition, the Guidelines outline that two-story construction with less than 2,700 square feet of living space are exempt from the second story side setback requirement. The detached units include a maximum of 1,946 square feet of living space and are therefore exempt. The four-story buildings are located approximately 120 feet from the existing neighborhoods.

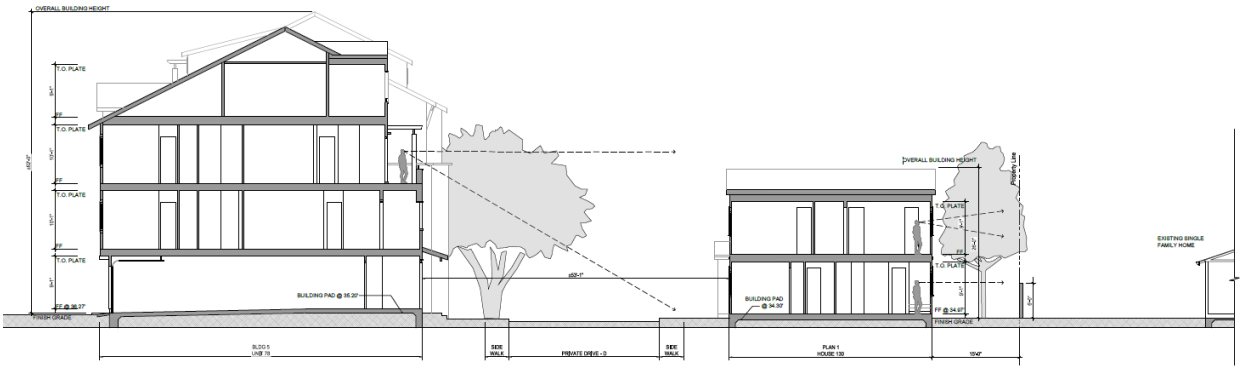
- ***Elevation Treatments***: The guidelines prescribe architectural projections, stepped forms to soften and provide transitions, emphasis on street facing elevations, and the incorporation of multiple building planes and offsets. The detached units include enhanced elevations facing the streets. In addition, the front elevations of Buildings 1 and 8 both face Bear Street and provide additional detailing as discussed above. Building 7 is located on the main entry to the project site and also faces the private street with the enhanced front elevation. The townhome structures include a variety of insets and projections consisting of awning, overhangs, and trellis elements. Landscaping is also thoughtfully placed to soften the appearance of the structures.

- ***Roof Form***: The Guidelines establish that variation should be provided in roof form, orientation, and pitch to provide visual interest, and outlines that the maximum building height of 27 feet should only be for sloped roofs. The detached units include gable roofs with Plan 1 including a secondary gable at the front elevation, and Plan 2 including a secondary gable above the entry. Plan 1 also includes an awning roof above the 1st floor where the second floor is setback. The roof forms provide interest from the street. The attached units include a main gable roof in which the fourth floor is located. Additional gables are provided on the front and rear elevation and awning roof pop ups are also located on the rear elevations. The roof form utilized a variety of roof types and placements to accomplish the intent of the Guidelines.

- ***Window Placement***: Pursuant to CMMC Section 13-41(2)(c), consideration shall be given to the effect of proposed development on the privacy of adjacent properties. As shown in Figure 10 below, the sight line visibility study indicates that any privacy impacts of the four-story townhomes would be reduced do to the fact that the two story detached units are located between the townhomes and the

existing neighborhoods. Additionally, new trees will be planted in the rear yards of the detached units to provide additional privacy to the existing neighborhood. Conditions have been provided which require that the new screen trees be installed in rear yards of the detached units.

Figure 10 Line of Sight



- **Site Planning Considerations**: The Guidelines establish that the location and orientation of all buildings should be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. The existing Bear Street slope is proposed to be maintained in a natural state by the development. The flat area adjacent to the slope will be a passive recreation area which will allow for enjoyment of the slope.

- ***Consistency in Architectural Design***: The proposed design includes contemporary craftsmen and modern farmhouse architectural features including consistent materials and finishes of stucco, wood like siding, and accents which are durable and require minimal maintenance. In addition, the facades feature a variety of overhangs, materials, and roof forms, which provides visual interest and façade articulation. The top floor has been incorporated into the roof which reduces the perceived height of the structures.

Unit Breakdown

The proposed unit mix includes detached units and attached units. A summary of the unit type and unit breakdown is shown in Table 1 below.

Table 1 Proposed Unit Breakdown

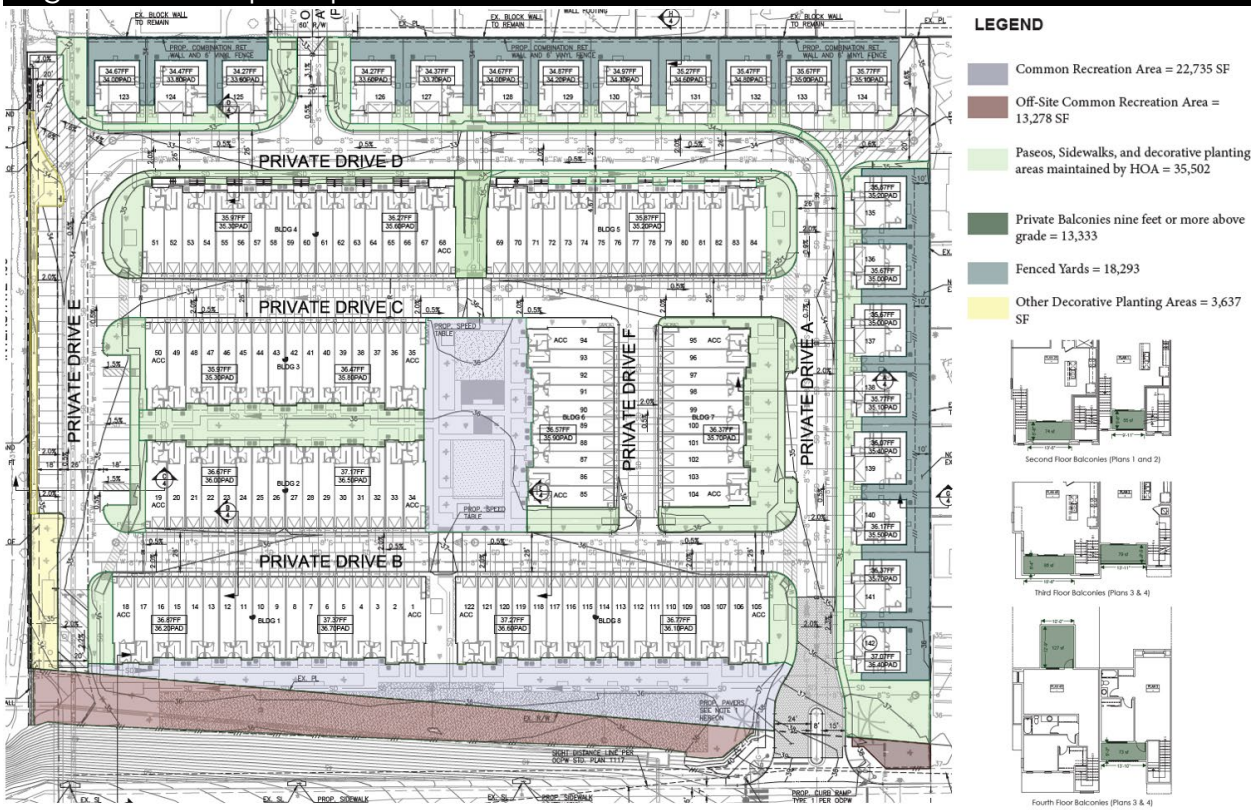
Unit Type	Bedrooms	Baths	Unit SF	Private Open Space	Unit Count
Detached 1	3	2.5	1,442 SF	Approx. 600 SF	13 (9%)
Detached 2	4	3	1,946 SF	Approx. 600 SF	7 (5%)
Attached 1	2	2	1,062 SF	55 SF	45 (32%)
Attached 2	3	2.5	1,436 SF	74 SF	16 (11%)

Table 1	Proposed Unit Breakdown				
Attached 3	3	3	1,832 SF	159 SF	45 (32%)
Attached 4	4	3	2,364 SF	194 SF	16 (11%)

Open Space

As shown in Figure 12 below, the proposed project includes a total of 93,500 square feet of public and private open space located on the subject property. Each unit is afforded a minimum 55 square foot balcony or private back yard space. An additional 13,278 square-feet of open space is proposed within the public right-of-way located along the east side of Bear Street where an existing maintenance agreement is in place (see the off-site common recreation area within Figure 12, below). The maintenance agreement allows the property owner to utilize the space while maintaining and accepting liability for any use of the area.

Figure 12 Open Space



The project includes various amenities including an approximately 10,000 square foot tot lot and shaded BBQ area, and an approximately 12,000 square feet passive recreation turf area. The project also proposes a pedestrian gate to Olympic Avenue which would be opened during Shiffer Park hours. An operations plan for the gate will be reviewed by the City prior to the issuance of building permits. In addition, an access easement is proposed which would allow for residents of the exiting established neighborhood to walk or bike through the project site to access Bear Street and Shiffer Park across.

Conditions have been included which require the gate to be locked in both directions outside of park hours and that the CC&Rs prohibit parking in the adjacent neighborhood.

Park Improvements

The project is not providing dedicated parkland and therefore is required to pay parkland impact fees for all new units. Prior to submitting the application, the applicant had proposed providing various improvements to Shiffer Park (pickleball court, improved playgrounds, shade structures) in conjunction with the new signalized intersection. These improvements would have been financed by a Mello-Roos tax on the new residents which would have increased the new resident costs. To reduce new resident costs, the applicants have modified their proposal to provide the signalized intersection without a Mello-Roos tax and therefore, have elected to provide $250,000 to the City in-lieu of constructing the park improvements.

Landscaping

Landscaping is proposed to be included throughout the project site including within the front setback, along all roads and sidewalks, between garage doors, and within the open space areas. The project includes a combination of street trees, shade trees, specimen trees, flowering trees, and screening trees in addition to a variety of shrubs and ground covers. Figure 13, below, outlines the projects landscaping which is consistent with CMMC standards.

Figure 13 Landscaping

The project site includes an existing hedge of mature Ficus trees along the southern property line abutting the existing single-family neighborhood. The trees are overgrown and poorly maintained and are therefore proposed to be removed as part of the project. A new hedge of either Carolina Cherry Laurel or Yew Pine is proposed to be planted along the property line which will provide screening between the project sight and neighboring properties. The existing east property line includes a variety of trees and shrubs that will also be removed. New screening trees will be placed in the rear yard of the single-family dwellings to block direct views into the neighboring properties. In addition to the backyard screening trees, the project proposes to include 186 additional trees throughout the project site (178 required). The project includes new landscaping between the 405 freeway and the proposed development. Fifteen trees are proposed to be located between the new sound wall and the new buildings which will help reduce noise and pollution and would soften the appearance of the structures from the freeway.

An arborist report was submitted with the project outlining the feasibility of retaining on-site trees. The report found that the project would require the removal of 138 existing trees throughout the property because they are within the proposed building footprints. Twenty-nine trees will be protected in place and be preserved in their current location on the undisturbed slope adjacent to Bear Street.

As part of the building permit plan check review, final landscape plans will be prepared and certified by a California licensed landscape architect confirming that they comply with the CMMC and water efficiency landscape guidelines.

Lighting is required to be provided in all parking areas, vehicular access areas, and on major walkways. The applicant will be required to submit lighting and photometric plans with the building plans demonstrating that there is limited to no spillover of lighting onto neighboring properties.

In addition, fences and walls are proposed throughout the project site and are conditioned to comply with the visibility and development standards.

Parking

Density Bonus projects are permitted to utilized reduced parking standards consistent with the State Law. Two- and three-bedroom units are required to provide 1.5 parking spaces per unit, and four-bedroom units are required to provide 2.5 parking space per unit. In addition, tandem parking is permitted. Therefore, the project is required to provide a minimum of 236 parking spaces. The project exceeds the requirement by proposing 319 parking spaces including 284 tandem garage spaces (two per unit) and 35 open parking spaces (0.25 per unit). Use of these parking standards is not considered an incentive or concession and must be allowed for projects proposing density bonuses.

Traffic and Vehicular Circulation

Vehicular traffic to the site is provided from Bear Street through the one driveway at the southwest corner of the property. Private two-way streets are proposed throughout the site. Raise crosswalks are provided adjacent to the common open space areas which double as a speed table to reduce traffic speed.

A trip generation assessment was prepared to compare the trip generation of the existing site use with the proposed project. The findings of the assessment are below in Table 2. City of Costa Mesa guidelines require a Level of Service (LOS) based traffic study for development projects that generate 50 or more vehicle trip ends during a peak-hour. The proposed project is anticipated to generate fewer than 50 net new peak-hour trips in either peak-hour, which falls below the City's threshold. As such, no further analysis is required beyond what was analyzed in the project-specific Trip Generation Memorandum which is provided under Attachment 5.

Table 2 Trip Generation Comparison							
Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Existing TBN Building	90	7	97	8	79	87	530
Residential Use	16	47	63	51	30	81	1,000
Net Change in Trips	**-74**	**40**	**-34**	**43**	**-49**	**-6**	**470**

The project is subject to the City's traffic impact fees based on the project's net trips currently at $235 per net increase in trips. Payment of traffic impact fees is required by the CMMC and is also included as a condition of approval.

Bicycle access to the site is available on the driveway, sidewalks, and through the pedestrian gate on Olympic Avenue.

Traffic Signal

In coordination with the Public Works and Parks Departments, the project proposes to install a new traffic single at the intersection of Bear Street and the project entrance. The new signal will allow for signalized turning in and out of the project and a new crosswalk for pedestrians to safely walk across Bear Street to access Shiffer Park. The new signal will result in one vehicular entrance to Shiffer Park being closed. The closed driveway will be replaced by landscaping. The new signal will still allow for unobstructed circulation for the office building to the south of the project.

Fire and Emergency Access

To ensure timely and adequate emergency responses, the project is conditioned to prepare and submit a Fire Master Plan (FMP) to the Costa Mesa Fire and Rescue

Department for approval prior to the issuance of building permits. The FMP will include, but is not limited to identifying the designated on-site emergency access routes and lanes, all access points to every building, roof access ladders, location of hydrants, and location of stairways.

Noise

Residential uses are considered sensitive land uses, and the location of such sensitive uses should be considered with the site planning and building design. The City's noise ordinance (Chapter VIII of the Zoning Code) requires specific sound ratings within structures. The project is adjacent to the 405 freeway which generates traffic noise. The applicants are proposing to include a 12-foot sound wall on top of a 4-foot retaining wall along the northern property line shared with the 405 Freeway. Conditions of approval have been included requiring that a Noise Study be submitted prior to issuance of building permits. Should the study require any additional project design features to ensure compliance with the Noise Ordinance, then the design features shall be incorporated into the project design which will be reviewed during plan check.

Tentative Tract Map

A Tentative Tract Map (TTM) is a preliminary subdivision map. The TTM outlines the proposed division of land subject to review and approval by the local agency before final mapping and development. The project's TTM proposes to allow for individual ownership of each unit as a condominium. The TTM would establish the required common lot in which all units would be constructed upon. In addition, the Tract Map establishes easements located throughout the property for utilities, access, and for public pedestrian access to pass through the lot from Olympic Avenue to Bear Street. A draft Declaration of Covenants, Conditions and Restrictions (CC&Rs) have been provided as part of the application submittal. Prior to issuance of permits, the CC&Rs will be reviewed and approved by the City Attorney's Office and the Planning Division to ensure compliance with all required laws and conditions of approval.

Density Bonus

California's Density Bonus Law allows a developer to increase the maximum number of dwelling units permitted on a property if the project meets certain criteria. In exchange for the increased density, a certain number of the new affordable dwelling units must be provided. As shown in Table 3 below, the base density of the project site would allow for 122 dwelling units. By providing 5 percent of the units at a very low-income level, the applicant is entitled to a 20 percent density bonus which would allow for a total of 147 dwelling units.

The law also allows for reductions in required development standards, known as incentives, concessions, or waivers. Greater benefits are available for projects that reach higher percentages of affordability. Under Density Bonus Law, an ownership affordable unit maintains its affordability for 55 years through a recorded density bonus agreement or resale restriction. This agreement is recorded against the property and ensures that the unit is sold only to income-qualified buyers at an affordable price, with restrictions on resale value and buyer eligibility enforced by the City or designated monitoring entity throughout the 55-year term.

Table 3 Density Bonus Calculations	
Category	**Value**
Base Project Units (20 du/acre)	122 Units
Affordable Units Provided	7 units (5% of base units, very low-income)
Applicable Density Bonus	20% (Per CA Gov. Code §65915)
Bonus Units Allowed	25
Total Units Allowed	147
Total Units Proposed	**142**

Besides granting rights to housing developments to increase density, the law provides three provisions that require local governments to grant qualifying projects:

1) Incentives or concessions which result in identifiable and actual cost reductions;
2) Waivers of development standards that would physically preclude the development of a project at the density permitted and with the incentives granted; and,
3) Reductions in parking requirements.

Concession

The applicant is requesting one incentive/concession to deviate from the design guidelines for the detached units which would result in an identifiable and actual cost reduction.

1. **Detached Unit Second Story Design**. The applicant requests a concession of the City's Residential Design Guidelines that require articulation and offsets on all building elevations to avoid a boxy appearance and mandate consistent architectural treatment on all sides of the structure. The requested waiver applies to detached Units Plan 1 and Plan 2. While both plans incorporate articulation on the front elevations—such as a stepped-back second story (Plan 1), a front porch and wrapping band feature (Plan 2)—the side and rear elevations do not include the same level of articulation or material treatment, as required by the guidelines.

However, these elevations are largely screened by landscaping. Strict compliance with these design standards would reduce the interior square footage of the units, which are already modest in size, thereby reducing their functionality and affordability. Furthermore, requiring offsets on all elevations would increase design complexity, construction costs, and potentially result in a reduction in the number of units achievable on the site. As such, the enforcement of the standard would physically preclude the applicant from constructing the density bonus units permitted under state law. Therefore, the requested incentive is necessary to physically accommodate the density, including the affordable units.

Waivers

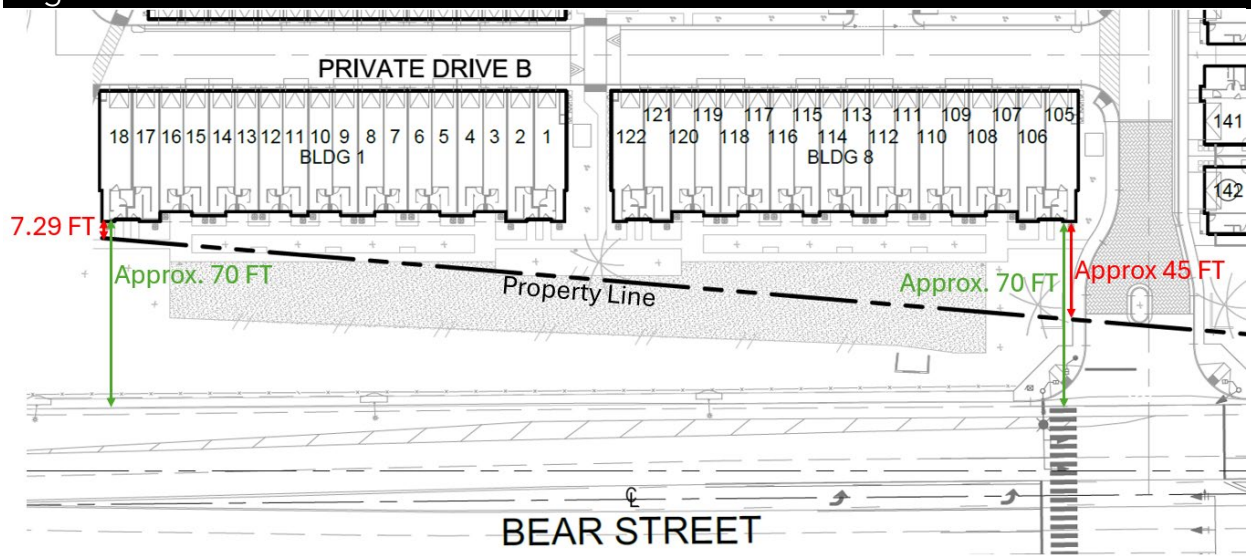
The applicant is requesting six waivers or a reduction of a development standard including: 1) a waiver to increase the maximum height for the townhomes, 2) reduce the front setback, 3) to not include landscaped parkways, 4) to include reduced common and private open space, 5) to allow for a reduced individual lot size for the detached units, and 6) to deviate from the design guidelines for the detached units.

The waivers are requested because the development standards have the effect of physically precluding the construction of the proposed project at its permitted density. The City is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density. The City is not required to waive or reduce development standards that would cause a public health or safety problem, cause and environmental problem, harm historical property, or would be contrary to law. The details of the requested waivers are as follows:

1. **Maximum Building Height.** The R3 zoning district allow for buildings to be constructed up to 2 stories and 27 feet. The project proposes 20 compliant single-family dwellings. The townhomes are proposed to be four stories and 52 feet. The waiver from the maximum height would allow additional units to be constructed within the townhome portion of the project and therefore would allow the project to be constructed at the proposed density.

2. **Front Setback.** The R3 zoning district requires a front setback of 20 feet. As shown in Figure 13 below, the property is uniquely shaped which results in a varying front setback of approximately 45 feet near the project driveway down to 7.29 feet. While the actual proposed setback is less than 20 feet for a portion of the project, the visible setback from Bear Street is 70 feet for the townhomes. If the 20 front setback was maintained along the entirely of the front property line, it would result in a reduction of the buildable lot and would reduce the allowable number of dwelling units.

Figure 13 Front Setback



3. **Landscape Parkways.** In all residential zones, except R1, landscape parkways with a combined width of 10 feet, but not less than three feet on one side, are required to be provided along the sides of interior private streets and/or common driveways. After the City Council screening, the applicant modified the plans to include sidewalks along all interior streets to allow for safe interior pedestrian circulation. The intent of the parkway requirement is to provide lush and attractive public spaces. While the project does not include the parkways at all streets, the intent is accomplished with the inclusion of enhanced landscaping and shade trees throughout the project site. If a 10-foot combined parkway was installed with the sidewalks, the developable lot would reduce and it would result in a reduction of units.

4. **Open Space.** The R3 zoning designation requires that 40% of the total lot area be provided as open space. This would result in a requirement of 106,722 square feet of open space. The project proposed 93,500 square feet (35%) of on-site open space including tot lot, BBQ area, passive recreation, and decorative plantings and landscaping. The project includes 13,278 square feet of additional off-site passive recreation area within the public right of way adjacent to Bear Street. This landscape area is already maintained by the subject property through a maintenance agreement. The inclusion of the off-site open space would provide 106,778 square feet of open space which is six square feet more than the requirement. If 40% open space was provided on-site it would reduce the size of the developable lot which would result in a reduction of units. The required open space can be provided with the inclusion of the open space in the maintenance agreement area.

The application also requests a waiver for individual unit open space requirements for the townhome component of the project. The CMMC requires that the townhome units would be provided a patio with no dimension less than 10 feet. The requirement is meant to allow townhomes to have a ground level outdoor space. The proposed townhome units are stacked to allow for the project to develop the number of units allowed pursuant to the Density Bonus Law. The stacked units do not allow for adjoining patio areas. Instead of a ground floor patio, balconies have been included with each individual unit. The square footage of balconies per unit ranges from 55 square feet to 194 square feet. If the adjoining patio was provided, the buildable lot area would be reduced which would reduce the allowable units on site.

5. **Individual Dwelling Unit Minimum Lot Area**. Individual units on residential common interest developments are required to be located on a minimum 3,000 square foot lot with an average lot area of 3,500 across the project. The project includes a range of lot areas from 2,017 square feet to 2,608 square feet with an average induvial lot area of 2,395 square feet. While the lots are smaller than required, they still include the conforming private open space. The project proposed to include 20 single family dwellings along the permitter of the project site to buffer any impacts of the project to the neighboring single family dwellings. The lot sizes are reduced to allow for the number of units allowed pursuant to the Density Bonus Law.

6. **Side by Side Units.** Residential Common Interest Developments should not have more than six dwelling units attached side by side to avoid long row effects. In additional dwellings with side by side units shall include breaks in the façade by having an offset in the front building line of at least four feet for every two dwelling units within the structure. The CMMC indicates that the final review authority may allow for alternative designs which accomplish the same purpose. The project proposes up to 16 units in a row within the townhome buildings. As discussed above, the project meets the intent of the requirements by providing offsets on the end two units on each side of the buildings project out 4 feet 6 inches. In addition, every two units for the interior units includes a 1 foot 6 inch offset in the buildings. The project also includes balconies, additional insets above the first floor, and multiple cladding materials which further helps to avoid a long, row like affect. If the project included a maximum of six units in side by side configuration, the buildable area of the lot would be reduced which would reduce the allowable units on the site.

Staff has reviewed the waiver requests and found that the proposed waivers will not create any unsafe conditions. The waivers increase the square footage dedicated to dwelling units which allows for the project to provide the number of units permitted by Density Bonus Law. The final Density Bonus Agreement is subject to the terms within this report, will be drafted by the applicant, and reviewed by the City Attorney's Office and Development Services division. The agreement shall be recorded prior to issuance of any building permits.

GENERAL PLAN CONFORMANCE

The following analysis evaluates the proposed project's consistency with specific goals, objectives, and policies of the General Plan including the Land Use, Housing, Circulation, and Open Space Elements.

Policy LU-1.3: *Strongly encourage the development of residential uses and owner-occupied housing (single-family detached residences, condominiums, townhouses) where feasible to improve the balance between rental and ownership housing opportunities.*

Consistent. Table HOU-12 in the City's General Plan Housing Element indicates that 43 percent of Costa Mesa households are owners while 57 percent are renters. The proposed development would provide 142 additional ownership housing units that will reduce the gap between ownership and rental housing in the City.

Policy LU-6.1: *Encourage a mix of land uses that maintain and improve the City's long-term fiscal health.*

Consistent. The conducted fiscal analysis found that once the project is fully occupied, it would generate approximately $78,058 annually of net new revenue to the City.

Policy LU-7.1: *Endeavor to create mixture of employment opportunities for all economic levels of residents and businesses.*

Consistent. The project will amend the General Commercial land use removing approximately 6.12 acres of land (0.1%) from the General Commercial land use designation. Although the project includes a General Plan amendment to the modify the land use designation, it remains consistent with Table LU-3 (Land Use Designation Table) because the reduction is minimal (0.1%). See Attachment 2, Exhibit A1 for details. In keeping with this policy, the City will need to retain a sustainable level of commercial land uses to create a mixture of employment opportunities for all economic levels of residents and businesses. Although there may be incrementally fewer employment opportunities with the residential proposal in comparison with the

current Administrative and Professional use, considering the State and regional objective to increase housing supply, housing units may be considered a higher local/regional priority at the Council's discretion. In addition, employment patterns have changed over the past five years where more employees are telecommuting, reducing the necessity for office space.

Policy HOU-2.1: *Facilitate the development of housing that meets the needs of all segments of the population including affordable housing and households with specialized needs.*

Consistent. The project proposes to include 142 residential units including 7 very low income units. The project will be required to meet all building code requirements including the provision of accessible units.

Policy HOU-3.2: *Encourage the development of well-planned and designed residential or mixed-use projects which, through vertical or horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project, neighborhood, or geographic area within the City.*

Consistent. The project is subject to the development standards of the R3 zone. The project proposes a mixture of single family and multiple family dwelling units. As proposed, the project places the smaller, detached single family units adjacent to the existing established neighborhoods to reduce any impacts. The design elements proposed are high quality and internally consistent and complementary to the surrounding area. The project incorporates public realms including the active and passive recreation areas and provides additional connectivity to the established neighborhood by providing a pedestrian access gate which provides convenient access to Shiffer Park and Bear Street.

Policy HOU-3.4*: Consider the potential impact of new housing opportunities and their impacts on existing residential neighborhoods when reviewing development applications affecting residential properties.*

Consistent. As proposed, the project places the smaller, detached units adjacent to the existing established neighborhoods to reduce massing impacts. The design elements as proposed are high quality and internally consistent and complementary to the surrounding area. The project incorporates public realms including the active and passive recreation areas and provides additional connectivity to the established neighborhood by providing a pedestrian access gate which provides convenient access to Shiffer Park and Bear Street. Additionally, new screening trees are proposed along the south and east property lines which further reduces the aesthetic impacts of the project on the existing neighborhoods.

Policy OSR-1.18: *Provide a minimum of 4.26 acres of parkland per 1,000 residents.*

Consistent. Parkland requirements may be met with land dedication or by paying in-lieu fees. The applicant proposes to pay the in-lieu fees. In addition, the project is providing additional access to Shiffer Park with a new pedestrian gate connecting the project site to Olympic Avenue, constructing a new intersection to allow for better pedestrian connectivity, and modifying the Shiffer Parks entry. The project applicant is also submitting a one-time public benefit payment of $250,000 for the City's sole use of improving Shiffer Park.

Policy CD-9.5: *Promote new types of urban housing that could be target-marketed to people seeking alternative housing choices in proximity to a major commercial area.*

Consistent. The project proposes a mix of single family and multiple family units. The unique mix is intended to be starter homes. In addition, the project is also in close proximity to major commercial corridors and retail centers including South Coast Plaza, Metro Pointe, and commercial corridors along Baker Street, Bristol Street, and Paularino Avenue.

FINDINGS

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets specified findings as follows.

General Plan Amendment

There are no specifically required findings required for a General Plan Amendment. However, amendments must be internally consistent and not conflict with other regulatory documents. 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 High Density Residential land use designation to the subject property. The justification in support of the proposed General Plan amendment is below:

- *The proposed project would contribute to the City meeting its City's 6th cycle RHNA allocations.*

  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 designated as a housing opportunity site but would still contribute to the City's required RHNA allocation. Specifically, the project will provide seven very low-income units and 135 above moderate units.

- *The proposed base density at 20 du/acre is appropriate given the property's location, site size, and design of the project.*

  The project location and design fosters a pedestrian-friendly environment, allowing residents to access nearby amenities and commercial corridors. The location is appropriate because of the proximity to South Coast Plaza, Metro Pointe, and other commercial corridors along Baker Street, Bristol Street, and Paularino Avenue. The project provides option to walk or bike to retail centers, coffee shops, and entertainment uses because the internal sidewalk network connects to the existing sidewalks on Bear. The higher density townhome component of the project is located away from existing established neighborhoods to reduce massing impacts. In addition, the site was identified as an area for development since it was included in Measure K.

Rezone

Pursuant to Title 13, Section 13-29(g)(11), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Rezone findings:

- *The proposed rezone is consistent with the Zoning Code and the General Plan and any applicable specific plan.*

  Consistent. The proposed rezone is consistent with the Zoning Code, the proposed General Plan amendment, and applicable planning documents. Specifically, the applicant is requesting to rezone the project site by applying the R3 zoning district. This rezone would allow for the development of the 142 dwelling unit project pursuant to the provisions of Article 1 (Residential Districts) of Chapter V of the Zoning Code.

  To facilitate this rezoning, a General Plan amendment is also proposed to formally apply the zoning districts to the site. The General Plan amendment would modify the Land Use Element maps, figures, text, and tables to reflect the new High-Density Residential land use designation. Per *Table LU-19: General Plan and Zoning Consistency* of the General Plan Land Use Element, the zoning districts are considered consistent with the High-Density Residential 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.

Tentative Tract Map No. 19334

Pursuant to Title 13, Section 13-29(g)(13), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Tentative Tract Map findings:

- *The creation of the subdivision and related improvements is consistent with the General Plan, any applicable specific plan, and this Zoning Code.*

  Consistent. The creation of the subdivision aligns with the amendment land use designation of the General Plan by promoting residential ownership. Additionally, the subdivision complies with the local Zoning Code, amended zoning district, and State laws by conforming to established development regulations. The proposed map will allow for each individual unit to be sold separately.

- *The proposed use of the subdivision is compatible with the General Plan.*

  Consistent. The proposed development aligns with the General Plan by addressing the critical need for housing options within the community. Located near commercial corridors, this development promotes the City's goals of increasing residential density while enhancing accessibility to essential services and transportation.

- *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.*

  Consistent. The proposed project is an in-fill development and is located in an urbanized area. The site meets the minimum lot size requirement that can accommodate the density and necessary utilities. 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.

- *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.*

  Consistent. The design of the proposed development thoughtfully considers the orientation of the lot, aligning in a manner that maximizes solar exposure, ensuring

natural passive heating during colder months. Each townhome unit has operable windows and doors on each side of the building which will allow for airflow through the units allowing for natural heating and cooling opportunities. All buildings are spaced a minimum 10 feet apart which allows for airflow between buildings throughout the project site. Additionally, the layout incorporates various outdoor amenity areas at the center of the development and green spaces to promote natural airflow and cooling, minimizing the need for artificial heating or air conditioning. This approach reflects the principles outlined in State Government Code section 66473.1.

- *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.*

  Consistent. 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.

- *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).*

  Consistent. The discharge of sewage from this infill project into the existing public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 of the State Water Code (commencing with Section 13000), as the project site is currently served by existing utilities with adequate capacity, and the proposed development will not exceed the design limitations of the existing sewer infrastructure or treatment facilities.

In addition, pursuant to Section 66474 of the California Subdivision Map Act, a proposed subdivision must be denied if one or more of the below findings are made:

1. "That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems; and

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision."

None of the above findings of Section 66474 can be made or associated with the proposed subdivision.

Design Review

Pursuant to Title 13, Section 13-29(g)(14), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Design Review findings:

- *The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.*

  Consistent. The proposed complies with the Zoning Code and meets the purpose and intent of the residential design guidelines. The proposed development has been design with modern craftsmen features including varied roof forms, horizontal and vertical articulation, and the scale has been kept as low as possible by incorporating the fourth floor into the roof. The placement of the attached units has been kept as far as possible from the existing established single family dwellings and privacy and light impacts have been considered.

- *The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.*

  Consistent. Although the project exceeds 2-stories (waiver requested) the project provides appropriate transitions to reduce visual prominence. The project includes construction of a multiple family neighborhood with attached townhomes and detached single family units. The neighborhood will be constructed with two-story homes and four-story townhomes. The proposed two-story detached dwellings have been designed with traditional architectural elements including stucco and wood siding, variety roof forms, and articulation in the form of entries. Plan 1 includes a second floor which is stepped back from the first floor at the front elevation. Plan 2 includes a front porch on the first floor which provides relief on the front elevation. The plan also includes other architectural elements which provide transitions between the first and second floor including a trellis above the garage and a band wrapping the home. While the rear elevations of the units do not offer second story offsets, landscaping is used to soften the appearance of the structures and to screen the development from the established neighborhoods to the east and south of the project site. In addition, the units are modestly sized with the rear and side walls not exceeding 30 feet width. The units feature gable roofs which range from 27 feet in height to 20 feet in height which also reduces the build of the structures. A concession is requested and discussed further below in the Density Bonus section to deviate from the design guidelines. The detached units buffer the existing neighborhoods from the attached units.

- *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.*

  Consistent. The proposed development includes 142 residential ownership units including seven very low income units for no less than 55 years. The project complies with the maximum density standards allowed pursuant to the proposed General Plan in that the base density is 20 dwelling units per acre which is permitted. The inclusion of the affordable units provides the project a 20 percent density bonus which would allow for 147 dwelling units on the property. The project proposes four less than the maximum allowed and therefore complies with density standards.

Density Bonus

Pursuant to Title 13, Section 13-29(g)(3), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Density Bonus findings:

- *The request is consistent with State Government Code section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.*

  Consistent. The requested density bonus agreement is consistent in that the applicants are requesting a 20 percent density bonus with the inclusion of 5 percent very-low-income units (7 units). Pursuant to the Government code, the request allows the developer to request one incentive and unlimited waivers. The request also allows the developer to utilize reduced parking ratios as established by the government code. The request is consistent with General Plan Land Use Land Use Policies LU-1.3, 6.1, 7.1, and Housing Element Policies HOU-2.1, 3.2, 3.4.

- *The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.*

  Consistent. The requested density bonus would allow the project to develop up to 147 dwelling units with the 20 percent density bonus. The project proposed 142 units while still including the 5 percent units dedicated to very low income units. The requested concession is a request to deviate from the design guidelines. The concession request constitutes the minimum deviation necessary to allow for the project to provide seven affordable units at the very low income level.

- *The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5 or for rents for the targeted units.*

  Consistent. The requested concession is related to the residential design guidelines. Strict compliance with these design standards would reduce the interior square footage of the units, which are already modest in size, thereby reducing their functionality and increasing the costs of the development. Furthermore, requiring offsets on all elevations would increase design complexity, construction costs, and potentially result in a reduction in the number of units achievable on the site. As such, the enforcement of the standard would physically preclude the applicant from constructing the density bonus units permitted under state law because the market rate units subsidize the affordable units. Therefore,

the requested concession is necessary to physically accommodate the density, including the affordable units.

- *The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.*

  Consistent. The requested waivers are for maximum building height, front setback, landscaped parkways, open space, individual unit lot area, and side by side units. The requested concession is related to design guidelines related to second story design. The requested waivers are minimal in that they will not impact the circulation or safety of the proposed development. The waivers are necessary to increase the number of units on the site to meet the density afforded per the density bonus. The buildings will be required to be constructed in compliance with the Building Code. Therefore, granting the waivers will have no negative impacts on the health, safety, or physical environment of the project site.

- *The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.*

  Consistent. The proposed project is not located in proximity to real property listed in the California Register of Historic Resources and will therefore have no impacts.

ENVIRONMENTAL DETERMINATION

A Draft Mitigated Negative Declaration (MND) has been prepared in accordance with the California Environmental Quality Act (CEQA). The MND is an information document that examines the potential environmental impacts of the proposed project and focuses on the changes to the existing environment that would result from the proposed project. The MND examines all stages of the project, including construction and operation.

The MND evaluated the proposed project's potential impacts on various environmental factors (e.g. air quality, aesthetics, hydrology and water quality, land use, etc.) and identified specific mitigation measures to lessen environmental impacts whenever feasible. In accordance with CEQA Guidelines Section 15072 the Draft MND was made available for a public comment period beginning on May 1, 2025, and ending at 5:00 p.m. on May 31, 2025. Copies of the Initial Study, the proposed MND, and supporting materials were available for public review at City Hall, Mesa Verde Library, and Costa Mesa Library. The MND was also posted online and was filed with the State Clearinghouse (SCH NO. 2025050135).

MND Including Response to Comments

A total of two comments were received from public agencies, one from the California Department of Transportation and the other from Department of Toxic Substances Control. An additional comment was provided by a resident. Copies of all comments received and responses to the comments are provided under Exhibit B to Attachment 1 of this staff report. The Final MND consists of the response to public comments received during the public review period of the Draft MND, errata, and Mitigation Monitoring and Reporting Program (MMRP). The errata makes minor changes to the Draft MND that do not affect the overall conclusions of the environmental document. The MMRP is a comprehensive list of all mitigation measures identified in the Draft MND. The mitigation measures have been incorporated into the Conditions of Approval within Exhibit A3 of Attachment 2.

Summary of Significant Environmental Impacts and Mitigation Measures

The MMRP lists the mitigation measures required based on each environmental topic to reduce the project's potentially significant impacts. The MMRP also specifies which City department is responsible for monitoring and ensuring compliance with the mitigations. The MMRP also includes timing of when the mitigation measure applies e.g. prior to issuance of building permits, during ground disturbance activities, etc. The MMRP includes mitigation measures for environmental impacts that were found to be less than significant with mitigation incorporated for the following environmental factors identified in the Draft MND:

- Geology and Soils
- Cultural Resources
- Transportation
- Hazards and Hazardous Materials
- Tribal Cultural Resources

For additional details, the MMRP and details of the mitigation measures can be found under Exhibit B to Attachment 1.

ALTERNATIVES:

Planning Commission determination alternatives include the following:

1. *Recommend that the City Council approve the project*. The Planning Commission may recommend approval the project as proposed, subject to the conditions outlined in the attached Resolution.

2. *Recommend that the City Council approve the project with modifications*. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing could be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions. (If the Planning Commission direction includes a reduction in the proposed project density, the below specified Government Code Section 65589.5 provisions are applicable.)

3. *Recommend denial of the project*. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission should recommend denial the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for City Council denial. If the project is denied, the applicant could not submit substantially the same type of application for six months from the City Council's decision for denial. However, because this project is subject to the Housing Accountability Act (Government Code Section 65589.5), if the Planning Commission denies or directs a reduction in the proposed density of the housing project, and the development is determined to be consistent with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, the Planning Commission must make the following written findings:

    - The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and
    - There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. (Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

LEGAL REVIEW

The draft Resolution and this report have been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to government Code Section 65854(a), three types of public notification have been completed no less than 20-days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site on June 24, 2025. The required notice radius is measured from the external boundaries of the property.

2. **On-site posting.** A public notice was posted on each street frontage of the project site on June 23, 2025.

3. **Newspaper publication.** A public notice was published once at least 20 days before the Planning Commission meeting in the Daily Pilot newspaper on Saturday June 21, 2025.

As of the date of this report, no written public comments have been received. Any public comments received prior to the July 15, 2025, Planning Commission meeting will be forwarded separately to the Planning Commission.

CONCLUSION:

The proposed residential ownership project would redevelop an existing office building into a high quality, 142 dwelling units project including 7 very low income units. Staff recommends that the Planning Commission conduct a public hearing and recommend that the City Council approve the project, subject to conditions of approval.

ATTACHMENTS

1. Draft Resolution (IS/MND)
    - Exhibit A to Attachment 1 – Draft IS/MND (Under Separate Cover)
    - Exhibit B to Attachment 1 – Final IS/MND (Under Separate Cover)
2. Draft Resolution (Project)
    - Exhibit A1 to Attachment 2 – General Plan Amendment
    - Exhibit A2 to Attachment 2 – Project Findings
    - Exhibit A3 to Attachment 2 – Recommended Conditions of Approval
    - Exhibit B to Attachment 2 – Engineering Conditions of Approval (Under Separate Cover)
    - Exhibit C to Attachment 2 – Draft Ordinance (Rezone) (Under Separate Cover)
    - Exhibit D to Attachment 2– Project Plans (Under Separate Cover)
    - Exhibit E to Attachment 2 – Tentative Tract Map No. 19334 (Under Separate Cover)
3. Applicant Letter
4. Density Bonus Letter
5. Trip Generation Memo
6. Existing Site Photos
7. Fiscal Analysis
8. Arborist Report
9. Draft CC&Rs
10. Vicinity Map and Zoning Map

11. Shiffer Park Dedication Commitment

DRAFT RESOLUTION NO. PC-2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (SCH. NO. 2025050135), RELATIVE TO GENERAL PLAN AMENDMENT FOR THE RESIDENTIAL PROJECT INCLUDING 142 OWNERSHIP RESIDENTAIL DWELLING UNITS LOCATED AT 3150 BEAR STREET

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

WHEREAS, an application was filed by Meritage Homes requesting approval of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, Rezone, Tentative Tract Map, Design Review, and Density Bonus to facilitate the development of a 142-unit residential common interest development project located at 3150 Bear 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, Tentative Tract Map, Design Review, and Density Bonus;

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on July 14, 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 May 1, 2025, and ending on May 31, 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. Recommend that that that the City Council adopt 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 Planning Commission 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 14th day of July, 2025.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

EXHIBITS:
A: Draft IS/MND
B: Final IS/MND

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 July 14, 2025 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Carrie Tai, Secretary
Costa Mesa Planning Commission

Bear Street Residential Project

Initial Study/Mitigated Negative Declaration

City of Costa Mesa, Orange County, California

PREPARED FOR:

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January 10, 2025

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
ACM	asbestos-containing material
ADT	Average Daily Traffic
AELUP	Airport Environs Land Use Plan
AERMOD	American Meteorological Society/EPA Regulatory Model
ALUC	Airport Land Use Commission
AP	Administrative and Professional
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
AST	aboveground storage tank
BERD	California Built Environment Resource Directory
BMP	Best Management Practice
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Division of Occupational Safety and Health Administration
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Buildings Standard
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CBC	California Building Standards Code
CCR	California Code of Regulations
CCS	carbon capture and storage
CDFW	California Department of Fish and Wildlife
CDR	Carbon Dioxide Removal
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CMFD	Coast Mesa Fire Department
CMPD	Costa Mesa Police Department
CMSD	Costa Mesa Sanitary District
CNDDB	California Natural Diversity Database

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CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society Electronic Inventory
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CONCCP/HCP	County of Orange Natural Communities Conservation Plan/Habitat Conservation Plan
CRHR	California Register of Historical Resources
CVC	California Vehicle Code
DAMP	Drainage Area Management Plan
dB	decibel
dBA	A-weighted decibel
DBL	Density Bonus Law
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substance Control
du/acre	dwelling unit per acre
EMFAC	Emissions Factors
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
EV	electric vehicle
FAA	Federal Aviation Administration
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Safety Zone
FIRM	Floor Insurance Rate Map
FMMP	Farm Mapping and Monitoring Program
FTA	Federal Transit Administration
GAMAQI	Guidance for Assessing and Mitigating Air Quality Impacts
GC	General Commercial
GHG	greenhouse gas
GPA	General Plan Amendment
GPCD	gallons per capita per day
GPD	gallons per day
GWP	Global Warming Potential
HARP2	Hotspots Analysis and Reporting Program

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HBEA	Historic Built Environment Assessment
HFC	hydrofluorocarbon
HI	Hazard Index
HOA	Homeowner's Association
HRA	Health Risk Assessment
HVAC	heating, ventilation, and air conditioning
In/sec	inches per second
IPaC	Information for Planning and Conservation
IS/MND	Initial Study/Mitigated Negative Declaration
kWh	kilowatt hours
L_{dn}	day/night average noise level
LDV	light-duty vehicle
LEED®	Leadership in Energy and Environmental Design
L_{eq}	equivalent sound level
L_{min}	minimum noise/sound level
LOS	Level of Service
LST	localized significance threshold
MBTA	Migratory Bird Treaty Act
MDV	medium-duty vehicle
MEIR	Maximally Exposed Individual Receptor
MET	Metropolitan Water District of Southern California
MLD	Most Likely Descendant
MM	Mitigation Measure
mph	miles per hour
MS4	Municipal Separate Stormwater Sewer System
MT	metric tons
MWDOC	Municipal Water District of Orange County
MWS	Modular Wetland Systems
NAHC	California Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NCRS	Natural Resources Conservation Service
NFHL	National Flood Hazard Layer
NMUSD	Newport-Mesa Unified School District
NO_2	nitrogen dioxide
NO_X	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System

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NRCS	National Resources Conservation
NRHP	National Register of Historic Places
OC San	Orange County Sanitary District
OCFCD	Orange County Flood Control District
OCTA	Orange County Transportation Authority
OCTAM	Orange County Transportation Analysis Model
OCWD	Orange County Water District
OD	Origin/Destination
OEHHA	California Office of Environmental Health Hazard Assessment
OGV	Ocean-going Vessel
PM_{10}	particulate matter 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter 2.5 micrometers or less in diameter
ppm	parts per million
PRC	Public Resources Code
PV	photovoltaic
R-3	Multiple-Family Residential
RCRA	Resource Conservation and Recovery Act
RNG	renewable natural gas
RWQCB	Regional Water Quality Control Board
SA GEO	SA Geotechnical, Inc.
SC	Standard Condition
SCAQMD	South Coast Air Quality Management
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison
SDG	significant data gap
SED	socioeconomic data
SNA	John Wayne Airport
SO_2	sulfur dioxide
SoCAB	South Coast Air Basin
SoCalGas	Southern California Gas Company
SR	State Route
SRA	State Responsibility Area
SSRE	Source Reduction and Recycling Element
SWIS	Solid Waste Information System
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan

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TAC	Toxic Air Contaminants
TAZ	Traffic Analysis Zone
TCR	Tribal Cultural Resources
TSI	thermal systems insulation
TTM	Tentative Tract Map
UCMP	University of California Museum of Paleontology
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
UST	underground storage tank
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
WEAP	Worker Environmental Awareness Program
WQMP	Water Quality Management Plan
WSS	Web Soil Survey
ZEV	Zero-Emission Vehicle

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1 - INTRODUCTION

1.1 - Purpose

The purpose of this Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) is to identify any potential environmental impacts that would result from implementation of the proposed Bear Street Residential Project (proposed project) in the City of Costa Mesa, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, City of Costa Mesa has discretionary authority over the proposed project and is the Lead Agency in the preparation of this IS/MND and any additional environmental documentation required for the proposed project.

The remainder of this section provides a brief description of the project location and the primary project characteristics. Section 2 includes an environmental checklist that provides an overview of the potential impacts that may result from project implementation, elaborates on the information contained in the environmental checklist, and provides justification for each checklist response. Feasible mitigations are analyzed to reduce all impacts to below a level of significance. Section 3 contains the List of Preparers.

1.2 - Project Location

The project site is located at 3150 Bear Street in the City of Costa Mesa (City), in Orange County, California (Exhibit 1). The approximately 6.12-acre project site consists of two parcels, Assessor's Parcel Numbers (APNs) 141-521-48 and -49. As shown in Exhibit 1, the project site is in the northern portion of the City. Regional access to the project site is from Interstate 405 (I-405) via the Bristol Street exit, State Route (SR) 73 via the Bear Street exit, and SR-55 via the Baker Street exit.

1.3 - Environmental Setting

1.3.1 - Land Uses and Zoning

The project site was formerly occupied by the Trinity Broadcasting Network and is now occupied by The Palazzo by Koshbin which is a European-style event venue. The flat project site is mostly paved or covered by structures (Exhibit 2). The proposed project would include demolition of the existing buildings and improvements.

The General Plan currently designates the project site as General Commercial (Exhibit 3).[1] The proposed project would require a General Plan Amendment (GPA) to change the General Plan land use designation from General Commercial to High-Density Residential.

[1] City of Costa Mesa. 2016. City of Costa Mesa General Plan, Land Use Element, Land Use Policy Map, Figure LU-3. Website: http://www.costamesaca.gov/home/showpublisheddocument/34692/637601318822270000. Accessed September 18, 2024.

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The project site is currently zoned Administrative and Professional (AP) (Exhibit 4) The proposed project would require a rezone to change the zoning designation from AP to Multiple-family Residential (R-3). The R-3 zoning district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is 12,000 square feet in the R-3 zone. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.[2]

1.3.2 - Surrounding Land Uses

North I-405 is located immediately north of the project site. South Coast Plaza shopping mall is located beyond I-405.

South Single-family homes and an office building.

East Olympic Avenue, Canadian Drive, and single-family homes.

West Bear Street is located immediately west of the project site. Shiffer Park and single-family homes are located beyond Bear Street.

1.4 - Project Description

MLC Holdings, LLC (applicant) proposes to develop a new residential infill community consisting of a total of 142 for-sale townhomes within eight separate buildings. The townhomes would range in size from approximately 1,060 to 2,218 square feet with 2-story detached homes and 4-story attached homes (Exhibit 5).

The proposed project would provide private roadways and parking, pedestrian walkways, common space and amenity areas, landscaping, and a recreational amenity area within the project site.

The project applicant proposes to deed restrict 5 percent of the units as very low affordable homes (up to seven homes). Pursuant to the State Density Bonus Law (SDBL), the proposed project would be allowed a 20 percent increase in density. Parking and landscaping associated with the proposed project would be consistent with requirements of the SDBL and applicable local regulations.

1.4.1 - Parking and Circulation

Vehicles would access the project site via the existing driveway on Bear Street. This access point would be signalized, and no gate is proposed. An internal private roadway system would provide two-way access to each unit's parking garage as well as guest parking spaces that would be distributed throughout the site. Pedestrians would circulate within the proposed project via internal pedestrian walkways and sidewalks located throughout the site.

[2] City of Costa Mesa. 2024. City of Costa Mesa Municipal Code. Website: https://ecode360.com/42616637. Accessed September 18, 2024.

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An emergency vehicle access exists at the east edge of the property near the terminus of Olympic Avenue. This gated access will remain, providing access for emergency vehicles. It will be redesigned with a new Knox box and a pedestrian gate on a timer to accommodate pedestrian access into the project site during park hours, allowing existing neighbors to the east a more direct walking path to Shiffer Park. This new pedestrian connection would be accompanied by a new signalized crosswalk at the community's Bear Street entrance.

Pursuant to the parking requirements set forth in the SDBL, the proposed project has been designed to meet the Reduced Parking Ratios set forth in Costa Mesa Municipal Code Section 13.85.[3] The proposed project would have 321 on-site parking spaces, consisting of 284 spaces within garages (2 per unit) and 37 guest spaces (0.26 per unit). The proposed parking spaces would meet the parking ratio code requirement of 238 parking spaces.

1.4.2 - Open Space and Landscaping

The proposed project incorporates amenities including a tot lot, barbecues, seating, open lawn areas, and landscaping (Exhibit 5 and 6).

The proposed project would provide 22,735 square feet of common open space; 35,502 square feet of Homeowner's Association (HOA) maintained landscaped areas; 18,293 square feet of fenced yards; and 3,637 square feet of other decorative planting areas, for a total of 80,167 square feet of open space area. As noted above, pursuant to the SDBL, the applicant seeks a waiver for a reduction in open space requirements.

1.4.3 - Off-site Improvements

Off-site improvements associated with the proposed project include a new pedestrian connection would be accompanied by a new signalized crosswalk at the community's Bear Street entrance, as described above, as well as 13,278 square feet of off-site common open space recreation areas. For purposes of this analysis, "project site" refers to both the proposed development and off-site improvements.

1.4.4 - Infrastructure and Utilities

Water service is currently provided by Mesa Water District. The proposed project would connect to an existing 6-inch domestic water line within Olympic Avenue and an existing 12-inch water line within Bear Street. Existing hydrants to remain are located adjacent to the project site on Olympic Avenue as well as diagonally across Bear Street near the existing entrance of Shiffer Park.

Sewer service is provided by Costa Mesa Sanitary District (CMSD). The proposed project would reroute existing sewer mains within the site and connect to the existing 8-inch sewer in Olympic Avenue. An existing Orange County Sanitation District sewer trunk line main crosses the northern portion of the property and will be protected in place.

[3] City of Costa Mesa. 2024. Code of Ordinances. Website: https:// ecode360.com/CO4918. Accessed September 23, 2024.

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The proposed project would connect to an existing storm drain to the northwest of the project site.

1.4.5 - Construction

The applicant anticipates that construction of the proposed project would begin approximately 8 months to 1 year following entitlement approval. Construction activities would consist of three consecutive phases: (1) demolition of the existing paved surfaces and structures, clearing, and site preparation (2 months); (2) site development, including grading, utility installation, and roadway construction (7 months); (3) vertical construction and landscaping installation (18 months). Considering the site is relatively flat, the design grading is anticipated to consist of cuts and fills on the order of 1 to 5 feet to reach pad grades and provide proper site drainage.

1.5 - Required Discretionary Approvals

As mentioned previously, the City of Costa Mesa has discretionary authority over the proposed project and is the CEQA Lead Agency for the preparation of this Draft IS/MND. In order to implement the proposed project, the City would need to secure the following permits/approvals:

- **General Plan Amendment** to change the land use designation from General Commercial to High-Density Residential.
- **Rezone** to change the zoning from AP to R-3 zone.
- **Tentative Tract Map (TTM)** for construction of 142 for-sale residential homes.

1.6 - Intended Uses of This Document

This Draft IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the proposed project.

The Draft IS/MND will be circulated for a minimum of 30 days, during which comments concerning the analysis contained in the Draft IS/MND should be sent to:

Chris Yeager, Associate Planner
City of Costa Mesa Development Services Department
77 Fair Drive
Costa Mesa, CA 92626
Phone: 714.754.4883
Email: christopher.yeager@costamesaca.gov

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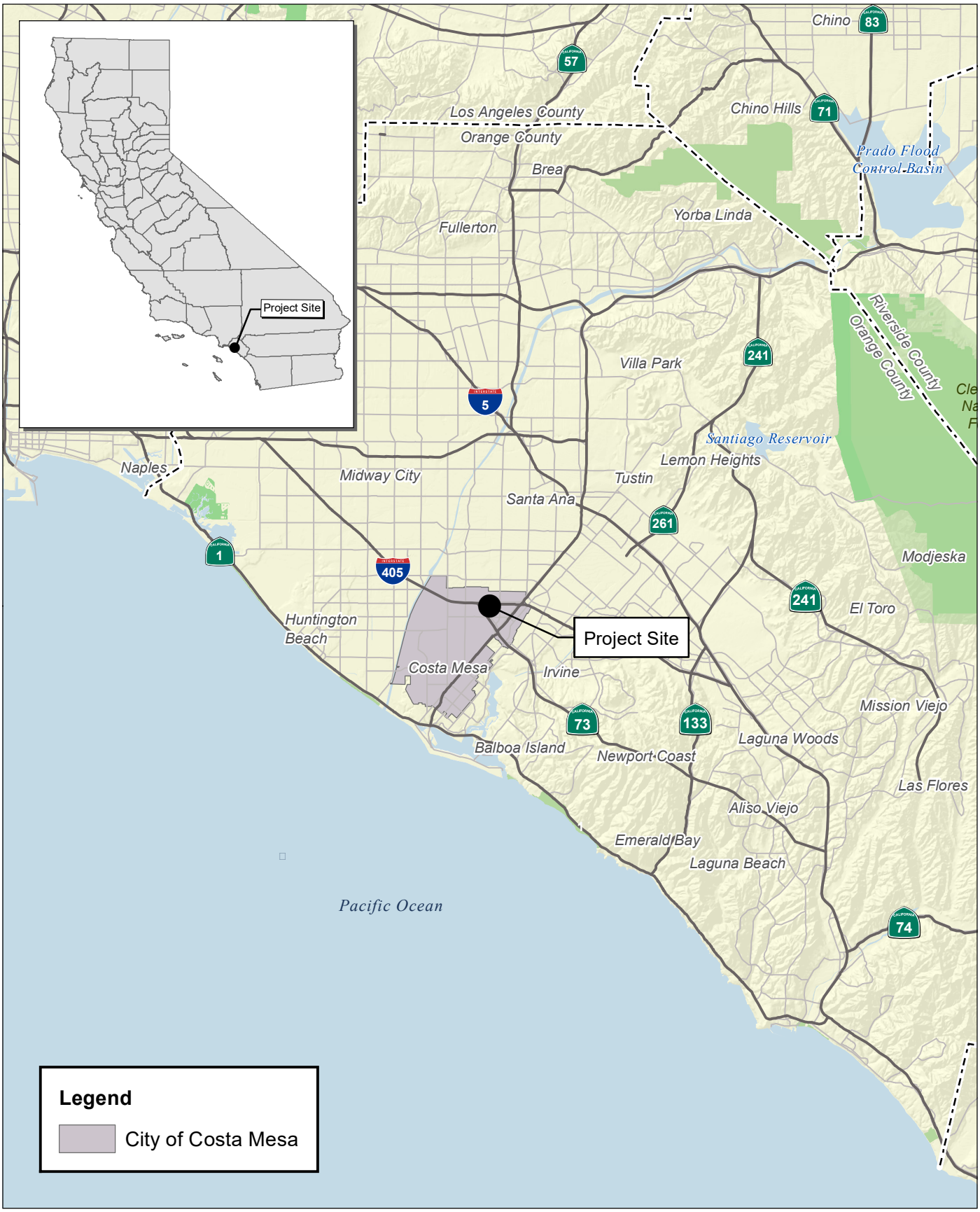

Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

Exhibit 1
Regional Location Map

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Source: Bing Aerial Imagery. X Engineering & Consulting, Inc., September 2024.

FIRSTCARBON SOLUTIONS™

1,000 500 0 1,000 Feet

Exhibit 2
Local Vicinity Map

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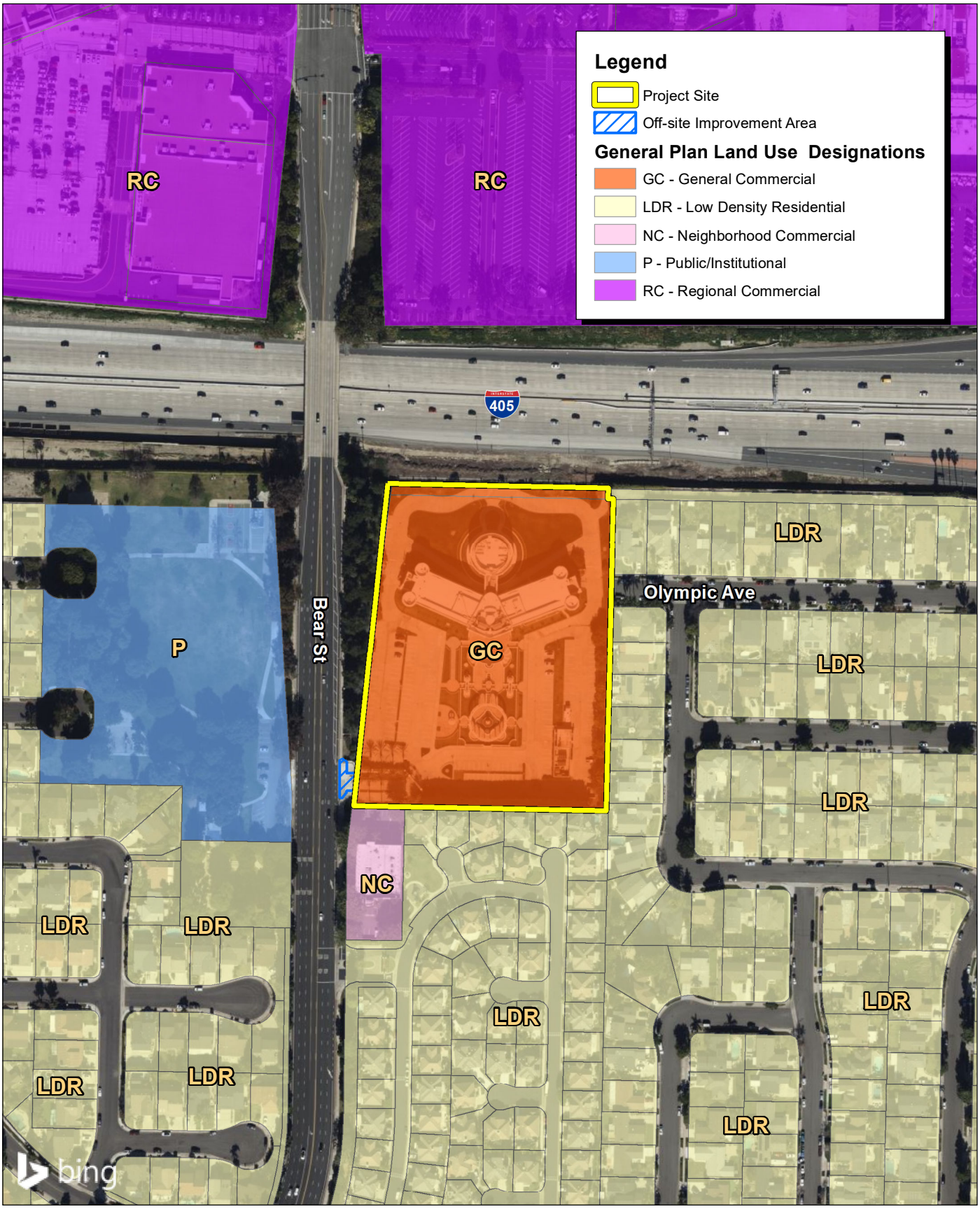

Source: Bing Aerial Imagery. X Engineering & Consulting, Inc., September 2024.

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Exhibit 3
General Plan Land Use Map

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Source: Bing Aerial Imagery. X Engineering & Consulting, Inc., September 2024.

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Exhibit 4
Zoning Map

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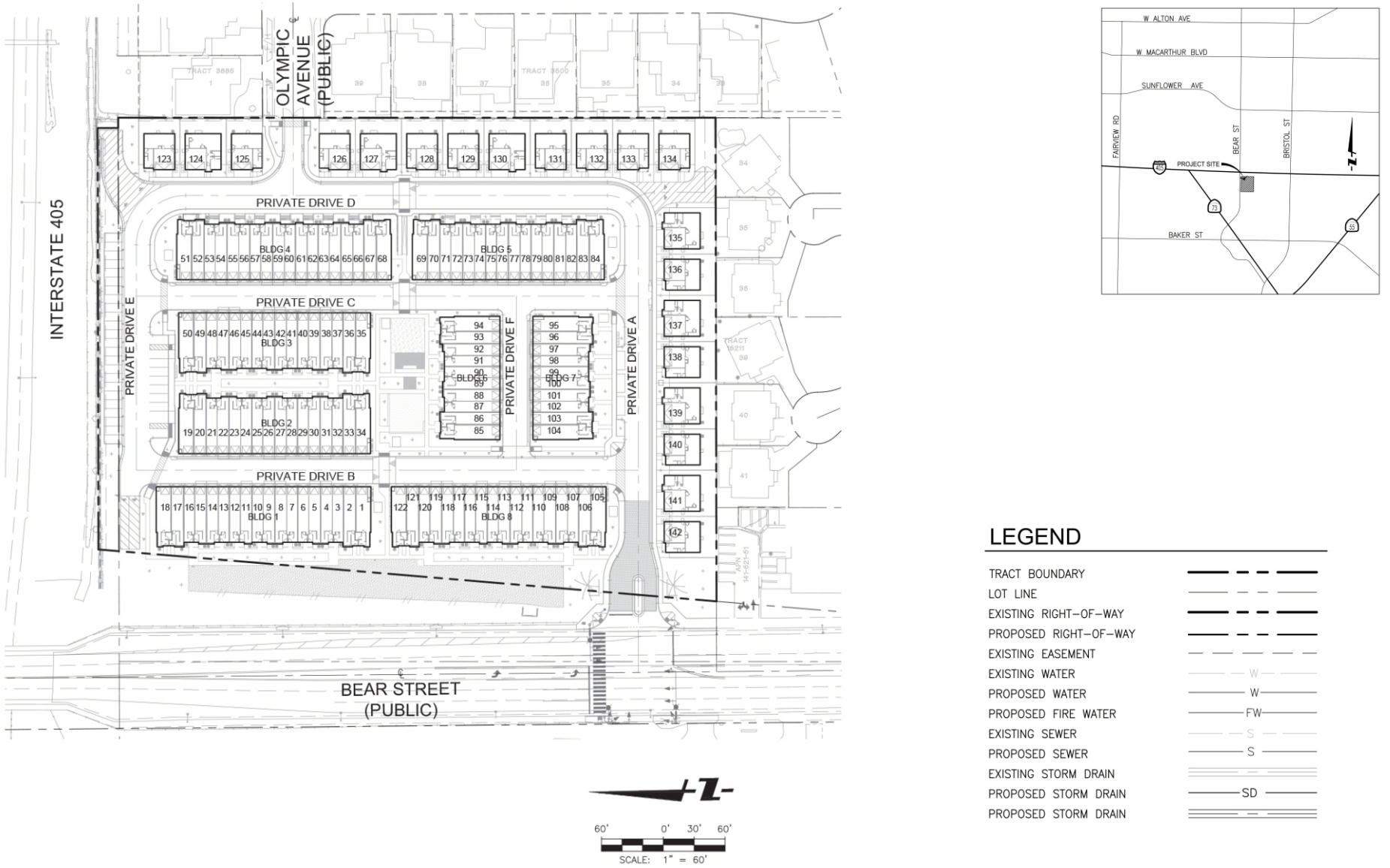

Source: X Engineering & Consulting, Inc. 12/11/24.

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Exhibit 5
Site Plan

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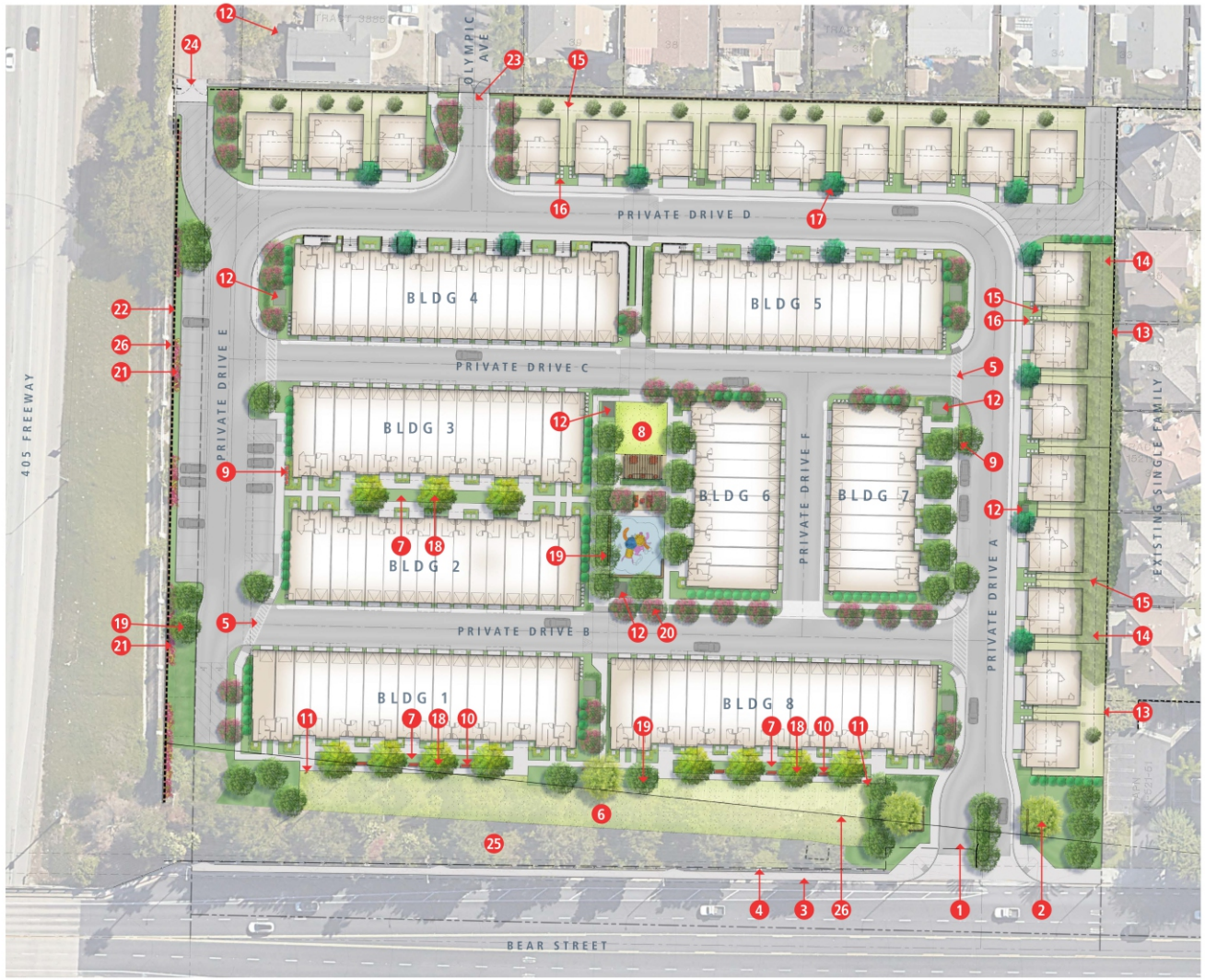

LEGEND

1. Project Entry
2. Monument Signage and Specimen Tree
3. Public Sidewalk
4. Existing Perimeter Pilaster and Fence (Refer to Sheet L-4)
5. Crosswalk Striping
6. Lawn Area
7. Central Paseo
8. Central Open Space:
   - Lawn
   - Overhead Structure
   - BBQ and Picnic
   - Play Equipment
   - Casual Seating
9. Mailboxes
10. Bench
11. Pet Waste Station (Total 3 Installs)
12. Transformer with Screening Hedge
13. Existing Wall to Remain
14. Existing Ficus Trees to Remain
15. Backyard Fence and Gate
16. Stepping Stones
17. Street Tree
18. Paseo Tree
19. Shade Tree
20. Flower Tree
21. Screening Vine
22. Sound Wall - 12' ht. (Refer to Sheet L-4)
23. EVA Gate
24. Existing Maintenance Corridor Gate to Remain
25. Existing Slope to Remain
26. Property Line

Source: MLC Holdings, Inc. 12/06/2024.

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Exhibit 6
Landscape Plan

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2 - ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

Environmental Factors Potentially Affected					
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.					
☐	Aesthetics	☐	Agriculture and Forestry Resources	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources and Tribal Cultural Resources	☐	Energy
☐	Geology and Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology and Water Quality	☐	Land Use and Planning	☐	Mineral Resources
☒	Noise	☐	Population and Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Mandatory Findings of Significance
☐	Utilities and Services Systems	☐	Wildfire		

Environmental Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: _____ Signed: _____

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.1 Aesthetics *Except as provided in Public Resources Code Section 21099, would the project:*				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Environmental Evaluation

Setting

The General Plan Conservation Element specifies that the Santa Ana River, Fairview Park, and Talbert Regional Park are considered the City's primary natural resources.[4] Additional scenic amenities, such as golf courses, also provide visual relief from the built environment and are important visual amenities and landmarks. According to the General Plan EIR, scenic locations near the City include the Pacific Ocean, Santa Ana River, and Santa Ana Mountains.[5]

[4] City of Costa Mesa. 2015. 2015-2035 General Plan, Conservation Element. Website: http://www.costamesaca.gov/home/showpublisheddocument/34698/636740022567130000. Accessed October 2, 2024.

[5] City of Costa Mesa. 2016. Final Environmental Impact Report for the 2015-2035 General Plan. Website: http://ftp.costamesaca.gov/costamesaca/generalplan2015-2035/Final-EIR.pdf. Accessed November 18, 2024.

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Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The City does not designate any specific scenic vistas; however, it identifies the Santa Ana River, Fairview Park, and Talbert Regional Park as primary natural resources in the City. The project site is in the northeastern portion of the City, approximately 2.8 miles east of the Santa Ana River, 2.93 miles northeast of Fairview Park, and 4.12 miles northeast of Talbert Regional Park. Additionally, the project site is located over 5 miles from the Pacific Ocean.

Because of the distance and the intervening development and topography, the project site cannot be seen from the Santa Ana River, Fairview Park, or the Pacific Ocean. Nor would the development of the proposed project impede or change views of the City's identified natural resources from publicly accessible areas. General Plan Conservation Element Goal CON-1 aims to preserve natural resources in the City, including land, water, wildlife, and vegetation, and to protect areas of unique natural beauty. The project site is flat and is developed with commercial uses. Surrounding uses include commercial and residential development. Because of intervening development, there are no scenic views of the Santa Ana River, Fairview Park, Talbert Regional Park or the surrounding areas. Therefore, the proposed project would not affect public views of these scenic resources. No impact would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

No impact. The nearest eligible scenic highway is SR-1, approximately 5.63 miles southwest of the project site, and the nearest designated Scenic Highway is SR-91, approximately 11.58 miles northeast of the project site.[6]

Because of the distance and intervening development, the project site is not visible from SR-1 or SR-91. The project site is developed with commercial uses, and there are no scenic resources such as trees of significance, rock outcroppings, or historic buildings on-site. Additionally, unique visual resources or historic structures do not characterize the project site and surrounding area; therefore, no impact would occur to scenic or historic resources.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than significant impact. The project site is located in an urbanized area. As such, this discussion focuses on zoning and other regulations governing scenic quality. The General Plan and

[6] California Department of Transportation (Caltrans). 2024. State Scenic Highway Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 2, 2024.

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Zoning Ordinance define the permitted land uses and the corresponding development standards within the City. The General Plan currently designates the project site as General Commercial. The proposed project would require a GPA to change the General Plan land use designation from General Commercial to High-Density Residential. The High-Density Residential land use designation is intended to provide residential development with a density of up to 20 du/acre.

The project site is currently zoned AP. The proposed project would require a rezone to change the zoning designation from AP to R-3. The R-3 zoning district is intended to promote the development of multi-family rental as well as ownership dwelling units. In conjunction with the proposed GPA to High-Density Residential, the proposed project would be subject to R-2 zoning development standards.

The proposed project would comply with all applicable Costa Mesa Code of Ordinances requirements related to scenic quality as part of the development review process to ensure the project design is consistent with adopted design guidelines. As such, the proposed project would not conflict with applicable zoning and other regulations pertaining to scenic quality, and no impacts would occur.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. The project site is located in an urbanized area with existing light sources, which include streetlights, lighting on the interiors and exteriors of existing and surrounding buildings, as well as vehicle headlights and traffic signals. No nighttime construction is proposed, and construction activities would be subject to Costa Mesa Municipal Code Section 13-279, which restricts construction activities to between the hours of 7:00 a.m. and 7:00 p.m.[7] Therefore, the proposed project would not require construction lighting, except security and safety lighting.

The proposed project would generate lighting from two primary sources: lighting from the building interiors that would pass through windows and lighting from exterior sources (e.g., street lighting, parking area lighting, building illumination, security lighting, vehicle headlights, and landscape lighting). This proposed lighting is typical of residential developments. The proposed development would replace current existing sources of light and glare with new high-quality development and lighting.

The City's Planning and Building Department would review any proposed lighting to ensure conformance with the California Building Standards Code (CBC), Title 24, as well as the California Green Building Standard Code (CALGreen) (California Code of Regulations [CCR] Title 24, Part 11), such that only the minimum amount of lighting is used, and no light spillage occurs. Although the proposed project would replace existing structures with new buildings that would introduce new light sources, the surrounding area is urban and already illuminated, and the proposed lighting conditions would be similar to existing uses on-site and surrounding the project site. Furthermore, lighting would

[7] City of Costa Mesa. 2024. Municipal Code, Chapter XIII Noise Control. Website: https://ecode360.com/42619140?highlight=construction,construction%20hours,hours&searchId=8627775032158158. Accessed October 2, 2024.

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be required to adhere to the Costa Mesa Municipal Code, CBC, and CALGreen. Therefore, the proposed project would not cause adverse effects. A less than significant impact would occur, and no mitigation is required.

Sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials can cause reflected light (glare). Buildings constructed of highly reflective materials from which the sun reflects at a low angle commonly cause adverse glare. All proposed glass materials to be used would be required to be approved by the City prior to project construction to ensure that the proposed project would not result in glare for adjacent residents or passersby. Therefore, impacts would be less than significant.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.2 Agriculture and Forestry Resources *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.* *Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

draft

Environmental Evaluation

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Setting

The project site is currently zoned AP (Exhibit 4). The proposed project would require a rezone to change the zoning designation from AP to R-3. The R-3 zoning district is intended to promote the development of multi-family rental as well as ownership dwelling units.

The project site is located in a developed and urbanized area. The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) designates the project site as Urban and Built-Up Land, which is defined as land occupied with a building density of at least one dwelling unit per 1.5 acres, or approximately six structures to a 10-acre parcel.[8]

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

No impact. As described above, the site is located on land designated as Urban and Built-Up Land. There is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance on the project site or in its vicinity. In addition, the proposed project would not convert any farmland to nonagricultural use. Therefore, no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

No impact. The project site is not under a Williamson Act Contract and is not zoned for agricultural uses.[9] As noted in the General Plan EIR, no Willamson Act contract lands exist within the City.[10] As

[8] California Department of Conservation. 2022. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/#:~:text=State%20of%20California.%20Search%20this%20site. Accessed November 12, 2024.

[9] California Department of Conservation. 2024. California Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html#:~:text=ArcGIS%20Web%20Application%20-%20California. Accessed November 12, 2024.

[10] City of Costa Mesa. 2016. Final Environmental Impact Report for the 2015–2035 General Plan. Website: http://ftp.costamesaca.gov/costamesaca/generalplan2015-2035/Final-EIR.pdf. Accessed November 12, 2024.

draft

previously discussed, the project site is currently zoned AP and would be rezoned to R-3. Therefore, no impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No impact. The City of Costa Mesa does not contain any land that is zoned for forest land or timberland. The project site is within the AP Zone and is currently occupied with commercial uses. The proposed project would require a rezone of the site to R-3. Therefore, there would be no impact to land zoned for forest or timberland**.**

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. As discussed above, the project site consists primarily of paved and developed surfaces and does not contain forest land, timberland, or timberland zoned for production. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses. Therefore, there would be no impact.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?

No impact. The project site and surrounding area do not contain Farmland or forest land. Therefore, project implementation would not result in the conversion of Farmland or forest land from agricultural or timberland uses to nonagricultural or non-forest land uses. No impact would occur, and no mitigation is required.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.3 Air Quality *Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?	☐	☐	☒	☐

Environmental Evaluation

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Setting

The proposed project site is located in the City of Costa Mesa, in Orange County, which is within the South Coast Air Basin (SoCAB). The SoCAB includes all of Orange County, Los Angeles County (except for the Antelope Valley), the non-desert portion of western San Bernardino County, and the western and Coachella Valley portions of Riverside County. The San Gabriel, San Bernardino, and San Jacinto Mountains bound the SoCAB on the north and east while the Pacific Ocean lies to the west of the SoCAB. The southern limit of the SoCAB is the San Diego County line. The SoCAB is under the jurisdiction of South Coast Air Quality Management District (SCAQMD).[11]

[11] South Coast Air Quality Management District (SCAQMD). 2022. Air Quality Management Plan. Website: http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan. Accessed November 19, 2024.

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The air pollutants for which national and State standards have been promulgated and that are most relevant to air quality planning and regulation in the SoCAB include ozone, nitrogen oxide (NO_X), carbon monoxide (CO), particulate matter, including dust, 10 micrometers or less in diameter (PM_{10}), and particulate matter, including dust, 2.5 micrometers or less in diameter ($PM_{2.5}$). In addition, toxic air contaminants (TACs) are of concern in the SoCAB. Each of these pollutants is briefly described below. Other pollutants that are regulated but not considered an issue in the project area are sulfur dioxide (SO_2), vinyl chloride, sulfates, hydrogen sulfide, and lead; the proposed project would not emit substantial quantities of those pollutants, so they are not discussed further in this section.

Construction and operation of the proposed project would be subject to applicable SCAQMD rules and requirements. The SCAQMD CEQA Air Quality Handbook was developed to assist local jurisdictions and lead agencies in complying with the requirements of CEQA regarding potentially adverse impacts to air quality.[12]

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact. A potentially significant impact would occur if the proposed project would conflict with or obstruct implementation of the applicable air quality plan. The proposed project is located within the jurisdiction of the SCAQMD. The SCAQMD is responsible for preparing air quality attainment plans to be transmitted to the ARB and the United States Environmental Protection Agency (EPA) for incorporation into the State Implementation Plan. SCAQMD has designated this area as extreme nonattainment for ozone and serious nonattainment for $PM_{2.5}$.[13] To evaluate whether a project conflicts with or obstructs implementation of the applicable air quality plan (2022 Air Quality Management Plan [AQMP] for SoCAB), the SCAQMD CEQA Air Quality Handbook states that there are two key indicators. These indicators are identified by the criteria discussed below.

- **Indicator:** Whether the proposed project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
- **Indicator:** According to Chapter 12 of the SCAQMD CEQA Air Quality Handbook, the purpose of the General Plan consistency findings is to determine whether a proposed project is inconsistent with the growth assumptions incorporated into the air quality plan and, thus, whether it would interfere with the region's ability to comply with federal and California air quality standards.

[12] South Coast Air Quality Management District (SCAQMD). 1993. CEQA Air Quality Handbook. Available at SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

[13] South Coast Air Quality Management District (SCAQMD). Air Quality Management Plan. Website: http://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan. Accessed November 19, 2024.

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The development of emission burdens used in AQMPs to demonstrate compliance with ambient air quality standards is based, in part, on land use patterns contained within local general plans. Therefore, it is reasonable to conclude that if a project is consistent with the applicable general plan land use designation, and the general plan was adopted prior to the applicable AQMP, then the growth of Vehicle Miles Traveled (VMT) and/or population generated by said project would be consistent with growth in VMT and population assumed within the AQMP.

The General Plan and Zoning Ordinance defines the permitted land uses and the corresponding development standards within the City. The General Plan currently designates the project site as General Commercial. The proposed project would require a GPA to amend the General Plan land use designation from General Commercial to High-Density Residential. The High-Density Residential land use designation is intended to provide residential development with a density of up to 20 du/acre.

The project site is currently zoned AP. The proposed project would require a rezone to change the zoning designation from AP to R-3. The R-3 zoning district is intended to promote the development of multi-family rental as well as ownership dwelling units. In conjunction with the proposed GPA to High-Density Residential, the proposed project would be subject to R-3 zoning development standards.

Therefore, the proposed project's VMT and sources of air pollutants would have been analyzed in the 2022 AQMP under a lower density than the proposed project. As such, further analysis is required to determine whether the proposed project would conflict with or obstruct implementation of the applicable air quality plan.

Considering the recommended criteria in the SCAQMD's 1993 Handbook, this analysis uses the following criteria to address this potential impact:

- **Criterion 1:** Proposed project's contribution to air quality violations; and
- **Criterion 2:** Compliance with applicable emission control measures in the AQMPs.

Criterion 1: Project's Contribution to Air Quality Violations

According to the SCAQMD, the proposed project is consistent with the AQMP if the project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.[14]

If a project's emissions do not exceed the SCAQMD regional thresholds for volatile organic compounds (VOC), NO_X, CO, sulfur oxides (SO_X), PM_{10}, or $PM_{2.5}$, it follows that the project's emissions would not exceed the allowable limit for each project in order for the region to attain and maintain ambient air quality standards, which is the primary goal of air quality plans. As shown in Impact 2.3(b), the proposed project would not exceed the SCAQMD's regional thresholds of

[14] South Coast Air Quality Management District (SCAQMD). 1993. CEQA Handbook. Available at SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

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significance during either construction or operation. Therefore, the proposed project would be consistent with the AQMP under this criterion.

Criterion 2: Control Measures

The AQMP contains several control measures which are enforceable requirements through the adoption of rules and regulations. The proposed project would comply with all applicable SCAQMD rules and regulations. Because of the nature of the proposed project, which includes earthmoving activity during construction, SCAQMD Rule 403 applies. Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Compliance with this rule is achieved through the application of standard Best Management Practices (BMPs). These BMPs include application of water or chemical stabilizers to disturbed soils; covering haul vehicles; restricting vehicle speeds on unpaved roads to 15 miles per hour (mph); sweeping loose dirt from paved site access roadways; cessation of construction activity when winds exceed 25 mph; and establishing a permanent ground cover on finished sites. Because the proposed project does not otherwise include dust control BMPs incorporated, Standard Condition (SC) AIR-1 is required. SC AIR-1 requires the implementation of best available dust control measures during activities capable of generating fugitive dust, consistent with the requirements of SCAQMD Rule 403. The proposed project would comply with SCAQMD Rule 1113, which serves to limit the VOC content of architectural coatings used on projects in the SCAQMD. As outlined in SC AIR-2, all coatings used by the proposed project must meet or exceed the VOC content limits established by SCAQMD Rule 1113. The proposed project's compliance with all applicable SCAQMD rules and regulations would result in consistency with the applicable AQMP control measures.

Summary

In summary, the proposed project would not result in a regional exceedance of criteria air pollutants and would comply with all applicable SCAQMD rules and regulations with incorporation of SC AIR-1 and SC AIR-2. As such, the proposed project would not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP. Furthermore, the proposed project would not interfere with the region's ability to comply with federal and California air quality standards. Therefore, this impact would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?

Less than significant impact. This impact is related to the cumulative effect of a project's criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants results from past and present development within the air basin, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the SoCAB would contribute

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to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential regional impacts could result in exceedances of State or federal standards for NO_X, particulate matter (PM_{10} and $PM_{2.5}$), or CO. NO_X emissions are of concern because of potential health impacts from exposure to NO_X emissions during both construction and operation and as a precursor in the formation of airborne ozone. PM_{10} and $PM_{2.5}$ are of concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion and resulting health effects.

VOC emissions are also important because of their participation in the formation of ground level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the State CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in regional emissions that exceed the SCAQMD regional thresholds of significance for construction and operations on a project level. Projects that generate emissions below the SCAQMD significance thresholds would be considered consistent with regional air quality planning efforts and would not generate cumulatively considerable emissions.

The proposed project's regional construction and operational emissions are evaluated separately below. Construction and operational emissions from the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) Version 2022.1. The complete CalEEMod output files are included as part of Appendix A.

Construction Emissions

Construction emissions are described as "short-term" or temporary in duration; however, they have the potential to represent a significant impact with respect to air quality. Construction of the proposed project would result in the temporary generation of VOC, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ emissions from construction activities such as site preparation, grading, building construction (home construction), architectural coating, and paving. Fugitive dust emissions are primarily associated with

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earth disturbance and grading activities and vary as a function of soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles on-site and off-site. Construction-related NO_X emissions are primarily generated by exhaust emissions from heavy-duty construction equipment, material and haul trucks, and construction worker vehicles. VOC emissions are mainly generated by exhaust emissions from construction vehicles, off-gas emissions associated with architectural coatings, and asphalt paving.

For the purpose of this analysis, construction of the proposed project was estimated to begin in December 2025 and conclude in September 2028 and was modeled based on an applicant-provided preliminary schedule; see Appendix A. Note that construction emissions would likely decrease if the construction schedule were deferred to later years because of improvements in technology and more stringent regulatory requirements. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as the State CEQA Guidelines require.

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower and load factors of the equipment, and the duration of equipment use. Table 1 presents the proposed project's maximum daily construction emissions during the entire construction duration using the worst-case summer or winter daily construction-related criteria pollutant emissions for each phase of construction. The PM_{10} and $PM_{2.5}$ emissions reflect the combined exhaust and fugitive dust emissions after incorporation of SC AIR-1, which requires the implementation of best available dust control measures outlined in SCAQMD Rule 403. Complete CalEEMod output files are included as part of Appendix A.

Table 1: Unmitigated Construction—Maximum Daily Regional Emissions by Year

Construction Year	Regional Pollutant Emissions (pounds per day)					
	VOCs	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily from Project Construction (2025)	1.64	19.75	15.68	0.05	5.68	1.52
Maximum Daily from Project Construction (2026)	3.20	29.39	29.68	0.05	9.20	5.15
Maximum Daily from Project Construction (2027)	0.89	5.70	14.29	0.02	2.71	0.76
Maximum Daily from Project Construction (2028)	24.43	5.42	13.81	0.02	2.70	0.74
Maximum Daily Construction Emissions						
Maximum Daily Emissions[1]	**24.43**	**29.39**	**29.68**	**0.05**	**9.20**	**5.15**
SCAQMD Significance Threshold	**75**	**100**	**550**	**150**	**150**	**55**

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Construction Year	Regional Pollutant Emissions (pounds per day)					
	VOCs	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
SCAQMD = South Coast Air Quality Management District
SO_X = sulfur oxides
VOC = volatile organic compound
[1] Assumes overlap of construction activities based on schedule presented in Appendix A.
The PM_{10} and $PM_{2.5}$ emissions reflect the combined exhaust and mitigated fugitive dust emissions in accordance with SCAQMD Rule 403 and incorporated into the proposed project assumptions through SC AIR-1.
Source of Emissions: Appendix A.

As shown above in Table 1, the proposed project's construction emissions (with the incorporation of SC AIR-1) would not exceed the applicable significance threshold for any of the pollutants. Therefore, the proposed project would have a less than significant impact related to regional air quality during project construction.

Operational Emissions

Long-term operational emissions would be generated, resulting from daily operations at the proposed townhomes. Operational emissions for residential land use development projects are typically distinguished as mobile-, area-, and energy-source emissions. Mobile source emissions are those associated with automobiles that would travel to and from the project site. Assumptions used to estimate mobile source emissions that would be generated by the proposed project were consistent with those presented in the project-specific Trip Generation Memorandum. The existing site generates 530 daily trips. The proposed project would generate 1,024 daily trips (under the 146-unit scenario), resulting in a net increase of 494 daily trips compared to the existing use.[15] Under the 142-unit scenario, the proposed project would generate 997 daily trips, resulting in a net increase of 467 daily trips compared to the existing use. Area-source emissions are those associated with natural gas combustion for space and water heating, landscape maintenance activities, and periodic architectural coatings. Energy-source emissions are those associated with electricity consumption and are more pertinent for greenhouse gas (GHG) emissions than air quality pollutants. Because the proposed project would demolish and replace existing structures, the proposed project's incremental increase in air pollutant emissions would be lower than those estimated and presented below. Table 2 presents the proposed project's estimated maximum daily operational emissions.

[15] Urban Crossroads. August 8. 3150 Bear Street Due Diligence Trip Generation Assessment. 2024.

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Table 2: Maximum Daily Operational Regional Pollutants

Operational Activity	Regional Pollutant Emissions (pounds per day)[1]					
	VOC	NO_X	CO	SO_X	PM_{10} (Total)	$PM_{2.5}$ (Total)
Area	7.09	0.00	15.32	0.00	0.02	0.01
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile (Automobiles)	2.94	2.13	22.70	0.06	5.67	1.46
Overall Maximum Daily[1]	**10.03**	**2.13**	**38.02**	**0.06**	**5.69**	**1.47**
SCAQMD Significance Threshold	**55**	**55**	**550**	**150**	**150**	**55**
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
SCAQMD = South Coast Air Quality Management District
SO_X = sulfur oxides
VOC = volatile organic compounds
[1] Emissions shown represent the maximum daily emissions from summer and winter seasons for each operational emission source and pollutant. Therefore, total daily operational emissions represent the maximum daily emissions that could occur throughout the year.
Source of Table: Appendix A.

As shown in Table 2, the proposed project's regional daily operational emissions would not exceed any of the SCAQMD thresholds of significance. Therefore, the proposed project would have a less than significant impact related to regional air quality during project operation. Furthermore, as previously noted, the proposed project would replace existing structures with new residential buildings. The existing uses are currently generating air pollutant emissions that would no longer occur once the existing structures are demolished. Thus, the proposed project's net increase in air pollutant emissions from project operations would be even lower than what are shown in Table 2.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact after incorporation of mitigation. This impact evaluates the potential for the proposed project's construction and operational emissions to expose sensitive receptors to substantial pollutant concentration. Sensitive receptors are defined as those individuals who are sensitive to air pollution, including children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. For purposes of CEQA, the SCAQMD considers a sensitive receptor to be a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or

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convalescent facilities.[16] Commercial and industrial facilities are not included in the definition because employees do not typically remain on-site for 24 hours. However, when assessing the impact of pollutants with 1-hour or 8-hour standards (such as nitrogen dioxide [NO_2] and CO), commercial and/or industrial facilities would be considered sensitive receptors.

To result in a less than significant impact, the following criteria must be true:

- **Criterion 1:** Localized significance threshold (LST) assessment: emissions and air quality impacts during project construction or operation must be below the applicable LSTs to screen out of needing to provide a more detailed air quality analysis. If the proposed project exceeds any applicable LST when the mass rate lookup tables are used as a screening analysis, then project-specific air quality modeling may be performed to determine significance.
- **Criterion 2:** A CO hotspot assessment must demonstrate that the proposed project would not result in the development of a CO hotspot that would result in an exceedance of the CO ambient air quality standards.
- **Criterion 3:** TAC analysis must demonstrate that TAC emissions from construction and operations of the proposed project would not result in significant health risk impacts to nearby sensitive receptors.

Criterion 1: Localized Significance Threshold Analysis—Criteria Pollutants

The localized construction and operational analyses use thresholds (i.e., LSTs) that represent maximum emissions for a project that would not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard.[17] If the proposed project's construction or operational emissions are under those thresholds, it follows that the proposed project would not cause or contribute to an exceedance of the standard and would not expose sensitive receptors to substantial pollutant concentrations.

Localized Construction Analysis

The LST Methodology only applies to on-site emissions and states that "off-site mobile emissions from the project should not be included in the emissions compared to LSTs." Therefore, for purposes of the construction LST analysis, only on-site emissions were compared with the applicable LSTs.

Utilizing the construction equipment list and associated acreages per 8-hour day provided in the SCAQMD "Fact Sheet for Applying CalEEMod to Localized Significance Thresholds," the appropriate thresholds were selected based on the maximum number of acres disturbed in a day. To ensure a conservative analysis, the proposed project emissions have been compared to the 2 acre per day

[16] South Coast Air Quality Management District (SCAQMD). 2003. Revised 2008. Final Localized Significance Threshold Methodology. Revised July 2008. Website: https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf. Accessed November 19, 2024.

[17] South Coast Air Quality Management District (SCAQMD). 2003. Revised 2008. Final Localized Significance Threshold Methodology. Revised July 2008. Website: https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf. Accessed November 19, 2024.

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LST. A complete list of construction equipment, as well as the calculation sheet to determine the maximum area disturbed are included in Appendix A.

Table 3 presents the proposed project's maximum daily on-site emissions compared with the applicable LSTs. The closest sensitive receptor is within approximately 20 feet from the project site, which is approximately 6.1 meters.[18] Receptors 25 meters or less use the 25-meter LSTs. The LSTs for the project site were obtained from the LST Methodology for a 2-acre project site located in Source Receptor Area 18–North Coastal Orange County, with sensitive receptors within 25 meters. As noted in Table 3, emission estimates account for implementation of SCAQMD Rule 403 (incorporated into the proposed project through SC AIR-1), and the construction vehicle trip lengths were adjusted to 0.5 mile to represent localized emissions.

Table 3: Construction Localized Significance Screening Analysis

Activity	On-site Emissions (pounds per day)			
	NO_X	**CO**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily from Project Construction (2025)	14.95	13.33	4.27	1.09
Maximum Daily from Project Construction (2026)	29.21	28.99	8.94	5.09
Maximum Daily from Project Construction (2027)	4.26	7.16	0.22	0.15
Maximum Daily from Project Construction (2027)	4.03	7.08	0.20	0.13
Maximum Daily On-site Construction Emissions[1]	**29.21**	**28.99**	**8.94**	**5.09**
Construction Localized Significance Threshold (Source Receptor Area 18, 2 acres disturbed, 25 meters)	**131**	**962**	**7**	**5**
Exceed Screening Threshold?	**No**	**No**	**Yes**	**Yes**

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter with an aerodynamic resistance diameter of 10 micrometers or less
$PM_{2.5}$ = particulate matter with an aerodynamic resistance diameter of 2.5 micrometers
SCAQMD = South Coast Air Quality Management District
[1] Assumes overlap of construction activities based on construction schedule shown in Appendix A.
The PM_{10} and $PM_{2.5}$ emissions reflect the combined exhaust and mitigated fugitive dust emissions in accordance with SCAQMD Rule 403 and incorporated into the proposed project assumptions through SC AIR-1.
Source of emissions: Appendix A.
Source of thresholds: South Coast Air Quality Management District (SCAQMD) Mass Rate Localized Significance Threshold (LST) Lookup Table for Source Receptor Area 18, 2 acres disturbed, within nearest sensitive receptor within 25 meters from the project site.

[18] South Coast Air Quality Management District (SCAQMD). 2003. Revised 2008. Final Localized Significance Threshold Methodology. Revised July 2008. Website: https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf. Accessed November 19, 2024.

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As shown in Table 3, the proposed project's maximum daily on-site emissions would not exceed the applicable SCAQMD LSTs for NO_X or CO; therefore, localized construction impacts related to these air pollutants would be less than significant. However, the proposed project's maximum daily on-site emissions would exceed the applicable SCAQMD LSTs for PM_{10} or $PM_{2.5}$. As previously discussed, the LSTs are screening criteria developed by the SCAQMD to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in a potentially significant air quality impact. If a project exceeds an applicable LST, then the SCAQMD recommends that project-specific air quality modeling be performed to determine localized impacts. To determine localized impacts related to construction-generated PM (including both PM_{10} and $PM_{2.5}$), a project-specific construction Health Risk Assessment (HRA) was performed. As detailed within the HRA addressed in Criterion 3 below, localized impacts from the proposed project's generation of particulate matter during construction would be less than significant after incorporation of mitigation. The proposed project would be required to comply with SC AIR-1 (consistent with SCAQMD Rule 403) and would be required to implement Mitigation Measure (MM) AIR-1. Incorporation of SC AIR-1 and MM AIR-1 would ensure that the project-generated emissions of PM_{10} and $PM_{2.5}$ would be controlled during the construction period. In addition, SC AIR-2 would ensure that all architectural coatings used on-site would meet the VOC content requirements of SCAQMD Rule 1113. Accordingly, with adherence to standard conditions and incorporation of mitigation, the proposed project's on-site construction-related criteria air pollutant and ozone precursor concentrations would not expose sensitive receptors to substantial pollutant concentrations. This impact would be less than significant.

Localized Operational Analysis

Similar to the construction LST analysis above, the applicable operational LSTs were obtained for a project located in Source Receptor Area 18 with the nearest sensitive receptor being within 25 meters. Long-term operations would occur for the proposed project on the approximately 6.12-acre project site, and LSTs were obtained for a 5-acre site (the largest option).

As described above, the LST Methodology recommends that only on-site emissions are evaluated using LSTs. Because most of the proposed project's mobile source emissions would occur on the local and regional roadway network away from the project site, a trip length of 0.5 mile was used in the modeling input assumptions to account for on-site emissions and from mobile sources. The 0.5-mile on-site trip length is a conservative estimate that takes into account the maximum project site distance a vehicle could travel, not the most likely or fastest route, to ensure all potential impacts are considered. On-site area-, energy-, and mobile source emissions were included in this analysis. Table 4 presents the proposed project's maximum daily on-site emissions compared with the appropriate LSTs.

Table 4: Operational Localized Screening Significance Analysis

Emissions Source	Pounds per Day			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Area	0.14	15.32	0.02	0.01
Energy	0.00	0.00	0.00	0.00

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Emissions Source	Pounds per Day			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Mobile (Automobiles)	0.70	6.17	0.36	0.10
Maximum Daily On-site Operational Emissions	**0.84**	**21.49**	**0.38**	**0.11**
Localized Significance Thresholds (Source Receptor Area 18, 5-acre site, 25 meters)	**200**	**2,349**	**13**	**5**
Exceeds Screening Threshold?	**No**	**No**	**No**	**No**

Notes:
CO = carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
The highest daily emissions of NO_X, CO, PM_{10}, and $PM_{2.5}$ were in the summer season.
Source of Emissions: Appendix A.
Source of thresholds: SCAQMD Mass Rate Lookup Tables for a 5-acre site in Source Receptor Area 18 for sensitive receptors located within 25 meters of the project site.

As shown in Table 4, the proposed project's maximum daily on-site operational emissions would not exceed any applicable SCAQMD LSTs. Therefore, the proposed project's operational activities would not cause or contribute substantially to an existing or future ambient air quality standard violation. Accordingly, the proposed project's operational criteria air pollutant and ozone precursor concentrations would not expose sensitive receptors to substantial pollutant concentrations. The impact would be less than significant.

Criterion 2: Carbon Monoxide Hotspot Analysis

A CO hotspot represents a condition wherein high concentrations of CO may be produced by motor vehicles accessing a congested traffic intersection under heavy traffic volume conditions. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when idling at intersections. Accordingly, vehicle emissions standards have become increasingly more stringent to help remedy this impact.

The CO hotspot analysis contained in the SCAQMD 1992 CO Plan is used to determine potential CO hotspot impacts from the proposed project, because by using the 1992 CO Plan as a worst-case scenario, the proposed project can measure CO impacts against intersections that experienced significantly more vehicle traffic than adjacent to the proposed project. The 1992 CO Plan is used as a worst-case scenario because it included a CO hot spot analysis for four busy intersections in Los Angeles at the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood); Wilshire Boulevard and Veteran Avenue (Westwood); Sunset Boulevard and Highland Avenue (Hollywood); and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per day.

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Subsequently, the CO Plan determined that no CO hotspot would occur even with 100,000 vehicles per day at this one intersection.

According to the transportation analysis prepared by Urban Crossroads,[19] the existing peak-hour trips for the current land use operations are 97 AM peak-hour trips and 87 PM peak-hour trips along the segment of Bear Street adjacent to the project site. However, the proposed project would only generate 64 AM peak-hour trips and 83 PM peak-hour trips under the 146-unit scenario (which would be slightly lower under the 142-unit scenario). Thus, the proposed project is expected to generate a net reduction of 33 AM trips and 4 fewer PM peak-hour trips as compared to the trips generated by the existing land use. Furthermore, based on the project-specific Trip Generation Memorandum, the proposed project was estimated to generate 1,024 daily vehicle trips under the 146-unit scenario and 997 trips under the 142-unit scenario and would not result in traffic volumes exceeding 100,000 vehicles per day at any of the intersections evaluated near the project site.[20] Additionally, project-generated trips would be distributed throughout the day and would not impact all local roadways at one time, further reducing the potential impacts to CO. As a result, none of the intersections near the proposed project site would have peak-hour traffic volumes exceeding those at the intersections analyzed in the 1992 CO Plan. Additionally, the adjacent roadways are not located in an area where vertical or horizontal atmospheric mixing is substantially limited, such as a tunnel or overpass. Furthermore, there are no factors unique to the local meteorology to conclude that this intersection would yield higher CO concentrations if modeled in detail. Therefore, the operational CO impact would be less than significant.

Criterion 3: Project-Specific Operational Toxic Air Pollutants

An assessment was made of the potential health impacts on surrounding sensitive receptors resulting from TAC emissions during construction.

The SCAQMD has defined health risk significance thresholds. These thresholds are represented as a cancer risk to the public and a non-cancer hazard from exposures to TACs. Cancer risk represents the probability (in terms of risk per million individuals) that an individual would contract cancer resulting from exposure to TACs continuously over a period of several years. The principal TAC emission analyzed in this assessment was diesel particulate matter (DPM) from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction. DPM has been identified by the ARB as a carcinogenic substance. For purposes of this analysis, DPM is represented as exhaust emissions of PM_{10}. The California Office of Environmental Health Hazard Assessment (OEHHA) has developed guidance for estimating cancer risks that considers the increased sensitivity of infants and adults to TAC emissions, different breathing rates, and time spent at home. This guidance was applied in estimating cancer risks from the construction and operation of the proposed project. To assess impacts to off-site sensitive receptors, the American Meteorological Society/EPA Regulatory Model (AERMOD) air dispersion model was used to estimate the concentrations from PM_{10} and $PM_{2.5}$ exhaust at nearby sensitive receptors within 1,000 feet of the project site. The

[19] Urban Crossroads. August 8. 3150 Bear Street Due Diligence Trip Generation Assessment. 2024.

[20] Ibid.

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Hotspots Analysis and Reporting Program (HARP2) software was used to identify the cancer risks associated with DPM generated during construction activities.

Toxic Air Contaminant Construction Analysis

Major sources of DPM during construction include off-road construction equipment and heavy-duty delivery truck activities. The results of the HRA prepared for project construction for cancer risk and long-term chronic cancer risk are summarized below. Detailed parameters, a description of methodology, and complete calculations are contained in Appendix A.

The estimated health and hazard impacts at the Maximally Exposed Individual Receptor (MEIR) from the proposed project's construction emissions, prior to incorporation of mitigation, are provided in Table 5.

Table 5: Estimated Health Risks and Hazards During Project Construction (Unmitigated)

Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI
Maximally Exposed Individual Receptor[1]	24.49	0.014
Significance Threshold	**10**	**1**
Exceeds Individual Source Threshold?	**Yes**	**No**

Notes:
HI = hazard index
[1] The location of the construction MEIR was determined to be an existing single-family residence within approximately 20 feet east of the project boundary, at 33°41'12.1"N 117°53'25.1"W.
Source: Appendix A.

As noted in Table 5, above, the proposed project's construction emissions would exceed the cancer risk significance threshold without the use of cleaner than average construction equipment. Accordingly, MM AIR-1 is recommended, which would require the use of Tier 3 engines with Level 3 Verified Diesel Emission Control Strategy (VDEC) filters for all construction equipment equal to or greater than 50 horsepower. Equipment meeting Tier 4 standards achieves the required reductions and specifications in MM AIR-1 without VDECs.[21]

As noted in Table 6, below, the proposed project's construction emissions would not exceed any applicable SCAQMD significance threshold for health risk impacts after incorporation of MM AIR-1. Therefore, project construction would not result in significant health impacts to nearby sensitive receptors after incorporation of mitigation.

[21] The Tier 4 scenario is modeled as Tier 4 Interim equipment and is included as part of Appendix A.

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Table 6: Estimated Health Risks and Hazards During Project Construction (Mitigated)

Source	Cancer Risk (risk per million)	Chronic Non-Cancer HI
Mitigated Construction–Tier 3 with Level 3 Filters Scenario		
Maximally Exposed Individual Receptor[1]	5.03	0.003
Significance Threshold	**10**	**1**
Exceeds Individual Source Threshold?	**No**	**No**

Notes:
HI = hazard index
[1] The location of the construction MEIR was determined to be an existing single-family residence within approximately 20 feet east of the project boundary, at 33°41'12.1"N 117°53'25.1"W.
Source: Appendix A.

Criterion 3: Project-Specific Operational Toxic Air Pollutants

The proposed project is a residential project and would not have stationary sources or on-site sources of TACs during operation. Traffic generated by the residential project would consist of mostly light-duty gasoline-powered vehicles, which are not a significant source of TAC and air pollutant emissions. Thus, the proposed project would not generate a significant amount of DPM or other TAC emissions during operation and would not result in significant health impacts to nearby sensitive receptors during operation.

Cumulative Toxic Air Contaminant Analysis

As previously discussed, projects that exceed project-specific significance thresholds are considered cumulatively considerable by the SCAQMD. Conversely, projects that do not exceed project-specific thresholds are generally not considered cumulatively significant. As discussed in Criteria 1 through 3 above, the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Since the proposed project would not exceed project-specific thresholds it would not be considered to result in cumulatively significant impacts.

The Proposed Project as a Receptor

The proposed project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site. However, as demonstrated above, the proposed project would comply with all existing regulations and would not exacerbate environmental hazards or conditions that already exist. Accordingly, no further analysis is required. The California Supreme Court concluded in *California Building Industry Association v. BAAQMD* that CEQA generally does not require an analysis of the impact of existing environmental conditions on a project's future users or residents.

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d) Result in other emission (such as those leading to odors) adversely affecting a substantial number of people?

Less than significant impact. Odors can cause a variety of responses. The impact of an odor is dependent on interacting factors such as frequency (how often), intensity (strength), duration (in time), offensiveness (unpleasantness), location, and sensory perception. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

The SCAQMD does not provide a suggested screening distance for a variety of odor-generating land uses and operations. However, the San Joaquin Valley Air Pollution Control District (Valley Air District) does have a screening distance for odor sources. These screening distances by type of odor generator are listed below in Table 7.

Table 7: Screening Levels for Potential Odor Sources

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile

Source: San Joaquin Valley Air Pollution Control District (Valley Air District). 2015. Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). March 19. Website: https://valleyair.org/transportation/GAMAQI.pdf. Accessed April 22, 2024.

Construction-Related Odors

Potential sources that may emit odors during construction activities include exhaust from diesel construction equipment. However, because of the temporary nature of these emissions, the intermittent nature of construction activities, and the highly diffusive properties of DPM exhaust, nearby receptors would not be affected by diesel exhaust odors associated with project construction. Odors from these sources would be localized and generally confined to the immediate area surrounding the proposed

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project site. The proposed project would utilize typical construction techniques and the odors would be typical of most construction sites for a typical residential subdivision. As such, the proposed project would not cause odors that adversely affect a substantial number of people during the construction period; potential impacts during construction would be less than significant.

Operational-Related Odors

The proposed project includes the construction and development of a new residential infill community consisting of a total of up to 142 for-sale townhomes and associated amenities, landscaping, paving, and off-site improvements. Operations of the proposed project could lead to odors from associated vehicle exhaust and outdoor cooking. However, such odors generated by project operation would be small in quantity and duration and would not pose an objectionable odor impact to nearby receptors. Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, composting facilities, feedlots, coffee roasters, asphalt batch plants, and rendering plants. The proposed residential project would not produce any offensive odor emitting end uses such as coffee roasting, composting, feed lots, refining, sewage treatment, or solid waste management and would not be considered an odor generator as identified in Table 7.

Summary

The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people from construction or operations. Therefore, approval of the proposed project would not result in any significant effects relating to other emissions (such as odors), and impacts would be less than significant.

Standard Conditions

SC AIR-1 SCAQMD Rule 403 requires the implementation of best available dust control measures during activities capable of generating fugitive dust. The proposed project must follow the standard SCAQMD rules and requirements with regard to fugitive dust control, which include, but are not limited to the following:

1. All active construction areas shall be watered two times daily.
2. Speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
3. Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.
4. Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered twice daily.
5. All operations on any unpaved surface shall be suspended if winds exceed 15 mph.
6. Access points shall be washed or swept daily.
7. Construction sites shall be sandbagged for erosion control.
8. Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).

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9. Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least 2 feet of freeboard space in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
10. Pave or gravel construction access roads at least 100 feet onto the site from the main road and use gravel aprons at truck exits.
11. Replace the ground cover of disturbed areas as quickly possible.

SC AIR-2 All interior and exterior architectural coatings used on-site during project construction must meet or exceed the VOC content limits established by SCAQMD Rule 1113.The project sponsor shall include in any construction contracts and/or subcontracts a requirement that all interior and exterior architectural coatings used in project construction meet the VOC content limits established by SCAQMD Rule 1113.

Mitigation Measures

MM AIR-1 **Use of Clean Construction Equipment to Minimize DPM**

All off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 3 standards with Level 3 Verified Diesel Emission Control Strategy (VDEC) filters.22 The project applicant shall submit a construction management plan to the Costa Mesa's Planning Division, for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with these specified off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

[22] Equipment meeting Tier 4 standards achieves the required reductions and specifications in MM AIR-1 without VDECs.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.4 Biological Resources *Would the project:*				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?	☐	☐	☐	☒

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Environmental Evaluation

The analysis in this section is based, in part, on a field survey and desktop survey conducted by FirstCarbon Solution (FCS). Desktop survey results are included in Appendix B.

Setting

Methods

The biological resources evaluation included a review of existing environmental documentation for the project site and vicinity, including literature pertaining to the habitat requirements of special-status species with the potential to occur in the project vicinity; and federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). FirstCarbon Solutions also reviewed topographic maps, aerial photographs and published soil surveys, and queried special-status species databases, including the USFWS Information for Planning and Consultation database,[23] the California Natural Diversity Database,[24] and the California Native Plant Society Electronic Inventory of Rare and Endangered Vascular Plants of California.[25]

The biological resources evaluation included a visit to the project site on September 26, 2024, to ascertain general site conditions and identify whether existing vegetation communities provide suitable habitat for special-status plant or wildlife species.

Results

An FCS Biologist conducted a general biological survey of the project site on September 26, 2024, between approximately 11:00 a.m. and 12:20 p.m. Weather conditions during the field surveys were sunny, with an average temperature around 69–72°F (degrees Fahrenheit) and wind speeds between 0 and 2 miles per hour (mph). The literature and database reviews were conducted on September 13, 2024.

Environmental Setting

The project site is developed and is surrounded by Bear Street to the west, I-405 to the north, and residential development to the east and south. The project site is mostly paved or covered by structures and is generally flat. Ornamental trees are located along the boundaries and adjacent to the site on all sides, including a hedgerow of Indian laurel fig (*Ficus nitida*) along the southern boundary and camphor (*Cinnamomum camphora*) and pine (*Pinus* spp.) trees to the west.

[23] United States Fish and Wildlife Service (USFWS). 2024. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed November 12, 2024.

[24] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx. Accessed September 13, 2024.

[25] California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed November 12, 2024.

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Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

Less than significant impact with mitigation incorporated. The project site is developed and is mostly paved or covered by structures and contains ornamental trees located along the site boundaries and near the buildings. There are no natural vegetation communities on-site and the site is completely surrounded by development and urbanization. According to the California Natural Diversity Database (CNDDB) and California Native Plant Society Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California, 57 special-status plant species have been recorded within 10 miles of the project site or within the area encompassed by the *Newport Beach, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (Appendix B). The potential for occurrence of a species was based on presence of suitable habitat (natural vegetation communities, soil types) and the recency, proximity, and number of occurrences recorded in the CNPSEI and CNDDB. Based on the lack of suitable habitat due to the developed nature of the project site and its history of surface disturbances, as well as its situation in an urbanized area, all special-status plants that occur in the region were assessed as having no potential for occurrence on-site (Appendix B, Table 1). Thus, special-status plants are not expected to occur on the project site and are not discussed or analyzed further. The proposed project is not expected to impact special-status plant species.

Fifty-three special-status wildlife species have been recorded within 10 miles of the project site in the CNDDB for or as identified in the USFWS Information for Planning and Conservation (IPaC) database. Because of the urbanized/developed nature of the project site and vicinity, all special-status wildlife species identified in the database reviews were determined to have no or low potential for occurrence on the project site. However, the project site contains trees and vegetation that could provide suitable nesting habitat for Cooper's hawk, a California Species of Special Concern. With the implementation of MM BIO-1a and MM BIO-1b, which requires a pre-construction survey and avoidance of active nests, potential impacts to nesting Cooper's hawks would be reduced to a less than significant level.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?

No impact. No riparian or other sensitive natural communities were recorded on or adjacent to the project site; therefore, the proposed project would have no impact on any riparian habitat or other sensitive natural community.

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c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. There were no waters or wetland features detected on the project site that would be considered potentially jurisdictional by the United States Army Corps of Engineers (USACE), nor any features that would be considered potentially jurisdictional by State regulatory agencies including the RWQCB and CDFW. Additionally, the project site does not contain vernal pools or features indicative of the historic presence of vernal pools. According to the National Resources Conservation Service (NRCS) Web Soil Survey (WSS) (2024),[26] one soil type is mapped on the project site, Omni clay. These soils are not known to support vernal pools. Therefore, implementation of the proposed project would not result in impacts to State or federally protected wetlands, including vernal pools. No impacts would occur.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

Less than significant impact with mitigation incorporated. The project site is developed and is surrounded by urbanized areas, roads, and highways on all sides that limit wildlife movement through the project site. The project site itself does not serve as a wildlife movement corridor.

The project site contains vegetation that could provide suitable nesting habitat for bird species protected under the Migratory Bird Treaty Act (MBTA) and the Fish and Game Code. These species include Cooper's hawk and other native avian species. If ground-disturbing or vegetation-removing construction activities are initiated during the nesting season, they could disturb nesting and breeding birds on the ground surface, in trees and shrubs, and on structures on and adjacent to the project site, which would be considered significant. Potential construction-related project impacts on special-status and migratory birds include destruction of eggs or occupied nests, mortality of young, and causing parental abandonment of nests with eggs or pre-fledged young birds. With the implementation of MM BIO-1a and MM BIO-1b, potential project impacts to nesting Cooper's hawks and other native and migratory birds would be reduced to a less than significant level.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant impact. City of Costa Mesa Municipal Code Chapter 15-V provides for the preservation of landmark trees, defined as a tree or stand of trees which is of historical significance, is of a rare species and is unusual because of size, color, and blossoms, has unique characteristics of form or shape that contribute to the community skyline, or are intended to become of future visual, cultural and/or historical significance. There are no trees on-site that meet the definition of a landmark

[26] Natural Resources Conservation Service (NRCS). 2024. Web Soil Survey (WSS). United States Department of Agriculture (USDA). Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed November 12, 2024.

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tree. Additionally, this chapter states that no person shall begin any construction or excavation without first providing sufficient protection for trees on public property, such as a fence, guard or frame within a five foot minimum distance of the tree trunk. The proposed project will be required to comply with this ordinance if there are any trees on public property that would be impacted.

The City's Municipal Code Chapter 13-VII states that trees shall not be destroyed or removed by the property owner without prior City approval. As part of complying with this ordinance, the applicant shall submit site plans to the Planning Division that identify existing and replacement trees with a written request and justification for their removal. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?

No impact. The project site is located within the boundaries of the County of Orange Natural Communities Conservation Plan/Habitat Conservation Plan (CONCCP/HCP), a Habitat Conservation Plan and Natural Community Conservation Plan authorized by the CDFW through the Natural Community Conservation Plan (NCCP) Act (California Fish and Game Code Section 2800) and Sections 2081 and 2084 of CESA, and by the USFWS through Sections 7 and 10 of the Endangered Species Act.

The project site does not contain Covered Habitats or suitable habitat for Identified Species covered under the CONCCP/HCP and does not have any conservation requirements under the plan. Therefore, the proposed project would not conflict with a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. No impact would occur.

Mitigation Measures

MM BIO-1a Nesting Bird Pre-construction Surveys

If ground-disturbing or vegetation-removing construction activities or tree removal is proposed during the breeding/nesting season for migratory birds (typically February 1 through September 15), a qualified Biologist shall conduct pre-construction surveys for special-status birds and other migratory birds within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground-disturbing activities in the construction area.

MM BIO-1b Avoidance of Active Avian Nests

If an active nest is located during pre-construction surveys or at any point during the construction phase of the proposed project, a qualified Biologist shall establish a buffer around the nest using flagging tape or other barrier. The buffer shall be

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established a minimum radius of 300 feet around an active raptor nest and a 50-foot radius around an active migratory bird nest. Furthermore, construction activities and personnel shall be restricted from entering the buffer area to avoid disturbance of the nest until it is abandoned, or a qualified Biologist deems disturbance potential to be minimal. Additional restrictions may include alteration of the construction schedule to avoid the active nesting season.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.5 Cultural Resources and Tribal Cultural Resources *Would the project:*				
a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐
Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:				
d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☒	☐	☐
e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	☐	☐	☐	☐

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Environmental Evaluation

Setting

This section describes the existing cultural resources setting and potential effects from the proposed project implementation on the project site and its surrounding area. Descriptions and analysis in this section are based on information provided by the California Native American Heritage Commission (NAHC), South Central Coastal Information Center (SCCIC), National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historic Landmarks list, California Points of Historical Interest list, California Built Environment Resource Directory (BERD), the California Historical Resources Inventory, and a Historic Built Environment Assessment report prepared by South Environmental. Non-confidential records search results, NAHC correspondence, and the Historic Built Environment Assessment report are included in Appendix C.

South Central Coastal Information Center

A records search and literature review were conducted on October 2, 2024, at the SCCIC, located at California State University, Fullerton, for the project site and a 0.50-mile radius surrounding it. The purpose of this review was to access existing cultural resource survey reports, archaeological site records, historic aerial photographs, and historic maps to evaluate whether any previously documented pre-contact or historic archaeological sites, architectural resources, cultural landscapes, or other resources exist within or near the project site.

The results from the SCCIC indicate that there are no recorded archaeological or historic resources located within the project site. There are 13 recorded historic built environment resources located within the 0.5-mile radius of the proposed project boundaries. In addition, there are 13 area-specific survey reports on file with the SCCIC for the 0.5-mile search radius, one of which (OR-04172) addresses the project site entirely, indicating that the project site has been previously surveyed for archaeological or historical resources. A records search map identifying the proposed project boundaries and a 0.5-mile search radius along with relevant non-confidential records search results are included in Appendix C.

Native American Heritage Commission

On September 24, 2024, FCS contacted the NAHC to determine whether any sacred sites were located within the site or proposed project vicinity. A response was received on October 9, 2024, indicating that the Sacred Lands File search was positive for the presence of Native American cultural resources within the project site. The NAHC included a list of 20 Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by the implementation of the proposed project are addressed, a letter containing proposed project information was sent to each Tribal representative on November 8, 2024. Three responses were received on November 12, 2024. A response from the Santa Rosa Band of Cahuilla Indians deferred comments to Soboba Band of Luiseno Indians cultural resource department. Another response was received from the Gabrieleño Band of Mission Indians-Kizh Nation requesting Lead Agency contact information. The final response was received from the

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Cahuilla Band of Indians stating that the Tribe is unaware of any cultural resources at/or near the project area. The Tribe deferred to the Kizh Nation for further information regarding the proposed project. No additional responses have been received to date. NAHC correspondence can be found in Appendix C.

Pedestrian Survey and Buried Site Potential

On October 30, 2024, an FCS Archaeologist conducted a pedestrian survey for unrecorded cultural resources within the project site. At the center of the property is a 3-story commercial property (The Palazzo), a courtyard that extends to the south of the building and a detached maintenance building. The property is surrounded by landscape features and is bordered by parking lots on the southern, western and eastern perimeters, with auto access road to the north. Overview shots of the project area were taken from the northeast, northwest, southeast and southwest corners, which showcase the property, the courtyard, and the surrounding landscape and hardscape features. Visibility of the exposed soil was non-existent since the entirety of the project site is landscaped and/or hardscaped; thus, inspection of the soil for cultural resources was not possible. Survey conditions were documented using digital photographs and field notes. No pre-contact or historic resources were found over the course of the pedestrian survey.

In addition to the pedestrian survey, the potential for unidentified cultural resources in the project vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The proposed project was evaluated against a set of criteria originally identified by a geoarchaeological overview of the Central Valley that was prepared for the California Department of Transportation (Caltrans) Districts 6 and 9.[27] This study mapped the “archaeological sensitivity,” or potential to support the presence of buried prehistoric archaeological deposits throughout the Bay Area based on geology and environmental parameters, including distance to water and landform slope. The methodology used in the study is applicable to other parts of California and generally concluded that sites consisting of flat, Holocene-era deposits in close proximity to water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

The project site is situated on flat terrain. According to the geological map of Jennings et al.,[28] the surface of the project site consists entirely of early Holocene alluvium lake, playa, and terrace deposits (Q). Applying the criteria set forth above, all Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to water resources. Although the NAHC TCR search yielded a positive result, the project site is situated 2.80 miles east of the Santa Ana River and the SCCIC records search results did not yield any known

[27] Meyer, J., D. Craig Young, and Jeffrey S. Rosenthal. 2010. Volume I: A Geoarchaeological Overview and Assessment of Caltrans District 6 and 9, Cultural Resources Inventory of Caltrans District 6/9 Rural Conventional Highways. Submitted to Central California Department of Transportation, District 6.

[28] Jennings, C.W., C. Guitierrez, W. Bryant, G. Saucedo and C. Willis. 2010. Geologic Map of California. California Geologic Society.

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archaeological resources recorded within the project boundaries, would suggest a low potential for unanticipated buried cultural resources to be impacted by project construction.

Historic Built Environment Assessment

On October 3, 2024, South Environmental Architectural Historian Marlena Krcelich, BA, and Principal Architectural Historian Sarah Corder, MFA, prepared a Historic Built Environment Assessment (HBEA) report of the project site, which consist of one main building that serves as offices and one maintenance building that was constructed in 1978. South Environmental determined, through archival research and literature review of the BERD, Costa Mesa Historical Society, City of Costa Mesa City Clerk, historical newspapers, Sanborn fire insurance maps, and historical aerial photographs, that the buildings have not been formally assessed for historical significance. An intensive built environment survey was completed to document the exterior of the existing buildings and structures with notes and photographs.

In compliance with CEQA Guidelines § 15064.5 for historical resources, the property was recorded and evaluated for historical significance on the appropriate set of State of California Department of Parks and Recreation (DPR) Series 523 Forms in consideration of CRHR and City designation criteria and integrity requirements. The buildings were found not eligible under all State and local designation criteria due to a lack of significant historical associations and architectural merit. Thus, no historical resources were identified within the project site as a result of this study. The HBEA and DPR Forms can be found in Appendix C.

Cultural Resources

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?

Less than significant impact. The record search conducted at the SCCIC for the proposed project determined that 13 historic built environment resources are recorded within the 0.5-mile search radius of the project boundary, none of which are within the project site. Additionally, an HBEA for the project site was conducted by South Environmental on October 3, 2024, which evaluated the buildings within the subject property for historical significance and integrity. The HBEA determined that the buildings are not eligible under all State and local designation criteria due to a lack of significant historical associations and architectural merit. No additional historic built environment resources were encountered during the pedestrian field survey. Therefore, the proposed project would not have an adverse impact on historic built environment resources and no mitigation measures are required. Impacts to historical resources would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant with mitigation incorporated. Results from the SCCIC indicate that no pre-contact or historic archaeological resources are recorded within the project site. However, there are

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13 historic built environment resources recorded within the 0.5-mile radius search radius. No archaeological resources were observed over the course of the pedestrian field survey; however, soil visibility was non-existent due to the entirety of the project site being landscaped and/or hardscaped.

As described above, the project site is situated on flat terrain and consists entirely of early Holocene alluvium lake, playa, and terrace deposits. The soil composition, proximity to the Santa Ana River, SCCIC record search results, and the disturbed condition of the site indicates that the potential impact to unidentified archaeological resource is considered low. However, it is possible that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. Implementation of MM CUL-1 and MM CUL-2 would ensure that this potential impact is reduced to a less than significant level.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant with mitigation incorporated. While no formal cemeteries or areas containing human remains are known to be within the project vicinity, the potential for the disturbance of any human remains is considered low. However, there is always the possibility that subsurface construction activities associated with the proposed project, such as grading or trenching, could potentially damage or destroy previously undiscovered human remains. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 must be followed. MM CUL-3 further specifies the procedures to follow in the event human remains are uncovered. Along with compliance with these guidelines and statutes, implementation of this mitigation would reduce potential impacts related to human remains to a less than significant level.

Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

Less than significant with mitigation incorporated. A review of the CRHR, local registers of historic resources, and a records search conducted at the SCCIC failed to identify any listed TCRs that may be adversely affected by the proposed project. The NAHC Sacred Lands File search results were positive for the presence of TCRs within the project area, and Tribal outreach to obtain additional information pertaining to TCRs within the project produced negative results. Should any undiscovered TCRs be encountered during project construction, implementation of MM CUL-1, MM CUL-2, and MM CUL-3 would reduce potential impacts to a less than significant level.

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e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

TBD. Tribal consultation efforts conducted by the City of Costa Mesa pursuant to AB52 to identify additional significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 have yet to be determined.

Mitigation Measures

MM CUL-1 Prior to the initiation of construction activities, all construction personnel conducting ground disturbance at the site shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate" training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the proposed project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology. A qualified Archaeological Monitor, reporting to an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards, be present to conduct "spot-checks" monitoring during the clearing, grubbing, trenching, and grading phases of project-related ground disturbance to check for the inadvertent discovery of cultural resources or human remains. Over the course of the proposed project, should the Archaeologist determine that the probability of inadvertent discovery is low, they may make a recommendation to the Lead Agency that monitoring may cease altogether.

MM CUL-2 In the event that buried cultural resources are discovered during construction, operations shall stop within a 100-foot radius of the find and a qualified Archaeologist shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.

If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures

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for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.

MM CUL-3 If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site where human remains are discovered and/or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify an MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
    - The MLD identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.6 Energy *Would the project:*				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Environmental Evaluation

Setting

Energy use, especially through fossil fuel consumption and combustion, relates directly to environmental quality since it can adversely affect air quality and generate GHG emissions that contribute to climate change. Electrical power is generated through a variety of sources, including fossil fuel combustion, hydropower, wind, solar, biofuels, and others. Natural gas is widely used to heat buildings, prepare food in restaurants and residences, and fuel vehicles, among other uses. Fuel use for transportation is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes such as auto, carpool, and public transit; and miles traveled by these modes, and generally based on petroleum-based fuels such as diesel and gasoline. Electric vehicles (EVs) may not have any direct emissions but do have indirect emissions via the source of electricity generated to power the vehicle. Construction and routine operation and maintenance of transportation infrastructure also consume energy. Southern California Edison (SCE) provides electricity and natural gas services within the City of Costa Mesa. SCE provides electricity and natural gas as customers request their services.

The proposed project may have an impact on the environment if it would:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant impact. A discussion of the proposed project's anticipated energy usage is presented below. Energy use consumed by the proposed project was estimated and includes natural

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gas, electricity, and fuel consumption for project construction and operation. Energy calculations are included as part of Appendix A.

Short-term Construction Impacts

For the purpose of this analysis, construction of the proposed project was estimated to begin in December 2025 and conclude in September 2028 and was modeled based on based on an applicant-provided preliminary schedule; see Appendix A. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require demolition, site preparation, grading, utility installation, building construction, architectural coating, and paving. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing, and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, front-end loaders, forklifts, and cranes. On-site, off-road construction equipment is estimated to consume a total of approximately 42,842 gallons of diesel fuel over the entire construction duration (Appendix A).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to and from the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors (EMFAC) model mobile source emission model. In total, the proposed project is estimated to generate approximately 1,765,502 VMT and a combined 96,720 gallons of combined gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Section 13-279 of the Costa Mesa Municipal Code restricts construction activities to between the hours of 7:00 a.m. and 7:00 p.m.[29] As on-site construction activities would be restricted to these hours, it is anticipated that the use of construction lighting would be minimal.

The overall construction processes are already designed to be efficient in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Therefore, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and

[29] City of Costa Mesa. 2024. Municipal Code, Chapter XIII Noise Control. Website: https://ecode360.com/42619140?highlight=construction,construction%20hours,hours&searchId=8627775032158158. Accessed October 2, 2024.

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unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

Long-term Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Operation of the proposed project would consume an estimated 646,733 kilowatt hours (kWh) of electricity. Energy consumption values were estimated without taking any reductions for the existing land uses or reductions from on-site renewable energy. The proposed project would include demolition of the 65,652-square-foot former Trinity Broadcasting Network (TBN) building, the demolition an existing 1,000-square-foot maintenance building, and removal of outside lighting. Thus, the proposed project's incremental increase in electricity consumption would be estimated lower than 646,733 kWh because the existing land use currently consumes electricity. In addition, 646,733 kWh represents the amount of electricity that would be used by the proposed project on an annual basis and not the amount that would need to be sourced from the energy grid. The proposed residential buildings would be built all-electric, and the proposed project would install solar photovoltaic (PV) systems that would generate renewable energy to offset the building's energy consumption. The proposed project's buildings (including townhomes) would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. The Title 24 Building Energy Efficiency Standards, specifically the 2022 update, set forth comprehensive requirements for energy efficiency in residential buildings, including townhomes. These standards are designed to ensure that buildings meet specific energy performance criteria to reduce energy consumption and GHG emissions. The Title 24 standards include requirements related to the building envelope, mechanical systems (such as requiring high-efficiency heating, ventilation, and air conditioning [HVAC] and water heating systems), indoor and outdoor lighting, and renewable energy. The Title 24 standards are widely regarded as the most advanced Building Energy Efficiency Standards and the proposed project's compliance with these standards would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Consistent with the project-specific trip generation rates presented in the Trip Generation Memorandum, the proposed project was estimated to generate approximately 997 daily vehicle trips for the 142-unit project.[30] Project-related vehicle trips would consume an estimated 100,010 gallons of gasoline and diesel annually and would involve activities and travel routes typical of a residential project. In addition, energy consumption values, including fuel consumption values, were estimated without taking any reductions for the existing land uses. Specifically, the existing site generates 530 daily trips that were not subtracted out when considering the proposed project's estimated consumption of fuel. Thus, the proposed project's net increase in fuel consumption would be lower than the annual estimate of 100,010 gallons of gasoline and diesel.

As detailed in Section 2.17–Transportation, development of the proposed project would result in a less than significant impact on VMT. Furthermore, the 2022 Title 24 standards applicable to the

[30] Urban Crossroads. August 8. 3150 Bear Street Due Diligence Trip Generation Assessment. 2024.

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proposed project also include provisions for EV charging infrastructure in townhomes with private garages. This requirement would encourage the use of EVs by future residents. Because the proposed project's operations would involve activities and travel routes typical of a residential project, coupled with the finding that the proposed project would have a less than significant impact in regard to VMT, transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant.

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than significant impact. The proposed project would be evaluated with existing State energy standards and with energy conservation policies included in the General Plan.

The proposed project would be served with electricity provided by SCE. In 2022, SCE obtained 33.2 percent of its electricity from renewable energy sources. SCE also offers a Green Rate 50 percent option that sources 66.7 percent of its power mix from eligible renewable energy sources and a Green Rate 100 percent option that sources 100 percent of its power mix from eligible renewable energy sources.[31] It is expected that SCE would be required to meet the future objective of 60 percent of electricity from renewable energy sources by 2030. Additionally, the proposed project is planned to be an all-electric design and would therefore utilize more renewable energy sources during project operation compared to existing development.

The proposed residential project would be designed in accordance with Title 24, California's Energy Efficiency Standards for residential buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), and indoor and outdoor lighting. CALGreen require all new garages for the proposed homes to install electrical panels of adequate size to support the installation of electric vehicle charging systems. Therefore, it is anticipated the proposed project would be designed and built to minimize transportation energy through the promotion of the use of electric-powered vehicles and it is anticipated that existing and planned capacity and supplies of transportation fuels would be sufficient to support the proposed project's demand. The proposed project would install solar photovoltaic (PV) systems in compliance with Title 24, Part 6, California's Energy Code.

The City of Costa Mesa 2015–2035 General Plan Conservation Element contains the following policies related to energy conservation.

Energy Efficiency and Conservation

Policy CON-2.A.1 Promote efficient use of energy and conservation of available resources in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment.

[31] Southern California Edison (SCE). 2022 Power Content Label. Website: https://www.sce.com/sites/default/files/custom-files/PDF_Files/SCE_2022_Power_Content_Label_B%26W.pdf. Accessed December 2, 2024.

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Policy CON-2.A.2 Consult with regional agencies and utility companies to pursue energy efficiency goals. Expand renewable energy strategies to reach zero-net-energy for both residential and commercial new construction.

Policy CON-2.A.3 Continue to develop partnerships with participating jurisdictions to promote energy efficiency, energy conservation, and renewable energy resource development by leveraging the abilities of local governments to strengthen and reinforce the capacity of energy efficiency efforts.

Policy CON-2.A.4 Encourage new development to take advantage of Costa Mesa's optimal climate in the warming and cooling of buildings, including use of heating, ventilation and air conditioning (HVAC) systems.

Green Building Sustainable Development Practices

Policy CON-2.A.5 Promote environmentally sustainable development principles for buildings, master planned communities, neighborhoods, and infrastructure.

Policy CON-2.A.6 Encourage construction and building development practices that reduce resource expenditures throughout the lifecycle of a structure.

Policy CON-2.A.7 Continue to require all City facilities and services to incorporate energy and resource conservation standards and practices and require that new municipal facilities be built within the LEED® Gold standards or equivalent.

Policy CON-2.A.8 Continue City green initiatives in purchases of equipment, and agreements that favor sustainable products and practices.

Solid Waste Reduction and Recycling

Policy CON-2.A.9 Encourage waste management programs that promote waste reduction and recycling to minimize materials sent to landfills. Maintain robust programs encourage residents and businesses to reduce, reuse, recycle, and compost.

Policy CON-2.A.10 Support waste management practices that provide recycling programs. Promote organic recycling, landfill diversion, zero-waste goals, proper hazardous waste collections, composting, and the continuance of recycling centers.

Policy CON-2.A.11 Continue construction and demolition programs that require recycling and minimize waste in haul trips.

While several of these policies are requirements at City level or voluntary, compliance with Title 24 standards and other applicable regulations would ensure that the proposed project would not conflict with any of the energy conservation policies related to the proposed project's building, mechanical systems, and indoor and outdoor lighting.

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The proposed project would comply with existing State energy standards and with energy conservation policies contained in the General Plan. As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Potential impacts would be less than significant.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.7 Geology and Soils *Would the project:*				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Environmental Evaluation

The analysis in this section is based, in part, on the project-specific Supplemental Geotechnical Subsurface Exploration and Due Diligence Study (Geotechnical Exploration), prepared by SA Geotechnical, Inc. (SA GEO), dated February 14, 2024, included in Appendix D.

Setting

Geology

Geologic mapping indicates that the project site is mapped within Holocene- to late Pleistocene-age young alluvial fan deposits. These deposits are described as unconsolidated to moderately consolidated silt, sand, pebbly cobbly sand, and boulders in alluvial fan deposits.[32,33]

In general, Holocene-age sedimentary deposits have a low potential to contain significant paleontological resources at the surface, and the potential increases the potential increases with increased depth into the subsurface; the deeper layers of these deposits have a high potential to contain significant paleontological resources. In general, Pleistocene-age sedimentary deposits have a high potential to contain significant paleontological resources.

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones; fish, amphibians, reptiles, birds, mammals, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), microscopic plants and animals (microfossils), and trace fossils/ichnofossils (i.e., footprints, burrows, etc.). They are valuable, nonrenewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur and the topography of the

[32] Morton, D.M., and F.K. Miller. 2006. Geologic Map of the San Bernardino and Santa Ana 30' x 60' Quadrangles, California. Open-File Report OF-2006-1217. United States Geological Survey. Map. Scale 1:100,000.

[33] Ibid.

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area in which they are exposed. Most fossils are not large. Pleistocene fossils of small fish, amphibians, reptiles, birds, and mammals are usually found by screening sediment samples.

The entire project site has surface deposits composed of younger Quaternary Alluvium, derived broadly as alluvial fan deposits from the Santa Ana Mountains to the east via the Santa Ana River that currently flows just to the west. These deposits typically do not contain significant vertebrate fossils in the uppermost layers, but they are usually underlain by older Quaternary deposits that frequently do contain significant vertebrate fossils. The closest vertebrate fossil locality from these deposits is LACM 4219, south-southwest of the project site, in a roadcut for the Newport Freeway near Santa Isabel Avenue, which produced fossil sea turtle, Cheloniidae, and camel, Camelidae, bones in coarse, poorly sorted friable sands about 30 feet below the grade of Newport Boulevard. The University of California Museum of Paleontology (UCMP) at UC Berkeley also has a locality there (V-93124). It produced fossils of 41 species of marine fish, as well as pond turtle, four bird species, rabbit, sea otter, two kinds of sea lion, horse, camel, and bison.[34] Further to the southwest of the site, near the intersection of 19th Street and Anaheim Avenue, locality LACM 3267 produced a fossil specimen of undetermined elephant, Proboscidea. West-southwest of the site, along Adams Avenue near the top of the mesa bluffs east of the Santa Ana River, locality LACM 1339, produced fossil specimens of mammoth, *Mammuthus*, and camel, Camelidae, bones in sand approximately 15 feet below the top of the mesa that is overlain by shell bearing silts and sands. A very important site dug for a water reservoir 2.4 miles south of the project site produced rare records of Pleistocene plants including *Cupressus macrocarpa, Pinus radiata, Pinus muricata, Pinus remorata*, and *Quercus macdonaldii*.[35] There are also a large number of localities from the marine and terrestrial late Pleistocene terrace deposits on the east side of Upper Newport Bay about 3.25 miles south-southeast of the project site. Those localities have produced an extensive composite fauna.

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than significant impact. The project site is in Southern California, which is a seismically active area. The type and magnitude of seismic hazards affecting the project site are dependent on the distance to the causative fault and the intensity and magnitude of the seismic event. The seismic

[34] Long, D. J. 1993. Preliminary list of the marine fishes and other vertebrate remains from the late Pleistocene Palos Verdes Sand Formation at Costa Mesa, Orange County. Paleobios 15:9-13.

[35] Axelrod, D. I., and F. Govean. 1996. An Early Pleistocene Closed-Cone Pine Forest at Costa Mesa, Southern California. International Journal of Plant Sciences. 157:323-329.

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hazards may be primary, such as surface rupture and/or ground shaking, or secondary, such as liquefaction and/or ground lurching.

The project site is not within a fault rupture hazard zone as defined by the Alquist-Priolo Special Studies Act. In addition, State maps indicate that there are no active faults at the site and no geologic maps exhibit active faults crossing the project site. The nearest known active fault is the Newport-Inglewood Fault Zone, which is located over 5 miles southwest of the site.[36] As such, impacts related to rupture of a known earthquake fault would be less than significant.

ii) Strong seismic ground shaking?

Less than significant impact with mitigation incorporated. The City, along with all of Southern California, are subject to strong ground shaking. Seismic activity can be either Primary (directly related to energy release of the earthquake) or Secondary (related to the effect of earthquake energy on the physical world).

The City and project site have the primary risk of strong ground shaking, but very low risk of ground rupture, as described above.[37] The City requires that all construction meet the latest standards of the CBC for construction which considers proximity to potential seismic sources and the maximum anticipated ground shaking possible. The Geotechnical Exploration for the proposed project includes recommendations for final design parameters for the proposed site, which are referenced under MM GEO-1. The seismic design parameters are developed in accordance with ASCE 7-16 and 2022 CBC. Compliance with these building safety design standards under MM GEO-1 would ensure impacts associated with ground shaking effects are less than significant. Therefore, the proposed project would not directly or indirectly cause potential substantial adverse impacts associated with strong seismic ground shaking. Impacts would be less than significant with mitigation incorporated.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact with mitigation incorporated. Liquefaction is the loss of soil strength or stiffness due to a buildup of pore-water pressure during a seismic event and is associated primarily with relatively loose, saturated fine- to medium grained unconsolidated soils. Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause the soils to liquefy and temporarily behave as a dense fluid. According to the California Geological Survey, Seismic Hazard Zone Map and the Geotechnical Report, the project site is located in an area with the potential for liquefaction.[38] Thus, in the event of a large earthquake with a high acceleration of seismic shaking, the potential for liquefaction exists. Given this potential, if liquefiable soils are not taken into consideration in the design of proposed structure and during construction site preparation activities,

[36] California Department of Conservation. 2024. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed November 18, 2024.

[37] SA Geotechnical, Inc. (SA GEO) 2024 Supplemental Geotechnical Subsurface Exploration and Due Diligence Study for the Proposed Residential Development, 3150 Bear Street, City of Costa Mesa, California. February 14.

[38] California Department of Conservation. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed November 18, 2024

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liquefiable soils could have the potential to impact the structural components of the proposed project. As such, the proposed project would be required to implement MM GEO-1, which would require implementation of the recommendations of the Geotechnical Exploration, such as specific foundation design features, to further support proposed structures in the event of liquefaction. With the implementation of MM GEO-1, impacts due to seismic-related ground failure, including liquefaction would be less than significant with mitigation incorporated.

iv) Landslides?

No impact. Landslides can occur if ground shaking and/or heavy rainfall disturb areas of steep slopes consisting of unstable soils. Generally, these types of failures consist of rock falls, landslides, and debris flows. Areas having the potential for earthquake-induced landslides generally occur in areas of previous landslide movement, or where topographic, geological, geotechnical, and subsurface water conditions indicate a potential for permanent ground displacements.

The project site is surrounded by existing development on all sides and is not within a landslide zone according to the California Department of Conservation and as stated above, is not near any sloping or free facing ground.[39] Therefore, the proposed project would not result in impacts related to landslides.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact with mitigation incorporated. The Geotechnical Exploration indicates that the project site is underlain by thick Quaternary-age native alluvium that generally consists of interlayered clays, silty/sandy clays, clayey sands, and silty sands. The Geotechnical Exploration also noted the presence of undocumented fill material and weathered/unsuitable alluvium in the upper 5 feet below existing grades and determined that this material would need to be removed and replaced as compacted fill. The proposed project would be required to implement the site-specific recommendations referenced in MM GEO-1, which include remedial grading consisting of removal of undocumented fill materials in their entirety as well as removal of any weathered/unsuitable alluvium.

During construction, the proposed project would be required to comply with erosion and siltation control measures outlined in Costa Mesa Municipal Code Chapter 5-1.4: Adoption of the Orange County Grading and Excavation Code. Costa Mesa Municipal Code Chapter 5-1.4 adopts Codified Ordinance of the County of Orange, including the Grading Manual, in its entirety. Adherence to the City's Municipal code would reduce to a minimum the hazards and damage to public and private property. Additionally, the proposed project would be subject to compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009DWQ, and all subsequent amendments) (Construction General Permit). The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring plan, which

[39] California Department of Conservation. Earthquake Zones of Required Investigation. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed November 18, 2024.

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must include erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction General Permit to control potential construction-related pollutants. Following compliance with the established regulatory framework including the Costa Mesa Municipal Code and Construction General Permit, and with implementation of MM GEO-1, potential impacts concerning soil erosion and loss of topsoil would be less than significant with mitigation incorporated.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than significant impact with mitigation incorporated. As described above, the project site is located in an area subject to seismically induced liquefaction. The proposed project would not be located near any sloping ground or free face, and due to the relatively flat grades of the site, the likelihood of lateral spreading and landslides is considered to be low.

Subsidence occurs when the withdrawal of groundwater, oil, or natural gas vertically displaces a large portion of land. Soils that are particularly subject to subsidence include those with high silt or clay content. The project site is underlain by thick Quaternary-age native alluvium that generally consists of interlayered clays, silty/sandy clays, clayey sands, and silty sands. The Geotechnical Exploration evaluated site conditions and recommended disposal of unsuitable soils and fill materials generally to a depth of 5 feet, recompaction, and placement of additional engineered fill where appropriate.

Earthwork would be required to meet compaction standards and import soils must be approved by a Geotechnical Consultant. Compliance with these recommendations would be required by implementation of MM GEO-1 and would reduce potential impacts to less than significant with mitigation incorporated.

Furthermore, the Costa Mesa Planning Division would review construction plans to verify compliance with standard engineering practices, the Municipal Code, the CBC, and the site-specific recommendations contained in the Geotechnical Exploration as referenced in MM GEO-1. Following compliance with standard engineering practices, the established regulatory framework, and MM GEO-1, the proposed project would not be located on a geologic unit or soil that would become unstable. Therefore, with implementation of MM GEO-1, impacts would be less than significant with mitigation incorporated.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than significant impact with mitigation incorporated. The Geotechnical Exploration anticipated that the expansion potential would range from "high" to "very high." As such, the proposed project would be required to implement MM GEO-1 which would require the proposed project to implement the recommendations in Geotechnical Exploration, such as site-specific design parameters for foundations and slab-on-grade and flatwork improvements to ensure that proposed buildings are not affected by expansion. With the implementation of MM GEO-1, impacts related to being located on expansive soils would be less than significant with mitigation incorporated.

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e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No impact. Sewers are available for disposal of the proposed project's wastewater. The proposed project would connect to the existing sanitary sewer system for wastewater disposal and would not include the use of septic tanks. Therefore, no impacts would occur, and no mitigation is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant with mitigation incorporated. Surface grading or very shallow excavations in the younger Quaternary Alluvium exposed throughout the proposed project area would not uncover significant vertebrate fossil remains. Deeper excavations that extend down into older Quaternary deposits (2+ feet in depth), however, may well encounter significant fossil vertebrate specimens. Any substantial excavations in the proposed project area in previously undisturbed surface deposits, therefore, shall be monitored closely to quickly and professionally recover any fossil remains discovered while not impeding development. Also, sediment samples in previously undisturbed surface deposits would be collected and processed to determine the small fossil potential in the proposed project area. Any fossils recovered during mitigation would be deposited in an accredited and permanent scientific institution for the benefit of current and future generations, as required by MM GEO-2. With adherence to the requirements of MM GEO-2 during construction, impacts would be less than significant.

Mitigation Measures

MM GEO-1 Prior to the issuance of a grading permit, the Owner/Developer shall implement the recommendations provided in Section 3, Conclusion and Preliminary Recommendations, in the Geotechnical Exploration prepared by SA Geotechnical, Inc. (SA GEO). The Exploration, included in Appendix F, is incorporated herein by reference as fully set forth in this mitigation measure.

MM GEO-2 Paleontological monitoring of excavations in previously undisturbed surface deposits by a qualified monitor shall be required. Sediment samples from deeper excavations, borings, trenching, or grading shall be wet screened if they cannot be dry screened. The concentrate from the screening activities shall be sorted with the aid of a 10x microscope. These mitigation efforts shall be consistent with the mitigation guidelines published by the Society of Vertebrate Paleontology (2010). In the event that earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth) when a monitor is not present, those activities shall be diverted at least 15 feet away from the discovery until a qualified Paleontologist is brought on-site to assess the find for possible salvage. Construction workers shall not attempt to remove such finds. The Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines

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Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the Department of Conservation and Development, Community Development Division for review and approval prior to implementation. The applicant shall adhere to the recommendations in the approved plan. Any significant fossils, as determined by the qualified Paleontologist, recovered shall be documented in a final report and offered to an appropriate facility for curation.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.8 Greenhouse Gas Emissions *Would the project:*				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Evaluation

Setting

The project site is within the SoCAB, which is under the jurisdiction of the SCAQMD. The SCAQMD formed a working group to identify GHG emissions thresholds for land use projects that could be used by local lead agencies in the air basin in 2008. The working group developed several different options that are contained in the SCAQMD Draft Guidance Document-Interim CEQA GHG Significance Threshold (Interim GHG Thresholds) that could be applied by lead agencies. The working group has not provided additional guidance since the release of the interim guidance in 2008. In 2010, the SCAQMD Tier 3 threshold was expanded to include non-industrial projects, as explained in the minutes from the most recent working group meeting.[40] The SCAQMD Board has not approved the thresholds; however, the Guidance Document provides substantial evidence supporting the approaches to significance of GHG emissions that can be considered by the Lead Agency in adopting its own threshold.

In summary, the SCAQMD's draft threshold uses the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 parts per million (ppm), thus stabilizing global climate.

To determine whether the proposed project would have a significant impact with respect to the generation of GHG emissions, the appropriate tier for this project is Tier 3, which states that if GHG emissions are less than 3,000 metric tons (MT) carbon dioxide equivalent (CO_2e) per year, project-level and cumulative GHG emissions would be less than significant. However, this threshold was

[40] South Coast Air Quality Management District (SCAQMD). 2010. Greenhouse Gas CEQA Threshold Stakeholder Working Group Meeting No. 15. September 28.

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developed to meet the 2020 GHG emissions goals. To be consistent with State goals detailed in Senate Bill (SB) 32, Executive Order B-30-15, and Executive Order S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030, a scaled screening GHG threshold can be developed for an assumed opening year of 2027. Though the SCAQMD has not published a quantified threshold beyond 2020, a threshold of 2,160 MT CO_2e per year would be appropriate.[41] Therefore, this analysis utilizes 2,160 MT CO_2e per year for a quantitative threshold of significance for GHG emissions and ARB's 2022 Scoping Plan for consistency with an applicable GHG emissions reduction plan.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant impact. Both construction and operational activities have the potential to generate GHG emissions. The following is a discussion of the proposed project's contribution to GHG emissions during both the construction and operation phases.

Project Greenhouse Gas Emissions

Construction Greenhouse Gas Emissions

The proposed project would generate GHG emissions during construction activities, resulting from emission sources such as construction equipment, haul trucks, and construction worker vehicles. Although these emissions would be temporary and short-term in nature, they could represent a substantial contribution of GHG emissions. Construction emissions were modeled using CalEEMod Version 2022.1. Table 8, below, shows the annual construction GHG emissions.

Table 8: Proposed Project Construction GHG Emissions

Construction Year	Total GHG Emissions (MT CO_2e per year)
Project Construction–2025	56
Project Construction–2026	416
Project Construction–2027	547
Project Construction–2028	276
Total Construction Emissions	**1,295**
Emissions Amortized Over 30 Years[1]	**43**

[41] The 2,160 MT CO_2e per year threshold for opening year of 2027 is calculated by reducing the 3,000 MT CO_2e per year threshold (developed to meet the 2020 GHG emissions goals) by 40 percent, then interpolating to obtain the scaled GHG emissions threshold for 2027. Based on a starting threshold of 3,000 MT CO_2e per year in 2020 and a threshold of 1,800 MT CO_2e per year in 2030, the 3,000 MT CO_2e per year threshold would be reduced by 120 MT CO_2e per year through 2030.

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Construction Year	Total GHG Emissions (MT CO_2e per year)
Notes: GHG = greenhouse gas MT CO_2e = metric tons carbon dioxide equivalent [1] Construction GHG emissions are amortized over the 30-year lifetime of the proposed project. Source: Appendix A.	

As shown above, the proposed project would generate approximately 1,295 MT CO_2e during construction. Over 30 years the construction GHG emissions would be amortized to approximately 43 MT CO_2e per year. Since SCAQMD has not established a construction GHG threshold, total construction emissions were amortized over 30 years and included in the emissions inventory to account for the short-term, one-time GHG emissions from the construction phase of the proposed project.

Operational Greenhouse Gas Emissions

Operational, or long-term, emissions are those emissions that occur over the life of the project. Project operations were modeled for the 2027 operational year. To present a conservative estimate of emissions, the baseline for the analysis was assumed to be zero. Because the proposed project would demolish and replace existing structures, the proposed project's incremental increase in GHG emissions would be lower than what was estimated and presented below. Sources for operational GHG emissions are summarized below:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and other on-road vehicles that would travel to and from the project site. Based on the project-specific trip generation rates presented in the Trip Generation Memorandum, the proposed project was estimated to generate 997 daily vehicle trips for the 142-unit project.[42] The existing site generates 530 daily trips, with the proposed project resulting in a net increase of 467 daily trips; however, for the purposes of presenting a conservative estimate of emissions and a full accounting of ongoing operational GHG emissions, the analysis used the gross daily trips (997 daily trips).
- **Natural Gas:** These emissions refer to the GHG emissions that occur when natural gas is burned on the project site. The proposed project would be built all-electric and would, therefore, not result in any GHG emissions from natural gas use.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the proposed project. The proposed project would install photovoltaic (PV) solar panels, consistent with Title 24, Part 6, California's Energy Code. The inclusion of solar panels would provide on-site renewable energy that would reduce the proposed project's consumption of electricity generated at off-site power plants.

[42] Urban Crossroads. August 8. 3150 Bear Street Due Diligence Trip Generation Assessment. 2024.

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- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the proposed project.

Table 9 presents the estimated annual GHG emissions from the proposed project's operational activities. As shown in Table 9, the proposed project would generate approximately 1,110 MT CO2e per year after the inclusion of 43 MT CO2e per year from project construction.

Table 9: Operational Greenhouse Gas Emissions—Unmitigated

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Area	11
Energy	102
Mobile (Automobiles)	905
Waste	35
Water	14
Refrigerants	0
Amortized Construction	43
Total Annual Project Emissions	**1,110**
Applicable Threshold[1]	**2,160**
Exceed Applicable Threshold?	**No**

Notes:
MT CO_2e = metric tons carbon dioxide equivalent
[1] The 2,160 MT CO_2e per year threshold for opening year of 2027 is calculated by reducing the 3,000 MT CO_2e per year threshold (developed to meet the 2020 GHG emissions goals) by 40 percent, then interpolating to obtain the scaled GHG emissions threshold for 2027.
Source: Appendix A.

As shown in Table 9, the proposed project's GHG emissions would not exceed the applicable threshold of significance. In addition, the emissions shown in Table 9 were estimated without taking any reductions for the existing land uses. The proposed project would replace existing structures with new residential buildings. The existing uses are currently generating GHG emissions that would no longer occur once the existing structures are demolished. Thus, the proposed project's net increase in GHG emissions would be even lower than what is shown in Table 9. In summary, construction and operational GHG emissions would result in a less than significant impact on the environment.

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b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The 2022 Scoping Plan identifies additional GHG reduction actions and strategies necessary to achieve Assembly Bill (AB) 1279 target of 85 percent below 1990 levels by 2045. These actions and strategies build upon those identified in the first update to the Scoping Plan (2013) and in the second update to the Scoping Plan (2017). Although a number of these measures are currently established as statewide regulations, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets. An evaluation of applicable reduction actions/strategies by emissions source category was conducted to determine how the proposed project would be consistent with reduction actions/strategies outlined in the 2022 Scoping Plan. The proposed project's consistency with those measures is provided below in Table 10.

Table 10: Consistency with the 2022 Scoping Plan

AB 32 GHG Inventory Sector and Scoping Plan Action	Project Consistency
GHG Emissions Reductions Relative to the SB 32 Target	
40 percent below 1990 levels by 2030.	**Consistent.** As demonstrated in Impact 2.8(a) above, the proposed project's GHG emissions would not exceed the applicable threshold of significance and would, therefore, not conflict with the State's ability to achieve GHG emission reduction targets. SB 1020 requires that by end of 2035, 90 percent of electricity and by end of 2045 that 100 percent of electricity is generated from renewable and zero-carbon resources. As such, the proposed project would not conflict with this strategy.
Smart Growth/Vehicle Miles Traveled (VMT)	
VMT per capita reduced 25 percent below 2019 levels by 2030 and 22 percent below 2019 levels by 2045.	**Consistent.** As detailed in Section 2.17–Transportation, development of the proposed project would have a less than significant impact on VMT.
Light-Duty Vehicle (LDV) Zero-Emission Vehicles (ZEVs)	
100 percent of LDV sales are ZEV by 2035.	**Not Applicable.** Executive Order N-79-20 requires all new LDVs sold in California to be zero-emission by the year 2035. The proposed project would not include any vehicle sales activities.
Truck ZEVs	
100 percent of medium-duty (MDV)/heavy-duty commercial sales are ZEV by 2040 (AB 74 University of California Institute of Transportation Studies report).	**Not Applicable.** Executive Order N-79-20 requires all new LDVs sold in California to be zero-emission by the year 2045. The proposed project would not include any truck sales activities.

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AB 32 GHG Inventory Sector and Scoping Plan Action	Project Consistency
Aviation	
10 percent of aviation fuel demand is met by electricity (batteries) or hydrogen (fuel cells) in 2045. Sustainable aviation fuel meets most or the rest of the aviation fuel demand that has not already transitioned to hydrogen or batteries.	**Not Applicable.** The proposed project would not utilize any aviation fuel.
Ocean-going Vessels (OGV)	
2020 OGV At-Berth regulation fully implemented, with most OGVs utilizing shore power by 2027. 25 percent of OGVs utilize hydrogen fuel cell electric technology by 2045.	**Not Applicable.** The proposed project would not utilize any OGVs.
Port Operations	
100 percent of cargo handling equipment is zero-emission by 2037. 100 percent of drayage trucks are zero-emission by 2035.	**Not Applicable.** The proposed project would not impact any operations at any ports.
Freight and Passenger Rail	
100 percent of passenger and other locomotive sales are ZEV by 2030. 100 percent of line haul locomotive sales are ZEV by 2035. Line haul and passenger rail rely primarily on hydrogen fuel cell technology, and others primarily utilize electricity.	**Not Applicable.** The proposed project would not impact any freight or passenger rail operations.
Oil and Gas Extraction	
Phase out oil and gas extraction operations by 2045.	**Not Applicable.** The proposed project would not impact any oil and gas extraction activities.
Petroleum Refining	
Carbon capture and storage (CCS) on majority of petroleum refining operations by 2030. Production reduced in line with petroleum demand.	**Not Applicable.** The proposed project would not impact any petroleum refining activities.
Electricity Generation	
Electric sector GHG target of 38 MMT CO_2e in 2030 and 31 MMT CO_2e in 2045. Retail sales load coverage	**Consistent.** Senate Bill 1020 requires that 100 percent of retail sales of electricity be generated by renewable or zero-carbon source of electricity by December 1, 2045. As such, the proposed project would not conflict with this strategy.

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AB 32 GHG Inventory Sector and Scoping Plan Action	Project Consistency
New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial).	**Consistent.** The proposed project would be an all-electric development and would not include any natural gas hookups.
Existing Residential Buildings	
80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2035. Appliances are replaced at end of life**.**	**Not Applicable.** The proposed project would not include the operations of any existing residential buildings. The proposed project would replace existing structures with new residential buildings.
Existing Commercial Buildings	
80 percent of appliance sales are electric by 2030, and 100 percent of appliance sales are electric by 2045. Appliances are replaced at end of life.	**Not Applicable.** At project buildout, the proposed project would not include any existing commercial buildings.
Food Products	
7.5 percent of energy demand electrified directly and/or indirectly by 2030; 75 percent by 2045.	**Not Applicable.** The proposed project would not include any commercial food production activities.
Construction Equipment	
25 percent of energy demand electrified by 2030 and 75 percent electrified by 2045.	**No Conflict.** Executive Order N-79-20 requires all off-road vehicles and equipment to transition to 100 percent zero-emission equipment, where feasible, by 2035. All construction equipment fleets utilized during construction of the proposed project are required to be registered with ARB and meet ARB's current emission reductions regulations, which are anticipated to be updated to meet Executive Order N-79-20 requirements. As such, the proposed project would not conflict with this strategy.
Chemicals and Allied Products; Pulp and Paper	
Electrify 100 percent of boilers by 2045. Hydrogen for 25 percent of process heat by 2035 and 100 percent by 2045. Electrify 100 percent of other energy demand by 2045.	**Not Applicable.** The proposed project would not include any pulp and paper production activities.
Stone, Clay, Glass, and Cement	
CCS on 40 percent of operations by 2035 and on all facilities by 2045. Process emissions reduced through alternative materials and CCS.	**Not Applicable.** The proposed project would not include any stone, clay, glass and cement production activities.

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AB 32 GHG Inventory Sector and Scoping Plan Action	Project Consistency
Other Industrial Manufacturing	
0 percent energy demand electrified by 2030 and 50 percent by 2045.	**Not Applicable.** The proposed project would not include any other industrial manufacturing activities.
Combined Heat and Power	
Facilities retire by 2040.	**Not Applicable.** The proposed project would not include any existing combined heat and power facilities.
Agriculture Energy Use	
25 percent energy demand electrified by 2030 and 75 percent by 2045.	**Not Applicable.** The proposed project would not include any commercial agriculture activities.
Low Carbon Fuels for Transportation	
Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.	**Not Applicable.** The proposed project would not include any production of fuels for transportation.
Low Carbon Fuels for Buildings and Industry	
In 2030s, renewable natural gas (RNG) blended in pipeline. Renewable hydrogen blended in natural gas pipeline at 7 percent energy (approximately 20 percent by volume), ramping up between 2030 and 2040. In 2030s, dedicated hydrogen pipelines constructed to serve certain industrial clusters.	**Not Applicable.** The proposed project would not include any production of fuels for buildings and industry.
Non-combustion Methane Emissions	
Increase landfill and dairy digester methane capture. Some alternative manure management deployed for smaller dairies. Moderate adoption of enteric strategies by 2030. Divert 75 percent of organic waste from landfills by 2025. Oil and gas fugitive methane emissions reduced 50 percent by 2030 and further reductions as infrastructure components retire in line with reduced fossil gas demand.	**Not Applicable.** The proposed project would not include the operation of any landfill or dairy.
High Global Warming Potential (GWP) Emissions	
Low GWP refrigerants introduced as building electrification increases, mitigating hydrofluorocarbon (HFC) emissions.	**Not Applicable.** The proposed project would not include the manufacturing of appliances that use low GWP refrigerants.
Compensate for Remaining Emissions	
Carbon Dioxide Removal (CDR) demonstration projects deployed by 2030.	**Not Applicable.** The proposed project would not include any CDR demonstration projects.

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AB 32 GHG Inventory Sector and Scoping Plan Action	Project Consistency
CDR scaled to compensate for remaining GHG emissions in 2045	
Source: California Air Resources Board (ARB). 2022. 2022 Scoping Plan for Achieving Carbon Neutrality.	

As demonstrated in Table 10, while most of the measures are not applicable, the proposed project would be consistent with the appliable measures outlined in the 2022 Scoping Plan. Therefore, the proposed project would be consistent with the 2022 ARB Scoping Plan and potential impacts would be less than significant.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.9 Hazards and Hazardous Materials *Would the project:*				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Environmental Evaluation

Setting

The analysis in this section is based, in part, on the Phase I Environmental Site Assessment (Phase I ESA) prepared by Hillmann Consulting LLC, on January 5, 2024. The Phase I ESA is included in Appendix E of this document.

No Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), Controlled Recognized Environmental Conditions (CRECs), or significant data gaps (SDGs) were identified on the project site. No RECs, CRECs, HRECs, or SDGs were identified on the project site. The following *de minimis* conditions are described below:

The project site currently manages a 500-gallon diesel aboveground storage tank (AST) that is attached to an emergency backup generator located within the auxiliary maintenance building. No staining was observed in the proximity of the AST enclosure. Additionally, the project site formerly utilized a 250-gallon diesel underground storage tank (UST) that served as the backup power generator. Local fire department permit records and prior environmental reports document that the 250-gallon UST was removed in June 1996 with no indication of a petroleum release having been encountered. The prior environmental reports included a Limited Phase II with soil sampling in 2016, and a geophysical survey for abandoned USTs in 2018. Based on the prior investigations as well as the regulatory records reviewed, the former 250-gallon diesel UST is not considered to be a REC in connection with the project site.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant impact. Construction of the proposed project would include the transport, use, and disposal of limited quantities of hazardous materials necessary for construction, including fuel and solvents. The use of these hazardous materials necessary would be typical of construction projects, would be short-term, and would be handled in accordance with standard construction practices, as well as with applicable federal, State, and local regulations. Regulatory requirements

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would include California Code of Regulations Title 22, Division 4.5, for appropriate management of hazardous materials, as well as the requirements of the EPA, Resource Conservation and Recovery Act (RCRA), California Department of Toxic Substance Control (DTSC), California Occupational Safety and Health Administration (Cal/OSHA), and California Department of Transportation (Caltrans).

The proposed project would include residential development, which does not typically use or store large quantities of hazardous materials. During the operational phase of the proposed project, hazardous materials may be handled on the project site. Hazardous materials that would likely be used during operation would likely be limited to fertilizers, herbicides, pesticides, solvents, household cleaning agents, and similar materials used for maintenance and operation of the apartments, apartment building facilities, amenities, and landscaping. These types of materials are common and represent a low risk to people and the environment when used as intended. The proposed project would also be required to adhere to State and federal regulatory requirements as discussed above. Therefore, impacts associated with hazardous materials would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. As discussed above, the Phase I ESA did not identify site any RECs, HRECs, or CRECs. As previously discussed above under Impact 2.9(a), the proposed project would be required to comply with all applicable local, State, and federal laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste during the construction phase to reduce the likelihood and severity of accidents during transit. Proper handling of the use and disposal of hazardous materials associated with residential uses would reduce the potential for exposure. During site reconnaissance associated with the Phase I ESA, Hillman conducted a cursory visual screening of accessed portions of the building built prior to 1990 for suspect asbestos-containing materials (ACM). Suspected ACM noted within the accessed building areas included exterior stucco finishes, interior drywall, acoustic ceilings, multiple vinyl floorings, flooring mastic, and thermal systems insulation (TSI).

The proposed project would develop residential uses; accordingly, operation of the proposed project would not involve the transport, use, or disposal of large quantities of hazardous materials. The use of hazardous materials on the project site postconstruction would consist of those commonly used in a residential setting for routine maintenance and cleaning associated with typical residential development and would not be of a significant quantity to create a reasonably foreseeable upset or accident. Therefore, impacts would be less than significant, and no mitigation would be required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No impact. There are no schools within 0.25 mile of the project site. The nearest schools are Paularino Elementary School (1060 Paularino Avenue), 0.61 mile southwest of the project site; and Sonora Elementary School (966 Sonora Road), 0.73 mile southwest of the project site. As discussed

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in Impact 2.9(a), construction of the proposed project would include the limited use of hazardous materials, such as fuel and solvents. However, use of these hazardous materials would be in compliance with all applicable local, State, and federal regulations. During operation of the proposed project, limited use of hazardous materials would likely be used for building maintenance. Similarly, these hazardous materials would be stored, handled, and disposed of in accordance with applicable regulations. Thus, the proposed project would not include any uses that could potentially generate hazardous materials in significant quantities that would have an impact on surrounding schools. Therefore, there would be no impact.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than significant impact. Government Code Section 65962.5 refers to the Hazardous Waste and Substance Site List, commonly known as the Cortese List. The Cortese List contains hazardous waste and substance sites with known USTs having a reportable release; and solid waste disposal facilities from which there is a known migration. The Cortese List also includes hazardous substance sites selected for remedial action; historic Cortese Sites; and sites with known toxic materials identified through the abandoned site assessment program. The proposed project would not be located on a site which is included on a hazardous materials site list compiled pursuant to California Government Code Section 65962.5.[43] The closest site recognized by the Cortese List is approximately 1.58 miles southwest of the project site and is an active Voluntary Cleanup Site at 1170 Baker Road. The proposed development is not close enough to the activity occurring at this site for the proposed project to have an impact. Therefore, the proposed project would not create a significant hazard to the public or the environment. No impact would occur, and no mitigation is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Less than significant impact. The Airport Environs Land Use Plan (AELUP) is the comprehensive land use plan adopted and administered by the Airport Land Use Commission (ALUC) for Orange County, as required by Section 21675 of the California Public Utilities Code. The AELUP establishes land use guidelines based on noise and safety impacts for areas surrounding airports. The most current AELUP for John Wayne Airport (SNA) was approved in April 2008. The project site is located approximately 1.37 miles west of SNA, and thus is within the Airport Planning Area of SNA according to the ALUC. Land uses within the planning area boundaries of the AELUP must conform to the following safety and height restriction standards. The project site is located more than 7,000 feet west of SNA. In accordance with Federal Regulation Part 77, any construction or alteration occurring within

[43] California Department of Toxic Substances Control (DTSC). Hazardous Waste and Substances Site List (Cortese). Website: https:// www.envirostor.dtsc.ca.gov/public/map/?global_id=38330005. Accessed November 13, 2024.

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20,000 feet of a public airport (i.e., an airport with a runway of more than 3,200 feet in length such as SNA) which exceeds a100 foot horizontal by 1 foot in vertical height must notify the Federal Aviation Administration (FAA). Furthermore, buildings greater than 70 feet must notify the FAA. Because the proposed buildings would not exceed 50 feet in height, the proposed project would be consistent with the height restriction standards.

The proposed project would be reviewed by the ALUC to determine whether any structure would be inconsistent with the AELUP. Since the proposed project is located within the vicinity of SNA's Planning Area, it is subject to the safety restrictions of the AELUP. The proposed project's building height would not "interfere with the established, or planned, airport flight procedures, patterns, or navigational systems" since it would meet the development standards specified in the Costa Mesa General Plan. In addition, the proposed project would not threaten, endanger, or interfere with aeronautical operations due to the proposed project's exterior lighting, when it would be clearly visible during hours of twilight or darkness. Additionally, although the proposed project is within the vicinity of SNA's Airport Planning Area, it is not within the vicinity of the SNA Safety Zone.[44] Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. Impacts would be less than significant.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant impact. The Costa Mesa Disaster Plan serves as the community's Emergency Operations Plan (EOP), which provides guidance during emergency situations and natural disasters. Evacuation operations would be conducted by law enforcement agencies, highway/road/street departments, and public and private transportation providers.[45] The project site is located along a designated emergency evacuation route along Bear Street and adjacent to I-405. The proposed project would be constructed completely within the project site and construction equipment would access the project site via Bear Street, which is the main access point to the project site. If any road closures to Bear Street are required, the project applicant and construction crew would be required to coordinate with the City of Costa Mesa Public Works Department to ensure that emergency access routes are maintained during construction. During operation, the proposed project does not include any uses or design features that would result in interference with any adopted emergency response plan or emergency evacuation plan. The design of the proposed project would provide adequate emergency access consistent with City requirements, including the required number and design of access points and safety features. Therefore, the proposed project would not result in significant impacts to emergency access during construction and/or operation. The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

[44] Airport Land Use Commission (ALUC) Airport Environs. 2008. Land Use Plan for John Wayne Airport. Website: https://files.ocair.com/media/2021-02/JWA_AELUP-April-17-2008.pdf? VersionId=cB0byJjdad9OuY5im7Oaj5aWaT1FS.vD. Accessed November 13, 2024.

[45] City of Costa Mesa. Costa Mesa General Plan. Safety Element.

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g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No impact. The project site is in an urbanized, flat area and does not contain slopes that could contribute to wildfire. The project site is not located along an urban-wildfire interface. CAL FIRE has mapped fire threat potential throughout California and ranks fire threats on a scale of no fire threat, moderate, high, and very high fire severity. According to the CAL FIRE Hazards Severity Zone Map Viewer, the project site is not located in a Fire Hazard Severity Zone (FHSZ).[46] Additionally, the City's Safety Element indicated that no part of Costa Mesa is listed as a State Responsibility Area (SRA) for fire hazard or located within a Very High FHSZ.[47] Thus, urban and grassland fires within open space areas, such as Talbert Regional Park, represent the only fire risks within the City.[48] Further, the project site is in a developed, built-up urban area that is not adjacent to any Very High FHSZ or large areas of open space. Therefore, the proposed project is not likely to expose people or structures to wildland fire hazards. No impact would occur.

Mitigation Measures

None required.

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[46] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones in State Responsibility Area. Website: https:// calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed November 14, 2024.

[47] City of Costa Mesa. 2015. Costa Mesa General Plan, Chapter 8: Safety Element. Website: https;// ftp.costamesaca.gov/costamesaca/generalplan2015-2035/adopted/08_FinalDraft_SafetyElement.pdf. Accessed November 14, 2024.

[48] Ibid.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.10 Hydrology and Water Quality *Would the project:*				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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Environmental Evaluation

Setting

The following analysis is based, in part, on the Preliminary Water Quality Management Plan (WQMP) and the Preliminary Hydrology Report prepared by prepared by X Engineering and Consulting Inc., both included as Appendix F.

The proposed project is located within the Santa Ana Watershed. In general, drainage flows from south to north. Peak flow originates as sheet flow in the south which then transitions into piped flow for conveyance at the off-site discharge point at the northwest corner of the property.

The project site discharges to the existing Orange County Flood Control District (OCFCD) 72-inch public storm drain that lies at the northwest corner of the site at node 110. This storm drain known as OCFCD D03S03 Gisler Storm Channel, flows into the Greenville Banning Channel, connecting to the Santa Ana River Channel, which ultimately discharges to the Pacific Ocean.

The existing on-site drainage is collected by area drains and conveyed by on-site storm drains that eventually join with the existing 27-inch and 72-inch public storm drains to the southwest and northwest corner of the site, respectively.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) of the area, the project site is within an area with 0.2 percent annual chance flood hazard of 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile (Zone X).[49]

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than significant impact. Construction activities would include demolition of the existing paved surfaces and structures, site preparation, grading, building construction, architectural coatings, and paving. The City of Costa Mesa is in the jurisdictional area of the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB). The Santa Ana RWQCB requirements are further clarified by the County of Orange Drainage Area Management Plan (DAMP) which requires the preparation and implementation of WQMP's for development projects. Consistent with the DAMP, the project applicant would be required to submit a SWPPP prior to project grading and construction for City review along with a Preliminary Project WQMP and a Hydrology Report.

[49] Federal Emergency Management Agency (FEMA). 2024. FEMA's national Flood Hazard Layer (NFHL) Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-117.91077285913687,33.67623138861032,-117.86923080591424,33.69408627053917. Accessed November 14, 2024.

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As described in the proposed project's Hydrology Report, drainage flows from south to north. Peak flow originates as sheet flow in the south which then transitions into piped flow for conveyance at the off-site discharge point at the northwest corner of the property. The overall proposed condition drainage would ultimately retain the existing condition flow drainage in the south to north direction. The existing condition topography previously discussed has an overall grade tilting from southeast to northwest. However, the proposed condition will be graded from southwest to northeast. The subsurface storm drain network would retain the overall existing drainage pattern, maintaining the off-site discharge to storm drain facilities northwest of the site. The proposed project would also include proprietary vegetated biotreatment systems as a biotreatment BMPs and BMPs to ensure that the ongoing operation and maintenance of the proposed project is consistent with the DAMP.

Compliance with these regulations would ensure that impacts to water quality during construction and operation of the proposed project would be less than significant. In addition, as described in the Hydrology Report, runoff from the project site is directed to the Modular Wetland Systems (MWS) unit and a proprietary biotreatment BMP for water quality treatment. Treated stormwater then exits the project site on Bear Street through the 72-inch public storm drain to enter the Gisler Storm Channel, flowing into the Greenville Banning Channel, connecting to the Santa Ana River Channel, which ultimately discharges to the Pacific Ocean. Therefore, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than significant impact. As discussed in the Geotechnical Report prepared by SA GEO, groundwater was encountered at depths ranging from 18.3 to 20.7 feet. Historic high groundwater is mapped between 10 and 30 feet below grade. The project site has been developed with impervious surfaces for over 40 years and is not used as a groundwater recharge location. As impervious surfaces under the proposed project would be similar to those under existing conditions, development of the proposed project would not interfere with groundwater recharge. As such, the proposed project would not impede sustainable groundwater management of a basin. Impacts would be less than significant.

c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(i) result in substantial erosion or siltation on- or off-site;

Less than significant impact. As discussed above, the proposed project would not substantially increase impervious surfaces at the project site. Additionally, the proposed project would not alter the course of a river or stream, as the site is developed and located in an urban and developed area. As such, the proposed project would not alter the existing drainage pattern at the project site in a manner which would result in on- or off-site erosion or siltation. Additionally, the proposed project would

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implement the provisions provided in the WQMP prepared for the proposed project, which includes ongoing operation and management of BMPs at the project site. Further, adherence to the WQMP would ensure compliance with County NPDES Stormwater Program. The impact would be less than significant.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less than significant impact. As discussed above, the proposed project would not substantially alter the existing drainage pattern at the project site through the increase of impervious surfaces at the project site, or by altering the course of a river or stream. The proposed project would be designed consistent with the approved drainage plan provided in the Hydrology Report and would not result in increased surface runoff in a manner which would result in flooding. As such, impacts would be less than significant.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than significant impact. As discussed above, the proposed project would not substantially alter the existing drainage pattern at the project site through the increase of impervious surfaces at the project site, or by altering the course of a river or stream. The proposed project would connect existing water and sanitary sewer lines and would include the installation of stormwater management systems on-site. Stormwater from the proposed development will be intercepted by downspouts and new area drains that convey stormwater into two separate MWS (proprietary biofiltration BMPs) to meet water quality objectives as required by the Municipal Separate Stormwater Sewer System (MS4) Permit. Stormwater flows then enter the public storm drain. The proposed project would be designed consistent with the approved drainage plan provided in the Hydrology Report and would not exceed the capacity of the existing stormwater drainage system. Additionally, the proposed project would implement the provisions provided in the WQMP prepared for the proposed project—which includes ongoing operation and management of BMPs at the project site. Further, adherence to the WQMP would ensure compliance with County NPDES Stormwater Program. Compliance with the WQMP would address potential additional sources of polluted runoff from the project site. The impact would be less than significant.

(iv) impede or redirect flood flows?

Less than significant impact. The project site is within an area with 0.2 percent annual chance flood hazard of 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile (Zone X); however, the proposed project would be designed consistent with the approved drainage plan provided in the Hydrology Report and would not cause flood flows to be impeded or redirected. Any potential flooding on-site would be treated via two MWS and then be directed to the public storm drain. As such, the impact would be less than significant.

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d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than significant impact. The project site is approximately 5.53 miles from the Pacific Ocean and is not near any other large body of water; therefore, the project site is not at risk of inundation from a tsunami or seiche. As discussed above, the project site is within an area with 0.2 percent annual chance flood hazard of 1 percent annual chance flood with average depth less than 1-foot or with drainage areas of less than 1 square mile; however, it would not include the storage of hazardous materials that could be released into the environment due to inundation from a flood other than small quantities of typical household cleaners. As such, the impact would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than significant impact. The project site is within the Santa Ana River watershed and the Water Quality Control Plan for Santa Ana River Basin (Basin Plan) would be applicable to the proposed project. The Basin Plan includes an implementation plan describing the actions by the RWQCB and others that are necessary to achieve and maintain the water quality standards as well as water quality goals and policies that govern the Santa Ana River Basin.[50] The proposed project would be required to comply with the goals and policies outlined in the Basin Plan. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan. Impacts would be less than significant.

The project site is also located within the Orange County Water District (OCWD), which includes a Groundwater Management Plan that was last updated in June 2015. As discussed in the Groundwater Management Plan, groundwater basin management goals include (1) to protect and enhance groundwater quality, (2) to protect and increase the sustainable yield of the groundwater basin in a cost-effective manner, and (3) to increase the efficiency of OCWD operations.[51] As discussed above, the project applicant would be required to submit a SWPPP prior to project grading and construction. Compliance with these regulations would ensure that impacts to water quality during construction and operation of the proposed project would be less than significant. In addition, as described in the Hydrology Report, runoff from the project site is directed to the MWS unit and proprietary biotreatment BMPs for water quality treatment. Therefore, the proposed project would not conflict with or obstruct implementation of a sustainable groundwater management plan. Impacts would be less than significant.

Mitigation Measures

None required.

[50] California State Water Resources Control Board (State Water Board). Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB). 2024. Santa Ana River Basin Plan. Website: https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.html. Accessed November 14, 2024.

[51] Orange County Water District (OCWD). 2015. Groundwater Management Plan 2015 Update. Website: https://www.ocwd.com/wp-content/uploads/groundwatermanagementplan2015update_20150624.pdf. Accessed November 14, 2024.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.11 Land Use and Planning *Would the project:*				
a) Physically divide an established community?	☐	☐	☒	☐
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Environmental Evaluation

Setting

The General Plan currently designates the project site as General Commercial. The proposed project would require a GPA to amend the General Plan land use designation from General Commercial to High-Density Residential. The High-Density Residential land use designation is intended to provide residential development with a density of up to 20 dwelling units per acre (du/acre).

The project site is currently zoned AP. The proposed project would require a rezone to change the zoning designation from AP to R-3. The R-3 zoning district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is 12,000 square feet in the R-3 zone. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.

Would the project:

a) Physically divide an established community?

Less than significant impact. The project site is in a highly developed and urbanized area. The surrounding area contains commercial and residential uses, similar to the project site. The proposed project would not be designed in a way that would create a physical barrier within an established community. A typical example of such a barrier would be a project that involved a continuous right-of-way, such as a roadway, which would divide a community and impede access between parts of the community. The proposed project does not include these types of features but would rather improve connectivity in the surrounding area by providing an extension of the existing Olympic Avenue connecting to the project site. Implementation of the proposed project would not disrupt the

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surrounding land uses or divide the physical arrangement of the established communities to the north and east of the project site. Therefore, the proposed project would not physically divide an established community. Impacts would be less than significant, and no mitigation is required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. The proposed project would include a GPA to change the General Plan land use designation from General Commercial to High Density Residential. Surrounding land uses are designated as Regional Commercial to the north, Public/Institutional and Low Density Residential to the east, Neighborhood Commercial and Low Density Residential to the south, and Low Density Residential to the west. The proposed project would comply with applicable General Plan policies and Costa Mesa Municipal Code requirements adopted to avoid or reduce environmental impacts. For example, as discussed above, the proposed project would comply with Municipal Code Chapter 13-VII by submitting site plans to the Planning Division that identify existing and replacement trees with a written request and justification for their removal. Similarly, the proposed project would be consistent with Municipal Code Section 13.279 regarding noise standards for construction activities and equipment. Additionally, the proposed project would comply with the SDBL. Therefore, with the implementation of the GPA, the proposed project would not conflict with any applicable land use plan, policy, or regulation. Impacts are therefore considered less than significant, and no mitigation is required.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.12 Mineral Resources *Would the project:*				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Environmental Evaluation

Setting

The project site is zoned General Commercial (GC) and is located in an urbanized area in the City of Costa Mesa, and no known mineral resources are present on-site.

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

No impact. According to the General Plan EIR, mineral resources present in the City's planning area are oil, peat, and aggregate. According to the Department of Conservation Division of Oil, Gas, and Thermal Resources, there are 15 active oil wells in the planning area. The Newport West Oil Field is located entirely outside of the City. Peat is restricted to areas adjacent to the Santa Ana River.[52]

The project site is located in the northeastern portion if the City and is not located in an area near any mineral resources; therefore, project implementation would not affect any known mineral deposits. Additionally, the entire project site would be within the R-3 zoning district; therefore, project implementation would not result in the loss of availability of known mineral resources. Thus, no impacts would occur.

[52] City of Costa Mesa. 2016. Final Environmental Impact Report for the 2015-2035 General Plan. Mineral Resources. Website: http://ftp.costamesaca.gov/costamesaca/generalplan2015-2035/Final-EIR.pdf. Accessed November 12, 2024.

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b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No impact. The existing General Plan does not identify any locally important mineral resources. No other City planning documents identify any locally important mineral resources.[53] As such, no impacts to locally important resources would occur.

Mitigation Measures

None required.

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[53] City of Costa Mesa. 2016. Final Environmental Impact Report for the 2015-2035 General Plan. Mineral Resources. Website: http://ftp.costamesaca.gov/costamesaca/generalplan2015-2035/Final-EIR.pdf. Accessed November 12, 2024.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.13 Noise *Would the project result in:*				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Evaluation

Setting

The proposed project site is located within the City of Costa Mesa, in Orange County, California. The site is surrounded by residential uses to the east and south while I-405 is located immediately north and Bear Street bounds the west side of the project site.

Existing Conditions

Ambient Noise

The dominant noise sources in the project vicinity include traffic on local roadways, primarily from traffic on I-405 which runs along the northern boundary of the project site.

An ambient noise monitoring effort was conducted to document daytime ambient noise levels on the project site. Short-term noise monitoring was conducted by FCS on October 29, 2024, between 12:06 p.m. and 1:22 p.m. The noise measurements were taken during the midday hours, as the midday hours typically have the highest daytime noise levels in urban environments. It should be noted that

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peak noise hours often vary slightly from peak traffic hours, as peak noise hours more closely align with high volume traffic that is still free flowing; while peak traffic hours often result in slower vehicle speeds due to the volume of traffic on the roadway. The short-term existing noise measurement results are summarized in Table 12. The noise monitoring data sheets are included in Appendix G.

Table 11: Existing Ambient Noise Levels on the Project Site

Site ID #	Description	L_{eq}	L_{min}	L_{max}
ST-1	On southeast corner of the project site	60	57.3	64.2
ST-2	On northeast corner of the project site	73.1	69.2	77.3
ST-3	On northwest corner of the project site	73.9	70.7	83.4

Notes:
L_{eq} = equivalent sound level
L_{min} = minimum noise/sound level
L_{max} = maximum noise level
Source: FirstCarbon Solutions (FCS). 2024.

Characteristics of Noise

Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB), with 0 dB corresponding roughly to the threshold of hearing. Most of the sounds that we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity.

The standard unit of measurement of the loudness of sound is the decibel (dB). The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the lowest change that can be perceptible to the human ear in outdoor environments. While a change of 5 dBA is considered to be the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans, it gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level (L_{dn}) and the Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level (L_{eq}) is the average sound energy of time-varying noise over a sample period and the L_{max} is the maximum instantaneous noise level occurring over a sample period.

Regulatory Framework

The project site is located within the City of Costa Mesa, in Orange County. The City of Costa Mesa addresses noise in the Noise Element of the General Plan and the Municipal Code.

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City of Costa Mesa General Plan

The City of Costa Mesa addresses noise in the City's 2015-2035 General Plan. The objectives of the General Plan's Noise Element are to identify noise sources in Costa Mesa and define strategies for reducing the negative impact of noise on the community. The Noise Element identifies baseline and projected noise levels so that this information can guide future land use decisions in a manner that limit noises and its effect on the community.

The following General Plan noise policies are applicable to the Costa Mesa Bear Street multi-family residential project:

Table N-3 (Table 12 below): Noise and Land Use Compatibility Matrix presents the guidelines promulgated by federal and State agencies, modified to meet local conditions and Costa Mesa's needs. This table represents the primary tool the City will use to ensure integrated planning compatibility between land uses and outdoor noise.

Table 12: Noise and Land Use Compatibility Matrix

Table N-3: Noise and Land Use Compatibility Matrix				
	Community Noise Exposure Ldn or CNEL, dBA			
Land Use Category	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential: Low Density	50-60	60-70	70-75	≥75
Residential: Multiple-Family	50-65	65-70	70-75	≥75
Mixed use	50-65	65-70	70-75	≥75
Transient Lodging-Motel, Hotels	50-65	65-70	70-80	≥80
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-60	60-65	65-80	≥80
Auditoriums, Concert Halls, Amphitheaters	NA	50-70	NA	≥80
Sports Arenas, Outdoor Spectator Sports	NA	50-75	NA	≥80
Playgrounds, Neighborhood Parks	50-67.5	NA	67.5-75	≥75
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50-70	NA	70-80	≥80
Office Buildings, Business Commercial and Professional	50-67.5	67.5-77.5	77.5-85	≥85 unless appropriately insulated
Industrial, Manufacturing, Utilities, Agriculture	50-70	70-80	80-85	NA

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Table N-3: Noise and Land Use Compatibility Matrix				
	Community Noise Exposure Ldn or CNEL, dBA			
Land Use Category	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Normally Acceptable. *Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.*				
Conditionally Acceptable. *New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction but with closed windows and fresh air supply systems or air conditioning will normally suffice.*				
Normally Unacceptable. *New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.*				
Clearly Unacceptable. *New construction or development should generally not be undertaken.*				
NA: *Not Applicable*				
Source: Modified from U.S. Department of Housing and Urban Development Guidelines and State of California Standards.				

Source: City of Costa Mesa 2015-2035 General Plan Noise Element.

Goals, Objectives, and Policies

Goal N-1: Noise Hazards and Conditions

The City of Costa Mesa aims to protect residents, local workers, and property from injury, damage, or destruction from noise hazards and to work toward improved noise abatement.

Objective N-1A Control noise levels within the City for the protection of residential areas, park areas, and other sensitive land uses from excessive and unhealthful noise.

Policy N-1.1 Enforce the maximum acceptable exterior noise levels for residential areas at 65 CNEL.

Goal N-2 Noise and Land Use Compatibility. Integrate the known impacts of excessive noise on aspects of land use planning and siting of residential and nonresidential projects.

Objective N-2A Plan for the reduction in noise impacts on sensitive receptors and land uses.

Policy N-2.2 Require, as a part of the environmental review process, that full consideration be given to the existing and projected noise environment.

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Policy N-2.4 Require that all proposed projects are compatible with adopted noise/land use compatibility criteria

Policy N-2.5 Enforce applicable interior and exterior noise standards.

Policy N-2.6 Allow a higher exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project.

City of Costa Mesa Municipal Code

The City of Costa Mesa has established noise performance standards and permissible hours for construction activities in the Municipal Code. These provisions are summarized below:

13-279–Exceptions for Construction. Construction equipment, vehicles, or work between the following approved hours, is allowed provided that all required permits for such construction, repair, or remodeling have been obtained from the appropriate City departments: 7:00 a.m. through 7:00 p.m. Monday through Friday, 9:00 a.m. through 6:00 p.m. Saturday. Construction activities on Sundays and the following specified federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day are prohibited all hours.

13-280–Exterior Noise Standards.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within the City:

Residential Exterior Noise Standards

Noise Level	Time Period
55 dB(A)	7:00 a.m. through 11:00 p.m.
50 dB(A)	11:00 p.m. through 7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by 5 dBA.

(b) It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential property, either within or outside the City, to exceed:
   (1) The noise standard for a cumulative period of more than 30 minutes in any hour;
   (2) The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour;
   (3) The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour;

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(4) The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour; or
(5) The noise standard plus 20 dBA for any period of time.

(c) In the event the ambient noise level exceeds any of the first four noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

(d) The exterior noise standards shown in subsection (a) shall not apply to the following exterior areas of multi-family residential development or live/work units located within a mixed-use overlay district where the base zoning district is nonresidential, approved pursuant to a master plan, and subject to the land use regulations of an urban plan:
(1) Private balconies or patios regardless of size;
(2) Private or community roof decks/roof terraces;
(3) Internal courtyards and landscaped walkways that do not include resident-serving, active recreational uses such as community pool, spa, tennis courts, barbeque, and picnic areas.

(e) In high-rise residential developments in the North Costa Mesa Specific Plan, the exterior noise standards shown in subsection (a) shall only apply to the common outdoor recreational amenity areas located on the ground level. Recreational amenity areas located above the ground level and private balconies and patios shall be exempt from this standard.

13-281. Interior Noise Standards.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within the City:

Residential Interior Noise Standards

Noise Level	Time Period
55 dBA	7:00 a.m. through 11:00 p.m.
45 dBA	11:00 p.m. through 7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five dB(A).

(b) It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level when measured within any other dwelling unit on any residential property, either within or outside the City, to exceed:
(1) The interior noise standard for a cumulative period of more than 5 minutes in any hour;
(2) The interior noise standard plus 5 dBA for a cumulative period of more than 1 minute in any hour; or
(3) The interior noise standard plus 10 dBA for any period of time.

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(c) In the event the ambient noise level exceeds either of the first two noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the third noise limit category the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

13.283–Loud, Unnecessary Noise: It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, regardless of whether the noise level exceeds the standards specified in Section 13-280. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to the following:

a. The level of the noise;
b. Whether the nature of the noise is usual or unusual;
c. Whether the origin of the noise is natural or unnatural;
d. The level and intensity of the background noise, if any;
e. The proximity of the noise to residential sleeping facilities;
f. The nature and zoning of the area within which the noise emanates;
g. The density of the inhabitation of the area within which the noise emanates;
h. The time of the day and night the noise occurs;
i. The duration of the noise;
j. Whether the noise is recurrent, intermittent, or constant; or
k. Whether the noise is produced by a commercial or noncommercial activity.

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Short-term Construction Impacts

Less than significant impact. For purposes of this analysis, a significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels in excess of the City's established standards applicable to construction noise.

The Municipal Code Section 13.279 establishes allowable hours and noise standards for construction activities and equipment. Construction activities, including the operation of any tools or equipment used in construction, are restricted between the hours of 7:00 a.m. through 7:00 p.m. Monday through Friday, 9:00 a.m. through 6:00 p.m. Saturday. Construction activities on Sundays and the following specified federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day are prohibited all hours.

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While the City does not establish noise level thresholds for construction activities, this analysis uses this analysis uses the noise limits established by the Federal Transit Administration (FTA) to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual.[19] During daytime hours, a significant temporary increase would be an increase in excess of the 8-hour average noise level of 80 dBA L_{eq} as measured at a receiving residential land use.

Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities.

Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings. Impact equipment such as pile drivers is not being used during construction of the proposed project.

The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery and compacting equipment, such as bulldozers, draglines, backhoes, front loaders, roller compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings.

Construction of the proposed project would require the use of graders, excavators, bulldozers, front-end loaders, and backhoes. The maximum noise level generated by each bulldozer, excavator, and grader is assumed to be 85 dBA L_{max} at 50 feet from this equipment. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. This would result in a reasonable worst-case hourly average of 86 dBA L_{eq}.

The façade of the nearest residence would be located approximately 25 feet from the acoustic center of construction activity where multiple pieces of heavy construction equipment would potentially operate simultaneously during site preparation of the proposed project site.

At this distance and assuming minimal shielding from the existing 6-foot concrete wall on the east and south side of the project site, relative worst-case single-hour average construction noise levels would attenuate to 84 dBA $L_{eq(1\text{-}hour)}$ at this nearest sensitive receptor. When averaged over an 8-hour work

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day, conservative worst-case average construction noise levels during the loudest phase of construction could range up to 78 dBA $L_{eq(8\text{-}hour)}$ as measured at the nearest sensitive receptor. The calculation sheet is provided in Appendix G.

These reasonable worst-case construction noise levels would only occur periodically throughout the day as construction equipment operates along the nearest project boundaries. Additionally, these noise levels would drop off at a rate of 6 dBA per doubling of distance as the equipment moves over the project site.

These calculated conservative worst-case construction noise levels would not exceed the FTA's 8-hour average daily threshold of 80 dBA L_{eq} as measured at the nearest residential receptors. In addition, the proposed project would comply with the City of Costa Mesa's permissible hours for construction (7:00 a.m. through 7:00 p.m. Monday through Friday and 9:00 a.m. through 6:00 p.m. Saturday), which would ensure that construction noise would not result in any substantial increase in nighttime noise levels in the project vicinity. Therefore, construction noise impacts on sensitive receptors in the project vicinity would be to less than significant and no mitigation would be required.

Operational/Stationary Source Noise Impacts

Less than significant impact. A significant impact will occur if the project results in an exceedance of the City's noise performance standards for stationary noise sources. A significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established by the City. According to Section 13-280 of the Municipal Code, the maximum permissible noise performance threshold for residential zones is 55 dBA L_{eq} during the daytime hours (7:00 a.m. to 11:00 p.m.) and 50 dBA L_{eq} during nighttime hours (11:00 p.m. to 7:00 a.m.).

Implementation of the proposed project would include operation of new mechanical ventilation equipment. Noise levels for residential-grade mechanical ventilation equipment systems range up to approximately 70 dBA L_{eq} at a distance of 3 feet. The proposed project would have residential-grade mechanical ventilation equipment for each proposed residential unit. The proposed mechanical ventilation equipment could be located as close as 25 feet from off-site receptors. At this distance, with minimal shielding from a 6-foot concrete wall, worst-case resulting noise levels could range up to approximately 25 dBA L_{eq}. The noise calculation sheet is provided in Appendix G.

These operational noise levels would not exceed the City's noise performance thresholds of 50 dBA L_{eq} during nighttime hours as measured at the nearest residential property. Therefore, rooftop mechanical ventilation system operational noise levels would not result in a substantial permanent increase in noise levels in excess of established standards. The impact of mechanical ventilation equipment operational noise levels on sensitive off-site receptors would be less than significant.

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Operational/Mobile Source Noise Impacts

Less than significant impact. A significant impact would occur if project-generated traffic would result in a substantial increase in ambient noise levels compared with those that would exist without the proposed project. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

According to the transportation analysis prepared Urban Crossroads,[54] the existing PM peak-hour trips on Bear Street adjacent to the project site are 97 AM peak-hour trips and 87 PM peak-hour trips. However, the proposed project would only generate 64 AM peak-hour trips and 83 PM peak-hour trips. Thus, the proposed project is expected to generate a net reduction of 33 AM peak-hour trips and 4 fewer PM peak-hour trips as compared to the trips generated by the existing land use.

Therefore, net new proposed project trips would not double existing traffic trips on any roadway segment in the project vicinity. Furthermore, this increase in trips would result in a less than 1 dBA increase in traffic noise levels along any roadway segment in the project vicinity. This increase is below a level that would be a perceptible increase and well below a level that would be considered a substantial increase in traffic noise levels. Therefore, the proposed project would not double average daily trips on Camden Avenue and Singletree Way adjacent to the project site and would not generate 3 dBA increase in traffic noise levels. Thus, the proposed project would not result in a substantial permanent increase in ambient noise levels from project-generated traffic trips, and mobile source operational noise impacts would be less than significant**.**

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. A significant impact would occur if the proposed project would generate groundborne vibration or groundborne noise levels in excess of established standards. The City of Costa Mesa has not adopted criteria for groundborne vibration impacts. The City has not established requirements regarding construction vibration impacts, therefore, for the purposes of this analysis, the FTA guidelines for vibration impacts are used to determine potential significant construction and operational-related vibration impacts.[55]

This section analyzes both construction and operational groundborne vibration and noise impacts. Groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. Vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings. Groundborne noise is generated when vibrating building components radiate sound, or noise, generated by groundborne vibration. In general, if groundborne vibration levels do not exceed levels considered to be perceptible, then

[54] Urban Crossroads. August 8. 3150 Bear Street Due Diligence Trip Generation Assessment. 2024.

[55] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

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groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

Short-term Construction Vibration Impacts

Of the variety of equipment that would be used during construction, small vibratory rollers would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers would not be used during construction of this project. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 inch per second (in/sec) PPV at 25 feet from the operating equipment.

The nearest off-site receptor to the project construction footprint where vibratory rollers would operate are the residential land uses on Tara Street, south of the project site. The closest structure to this site is the pool located approximately 25 feet from the nearest construction footprint where the small vibratory rollers would potentially operate. At this distance, groundborne vibration levels would range up to 0.1 in/sec PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the FTA's Construction Vibration Impact Criteria of 0.5 in/sec PPV for this type of structure, which is a pool constructed of reinforced concrete. Accordingly, construction activities would not adversely impact this structure.

The nearest residential structure is located approximately 25 feet from the nearest construction footprint where small vibratory rollers would potentially operate. At this distance, groundborne vibration levels would range up to 0.1 in/sec PPV from operation of the types of equipment that would produce the highest vibration levels. This is below the FTA's construction vibration damage criteria of 0.2 in/sec PPV for this type of structure, a building of nonengineered timber and masonry construction. As a result, construction of the proposed project would not expose nearby buildings to groundborne vibration levels in excess of their applicable FTA damage criteria, and this impact would be less than significant.

Operational Vibration Impacts

Implementation of the proposed project would not include any new permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. Additionally, there are no active sources of groundborne vibration in the project vicinity that would produce vibration levels that would be perceptible without instruments within the project site. Therefore, there would be no impact related to operational groundborne vibration.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less than significant impact. The airport nearest to the project site is John Wayne International Airport, located approximately 1.31 miles southeast of the project site. While aircraft noise is occasionally audible at the project site, due to the distance from the airport and the orientation of runways and flight patterns, the project site does not lie within the established noise contours of John

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Wayne International Airport and is not close enough to any other airports to be affected by aviation noise. Therefore, impacts of aviation noise would be less than significant. Because of the distance to the airport and the orientation of the runways, the project site lies outside of the 65 dBA CNEL noise contours of the airport. Therefore, implementation of the proposed project would not expose persons residing or working in the project vicinity to noise levels from airport activity that would exceed normally acceptable standards for the proposed land use development, and no impact would occur.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.14 Population and Housing *Would the project:*				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Evaluation

Setting

The City's 2021-2029 Housing Element projected that the City would reach a population of 113,900 persons by 2020.[56] However, according to the California Department of Finance, the City only has a population of 109,423 persons as of January 1, 2024.[57]

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than significant. As described above, the City had a provisional population of 109,423 persons as of January 1, 2024.[58] According to the California Department of Finance the City has an average of

[56] City of Costa Mesa. 2021. Housing Element, Community Profile. Website: https://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-12-13/PH-1-SuppMemo-3.pdf. Accessed November 12, 2024.

[57] California Department of Finance. 2024. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2024. Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F352%2FForecasting%2FDemographics%2FDocuments%2FE-5_2024_InternetVersion.xlsx&wdOrigin=BROWSELINK. Accessed November 12, 2024.

[58] Ibid.

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2.52 persons per household.[59] The proposed project would include the construction of 142 for-sale townhomes, which would increase the City's population by up to 358 persons based on the average household size.[60] This is approximately 0.3 percent of the City's existing population, which is a negligible increase. The City's 2021-2029 Housing Element projected that the City would reach a population of 113,900 persons by 2020.[61] Because the City has not yet reached the projected population by the start of 2025, and the proposed project would not result in an exceedance of this projection, the population growth resulting from the proposed project can be considered planned growth. Therefore, the proposed project would not induce unplanned population growth either directly or indirectly. Therefore, impacts would be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. There are no existing residences on-site. This precludes the possibility that the proposed project would displace people or housing. As such, no impact would occur.

Mitigation Measures

None required.

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[59] California Department of Finance. 2024. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2024. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2024/. Accessed November 12, 2024.

[60] 2.52 persons per residential unit * 142 residential units = 357.84 persons

[61] City of Costa Mesa. 2021. Housing Element, Community Profile. Website: https://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-12-13/PH-1-SuppMemo-3.pdf. Accessed November 12, 2024.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.15 Public Services *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

Environmental Evaluation

Setting

The information in this section is based, in part, on correspondence with City of Costa Mesa public service providers, included as Appendix H of this report.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less than significant impact. Costa Mesa Fire Department (CMFD) provides fire protection services to the project site. Costa Mesa Fire and Rescue is a full-service organization designed to provide essential public safety and emergency services to the community and its visitors.

Fire stations are strategically located in the City of Costa Mesa to ensure efficient demand response to all risk hazards and to maintain recommendations for response times. The project site is currently serviced by the CMFD via the existing infrastructure. Additionally, both automatic and mutual aid agreements exist with surrounding jurisdictions. The nearest station to the project site is Fire Station No. 2, located 0.43 mile south of the project site at 800 Baker Street. The proposed project would be

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required to comply with all currently adopted codes and standards at the time of plan submittal, including the CBC and California Fire Code. Furthermore, the proposed project would be required to include the provision of smoke detectors, fire extinguishers, and fire sprinklers in proposed buildings, and would be required to pay Fire Department development fees. In addition, the design of the proposed project would be submitted to CMFD for review and approval. Finally, the project applicant would be required to pay fire development fees for future fire facilities and equipment. Because the proposed project would comply with required codes and standards and would pay required fees and the project site is currently serviced by CMFD, impacts associated with fire protection services would be less than significant.

b) Police protection?

Less than significant impact. The Costa Mesa Police Department (CMPD) provides law enforcement and crime prevention services to the Citty. Officers operate out of the Costa Mesa Police Station, approximately 1.6 miles southwest of the project site located at 99 Fair Drive. CMPD also operates out of two substations located at South Coast Plaza and 567 West 18th Street. CMPD contracts with the Huntington Beach Police Department for airborne law enforcement patrols and related services.[62] CMPD operates under several divisions, including Administration, Field Operations, and support services. Decisions are further broken down into specialty areas such as Emergency Management, Patrol, Traffic Safety, Air Support, Crime Scene Unit, and others.[63]

The proposed project would add up to 368 residents to the City, potentially increasing the need for police protection. The existing project site is served by CMPD. The proposed project would include safety measures including nighttime security lighting at proposed units and fencing around detached townhomes to deter crime in at the project site. Furthermore, the proposed project would be reviewed by CMPD to ensure that safety measures are put in place to the satisfaction of the department. With the implementation of proposed safety measures, impacts related to police protection would be less than significant.

c) Schools?

Less than significant impact. The City of Costa Mesa is served by Newport-Mesa Unified School District (NMUSD). The District has four zones that it serves: the Corona Del Mar Zone, the Costa Mesa Zone, the Estancia Zone, and the Newport Harbor Zone. The project site is located within the Costa Mesa Zone, which contains four elementary schools (College Park Elementary, Killybrooke Elementary, Paularino Elementary, and Sonora Elementary), and Costa Mesa Middle/High School. Davis Magnet School and Monte Vista Independent School are also within the Costa Mesa Zone but have districtwide attendance boundaries.[64] NMUSD requires the payment of developer fees of $1.84

[62] City of Costa Mesa. Costa Mesa General Plan. Safety Element.

[63] City of Costa Mesa. Costa Mesa Police Department. Website: https://www.costamesaca.gov/government/departments-and-divisions/police. Accessed November 21, 2024.

[64] Newport-Mesa Unified School District (NMUSD). 2023. Feeder School Flow Chart. Website: https://web.nmusd.us/schools. Accessed November 21, 2024.

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per square foot for residential development. The project applicant would be required to pay such fees to reduce potential impacts to school facilities resulting from the proposed project. With the payment of fees, impacts would be less than significant.

d) Parks?

Less than significant impact. The City of Costa Mesa contains 25 neighborhood parks and seven community parks. In addition to these parks, the City is home to Talbert Regional Park, a regional nature preserve. The City strives to meet its minimum parkland ratio of 4.26 acres of parkland per 1,000 residents. As of 2015, the City had approximately 3.66 acres of parkland per 1,000 residents.[65]

The nearest park to the project site is Schiffer Park, located immediately west of the site across Bear Street. While the proposed project would include lawn areas, barbeque and picnic areas, and play equipment within the site, there is potential for increased use of Schiffer Park and other parks within the City as a result of the proposed project. The proposed project would be required to pay park development fees to offset any impacts resulting from the new residential development. These fees would be used to maintain existing parks within the City. With the payment of fees, impacts would be less than significant.

e) Other public facilities?

Less than significant impact. Other public facilities within the City include libraries. Libraries within the City include the Donald Dungan Library, and Mesa Verde Library, located approximately 3.53 miles southwest and 2.11 miles southwest of the project site. Population increase resulting from the proposed project would result in an increase in library usage of facilities within the City. The proposed project would be required to pay a library impact fee, as required by the City, to offset potential impacts to local libraries. With the payment of fees, impacts would be less than significant.

Mitigation Measures

None required.

[65] City of Costa Mesa. Costa Mesa General Plan. Open Space and Recreation Element.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.16 Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☒	☐	☐

Environmental Evaluation

Setting

The City of Costa Mesa owns and operates approximately 415 acres of developed neighborhood and community parks. The City maintains a park dedication standard of 4.26 acres of parkland for every 1,000 residents.[66] Pursuant to State law (State Government Code Section 66477), the City may collect up to 3.0 acres of parkland or in lieu fees from new residential subdivisions for every 1,000 residents. Accordingly, the City adopted a Local Park Ordinance to implement its park and recreational land dedication requirements (Title 13, Chapter XI, Article 5–Park and Recreation Dedications). However, to reach the goal of 4.26 acres per 1,000 residents, the City must pursue alternative funding sources for the additional park acreage and/or park improvements that exceed the State standard. Alternative funding sources include general fund revenues, development impact fees, federal and State grants, user group contributions, and school district joint-use contributions.[67]

[66] City of Costa Mesa. 2015. General Plan, Open Space and Recreation Element. Website: https://www.costamesaca.gov/home/showpublisheddocument/34706/636740022584770000. Accessed November 12, 2024.

[67] Ibid.

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The nearest park to the proposed project is Shiffer Park, located at 3143 Bear Street, which is 0.07 mile west of the project site. Shiffer Park is 6.72 acres and includes recreational amenities such as picnic tables, barbecues, playgrounds, and volleyball and basketball courts.[68]

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than significant impact. The proposed project would develop up to 146 townhomes. The City has an estimated population of 109,423 as of January 1, 2024. As discussed previously in Section 2.14, Population and Housing, given the proposed project would develop up to 146 dwelling units, the proposed project would generate up to 368 new residents, which could increase the demand on existing neighborhood and regional parks.

The proposed project would provide 78,392 square feet in total open space area which is less than the 111,784 square feet of required open space. However, because 5 percent of the total units proposed would be Affordable Housing units, the proposed project is requesting a waiver related to the required amount of open space. Furthermore, the proposed project would comply with the City's Park Impact Fee Ordinance, which requires developers to pay park and recreation fees in conjunction with the establishment of new residential units.[69] Therefore, with the construction of proposed park improvements and payment of the park impact fees, impacts would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less than significant impact. The proposed project would result in up to 146 new residential units and up to 368 new residents, which would place additional demand on the existing parks, including the nearest parks, Shiffer Park and Paularino Park. The proposed project would provide open space and amenity areas throughout the project site. However, the proposed project does not include the construction or expansion of public recreational facilities. As described above, the proposed project would be required to pay park and recreation fees in accordance with the City's Park Impact Fee Ordinance. With the payment of park fees, the proposed project would not result in adverse physical impacts associated with such facilities, and impacts would be less than significant with mitigation incorporated.

Mitigation Measures

None required.

[68] City of Costa Mesa. 2024. Shiffer Park. Website: https://www.costamesaca.gov/government/departments-and-divisions/parks-and-community-services/map-of-city-parks-facilities/map-of-city-parks/shiffer-park. Accessed November 12, 2024.

[69] City of Costa Mesa. 2024. Municipal Code. Website: https://ecode360.com/42619108?highlight=development,fee,park,park%20fee&searchId=8724191438789860. Accessed November 12, 2024.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.17 Transportation *Would the project:*				
a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Environmental Evaluation

The analysis in this section is based, in part, on the project-specific Trip Generation Assessment[70] and Vehicle Miles Traveled Analysis[71] prepared by Urban Crossroads, Inc. included in Appendix H.

Would the project:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than significant impact. A Trip Generation Assessment was prepared to compare the trip generation of the existing site use with the proposed project. The existing site generates 530 daily two-way trips including 97 AM peak-hour trips and 87 PM peak-hour trips. The proposed project would generate 1,024 two-way trips including 64 AM peak-hour trips and 83 PM peak-hour trips. As shown on Table 13 below, the proposed project would result in a net increase of 494 two-way trips compared to the existing use.

[70] The Trip Generation Assessment assumed construction of 146 units.

[71] The Vehicle Miles Traveled Analysis assumed the construction of 146 units.

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Table 13: Trip Generation Comparison

	AM Peak-hour			PM Peak-hour			
	In	Out	Total	In	Out	Total	Daily
Former Use: TBN Building	90	7	97	8	79	87	530
Proposed Use: Multi-family/Affordable Housing	16	48	64	52	31	83	1,024
Net Change in Trips	**-74**	**41**	**-33**	**44**	**-48**	**-4**	**494**
Note: Negative value represents a reduction in comparison to the former use.							

City of Costa Mesa traffic guidelines require a Level of Service (LOS) based traffic study for development projects that generate 50 or more vehicle trip ends during a peak-hour.[72] As shown on Table 13 above, the proposed project is anticipated to generate fewer than 50 net new peak-hour trips in either peak-hour, which falls below the City's threshold. As such, no further analysis is required beyond what was analyzed in the project-specific Trip Generation Memorandum.

The proposed project would support City programs, plans, and ordinances related to pedestrian facilities through the provision of internal sidewalks and pedestrian pathways throughout the site, as well as through the provision of a pedestrian gate connecting to Olympic Avenue to allow neighbors to the east with a more direct walking path to Schiffer Park. In addition, a signalized intersection at the southwest corner of the site is proposed, along with a continental style crosswalk to provide improved pedestrian access to Schiffer Park. As such, the proposed project would be consistent with the City of Costa Mesa Pedestrian Master Plan, as well as policies related to pedestrian access found in the Circulation Element of the General Plan. As such, the proposed project would not conflict with a program plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than significant impact. City Guidelines identifies the Orange County Transportation Analysis Model (OCTAM) as the appropriate tool for conducting VMT forecasting and analysis for land use projects in the City of Costa Mesa, as it considers interaction between different land uses based on socioeconomic data, such as population, households, and employment. The current version of OCTAM was last released in March 2019 and represents the most current sub-regional transportation

[72] The applicable thresholds under CEQA for evaluating potential impacts related to traffic and transportation, provide that traffic impacts are to be evaluated on the basis of the Vehicle Miles Traveled (VMT) that are generated by traffic serving or accessing a project. The use of VMT as the metric for evaluating traffic impacts under CEQA replaces the earlier practice of evaluating traffic primarily on the basis of vehicle delay, as reflected in traffic Level of Service (LOS) standards. Under the requirements of CEQA, vehicle delay as measured by LOS cannot be considered a significant impact on the environment (Public Resources Code [PRC] § 21099(b)(2); State CEQA Guidelines § 15064.3(b)(2).

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model for Orange County. Consistent with City Guidelines, VMT has been estimated using the Origin/Destination (OD) method and Boundary method. For both methods, VMT is presented as total VMT and VMT per Service Population. Total VMT is an estimate of total vehicle travel and considers all vehicle trips and trip purposes; whereas VMT per service population is an efficiency metric that represents VMT generated on a typical weekday per person who lives and/or works in the City of Costa Mesa or in the case of the proposed project, per person who resides within the project. Total VMT provides an estimate of the total vehicle travel, while VMT per service population measures the efficiency of travel. Consistent with City Guidelines, the efficiency metric VMT per service population has been adopted by the City of Costa Mesa for transportation impact analysis.

Origin/Destination (OD) VMT

The OD method for calculating VMT sums all weekday VMT generated by trips with at least one trip end in the study area (i.e., project boundary) and tracks those trips to their estimated origins/destinations. Origins are all vehicle trips that start in a specific Traffic Analysis Zone (TAZ) and destinations are all trips that end in a specific TAZ. Boundary VMT

City Guidelines also acknowledge that the VMT analysis should also contain an evaluation of a project's effect on VMT, which can be performed using the boundary method of calculating VMT. The boundary method is the sum of all weekday VMT on the roadway network within a designated boundary (i.e., City boundary). The boundary method estimates VMT by multiplying vehicle trips on each roadway segment within the boundary by that segment's length. This approach consists of all trips, including those trips that do not begin or end in the designated boundary. Consistent with City Guidelines, the County of Orange was used as the boundary for this assessment.

VMT Metric and Significance Threshold

According to City Guidelines, the proposed project's effect on VMT would be considered significant if it resulted in either of the following conditions to be satisfied:

1. The baseline link-level citywide VMT per service population increases under the plus project condition compared to the no project condition, or

2. The cumulative link-level citywide VMT per service population increases under the plus project condition compared to the no project condition.

City of Costa Mesa baseline VMT per service population value has been calculated using OCTAM. Table 14 presents the resulting City of Costa Mesa VMT per service population threshold of 22.0.

Table 14: City of Costa Mesa Baseline VMT Per Service Population

Service Population	Baseline
Service Population	257,088
VMT	6,661,448

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Service Population	Baseline
VMT per Service Population	25.9
Threshold 85% of City VMT per SP	22.0
Source: Urban Crossroads, 2024.	

Project-generated VMT was evaluated by converting the proposed project's projected dwelling units into an OCTAM compatible data set. The OCTAM model utilizes socioeconomic data (SED) (e.g., population) for the purposes of vehicle trip estimation. Table 15 presents the SED inputs added to the proposed project's TAZ to represent the project in OCTAM.

Table 15: City of Costa Mesa Baseline VMT Per Service Population

Land Use	Dwelling Units	Conversion Factor[1]	Population
Service Population	146	2.18 persons per household	318

[1] Person per household was maintained using data contained in Orange County Transportation Analysis Model (OCTAM).
Source: Urban Crossroads, 2024.

Project Generated VMT

Table 16 shows project-generated OD VMT and the resulting OD VMT per service population for baseline and cumulative conditions. As shown in Table 3, the proposed project would generate OD VMT per service population above the City's threshold under baseline conditions.

Table 16: Project Generated VMT

Service Population	Baseline	Cumulative
Service Population	318	318
VMT	7,712	6,729
VMT per Service Population	24.3	21.2
Threshold 85% of City VMT per Service Population	22.0	22.0
	Yes	No
Source: Urban Crossroads, 2024.		

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As shown in Table 16, the proposed project would exceed the threshold under the baseline condition. Therefore, the proposed project would be required to provide measures to mitigate his impact to a level below the City's threshold. A minimum reduction of 10.5 percent would be required.

VMT Mitigation Measures

The California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (Handbook) was utilized to determine trip reduction measures that may be applicable to the proposed project. The Handbook describes methods to quantify reductions in greenhouse gas emissions and in the case of Transportation measures, the associated reductions to VMT. This evaluation focuses on a review of the Handbook's Transportation measures that are determined to be applicable to the proposed project.

To determine which transportation measures should be considered from the Handbook, land use type, scale, and locational context are each identified as key factors for determining an individual measure's applicability to a project. The Handbook contains a factsheet for each measure that describes the measure, locational context, scale of application, implementation requirements, and other considerations that should be reviewed to determine a measure's applicability.

Project Type

Project type is an important consideration when determining which measures are applicable for consideration. For example, measures associated with neighborhood design are not applicable to an office project, whereas trip reduction programs intended to reduce employee commute VMT would not be applicable to a residential project.

Scale

The Handbook identifies that measures can be applied at different scales or geographic levels, however, "some measures may only be applicable at the project-level, whereas others may be more appropriate within a broader planning context such as for a general plan or climate action plan." The geographic levels considered in the Handbook include Project/Site and Plan/Community. Project/Site applies to measures that can reduce VMT at the scale of an individual development project or employer. Plan/Community refers to measures that reduce VMT at the scale of a specific plan, general plan, or climate action plan. Transportation measures can be quantified at either the Project/Site scale or the Plan/Community scale but never both.

Locational Context

The Handbook describes locational context as "used to identify trip reduction measures within the transportation sector that are appropriate in certain types of neighborhoods differentiated by transportation characteristics and level of development (e.g., rural, suburban, and urban)."

More specifically, rural, suburban, and urban are defined as follows:

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Rural: An area characterized by little development. Compared to urban and suburban areas, rural areas have a lower density of residences, higher numbers of single-family residences, and higher numbers of vehicle-dependent land use patterns. Where applicable, the Handbook provides three land use distinctions within the rural locational context category—R_a, R_b, and R_c. R_a refers to rural areas within a master planned community. These rural areas often include a broad offering of amenities and services, which may be accessed by walking or other alternative forms of transportation. R_b refers to rural areas adjacent to a commuter rail station with convenient rail service to a major employment center. As the name implies, these rural areas have greater access to commuter rail as an alternative mode of transportation. R_c refers to rural areas with transit service and that are near jobs/services.

Suburban: An area characterized by dispersed, low-density, single-use, automobile dependent land use patterns, usually outside of the central city. Also known as a suburb.

Urban: An area located within the central city with higher density land uses than in the suburbs. Often characterized by multi-family housing, tall office buildings, and dense retail.

The proposed project's locational contest is determined to be suburban.

Project Design Features–VMT Reduction

T-1 Increase Residential Density

The VMT Analysis notes that an increase in density is considered to be a project design feature that generally results in VMT reductions. Increased density would reduce VMT associated with the proposed project because it would place residents in proximity to several public transportation options, services and amenities. This accounts for the VMT reduction achieved by a project that is designed with a higher density of dwelling units compared to the average residential density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT. Table 17 below shows the calculation variables and formula used to calculate VMT reduction.

Table 17: Calculation Variables and Formula

ID	Variable		Unit	Source
Output				
A	Percent reduction in GHG emissions from project VMT in study area	0-30.0	percent	Calculated
User Inputs				
B	Residential density of project development	—	Du/acre	User input

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ID	Variable		Unit	Source
Output				
Constants, Assumptions, and Available Defaults				
C	Residential density of typical development	9.1	Du/acre	Ewing et al. 2007
D	Elasticity of VMT with respect to residential density	-0.22	unitless	Ewing et al. 2007
Source: Urban Crossroads, 2024.				

The following formula is used:

$$A = \frac{B - C}{B} \times D$$

Project TAZ 1246 in the horizon year model is approximately 212 acres and contains assumed households totaling 1,757 dwelling units, which does not include the proposed project. As calculated, Project TAZ 1246 results in a density of 8.3 du/acre. In order to provide a conservative estimate of VMT reduction, the higher national typical residential unit density documented in the Handbook of 9.1 du/acre was used,

The proposed project, as contemplated, would develop 142 dwelling units on approximately 6.2 acres, resulting in 23.5 du/acre.

$$-34.8\% = \frac{23.5 - 9.1}{9.1} \times -0.22$$

As calculated above, the proposed project as designed is expected to reduce its VMT per service population by 33.4 percent. However, the Handbook has placed a reduction cap of 30 percent to limit the influence of any single built environmental factor (such as density). Projects that implement multiple land use strategies (e.g., density, design, diversity of uses) will show more of a reduction than relying on improvements from a single built environment factor. The proposed project as designed is expected to reduce its VMT impact by 30 percent, which exceeds the required 10.5 percent VMT reduction to be below the City's impact threshold.

Cumulative VMT Impacts

The proposed project's effect on VMT was calculated using the boundary method. Land use information representing the proposed land use changes contemplated by the proposed project were coded into the project TAZ to represent the "With Project" condition. Table 18 summarizes the

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boundary VMT under the No Project and With Project scenarios for both baseline and cumulative conditions.

Table 18: Boundary VMT

Scenario	Baseline		Cumulative	
	No Project	With Project	No Project	With Project
Service Population	219,336	219,411	236,264	236,339
Boundary VMT	3,326,733	3,326,428	3,412,324	3,412,096
VMT per Service Population	15.2	15.2	14.4	14.4
Change in VMT per Service Population	0.0		0.0	

The boundary VMT was found to increase under the With Project scenario for both the baseline and cumulative conditions, as expected when increases in development are added to the model. However, to measure the efficiency of a land use project or land use plan, the boundary VMT was divided by the service population to frame an efficiency metric. The resulting VMT per service population was found to remain the same in the With Project scenario under both conditions.

Although the proposed project was not screened out from the City's screening criteria because it was initially found to generate VMT per service population exceeding the City's threshold, with the implementation of project design features through the inclusion of an increased residential density, the proposed project's VMT per service population would be reduced below the City's impact threshold. As such, impacts related to VMT would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact. The proposed project would develop 142 for-sale 2- and 4-story townhomes on an existing developed site. The proposed project would connect to existing Olympic Avenue and provide improved connectivity to Bear Street. The proposed project does not include sharp curves or dangerous intersections. As such, impacts would be less than significant.

d) Result in inadequate emergency access?

Less than significant impact. Signalized access to the project site would be provided via an existing driveway on Bear Street. An internal private roadway system would provide two-way access to each units' parking garage as well as guest parking spaces distributed throughout the site. A secondary emergency vehicle access exists at the east edge of the property near the terminus of Olympic Avenue. This gated access will remain to provide access for emergency vehicles. The access will be redesigned with a new Knox box gate and a pedestrian gate on a timer to accommodate pedestrian access into the project site during park hours, allowing existing neighbors to the east to utilize a more

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direct walking path to Shiffer Park. As such, the proposed project would provide adequate emergency access to the site. Impacts would be less than significant.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.18 Utilities and Service Systems *Would the project:*				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

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Environmental Evaluation

Setting

According to the Mesa Water District's 2020 Urban Water Management Plan (UWMP), the City relies on Mesa Water meets all water demands through a combination of local groundwater, recycled water and, if needed, imported water. Mesa Water works together with two primary agencies, Municipal

Water District of Orange County (MWDOC) and OCWD, to ensure a safe and reliable water supply that will continue to serve the community in periods of drought and shortage. The sources of imported water supplies include water from the Colorado River and the California State Water Project (SWP) provided by Metropolitan Water District of Southern California (MET) and delivered through MWDOC.

As discussed in Section 1.4, Project Description, water services for the proposed project would be provided by Mesa Water District. The proposed project would connect to an existing 6-inch domestic water line within Olympic Avenue and an existing 12-inch water line within Bear Street. The proposed project would connect to an existing storm rain to the northwest of the project site and an existing 8-inch sanitary sewer lines within Olympic Avenue. An existing hydrant is located adjacent to the project site on Olympic Avenue as well as diagonally across Bear Street near the entrance of Shiffer Park.

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than significant impact. The proposed project would be served by six new transformers. Electrical service is currently available in the project area and would be provided by SCE. Natural gas would be provided by Southern California Gas Company (SoCalGas) and communication systems would be provided by AT&T and Comcast Cable. The project site is currently developed, and the proposed project would connect to existing electrical, natural gas, and communication systems. The proposed project would connect to existing water lines and would be served by the Mesa Water District. Additionally, the proposed project would connect to existing sanitary sewer lines and would be served by the CMSD.

All existing storm drains within the project site would be removed and replaced. Additionally, the proposed project would connect to existing storm drains within Bear Steet. Stormwater from the proposed development would be intercepted by downspouts and new area drains that convey stormwater into two separate proprietary biofiltration BMPs to meet water quality objectives as required by the MS4 Permit. Stormwater flows would then enter the public storm drain.

Overall surface drainage would maintain the existing flow from south to north. The existing condition topography previously discussed has an overall grade tilting from southeast to northwest. However, the proposed condition will be graded from southwest to northeast. The subsurface storm drain network would retain the overall existing drainage pattern, maintaining the off-site discharge to storm drain facilities at the northwest corner of the site.

As the proposed storm drain system would be designed consistent with the WQMP, the addition of the new storm drain would not cause significant environmental effects. Further, the new transformers would connect to the existing underground vault and would not cause significant environmental effects. Impacts would be less than significant.

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b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than significant impact. As discussed above, the proposed project would connect to existing water lines and system. The 2020 UWMP includes a supply and demand assessment for projected years between 2025 and 2045 for normal year, single dry year, and multiple years. For each scenario the UWMP indicates that the City would be able to meet the projected water demand based on the available supply. The demands are expected to be met through a combination of local groundwater, recycled water and, if needed, imported water. Mesa Water works together with two primary agencies, MWDOC and OCWD, to ensure a safe and reliable water supply that will continue to serve the community in periods of drought and shortage.[73] The UWMP accounts for projected water demand based on water consumption by single- and multi-family residences, commercial, and institutional/government customers. The UWMP also accounts for projected land use, population, economic growth, and future conservation.[74]

As noted in the UWMP, the City would have sufficient water supply for normal year, single dry year, and multiple years. According to the California Department of Finance the City has an average of 2.52 persons per household.[75] The proposed project would include the construction of up to 146 for-sale townhomes, which would increase the City's population by up to 368 persons based on the average household size.[76] Based on Mesa Water District's 2020 target consumption of 143 gallons per capita per day (GPCD), estimated water generation for a multi-family development is estimated to be 360.4 gallons per day (GPD) per unit. For the 146 units under the proposed project, this would result in 52,618.4 gallons or 0.16 acre-feet of water. As noted in the UWMP, the projected water use in 2025 is 16,354 acre-feet. Therefore, the small projected water use of the proposed project can be reasonably considered a part of the existing demand projections in the UWMP. As such, the proposed project would not significantly impact water supplies. Impacts would be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than significant impact. As discussed above, the proposed project would connect to existing sanitary sewer lines. The CMSD is responsible for maintenance of the City's sewer and storm drain lines. CMSD maintains 224 miles of gravity sewer mains ranging from 8-inches to 30-inches in diameter. There are approximately 5,650 sewer manholes within the system, which are used as access points for cleaning and inspection purposes. As of 2019, CMSD's wastewater system contains a total of 47,471 connections to single-family residences, multi-family residences, commercial

[73] Mesa Water District. 2021. 2020 Urban Water Management Plan. June.

[74] Ibid.

[75] Ibid.

[76] 2.52 persons per residential unit * 146 residential units = 367.92 persons

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properties, and industrial properties.[77] CMSD's wastewater collection system collects and transports wastewater from homes and businesses to the Orange County Sanitation District (OC San), where it is treated and recycled.[78]

A Municipal Service Review was prepared for OC San in 2020.[79] The purpose of the review was—in part—to review and study future growth in the service area and to determine whether OC San can efficiently, equitably, and reliably provide services. At the time of the review OC San was providing service to approximately 2.6 million people, and it was projected that by 2040 the OC San service area would include 2.8 million residents and 940,653 housing units. The review determined that OC San existing and planned operations and infrastructure are able to meet current and future service demands.[80] Utilizing OC San's average wastewater generation rate of 75 GPCD, the proposed project would result in approximately 189 gallons per unit per day or up to 27,594 total gallons of wastewater per day. Based on the Municipal Service Review conclusions, OC San would have adequate capacity to serve the wastewater demands of the proposed project. Therefore, impacts would be less than significant.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than significant impact. The CMSD is an independent special district formed in 1944 under the Sanitary District Act of 1923. CMSD is responsible for residential solid waste collection and its transmittal to recycling facilities for sorting, recycling, and disposal for the City of Costa Mesa and small portions of Newport Beach and unincorporated Orange County, serving a population of approximately 118,000.[81] Solid waste is disposed of in Orange County landfills. Currently, there are three active landfills that are owned and operated by the County, including Frank R. Bowerman Landfill in Irvine, Olinda Alpha Landfill in Brea, and Prima Deshecha Landfill in San Juan Capistrano. To ensure that the maximum permitted daily tonnage at a particular landfill is not exceeded, refuse trucks may have to transport material among one another. The majority of this waste is taken to the Olinda Alpha Sanitary Landfill. The Olinda Alpha Landfill is the closest facility to the project site and would likely be the solid waste facility most often receiving waste from the project site.[82] According to the California Department of Resources Recycling and Recovery (CalRecycle) Solid Waste Information System (SWIS), the Olinda Alpha Sanitary Landfill has a maximum daily throughput of

[77] Costa Mesa Sanitary District (CMSD). 2024. Sewer System Information. Website: https:// www.cmsdca.gov/sewer/sewer_system_information/index.php. Accessed November 12, 2024.

[78] Ibid.

[79] Orange County Local Agency Formation Commission (Orange County LAFCo). 2020. Municipal Service Review for the Orange County Sanitation District. Final Report. September 9, 2020.

[80] Ibid.

[81] Costa Mesa Sanitary District (CMSD). 2024. About Us. Website: https:// www.cmsdca.gov/who_we_are/about_us.php. Accessed November 12, 2024.

[82] California Department of Resources Recycling and Recovery (CalRecycle). 2024. SWIS Facility/Site Activity Details, Olinda Alpha Landfill. Website: https:// www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093. Accessed November 12, 2024.

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8,000 tons per day and a remaining capacity of 17,500,000 cubic yards as of October 2020.[83] Prima Deshecha Landfill has a maximum daily throughput of 4,000 tons per day and a remaining capacity of 128,800,000 cubic yards as of September 2023.[84] Frank R. Bowerman Landfill has a maximum daily throughput of 11,500 tons per day and a remaining capacity of 205,000,000 cubic yards as of February 2008.[85]

CalRecycle provides a solid waste generation factor to estimate the amount of solid waste generated by residential projects.[86] Using the generation rate of 12.23 pounds (lbs) per household per day for residential development, the proposed project would generate approximately 1,785.58 pounds per day of solid waste, or approximately 0.89 tons per day (based on 146 residential units)—which is well within the maximum daily capacity and remaining capacity of the three landfills. Therefore, Orange County landfills would have sufficient capacity to serve the proposed project and solid waste generated during construction and operations would represent a negligible increase compared to the daily permitted tonnage. Additionally, the proposed project would also include recycling programs to reduce solid waste and comply with all applicable regulations for solid waste. The impact would be less than significant, and no mitigation is required.

e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than significant impact. The City complies with all federal, State, and local statutes and regulations related to solid waste. Regulations specifically applicable to the proposed project include the California Integrated Waste Management Act of 1989 (AB 939), SB 2202, SB 1016, 2019 CALGreen Section 4.408, and AB 341, which requires multiple-family residential development and commercial uses to implement recycling programs.

In 1989, the Legislature adopted the California Integrated Waste Management Act of 1989 (AB 939), in order to "reduce, recycle, and reuse solid waste generated in the State to the maximum extent feasible." AB 939 established a waste management hierarchy and required that each county prepare a new Integrated Waste Management Plan and each City prepare a Source Reduction and Recycling Element (SRRE) by July 1, 1991. The SRRE is required to identify how each jurisdiction would meet the mandatory State waste diversion goal of 50 percent by and after the year 2000.

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[83] California Department of Resources Recycling and Recovery (CalRecycle). 2024. SWIS Facility/Site Activity Details, Olinda Alpha Landfill. Website: https:// www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093. Accessed November 12, 2024.

[84] California Department of Resources Recycling and Recovery (CalRecycle). 2024. SWIS Facility/Site Activity Details, Prima Deshecha Landfill. Website: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2750?siteID=2085. Accessed November 12, 2024.

[85] California Department of Resources Recycling and Recovery (CalRecycle). 2024. SWIS Facility/Site Activity Details, Frank R. Bowerman Landfill

[86] California Department of Resources Recycling and Recovery (CalRecycle). 2024. Estimated Solid Waste Generation Rates. Website: https:// www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Accessed November 12, 2024.

SB 2202 made a number of changes to the municipal solid waste diversion requirements under A 939. These changes included a revision to the statutory requirement for 50 percent diversion of solid waste to clarify that local governments shall continue to divert 50 percent of all solid waste on and after January 1, 2000.

SB 1016 introduced a per capita disposal measurement system that measures the 50 percent diversion requirement using a disposal measurement equivalent. The Bill repealed the State Water Board 2-year process, requiring instead that the State Water Board make a finding whether each jurisdiction was in compliance with the Act's diversion requirements for calendar year 2006 and to determine compliance for the 2007 calendar year and beyond, based on the jurisdiction's change in its per capita disposal rate. The State Water Board is required to review a jurisdiction's compliance with those diversion requirements in accordance with a specified schedule, which is conditioned upon the State Water Board finding that the jurisdiction complies with those requirements or has implemented its SRRE and household hazardous waste element. The Bill requires the State Water Board to issue an order of compliance if the State Water Board finds that the jurisdiction has failed to make a good faith effort to implement its SRRE or its household hazardous waste element, pursuant to a specified procedure. The per capita disposal rate is a jurisdiction-specific index, which is used as one of several "factors" in determining a jurisdiction's compliance with the intent of AB 939 and allows CalRecycle and jurisdictions to set their primary focus on successful implementation of diversion programs.

SB 1383 requires counties to take the lead collaborating with the jurisdictions located within the county in planning for the necessary organic waste recycling and food recovery capacity needed to divert organic waste from landfills into recycling activities and food recovery organizations.

CALGreen Section 4.408 requires preparation of a Construction Waste Management Plan that provides an overview of ways in which the applicant would recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition debris. During the construction phase, the proposed project would be required to comply with CALGreen through the recycling and reuse of at least 65 percent of the nonhazardous construction and demolition debris from the project site.

Participation in the City's recycling programs during project construction and operation, including CalRecycle's requirements, would ensure that the proposed project would not conflict with federal, State, and local statutes and regulations related to solid waste. Additionally, solid waste would be disposed of at existing Orange County Waste and Recycling landfills. Disposal of solid waste would comply with all federal, State, and local statutes and regulations related to solid waste. During operation, the proposed project would include receptacles for recyclables and garbage. Thus, impacts would be less than significant, and no mitigation is required.

Mitigation Measures

None required.

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Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.19 Wildfire *If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:*				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Environmental Evaluation

Setting

The CAL FIRE FHSZ Map indicates that the project site is not within an SRA. The closest SRA is approximately 9.05 miles northeast of the project site. No part of Costa Mesa is listed as an SRA or located within a Very High FHSZ.[87]

[87] City of Costa Mesa. 2025. General Plan Safety Element. Website: https://www.costamesaca.gov/home/showpublisheddocument/34702/636740022576330000. Accessed November 12, 2024.

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Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No impact. The proposed project is not located within an SRA. The Costa Mesa Disaster Plan serves as the community's EOP, which provides guidance during emergency situations and natural disasters. The plan addresses potential large-scale disasters that require a coordinated and immediate response. The General Plan Safety Element designates I-405 and SR-73 as evacuation routes for the City. The project site is within 0.25 mile of each of these evacuation routes and both would serve the project site in the event of an emergency.

The proposed project would not impede use of the road for emergencies or access for emergency response vehicles. Therefore, the proposed project would not result in inadequate emergency access. As such, no impact would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No impact. The proposed project is not located within an SRA. The project site is located in an urbanized, flat area and does not include features with the potential to exacerbate wildfire. The site and its surrounding area have no history of wildfire.[88] As described above, the project site is not located in an SRA Very High FHSZ. Therefore, the proposed project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impact would occur.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No impact. The proposed project is not located within an SRA or Very High FHSZ. The project site is located in an urbanized area of the City and would connect to existing infrastructure that currently serves the site and the surrounding area. The proposed project would not include the installation of infrastructure that would exacerbate wildfire risk. Therefore, the proposed project would not exacerbate fire risk. No impact would occur.

[88] California Department of Forestry and Fire Protection (CAL FIRE). 2020. California Wildfire History Map. Website: https://projects.capradio.org/california-fire-history/#6/38.58/-121.49. Accessed October 3, 2024.

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d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No impact. The proposed project is not located within an SRA. The project site is flat and is not located within an area identified as having a potential for landslides by the California Geological Survey.[89] As described above, the project site is not located in an SRA within a Very High FHSZ. The proposed project does not have other features with the potential to exacerbate wildfire, downstream flooding, or landslide risks. Furthermore, the proposed project is not located in an area designated as an area of 0.2 percent annual chance flood hazard zone and would not be subject to flood hazards.[90] Therefore, the proposed project would not contribute to runoff or flooding. No impact would occur.

Mitigation Measures

None required.

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[89] California Department of Conservation. 2024. Geologic Hazards. Website: https://maps.conservation.ca.gov/geologichazards/DataViewer/index.html. Accessed October 3, 2024.

[90] Federal Emergency Management Agency (FEMA). 2024. FEMA's National Flood Hazard Layer Viewer. Website: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-117.93768185224067,33.63323283538241,-117.81803387250437,33.70466581971302. Accessed October 3, 2024.

Environmental Issues	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
2.20 Mandatory Findings of Significance				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

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Environmental Evaluation

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less than significant impact with mitigation incorporated. As concluded in Section 2.4, Biological Resources, the project site has the potential to provide suitable habitat for Cooper's hawk and other nesting birds. These impacts would be reduced with the implementation of MM BIO-1a and MM BIO-1b. The proposed project would not affect wildlife or wildlife corridors or impede the use of a wildlife nursery, would not conflict with local policies and ordinances protecting biological resources, and would not conflict with any local, regional, or State conservation plans. Therefore, the proposed project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As evaluated and disclosed in Section 2.5, Cultural Resources and Tribal Cultural Resources, the project site does not contain known historically or culturally significant resources, and the potential impact to unidentified archaeological resources is low due to the site's developed nature. However, implementation of MM CUL-1, MM CUL-2, and MM CUL-3 would be required to reduce any potential impacts related to the unanticipated discovery of human remains and TCRs. Therefore, project implementation would not eliminate important examples of the major periods of California history. Impacts would be less than significant with the implementation of mitigation.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than significant impact with mitigation incorporated. The proposed project would not result in any cumulative impact for those thresholds that were determined to be "no impact" as discussed above. For those thresholds that were determined to be less than significant or less than significant with mitigation, the proposed project would not have a cumulatively considerable contribution to any cumulative impact. Potential impacts associated with past and present projects are considered as part of the baseline conditions, and reasonably foreseeable future development are considered in terms of agency projections and adopted planning documents. Accordingly, as discussed throughout this document, there are no known cumulative impacts.

Further, as discussed throughout this document, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. The proposed project would

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include standard conditions that would be imposed on the proposed project pertaining to procedures to protect air quality, and mitigation measures would be required to reduce impacts related to biological resources, cultural resources, and geology and soils. Compliance with these standard conditions would minimize project impacts and ensure that project impacts remain less than significant. Because of the number of trips generated by the proposed project, the proposed project would not result in cumulatively considerable impacts related to traffic and circulation. No significant adverse environmental effects on human beings would result, either directly or indirectly, from the proposed project. Cumulatively, the proposed project would not result in any significant impacts that would substantially combine with impacts of other current or probable future impacts. Therefore, the proposed project, in conjunction with other future development projects, would not result in any cumulatively considerable impacts. As such, impacts would be less than significant.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant impact with mitigation incorporated. There are no known substantial adverse effects on human beings that would be caused or exacerbated by the proposed project. As concluded within these environmental impact analyses and as summarized above, the proposed project would result in less than significant environmental impacts. Project compliance with the mitigation measures contained in this Draft IS/MND would ensure that the proposed project's impacts on human beings are less than significant. Additionally, the proposed project would have a beneficial impact by creating needed housing within the City that would further the goals of the City's General Plan to provide additional housing options for various income levels. Impacts are less than significant, and no mitigation is required.

Mitigation Measures

Implement MM AIR-1, MM BIO-1a, MM BIO-1b, MM CUL-1, MM CUL-2, MM CUL-3, MM GEO-1, and MM GEO-2.

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3 - LIST OF PREPARERS

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Memorandum

Date: July 8, 2025

To: Christopher Yeager, Senior Planner
City of Costa Mesa

From: Cecilia So, Associate Director
FirstCarbon Solutions (FCS)

Subject: Responses to Comments for the Bear Street Residential Project in Costa Mesa, California

FirstCarbon Solutions (FCS) is pleased to submit this Response to Comments memorandum for the proposed Bear Street Residential Project (proposed project) in the City of Costa Mesa (City).

To date, the following letters have been received with regard to the proposed project:

- **Letter A:** Letter from Brent Millard (MILLARD), dated May 3, 2025.
- **Letter B**: Letter from the California Department of Toxic Substances Control (DTSC), dated May 8, 2025.
- **Letter C**: Letter from the California Department of Transportation (Caltrans), District 12, dated June 2, 2025.

Although a lead agency is not required to provide written responses to comments on Negative Declarations or Mitigated Negative Declarations under the California Environmental Quality Act (CEQA), the City of Costa Mesa has evaluated the comments received on the Bear Street Residential Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) and has elected to provide responses to comments. None of the comments received included information resulting in the need to recirculate the Draft IS/MND or to prepare an Environmental Impact Report (EIR).

This letter includes a list of the comments and responses to comments on the Draft IS/MND. A copy of the letters received regarding the Draft IS/MND are included as Attachment A, B, and C, respectively.

ERRATA

Minor revisions to the Draft IS/MND are included below in ~~strikeout~~/underline and are editorial in nature. Project Design Feature 2 below has been added to reflect the findings of the Health Risk Assessment (HRA) Memorandum prepared for the proposed project.

Section 1.4.6, Project Design Features

Page 4

Project Design Feature ~~2~~1 (PDF-~~2~~1): Use of Clean Construction Equipment to Minimize DPM

All off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 3 standards with Level 3 Verified Diesel Emission Control Strategy (VDEC) filters.[4] The project applicant shall submit a construction management plan to the City of Costa Mesa's Planning Division for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with these specified off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

[4] Equipment meeting Tier 4 standards achieves the required reductions and specifications in PDF-~~2~~1 without VDECs.

Project Design Feature 2 (PDF-2): Installation of High-efficiency HVAC Systems to Reduce Indoor Exposure to Air Pollutants

All new residential units constructed as part of the proposed project shall be equipped with positive static pressure forced heating, ventilation, and air conditioning (HVAC) systems. These systems shall include high-efficiency air filtration using Minimum Efficiency Reporting Value (MERV) 14 filters or higher in the air intake.

The project applicant shall submit HVAC system specifications and a mechanical plan to the City of Costa Mesa's Planning Division for review and approval prior to the issuance of any building permits. The submitted documentation shall demonstrate that the HVAC systems are designed to maintain positive indoor air pressure and are equipped with MERV 14 or higher filters. Documentation may include, but is not limited to, HVAC system design drawings, filter specifications, manufacturer certifications, and calculations verifying positive pressure performance.

Project Design Feature ~~1~~3 (PDF-~~1~~3): All-electric Development

The proposed project shall be designed as an all-electric development, which requires that all appliances installed into the proposed townhomes be electric powered and no natural gas lines shall be run to the proposed townhome buildings.

Project Design Feature ~~3~~4 (PDF-~~3~~4): T-1 Increase Residential Density

This measure accounts for the Vehicle Miles Traveled (VMT) reduction achieved by a project that is designed with a higher density of dwelling units compared to the average residential density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT.

Section 2.3, Air Quality

Page 37, Localized Construction Analysis

The proposed project would be required to comply with SC AIR-1 (consistent with SCAQMD Rule 403) and would implement PDF-~~2~~1. Incorporation of SC AIR-1 and PDF-~~2~~1 would ensure that the project-generated emissions of PM_{10} and $PM_{2.5}$ would be controlled during the construction period. In addition, SC AIR-2 would ensure that all architectural coatings used on-site would meet the VOC content requirements of SCAQMD Rule 1113. Accordingly, with adherence to standard conditions and incorporation of mitigation, the proposed project's on-site construction-related criteria air pollutant and ozone precursor concentrations would not expose sensitive receptors to substantial pollutant concentrations. This impact would be less than significant.

Page 40, Toxic Air Contaminant Construction Analysis

The estimated health and hazard impacts at the Maximally Exposed Individual Receptor (MEIR) from the proposed project's construction emissions are provided in Table 5. The results in Table 5 incorporate PDF-~~2~~1, which stipulates that construction of the proposed project would include the use of Tier 3 engines with Level 3 VDEC filters for all construction equipment equal to or greater than 50 horsepower. Equipment meeting Tier 4 standards achieves the required reductions and specifications in PDF-~~2~~1 without VDECs.[22]

[22] The Tier 4 scenario is modeled as Tier 4 Interim equipment and is included as part of Appendix A.

Page 41, The Proposed Project as a Receptor

~~Furthermore, the proposed project would be built and developed in compliance with all applicable regulations.~~ Compliance with the 2022 California Building Energy Efficiency Standards requires the installation of Minimum Efficiency Reporting Value (MERV) 13 filters~~, which would serve to reduce potential cancer risks and $PM_{2.5}$ concentrations at the project site during project operations~~. The installation of MERV 14 filters, as outlined in PDF-2, surpasses the requirements mandated by the building code standards, thereby providing enhanced air filtration and improved indoor air quality during project operations.

Many heating, ventilation, and air condition (HVAC) filters available in the United States are rated for their particle removal efficiency using a laboratory test procedure described in the American Society of Heating, Refrigerating, and Air Conditioning Engineers Standard 52.2-2012, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size. Minimum removal efficiency values are used to assign HVAC filters a single efficiency metric MERV. In general, the higher the MERV for a filter, the greater the removal efficiency for one or more particle size. Single-pass outdoor-origin

$PM_{2.5}$ removal efficiencies range from less than 10 percent for MERV 6 to over 95 percent for MERV 16 and high-efficiency particulate air (HEPA) filters.

Research has shown that buildings with positive static pressure HVAC systems with MERV 13 air filters result in a 50 percent reduction in particulates sized 0.3–1.0 microns ($PM_{2.5}$ and PM_{10}), result in an 85 percent reduction in particulates sized 1.0–3.0 microns ($PM_{2.5}$ and PM_{10}), and result in a 90 percent reduction in particulates sized 3.0–10.0 microns (PM_{10}) when compared to outdoor levels of particulates~~, substantially reducing impacts from TACs for future residents included as part of the proposed project~~.

The efficiency rates for MERV 14 filters are summarized below:

- efficiency for particulates sized 0.3–1.0 microns ($PM_{2.5}$ and PM_{10}): ≥90 percent;
- efficiency for 1.0–3.0 µm particles ($PM_{2.5}$ and PM_{10}): ≥95 percent; and
- efficiency for 3.0–10.0 µm particles (PM_{10}): ≥98 percent.

Section 2.6, Energy

Page 63, Long-term Operational Impacts

The proposed residential buildings would be built all-electric (consistent with PDF-~~1~~3), and the proposed project would install solar photovoltaic (PV) systems that would generate renewable energy to offset the building's energy consumption.

Page 64, Impact b

Additionally, the proposed project is planned to be an all-electric design (as detailed in PDF-~~1~~3) and would therefore utilize more renewable energy sources during project operation compared to typical existing development.

Page 66, Impact b

While several of these policies are requirements at City level or voluntary, compliance with Title 24 standards, other applicable regulations, and PDF-~~1~~3 would ensure that the proposed project would not conflict with any of the energy conservation policies related to the proposed project’s building, mechanical systems, and indoor and outdoor lighting.

Section 2.8, Greenhouse Gas Emissions

Page 77, Operational Greenhouse Gas Emissions

- **Natural Gas:** These emissions refer to the GHG emissions that occur when natural gas is burned on the project site. The proposed project would be built all-electric (PDF-~~1~~3) and would, therefore, not result in any GHG emissions from natural gas use.

Page 79, Table 9: Consistency with the 2022 Scoping Plan

New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial).	**Consistent.** As detailed in PDF-~~1~~3 provided in the project description, the proposed project would be an all-electric development and would not include any natural gas hookups.

Section 2.17, Transportation

Page 125, Project Design Features–VMT Reduction

T-1 Increase Residential Density (Included in the Project Description as PDF-~~3~~4)

RESPONSE TO COMMENTS

The comment letters are included as Attachment A, B, and C, respectively, of this memorandum. A list of public agencies, organizations, and individuals who commented on the Draft IS/MND is presented below. Each comment letter has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Code
Brent Millard	MILLARD
Department of Toxic Substances Control	DTSC
Caltrans, District 12	CALTRANS

Letter from Brent Millard, Dated May 3, 2025

Comment MILLARD-1

First, I would like to repeat my previous comment of this development being overly dense in an already high traffic area. They should cut the number of units by 20-30% and increase parking and trees for the nesting birds and wildlife.

Response to Comment MILLARD-1

This comment is noted. This comment will be forwarded to decision-makers for consideration.

Comment MILLARD-2

Second it feels like the traffic study is extremely cherry picked. They did the study after winter holiday traffic stopped and before Valentine's Day or spring traffic. Bear street is bumper to bumper more often than they indicate. I don't know where they got the information from the previous Trinity network, but 500 cars is an extremely high estimate. In the 15 years I lived here there were never more than 100 cars in and out per day. They should be required to submit real data instead of the biased data they submitted.

Response to Comment MILLARD-2

Existing 24-hour roadway segment traffic counts were conducted on Wednesday, January 15, 2025. Traffic counts were conducted midweek while schools in the area were in session. There were no observations made in the field that would indicate atypical traffic conditions on the count dates, such as construction activity or detour routes.

As detailed in the Focused Traffic Assessment included as Appendix H to the Draft IS/MND, the trip generation for the existing building on-site is based on the 11th Edition Institute of Transportation Engineers (ITE) Trip Generation Manual. The ITE Trip Generation Manual compiles data from real-world traffic studies to estimate how many trips different land uses generate. This data is collected using standardized methods at development sites and is regularly updated to reflect evolving travel patterns. This comment does not provide substantial evidence of an impact. No revisions to the Draft IS/MND are needed.

Letter from DTSC, Dated May 8, 2025

Comment DTSC-1

If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of LBPs or products, mercury, ACMs, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.

Response to Comment DTSC-1

As discussed in Section 2.9, Hazards and Hazardous Materials, the proposed project would be required to comply with California Code of Regulations Title 22, Division 4.5, for appropriate management of hazardous materials, as well as the requirements of the EPA, Resource Conservation and Recovery Act (RCRA), DTSC, California Occupational Safety and Health Administration (Cal/OSHA), and California Department of Transportation (Caltrans).

Comment DTSC-2

DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's PEA Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) web page.

Response to Comment DTSC-2

It is industry standard practice to test all imported soil to ensure it will not impact future users of the site. The project applicant understands that compliance with DTSC requirements regarding imported soil and fill material is necessary. The applicant will ensure that any imported material is tested for contaminants in accordance with DTSC's PEA Guidance Manual and the Clean Imported Fill Material Fact Sheet. Documentation of the source and prior land use of the material will be maintained, and representative sampling will be conducted as appropriate to confirm suitability for the intended land use. All evaluations will follow DTSC's HERO guidance.

Letter from Caltrans, District 12, Dated June 12, 2025

Comment CALTRANS-1

To ensure safe operations, please check the capacity(s) (storage length) of the off-ramps going to Fairview Road and Bristol Street to determine whether the ramp(s) is/can accommodate the demand(s) and will not create a backup onto the freeway mainline. Additionally, to ensure safe operations, please check the capacity(s) (storage length) of the left-turn and/or right-turn pocket(s) at the intersections of the

on-ramp(s) to determine whether the pocket(s) is/can accommodate the demand(s) and will not backup onto the street mainline.

Response to CALTRANS-1

Project trip generation did not reach the threshold to warrant further analysis per the City's guidelines. Based on the anticipated net reduction from the existing building on-site, the proposed project would have less of an impact than if the existing building were occupied. There is no evidence that the proposed project would exceed capacity. The on- and off-ramps and turn-pockets are anticipated to have adequate capacity. Project impacts to on- and off-ramp intersections are not expected to occur.

Comment CALTRANS-2

A traffic impact study is required for this project to include existing and future average daily traffic volumes, traffic generation including peak-hour, traffic distribution, HCM intersection analysis, along with current and projected capacities of local street, and state highways or freeways including ramps that might be impacted. Specifically, the intersection of Bristol Street and 1-405 ramps including queueing analysis on Bristol Street turning pockets to the 1-405 and the 1-405 Off-Ramps, and the intersection of Bear Street and State Route (SR) 73 ramps including queueing analysis on Bear Street turning pockets to the SR-73 ramps, and SR-73 off-ramps.

Response to CALTRANS-2

A Focused Traffic Assessment was prepared for the proposed project and is included as Appendix H to the Draft IS/MND. It was determined that the proposed project would not result in significant impacts to these intersections. No further analysis was required in accordance with the City’s guidelines.

Comment CALTRANS-3

Exhibit 6 Conceptual Landscape Plan shows a Traffic Signal and Crosswalk per Civil's Plan (#28). If this is a proposed signal, please provide synchronization analysis to ensure it will have no adverse impact on SR-73 ramps.

Response to CALTRANS-3

The proposed traffic signal would be timed and coordinated according to City requirements prior to turn on. Coordination for the corridor will be reviewed and approved by the City. The limits of coordination will be determined by the City with consultation from Caltrans as necessary. The final coordination timing plans will be reviewed and approved by both the City and Caltrans if necessary. This will ensure that no adverse impact will occur at any location along the corridor limits, including SR-73.

Comment CALTRANS-4

Bear Street currently has an existing Class II bike lane. To enhance safety and visibility of bicyclists consider installing green conflict zone striping on the existing Class II bike lane. Especially near driveways and intersections.

Response to CALTRANS-4

All signing and striping (including bike legends and green conflict zone striping) would be designed to meet City standards and would be reviewed and approved during final engineering.

Comment CALTRANS-5

During construction, please ensure that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If adjacent sidewalks or bike lanes need to be closed during construction, please ensure that closures and detours are clearly signed.

Response to CALTRANS-5

The proposed project would be required to prepare construction traffic control plans (Including detours) prior to the issuance of an encroachment permit by the City. These Construction Traffic Control plans would meet all City and State requirements for safe passage of vehicles, pedestrians, and cyclists.

Comment CALTRANS-6

Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Improvements may include providing secure bicycle parking, pedestrian-oriented LED lighting, wayfinding signage, and comfortable connections to nearby active transportation and/or transit facilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation.

Response to CALTRANS-6

This comment is noted. The proposed project will follow all City requirements to ensure that construction of facilities to accommodate pedestrians and bicyclists. Proper signage as directed by the City will be implemented to comply with City requirements and Complete Streets requirements.

Comment CALTRANS-7

Freight Route and Access Compatibility - Although the Bear Street Residential Project is primarily residential, it is located adjacent to I-405, a major freight corridor. The project documentation should evaluate whether the existing access point on Bear Street could conflict with regional truck routes, particularly during construction. Consider incorporating design measures to minimize conflicts between haul trucks and regional freight traffic on Bear Street and nearby arterials.

Response to CALTRANS-7

This comment is noted. Bear Street is not a City-designated truck route. Furthermore, a Construction Management Plan would be developed for the proposed project and in compliance with all City requirements. The Construction Management Plan would document patterns in which trucks would access the site from regional facilities, such as I-405. As part of that process, the Construction Management Plan would evaluate and provide recommendations to ensure that there are no conflicts with regional routes, pedestrian and bicycle facilities, and construction of the proposed project.

Comment CALTRANS-8

Construction Truck Routing and Mitigation - The IS/MND notes a multi-year construction period (2025-2028) but does not specify a detailed construction truck route plan. Given proximity to I-405 and potential congestion on Bear Street, a designated haul route plan should be provided to avoid impacts on surrounding residential and park areas, consistent with Table A of Caltrans freight guidance.

Response to CALTRANS-8

A Construction Truck Traffic Management Plan would be prepared as required by the City prior to the issuance of any grading and building permits. This plan would meet all State and City requirements for construction traffic.

In regard to air quality impacts related to construction routing, both the regional and localized impacts analyses considered impacts from construction trips. Construction activities would consist of three consecutive phases: (1) demolition of the existing paved surfaces and structures, clearing, and site preparation; (2) site development, including grading, utility installation, and roadway construction; and (3) vertical construction and landscaping installation (IS/MND page 4). The construction trips assumed in the analysis are shown on Appendix A page A-85. As noted in the construction trip summary, emission estimates used to support the regional air quality analysis used the model default haul trip length of 20 miles. Appendix A page A-259 shows a graphical representation of the construction routes that were used in HRA to assess the potential health risk impacts to nearby receptors. As demonstrated by the modeling results included as part of Appendix A, the majority of construction emissions would occur on-site. As health risk impacts analyzed for sensitive receptor locations within 20 feet of the project boundary would be less than significant (IS/MND page 4), health risk impacts from construction emissions at receptor locations further away from the project site would also be less significant. Because the majority of emissions from construction activities are concentrated at the project site, this statement would remain true even if the construction routes were altered. As such, the results of an analysis of air quality impacts associated with the proposed project would remain the same if analyzed using assumptions consistent with a detailed construction truck route plan.

Comment CALTRANS-9

On-Site Delivery Access -The residential design lacks clarity on how delivery and service vehicles (e.g., moving trucks, package vans, utility trucks) will circulate and access units, particularly in a high-density townhome setting. Recommend ensuring:

- Adequate turning radii for delivery trucks.
- Temporary curb loading zones that do not block travel lanes or pedestrian access.
- Shared delivery package lockers or designated delivery zones to reduce repeated vehicle idling and circulation.

Response to CALTRANS-9

A truck turn analysis and exhibit (see Attachment D) was prepared specifically for Costa Mesa Sanitary District sewer utility truck access to and within the site. Furthermore, the proposed project has been designed to allow for adequate fire truck turning radii. This would also apply to delivery trucks visiting the project site. Private drives A through F would provide adequate width for truck access. Furthermore, there are four utility access road turnouts within the site. Mailboxes are located along private drive A and private drive F.

Comment CALTRANS-10

Truck Idling and Emission Controls - Project Design Feature PDF-2 includes Tier 3 construction equipment with VDECs. Caltrans recommends that all feasible off-road diesel equipment meet Tier 4

standards where available, especially within proximity to homes and schools, to align with environmental justice goals under AB 617 and CalEnviroScreen considerations.

Response to CALTRANS-10

As noted in a footnote included in the description of Project Design Feature PDF-1 (IS/MND page 5) and above Table 5 (IS/MND page 40), equipment meeting Tier 4 standards achieves the required reductions and specifications in PDF-2 without VDECs. As such, the developer is not precluded from using equipment meeting Tier 4 standards. It is anticipated that the developer will use a mix of equipment meeting either Tier 4 standards or Tier 3 standards with VDECs.

As shown in Table 5: Estimated Health Risks and Hazards During Project Construction, health risks associated with construction of the proposed project would be well below the applicable health risk thresholds under both the “Tier 3 with Level 3 Filers Scenario” scenario and the “Tier 4 Scenario.” As such, Tier 3 construction equipment with VDECs and equipment meeting Tier 4 standards are both health protective options. As the potential impacts from the construction of the proposed project with Tier 3 standards with VDECs would not result in a significant impact, there is no impetus to require the use of equipment meeting Tier 4 standards and the specifications outlined in Project Design Feature PDF-1 align with environmental justice goals under AB 617 and CalEnviroScreen considerations.

Comment CALTRANS-11

Freight Noise Buffering - The project includes a 12-foot sound wall adjacent to I-405. However, truck traffic from the freeway and construction activity may still produce diesel-specific noise profiles. Ensure that the wall and interior unit design include insulation strategies that account for low frequency noise associated with heavy trucks, as recommended in Table B of the guidance.

Response to CALTRANS-11

As noted, the proposed project would construct a 12-foot sound wall adjacent to I-405. In addition, the proposed project would utilize spray foam during the construction process to reduce exterior noise, as well as Sound Transmission Class (STC) rating for windows, wall assemblies, and doors. However, compliance with the CBC building code requirements for maintaining acceptable interior noise levels for multi-family residential projects would be demonstrated through the design review process and is not required as part of the CEQA analysis. An analysis of the environment’s impact on the proposed project is not a requirement of CEQA. No further response or analysis is required.

Comment CALTRANS-12

Long-Term Goods Movement Considerations - Although not industrial in nature, the project site formerly hosted a large media organization and sits at a regional node. Encourage the City to evaluate cumulative land use and goods movement compatibility as surrounding parcels evolve. This includes reviewing potential congestion, routing, and noise as infill continues along freight corridors.

Response to CALTRANS-12

This comment is noted. This comment will be taken into consideration by the City.

Comment CALTRANS-13

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine whether project oversight/coordination with Caltrans Project Manager is needed. If coordination is not required, please submit an encroachment permit application package (EPAP) through the Caltrans Encroachment Permit System (CEPS–https://ceps.dot.ca.gov/). EPAP should include application, PE signed and stamped site-specific traffic control plan, insurance, letter of authorizations as needed, and any other relevant documents. EPAP should be submitted as early as possible to avoid any delays.

Response to CALTRANS-13

Work within the Caltrans right-of-way is not required for the proposed project. It is noted that any traffic control set up would require review and approval by Caltrans, if required.

Comment CALTRANS-14

Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, including traffic control plans, Caltrans R/W lines should be clearly labeled, which includes existing and proposed (if there are any changes to Caltrans R/W), the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. When submitting the application, please include final Environmental Clearance Documentation, relevant design details including design exception approvals and construction and drainage plans, traffic control plans, traffic management plan and traffic impact study if proposed traffic delay of 30 minutes above normal recurring traffic delay is anticipated, any Caltrans R/W certifications if needed, maintenance agreement as needed, shoring plans for any excavation 5-feet or more, ADA certification, and any letter of authorizations.

Response to CALTRANS-14

This comment is noted. All engineered plans would be signed by a registered engineer as required by the City and Caltrans.

Attachment A:

MILLARD Comment Letter

From: YEAGER, CHRISTOPHER
To: Cecilia So
Cc: Scheidel, Vanessa
Subject: FW: Notice of Intent to Adopt an IS/MND for 3150 Bear Street Project Public Review
Date: Tuesday, May 6, 2025 2:49:06 PM
Attachments: image001.png
image001.png

Caution: This is an external email and may contain suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, please contact your IT Department

FYI – See Below.

Chris Yeager
Senior Planner
Economic & Development Services Department
77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-4883

Please consider the environment before printing this email. Thank you!

"The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive, and vibrant community."

City Hall is open to the public 8:00 a.m. to 5:00 p.m. Monday through Thursday and alternating Fridays, except specified holidays. Appointments can be made online at **www.costamesaca.gov/appointments**.

From: Brent Millard <brent.millard@gmail.com>
Sent: Saturday, May 3, 2025 7:14 PM
To: YEAGER, CHRISTOPHER <CHRISTOPHER.YEAGER@costamesaca.gov>
Subject: Re: Notice of Intent to Adopt an IS/MND for 3150 Bear Street Project Public Review

Hi Chris,

Thank you for this information. I do have a couple initial comments.

First I would like to repeat my previous comment of this development being overly dense in an already high traffic area. They should cut the number of units by 20-30% and increase parking and trees for the nesting birds and wildlife. 1

Second it feels like the traffic study is extremely cherry picked. They did the study after winter holiday traffic stopped and before Valentine's Day or spring traffic. Bear street is bumper to bumper more often than they indicate. I don't know where they got the information from the previous Trinity network but 500 cars is an extremely high estimate. In the 15 years I lived here there were never more than 100 cars in and out per day. They should be required to submit real data instead of the biased data they submitted. 2

I am still reading through the documents but I wanted to submit these comments ASAP.

Thank you,
Brent

On Fri, May 2, 2025, 3:02 PM YEAGER, CHRISTOPHER <CHRISTOPHER.YEAGER@costamesaca.gov> wrote:

> Dear Interested Parties,
>
> This email is to inform you that a Notice of Intent (NOI) to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) is now available for public review.
>
> Project Title: 3150 Bear Street Residential
> Project Location: 3150 Bear Street, Costa Mesa, CA. 92626
> Review Period: May 1, 2025 to June 2, 2025
>
> The IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) and provides an analysis of potential environmental impacts associated with the proposed project. Based on the findings, the project would not have a significant effect on the environment with the implementation of proposed mitigation measures.
>
> The NOI and full IS/MND document can be accessed at City Hall, Costa Mesa Library, Mesa Verde Library, or online at the following link: https://www.costamesaca.gov/government/departments-and-divisions/economic-and-development-services/planning/environmental-notices-and-reports
>
> We encourage interested parties to review the document and submit any comments back to me by June 2, 2025.
>
> Please feel free to forward this notice to others who may be interested. Thank you for your attention and participation in the environmental review process.
>
> Sincerely,

Chris Yeager
Senior Planner
Economic & Development Services Department
77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-4883

Please consider the environment before printing this email. Thank you!

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Attachment B:

DTSC Comment Letter

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

May 8, 2025

Chris Yeager
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Christopher.yeager@costamesaca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE BEAR STREET RESIDENTIAL PROJECT DATED May 2, 2025, STATE CLEARINGHOUSE NUMBER 2025050135

Dear Chris Yeager,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Bear Street Residential Project (Project). MLC Holdings, LLC. proposes to develop a new residential infill community consisting of 142 for-sale townhomes ranging from approximately 1,060 to 2,218 square foot comprising 2-story detached condominiums and larger 4-story stacked flats. A Phase I Environmental Site Assessment conducted by Hillmann revealed that a cursory visual screening was performed to check for asbestos containing materials (ACMs) and lead-based paint (LBPs). The Phase I also stated the visual screening was not intended to be a comprehensive survey for the presence of ACMs and LBPs and no further testing has been conducted since. DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of LBPs or products, mercury, ACMs, and polychlorinated biphenyl

1

caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. 1 CONT

2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's PEA Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage. 2

DTSC would like to thank you for the opportunity to comment on the MND for the Bear Street Residential Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Cecilia So
Associate Director
FirstCarbon Solutions
cso@fcs-intl.com

Vanessa Scheidel
Project Applicant
MLC Holdings, Inc.
Vanessa.Scheidel@meritagehomes.com

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

Attachment C:

Caltrans Comment Letter

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
1750 EAST 4TH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
FAX (657) 328-6522
TTY 711
www.do.ca.gov/caltrans-near-me/district12

Making Conservation California Way of Life.

June 2, 2025

Mr. Chris Yeager
Planning Services Division
77 Fair Drive
Costa Mesa, CA 92625

File: IGR/CEQA
SCH#: 2025050135
LDR LOG #2025-02814

Dear Mr. Yeager,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Mitigated Negative Declaration for the Bear Street Residential Project. MLC Holdings, LLC. (applicant) proposes to develop a new residential infill community consisting of 142 for-sale townhomes ranging in size from approximately 1,060 to 2,218 comprising 2-story detached condominiums and larger 4-story stacked flats. The proposed project would provide private roadways and parking, pedestrian walkways, common space and amenity areas throughout the project site, landscaping, and a recreational amenity area, including approximately 93,500 square feet of open space. The project applicant proposes to deed restrict 5 percent of the units as very low affordable homes (up to seven homes). Pursuant to the State Density Bonus Law, the proposed project would be allowed a 20 percent increase in density. transportation. The project site is located at 3150 Bear Street site of the old Trinity Church in the City of Costa Mesa. The nearest state facility to the project site is I-405.

The mission of Caltrans is Improving lives and communities through transportation. Caltrans is a reviewing agency on this project and has the following comments:

1. To ensure safe operations, please check the capacity(s) (storage length) of the off-ramps going to Fairview Road and Bristol Street to determine if the ramp(s) is/can accommodate the demand(s) and will not create a back-up onto the freeway mainline. Additionally, to ensure safe operations, please check the capacity(s) (storage length) of the left-turn and/or right-turn pocket(s) at the intersections of the on-ramp(s) to determine if the pocket(s) is/can accommodate the demand(s) and will not back-up onto the street mainline. 1

2. A traffic impact study is required for this project to include existing and future average daily traffic volumes, traffic generation including peak hour, traffic distribution, HCM intersection analysis, along with current and projected capacities of local street, and state highways or freeways including ramps that might be impacted. Specifically, the intersection of Bristol Street and I-405 ramps including queuing analysis on Bristol Street turning pockets to the I-405 and the I-405 Off-Ramps, and the intersection of Bear Street and SR-73 ramps including queuing analysis on Bear Street turning pockets to the SR-73 Ramps, and SR-73 Off-Ramps. 2

3. Exhibit 6 Conceptual Landscape Plan shows a Traffic Signal and Crosswalk per Civil's Plan (#28). If this is a proposed signal, please provide synchronization analysis to ensure it will have no adverse impact on SR-73 Ramps. 3

4. Bear Street currently has an existing Class II bike lane. To enhance safety and visibility of bicyclists consider installing green conflict zone striping on the existing Class II bike lane. Especially near driveways and intersections. 4

5. During construction, please ensure that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If adjacent sidewalks or bike lanes need to be closed during construction, please ensure that closures and detours are clearly signed. 5

6. Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Improvements may include providing secure bicycle parking, pedestrian-oriented LED lighting, wayfinding signage, and comfortable connections to nearby active transportation and/or transit facilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation. 6

7. Freight Route and Access Compatibility- Although the Bear Street Residential Project is primarily residential, it is located adjacent to I-405, a major freight corridor. The project documentation should evaluate whether the existing access point on Bear Street could conflict with regional truck routes, particularly during construction. Consider incorporating design measures to minimize conflicts between haul trucks and regional freight traffic on Bear Street and nearby arterials. 7

8. Construction Truck Routing and Mitigation- The IS/MND notes a multi-year construction period (2025–2028) but does not specify a detailed construction truck route plan. Given proximity to I-405 and potential congestion on Bear Street, a designated haul route plan should be provided to avoid impacts on surrounding residential and park areas, consistent with Table A of Caltrans freight guidance. 8

9. On-Site Delivery Access-The residential design lacks clarity on how delivery and service vehicles (e.g., moving trucks, package vans, utility trucks) will circulate and access units, particularly in a high-density townhome setting. Recommend ensuring: 9
    - Adequate turning radii for delivery trucks.
    - Temporary curb loading zones that do not block travel lanes or pedestrian access.
    - Shared delivery package lockers or designated delivery zones to reduce repeated vehicle idling and circulation.

10. Truck Idling and Emission Controls- Project Design Feature PDF-2 includes Tier 3 construction equipment with VDECs. Caltrans recommends that all feasible off-road diesel equipment meet Tier 4 standards where available, especially within proximity to homes and schools, to align with environmental justice goals under AB 617 and CalEnviroScreen considerations. 10

11. Freight Noise Buffering- The project includes a 12-foot sound wall adjacent to I-405. However, truck traffic from the freeway and construction activity may still produce diesel-specific noise profiles. Ensure that the wall and interior unit design include insulation strategies that account for low-frequency noise associated with heavy trucks, as recommended in Table B of the guidance. 11

12. Long-Term Goods Movement Considerations-Although not industrial in nature, the project site formerly hosted a large media organization and sits at a regional node. Encourage the City to evaluate cumulative land use and goods movement compatibility as surrounding parcels evolve. This includes reviewing potential congestion, routing, and noise as infill continues along freight corridors. 12

13. Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. If coordination is not required, please submit an encroachment permit application package (EPAP) through the Caltrans Encroachment Permit System (CEPS - https://ceps.dot.ca.gov/). EPAP should include application, PE signed and stamped site-specific traffic control plan, insurance, letter of authorizations as needed, and any other relevant documents. EPAP should be submitted as early as possible to avoid any delays. 13

14. Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, including traffic control plans, Caltrans R/W lines should be clearly labeled, which includes existing and proposed (if there are any changes to Caltrans R/W), the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. When submitting the application, please include final Environmental Clearance Documentation, relevant design details including design exception approvals and construction and drainage plans, traffic control plans, traffic management plan and traffic impact study if proposed traffic delay of 30 minutes above normal recurring traffic delay is anticipated, any Caltrans R/W certifications if needed, maintenance agreement as needed, shoring plans for any excavation 5-feet or more, ADA certification, and any letter of authorizations. 14

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact at Maryam Molavi at Maryam.Molavi@dot.ca.gov.

Sincerely,

Scott Shelley (Jun 2, 2025 15:38 PDT)

Scott Shelley
Branch Chief – Local Development Review/Climate Change/Transit Grants
District 12

Attachment D:

Costa Mesa Sanitary District Access Exhibit

INTERSTATE 405

OLYMPIC AVENUE (PUBLIC)
60' R/W

PRIVATE DRIVE D

PRIVATE DRIVE C

PRIVATE DRIVE E

PRIVATE DRIVE F

PRIVATE DRIVE A

PRIVATE DRIVE B

BEAR STREET
(PUBLIC)

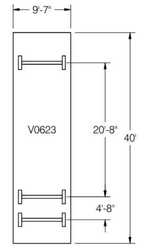
BLDG 1 · BLDG 2 · BLDG 3 · BLDG 4 · BLDG 5 · BLDG 6 · BLDG 7 · BLDG 8

ACC

TRACT 3885 · TRACT 3590 · TRACT 15211

APN 141-521-51

VACTOR 2100 PLUS - V0623



OUTSIDE TURNING RADIUS = 40' MIN.
MAXIMUM HEIGHT = 26'
EXTRA ROOM FOR LOADING/UNLOADING EQUIP: 4'-6"
VEHICLE GVWR = 66,000 LBS

LEGEND

- TRACT BOUNDARY
- PROPOSED SEWER
- EXISTING SEWER

30' 0' 15' 30'
SCALE: 1" = 30'

CMSD SEWER ACCESS EXHIBIT

3150 BEAR STREET
COSTA MESA, CALIFORNIA

X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

P:\17\007\Exhibits\Entitlement\17-007 CMSD Truck Turn Exhibit.dwg Plotted At: March 28, 2025 7:27 PM Last Saved By: DeanAcre Last Saved At: March 28, 2025 7:27 PM

RESOLUTION NO. PC-2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF), GENERAL PLAN AMENDMENT (PGPA-24-0002), REZONE, TENTATIVE TRACT MAP, DESIGN REVIEW, AND DENSITY BONUS FOR A 142 DWELLING UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 3150 BEAR STREET

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2015-2035 General Plan on June 21, 2016;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, the application was filed by Vanesa Scheidel of Meritage Homes, authorized agent for the property owners, for the real property located at 3150 Bear Street;

WHEREAS, the proposed project, is a residential common interest development on a 6.12 acre lot with 142 ownership dwelling units at a base density of 20 dwelling units per acre. The applicant is requesting approval of the following:

1. General Plan Amendment (PGPA-24-0002): to amend the General Plan Land Use Element including changing the Land Use Designation of the project site from General Commercial to High Density Residential;
2. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Administrative and Professional (AP) to Multiple Family Residential (R3);
3. Design Review: Approve the Design Review for the development of the project;
4. Tentative Tract Map No.19334: Approve the Tentative Tract Map to allow for individual ownership of the units;

5. Density Bonus: Approve the density bonus which will provide seven very-low-income units in exchange for a 20 percent density bonus with the execution of a Density Bonus Agreement; and

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 privately-initiated General Plan Amendments;

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 (GPS-23-03) was conducted by the City Council September 3, 2024, pursuant to the requirements of 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 High Density Residential land use designation to the subject property, as the site currently has a land use designation of General Commercial, which is not consistent with the residential development;

WHEREAS, General Plan Amendment (PGPA-24-0002), includes the following revisions to the Land Use Element, and as depicted in further details in Exhibit A1 attached hereto:

1. Figure LU-3 – Amend the Land Use Policy Map to account for the modified land use designations;
2. Table LU-3 – Amend the Land Use Designation Table to account for the modified land use designations;
3. Table LU-20 – Amend the General Plan Land Use 2035 table to account for the modified land use designations.

WHEREAS, based on the proposed General Plan Amendment, adoption of Ordinance No. 2025-__ for the Rezone (Exhibit C) is necessary to establish consistency between the General Plan and Zoning Code;

WHEREAS, consistent with the General Plan Amendment, the Rezone will apply the Multiple Family Residential (R3) zoning designation to the site, currently zoned Administrative

and Professional (AP), with a maximum base density of 20 dwelling units per acre and a maximum of 142 units;

WHEREAS, the Design Review is a request to provide site plan and architectural details for the proposed buildings, on-site improvements, as well as common open space;

WHEREAS, Tentative Tract Map No. 19334 is a request to subdivide the property to allow for individual ownership of the dwelling units;

WHEREAS, Density Bonus is an agreement between the City of Costa Mesa and the applicant pursuant to California Government Code Sections 65915 et. Seq to allow for additional density and incentives with the inclusion of affordable housing;

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

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 City has found that this project will generate an annual net fiscal surplus of $78,058 to the City's General Fund per the Fiscal Impact Analysis report;

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on July 15, 2025 with all persons having the opportunity to speak for and against the proposal.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A2, and subject to the conditions of approval contained within Exhibits A3 and B, and all the mitigation measures included in the Mitigation Monitoring and Reporting Program incorporated into the conditions of approval, the Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL** take the following actions:

1. **ADOPT** General Plan Amendment PGPA-24-0002 to modify the Land Use Element's maps, figures, text and tables to apply the High Density Residential land use designation to the site with a base density of 20 dwelling units per acre, a maximum of 142 dwelling units; and

2. **GIVE FIRST READING** to Ordinance 2025-__ to rezone the project site to Multiple Family Residential (R3) to facilitate the residential development in substantially the form as shown in Exhibit C; and
3. **APPROVE** the Design Review for 142-unit residential common interest development; and
4. **APPROVE** Tentative Tract Map No. 19334 to subdivide the property to allow for individual ownership; and
5. **APPROVE** the Density Bonus to authorize a 20 percent density bonus in exchange for a minimum of 5% of the base units (7 units total) to be provided as very low income units for a period of no less than 55 years and to authorize requested incentive to deviate from the residential design guidelines and waivers related to maximum height, front setback, landscape parkways, open space, individual dwelling unit minimum lot area, and side by side unit development.

BE IT FURTHER RESOLVED that the 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 MND, General Plan Amendment, Rezone, Design Review, Tentative Tract Map, and Density Bonus, and upon the applicant's compliance with each and all of the conditions in Exhibit A3 and B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 14th day of July, 2025.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

EXHIBITS:

A1: General Plan Amendment
A2: Project Findings
A3: Conditions of Approval
B: Engineering Conditions of Approval (Under Separate Cover)
C: Draft Ordinance (Rezone) (Under Separate Cover)
D: Plans (Under Separate Cover)
E: Tentative Parcel Map No. 2024-114 (Under Separate Cover)

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 July 14, 2025, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Carrie Tai, Secretary
Costa Mesa Planning Commission

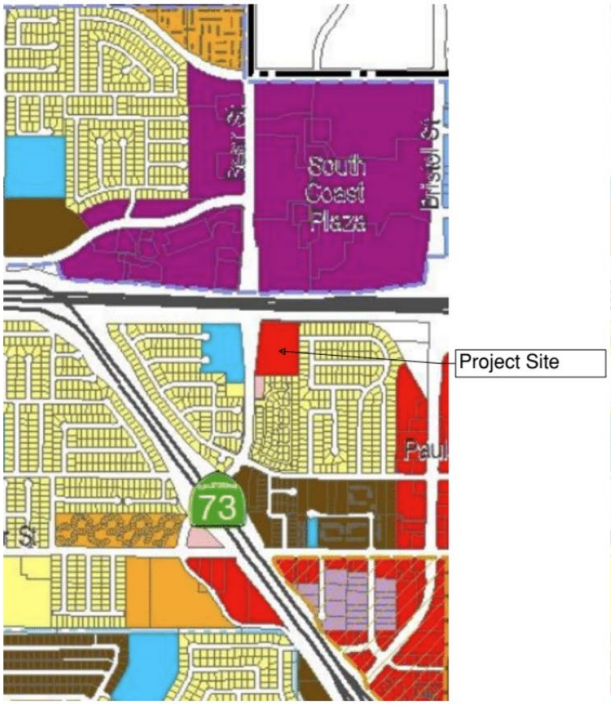
EXHIBIT A1

GENERAL PLAN AMENDMENT PGPA-24-0002

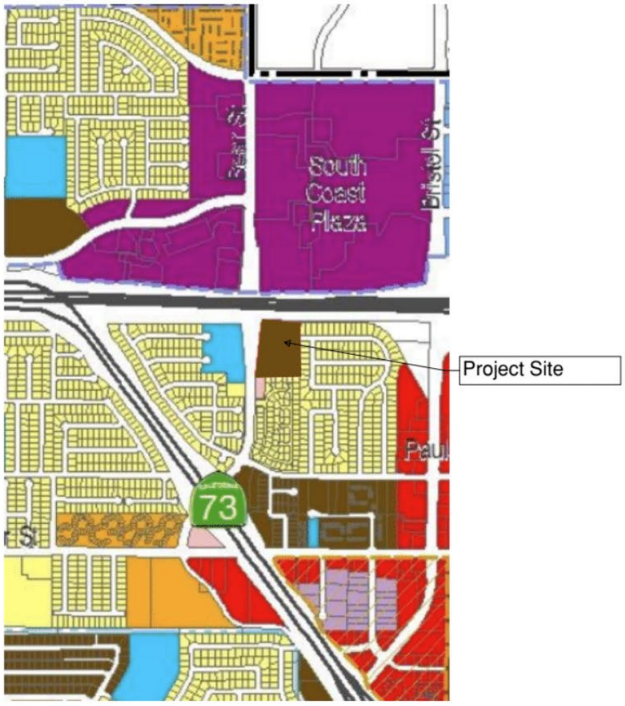
Amendment to Land Use Map (Figure LU-3)

Update Land Use Map by applying the High Density Residential land use designation to the site:

Existing General Plan Land Use



Proposed General Plan Land Use



General Plan Land Uses

- Low Density Residential (8 du/ac)
- Medium Density Residential (12 du/ac)
- High Density Residential (20 du/ac)
- Commercial-Residential (17.4 du/ac)
- Neighborhood Commercial
- General Commercial
- Commercial Center
- Regional Commercial
- Multi-Use Center (6 to 40 du/ac)
- Urban Center Commercial
- Cultural Arts Center
- Light Industrial
- Industrial park
- Golf Course
- Fairgounds
- Public/Institutional

Amendment to Land Use Designation Table (Table LU-3)

Update Table LU-3: Amend the Land Use Designation Table to account for the modified land use designations:

Table LU-3: Land Use Designations (2015)

Land Use Designations	Residential Density	Floor-Area Ratio	Acres Developed	Acres Undeveloped	Net Acres	% of Acres
Residential						
Low-Density Residential	≤8 du/ac	N/A	2,087.4	0.8	2,088.2	25.9%
Medium-Density Residential	≤12 du/ac		858.1	1.1	859.1	10.7%
High-Density Residential[1,2]	≤20 du/ac		~~859.99~~866.12	2.912~~2.918.13~~	869.03~~862.89~~8	10.~~87~~%
Non-Residential						
Commercial-Residential	≤17.4 du/ac	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic	47.9	0.0	47.9	0.6%
Neighborhood Commercial	≤20 du/ac	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	40.3	0.2	40.5	0.5%
General Commercial	≤20 du/ac	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	~~605.94~~599.82	8.5	608.32~~614.44~~6	7.5~~6~~%
Commercial Center[3]	≤20 du/ac	0.25/High Traffic 0.35/Moderate Traffic 0.45/Low Traffic 0.75/Very Low Traffic	117.18	0.3	117.48	1.5%
Urban Center Commercial[3]	20 to 80 du/ac	N/A[5]	59.74	66.6	126.34	1.6%
Cultural Arts Center[4]	Varies[4]	1.77[4]	57.3	0.0	57.3	0.7%
Regional Commercial	≤20 du/ac	0.652/0.89[4]	147.9	0.0	147.9	1.8%
Industrial Park	≤20 du/ac	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	630.13	2.4	632.53	7,9%
Light Industrial[6]	≤20 du/ac	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	374.2	4.0	378.1	4.7%
Public and Institutional	--	0.25	1,263.2	0.3	1,263.4	15.7
Golf Course	--	≤0.01	553.7	0.0	553.7	6.9%
Fairgrounds	--	≤0.10	150.0	0.0	150.0	1.9%
Multi-Use Center	15 to 25 du/ac	0.25	102.6	0.0	102.6	1.3%
Totals			**7,955.6**	**87.1**	**8,042.4**	**100%**

Notes: 1. Within the Medium and High Density Residential designation, existing residential units legally built in excess of the dwelling units per acre standard may be rebuilt at the same higher density subject to other zoning code standards. The allowable density or number of units to be redeveloped would be limited to the 1990 General Plan density with a 25% incentive bonus for Medium-Density or a 50% incentive bonus for High Density or the existing number of units, whichever is less.

2. See High Density Residential text regarding areas in North Costa Mesa where the density allowance exceeds 20 units per acre. Site Specific Density of 20.4 du/acre approved for 1.86-acre 38 unit project at 1957 Newport Blvd. and 390 Ford Road.

3. See Commercial Center, Regional Commercial, and Urban Center Commercial text for site specific density and FAR.

4. See text for Mixed-Use Development and Cultural Arts Center provisions for additional discussion.

Amendment to General Plan Land Use 2034 Table (Table LU-20)

Amend the General Plan Land Use 2035 table to account for the modified land use designations:

Table LU-20: General Plan Land Use 2035

Land Use Designations	Net Acres	Residential Dwelling Units		Non-Residential Square Feet	
		2015 Existing	2035 Future	2015 Existing	2035 Future
Residential					
Single-Family	2,088.2	14,210	14,811~~14,791~~	--	--
Multi-Family	1,720.2	28,413	37,225~~36,958~~	--	--
Non-Residential					
Commercial-Residential	47.9	--	--	543,000	455,200
Neighborhood Commercial	40.5	--	--	338,000	472,100
General Commercial	616.3	--	--	7,065,300	8,556,100
Commercial Center	117.5	--	--	733,000	1,075,800
Urban Center Commercial	126.3	--	--	4,550,700	5,581,200
Cultural Arts Center	57.3	--	--	2,673,300	4,869,800
Regional Commercial	147.9	--	--	2,723,700	3,260,800
Industrial Park	632.6	--	--	8,684,500	9,895,000
Light Industrial	378.1	--	--	4,402,500	2,838,000
Public and Institutional	1,263.4	--	--	1,989,000	3,970,700
Golf Course	553.7	--	--	84,200	84,200
Fairgrounds	150.0	--	--	454,450	1,020,400
Multi-Use Center	102.6	--	--	--	279,000
Totals	**8,044.5**	**42,623**	~~50,692~~50,834	**33,916,000**	**42,553,000**

Notes:

1. *Includes Low-Density Residential General Plan land use designation.*
2. *Includes Medium-Density, High-Density, and Commercial-Residential, Overlays General Plan land use designations.*

EXHIBIT A2

FINDINGS

A. ***General Plan Amendment (PGPA-24-0002)***

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 the High Density Residential designation to the site.

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 6thcycle 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 designated as a housing opportunity site but would still contribute to the City's required RHNA allocation. Specifically, the project will provide seven very low-income units and 135 above moderate units.

The proposed density at 20 du/acre is appropriate given the property's location, site size, and design of the project.

Facts in Support: The project location and design fosters a pedestrian-friendly environment, allowing residents to access nearby amenities and commercial corridors. The location is appropriate because of the proximity to South Coast Plaza, Metro Pointe, and other commercial corridors along Baker Street, Bristol Street, and Paularino Avenue. The project provides option to walk or bike to retail centers, coffee shops, and entertainment uses because the internal sidewalk network connects to the existing sidewalks on Bear. The higher density townhome component of the project is located away from existing established neighborhoods to reduce massing impacts. In addition, the site was identified as an area for development since it was included in Measure K.

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: Consistent. The proposed rezone is consistent with the Zoning Code, the proposed General Plan amendment, and applicable planning documents. Specifically, the applicant is requesting to rezone the project site by applying the R3 zoning district. This rezone would allow for the development of the 142 dwelling unit project pursuant to the provisions of Article 1 (Residential Districts) of Chapter V of the Zoning Code.

To facilitate this rezoning, a General Plan amendment is also proposed to formally apply the zoning districts to the site. The General Plan amendment would modify the Land Use Element maps, figures, text, and tables to reflect the new High-Density Residential land use designation. Per Table LU-19: General Plan and Zoning Consistency of the General Plan Land Use Element, the zoning districts are considered consistent with the High-Density Residential 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: Consistent. The creation of the subdivision aligns with the amendment land use designation of the General Plan by promoting residential ownership. Additionally, the subdivision complies with the local Zoning Code, amended zoning district, and State laws by conforming to established development regulations. The proposed map will allow for each individual unit to be sold separately.

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

Facts in Support of Finding: Consistent. The proposed development aligns with the General Plan by addressing the critical need for housing options within the community. Located near commercial corridors, this development promotes the City's goals of increasing residential density while enhancing accessibility to essential services and transportation.

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: Consistent. The proposed project is an in-fill development and is located in an urbanized area. The site meets the minimum lot size requirement that can accommodate the density and necessary utilities. 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.

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 thoughtfully considers the orientation of the lot, aligning in a manner that maximizes solar exposure, ensuring natural passive heating during colder months. Each townhome unit has operable windows and doors on each side of the building which will allow for airflow through the units allowing for natural heating and cooling opportunities. All buildings are spaced a minimum 10 feet apart which allows for airflow between buildings throughout the project site. Additionally, the layout incorporates various outdoor amenity areas at the center of the development and green spaces to promote natural airflow and cooling, minimizing the need for artificial heating or air conditioning. This approach reflects the principles 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: Consistent. 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: Consistent. The discharge of sewage from this infill project into the existing public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 of the State Water Code (commencing with Section 13000), as the project site is

currently served by existing utilities with adequate capacity, and the proposed development will not exceed the design limitations of the existing sewer infrastructure or treatment facilities.

D. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(14) – "**Design Review Findings**" because:

Finding: The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

Facts in Support of Finding: Consistent. The proposed complies with the Zoning Code and meets the purpose and intent of the residential design guidelines. The proposed development has been design with modern craftsmen features including varied roof forms, horizontal and vertical articulation, and the scale has been kept as low as possible by incorporating the fourth floor into the roof. The placement of the attached units has been kept as far as possible from the existing established single family dwellings and privacy and light impacts have been considered.

Finding: The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.

Facts in Support of Finding: Consistent. Although the project exceeds 2-stories (waiver requested) the project provides appropriate transitions to reduce visual prominence. The project includes construction of a multiple family neighborhood with attached townhomes and detached single family units. The neighborhood will be constructed with two-story homes and four-story townhomes. The proposed two-story detached dwellings have been designed with traditional architectural elements including stucco and wood siding, variety roof forms, and articulation in the form of entries. Plan 1 includes a second floor which is stepped back from the first floor at the front elevation. Plan 2 includes a front porch on the first floor which provides relief on the front elevation. The plan also includes other architectural elements which provide transitions between the first and second floor including a trellis above the garage and a band wrapping the home. While the rear elevations of the units do not offer second story offsets, landscaping is used to soften the appearance of the structures and to screen the development from the established neighborhoods to the east and south of the

project site. In addition, the units are modestly sized with the rear and side walls not exceeding 30 feet width. The units feature gable roofs which range from 27 feet in height to 20 feet in height which also reduces the build of the structures. A concession is requested and discussed further below in the Density Bonus section to deviate from the design guidelines. The detached units buffer the existing neighborhoods from the attached units.

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: Consistent. The proposed development includes 142 residential ownership units including seven very low income units for no less than 55 years. The project complies with the maximum density standards allowed pursuant to the proposed General Plan in that the base density is 20 dwelling units per acre which is permitted. The inclusion of the affordable units provides the project a 20 percent density bonus which would allow for 147 dwelling units on the property. The project proposes four less than the maximum allowed and therefore complies with density standards.

E. The proposed project complies with Title 13, Section 13-29(g)(3), of the Costa Mesa Municipal Code "**Density Bonus Findings**" because:

Finding: The request is consistent with State Government Code section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.

Facts in Support of Finding: Consistent. The requested density bonus agreement is consistent in that the applicants are requesting a 20 percent density bonus with the inclusion of 5 percent very-low-income units (7 units). Pursuant to the Government code, the request allows the developer to request one incentive and unlimited waivers. The request also allows the developer to utilize reduced parking ratios as established by the government code. The request is consistent with General Plan Land Use Land Use Policies LU-1.3, 6.1, 7.1, and Housing Element Policies HOU-2.1, 3.2, 3.4.

Finding: The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.

Facts in Support of Finding: Consistent. The requested density bonus would allow the project to develop up to 147 dwelling units with the 20 percent density bonus. The project proposed 142 units while still including the 5 percent units

dedicated to very low income units. The requested concession is a request to deviate from the design guidelines. The concession request constitutes the minimum deviation necessary to allow for the project to provide seven affordable units at the very low income level.

Finding: The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5 or for rents for the targeted units.

Facts in Support of Finding: Consistent. The requested concession is related to the residential design guidelines. Strict compliance with these design standards would reduce the interior square footage of the units, which are already modest in size, thereby reducing their functionality and increasing the costs of the development. Furthermore, requiring offsets on all elevations would increase design complexity, construction costs, and potentially result in a reduction in the number of units achievable on the site. As such, the enforcement of the standard would physically preclude the applicant from constructing the density bonus units permitted under state law because the market rate units subsidize the affordable units. Therefore, the requested concession is necessary to physically accommodate the density, including the affordable units.

Finding: The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

Facts in Support of Finding: Consistent. The requested waivers are for maximum building height, front setback, landscaped parkways, open space, individual unit lot area, and side by side units. The requested concession is related to design guidelines related to second story design. The requested waivers are minimal in that they will not impact the circulation or safety of the proposed development. The waivers are necessary to increase the number of units on the site to meet the density afforded per the density bonus. The buildings will be required to be constructed in compliance with the Building Code. Therefore, granting the waivers will have no negative impacts on the health, safety, or physical environment of the project site.

Finding: The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

Facts in Support of Finding: Consistent. The proposed project is not located in proximity to real property listed in the California Register of Historic Resources and will therefore have no impacts.

F. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project, pursuant to CEQA. All environmental topics analyzed in the IS/MND would not result in significant environmental impacts with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program as well as implementation of City standard conditions of approval/code requirements.

G. Mitigation measures from the Final MND including Mitigation Monitoring and Reporting Program have been included as Exhibit B to Attachment 1 and have been incorporated into the conditions of approval within Exhibit A3. 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.

H. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts would be mitigated at all affected intersections by the payment of traffic impact fees and as may be further required by terms and conditions of the Development Agreement.

EXHIBIT A3

CONDITIONS OF APPROVAL

Plng.

1. General Plan Amendment PGPA-24-0002, Rezone, Design Review, Tentative Tract Map 19334, and Density Bonus shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the MND for this project. Mitigation Measures from the MND for this project have been included as Exhibit B to Attachment 1 and have been incorporated into these conditions. 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

2. The expiration of the Planning Application shall coincide with the expiration of the approval of the Tentative Tract Map No. 19334 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial two-year period.

3. The conditions of approval, including Mitigation Measures incorporated as Exhibit B to Attachment 1, code requirements, and special district requirements of General Plan Amendment PGPA-24-0002, Rezone, Design Review, Tentative Tract Map No. 19334, and Density Bonus Agreement shall be blueprinted on the face of the site plan as part of the plan check submittal package.

4. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.

5. 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 application.

6. 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.

7. The owner 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 in designated waste areas as identified in the project plans. 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.

8. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), would be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in requirement of the applicant to (re)process the modification through a discretionary review process, or modify the construction drawings to reflect the approved plans.

9. Permits are required for all signs according to the provisions of the Costa Mesa Sign Ordinance. Freestanding signs are subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development and existing freestanding signs in the project vicinity.

10. The proposed project is required to comply with California Public Resources Code 5097.9-5097.991 (which protects Native American historical and cultural resources, and sacred sites) and Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains). [PPP CUL-1]

11. The proposed project is required to comply with California Public Resources Code 5097.9–5097.991 (which protects Native American historical and cultural resources, and sacred sites); Public Resources Code 21084.3 (avoid damaging effects to any Tribal cultural resource); Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains). [PPP TCR-1]

12. 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.

13. 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.

14. To avoid an alley-like appearance, the private streets and driveways shall not be developed with a center concrete swale. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.

15. All utilities servicing irrigation, project lighting and other commonly serving improvements, shall either be provided by a common meter on each phase or 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.

16. 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.

17. SCAQMD Rule 403 requires the implementation of best available dust control measures during activities capable of generating fugitive dust. The proposed project must follow the standard SCAQMD rules and requirements with regard to fugitive dust control, which include, but are not limited to the following:
    1) All active construction areas shall be watered two times daily.
    2) Speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
    3) Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.

4) Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered twice daily.
5) All operations on any unpaved surface shall be suspended if winds exceed 15 mph.
6) Access points shall be washed or swept daily.
7) Construction sites shall be sandbagged for erosion control.
8) Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
9) Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least 2 feet of freeboard space in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
10)Pave or gravel construction access roads at least 100 feet onto the site from the main road and use gravel aprons at truck exits.
11)Replace the ground cover of disturbed areas as quickly possible. [SC AIR-1]

18. 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 would be watered such that a crust is formed on the ground surface and then watered again at the end of the day.

19. The project shall provide a minimum seven (7) affordable units. The affordable units shall be evenly distributed throughout all unit types and unit sizes, and throughout the buildings.

20. Prior to issuance of any temporary certificate of occupancy, or certificate of occupancy, the traffic signal shall be installed, and resident amenities including BBQ area and playground shall be constructed and installed as provided in the application.

21. With the exception of personal deliveries being provided to residents, operational and construction truck deliveries shall not occur anytime between the hours of 8:00 pm and 7:00 am.

22. All garages shall be provided with automatic garage door openers.

23. Second, third, and fourth floor windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring properties and units, and to minimize visibility into abutting residential side and rear yards. Every effort shall be made to maintain the privacy of abutting property owners. Prior to issuance of a building permit, applicant shall provide a window placement study demonstrating compliance with this condition. Prior to final planning inspection, additional screening vegetation may be required to meet the intent of the condition.

24. All off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 3 standards with Level 3 Verified Diesel Emission Control Strategy (VDEC) filters. The project applicant shall submit a construction management plan to the City of Costa Mesa's Planning Division for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with these specified off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. [PDF-1]

25. If ground-disturbing or vegetation-removing construction activities or tree removal is proposed during the breeding/nesting season for migratory birds (typically February 1 through September 15), a qualified Biologist shall conduct pre-construction surveys for special-status birds and other migratory birds within the construction area, including a 500-foot survey buffer, no more than 3 days prior to the start of ground-disturbing activities in the construction area. [MM BIO-1a]

26. If an active bird nest is located during pre-construction surveys or at any point during the construction phase of the proposed project, a qualified Biologist shall establish a buffer around the nest using flagging tape or other barrier. The buffer shall be established at a minimum radius of 500 feet around an active raptor nest and 300 feet around an active migratory bird nest. Avoidance buffers may be altered at the discretion of the qualified Biologist depending on the location of the nest and species tolerance to human presence and construction activity. Furthermore, construction activities and personnel shall be restricted from entering the buffer area to avoid disturbance of the nest until it is abandoned or a qualified Biologist deems disturbance potential to be minimal. Additional restrictions may include alteration of the construction schedule to avoid the active nesting season. [MM BIO-1b]

27. The proposed project shall be designed as an all-electric development, which requires that all appliances installed into the proposed townhomes be electric powered and no natural gas lines shall be run to the proposed townhome buildings. [PDF-3]

28. Increase Residential Density. This measure accounts for the Vehicle Miles Traveled (VMT) reduction achieved by a project that is designed with a higher density of dwelling units compared to the average residential density

in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT. [PDF-3 T-1]

29. An access easement shall be recorded to allow for pedestrians to cross through the property from the Olympic Avenue pedestrian gate to the public right of way at Bear Street.

30. If the project includes phased construction, then the open space, recreational facilities, and parking shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction under the direction of the Planning Division.

31. All new residential units constructed as part of the proposed project shall be equipped with positive static pressure forced heating, ventilation, and air conditioning (HVAC) systems. These systems shall include high-efficiency air filtration using Minimum Efficiency Reporting Value (MERV) 14 filters or higher in the air intake. The project applicant shall submit HVAC system specifications and a mechanical plan to the City of Costa Mesa's Planning Division for review and approval prior to the issuance of any building permits. The submitted documentation shall demonstrate that the HVAC systems are designed to maintain positive indoor air pressure and are equipped with MERV 14 or higher filters. Documentation may include, but is not limited to, HVAC system design drawings, filter specifications, manufacturer certifications, and calculations verifying positive pressure performance.

32. This measure accounts for the Vehicle Miles Traveled (VMT) reduction achieved by a project that is designed with a higher density of dwelling units compared to the average residential density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT. [PDF-4 T-1]

Bldg.

33. 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.

34. 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.

35. For construction or improvements that encroach within Public Utility Easements, the applicant shall provide written approvals from the utility companies associated with that easement.

36. Submit precise grading plans, 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. 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.

Eng. 37. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit B)

38. Proposed storm drain facilities shall be constructed pursuant to the City of Costa Mesa Master Drainage Plan.

39. The project shall fulfill drainage ordinance fee requirements prior to approval of final maps and plans.

40. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City and shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains shall require a hold harmless agreement prior to issuance of grading or building permits.

Trans 41. All parking stalls shall follow the City's Parking Design Standards unless otherwise approved.

Fire 42. All fire apparatus roads shall be constructed of a solid surface (no pavers) approved by CMFR and the Planning Division.

43. Fire lanes and fire apparatus turnarounds shall be in place and operational before combustible construction takes place.

44. If a phased building construction method is implemented, all fire hydrants, fire lanes, and fire apparatus turnarounds that serve the phase(s) of construction shall be operational before combustible construction takes place.

45. Fire apparatus or hose pull access to existing buildings shall be maintained where previously required or an alternate fire access plan shall be

submitted to the Fire & Rescue Department for formal review and approval before the site is modified.

PRIOR TO ISSUANCE OF A DEMOLITION OR GRADING PERMIT

Plng 46. A comprehensive asbestos and lead-based paint (LBP) survey shall be conducted at the project site. Any project-related demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing material (ACM) or LBP shall be conducted in accordance with applicable regulations, including, but not limited to:

- South Coast Air Quality Management District's (SCAQMD's) Rule 1403
- California Health and Safety Code (Section 39650 et seq.)
- The California Occupational Safety and Health Administration (Cal/OSHA) Administration Regulations (California Code of Regulations [CCR] Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead])
- Code of Federal Regulations (CFR) (Title 40, Part 61 [asbestos]; Title 40, Part 763 [asbestos]; Title 40, Part 745 [lead]; and Title 29, Part 1926 [asbestos and lead])
- U.S. Environmental Protection Agency's (EPA's) Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program

Sections 402, 404, and 403, as well as Title IV of the Toxic Substances Control Act (TSCA).

47. Prior to the issuance of a grading permit, the Owner/Developer shall implement the recommendations provided in Section 3, Conclusion and Preliminary Recommendations, in the Geotechnical Exploration prepared by SA Geotechnical, Inc. (SA GEO). The Exploration, included in Appendix F, is incorporated herein by reference as fully set forth in this mitigation measure. [MM GEO-1]

48. 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.

49. Prior to or concurrent with submittal of plans for grading, building plan check, and/or submittal of the final subdivision map for engineering plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. WQ 2022-0057-DWQ, CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) Order No. R8-2009-0030, as amended by Order No. R8-2010-0062 (NPDES Permit No. CAS618030); and the City's Ordinance No. 97-20 for

compliance with the NPDES permit. Such documentation shall include a Storm Water Pollution Prevention Plan (SWPPP) if over one acre and a Water Quality Management Plan (WQMP) identifying and detailing the implementation of applicable best management practices (BMPs).

50. All interior and exterior architectural coatings used on-site during project construction must meet or exceed the VOC content limits established by SCAQMD Rule 1113. The project sponsor shall include in any construction contracts and/or subcontracts a requirement that all interior and exterior architectural coatings used in project construction meet the VOC content limits established by SCAQMD Rule 1113. [SC AIR-2]

51. Applicant shall contact the South Coast Air Quality Management District (SCAQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.

52. The construction contractor is required to recycle/reuse at least 65 percent of the construction material including, but not limited to, soil, mulch, vegetation, concrete, lumber, metal, and cardboard, and to use “green building materials” such as those materials that are rapidly renewable or resource-efficient, and recycled and manufactured in an environmentally friendly way, as specified in the California Department of Resources Recycling and Recovery (CalRecycle) Sustainable (Green) Building Program.

53. Prior to issuance of grading permits, developer shall identify to the Development Services Director or designee a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.

54. 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.

55. Paleontological monitoring of excavations in previously undisturbed surface deposits by a qualified monitor shall be required. Sediment samples from deeper excavations, borings, trenching, or grading shall be wet screened if

they cannot be dry screened. The concentrate from the screening activities shall be sorted with the aid of a 10x microscope. These mitigation efforts shall be consistent with the mitigation guidelines published by the Society of Vertebrate Paleontology (2010). In the event that earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth) when a monitor is not present, those activities shall be diverted at least 15 feet away from the discovery until a qualified Paleontologist is brought on-site to assess the find for possible salvage. Construction workers shall not attempt to remove such finds. The Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Costa Mesa Economic and Development Services Department, Planning Division for review and approval prior to implementation. The applicant shall adhere to the recommendations in the approved plan. Any significant fossils, as determined by the qualified Paleontologist, recovered shall be documented in a final report and offered to an appropriate facility for curation. [MM GEO-2]

56. 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.

    1) 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.
    2) Prior to any ground disturbance, the applicant shall submit a written Cultural Resources Monitoring Plan (RMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include Monitor contact information (including the qualified

Archaeologist and the Native American Monitor per MM TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.

3) In the event cultural resources are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered resource shall cease and the qualified Archaeologist, in collaboration with the Monitor, shall assess the discovery. Construction activities outside the buffer zone may continue during the Monitor's assessment.

4) 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 Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates.

5) Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Monitors, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The 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 applicable Native American Tribe.

6) 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 Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the applicable Native American Tribe, and (2) completed the appropriate treatment of the resource consistent with MM TCR-1. [MM CUL-1]

57. 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 applicant shall enter into a contract for monitoring services with the Gabrieleño Band of Mission Indians–Kizh Nation and Juaneño Band of Mission Indians, Acjachemen Nation-Belarde. The Tribal Monitor (the "Monitor") shall monitor all "ground-disturbing" project activities, 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 contracts shall be submitted to the Costa Mesa 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 resources be discovered, monitoring logs shall identify and describe such resources, including but not limited to, Native American cultural resources as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitoring logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event cultural resources are discovered during any phase of ground-disturbing activities, and it is determined by the Monitor and the qualified Archaeological Monitor, in consultation with the City, to be Native American in origin, then all construction activity within 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 Tribal nations, and (2) completed the appropriate treatment of the resource.

Monitoring for Tribal cultural resources (TCRs) 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 58. Prior to the Building Division (AQMD) issuing a demolition permit the applicant shall 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.

59. 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.

60. 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.

61. 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.

62. The ground adjacent immediately to the foundation shall be slopes 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 i- 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 Residential Code CRC 403.1.7.3 ii- Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

Plng. 63. Prior to issuance of building permits, the applicant shall contact the U.S. 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.

64. In compliance with the Map Act, prior to issuance of building permits, the applicant shall provide proof of recordation of Tentative Tract Map No. 19334.

65. Provide a noise study to be reviewed and approved by the Planning Division prior to issuance of building permits. If present and/or projected exterior noise exceeds 60 CNEL, California Noise Insulation Standards, Title 25, California Code of Regulations require a maximum interior noise level of 45 CNEL for residential structures. If required interior noise levels are achieved by requiring that windows be inoperable or closed, the design for the structure must also specify the means that will be employed to

provide ventilation, and cooling if necessary, to provide a habitable interior environment.

66. 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.

67. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.

68. Prior to issuance of building permits, a final landscape plan shall be incorporated into the building permit plan set indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division. The private streets shall also be enhanced with pervious pavers, colored stamped concrete, or other treatment to the satisfaction of the Development Services Director. The plan shall 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.

69. Prior to the issuance of any building permits, the applicant shall enter into a Density Bonus Agreement with the City, consistent with the requirements of State Density Bonus Law and the City's applicable regulations. The Agreement shall detail the number, type, location, and affordability level of all required affordable units, as well as any development incentives, concessions, waivers, or parking reductions granted under the density bonus provisions. The Agreement shall be subject to review and approval by the City Attorney's Office prior to execution and recordation against the property and shall be for a minimum of 55 years.

70. 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.

71. 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.

72. 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.

73. 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.

74. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's 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.

75. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.

76. All on-site utility services shall be installed underground or screened on the roof (e.g., satellite dishes), in which case such utility services shall be obscured from view.

77. 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.

78. Transformers, backflow preventers, and any other approved above- ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director. 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.

79. Plans shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of back-flow prevention devices, ground-mounted equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.

80. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.

81. 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.

82. In addition to required Parkland Impact Fee's, the owner shall submit a one-time community benefit payment of $250,000.00 to be used for the sole purpose of improving Shiffer Park.

Bldg. 83. 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.

84. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.

85. A freeway health risk assessment (HRA) shall be submitted to the City prior to issuance of permits. The project shall incorporate project design recommendations including but not limited to the installation of MERV 13 or MERV 14 air filters as outlined in the HRA.

86. Prior to issuance of permits, the plans shall include 200 cubic feet of storage for each unit outside of the living space (ie. within the garages)

87. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities prior to selling any of the units as condominiums.

88. 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 homeowner's association effectively manage parking and contract with a towing service to enforce the parking regulations.

B. The CC&Rs shall also contain provisions related to use, preservation and maintenance of the common streets 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 the open parking space 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 the Homeowner's Association or Maintenance Association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:

- The two-car garages in the residential community are being used for vehicle parking by the resident(s).
- The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
- The resident(s) have consented to voluntary inspections of the garage to verify the parking availability, as needed.

The form and content of the affidavit shall be provided by the City Attorney's office. Failure to file the annual affidavit is considered a violation of this condition.

G. The CC&Rs shall contain provisions prohibiting the storage of Recreational vehicles or Boats on the site

H. The CC&Rs shall contain provisions prohibiting residents from parking their vehicles on Olympic Avenue or surrounding streets within the existing neighborhood to the east.
I. The CC&Rs shall contain provisions requiring compliance with the City's short term rental ordinance.
J. The CC&Rs shall contain provisions relating to the operation of the pedestrian gate at Olympic Avenue and pedestrian access through the property.

Fire

89. All new family dwellings are required to be equipped with an automatic fire protection system made in accordance with either NFPA 13, NFPA 13D or NFPA 13R (Ladder pads may be needed for some of the design depending on your approach). For the alarm, each system will be required to add an exterior audible notification device (Fire Bell. Adopted and amended from the 2022 fire code) and shall be interconnected with the smoke detectors in each unit.

Trans

90. Fulfill mitigation of off-site traffic impacts at the time of issuance of building permits by submitting the required Traffic Impact Fee to the City Transportation Division according to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based on the average daily trip net generation of trip ends for the proposed project, including a credit for existing uses. At the current rate, the Traffic Impact Fee is estimated at approximately $136,000. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permits based upon applicable project changes or applicable prevailing schedule of charges as adopted by the City Council.

91. Fulfill the San Joaquin Hills Transportation Corridor Fee Ordinance requirement at the time of issuance of the building permit by submitting the required fee to the City Transportation Division. At the current rates for the proposed uses, the corridor fees are estimated at approximately $182,000, and will be recalculated at the time of issuance of building permits based upon applicable project changes.

92. Submit plans to design and construct a new traffic signal at the Bear Street/Project Driveway including the required underground conduit and fiber optic signal interconnect improvements to provide traffic signal communications to the City's main network at the Traffic Management Center (TMC). Meet with the City Transportation Services Division to discuss necessary traffic signal and fiber optic signal interconnect improvements and for design review and approval.

93. Provide a written operations plan for the opening and closing of the pedestrian gate on the easterly project site frontage where connection to

Olympic Avenue is proposed. Ensure the pedestrian gate is open daily during daytime hours or other hours as identified by City staff.

94. Submit plans to design and construct the closure of the northerly Shiffer Park Driveway and provide landscaping improvements and provide a new pedestrian sidewalk connection between the proposed new traffic signal and the internal park walking paths. Meet with the City's Engineering Division and Parks Maintenance Division for design review and approval.

PRIOR TO FINAL INSPECTION/OCCUPANCY

Plng. 95. 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.

96. Prior to final inspection, 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. 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.

Play Area 97. Prior to occupancy, the applicant shall submit a letter stating that any play equipment that is installed 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 (California Code of Regulations, Title 22, Division 4, Chapter 22).

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.

Bldg. 1. 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.

2. 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.

3. 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.

4. 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.

5. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code.

6. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code.

7. Comply with the City's fence and wall standards including the inclusion of visibility triangles.

Fire 8. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.

Bus. Lic. 9. 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.

SPECIAL DISTRICT REQUIREMENTS

AQMD 10. 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 Division will not issue a demolition permit until an identification number is provided by AQMD.

Sani. 11. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.

Water 12. 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 13. Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.

CDFA 14. 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 B
Engineering Conditions of Approval

Provided Under Separate Cover

EXHIBIT C
DRAFT ORDINANCE (REZONE)

Provided Under Separate Cover

EXHIBIT D
PLANS

Provided Under Separate Cover

EXHIBIT E
TENTATIVE TRACT MAP NO. 19334

Provided Under Separate Cover

CITY OF COSTA MESA

CALIFORNIA 92628-1200 P.O. BOX 1200

FROM THE OFFICE OF THE PUBLIC SERVICES DEPARTMENT

July 2, 2025

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

SUBJECT: Vesting Tentative Tract Map No. 19334
LOCATION: 3150 Bear Street

Dear Commissioners:

Vesting Tentative Tract Map No. 19334 as furnished by the Planning Division for review by the Public Works Department consists of subdividing one parcel into one numbered lot. Vesting Tentative Tract Map No. 19334 meets with the approval of the Public Works Department, subject to the following conditions:

1. The lot shall be developed in full compliance with the State of California Subdivision Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Section 13-208 through 13-261 inclusive, of the Municipal Code.

2. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11.

3. Copy of the Final Tract Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.

4. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.

5. Dedicate an ingress/egress easement to the City for emergency and public security vehicles purposes only. Maintenance of easement shall be the sole responsibility of the property owner formed to conform to Section 13-41 (e) of the C.C.M.M.C.

6. Vehicular access rights to Bear Street shall be released and relinquished to the City of Costa Mesa except at approved access locations.

7. Dedicate easements as needed for public utilities.

8. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.

9. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.

10. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.

11. The elevations shown on all plans shall be based on the County of Orange Benchmark Datum (NAVD 88).

12. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. The deposit amount shall be determined by the City Engineer.

13. Prior to occupancy, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, a reproducible mylar of the recorded Parcel Map and nine copies of the recorded Parcel Map.

14. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Parcel Map.

15. The Subdivider's engineers shall furnish the Engineering Division a final hydrology/hydraulics study to the City of Costa Mesa showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map.

16. In order to comply with the latest Drainage Area Management Plan (DAMP), the proposed Project shall prepare a Water Quality Management Plan (WQMP) conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer, which shall be submitted to the City of Costa Mesa Engineering Division for review and approval.
    - A WQMP (Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
    - Location of BMPs shall not be within the public right-of-way.

17. Ownership and maintenance of the private on-site drainage facilities, BMPs, parkway culverts and other common areas shall be the sole responsibility of the property owner(s) and said owner (s) shall indemnify and hold harmless the City of Costa Mesa for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City of Costa Mesa the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.

18. All sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.

19. All water system improvements shall meet the approval of Mesa Water District; call (949) 631-1200 for information.

20. Submit for approval to the City of Costa Mesa, Engineering Division, Street Improvement and Storm Drain Plans, that show Sewer and Water Improvements, prepared by a Civil Engineer.

21. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling during construction.

22. Haul routes must be approved by the City of Costa Mesa, Transportation Division.

23. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit issuance per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.

24. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.

25. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove existing driveway across the street for Shiffer Park and replace with full height curb and sidewalk as shown on the Offsite Plan.

26. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development in connection with all the improvements required in connection with the construction of the new traffic signal.

27. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and provide a videotape of the existing storm drain line adjacent to the property frontage. The City Engineer may require the storm drain to be reconstructed if the storm drain is deemed to be failing.

28. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.

29. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.

30. Obtain a permit from the City of Costa Mesa, Engineering Division to construct new crosswalk and traffic signal and install necessary striping as well as curb ramps associated with the new crosswalk and traffic signal.

Sincerely,

S. Yang

Seung Yang, P. E.
City Engineer

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PGPA-24-0002 TO REZONE A 6.12-ACRE SITE TO MULTIPLE FAMILY RESIDENTIAL (R3) FOR THE PROPERTY LOCATED AT 3150 BEAR STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, an application was filed by Vanessa Schiedel of Meritage Homes, representing the property owners, requesting approval of certain land use entitlements;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 14, 2025 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, at their regular meeting on July 14, 2025, the Planning Commission recommended that City Council approve the project by a _-_ vote;

WHEREAS, a duly noticed public hearing was held by the City Council on ___ with all persons having the opportunity to speak for and against the proposal;

WHEREAS, on _____, the City Council approved the first reading by a _-_ vote;

WHEREAS, the City Council took or will take the following actions by separate resolution:

1. **CERTIFY** the Mitigated Negative Declaration (SCH No. 2025050135) including the Mitigation Monitoring and Reporting Program;
2. **APPROVE** General Plan Amendment PGPA-24-0002 to change the land use designation of the project site from General Commercial to High Density Residential (HDR);
3. **APPROVE** the Desing Review for 142 residential units;
4. **APPROVE** the density bonus agreement to allow for a 20 percent increased density, incentive to deviate from the residential design guidelines, and waivers for building height, front setback, landscaped parkways, open space, individual unit lot size, and side by side units in exchange for 5% of the base units being provided at very-low-income levels;

5. **APPROVE** Tentative Tract Map No. 19334 for the subdivision of the subject property for ownership purposed;

WHEREAS, the proposed general plan amendment would re-designate the land use from General Commercial to High Density Residential in order to allow the residential use. To ensure consistency between the General Plan Land Use Map and the Zoning Map, the property is rezoned from Administrative Professional (AP) to Multiple Family Residential (R3);

WHEREAS, R3 districts are intended to promote the development of multi-family rental as well as ownership dwelling units. As such, the proposed zoning district would allow the residential development;

WHEREAS, a rezone is a legislative action subject to the discretionary approval of the final decision body, City Council;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a project Mitigated Negative Declaration (MND) was prepared by the City in accordance with the California Environmental Quality Act (CEQA);

WHEREAS, in accordance with CEQA Guidelines Section 15073, the MND was made available for a public comment period beginning May 1, 2025 and ending on May 31, 2025;

WHEREAS, a list of comments received and responses to the comments are included as part of the MND presented to City Council on _____, 2025;

WHEREAS, the MND found no areas that are considered significant unavoidable adverse impacts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: REZONE. The City of Costa Mesa Official Zoning Map is hereby amended as follows:

1. The proposed rezone to Multiple Family Residential (R3) is consistent with the General Plan as amended by PGPA-24-0002 and adopted by Resolution No. 2025-__.

2. There is hereby placed and included in the Multiple Family Residential (R3) zoning district a 6.12-acre parcel, situated in the City of Costa Mesa, County of Orange, State of California.
3. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in Subsections Number 1 and Number 2, above. A copy of the Official Zoning Map and Zoning Code is on file in the office of the Planning Division.

SECTION 2: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 3: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in THE DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2025.

_____
John Stephens
Mayor of the City of Costa Mesa

ATTEST:

_____
Brenda Green, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow
City Attorney

Exhibits:
A: Rezone

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, _____, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Ordinance No. 2025-___ as introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2025, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of _____, 2025, by the following roll call vote:

AYES:
NOES:
ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2025.

_____
Brenda Green, City Clerk

EXHIBIT A

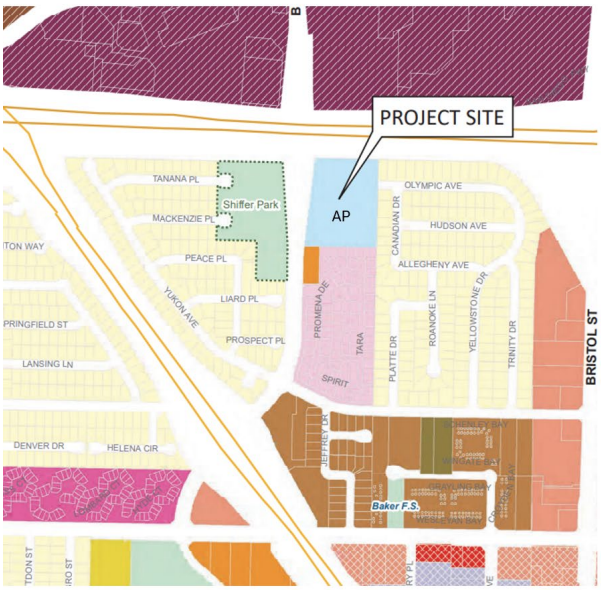
REZONE

Amendment to the Zoning Map

Change the zoning district designation of the 6.12-acre site at 3150 Bear Street from Administrative Professional (AP) to Multiple Family Residential (R3)

Proposed Zoning Map

Existing



Proposed

BEAR STREET

COSTA MESA, CALIFORNIA

DEVELOPER INFORMATION

MERITAGE HOMES, INC.

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IRVINE, CA 92606
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EMAIL: JOHANNA.CROOKER@MLCHOLDINGS.NET

CONSULTANT INFORMATION

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LANDSCAPE ARCHITECTURE:
C2 COLLABORATIVE LANDSCAPE ARCHITECTURE

100 AVENIDA MIRAMAR
SAN CLEMENTE, CA 92672
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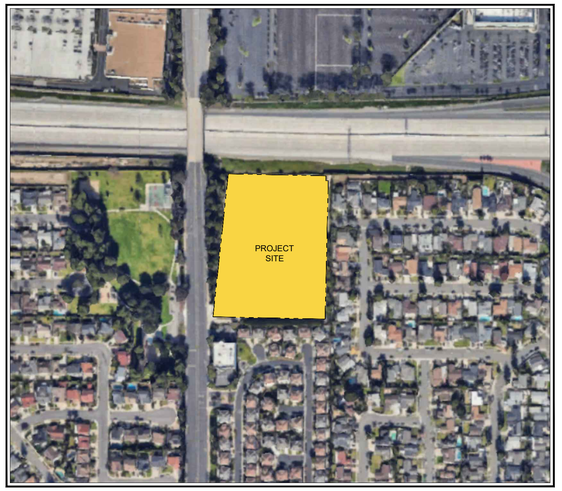
COMMUNITY CONTEXT (1:300)



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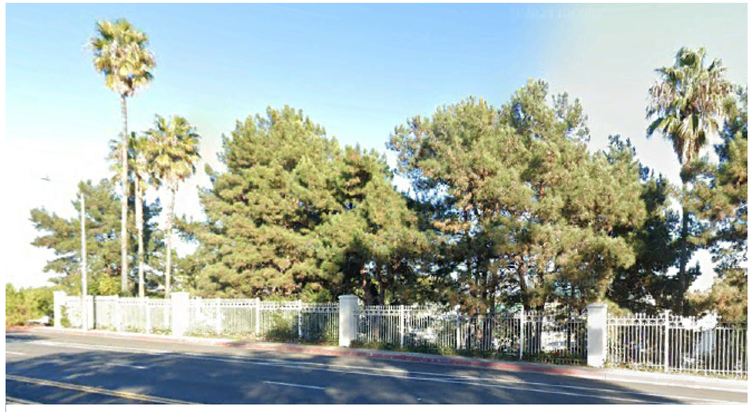
Meritage Homes

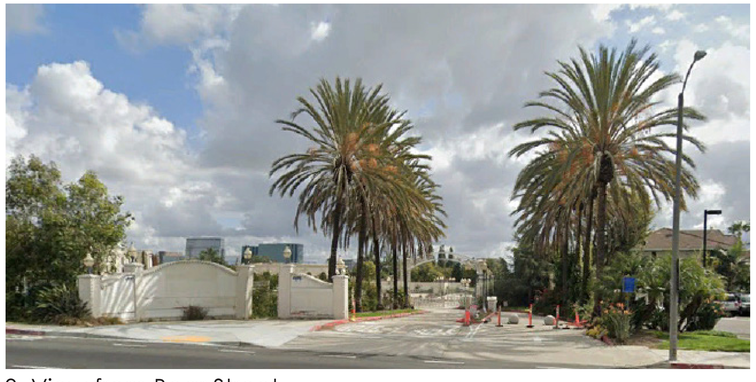
BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.19.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

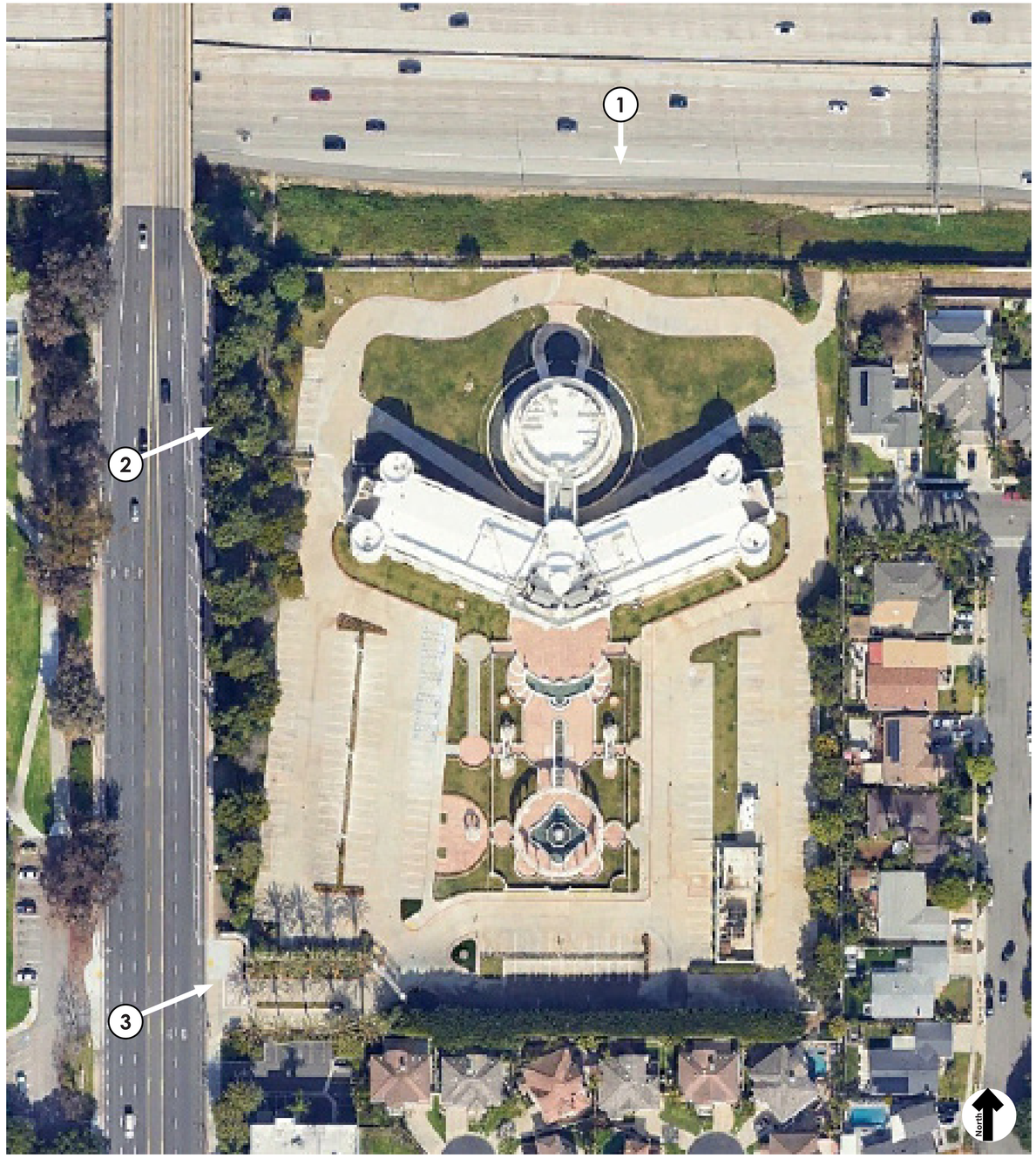
1. View from From 405 Freeway



2. View from Bear Street



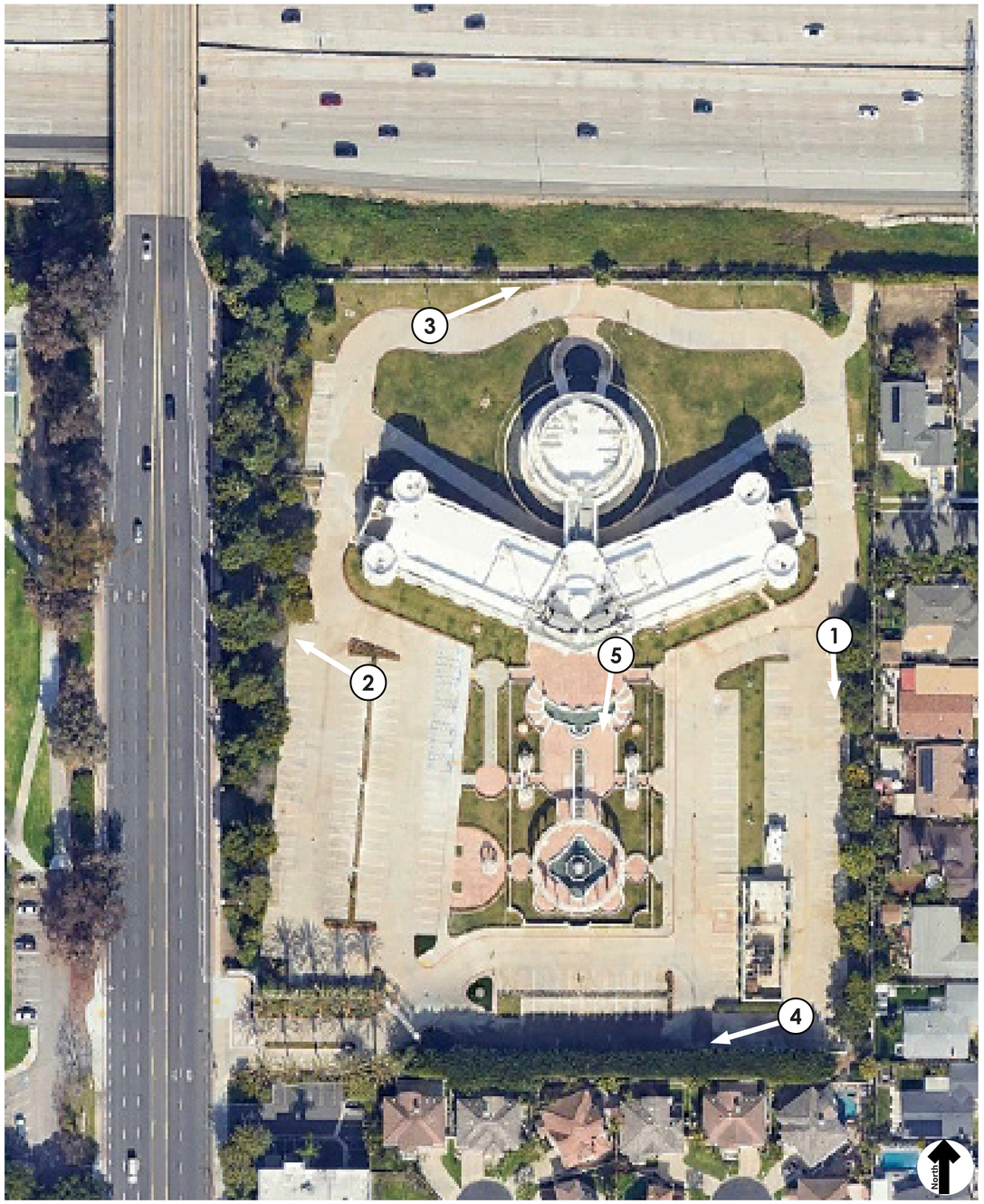
3. View from Bear Street



1. Eastern Edge

2. Western Edge

3. Northern Edge



4. Southern Edge

5. Center of Site from Upper Floor

Sewer Access Easement
- Gate or bollards to be installed

Recreation Area 2
- Many of the Existing trees will be preserved to maintain the "green" edge along Bear Street
- The property will remain in the existing easement for on-going use and maintenance by the HOA
- ± 23,510 SF Recreation area to include passive lawn areas and dog stations - See Landscape Plans

Four-Story Stacked Flats
- ± 1065-2218 SF
- 2-4 bedroom homes
- 2-car tandem garages
- Private open space in the form of upper story decks (see floor plans)

Recreation Area 1
- ± 10,490 SF Main Area + ±5,070 Paseo
- Landscaped paseos and sidewalks connect all homes to central recreation area
- Amenities include Tot lot, BBQ with shade structure and seating, turf area for passive recreation, and more. See Landscape Plans.

Project Entry
- Maintain existing access on Bear Street
- Entry enhanced with accent trees and project signage
- Install new signalized three way intersection and crosswalk to promote pedestrian connectivity to Shiffer Park
- Close off Shiffer Park Northerly Driveway for improved intersection movements

Existing Utilities
- Maintain OCSAN easement and access to existing 33-inch sewer main and protect main in private road (coordinating with OCSAN)
- Install new Costa Mesa sanitation sewer in private streets and alleys (coordinating with CMSD
- Reroute existing Mesa Water line within loop road (coordinating with Mesa Water District)

EVA
- Maintain existing emergency vehicle access to Olympic Avenue
- Meets Costa Mesa Fire Dept Turning Radii requirements
- Providing a pedestrian gate for existing neighbors to be able to walk directly to Shiffer Park

Neighborhood Interface
- Protect existing wall in place
- Use detached homes and private street to provide additional setback from four-story buildings
- 15-foot rear yards with strategically placed trees or hedges (as permitted by SCE to avoid exiting off-site utility lines) to preserve existing neighbor privacy

Typical Private Drive
- 26-foot Private Street provides vehicular access to all homes
- 5-foot sidewalk on both sides to promote pedestrian activity
- Landscaping on both sides to provide shade and an improved streetscape

Two-Story Detached Condominiums
- ± 1,465 - 1,955 SF
- 3-bedrooms homes
- 2-car garage in a side-by-side
- Private open space in the form of a porch and/or deck
- Provide landscape screening in rear yards to protect existing neighbor's privacy

Sewer Access Easement
- Gate or bollards to be installed

Project Summary

Project Area: 6.125 Acres (266,805 SF)

Total Homes: 142 Homes
- (20) Two-Story Detached Condos
  - (13) Plan 3060: 1,442 SF, 3 Bed, 2.5 Bath
  - (7) Plan 3522: 1,946 SF, 4 Bed, 3 Bath
- (122) Four-Story Stacked Flats
  - (45) Plan 1: 1,062 SF (4 VL)1, 2 Bed, 2 Bath
  - (16) Plan 2: 1,426 SF (4 VL)1, 3 Bed, 2.5 Bath
  - (45) Plan 3: 1,832 SF, 3 Bed, 3 Bath
  - (16) Plan 4: 2,364 SF, 4 Bed, 3 Bath

Density[5]: 23.2 du/ac

Parking Spaces Required: 236 Spaces
- 2-3 Bedroom: 1.5 Spaces x 119 = 178.5
- 4 Bedroom: 2.5 Spaces x 23 = 57.5
- Guest: N/A

Parking Spaces Provided: 319
- Garages: 284 (2 per unit)
- Guest: 35 Spaces (0.25 per unit)

Minimum Open Space Required:
40% of total site area = ±106,722 SF

Total Open Space Provided[5]: ±93,500 SF

Notes:
1. Site Address: 3150 Bear Street, Costa Mesa, CA 92626
2. Assessor's Parcel Numbers: 141-521-48 and -49
3. Application Number: PGPA-24-0002
4. Type VB construction with NFPA 13 automatic fire sprinkler system for attached. Type V-B for Two-Story Detached Condos.
5. Pursuant to Density Bonus Law, assumes 5% of base density (7 units) to be provided to very low income households as defined by state law for a 20% density bonus allowance, waivers, and alternative parking standards.
6. Guest spaces are 8.5' x 18'
7. Private open space minimum dimension of 5'
8. Existing General Plan: General Commercial
9. Proposed General Plan: High Density Residential (20 du/ac)
10. Existing Zoning: AP - Administrative & Professional
11. Proposed Zoning: R-3 Multiple-family Residential (20 du/ac)
12. SB330: N/A
13. CEQA: IS/MND
14. See Sheet C-3 for more dimensions

North 0 30 60
1" = 30'

INTERSTATE 405

To Bear Street Bridge
- Bridge crossing over Interstate 405
- Pedestrain access to South Coast Plaza, Metro Pointe Shopping Center and more

Recreation Area
- Many of the Existing trees will be preserved to maintain the "green" edge along Bear Street
- The property will remain in the existing easement for on-going use and maintenance by the HOA
- ± 23,510 SF Recreation area to include passive lawn areas and dog stations - See Landscape Plans

Recreation Area
- ± 10,490 SF Main Area + ±5,070 Paseo
- Landscaped paseos and sidewalks connect all homes to central recreation area
- Amenities include Tot lot, BBQ with shade structure and seating, turf area for passive recreation, and more. See Landscape Plans.

New Pedestrain Crossing
- Install new signalized three way intersection and crosswalk to promote pedestrian connectivity to Shiffer Park
- Close off Shiffer Park Northerly Driveway for more efficient turing movements and fewer conflicts with pedestrians

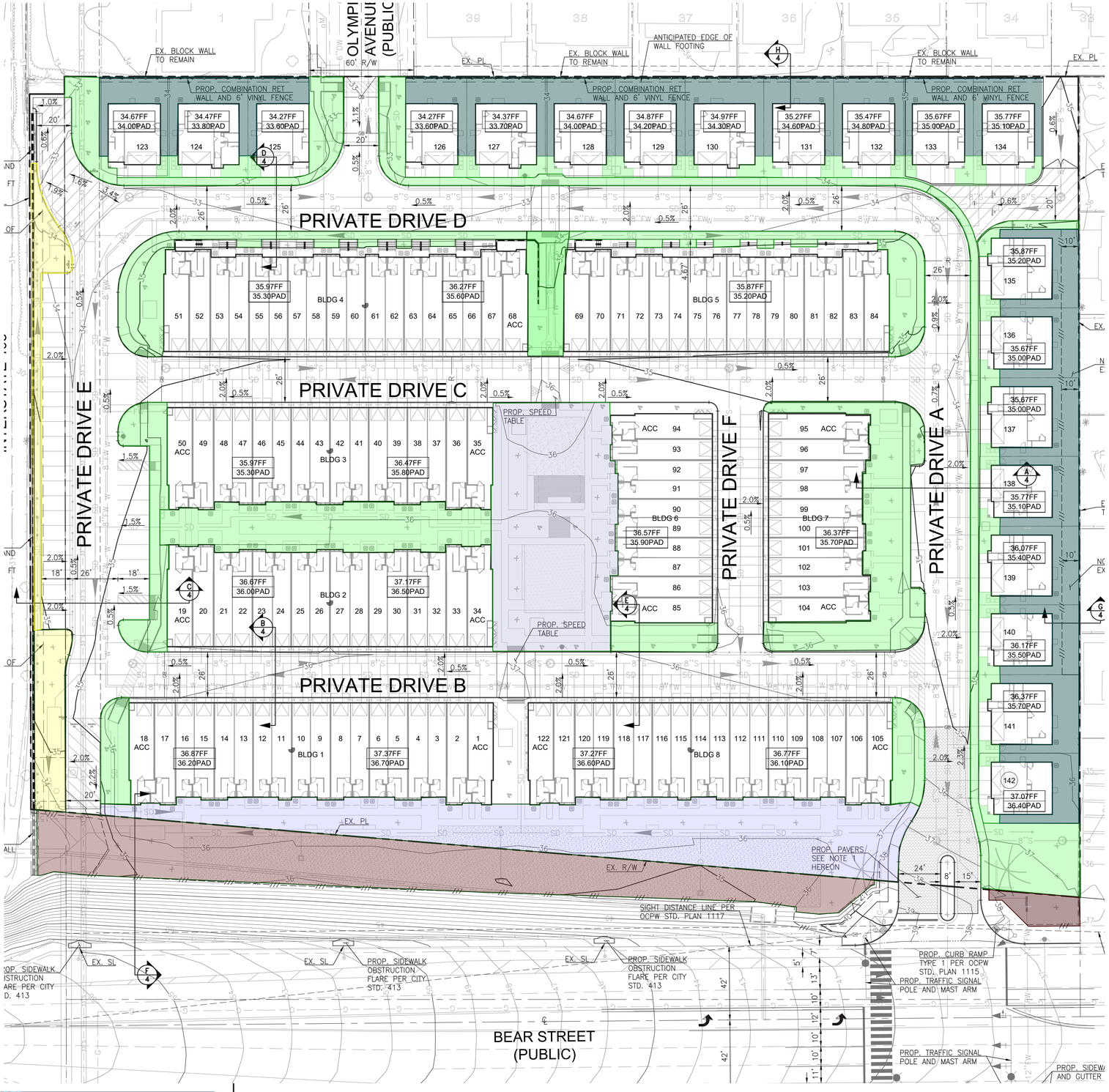
LEGEND
- Pedestrain Path
- Pedetrain Gate
- Raised Crosswalk
- Signalized Crosswalk

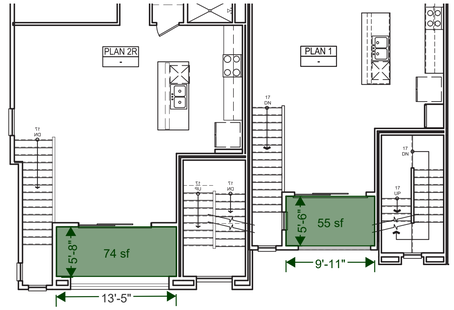
New Pedestrian Access
- Maintain existing emergency vehicle access only to Olympic Avenue; no thru traffic
- Existing EVA gate would be replaced
- Install new pedestrian gate for existing neighbors to be able to walk directly to Shiffer Park
- Pedestrian gate to be locked on both sides by automatic timer 30 minutes before park opens and 30 minutes after park closes
- Signage will be posted with access time

North

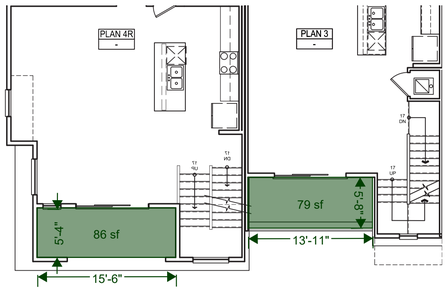
0 30 60

1" = 30'

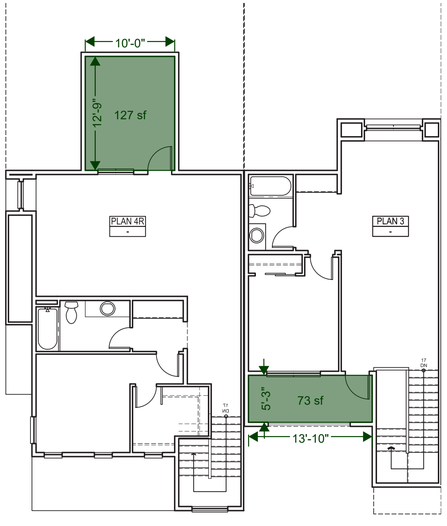




Second Floor Balconies (Plans 1 and 2)



Third Floor Balconies (Plans 3 & 4)



Fourth Floor Balconies (Plans 3 & 4)

LEGEND

- Common Recreation Area = 22,735 SF
- Off-Site Common Recreation Area = 13,278 SF
- Paseos, Sidewalks, and decorative planting areas maintained by HOA = 35,502
- Private Balconies nine feet or more above grade = 13,333
- Fenced Yards = 18,293
- Other Decorative Planting Areas = 3,637 SF

Min mum Open Space Required:
40% of total site area = ±106,722 SF

Total On-Site Open Space Provided[5]: ±93,500 SF

Notes

1. Open Space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five feet in depth by projections which are at least eight feet above grade. Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight feet above grade. (CMMC section 13-6)
2. Pursuant to Density Bonus Law, application includes a waiver for reduced open space to achieve the proposed density.

North 0 30 60
1" = 30'

Meritage Homes

BEAR STREET
COSTA MESA, CA # 2024-0264

OPEN SPACE SUMMARY | P5.0

1 - FRONT

2 - REAR

COLOR SCHEME 2 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AA7.0 FOR MORE INFORMATION.

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Meritage Homes

BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	2.17.2025
1st Submittal Date:	08.01.2024
2nd Submittal Date:	12.18.2024
3rd Submittal Date:	02.20.2025

NTS
NTS

B1000 - 10-PLEX
PERSPECTIVES

AA2.0

4 - LEFT

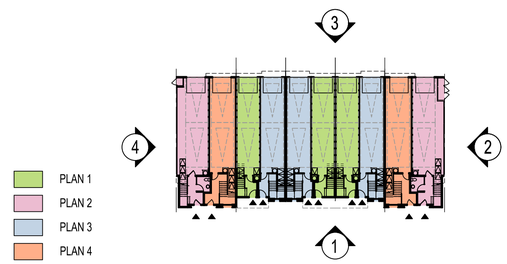
3 - REAR

2 - RIGHT

1 - FRONT

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. TRIM
5. FAUX VENT
6. DECORATIVE AWNING
7. TRELLIS
8. METAL RAILING
9. SECTIONAL GARAGE DOOR
10. WALL LIGHT WITH SIGNAGE
11. ENTRY DOOR
12. VINYL WINDOW
13. UTILITY CLOSET
14. FIRE RISER



KEY SITE PLAN: 1/32" = 1'-0"

COLOR SCHEME 2 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AA7.0 FOR MORE INFORMATION.

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Meritage Homes

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COSTA MESA, CA # 2024-0264

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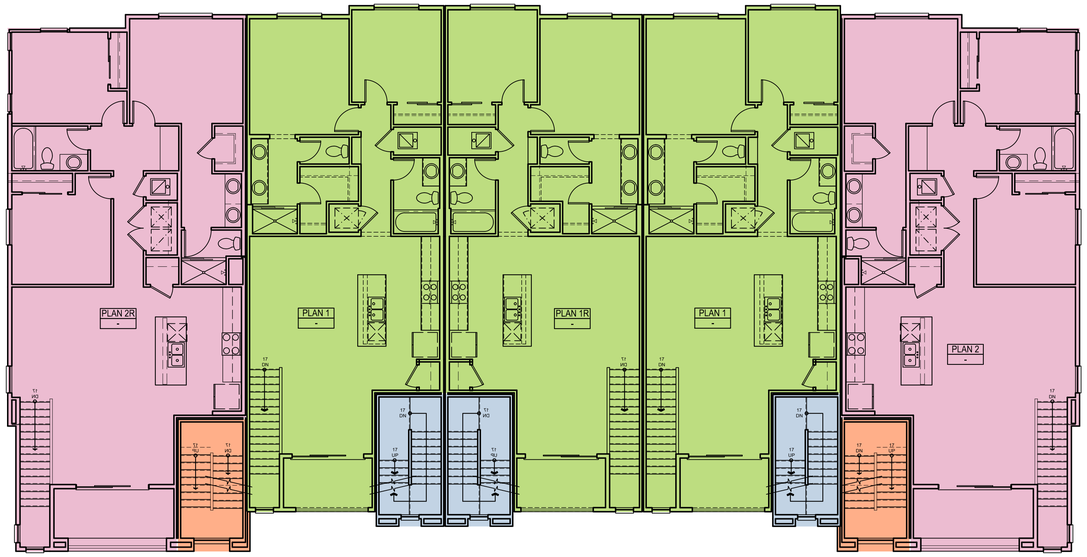
3rd Submittal Date: 02.20.2025

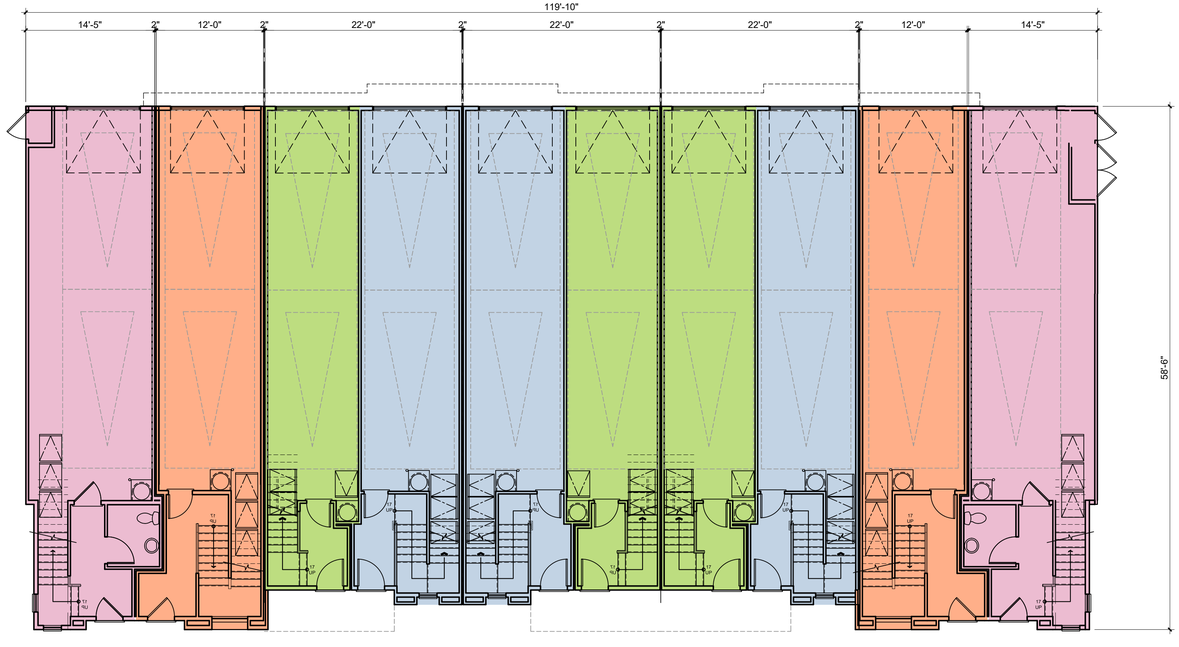
SCALE: 1/8" = 1'-0"
0 8 16 32

B1000 - 10-PLEX
ELEVATIONS

AA2.1



SECOND FLOOR



FIRST FLOOR

PLAN 1
PLAN 2
PLAN 3
PLAN 4

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BEAR STREET
COSTA MESA, CA # 2024-0264

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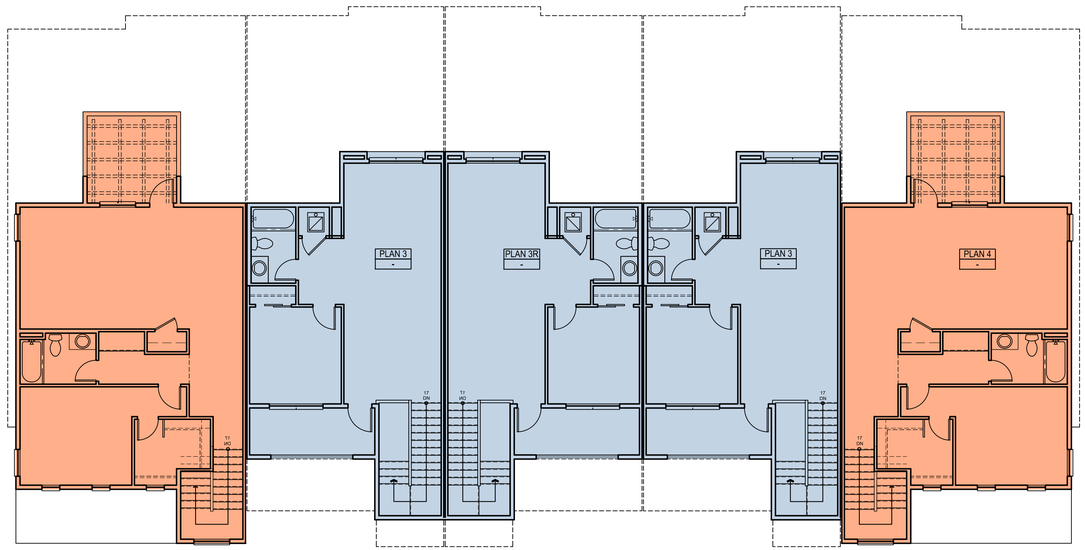
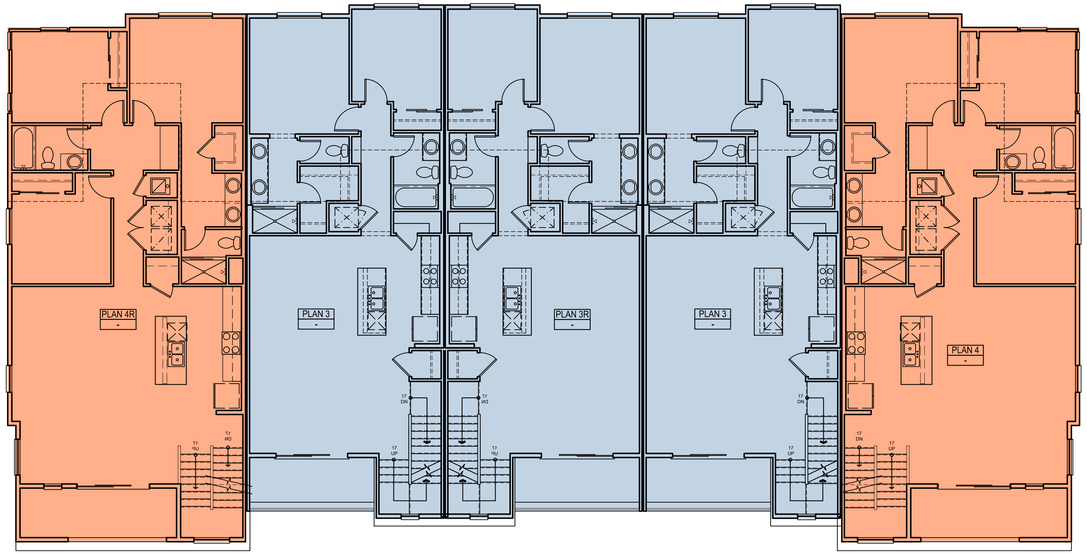
SCALE: 1/8" = 1'-0"
0 4 8 16

B1000 - 10-PLEX
BUILDING PLANS

AA2.2



FOURTH FLOOR



THIRD FLOOR

PLAN 1
PLAN 2
PLAN 3
PLAN 4

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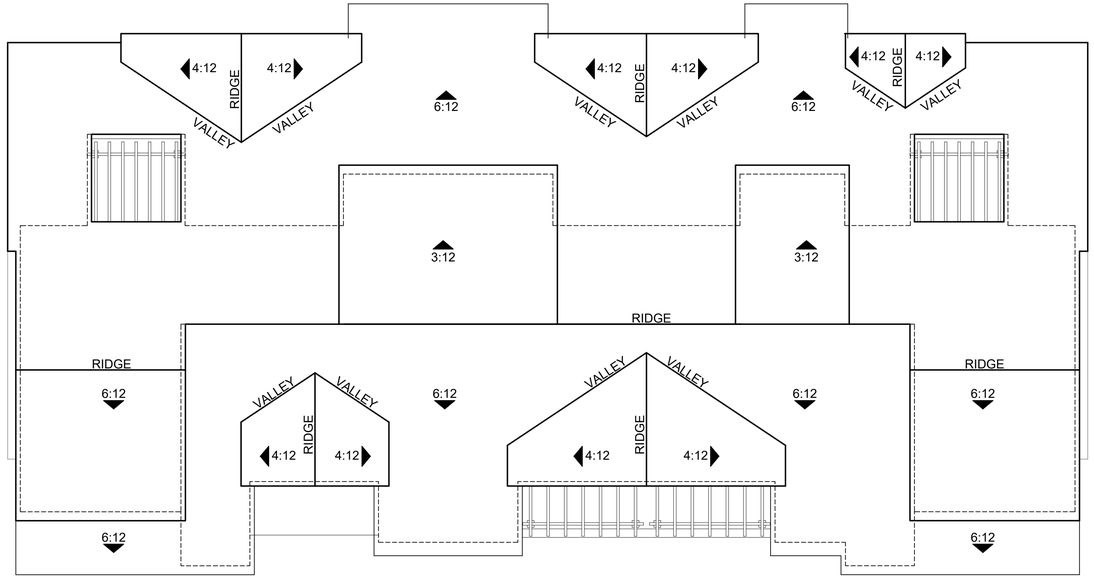
SCALE: 1/8" = 1'-0"
0 4 8 16

B1000 - 10-PLEX
BUILDING PLANS

AA2.3



ROOF PLAN

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.17.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

SCALE: 1/8" = 1'-0"
0 4 8 16

B1000 - 10-PLEX
BUILDING PLANS

AA2.4

1 - FRONT

2 - REAR

COLOR SCHEME 1 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AA7.0 FOR MORE INFORMATION.

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	2.17.2025
1st Submittal Date:	08.01.2024
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3rd Submittal Date:	02.20.2025

NTS
NTS

B1600 - 16-PLEX
PERSPECTIVES

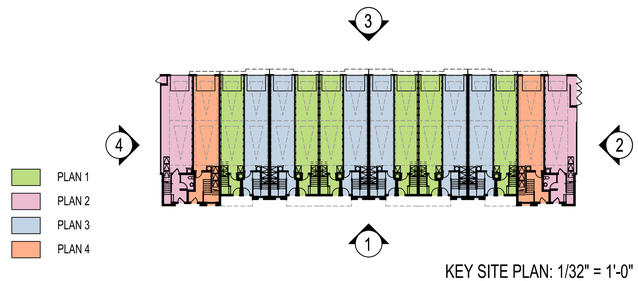
AA3.0

3 - REAR

1 - FRONT

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. TRIM
5. FAUX VENT
6. DECORATIVE AWNING
7. TRELLIS
8. METAL RAILING
9. SECTIONAL GARAGE DOOR
10. WALL LIGHT WITH SIGNAGE
11. ENTRY DOOR
12. VINYL WINDOW
13. UTILITY CLOSET
14. FIRE RISER



KEY SITE PLAN: 1/32" = 1'-0"

COLOR SCHEME 1 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AA7.0 FOR MORE INFORMATION.

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BEAR STREET
COSTA MESA, CA # 2024-0264

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1st Submittal Date:	08.01.2024
2nd Submittal Date:	12.18.2024
3rd Submittal Date:	02.20.2025

SCALE: 1/8" = 1'-0"
0 8 16 32

B1600 - 16-PLEX
ELEVATIONS

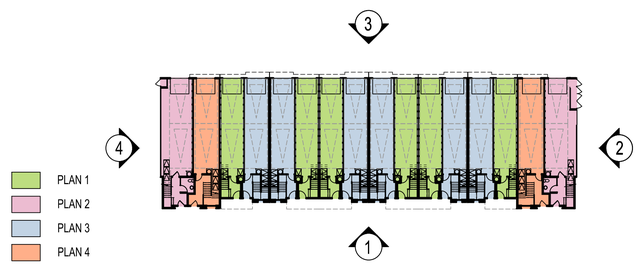
AA3.1

4 - LEFT

2 - RIGHT

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. TRIM
5. FAUX VENT
6. DECORATIVE AWNING
7. TRELLIS
8. METAL RAILING
9. SECTIONAL GARAGE DOOR
10. WALL LIGHT WITH SIGNAGE
11. ENTRY DOOR
12. VINYL WINDOW
13. UTILITY CLOSET
14. FIRE RISER



KEY SITE PLAN: 1/32" = 1'-0"

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COSTA MESA, CA # 2024-0264

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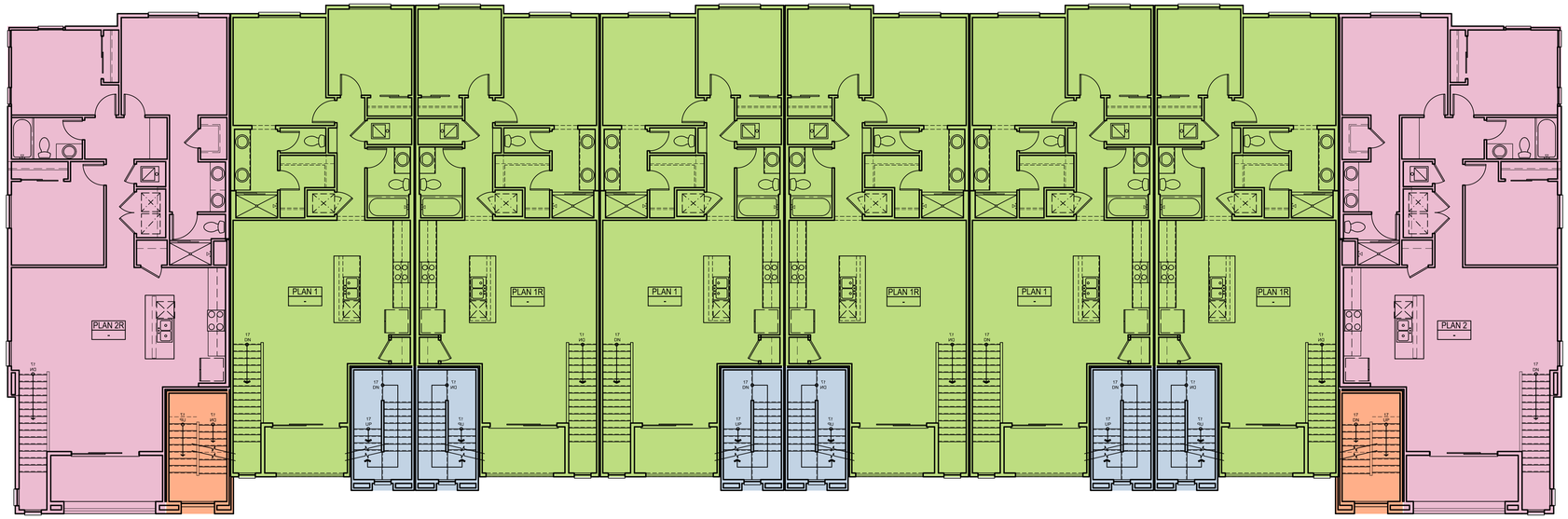
3rd Submittal Date: 02.20.2025

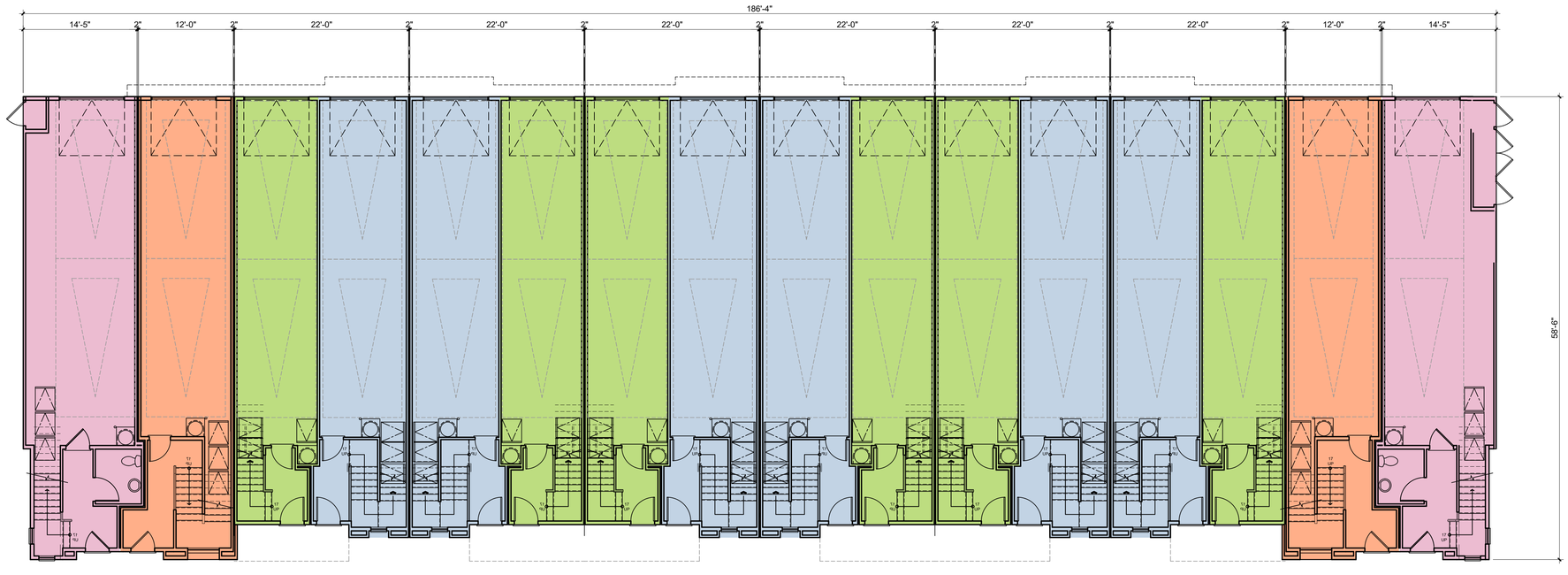
SCALE: 1/8" = 1'-0"
0 8 16 32

B1600 - 16-PLEX
ELEVATIONS

AA3.2



SECOND FLOOR



FIRST FLOOR

PLAN 1
PLAN 2
PLAN 3
PLAN 4

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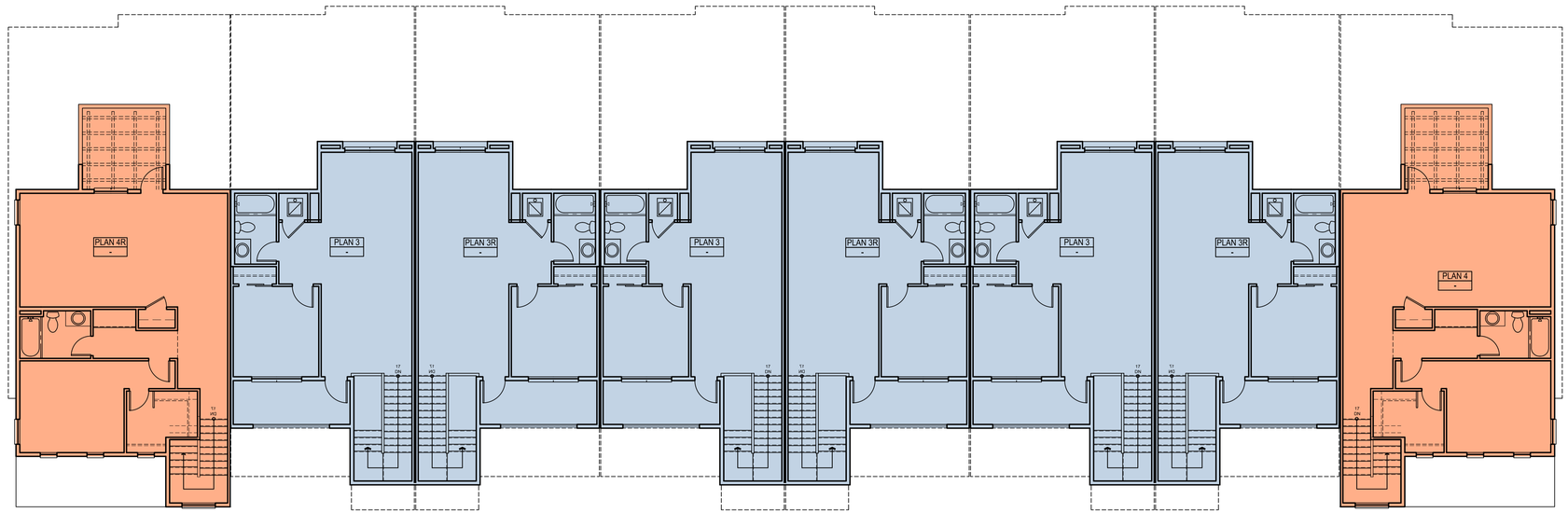
BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	2.17.2025
1st Submittal Date:	08.01.2024
2nd Submittal Date:	12.18.2024
3rd Submittal Date:	02.20.2025

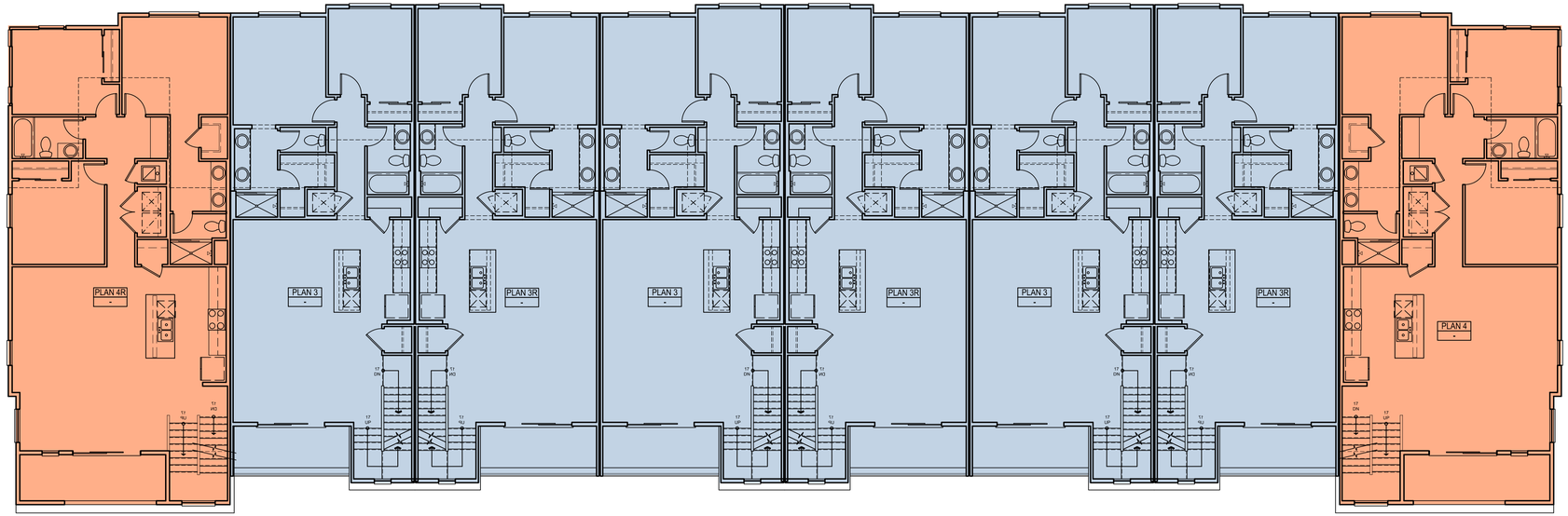
SCALE: 1/8" = 1'-0"
0 4 8 16

B1600 - 16-PLEX
BUILDING PLANS

AA3.3



FOURTH FLOOR



THIRD FLOOR

PLAN 1
PLAN 2
PLAN 3
PLAN 4

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.17.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

SCALE: 1/8" = 1'-0"
0 4 8 16

B1600 - 16-PLEX
BUILDING PLANS

AA3.4

ROOF PLAN

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.17.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

SCALE: 1/8" = 1'-0"
0 4 8 16

B1600 - 16-PLEX
BUILDING PLANS

AA3.5

1 - FRONT

2 - REAR

COLOR SCHEME 2 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AA7.0 FOR MORE INFORMATION.

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.17.2025
1st Submittal Date: 08.01.2024
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3rd Submittal Date: 02.20.2025

NTS
NTS

B1800 - 18-PLEX
PERSPECTIVES

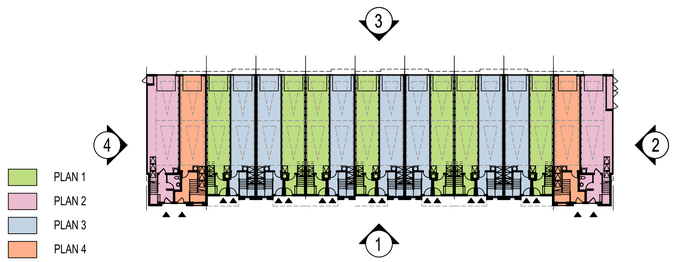
AA4.0

3 - REAR

1 - FRONT

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. TRIM
5. FAUX VENT
6. DECORATIVE AWNING
7. TRELLIS
8. METAL RAILING
9. SECTIONAL GARAGE DOOR
10. WALL LIGHT WITH SIGNAGE
11. ENTRY DOOR
12. VINYL WINDOW
13. UTILITY CLOSET
14. FIRE RISER



KEY SITE PLAN: 1/32" = 1'-0"

COLOR SCHEME 2 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AA7.0 FOR MORE INFORMATION.

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BEAR STREET
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Plot Date: 2.17.2025
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SCALE: 1/8" = 1'-0"
0 8 16 32

B1800 - 18-PLEX
ELEVATIONS

AA4.1

4 - LEFT

2 - RIGHT

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. TRIM
5. FAUX VENT
6. DECORATIVE AWNING
7. TRELLIS
8. METAL RAILING
9. SECTIONAL GARAGE DOOR
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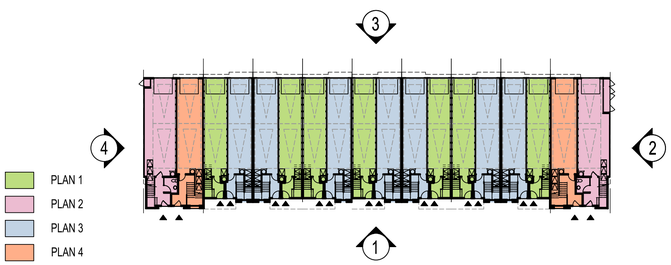
13. UTILITY CLOSET
14. FIRE RISER



KEY SITE PLAN: 1/32" = 1'-0"

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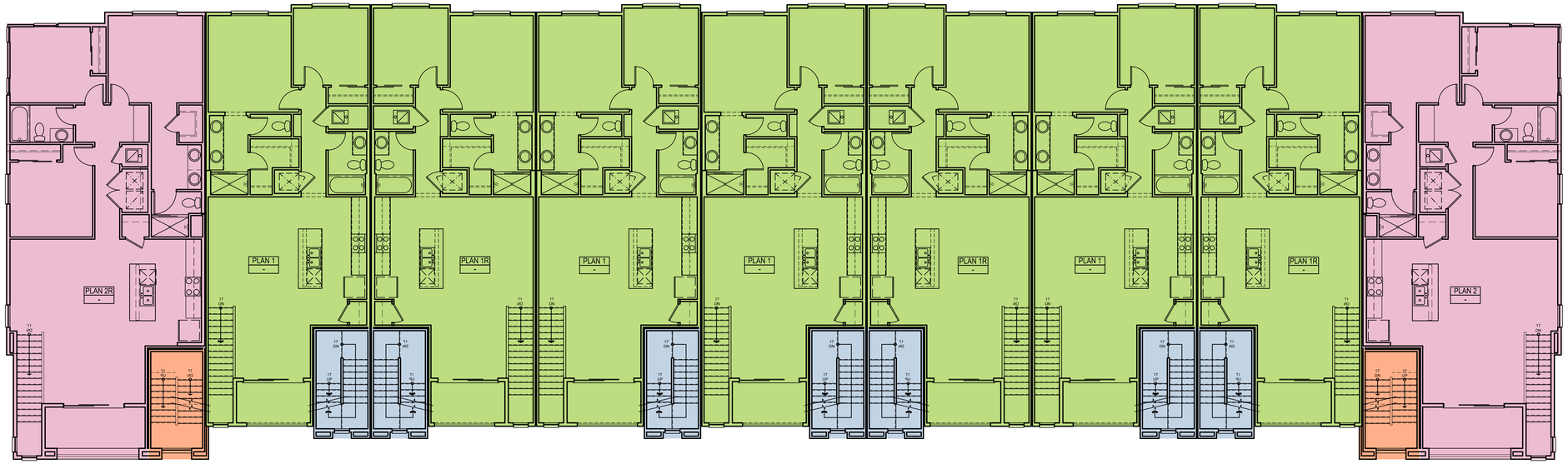
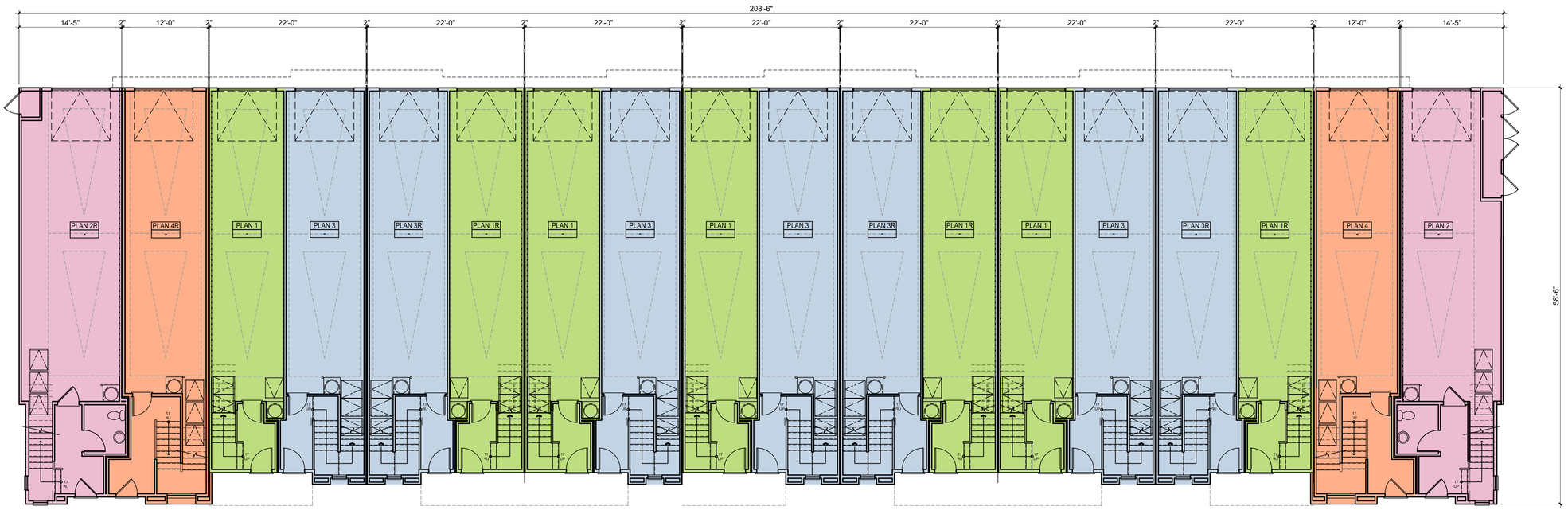
0 8 16 32

B1800 - 18-PLEX
ELEVATIONS

AA4.2



SECOND FLOOR



FIRST FLOOR

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	2.17.2025
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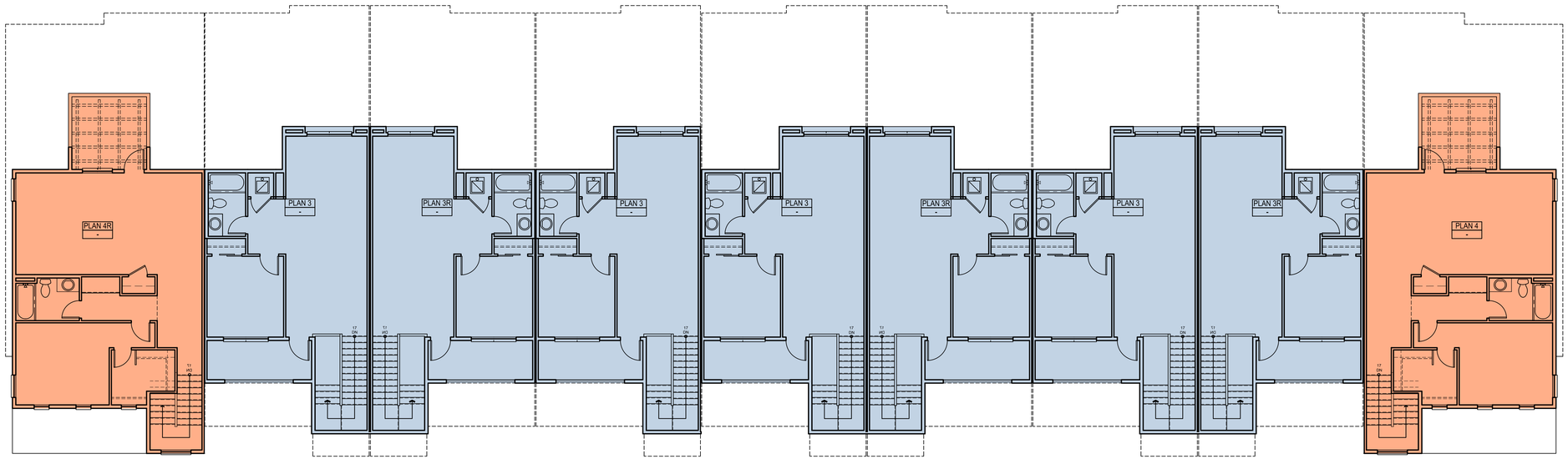
2nd Submittal Date:	12.18.2024
3rd Submittal Date:	02.20.2025

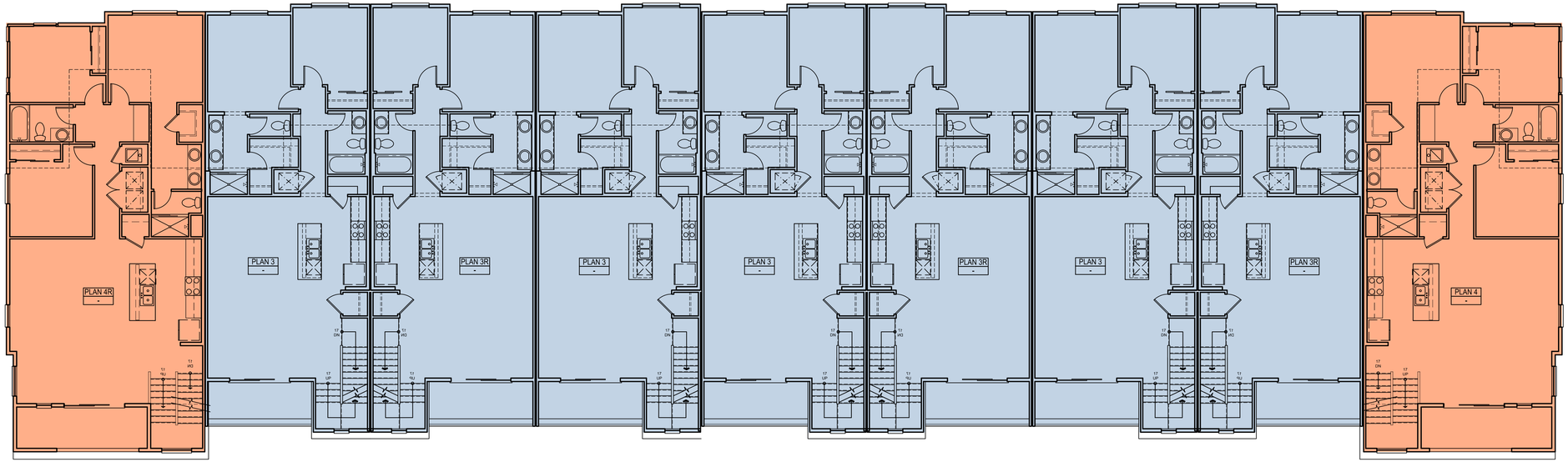
SCALE: 1/8" = 1'-0"
0 4 8 16

B1800 - 18-PLEX
BUILDING PLANS

AA4.3



FOURTH FLOOR



THIRD FLOOR

PLAN 1
PLAN 2
PLAN 3
PLAN 4

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BEAR STREET
COSTA MESA, CA # 2024-0264

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SCALE: 1/8" = 1'-0"
0 4 8 16

B1800 - 18-PLEX
BUILDING PLANS

AA4.4

ROOF PLAN

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COSTA MESA, CA # 2024-0264

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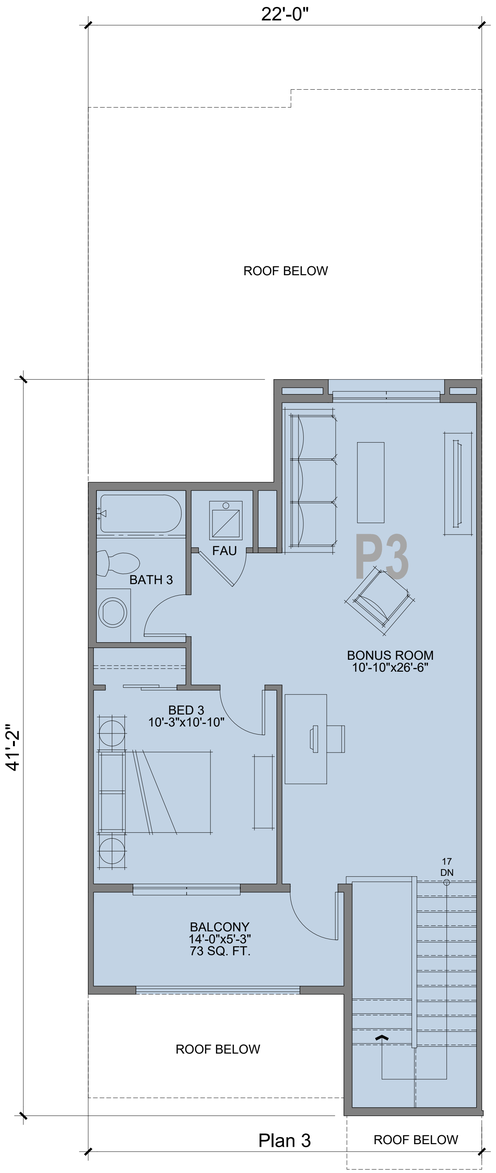
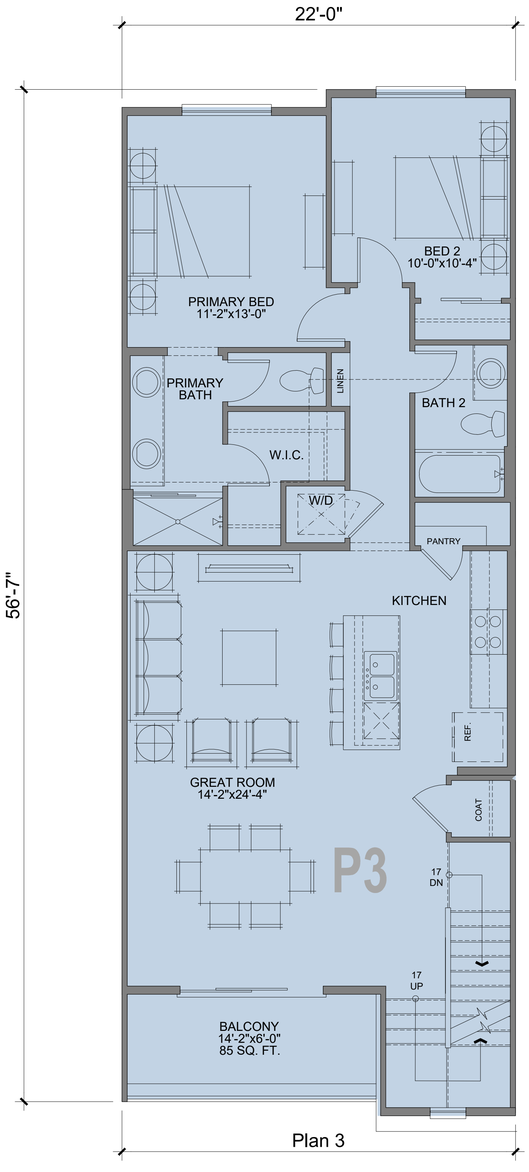
SCALE: 1/8" = 1'-0"
0 4 8 16

B1800 - 18-PLEX
BUILDING PLANS

AA4.5



FOURTH FLOOR



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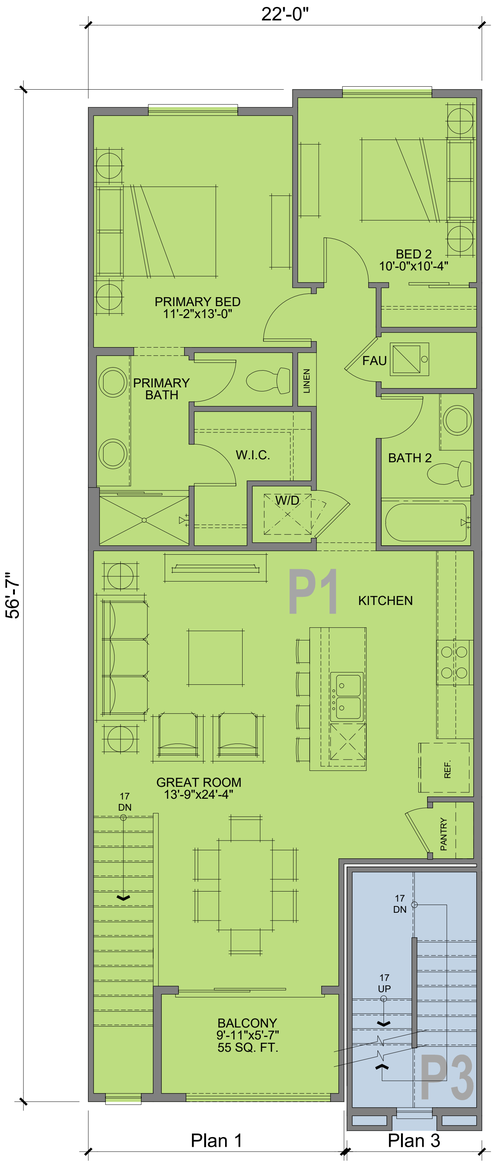
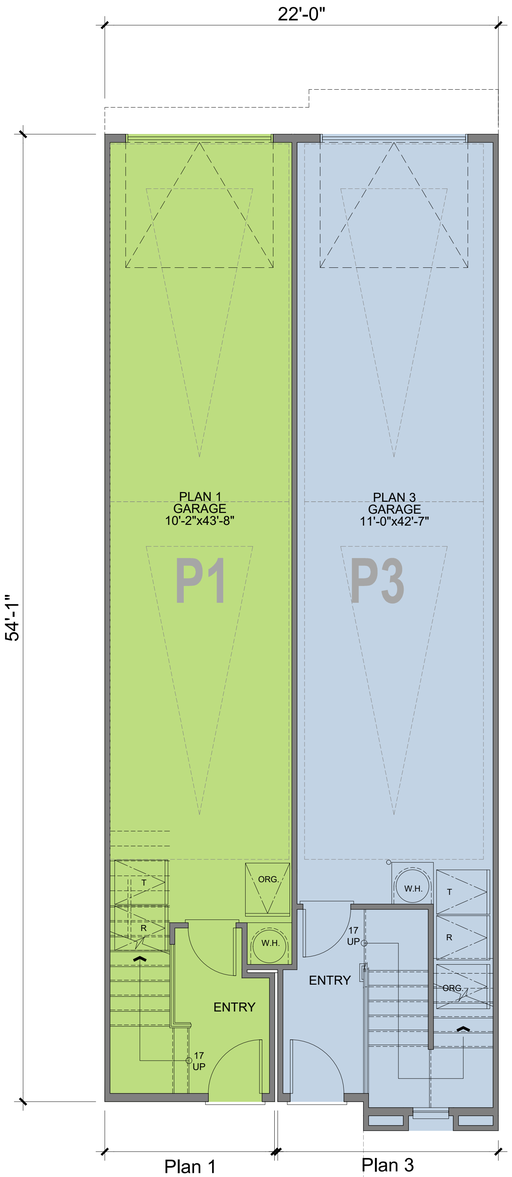


SECOND FLOOR



FIRST FLOOR

PLAN 3 (3 BED / 3 BATH) - NET SF - 45 UNITS		PLAN 1 (2 BED / 2 BATH) - NET SF - 45 UNITS	
FIRST FLOOR	125 SQ. FT.	FIRST FLOOR	101 SQ. FT.
SECOND FLOOR	92 SQ. FT.	SECOND FLOOR	962 SQ. FT.
THIRD FLOOR	1095 SQ. FT.	THIRD FLOOR	0
FOURTH FLOOR	520 SQ. FT.	FOURTH FLOOR	0
TOTAL NET	**1,832 SQ. FT.**	**TOTAL NET**	**1,062 SQ. FT.**
DECK	*159 SQ. FT.*	*DECK*	*55 SQ. FT.*
GARAGE	*488 SQ. FT.*	*GARAGE*	*456 SQ. FT.*

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BEAR STREET
COSTA MESA, CA # 2024-0264

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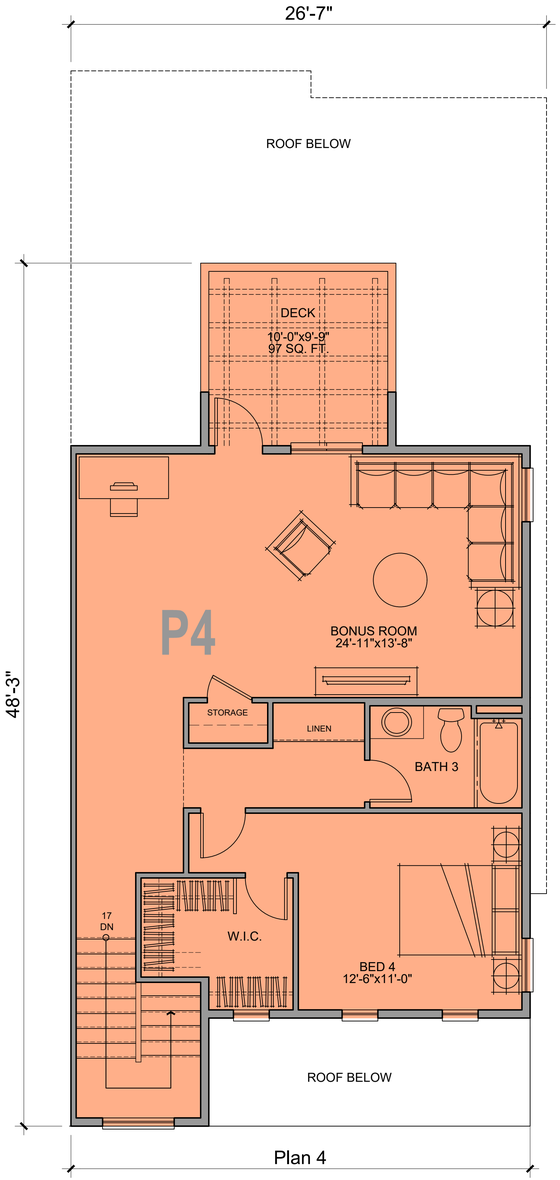
3rd Submittal Date: 02.20.2025

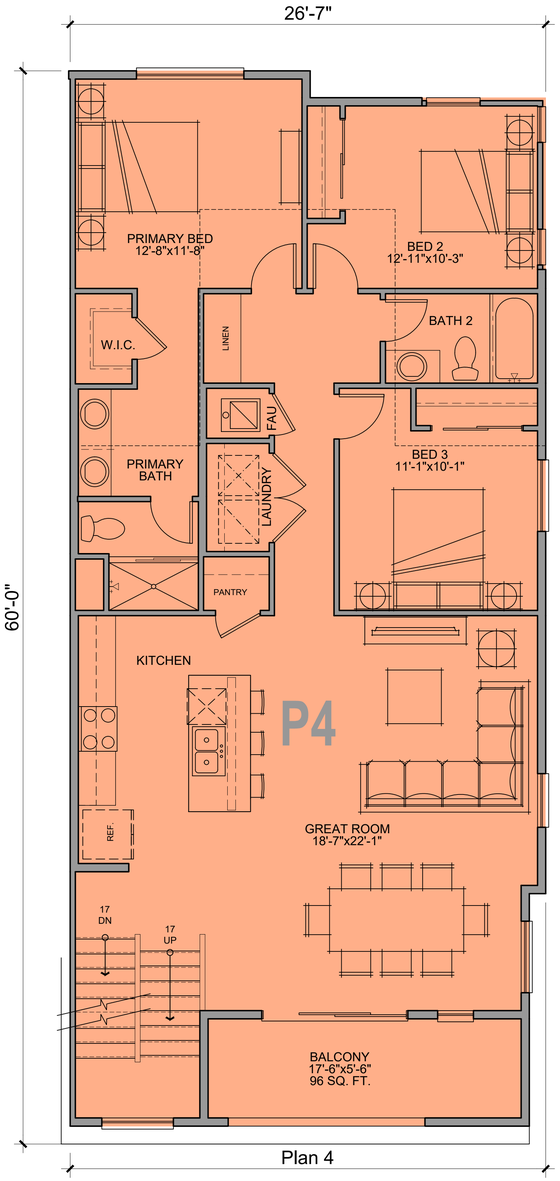
SCALE: 1/4" = 1'-0"
0 2 4 8

UNIT PLANS
PLANS 1 & 3

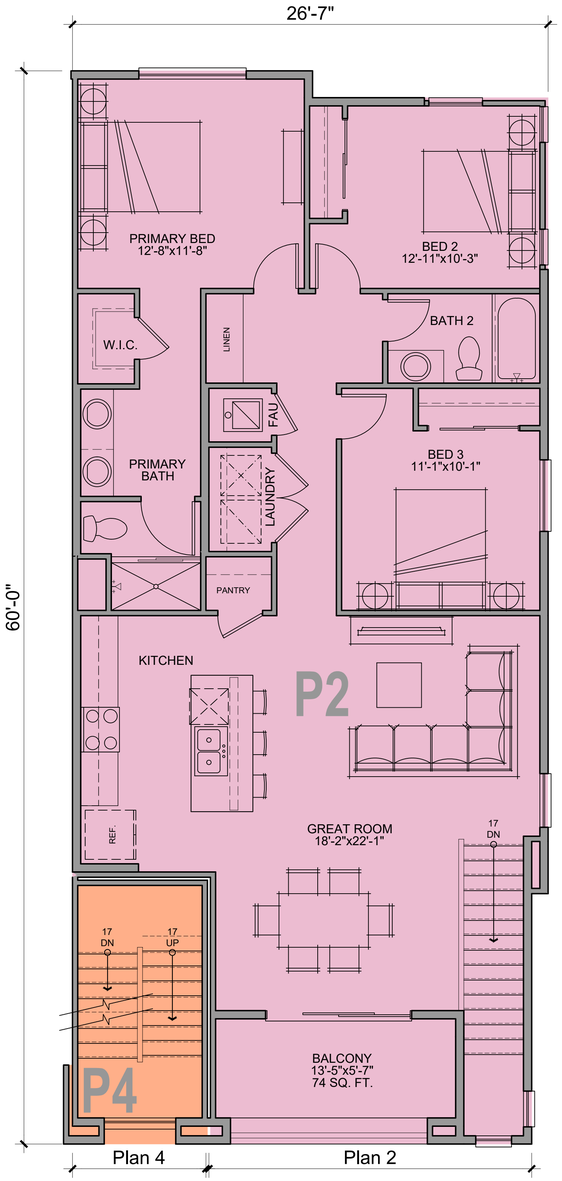
AA5.0



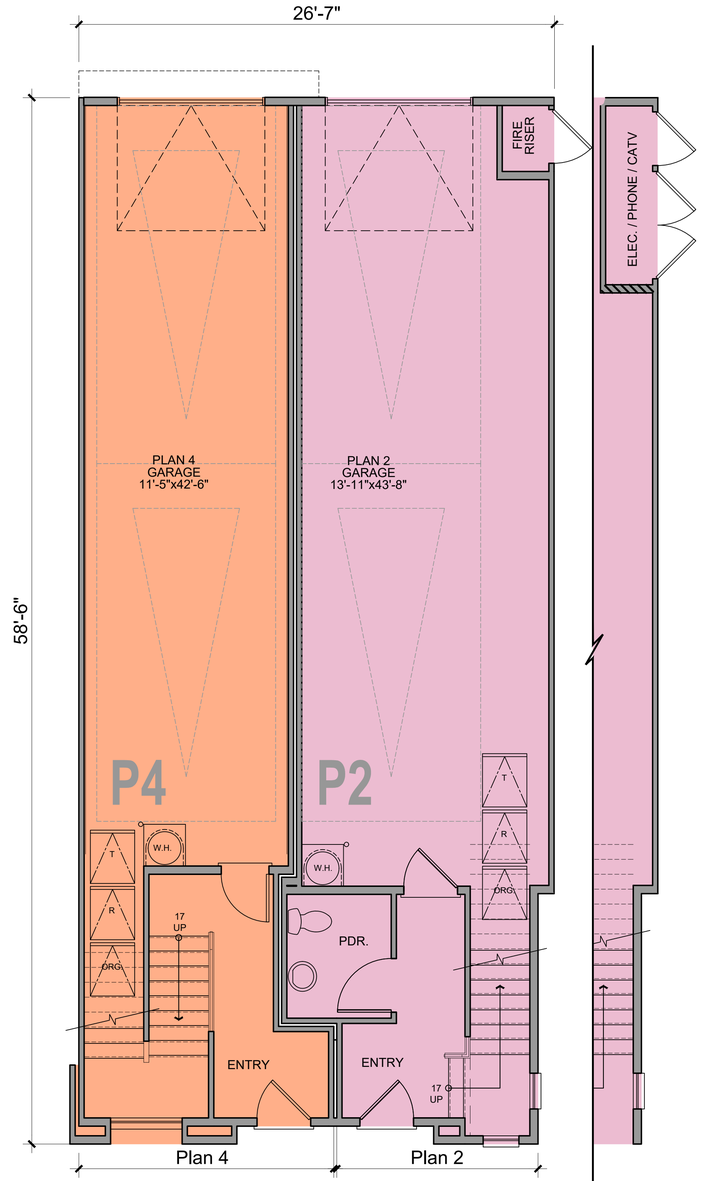
FOURTH FLOOR



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

PLAN 4 (4 BED / 3 BATH) - NET SF - 16 UNITS		PLAN 2 (3 BED / 2.5 BATH) - NET SF - 16 UNITS	
FIRST FLOOR	169 SQ. FT.	FIRST FLOOR	166 SQ. FT.
SECOND FLOOR	90 SQ. FT.	SECOND FLOOR	1270 SQ. FT.
THIRD FLOOR	1351 SQ. FT.	THIRD FLOOR	0
FOURTH FLOOR	754 SQ. FT.	FOURTH FLOOR	0
TOTAL NET	**2,364 SQ. FT.**	**TOTAL NET**	**1,436 SQ. FT.**
DECK	*194 SQ. FT.*	DECK	*74 SQ. FT.*
GARAGE	*510 SQ. FT.*	GARAGE	*615 SQ. FT.*

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.17.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

SCALE: 1/4" = 1'-0"
0 2 4 8

UNIT PLANS
PLANS 2 & 4

AA5.1

COLOR SCHEME 1

FLAT ROOF TILE
Westlake Royal Roofing
Duralite Saxony Shake 600
Stone Mountain Blend

TRELLIS, POSTS
SHERWIN WILLIAMS
SW 7019
GAUNTLET GRAY

VINYL WINDOW
Milgard
White

BODY 1
SHERWIN-WILLIAMS
SW 6196
FROSTY WHITE

BODY 2
SHERWIN-WILLIAMS
SW 2821
DOWNING STONE

BODY 3
SHERWIN-WILLIAMS
SW 9619
TEAKWOOD

TRIM 1
SHERWIN-WILLIAMS
SW 7064
PASSIVE

METAL RAILING
SHERWIN-WILLIAMS
SW 7019
GAUNTLET GRAY

ACCENT 1
SHERWIN-WILLIAMS
SW 7709
COPPER POT

ACCENT 2
SHERWIN-WILLIAMS
SW 7669
SUMMIT GRAY

ACCENT 3
SHERWIN-WILLIAMS
SW 6181
SECRET GARDEN

ACCENT 4
SHERWIN-WILLIAMS
SW 2840
HAMMERED SILVER

ACCENT 5
SHERWIN-WILLIAMS
SW 7069
IRON ORE

COLOR SCHEME 2

FLAT ROOF TILE
Westlake Royal Roofing
Duralite Saxony Shake 600
Charcoal Blend

TRELLIS, POSTS
SW 7501
THRESHOLD TAUPE

VINYL WINDOW
Milgard
White

BODY 1
SHERWIN-WILLIAMS
SW 9541
WHITE SNOW

BODY 2
SHERWIN-WILLIAMS
SW 9619
TEAKWOOD

BODY 3
SHERWIN-WILLIAMS
SW 7069
IRON ORE

TRIM 1
SHERWIN-WILLIAMS
SW 7064
PASSIVE

METAL RAILING
SHERWIN-WILLIAMS
SW 7019
GAUNTLET GRAY

ACCENT 1
SHERWIN-WILLIAMS
SW 6242
BRACING BLUE

ACCENT 2
SHERWIN-WILLIAMS
SW 9132
ACACIA HAZE

ACCENT 3
SHERWIN-WILLIAMS
SW 7664
STEELY GRAY

ACCENT 4
SHERWIN-WILLIAMS
SW 7715
POTTERY URN

ACCENT 5
SHERWIN-WILLIAMS
SW 7069
IRON ORE

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 8.1.2024
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

COLOR AND MATERIAL BOARD
FOUR-STORY STACKED FLATS

AA6.0

FRONT

REAR

COLOR SCHEME 1 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AB7.0 FOR MORE INFORMATION.

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BEAR STREET
COSTA MESA, CA # 2024-0264

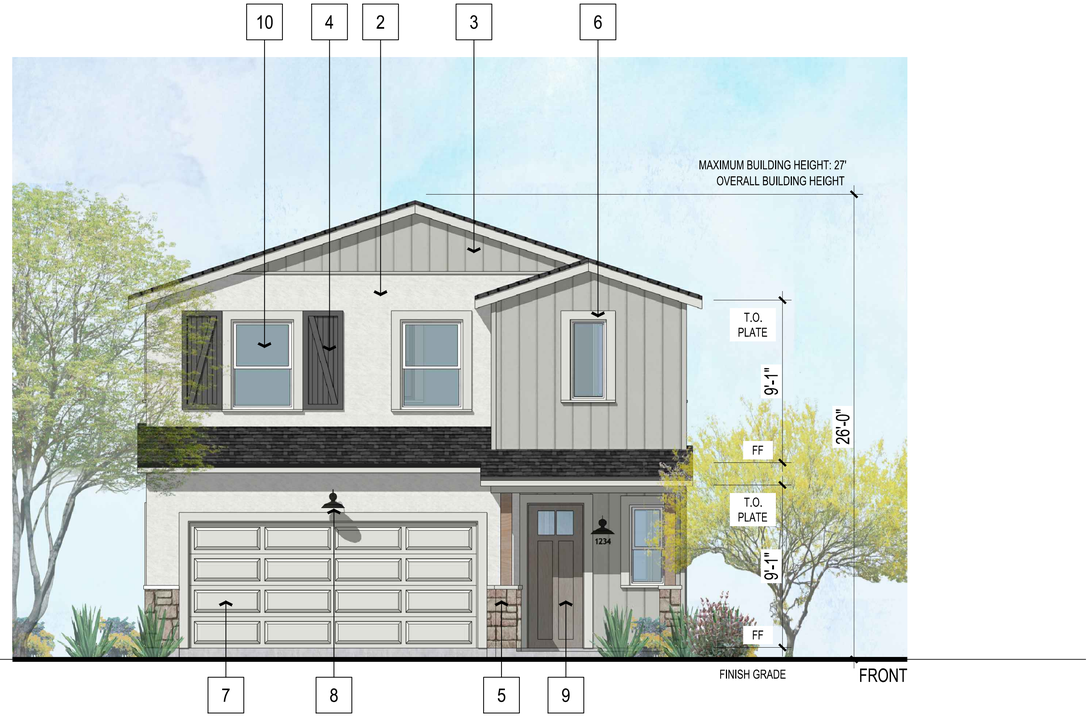
Plot Date: 6.16.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

NTS
NTS

PLAN 3060
PERSPECTIVES

AB2.0

LEFT



FRONT

RIGHT

REAR

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. DECORATIVE SHUTTERS
5. STONE VENEER
6. DECORATIVE TRIM
7. SECTIONAL GARAGE DOOR
8. LIGHT FIXTURE
9. ENTRY DOOR
10. VINYL WINDOW
11. TRELLIS

COLOR SCHEME 1 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AB7.0 FOR MORE INFORMATION.

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 6.16.2025
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2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

SCALE: 1/4" = 1'-0"
0 2 4 8

PLAN 3060
ELEVATIONS

AB2.1

FRONT

REAR

COLOR SCHEME 2 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AB7.0 FOR MORE INFORMATION.

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Meritage Homes

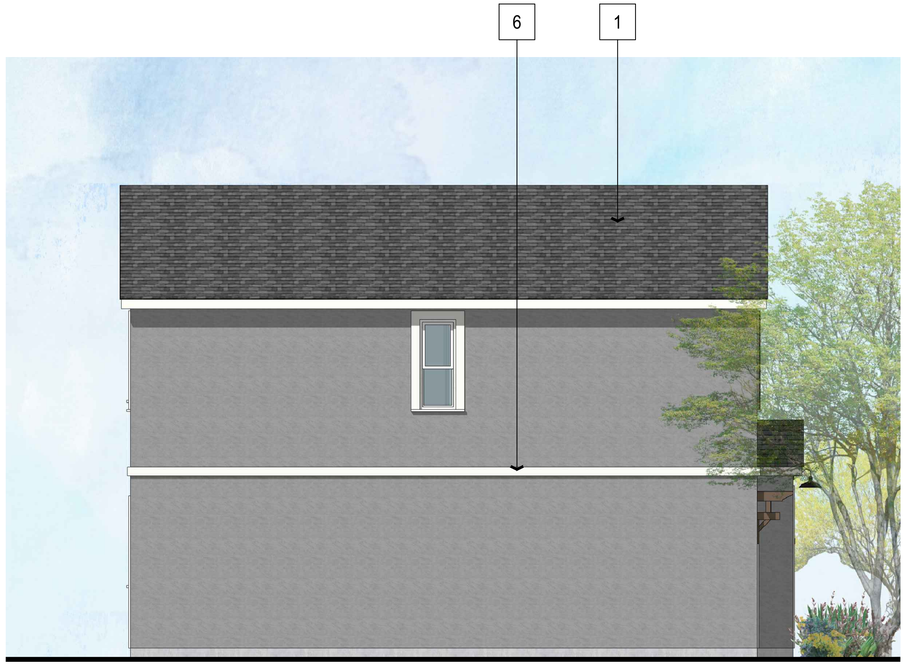
BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	11.25.2024
1st Submittal Date:	08.01.2024
2nd Submittal Date:	12.18.2024
3rd Submittal Date:	02.20.2025

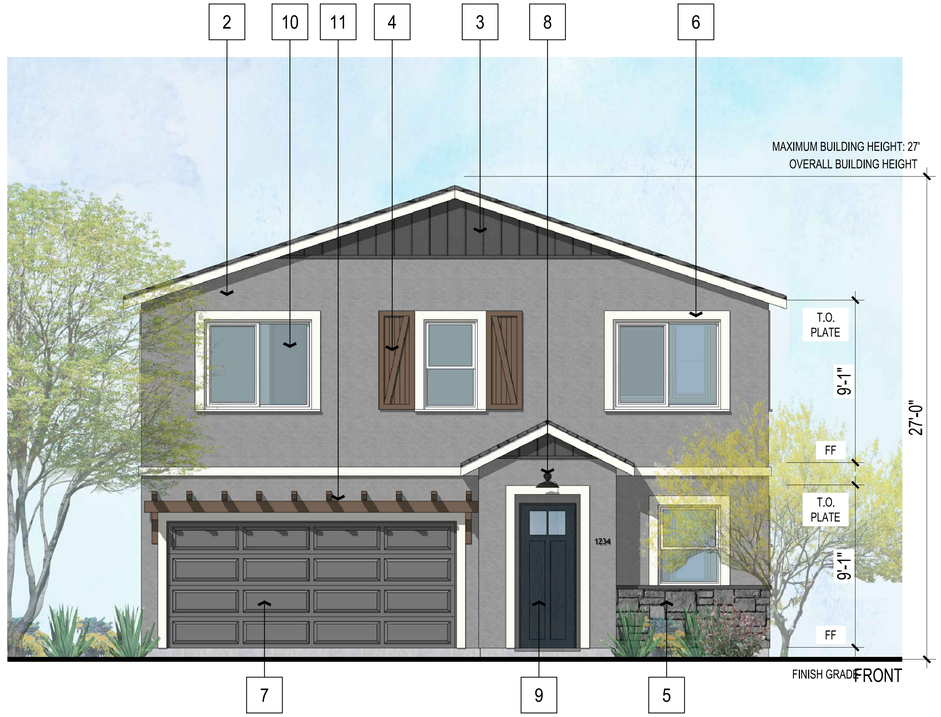
NTS
NTS

PLAN 3522
PERSPECTIVES

AB3.0



LEFT



FRONT

RIGHT

REAR

MATERIAL LEGEND

1. FLAT TILE ROOFING
2. STUCCO
3. VERTICAL LAP SIDING
4. DECORATIVE SHUTTERS
5. STONE VENEER
6. DECORATIVE TRIM
7. SECTIONAL GARAGE DOOR
8. LIGHT FIXTURE
9. ENTRY DOOR
10. VINYL WINDOW
11. TRELLIS

COLOR SCHEME 2 SHOWN. REFER TO COLOR AND MATERIAL BOARD ON SHEET AB7.0 FOR MORE INFORMATION.

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BEAR STREET
COSTA MESA, CA # 2024-0264

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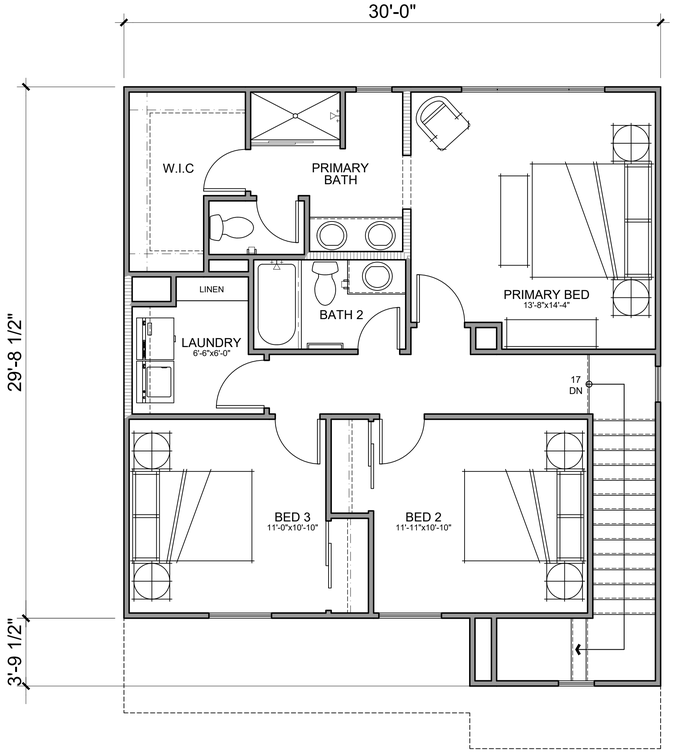
3rd Submittal Date:	02.20.2025

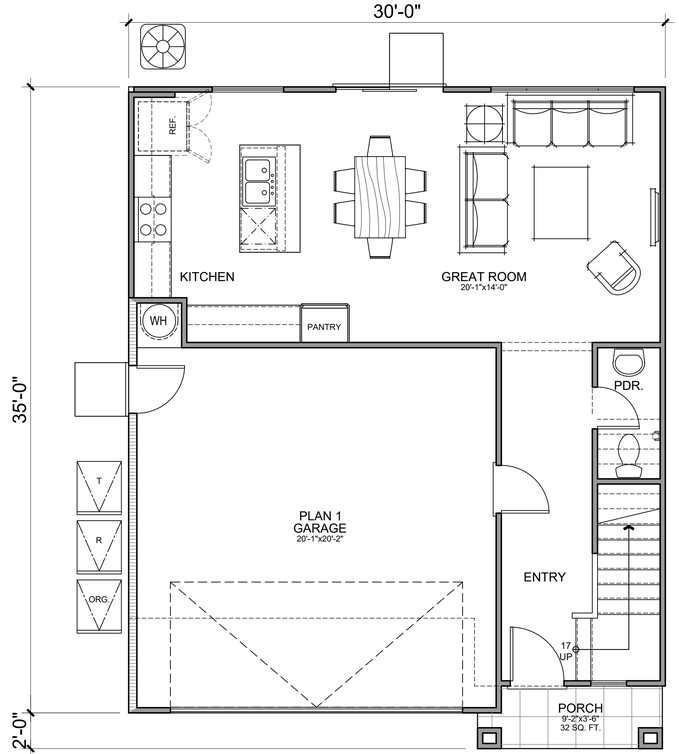
SCALE: 1/4" = 1'-0"
0 2 4 8

PLAN 3522
ELEVATIONS

AB3.1



SECOND FLOOR



FIRST FLOOR

PLAN 1 (3 BED / 2.5 BATH) - GROSS SF - 13 UNITS	
FIRST FLOOR	608 SQ. FT.
SECOND FLOOR	834 SQ. FT.
THIRD FLOOR	0
FOURTH FLOOR	0
TOTAL GROSS	**1,442 SQ. FT.**
DECK	*0*
GARAGE	*404 SQ. FT.*

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.19.2025
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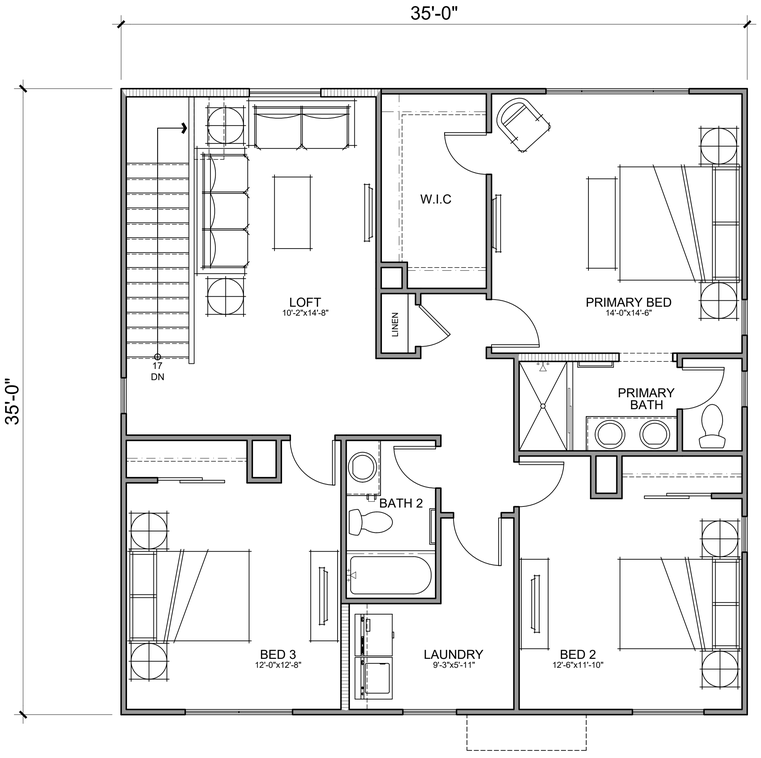
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

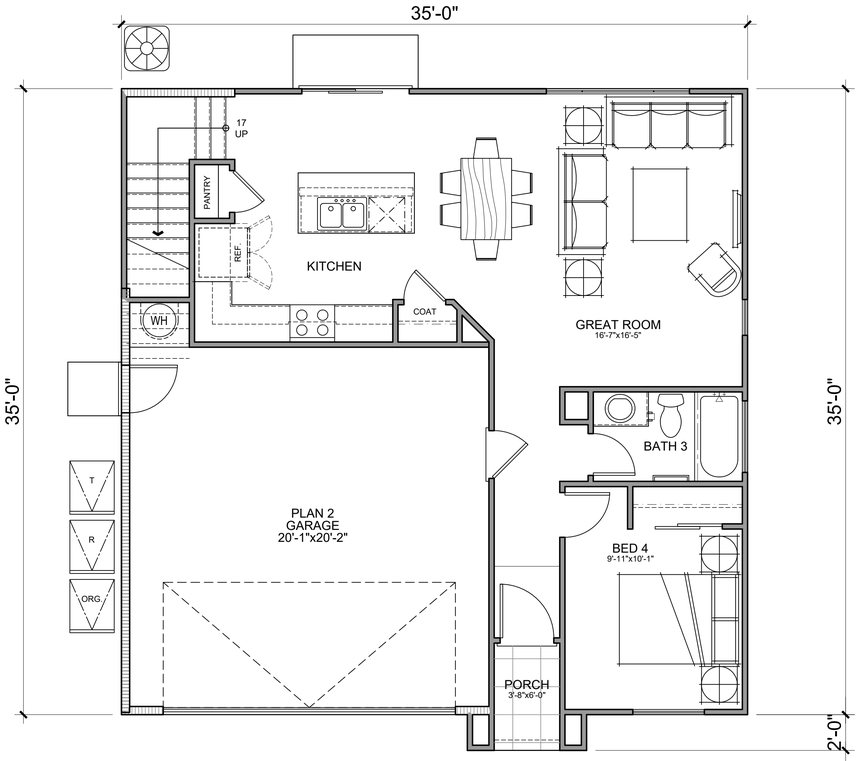
SCALE: 1/4" = 1'-0"
0 2 4 8

PLAN 3060
UNIT PLANS

AB4.0



SECOND FLOOR



FIRST FLOOR

PLAN 2 (4 BED / 3 BATH) - GROSS SF - 7 UNITS	
FIRST FLOOR	778 SQ. FT.
SECOND FLOOR	1168 SQ. FT.
THIRD FLOOR	0
FOURTH FLOOR	0
TOTAL GROSS	**1,946 SQ. FT.**
DECK	*0*
GARAGE	*403 SQ. FT.*

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Meritage Homes

BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 2.19.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

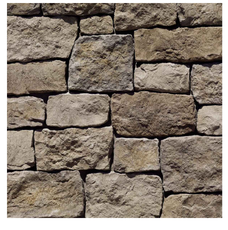
SCALE: 1/4" = 1'-0"
0 2 4 8

PLAN 3522
UNIT PLANS

AB4.1

COLOR SCHEME 1

FLAT ROOF TILE
Westlake Royal Roofing
Duralite Saxony Shake 600
Charcoal Blend

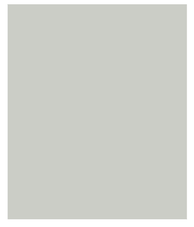


STONE VENEER
Eldorado Stone
Roughcut
Moonight

POST
Sherwin-Williams
SW 7040
Smokehouse

VINYL WINDOW
Milgard
White

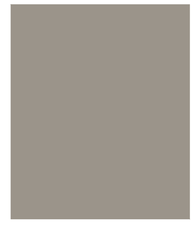
BODY 1
SHERWIN-WILLIAMS
SW 6196
FROSTY WHITE



BODY 2
SHERWIN-WILLIAMS
SW 7651
FRONT PORCH

TRIM 1
SHERWIN-WILLIAMS
SW 6196
FROSTY WHITE

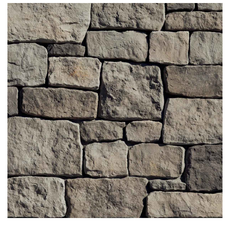
ACCENT 1
SHERWIN-WILLIAMS
SW 7674
PEPPERCORN



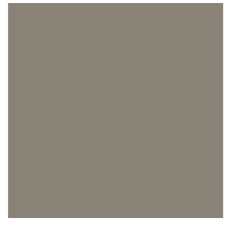
ACCENT 2
SHERWIN-WILLIAMS
SW 9168
ELEPHANT EAR

COLOR SCHEME 2

FLAT ROOF TILE
Westlake Royal Roofing
Duralite Saxony Shake 600
Stone Mountain Blend

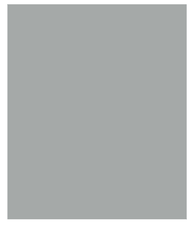


STONE VENEER
Eldorado Stone
Roughcut
Falling Spring



POST
Sherwin-Williams
SW 7046
Anonymous

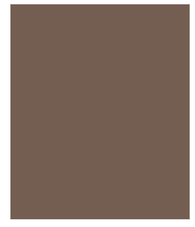
VINYL WINDOW
Milgard
White



BODY 1
SHERWIN-WILLIAMS
SW 7659
Gris

BODY 2
SHERWIN-WILLIAMS
SW 7069
IRON ORE

TRIM 1
SHERWIN-WILLIAMS
SW 9541
WHITE SNOW



ACCENT 1
SHERWIN-WILLIAMS
SW 7520
PLANTATION SHUTTERS

ACCENT 2
SHERWIN-WILLIAMS
SW 7615
SEA SERPENT

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Meritage Homes

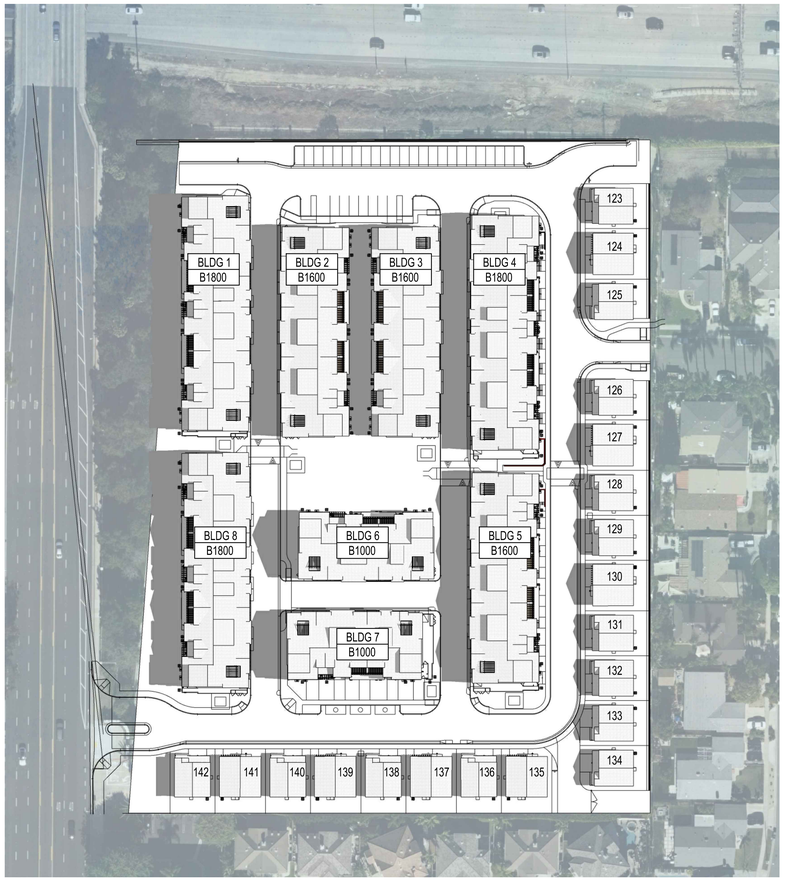
BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 8.1.2024
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

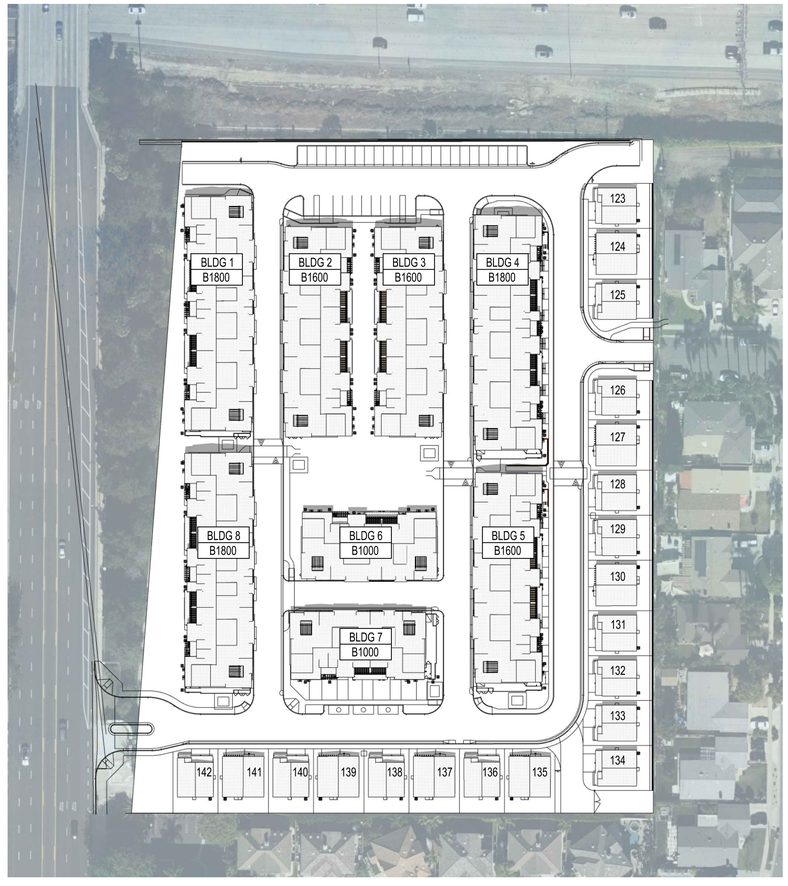
COLOR AND MATERIAL BOARD
TWO-STORY DETATCHED CONDOS

AB5.0

SUMMER SOLSTICE



JUNE 20, 2025 - 9 AM



JUNE 20, 2025 - 12 PM

JUNE 20, 2025 - 3 PM

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	12.16.2024
1st Submittal Date:	08.01.2024
2nd Submittal Date:	12.18.2024
3rd Submittal Date:	02.20.2025

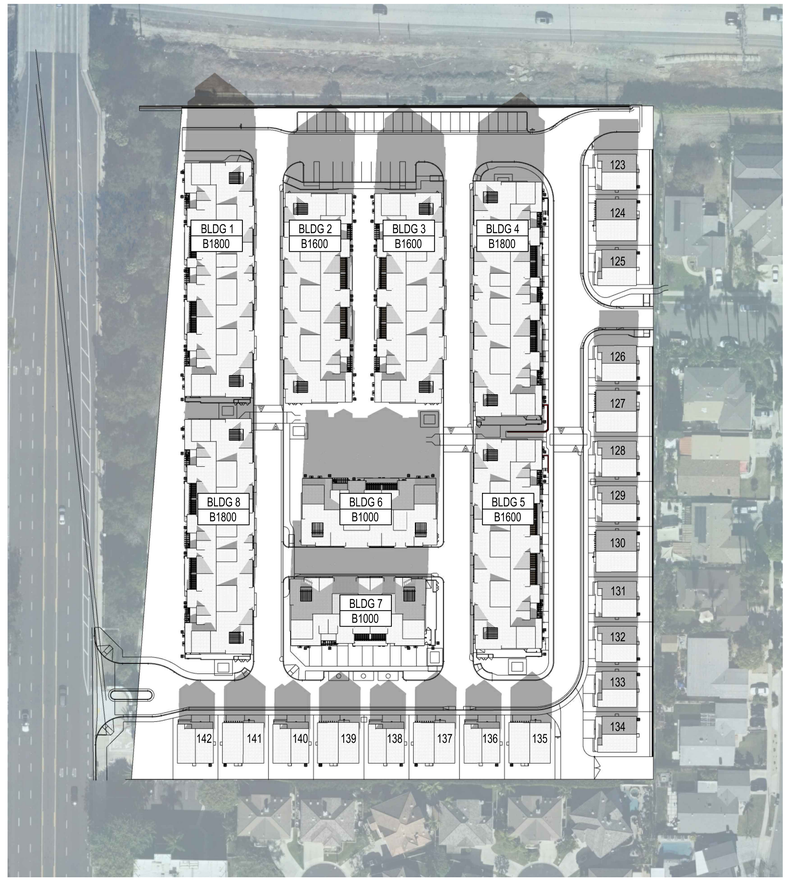
SCALE: 1/64" = 1'-0"
0 32 64 128

SOLAR SHADE STUDY
SUMMER SOLSTICE

AC1.0

WINTER SOLSTICE

DECEMBER 21, 2025 - 9 AM



DECEMBER 21, 2025 - 12 PM

DECEMBER 21, 2025 - 3 PM

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date:	12.16.2024
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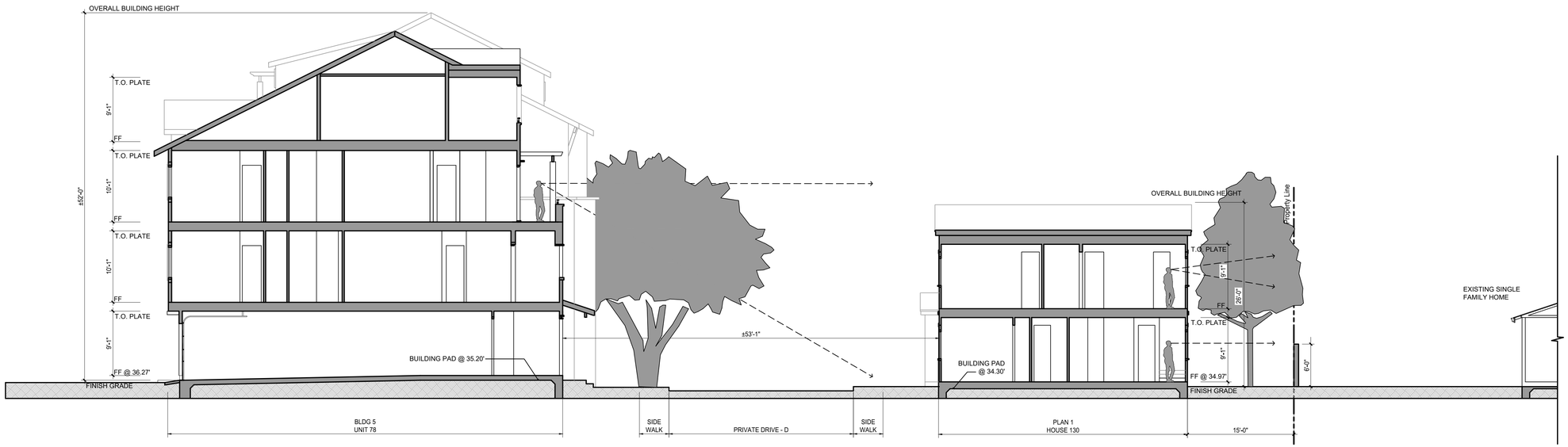
3rd Submittal Date:	02.20.2025

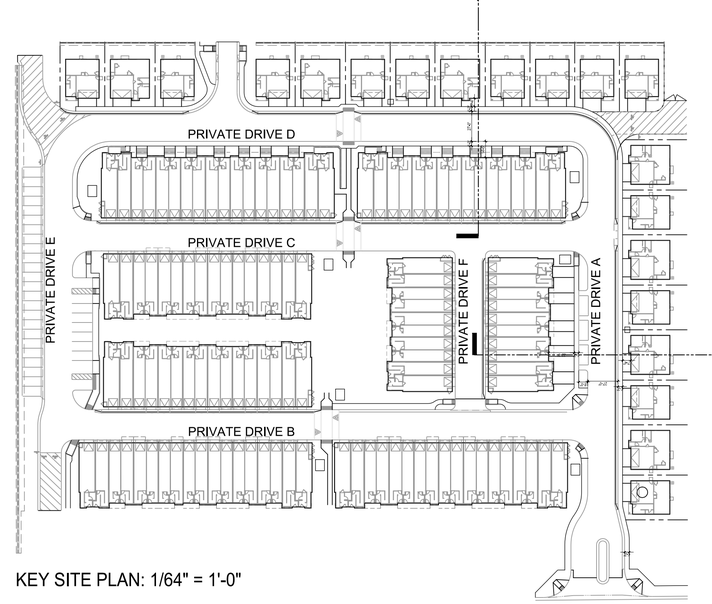
SCALE: 1/64" = 1'-0"
0 32 64 128

SOLAR SHADE STUDY
WINTER SOLSTICE

AC1.1



SECTION A



KEY SITE PLAN: 1/64" = 1'-0"

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BEAR STREET
COSTA MESA, CA # 2024-0264

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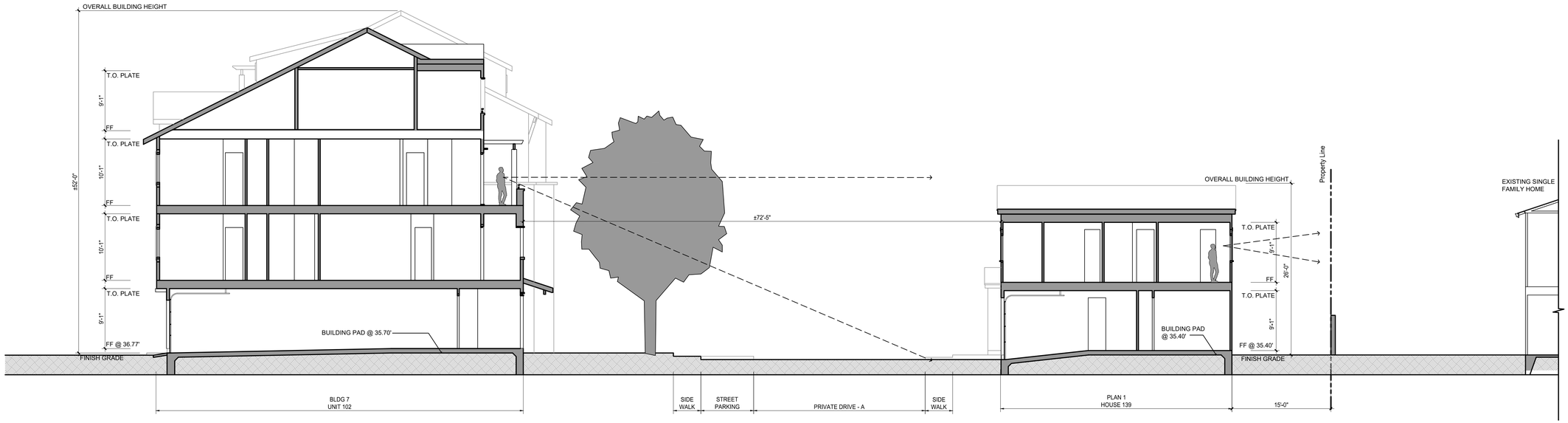
3rd Submittal Date:	02.20.2025

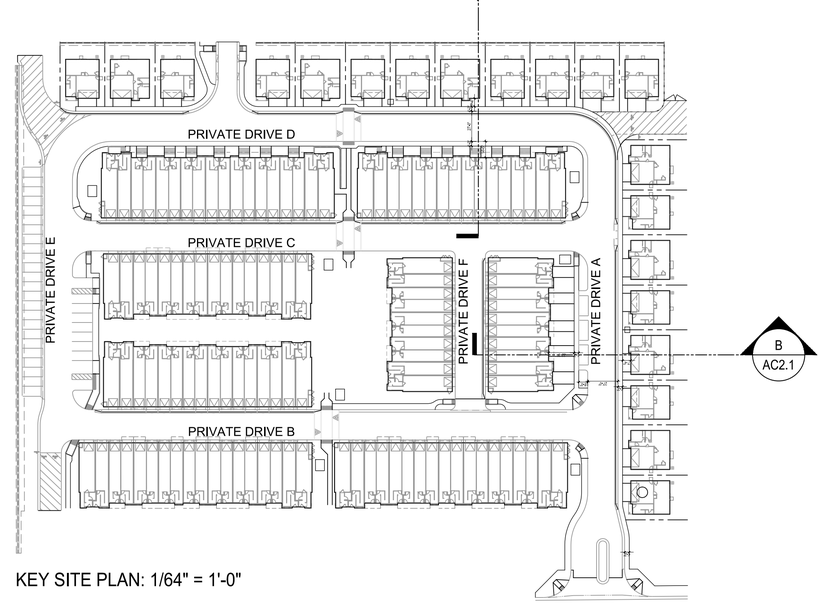
SCALE: 1/8" = 1'-0"
0 8 16 32

LINE OF SIGHT EXHIBIT
SECTION A

AC2.0



SECTION B



KEY SITE PLAN: 1/64" = 1'-0"

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BEAR STREET
COSTA MESA, CA # 2024-0264

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SCALE: 1/8" = 1'-0"
0 8 16 32

LINE OF SIGHT EXHIBIT
SECTION B

AC2.1

VIEW OF STACKED FLATS DOWN PRIVATE DRIVE A

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BEAR STREET
COSTA MESA, CA # 2024-0264

Plot Date: 1.23.2025
1st Submittal Date: 08.01.2024
2nd Submittal Date: 12.18.2024
3rd Submittal Date: 02.20.2025

NTS

PERSPECTIVE RENDERING

AD1.0

VIEW LOOKING INTO THE CENTRAL OPEN SPACE

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BEAR STREET
COSTA MESA, CA # 2024-0264

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3rd Submittal Date:	02.20.2025

NTS

PERSPECTIVE RENDERING

AD1.1

VIEW OF PROJECT ENTRY

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BEAR STREET
COSTA MESA, CA # 2024-0264

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NTS

PERSPECTIVE RENDERING

AD1.2

VIEW OF DETACHED CONDOS DOWN PRIVATE DRIVE A

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BEAR STREET
COSTA MESA, CA # 2024-0264

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NTS

PERSPECTIVE RENDERING

AD1.3

VIEW OF STACKED FLATS DOWN PRIVATE DRIVE D

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BEAR STREET
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NTS

PERSPECTIVE RENDERING

AD1.4

VIEW OF OPEN SPACE ADJACENT TO BEAR STREET

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BEAR STREET
COSTA MESA, CA # 2024-0264

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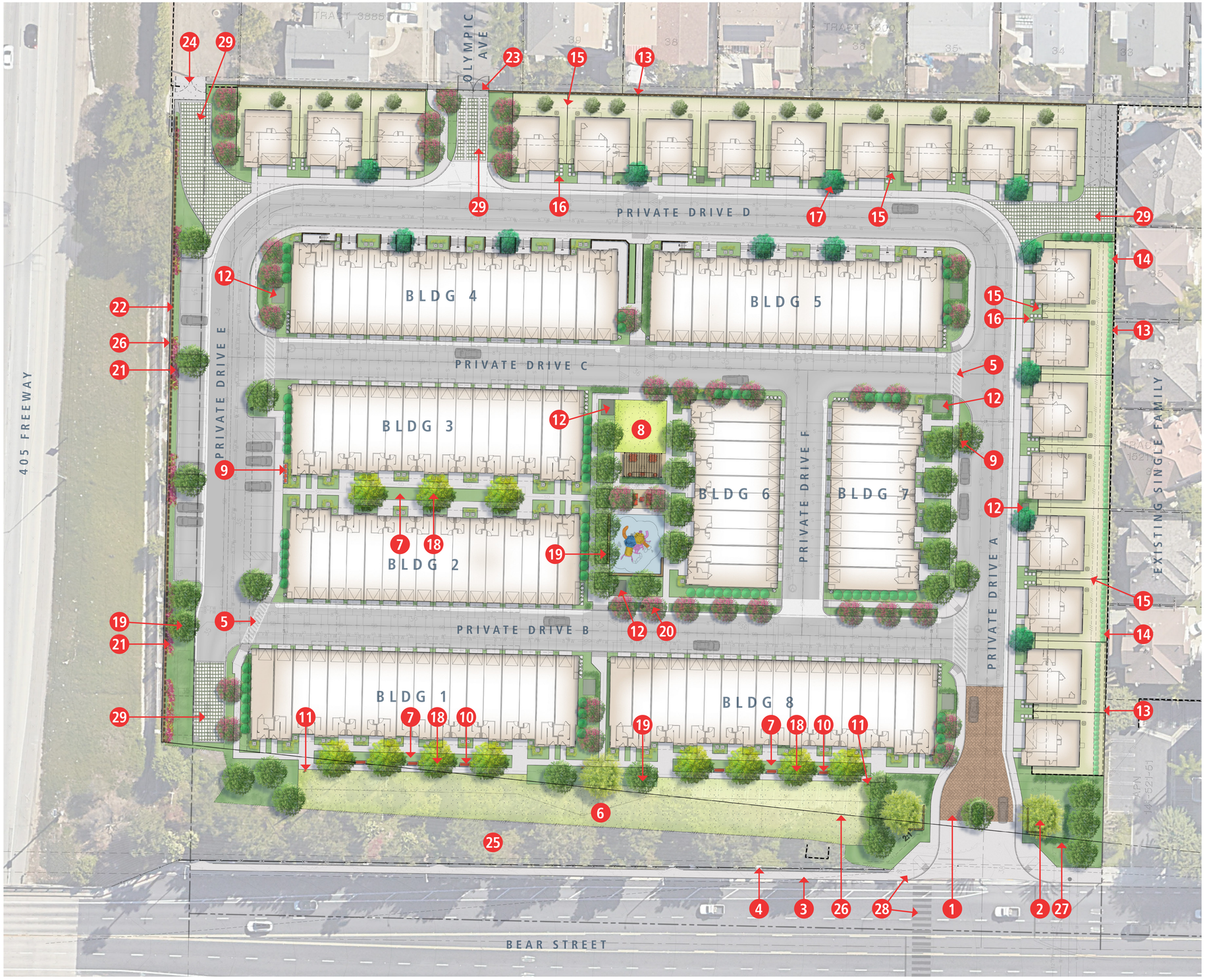
3rd Submittal Date: 02.20.2025

NTS

PERSPECTIVE RENDERING

AD1.5



LEGEND

1. Project Entry with Enhanced Vehicular Paving
2. Monument Signage and Specimen Tree
3. Public Sidewalk
4. Existing Perimeter Pilaster and Fence (Refer to Sheet L-4)
5. Crosswalk Striping
6. Lawn Area
7. Central Paseo
8. Central Open Space:
   - Lawn
   - Overhead Structure
   - BBQ and Picnic
   - Play Equipment
   - Casual Seating
9. Mailboxes
10. Bench
11. Pet Waste Station (Total 3 Installs)
12. Transformer with Screening Hedge
13. Existing Wall to Remain (Refer to L-4, L-5)
14. Screening Tree
15. Side Yard Fence and Gate (Refer to L-4, L-5)
16. Stepping Stones
17. Street Tree
18. Paseo Tree
19. Shade Tree
20. Flower Tree
21. Screening Vine
22. Sound Wall (Refer to Sheet L-4, L-5)
23. EVA Gate and Pedestrian Access Gate
24. Existing Maintenance Corridor Gate
25. Existing Slope to Remain
26. Property Line
27. Hedge to Screen DCDA and FDC
28. Traffic Signal and Crosswalk per Civil's Plan
29. Drivable Turf Block

MLC Holdings, Inc.

3150 BEAR STREET - CONCEPTUAL LANDSCAPE PLAN

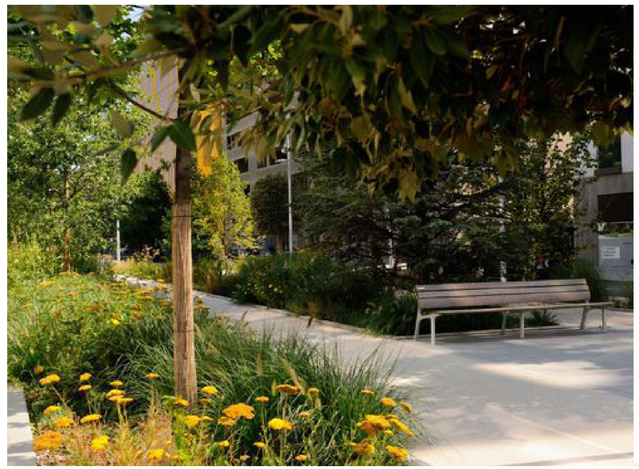
COSTA MESA, CA

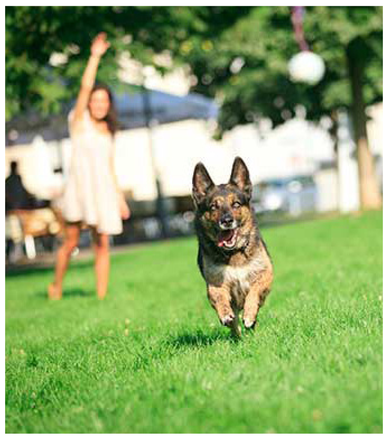
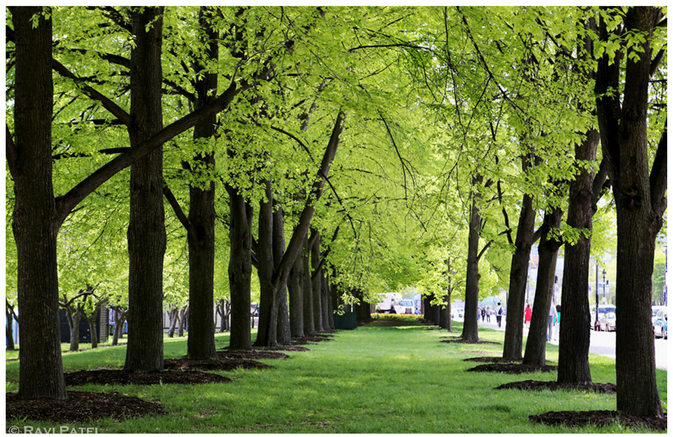
0 15' 30' 60'
Scale: 1" = 30'-0"

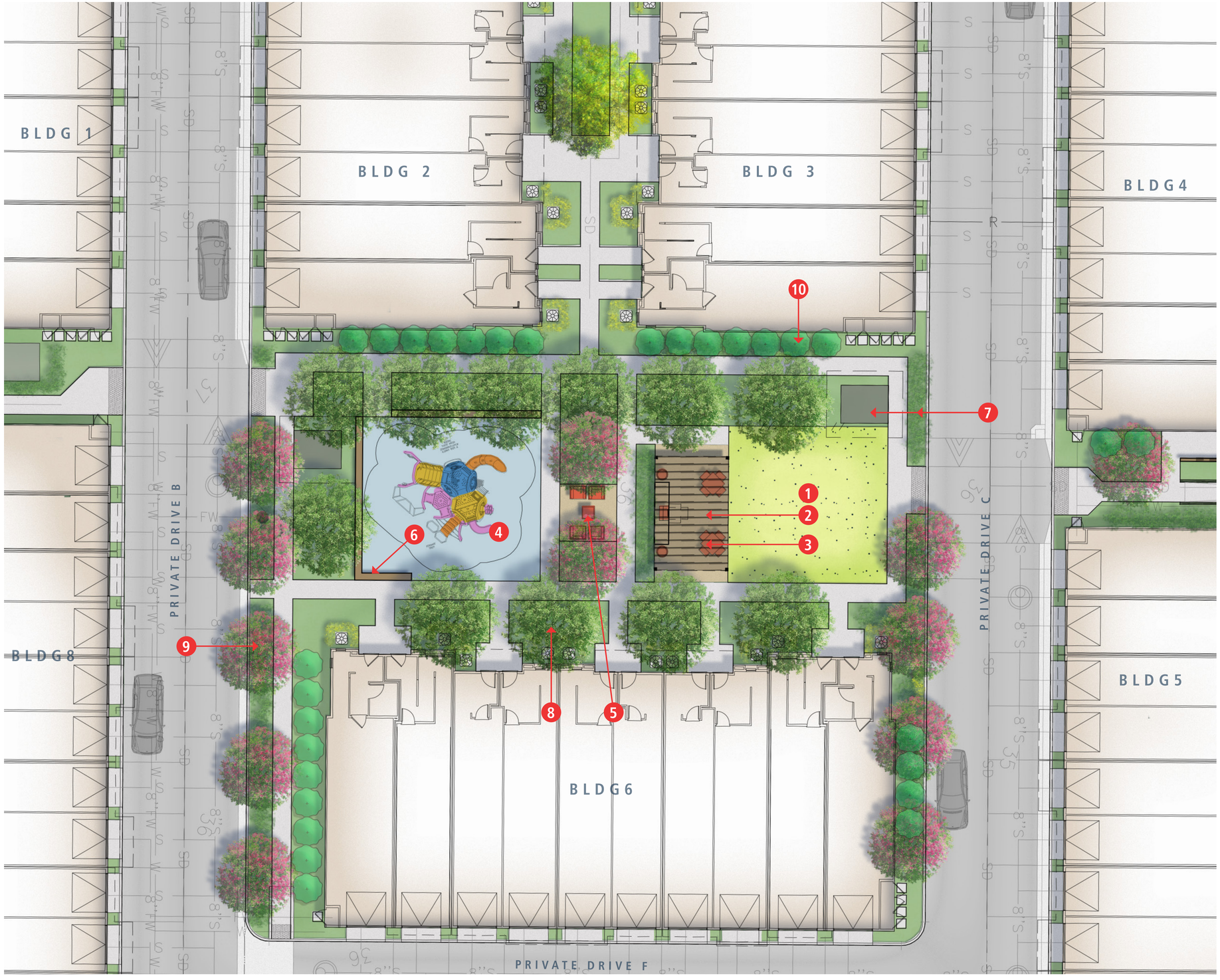
04.09.25

L-1

C2 Collaborative



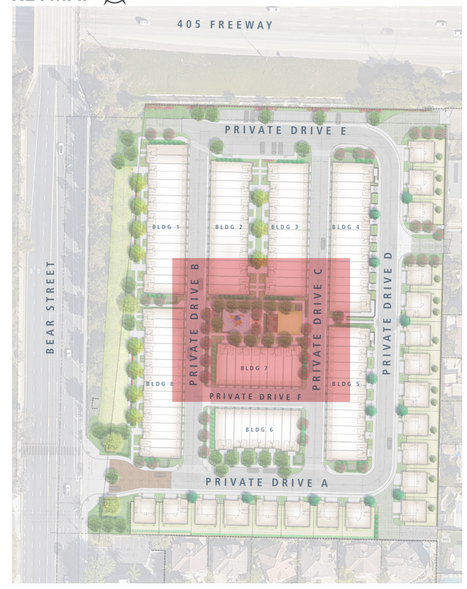


©RAVI PATEL



LEGEND

1. Lawn Area
2. Overhead Structure
3. BBQ and Picnic
4. Play Equipment
5. Casual Seating
6. Seat Wall
7. Transformer with Screening Hedge
8. Shade Tree
9. Flower Tree
10. Hedge Tree

KEYMAP



MLC Holdings, Inc.

3150 BEAR STREET - OPEN SPACE ENLARGEMENT PLAN

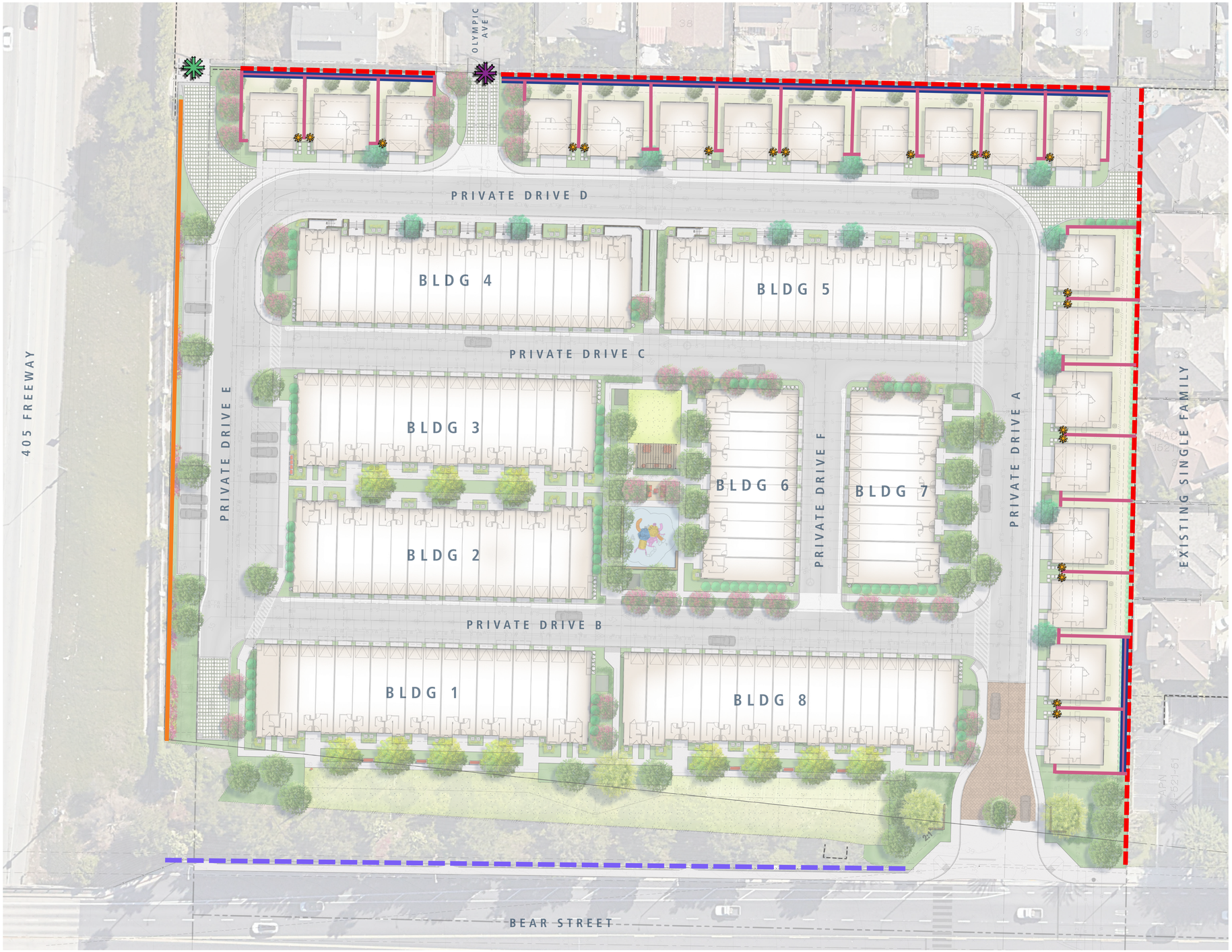
COSTA MESA, CA

Scale: 1"= 10'-0"

04.09.25

L-3

C2 Collaborative



LEGEND

- Existing Wall to Remain - Approx. 6'ht
- Existing Perimeter Pilaster and Fence to Remain (To be Repaired and Painted)
- 12'ht. Sound Wall with 4'ht. Max. Retaining Wall
- 6'ht. Side Yard Fence
- Retaining Wall with 6'ht. Vinyl Fence
- 6'ht. Side Yard Vinyl Gate
- EVA Vehicular Gate and Pedestrian Gate - 5' ht
- Existing Maintenance Corridor Gate - Replaced in Coordination with OC SAN

MLC Holdings, Inc.

3150 BEAR STREET - CONCEPTUAL WALL AND FENCE PLAN

COSTA MESA, CA

0 15' 30' 60'

Scale: 1" = 30'-0"

04.09.25

L-4

C2 Collaborative

Victor Stanley - Camille (or Equal)

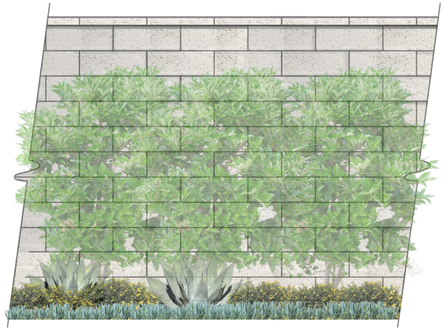
Color:

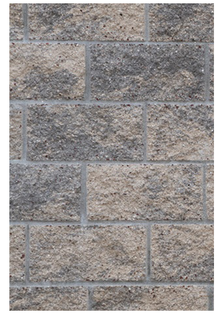
Picnic Table and Benches

Victor Stanley - Camille (or Equal)

Color:

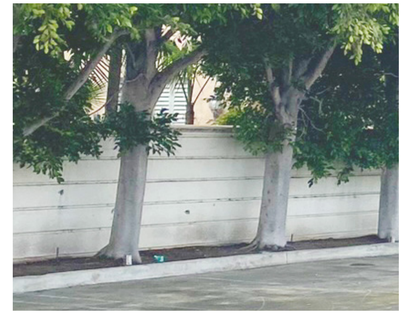
Bench





Orco: Manor Variegated Block with Sterling Mortar (or Equal)

Sound Wall



Approx. 6' ht.

Existing Wall

Zerowasteusa (or Equal)

Pet Waste Station

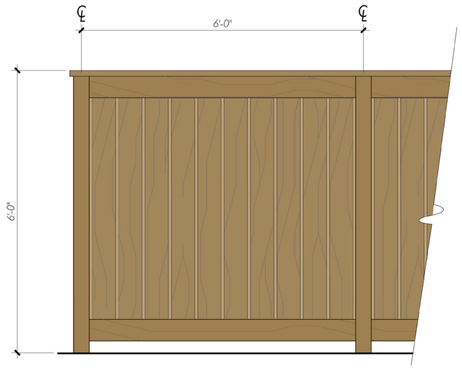
MailboxUSA

Mailbox

Victor Stanley - Ren Top-Deposit (or Equal)

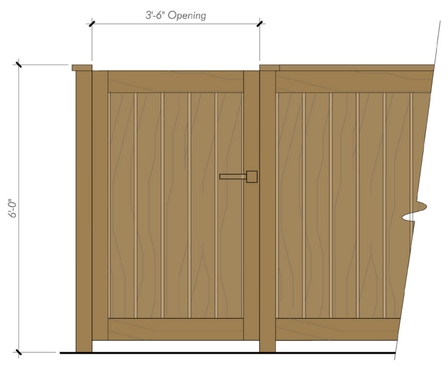
Color:

Trash Receptacle



Vinyl Fence - Color: Tan

Detached Condo Side Yard Fence



Vinyl Gate - Color: Tan

Detached Condo Side Yard Gate

BBQGUYS
Electri-Chef Rubby Built-In (or Equal)

BBQ Grill

Patioshoppers (Or Equal)

Casual Seating

Vinyl Fence - Color: Tan
Wall: Orco Manor Variegated Block

Retaining Wall with Vinyl Fence

Tubular Steel with Paint Color: SW7048 Urban Bronze (or Equal)

EVA Vehicular Gate and Pedestrian Gate

LEGEND

- High Water Use
- Moderate Water Use
- Low Water Use

Project Name: Bear Street Costa Mesa
Date: March 31, 2025

WATER EFFICIENT WORK SHEET

Maximum Applied Water Allowance (MAWA)
Total MAWA = (Eto x 0.55 x LA in Sq.ft. x 0.62)+(Eto x 1.0 x SLA in Sq.ft. x 0.62)= Gallons per year for LA + SLA

Hydrozone:	Eto:	KL	LA Sq. Ft.	Conversion	SLA Sq. Ft.	MAWA
Landscaped Area	48.2	0.55	51,294	0.62	0	843,078

MAWA= Maximum Applied Water Allowance (gallons per year)
Eto= Reference Evapotranspiration from Appendix C (inches per year)
0.55= Evapotraspiration Adjustment Factor (ETAF) (For residential project)
1.0= ETAF for Special Landscaped Area
LA= Landscaped Area includes Special Landscape Area (square feet)
0.62= Conversion Factor (to gallons per square foot)
0.45= the additional ET adjustment Factor for Special Landscape Area (1.0- 0.55= 0.45)
SLA= Special Landscape Area (square feet)

Applicant to fill in boxes below:

Eto (Reference Evapotranspiration from Appendix C inches per year)	48.2
Landscaped Area includes Special Landscape Area (square feet)	51,294
Special Landscape Area (square feet)	0

Estimated Annual Water Use:
Total EAWU = (Eto x KL x LA in Sq.ft. / IE)= Gallons per Year

Hydrozone:	Eto:	KL	Sq. Ft.	Conversion	IE	EAWU
Low Water Use Shrubs (Drip)	48.2	0.2	29,010	0.62	0.81	214,058
Medium Water Use Shrubs (Drip)	48.2	0.5	10,003	0.62	0.81	184,524
High Water Use (Rotor)	48.2	0.7	12,281	0.62	0.73	351,923
High (Water Feature)	48.2	1.0	-	0.62	1.00	-
Total EAWU:			51,294			750,505

EAWU= Estimated Applied Water Use (gallons per year)
Eto= Reference Evapotranspiration from Appendix C (inches per year)
KL= Landscape Coefficient
LA= Landscaped Area (square feet)
0.62= Conversion Factor (to gallons per square foot)
IE= Irrigation Efficiency= IME X DU (See definication in Appendix E for exmaplne IE percentages)
IME= Irrigation Management Efficiency (90%)
DU= Distribution Uniformity of Irrigation Head
KL= Ks x Kc x Kmc
Ks= species factor (range 1.0- 0.9) (see WUCOLS list for values)
Kd= density factor (range 0.5- 1.3) (see WUCOLS list for density value)
Kmc= microclimatic factor (range 0.5- 1.4) (see WUCOLS)

Table A- PF (Plant Factor)

Cool Season Turf= 0.8	
Warm Season Turf= 0.7	
High Water Use Plants= 0.7	(can be between 0.7-0.9)
Moderate Water Use Plants= 0.5	(can be between 0.4-0.6)
Low Water Use Plants= 0.2	(can be between 0.1-0.3)
Very Low Water Use Plants= 0.1	

IE (Irrigation Efficiency)- Appendix E
Pop-up Stream Rotor= 0.73
Rotor Head= 0.76
Microspray= 0.76
Bubblers= 0.77
Drip Emitters= 0.81
Subsurface Irrigation= 0.81

NOTES

Each homeowner shall install and maintain an individual irrigation system for their backyard landscape. New construction projects with a landscape area of 500 square feet or more must comply with the California Model Water Efficient Landscape Ordinance.

LEGEND

- Street Tree
- Shade Tree
- Specimen Tree
- Flower Accent Tree
- Paseo Tree
- Hedge Tree
- Backyard Tree
- Shrub and Groundcover
- Low Hedge Shrub
- Tall Hedge Shrub
- Turf
- Vines

TOTAL TREE CALCULATION

Total Planting Area	51,411 SQFT
Tree Unplantable Area (Garage Planting Pocket, Underground Utility, etc.)	3,375 SQFT
Open Lawn Area	12,281 SQFT
Total Tree Plantable Area	35,608 SQFT
Required Tree Amount (One Tree per 200 SQFT, 15gal min.)	178
Proposed Tree Amount	186 (Backyard trees are excluded.)

PARKING TREE

Parking Stalls	35
Required Parking Tree Amount (One Tree per 6 Parking Stalls)	6
Proposed Parking Tree Amount	9
Required Planter Area: (36SQFT per Tree)	216 SQFT
Proposed Planter Area:	1,810 SQFT

NOTES

1. Twenty-five percent of the required trees shall be 24 inch box or larger.

2. One shrub shall be provided for every 25 square feet of open space. Sixty percent of the required shrubs shall be a minimum of five gallons.

MLC Holdings, Inc.

3150 BEAR STREET - PRELIMINARY PLANTING PLAN

COSTA MESA, CA

0 15' 30' 60'
Scale: 1" = 30'-0"

04.09.25

L-7

C2 Collaborative

TREE SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	FORM	WUCOLS
Street Trees				
Koelreuteria paniculata	Golden Rain Tree	24" box min	Standard	L
Rhus lancea	African Sumac	24" box min	Standard	L
Shade Trees				
Liriodendron tulipifera	Tulip Tree	24" box min	Standard	M
Laurus nobilis	Sweet Bay	24" box min	Standard	L
Podocarpus gracilior	Fern Pine	24"box min	Standard	M
Specimen Trees				
Quercus virginiana	Souther Live Oak	36" box min	Standard	M
Ficus microcarpa nitida 'Green Gem'	Green Gem Fig	36" box min	Standard	M
Flower Accent Trees				
Melaleuca nesophila	Pink Melaleuca	24"box min	Standard	L
Chitalpa tashkentensis 'Pink Dawn'	Pink Dawn Chitalpa	24"box min	Standard	L
Paseo Trees				
Platanus acerifolia 'Columbia'	London Plane	24" box min	Standard	M
Liriodendron tulipifera	Tulip Tree	24" box min	Standard	M
Hedge Trees				
Prunus caroliniana	Carolina cherry laurel	15 gal	Columnar	M
Podocarpus macrophyllus	Yew Pine	24"box min	Columnar	M
Backyard Trees				
Magnolia grandiflora 'Little Gem'	Compact Southern Magnolia	36" box min	Standard	M
Tristania conferta	Brisbane Box	36" box min	Standard	M

SHRUB SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS
Agapanthus 'Peter Pan'	Dwarf Lily of the Nile	5 gal	30" o.c.	M
Agave spp.	Agave	5 gal	30" o.c.	L
Aloe spp.	Aloe	5 gal	30" o.c.	L
Eriogonum umbellatum	Sulfur Flower	5 gal	30" o.c.	L
Euonymus japonicus 'Aureo-Marginata'	Gold Spot Euonymus	15 gal	24" o.c.	M
Hesperaloe parviflora	Red Yucca	5 gal	24" o.c.	VL
Lavandula dentata 'Candicans'	Candicans French Lavender	5 gal	30" o.c.	L
Rosa spp.	Shrub Rose	5 gal	30" o.c.	M
Yucca spp.	Yucca	5 gal	36" o.c.	L
Low Hedges				
Buxus microphylla japonica	Japanese Boxwood	5 gal	30" o.c.	M
Pittosporum tobira 'Wheeler's Dwarf'	Wheeler's Dwarf Pittosporum	5 gal	30"o.c.	M
Rhaphiolepis indica 'Pink Lady'	Rhaphiolepis Pink Lady	5 gal	36" o.c.	L
Tall Hedges				
Ligustrum japonicum 'Texanum'	Wax Leaf Privet	15 gal	36" o.c.	M
Photinia × fraseri 'Red Robin'	Red Tip Photinia	15 gal	42" o.c.	M
Rhaphiolepis i. 'Majestic Beauty'	Majestic Beauty Hawthorn	5 gal	36" o.c.	L

GROUNDCOVER SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS
Bougainvillea 'La Jolla'	La Jolla Bougainvillea	1 gal	24" o.c.	L
Carissa macrocarpa 'Prostrata'	Ground Cover Natal Plum	1 gal	24" o.c.	L
Senecio mandraliscae	Kleinia	1 gal	18" o.c.	L
Sodded Turf	Turf	Sodded	-	H

VINE SCHEDULE:

BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS
Bougainvillea	Bougainvillea	15 gal	Per Plan	L
Lonicera japonica 'Halliana'	Hall's Japanese Honeysuckle	15 gal	Per Plan	L
Trachelospermum jasminoides	Star Jasmine	15gal	Per Plan	M

TENTATIVE TRACT NO. 19334

FOR CONDOMINIUM PURPOSES

3150 BEAR STREET

IN THE CITY OF COSTA MESA,
COUNTY OF ORANGE,
STATE OF CALIFORNIA

ABBREVIATIONS

AIRVAC	AIR AND VACUUM VALVE	MH	MANHOLE	TM	TRACT MAP
APN	ASSESSOR'S PARCEL NUMBER	MIN	MINIMUM	TR	TRACT
BLDG	BUILDING	N'LY	NORTHERLY	TYP.	TYPICAL
BNDY	BOUNDARY	NO	NUMBER	W'LY	WESTERLY
CC&R	COVENANTS, CONDITIONS, AND RESTRICTIONS	OCPW	ORANGE COUNTY PUBLIC WORKS		
℄	CENTERLINE	OH–E	OVERHEAD ELECTRIC		
C&G	CURB AND GUTTER	P/P	POWER POLE		
CF	CURB FACE	PIV	POST INDICATOR VALVE		
CONC	CONCRETE	PPTY	PROPERTY		
DCDA	DOUBLE CHECK DETECTOR ASSEMBLY	PL	PROPERTY LINE		
		PROP	PROPOSED		
DW	DOMESTIC WATER	PUE	PUBLIC UTILITY EASEMENT		
DWG.	DRAWING	RCE	REGISTERED CIVIL ENGINEER		
DWY	DRIVEWAY	RET	RETAINING		
E	EAST	RW	RECLAIMED WATER		
EG	EXISTING GRADE	R/W	RIGHT–OF–WAY		
E'LY	EASTERLY	S	SOUTH		
ESMT	EASEMENT	SCE	SO CAL EDISON		
EX	EXISTING	SL	STREET LIGHT		
FDC	FIRE DEPARTMENT CONNECTION	S'LY	SOUTHERLY		
FG	FINISHED GRADE	SD	STORM DRAIN		
FT	FEET	SFD	SINGLE FAMILY DWELLING		
HOA	HOMEOWNERS ASSOCIATION	STD.	STANDARD		
HSCP	HARDSCAPE	SWR	SANITARY SEWER		
LL	LOT LINE	ST	STREET		
LSCP	LANDSCAPE	SWLK	SIDEWALK		

LEGEND

- TRACT BOUNDARY
- LOT LINE
- EXISTING RIGHT–OF–WAY
- PROPOSED RIGHT–OF–WAY
- EXISTING EASEMENT
- EXISTING WATER — W —
- PROPOSED WATER — W —
- PROPOSED FIRE WATER — FW —
- EXISTING SEWER — S —
- PROPOSED SEWER — S —
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN — SD —
- PROPOSED STORM DRAIN

ZONING

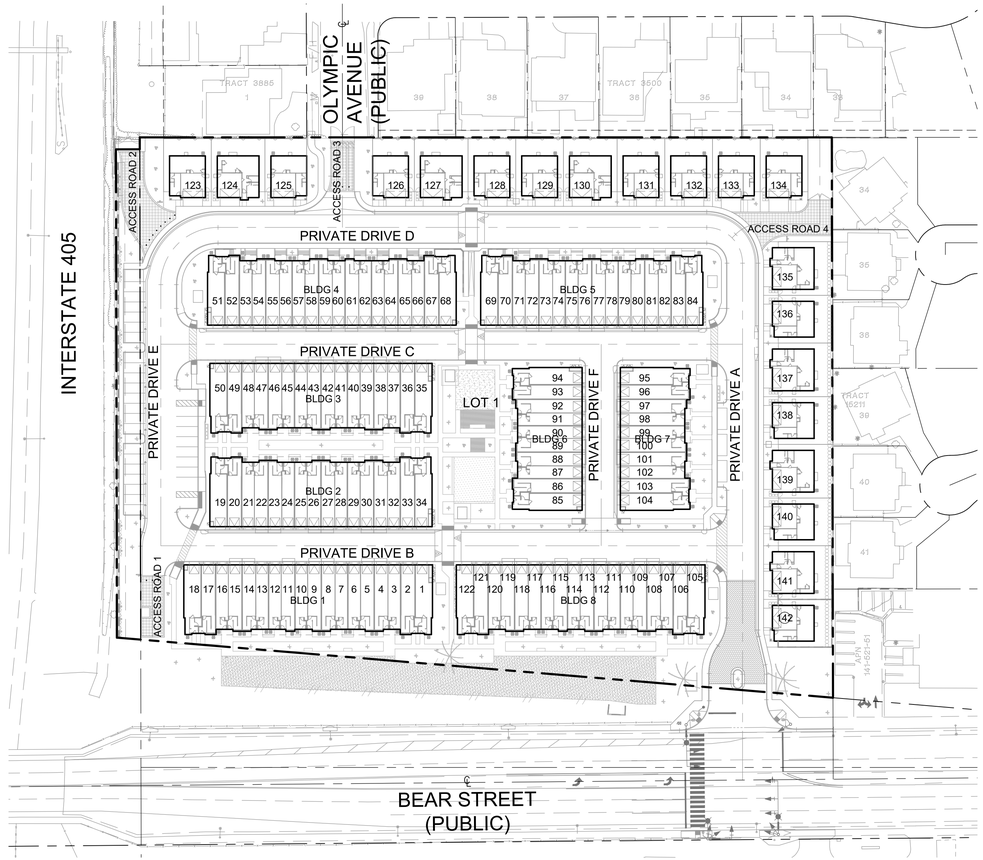
ZONING:	AP – ADMINISTRATIVE & PROFESSIONAL
GENERAL PLAN	
LAND USE DESIGNATION:	GENERAL COMMERCIAL
EXISTING LAND USE:	GENERAL COMMERCIAL
PROPOSED LAND USE:	HIGH DENSITY RESIDENTIAL
PROPOSED DENSITY:	23.2 DU/AC
TOTAL PARKING:	319
UNIT PARKING:	284
GUEST PARKING:	35

TENTATIVE TRACT MAP SUMMARY

NUMBERED LOTS:	1 LOT
LETTERED LOTS:	0 LOTS
TOTAL AREA GROSS:	6.12 AC
TOTAL AREA NET:	6.12 AC
TOTAL AREA TO BE DEDICATED:	0 AC
TOTAL AREA FOR NUMBERED LOTS:	6.12 AC
TOTAL AREA FOR LETTERED LOTS:	0 AC
TOTAL DWELLING UNITS:	142
DETACHED UNITS:	20
ATTACHED UNITS:	122

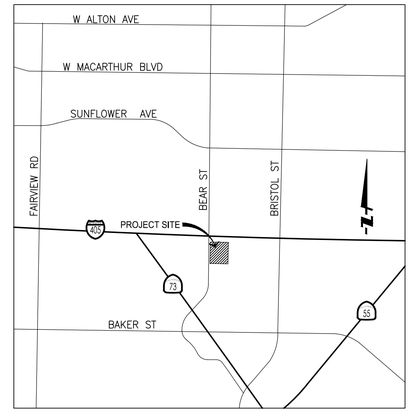
SHEET INDEX

C–1 – TITLE SHEET
C–2 – EXISTING CONDITIONS
C–3 – TENTATIVE TRACT MAP
C–4 – TYPICAL SECTIONS
C–5 – CONCEPTUAL GRADING PLAN
C–6 – CONCEPTUAL UTILITY PLAN
C–7 – FIRE ACCESS SITE PLAN



SITE PLAN

60' 0' 30' 60'
SCALE: 1" = 60'



OWNER

THE KHOSHBIN TOWER L.P., A
TEXAS LIMITED PARTNERSHIP

DEVELOPER

MERITAGE HOMES
5 PETERS CANYON ROAD
IRVINE, CA 92606
PH: 949.299.3847
EMAIL: JOHANNA.CROOKER@MLCHOLDINGS.NET

CONTACT: JOHANNA CROOKER, AICP

CIVIL ENGINEER

X ENGINEERING & CONSULTING
6 HUTTON CENTRE DR., SUITE 650
SANTA ANA, CA 92707
PH: 949.522.7100

CONTACT: ERIC LISSNER, PE

GEOTECHNICAL ENGINEER

SA GEOTECHNICAL
1000 NORTH COAST HIGHWAY SUITE 10
LAGUNA BEACH, CALIFORNIA 92651
PH: 949.403.7229

CONTACT: REZA SABERI, GE

BENCHMARK

DESIGNATION: CM–42–81

DESCRIBED BY OCS 2001 – FOUND 3 3\4" OCS ALUMINUM BENCHMARK DISK STAMPED "CM–42–81", SET IN THE SOUTHEAST CORNER OF A 4 FT. BY 11 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED ALONG THE WEST SIDE OF BEAR STREET, 794 FT. SOUTHERLY OF THE 405 SAN DIEGO FREEWAY, AND 42 FT. WESTERLY OF THE CENTERLINE OF BEAR STREET. MONUMENT IS SET LEVEL WITH THE SIDEWALK.
ELEVATION: 35.182 (NAVD 88)

BASIS OF BEARINGS

BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), ZONE VI, NAD 83 (2010.00 EPOCH).
AS DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) TIES TO TWO CONSTINUOS GLOBAL POSITIONING SYSTEM (GPS) REFERRED TO AS "BILL" AND "P474". SAID STATIONS ARE PART OF THE CALIFORNIA SPATIAL REFERENCE NETWORK (CRSN) AND WERE HELD "FIXED" HORIZONTALLY IN THIS SURVEY. THE BEARING BETWEEN CCGPS "BILL" AND "P474" BEING N30 42'07"W WAS USED AS THE BASIS OF BEARING.N35D10'15"E

BILL N: 2,154,994.965
E: 6,313,564.161

P474 N: 2,074,324.482
E: 6,256,718.870

ASSESSOR'S PARCEL NUMBER

141–521–48, 141–521–49

UTILITIES

WATER:	MESA WATER DISTRICT	(949) 631–1201
SEWER:	COSTA MESA SANITARY DISTRICT	(949) 645–8400
TELEPHONE:	AT&T/	(800) 288–2020
	COMCAST CABLE	(866) 928–9135
NATURAL GAS:	SOUTHERN CALIFORNIA GAS COMPANY	(800) 427–2200
ELECTRICAL:	SOUTHERN CALIFORNIA EDISON CO.	(800) 655–4555
FIRE PROTECTION:	COSTA MESA FIRE & RESCUE DEPARTMENT	(714) 754–4966

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1 AS SHOWN ON EXHIBIT "A" AND FURTHER DEPICTED ON EXHIBIT "B" AS ATTACHED TO LOT LINE ADJUSTMENT NO. LL 20–01 RECORDED FEBRUARY 7, 2020 AS INSTRUMENT NO. 2020000053536 OF OFFICIAL RECORDS.

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:

X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE:	AS SHOWN
DESIGNED BY:	DA/KD
DRAWN BY:	DA/RR
CHECKED BY:	EL

TITLE SHEET

TENTATIVE TRACT MAP 19334
FOR CONDOMINIUM PURPOSES
CITY OF COSTA MESA, CALIFORNIA

SHEET C-1 OF 7

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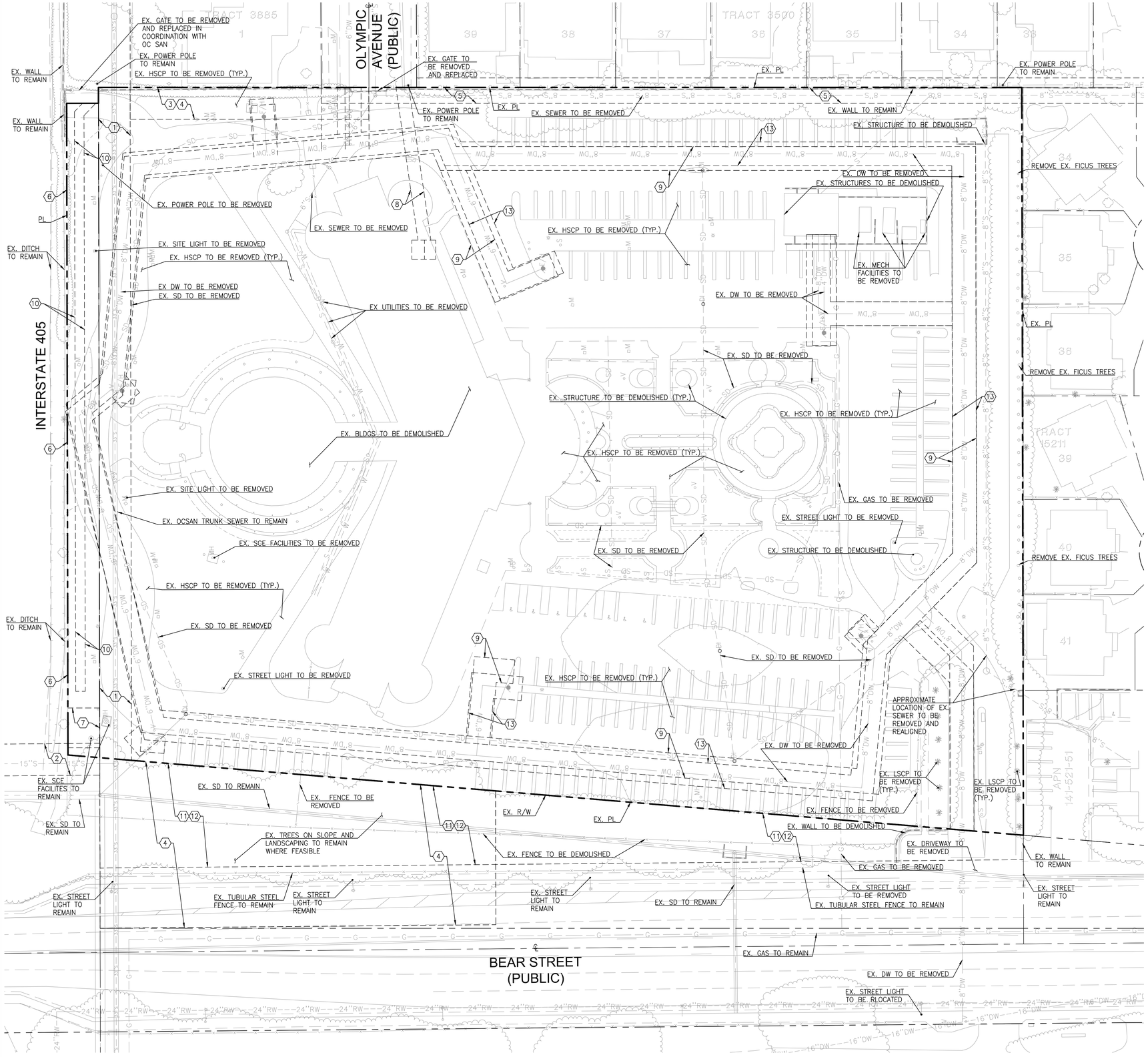

EXISTING EASEMENTS

1. AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED AS BOOK 6324, PAGE 712 OF OFFICIAL RECORDS IN FAVOR OF COUNTY SANITATION DISTRICT NO. 7 OF ORANGE COUNTY CALIFORNIA, TO REMAIN.
2. AN EASEMENT FOR PUBLIC SEWER OR SEWERS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 15, 1965 AS BOOK 7413, PAGE 735 AND RECORDED FEBRUARY 18, 1965 IN BOOK 7419, PAGE 95, BOTH OF OFFICIAL RECORDS, IN FAVOR OF COUNTY SANITATION DISTRICT NO. 7 (OF ORANGE COUNTY, CALIFORNIA), TO REMAIN.
3. AN EASEMENT FOR ACCESS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED APRIL 15, 1965 AS BOOK 7484, PAGE 86 OF OFFICIAL RECORDS, TO REMAIN.
4. AN EASEMENT FOR ACCESS AND INCIDENTAL PURPOSES, RECORDED AS BOOK 7498, PAGE 934 OF OFFICIAL RECORDS IN FAVOR OF THE STATE OF CALIFORNIA, BY A DIRECTOR'S DEED RECORDED IN BOOK 11572, PAGE 1364, OFFICIAL RECORDS, SAID INTEREST HAS PASSED TO THE COUNTY SANITATION DISTRICT NO. 7 OF ORANGE COUNTY, TO REMAIN.
5. AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED AS BOOK 7676, PAGE 146 OF OFFICIAL RECORDS IN FAVOR OF COSTA MESA SANITARY DISTRICT, TO BE PARTIALLY QUITCLAIMED.
6. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM THE HIGHWAY AND/OR FREEWAY ADJACENT TO SAID LAND HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED APRIL 23, 1975 AS BOOK 11384, PAGE 1327 OF OFFICIAL RECORDS, TO REMAIN.
7. AN EASEMENT FOR EITHER OR BOTH UNDERGROUND LINES, CONDUITS AND INCIDENTAL PURPOSES, INCLUDING ABOVE-GROUND APPURTENANT FIXTURES AND INCIDENTAL PURPOSES, RECORDED JUNE 28, 1977 AS BOOK 12266, PAGE 123 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, TO REMAIN.
8. AN EASEMENT FOR UNDERGROUND ELECTRICAL SUPPLY SYSTEMS, COMMUNICATION SYSTEMS AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 11, 1978 AS BOOK 12836, PAGE 597 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, TO BE QUITCLAIMED UPON REMOVAL OF FACILITIES.
9. AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS BOOK 13620, PAGE 772 OF OFFICIAL RECORDS, TO BE QUITCLAIMED UPON REMOVAL OF FACILITIES.
10. AN EASEMENT TO CONSTRUCT, USE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, RECONSTRUCT, INSPECT AND REMOVE AT ANY TIME AND FROM TIME TO TIME UNDERGROUND ELECTRICAL SUPPLY SYSTEMS, COMMUNICATION SYSTEMS AND INCIDENTAL PURPOSES, RECORDED APRIL 18, 1989 AS INSTRUMENT NO. 1989-201777 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, TO BE QUITCLAIMED UPON REMOVAL OF FACILITIES.
11. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "HOLD HARMLESS AGREEMENT" RECORDED OCTOBER 09, 1997 AS INSTRUMENT NO. 1997-0507340 OF OFFICIAL RECORDS, TO REMAIN.
12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "MAINTENANCE AGREEMENT" RECORDED OCTOBER 09, 1997 AS INSTRUMENT NO. 1997-0507341 OF OFFICIAL RECORDS, TO REMAIN.
13. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT TO THE MESA CONSOLIDATED WATER DISTRICT" RECORDED JULY 08, 1999 AS INSTRUMENT NO. 1999-0505534 OF OFFICIAL RECORDS, TO BE QUITCLAIMED UPON REMOVAL OF FACILITIES.

30' 0' 15' 30'
SCALE: 1" = 30'

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:
X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE: AS SHOWN	EXISTING CONDITIONS
DESIGNED BY: DA/KD	TENTATIVE TRACT MAP 19334
DRAWN BY: DA/RR	FOR CONDOMINIUM PURPOSES
CHECKED BY: EL	CITY OF COSTA MESA, CALIFORNIA
	SHEET C-2 OF 7

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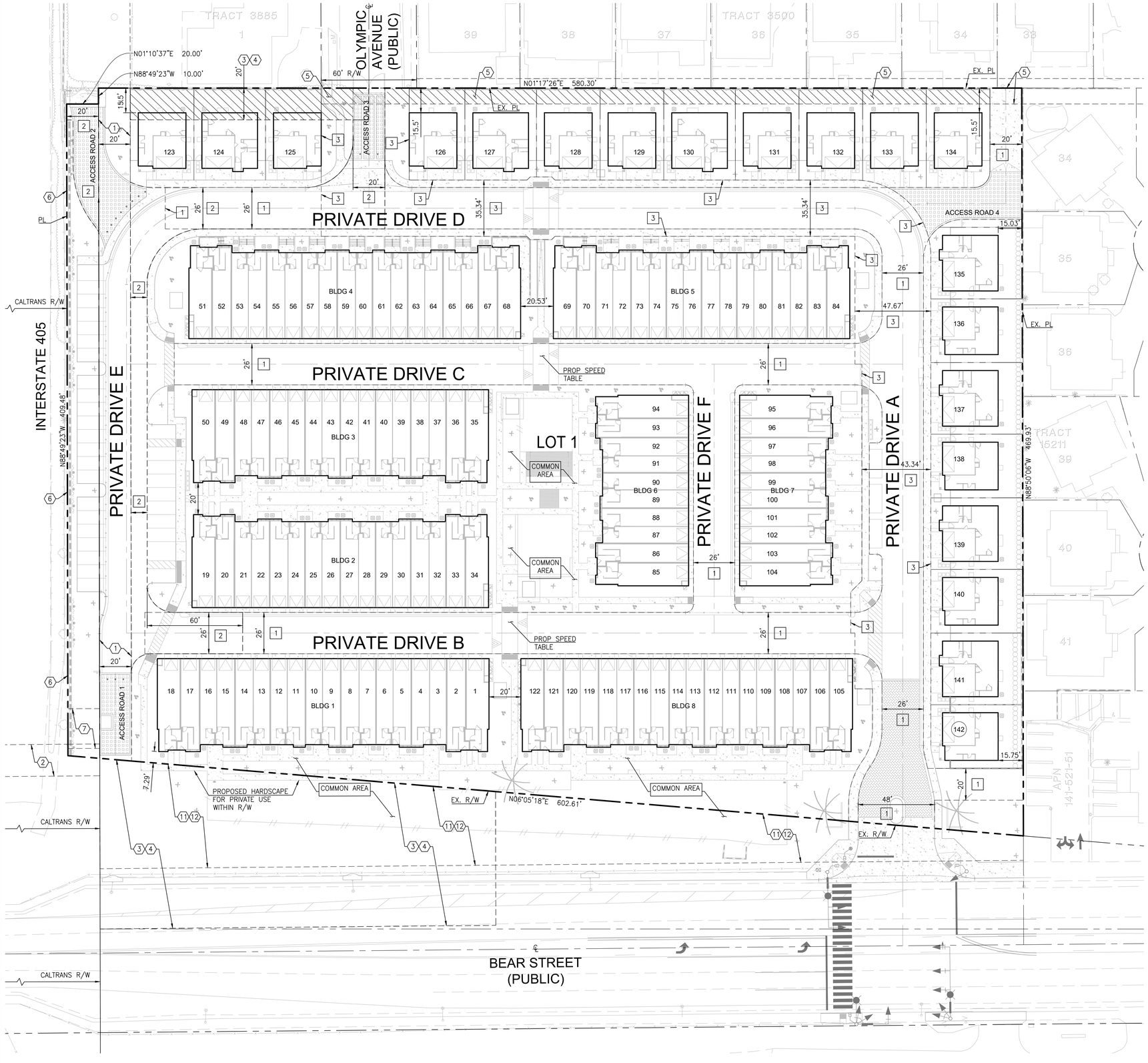

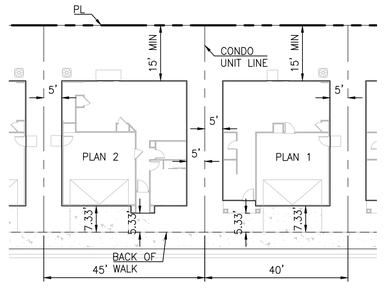

TYPICAL SINGLE-FAMILY DETACHED UNIT DIMENSIONS

SCALE: 1"=20'

EXISTING EASEMENTS TO REMAIN

(1) AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED AS BOOK 6324, PAGE 712 OF OFFICIAL RECORDS IN FAVOR OF COUNTY SANITATION DISTRICT NO. 7 OF ORANGE COUNTY CALIFORNIA, TO REMAIN.

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(4) AN EASEMENT FOR ACCESS AND INCIDENTAL PURPOSES, RECORDED AS BOOK 7498, PAGE 934 OF OFFICIAL RECORDS IN FAVOR OF THE STATE OF CALIFORNIA. BY A DIRECTOR'S DEED RECORDED IN BOOK 11572, PAGE 1364, OFFICIAL RECORDS, SAID INTEREST HAS PASSED TO THE COUNTY SANITATION DISTRICT NO. 7 OF ORANGE COUNTY, TO REMAIN.

(5) AN EASEMENT FOR SEWER AND INCIDENTAL PURPOSES, RECORDED AS BOOK 7676, PAGE 146 OF OFFICIAL RECORDS IN FAVOR OF COSTA MESA SANITARY DISTRICT, TO BE PARTIALLY QUITCLAIMED.

(6) ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM THE HIGHWAY AND/OR FREEWAY ADJACENT TO SAID LAND HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED APRIL 23, 1975 AS BOOK 11384, PAGE 1327 OF OFFICIAL RECORDS, TO REMAIN.

(7) AN EASEMENT FOR EITHER OR BOTH UNDERGROUND LINES, CONDUITS AND INCIDENTAL PURPOSES, INCLUDING ABOVE-GROUND APPURTENANT FIXTURES AND INCIDENTAL PURPOSES, RECORDED JUNE 28, 1977 AS BOOK 12266, PAGE 123 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, TO REMAIN.

(11) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "HOLD HARMLESS AGREEMENT" RECORDED OCTOBER 09, 1997 AS INSTRUMENT NO. 1997-0507340 OF OFFICIAL RECORDS, TO REMAIN.

(12) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "MAINTENANCE AGREEMENT" RECORDED OCTOBER 09, 1997 AS INSTRUMENT NO. 1997-0507341 OF OFFICIAL RECORDS, TO REMAIN.

PROPOSED EASEMENTS

[1] EASEMENT FOR SEWER AND INCIDENTAL PURPOSES DEDICATED TO COSTA MESA SANITARY DISTRICT.

[2] EASEMENT FOR ACCESS AND INCIDENTAL PURPOSES DEDICATED TO ORANGE COUNTY SANITATION DISTRICT.

[3] EASEMENT FOR PUBLIC PEDESTRIAN ACCESS SUBJECT TO CC&R'S AND MAINTAINED BY THE HOA.

LEGEND

PORTION OF EASEMENT TO BE QUITCLAIMED

30' 0' 15' 30'

SCALE: 1" = 30'

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:

X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE: AS SHOWN	TENTATIVE TRACT MAP
DESIGNED BY: DA/KD	TENTATIVE TRACT MAP 19334
DRAWN BY: DA/RR	FOR CONDOMINIUM PURPOSES
CHECKED BY: EL	CITY OF COSTA MESA, CALIFORNIA
	SHEET C-3 OF 7

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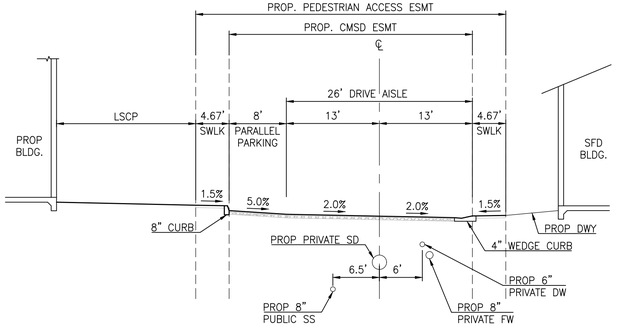

SECTION A/4
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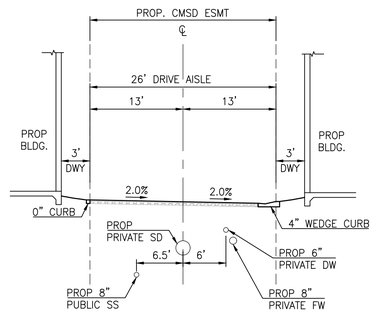

SECTION B/4
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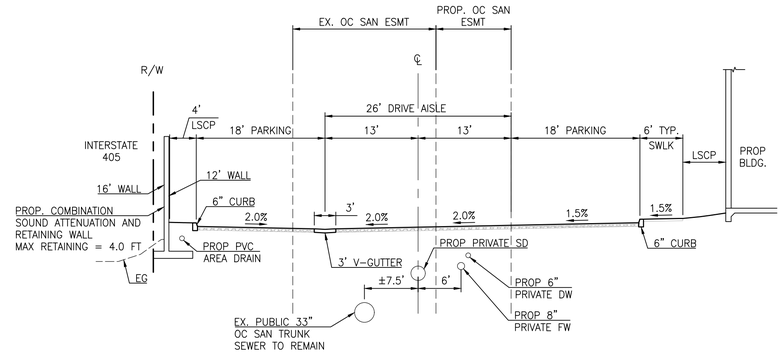
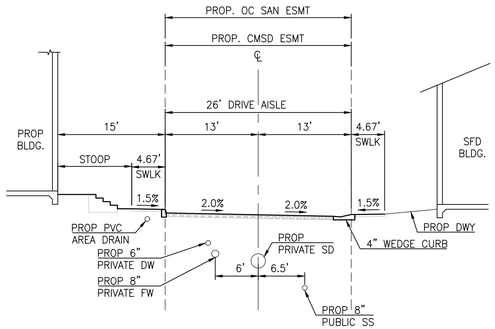


SECTION C/4
SCALE: 1"=10'



SECTION D/4
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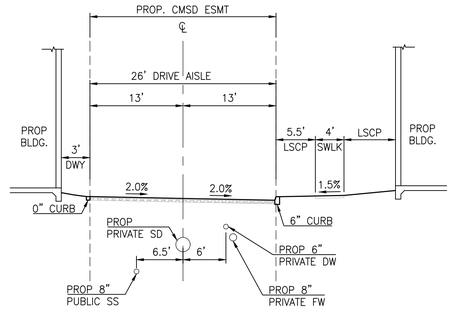

SECTION E/4
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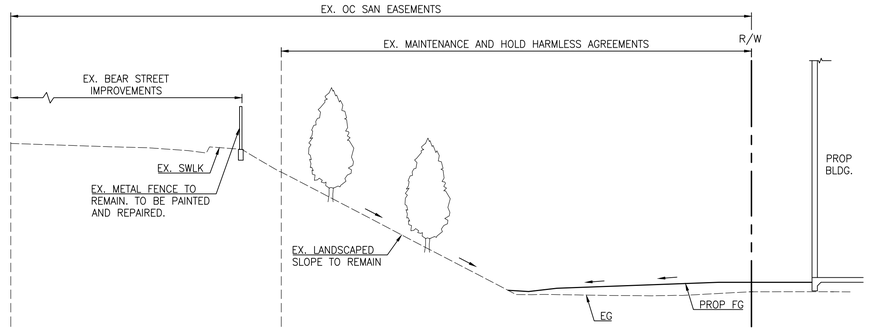
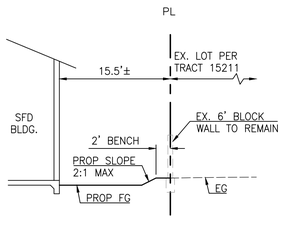


BEAR STREET SLOPE F/4
SCALE: 1"=10'



SECTION G/4
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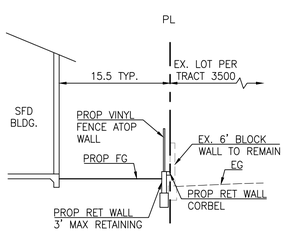
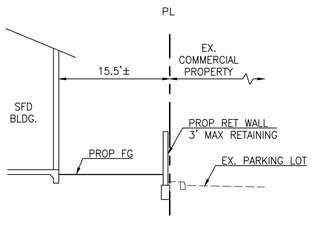


E'LY PROPERTY LINE H/4
SCALE: 1"=10'



SECTION I/4
SCALE: 1"=10'

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:

X ENGINEERING & CONSULTING, INC.
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REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE: AS SHOWN	
DESIGNED BY: DA/KD	
DRAWN BY: DA/RR	
CHECKED BY: EL	

TYPICAL SECTIONS

TENTATIVE TRACT MAP 19334
FOR CONDOMINIUM PURPOSES
CITY OF COSTA MESA, CALIFORNIA

SHEET C-4 OF 7

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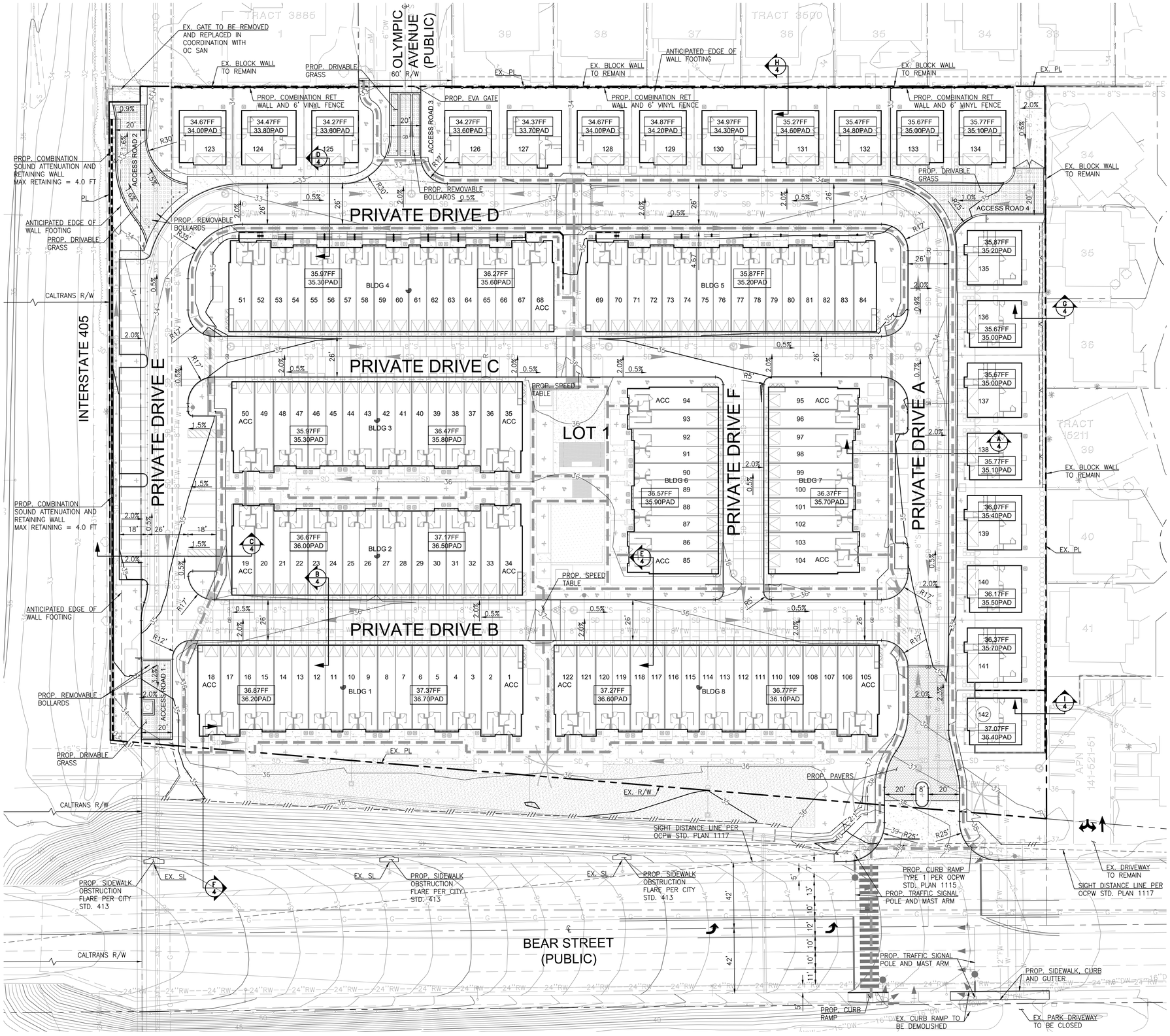

LEGEND

- TRACT BOUNDARY
- RIGHT OF WAY
- STREET CENTERLINE
- PROPOSED DAYLIGHT
- TOP OF SLOPE
- TOE OF SLOPE
- W — PROPOSED DOMESTIC WATER
- FW — PROPOSED FIRE WATER
- SD — PROPOSED STORM DRAIN
- S — PROPOSED SANITARY SEWER
- 100 — PROPOSED ELEVATION
- 100 — EXISTING ELEVATION
- GB — GB — PROPOSED GRADE BREAK
- R — R — PROPOSED RIDGE LINE
- PROPOSED RETAINING WALL
- PROPOSED NON-RETAINING WALL
- PROPOSED WALL FOOTING
- EDGE OF PAVEMENT
- FLOW LINE
- ACCESSIBLE PATH OF TRAVEL
- PROPOSED CHANGE IN SLAB ELEVATION
- ACC — INDICATES ACCESSIBLE UNIT
- PROPOSED PAVERS PER LANDSCAPE PLAN
- PROPOSED DRIVABLE GRASS PAVEMENT SYSTEM

EARTHWORK QUANTITIES

	CUT (CY)	FILL (CY)
RAW VALUES:	2,600	7,800
OVEREXCAVATION:	39,000	39,000
SHRINKAGE (4.5%):		2,000
SUBSIDENCE (0.10):		1,000
TOTALS:	44,800	49,800
NET:	5,000 CY IMPORT	

NOTE: THESE VALUES DO NOT INCLUDE UTILITY TRENCH, HOUSE FOOTING SPOILS, DEMOLITION HAULOFF, OR PAVEMENT THICKNESS.

30' 0' 15' 30'

SCALE: 1" = 30'

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:

X ENGINEERING & CONSULTING, INC.
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Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE: AS SHOWN	CONCEPTUAL GRADING PLAN
DESIGNED BY: DA/KD	TENTATIVE TRACT MAP 19334
DRAWN BY: DA/RR	FOR CONDOMINIUM PURPOSES
CHECKED BY: EL	CITY OF COSTA MESA, CALIFORNIA
	SHEET C-5 OF 7

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EX. GATE TO BE REMOVED AND REPLACED IN COORDINATION WITH OC SAN

PROP AIRVAC ASSEMBLY PER MESA WATER STD. DWG. 8 (PUBLIC)

OLYMPIC AVENUE (PUBLIC)

INTERSTATE 405

ACCESS ROAD 1

ACCESS ROAD 2

ACCESS ROAD 3

ACCESS ROAD 4

PRIVATE DRIVE A

PRIVATE DRIVE B

PRIVATE DRIVE C

PRIVATE DRIVE D

PRIVATE DRIVE E

PRIVATE DRIVE F

LOT 1

BEAR STREET (PUBLIC)

BLDG 1

BLDG 2

BLDG 3

BLDG 4

BLDG 5

BLDG 6

BLDG 7

BLDG 8

PROP SD (PRIVATE)

PROP DW (PRIVATE)

PROP 8" SWR (PUBLIC)

PROP FIRE HYDRANT

PROP TRANSFORMER

PROP 8"X24' MWS

PROP 8'X20' MWS

PROP FW (PRIVATE)

PROP FW (PUBLIC)

PROP 10" DCDA WITH FDC

PROP 6" DW MASTER METER

PROP 1.5" IRRIGATION METER

CONNECTION TO EX. SD (PRIVATE)

CONNECTION TO EX. DW

EX. DITCH TO REMAIN

EX. 24" SD TO REMAIN

EX. 60" SD TO REMAIN

EX. OCSAN SS

EX. SD

EX. R/W

EX. 24" RW PER OCWD RECORD DWG. CONTRACT NO. GA-90-1

EX. 16" DW

APN 141-521-51

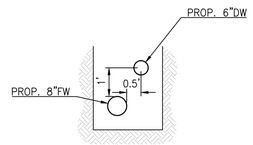
TRACT 3885

TRACT 3500

TRACT 15211

LEGEND

- PROPERTY BOUNDARY
- STREET CENTER LINE
- PROPOSED EASEMENT
- EXISTING DOMESTIC WATER
- EXISTING SEWER
- EXISTING STORM DRAIN
- PROPOSED DOMESTIC WATER
- PROPOSED FIRE WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED MODULAR WETLANDS SYSTEM
- PROPOSED DW METER
- PROPOSED FIRE HYDRANT
- PROPOSED CATCH BASIN
- PROPOSED TRANSFORMER
- PROPOSED 10" DCDA WITH FDC
- PROPOSED POST INDICATOR VALVE
- FLOW DIRECTION ARROW



WATER SHOULDER TRENCH DETAIL

30' 0' 15' 30'

SCALE: 1" = 30'

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:

X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE: AS SHOWN	CONCEPTUAL UTILITY PLAN
DESIGNED BY: DA/KD	TENTATIVE TRACT MAP 19334
DRAWN BY: DA/RR	FOR CONDOMINIUM PURPOSES
CHECKED BY: EL	CITY OF COSTA MESA, CALIFORNIA

SHEET C-6 OF 7

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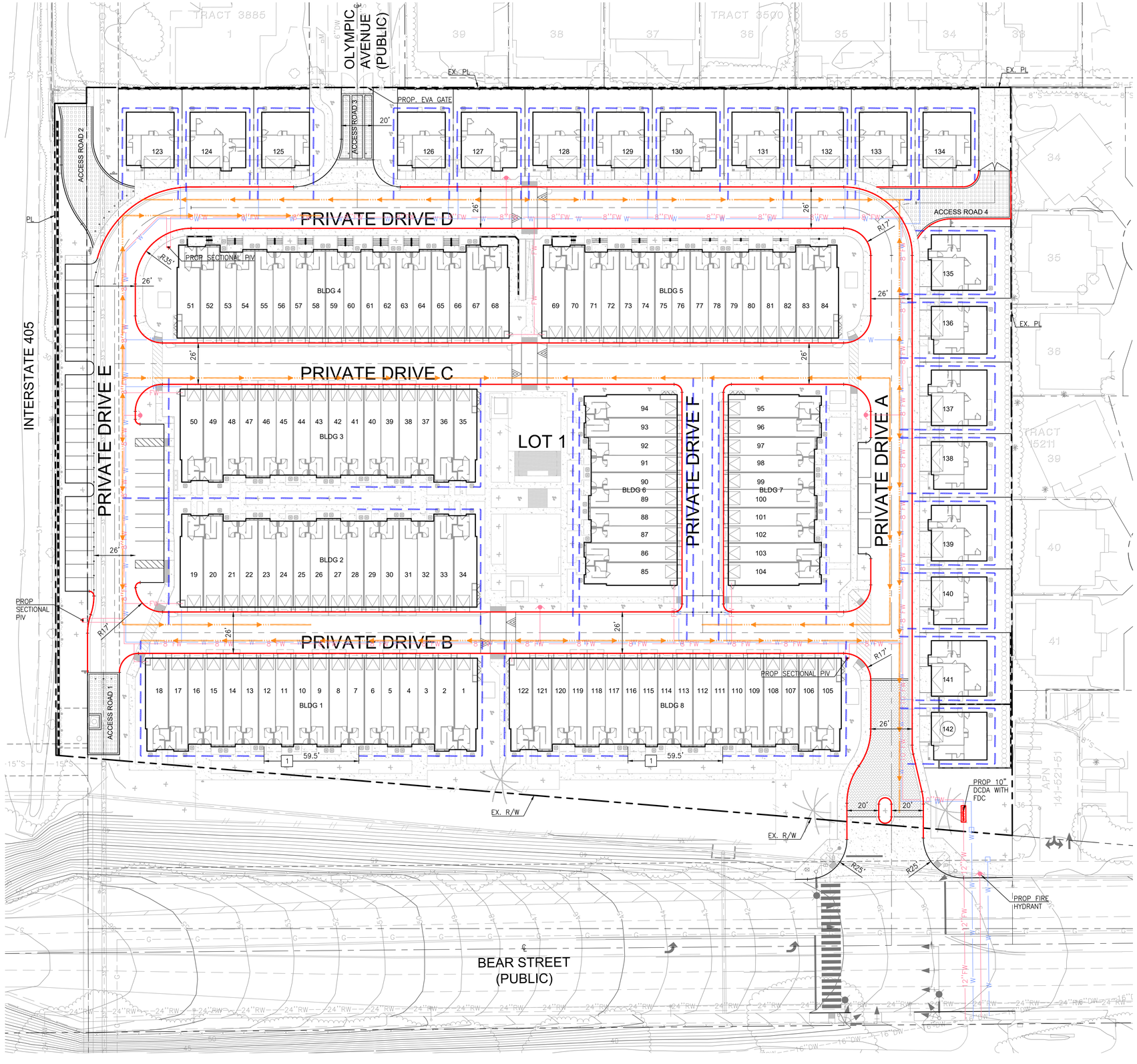

LEGEND

- EXISTING RIGHT OF WAY
- STREET CENTERLINE
- PROPERTY BOUNDARY
- PROPOSED FIRE WATER
- PROPOSED DOMESTIC WATER
- PROPOSED FIRE HYDRANT
- PROPOSED POST INDICATOR VALVE
- PROPOSED 10" DCDA WITH FDC
- HOSE LAY LINE
- HOSE PULL LINE
- CURBS AND AREAS DESIGNATED TO BE NO PARKING

NOTES

1. PORTION OF BUILDING PERIMETER NOT ACCESSED BY HOSE PULL.
2. HOSE PULL LENGTH SHOWN 150' MAX.

30' 0' 15' 30'

SCALE: 1" = 30'

3RD SUBMITTAL - PREPARED 4/9/2025

PREPARED BY:

X ENGINEERING & CONSULTING, INC.
6 Hutton Centre Drive, Suite 650
Santa Ana, California 92707
949.522.7100 | xengineeringinc.com

REGISTERED PROFESSIONAL ENGINEER ERIC LISSNER NO. 84264 CIVIL STATE OF CALIFORNIA

SCALE:	AS SHOWN
DESIGNED BY:	DA/KD
DRAWN BY:	DA/RR
CHECKED BY:	EL

FIRE ACCESS SITE PLAN

TENTATIVE TRACT MAP 19334
FOR CONDOMINIUM PURPOSES
CITY OF COSTA MESA, CALIFORNIA

SHEET C-7 OF 7

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April 11, 2025

Chris Yeager
Associate Planner
Development Services Department
77 Fair Drive, Costa Mesa, CA 92626
(714) 754-4883

RE: 3150 Bear Street (APN 141-521-48) – Development Application Submittal No. 3, Application Letter

Dear Mr. Yeager,

Our Entitlement Package has been updated to address all City comments received for the Bear St. project located at 3150 Bear Street. The project consists of 142 residential units, including 20 two-story detached condos and 122 four-story stacked flats on 6.125 acres. The project includes internal private drives, open space amenities, guest parking, frontage improvements, and existing EVA access improvements.

Two community meetings were held for the public on March 23 and March 24, 2025, at the project site. The community meetings were held open-house style where the public could ask questions about the project at different stations which covered different components of the project (land use, engineering, landscape, traffic, architecture). There were approximately 50 people in attendance between the two meetings. Most public attendees were curious about general project features. Some attendees were interested in purchasing a future home on-site, and others shared concerns related to traffic, pedestrian access to Olympic, streetscape improvements, density and setbacks. Comment cards and sign-in sheets from the public meetings have been included as part of this submittal for the City's reference.

The 6.125-acre site is currently designated in the General Plan as "General Commercial" and is zoned "Administrative and Professional (AP)." As such, the project proposes to amend the General Plan designation to "High Density Residential" and rezone the property to "Multiple-Family Residential (R-3)," which both permit a density of up to 20 du/ac, i.e. up to 122 units.

At the request of the City, an Affordable Housing Marketing Plan and Affordability Guidelines were prepared for the project by VCCDC, and submitted to the City on March 28, 2025, for review and comment. The Affordable Housing Marketing Plan covers the proposed 7 Very-Low deed restricted affordable homes (5% of base density of 122 units, rounded up to the nearest whole number), The proposed 7 Very-Low income housing units proposed allows for a 20% density increase through the State's Density Bonus Law (DBL). With the Density bonus, a total of up to 146 homes is permitted; however, only 142 units are proposed. The proposed project consists of two types of new for-sale homes, detached and attached condominiums, as outlined on P3.0 of the revised Entitlement Set, and as shown in the architectural plan set. A separate Density Bonus Law (DBL) letter is included detailing the projects application for the Density Bonus and associated Incentives and Waivers.

The project also includes an application for Tentative Tract Map for Condominium purposes. The map proposes a single lot subdivision with 142 airspace units. As such, the property is subject to Costa Mesa Municipal Code (CMMC) Section 13-41, which provide special development standards related to residential common interest development standards. Two of the standards allow flexibility in design to avoid the long-row effect of larger buildings. While this does not necessarily require a waiver under Density Bonus Law, the project requires alternative design considerations to achieve the proposed densities as described below:

(1) Development Standard CMMC 13-41(b)(2)a: Structures having dwelling units attached side by side shall avoid the long-row effect by being composed of no more than six dwelling units. Alternative designs which accomplish the same purpose may be approved by the final review authority.

(2) **Development Standard CMMC 13-41(b)(2)b: Structures having dwelling units attached side by side shall avoid the long-row effect with a break in the facade by having an offset in the front building line of at least four feet for every two dwelling units within such structure. Alternate designs which accomplish the same purpose may be approved by the final review authority**.

Rather than providing side by side unit, the project includes a series of stacked flats in buildings that are larger than six dwelling units to achieve the proposed density. Smaller buildings and staggered setbacks would require significantly more space on the project site to accommodate these setbacks and building separations required by the Building Code. Instead, the project includes larger buildings, similar to what is often seen in an apartment community of similar density. These units are designed to offer a middle ground between apartments and traditional row-house style townhomes to provide greater affordability and opportunities for-first time homebuyers. Density is a key component to affordability as it allows builders to spread the high cost of land and infrastructure across a greater number of units. From a design perspective, the proposed buildings have been thoughtfully designed to reduce massing by including a partial fourth story; adding balconies, cantilevers, and other horizontal massing breaks, and varying roof forms that provide articulation to minimize the overall bulk and long-row effect of these larger buildings.

Project construction will take approximately two years and would begin approximately 8 months to 1 year following entitlement approval. Site development is anticipated to begin in February 2026. Construction activities will consist of three consecutive phases: (1) demolition of the existing paved surfaces and structures, clearing, and site preparation; (2) site development, including grading, utility installation, and roadway construction; (3) vertical construction and landscaping installation. Demolition will take approximately 8 weeks, rough grading will take approximately 10 weeks, and utilities and paving will take approximately 24 weeks. Vertical construction is anticipated to begin in December 2026 and be completed by December 2027. Model units are anticipated to be open in May 2027. The maximum depth of excavation will be approximately 8 feet (4 feet raw cut and 4 feet over excavation). A construction phasing plan is being prepared and will be shared with the City prior to project hearings.

With approval of the proposed GPA, the proposed high-density residential development would be located at a site consistent with the City's General Plan Land Use Element which states that high-density areas should be located in proximity to transportation routes within convenient distances to shopping and employment centers. The project would also be consistent with the Multiple-Family Residential District (R-3) intent to promote development of multi-family ownership dwelling units. The proposed two-story detached condos and four-story stacked flats floorplans range in size from 1,062 SF (2 bed, 2 bath) to 2,364 SF (4 bed, 3 bath), offering a variety of plan types to accommodate a range of buyers, including first-time homebuyers. The architectural style or styles of buildings within a community strongly define a community's character. To create successful communities, architectural design must embody methods that are flexible enough to meet the changing needs of the consumer market yet, must also be visually pleasing and complementary to the surrounding neighborhood. The project aims to provide a contemporary interpretation of traditional styles. Two (2) variations of color schemes are proposed for the two-story detached condos, as well as the four-story stacked flats. The proposed project would complement surrounding development, while contributing to Costa Mesa's housing inventory with the provision of new, quality, for-sale residential units. As an infill development, the project will also serve to improve street frontage and will provide pedestrian improvements on Bear Street.

Meritage Homes believes that the housing proposed by this new community delivers the type of missing-middle for-sale housing that is desperately needed in the region and to offer the benefits of homeownership to Costa Mesa residents. We are very excited for the opportunity to bring this proposal to the City of Costa Mesa and look forward to your comments.

Sincerely,

Johanna Crooker, AICP
Vice President, Forward Planning and Entitlements, Southern California
5 Peters Canyon Road | Irvine, CA 92606
O: 949.299.3847
www.meritagehomes.com

April 11,2025

Chris Yeager
Associate Planner
Development Services Department
77 Fair Drive, Costa Mesa, CA 92626
(714) 754-4883

RE: 3150 Bear Street (APN 141-521-48), Density Bonus Law Application

Dear Mr. Yeager,

MLC Holdings respectfully requests to develop 122 for-sale townhomes and 20 detached condominiums (142 total units) on approximately 6.1 acres of property located 3150 Bear Street (APN: 141-521-48) for a proposed density of 23.2 dwelling units per acre. The site is currently designated in the General Plan as "General Commercial" and is zoned "Administrative and Professional (AP)." As such, the project proposes to amend the General Plan designation to "High Density Residential" and rezone the property to "Multiple-Family Residential (R-3)," which both permit a density of up to 20 du/ac. State Density Bonus Law (California Government Code Section 65915-65918) provides qualifying projects to take advantage of various tools to maximize density and offset the cost of providing affordable housing on-site. Qualifying projects include those that include at least 5% of housing units that are restricted to very low-income residents. The following provides a summary of the projects' intent to utilize Density Bonus Law (DBL).

Density Bonus

The primary benefit of DBL allows projects to increase density above what is permitted to offset the cost of providing affordable housing on-site. The project proposes to include seven (7) affordable units (5% of the base density of 20 du/ac or 122 homes), priced for households at very low-income levels. Projects that provide 5% of the base number of unis as affordable to Very Low Income households are granted up to a 20% increase in density, which means the project is entitled to 146 homes; however, the project only proposes 142 homes.

Incentives/Concessions

Qualifying projects are permitted a specified number of incentives, i.e. concessions, based on the level of affordability. Incentives/Concessions are defined as a reduction in site development standards that result in identifiable and actual cost reductions. By providing 5% of the units to Very Low Income households, the project is entitled to one (1) incentive under DBL. The project applicant is seeking the following incentive:

> **Detached Unit Second Story Design.** The City's Residential Design Guidelines require articulation and offsets on all building elevations to avoid a boxy appearance and mandate consistent architectural treatment on all sides of the structure. The requested incentive applies to detached Units Plan 1 and Plan 2. While both plans incorporate articulation on the front elevations—such as a stepped-back second story (Plan 1), a front porch and wrapping band feature (Plan 2)—the side and rear elevations do not include the same level of articulation or material treatment, as required by the guidelines. However, these elevations are largely screened by landscaping. Strict compliance with these design standards would reduce the interior square footage of the units, which are already modest in size, thereby reducing their functionality and affordability. Furthermore, requiring offsets on all elevations would increase design complexity, construction costs, and potentially result in a reduction in the number of units achievable on the site. As such, the enforcement of the standard would physically preclude the

applicant from constructing the density bonus units permitted under state law. Therefore, the requested incentive is necessary to physically accommodate the density, including the affordable units.

Waivers

If any other City or County development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The City or County is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. The City or County is not required to waive or reduce development standards that would cause a public health or safety problem, cause and environmental problem, harm historical property, or would be contrary to law. The waiver or reduction of a development standard does not count as an incentive or concession, and there is no limit on the number of development standard waivers that may be requested or granted. Development standards which have been waived or reduced utilizing this section include setback, lot coverage, open space requirements, and building height limits.

The applicant requests the following waivers to the following development standards to physically allow the project to achieve the proposed density:

(1) Development Standard CMMC 13-32, Table 13-32, R-3 Maximum Number of Stories & Building Height: 2 stories/27 feet for residential land uses. The maximum number of stories and building height for nonresidential land uses shall be determined in conjunction with the conditional use permit review process. Note: Lofts, as defined in Section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below. Building Height is defined in CMMC section 13-6 as the distance from the finished grade to the highest point on the roof, including roof-top mechanical equipment and screening.

The project proposes two- and four-story buildings with a maximum height of 52-feet respectively. The two-story homes are situated adjacent to existing single-family homes to provide a buffer between existing homes and the proposed four-story buildings.

(2) Development Standard CMMC 13-32, Table 13-32: R-3 Required Front Setback

A reduced front setback from 20 feet to 7 feet in the northwest corner of the site – The reduced setback allows the project to achieve the proposed density and does not pose a significant design issues considering the property is separated from the Bear Street Right-of-way by a city-owned parcel that will continue to be maintained by the project's HOA via an existing maintenance agreement.

(3) Development Standard CMMC 13-105(h): In all residential zones, except R-1, landscape parkways with a combined width of 10 feet, but not less than three feet on one side, shall be provided along the sides of interior private streets and/or common driveways. The parkway on the house side of private streets or common driveways shall be a minimum of five feet in width.

The project includes attached sidewalk along private streets to provide walkability; however, a parkway is not provided in all cases where space of the project site is constrained. Landscaping and trees are provided in front yards and common open spaces areas adjacent to sidewalks to provide shade and pedestrian comfort. Front yards and common open space areas will be maintained by the HOA.

(4) Development Standard 13-32 Table 13-32, R-3 Minimum Open Space: 40% of the total lot area. Open space is defined in CMMC section 13-6 as an area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open Space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five feet in depth by projections which are at least eight feet above

grade. Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight feet above grade.

The minimum 40% open space standard requires that 2.45 acres (106,722 sf) of the 6.125-acre site be preserved as open space. It should be noted that the standard is written as a percentage of the site, which is more akin to a lot coverage requirement rather than a per unit recreational space standard. The project proposes 93,500 sf (35%) of on-site open space including common recreation area, tot lot, BBQ area, passive recreation and decorative plantings and landscaping. The project includes 13,278 sf of additional off-site passive recreation area within the public right-of-way adjacent to Bear Street. The inclusion of the off-site open space would provide 106,778 sf of open space which is six square feet more than the requirement. If 40% open space was provided on-site, it would reduce the size of the developable lot which would result in a reduction of units. The project includes a waiver of this requirement to achieve the proposed density; however, the project includes an appropriate amount common and private open space per unit.

The project includes a waiver for individual unit open space requirements for the townhome component of the project. The City's Municipal Code requires that the townhome units would be provided a patio with no dimension less than 10 feet. The proposed townhome units are stacked to allow for the project to develop the number of units allowed pursuant to the Density Bonus Law. The stacked units do not allow for adjoining patio areas and balconies have been included with each individual unit. The square footage of balconies per unit range from 55 sf to 194 sf. If the adjoining patio was provided, the buildable lot area would be reduced which would reduce the allowable units on site under the Density Bonus Law.

Side by Side Units.

RCID's should not have dwelling units attached side by side to avoid long row effects. In additional dwellings with side by side units shall include breaks in the façade by having an offset in the front building line of at least four feet for every two swelling units within the structure. The CMMC indicates that the final review authority may allow for alternative designs which accomplish the same purpose. The project proposes up to 16 units in a row within the townhome buildings. As discussed above, the project meets the intent of the requirements by providing offsets on the end two units on each side of the buildings project out 4 feet 6 inches. In addition, every two units for the interior units includes a 1 foot 6 inch offset in the buildings. The project also includes balconies, additional insets above the first floor, and multiple cladding materials which further helps to avoids a long, row like affect. If the project included a maximum of six units in side by side configuration, the buildable area of the lot would be reduced which would reduce the allowable units on the site.

Individual Dwelling Unit Minimum Lot Area

Individual units on residential common interest developments are required to be located on a minimum 3,000 sf lot with an average lot area of 3,500 across the project. The project includes a range of condo lot areas from approximately 2,017 sf to 2,608 sf with an average induvial lot area of approximately 2,395 sf. The project proposes to include 20 single family dwellings along the eastern and southern permitter of the project site to buffer any impacts of the project to the neighboring single-family dwellings. The condo lot sizes are reduced to allow for the number of units allowed pursuant to the Density Bonus Law.

Maximum Parking Standards

Pursuant to California Government Code Section 65915(p)(1), "…a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the [qualifying project criteria], that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space
(B) Two to three bedrooms: one and one-half onsite parking spaces

(C) Four and more bedrooms: two and one-half parking spaces"

According to this requirement, the project is only required to provide 236 parking spaces. Recognizing that parking is a concern in this neighborhood, the project proposes to provide 319 spaces (2 garage spaces per unit, plus 35 guest parking spaces), in compliance with the minimum 2.25 per unit required by the Specific Plan.

We hope that staff appreciates our efforts to create a livable and desirable project that fits within the context of the neighborhood. We look forward to working with staff to further refine the project and deliver new homeownership opportunities to the City of Tustin.

Kind Regards,

Johanna Crooker, AICP
Vice President, Forward Planning and Entitlements, Southern California
5 Peters Canyon Road | Irvine, CA 92606
O: 949.299.3847
www.meritagehomes.com

TECHNICAL MEMORANDUM

DATE: April 14, 2025
TO: Johanna Crooker, MLC Holdings, Inc.
FROM: Charlene So, Urban Crossroads, Inc.
JOB NO: 15843-05 FTA Memo

SUBJECT: TENTATIVE TRACT MAP NO. 19334 FOCUSED TRAFFIC ASSESSMENT

Urban Crossroads, Inc. has prepared the following Focused Traffic Assessment for Tentative Tract Map No. 19334 (Project), which is located at 3150 Bear Street in the City of Costa Mesa. This letter describes the proposed Project trip generation and determines whether any additional traffic operations analysis is required based on the City's Transportation Impact Analysis (TIA) Guidelines (October 2020, City Guidelines). In addition, this assessment evaluates the segment of Bear Street along the Project's frontage.

EXISTING USE & PROPOSED PROJECT

The site is 6.12-acre and is currently developed with the former 65,652 square foot Trinity Broadcasting Network (TBN) building along with a 1,000 square foot maintenance building which is now occupied by The Palazzo by Koshbin which is a European-style event venue. The Project proposes to develop a new residential infill community consisting of a total of 142 for-sale townhomes within eight separate buildings (of which seven units or five percent of the total units will be designated very-low affordable units). The townhomes would range in size from approximately 1,060 to 2,218 square feet with 2-story detached homes and 4-story attached homes. A preliminary site plan for the proposed Project is shown on Exhibit 1. As indicated on Exhibit 1, access to the site is accommodated via a single driveway on Bear Street (where the existing site access is located) and an emergency vehicle access (EVA) to the northeast of the site via Olympic Avenue.

EXHIBIT 1: PRELIMINARY SITE PLAN

TRIP GENERATION

Trip generation represents the amount of traffic which is both attracted to and produced by a development. Determining traffic generation for a specific project is therefore based upon forecasting the amount of traffic that is expected to be both attracted to and produced by the specific land uses being proposed for a given development.

EXISTING USE: FORMER TBN BUILDING

In an effort to understand the traffic associated with the prior use, trip-generation statistics published in the latest Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition, 2021) has been used for the Corporate Headquarters land use category (ITE Land Use Code 714. The site is currently occupied by the former 65,652 square foot TBN building along with a 1,000 square foot maintenance building. Table 1 presents the trip generation rates and summarizes the trip generation for the former use. The former office use was anticipated to generate a total of 530 two-way trips per day with 97 AM peak hour trips and 87 PM peak hour trips as shown in Table 1.

TABLE 1: EXISTING TRIP GENERATION

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Corporate Headquarters	TSF	714	1.35	0.10	1.45	0.12	1.18	1.30	7.95

[1] Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, 11th Edition (2021).

[2] TSF = thousand square feet

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Former Use: TBN Building	66.652	TSF	90	7	97	8	79	87	530

[1] TSF = thousand square feet

PROPOSED PROJECT

The Project proposes to develop a new residential infill community consisting of a total of 142 for-sale townhomes within eight separate buildings (of which seven units or five percent of the total units will be designated very-low affordable units). In order to develop the traffic characteristics for the Project, trip-generation statistics published in the latest ITE Trip Generation Manual (11th Edition, 2021) has been used based on the Single Family Detached (ITE Land Use Code 210), Multifamily (Low-Rise) Residential (ITE Land Use Code 220), and Affordable Housing (ITE Land Use Code 223) land use categories. Table 2 presents the trip generation rates and summarizes the proposed Project trip generation. The proposed Project is anticipated to generate a total of 1,000 two-way trips per day with 63 AM peak hour trips and 81 PM peak hour trips as shown in Table 2.

TABLE 2: PROJECT TRIP GENERATION

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Single Family Detached	DU	210	0.18	0.52	0.70	0.59	0.35	0.94	9.43
Multifamily (Low-Rise) Residential	DU	220	0.10	0.30	0.40	0.32	0.19	0.51	6.74
Affordable Housing	DU	223	0.10	0.26	0.36	0.27	0.19	0.46	4.81

[1] Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Eleventh Edition (2021).

[2] DU = Dwelling Units

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Detached Two-Story Townhomes	20	DU	4	10	14	12	7	19	190
Attached Townhomes	115	DU	11	35	46	37	22	59	776
Affordable Housing	7	DU	1	2	3	2	1	3	34
Total Trips	**142**	**DU**	**16**	**47**	**63**	**51**	**30**	**81**	**1,000**

[1] DU = Dwelling Units

TRIP GENERATION COMPARISON

Table 3 shows the trip generation comparison between the proposed Project uses and the prior office land use. The resulting net change in vehicle trips is identified in Table 3. As shown, the proposed Project is anticipated to generate a net increase of 470 two-way trips per day but a net reduction of 34 AM peak hour trips and 6 fewer PM peak hour trips as compared to the prior office use.

TABLE 3: TRIP GENERATION COMPARISON

	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
Former Use: TBN Building	90	7	97	8	79	87	530
Proposed Use: Townhomes	16	47	63	51	30	81	1,000
Net Change in Trips	**-74**	**40**	**-34**	**43**	**-49**	**-6**	**470**

Note: Negative value represents a reduction in comparison to the former use.

TRIP DISTRIBUTION

The Project trip distribution represents the directional orientation of traffic to and from the Project site. Trip distribution is the process of identifying the probable destinations, directions or traffic routes that will be utilized by Project traffic. The potential interaction between the planned land uses and surrounding regional access routes are considered, to identify the route where the Project traffic would distribute. Based on the existing travel patterns along Bear Street, it is anticipated 53% of the Project's traffic will head northbound on Bear Street while the remaining 47% would head southbound on Bear Street.

TRAFFIC FORECASTS

In an effort to generate forecasts to be utilized in other technical studies to support the Project, an existing 24-hour roadway count was collected along Bear Street just north of Shiffer Park along the Project's future western frontage (see Appendix 1). The existing traffic count was collected when local schools were in session and operating on normal bell schedules. Project traffic was then added to the applicable segments on either side of the Project driveway along Bear Street based on the Project's trip distribution patterns and the trip generation presented in Table 2. Table 4 summarizes the Existing and Existing plus Project average daily traffic forecasts. Bear Street is designated as a Major Arterial (100-foot right-of-way, six-lanes with raised median) on the City's General Plan Circulation Element. Based on the City's Master Plan of Streets and Highways, a Major Arterial has a daily volume capacity of 56,000-68,000 vehicles per day which is well below the existing and anticipated E+P traffic forecasts shown in Table 4.

TABLE 4: ROADWAY SEGMENT FORECAST

Roadway Segment	Existing ADT	Project ADT	E+P ADT
Bear Street, north of Project Driveway	25,475	530	26,005
Bear Street, south of Project Driveway	25,475	470	25,945

ADT = Average Daily Traffic (Two-Way Traffic)

If you have any questions, please contact me directly at cso@urbanxroads.com.

APPENDIX 1:

EXISTING (2025) TRAFFIC COUNTS

A31224

24-HOUR ROADWAY SEGMENT COUNTS (WITH CLASSIFICATION)

Prepared by AimTD LLC tel. 714 253 7888 cs@aimtd.com

DATE: Wednesday, January 15, 2025 **CITY:** Costa Mela

JOB #: SC5131 **LOCATION:** CLASS1 Bear St north of Shiffer Park

AM TIME	NORTHBOUND 1	2	3	4	5	6	TOTAL
0:00	26	0	0	0	0	0	26
0:15	15	0	0	0	0	0	15
0:30	13	0	0	0	0	0	13
0:45	9	0	0	0	0	0	9
1:00	14	0	0	0	0	0	14
1:15	12	0	0	0	0	0	12
1:30	11	0	0	0	0	0	11
1:45	9	0	0	0	0	0	9
2:00	8	1	0	0	0	0	9
2:15	3	0	0	0	0	0	3
2:30	8	0	0	0	0	0	8
2:45	6	0	0	0	0	0	6
3:00	4	0	0	0	0	0	4
3:15	4	0	0	0	0	0	4
3:30	6	0	0	0	0	0	6
3:45	7	0	0	1	0	0	8
4:00	11	0	0	0	0	0	11
4:15	7	0	0	0	0	0	7
4:30	13	0	1	0	0	0	14
4:45	14	2	0	0	0	0	16
5:00	10	0	0	0	0	0	10
5:15	16	2	0	0	0	0	18
5:30	13	0	0	0	0	0	13
5:45	32	0	0	0	0	0	32
6:00	25	0	0	0	0	0	25
6:15	23	3	0	0	0	1	27
6:30	26	3	0	0	0	0	29
6:45	44	0	0	0	0	0	44
7:00	55	3	0	0	0	0	58
7:15	73	0	0	0	0	0	73
7:30	76	2	0	0	0	0	78
7:45	142	4	0	0	0	0	146
8:00	143	2	0	0	0	0	145
8:15	177	2	0	0	0	2	181
8:30	135	4	0	0	0	0	139
8:45	121	7	0	0	0	0	128
9:00	133	7	1	0	0	0	141
9:15	133	2	2	0	0	0	137
9:30	173	9	0	0	0	0	182
9:45	188	6	0	1	0	0	195
10:00	143	9	0	1	0	0	153
10:15	179	7	0	0	0	0	186
10:30	191	4	0	2	0	1	198
10:45	188	9	1	1	0	0	199
11:00	203	8	0	0	0	0	211
11:15	200	7	1	0	0	0	208
11:30	240	4	0	0	0	0	244
11:45	270	3	0	0	0	0	273
TOTAL	3,552	110	6	6	0	4	3,678

AM PEAK HOUR	11:00 AM
AM PEAK VOLUME	936

PM Time	NORTHBOUND 1	2	3	4	5	6	TOTAL
12:00	259	8	0	0	0	0	267
12:15	244	8	0	0	0	0	252
12:30	221	12	0	0	0	0	233
12:45	229	3	0	1	0	0	233
13:00	220	11	1	0	0	1	233
13:15	233	9	0	1	0	1	244
13:30	189	3	0	0	0	0	192
13:45	210	5	1	0	0	0	216
14:00	231	4	0	0	0	0	235
14:15	222	5	0	0	0	0	227
14:30	262	11	0	1	0	0	274
14:45	289	10	2	1	0	0	302
15:00	293	13	0	0	0	0	306
15:15	286	9	0	1	0	0	296
15:30	280	12	0	0	0	0	292
15:45	290	8	0	0	0	1	299
16:00	333	16	0	0	0	1	350
16:15	321	8	1	0	0	0	330
16:30	350	11	0	0	0	0	361
16:45	356	9	0	0	0	0	365
17:00	365	7	0	1	0	0	373
17:15	362	3	0	1	0	0	366
17:30	332	9	0	0	0	0	341
17:45	336	5	0	1	0	0	342
18:00	296	5	0	0	0	1	302
18:15	310	7	0	0	0	0	317
18:30	200	3	0	0	0	0	203
18:45	207	2	0	0	0	0	209
19:00	165	0	0	0	0	0	165
19:15	155	1	0	0	0	0	156
19:30	136	2	0	0	0	0	138
19:45	124	0	0	0	0	0	124
20:00	124	2	0	0	0	0	126
20:15	90	1	0	0	0	0	91
20:30	96	2	0	0	0	0	98
20:45	72	0	0	0	0	0	72
21:00	107	2	0	1	0	1	111
21:15	98	1	0	0	0	0	99
21:30	75	3	0	0	0	0	78
21:45	69	1	0	0	0	0	70
22:00	75	0	0	0	0	0	75
22:15	85	0	0	1	0	0	86
22:30	63	0	0	0	0	0	63
22:45	51	0	0	0	0	0	51
23:00	33	2	0	0	0	0	35
23:15	39	2	0	0	0	0	41
23:30	33	0	0	0	0	0	33
23:45	30	0	0	0	0	0	30
TOTAL	9,446	235	5	10	0	6	9,702

AM PEAK HOUR	4:30 PM
AM PEAK VOLUME	1,465

CLASS 1	PASSENGER VEHICLES	TOTAL: AM+PM	12,998	345	11	16	0	10	13,380
CLASS 2	2-AXLE TRUCKS	% OF TOTAL	97.1%	2.6%	0.1%	0.1%	0.0%	0.1%	100.0%
CLASS 3	3-AXLE TRUCKS								
CLASS 4	4 OR MORE AXLE TRUCKS								
CLASS 5	RV	TOTAL: ALL	24,800	601	26	33	0	15	25,475
CLASS 6	Buses	% OF TOTAL	97.4%	2.4%	0.1%	0.1%	0.0%	0.1%	100.0%

A31224

24-HOUR ROADWAY SEGMENT COUNTS (WITH CLASSIFICATION)

Prepared by AimTD LLC tel. 714 253 7888 cs@aimtd.com

DATE: Wednesday, January 15, 2025
JOB #: SC5131
CITY: Costa Mesa
LOCATION: CLASS1 Bear St north of Shiffer Park

AM TIME	SOUTHBOUND 1	2	3	4	5	6	TOTAL	PM Time	SOUTHBOUND 1	2	3	4	5	6	TOTAL
0:00	13	1	0	0	0	0	14	12:00	174	6	0	0	0	0	180
0:15	9	0	0	0	0	0	9	12:15	212	2	1	0	0	1	216
0:30	9	1	0	0	0	0	10	12:30	205	5	1	0	0	0	211
0:45	7	0	0	0	0	0	7	12:45	229	5	0	0	0	0	234
1:00	4	0	0	0	0	0	4	13:00	202	3	0	0	0	0	205
1:15	3	0	0	0	0	0	3	13:15	192	6	0	0	0	0	198
1:30	3	0	0	0	0	0	3	13:30	187	4	1	1	0	0	193
1:45	5	2	0	0	0	0	7	13:45	227	8	0	0	0	0	235
2:00	4	0	0	0	0	0	4	14:00	183	2	0	0	0	0	185
2:15	3	0	0	0	0	0	3	14:15	239	3	0	0	0	1	243
2:30	6	0	0	0	0	0	6	14:30	213	5	0	0	0	0	218
2:45	2	0	0	0	0	0	2	14:45	230	3	0	0	0	0	233
3:00	4	1	0	0	0	0	5	15:00	231	5	0	0	0	0	236
3:15	4	0	0	0	0	0	4	15:15	228	5	0	0	0	0	233
3:30	9	0	0	0	0	0	9	15:30	213	6	0	0	0	0	219
3:45	12	0	0	0	0	0	12	15:45	236	6	1	2	0	1	246
4:00	11	0	0	0	0	0	11	16:00	205	1	0	0	0	0	206
4:15	9	0	0	0	0	0	9	16:15	219	2	0	0	0	0	221
4:30	24	1	0	0	0	0	25	16:30	224	1	0	1	0	0	226
4:45	27	0	1	0	0	0	28	16:45	197	2	0	0	0	0	199
5:00	16	0	0	0	0	0	16	17:00	270	6	0	0	0	0	276
5:15	31	0	0	1	0	1	33	17:15	249	1	0	0	0	0	250
5:30	26	1	0	0	0	0	27	17:30	226	1	0	0	0	0	227
5:45	65	2	0	0	0	0	67	17:45	225	1	0	0	0	0	226
6:00	63	2	0	0	0	0	65	18:00	203	2	0	0	0	0	205
6:15	94	6	0	0	0	0	100	18:15	185	4	0	0	0	0	189
6:30	95	3	0	0	0	0	98	18:30	192	1	0	0	0	0	193
6:45	124	2	0	3	0	0	129	18:45	200	3	0	1	0	0	204
7:00	113	5	1	0	0	1	120	19:00	190	2	0	0	0	0	192
7:15	159	8	0	1	0	0	168	19:15	171	1	0	0	0	0	172
7:30	274	4	0	1	0	0	279	19:30	177	3	0	0	0	0	180
7:45	263	4	1	0	0	0	268	19:45	165	0	0	0	0	0	165
8:00	257	13	0	0	0	0	270	20:00	195	2	0	1	0	0	198
8:15	205	10	0	0	0	0	215	20:15	154	0	0	0	0	0	154
8:30	229	9	0	0	0	0	238	20:30	124	1	0	0	0	0	125
8:45	204	6	0	0	0	0	210	20:45	111	0	1	0	0	0	112
9:00	136	4	0	0	0	0	140	21:00	113	2	1	0	0	0	116
9:15	110	6	2	0	0	0	118	21:15	72	1	0	0	0	0	73
9:30	117	7	2	0	0	0	126	21:30	74	0	0	0	0	0	74
9:45	123	6	0	1	0	0	130	21:45	55	0	0	0	0	0	55
10:00	101	1	1	1	0	0	104	22:00	56	0	0	0	0	0	56
10:15	97	9	0	0	0	0	106	22:15	36	0	0	0	0	0	36
10:30	136	4	0	0	0	0	140	22:30	24	0	0	0	0	0	24
10:45	133	8	0	0	0	0	141	22:45	28	0	0	0	0	0	28
11:00	146	3	0	2	0	0	151	23:00	18	0	0	0	0	0	18
11:15	162	1	0	1	0	0	164	23:15	15	0	0	0	0	0	15
11:30	173	7	0	0	0	0	180	23:30	11	1	0	0	0	0	12
11:45	190	6	1	0	0	0	197	23:45	7	1	0	0	0	0	8
TOTAL	4,010	143	9	11	0	2	4,175	TOTAL	7,792	113	6	6	0	3	7,920

AM PEAK HOUR	7:30 AM
AM PEAK VOLUME	1,032

AM PEAK HOUR	5:00 PM
AM PEAK VOLUME	979

CLASS 1	PASSENGER VEHICLES
CLASS 2	2-AXLE TRUCKS
CLASS 3	3-AXLE TRUCKS
CLASS 4	4 OR MORE AXLE TRUCKS
CLASS 5	RV
CLASS 6	BUS

TOTAL: AM+PM	11,802	256	15	17	0	5	12,095
% OF TOTAL	97.6%	2.1%	0.1%	0.1%	0.0%	0.0%	100.0%

A31224

24-HOUR ROADWAY SEGMENT COUNTS (WITH CLASSIFICATION)

Prepared by AimTD LLC tel. 714 253 7888 cs@aimtd.com

DATE: Wednesday, January 15, 2025 **CITY:** Costa Mesa

JOB #: SC5131 **LOCATION:** CLASS1 Bear St north of Shiffer Park

AM TIME	COMBINED 1	2	3	4	5	6	TOTAL
0:00	39	1	0	0	0	0	40
0:15	24	0	0	0	0	0	24
0:30	22	1	0	0	0	0	23
0:45	16	0	0	0	0	0	16
1:00	18	0	0	0	0	0	18
1:15	15	0	0	0	0	0	15
1:30	14	0	0	0	0	0	14
1:45	14	2	0	0	0	0	16
2:00	12	1	0	0	0	0	13
2:15	6	0	0	0	0	0	6
2:30	14	0	0	0	0	0	14
2:45	8	0	0	0	0	0	8
3:00	8	1	0	0	0	0	9
3:15	8	0	0	0	0	0	8
3:30	15	0	0	0	0	0	15
3:45	19	0	0	1	0	0	20
4:00	22	0	0	0	0	0	22
4:15	16	0	0	0	0	0	16
4:30	37	1	1	0	0	0	39
4:45	41	2	1	0	0	0	44
5:00	26	0	0	0	0	0	26
5:15	47	2	0	1	0	1	51
5:30	39	1	0	0	0	0	40
5:45	97	2	0	0	0	0	99
6:00	88	2	0	0	0	0	90
6:15	117	9	0	0	0	1	127
6:30	121	6	0	0	0	0	127
6:45	168	2	0	3	0	0	173
7:00	168	8	1	0	0	1	178
7:15	232	8	0	1	0	0	241
7:30	350	6	0	1	0	0	357
7:45	405	8	1	0	0	0	414
8:00	400	15	0	0	0	0	415
8:15	382	12	0	0	0	2	396
8:30	364	13	0	0	0	0	377
8:45	325	13	0	0	0	0	338
9:00	269	11	1	0	0	0	281
9:15	243	8	4	0	0	0	255
9:30	290	16	2	0	0	0	308
9:45	311	12	0	2	0	0	325
10:00	244	10	1	2	0	0	257
10:15	276	16	0	0	0	0	292
10:30	327	8	0	2	0	1	338
10:45	321	17	1	1	0	0	340
11:00	349	11	0	2	0	0	362
11:15	362	8	1	1	0	0	372
11:30	413	11	0	0	0	0	424
11:45	460	9	1	0	0	0	470
TOTAL	7,562	253	15	17	0	6	7,853

AM PEAK HOUR	11:00 AM
AM PEAK VOLUME	1,628

PM Time	COMBINED 1	2	3	4	5	6	TOTAL
12:00	433	14	0	0	0	0	447
12:15	456	10	1	0	0	1	468
12:30	426	17	1	0	0	0	444
12:45	458	8	0	1	0	0	467
13:00	422	14	1	0	0	1	438
13:15	425	15	0	1	0	1	442
13:30	376	7	1	1	0	0	385
13:45	437	13	1	0	0	0	451
14:00	414	6	0	0	0	0	420
14:15	461	8	0	0	0	1	470
14:30	475	16	0	1	0	0	492
14:45	519	13	2	1	0	0	535
15:00	524	18	0	0	0	0	542
15:15	514	14	0	1	0	0	529
15:30	493	18	0	0	0	0	511
15:45	526	14	1	2	0	2	545
16:00	538	17	0	0	0	1	556
16:15	540	10	1	0	0	0	551
16:30	574	12	0	1	0	0	587
16:45	553	11	0	0	0	0	564
17:00	635	13	0	1	0	0	649
17:15	611	4	0	1	0	0	616
17:30	558	10	0	0	0	0	568
17:45	561	6	0	1	0	0	568
18:00	499	7	0	0	0	1	507
18:15	495	11	0	0	0	0	506
18:30	392	4	0	0	0	0	396
18:45	407	5	0	1	0	0	413
19:00	355	2	0	0	0	0	357
19:15	326	2	0	0	0	0	328
19:30	313	5	0	0	0	0	318
19:45	289	0	0	0	0	0	289
20:00	319	4	0	1	0	0	324
20:15	244	1	0	0	0	0	245
20:30	220	3	0	0	0	0	223
20:45	183	0	1	0	0	0	184
21:00	220	4	1	1	0	1	227
21:15	170	2	0	0	0	0	172
21:30	149	3	0	0	0	0	152
21:45	124	1	0	0	0	0	125
22:00	131	0	0	0	0	0	131
22:15	121	0	0	1	0	0	122
22:30	87	0	0	0	0	0	87
22:45	79	0	0	0	0	0	79
23:00	51	2	0	0	0	0	53
23:15	54	2	0	0	0	0	56
23:30	44	1	0	0	0	0	45
23:45	37	1	0	0	0	0	38
TOTAL	17,238	348	11	16	0	9	17,622

AM PEAK HOUR	4:30 PM
AM PEAK VOLUME	2,416

TOTAL: AM+PM	24,800	601	26	33	0	15	25,475
% OF TOTAL	97.4%	2.4%	0.1%	0.1%	0.0%	0.1%	100.0%

CLASS 1	PASSENGER VEHICLES
CLASS 2	2-AXLE TRUCKS
CLASS 3	3-AXLE TRUCKS
CLASS 4	4 OR MORE AXLE TRUCKS
CLASS 5	RV
CLASS 6	Buses

Existing Project Entry

Shiffer Park across Bear Street
Bear St

Existing Development

Existing Ficus Trees along
South Property LIne

Southeastern corner of lot

Existing EVA Gate to be replaced

Existing East Property Line

Existing North Property Line

Existing Development
Event Spaces Available

Existing Development with Freeway Behind

Existing Development

Existing Parking Lot

Existing Bear Street Slope

City of Costa Mesa
3150 Bear Street - Fiscal Impact Analysis
December 11, 2024

Prepared for:

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Irvine, CA 92606

Prepared by:

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1. INTRODUCTION

On behalf of MLC Holdings, Inc. ("Developer"), Zimmerman Group, Inc. has completed a fiscal impact analysis ("FIA") for the proposed residential home development located at 3150 Bear Street ("Property") in the City of Costa Mesa ("City"). The Property is currently being used for hosting luxury events, but Developer is proposing to develop 142 residential units ("Project"), which includes seven affordable housing units on the Property. The Project is proposed to include 122 4-story stacked flats and 20 cluster motor court homes. This FIA report calculates the estimated annual recurring fiscal impact on the City's general fund ("General Fund") that will result from development of the proposed Project.

2. FISCAL IMPACT ANALYSIS

2.1 PURPOSE & METHODOLOGY

The FIA analyzes the additional revenues and expenses to the General Fund expected to result from the development of the Project. The additional revenues are then compared to the additional expenses to determine the net fiscal impact (surplus or deficit) on the General Fund. Revenues and expenses are calculated using the case study method ("Case Study Method") or the per capita method ("Per Capita Method"). The Case Study Method uses Project specific variables, such as estimated home values, to determine the estimated impact on the General Fund. The Per Capita Method is based on the City's total revenue or expense from the Adopted 2024-25 Budget, divided by the current service population to determine the average revenue or expense per person. For certain revenue and expense categories, adjustments are made to account for the marginal impact differing from the existing citywide average per capita amount. For example, there are certain fixed costs that are not expected to increase as a result of the Project development.

The estimated projected revenues and expenditures are based on information and assumptions for the proposed Project, data from the City's Fiscal Year 2024-25 Operating Budget, 2024-25 tax rates and tax allocations from the Orange County Auditor Controller, 2024-25 assessed values and tax rate area information from the Orange County Treasurer, as well as statistical data from the California Department of Finance and the U.S. Bureau of Statistics.

2.2 CONCLUSIONS

A. Summary

The increase in General Fund revenues following the buildout of the Project is estimated to be approximately $440,593 per year, and the increase in General Fund expenses is estimated to be approximately $362,535 per year. Accordingly, there is expected to be an annual surplus of approximately $78,058 to the General Fund following Project buildout. The table below summarizes the estimated annual General Fund revenues, expenses and surplus. As indicated, the revenue to expense ratio is 1.22, meaning the revenues exceed the expenses by approximately 22%.

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TABLE 2-1

GENERAL FUND – FISCAL IMPACTS

Annual General Fund Revenues	Amount at Buildout	Percent of Total
Property Tax	$204,145	46.4%
Prop Tax-In Lieu VLF	92,585	21.0%
Property Transfer Tax	8,786	2.0%
Sales Tax	64,982	14.7%
Sales Tax - Prop 172	1,221	0.3%
Franchise Fees	17,186	3.9%
Business Licenses	2,422	0.5%
Fines and Forfeitures	3,352	0.8%
Licenses and Permits	12,354	2.8%
Fees and Charges	33,559	7.6%
Total Revenues	**$440,593**	**100.0%**

Annual General Fund Expenditures	Amount at Buildout	Percent of Total
Parks and Community Services	23,267	6.4%
Police Department	159,417	44.0%
Fire and Rescue Department	97,249	26.8%
Development Services	21,691	6.0%
Public Works	60,912	16.8%
Total Expenditures	**$362,535**	**100.0%**

Annual Recurring Surplus/(Deficit) at Buildout	**$78,058**
Revenues to Expenditure Ratio	**1.22**

B. Recurring Revenues

Property Tax

The County Auditor-Controller identifies property tax rates as a percentage of total assessed valuation by Tax Rate Area ("TRA"). The Project is within TRA 15-139. Property tax revenues are calculated using the TRA apportionment factors to forecast property tax revenues expected from the Project. Based on information provided by the Auditor-Controller's office, the General Fund receives approximately 14.92% of the basic one percent ad valorem property tax levy. Based on the projected assessed value for the Project, less the existing assessed value of the Project site, additional property tax revenues to the General Fund are projected to be $204,145

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annually at build-out. See Tables 2 and 3 of the Appendix for details of the property tax calculations.

Prop Tax-In Lieu VLF

Historically, approximately three-fourths of Vehicle License Fee (VLF) revenue was allocated to cities and counties as general-purpose funding. Beginning in 1998-99, the State reduced the VLF payment required from vehicle owners. However, the State made up the revenue impact of the VLF rate reductions with State General Fund revenue (the "VLF Backfill"). The VLF Backfill was eliminated in the 2004-05 State Budget. In that year, the VLF Backfill to cities and counties was permanently replaced with an equivalent increase in property tax revenues (Property Tax In Lieu of VLF). This increase was funded by decreases in property tax revenues allocated to schools and community colleges.

Annual Property Taxes in Lieu of VLF are estimated to be $92,585 for the Project as shown in Table 2 of the Appendix. Revenues from Property Taxes In Lieu of VLF are estimated at .06765% of the increase in assessed valuation of $136,855,950. This percentage is based on the total Property Tax In Lieu of VLF in the Adopted Budget of $16,734,432 divided by the total City assessed valuation of $24,736,139,990.

Property Transfer Tax

Property transfer tax applies to all sales of real property at a rate of $1.10 per $1,000 of sale or resale value, excluding assumed liens or encumbrances. The City receives 50% of the Documentary Stamp Tax, and it is assumed the Project will have a 10% turnover rate each year estimated to generate $8,786 per year in revenues to the General Fund as shown in Table 2 of the Appendix.

Sales Tax

Sales tax revenues are generated by taxable purchases made within the City. As shown in Table 4 of the Appendix, it is anticipated that the Project will generate approximately $45,762 in annual taxable sales per unit totaling $6,498,204 in taxable sales at buildout. This includes only the taxable sales expected to be captured by the City. The City will receive 1.00% of taxable sales resulting in an estimated recurring annual sales tax revenue of $64,982 to the General Fund.

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Sales Tax – Prop 172

The Sales Tax – Prop 172 revenue is the Proposition 172 half-cent sales and use tax approved by voters in 1993 to cushion the impact of the "Educational Revenue Augmentation Fund" (ERAF) property tax shifts. The State collects the Proposition 172 tax and apportions it to each county based on their proportionate share of statewide taxable sales. Each county is then required to allocate this revenue to the cities for public safety services only. It is estimated the City receives 3.76% of the Sales Tax – Prop 172 revenues and the increase to the General Fund will be $1,221 for the Project as shown in Table 4 of the Appendix.

Franchise Fees

Franchise Fees are the fees paid by utility companies for franchise rights and use of City streets and rights of way. The Project is estimated to generate additional revenues of $17,186, based on the Per Capita Method, as shown in Table 5 of the Appendix.

Business License Tax

Business licenses are issued for either regulatory or cost recovery purposes, to applicants who conduct business activities within the City. The regulatory authority provides cities the means to protect overall community interests. The Project is estimated to generate additional revenues of $2,422, based on the Per Capita Method, as shown in Table 5 of the Appendix.

Fines and Forfeitures

Fines and Forfeitures primarily come from municipal code violations, motor vehicle code violations, and parking fines. Amounts paid by a defendant include fines and various penalties, assessments, and restitution. The Project is estimated to generate additional revenues of $3,352, based on the Per Capita Method, as shown in Table 5 of the Appendix.

Licenses and Permits

Licenses and Permits are issued for either regulatory or cost recovery purposes, to applicants who conduct business activities within the City. The regulatory authority provides cities the means to protect the overall community interests. An example of licenses issued is animal licenses. Major categories of permits are street permits, building permits, electrical permits, plumbing permits,

and mechanical permits. The Project is estimated to generate additional revenues of $12,354, based on the Per Capita Method, as shown in Table 5 of the Appendix.

Fees and Charges for Services

The City's fees and charges include: user fees charged to a person or entity participating in the various recreation classes offered by the City, plan check fees, other services provided by the Planning Division related to zoning and conditional use permits, fingerprinting, false alarms, police reports, fire inspection, ambulance transportation, and hazardous materials disclosure fees. The Project is estimated to generate additional revenues of $33,559, based on the Per Capita Method, as shown in Table 5 of the Appendix.

C. Recurring Expenses

Parks and Community Services

The Parks and Community Services Department provides the citizens of the City with a variety of high-quality recreation facilities, programs, and services. These facilities include the Balearic Community Center, the Downtown Aquatic and Recreation Centers, the Norma Hertzog Community Center, the Costa Mesa Senior Center, and the Jack Hammett Sports Complex. In terms of programs, the Department provides a large offering of youth, teen, and adult recreation programs and classes, as well as Citywide special events. The Project is estimated to generate additional costs of $23,267 based on the Per Capita Method as shown in Table 6 of the Appendix.

Police Department

The Police Department is tasked with protecting life and property while preserving the peace. The department is comprised of three divisions: Police Administration, Police Field Operations, and Police Support Services. The Project is estimated to generate additional costs of $159,417, based on the Per Capita Method, as shown in Table 6 of the Appendix.

Fire and Rescue Department

The Fire and Rescue Department is a public safety function that protects life, property and the environment through its mitigation, prevention, preparedness, response, and recovery services. The 3 divisions of the Fire and Rescue Department are Fire Administration, Fire/Rescue Operations/Emergency Medical Services, and Community Risk Reduction. The Project is

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expected to generate additional costs of $97,249, based on the Per Capita Method, as shown in Table 6 of the Appendix.

Development Services

The Development Services Department implements community development programs and functions. The Department is comprised of five divisions and are as follows: Administration, Planning, Building Safety, Community Improvement, and Housing and Community Development. The Project is expected to generate additional costs of $21,691, based on the Per Capita Method and a marginal cost impact adjustment, as shown in Table 6 of the Appendix.

Public Works

The Public Works Department provides services related to engineering design, construction management, transportation, street, energy and sustainability, park and city facilities maintenance, water quality, waste management and recycling street sweeping, and fleet management. The Project is expected to generate additional costs of $60,912, based on the Per Capita Method, as shown in Table 6 of the Appendix.

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APPENDIX

FISCAL IMPACT CALCULATIONS

PROPOSED RESIDENTIAL PROJECT

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TABLE 1
ESTIMATE OF PROJECT POPULATION
3150 BEAR STREET - FISCAL IMPACT ANALYSIS
PROPOSED RESIDENTIAL PROJECT

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City-Wide Household Population (a)	106,907
Number of Housing Units (a)	42,432
City-Wide Average Persons Per Unit	**2.52**
Residential Units at Buildout	**142**
Total Project Population at Buildout	**358**

Footnotes:

(a) Source: E-5 City/County Population and Housing Estimates, 1/1/2024 from the California Department of Finance.

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TABLE 2
ESTIMATE OF REVENUES FROM PROPERTY TAXES
3150 BEAR STREET - FISCAL IMPACT ANALYSIS
PROPOSED RESIDENTIAL PROJECT

				Property Tax Levy	1.00%	In-Lieu Property Tax Per $1,000 of		Transfer Tax Rate (d)	0.055%	
				City Portion (b)	14.92%	AV Growth (c)	$0.6765	Turnover Rate (e)	10.00%	
Floor Plan	**Unit Mix (a)**	**Assessed Value (a)**	**Total Assessed Value**	**Property Tax Revenue/ Unit**	**Property Tax Revenue at Buildout**	**Property Tax In-Lieu Revenues/ Unit**	**In-Lieu Property Revenues at Buildout**	**Property Transfer Tax Revenue/Unit**	**Property Transfer Tax Revenue at Buildout**	
Plan 1	13	$1,420,000	$18,460,000	$2,118	$27,536	$961	$12,489	$78	$1,015	
Plan 2	7	$1,555,000	$10,885,000	$2,320	$16,237	$1,052	$7,364	$86	$599	
Plan 3	42	$990,000	$41,580,000	$1,477	$62,024	$670	$28,130	$54	$2,287	
Plan 4	12	$1,080,000	$12,960,000	$1,611	$19,332	$731	$8,768	$59	$713	
Plan 5	45	$1,190,000	$53,550,000	$1,775	$79,879	$805	$36,228	$65	$2,945	
Plan 6	16	$1,305,000	$20,880,000	$1,947	$31,146	$883	$14,126	$72	$1,148	
Plan 3A	4	$193,000	$772,000	$288	$1,152	$131	$522	$11	$42	
Plan 4A	3	$219,250	$657,750	$327	$981	$148	$445	$12	$36	
Total at Buildout	**142**		**$159,744,750**		**$238,287**		**$108,070**		**$8,786**	
Less Existing Assessed Value (f)			-$22,888,800		-$34,143		-$15,485		$0	
Total Increase to General Fund			**$136,855,950**		**$204,145**		**$92,585**		**$8,786**	

Footnotes:

(a) Unit mix and assessed value based on estimated home pricing received from Developer. Plans 1A and 2A represent affordable housing units.

(b) The Subject Property's Tax Rate Area is 15-139 and the City of Costa Mesa receives 0.14917% of the 1% Ad Valorem from the County.

(c) AV Growth is calculated by taking the Property Taxes-In Lieu amount of $16,734,432, from the Adopted FY 2024-25 Budget, divided by the City AV Estimate of $24,736,139,990, from the 2023-2024 District Values for Publication of Assessed Valuations Booklet Equalized Roll Values from the Orange County Auditor Controller, multiplied by $1,000 to equal $0.6765 of every $1,000 of AV Growth.

(d) Transfer tax is 0.11% of the sale price of residential property and the City receives 50% of the taxed amount.

(e) Assumes a 10% turnover rate each year.

(f) Project site has assessed value of $22,888,800 per the 2024-25 property tax bills.

TABLE 3
TRA: 15-072
BREAKDOWN OF 1% AD VALOREM TAX

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District	District Name	Agency Pct of Revenue	Property Taxes at Buildout
001C	ORANGE CO GEN. FUND	0.0678159786	$92,810
002A	ORANGE COUNTY PUBLIC LIBRARY	0.0183476652	$25,110
710A	O C FLOOD CONTROL DISTRICT	0.0217608000	$29,781
713A	O C PARKS CSA 26	0.0168204303	$23,020
001C	EDUCATIONAL REVENUE AUGMENTATION FUND	0.1124933430	$153,954
002A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0211005817	$28,877
065B	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0372952273	$51,041
703A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0008054134	$1,102
708A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0020587714	$2,818
710A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0089396001	$12,234
713A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0032177102	$4,404
744A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0010062745	$1,377
757B	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0011051571	$1,512
922A	EDUCATIONAL REVENUE AUGMENTATION FUND	0.0052848214	$7,233
703A	ORANGE CO CEMETRY FUND-GENERAL	0.0005470431	$749
065B	COSTA MESA CITY	0.1498604348	$205,093
757B	COSTA MESA SANITARY DIST-GEN.FUND	0.0016577357	$2,269
744A	ORANGE CO VECTOR CONTROL DIST	0.0012287604	$1,682
960A	ORANGE COUNTY WATER DISTRICT	0.0077993053	$10,674
961A	ORANGE WATER DIST-WATER RESERVE	0.0001171022	$160
708A	ORANGE TRANSIT AUTHORITY	0.0030881571	$4,226
916H	OC SANITATION #7 GEN FUND	0.0158287550	$21,663
320B	NEWPORT-MESA UNIF GEN FUND	0.3804494669	$520,668
300B	COAST COMM COLLEGE GEN FUND	0.1060513015	$145,138
600A	O C DEPT OF EDUCATION-GEN FUND	0.0153201640	$20,967
Total		**1.0000000000**	**$1,368,560**

Sources:

Orange Count Auditor office
Section 99 Factor Report by TRA 2024-2025

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TABLE 4
ESTIMATE OF SALES TAXES
3150 BEAR STREET - FISCAL IMPACT ANALYSIS
PROPOSED RESIDENTIAL PROJECT

Estimate of Household Income		
Weighted Average Sales Price		$1,124,963
Down Payment	10%	$112,496
Loan Amount		$1,012,467
Interest Rate (a)		6.75%
Term (Years)		30
Annual Mortgage Payments		$78,802
HOA Dues (Per Month)	$214	$2,573
Maintenance / Insurance (Per Month)	$100	$1,200
Property Taxes	1.25%	$14,062
Total Annual Housing Costs		$96,637
Percent of Income Spent on Housing		37%
Average Annual Household Income		$263,000
Estimated Sales Taxes Per Unit		
Percent of Income on Taxable Spending (b)		34.80%
City Spending Capture		50.00%
Taxable Sales within the City		$45,762
City Portion of Base Sales Tax (c)	1.00%	$458
City Portion of Prop 172 Sales Tax (d)		$9
Estimated Sales Taxes at Buildout		
Total Units		142
Taxable Sales within the City		$6,498,204
City Portion of Sales Tax		$64,982
Sales Tax - Prop 172 (Safety)		$1,221

Footnote:

(a) Estimate 30 year mortgage rate based on Bankrate.com.

(b) Per the U.S. Bureau of Labor Statistics, Western Information Office, Consumer Expenditures for the Los Angeles Area - 2021-22. Assumes 50% of the 13.2% spent on food is taxable.

(c) Per Page 36 of the City Operating Budget.

(d) The City receives 3.76% of the Half-Cent Sales Tax (Safety) based on the 2024-25 Adopted Budget.

TABLE 5
ESTIMATE OF ANNUAL RECURRING REVENUES
3150 BEAR STREET - FISCAL IMPACT ANALYSIS
PROPOSED RESIDENTIAL PROJECT

Demographic Profile:	Household Population	Employment Population (a)	Total Population/ Jobs	Total Resident Equivalents (b)
City of Costa Mesa	106,907	64,291	171,198	139,053
3150 Bear Street	358	0	358	358

	City FY 2024-25 Adopted Budget (c)	Per Capita Service Population	Per Capita Revenue	New Residents/ Resident Equivalents	"Marginal Revenue" Impact Adjustment (e)	Annual Revenue at Buildout
Taxes						
Property Tax	$39,815,092	----------Case Study----------				$204,145
Prop Tax-In Lieu VLF	$16,734,432	----------Case Study----------				$92,585
Property Transfer Tax	$1,139,605	----------Case Study----------				$8,786
Sales Tax	$80,063,389	----------Case Study----------				$64,982
Sales Tax - Prop 172	$1,504,501	----------Case Study----------				$1,221
Other Taxes (d)	$16,340,474	Res Equiv	$117.51	358	100%	$0
Franchise Fees	$6,675,334	Res Equiv	$48.01	358	0%	$17,186
Business Licenses	$940,807	Res Equiv	$6.77	358	0%	$2,422
Fines and Forfeitures	$1,302,091	Res Equiv	$9.36	358	0%	$3,352
Licenses and Permits	$4,798,456	Res Equiv	$34.51	358	0%	$12,354
Fees and Charges	$13,034,685	Res Equiv	$93.74	358	0%	$33,559
Use of Money and Property (d)	$5,360,700	Res Equiv	$38.55	358	100%	$0
Other Government Agencies (d)	$896,086	Res Equiv	$6.44	358	100%	$0
Other Revenues (d)	$1,288,507	Res Equiv	$9.27	358	100%	$0
Total Revenues	**$189,894,159**					**$440,593**

Footnotes:

(a) Total Employment of 64,291 is from the City Profile on page 7 of the Adopted 2024-25 City Budget.

(b) Assumes that two employees have the same impact as one resident.

(c) Amounts from the Adopted 2024-25 City Budget.

(d) Revenues assumed to not be affected by the increase of the Project population.

(e) Indicates the adjustment to certain per capita revenue categories not expected to increase based on the citywide average.

TABLE 6
ESTIMATE OF ANNUAL RECURRING EXPENDITURES
3150 BEAR STREET - FISCAL IMPACT ANALYSIS
PROPOSED RESIDENTIAL PROJECT

Demographic Profile:	Household Population	Employment Population (a)	Total Population/ Jobs	Total Resident Equivalents (b)
City of Costa Mesa	106,907	64,291	171,198	139,053
3150 Bear Street	358	0	358	358

	City FY 2024-25 Adopted Budget	Service Population	Per Capita Expense	New Residents/ Resident Equivalents	"Marginal Cost" Impact Adjustment (c)	Estimated Recurring Expenditures at Buildout
City Council	$874,089	Res Equiv	$6.29	358	100%	$0
City Manager's Office	$9,594,377	Res Equiv	$69.00	358	100%	$0
City Attorney	$1,086,750	Res Equiv	$7.82	358	100%	$0
Finance	$6,073,764	Res Equiv	$43.68	358	100%	$0
Parks and Community Services	$9,037,068	Res Equiv	$64.99	358	0%	$23,267
Information Technology	$6,402,558	Res Equiv	$46.04	358	100%	$0
Police Department	$61,919,751	Res Equiv	$445.30	358	0%	$159,417
Fire and Rescue Department	$37,772,922	Res Equiv	$271.65	358	0%	$97,249
Development Services	$9,911,803	Res Equiv	$71.28	358	15%	$21,691
Public Works	$23,659,001	Res Equiv	$170.14	358	0%	$60,912
Non-Departmental (d)	$23,562,076	Res Equiv	$169.45	358	100%	$0
Total Expenditures	**$189,894,159**					**$362,535**

Footnotes:

(a) Total Employment of 64,291 is from the City Profile on page 7 of the Adopted 2024-25 City Budget.

(b) Assumes that two employees have the same impact as one resident.

(c) Reflects adjustment to expenditures that do not have a 1:1 relationship between projected population growth and costs for municipal services because of certain fixed costs.

(d) Includes costs assumed not to be affected by Project population such as debt service requirements, interfund transfers, City Manager contigency, Retiree Medical Plan benefits for employees hired before January 1, 2024, and subsidy to the Housing Authority.

DRAFT

TABLE 7
ESTIMATE OF GENERAL FUND FISCAL IMPACT
3150 BEAR STREET - FISCAL IMPACT ANALYSIS
PROPOSED RESIDENTIAL PROJECT

Annual General Fund Revenues	Amount at Buildout	Percent of Total
Property Tax	$204,145	46.3%
Prop Tax-In Lieu VLF	92,585	21.0%
Property Transfer Tax	8,786	2.0%
Sales Tax	64,982	14.7%
Sales Tax - Prop 172	1,221	0.3%
Other Taxes	0	0.0%
Franchise Fees	17,186	3.9%
Business Licenses	2,422	0.5%
Fines and Forfeitures	3,352	0.8%
Licenses and Permits	12,354	2.8%
Fees and Charges	33,559	7.6%
Use of Money and Property	0	0.0%
Other Government Agencies	0	0.0%
Other Revenues	0	0.0%
Total Revenues	**$440,593**	**100.0%**

Annual General Fund Expenditures	Amount at Buildout	Percent of Total
City Council	$0	0.0%
City Manager's Office	0	0.0%
City Attorney	0	0.0%
Finance	0	0.0%
Parks and Community Services	23,267	6.4%
Information Technology	0	0.0%
Police Department	159,417	44.0%
Fire and Rescue Department	97,249	26.8%
Development Services	21,691	6.0%
Public Works	60,912	16.8%
Non-Departmental (d)	0	0.0%
Total Expenditures	**$362,535**	**100.0%**

Annual Recurring Surplus/(Deficit) at Buildout	**$78,058**
Revenues to Expenditure Ratio	**1.22**

ARBORIST REPORT

Bear Street Project

Prepared for:

Meritage Homes

Prepared by:

Dillon Reynolds - ISA Certified WE-9690A- The Landscape Center

DILLON REYNOLDS
CERTIFIED ARBORIST
THE LANDSCAPE CENTER

March 24, 2025

Johanna Crooker
Meritage Homes
5 Peters Canyon Road, Suite 310
Irvine, CA 92606

Via Email: johanna.crooker@mlcholdings.net

Dear Ms. Crooker,

This report is submitted for your review in response to your request for an arboricultural survey and arboricultural reporting services of existing palms and trees located at the Bear Street Project (Tract 19334) in Costa Mesa, California. The site address is 3150 Bear Street Costa Mesa, CA. The inventory and site review of the trees located within the project limits was performed on Friday, December 13, 2024 and Monday, March 17, 2025.

Included with this report is a map of the inventoried trees (Exhibit 1), and a tree inventory matrix (Exhibit 2.)

The project proposes redeveloping the existing site. The redevelopment would include the construction of multiple residences along with the creation of a Central Open Space that would include landscaped common areas, and landscaped areas between buildings. Private open space would include front porches and patios/ balconies. All of which will encompass the planting of new trees, featuring a diverse range of species, as part of the project.

ASSIGNMENT

I have been asked to visit the Bear Street Project to assess, locate and provide an evaluation of the state of the palms and trees on the property as well as collect data. Data collected includes:

- Identify trees with a unique tree number
- Common name
- Botanical name
- Diameter at 54 inches above grade (DBH).
- Height/Canopy
- Condition
    - A visual assessment of the tree
    - Evaluation of current health and structural condition of the tree
    - Aesthetic assessment

Note that the observations contained in this report are based on visual inspection of the above-ground parts of the tree. No soil was excavated, and no aerial inspection was carried out.

This report is based on my evaluations of the site conducted on Friday, December 13, 2024 and Monday, March 17, 2025.

OBSERVATION AND METHODOLOGY

The project site currently consists of a large commercial building along with associated parking stalls that are landscaped and regularly maintained. The location is relatively flat. The property and trees appear to be greater than 30 years old. Regular irrigation is applied to the site.

The specific tasks performed were as follows:

- Identify all trees on the property.
- Assign a unique tree ID.
- Verify the location of each inventoried tree.
- Measure the diameter of the individual at 54 inches above grade (DBH).
- Analyze the assessment data for each tree. Determine the tree's health and assign a current condition rating ranging from poor to good, as follows:

Good (3) – Exemplary health and structure for species; a healthy tree with limited signs or symptoms of disease.
Fair (2) - Some minor deficiencies noted in health and/or structure, with potential for corrective measures to be performed to improve condition (including but not limited to fertilizer applications, pruning, and chemical applications.)
Poor (1) - Significant deficiencies noted in health and/or structure, some irreversible, and may include hazardous condition signs and symptoms requiring corrective action. Some individuals may require removal. Trees in this category include any of or combination of the following: very low canopy density; major disease signs and symptoms; dying or dead trees; imminent, irreversible hazardous conditions.

- Prepare a written report.
- Provide additional recommendations.

FINDINGS

Based on my evaluation of the site, a total of 167 trees were identified within the requested work area. The 167 trees are made up of 19 species and have been placed in Table 1. Table 1 represents the count of each species by overall condition rating. Based on my evaluation of the proposed development of the site, 138 trees will require complete removal as it will not be feasible for the trees to coexist with the site development. 29 trees will remain in place on an undisturbed slope area located on the western side of the project.

PROTECTED STATUS

As part of this scope of work, I did not review the City of Costa Mesa or the County of Orange Tree Protection Ordinance, should the city or county have one, or provide recommendations as to whether a tree falls within any Tree Protection Ordinance in the City of Costa Mesa or the County of Orange, CA.

SUITABILTY FOR PRESERVATION

Each tree was rated for suitability for preservation based upon its age, health, structural condition, and ability to safely coexist within a development environment.

Based on the site redevelopment plans, the removal of 138 trees will be required as they cannot safely coexist with the required site redevelopment footprint. 29 trees will be protected in place and be preserved in their current location on the western side of the project within an undisturbed slope.

High Trees in this category are in good health and structural stability and have the potential for longevity at the site.

Moderate Trees in this category have fair health and/or structural defects that may be abated with treatment. These trees require more intense management and monitoring, and may have shorter lifespans than those in the “high” Category.

Low Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas.

Table 1: Summary **Bear Street Project 3150 Bear Street Costa Mesa, CA**

Botanical Name	Common Name	Good	Fair	Poor	Total
Araucaria columnaris	Cook pine	3	0	0	3
Camphora officinarum	Camphor tree	3	10	6	19
Cedrus deodara	Deodar cedar	1	2	0	3
Cupaniopsis anacardioides	Carrotwood	0	0	5	5
Cupressus sempervirens	Italian cypress	10	0	0	10
Erythrina spp.	Coral	0	0	1	1
Ficus carica	Fig	0	0	1	1
Ficus microcarpa	Indian laurel	0	37	0	37
Liquidambar styraciflua	Sweetgum	0	10	2	12
Lophostemon confertus	Brisbane box	4	9	12	25
Magnolia grandiflora	Southern magnolia	2	1	0	3
Olea europaea	Olive	0	0	1	1
Phoenix dactylifera	Date palm	8	2	0	10
Phoenix roebelenii	Pygmy date palm	1	0	0	1
Pinus halepensis	Aleppo pine	0	19	0	19
Schinus terebinthifolia	Brazillian Peppertree	0	0	1	1
Searsia lancea	African sumac	0	4	4	8
Sequoia sempervirens	Coast Redwood	0	1	0	1
Washingtonia robusta	Mexican fan palm	6	0	1	7
TOTAL					167

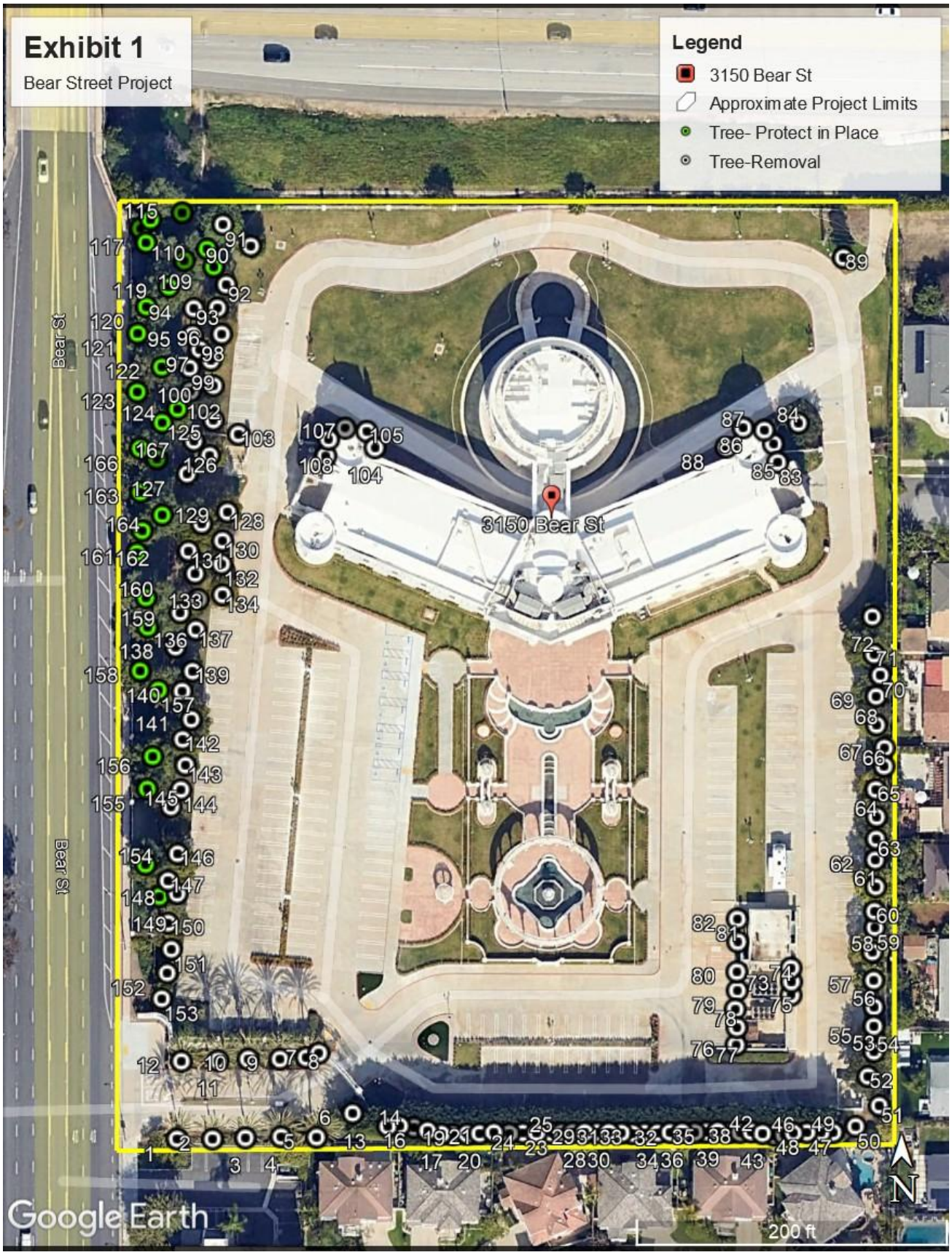
Exhibit 1
Bear Street Project
Legend
3150 Bear St
Approximate Project Limits
Tree- Protect in Place
Tree-Removal
Bear St
Bear St
3150 Bear St
Google Earth
200 ft
N

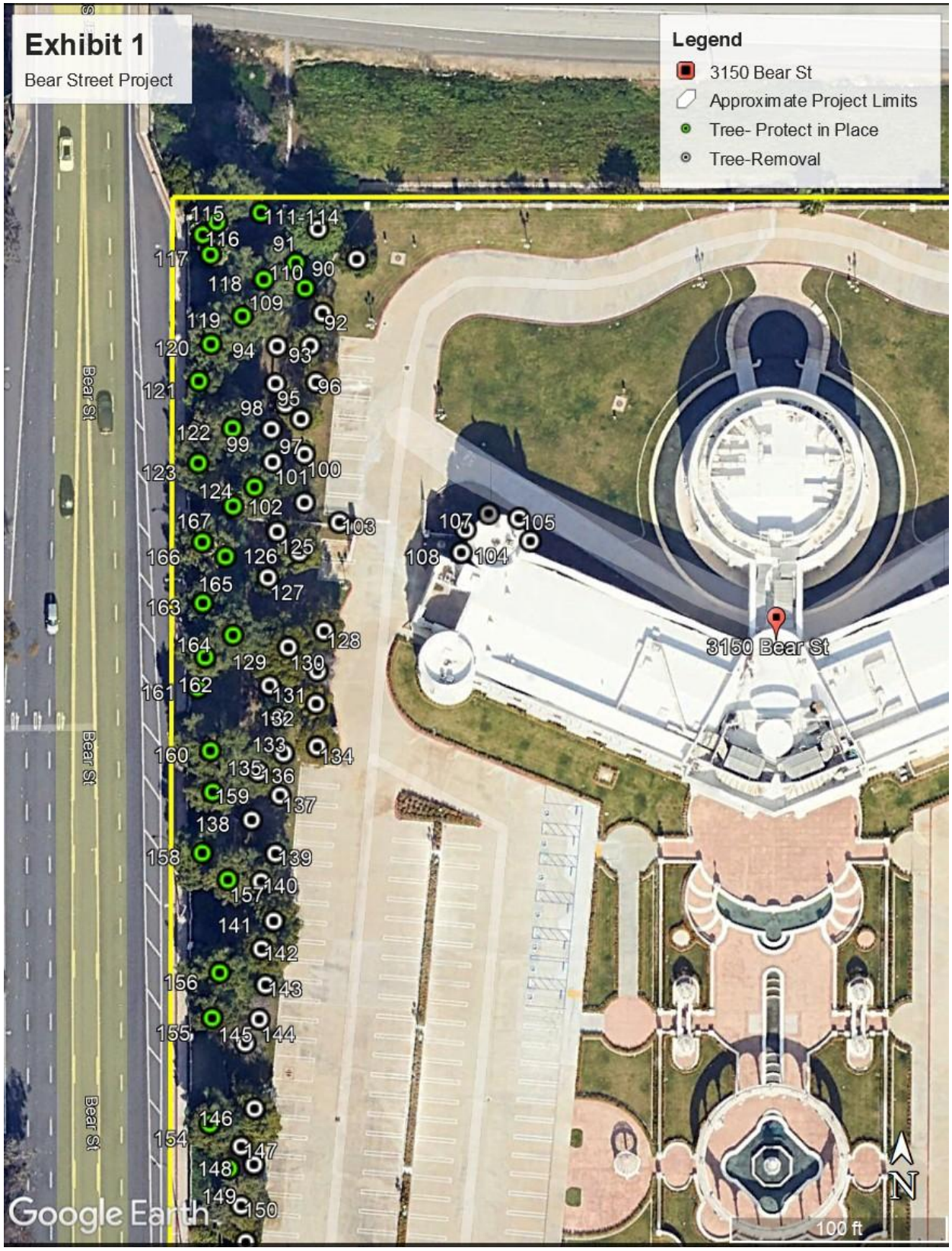
Exhibit 1
Bear Street Project
Legend
3150 Bear St
Approximate Project Limits
Tree- Protect in Place
Tree-Removal
Bear St
Bear St
Bear St
3150 Bear St
115
111-114
116
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150
N
100 ft
Google Earth

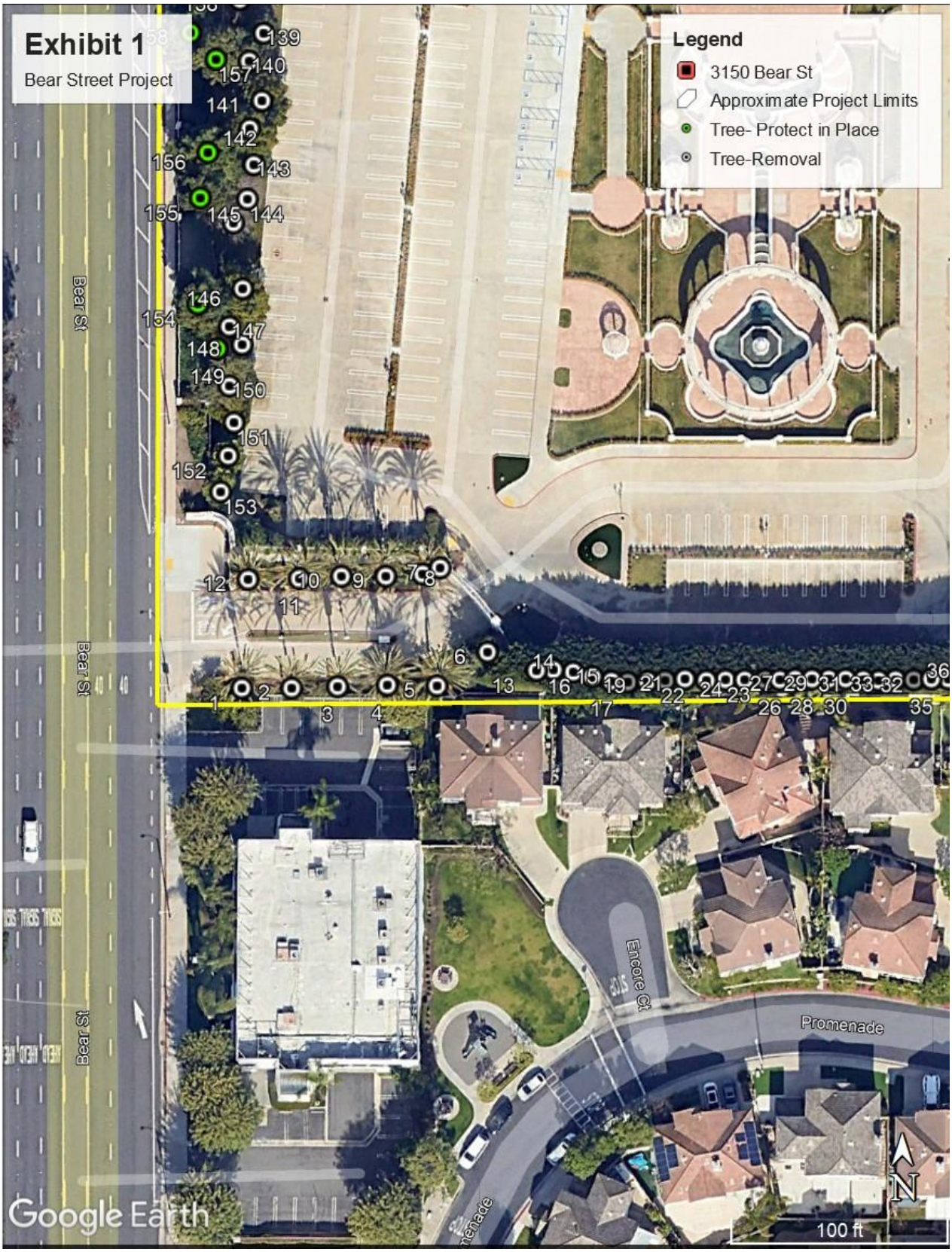
Exhibit 1
Bear Street Project
Legend
3150 Bear St
Approximate Project Limits
Tree- Protect in Place
Tree-Removal
Bear St
Bear St
Bear St
Encore Ct
Promenade
Promenade
Google Earth
100 ft
N

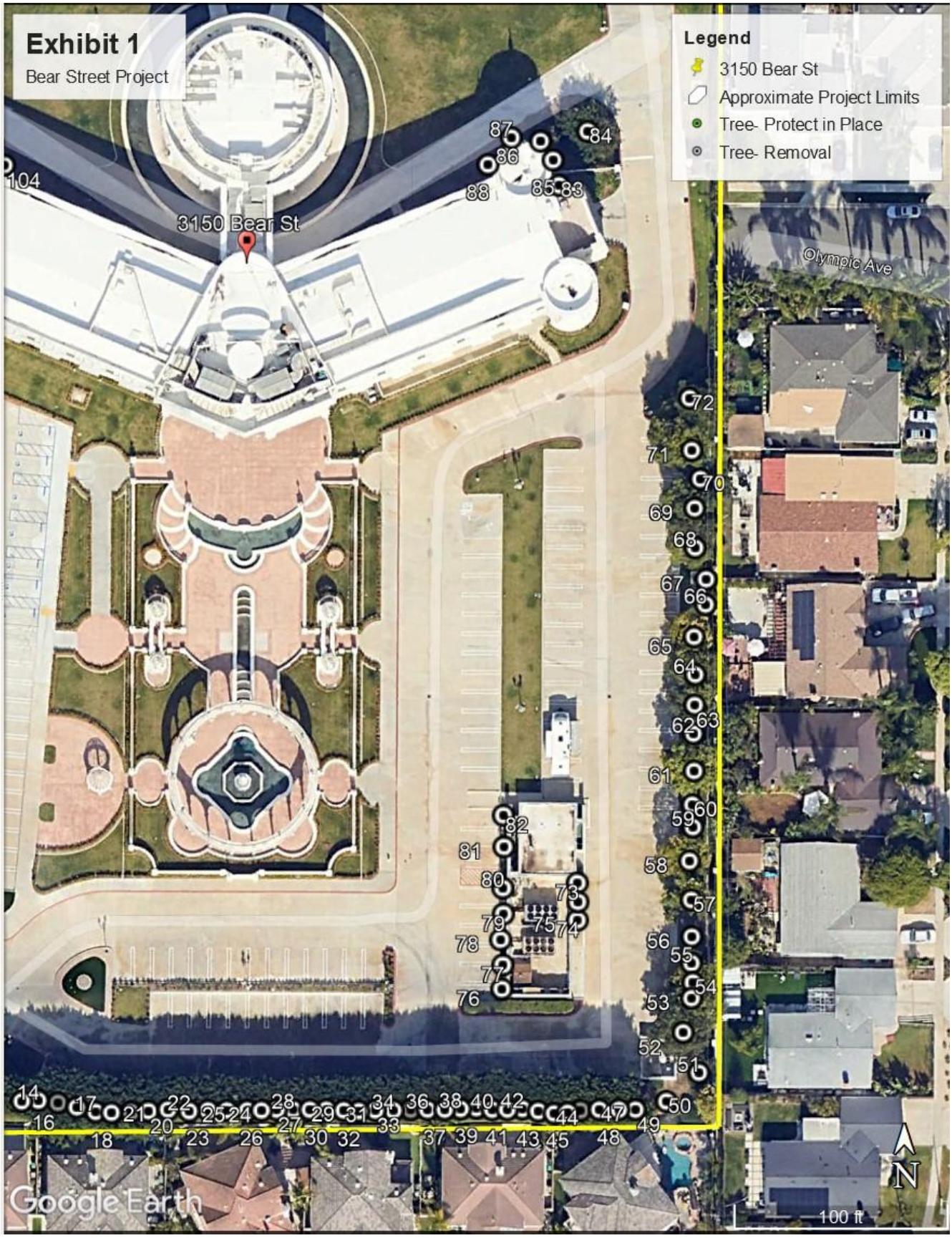
Exhibit 1
Bear Street Project
Legend
3150 Bear St
Approximate Project Limits
Tree- Protect in Place
Tree- Removal
3150 Bear St
Olympic Ave
Google Earth
100 ft
N

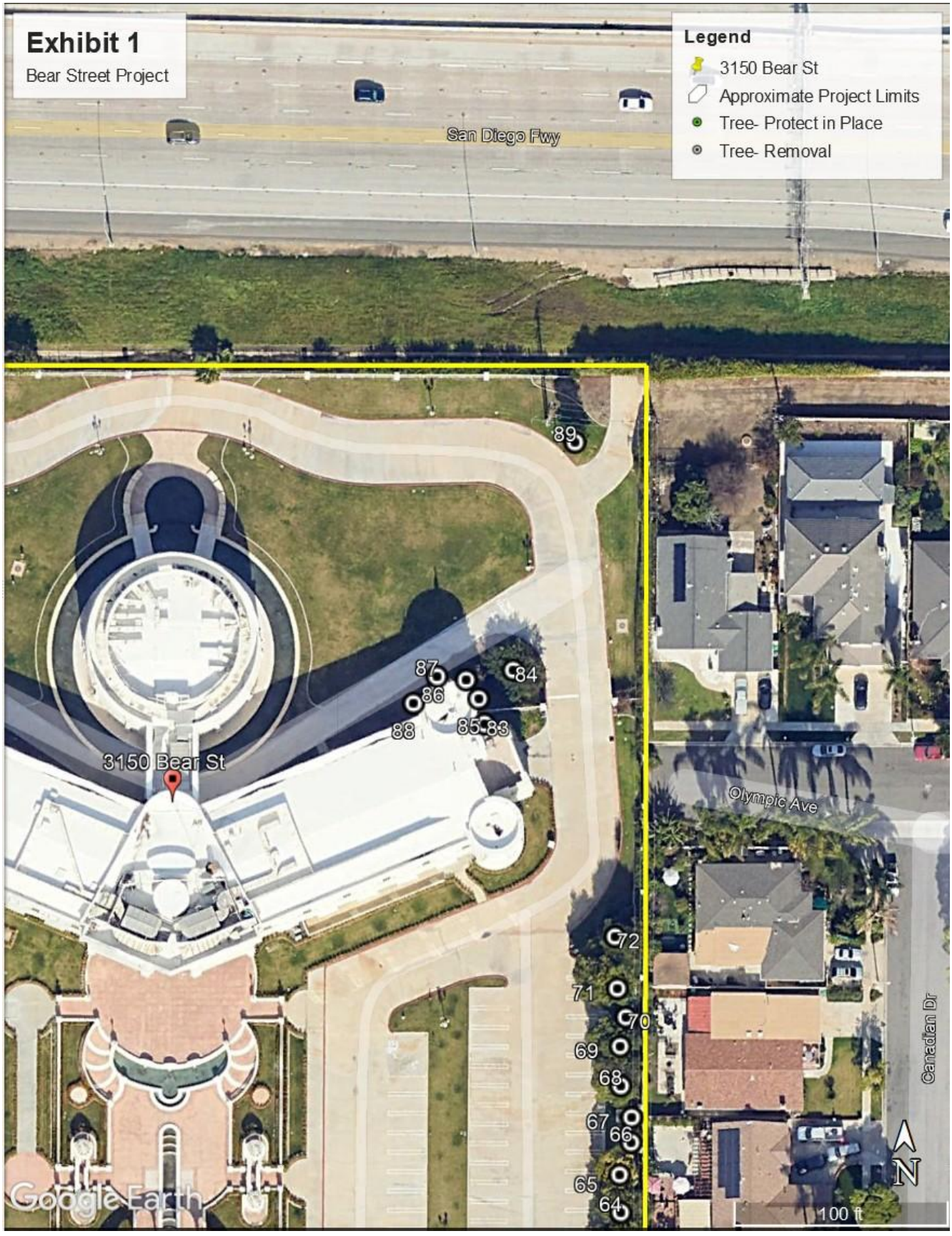
Exhibit 1
Bear Street Project
Legend
3150 Bear St
Approximate Project Limits
Tree- Protect in Place
Tree- Removal
San Diego Fwy
3150 Bear St
Olympic Ave
Canadian Dr
Google Earth
100 ft
N
89
87
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86
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85
83
72
71
70
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68
67
66
65
64

Exhibit 2: Tree Inventory Matrix **Bear Street Project 3150 Bear Street Costa Mesa, CA**

Tree ID	Botanical Name	Common Name	Height (Ft)	Canopy Spread (Ft)	DBH (Inches)	Health	Suitability	Current Proposed Disposition	Notes
1	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
2	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
3	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
4	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
5	*Phoenix dactylifera*	Date palm	30	28	15	2	Low	Remove	bottling
6	*Cedrus deodara*	Deodar cedar	35	30	14.5	2	Low	Remove	split leader
7	*Phoenix roebelenii*	Pygmy date palm	8	10	16	3	Low	Remove	
8	*Phoenix dactylifera*	Date palm	30	28	15	2	Low	Remove	bottling
9	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
10	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
11	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
12	*Phoenix dactylifera*	Date palm	30	28	15	3	Low	Remove	
13	*Ficus microcarpa*	Indian laurel	32	23	17	2	Low	Remove	Pest/tip dieback
14	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
15	*Ficus microcarpa*	Indian laurel	32	23	15	2	Low	Remove	Pest/tip dieback
16	*Ficus microcarpa*	Indian laurel	32	23	14.5	2	Low	Remove	Pest/tip dieback
17	*Ficus microcarpa*	Indian laurel	32	23	15	2	Low	Remove	Pest/tip dieback
18	*Ficus microcarpa*	Indian laurel	32	23	14	2	Low	Remove	Pest/tip dieback
19	*Ficus microcarpa*	Indian laurel	32	23	12.75	2	Low	Remove	Pest/tip dieback
20	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
21	*Ficus microcarpa*	Indian laurel	32	23	11	2	Low	Remove	Pest/tip dieback
22	*Ficus microcarpa*	Indian laurel	32	23	14.5	2	Low	Remove	Pest/tip dieback
23	*Ficus microcarpa*	Indian laurel	32	23	13.5	2	Low	Remove	Pest/tip dieback
24	*Ficus microcarpa*	Indian laurel	32	23	13.5	2	Low	Remove	Pest/tip dieback
25	*Ficus microcarpa*	Indian laurel	32	23	12.5	2	Low	Remove	Pest/tip dieback
26	*Ficus microcarpa*	Indian laurel	32	23	13.5	2	Low	Remove	Pest/tip dieback
27	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
28	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
29	*Ficus microcarpa*	Indian laurel	32	23	14	2	Low	Remove	Pest/tip dieback
30	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
31	*Ficus microcarpa*	Indian laurel	32	23	13.75	2	Low	Remove	Pest/tip dieback
32	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
33	*Ficus microcarpa*	Indian laurel	32	23	12.75	2	Low	Remove	Pest/tip dieback
34	*Ficus microcarpa*	Indian laurel	32	23	13.5	2	Low	Remove	Pest/tip dieback
35	*Ficus microcarpa*	Indian laurel	32	23	13.5	2	Low	Remove	Pest/tip dieback
36	*Ficus microcarpa*	Indian laurel	32	23	12.5	2	Low	Remove	Pest/tip dieback
37	*Ficus microcarpa*	Indian laurel	32	23	12.5	2	Low	Remove	Pest/tip dieback
38	*Ficus microcarpa*	Indian laurel	32	23	14	2	Low	Remove	Pest/tip dieback
39	*Ficus microcarpa*	Indian laurel	32	23	13.75	2	Low	Remove	Pest/tip dieback
40	*Ficus microcarpa*	Indian laurel	32	23	14.75	2	Low	Remove	Pest/tip dieback
41	*Ficus microcarpa*	Indian laurel	32	23	12	2	Low	Remove	Pest/tip dieback
42	*Ficus microcarpa*	Indian laurel	32	23	15	2	Low	Remove	Pest/tip dieback
43	*Ficus microcarpa*	Indian laurel	32	23	13.5	2	Low	Remove	Pest/tip dieback
44	*Ficus microcarpa*	Indian laurel	32	23	12	2	Low	Remove	Pest/tip dieback
45	*Ficus microcarpa*	Indian laurel	32	23	13	2	Low	Remove	Pest/tip dieback
46	*Ficus microcarpa*	Indian laurel	32	23	14.5	2	Low	Remove	Pest/tip dieback
47	*Ficus microcarpa*	Indian laurel	32	23	12.25	2	Low	Remove	Pest/tip dieback
48	*Ficus microcarpa*	Indian laurel	32	23	12.5	2	Low	Remove	Pest/tip dieback
49	*Ficus microcarpa*	Indian laurel	32	23	16.5	2	Low	Remove	Pest/tip dieback
50	*Searsia lancea*	African sumac	14	10	3	2	Low	Remove	
51	*Olea europaea*	Olive	15	13	28	1	Low	Remove	suckers/stump
52	*Lophostemon confertus*	Brisbane box	38	25	13.75	3	Low	Remove	
53	*Lophostemon confertus*	Brisbane box	30	19	11	2	Low	Remove	girdling
54	*Lophostemon confertus*	Brisbane box	28	18	9.5	2	Low	Remove	nutrient deficiencies
55	*Araucaria columnaris*	Cook pine	38	12	15.5	3	Low	Remove	split leader
56	*Searsia lancea*	African sumac	12	11	3.5	2	Low	Remove	old stakes
57	*Lophostemon confertus*	Brisbane box	25	20	10.5	2	Low	Remove	nutrient deficiencies
58	*Lophostemon confertus*	Brisbane box	22	20	9	2	Low	Remove	root issues
59	*Searsia lancea*	African sumac	10	13	2.5	1	Low	Remove	stakes
60	*Searsia lancea*	African sumac	13	10	3	1	Low	Remove	stakes
61	*Lophostemon confertus*	Brisbane box	30	26	14	3	Low	Remove	codominant/nutrient
62	*Searsia lancea*	African sumac	12	13	3.5	2	Low	Remove	stakes
63	*Lophostemon confertus*	Brisbane box	24	18	11.5	1	Low	Remove	root issues
64	*Lophostemon confertus*	Brisbane box	28	20	11.5	2	Low	Remove	nutrient deficiencies
65	*Lophostemon confertus*	Brisbane box	24	18	7.5	2	Low	Remove	nutrient deficiencies
66	*Searsia lancea*	African sumac	13	9	4	2	Low	Remove	stakes
67	*Searsia lancea*	African sumac	11	9	4	1	Low	Remove	stakes
68	*Lophostemon confertus*	Brisbane box	26	20	13.5	2	Low	Remove	girdling
69	*Lophostemon confertus*	Brisbane box	27	22	13.5	2	Low	Remove	root issues/cable
70	*Searsia lancea*	African sumac	10	12	2.5	1	Low	Remove	
71	*Lophostemon confertus*	Brisbane box	25	32	17.5	2	Low	Remove	codominant/nutrient
72	*Sequoia sempervirens*	Coastal redwood	27	30	23	2	Low	Remove	topped
73	*Lophostemon confertus*	Brisbane box	9	4	3	1	Low	Remove	stump/sprouts
74	*Lophostemon confertus*	Brisbane box	7	3	1.5	1	Low	Remove	stump/sprouts
75	*Lophostemon confertus*	Brisbane box	8	6	6	1	Low	Remove	stump/sprouts
76	*Lophostemon confertus*	Brisbane box	6	3	3	1	Low	Remove	stump/sprouts
77	*Lophostemon confertus*	Brisbane box	9	3	2	1	Low	Remove	stump/sprouts
78	*Lophostemon confertus*	Brisbane box	7	3	3	1	Low	Remove	stump/sprouts
79	*Lophostemon confertus*	Brisbane box	9	3	4	1	Low	Remove	stump/sprouts
80	*Lophostemon confertus*	Brisbane box	7	3	2	1	Low	Remove	stump/sprouts
81	*Lophostemon confertus*	Brisbane box	6	3	2	1	Low	Remove	stump/sprouts
82	*Lophostemon confertus*	Brisbane box	6	4	5	1	Low	Remove	stump/sprouts
83	*Cupressus sempervirens*	Italian cypress	35	4	8.5	3	Low	Remove	
84	*Erythrina spp.*	Coral tree	11	6	21	1	Low	Remove	stump/multiple failures

85	*Cupressus sempervirens*	Italian cypress	35	4	8	3	Low	Remove	
86	*Cupressus sempervirens*	Italian cypress	45	4	7.5	3	Low	Remove	
87	*Cupressus sempervirens*	Italian cypress	38	4	8	3	Low	Remove	
88	*Cupressus sempervirens*	Italian cypress	40	4	8	3	Low	Remove	
89	*Araucaria columnaris*	Cook pine	40	10	14.5	3	Low	Remove	
90	*Camphora officinarum*	Camphor tree	18	25	32	1	Low	Remove	stump/root shoots
91	*Schinus terebinthifolia*	Brazilian peppertree	30	25	88	1	Low	Remove	
92	*Camphora officinarum*	Camphor tree	27	15	8	1	Low	Remove	nutrient deficiencies
93	*Cedrus deodara*	Deodar cedar	50	28	12.5	2	Low	Remove	split leader
94	*Liquidambar styraciflua*	Sweetgum	25	16	5.5	2	Low	Remove	budding
95	*Liquidambar styraciflua*	Sweetgum	18	10	5	1	Low	Remove	dead
96	*Camphora officinarum*	Camphor tree	25	20	8.5	1	Low	Remove	wires in trunk
97	*Camphora officinarum*	Camphor tree	28	20	8	2	Low	Remove	
98	*Washingtonia robusta*	Mexican fan palm	55	16	16.25	3	Low	Remove	
99	*Liquidambar styraciflua*	Sweetgum	22	12	5	1	Low	Remove	budding
100	*Washingtonia robusta*	Mexican fan palm	50	8	14.5	1	Low	Remove	
101	*Araucaria columnaris*	Cook pine	40	20	11	3	Low	Remove	
102	*Liquidambar styraciflua*	Sweetgum	26	18	8	2	Low	Remove	budding
103	*Lophostemon confertus*	Brisbane box	6	5	2.25	1	Low	Remove	stump/sprouts
104	*Cupressus sempervirens*	Italian cypress	40	4	8	3	Low	Remove	
105	*Cupressus sempervirens*	Italian cypress	38	4	8	3	Low	Remove	
106	*Cupressus sempervirens*	Italian cypress	35	4	8	3	Low	Remove	
107	*Cupressus sempervirens*	Italian cypress	38	4	8	3	Low	Remove	
108	*Cupressus sempervirens*	Italian cypress	40	4	8	3	Low	Remove	
109	*Camphora officinarum*	Camphor tree	22	16	5.5	1	Moderate	Protect in Place	
110	*Ficus carica*	Fig	11	14	8	1	Moderate	Protect in Place	vine stangling tree
111	*Cupaniopsis anacardioides*	Carrotwood	10	2	4	1	Moderate	Protect in Place	seedling
112	*Cupaniopsis anacardioides*	Carrotwood	10	2	4	1	Moderate	Protect in Place	seedling
113	*Cupaniopsis anacardioides*	Carrotwood	10	2	1	1	Moderate	Protect in Place	seedling
114	*Cupaniopsis anacardioides*	Carrotwood	10	2	20	1	Moderate	Protect in Place	seedling
115	*Washingtonia robusta*	Mexican fan palm	48	12	15	3	High	Protect in Place	
116	*Washingtonia robusta*	Mexican fan palm	52	12	15	3	High	Protect in Place	
117	*Washingtonia robusta*	Mexican fan palm	50	12	15	3	High	Protect in Place	
118	*Pinus halepensis*	Aleppo pine	47	30	18	2	Moderate	Protect in Place	
119	*Pinus halepensis*	Aleppo pine	44	30	17	2	Moderate	Protect in Place	
120	*Pinus halepensis*	Aleppo pine	42	30	24	2	Moderate	Protect in Place	
121	*Pinus halepensis*	Aleppo pine	46	30	19	2	Moderate	Protect in Place	
122	*Pinus halepensis*	Aleppo pine	44	30	24	2	Moderate	Protect in Place	
123	*Pinus halepensis*	Aleppo pine	39	30	21	2	Moderate	Protect in Place	girdling
124	*Pinus halepensis*	Aleppo pine	45	30	23	2	Moderate	Protect in Place	
125	*Camphora officinarum*	Camphor tree	20	14	6	2	Low	Remove	
126	*Camphora officinarum*	Camphor tree	25	24	7.5	2	Low	Remove	
127	*Camphora officinarum*	Camphor tree	28	20	7	1	Low	Remove	
128	*Camphora officinarum*	Camphor tree	40	36	10	2	Low	Remove	
129	*Camphora officinarum*	Camphor tree	50	40	14	2	Low	Remove	
130	*Liquidambar styraciflua*	Sweetgum	32	30	9	2	Low	Remove	budding
131	*Liquidambar styraciflua*	Sweetgum	22	30	8	2	Low	Remove	budding
132	*Camphora officinarum*	Camphor tree	29	30	7.5	2	Low	Remove	
133	*Magnolia grandiflora*	Southern magnolia	25	22	8.5	3	Low	Remove	
134	*Camphora officinarum*	Camphor tree	20	30	10	3	Low	Remove	
135	*Liquidambar styraciflua*	Sweetgum	24	30	7	2	Low	Remove	
136	*Camphora officinarum*	Camphor tree	32	20	6.5	2	Low	Remove	
137	*Liquidambar styraciflua*	Sweetgum	30	20	8	2	Low	Remove	budding
138	*Liquidambar styraciflua*	Sweetgum	25	13	9	2	Low	Remove	budding
139	*Magnolia grandiflora*	Southern magnolia	25	30	8	3	Low	Remove	
140	*Camphora officinarum*	Camphor tree	22	12	6	1	Low	Remove	cable choking tree
141	*Camphora officinarum*	Camphor tree	38	30	12	2	Low	Remove	
142	*Camphora officinarum*	Camphor tree	45	30	11	3	Low	Remove	
143	*Magnolia grandiflora*	Southern magnolia	25	20	8	2	Low	Remove	
144	*Liquidambar styraciflua*	Sweetgum	38	20	9	2	Low	Remove	
145	*Liquidambar styraciflua*	Sweetgum	37	30	8.5	2	Low	Remove	
146	*Camphora officinarum*	Camphor tree	30	30	12	2	Low	Remove	cable choking tree
147	*Camphora officinarum*	Camphor tree	18	30	7	2	Low	Remove	
148	*Liquidambar styraciflua*	Sweetgum	30	30	10	2	Low	Remove	budding
149	*Cupaniopsis anacardioides*	Carrotwood	15	30	4.5	1	Moderate	Protect in Place	
150	*Cedrus deodara*	Deodar cedar	30	50	15.5	3	Low	Remove	cable choking tree
151	*Camphora officinarum*	Camphor tree	29	30	12	2	Low	Remove	
152	*Lophostemon confertus*	Brisbane box	28	30	8.5	3	Low	Remove	
153	*Lophostemon confertus*	Brisbane box	28	30	10	3	Low	Remove	
154	*Pinus halepensis*	Aleppo pine	48	30	23	2	Moderate	Protect in Place	
155	*Pinus halepensis*	Aleppo pine	48	30	18.5	2	Moderate	Protect in Place	
156	*Pinus halepensis*	Aleppo pine	45	30	22	2	Moderate	Protect in Place	
157	*Pinus halepensis*	Aleppo pine	45	30	21.5	2	Moderate	Protect in Place	
158	*Pinus halepensis*	Aleppo pine	30	30	19.5	2	Moderate	Protect in Place	
159	*Pinus halepensis*	Aleppo pine	45	30	24	2	Moderate	Protect in Place	
160	*Pinus halepensis*	Aleppo pine	30	30	20	2	Moderate	Protect in Place	
161	*Pinus halepensis*	Aleppo pine	18	30	4	2	Moderate	Protect in Place	seedling
162	*Pinus halepensis*	Aleppo pine	48	30	21.5	2	Moderate	Protect in Place	
163	*Pinus halepensis*	Aleppo pine	34	30	13	2	Moderate	Protect in Place	cable choking tree
164	*Pinus halepensis*	Aleppo pine	44	30	20.5	2	Moderate	Protect in Place	
165	*Washingtonia robusta*	Mexican fan palm	60	12	16	3	High	Protect in Place	
166	*Pinus halepensis*	Aleppo pine	55	30	19.5	2	Moderate	Protect in Place	
167	*Washingtonia robusta*	Mexican fan palm	60	30	15	3	High	Protect in Place	

Photos

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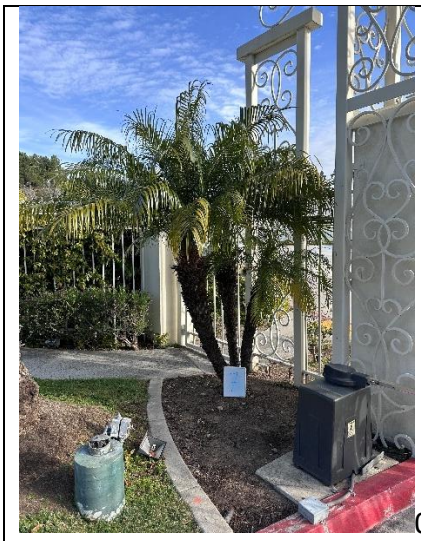
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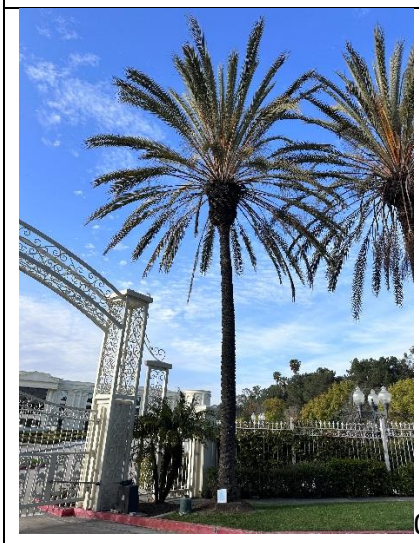
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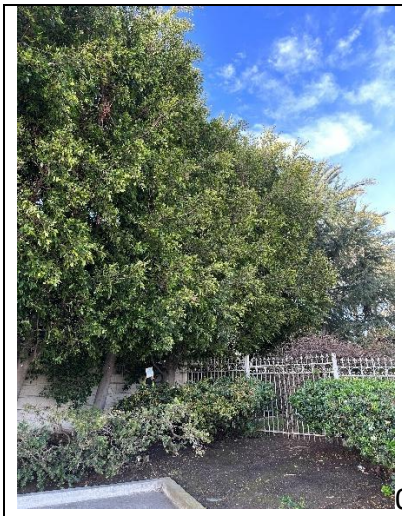
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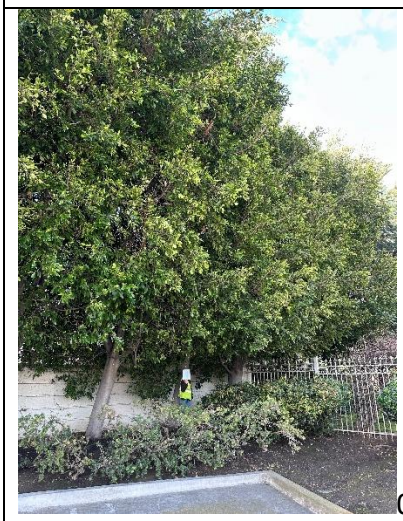
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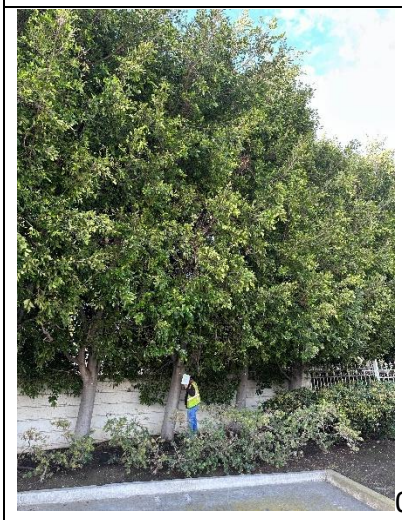
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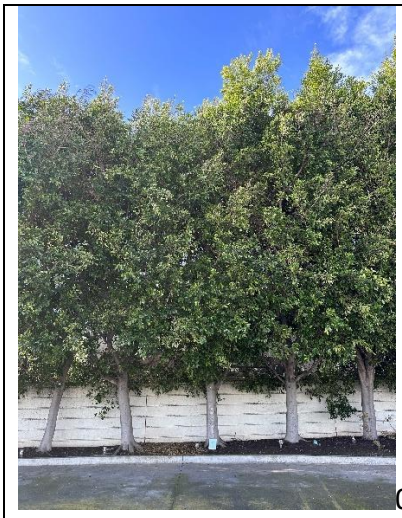
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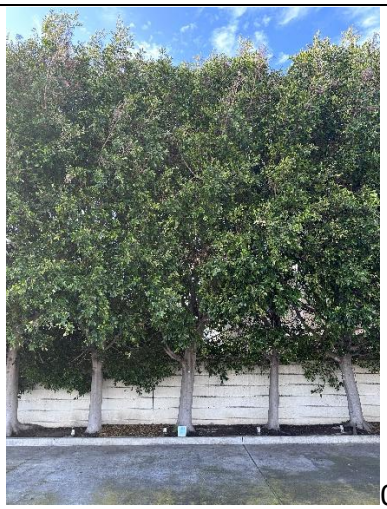
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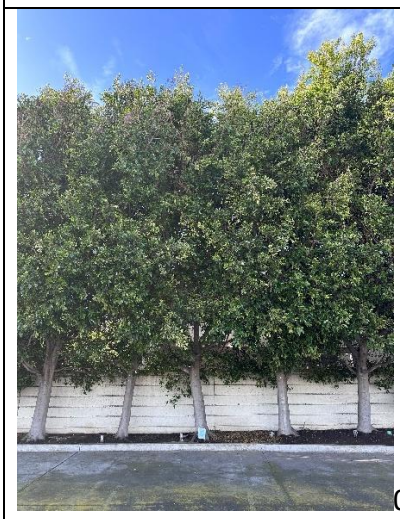
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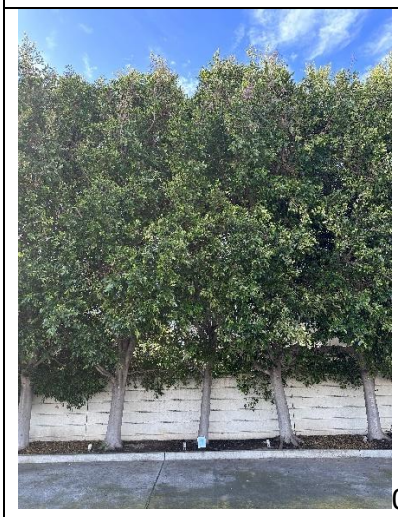
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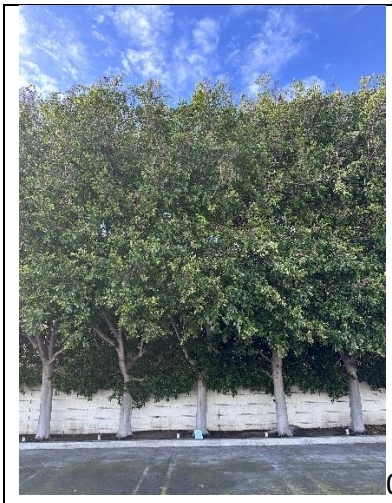
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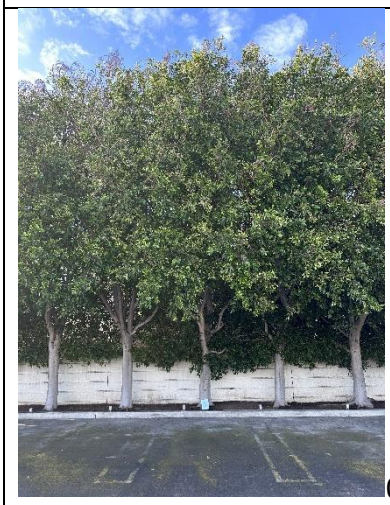
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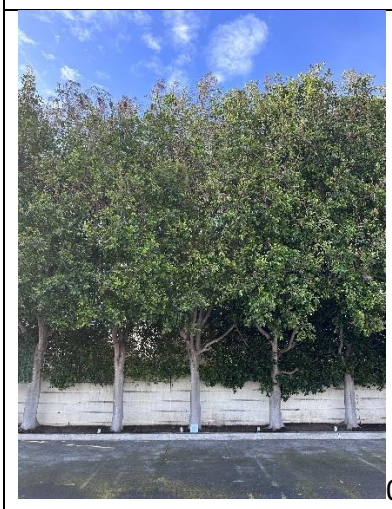
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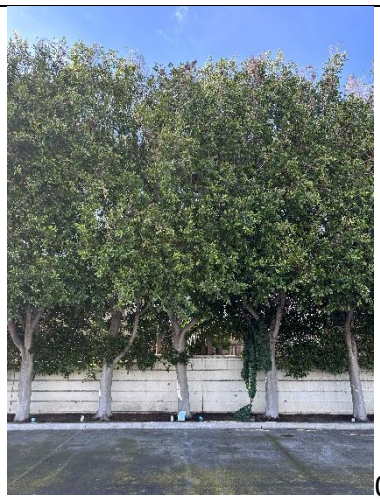
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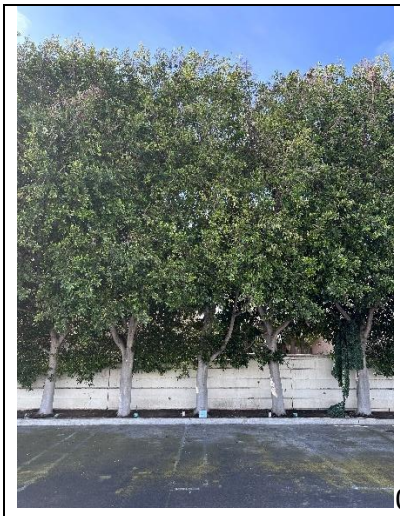
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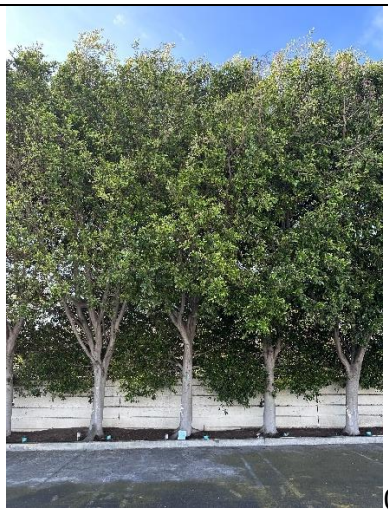
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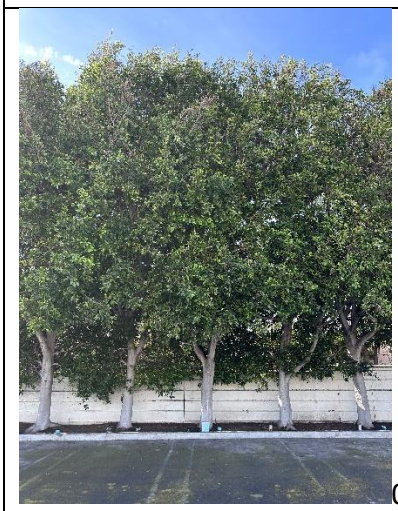
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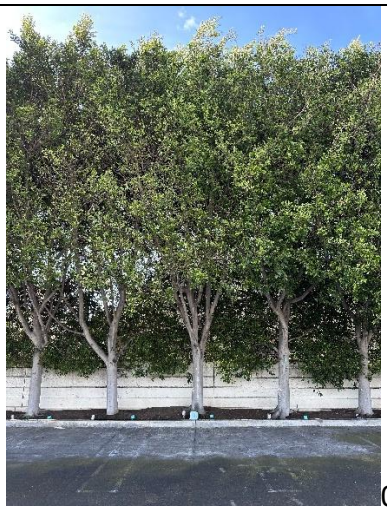
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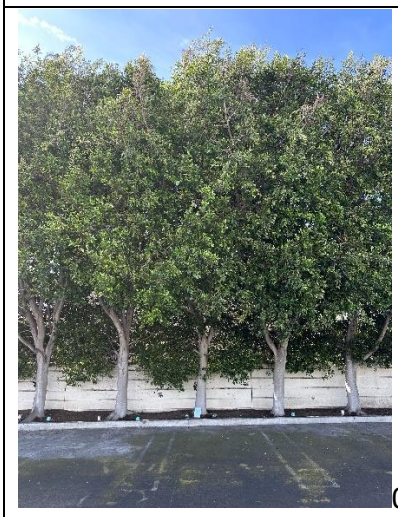
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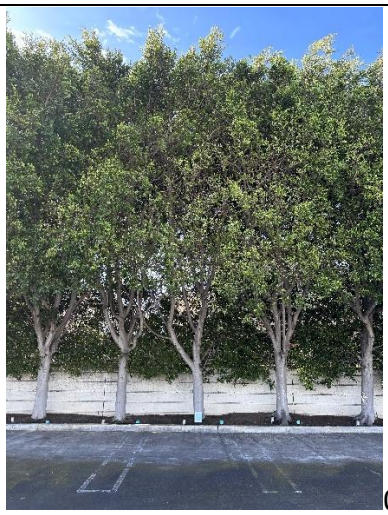
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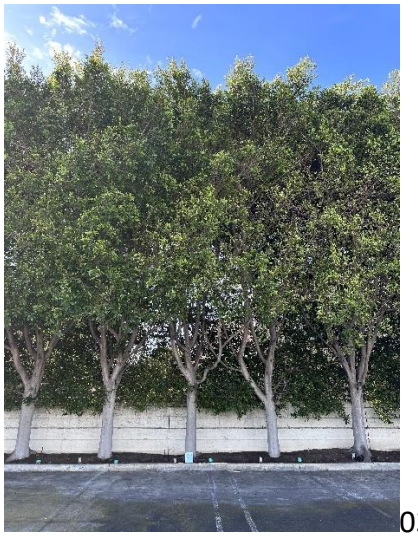
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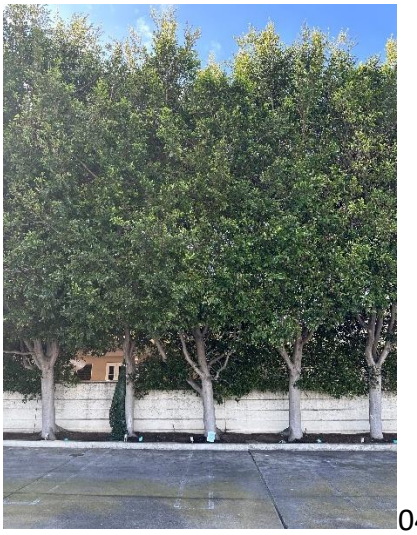
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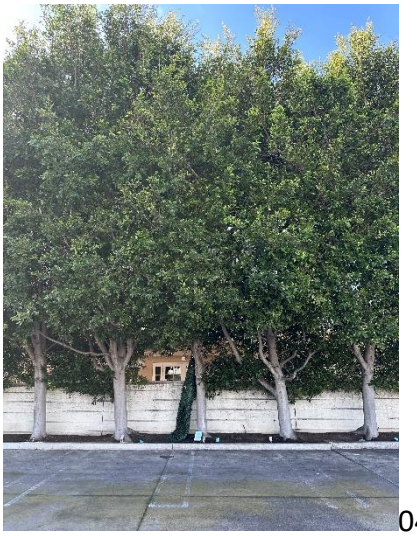
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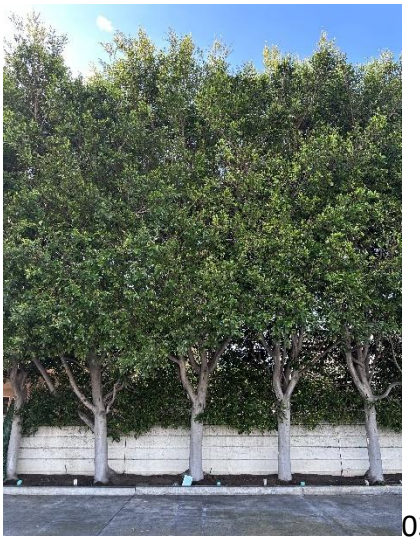
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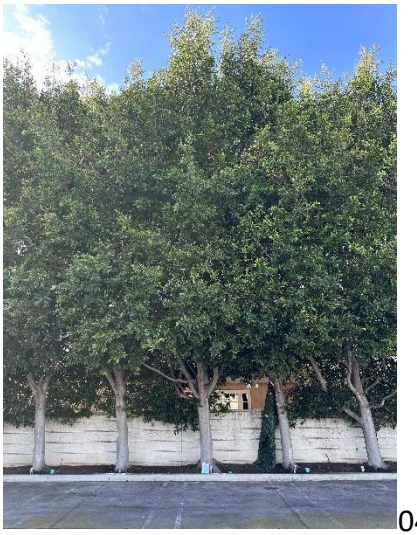
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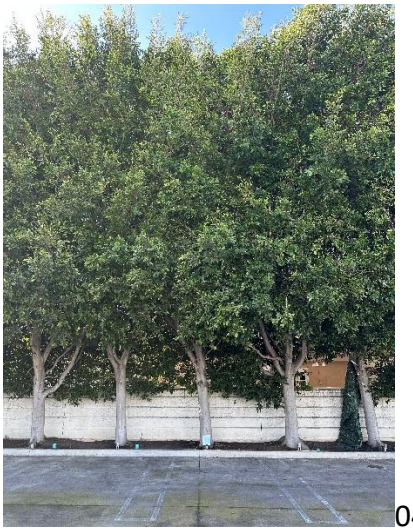
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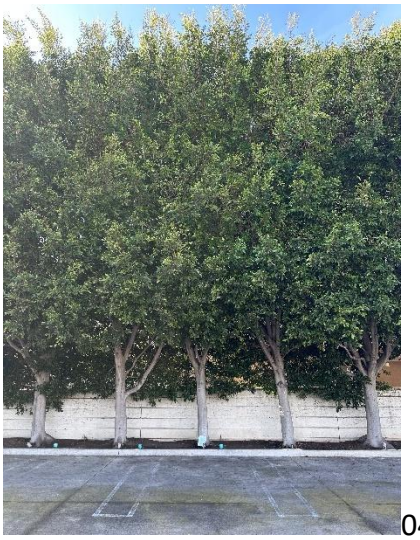
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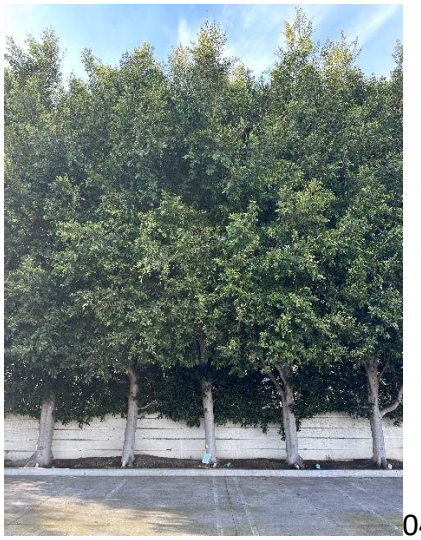
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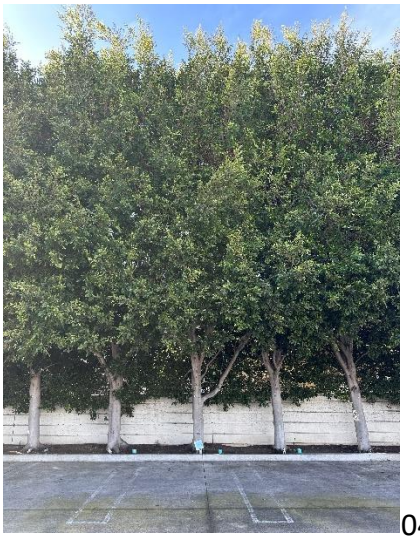
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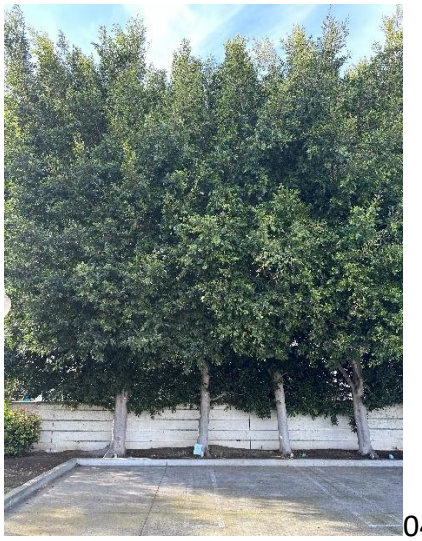
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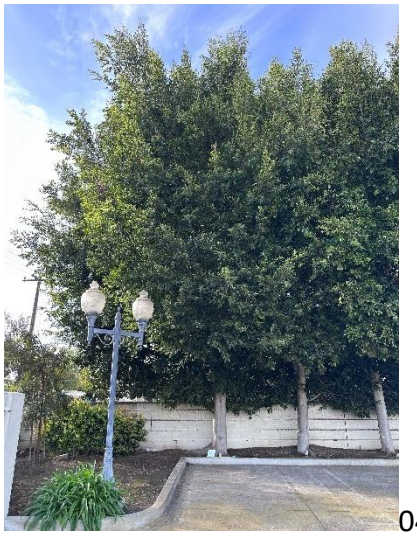
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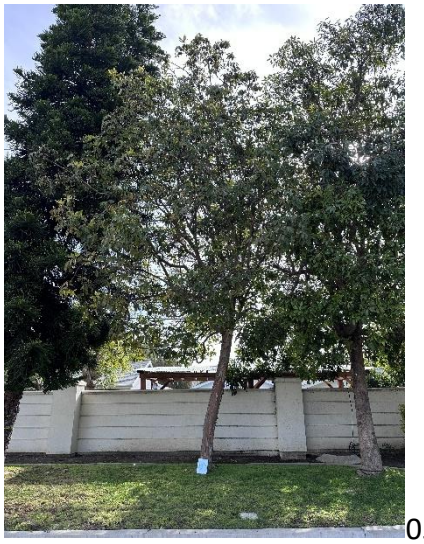
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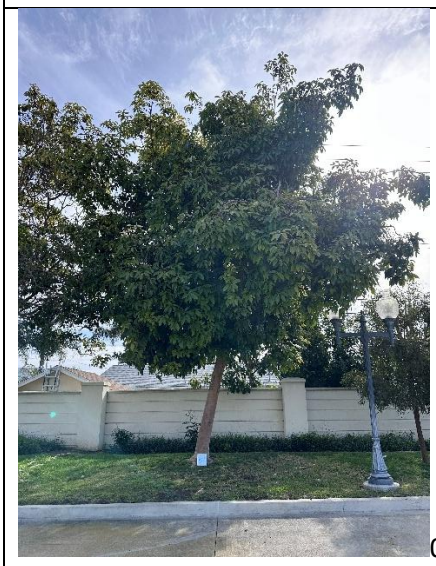
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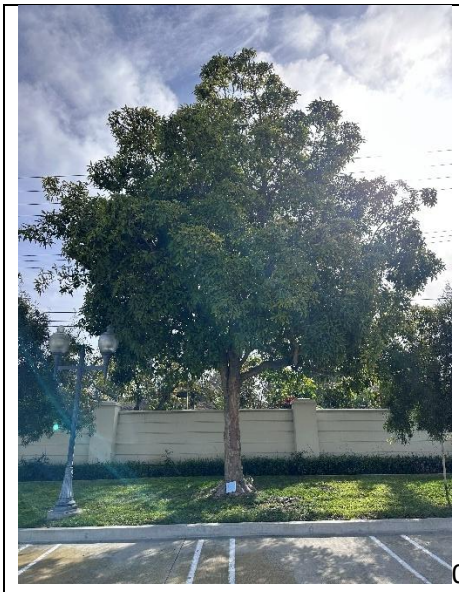
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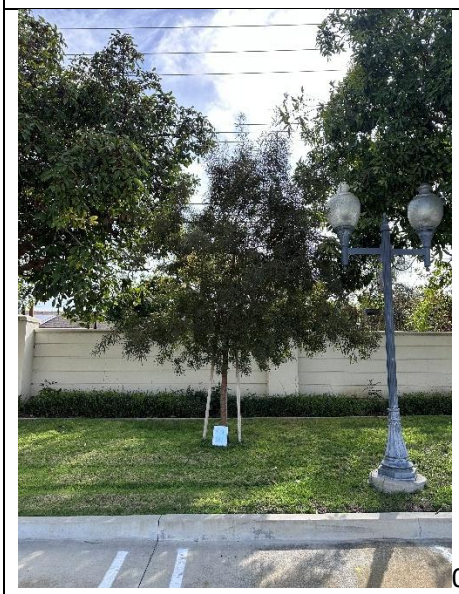
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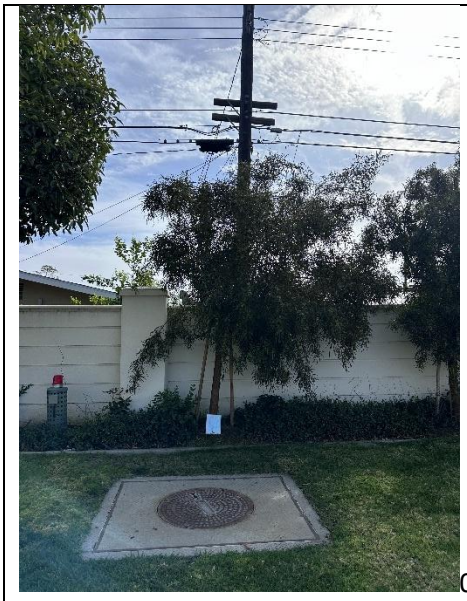
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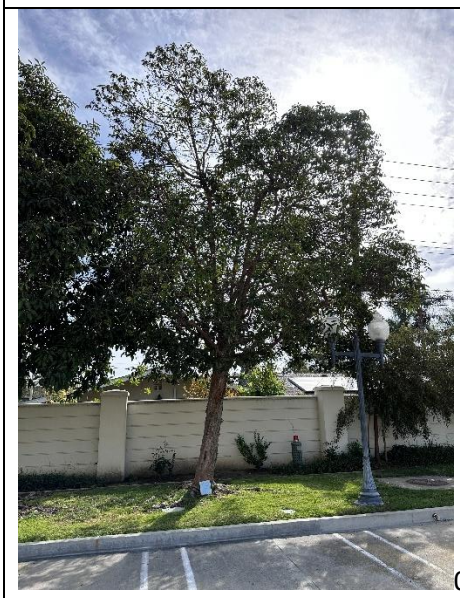
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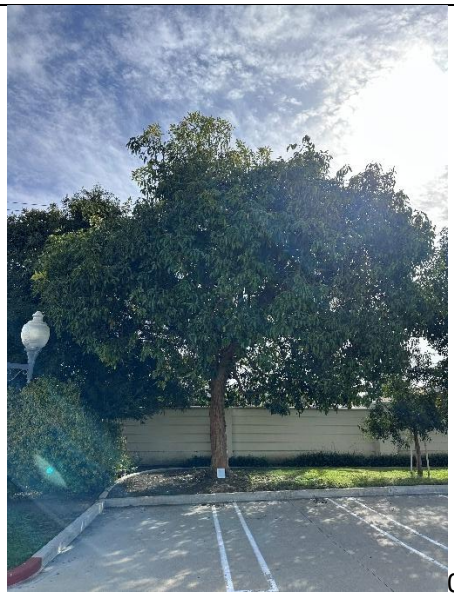
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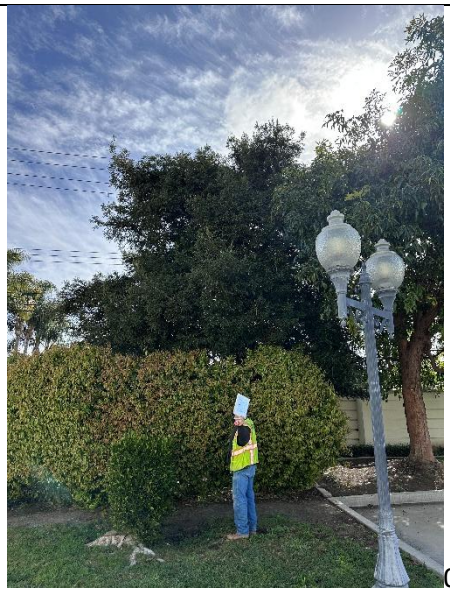
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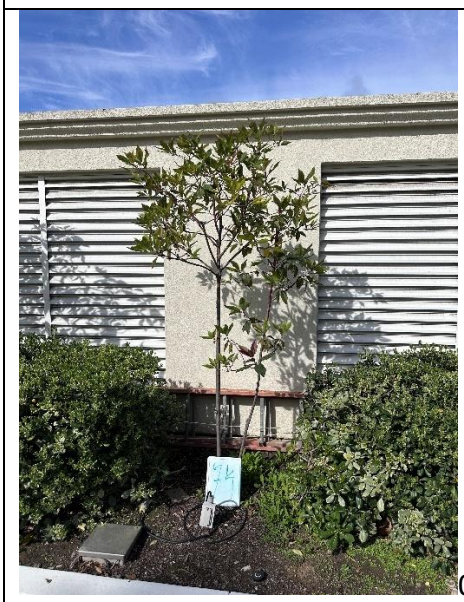
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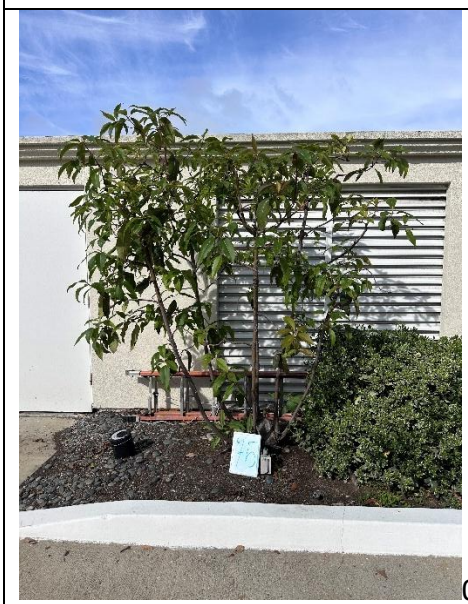
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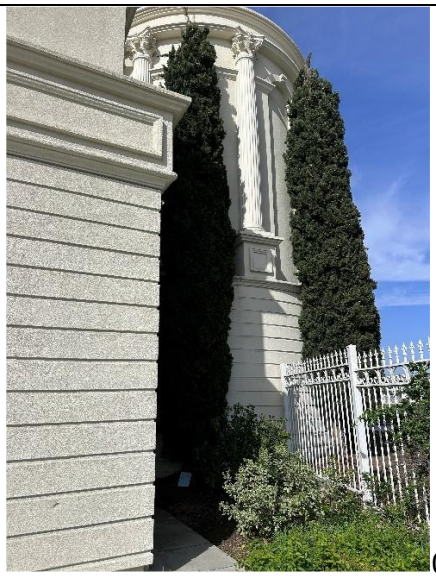
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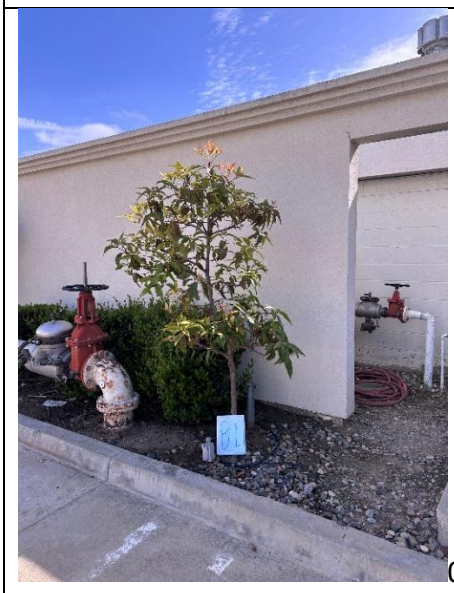
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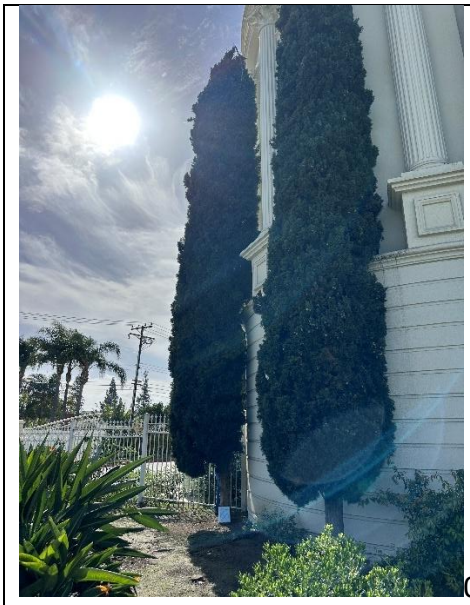
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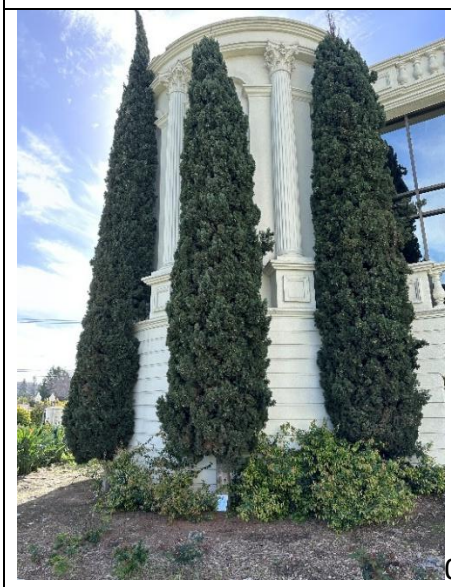
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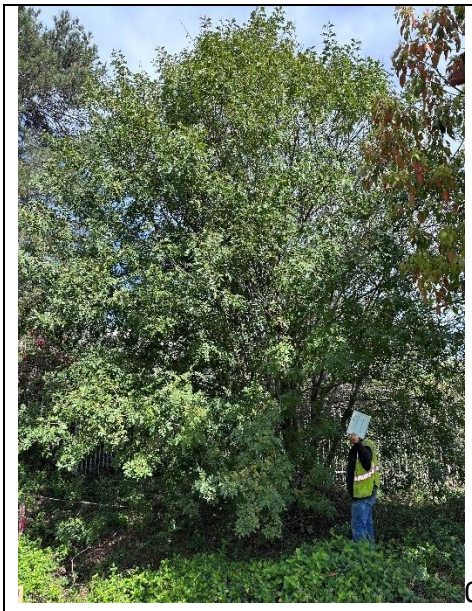
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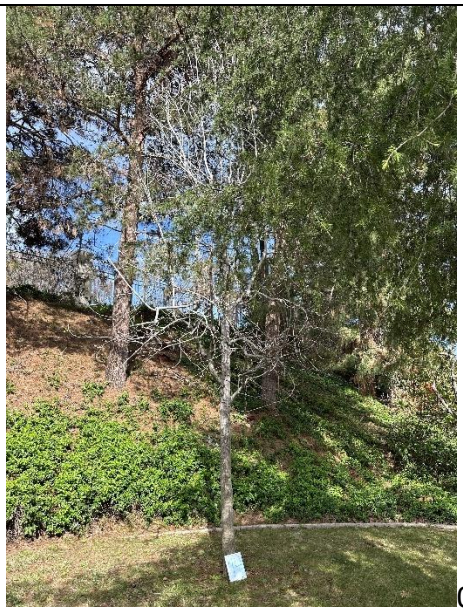
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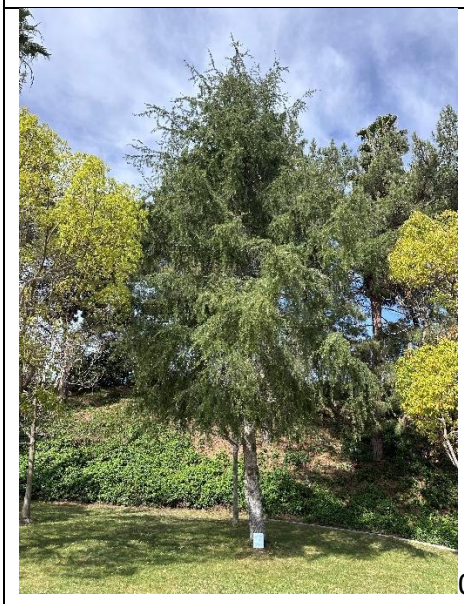
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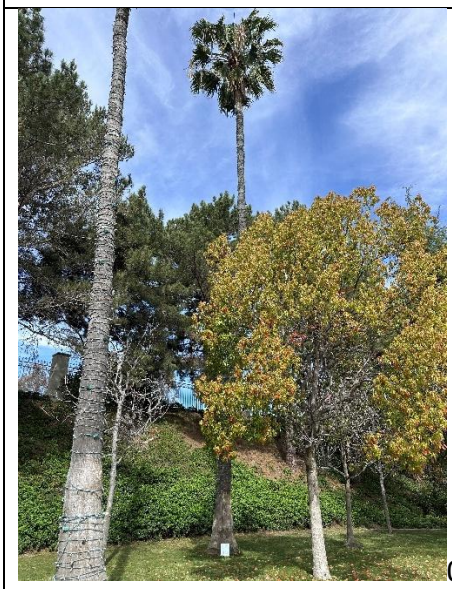
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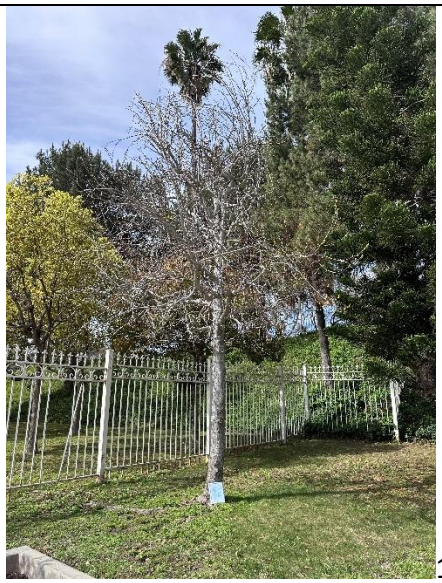
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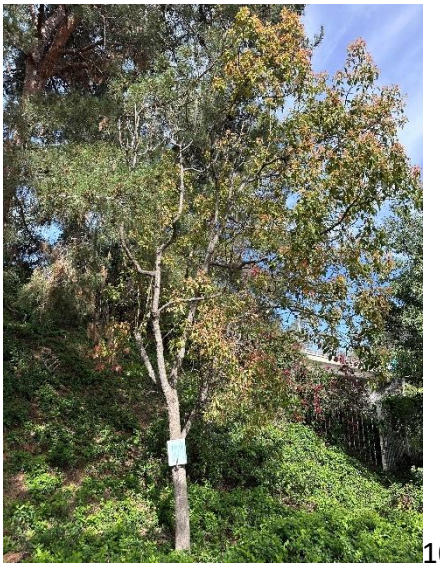
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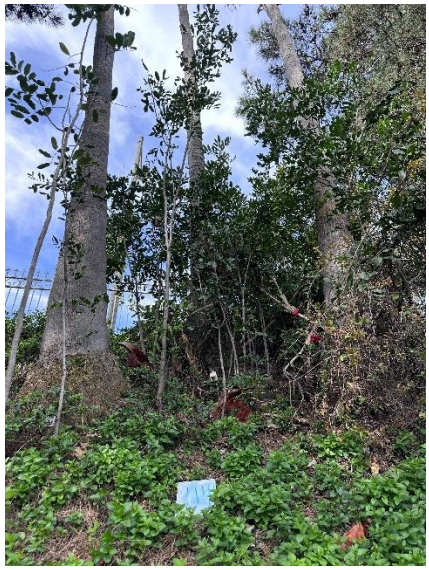
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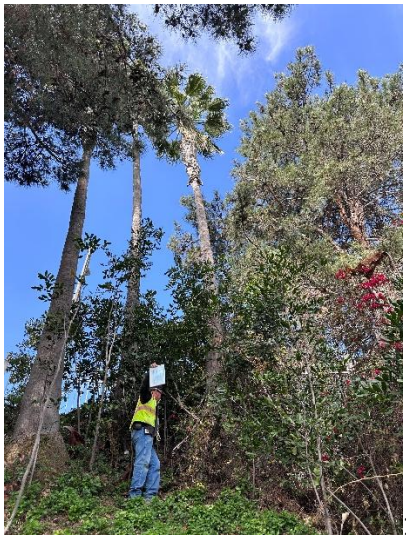
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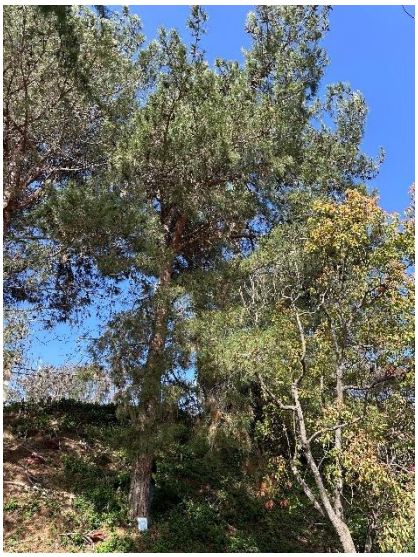
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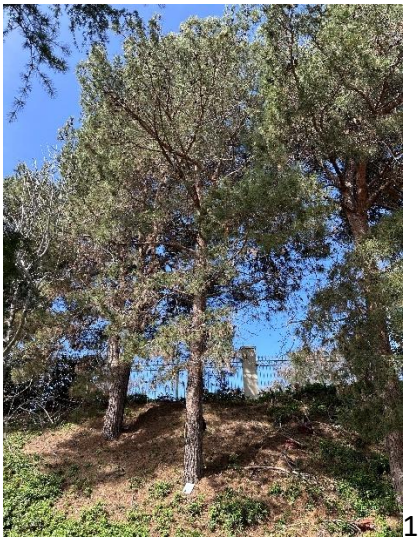
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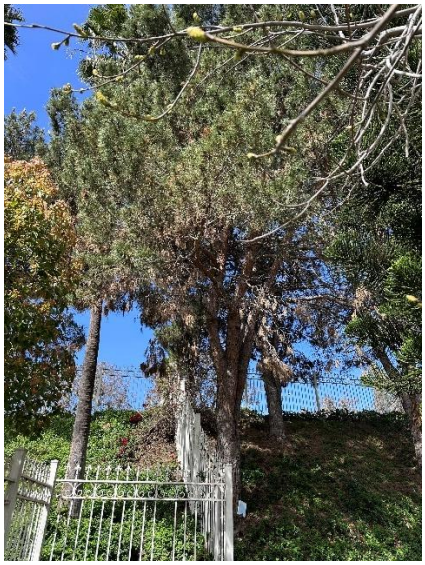
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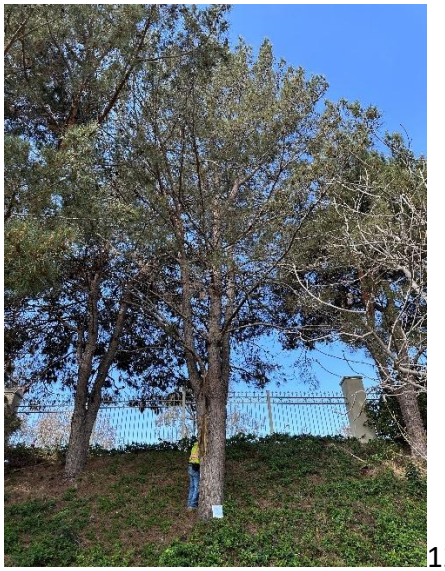
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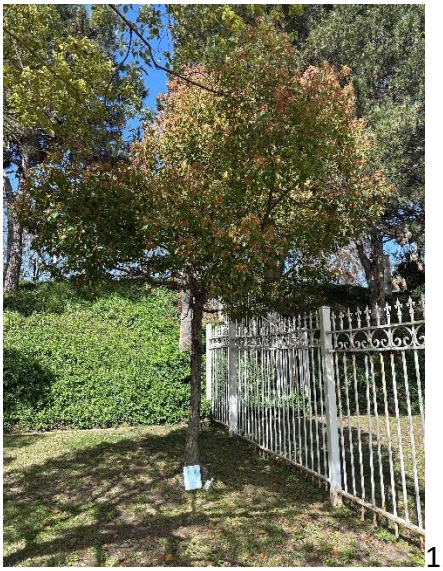
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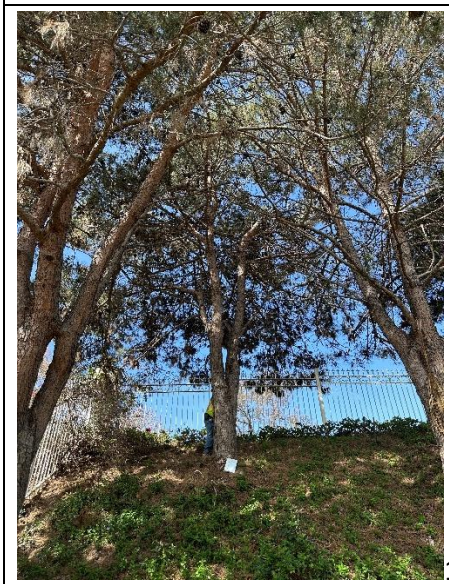
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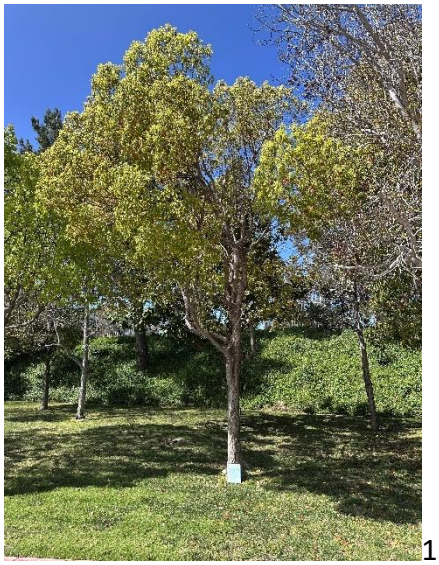
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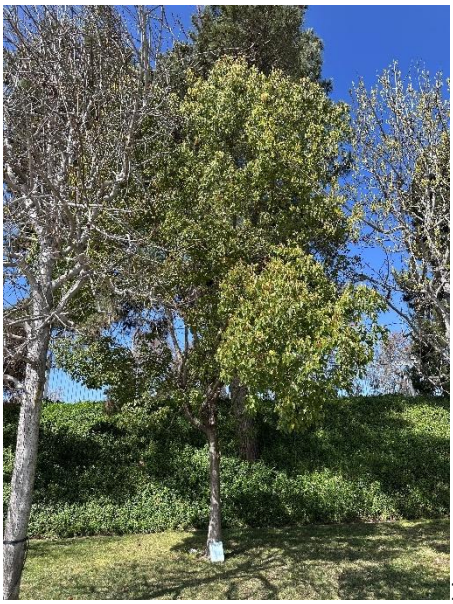
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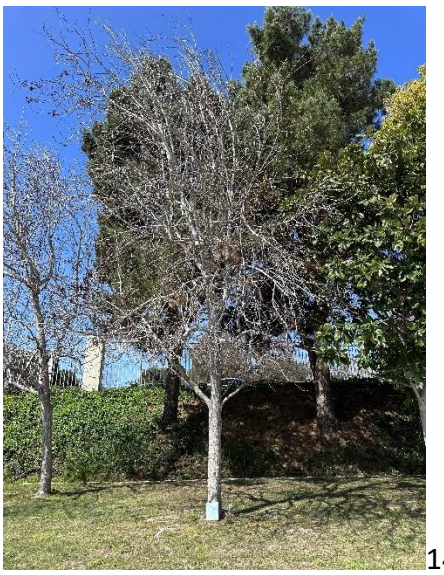
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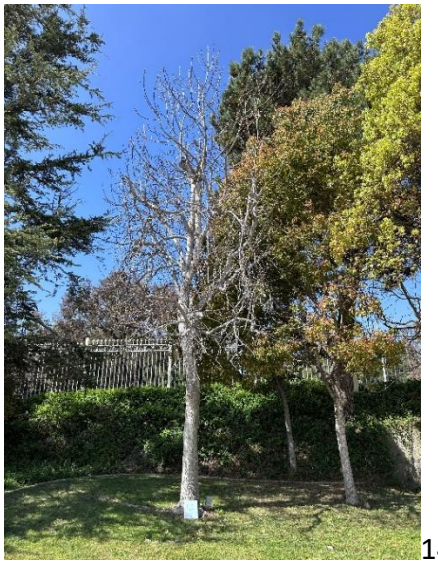
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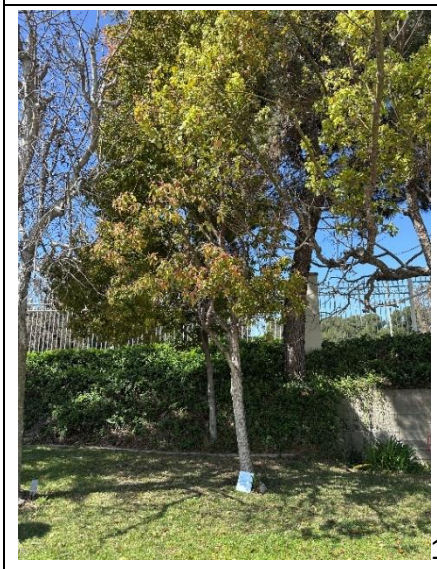
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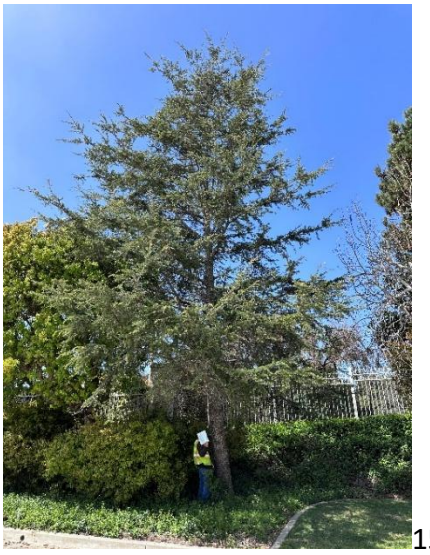
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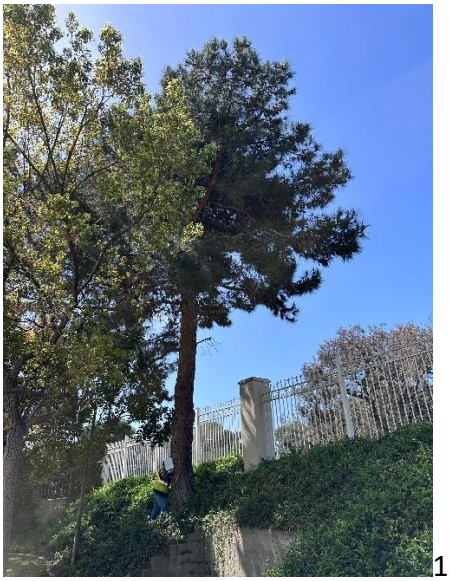
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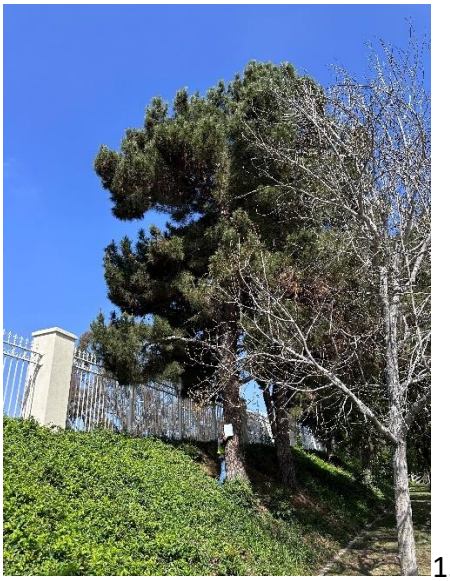
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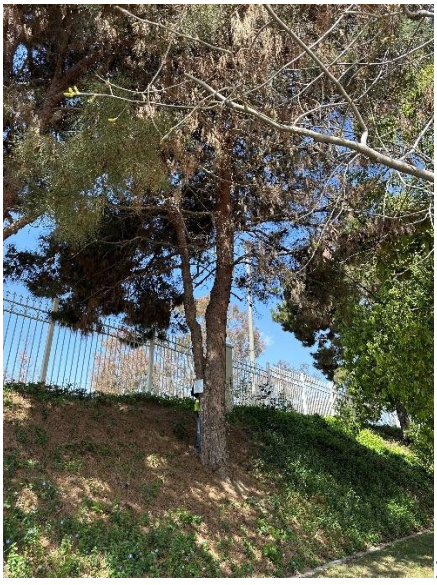
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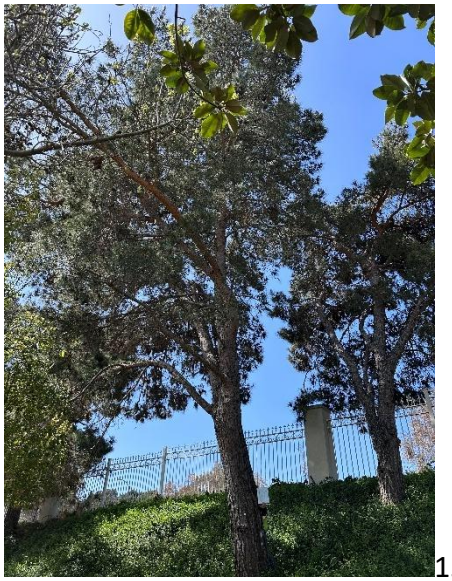
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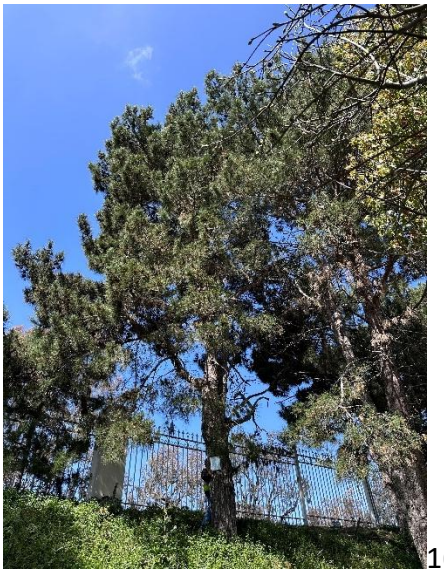
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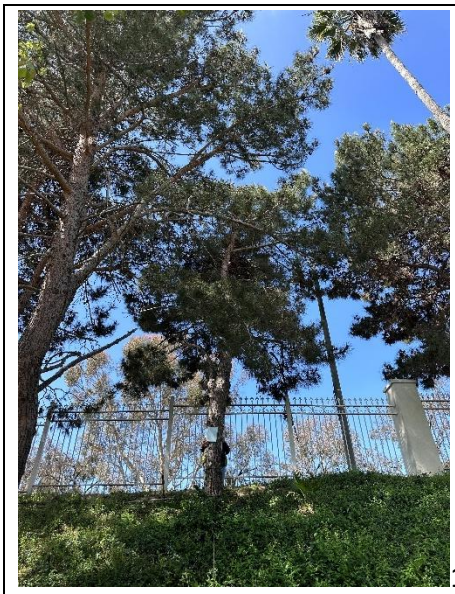
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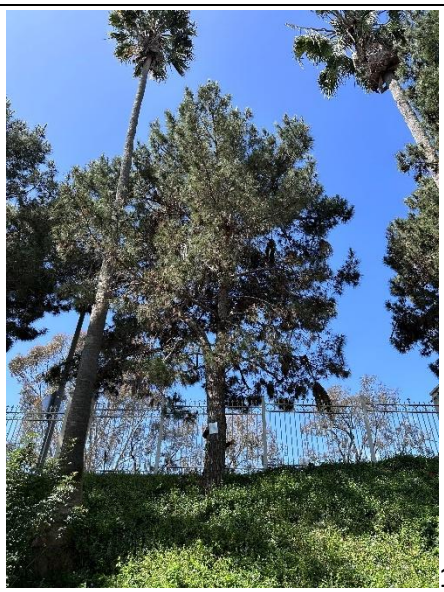
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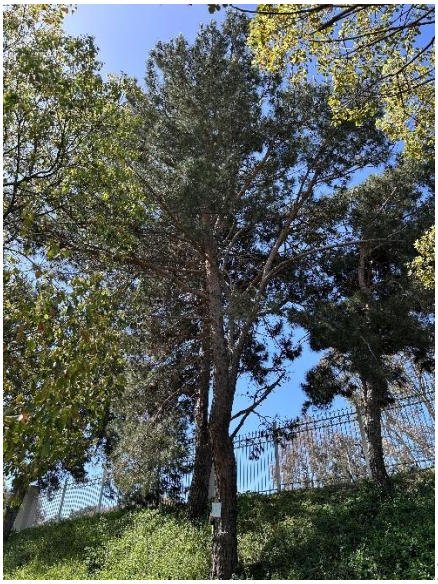
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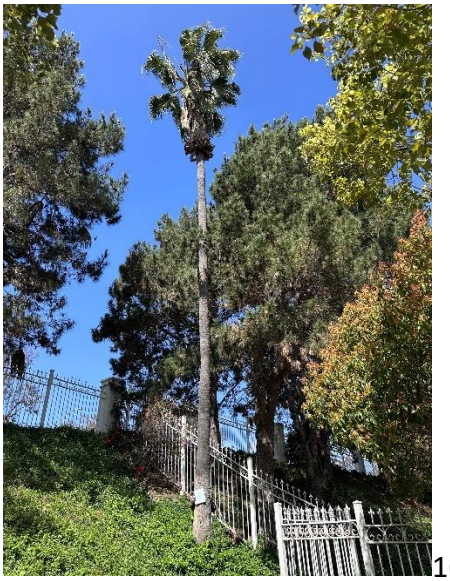
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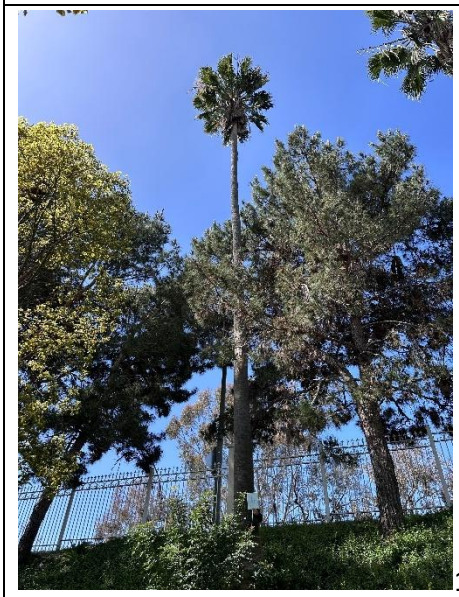
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Arborist's Disclosure, Limitations, and Suggestions

- Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees.
- Clients may choose to accept the recommendations of the arborist.
- Arborists cannot detect every condition that could possibly lead to the structural failure of a tree.
- Trees are living organisms that fail in ways we do not fully understand. Often the conditions are hidden.
- Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time.
- Treatment, pruning and removal of trees may involve considerations beyond the scope of arborist services. Arborists cannot take such consideration into account unless complete and accurate information is disclosed.
- To live near trees is to accept some degree of risk. Trees can be managed, but they cannot be controlled.
- The only way to eliminate all risk associated with trees is to eliminate all trees.
- Tree preservation is the spirit of arboriculture.
- Unless expressed otherwise information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection and the inspection is limited to visual examination of accessible items.
- This inspection does not warranty or guarantee that the subject tree is free of defects from hidden or unapparent conditions expressed or implied. The conclusions of this report are derived from visual inspection only.
- Loss or alteration of any part of this report invalidates the entire report.
- Possession of this report or copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the certified arborist.
- The certified arborist shall not be required to give testimony or to attend court, provide additional services or attend meetings because of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract engagement.
- Photographs in this report, being intended as visual aids, are not necessary to scale and should not be construed as engineering or architectural reports or surveys.

I hereby certify that the statements furnished above represent the data and information, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

Dillon Reynolds
ISA Certified Arborist WE 9690A

RECORDING REQUESTED BY:

[XXX]

AFTER RECORDING, RETURN TO:

[XXX]

DECLARATION

OF

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

[Project Title]
A COMMON INTEREST DEVELOPMENT

THIS DECLARATION CONTAINS BINDING NEUTRAL ARBITRATION PROVISIONS THAT INCLUDE A WAIVER OF THE RIGHT TO A JURY TRIAL. YOU SHOULD CONSULT LEGAL COUNSEL WITH ANY QUESTIONS ON THESE OR OTHER PROVISIONS OF THIS DECLARATION

IF THIS DOCUMENT CONTAINS ANY RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (P) OF SECTION 12955, ANCESTRY OR MILITARY AND VETERAN STATUS, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.2 OF THE GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS

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DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
[Project Title]

This DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE MILL is made on the date hereinafter set forth by MERITAGE HOMES OF CALIFORNIA, INC., a California corporation (herein referred to as "***Declarant***"), and [XXX] ("***Land Banker***"), on the terms and conditions herein.

The [Project Title] is a stand-alone, residential community comprised [enter project description] However, there is no guarantee that the community will be developed or completed as presently proposed, and nothing in this Declaration shall be construed to require Declarant or Land Banker to develop the maximum number of homes approved, and that there may be increases or decreases if there are any changes, amendments to the governmental approvals for the community.

ARTICLE I

RECITALS

1.1 Description of Real Property. Declarant and Land Banker are collectively the owners of that certain real property in the City of Costa Mesa, County of Orange, State of California, described in **Exhibit A** attached hereto and incorporated herein by reference (the "***Project***"). Declarant intends to improve or has improved the Project by subdividing it into Parcels, Condominiums, Association Property and Common Area, as these terms are defined herein.

1.2 Rights Between Declarant and Land Banker. As of the recordation of this Declaration, Declarant will not own all of the real property identified on **Exhibit A** but will have the right to purchase portions of the Project from Land Banker pursuant to a purchase agreement between Declarant and Land Banker (the "***Purchase Agreement***"). Any real property owned by Land Banker is subject to and affected by the Declaration, and Land Banker has reserved (or been granted, as applicable) various rights and powers as set forth herein. Furthermore, any provision in the Declaration that states the intent of the Declarant to subject the Project to the Declaration shall only be effectuated by Declarant and Land Banker, as they so intend. Upon termination of the Purchase Agreement, Land Banker shall have the right, but not the obligation, to automatically assume the title of "Declarant" (and all rights, powers, authority, obligations, etc., incidental thereto), upon Land Banker's recordation of an appropriate document evidencing such termination of the Purchase Agreement. Land Banker shall assume no liabilities prior to the date of the termination of the Purchase Agreement which shall also serve as the date of the assignment of Declarant's rights to Land Banker.

1.3 Phases of the Project. Declarant has improved or intends to improve the Project by subdividing it into Parcels, Condominiums, Common Area, Association Property, and other improvements, as defined hereinbelow. Declarant intends to sell each Condominium to a separate

party (each, an "***Owner***"). Declarant intends to develop the Project in two (2) or more Phases. The first Phase will consist of the real property defined as the "Initial Property" defined herein. Prior to annexation, the Annexable Property (as defined herein) shall not be subject to any provision of this Declaration. Declarant may, but shall have no obligation to, annex all or any portion of the Annexable Property to the Project by recording a Declaration of Annexation in compliance with the provisions of this Declaration.

1.4 Ownership Interests. Each Owner shall receive fee title to his/her Condominium Unit, a fractional ownership interest in Common Area and exclusive easements for use and maintenance of Exclusive Use Areas, if any, assigned to said Condominium. Each Owner shall also have mandatory membership in The [Project Title] Homeowners Association, a non-exclusive easement for use, enjoyment, ingress and egress over Association Property and any applicable Association Maintenance Areas, and such other interests as may be provided herein.

1.5 Common Plan for Project. By this Declaration, Declarant and Land Banker intend to establish a common scheme and plan for the possession, use, enjoyment, repair, Maintenance, restoration and improvement of the Project and interests therein conveyed and to establish thereon a common interest development that is consistent with the development for the Project.

1.6 Boundary Modifications. If the boundaries of real property change as a result of one or more subsequently recorded final maps, amended final maps, parcel maps, amended parcel maps, certificates of correction, lot line adjustments and/or records of survey, then for all purposes of this Declaration.

1.6.1 Added to Parcel. Real property which is removed from a Parcel and added to another Parcel shall thereafter be part of that other Parcel;

1.6.2 Removed from Declaration. Real property which is removed from Association Property and added to real property which is not subject to this Declaration shall no longer constitute a part of such Association Property and shall no longer be subject to this Declaration; and

1.6.3 Added to Declaration. Real property not subject to this Declaration which is added to Association Property shall be part of the Association Property to which it is added and shall automatically be subject to all provisions of this Declaration.

NOW, THEREFORE, Declarant and Land Banker hereby declare that the Initial Property and all portions of the Annexable Property annexed hereto shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved, subject to the following declarations, limitations, covenants, conditions, restrictions and easements, all of which are for the purpose of enhancing and protecting the value and attractiveness of the Project, in accordance with the plan for improvement of the Project and all division thereof into Parcels and Condominiums. Pursuant to California Civil Code Sections 1468 and 5975, all of the limitations, covenants, conditions, restrictions and easements shall constitute covenants which shall run with the land, be enforceable as equitable servitudes, and shall be binding upon Declarant, Land Banker and their successors and assigns, and all parties having or acquiring any right, title or interest in or to any part of the Project.

ARTICLE II

DEFINITIONS

In addition to the defined terms set forth herein, certain defined terms relating to Disputes with Declarant and the Association and/or an Owner are set forth in the Dispute Resolution Declaration:

2.1 "Accessory Dwelling Unit" or "ADU" shall collectively refer to "Accessory Dwelling Unit" and "Junior Accessory Dwelling Unit" which are structures to be used as habitable spaces and satisfies the requirements set forth in California Government Code Section 65852.2, or California Government Code Section 65852.22, as applicable, and which shall be subject to all requirements, restrictions and limitations that may be imposed by the Association, the City, and any other governmental agency or department. Due to the nature of the Project as being Condominiums, Owners are not guaranteed that they will be approved to have an Accessory Dwelling Unit or that any garage may be converted into an Accessory Dwelling Unit.

2.2 "Additional Charges" shall mean costs, fees, charges and expenditures, including, without limitation, attorney's fees, late charges, interest and recording and filing fees actually incurred by the Association in collecting and/or enforcing payment of Assessments, fines and/or penalties.

2.3 "Alteration" shall mean constructing, performing, installing, remodeling, repairing, replacing, demolishing, and/or changing the color or shade of any Improvement. The term "Alteration" does not include repainting or refinishing any Improvement in the same color, hue, intensity, tone, and shade or repairing any Improvement with the same materials.

2.4 "Annexable Property" shall mean the real property described in **Exhibit A** attached hereto, *but excluding therefrom the Initial Property*. Any portion of Annexable Property may be added to the Project upon recordation of a Declaration of Annexation, as set forth in this Declaration. However, there is no guarantee that any of the Annexable Property will be annexed into the Project as intended by Declarant.

2.5 "Antenna Equipment" shall individually and collectively refer to any and all television, video or radio poles, antennae, satellite dishes, cables, other transmission and/or reception fixtures, or other over-the-air receiving device or related or similar personal property.

2.6 "Antenna Laws" shall refer to Title 47 U.S.C. §§ 1 et seq., 47 CFR § 1.4000 and any other applicable state, federal and local laws, rules and decisions promulgated with respect thereto, pertaining to the use, installation and Maintenance Antenna Equipment.

2.7 "Architectural Control Committee" or "ACC" shall mean the committee referenced in ARTICLE VI of this Declaration.

2.8 "Articles" shall mean the Articles of Incorporation of The [Project Title] Homeowners Association, a California nonprofit mutual benefit corporation, and any amendments thereto.

2.9 "Assessment" shall mean that portion of the cost of Maintaining, improving, repairing, operating and managing the Project which is to be paid by each Owner as determined by the Association and as more particularly set forth in ARTICLE IX of this Declaration. "Assessment" shall include Regular Assessments, Special Assessments, and/or Reimbursement Assessments, as discussed in further detail in ARTICLE IX hereto.

2.10 "Association" shall mean The [Project Title] Homeowners Association, a California nonprofit mutual benefit corporation, the Members of which shall be the Owners of Condominiums in the Project, their successors and assigns.

2.11 "Association Maintenance Areas" or "AMA" shall mean those portions of the Project that are not owned in fee by the Association but for which the Association shall have the obligation to Maintain, as set forth in this Declaration. Association Maintenance Areas include, but are not limited to, landscaping, irrigation or other Improvements in public rights-of-way and within any adjoining public parkways (including portions of the public rights-of-way along Santa Ana Street, Claudina Street, Philadelphia Street and Olive Avenue) (collectively, "***Offsite Maintenance Areas***"). "Association Maintenance Areas" shall also mean any real property and Improvements described as "Association Maintenance Areas" in a Declaration of Annexation, or as may be designated by the Association.

2.12 "Association Property" or "AP" shall mean (a) Association Maintenance Areas; and (b) Parcels 1 and 2 of the Map, and all Improvements thereon, but excluding therefrom all "Condominium Units" and "Common Area" as defined herein. With the exception of Association Maintenance Areas, Association Property and the Improvements thereon shall be held in fee title by the Association. The term "Association Property" shall also mean any real property and Improvements described as "Association Property" in a Declaration of Annexation and/or shown on a Condominium Plan for a particular Phase. Association Property is "common area" as that term is defined in California Civil Code Section 4095.

2.13 "Association Rules" shall mean rules and regulations regulating the use and enjoyment of the Project which may be adopted by the Board from time to time.

2.14 "Authorized Vehicles" shall include, but not be limited to, standard passenger vehicles, motorcycles and trucks (unless otherwise defined as a Commercial Vehicle below) used for personal transportation. Any vehicle that is not an Authorized Vehicle is deemed a "Prohibited Vehicle," as set forth below. The Board shall have the discretion to modify, amend or change the definition of "Authorized Vehicles" through Association Rules so long as the minimum standards set forth in Section 4.23 of this Declaration are satisfied.

2.15 "Budget" shall mean the portion of the budget (as set forth in ARTICLE IX below) that shall cover those portions of the expenses for the entirety of the Project, and for which the Regular Assessment payable by each Owner of a Condominium under ARTICLE IX of this Declaration.

2.16 "BMPs" shall mean Best Management Practices as it pertains to the management of storm water facilities located within the Project, as set forth in the WQMP approved by the City for the Project.

2.17 "Board" or "Board of Directors" shall mean the Board of Directors of the Association, appointed or elected as provided in the Bylaws.

2.18 "Bond" shall mean a bond, security or other arrangement to secure performance of the commitment of Declarant to complete Association Property Improvements.

2.19 "Building" shall mean each of the multiple-dwelling residential structures which contain Condominium Units, as shown on a Condominium Plan. While Buildings enclose the residential and garage elements of the Condominium Units, **the Buildings are not part of the Condominium Units, and are considered Association Property for purposes of this Declaration**. For purposes of interpreting this Declaration and a Condominium Plan, the term "Building" is intended to include all of the following components:

(a) The shell, including the roof, foundation and exterior surfaces and the finishes thereon;

(b) Entry doors, windows and the garage door (except for glass portions of windows and sliding doors at Condominium Unit boundaries, all of which are part of the Condominium Unit);

(c) All structural support elements existing in, on, under and throughout the Building shell and core that carry ceiling, roof, and floor loads to the foundation, including all separate or common footings, girders, columns and braces, the foundations and other standard support elements, and every wall, column, floor, ceiling, footing, or other vertical or horizontal Improvement in the Building, but the Building does not include between-room walls or partitions within a Condominium Unit that are not necessary for the structural support of the Building (for purposes hereof, any wall or other structure that carries roof, ceiling or upper floor loads is "necessary for structural support");

(d) All exterior walls and surfaces of the Building and their surface treatments (including siding, stone, stucco, plaster, paint and stain);

(e) Fixtures that are outside the boundaries of the Condominium Units, including exterior lighting fixtures, utility cabinets on Building exteriors, utility cabinets and other facilities for the delivery of utilities to the Project (except for outlets that are located in the Condominium Unit);

(f) Utility meters outside the Condominium Unit boundaries, and the cables, pipes, conduits and other Improvements for the delivery of utilities to the Condominium Unit;

(g) Fire sprinkler systems serving each Condominium Unit, including fire sprinkler pipes and fire sprinkler heads that protrude into the boundaries of the Condominium Unit;

(h) Cables and related equipment for the delivery of telecommunications services to the Project (except for any outlets in the Condominium Unit boundaries and

except for connectors, fibers or cables that protrude into the boundaries of the Condominium Unit); and

(i) All or any portion of mechanical shaft, duct, pipe, line, main, conduit, lighting, flue, methane mitigation Improvement and any other equipment, fixtures, machinery, system or apparatus which benefits the entire Building.

2.20 "Bylaws" shall mean the Bylaws of the Association, as amended from time to time.

2.21 "City" shall mean the City of Costa Mesa, the City in which the Project is located.

2.22 "Commercial Vehicles" shall mean any truck or vehicle that is primarily used or maintained for the transportation of persons for hire, compensation, or profit (e.g., taxi or limousine), or is designed, used, or maintained primarily for the transportation of property, or requires a specialized driver's license (e.g., a California Class A, Class B or commercial Class C licenses). A "Commercial Vehicle" is also any truck or vehicle that (a) has more than (2) axles, (b) is longer than twenty-one (21) feet in length from bumper to bumper, (c) exceeds 10,000 pounds gross vehicle weight rating, and/or (d) is not used for personal transportation.

2.23 "Common Area" shall mean the volume of airspace described in a Condominium Plan for each Phase in which Condominiums are located which shall be owned by Owners in each Phase as tenants-in-common. The Common Area will consist of a three-dimensional volume of airspace located above the Buildings within a Phase as described in a Condominium Plan, and is bounded by and contained within the following boundaries: the upper vertical boundary extends infinitely into the heavens; the lower vertical boundary is one hundred feet (100.0') above the lowest finished grade elevations shown on the Condominium Plan; and the lateral boundaries are vertical planes at the limits of the horizontal dimensions of the Condominium Units within a Phase. All Common Area will consist solely of a volume of airspace as shown and described in the respective Condominium Plan. Any references in this Declaration to "Common Area" are references to the Common Area as a whole and to portions thereof. The Common Area identified in a particular Phase constitutes the undivided interest-in-common in a portion of real property held by the Owners in that particular Phase, all in accordance with California Civil Code Section 4125. The term "Common Area" shall also mean any property described as Common Area in a Declaration of Annexation.

2.24 "Common Expenses" shall mean and include the actual and estimated expenses of operating and Maintaining the Project and Improvements, as set forth in this Declaration, and any reasonable reserve for such purposes as found and determined by the Board and all sums designated as Common Expenses by or pursuant to the Project Documents.

2.25 "Conditions of Approval" shall collectively refer to any and all conditions approved and adopted by the City for the Project including, but not limited to, Resolution No. 2024-119, which is incorporated herein by reference.

2.26 "Condominium" refers to an estate in real property consisting of: (a) a separate interest in a Condominium Unit; (b) an undivided fractional fee interest in the Common Area; (c) rights and easements to EUA designated to a Condominium Unit (if any); and (d) all easements

exclusive and non-exclusive appurtenant thereto, as provided in this Declaration, as may be shown on a Condominium Plan, and/or on the Map.

2.27 "Condominium Plan" shall mean the recorded condominium plan for a Phase consisting or (a) a description or survey map of a Phase or portion thereof, which shall refer to or show monumentation on the ground, (b) a three dimensional description of the Phase or a portion thereof, one or more dimensions of which may extend for an indefinite distance upwards or downwards in sufficient detail to identify Association Property, Common Area, Exclusive Use Areas and each Condominium Unit, and (c) a certificate consenting to the recordation thereof signed and acknowledged by the record owner of fee title to the real property within the Phase or portion thereof, by either the trustee or the Mortgagee of each recorded Mortgage encumbering the Phase or portion thereof, if any. Condominium Plans may be recorded for future phases over any portion of Annexable Property at the discretion of Declarant and shall not constitute an amendment to any Condominium Plan. Any Condominium Plan for a Phase may be corrected by Declarant without approval of the Association or any Owner to correct any technical, mathematical, information and/or typographical errors. Otherwise, amendments to a Condominium Plan must comply with the law including, but not limited to, California Civil Code Section 4295, as amended from time to time.

2.28 "Condominium Unit" shall mean that portion of a Building which is shown on a Condominium Plan as an individually numbered space and which shall constitute a "separate interest," as defined in California Civil Code Section 4185. The boundaries of each Condominium Unit shall be to the interior unfinished surfaces of the perimeter walls, floors, ceilings, doors and windows. Each Condominium Unit includes the airspace encompassed by its boundaries but does not include load bearing walls and walls containing utility conduits. Utility systems and components, fixtures and appliances located within the boundaries of a Condominium Unit, and which service only that Condominium Unit, are also part of a Condominium Unit. Garage doors and garages that are attached to and accessed from a Condominium Unit (shown on the Condominium Plan as an individually numbered space with the letter "G" or the word "Garage"), if any, are included in the definition of a "Condominium Unit." The approximate dimensions of each Condominium Unit are shown on the Condominium Plan; however, the existing physical boundaries of a Condominium Unit as originally constructed or as reconstructed shall be conclusively presumed to be its boundaries.

2.29 "County" shall mean the County of Orange, California, the County in which the Project is located.

2.30 "Declarant" shall mean Meritage Homes of California, Inc., a California corporation, its successors and assigns, if such successors and assigns are assigned the rights of Declarant pursuant to Section 16.10 hereof or if such successor or assign is a mortgagee acquiring Declarant's interest in the Project, or any portion thereof, by foreclosure or by deed in lieu of foreclosure. The term "Declarant" shall also mean any person or entity if (a) a notice signed by a Declarant and such person or entity has been recorded in the Official Records in which such person or entity assumes the rights and duties of Declarant to some portion of the Project or (b) such person or entity acquires all of the Project then owned by a Declarant which must be more than one (1) Condominium. There may be more than one Declarant at any given time. Unless otherwise expressly provided in this Declaration, all actions that may be taken by Declarant may be chosen

by Declarant in its sole discretion. Declarant is a "builder" as defined in California Civil Code Section 6000, a "Declarant" as defined in California Civil Code Section 4130, and a "subdivider" as used in the regulations of the DRE.

2.31 "Declaration" shall mean this "Declaration of Covenants, Conditions and Restrictions for The [Project Title]," and any amendments, modifications or supplements thereto.

2.32 "Declaration of Annexation" shall mean and refer to those certain declarations of covenants, conditions and restrictions or similar instruments, annexing any or all of the Annexable Property (defined herein) and extending the plan of this Declaration to that real property as provided in Section 3.8 of this Declaration. The Declaration of Annexation shall (a) describe the portion of real property to be annexed; (b) describe any Association Property with the property to be annexed; (c) set forth the ownership of any such Association Property; (d) specify that all of the covenants, conditions and restrictions of this Declaration shall apply to the annexed real property in the same manner as if it were originally covered by this Declaration; and (e) include any additional terms, provisions, easements or conditions that may be applicable to the real property and Improvements described in the Declaration of Annexation. A Declaration of Annexation may include additional terms, provisions, easements, restrictions or conditions that cover all or a portion of the Project described in the Declaration of Annexation in order to supplement, modify, or clarify conditions, covenants, restrictions or easements established under this Declaration. The provisions of any Declaration of Annexation may impose such additional, different or more restrictive conditions, covenants, restrictions, land uses and limitations as Declarant may deem advisable, taking into account the particular requirements of the real property encumbered thereby. In the event of any conflict between the provisions of this Declaration and the provisions of a Declaration of Annexation, this Declaration shall control.

2.33 "Design Guidelines" shall refer to architectural rules, regulations and guidelines that may be adopted by the ACC, in its sole discretion. The Design Guidelines may impose specific requirements on individual Parcels and/or Condominium Units if those requirements are reasonable in light of specific topography, visibility or other factors and address any modifications or additions of any Building and structures including, but not limited to, fences, trellises and sunshades. Design Guidelines, if adopted, repealed and/or modified pursuant to California Civil Code Section 4340, *et seq*., shall constitute "Association Rules."

2.34 "Dispute Resolution Declaration" shall refer to the "Notice of Alternative Non-Adversarial and Dispute Resolution Procedures for The [Project Title]," recorded in the Official Records, as may be amended, supplemented or modified, against the Project and which shall govern any and all claims and disputes against Declarant with respect to the Association, Owners, Condominium Units and Association Property.

2.35 "DRE" shall mean the California Department of Real Estate, and any successor entity, agency, department, bureau, commission and/or council.

2.36 "Eligible First Mortgagee" shall mean an Eligible First Mortgagee, who has sent written notice to the Association, stating both its name and address and the address of the Condominium Unit it has the Mortgage on. An "Eligible First Mortgagee" shall include any holder (including FHLMC and FNMA), insurer (including FHA), guarantor (including VA) of a First

Mortgage on a Condominium Unit or other portion of the Project, or an "Institutional Mortgagee" as defined below. Where any provision of this Declaration requires the approval of an Eligible First Mortgagee, the approval of the holder, insurer or guarantor of that First Mortgage shall be deemed to be the required approval. An Eligible First Mortgagee is entitled to written notice from the Association of any or all of the events specified in Section 13.8 of this Declaration.

2.37 "Exclusive Use Area" or "EUA" shall mean those portions of the Building or Association Property which are shown on a Condominium Plan or as set forth in this Declaration and set aside for the exclusive use of a Condominium Unit Owner, if any.

2.37.1 "Balcony" shall mean each portion of the Building located on the second floor which is shown on the Condominium Plan as an individually numbered space with the letter "B." The perimeter boundaries of each Balcony are to the interior unfinished surfaces of the fences and/or railings and to the exterior finished surfaces of any walls enclosing the Balcony. The vertical boundaries of each Balcony are to the interior unfinished surface of the floor and to a horizontal plane extended from the ceiling of the Condominium Unit which adjoins the Balcony. The approximate dimensions of each Balcony are shown on the Condominium Plan. Each Balcony includes the airspace encompassed and any storage areas within its boundaries.

2.37.2 "Patio" shall mean each portion of Association Property on the first floor shown on the Condominium Plan as an individually numbered space with the letter "PA." The perimeter boundaries of each Patio are to the interior unfinished surfaces of the walls and gates, and to the exterior unfinished surfaces of any walls and gates enclosing the Patio. The vertical boundaries of each Patio are to the interior unfinished surface of the floor and to a horizontal plane extended from the ceiling of the Condominium Unit which adjoins the Patio. The approximate dimensions of each Patio are shown on the Condominium Plan. Each Patio includes the airspace encompassed within its boundaries.

2.37.3 "Porch" shall mean each portion of the Building on the first floor which is shown on the Condominium Plan as an individually numbered space with the letter "P." The perimeter boundaries of each Porch are to the interior unfinished surfaces of the walls and to the exterior unfinished surfaces of any walls enclosing the Porch. The vertical boundaries of each Porch are to the interior unfinished surface of the floor and to a horizontal plane extended from the ceiling of the Condominium Unit which adjoins the Porch. The approximate dimensions of each Porch are shown on the Condominium Plan. Each Porch includes the airspace encompassed within its boundaries. Porches are intended to be those covered outside areas of the Building that are on the first floor of the Condominium Unit leading to the main entry door.

2.37.4 "Solar Energy System" shall mean the roof-mounted solar photovoltaic system and other equipment (including, but not limited to, solar arrays, panels, poles, platforms, all mechanical equipment, inverters, ducting, electrical connections, piping, wiring, conduits, framing, anchors and all other components necessary for the operation and function of the system) installed on a Building which exclusively serves a Condominium Unit.

2.37.5 "Utilities" shall collectively refer to any and all utilities, pipes, wires, conduits, and equipment which exclusively serves a Condominium Unit, wherever it may be located or installed within Association Property, including any walls of a Condominium Unit. This Utilities EUA shall include, but not be limited to, the heating, ventilation and air conditioning equipment (HVAC) which exclusively serves a Condominium Unit including the condenser unit, the platform upon which the condenser is located, all mechanical equipment, and all wires, conduits, pipes and ducting leading up to and through the exterior surface of the Building, the fire sprinkler systems (including fire sprinkler heads), water and plumbing and electrical pipes, conduits, wires, connectors and switches located in the walls of the Condominium Unit or outside of the Building.

2.38 "FHA" shall mean the United States Department of Housing and Urban Development, Federal Housing Administration.

2.39 "FHLMC" shall mean the Federal Home Loan Mortgage Corporation.

2.40 "Final Public Report" shall mean the final subdivision public report issued by the DRE or any successor state agency pursuant to the Subdivided Lands Act (California Business & Professions Code Section 11000, *et seq*.) as it may be amended from time to time.

2.41 "FNMA" shall mean the Federal National Mortgage Association.

2.42 "Homeowner's Manual" shall mean the documents provided to original Owners by Declarant, as may be updated and amended from time to time, that pertain to Improvements within a Condominium Unit including, but not limited to, fixtures, appliances, windows, siding, landscaping, *etc*., originally installed by Declarant, and which sets forth obligations, procedures, operation and schedules pertaining to certain products manufactured by others and installed on the Condominium Unit, including warranty terms, usage instructions, Maintenance Obligations and schedules for the Owner to Maintain the Improvements for which an Owner is responsible. Each Owner shall be responsible to ensure that the subsequent purchaser of such Owner's Condominium Unit is aware of and is given the Homeowner's Manual.

2.43 "Improvements" shall mean all structures and improvements on the Project, including, but not limited to, buildings, outbuildings, underground installations, slope, grading, roads, curbs, gutters, storm drains, utilities, driveways, parking areas, fences, walls, screening walls and barriers, retaining walls, stairs, decks, swimming pools, spas, saunas, painting, light standards, sound equipment, windbreaks, plantings, shrubbery, landscaping, irrigation system, drainage ditches, streets, street lighting, monuments, and other works of Improvement as defined in California Civil Code Section 8050, excluding only those Improvements, or portions thereof, that are dedicated to the public or a public or quasi-public entity or utility company, and accepted for Maintenance by the public, such entity or utility company.

2.44 "Initial Property" shall mean Condominium Units 1 to 8, inclusive, Common Area and Association Property, located on a portion of Parcel 1 of the Map, as shown on the Condominium Plan for Phase 1.

2.45 "Institutional Mortgagee" shall mean a First Mortgagee that is (a) a federally or state chartered or licensed bank or savings and loan association; (b) a mortgage company or other

entity chartered or licensed under federal or state laws whose principal business is lending money on the security of real property or investing in such loans; (c) an insurance company; (d) a federal or state agency or instrumentality including, without limitation, FNMA and FHLMC; or (e) an insurer or governmental guarantor of a First Mortgage including the FHA and the VA.

2.46 "Land Banker" shall refer to MTHCALV-I Santa Ana Street, LLC, a Delaware limited liability company, its successors and assigns, or if such successor or assign is a mortgagee acquiring Land Banker's interest in the Project by foreclosure or by deed in lieu of foreclosure if such successors and assigns are assigned the rights of Land Banker in writing and recorded against the Parcels (or portions thereof) owned by Land Banker. Because Land Banker will own and convey real property to Declarant under the Purchase Agreement as development of the Project progresses, any references in this Declaration or Declaration of Annexation to the sale or conveyance of Condominiums or similar terms shall refer to the purchase of a Condominium to a homebuyer requiring a Final Public Report, and not a sale, conveyance or transfer of real property from Land Banker to Declarant under the Purchase Agreement.

2.47 "Maintain," "Maintaining," "Maintained" or "Maintenance" shall mean taking all actions reasonably necessary and the exercise of reasonable care to keep the Buildings, Condominium Units, roads, landscaping, lighting, storm water bio-retention areas, and other related Improvements and fixtures in first class condition and repair in a state similar to their original condition, normal wear and tear excepted, and includes "repair and replace." The actions to be taken include, but are not limited to, regular inspections, painting, Maintenance, refinishing, repairing, replacing and reconstructing the Improvement, and in the case of landscaping, irrigating, fertilizing, and other garden practices necessary to promote a healthy, weed free environment for optimum plant growth. Owners shall have no responsibility to Maintain any Improvement Maintained by a third party or the public or quasi-public entity or utility company even if the third party or the public or a quasi-public entity or utility company fails to perform all actions required by this Declaration.

2.48 "Maintenance Obligations" shall mean the Owner's or Association's obligation to perform: (a) all reasonable Maintenance consistent with the terms of the any Maintenance manual provided by Declarant, any Maintenance obligations and schedules in any warranty offered by Declarant or any manufacturer, and any Maintenance obligations and schedules otherwise provided to the Owner or Association by Declarant or any manufacturer, as applicable; (b) any commonly accepted Maintenance practices to prolong the life of the materials and construction of all Parcels, Condominium Units and Improvements; and (c) any Maintenance Obligations and requirements set forth in this Declaration, as amended and updated from time to time.

2.49 "Map" shall refer to the final map of "Tract No. 19290," filed for record on _____, 20___, in Book _____ of Maps, at Pages ___ to ___, inclusive, in the Official Records, as may be amended from time to time, and incorporated herein by reference.

2.50 "Member" shall mean a person or entity holding a membership in the Association as provided herein. Each Owner shall constitute a Member. If there is more than one Owner per Condominium Unit, the co-owners collectively shall constitute a single Member.

2.51 "Member in Good Standing" shall mean an Owner who is not delinquent in payment of Assessments, is not in violation of any provision of the Project Documents, and/or does not otherwise have any disciplinary action pending between said Owner and the Association, as further identified in the Bylaws.

2.52 "Model Units" shall mean those Condominium Units within the Project which are initially used by Declarant for the sole purpose of marketing other Condominiums constructed by Declarant and such Condominium Units are not initially occupied or used for residential purposes. It is intended and anticipated that the sale of the Model Units, which shall be open to the viewing public during business hours while the sales period is active, will be in the last Phase of the Project.

2.53 "Mortgage" shall mean a mortgage or deed of trust encumbering a Condominium Unit or other portion of the Project. A "Mortgagee" shall include the beneficiary under a deed of trust and any guarantor or insurer of a Mortgage. "First Mortgagee" is one having priority over all other Mortgages or holders of Mortgages encumbering the same Condominium Unit or other portion of the Project.

2.54 "Notice of Lien" shall mean a notice of delinquent Assessment recorded as a lien against a Condominium Unit for the Owner's failure to pay Assessments as set forth in this Declaration.

2.55 "Official Records" shall refer to the Official Records of the Orange County Recorder's Office, State of California.

2.56 "Owner(s)" shall mean the record holder or holders of title, if more than one, to any Condominium Unit in the Project. "Owner" includes Declarant and Land Banker, except where specified as mutually exclusive. This shall not include contract sellers or persons or entities having any interest merely as security for the performance of an obligation. If a Condominium Unit is sold under a recorded contract of sale (or a recorded memorandum of such contract), the purchaser, rather than the fee Owner, shall be considered the "Owner."

2.57 "Parcel" shall mean any Parcel or Lot, as shown on the Map, and any other parcel of land designated as "Parcel" or "Lot" in any recorded supplement to the Declaration or in any Declaration of Annexation.

2.58 "Permitted Parking Areas" shall mean garages and open/guest parking spaces that are designed and established for the parking of Authorized Vehicles. Permitted Parking Areas may also include those areas determined to be such areas by the Board of Directors as part of the Association Rules. "Permitted Parking Areas" **do not** include sidewalks, garage aprons, emergency vehicle access road, alleys, streets marked with "No Parking" signs and/or red-painted curbs, or areas in the adjacent neighborhoods. Specifically, the curbs adjacent to the drive aisles (private alleys) shall be painted red to prohibit parallel parking in the drive aisles. There are no driveways for any Condominium Units in the Project on which vehicles are allowed to park, and there will be limited open/guest parking spaces. Use of the Permitted Parking Areas is described in Section 4.23 of this Declaration.

2.59 "Phase" shall mean any Parcels, Condominiums, Buildings, Common Area, Association Maintenance and/or Association Property which are made subject to the provisions of

this Declaration either by recording this Declaration or by recording a Declaration of Annexation; provided, a single Declaration of Annexation may establish more than one Phase in accordance with the terms of that Declaration of Annexation.

2.60 "Prohibited Vehicles" shall include, but not be limited to, non-motorized vehicles, trailers or motorized vehicles that exceed 7 feet in height, 7 feet in width, and 19 feet in length (unless otherwise defined as a Commercial Vehicle above), and any vehicle intended for recreation purposes including attached camper bodies, motor homes, mobile homes, boats, land conveyances, vessels and aircraft that exceed 18 feet in length. The Board shall have the discretion to modify, amend or change the definition of "Prohibited Vehicles" through Association Rules so long as the minimum standards set forth in Section 4.23 of this Declaration are satisfied.

2.61 "Project" shall mean the Initial Property, and the portions of Annexable Property brought within the jurisdiction of the Association, including any structures and Improvements erected or to be erected thereon, all in accordance with this Declaration.

2.62 "Project Documents" shall mean and include this Declaration, as amended from time to time, the exhibits, if any, attached hereto, together with the other basic documents used to create and govern the Project, including the Map, Conditions of Approval, Articles, Bylaws and Association Rules. The Project Documents **do not** include the Dispute Resolution Declaration defined below.

2.63 "Quorum" shall mean more than fifty percent (50%) of those entitled to act. With respect to the imposition of certain Assessments, a Quorum necessary for the imposition of Regular and Special Assessments set forth in ARTICLE IX shall be more than fifty percent (50%) of the Members of the Association, as set forth in California Civil Code Section 5605.

2.64 "Remainder" shall mean and refer to the three-dimensional volume of land and airspace consisting of portions of the Map, excepting therefrom, the Initial Property. Remainder is not part of the Initial Property. "Remainder" shall also mean those portions of the Map, depicted and described on separate and distinct Condominium Plans for future Phases. Condominium Plans may be recorded for future phases over Remainder at the discretion of Declarant and shall not constitute an amendment to the Condominium Plan. Remainder shall be consistent with the meaning of "Three-Dimensional Portion" as used in California Government Code Section 66427, as the same may be amended from time to time.

2.65 "Right to Repair Act" shall refer to California Civil Code Sections 895-945.5, as may be amended from time to time.

2.66 "VA" shall mean the United States Department of Veteran's Affairs.

2.67 "Water Quality Management Plan" or "WQMP" shall refer to the Water Quality Management Plan approved by the City. The WQMP shall be consistent with the requirements of Section 7 and Exhibit 7.II of the County Drainage Area Management Plan (DAMP) for new developments, and shall identify potential sources of pollutants during the long-term on-going maintenance and use of the Project that could affect the quality of storm water runoff from the Project, shall define source control, site design, and treatment control (if applicable) BMPs to control or eliminate the discharge of pollutants into the surface water runoff, and provide a

monitoring program to address the long-term implementation of and compliance with the defined BMPs.

ARTICLE III

PROPERTY RIGHTS

3.1 Association Property. Title to or a legal ownership interest in Association Property shall be conveyed to the Association prior to or concurrently with the conveyance of the first Condominium Unit within a particular Phase to an Owner. The Association shall be deemed to have accepted the Association Property conveyed to it when (a) a grant deed conveying title to the Association Property has been recorded in the Official Records, and (b) Assessments have commenced pursuant to ARTICLE IX of this Declaration. Association Property shall be Maintained by the Association as provided in ARTICLE V of this Declaration. When Association Property is conveyed by Declarant, an easement shall be deemed automatically reserved over the Association Property in favor of Declarant for drainage and encroachment purposes and for ingress and egress from the Association Property for the purpose of completing Improvements thereon or for the performance of necessary repair work. Said easement in favor of Declarant shall automatically terminate ten (10) years after the sale of the last Condominium Unit covered by this Declaration.

3.2 Association Maintenance Areas. The Association shall be and is hereby conveyed non-exclusive easements to the Association Maintenance Areas prior to or concurrently with the conveyance of the first Condominium Unit within a particular Phase to an Owner. Association Maintenance Areas shall be Maintained by the Association as provided in ARTICLE V of this Declaration. When Association Maintenance Area is conveyed by Declarant, an easement shall be deemed automatically reserved over the Association Maintenance Area in favor of Declarant for drainage and encroachment purposes and for ingress and egress from the Association Property for the purpose of completing Improvements thereon or for the performance of necessary repair work. Said easement in favor of Declarant shall automatically terminate ten (10) years after the sale of the last Condominium Unit covered by this Declaration.

3.3 Common Area. Each Owner of a Condominium shall be conveyed an equal undivided interest in the Common Area as a tenant-in-common with the other Owners of Condominiums in the same Phase, excluding the Condominiums. The tenancy-in-common interest to be conveyed with each Condominium shall be determined by a fraction, the numerator of which is one (1) and the denominator of which is the total number of Condominiums within that particular Phase. Owners of Condominium Units in Phase 1 shall each have a one-eighth ($1/8^{th}$) interest in the Common Area as tenants-in-common. The specific interests in the Common Area for Condominiums in each Phase to be conveyed to the Owners within that Phase shall be specified in the Declaration of Annexation for that particular Phase.

3.4 Exclusive Use Areas. Except as limited by other provisions in this Declaration, the Map and/or Condominium Plan, each Owner of a Condominium shall have an exclusive right and easement for the use, possession and enjoyment of the EUA applicable to his/her Condominium Unit designated on the Condominium Plan which bears the number that corresponds to that of his/her Condominium Unit, and any other areas defined as EUA in this Declaration or any

Declaration of Annexation, all of which shall be appurtenant to and pass with title to the Owners' Condominium. All easements to EUA are subject to the right of the Association to enter in and upon the EUA as provided by and in accordance with the limitations upon such right as set forth in this Declaration.

3.5 Non-severability of Common Area. The interests in Common Area cannot be changed after conveyance of the first Condominium in a Building within a Phase. The undivided interests in Common Area, the fee title to the respective Condominium Units conveyed therewith and the easements appurtenant thereto are not separable and may not be separately conveyed unless the Condominium Plan is amended in accordance with California Civil Code Section 4295. If the Condominium Plan is amended, any conveyances necessary to cause ownership interests to conform to the amended Condominium Plan shall not violate this section. Each undivided interest in the Common Area and each easement appurtenant to the Condominium shall be deemed to be conveyed or encumbered with the respective Condominium even though the description in the grant deed or other instrument of conveyance or encumbrance may refer only to the Condominium. The ownership interests in the Common Area and Condominiums described herein are subject to the easements described, granted and reserved in this Declaration. Each of the easements described, granted and reserved herein shall be enforceable as equitable servitudes and covenants running with the land for the use and benefit of the Owners and their Condominiums superior to all other encumbrances applied against or in favor of any portion of the Project with respect to the operation and management of the Project.

3.6 Non-severability of Membership. Every Owner of a Condominium Unit which is subject to Assessment shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Condominium Unit which is subject to Assessments.

3.7 Partition Prohibited. Except as provided in California Civil Code Section 4610, there shall be no judicial partition of Common Area or of any part thereof. Each Owner specifically waives and abandons all rights, interests, and causes of action for judicial partition of Common Area. Each Owner agrees that no action for judicial partition of Common Area shall be instituted, prosecuted or reduced to judgment, except in compliance with California Civil Code Section 4610. If a Condominium is owned by two or more Owners as partners, tenants-in-common, or joint tenants, or as community property, nothing contained in this Section shall be deemed to prevent a judicial partition of their co-ownership.

3.8 Annexation and Deannexation Rights. Real property may be annexed or deannexed pursuant to this Section.

3.8.1 Annexation Pursuant to Approval. Annexable Property may be added to the Project by Declarant and Land Banker as one or more subsequent Phases without the approval of the Association or any Owner if the annexation is in substantial conformance with the detailed plan of phased development submitted to the DRE with the Phase 1 Final Public Report application. Otherwise, any other Annexable Property not identified herein may be annexed to the Project only with the approval of two-thirds (⅔) of each class of Members other than Declarant; provided, however, any annexation made while there are

two (2) classes of membership requires the prior approval of the FHA and/or the VA, if either are First Mortgagees.

3.8.2 Procedure for Annexation. In addition to any required approval by Members, a final subdivision map(s) or final parcel map(s) and a Declaration of Annexation for the property to be annexed must be recorded. The Declaration of Annexation shall also provide that if and only if at the time of the first conveyance of a Condominium Unit in a Phase the Declarant has rented or leased Condominium Units in that Phase for a period of at least one (1) year after the most recent review of a budget for that Phase by the DRE, Declarant shall either issue a written commitment to pay or pay to the Association the following amount: an amount equal to that portion of the Regular Assessment which would have been attributable to each Condominium Unit in that Phase and which would have been allocable to reserves for replacement and deferred Maintenance of Association Property, Association Maintenance Areas and other Improvements had Regular Assessments in that Phase commenced at the time of the most recent review of a budget for that Phase. Such amount, if any, shall be paid to the Association prior to or concurrently with the first conveyance of a Condominium Unit in that Phase.

3.8.3 Proof Satisfactory to the DRE. In addition to the requirements set forth in Section 3.8.2 above, Declarant shall provide satisfactory proof to the DRE that the proposed annexation will not result in an overburdening of Association Property and/or Association Maintenance Areas, and that the proposed annexation will not cause a substantial increase in Assessments against existing Owners which was not disclosed in Final Public Reports under which prior Owners purchased their Condominium Units.

3.8.4 Effect of Annexation. After complying with the procedures for annexation and upon the commencement of Assessments for Condominium Units in the annexed Phase, Owners of Condominium Units in the annexed Phase shall be Members, shall be subject to this Declaration, and shall be entitled to use all Association Property and Association Maintenance Areas in the Project. The Association shall reallocate the Regular Assessments so as to assess each Owner in the Project for an equal and proportionate share of the Common Expenses of the Project. All Owners shall have ingress and egress to all portions of the Association Property and Association Maintenance Areas throughout the Project, subject to the provision of this Declaration, the Bylaws of the Association and the Association Rules in effect from time to time.

3.8.5 Deannexation. Subject to the restrictions, limitations and provisions of this Declaration, Declarant and Land Banker, or the Association may remove any property in the Project by executing and recording a Declaration of Deannexation. Declarant and Land Banker may deannex property only if (a) no escrows have closed on the annexed Phase, (b) no Assessments have commenced on any portion of the annexed Phase, (c) Declarant or Land Banker have not exercised any votes attributable to the annexed Phase, and (d) a Declaration of Deannexation is recorded in the same manner as the Declaration of Annexation was recorded. If the Association desires to deannex property within the Project, the approval of Members constituting at least two-thirds (⅔) of each class of Members is

required; provided, however, any deannexation made while there are two (2) classes of membership requires the approval of the FHA and/or the VA, if either are First Mortgagees.

3.9 Easements. In addition to any and all other easements contained in this Declaration, the Project shall be subject to the following easements:

3.9.1 Access Easements. There shall be reserved in favor of the Association and each Owner a non-exclusive easement over, upon and across the Project and each adjacent Condominium Unit. The access easement granted herein shall be for the purpose of carrying out the obligations set forth in this Declaration. There is also reserved in favor of the Association and each Owner non-exclusive easements over, upon and across the Project upon which walkways, paseos and other Improvements are constructed for pedestrian access to and from Condominium Units and Buildings.

3.9.2 Architectural Control Committee Easements. The ACC and its duly authorized agents and representatives shall have a non-exclusive right and easement as is necessary to perform its duties and obligations set forth in this Declaration, including the right to enter any Parcel, Building, or Condominium Unit, subject to the limitations contained in this Declaration.

3.9.3 Association Maintenance Easements. There shall be reserved in favor of the Association, an easement across, over, in and on any Condominium Unit to Maintain any Association Maintenance Areas as set forth in this Declaration.

3.9.4 BMP Right of Entry. A non-exclusive easement over and upon any portion of the Project is hereby reserved in favor of the City, the Regional Water Quality Control Board, and their respective representatives, for the purposes of verification of proper operation and maintenance for storm water BMPs in accordance with the WQMP.

3.9.5 Clustered Mailbox Easements. Declarant reserves non-exclusive easements over, across and upon the Project for (a) placement of mailbox clusters in locations required by the United States Postal Service and local governmental agencies with jurisdiction over the Project; (b) delivery, deposit and pickup of United States mail; and (c) access to and Maintenance of the mailbox clusters by the Association. The actual locations of the easements referred to herein shall be determined by the as-built location of each mailbox cluster. The easements reserved hereby are appurtenant to each Condominium Unit in the Project, as necessary to ensure the Owner's reasonable access to their respective mailboxes.

3.9.6 Declarant's Reservation of Easements. Declarant hereby reserves easements over each Parcel, Condominium Unit and/or Association Property for common driveway purposes, for drainage and encroachment purposes, for ingress and egress from buildings for the purpose of completing Improvements thereon, for the performance of necessary repair work and for compliance with requirements of any governmental agency, for the purposes of reasonable ingress and egress from, over and across the Project, including private roads and pathways; and for inspection of the Association Property, and each Condominium Unit to ensure that the Project and all Improvements thereon are being Maintained in accordance with the provisions of this Declaration. Said easements in favor

of Declarant shall automatically terminate ten (10) years after the conveyance of the last Condominium Unit.

3.9.7 Drainage Easements. There shall be non-exclusive drainage easements in favor of the Association over, across and upon each Parcel and each Building for the conveyance of storm water and drainage through pipes, outlets, downspouts and conduits, no matter where located.

3.9.8 Easements for Utilities and Maintenance. Easements over and under the Project for the installation, repair and Maintenance of electric, telephone, water, and sanitary sewer lines and facilities, heating facilities, cable or master television antenna lines, drainage facilities, walkways, and landscaping, as shown on the Map and/or as installed or constructed, and as may be hereafter required or needed to service the Project, are hereby reserved by Declarant and its successors and assigns, including the Association and appurtenant utility companies, together with the right to grant and transfer the same. No Owner or occupant shall commit any act that would interfere with the operation of any drainage system (including drainage swales, filterra systems, bioretention areas, *etc*.) installed in the Project.

3.9.9 Easements on the Map. The Project is subject to the easements and rights of way shown on the Map. Limitations on the construction and installation of Improvements within the easements and rights of way set forth on the Map are as outlined on said Map and incorporated herein by reference as if set forth in full.

3.9.10 Encroachment Easements. There shall be an easement in favor of the Association and each Owner over any adjoining Parcel or Association Property for the purpose of accommodating any encroachment due to minor engineering errors, minor errors in original construction, settlement or shifting of the Building, Condominium Unit, or any other cause. There shall be valid easements for the Maintenance of said encroachments as long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachment, settlement or shifting; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Owners if said encroachment occurred due to the willful misconduct of said Owner or Owners. In the event a structure is partially or totally destroyed, and then repaired or rebuilt, the Owners agree that minor encroachments over adjacent Association Property due to minor engineering errors, minor errors in construction, or settlement or shifting of the Condominium Unit, shall be permitted and that there shall be valid easements for the Maintenance of said encroachments so long as they shall exist.

3.9.11 Fire System Easements. Each Owner of a Condominium is granted a non-exclusive easement over and across those portions of Building for a Fire System Easement. The Fire System Easement shall be generally located within the interior perimeter walls of each Condominium Unit, and shall be used solely for the purpose of accommodating, Maintaining and using the lines and conduits for the fire sprinkler system serving individual Condominium Units, as applicable or necessary. Each Owner shall be solely responsible to Maintain the lines and conduits for the fire sprinkler system (including

fire sprinkler heads). The Association shall have a discretionary right to enter any Condominium Unit to inspect the fire sprinkler system to ensure proper Maintenance.

3.9.12 Owners' Easements. Every Owner shall have a right and non-exclusive easement of enjoyment in and to the Association Property and Improvements located thereon, including ingress and egress to and from his/her Condominium Unit, as applicable. Each such non-exclusive easement shall be appurtenant to and shall pass with the title to the Condominium, subject to the following provisions:

(a) Section 10.2 of this Declaration authorizes the Board to impose monetary penalties, temporarily suspend an Owner's rights as a Member of the Association or other impose appropriate discipline for failure to comply with the Project Documents provided that the established procedures are followed for Notice and Hearing which satisfy the minimum requirements of California Corporations Code Section 7341 with respect to the accused Member before a decision to impose discipline is reached. These procedures are set out in Article XIII of the Bylaws.

(b) The right of the Association to dedicate or transfer all or any part of the Association Property to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. No such dedication or transfer shall be effective unless an instrument signed by two thirds (⅔) of the Members agreeing to such dedication or transfer has been recorded, provided, however, that no such dedication shall impair the ingress and egress to any Condominium Unit.

3.9.13 Reciprocal Maintenance Easements. Each Owner shall have a reciprocal non-exclusive maintenance easement over and across such portions of any adjacent or contiguous Condominium Unit or Association Property as is necessary to Maintain the Condominium Unit and/or any Improvement(s) including, but not limited to, utilities, pipes, wires, conduits, landscaping and irrigation.

3.9.14 Storm Drainage Generally. In addition to storm drain easements specifically identified on the Map or in this Declaration, there are reserved and granted for the benefit of each Building and Parcel over, under, across and through the Project, except for portions of the Project on which a structure is situated, non-exclusive easements for surface and subsurface drains and the flow of storm waters in accordance with natural drainage patterns and the drainage patterns and Improvements installed or constructed by Declarant in accordance with the WQMP.

3.9.15 Right of Entry. The Board may authorize its agents and employees to enter upon or in any Condominium Unit when necessary in connection with any Maintenance, landscaping or construction for which the Association is responsible, to effect emergency repairs, to effect necessary repairs which the Owner has failed to perform as required by this Declaration, or to inspect and/or make a determination whether an Owner is complying with the provisions of this Declaration. Such entry shall be made with as little inconvenience to the Owner as practicable and any damage caused thereby shall be repaired

by the Board at the expense of the Association. Except in case of emergencies, twenty-four (24) hour advance notice shall be given to the Owner or occupant.

3.9.16 Telecommunications Easement. There shall be reserved over the Project a telecommunications easement in favor of the City, telecommunications company or any franchisee for the installation and use of telecommunication equipment, conduits and facilities to serve the Project and any other properties.

3.9.17 Utility Chase Easements or UCEs. There shall be an easement across, under and through each Condominium Unit in each Building in which the Condominium Unit is located for the purpose of accommodating utility lines, pipes, wire and other conduits for the delivery of utility services to one or more or all of the Condominium Units within a Building. Unless performing Maintenance Obligations set forth in this Declaration, Owners and occupants of Condominium Units are strictly prohibited from altering, modifying or tampering with any lines, pipes, wires or other conduits located within these UCEs.

3.9.18 Easements in Favor of City. Declarant hereby grants to the City an easement to enter the Project for (a) access and maintenance of the on-site sewer lift station: (b) maintenance and repair rights over the Project for emergency access, and (c) drainage, utility, and storm water purposes as well as any related municipal purpose, including, without limitation, maintenance and repair. City shall provide reasonable notice to any affected Owner, except in the case of an emergency in which case such notice as is reasonable under the circumstances shall be provided. City must use reasonable efforts to minimize any interference with the operation or use of any Project by each Owner and/or occupant.

3.10 Provisions Restricting Delegation of Use. Any Owner may delegate their rights of use and enjoyment of the Project to the members of their family, their guests, tenants, employees, and invitees, and to such other persons as may be permitted by the Bylaws and the Association Rules, subject however, to this Declaration. However, if an Owner has sold his/her Condominium to a contract purchaser or has leased or rented it, the Owner, members of the Owner's family, guests, tenants, employees, and invitees shall not be entitled to use and enjoy any of such rights in the Project while the Owner's Condominium is sold to a contract purchaser or rented to tenants. Instead, the contract purchaser, or tenants, while occupying such Condominium Unit, shall be entitled to use and enjoy such rights and can delegate the rights of use and enjoyment in the same manner as if such contract purchaser or tenants were an Owner during the period of their occupancy. Each Owner shall notify the Secretary of the Association of the names of any contract purchasers of such Owner's Condominium or tenants of such Owner's Condominium Unit. Each Owner, contract purchaser, or tenant also shall notify the Secretary of the Association of the names of all persons to whom such Owner, contract purchaser, or tenant has delegated any rights of use and enjoyment and the relationship that each such person bears to the Owner, contract purchaser, or tenant. Any delegated rights of use and enjoyment are subject to suspension to the same extent as are the rights of Owners. No such delegation shall relieve an Owner from liability to the Association or to other Owner for payment of Assessments or performance of the covenants, conditions and restrictions contained in this Declaration. Any lease, rental agreement or contract of sale entered into between an Owner and a tenant or contract purchaser of a Condominium shall

require compliance by the tenant or contract purchaser with all of the covenants, conditions and restrictions contained in this Declaration, which provision shall be for the express benefit of the Association and each Owner. The Association and each Owner shall have a right to action directly against any tenant or contract purchaser of an Owner, as well as against the Owner, for nonperformance of any of the provisions of this Declaration to the same extent that such right of action exists against such Owner.

3.11 No Restriction on Owner's Right to Ingress and Egress. Except as allowed in Section 16.9 herein, there shall be no restriction upon any Owner's right to ingress and egress to his/her Condominium Unit, which right shall be perpetual and appurtenant to his/her ownership of a Condominium.

ARTICLE IV

USE RESTRICTIONS

4.1 Accessory Dwelling Units. If allowed by state law and local ordinance adopted by the City, Owners may be allowed to construct and install an Accessory Dwelling Unit in his/her Condominium Unit, provided that prior written approval of the Declarant (while it still owns a Condominium Unit in the Project) or the ACC (if established) under ARTICLE VI of this Declaration and written approval is obtained from the City. Owners are advised that Declarant, Land Banker, the Association, and the City do not promise, warrant or guarantee that an Owner shall be granted permission for construction and installation of an ADU. ADUs shall not be sold separate and apart from the primary Condominium Unit, shall only be used for residential purposes, and any uses of ADUs shall be subject to all of the provisions of this Declaration, including, but not limited to, the restrictions on parking (see Section 4.23 below), leasing (see Section 4.27 below), operating a business (see Section 4.29 below), and Maintenance (see ARTICLE V below).

4.2 Alterations. Except as otherwise specifically provided in this Declaration, no Alteration may be made to any Parcel, Condominium Unit or EUA until plans have been submitted and approved by the ACC, as set forth in ARTICLE VI of this Declaration. Declarant and Land Banker shall be exempt from obtaining approval from the ACC.

4.3 Animals. An Owner may keep a reasonable number (as may be determined by the Board in its sole discretion) of customarily uncaged household pets within the Owner's Condominium Unit. Each Owner may also maintain a reasonable number of small caged animals, birds or fish. No other animals are permitted in the Project. No animals may be kept for commercial purposes. No animals, livestock or poultry of any kind shall be raised, bred or kept in any Condominium Unit, except that dogs, cats, and other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. Notwithstanding the foregoing, no pets may be kept on any Parcel, in any Condominium Unit or anywhere in the Project that results in an annoyance or nuisance to other Owners. The Association may prohibit the keeping of any animal that in the sole and exclusive opinion of the Board constitutes a nuisance to any other Owner. No pets shall be allowed in Association Property except as may be permitted by Association Rules. No dog shall enter Association Property except while on a leash that is held by

a person capable of controlling it. Owners shall prevent their pets from soiling any portion of the Association Property and shall clean up after their pets in the Association Property.

4.4 Antenna and Satellite Dish Equipment. No Owner shall install any Antenna Equipment (a) on any real property which such Owner is not entitled to exclusively use or control, as provided in any Antenna Laws, (b) in a particular location if, in the Association's or ACC's opinion, the installation, location or Maintenance of such Antenna Equipment unreasonably affects the safety of the Owners or any other person, or for any other safety-related reason established by the Association, or (c) that is of a size larger than is permitted under the Antenna Laws. Reasonable restrictions which do not significantly increase the cost of the Antenna Equipment or significantly decrease its efficiency or performance may be imposed. No Antenna Equipment may be installed on a Condominium Unit, except as follows: (i) Antenna Equipment that is one (1) meter or less in length or diameter or diagonal measurement, provided that the location, color and screening requirements shall be in accordance with any guidelines imposed by the Association or the ACC referenced in this Declaration, which guidelines shall comply with all applicable Antenna Laws; or (ii) Antenna Equipment not covered under subpart (i) above, the installation of which shall be approved in advance by the Association or ACC. Nothing herein shall be construed to restrict in any manner the Declarant's or government agency's right to authorize a cable television franchisee or other provider of similar services to provide cable television, radio or other similar services to the Project.

4.5 Burning. Propane, electric powered barbecues or other similar equipment may be used on Balconies, Patios and/or Porches, so long as such use does not create a nuisance to neighboring Condominium Units. Fire pits shall not be allowed on Balconies, Patios or Porches. No Owner or resident shall permit any condition to exist in his/her Condominium Unit, including, without limitation, trash piles or weeds, which create a fire hazard or is in violation of local fire regulations.

4.6 Compliance with Project Documents. Each Owner, contract purchaser, lessee, tenant, guest, invitee or other occupant of a Condominium Unit or user of the Association Property shall comply with the provisions of the Project Documents, including the Association Rules.

4.7 Disclosure – California Energy Commission Duct Sealing & Testing Requirement. Based on climate zone maps issued by the California Energy Commission **("*CEC*"),** the Project is located in a designated climate zone in which properties are subject to duct sealing and testing requirements set forth by the CEC. According to the CEC, most California homes have improperly sealed central air conditioning and heating system ducts such that approximately thirty percent (30%) of the conditioned air actually leaks outside the home. In order to combat this waste of energy and money, the CEC updated its residential duct sealing and testing requirements in the Building Energy Efficiency Standards (Title 24). Previously, such duct sealing and testing was required only in certain CEC-designated climate zones when a central air conditioner or furnace is installed or replaced. **The revised standards now make duct sealing and testing mandatory in all California climate zones when such a system is installed or replaced**. Ducts found to leak more than 15 percent or more must be repaired. Once a contractor tests and fixes these ducts, you must have an approved third-party verifier determine that the ducts have been properly sealed. The CEC cautions homeowners that a contractor who fails to obtain a required building permit and fails to test and repair your ducts "is violating the law and exposing you to additional costs and

liability." If you do not obtain a permit, you may be required to bring your home into compliance with code requirements for that work and may incur additional penalties and fines that have to be paid prior to selling your home. Remember that you have a duty to disclose whether you obtained required permits for work performed to prospective buyers and appraisers. Local governments may mandate more stringent requirements. Please note there are specific alternatives that allow high-efficiency equipment and added duct insulation to be installed instead of fixing duct leaks. Please also be advised that there are separate regulations which govern duct insulation levels required by climate zone and HVAC system. For more information on these requirements, please contact the CEC or visit the official CEC's "Building Energy Efficiency Standards" portal at https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards.

4.8 Disclosure – Commercial/Industrial/Mixed Use Zoned Property. State law requires that the following notice be given: "The Project is located within one mile of a property that is zoned for commercial, industrial, or mixed use. This disclosure must be provided if a search of public records reveals even one parcel of property located within a one (1) mile radius of the Project that is currently zoned for commercial, industrial or mixed use whether or not that property is actually being used for such purposes."

4.9 Disclosure – Potential ERRC System. Declarant may be required by the City to install an Emergency Responder Radio Coverage system or "ERRC" system which requires radio coverage for emergency responders such as firefighters, police and paramedics, ensuring continuous and effective communication during emergencies. If installed, the ERRC system would include a speaker mounted on the roof of one or more of the Buildings, and if activated during an emergency may emit noises and announcements.

4.10 Disclosure – Supplemental Flood Hazard Zone. The Project is located within a flood hazard zone as designated by a local agency. Supplemental flood hazard zones are in addition to, or different from, areas mapped by the Federal Emergency Management Agency (FEMA) or the California State Office of Emergency Services. Flood hazard zones are areas which historically contain the conditions and type of topography and weather that makes it susceptible to localized flooding. Inclusion of the Project within a flood hazard zone may impact premiums and rates for insurance policies that an Owner or the Association may be required to obtain.

4.11 Disclosure – Train Tracks. Located along East Santa Ana Road which fronts the Project are railroad tracks primarily operated and maintained by Union Pacific Railroad but is also used by Amtrak and Metrolink for passenger train service. The streets used to exit and enter the Project are crossed by these railroad tracks. Thus, the streets leading in and out of the Project may be blocked by a train at any time during the day or night. Residents may expect to experience frequent delays accessing the Project. The railroad tracks may be utilized 24 hours per day, 7 days per week and do not follow any particular schedule, and the trains may be required to blow their whistles or blast their horns at their loudest decibel setting at every intersection, regardless of the time of day or day of the week. Such noise impacts may occur at any time of day or night and may cause significant sleep disturbance. Individual tolerance to noise and vibration caused by trains and these railroad tracks will vary by each individual and such noise and vibration may be considerably less tolerable at night to residents. Declarant has no control over, and no responsibility for, the use or scheduling of the trains and makes no representation or warranty on how noises and vibrations will impact residents of the Project.

4.12 Drainage. There shall be no alteration of the drainage patterns initially installed and constructed by Declarant including, without limitation, drainage swales, drain pipes, area drains, catch basins or connections thereto, and as established by the grading and natural course of surface and subsurface water run-off without the prior approval of the ACC, and any all necessary governmental approvals and permits. Drainage patterns, private storm drain lines and bio-retention areas shall not be altered or modified without prior approval from the City's Public Works Department.

This Declaration provides notice to the Association and each Owner to devote great care and attention to grading and to establish or Maintain positive drainage away from the entire foundation line of the Buildings. Positive drainage is achieved by shaping grades, establishing drainage "swales" or installing underground area drains. The swales and drains provide a receptacle and conduit to drain water away from the foundation, and the rear, side and front of the buildings to offsite drainage disposal. Swales also prevent drainage water from moving across Parcels or other property. This Declaration also provides notice to each Owner that if existing drainage swales established on or around your building are interrupted, blocked, filled, or otherwise altered serious damage can result. Drainage must not be allowed to pond in a yard or run against or under a building, foundation, garage floor, driveway or other Improvements. Serious damage may result even during a short period of time.

If a Condominium Unit or Building constructed by Declarant has a roof gutter system and downspouts which are directly connected to the Project's storm drainage system, the Condominium Unit and Building, as applicable, shall remain connected to the Project storm drainage system at all times; the Association and the Owners may not perform any Alteration which results in additional roof waters draining anywhere other than directly into the Project's storm drainage system.

4.13 Electrical Interference. No electrical or electronic devices, which may unreasonably interfere with television or radio reception of any Owner shall be located, used, or placed on any portion of the Project.

4.14 EV Charging Stations. Declarant may install an EV Charging Station (as referred to in California Civil Code Section 4745(d)) within the open/guest parking spaces in the Project, and if installed, the Association may charge a fee for use of the EV Charging Station. The costs of operating and Maintaining the EV Charging Stations, if installed, shall be part of the Regular Assessments payable by each Owner. Declarant may also install EV Charging Stations or pre-wiring for the installation of EV Charging Stations in each garage of a Condominium Unit, and each Owner shall be solely responsible for the Maintenance and costs of the EV Charging Station in his/her garage.

4.15 Exterior Apparatus. Notwithstanding the provisions of California Civil Code Section 4750.10, no exterior clotheslines or other outside clothes drying or airing facility shall be erected or Maintained on any Parcel, Condominium Unit or EUA in any location where the same would be visible from any street, Association Property or Condominium Unit. Further, no clothes washers, clothes dryers, refrigerators or freezers may be kept, stored, or operated from any exterior area of a Parcel, Condominium Unit or within EUA. Installation of umbrellas and outdoor furniture on Balconies, Patios and Porches may be limited and shall be subject to Association

Rules. Under no circumstances shall room additions or other appurtenances be allowed for any Condominium Unit.

4.16 Installation of Security Cameras. Subject to the approval of the ACC pursuant to ARTICLE VI of this Declaration, Owners may be allowed to install video cameras on the exterior of a Condominium Unit so long as the installation of such devices do not infringe, interfere or invade the privacy of neighboring Parcels, Condominium Units and residents, and utilize the exterior wall penetrations that existed when the Condominium Unit was constructed by Declarant. Additional video cameras will not be allowed to make new penetrations in the exterior walls and surfaces or be attached to the Building frame or structure.

4.17 Invitees. Each Owner shall be responsible for compliance with the provisions of this Declaration by the Owner's Invitees.

4.18 Liability of Owners for Damages. Each Owner shall be liable to the Association for all damages to the Association Property and/or Improvements thereon caused by such Owner, or any occupant or guest, regardless if that portion of said damage, if any, is fully covered by insurance of the Association. A Reimbursement Assessment (as set forth in ARTICLE IX of this Declaration) may be imposed on an Owner and his/her Condominium Unit for all damages to the Association Property. Liability of an Owner shall be established only after notice to the Owner and hearing before the Board, as set forth in Article XIII of the Bylaws.

4.19 Mailboxes. There shall be no exterior newspaper tubes or freestanding mailboxes placed on any Parcel, Building or Condominium Unit.

4.20 Mineral and Water Exploration. Owners are prohibited from exploring the Project for or to remove any water, oil, hydrocarbons or minerals of any kind.

4.21 No View Preservation. Pursuant to the Conditions of Approval, each Owner and resident of the Project are advised that the City does not have a view preservation ordinance and the views from each Condominium Unit and the Project may be and will be subject to change with maturing off-site landscaping (including trees), and the potential for future off-site buildings and other improvements.

4.22 Nuisances. No noxious, illegal or offensive activity shall be carried on upon any Parcel, Condominium Unit, Building, EUA, or in any part of the Project, nor shall anything be done thereon which may be or may become an annoyance or nuisance to or in any way interferes with the quiet enjoyment of each Owner's Parcel, Condominium Unit or the Association Property, or which may increase the rate of insurance for the Project or for any Condominium Unit, or cause any insurance policy to be canceled or to cause a refusal to renew the same, or which will impair the structural integrity of any building, structure or Improvement, or which will create a public nuisance. Likewise, uses and activities within the Project shall be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or Maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.

4.23 Parking and Vehicle Restrictions. All parking within the Project (including enforcement of parking by the Association) shall comply with the requirements of the City, the Conditions of Approval applicable to parking, and this Declaration. The Association shall enforce

its respective parking restrictions by all lawful means, including the levying of fines, citing and/or towing of any violating vehicle. The owner of a violating vehicle shall be responsible for all costs incurred to remedy the violation, including, but not limited to, towing, citations and legal fees.

4.23.1 Garages.

(a) Each Owner shall keep his/her garage area in a neat and orderly condition with any storage areas completely enclosed. In no event shall household storage preclude the parking of Authorized Vehicles in the garage, or result in the parking of Authorized Vehicles in other Permitted Parking Areas.

(b) Garages are designed to hold two (2) Authorized Vehicles parked either side-by-side or in tandem. Garages may not accommodate the parking of two large vehicles. Each Owner shall ensure that the Owner's vehicles will fit into the parking spaces of such Owner's garage, as Owners are prohibited from parking in open/guest parking spaces within the Project.

(c) Garage doors shall be kept closed when not in use.

(d) Garages shall not be converted to ADUs (unless permitted pursuant to Section 4.1 above, and ARTICLE VI herein), living quarters, kitchens, workshops or storage which will preclude the parking of the number of Authorized Vehicles for which the garage was designed to hold.

(e) Each Owner and resident, by accepting a deed to a Condominium, consents to voluntary inspections of the garage by the Association and the City to verify compliance with this Declaration.

4.23.2 Parking. Parking within the Project is limited. There will be twenty (20) open/guest parking spaces within the Project, two (2) of which are handicapped parking spaces.

(a) Authorized Vehicles shall not be parked anywhere in the Project except in Permitted Parking Areas, as set forth in this Declaration. Signage shall be installed prohibiting parking on fire lanes, alleys, drive aisles and in front of garages.

(b) The parking or storage of recreation vehicles such as RVs, boats, trailers, fifth wheels, ATVs, or any Prohibited Vehicles in any Permitted Parking Area or anywhere in the Project is strictly prohibited.

(c) All open parking spaces within the Project are considered Association Property, and its use is subject to Association Rules. Owners and residents are prohibited from parking in any open parking spaces, and such spaces are only for visitor/guest parking only. The Association shall establish a parking permit program for the guest parking spaces. For purposes of this Section, "guest" shall be defined as a person(s) who is invited to visit a resident(s) or take part in a function organized at a Condominium Unit for a period of not more than seven (7) consecutive nights.

(d) There are no driveways and there shall be no vehicles parked on any apron or entry parallel to a garage door, or in any of the private alleys, temporary or otherwise.

(e) Commercial Vehicles shall not be parked within the Permitted Parking Areas or the Project except for purposes of loading or unloading, and then for periods not in excess of six (6) hours. This restriction shall not apply to Commercial Vehicles involved in construction activities in the Project or Commercial Vehicles owned and operated by persons providing services during the time when the services are being rendered.

4.23.3 Enforcement.

(a) In addition to the remedies available under Section 10.2 of this Declaration, the Association may establish and implement rules and procedures from time to time under the California Vehicle Code and other statutes for the issuance of citations for violations of parking or vehicle restrictions set forth herein, for enforcement of civil penalties resulting from such citations through government authorities, if applicable, and for the removal and towing of any vehicles based on, but not limited to, California Vehicle Code Section 22658.

(b) The emergency vehicle access road shall not be obstructed in any manner including by the parking of any vehicles, or the use of traffic calming devices such as speed bumps, speed humps or other configurations. Approved signs or other notices prohibiting the use of the emergency vehicle access road shall be installed and Maintained by the Association.

(c) The Board shall also have the authority to promulgate as part of the Association Rules such further rules and restrictions regarding parking and vehicles within the Project as may be deemed prudent and appropriate.

4.24 Post Tension Foundations. The foundations of Buildings may be post-tension foundations which are interconnected among clusters of Condominium Units. Post-tension foundations involve placing steel cables under high tension in the concrete slab serving as the foundations of Buildings. Owners shall NOT make any Alterations, modifications, sawing, cutting, piercing, or drilling into the foundation of any Condominium Unit which may damage, impair or affect the structural integrity of the foundation. Owners shall not make any Alterations, modifications or install any Improvements that affect the post-tension foundation without prior written approval of the City. A written opinion from an engineer duly licensed by the State of California and qualified in post-tension foundations is required prior to the commencement of any work and if an Owner is uncertain if any particular action will impact or affect the foundation. If the question or uncertainty arises in connection with a request for approval of Alterations pursuant to ARTICLE VI of this Declaration, an engineer shall be agreed upon by the Association and the Owner who has requested approval of the Alterations, and the engineer shall issue a written report/findings acceptable to the Association. The cost of the engineer shall be borne entirely by the Owner who is requesting approval of the Alterations.

4.25 Power Equipment and Car Maintenance. No non-electrically powered power equipment, workshops (other than workshops that can be housed in a garage without necessitating or resulting in the parking of Authorized Vehicles on the private streets or other Permitted Parking Areas in violation of Section 4.23, above) or major car maintenance (defined as any repair or other work on a car that takes in excess of two (2) hours to complete) of any nature shall be permitted on the Project without prior written approval of the Board. In deciding to grant approval, the Board shall consider the effects of noise, air pollution, dirt or grease, fire hazard, interference with radio or television reception, and similar objections. Nothing in this Section shall prohibit the use and storage of hand gardening tools reasonably necessary for routine household and yard Maintenance and upkeep.

4.26 Prohibition of Dumping Oil and Chemicals. Owners and residents are strictly prohibited from disposing of crank case oil and other chemicals in storm drains. Owners and residents are also cautioned in the practice of fertilizing and then over-watering lawns and landscaping resulting in run-off into the storm drains. Owners and residents shall exercise the best methods to prevent the disposal of crank case oil and other chemicals and run-off from over-watering lawns and landscaping because of the adverse environmental effects of such actions.

4.27 Rental of Condominium Units. Except where expressly prohibited by some other agreement or written instrument including, but not limited to, an owner occupancy agreement, Owners may lease or rent his/her Condominium Unit. However, no Condominium Unit may be rented or leased for transient or hotel purposes which shall include, but not be limited to, rental for any period less than thirty (30) days. All leases must be in writing and be expressly subject to the Project Documents, including the Association Rules, and the breach of any provision shall be a default under the lease or rental agreement. Subject to the foregoing restrictions, Owners shall have the right to lease their Condominium Unit, provided that the Board is notified of the name of the tenant and the duration of the lease. The Owner shall provide the tenant/lessee with a copy of the Project Documents.

4.28 Restrictions on Balconies, Patios and Porches. No storage of any kind shall be permitted on Balconies, Patios or Porches with the exception of normal and customary furniture and propane operated barbeques only. Owners shall not attach or secure any equipment to the walls enclosing Balconies, Patios and Porches, and there shall be no permanent ground floor covers on the Patios and Porches. In order to protect the surface of the Balcony, including the waterproof membrane surface, coasters shall be placed on all barbeque, table and chair legs, and the barbeque heat source shall be placed no closer than twenty-four inches (24") from the floor surface of the Balcony. Awnings, trellises and other large outdoor covers are prohibited, but stand up umbrellas and other outdoor furniture are allowed. Potted plants and planters must be raised off of the surface and coasters must be placed on all plant stand legs and wheels. Balconies shall not be used for storage, and personal items may not be draped over the railings. Owners must take appropriate precautions to prevent the waterproof membrane surface from being penetrated by sharp objects. If the waterproof membrane surface is damages, Owners must promptly notify the Association. If any repair or replacement was due to negligence or fault of an Owner or resident, the Association may impose a Reimbursement Assessment for the costs and expenses.

4.29 Restrictions on Business.

4.29.1 Generally. Except as may be allowed or restricted in this Declaration, or for uses on or within Condominium Units permitted by local ordinances or state or federal law, the construction of Improvements and the business of Declarant or Land Banker in completing the development and sale of Condominium Units in the Project, no Owner or other occupant of a Condominium Unit may undertake any activity in or on any Condominium Unit, nor use any portion of the Project for any business, commercial or non-residential purposes, nor for any other purpose that is inconsistent with the Project Documents. Such purposes including manufacturing, storage, vending, auctions, vehicle or equipment repair, entering into any lease or rental agreement under which the Condominium Unit would be occupied by numbers of persons in excess of the maximum occupancy permitted under applicable law, and transient occupancy of the Condominium Unit (such as hotel, inn, bed & breakfast, hostel, vacation rental, time-share or similar temporary lodging). Any lease or rental agreement for a term of fewer than thirty (30) days, and any lease or rental agreement pursuant to which the lessor provides any services normally associated with transient occupancy, shall be deemed to be for transient purposes and prohibited under this Declaration. All of the foregoing activities are prohibited whether they are engaged in full-time or part-time, whether they are for-profit or non-profit, and whether they are licensed or unlicensed.

4.29.2 Exceptions. This Section shall not be interpreted to prohibit any of the following:

(a) The hiring of employees or contractors to provide Maintenance services that are consistent with the Project Documents;

(b) Rental or leasing of a Condominium Unit to Declarant for use as a sales office, Model Unit or parking area for any period of time;

(c) Exercise by Declarant and/or Land Banker of any rights reserved to them under this Declaration;

(d) Home-based business uses conducted solely within Condominium Units that are permitted by local ordinances or state statute, is compliant with all laws and regulations (including zoning, health and licensing requirements), no signage of the business is posted anywhere within the Condominium Unit, any building, or the Project, and such business uses are homogenous with the residential use of the Condominium Unit, and is free of adverse conditions to the residents of all other Condominium Units and the Project.

(e) The provision of in-home health care or assisted living services to any resident of the Condominium Unit;

(f) The provision of family home child care services as defined in California Health and Safety Code Section 1597.40, *et seq.*, as may be amended, so long as such services comply with all applicable state and local laws including, without limitation, licensing, inspection and zoning requirements;

(g) Small home-based service business that comply with all of the following:

(i) The operator of the business lives in the Condominium Unit on a permanent full-time basis;

(ii) When conducted within the Project, business activities take place solely inside the Condominium Unit;

(iii) The business does not generate in-person visits by suppliers or clientele;

(iv) The business complies with all laws, regulations and ordinances applicable to the Project including, but not limited to, zoning, health and licensing requirements;

(v) The business otherwise complies with the Declaration and is consistent with the residential character of the Project;

(vi) The operator of the business posts no business-related signage anywhere on the any building, Parcel, Condominium Unit or anywhere in the Project;

(vii) There is no visible evidence in the Project of the business;

(viii) The business does not generate noise or odors that are apparent outside the Condominium Unit; and

(ix) The business does not increase the Association's liability or casualty insurance obligation or premium.

(h) Other activities that have been determined by governmental authorities to be consistent with the single-family residential uses in the Project including, for example, residential care facilities that are operated in accordance with California Health and Safety Code Section 1566.5, as may be amended.

4.30 Restrictions on Smoking. Owners of Condominiums, and their residents and guests are prohibited from smoking cigars, cigarettes, hookah, pipes or other lighted or heated tobacco, vapes, e-cigarettes, or any other device intended for inhalation in any manner or in any form in the interior of the Condominium Unit. In addition, unless the Association establishes a designated smoking area within Association Property, there shall be no smoking in any Association Property area.

4.31 Signs and Flags. Subject to the provisions of California Civil Code Sections 4705 and 4710, the Association Rules and the City's sign regulations, no signs or flags of any kind shall be displayed from view on or from any Parcel, Condominium Unit, Association Property or any portion of the Project without the approval of the Association, except as follows (subject to any Association Rules): (a) non-commercial signs or posters not to exceed nine (9) square feet in size

may be displayed from a Condominium Unit; (b) non-commercial flags or banners not to exceed fifteen (15) square feet in size may be displayed from a Condominium Unit; (c) one sign of customary and reasonable dimensions, not to exceed four (4) feet in height and four (4) feet in width, advertising a Condominium Unit for sale, lease, rent or exchange may be displayed from a Condominium Unit; (d) such signs as may be used by Declarant or its assignees in connection with the Project and sale of Condominium Units; or (e) such other signs or notices as are required by law.

4.32 Solar Energy Systems. Declarant intends to install a Solar Energy System on the roof to serve each Condominium Unit. Owner and the solar company shall be solely responsible for Maintenance of the Solar Energy System. Declarant does not warrant, promise, represent or guarantee that the Buildings or Condominium Units will be "solar-ready" for any particular type or manufacturer of Solar Energy Systems, or that it will be compatible for Solar Energy Systems in the future. Declarant shall not be responsible for any damage caused to or resulting from any Solar Energy System if installed by someone other than Declarant or authorized by Declarant. The Association will not be Maintaining any Solar Energy System installed on a Building. Each Owner of a Condominium Unit and the solar company shall be solely responsible for temporarily removing and reinstalling the Solar Energy System if the Association requires such removal to Maintain any portion of the Building, as set forth in Section 5.2.4 of this Declaration. Notwithstanding, and in accordance with California Civil Code Sections 714 and 714.1 each Owner may install or use a Solar Energy System, as defined in California Civil Code Section 801.5, to serve his or her domestic needs, so long as (a) the design and location of the Solar Energy System meets the requirements of all applicable governmental ordinances, regulations, and the Conditions of Approval, and (b) the design and location receives the prior written approval of the ACC (or the Board, if the ACC does not exist). This Section, however, does not entitle any Owner to install a Solar Energy System on any Building or anywhere in the Project if such installation potentially threatens, impedes or impairs the Association's ability to Maintain any Building, Association Property, Association Maintenance Areas, or other areas that the Association is obligated to Maintain pursuant to this Declaration.

4.33 Solar Shade Restrictions. No Owner nor the Association shall allow a tree, shrub, structure or other Improvement to be placed or, if placed, to grow so as to cast a shadow in violation of the standards set forth in the Solar Shade Control Act (California Public Resources Code Section 25980, et seq.). The Owner or the Association, as circumstances warrant, shall bear the burden of calculating compliance of any such tree, shrub, structure or other Improvement with the provisions of California Public Resources Code Section 25982. The restrictions of this Section 4.33 do not apply to the Buildings as may be originally constructed by Declarant, a tree, shrub, structure or other Improvement that had been growing or installed prior to the installation of a Solar Energy System or to the replacement of a tree, shrub, structure or other Improvement that had been growing or installed prior to the installation of a Solar Energy System and which, subsequent to the installation of the Solar Energy System, dies or is removed for reasons of public health or safety. Approval by the ACC of the installation of particular trees, shrubs, structures or other Improvements on a Parcel adjacent to a Solar Energy System or the installation of trees, shrubs, structures or other Improvements by the Association on Association Property adjacent to a Solar Energy System shall not be deemed to waive or alter the provisions of this Section 4.33, and the ACC shall not be liable to the Owner of the Solar Energy System for any such approval.

4.34 Sound Transmissions and Attenuation. No Condominium Unit shall be altered in any manner that would increase sound transmissions, resonances or reverberations to any adjoining or adjacent Condominium Unit(s) including, but not limited to, replacement, modification or penetration of any flooring, floor covering, ceiling or wall, installation or recessed lighting, stereo speakers or the penetration of any floor, ceiling or wall the increases sound transmissions, resonances or reverberations to any other Condominium Unit. Unless installed by Declarant, Owners are specifically prohibited from installing "built-in" speaker systems that penetrate ceilings and walls, and mounting any television or video screen to walls that are directly adjacent to another Condominium Unit. Any Alterations to the flooring and floor coverings (including hard surface or wood flooring in lieu of carpeting) and/or the installation of televisions, video screens, speakers or home theater systems in the interior of a Condominium Unit by an Owner (other than Declarant) requires approval from the ACC, as set forth in ARTICLE VI of this Declaration, and the ACC shall not approve any such installation unless there is an appropriate level of acoustical separation designed and approved by a licensed engineer.

4.35 Sports Apparatus. No basketball standard, fixed sports apparatus, skateboard or bicycle ramps or similar equipment shall be attached to the exterior of any Building or erected, constructed or placed on any Association Property. The purpose of this restriction is to maintain uniformly high aesthetic standards, and to preserve the quiet enjoyment of the respective Condominium Units by the Owners thereof.

4.36 Storage of Waste Materials. Trash, recycling and organic waste will be disposed of in shared bins in covered trash enclosures in two (2) locations within the Project (collectively, the "***Community Trash Areas***"). Condominium Units will not have their own separate waste bins. Each resident/occupant of the Project shall be required to take their trash, recycling and "organic" waste to the Community Trash Areas. Each Community Trash Area will have an area for bulky item pick-up. The costs of the collection of trash, recycling and organic waste will be incurred by the Association and charged to Owners as part of their Regular Assessments. No rubbish, trash, garbage or other waste material shall be kept or permitted in any Condominium Unit except in appropriate sanitary containers, and shall be regularly removed from the Condominium Unit. Storage piles shall not be kept in EUA, and there shall be no unenclosed storage anywhere within the Project. Owners of Condominium Units are strictly prohibited from using attic spaces for storage of personal property or any materials, and access to attic spaces from within the Condominium Unit shall be kept clear.

4.37 Structural Integrity. Nothing shall be done in or on any Parcel, Building, or Condominium Unit by an Owner that will impair the structural integrity of any Parcel, Condominium Unit, Building or any other structure or Improvement.

4.38 Sub-metering for Water. Each Condominium Unit will have installed a domestic water sub-meter. The Association shall allocate to each Owner of a Condominium the costs of water usage provided to the Owner's Condominium Unit. The allocation for each Condominium shall be determined by actual usage, based on sub-meter readings for each Condominium Unit, and shall be billed to each Owner at the same rate that the Association pays for water services. The amount of the water surcharge assessment shall include any service charge imposed by any company retained by the Association to perform the sub-meter readings or billings. The amount of the water surcharge assessment shall be billed to the Owner either directly by the Association

or by a company retained by the Association to perform the sub-meter readings, determine the appropriate charges or collect the water surcharge assessments on the Association's behalf. The total amount of all water surcharge assessments may not exceed the total amount of the water charges actually paid by the Association plus the service charges paid for by the Association to read the sub-meters, determine the water surcharge assessments and bill the water surcharge assessments. Water surcharge assessments are "Assessments" and are payable and enforceable in the same manner as Regular Assessments are payable and enforceable under ARTICLE IX of the Declaration.

4.39 Use and Occupancy. Except as may be allowed by local ordinance, no Parcel, Condominium Unit or EUA, or any portion thereof, shall be occupied and used except for single family residential purposes by the Owners, their contract purchasers, lessees, tenants, or social guests. No trade, retail business or commercial activity shall be carried on or conducted within any Parcel, Condominium Unit or Association Property, except that Declarant, its successors or assigns, may use any Parcel, Condominium Unit or Association Property in the Project owned by Declarant for a Model Unit and display and sales office during construction and until the last Condominium is sold by Declarant. The provisions of this Section shall not prohibit home offices so long as they are merely incidental to the use of the Condominium Unit as a dwelling, are permitted by local law, are conducted in such a manner as to not adversely affect other Owner's use and enjoyment of the Project, and have received prior written approval of the Board.

4.40 View Obstructions. Each Owner, by accepting title to a Condominium Unit, hereby acknowledges that (a) there are no protected views within the Project, and no Condominium Unit is assured the existence or unobstructed continuation of any particular view or any particular source of natural light, and (b) any construction, landscaping, or other installation of improvements by Declarant or other Owners may impair the view from any Condominium Unit. The Owners hereby consent to such impairment of views or sources of natural light.

4.41 Window Coverings. The interiors of windows shall be covered by drapes, shades, shutters or other window coverings and shall not be painted or covered by foil, cardboard or other similar material. Any drapes or other window covering installed in compliance with the Design Guidelines may remain for the useful life thereof. All window coverings must be installed on all windows visible from the streets serving the Project within ninety (90) days after conveyance of title to the Condominium Unit by Declarant, unless the Design Guidelines provide otherwise. In addition, exterior window coverings such as safety/security bars, awnings, screens or shutters will not be allowed to be installed. All window coverings visible from other Condominium Units or Association Property shall be of a material, design and color which, in the opinion of the Board or ACC, is compatible with the exterior design and coloration of adjacent portions of the Project, including other Condominium Units.

ARTICLE V

MAINTENANCE OBLIGATIONS

5.1 Maintenance of Association Property. The Association shall Maintain or provide for the Maintenance of all Association Property and Improvements thereon. The Association shall keep all Association Property and Improvements thereon in good condition and repair, and provide

for all necessary services and cause all acts to be done which may be necessary or proper to assure the Maintenance of the Association Property in first class condition. The Association is prohibited from relinquishing its obligation to Maintain the Association Property without the prior written consent of the City. A general, non-exclusive list allocating Maintenance responsibility of the Association is identified on **Exhibit B**, attached hereto and incorporated herein by reference. The Association's Maintenance Obligations shall include, but not be limited to, the following.

5.1.1 Private streets, alleys, and sidewalks within the Project, and private street signs and approved access gates. All paved areas shall be Maintained clean and free of oil stains and pressure washed as needed to Maintain the areas in a clean and orderly manner.

5.1.2 Private sewer, private storm drain Improvements.

5.1.3 The Buildings including, but not limited to, roofs, gutters, siding, foundations, and railings on Balcony, Patio and Porch surfaces (but excluding the exteriors of windows, sliding glass doors and other glass surfaces, and HVAC).

5.1.4 Compliance with the WQMP including all drainage devices. BMPs shall be incorporated to effectively prevent the entry of pollutants into storm water runoff. The Association shall be responsible for complying with the WQMP. The basins or swales and media filters located within the Association Property shall be Maintained to ensure the stormwater treatment measures do not impair the usability of said Association Property

5.1.5 Any and all pipes, lines, ducts and other equipment located within the UCEs, but excluding therefrom any Utilities EUA.

5.1.6 The Offsite Maintenance Areas, as defined in Section 2.11 herein, which Maintenance shall include (a) normal care and irrigation; (b) repair and replacement of plant materials (including interior and street trees); (c) irrigation systems, as necessary; and (d) general clean-up of the landscaped and open areas.

5.1.7 Restoring any special surface Improvements (other than asphalt paving) within any right-of-way, public utility easement or City easement area including, but not limited to, colored concrete, bricks, pavers, stamped concrete, walls, decorative hardscape, or landscaping that becomes damaged during any excavation, repair or replacement of City-owned water facilities.

5.1.8 The private storm drain system, private sanitary sewer system, electric power service, meters, and asphalt paved area located within the Association Property and through Parcels up to the meters, splice boxes, or other connections that will exclusively serve a Condominium Unit, with the exception of items and services provided by the City.

5.1.9 All private water mains, lines, pipes and associated Improvements up to the meter serving each Condominium Unit.

5.1.10 All Improvements in Association Property located within private storm drainage easements, as shown on the Map, and removal of blockages so long as the blockage is in the Association Property.

5.1.11 Maintain all private street lights, alleys, drive aisles, approved access gates, open parking striping and markings, and identifying devices or signs for guest and disabled access spaces.

5.1.12 The Association shall not be liable to any Owner or resident for any damage claimed to have been suffered or incurred to any landscape Improvements installed by an Owner or resident in the areas to be Maintained by the Association therein.

5.2 Maintenance of Exclusive Use Areas. To the extent that any Owner fails to Maintain the Exclusive Use Areas as set forth herein, or if any recoating, resurfacing, repairs to the coatings/surfaces or enclosures, structural repair and/or replacement work is necessitated by the willful or negligent acts of the Owner, his/her family, guests or invitees, the costs of such special restoration or repairs shall be chargeable to the Owner as a Reimbursement Assessment for said costs, as provided in ARTICLE IX.

5.2.1 Balcony. Owners of Condominium Units shall perform cosmetic Maintenance, upkeep, cleaning and sweeping (as needed) to the surfaces, flooring and railings or walls enclosing the Balcony appurtenant to his/her Condominium Unit. Balcony areas shall be kept free and clear of any unnecessary debris and Maintained in an orderly fashion at all times. The Association shall be responsible for structural repair and/or replacement of the Balcony.

5.2.2 Patios. Owners shall be solely responsible for the cosmetic Maintenance (including cleaning and sweeping as needed) of the Patio including the walls and gates enclosing the Patio appurtenant to his/her Condominium Unit, as applicable. .

5.2.3 Porches. Owners shall be solely responsible for the cosmetic Maintenance (including cleaning and sweeping as needed), of the Porch appurtenant to his/her Condominium Unit.

5.2.4 Solar Energy Systems. Owners shall be solely responsible for the Maintenance of the Solar Energy System serving his/her Condominium Unit. Any Maintenance, repair, replacement or inspection of a Solar Energy System (collectively, "***Solar Work***") shall be in compliance with this Section:

(a) Solar Contractors. Any Solar Work shall be performed by an actively California-licensed, bonded and adequately insured contractor who is trained and certified to perform the Solar Work ("***Solar Contractor***") and shall, at all times while performing any Solar Work, maintain insurance as may be required by the Association Rules. The Association shall have the right to impose additional requirements on a Solar Contractor in order to assure that any Solar Work will be performed in a safe manner and in compliance with all applicable laws.

(b) Liens. No Owner shall permit or allow to be enforced against the Association, Association Property or any Condominium Unit not owned by Owner, any mechanics', materialmen's, contractors' or subcontractors' liens, claims or demands arising from the activities of Owner or his/her agents within the Project, or any portion thereof.

(c) Fixture Filings. Any fixture filings made by an Owner's Solar Contractor shall be recorded against such Owner's Condominium Unit, and shall not encumber any other Condominium Unit, any Association Property or any portion of the Project.

(d) Association Roof Work. Owner agrees that performance of any Solar Work shall not interfere with the Association's Maintenance of the roof on or any portion of the Building ("***Building Work***"). If the Association has to perform Building Work, Owners shall cooperate with the Association in the removal of the Solar Energy Systems in accordance with the Association Rules. Temporary removal of a Solar Energy System shall be subject to any agreement between the Owner and solar provider, provided, however, that the Association shall have the right to require an Owner to remove a Solar Energy System at the Owner's sole cost and expense or the Association (at its sole and absolute discretion) shall have the right to remove the Solar Energy System and to charge the individual Owner whose Solar Energy System is removed for the costs and expenses associated with such removal and replacement as a Reimbursement Assessment.

(e) Owner Responsibility for Damage. Each Owner assumes full responsibility for any damage resulting to persons or property, to any portion of Association Property, such Owner's Condominium Unit or any other Condominium Units in any Building, the roof of or any other portion of the applicable Building or property owned by the Association or other persons caused by the Solar Work including, without limitation, damage to the structural integrity, water-tight properties, durability, load capacity, roof Maintenance expenses or useful life of the roof of the Building. The applicable Owner is liable for any personal injury or damage occurring to the roof or any other portion of the applicable Building or any other Association Property arising from or related to any Solar Work caused, authorized or otherwise permitted by such Owner.

(f) Interruption of Service. Owner agrees that the Association shall not be liable for any interruption in service or for interference with the operation and function of the Solar Energy System when the Association Maintains the roof or other portions of the applicable Building.

(g) Indemnification. Each Owner consents and agrees to indemnify, protect, defend and hold the Association and all other Owners of Condominiums in the Project, and their respective successors and assigns, and its officers, directors, successors and assigns, the property management company for the Association entirely free and harmless from and against any and all claims, costs, expenses, liabilities, actions and damages including, without limitation, attorney's fees and costs and costs of enforcing this indemnification (collectively, "***Solar Claims***") arising from or attributable to any acts or omissions of such Owner, the Solar Contractor, or any of their respective heirs, personal representatives, successors, assigns, officers, agents, employees, subcontractors, or material suppliers arising out of or based upon any Solar Work. This indemnity does not include any Solar

Claims to the extent they arise out of the gross negligence or willful misconduct of the Association or any other Owner.

5.2.5 Utilities. Owners shall be solely responsible for the Maintenance and working condition of the Utilities EUA that serves his/her/their Condominium Unit. Such Maintenance shall include, but not be limited to, the platform upon which HVAC equipment sits (but excluding any landscaping used for screening the HVAC which landscaping shall be Maintained by the Association), fire sprinkler system, water, and plumbing and electrical lines, pipes, conduits, etc., no matter where located, including the walls.

5.3 Maintenance of Condominium Units. Except as otherwise set forth in Declaration and in addition to other provisions herein, each Owner shall be responsible to Maintain Improvements as set forth in this Section. A general, non-exclusive list allocating maintenance responsibilities of Owners for certain components and areas of the Condominium Units are identified on **Exhibit B**, attached hereto and incorporated herein by reference.

5.3.1 Condominium Units. Each Owner shall Maintain the interior surfaces of his/her Condominium Unit in good condition and repair, including, but not limited to, the following:

(a) All fixtures, appliances, appurtenances and fireplaces, if any;

(b) Maintain, paint, paper, panel, plaster, tile and finish the interior surfaces of the ceilings, floors, and the perimeter walls of the Condominium Unit, and the bearing walls within the Condominium Unit;

(c) Repair, paint, finish, alter, substitute, add or remove any fixtures and utility connections attached to ceilings, floor or walls, including fireplaces, toilets, showers, bathtubs, sinks, kitchen appliances, lighting and plumbing fixtures, telephone facilities, doors and windows within the Condominium Unit;

(d) Maintenance of the interior plumbing of the Condominium Unit up to and including the cleanout serving the Condominium Unit;

(e) Maintain the interiors and exteriors of any skylights, windows, sliding glass doors, and other glass surfaces of the Condominium Unit; and

(f) Maintain doors, hardware, locks and screens covering doors and windows of the Condominium Unit, and garage doors.

5.3.2 Failure of Owner to Maintain. If an Owner fails to Maintain his/her Condominium Unit and other Improvements, as provided herein, in a manner which the Board reasonably deems necessary to preserve the safety, appearance and/or value of the Project, the Board may notify the Owner of the work required and request that it be done within a reasonable and specific period. If the Owner fails to perform such Maintenance within said period, the Board shall, subject to the notice and hearing requirements set forth in the Bylaws, have the right to enter the Condominium Unit to cause such Maintenance

work to be performed. The costs of any such Maintenance shall be charged as a Reimbursement Assessment to the Owner as provided in ARTICLE IX hereof. Notwithstanding the foregoing, in the event of an emergency arising of the failure of an Owner to Maintain his/her Condominium Unit, the Board shall have the right, through its agents and employees, to immediately enter the Condominium Unit to abate the emergency and individually charge the cost thereof to such Owner.

5.4 Maintenance of Walls. The Association shall Maintain all perimeter walls and fences surrounding the Project, fencing and walls surrounding Association amenities, if any, and any walls or fences separating Condominium Units from Association Property.

5.5 Maintenance of Fire Sprinkler System. Each Owner shall be solely responsible for the Maintenance and operating condition of the fire sprinkler system (including the lines, pipes and conduits within the Fire System Easement), the fire sprinkler heads, smoke detectors and other life safety systems within the Condominium Unit. The Association shall have a discretionary right to enter and inspect each Condominium Unit to determine that each Owner is fulfilling its obligation to Maintain the fire sprinkler system that serves the Condominium Unit, and to compel compliance if an Owner has failed to properly Maintain the fire sprinkler system.

5.6 Maintenance of Drainage Systems. The Association shall be required to comply with and fulfill all requirements, obligations, duties and standards set forth in the WQMP approved by the City for the long-term management, maintenance and operation of the BMPs and storm water improvements applicable to the Project so as to preserve and keep in good working condition the storm water systems throughout the Project.

5.7 Termite and Wood Destroying Pests Eradication. If determined by the Board to be economically feasible, the Association shall adopt an inspection and prevention program for the prevention and eradication of infestation by wood-destroying pests and organisms for Condominiums in the Project. If the Association adopts such a program, the Association, on no less than fifteen (15) nor more than thirty (30) days' notice, may require each Owner and occupants to vacate the Condominium Unit to accommodate the Association's efforts to eradicate such infestation. The notice must state the reason for the temporary relocation, the date and time of the commencement of the treatment, the anticipated date and time when the treatment will be completed, that the occupants will be responsible for arranging and paying for their own accommodations during the temporary relocation, and that the Association shall not be responsible for any costs associated with the temporary relocation. Any damage caused to a Condominium Unit by such entry by the Association shall be repaired by the Association. All costs associated with the inspection and preventative program and the repair and replacement of Association Property and Improvements thereon in exercising the rights set forth in this Section may be charged as a Special Assessment.

5.8 Enforcement of Maintenance Obligations. If any Maintenance work identified in this ARTICLE V (including blockage of private sewer lines) is necessitated by the acts and/or omissions of the Owner, his/her family, guests or invitees, regardless if said acts and/or omissions were willful or negligent, the costs of such special restoration or repairs shall be chargeable to the Owner as a Reimbursement Assessment as provided in ARTICLE IX.

5.9 Utility Bills. Payment of any utility (e.g., water, electricity) bills for Association Property and Association Maintenance Areas are the obligation of the Association.

5.10 Other Association Obligations. The Association shall contract with a professional management firm to handle Maintenance operations.

5.11 Inspection and Maintenance Guidelines. The Association and each Owner shall adopt and comply with the inspection and Maintenance guidelines for all Improvements as set forth in the WQMP (including, but not limited to, Parcels, Condominium Units and Association Property, etc.) for the periodic inspection and Maintenance of the Association Property Improvements and any other Improvements that the Association is obligated to Maintain. The Association's inspection and Maintenance guidelines shall include a plan for litter control, street sweeping and cleaning of all storm drain inlets.

ARTICLE VI

ARCHITECTURAL REVIEW AND APPROVAL PROCEDURES

6.1 Formation and Composition of ACC. The ACC shall be formed and shall consist of at least three (3) but no more than five (5) Members. Until the first anniversary of the issuance of the Final Public Report for the first Phase of the Project, Declarant may appoint all of the original members and any replacements of the ACC. After the first anniversary of the issuance of the Final Public Report for Phase 1 of the Project, the Board shall have the power to appoint at least one member to the ACC. Declarant shall have the power to appoint a majority of the members of the ACC until ninety percent (90%) of all Condominium Units in the Project have been sold or until the fifth (5^{th}) anniversary of the issuance of the Final Public Report for the first Phase of the Project, whichever occurs first. Upon the sale of ninety percent (90%) of all Condominium Units in the Project or the fifth (5^{th}) anniversary date of the original issuance of the Final Public Report, whichever occurs first, the Board shall have the power to appoint all of the members of the ACC. In the event of death or resignation of any member of the ACC, the successor shall be appointed by the person, entity or group which appointed such member until Declarant no longer has the right to appoint any members to the ACC, and thereafter the Board shall have the full authority to designate such a successor. The members of the ACC shall not be entitled to any compensation for services performed pursuant hereto.

6.2 Duties of the ACC. The ACC shall review and approve, conditionally approve, or deny all plans, submittals, applications and requests made or tendered to it by Owners or their agents for any Alterations, pursuant to the provisions of this Declaration. In connection therewith, the ACC may investigate and consider the architecture, design, layout, landscaping, energy conservation measures, water conservation measures, fence detail, and other features of the proposed Alteration, modification or Improvement. With the consent of the Board, the ACC may hire and the Association shall pay consulting architects, landscape architects, urban designers, engineers, inspectors, and/or attorneys in order to advise and assist the ACC in performing its duties, the costs of which may be passed on to the Owner submitting an application to the ACC for approval.

6.3 Design Guidelines. The Design Guidelines shall interpret and implement the provisions of this Declaration by setting forth the standards and procedures for architectural materials, landscaping, fences, and similar features which may be used in the Project; provided, however, that the Design Guidelines shall not be in derogation of the minimum standards established by this Declaration. The Design Guidelines may include a schedule of fees for processing submittals (which shall not exceed the amount necessary to defray all costs incurred by the ACC in processing the submittals) and establish the time and manner in which such fees shall be paid. The Design Guidelines shall constitute Association Rules.

6.4 Submission of Plans. No Alterations, Building, fence, wall, obstruction, screen, window, awning, landscape change or structure of any kind shall be commenced, erected or Maintained upon the Condominium Unit by any Owner(s), including Alterations to facilitate access for persons who are blind, visually handicapped, deaf or physically disabled, nor shall any Alterations or modification of Declarant-installed Improvements by any Owner(s) of any kind be made to the exterior thereto until the same has been approved in writing by the ACC. Plans and specifications showing the nature, kind, shape, color, size, materials and location of such Improvements, Alterations, etc., shall be submitted to the ACC for approval as to quality of workmanship and design and harmony of external design with existing structures, and as to location in relation to surrounding structures, topography, and finish grade elevation. No Owner shall construct or place, and the ACC shall not approve, any building, fence, wall, obstruction, screen, window, awning, landscaping or structure of any kind that blocks or materially interferes with the views from any other Owner's Condominium Unit. Owners are prohibited from installing, constructing, altering or modifying the exteriors of Parcels and/or the Condominium Units without the express written approval of the ACC and the Board. All proposed Alterations contained in this ARTICLE VI shall meet the Design Guidelines, and the Conditions of Approval of the City.

6.5 Basis for Review. The ACC may approve the proposal or application only if the ACC finds that (a) the plans and specifications conform to this Declaration and to the Design Guidelines in effect at the time the proposal was submitted, and (b) the proposed Alteration, modification or addition will be consistent with the standards of the Project and the provisions of this Declaration as to harmony of exterior design, visibility with respect to existing structures and environment, and location with respect to topography and finished grade elevation.

6.6 Form of Approvals, Conditional Approvals and Denials. All approvals, conditional approvals and denials shall be in writing. Any denial must state the reasons for the decision. The failure of the majority of the ACC to act within sixty (60) days after the plans have been submitted to it shall constitute approval.

6.7 Reconsideration of Denial of Application. If the ACC denies an application for Alterations, modifications, *etc*., to a Condominium Unit, the decision may be appealed to the Board of Directors for reconsideration, unless the denial was made by the Board exercising the duties of the ACC, as set forth in Section 6.2, above, in which case, there shall be no right to reconsideration of the denial. An appeal by an Owner whose application was denied by the ACC shall follow the procedures set forth below:

(a) The appeal shall be in writing and must identify the grounds upon which the appeal or reconsideration is made to the Board.

(b) The appeal shall be delivered (pursuant to California Civil Code Section 4035) to the Board within sixty (60) days after the date of the ACC's written notice to the Owner denying the proposed Alterations, modifications, etc.

(c) The Board shall schedule a meeting within forty-five (45) days of receipt of the written appeal to allow the Owner an opportunity to be heard on his/her request for reconsideration, unless the parties mutually agree to a date beyond or less than the forty-five (45) day period.

(d) Unless expressly requested by an Owner, the meeting with the Board concerning the appeal of the ACC's decision shall not be held in executive session.

(e) The Board shall issue its decision in writing to the Owner within thirty (30) days after the date of the meeting, and said written decision shall be delivered in any manner allowed by California Civil Code Section 4040.

(f) The Board's decision on appeal shall be final, and not subject to further reconsideration by the Board.

6.8 Proceeding with and Completion of Work. Upon approval of the ACC, the Owner shall diligently proceed with commencement and completion of all work so approved. Work must be commenced within one (1) year from the date of approval. All work approved by the ACC must be completed within eighteen (18) months from the date of approval. If the Owner fails to comply with the provisions of this Section, the approval given shall be deemed revoked unless the ACC extends the time for commencement. Any request for an extension, and decision, shall be in writing. No extension shall be granted unless the ACC finds that there has been a material change in the circumstances under which the original approval was granted, or completion is impossible, or would result in great hardship to the Owner due to strikes, fires, national emergencies, natural calamities or other supervening forces beyond the Owner's control.

6.9 Compliance with Approval. If the ACC determines that an Owner has not constructed the Alterations or Improvements consistent with the specifications of the approval granted or within the time permitted for completion and if the Owner fails to remedy such non-compliance in accordance with the directives or orders of the ACC, the Board shall provide Notice and Hearing, pursuant to the Bylaws, to consider the Owner's continuing non-compliance. If the Board finds that there is no valid reason for the continuing non-compliance, the Owner shall have forty-five (45) days from the date of the Board's decision to remedy or remove the non-compliance. If the Owner fails to comply with the Board's directive or order, the Board, in its discretion, may either remove the non-complying Improvement or Alteration, remedy the non-compliance, or compel compliance pursuant Section 10.2 of this Declaration. The costs of such action shall be assessed against the Owner as a Reimbursement Assessment.

6.10 Compliance with Governmental Agency Procedures. Each Owner who seeks approval for Alterations shall first obtain written approval from the ACC prior to any approvals,

permits, *etc*., required by the City, County or any other governmental agency for permission to permitting the start grading, demolition, construction, landscaping and/or any other work. In addition, to the extent that any Alterations (including any Alterations proposed to be made by the Association) constitute major modifications to the City-approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans.

6.11 Waiver. Approval or conditional approval of any plans, drawings or specifications for any Alterations proposed, or for any other matter requiring approval shall not be deemed to constitute a waiver of any right to deny approval of any similar plan, drawing, specification or matter subsequently submitted for approval.

6.12 No Liability. Neither Declarant, the Association, the Board or the ACC nor the members or designated representatives thereof shall be liable for damages to anyone submitting plans and specifications to them for approval, or to any Owner of property affected by this Declaration by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications for Alterations, or for any defect, whether in design or construction, in any structure constructed from such plans and specifications. Neither the Declarant, Association, Board or ACC nor any member or representative thereof, shall be responsible for reviewing or approving any plans with respect to the adequacy of engineering design. Every person who submits plans or specifications to the ACC for approval agrees, by submission of such plans or specifications, and every Owner of said property agrees that he or she will not bring any action, suit or claim against Declarant, Association, Board or the ACC or any members or designated representatives thereof with respect to any matters for which such persons or entities are relieved of liability pursuant to this Section.

ARTICLE VII

ASSOCIATION ADMINISTRATION, MEMBERSHIP AND VOTING

7.1 Association to Manage Project. The management of the Project shall be vested in the Association in accordance with the Project Documents, and all applicable laws, regulations and ordinances of any governmental or quasi-governmental body or agency having jurisdiction over the Project.

7.2 Membership. Each Owner shall be a Member of the Association, and shall remain a Member thereof until such time as ownership ceases for any reason, at which time such membership in the Association shall automatically cease.

7.3 Transferred Membership. Membership in the Association shall not be transferred, pledged, or alienated in any way, except upon the sale or encumbrance of the Condominium Unit to which it is appurtenant, and then only to the purchaser, in the case of a sale, or Mortgagee, in the case of an encumbrance of such Condominium Unit. A Mortgagee does not have membership rights until it becomes an Owner by foreclosure or deed in lieu thereof. Any attempt to make a prohibited transfer is void. Any person or entity acquiring fee title or equitable title to a Condominium Unit, whether by reason of a deed from the Owner or through a foreclosure, shall

within fifteen (15) days of acquiring such title inform the Association in writing of the date such title transferred and the name or names in which title is held.

7.4 Voting. Any action required by law or by the Project Documents to be approved by the Owners, the Members or each class of Members, shall be approved, if at all, in accordance with the procedures set forth in the Bylaws and any Association Rules.

7.5 Proxies. For all matters required by law or the Project Documents in which Members are required to vote, including, but not limited to, those matters set forth in California Civil Code Section 5105, and except as specifically allowed by law or a court of law, each Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary before the appointed time of each meeting. Except for an irrevocable proxy permitted by California Corporations Code Section 7613(d), every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his Condominium, as applicable, or upon receipt of notice by the Secretary of the Board of the death or judicially declared incompetence of such Member prior to the counting of the vote. No proxy shall be valid after the expiration of eleven (11) months from the date thereof unless otherwise provided in the proxy, except that the maximum term of any proxy, other than an irrevocable proxy permitted by California Corporations Code Section 7613(d), shall be three (3) years from the date of execution. Any form of proxy or written ballot distributed by any person to the Membership of the Association shall afford the opportunity to specify a choice between approval and disapproval of each matter or group of matters to be acted upon, except it shall not be mandatory that a candidate for election to the Board be named in the proxy or written ballot. The proxy or written ballot shall provide that, where the Member specifies a choice, the vote shall be cast in accordance with that choice. The proxy shall also identify the person or persons authorized to exercise the proxy and the length of time it will be valid. Except as specifically allowed by law or a court of law, proxies shall not be allowed, counted towards, or recognized by the Association in any election for establishing a Quorum.

7.6 Classes of Membership and Voting. The Association shall have two (2) classes of voting Members:

7.6.1 Class A. Class A Members shall be all Owners except Declarant and Land Banker, and shall be entitled to one (1) vote for each Condominium Unit owned, as applicable. When more than one person or entity owns a Condominium Unit, all such persons and entities shall be Members and the vote for such Condominium Unit shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Condominium Unit.

7.6.2 Class B. The Class B Member shall be the Declarant and shall be entitled to cast three (3) votes for each Condominium Unit it and Land Banker owns and is paying the Assessments levied by the Association. This voting right shall cease and Declarant shall automatically become a Class A Member entitled to cast one (1) vote for each Condominium Unit it owns and is paying the Assessments levied by the Association upon the first to occur of the following events:

(a) The second (2nd) anniversary of the first close of escrow for the sale of a Condominium Unit pursuant to the original issuance by the DRE of the most recently issued Final Public Report for a Phase of the Project; or

(b) The fourth (4th) anniversary of the first close of escrow for the sale of a Condominium Unit pursuant to the original issuance by the DRE of the Final Public Report for the first Phase of the Project.

For so long as Land Banker owns any portion of the Project subject to this Declaration, Declarant shall not convert Class B Membership to Class A Membership prior to the time set forth in this Section 7.6.2

7.7 Special Voting Rights of Class A Members for Election of Directors. So long as the Declarant shall be entitled to exercise the Class B voting right to elect a majority of the members of the Board of Directors of the Association, as provided above, the Class A Members shall be entitled to solely elect at least twenty percent (20%) of the members of the Board.

7.8 Commencement of Voting Rights. Voting rights attributable to Condominium Units shall not vest until Assessments against those Condominium Units have been levied by the Association. The power to cast a particular Member's vote may be exercised by the Member's conservator, guardian, the parent(s) entitled to custody of a Member if the Member is a minor, or the executor or administrator of a deceased Member's estate if the Member's interest in the Condominium Unit is subject to estate administration.

7.9 Action Without Meeting. Any action which may be taken by the vote of Members at a regular or special meeting (except those matters set forth in California Civil Code Section 5100 may be taken without a meeting if done in compliance with California Corporations Code Section 7513. If an action is taken without a meeting, the Board shall distribute a written ballot to every Member entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval of such proposal, and provide a reasonable time within which to return the ballot to the Association. All such written ballots shall be filed with the Secretary of the Association and maintained in the Association's records. Approval by written ballot shall be valid only when the number of votes cast by ballot within the time period specified equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

7.10 Secret Ballot Voting. All voting on matters specified in California Civil Code Section 5100 shall be done by secret ballot and be in compliance with the Association Rules for elections and any and all other statutory provisions.

7.11 Conduct of Members Meetings. Meetings of the membership of the Association shall be conducted in accordance with the provisions of California Civil Code Sections 4900, et seq., and 5000, including the ability to conduct virtual Membership meetings, as may be allowed by California Civil Code Section 4926.

ARTICLE VIII

POWERS, DUTIES AND LIMITATIONS OF THE ASSOCIATION

8.1 Powers and Duties of Association. In addition to the powers and duties enumerated in its Articles and Bylaws or elsewhere provided for herein, and without limiting the generality thereof, the Association and the Board shall have the following powers and duties:

8.1.1 Delegation of Powers. To delegate all powers to committees, officers or employees of the Association as expressly authorized by the Project Documents.

8.1.2 Managing Agent. To employ a managing agent and to contract with independent contractors to perform all or any part of the duties and responsibilities of the Association, provided that any contract with a firm or person appointed as a managing agent or any other contract providing for services of the Declarant, developer, sponsor or builder shall not exceed a one (1) year term renewable by the parties for successive one year periods and shall provide for the right of the Association to terminate the same at the first annual meeting of the Members of the Association, to terminate the same for cause on thirty (30) days written notice, and either party may terminate without cause and without payment of a termination fee on sixty (60) days written notice.

8.1.3 Maintenance. To Maintain the Project as required by the provisions of this Declaration.

8.1.4 Supervision. To supervise all officers, agents and employees of the Association and see that their duties are properly performed.

8.1.5 Assessments, Liens, and Fines. To levy and collect Assessments and as provided in the Project Documents, impose fines or take disciplinary action against an Owner for failure to pay Assessments or for violation of any provision of the Project Documents. Penalties may include, but are not limited to: fines, temporary suspension of voting rights or rights to use of the facilities on the Association Property, or other appropriate discipline for failure to comply with the Project Documents, provided that the accused Member is given notice and the opportunity to be heard by the Board with respect to the alleged violations before a decision to impose discipline is reached. Such notice and hearing procedures shall satisfy the minimum requirements of California Corporations Code Section 7341, which are set forth in Article XIII of the Bylaws.

8.1.6 Enforcement of Project Documents. To enforce applicable provisions of the Project Documents for the ownership, management and control of the Project.

8.1.7 Adoption of Association Rules. To adopt, amend and repeal reasonable rules consistent with this Declaration relating to the use of Association Property and all facilities thereon, and the conduct of Owners and their tenants and guests with respect to the Project and other Owners, in compliance with California Civil Code Section 4340, *et seq*. A copy of the Association Rules as adopted, amended or repealed shall be mailed or otherwise delivered to each Owner and a copy shall be posted in a conspicuous place within

the Association Property. Any modifications, changes, or repeal of the Association, Rules shall follow these procedures:

(a) The Board shall provide written notice to its Members not less than thirty (30) days prior to making the rule change. The written notice shall include the text of the proposed rule change (or deletion, as the circumstances may warrant), and a description of the purpose and effect of the change. The written notice is not required if the Board determines that an immediate rule change is necessary to address an imminent threat to public safety or imminent risk of substantial economic loss.

(b) The decision on the proposed rule change shall be made at a meeting of the Board after consideration of any comments made by Members.

(c) Not more than fifteen (15) days after making the rule change, the Board shall deliver the modifications, changes or repeal of Association Rules to every Member in the manner allowed by California Civil Code Section 4045, unless the rule change was made on an emergency basis and in such an emergency basis the notice shall include the text of the change, a description of the purpose and effect of the rule change, and that the emergency rule change shall be in effect for not more than one hundred twenty (120) days.

8.1.8 Records. Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by five percent (5%) or more of the total voting power of the Association; keep adequate and correct books and records of account, minutes of proceedings of its Members, Board and committees, and a record of its Members giving their names and addresses and classes of membership.

8.1.9 Water and Other Utilities. To acquire, provide and pay for water, sewer, garbage disposal, refuse and rubbish collection, electrical, telephone, and other utility services as necessary for the Association Property and other areas of the Project Maintained by the Association pursuant to this Declaration.

8.1.10 Granting of Easements. To grant easements where necessary for utilities and sewer facilities over the Association Property to serve the Association Property, Association Maintenance Areas, Parcels and Condominium Units.

8.1.11 Exercise of Easements. To exercise all easement rights as granted to it in this Declaration for the purpose of performing the Maintenance authorized herein or for any other purpose reasonably related to the performance by the Association or the Board of their responsibilities, the Association's agents or employees.

8.1.12 Contracts. To contract for goods and/or services for the Association Property facilities and interests, for other areas of the Project that is Maintained by the Association, or for the Association, subject to limitations elsewhere set forth in the Project Documents.

8.1.13 Limit Number of Guests. To limit the number of an Owner's guests who may use any facilities on the Association Property and/or Association Maintenance Areas.

8.1.14 Title to Association Property. To accept title to the Association Property conveyed to it by Declarant.

8.1.15 Acquisition of Property. To acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, Maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association.

8.1.16 Budgets. To prepare budgets and financial statements for the Association as prescribed in this Declaration.

8.1.17 Legal and Accounting. To obtain and pay the cost of legal, accounting and other professional services necessary or proper for the Maintenance and operation of the Project and the enforcement of the Project Documents.

8.1.18 Emergency Repairs. To enter upon any Condominium Unit as necessary in connection with construction, Maintenance or emergency repair for the benefit of the Association Property or the Owners in common.

8.1.19 Election of the Board of Directors. To elect the Members of the Board.

8.1.20 Filling Vacancies. To fill vacancies on the Board created by the removal or resignation of a Board Member.

8.2 Property Taxes and Assessments. Each Owner shall be obligated to pay any taxes or assessments levied by the County Assessor against his/her Condominium Unit and personal property. To the extent not assessed to or paid directly by the Owners, the Association shall pay all real and personal property taxes and assessments levied upon any portion of the Association Property or other property owned by the Association. The Association shall prepare and file annual tax returns with the federal government and the State of California and make such elections as may be necessary to reduce or eliminate the tax liability of the Association.

8.3 Discharge of Liens. The Association shall discharge by payment, if necessary, any lien against the Association Property, and assess the cost thereof to the Owners responsible for the existence of said lien.

8.4 Payment of Expenses. The Association shall pay all expenses and obligations incurred by the Association in the conduct of its business including, without limitation, all licenses, taxes or governmental charges levied or imposed against the property of the Association.

8.5 Dispute Resolution. In any dispute in which the Association is a party, the Association may perform any act reasonably necessary to resolve any such civil claim or action through dispute resolution proceedings found in ARTICLE XIV herein or in the Dispute Resolution Declaration, as applicable.

ARTICLE IX

ASSESSMENTS

9.1 Agreement to Pay. Declarant, and its successor in interest, if any, for each Condominium Unit owned by it and annexed to the Project, and each Owner, by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, covenants and agrees to pay to the Association: (a) Regular Assessments; (b) Special Assessments for capital improvements or unusual expenses to be established and collected as hereinafter provided; and, (c) Reimbursement Assessments and/or Additional Charges levied against an Owner, to be established and collected as provided in this Declaration and in the other Project Documents. Declarant shall pay Assessments on behalf of Land Banker for Condominiums owned by Land Banker. If, and only if, the Purchase Agreement between Declarant and Land Banker is terminated (as evidenced by a writing recorded in the Official Records), Land Banker shall be solely responsible, and hereby agrees, to pay Assessments on Condominiums owned by Land Banker.

9.1.1 Liability for Payment. All Assessments and Additional Charges, together with any late charges, interest, collection costs and reasonable attorney's fees incurred in collecting delinquent Assessments and Additional Charges, as provided in California Civil Code Section 5650, shall be the obligation of the Owner of such Condominium Unit at the time when the Assessments or Additional Charges fell due. If more than one person or entity was the Owner of a Condominium Unit at the time the Assessments or Additional Charges fell due, the obligation to pay each Assessment and Additional Charge shall be joint and several. The obligation for delinquent Assessments and Additional Charges shall not pass to any transferee unless expressly assumed by him/her. No Owner may exempt himself from liability for his/her Assessments or Additional Charges obligation by waiver of the use or enjoyment of any of portion of the Project.

9.1.2 Funds Held in Trust. The Assessments collected by the Association shall be held by the Association for and on behalf of each Owner and shall be used solely for the operation, care and Maintenance of the Project as provided in this Declaration.

9.1.3 No Offsets. No offsets against any Assessment shall be permitted for any reason including, without limitation, any claim that the Association is not properly discharging its duties.

9.1.4 Assessments in Dispute. If an Owner has a dispute with the Association regarding an Assessment levied by the Association, the Owner shall have the option of (a) paying the disputed amount of the Assessment under protest and filing a small claims action (California Civil Code Section 5658), (b) request a meeting with the Board to discuss the possibility of a payment plan, if applicable (California Civil Code Section 5665), (c) request to participate in the "meet and confer" program (California Civil Code Section 5900, *et seq*.), or (d) or request that the dispute be resolved by alternative dispute resolution with a neutral third party (California Civil Code Section 5925, *et seq*.), or any combination of the above.

9.2 Purpose of Assessments. The Assessments levied by the Association shall be used exclusively for paying the costs of and creating reserves for the costs of all obligations which the Association is authorized or obligated to perform as described in this Declaration.

9.3 Vacant Unit Assessment Exemption. Declarant and any other Owner may be exempt from the payment of that portion of any Assessment for any Building or Condominium Unit that does not include a structural Improvement for human occupancy which is for the purpose of defraying expenses and reserves directly attributable to the existence and the use of structural Improvements. The exemption may include, but shall not necessarily be limited to: roof replacement; exterior maintenance; walkway and carport lighting; refuse disposal; cable television; and domestic water supplied to living Condominium Units. Any exemption from the payment of Assessments attributed to dwelling Condominium Units shall be in effect only until the earliest of the following: (a) a notice of completion of the structural Improvements has been recorded; (b) occupation or use of the Condominium Unit; or (c) completion of all elements of the residential structures which the Association is obligated to Maintain.

9.4 Common Facility Assessment Exemption. Declarant and any other Owner may be exempt from the payment of that portion of any Assessment which is for the purpose of defraying expenses and reserves directly attributable to the existence and use of Association Property Improvements that are not complete at the time Assessments commence. Any exemption from the payment of Assessments shall be in effect only until (a) a notice of completion of the Association Property has been recorded; or (b) the common facility has been placed into use, whichever occurs earliest.

9.5 Regular Assessments. Regular Assessments shall be payable in equal monthly installments, due on the first day of each month, unless the Board adopts some other basis for collection. Annual increases in Regular Assessments shall be in compliance with California Civil Code Section 5605. Notwithstanding any other provisions contained in this ARTICLE IX, the Board may increase Assessments necessary for emergency situations pursuant to California Civil Code Section 5610. In addition, the restrictions on increases in Regular Assessments (other than for emergency situations), as set forth in California Civil Code Section 5610, do not apply if such increases are made as part of a phased development reviewed by the DRE and are the initial transfers of a Condominium Unit pursuant to a Final Public Report. If before expiration of any fiscal year the Association fails to fix Regular Assessments for the next fiscal year, the Regular Assessment established for the preceding year shall continue until a new Regular Assessment is fixed. Regular Assessments shall include costs and expenses for the Maintenance, repair and replacement of Association Property and other portions of the Project that the Association is required to Maintain as set forth in ARTICLE V of this Declaration, and for the management and operation of the Project and Association, which shall be assessed on a variable basis to each Condominium Unit based on the approximate square footage of the Condominium Unit. Regular Assessments shall include costs and expenses for the Maintenance of Association Property and other portions of the Project that the Association is required to Maintain as set forth in this Declaration, and for the management and operation of the Project and Association, which shall be assessed equally to each Condominium Unit.

9.6 Special Assessments. Special Assessments may be levied in addition to Regular Assessments for (a) constructing capital Improvements, (b) correcting an inadequacy in the

Current Operating Account; (c) defraying, in whole or in part, the costs of any construction, reconstruction, unexpected repair or replacement of Improvements in the Association Property or in any other areas for which the Association is obligated to Maintain, or (d) paying for such other matters as the Board may deem appropriate for the Project. Special Assessments shall be levied in the same manner as Regular Assessments. Increases in Special Assessments shall be subject to the provisions of California Civil Code Section 5605. Notwithstanding any other provisions contained in this ARTICLE IX, the Board may impose Special Assessments necessary for emergency situations pursuant to California Civil Code Section 5610.

9.7 Reimbursement Assessments. The Association shall levy a Reimbursement Assessment against an Owner to (a) reimburse the Association for the costs of repairing damage caused by that Owner or that Owner's Invitee, (b) if a failure to comply with the Project Documents has necessitated an expenditure of monies, including attorneys' fees, by the Association to bring the Owner or the Owner's Condominium Unit or Improvements into compliance or resulted in the imposition of a fine or penalty, or (c) failure to reimburse the Association for costs and expenses incurred on behalf of an Owner, as set forth elsewhere in this Declaration. A Reimbursement Assessment shall be due and payable to the Association when levied. A Reimbursement Assessment shall not be levied by the Association until Notice and Hearing has been given in accordance with the Bylaws. Reimbursement Assessments described in subdivisions (a) and (c) may be enforced by lien after Declarant no longer owns any portion of the Project. Reimbursement Assessments described in subdivision (b) may not be enforced by lien.

9.8 Commencement of Assessments. The right to levy Assessments shall commence as to all Condominium Units in a Phase on the close of escrow first the first conveyance of a Condominium Unit in the Phase. Regular Assessments shall commence as to all Condominium Units in a Phase on the first day of the month following the first conveyance of a Condominium Units under authority of a Final Public Report. Thereafter, Regular Assessments shall be levied on the first day of each month. After annexation of each Phase, the allocation and Assessment charges for Common Expenses shall be reallocated equally among all Condominium Units, including those in the annexed Phase of the Annexable Property.

9.9 Accounts. Assessments collected by the Association shall be deposited into at least two (2) separate accounts with a responsible financial institution, which accounts shall be clearly designated as (a) the Current Operating Account, and (b) the Reserve Account. The Board shall deposit those portions of the Assessments collected for current maintenance and operation into the Current Operating Account for Common Expenses, and shall deposit those portions of the Assessment collected as reserves for replacement and deferred Maintenance of major components which the Association is obligated to Maintain into the Reserve Account. There shall be no commingling of funds collected for Common Expenses.

9.9.1 Withdrawal of Funds. Withdrawal of funds from the Reserve Account shall require the signature of either two (2) Directors or one (1) Director and one (1) Officer of the Association who is not a Director. The Association may expend funds from the Reserve Account only for the purposes set forth in California Civil Code Section 5510(b).

9.9.2 Current Operating Account. All other costs properly payable by the Association for Common Expenses shall be paid from the Current Operating Account.

9.10 Enforcement of Assessments. Pursuant to California Civil Code Sections 5300, 5305, 5310, 5320, 5565 and 5730, the Board shall distribute a statement of the Association's policies and practices in enforcing its remedies against Owners for defaults in the payment of Regular and Special Assessments, including the recording and foreclosing of liens against Owners' Condominium Units. In addition to all other remedies provided by law, including, but not limited to, California Civil Code Section 5700, *et seq.*, the Association or its authorized representative may enforce the obligations of the Owners to pay each Assessment provided for in this Declaration in any manner provided by law or by either or both of the following procedures:

(a) By Suit. The Association may commence and maintain a suit at law against any Owner personally obligated to pay a delinquent Assessment. The suit shall be maintained in the name of the Association. Any judgment rendered in any action shall include the amount of the delinquency, and such Additional Charges, costs, fees, charges, and expenditures and any other amounts as the court may award. A proceeding to recover a judgment for unpaid Assessments may be maintained without the necessity of foreclosing or waiving the lien established herein.

(b) By Lien. The Association or a trustee nominated by the Association may commence and maintain proceedings to establish and/or foreclose Assessment liens. No action shall be brought to foreclose a lien until the lien is created by recording a Notice of Lien. Prior to recording a Notice of Lien, the Association shall comply with the provisions of California Civil Code Section 5673. The Notice of Lien must be authorized by the Board, signed by an authorized agent and recorded in the Official Records. No later than ten (10) days after recordation of the Notice of Lien, copies of the Notice of Lien shall be mailed to all record Owners of the Condominium Unit in the manner set forth in California Civil Code Sections 2924b and 5710. After expiration of the thirty (30) days following the recording of a Notice of Lien, the lien may be foreclosed subject to the right of redemption as set forth in California Civil Code Section 5715(b).

Notwithstanding the provisions of this Section 9.10, in the event Declarant is delinquent in the payment of Assessments for Parcels Land Banker owns, Land Banker shall have the right to cure the delinquency in the payment of any such delinquent Assessments within fifteen (15) calendar days of written notice from the Association to Land Banker prior to the Association taking any of the actions authorized in this Section to enforce any such delinquency.

9.11 Satisfaction of Lien. All amounts paid by an Owner toward a delinquent Assessment shall be credited first to reduce the principal amount of the debt. Upon payment or other satisfaction of a delinquent Assessment for which a Notice of Lien was recorded, the Association shall record a certificate stating the satisfaction and release of the Assessment lien.

9.12 Lien Eliminated by Foreclosure. If the Association has recorded a Notice of Lien and the lien is eliminated as a result of a foreclosure of a Mortgage or transfer pursuant to the remedies provided in the Mortgage, the new Owner of the Condominium Unit shall pay to the Association a pro-rata share of the Regular Assessment for each month remaining in the Association's fiscal year after the date of the foreclosure or transfer pursuant to the remedies provided in the Mortgage.

9.13 Waiver of Homestead Protections. Each Owner does hereby waive, to the extent permitted by law, the protections of any declared homestead or homestead exemption or redemption laws under the laws of the State of California as applied to any action to enforce or collect Assessments levied by the Association.

9.14 Subordination of Lien. Notwithstanding any provision to the contrary, the liens for Assessments created pursuant to this Declaration shall be subject and subordinate to and shall not affect the rights of the holder of a First Mortgage made in good faith and for value. Upon the foreclosure of any First Mortgage on a Condominium Unit, any lien for Assessments which became due prior to such foreclosure shall be extinguished; provided, however, that after such foreclosure there shall be a lien on the interest of the purchaser at the foreclosure sale to secure al Assessments, whether Regular or Special, charged to such Condominium Unit after the date of such foreclosure sale, which lien shall have the same effect and shall be enforced in the same manner as provided herein. For purposes of this Section, a Mortgage may be given in good faith or for value even though the Mortgagee has constructive or actual knowledge of the Assessment lien provisions of this Declaration.

ARTICLE X

AMENDMENT AND ENFORCEMENT OF RESTRICTIONS

10.1 Amendment of Declaration.

10.1.1 Prior to First Close of Escrow. Prior to the close of escrow on the conveyance of the first Condominium Unit, Declarant may, with the consent of Land Banker for so long as Land Banker owns any portion of the Project subject to this Declaration and which consent shall not be unreasonably withheld, amend or revoke this Declaration subject to the requirements of California Business & Professions Code Sections 11012 and 11018.7.

10.1.2 After First Close of Escrow. After conveyance of the first Condominium Unit, this Declaration may be amended or revoked only by the affirmative vote or written consent of Members representing a majority of the voting power of each class of Members of the Association and, if applicable, by Mortgagees. If only one class of membership exists at the time an amendment is proposed, then it must be approved by at least a bare majority of the total voting power of the Association, which shall include at least a bare majority of the votes of Members other than Declarant. The percentage of the voting power necessary to amend a specific clause or provision of this Declaration shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause or provision. If the approval of two (2) classes of membership is required, prior approval must be obtained from the FHA and/or VA if either is First Mortgagees. Any amendment shall be executed by the President and Secretary of the Association and must be recorded and shall become effective only upon being recorded in the Official Records.

10.1.3 Amendments Requiring Institutional Mortgagee Consent. Approval of any proposed amendment to the Project Documents by Mortgagees shall be implied if a Mortgagee fails to submit a response to any written proposal for an amendment within

sixty (60) days after it receives proper notice or the proposal, provided the notice to the Mortgagee was delivered by certified or registered mail, with a "return receipt" requested.

(a) Any amendments to the Project Documents of a "material adverse nature" to Mortgagees shall require approval of at least fifty-one percent (51%) of Mortgagees and sixty-seven percent (67%) Owners. Amendments of a "material adverse nature" include the following:

(i) Voting rights;

(ii) Increases in Assessments that raise previously assessed amount by more than twenty-five percent (25%), Assessment liens, or the priority of Assessment liens;

(iii) Reductions in reserves for Maintenance of Association Property;

(iv) Responsibility for Maintenance;

(v) Reallocation of interests in the Association Property or rights to their use;

(vi) Redefinition of any Parcel boundary;

(vii) Convertibility of Condominium Units into Association Property or vice versa;

(viii) Expansion or contraction of the Project, or the addition, annexation (except for the Annexable Property) or withdrawal of real property to or from the Project;

(ix) Hazard or fidelity insurance requirements;

(x) Imposition of any restrictions on the leasing of Parcels or Condominium Units;

(xi) Imposition of any restrictions on an Owner's right to sell or transfer his or her Condominium Unit;

(xii) A decision by the Association to establish self-management when professional management had been required by the Project Documents or by an Institutional Mortgagee;

(xiii) Restoration or repair of the Project (after damage or partial condemnation) in a manner other than that specified in the Project Documents;

(xiv) Any provisions that expressly benefit Mortgage holders, insurers or guarantors; or

(xv) Any action to terminate the legal status of the Project for any reason whatsoever.

(b) Prior approval of at least sixty-seven percent (67%) of Mortgagees and sixty-seven percent (67%) of Owners other than Declarant shall be requited before the Association may do any of the following:

(i) By act or omission, seek to abandon or terminate the Project, other than after substantial destruction or condemnation occurs;

(ii) By act or omission, abandon, partition, subdivide, encumber, sell or transfer any property or Improvements owned, directly or indirectly, by the Association for the benefit of the Condominium Units and Owners (excepting therefrom, the granting of easements for public utilities or for other public purposes consistent with the intended use of the Project);

(iii) By act or omission, change, waive or abandon any scheme of regulations or enforcement thereof pertaining to architectural design or exterior appearance of Condominium Units, the exterior Maintenance of Condominium Units, or the upkeep of laws, plantings or other landscaping in the Project;

(iv) By act or omission, change the method of determining the obligations, Assessments, dues or other charges that may be levied against and Owner;

(v) Fail to maintain the fire and extended coverage insurance on insurable portions of Association Property on a current replacement cost basis in an amount not less than one hundred percent (100%) of the insurable value based on current replacement cost; and

(vi) Use hazard insurance proceeds for losses to any property or Improvements owned by the Association other than for the repair, replacement or reconstruction of the property and Improvements.

10.1.4 Governmental Approvals. Any amendment to any provision of this Declaration in which the Association relinquishes responsibility for the Maintenance of Association Property, as set forth in this Declaration, shall require written approval from the City. Any proposed amendments shall be submitted to the City Engineer, Planning and Building Director or designee, and shall be approved by the City Attorney prior to the amendment being valid. Any such amendments without City approval shall be null and void. If the consent or approval of any governmental agency, VA, FNMA, or FHA is required under this Declaration with respect to any amendment or revocation of any provision of this Declaration, no such amendment or revocation shall become effective

unless such consent or approval is obtained pursuant to the requirements of the governmental agency, VA, FNMA or FHA.

10.1.5 Unilateral Right to Amend the Declaration. Declarant (at any time prior to the sale of all Condominium Units in the Project and subject to the provisions of California Business & Professions Code Section 11018.7) may, with the written consent of Land Banker for so long as Land Banker owns real property subject to this Declaration, or the Association (upon Declarant's sale of all Condominium Units in the Project) shall have the unilateral right to amend this Declaration without the approval of Members in order to bring this Declaration into compliance with all requirements and regulations of the City, County any Federal or state agency, an insurer or governmental guarantor of a First Mortgage, or federally insured Mortgagee and/or lender including, but not limited to, DRE, FHA, VA, FNMA and/or FHLMC, or correct any errors, mistakes or conflicts in the provisions in this Declaration.

10.2 Enforcement.

10.2.1 Generally. The Association, any Owner, including Declarant and Land Banker as an Owner, or the City as a third party beneficiary, shall have the right, but not the obligation, to enforce compliance with the Project Documents in any manner provided by law or in equity, or in bringing an action for damages, an action to enjoin the violation or to specifically enforce the provisions of the Project Documents, to enforce the liens provided for herein (except that no Owner shall have the right to enforce independently of the Association any Assessment. Additional Charges or Assessment lien created herein) and any statutory lien provided by law, including the foreclosure of any such lien and the appointment of a receiver for an Owner and the right to take possession of the Condominium Unit in the manner provided by law. The City's enforcement rights, as a third party beneficiary, shall be as to Association Property and utility maintenance, the WQMP, and internal parking. In the event the Association or any Owner shall employ an attorney to enforce the provisions of the Project Documents against any Owner, the prevailing party shall be entitled to reasonable attorney's fees and costs in addition to any other amounts due as provided for herein. All sums payable hereunder by an Owner shall bear interest at the maximum rate permitted by law from the due date less any grace period provided, or if advanced or incurred by the Association or any other Owner pursuant to authorization contained in the Project Document commencing fifteen (15) days after repayment is demanded. Except as otherwise provided, the Association or any Owner(s) shall have the right, but not the obligation, to enforce, in any manner permitted by law or in equity, any and all of the provisions of this Declaration.

10.2.2 Enforcement by Declarant. Declarant shall have the right, but not the obligation, to enforce the provisions of this Declaration while it is still a record owner of at least one (1) Condominium Unit, including any decision made by the ACC, in any manner provided by law or in equity, and in any manner provided in this Declaration. The provisions of this Declaration are equitable servitudes and covenants running with the land, enforceable by Declarant against the Association and/or an Owner, tenant or occupant of any Condominium Unit in the Project. Declarant has no obligation to enforce any provision of this Declaration. Declarant may elect to enforce any provision of this Declaration at any

time against the Association, or any Owner and no such action shall be construed to imply any obligation on the part of Declarant to enforce the same provision against another Owner.

10.2.3 Enforcement by Land Banker. Land Banker shall have the right, but not the obligation, to enforce the provisions of this Declaration independent of Declarant and as a "proxy" of Declarant while it is still a record owner of at any portion of the Project, including any decision made by the ACC, in any manner provided by law or in equity, and in any manner provided in this Declaration that would affect or may affect the real property owned by Land Banker. The provisions of this Declaration are equitable servitudes and covenants running with the land, enforceable by Land Banker against the Association and/or any Owner, tenant or occupant of any Condominium in the Project. Land Banker has no obligation to enforce any provision of this Declaration. Land Banker may elect to enforce any provision of this Declaration at any time against the Association or any Owner and no such action shall be construed to imply any obligation on the part of Land Banker to enforce the same provision against another Owner.

10.2.4 Violation of Law. The Association may treat any Owner's violation of any state, municipal or local law, ordinance or regulation which creates a nuisance to other Owners in the Project or to the Association or pertaining to the ownership, occupation or use of any property, Parcel, Condominium Unit, EUA, or Association Property, within the Project is hereby declared to be a violation of the Project Documents and subject to any or all of the enforcement procedures set forth in this Declaration as long as the Association complies with the Notice and Hearing requirements.

10.2.5 No Forfeiture or Abridgement of Rights. The Association shall not cause a forfeiture or abridgement of an Owner's right to the full use and enjoyment of his/her Condominium Unit for the Owner's failure to comply with the provisions of the Project Documents, including Association Rules, except by judgment of a court of law or a decision arising out of arbitration or on account of a foreclosure or sale under a power of sale for failure of the Owner to pay Assessments duly levied by the Association.

10.2.6 Remedies Cumulative. Each remedy provided by this Declaration is cumulate and not exclusive.

10.2.7 No Waiver. The failure to enforce the provisions of any covenant, condition or restriction contained in this Declaration shall not constitute a waiver of any right to enforce any such provisions or any other provisions of this Declaration for the same or different violation thereof.

10.3 Exemption and Rights of Declarant. Nothing in this Declaration shall limit, condition or abridge the unfettered right of Declarant to specify and approve the design for the complete construction of Improvements on Parcels owned by Declarant, or to alter or modify completed Improvements or to construct such additional Improvements as Declarant and Land Banker deem advisable prior to the final sale of all of the Condominiums in the Project. Such right shall include, but shall not be limited to, designing, erecting, constructing, and Maintaining on any portion of the Project owned by Declarant and Land Banker such structures and displays as may

be reasonably necessary for the conduct of its business of completing the work and disposing of the same by sale, lease, or otherwise. Declarant and Land Banker specifically reserve the right to use any unsold Condominiums on the Project for models, construction offices, trailers, and sales offices, and further reserve the right to rent any unsold Condominiums and the Improvements thereon. This Declaration shall not limit the right of Declarant and Land Banker at any time prior to acquisition of title by a purchaser from Declarant or Land Banker to establish on the Project additional easements, reservations, and rights of way for itself, utility companies, or others as may from time to time be reasonably necessary for the proper development and disposal of the Condominiums. Declarant, with the consent of Land Banker pursuant to the Purchase Agreement, as applicable, reserves the right to alter its construction plans and designs as it deems appropriate.

ARTICLE XI

BUDGETS AND FINANCIAL STATEMENTS

11.1 Preparation and Distribution of Budget. The Board shall annually prepare, adopt and distribute a Budget in accordance with the requirements of California Civil Code Sections 5300, 5305, 5320, and 5565. A summary of the Budget may be distributed in lieu of the entire Budget if the requirements set forth in California Civil Code Section 5300 are satisfied.

11.2 Annual Report. The Board shall annually prepare and distribute an annual report in accordance with the requirements of California Civil Code Sections 5300, 5305, 5310, 5320, 5565 and 5730. The annual report shall separately address the Budget.

11.3 Quarterly Reconciliation. Pursuant to California Civil Code Section 5500, at least quarterly, the Board shall: (i) cause a current reconciliation of the Association's Current Operating Account(s) to be made and review the same; (ii) cause a current reconciliation of the Association's Reserve Account to be made and review the same; (iii) review the current year's actual reserve revenues an expense compared to the current year's Budget; (iv) review the most current account statements prepared by the financial institution where the Association has its Current Operating and Reserve Accounts; and (v) review an income and expense statement for the Association's Current Operating and Reserve Accounts.

11.4 Reserve Account Study. The Board shall (i) cause a study of the Reserve Account to be conducted every three (3) years as required by California Civil Code Section 5550(a), (ii) review the study annually, and (iii) consider and implement necessary adjustments to the Board's analysis of the Reserve Account requirements as a result of that review in compliance with the provisions of California Civil Code Section 5550.

11.5 Notice of Increased Assessments. The Board shall provide notice by first-class mail to the Owners of any increase in Regular Assessments or the levy of any Special Assessments in accordance with the provisions of California Civil Code Section 5615.

11.6 Statement of Outstanding Charges. Within ten (10) days of a written request by an Owner, the Association shall provide to the Owner a written statement which sets forth the amounts of delinquent Assessments, penalties, attorney's fees and other Additional charges against that

Owner's Condominium Unit. A charge for the statement may be made by the Association, not to exceed the reasonable costs of preparation and reproduction of the statement.

11.7 Owner's Right to Conduct an Independent Audit. Each Owner shall have the right to conduct an independent audit of the Association's financial records at the Owner's expense. The financial records that may be made available to the requesting Owner shall comply with California Civil Code Section 5200, *et seq*.

ARTICLE XII

INSURANCE, DESTRUCTION AND CONDEMNATION

12.1 Insurance. The Association shall maintain casualty, liability and other insurance on behalf of the Association as required by the provisions of this Declaration. The amount, term and coverage of any policy required hereunder (including the type of endorsements, the amount of the deductible, the named insureds, the loss payees, standard mortgage clauses, notices of changes or cancellations, and the insurance company rating) shall satisfy the minimum requirements for the Project by the FNMA, FHLMC, or any successor to either of those entities (with the exception of earthquake insurance which the Board shall have complete discretion to purchase). If the FNMA or FHLMC requirements conflict, the more stringent requirements shall be met. If FNMA and FHLMC do not impose requirements on any policy required hereunder, the term, amount and coverage of such policy(ies) shall be no less than that which is customary for similar policies on similar projects in the area. If the Association is unable to purchase a policy or if the Association believes that the cost of the policy is unreasonable, the Board shall call a special meeting of Members to determine what action to take.

12.2 General Provisions and Limitations. All insurance policies shall be subject to and, where applicable, shall contain the following provisions and limitations:

12.2.1 Underwriter. All policies (except earthquake insurance) shall be written with a company legally qualified to do business in the State of California and holding a "B" or better general policyholder's rating and a "6" or better financial performance index rating as established by Best's Insurance Reports, reinsured by a company described above, or if such a company is not available, the best rating possible or its equivalent.

12.2.2 Named Insured. Unless otherwise provided in this Section, the named insured shall be the Association or its authorized representative, as trustee for the Owners. However, all policies shall be for the benefit of Owners and their Mortgagees, as their interests may appear.

12.2.3 Authority to Negotiate. Exclusive authority to adjust losses under policies obtained by the Association shall be vested in the Board or its authorized representative as trustee who shall have exclusive authority to negotiate losses under any policy provided property or liability insurance to perform such other functions as are necessary to accomplish this purpose; provided, however, that no Mortgagee having an interest in such losses may be prohibited from participating in any settlement negotiations related thereto.

12.2.4 Contribution. In no event shall the insurance coverage obtained and maintained by the Association be brought into contribution with insurance purchased by Owners or their Mortgagees.

12.2.5 General Provisions. To the extent possible, the Board shall make every reasonable effort to secure insurance policies providing for the following:

(a) A waiver of subrogation by the insurer as to any claims against the Board, the manager, the Owners and their respective servants, agents and guests;

(b) That the policy will be primary, even if an Owner has other insurance which covers the same loss;

(c) That no policy may be canceled or substantially modified without at least ten (10) days prior written notice to the Association and to each First Mortgagee listed as a scheduled holder;

(d) An agreed amount endorsement, if the policy contains a coinsurance clause;

(e) A guaranteed replacement cost or replacement cost endorsement; and

(f) An inflation guard endorsement.

12.2.6 Term. The period of each policy shall not exceed three (3) years. Any policy for a term greater than one (1) year must permit short rate cancellation by the insureds.

12.2.7 Deductible. The policy may contain a reasonable deductible and the amount of the deductible shall be added to the face amount of the policy in determining whether the insurance equals replacement cost.

12.3 Types of Coverage. Unless the Association determines otherwise pursuant to Section 12.1, the Board shall obtain at least the following insurance policies in the amounts specified:

12.3.1 Property Insurance for Association Property. A Special Form or "All Risk" policy of property insurance for all insurable Association Property Improvements and Association Maintenance Areas, including fixtures and Building service equipment, against loss or damage by fire or casualty, in an amount equal to the full replacement cost (without respect to depreciation) of the Association Property, and exclusive of land, foundations, excavation and other items normally excluded from coverage. A replacement cost endorsement shall be part of the policy.

12.3.2 Liability Insurance. A combined single limited policy of liability insurance in an amount not less than Two Million Dollars ($2,000,000) covering the Association Property and all damage or injury caused by the negligence of the Association, the Board

or any of its agents, or the Owners against any liability to the public or to any Owner incident to the use of or resulting from any accident or intentional or unintentional act of an Owner or a third party occurring in or about any Association Property. If available, each policy shall contain a cross liability endorsement in which the rights of the named insured shall not be prejudiced with respect to any action by one named insured against another named insured.

12.3.3 Worker's Compensation. Worker's compensation insurance to the extent necessary to comply with all applicable laws of the State of California or the regulations of any governmental body or authority having jurisdiction over the Project.

12.3.4 Fidelity Bond. A fidelity bond naming the Board, the Owners, the Association and such other persons as the Board may designate as obligees, in an amount equal to at least one-fourth (¼) of the total sum budgeted for the Current Operating Account and Reserve Account for the current fiscal year. The fidelity bond shall contain a waiver of any defense based on the exclusion of person serving without compensation.

12.3.5 Directors and Officers. Errors and omissions insurance coverage individual liability of Directors and Officers for their negligent acts or omissions while acting in their capacities as Directors and Officers in an amount equal to at least the minimum amount specified in California Civil Code Section 5800(a)(4).

12.3.6 Other Insurance. Other types of insurance as the Board may determine in its sole discretion to be necessary to fully protect the interests of the Owners and Association.

12.4 Waiver of Subrogation. All insurance carried by the Association, or the Owners, shall contain provisions whereby the insurer waives rights of subrogation as to the Association, Directors, Officers, Declarant, Owners, occupants of Condominium Units, their family, guests, agents and employees.

12.5 Insurance by Owner. Each Owner shall obtain and maintain, at his/her expense, fire and casualty coverage as may be required by the Owner's individual Mortgagee, or if no Mortgagee encumbers a Condominium Unit, fire and casualty coverage as may be determined by the Board, with respect to damage or destruction to personal property, upgrades or additions to any fixtures or Improvements within Owner's Condominium Unit that is not covered by Section 12.3.1, above, provided, however, that no Owner shall be entitled to maintain insurance coverage in a manner so as to decrease the amount which the Association, on behalf of all Owners and their Mortgagees, may realize under any insurance policy which the Association may have in effect at any time. If a Condominium is subject to an FHA-insured Mortgage, the Owner of said Condominium shall obtain an HO-6 or "walls-in" coverage policy if required by an FHA-insured Mortgagee. All such individually carried insurance as set forth in this Section 12.5 shall also contain a waiver of subrogation rights by the carrier as to other Owners, the Association and Eligible First Mortgagee of such Condominium Unit. It is recommended that Owners obtain general liability insurance for injuries or damage caused to any person or personal property or Improvements caused by Owner and loss assessment coverage in an amount as may be recommended by a qualified consultant. If a policy carried by the Association offers coverage for

a claim made by an Owner as a result of damage to any Improvement or personal property, the Owner shall be responsible for paying any deductible, if the Owner wishes to adjust the claim under the Association's policy. Each Owner is strongly urged to contact an insurance specialist to determine the appropriate type and amount of insurance including insurance to cover the Parcel, Condominium Unit, as applicable, and personal property.

12.6 Annual Review of Policies. The Board shall review the adequacy of all insurance, including the amount of liability coverage and the amount of property damage coverage, at least once a year. At least once every three (3) years, the review shall include a replacement cost appraisal of all insurable Association Property Improvements without respect to depreciation. The Board shall adjust the policies to provide the amounts and types of coverage and protection that are customarily carried by prudent owners of similar property in the area in which the Project is situated.

12.7 Payment of Premiums. Premiums on insurance maintained by the Association shall be a component of Common Expenses, funded by Assessments levied by the Association.

12.8 Damage or Destruction.

12.8.1 Association. The Board shall have the duty to repair and reconstruct the Association Property without the consent of Members and irrespective of the amount of available insurance proceeds or other funds, in all instances of partial damages destruction where the estimated cost of repair and reconstruction does not exceed five percent (5%) of the budgeted gross expenses of the Association for that fiscal year. If there is total damage or destruction of any Improvement, including Association Property which are insured under an insurance policy held by the Association, the Association shall proceed with the filing and adjustment of all claims arising under the existing policies to restore, rebuild and reconstruct such Improvements to substantially the same condition and appearance in which it existed prior to the damage or destruction. The insurance proceeds shall be paid to and held by the Association.

(a) Bids. Whenever restoration, rebuilding or reconstruction is to be performed pursuant to this Section 12.8.1, the Board shall obtain such bids from responsible licensed contractors to restore the damaged Improvements as the Board deems reasonable, and the Board, on behalf of the Association, shall contract with the contractor whose bid the Board deems to be the most reasonable.

(b) Proceeds. The costs of restoring, rebuilding or reconstructing the damaged Improvements shall be funded pursuant to the provisions and in the priority established in this Section 12.8.1. A lower priority procedure shall be utilized only if the aggregate amount of funds then available pursuant to the procedures of higher priority as insufficient to restore the damaged Improvements. The priorities are as follows:

(i) Any and all insurance proceeds paid to the Association under existing insurance policies.

(ii) Any and all reserve account funds designated for the repair or replacement of the Improvement(s) that has been damaged or destroyed.

(iii) Any funds raised by a Special Assessment against all Owners levied by the Board up to the maximum amount permitted without approval of the Members as allowed by law.

(iv) Any funds raised by a Special Assessment against all Owners levied by the Board pursuant to a vote of the Members pursuant to Section 12.8.1(c) below.

(c) Additional Special Assessment. If the total funds available pursuant to Section 12.8.1(b) are insufficient to restore, rebuild or reconstruct the damaged or destroyed Improvement(s), then a special meeting of the Members shall be called for the purpose of voting whether to impose an additional Special Assessment and deciding upon the amount thereof. The Board shall then contract for the restoration, rebuilding or reconstruction of the damaged Improvement(s) as described above, making use of all funds available to it.

12.8.2 Owners. Subject to the provisions herein, if all or any portion of a Building or Condominium Unit is damaged or destroyed by fire or other casualty and the loss is not covered by an insurance policy held by the Association, the Owner(s) of the Improvement shall either (a) restore the damaged Improvements or (b) remove all damaged Improvements, including foundation and leave the Condominium Unit in a clean and safe condition. Any restoration, rebuilding or reconstruction under subdivision (a) above must be performed so that the Improvements are in substantially the same condition in which they existed prior to the damage or destruction, unless the Owner complies with the provisions of ARTICLE VI of this Declaration. Unless extended by the Board, the Owner must commence such work within one hundred twenty (120) days after the damage occurs and must complete the work within one (1) year thereafter.

12.9 Condemnation.

12.9.1 Condemnation Affecting Association Property.

(a) Sale in Lieu. If an action for condemnation of all or a portion of Association Property is proposed or threatened by an entity having the right to eminent domain, then on the unanimous written consent of all of the Owners, and subject to the rights of all Mortgagees, if any, Association Property, or a portion of it, may be sold by the Board. Subject to California Corporations Code Section 8724, the proceeds of the sale shall be distributed among the Condominium Units on the same basis as their Regular Assessment obligations and between the Owners and their Mortgagees as their respective interests shall appear; provided, however, there shall be no reallocation of interests in Association Property resulting from a partial condemnation or partial destruction of the Project may be effected without approval of at least fifty-one percent (51%) of Eligible First Mortgagees.

(b) Award. If Association Property, or a portion of it, is not sold, but is instead taken, the judgment of condemnation shall by its terms apportion the award among the Owners and their respective Mortgagees. If the judgment of condemnation does not apportion the award, then the award shall be distributed as provided above.

12.9.2 Condemnation Affecting Condominium Units. If an action for condemnation of all or a portion of, or otherwise affecting a Condominium Unit is proposed or threatened, the Owner and the Mortgagees of the affected Condominium Unit, as their respective interests shall appear, shall be entitled to the proceeds of any sale or award relating to the affected Condominium Unit. If any Condominium Unit is rendered irreparably uninhabitable as a result of such a taking, the Condominium Unit shall be deemed deleted from the Project and the Owners and Mortgagees of the affected Condominium Unit, upon receiving the award and any portion of the reserve funds of the Association reserved for the Condominium Unit, if any, shall be released from the applicability of the Project Documents and deemed divested of any interest in the Association Property. Any restoration or repair of the Condominium Unit after a partial condemnation or damage due to an insurable hazard shall be substantially in accordance with the Declaration and the original plans and specifications unless approval of fifty-one percent (51%) of the First Mortgagees is obtained. Any action to terminate the Project after substantial destruction or condemnation of the Project occurs or for other reasons to be agreed to by Mortgagees shall require approval of at least fifty-one percent (51%) of Mortgagees.

ARTICLE XIII

MORTGAGEE PROTECTIONS

13.1 Mortgages Permitted. Any Owner may encumber his or her Condominium Unit with Mortgages.

13.2 Priority of Mortgage. Notwithstanding any other provision of this Declaration, it is hereby provided that a breach of any of the conditions contained in the Project Documents by any Owner or of any re-entry by reason of such breach shall not defeat or render invalid the lien thereof. Any lien which the Association may have on any Condominium Unit in the Project for the payment of Common Expense Assessments attributable to such Condominium Unit will be subordinate to the lien or equivalent security interest of any First Mortgage on the Condominium Unit recorded prior to the date of recordation of a Notice of Lien.

13.3 Rights of Institutional Mortgagees. Any Institutional Mortgagee who obtains title to a Condominium Unit pursuant to the remedies provided in the First Mortgage, including judicial foreclosure under a power of sale (but excluding voluntary conveyance to the First Mortgagee), shall not be liable for the Condominium Unit's unpaid Regular Assessments, including Additional Charges, accrued prior to acquisition of title by the Institutional Mortgagee. Thereafter, the Institutional Mortgagee, as Owner of the Condominium Unit shall be obligated to pay any and all future Assessments levied against the Condominium Unit as long as the Institutional Mortgagee remains in title, including any Special Assessments levied by the Association to raise funds needed

because of uncollected delinquent Assessments, as long as the Special Assessment is allocated among all of the Condominium Units as provided in ARTICLE IX of this Declaration.

13.4 Rights of Mortgagees Upon Default of Mortgagor. In the event of a default by any Owner in any payment due under the terms of any Mortgage held by an Institutional Mortgagee encumbering a Condominium Unit, or the promissory note secured by the Mortgage, the Mortgagee or his or her representative, upon giving written notice to such defaulting Owner and the Association, and placing of record a notice of default, is hereby granted a proxy and may exercise the voting rights of such defaulting Owner attributable to such Condominium Unit at any regular or special meeting of the Association held during such time as such default may continue. Unless such written notice is provided to the defaulting Owner and the Association, any Mortgagee may appear (but cannot vote) at meetings of Members and the Board to draw attention to violations of this Declaration that have not been corrected or made the subject of remedial proceedings or Reimbursement Assessments.

13.5 Payment of Taxes or Premiums by Mortgagees. Mortgagees may, jointly or singly, pay taxes or other charges which are in default and which may or have become a charge against the Association Property, unless such taxes or charges are separately assessed against the Owners, in which case the rights or Mortgagees shall be governed by the provisions of their Mortgages. Mortgagees may, jointly or singly, also pay overdue premiums on hazard insurance policies or secure new hazard insurance coverage on the lapse of a policy for the Association Property and Mortgagees making such payments shall be owed immediate reimbursement therefor from the Association. Entitlement to such reimbursement shall be reflected in an agreement in favor of any Mortgagee which requests the same to be executed by the Association.

13.6 Effect of Breach. No breach of any provision of this Declaration shall invalidate the lien of any Mortgage made in good faith and for value, but all of the covenants, conditions and restrictions shall be binding on any Owner whose title is derived through foreclosure sale, trustee's sale, or otherwise.

13.7 Conflict with Declaration. To the extent that any of the provisions of this Declaration conflict with the rules and regulations of FNMA, FHA, VA and/or FHLMC for those Condominium Units in which these entities are either holders, insurers or guarantors of a First Mortgage on said Condominium Unit, the rules and regulations of FNMA, FHA, VA and/or FHLMC shall control.

13.8 Notice to Mortgagees. First Mortgagees are entitled to timely written notice from the Association of (a) any condemnation or casualty loss that affects a material portion of the Project or the Condominium Unit securing the Mortgage; (b) any sixty (60) day delinquency in the payment of Assessments or Additional Charges owed by the Owner of any Condominium Unit on which it holds the Mortgage if the delinquency is not cured within sixty (60) days after its due date; (c) a lapse, cancellation or material modification of any insurance policy maintained by the Association; (d) any proposal to take any action specified in this ARTICLE XIII, or Sections 12.8 and 12.9 herein; (e) any default by the Owner of a Condominium Unit that is subject to a First Mortgage held by the First Mortgagee in the performance of his or her obligations under this Declaration or the Bylaws which is not cured within sixty (60) days; and (f) any proposed action that requires the consent of a specified percentage of First Mortgagees.

13.9 Inspect Books and Records. Any Owner, First Mortgagee and insurers of any First Mortgage shall be entitled to inspect and copy the books, records, financial statements, the Declaration, Bylaws and Association Rules of the Association. The Association shall also make available to prospective purchasers of Condominium Units current copies of the Declaration, Bylaws, Association Rules and the most recent annual audited financial statement, if any is prepared. The Association must provide an audited financial statement for the immediately preceding fiscal year if the First Mortgagee submits a written request for it. Said financial statement shall be furnished by the Association within a reasonable time following such request.

ARTICLE XIV

DISPUTE RESOLUTION PROCEDURES

14.1 In General. This ARTICLE XIV contains procedures concerning disputes between Owners, the Association and the Declarant related to the Project or each other (the "***Dispute Resolution Procedures***"). The procedures in this ARTICLE XIV do not apply to Declarant's normal customer service procedures pertaining to the Condominium Unit, and Owners are encouraged to resolve any potential disputes or claims through Declarant's normal customer service procedures prior to initiating the procedures in this ARTICLE XIV. HOWEVER, these Dispute Resolution Procedures ***shall not be applicable*** to disputes between the Association and/or Owners, on the one hand, and Declarant, on the other hand, including, but not limited to, disputes, issues, claims, damages, causes of action, demands or notices governed or controlled by Right to Repair Act. Any and all disputes described in the Dispute Resolution Declaration between the Association/Owners and Declarant shall be governed by the Dispute Resolution Declaration recorded against the Project. In the event any other developer acquires any portion of the Project from Land Banker for purposes of development and the sale of Condominiums to the homebuying public, Land Banker and/or any such developer shall have the right, without the necessity of consent from the Owners or the Association, to record against said acquired real property its own dispute resolution procedures for claimed construction defects in such real property.

14.2 Disputes Between Association and Owners. All disputes, controversies, claims and demands between the Association and any Owner pertaining to the subject areas described in California Civil Code Section 5900 shall be governed by the procedures set forth in this Section 14.2.

14.2.1 Election of Statutory Procedures. Except as excused by law, prior to the initiation of a Request for Resolution or any legal proceeding, the Association and any Owner shall "meet and confer" using the procedures set forth in California Civil Code Section 5900, *et seq.*

14.2.2 Request for Resolution. If the Association and Owner are unable to resolve their dispute, controversy, claim or demand through the "meet and confer" procedures of California Civil Code Section 5900, *et seq.*, and to the extent applicable, prior to the initiation of any legal proceeding, the parties shall comply with the Request for Resolution procedures set forth at California Civil Code Section 5925, *et seq*.

14.2.3 Attorney's Fees and Costs. In any action, including arbitration and civil action, between the Association and any Owner (but excluding Declarant as an Owner) to enforce the Project Documents, the prevailing party shall be entitled to recover reasonable attorney's fees and costs, pursuant to California Civil Code Section 5975.

14.3 Disputes Between Owners. Disputes between Owners shall be governed by this Section.

14.3.1 Mediation. If the Owners cannot informally resolve any disputes, controversies, claims and demands between themselves, the matter shall be submitted to mediation using a mediator who is acceptable to the parties. If the parties cannot agree on a mediator, any party may petition the Superior Court of the County for appointment of the mediator by the presiding judge. No person shall serve as a mediator in any dispute in which the person has any financial or personal interest in the result of the mediation, except by the written consent of all parties. Prior to accepting any appointment, the prospective mediator shall disclose any circumstances likely to create a presumption of bias or prevent a prompt commencement of the mediation process. The following rules and procedures shall apply in all cases unless the parties agree otherwise:

(a) Any Owner may initiate mediation by serving written notice to any other Owner(s) demanding that the dispute, controversy, claim or demand be resolved by the mediation procedures of this Section 14.3.1. The parties shall have thirty (30) days from the date of the written notice to mutually agree on a mediator. Within ten (10) days of the selection of the mediator, each party shall submit a brief memorandum setting forth its position with regard to the issues that need to be resolved. The mediator shall have the right to schedule a pre-mediation conference and all parties shall attend unless otherwise agreed. The mediation shall be commenced within ten (10) days following the submittal of the memoranda and shall be concluded within fifteen (15) days from the commencement of the mediation unless the parties mutually agree to extend the mediation period. Mediation shall be held in the County or such other place that is mutually acceptable by the parties.

(b) The mediator has discretion to conduct the mediation in the manner which is most appropriate for settlement of the dispute. The mediator is authorized to conduct joint and separate meetings with the parties and to make oral and written recommendations for settlement. Whenever necessary, the mediator may also obtain expert advice concerning technical aspects of the dispute, provided the parties agree and assume the expenses of obtaining such advice. The mediator does not have the authority to impose a settlement on the parties.

(c) Prior to the commencement of the mediation session, the mediator and all parties to the mediation shall execute an agreement in order to exclude the use of any testimony or evidence produced at the mediation in any subsequent dispute resolution forum including, but not limited to, binding arbitration (as set forth in Section 14.3.2 of this Declaration), court or judicial reference proceedings, pursuant to California Evidence Code Section 1115, et seq., or successor statutes.

Pursuant to California Evidence Code Section 1119, the agreement shall specifically state:

> "No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation is admissible or subject to discovery, and disclosure of the evidence shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given. No writing, as defined in Section 250, that is prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation, is admissible or subject to discovery, and disclosure of the writing shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given. All communications, negotiations or settlement discussions by and between participants in the course of a mediation or a mediation consultation shall remain confidential."

(d) Persons other than the parties, the representatives and the mediator may attend mediation sessions only with the permission of the parties and the consent of the mediator. Confidential information disclosed to a mediator by the parties or by witnesses in the course of the mediation shall not be divulged by the mediator. All records, reports, documents or other information received by the mediator while serving in such capacity shall be confidential. There shall be no stenographic record of the mediation process, excepting therefrom, any settlement of the dispute which may, at the option of the parties, be memorialized in writing and signed by the parties.

(e) The expenses of witnesses for either side shall be paid by the party producing such witnesses. All other expenses of the mediation, including required traveling and other expenses of the mediator, the expenses of any witnesses, or the costs of any proofs or expert advice produced at the direct request of the mediator, shall be borne equally by the parties unless they agree otherwise.

14.3.2 Arbitration. If the Owners are unable to resolve their dispute pursuant to Section 14.3.1, above, the dispute shall be submitted to binding arbitration conducted pursuant to the procedures and rules of the Judicial Arbitration and Mediation Services, Inc. ("***JAMS***") or any successor thereto, and subject to the following provisions:

(a) The fees and costs of arbitration shall be borne equally by the parties or, if the parties cannot agree, then as determined by the arbitrator(s) with the costs and fees of the arbitration to ultimately be borne as determined by the arbitrator(s).

(b) The arbitrator(s) shall be selected no later than sixty (60) days from JAMS' receipt of the demand for arbitration. The arbitrator(s) shall comply with California Code of Civil Procedure Section 1297.121, and may be challenged on

any of the grounds listed therein or as set forth in California Code of Civil Procedure Section 1297.124.

(c) The arbitration shall be held in the County unless the parties agree to a different location.

(d) The arbitrator(s) shall have the authority to recognize any and all available remedies, whether in law or equity, for any cause of action, claim or demand that is the basis for the arbitration, with the exception of punitive damages which may be limited or prohibited as authorized by the parties.

14.3.3 Litigation. The Owners covenant that they shall forbear from commencing any litigation without complying with the procedures set forth in Sections 14.3.1 and 14.3.2 above. If any Owner fails or refuses to participate in the mediation and arbitration proceedings, the other party or parties may bring an action in any court of competent jurisdiction to resolve the dispute, including obtaining an order compelling compliance with the procedures described in Sections 14.3.1 and 14.3.2, above. Nothing herein shall prevent any Owner from commencing any legal action which in the good faith determination of the Owner is necessary to preserve any Owner's rights under any applicable statute of limitations, provided that the Owner shall take no further steps in prosecuting the action until it has complied with the procedures described in Sections 14.3.1 and 14.3.2, above. Notwithstanding any other provision herein to the contrary, in any dispute between the Owners, the prevailing party shall be entitled to reasonable attorney's fees and costs. Any and all communications by and between the parties, whether written or oral, which are delivered by the parties or their attorneys or other representatives in an effort to settle the claim shall be considered communications undertaken in the course of effecting a settlement or compromise and as such shall not be admissible as the admission on the part of any party or any representative or agent of the party to be utilized for any such purpose in any action or proceeding. Nothing herein shall be considered to reduce or extend any applicable statute of limitations or repose.

14.4 Exceptions; Admissibility of Communications; Statute of Limitations. Disputes that are governed by the procedures set forth in the Dispute Resolution Declaration shall not apply to any action taken by the Association against Declarant for delinquent Assessments, which shall be governed by ARTICLE IX entitled "Assessments", or in any action involving any Bonds, which shall be governed by the provisions of ARTICLE XV entitled "Enforcement of Bonded Obligations." Any and all communications by and between the parties, whether written or oral, which are delivered by the parties or their attorneys or other representatives in an effort to settle the claim shall be considered communications undertaken in the course of effecting a settlement or compromise and as such shall not be admissible as an admission on the part of any party or any representative or agent of the party to be utilized for any such purpose in any action or proceeding. Nothing herein shall be considered to reduce or extend any applicable statute of repose or limitations.

14.5 Legal Proceeding Against Declarant. Not later than thirty (30) days prior to the filing of any legal proceeding by the Association against the Declarant for alleged damage to Association Property or other Improvements that the Association is obligated to Maintain or repair,

the Board shall provide written notice to each Eligible First Mortgagee and Member of the Association. This notice shall specify all of the following: (a) that a meeting will take place to discuss problems that may lead to the filing of a legal proceeding; (b) the options, including civil actions, that are available to address the problems; and (c) the time and place of this meeting. In addition, if there is available information, the Association may also elect to provide the following: (i) a good faith estimate of the costs to repair the alleged defects prepared by a licensed contractor who has submitted a bid to perform the necessary repair work; (ii) how the necessary repairs will be funded; (iii) the name of the attorney whom the Association is contemplating retaining and an estimate of the attorney's fees, consultant's fees and any other costs to be incurred to prosecute such proceedings; and (iv) how such fees and costs will be funded. Nothing in this Section shall abrogate a Member's duty to disclose to prospective purchasers the alleged defects, and the potential impact the proceedings may have on the marketability and availability of financing and/or insurance for the Condominium Units in the Project. Notwithstanding, if the Association has reason to believe that the applicable statute of limitations will expire before the Association files the legal proceeding, the Association may give the notice, as described above, within thirty (30) days after the filing of the legal proceeding.

ARTICLE XV

ENFORCEMENT OF BONDED OBLIGATIONS

15.1 Bonded Obligations. When Association Property Improvements have not been completed prior to the issuance of the original Final Public Report to which the Association Property is subject and the Association is the obligee under a Bond to secure performance of the commitment of Declarant to complete the Association Property Improvements, the following provisions shall apply:

15.1.1 Completed Improvements. If all Improvements identified in the planned construction statement appended to the Bond are covered by one or more recorded notices of completion, the Board shall execute all required documents by the surety to release the Bond.

15.1.2 Improvements Not Completed. If a notice of completion has not been filed within sixty (60) days after the completion date specified for that Improvement in the planned construction statement appended to the Bond, the Board shall consider and vote on the question of action by the Association to enforce the obligations under the Bond. If the Association has given an extension in writing for the completion of any Association Property Improvements, the Board shall consider and vote on the aforesaid question if a notice of completion has not been filed within thirty (30) days after the expiration of the extension.

15.1.3 Action by Members. If the Board fails or refuses to initiate action to enforce the bonded obligations, upon receipt of a petition for a special meeting signed by Members representing five percent (5%) or more of the total voting power of the Association, the Board shall call a special meeting of the Members to override the Board's failure or refusal to act. The special meeting shall be held not less than thirty-five (35) days nor more than forty-five (45) days after receipt of the petition by the Board. At the special meeting, the

affirmative vote of a majority of Members, excluding any votes of Declarant, shall be required to take action to enforce the obligations under the Bond and shall be deemed to be the decision of the Association. The Board shall thereafter implement the decision by initiating and pursuing appropriate action in the name of the Association.

15.2 Release of Bond. Upon satisfaction of Declarant's obligation to complete the Association Property Improvements, the Association shall acknowledge in writing that it approves the release of the Bond and shall execute any other documents that may be reasonably necessary to affect the release of the Bond. The Association may not condition its approval on the satisfaction of any condition other than completion of the Association Property Improvements. If the Association breaches any of the foregoing obligations, it will be liable to Declarant for any damages incurred thereby, including reasonable attorney's fees. Any dispute between Declarant and the Association shall be resolved in accordance with the provisions of the escrow instructions which accompany the Bond.

ARTICLE XVI

GENERAL PROVISIONS

16.1 Term. The covenants and restrictions of this Declaration shall run with and bind the Project, and shall inure to the benefit of and be binding on the Association and the Owners, their legal representatives, heirs, grantees, tenants, successors and assigns, subject to this Declaration, for a term of fifty (50) years from the date this Declaration is recorded. Thereafter, this Declaration shall be automatically extended for successive periods of ten (10) years.

16.2 Owner's Compliance. Each Owner, tenant or occupant of a Condominium Unit shall comply with the provisions of this Declaration, and (to the extent they are not in conflict with the Declaration), the Project Documents and the decisions and resolutions of the Association or the Board, as lawfully amended from time to time. Failure to comply with any such provisions, decisions, or resolutions, shall be grounds for an action to recover all Additional Charges, for damages, for injunctive relief, or to enforce such provisions, decisions or resolutions. All agreements and determinations lawfully made by the Association in accordance with the voting percentages established in the Project Documents shall be deemed to be binding on all Owners, their successors and assigns.

16.3 Notices. Unless otherwise stated in this Declaration or as allowed by law, any notice permitted or required by the Project Documents may be delivered in any manner set forth in California Civil Code Sections 4040, 4045, 4050 and 4055. If delivery is by mail, it shall be deemed to have been delivered seventy-two (72) hours after a copy of the same has been deposited in the United States mail, first class or registered, postage prepaid, addressed to the person to be notified at the current address given by such person to the Secretary of the Board or addressed to the Condominium Unit of such person if no address has been given to the Secretary.

16.4 Notice of Transfer. No later than fifteen (15) days after the sale or transfer of any Condominium Unit whereby the transferee becomes the Owner thereof, the transferee shall notify the Association in writing of such sale or transfer. Such notice shall set forth: (a) the Condominium Unit involved; (b) the name and address of the transferee and transferor if known; and (c) the date

of sale. Unless and until such notice is given, the Association shall not be required to recognize the transferee for any purpose, and any action taken by the transferor as an Owner may be recognized by the Association. Prior to receipt of any such notification by the Association, any and all communications required or permitted to be given by the Association shall be deemed duly given and made to the transferee if duly and timely made and given to said transferor.

16.5 Delivery of Project Documents to Transferee. Prior to transfer of title to a Condominium Unit, the transferor shall provide to the prospective transferee a copy of the Project Documents, the documents identified in the Dispute Resolution Declaration, and such other documents and information as are required by California Civil Code Sections 4525 and 4535 at the close of escrow, buyer shall be deemed to have all of these documents and shall be bound by them.

16.6 Easements Reserved and Granted. Any easements appurtenant to a Condominium Unit referred to in this Declaration shall be deemed reserved and/or granted by reference to this Declaration in a deed to said Condominium Unit.

16.7 Termination of any Responsibilities of Declarant. If Declarant conveys all of its right, title and interest in and to the Project to any partnership, individual or corporation, then and in such event, Declarant shall be relieved of the performance of any further duty or obligation hereunder, and such partnership, individual or corporation shall be obligated to perform all such duties and obligations of the Declarant.

16.8 Mergers and Consolidations. To the extent permitted by law, the Association may participate in mergers and consolidations with other non-profit organizations organized for the same purposes as this Association, provided that any such merger or consolidation shall be the written consent of all of the Members or the assent by vote of two thirds (⅔) of the Members voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be given to all Members at least thirty (30) days in advance.

16.9 Limitation of Restrictions on Declarant and Land Banker. Nothing in this Declaration shall be understood or construed to (a) prevent Declarant or Land Banker, its contractors, or subcontractors from doing on the Project or any Parcel, Condominium Unit or parcel, whatever is reasonably necessary or advisable in connection with completing the Project as proposed; or, (b) prevent Declarant or Land Banker, or its representatives from erecting, constructing and Maintaining on any part or parts of the Project, such structures as may be reasonable and necessary for the conduct of its business of completing the Project and establishing said Project as a residential community and disposing of the same in Condominium Units by sale, lease, or otherwise; or, (c) prevent Declarant or Land Banker from conducting on any part of the Project its business of completing the Project and of establishing a plan of ownership and of disposing of said Project in Condominium Units by sale, lease or otherwise; or, (d) prevent Declarant or Land Banker from maintaining such sign or signs on any of the Project as may be necessary for the sale, lease or disposition thereof, provided, however, that the maintenance of any such sign shall not unreasonably interfere with the use by any Owner of his/her Parcel, Condominium Unit or the Association Property. The foregoing limitations of the application of the restrictions to Declarant and Land Banker shall terminate upon the sale of Declarant's or Land Banker's interests in the Project, or ten (10) years after the close of the first escrow, whichever

occurs earlier. Any action taken by Declarant and/or Land Banker pursuant to any provision of this Section 16.9 will not unreasonably interfere with the owners' rights and use of the Project. The rights of Land Banker herein shall only exist while it owns any portion of the Project.

16.10 Assignment by Declarant. The rights of Declarant in this Declaration may be assigned by Declarant to any successor to all or any part of Declarant's interest in the Project, as developer, by an express assignment incorporated in a recorded deed that transfers any such interest to a successor or to a Mortgagee acquiring Declarant's interest in the Project by foreclosure or by deed in lieu of foreclosure provided, however, that so long as Land Banker owns any real property subject to this Declaration, Declarant shall not assign any of its rights, powers, authority, obligations, etc., to any other party without the prior written consent of Land Banker. In addition, Declarant shall not execute or consent to the execution or the recordation of any document or writing affecting the Project without the written consent of Land Banker which it may withhold it is absolute discretion for so long as Land Banker owns any portion of the Project.

16.11 Severability. Should any provision or portion hereof be declared invalid or in conflict with any law of the jurisdiction where this Project is located, the validity of all other provisions and portions hereof shall remain unaffected and in full force and effect.

16.12 Estoppel Certificate. Within ten (10) days of the mailing or delivery of a written request by any Owner, the Board shall provide the Owner with a written statement containing the following information: (a) whether to the knowledge of the Association, the Owner or the Owner's Condominium Unit is in violation of any of the provisions of the Project Documents; (b) the amount of Regular and Special Assessments, including installment payments, paid by the Owner during the fiscal year the request is received; and, (c) the amount of any Assessments levied against the Owner's Condominium Unit that are unpaid as of the date of the statement, including any Additional Charges, late charges, interest, or cost of collection that as of the date of the statement are or may be made a lien against the Owner's Condominium Unit as provided by the Project Documents.

16.13 Successor Statutes. Any reference in the Project Documents to a statute shall be deemed a reference to any amended or successor statute.

16.14 Conflict with Project Documents. If there is a conflict among or between the Project Documents, the provisions of this Declaration shall prevail; thereafter, priority shall be given to Project Documents in the following order: Articles, Bylaws, and Association Rules.

16.15 Exhibits. All exhibits attached to this Declaration are incorporated by this reference as though fully set forth herein.

16.16 Headings. The headings used in this Declaration are for convenience only and are not to be used to interpret the meaning of any of the provisions of this Declaration.

16.17 Owner's Acknowledgment. Each Owner shall sign an acknowledgment that he/she has received and read the Project Documents.

16.18 Construction of Provisions. The provisions of this Declaration shall be liberally construed to effect its purpose of creating a uniform plan for the development and operation of a

common interest development pursuant to the provisions of the Davis-Stirling Common Interest Development Act, California Civil Code Section 4000, *et seq*., as may be supplemented, amended and/or superseded.

16.19 Indemnification of City. Declarant, the Owners and the Association each agree to save, defend, indemnify and hold harmless City, and its directors, officers, agents and employees from and against all loss, liability, expenses, damages and costs (including reasonable fees, witness fees, and any other costs and expenses) for any accident, loss or damage to persons or property arising from or related to City's enforcement, or lack thereof, of any of the rights and remedies of City pursuant to this Declaration. Declarant, Owners, and the Association each understand and acknowledge that City is a third-party beneficiary under this Declaration and has the right, but not the obligation, to enforce any of its rights or remedies herein. Nothing in this Section 16.19 is intended to and/or shall operate in a manner to affect any otherwise applicable immunity or protection upon which City may be entitled to rely.

Signature(s) and Acknowledgement Page(s) Follow

[*Declarant's Signature Page to Declaration*]

IN WITNESS WHEREOF, the undersigned has executed this Declaration.

Dated: _____, 20___

MERITAGE HOMES OF CALIFORNIA, INC.,
a California corporation,

By: _____
Name: _____
Its: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, 20___, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____

CONSENT OF LAND BANKER

The undersigned, as the record owner of real property identified on **Exhibit A** of this "Declaration of Covenants, Conditions and Restrictions for The [Project Title]" (the "***Declaration***"), to which this Consent is attached, and the "Seller" under that "Memorandum of Purchase Agreement" between the undersigned and Meritage Homes of California, Inc., a California corporation, do hereby consent to the recordation of the Declaration.

Dated: _____, 20___

MTHCALV-I SANTA ANA STREET, LLC,
a Delaware limited liability company

By: MTHCA LAND VENTURE I LLC,
a Delaware limited liability company,
its Sole Member

By: CALIFORNIA URBAN HOMES, LLC,
a California limited liability company,
its Managing Member

By: MERITAGE HOMES OF CALIFORNIA, INC.,
a California corporation,
its Sole Member

By: _____
Name: _____
Its: _____

Acknowledgement Page Follows

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, 20___, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____

EXHIBIT A

DESCRIPTION OF REAL PROPERTY

That certain real property in the City of Costa Mesa, County of Orange, State of California, and described as follows:

Parcels 1 and 2 of "Tract No. 19290," as shown on a map filed on _____, 20___, in Book ____ of Maps, at Pages ___ to ___, inclusive, in the Official Records of the Orange County Recorder's Office, State of California.

EXHIBIT B

MAINTENANCE RESPONSIBILITY CHART

The following represents a ***non-exclusive*** list of Improvements to be Maintained either by the Owner or Association. Its purpose is to describe Maintenance responsibilities over certain items where there may be some uncertainty as to the responsible maintaining party. The reference to "HOA" refers to the Association. References to "Unit" shall refer to Condominium Unit.

Improvement	Clean	Maintain	Repair	Replace	Paint	Resurface	Repave
Interior doors and hardware (locks, hinges, *etc.*)	Owner	Owner	Owner	Owner	Owner	N/A	N/A
Unit entry door, hardware and weather stripping	Owner	Owner	Owner	Owner	HOA (exterior surface only)	N/A	N/A
Doorbells	N/A	Owner	Owner	Owner	N/A	N/A	N/A
Unit garage doors, openers, hardware, and opening equipment	Owner	Owner	Owner	Owner	HOA (exterior surface only)	N/A	N/A
Windows and window surfaces of Units	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Exterior window frames of Units	N/A	HOA	HOA	HOA	N/A	N/A	N/A
Sliding glass doors	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Exterior sliding glass door frame of Units	N/A	HOA	HOA	HOA	N/A	N/A	N/A
Exterior light fixtures	Owner	Owner	Owner	Owner	Owner	N/A	N/A
Exterior light fixtures on HOA's meter	HOA	HOA	HOA	HOA	HOA	N/A	N/A
Light bulb for address lights	HOA	HOA	HOA	HOA	N/A	N/A	N/A
Address light fixture	HOA	HOA	HOA	HOA	N/A	N/A	N/A

Improvement	Clean	Maintain	Repair	Replace	Paint	Resurface	Repave
Electric meter and water sub-meter (and water lines after it reaches the sub-meter) that serves a Unit	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Water and sewer lines and pipes in AP	HOA	HOA	HOA	HOA	N/A	N/A	N/A
Utility closet (for meter clusters and other equipment for Units)	HOA	HOA	HOA	HOA	HOA	N/A	N/A
Plumbing systems (including pipes in interior walls)	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Electrical systems (including lines in interior walls)	N/A	Owner	Owner	Owner	N/A	N/A	N/A
Smoke detectors and carbon monoxide detectors	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Fire sprinkler lines and sprinkler heads serving the Unit	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Back up battery for smoke detectors and carbon monoxide detectors	N/A	Owner	N/A	Owner	N/A	N/A	N/A
Drainage systems within Association Property	HOA	HOA	HOA	HOA	N/A	N/A	N/A

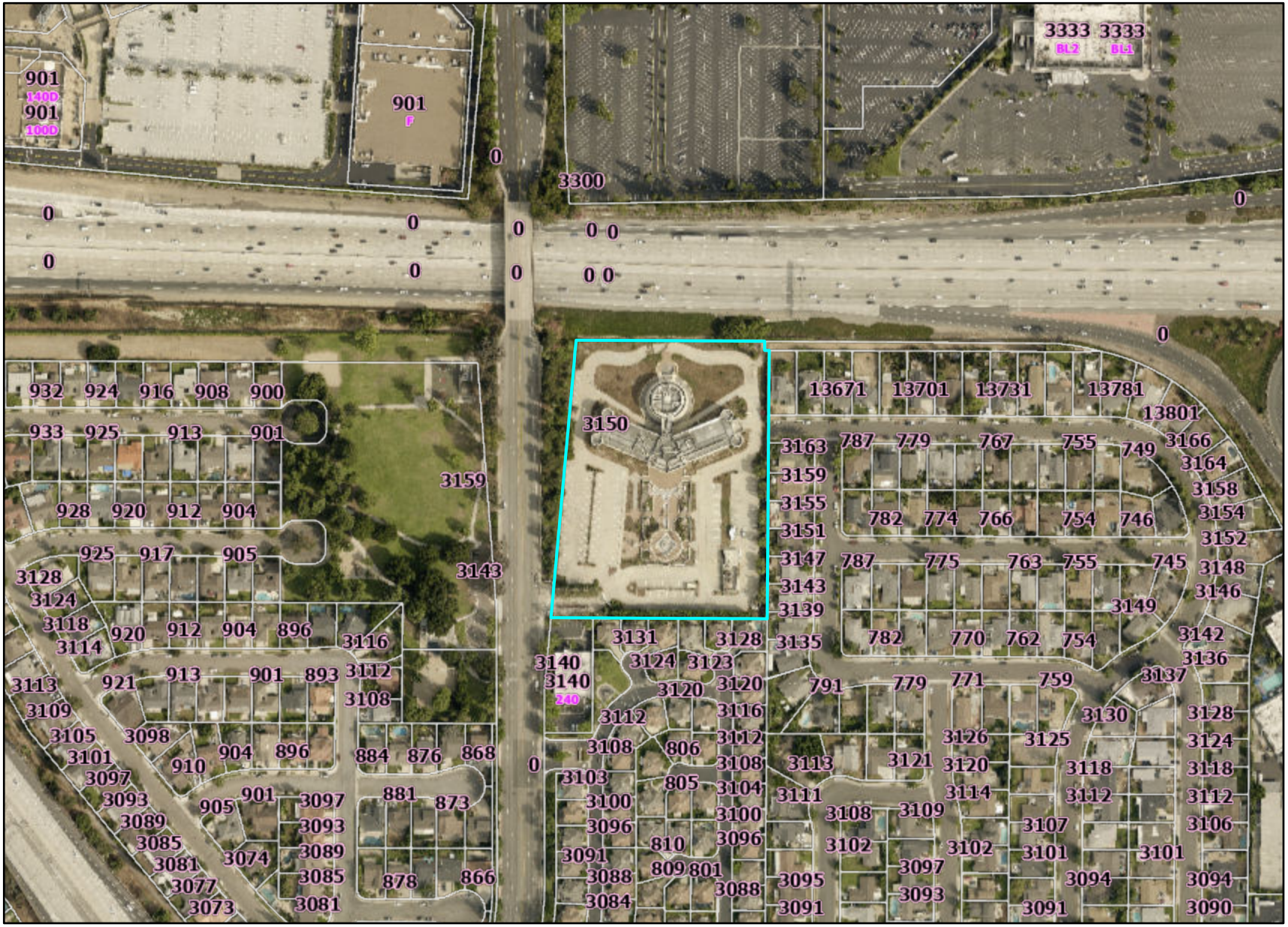
Improvement	Clean	Maintain	Repair	Replace	Paint	Resurface	Repave
Landscape, irrigation and associated plantings within Association Property	HOA	HOA	HOA	HOA	N/A	N/A	N/A
Utility facilities, equipment, lines, pipes, trenches, and conduits that exclusively service AP	HOA	HOA	HOA	HOA	N/A	N/A	N/A
Cluster mailboxes (excluding locks, keys and door)	HOA	HOA	HOA	HOA	HOA	N/A	N/A
Foundation for Buildings	N/A	HOA	HOA	HOA	N/A	N/A	N/A
Balcony, Patio and Porch waterproof membrane of Units (if any)	Owner	Owner	HOA	HOA	HOA	N/A	N/A
Balcony, Patio and Porch structural components of Units	N/A	HOA	HOA	HOA	HOA	N/A	N/A
HVAC system, pad	Owner	Owner	Owner	Owner	N/A	N/A	N/A
Landscape screening for HVAC systems	HOA	HOA	HOA	HOA	N/A	N/A	N/A
Offsite Maintenance Areas	HOA	HOA	HOA	HOA	N/A	N/A	N/A
Private roadway, alleys, curbs and sidewalks	HOA	HOA	HOA	HOA	N/A	HOA	HOA
Roofs, gutters and downspouts of Buildings	HOA	HOA	HOA	HOA	HOA	N/A	N/A
Solar energy system	Owner	Owner	Owner	Owner	N/A	N/A	N/A

Improvement	Clean	Maintain	Repair	Replace	Paint	Resurface	Repave
Trash enclosures and bulk item areas	HOA	HOA	HOA	HOA	HOA	HOA	HOA
Monuments, furniture and structures in courtyard areas	HOA	HOA	HOA	HOA	HOA	HOA	HOA

Costa Mesa

Vicinity Map

ATTACHMENT 10



Legend

- City Limit
- Addresses
- Silver

N W E S

0 0.05 0.1 0.2 mi

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Costa Mesa

Zoning Map

Legend

- City Limit
- Addresses
- Silver

Zoning

- AP - Administrative Professional
- IR-MLT - Institutional Recreational Multi-Use
- R1 - Single-Family Residential
- R2-MD - Multiple-Family Residential, Medium Density
- R2-HD - Multiple-Family Residential, High Density
- R3 - Multiple Family Residential
- MG - General Industrial
- MP - Industrial Park
- PDI - Planned Development Industrial
- C1 - Local Business
- C2 - General Business
- C1-S - Shopping Center
- TC - Town Center
- PDR-NCM - Planned Development Residential - North Costa Mesa
- I&R - Institutional Recreational
- I&R-S - Institutional Recreational - School
- P - Parking
- CL - Commercial Limited
- PDC - Planned

N W E S

0 0.05 0.1 0.2 mi

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From: YEAGER, CHRISTOPHER
To: "Crooker, Johanna"; Scheidel, Vanessa
Subject: RE: Bear Street - Shiffer Park
Date: Wednesday, June 18, 2025 10:26:00 AM
Attachments: image001.png

Thanks!

Chris Yeager
Senior Planner
Economic & Development Services Department
77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-4883

Please consider the environment before printing this email. Thank you!

"The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive, and vibrant community."

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From: Crooker, Johanna <Johanna.Crooker@mlcholdings.net>
Sent: Wednesday, June 18, 2025 9:32 AM
To: YEAGER, CHRISTOPHER <CHRISTOPHER.YEAGER@costamesaca.gov>; Scheidel, Vanessa <Vanessa.Scheidel@meritagehomes.com>
Subject: RE: Bear Street - Shiffer Park

Yes, that is our intent.

Kind Regards,
Johanna Crooker, AICP, Vice President, Forward Planning and Entitlements, Southern California
949.299.3824 | www.meritagehomes.com

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From: YEAGER, CHRISTOPHER <CHRISTOPHER.YEAGER@costamesaca.gov>
Sent: Wednesday, June 18, 2025 9:30 AM
To: Crooker, Johanna <Johanna.Crooker@mlcholdings.net>; Scheidel, Vanessa <Vanessa.Scheidel@meritagehomes.com>
Subject: RE: Bear Street - Shiffer Park

I will include a condition that $250,000 be dedicated. Please verify this is you intent.

Thanks,

Chris Yeager
Senior Planner
Economic & Development Services Department
77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-4883

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From: Crooker, Johanna <Johanna.Crooker@mlcholdings.net>
Sent: Wednesday, June 18, 2025 9:24 AM
To: YEAGER, CHRISTOPHER <CHRISTOPHER.YEAGER@costamesaca.gov>; Scheidel, Vanessa <Vanessa.Scheidel@meritagehomes.com>
Subject: RE: Bear Street - Shiffer Park

We had budgeted $250,000. The amount was based on a cost estimate for a pickleball court and assumed a prevailing mark-up of 30% since it would be on public land. The actual amount was $237k but we rounded up. This is in addition to the approximately $1.95M in park fees.

Kind Regards,
Johanna Crooker, AICP, Vice President, Forward Planning and Entitlements, Southern California
949.299.3824 | www.meritagehomes.com

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From: YEAGER, CHRISTOPHER <CHRISTOPHER.YEAGER@costamesaca.gov>
Sent: Wednesday, June 18, 2025 8:11 AM
To: Crooker, Johanna <Johanna.Crooker@mlcholdings.net>; Scheidel, Vanessa <Vanessa.Scheidel@meritagehomes.com>
Subject: Bear Street - Shiffer Park

Hi Team,

Please let me know the amount that Meritage intents to contribute to Shiffer Park improvements.

Chris Yeager
Senior Planner
Economic & Development Services Department
77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-4883

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