



City of Costa Mesa

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

Agenda

Tuesday, February 1, 2022

6:00 PM

Via Zoom Webinar

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

The City Council meeting will be held virtually via Zoom Webinar.

Pursuant to the State of California Assembly Bill 361(Gov. Code §54953(b)(3)) the City Council Members and staff may choose to participate by video conference.

You may participate via the following options:

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

2. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

<https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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

4. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

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

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

The City of Costa Mesa aims to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is currently provided, the Clerks office will attempt to accommodate in a reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov.

El objetivo de la Ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta junta, usted necesita asistencia especial, más allá de lo que actualmente se proporciona, la oficina del Secretario de la Ciudad intentara de complacer en una forma razonable. Favor de comunicarse con la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov.

CALL TO ORDER

ROLL CALL

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

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Costa Mesa v. Newport Mesa Unified School District, Orange County Superior Court Case No. 30-2021-01179397-CU-WM-CXC.
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Orange County Superior Court
Case No. 30-2018-01006173-CU-OR-NJC.
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Insight Psychology and Addiction, Inc. v. City of Costa Mesa, U.S. District Court, Central District of California, Case No. 8:20-cv-00504-JVS-JDE

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

February 1, 2022 – 6:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

KIMBERLY HALL BARLOW
City Attorney

LORI ANN FARRELL HARRISON
City Manager

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

MOMENT OF SOLEMN EXPRESSION

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

Pastor David Manne, Calvary Chapel, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [Proclamation: Lunar New Year 2022 – Year of the Tiger](#) [21-559](#)
Attachments: [Proclamation: Lunar New Year- Year of the Tiger](#)

-
2. [Proclamation: Black History Month 2022 – Health & Wellness](#) [21-558](#)

Attachments: [Proclamation: Black History Month- Health and Wellness](#)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

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

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-6)

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. [PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY 21-547 OF ALL ORDINANCES AND RESOLUTIONS](#)
2. [READING FOLDER](#) [21-548](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Michael Artiglio, Charles Bonner, Nathan Favela, ATM Global, Nghia Ho, Mercury Insurance, Joshua Mantle, Bibo Song, Ray Taylor.

3. **ADOPTION OF WARRANT RESOLUTION** **21-555**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2673

Attachments: [Summary Check Register Jan 13, 2022](#)
[Summary Check Registrar Jan 20, 2022](#)

4. **MINUTES** **21-557**

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of January 18, 2022.

Attachments: [01-18-2022 Draft Minutes](#)

5. [CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, 21-519
AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, City Project No. 21-03.
2. Award a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, California 92879 in the amount of \$2,828,000 (Base Bid including Additive Bid).
3. Award a Professional Services Agreement (PSA) for construction management services to Z&K Consultants, 473 E. Carnegie Drive, San Bernardino, California 92408 in the amount of \$299,608.
4. Authorize the City Manager and City Clerk to execute the PWA (Attachment 1) for All American Asphalt and PSA (Attachment 2) for Z&K Consultants and future amendments to the agreements within Council authorized limits.
5. Authorize an additional ten percent (10%) contingency in the amount of \$282,800 for construction and also an additional (10%) contingency in the amount of \$29,961 for construction management, as needed for any unforeseen costs related to this project.

Attachments: [1. PWA - All American Asphalt](#)
[2. PSA - Z & K Consultants, Inc.](#)
[3. Street Rehabilitation Map Locations](#)
[4. Bid Abstract](#)

6. [POLICE DEPARTMENT RANGE REMODEL AND UPGRADES 21-521 PROJECT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve Amendment No. 1 (Attachment 1) to Gillis & Panichapan Architects (GPa) in order to authorize an additional \$38,413 for architectural design services related to Americans with Disabilities Act (ADA) upgrades for the Police Department Range Remodel and Upgrades Project; and
2. Authorize the City Manager and City Clerk to execute Amendment No. 1 to the original Professional Services Agreement (PSA) for GPa and future amendments to the PSA within Council authorized limits.

Attachments: [1. Amendment No. 1](#)
[2. Change Order request](#)

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

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

PUBLIC HEARINGS:

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

1. [CITY OF COSTA MESA 2021-2029 \(SIXTH CYCLE\) HOUSING 21-549 ELEMENT \(GP-21-01\)](#)

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution that approves and adopts the Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program, and approve General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element update.

Attachments: [1. Revisions to Draft Housing Element \(since 01.18.22 Meeting\)](#)
[2. Planning Commission Resolution](#)
[3. Housing Element Update ISMND](#)
[4. Mitigation Monitoring and Reporting Program](#)
[5. Draft Housing Element \(clean version\)](#)

OLD BUSINESS:

1. [**COMMUNITY WORKFORCE AGREEMENT**](#) [**21-419**](#)

RECOMMENDATION:

Staff requests the City Council:

1. Provide direction on the attached Community Workforce Agreement (CWA) (Attachment 1) for a five-year term between the City of Costa Mesa (City) and the Los Angeles/Orange Counties Building and Construction Trades Council (Trades Council).
2. If approved, authorize the City Manager or designee to execute the agreement and accept any minor modifications to the agreement during the CWA term.

Attachments: [1. CWA](#)

NEW BUSINESS:

1. [**PROFESSIONAL SERVICES AGREEMENT FOR BIOLOGICAL MANAGEMENT AND HABITAT REHABILITATION SERVICES AT FAIRVIEW PARK**](#) [**21-531**](#)

RECOMMENDATION:

1. Award a Professional Services Agreement to Endemic Environmental Services, Inc., in an annual amount not-to-exceed \$322,595 for professional biological management and habitat rehabilitation services at Fairview Park for a term of two years, with three one-year extension options, with the option to provide Consumer Price Index (CPI) increases during each one-year extension period, plus a five-percent (5%) annual contingency for unforeseen costs, if needed.
2. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the agreement, including any amendments to extend the term and increase Endemic's compensation based on CPI or to utilize the contingency authorized herein.

Attachments: [1. PSA-Endemic Environmental Services Inc.](#)

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

ADJOURNMENT



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-559

Meeting Date: 2/1/2022

TITLE:

Proclamation: Lunar New Year 2022 - Year of the Tiger

DEPARTMENT: City Manager's Office



CITY OF COSTA MESA, CALIFORNIA

Proclamation

WHEREAS, this Lunar New Year in the year 2022 marks the celebration of the “Year of the Tiger”; and

WHEREAS, Year of the Tiger officially begins on February 1st, 2022, and ends on January 21st, 2023; and

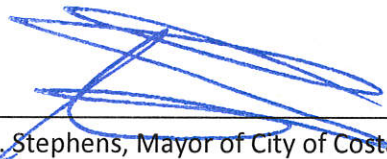
WHEREAS, the Tiger is a symbol of strength, independence, and braveness; and

WHEREAS, Lunar New Year is celebrated by millions of Asian and Pacific Islander communities across the world; and

WHEREAS, Lunar New Year is a time to connect with family and community to celebrate and prepare for the arrival of a new year of happiness, good health, and prosperity; and

NOW, THEREFORE, BE IT RESOLVED that I, John B. Stephens, Mayor of the City of Costa Mesa, do hereby proclaim Tuesday, February 1st as the **Lunar New Year** and urge all residents to recognize and celebrate this special day.

DATED this first day of February 2022.



John B. Stephens, Mayor of City of Costa Mesa



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-558

Meeting Date: 2/1/2022

TITLE:

Proclamation: Black History Month 2022 - Health & Wellness

DEPARTMENT: City Manager's Office



CITY OF COSTA MESA, CALIFORNIA

Proclamation

WHEREAS, Black History month started in 1926 when distinguished Black author and founder of the Association for the Study of African American Life and History, Dr. Carter G. Woodson, launched Negro History Week to celebrate and showcase the historical contributions of Black Americans; and

WHEREAS, Dr. Carter G. Woodson selected the second week of February because it included the birthdays of Frederick Douglass and Abraham Lincoln, which had been notable dates for the Black community since the start of the twentieth century; and

WHEREAS, in 1976, it evolved into a month-long celebration and became a national holiday when President Gerald Ford officially labeled the month of February as Black History Month to highlight the contributions that Black Americans have made in every field, from science, the arts to politics, and religion; and

WHEREAS, the Black History Month theme for 2022 focuses on the importance of Black Health and Wellness by acknowledging the legacy of Black scholars and medical practitioners in Western medicine by creating a platform that shines a light on the multiple facets of Black health and wellness through education and activism; and

WHEREAS, Black communities must look into the past to provide light for their future by embracing the rituals, traditions, and healing modalities of their ancestors; and

WHEREAS, Black History Month is a time for all Americans to reflect on both the history and teachings of Black Americans and to focus on the progress, richness, and diversity of Black American achievements; and

NOW, THEREFORE, I, John B. Stephens, Mayor of the City of Costa Mesa, do hereby proclaim the month of February 2022 as **Black History Month** in the City of Costa Mesa and encourage all residents to join me to celebrate the diversity and character of our community and to continue to work towards the ideals of equality, freedom, opportunity that our great nation represents.

DATED this first day of February 2022.



John B. Stephens, Mayor of City of Costa Mesa



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-547

Meeting Date: 2/1/2022

TITLE:

PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

RECOMMENDATION:

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



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-548

Meeting Date: 2/1/2022

TITLE:

READING FOLDER

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

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Michael Artiglio, Charles Bonner, Nathan Favela, ATM Global, Nghia Ho, Mercury Insurance, Joshua Mantle, Bibo Song, Ray Taylor.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-555

Meeting Date: 2/1/2022

TITLE:

ADOPTION OF WARRANT RESOLUTION

DEPARTMENT: Finance Department

PRESENTED BY: Carol Molina, Finance Director

CONTACT INFORMATION: Carol Molina at (714) 754-5036

RECOMMENDATION:

City Council approve Warrant Resolution No. 2673

BACKGROUND:

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

FISCAL REVIEW:

Funding Payroll Register No. 21-26 "A" for \$63,842.52, 22-01 for \$3,046,861.22, 22-01 "A" for -\$1566.56, and 22-02 for \$2,671,058.43 and City operating expenses for \$1,376,872.06

Rep ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTER

Page No.

Run Date Jan 13, 2022

Run Time 2:31:41 PM

Bank: CITY

Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235670	01/14/22	P	AFLAC	0000012253	23,325.92
		<i>Line Description:</i>	STD Insurance Premium-Jan 22 Accident Insurance Premium-Jan 22 Cancer Insurance Premium-Jan 22		
0235671	01/14/22	P	Admin Sure Inc	0000021568	15,684.27
		<i>Line Description:</i>	Wkrs Comp Admin Fee-Jan 2022		
0235672	01/14/22	P	All City Management Services Inc	0000009480	28,007.70
		<i>Line Description:</i>	School Crossing-11/28-12/11/21 Crossing Svc-10/31-11/13/21 Crossing Svc-11/14-11/27/21		
0235673	01/14/22	P	City Net	0000029222	19,747.00
		<i>Line Description:</i>	CM Street Outreach Jul-Oct 21 CM Street Outreach Nov 2021		
0235674	01/14/22	P	LINA	0000015623	24,050.94
		<i>Line Description:</i>	Retiree Life-Dec 2021 Life & AD&D-Dec 2021 LTD - Dec 2021 Voluntary Life - Dec 2021 Cigna LTD Admin Fee-Nov 21		
0235675	01/14/22	P	Mercy House	0000003138	21,079.89
		<i>Line Description:</i>	CDBG Rental Assist Jul-Sep 21		
0235676	01/14/22	P	Neogov	0000018828	46,473.00
		<i>Line Description:</i>	Subscription to NeoGov modules Training and Setup of Addition		

Rep ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTER

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235677	01/14/22	P	OakWest Services Inc	0000029497	15,897.12
			Line Description: Irrigation/Landscape-Heller Pk Install Footing, Monument Sign		
0235678	01/14/22	P	Pinnacle Petroleum, Inc	0000029315	17,194.17
			Line Description: Unleaded Fuel - PD		
0235679	01/14/22	P	RJ Noble Company	0000003828	145,241.22
			Line Description: Retention Payment #400015 StreetRehab Proj#20-18/#400015		
0235680	01/14/22	P	Sagecrest Planning & Environmental	0000025748	22,230.00
			Line Description: LMS Consult Svc-10/1-10/31/21 LMS Consult Svc-11/1-11/30/21		
0235681	01/14/22	P	Agriserve Pest Control Inc	0000025268	455.00
			Line Description: Tree Treatment-933 Sonora Rd Fruit Suppression		
0235682	01/14/22	P	Akeso Occupational Health	0000029274	1,183.90
			Line Description: DMV Physical Exam Pre Employment Physical Exam Pre Employment Physical Exam DMV Physical Exam COVID-19 Test COVID-19 Test COVID-19 Test COVID-19 Testing COVID-19 Testing COVID-19 Testing DMV Physical Exam DMV Physical Exam DMV Physical Exam		

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			Line Description: DMV Physical Exam		
0235683	01/14/22	P	Allstar Fire Equipment Inc	0000000986	4,722.91
			Line Description: S&H		
			Sales Tax		
			CMC p/n - 281202 / Static Pro		
			CMC p/n - 281203 / Static Pro		
			Helmet		
			CMC p/n - 202125 / ATOM Rescue		
			CMC p/n - 202200 / Spreader Ba		
			CMC p/n - 500104 / Aztek ProSe		
			CMC p/n - 202124 / ATOM Rescue		
0235684	01/14/22	P	American Alarm Systems Inc	0000008900	127.50
			Line Description: Security Svc-2/1-4/30/2022		
0235685	01/14/22	P	BNSONS	0000028587	700.38
			Line Description: Floor Decals		
0235686	01/14/22	P	Banner Bank	0000024288	7,644.28
			Line Description: Retention Pmnt-Proj #20-18		
0235687	01/14/22	P	Bob Murray & Associates	0000025439	4,032.50
			Line Description: Executive Search Recruitment		
0235688	01/14/22	P	Bound Tree Medical LLC	0000011695	1,914.00
			Line Description: EMS Supplies		
			EMS Supplies		
			EMS Supplies		
			EMS Supplies		
			EMS Supplies		

SUMMARY CHECK REGISTER

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235689	01/14/22	P	BrightView Landscape Services Inc	0000026055	2,569.77
			Line Description: Irrigation Repair-Nov 2021		
0235690	01/14/22	P	CAPF	0000004755	2,419.00
			Line Description: Firefighter LTD-Jan 2022		
0235691	01/14/22	P	CDW Government Inc	0000005402	12,794.54
			Line Description: APC Battery Backup		
			APC Back Up		
			VEEAM BACKUP & REPLICATION ENT		
			CISCO IDENTITY SERVICES		
			KOFAX RENEWAL		
			KOFAX TECHNICAL SUPPORT		
0235692	01/14/22	P	Canon Financial Services Inc	0000023241	2,725.12
			Line Description: Copier Lease 12/20/21-1/19/22		
			DS COPIER LEASE- 12/-12/31/21		
			DS COPIER LEASE-12/1-12/31/21		
			Color Copier 11/20-12/19/21		
0235693	01/14/22	P	Care Ambulance Service Inc	0000019807	2,185.00
			Line Description: Ambulance Staffing-Nov 2021		
0235694	01/14/22	P	Carl Warren & Company	0000001578	7,590.00
			Line Description: Wkrs Comp Admin Fee-Dec 21		
			Consult Claims Admin-Nov 21		
0235695	01/14/22	P	Clean Street	0000001098	3,299.00
			Line Description: PressureWash NP/W 19th St		
0235696	01/14/22	P	Costa Mesa Lock & Key	0000001817	1,469.62

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> Stairway Lock Replacement		
0235697	01/14/22	P	Dana Potts	0000028913	260.04
			<i>Line Description:</i> Subpoena Exp 12/21/21		
0235698	01/14/22	P	Dell Computer Corp	0000001962	11,960.66
			<i>Line Description:</i> Environmental Fee MONITOR ENVIRONMENTAL FEE Dell 24 Monitor - P2422H, 60.5 Laptop Sales Tax SALES TAX (7.75%)		
0235699	01/14/22	P	Devermont & Devermont Law Corp	0000029504	150.65
			<i>Line Description:</i> Sbpna Dep Refund 001-00348108		
0235700	01/14/22	P	Eagle Print Dynamics	0000026736	1,996.91
			<i>Line Description:</i> PROMOTIONAL ITEMS CMTV Uniforms		
0235701	01/14/22	P	Eco Luxury Detail	0000029442	12,850.00
			<i>Line Description:</i> Vehicle Paint-Less Dent Remova Vehicle Graphics		
0235702	01/14/22	P	Expo Propane Inc	0000017819	75.82
			<i>Line Description:</i> Finance Fee Finance Fee Finance Fee		
0235703	01/14/22	P	Extti Incorporated	0000010491	2,475.00
			<i>Line Description:</i> Consult Invest-FY21/22		

Report ID: CCM2001

City of Costa Mesa Accounts Payable
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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			Line Description: Consult Investigations		
0235704	01/14/22	P	Fair Housing Foundation	0000019956	3,810.40
			Line Description: 2021-2022 CDBG Grant-Oct 2021 2021-2022 CDBG Grant-Nov 2021		
0235705	01/14/22	P	GIT Satellite LLC	0000019742	63.18
			Line Description: Global Connect-12/1-12/31/21		
0235706	01/14/22	P	Galla Rini Roofing Inc	0000029506	260.31
			Line Description: Refund Permit #B21-00158		
0235707	01/14/22	P	Galls LLC	0000002297	6,442.51
			Line Description: Safety Vest-Osborne FTO Patches Uniform-Sapida Safety Vest-Sapida Uniform-Lopes Insignia Safety Vest-Molin Uniform-Phot Uniform-Fay Uniform-Poulter Uniform-Soto Uniform-Holl Uniform-Kuo Uniform-Jones		
0235708	01/14/22	P	Geovanni Gomez	0000029450	3,500.00
			Line Description: Photography for Snoopy House H		
0235709	01/14/22	P	Granicus LLC	0000015382	9,120.00
			Line Description: Website Design & Implemantatn		

Bank: CITY

Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235710	01/14/22	P	Hansen TY	0000029502	131.50
			<i>Line Description:</i> Refund Citation CM070012556		
0235711	01/14/22	P	Heriberto Alcantar	0000029505	260.31
			<i>Line Description:</i> Refund Permit B21-00123		
0235712	01/14/22	P	ID Wholesaler	0000012439	5,048.20
			<i>Line Description:</i> Shipping Fargo HDP6600 XE ID Card Print Sales Tax CR80.30 Composite PVC-PET Card Fargo 70208 Clear HDP Film - 1 Fargo 70209 Color Ribbon - YMC Discount		
0235713	01/14/22	P	Irv Seaver Motorcycles	0000010272	865.53
			<i>Line Description:</i> Fleet Shop Supplies		
0235714	01/14/22	P	Irvine Ranch Water District	0000005112	1,439.78
			<i>Line Description:</i> 106 Del Mar 11/6-12/8/21 170 Del Mar 11/6-12/8/21 170 Del Mar 10/12-11/6/21 2603 Elden 11/06-12/08/21 2603 Elden 10/11-11/6/21 261 Monte Vista 11/6-12/8/21 261 Monte Vista 10/11-11/6/21 258 Brentwood 11/6-12/8/21 258 Brentwood 10/11-11/6/21 308 University 11/8-12/8/21 220 23rd St 10/11-11/6/21 220 23rd St 11/6-12/7/21		

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235715	01/14/22	P	James Paola	0000029509	270.00
			Line Description: Refund Operational Permit		
0235716	01/14/22	P	Joe Mar Polygraph & Investigation	0000027462	1,125.00
			Line Description: Pre-Employment Polygraphs		
0235717	01/14/22	P	Kimball Midwest	0000006819	399.79
			Line Description: Fleet Shop Stock		
0235718	01/14/22	P	Los Angeles Times	0000003000	2,413.89
			Line Description: Legal Ad-Pkanning Dec 21		
0235719	01/14/22	P	Melissa Foxx Sarmiento	0000029508	255.04
			Line Description: Refund Permit BX21-00359		
0235720	01/14/22	P	Mesa Smog	0000020735	171.00
			Line Description: Smog Check Unit 212		
			Smot Check Unit 200		
			Smog Check Unit 530		
			Smog Check Unit 600		
0235721	01/14/22	P	Mohamed Abdelaal	0000029501	111.50
			Line Description: Refund Cttation CM060012452		
0235722	01/14/22	P	Napa Auto & Truck Parts	0000012968	3,809.66
			Line Description: Warehouse Stock		
			Automotive Stock		
0235723	01/14/22	P	Newport Urgent Care	0000029062	4,450.00
			Line Description: COVID-19 Testing-Oct 2021		

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Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> COVID-19 Testing-Nov 2021		
0235724	01/14/22	P	O Neil Storage	0000018395	112.34
			<i>Line Description:</i> Offsite Records Storage		
0235725	01/14/22	P	Orange Coast Plumbing Inc	0000009431	657.00
			<i>Line Description:</i> Plumbing Repair @ Heller Pk		
0235726	01/14/22	P	Peace of Mind Financial Consulting Inc	0000029150	6,680.00
			<i>Line Description:</i> Temp Svs-T Marsh Dec 2021		
0235727	01/14/22	P	Prado Family Shooting Range	0000017668	400.00
			<i>Line Description:</i> Range Fees-Nov 2021		
0235728	01/14/22	P	Premier Roofing & Building Co Inc	0000025910	606.47
			<i>Line Description:</i> Refund Permit B21-00214		
0235729	01/14/22	P	Premier Security Services Inc	0000002633	825.52
			<i>Line Description:</i> Wireless Transmitter Tax Installation Labor Hold-Up Button, Latching Wireless Translator and Repeat		
0235730	01/14/22	P	Raymond Larrabee	0000029503	43.50
			<i>Line Description:</i> Refudn Permit CM050010038		
0235731	01/14/22	P	Red Wing Business Advantage Account	0000003772	208.49
			<i>Line Description:</i> Safety Boots-Hernandez		

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Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235732	01/14/22	P	Rincon Truck Center Inc	0000013236	1,539.79
			Line Description: Stock 555 Oil Pan Gasket, Drain, Plug		
0235733	01/14/22	P	Robert Dimel	0000006343	170.37
			Line Description: Subpoena Exp 10/29/21		
0235734	01/14/22	P	Serving People In Need Inc	0000003992	7,274.00
			Line Description: Rental Assist Prog Jul-Sep 21		
0235735	01/14/22	P	Siemens Industry Inc	0000002904	4,695.87
			Line Description: 5th FI TStart Replacement		
0235736	01/14/22	P	Southern California Edison Company	0000004088	7,347.02
			Line Description: 3349 Sakikoa 11/24-12/26/21 1895 Irvine 12/2/21-1/2/22 2944 Bristol 11/19-12/15/21 1040 Paularino 11/17-12/16/21 1560 Adams 11/12-12/13/21 2612 Harbor 11/16-12/15/21 1952 Newport 11/29-12/27/21 1071 Bristol 11/18-12/17/21 348 E 17th 11/24-12/26/21 1624 Gisler 12/2-1/2/22 3351 Sakikoa 11/24-12/26/21 DRC 12/1-12/29/21 1845 Park Ave 11/30-12/28/21 695 W 19th 11/30-12/28/21 555 1/2 Paularino 11/22-12/21/		
0235737	01/14/22	P	Southern California Gas Company	0000004092	11,273.07
			Line Description: 3175 Airway 11/10-12/13/21 79 Fair 11/23-12/23/21		

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Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
<i>Line Description:</i> 721 James 11/22-12/21/21 DRC 11/22-12/22/21 Sr Cntr 11/22-12/22/21 FS #2 11/24-12/27/21 BCC 11/27-12/28/21 FS #5 11/23-12/23/21 567 W 18th 11/22-12/22/21 DRC Pool 11/22-12/22/21 NCC 11/22-12/22/21 FS #3 11/22-12/22/21 FS #1 11/27-12/28/21 FS #4 11/23-12/23/21 Historical Soc 11/22-12/22/21 2310 Placentia 11/23-12/23/21 2300 Placentia 11/23-12/23/21 PD 11/23-12/23/21 717James 11/22-12/22/21					
0235738	01/14/22	P	Southern California Shredding Inc	0000025605	30.00
<i>Line Description:</i> On-Site Shredding Svs-Dec 21					
0235739	01/14/22	P	Sunset Detectives	0000026756	7,200.00
<i>Line Description:</i> Background Investigations Background Investigations					
0235740	01/14/22	P	The Code Group Inc	0000025073	10,209.52
<i>Line Description:</i> Bldg Inspector-10/31-11/27/21					
0235741	01/14/22	P	The Home Depot at Home Services	0000002560	206.50
<i>Line Description:</i> Refund Permit BX21-00323					
0235742	01/14/22	P	Trellis	0000025584	5,833.85
<i>Line Description:</i> COVID Street Outreach-Oct 21					

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235743	01/14/22	P	Verizon Wireless	0000008717	3,642.84
		Line Description:	IT Phone Svc-11/18-12/17/21 DS Phone Svc-11/18-12/17/21 CID Phone Svc-11/18-12/17/21 CM Phone Svc-11/18-12/17/21		
0235744	01/14/22	P	VincentBenjamin	0000024972	1,765.44
		Line Description:	Tem Staff-J Puente 12/20-12/26 Tem Staff-J Puente 12/13-12/17		
0235745	01/14/22	P	Vivint Solar	0000026172	1,683.89
		Line Description:	Refund Permit BX21-00397 Refund Permit BX20-00596 Refund Permit BX21-00398 Refund Permit BX21-00023 Refund Permit BX20-00449 Refund Permit BX21-00018		
0235746	01/14/22	P	Vulcan Materials Company	0000007403	534.26
		Line Description:	Asphalt Asphalt Asphalt Asphalt Asphalt Asphalt		
0235747	01/14/22	P	Ware Disposal Inc	0000000255	679.03
		Line Description:	Trash Svs-Jan 2022		
0235748	01/14/22	P	West Coast Arborists Inc	0000004498	2,220.00
		Line Description:	Tree/Stump Removal		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235749	01/14/22	P	Williams Data Management	0000018803	438.58
			Line Description: DATA STORAGE-Dec 2021		
0235750	01/14/22	P	Williams Scotsman Inc	0000010492	13,706.42
			Line Description: LEASE AGREEMENT 4/1-5/5/21		
0235751	01/14/22	P	Wood EIS Inc	0000027036	2,835.00
			Line Description: NPDES Inspections-Oct 2021		
0235752	01/14/22	P	Xerox Financial Services	0000010450	902.06
			Line Description: CC Copier Lease-12/3-1/2/22		
0235753	01/14/22	P	iPermit	0000029507	60.43
			Line Description: Refund Permit M21-00033		
TOTAL					\$602,261.69

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Bank: DDP1

Cycle: ADIRDP

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
012674	01/20/22	P	Alicia Defuria	0000029278	500.00
			Line Description: Clothing Allowance 21-22		
012675	01/20/22	P	Brian Hernandez	0000019509	16.00
			Line Description: Crisis Intervention Trng-BH		
012676	01/20/22	P	Mario Garcia	0000008746	259.00
			Line Description: Sherman Block SLI #6-MG		
012677	01/20/22	P	Michelle Bradbury	0000014380	185.00
			Line Description: Sherman Block SLI#7-MB		
012678	01/20/22	P	Robert Ryan	0000025275	1,250.00
			Line Description: College Tuition Reimb-Summer21		
012679	01/20/22	P	Travel Costa Mesa	0000024750	182,916.32
			Line Description: BIA Receipts - Dec 2021		
					TOTAL \$185,126.32

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185,126.32 +

18,595.05 +

569,781.58 +

1,107.42 +

004

774,610.37 *

End of Report

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Bank: DDP1

Cycle: ADIRDP

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
012680	01/21/22	P	Costa Mesa Employees Association	0000006284	3,034.44
			<i>Line Description:</i> Payroll Deduction Check 2202		
012681	01/21/22	P	Costa Mesa Executive Club	0000006286	75.00
			<i>Line Description:</i> Payroll Deduction Check 2202		
012682	01/21/22	P	Costa Mesa Firefighters Association	0000001812	8,120.61
			<i>Line Description:</i> Payroll Deduction Check 2202		
012683	01/21/22	P	Costa Mesa Police Association	0000001819	7,140.00
			<i>Line Description:</i> Payroll Deduction Check 2202		
012684	01/21/22	P	Costa Mesa Police Management Assn	0000005082	225.00
			<i>Line Description:</i> Payroll Deduction Check 2202		
TOTAL					\$18,595.05

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Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235754	01/21/22	P	Community SeniorServ	0000018540	48,540.00
			Line Description: SHELF STABLE MEALS		
0235755	01/21/22	P	Mercy House	0000003138	92,323.30
			Line Description: CDBGRenntal Assist Apr21-Jun21		
0235756	01/21/22	P	Preferred Benefit Insurance	0000017362	74,788.80
			Line Description: VSP Vision Prem-Dec 21		
			VSP Vision Prem-Jan 22		
			Dental HMO Prem-Jan 22		
			Dental HMO Prem-Dec 21		
			Dental PPO Prem-Dec 21		
			Dental PPO Prem-Jan 22		
0235757	01/21/22	P	Southern California Edison Company	0000004088	66,166.63
			Line Description: SD Fwy On/Off 12/1-12/31/21		
			Npt Fwy/Baker 12/1-12/31/21		
			19th/Npt 12/1-12/31/21		
			Baker/Royal Palm 12/1-12/31/21		
			980 Arlington 12/3/21-1/3/22		
			Sunflower/Plaza 12/1-12/31/21		
			Joan St Bike 12/1-12/31/21		
			Signals 11/5-12/7/21		
			1035 Park Crest 12/3/21-1/3/22		
			2750 Fairview 12/3/21-1/3/22		
			970 Arlington 12/3/21-1/3/22		
			885 Junipero 12/3/21-1/3/22		
			Volcome SkatePk 12/3/21-1/3/22		
			Park Maint 11/8-12/7/21		
			744 JMWA2/8/21-1/6/22		
			717 James Apt C12/8/21-1/6/22		
			745 W 18th 12/8/21-1/6/22		
			744 James St 12/8/201-1/6/22		
			717 & 721 James 12/8/21-1/6/22		
			740 James 12/8/21-1/6/22		

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Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> 711 W 18th 12/8/21-1/6/22 707 W 18th 12/8/21-1/6/22 734 James 12/8/21-1/6/22 2293 Canyon Dr 12/8/21-1/6/22 1990 Placentia 12/7/21-1/5/22 2590 Placentia 12/8/21-1/6/22 1560 Adams 12/14/21-1/12/22 567 W 18th 12/8/21-1/6/22 BCC 12/08/21-1/06/22 Fac & Equip 11/9-12/9/21 1940 Placentia 12/8/21-1/6/22 880 Junipero 12/3/21-1/3/22 3129 Harbor 12/2/21-1/2/22		
0235759	01/21/22	P	Urban Professional Builders Inc	0000029414	52,725.00
			<i>Line Description:</i> FS #3 Imprv Proj#21-06/#200045 Retention Payable #200045		
0235760	01/21/22	P	Waxie Sanitary Supply	0000004480	20,755.53
			<i>Line Description:</i> Shipping Fee Carpet Machine Repair Warehouse Floor Stock Sales Tax 7.75% Four add'l Foot Pedals Warehouse Floor Stock Four add'l Big Belly Recycling Four add'l CLEAN Software 5 yr		
0235761	01/21/22	P	Waymakers	0000027498	61,372.24
			<i>Line Description:</i> Juvenile Div Svc-Jul-Sept 21		
0235762	01/21/22	P	AT & T	0000001107	9,434.43
			<i>Line Description:</i> PD Emergency-11/4-12/3/21 DRC Alarm-11/4-12/3/21 IT Comp Room-11/7-12/6/21		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
<i>Line Description:</i> DSL Traffic Ops-11/7-12/6/21 Outgoing Trunk 11/4-12/3/21 Tewinkle Park-11/7-12/6/21 Cool Line-PD 11/7-12/6/21 Estancia Park-11/3-12/2/21 DID Trunk-11/4-12/3/21 Outgoing Trunk-12/4-1/3/22 Tewinkle Park-12/7-1/6/22 Mhz Radio-12/1-12/31/21 Smallwood Park-11/6-12/5/21 800 Mhz-11/1-11/30/21 Snr Cntr Fire Alarm-11/13-12/1 Local Usage-11/15-12/14/21 IT Comp Room-12/7-1/6/22 DSL Traffic-12/7-1/6/22 Smallwood Park-12/6-1/5/22 DRC Alarm-12/4-1/3/22 EstanciaPark-12/3-1/2/22 DID Trunk-12/4-1/3/22 PD Emergency-12/4-1/3/22 Cool Line-PD 12/7-1/6/22					
0235764	01/21/22	P	AT & T	0000001107	175.68
<i>Line Description:</i> 911 Cama Trunk-12/14-1/13/22					
0235765	01/21/22	P	AT & T Mobility	0000001107	89.88
<i>Line Description:</i> Comm Phones 11/12-12/11/21					
0235766	01/21/22	P	AY Nursery	0000001142	1,713.23
<i>Line Description:</i> Trees for Parkways					
0235767	01/21/22	P	Air Exchange Inc	0000024177	1,363.35
<i>Line Description:</i> FY20/21 Inv Unpaid					

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235768	01/21/22	P	All City Management Services Inc	0000009480	5,436.23
			Line Description: Crossing Svc-12/12-12/25/21		
0235769	01/21/22	P	American Alarm Systems Inc	0000008900	765.00
			Line Description: 24HR CENTRAL STATION SECURITY		
0235770	01/21/22	P	Archive Social Inc	0000025537	743.33
			Line Description: Social Media Archiving Subscri		
0235771	01/21/22	P	BBI-Beau Bureaux Interiors	0000026977	3,234.31
			Line Description: RJ-45 Cat 6 Data Connectors & Buffet Height Credenza with Dr Conference Table Top, Rectangu Recessed Power and Data Unit w Standard Height Media Credenza Rectangular Base Sales Tax Delivery and Installation		
0235772	01/21/22	P	Bee Busters Inc	0000007572	330.00
			Line Description: Bee Removal Bee Removal Bee Removal		
0235773	01/21/22	P	Bound Tree Medical LLC	0000011695	1,190.25
			Line Description: EMS Supplies		
0235774	01/21/22	P	CBE	0000015149	447.00
			Line Description: COPIER MAINTENANCE-11/5-12/4/2		
0235775	01/21/22	P	CDW Government Inc	0000005402	2,573.19

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			Line Description: SALES TAX (7.75%) CISCO DIRECT CISCO MERAKI ENTERPRISE CLOUD		
0235776	01/21/22	P	CM Community Athletic Foundation	0000029517	5,000.00
			Line Description: 2022 MV Classic Spnshp		
0235777	01/21/22	P	Cabco Yellow Inc	0000028576	7,837.85
			Line Description: SENIOR MOBILITY PROG-Dec 21 PD Referral for Outreach Medical Transport-Dec 2021		
0235778	01/21/22	P	California Electronics Recycler	0000026625	500.00
			Line Description: EWaste Disposal		
0235779	01/21/22	P	Cary Clayton	0000029515	886.00
			Line Description: Injury Claim Stlmnt-7/21/21		
0235780	01/21/22	P	Costa Mesa Lock & Key	0000001817	159.47
			Line Description: Key Copies Key Copies		
0235781	01/21/22	P	County of Orange	0000003486	5,620.32
			Line Description: TeletypeService-Dec 2021 AFIS Fees-Jan 2022		
0235782	01/21/22	P	Daniels Tire Service	0000001922	3,567.82
			Line Description: Warehouse Stock-Tires Warehouse Stock-Tires Warehouse Stock-Tires Returned Warehouse Stock		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235783	01/21/22	P	Deaver Spring Inc	0000011318	676.53
			Line Description: Sales Tax		
			Repair Labor / Installation		
			U-Bolt Kit 9/16 x 18" Rod, Cus		
			Build-up, Spring Modification,		
0235784	01/21/22	P	Digital Magic Signs	0000012837	5,215.98
			Line Description: 702 & 714 Graphics		
			715 & 753-Graphics		
			724 & 787 - Graphics		
			783-Graphics		
			752, 723, 710-Graphics		
0235785	01/21/22	P	Dollamure Sport Surfaces or Swain Mats	0000029431	5,064.39
			Line Description: Shipping Fees		
			Sales Tax 7.75%		
			Hybrid Tatami Royal Blue Mat w		
0235786	01/21/22	P	EcoFert Inc	0000023113	195.00
			Line Description: Jack Hammett Park-Dec 2021		
0235787	01/21/22	P	Ecolab Pest Elimination	0000024420	1,255.75
			Line Description: Pest Control Services-Dec 2021		
0235788	01/21/22	P	Entenmann Rovin Company	0000002130	235.04
			Line Description: Name Bars		
0235789	01/21/22	P	FM Thomas Air Conditioning Inc	0000017151	495.00
			Line Description: Control Board Replace-FS #3		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235790	01/21/22	P	Faye Ilarines	0000029511	58.00
			Line Description: Refund Rec Dep #2007058.002		
0235791	01/21/22	P	Ferguson Enterprises Inc #1350	0000007785	455.42
			Line Description: Plumbing Repair-WSS Plumbing-Historical Soc		
0235792	01/21/22	P	Forensic Nurse Specialists Inc	0000014039	850.00
			Line Description: Victim Physical		
0235793	01/21/22	P	Galls LLC	0000002297	5,821.42
			Line Description: Uniform- E Molina Safety Vest-Morales Uniform- Soto Safety Vest- Nguyen Safety Vest-Mezzo Uniform-Luczkiewicz Uniform-Cordero Uniform-Bak Uniform-Andersen Uniform-Blythe Uniform-Swisher Uniform-Lawrence		
0235794	01/21/22	P	Game Truck	0000029273	1,225.00
			Line Description: CAMP ENTERTAINMENT		
0235795	01/21/22	P	Grainger	0000002393	1,445.37
			Line Description: Fuse Class Ceiling Tiles-FS #2 Warehouse Stock Repair Kit-DRC		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235796	01/21/22	P	Hanks Electrical Supplies	0000002445	347.53
			Line Description: Fues Electrical Supplies Supplies-DRC		
0235797	01/21/22	P	Hirsch Pipe & Supply Company Inc	0000026475	41.12
			Line Description: Jack Hammett Faucet Repair FS#5 Plumbing Repair		
0235798	01/21/22	P	Hugo Alvarado	0000029512	20.00
			Line Description: Refund Citation #CM050010776		
0235799	01/21/22	P	Johnson Controls Fire Protection LP	0000026089	420.00
			Line Description: SrCntr FireAlarm 11/1/20-10/31		
0235800	01/21/22	P	Joseph Warner	0000029513	109.50
			Line Description: Refund Citation CM050011294		
0235801	01/21/22	P	Kellys Pool Service	0000013443	240.00
			Line Description: DRC Pool Svc-Dec 2021		
0235802	01/21/22	P	Kevin Kono	0000029514	200.00
			Line Description: Property Claim Stlmnt-11/20/21		
0235803	01/21/22	P	Knorr Systems Inc	0000005036	408.95
			Line Description: DRC Pool Chemical		
0235804	01/21/22	P	Loomis	0000019082	272.94
			Line Description: Armored Car Svs-Dec 21		

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235805	01/21/22	P	Los Angeles Times	0000003000	613.07
			Line Description: Legal Pub - City Clerk-Dec21		
0235806	01/21/22	P	MCA Direct	0000027320	1,396.53
			Line Description: 2022 Election Mat/Consulting		
0235807	01/21/22	P	Merrimac Energy Group	0000021566	5,604.76
			Line Description: Diesel Fuel FS#5		
			Diesel Fuel Corp Yard		
			Fuel - FS#2		
			Diesel Fuel FS#1		
0235808	01/21/22	P	Mesa Smog	0000020735	299.25
			Line Description: Smog Check 327		
			Smog Check Unit 399		
			Smog Check Unit 346		
			Smog Check Unit 339		
			Smog Check Unit 131		
			Smg Check Unit 072		
			Smog Check Unit 128		
0235809	01/21/22	P	MetLife Legal Plans Inc	0000014707	2,515.50
			Line Description: Pre-Paid Legal Prem-Dec 21		
0235810	01/21/22	P	Office Depot	0000003394	5,837.84
			Line Description: Office Supplies-Parks/C/S		
			Office Supplies-Planning		
			Office Supplies-PD Admin		
			Office Supplies-Parks		
			Office Supplies-Bldg		
			Supplies-PD Patrol		
			Office Supplies-PD		

Report ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTER

Page No. 1 43

Run Date Jan 20,2022

Run Time 2:54:22 PM

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> Supplies-PD-Jail Office Supplies- Supplies-PD Ops Office Supplies-Fire Admin Office Supplies-PD Investigati Office Supplies-Investigations Office Supplies-Finance Admin Office Supplies-City Manager Office Supplies-Finance Ops Office Supplies-Engineering Supplies-Police Operations Office Supplies-PD Records Office Supplies-City Clerk		
0235811	01/21/22	P	Priceless Pet Rescue	0000026000	325.00
			<i>Line Description:</i> Animal Transfer Fee- Nov 2021		
0235812	01/21/22	P	Proactive Engineering Consultants Inc	0000028916	2,148.50
			<i>Line Description:</i> JHSC Prkng Lot Imprv 11/30/21 Storm Drain ImprvThru 11/30/21		
0235813	01/21/22	P	Rincon Truck Center Inc	0000013236	2,737.64
			<i>Line Description:</i> 556-Opacity Test 555-Opacity Test 554-Opacity Test 553-Opacity Test 767-Opacity Test 551-Opacity Test 350-Opacity test 522-Opacity Test 524-Opacity test 523-Opacity Test 514-Opacity Test 181-Opacity Test 515-Opacity Test 525-Opacity Test		

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			Line Description: 517-Opacity Tes 520-Opacity Test 514-Air Spring 350-Air Hose Kit 552-Opacity Test		
0235814	01/21/22	P	Scott Peterson	0000027265	250.00
			Line Description: Instructor Payment-Fall 2021		
0235815	01/21/22	P	Smith Manufacturing Co Inc	0000004048	2,781.58
			Line Description: Sidewalk Grinding Kits & Parts		
0235816	01/21/22	P	South Coast Air Quality Mgmt District	0000003939	1,022.89
			Line Description: Renewal Fees-City Hall FY21/22Emission Fes- City Hall		
0235817	01/21/22	P	Southern California Edison Company	0000004695	9,874.12
			Line Description: Proj#21-07 Randolph/St Clair		
0235818	01/21/22	P	Southern California Gas Company	0000004092	230.98
			Line Description: FS #6 11/30-12/30/21		
0235819	01/21/22	P	Southern California Shredding Inc	0000025605	906.00
			Line Description: PD Shredding Svc-Dec 2021 IT Shredding Svc-Dec 2021		
0235820	01/21/22	P	Sparkletts	0000015725	471.06
			Line Description: WATER DELIVERY SERVICES IT Water Delivery-Jan 2022		
0235821	01/21/22	P	Spectrum Gas Products	0000012653	1,106.73

Report ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTER

Page No.

Run Date Jan 20, 2022

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Bank: CITY

Cycle: AWKLY

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
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Line Description: Cylinder Rental
Cylinder Rental FS 2
Cylinder Rental FS 4
Cylinder Rental FS 3
Cylinder Rental FS 4
Cylinder Rental FS 5
Cylinder Rental FS 3
Cylinder Rental
Cylinder Rental
Cylinder Rental FS 4
Cylinder Rental
Cylinder Rental

0235822	01/21/22	P	Staples Advantage	0000024532	2,565.00
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Line Description: Supplies-Finance Ops
Supplies-PD Records
Supplies-City Clerk
Supplies-Dev Svcs
Supplies-Balearic
Supplies-IT
Supplies-HR
Supplies-PS Maintenance

0235823	01/21/22	P	The Home Depot Credit Services	0000002560	7,497.37
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Line Description: Supplies-Fire
Promotional Items
Warehouse Inventory
Supplies-Maintenance
Supplies-Street Maint
Janitorial Supplies-Maintenanc
Supplies-Street Maint.
Elec Supplies-Bldg Maint
Supplies-Bldg Maintenance
Supplies-Parks Maintenance
Supplies- Graffiti Abatement
Plumbing Supplies-Bldg

Report ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTER

Page No. 146

Run Date Jan 20, 2022

Run Time 2:54:22 PM

Bank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235824	01/21/22	P	Time Warner Cable	0000011202	476.41
			Line Description: BldgShlrIntrnet-12/29-1/28/22 CableBox-2nd Fl-12/8-1/7/22		
0235825	01/21/22	P	Tuscany Construction Co	0000029516	5,000.00
			Line Description: Refund Permit #PS20-00407		
0235826	01/21/22	P	US Bank	0000002228	2,998.52
			Line Description: PARS Deduction Chk 21-26		
0235827	01/21/22	P	Verizon Wireless	0000008717	7,174.78
			Line Description: PS Phone Svc - 11/18-12/17/21 PD Cell Svc-11/16-12/15/21 PCS Phone Svc-11/8-12/17/21 FD Phone Svc-11/18-12/17/21		
0235828	01/21/22	P	Verizon Wireless	0000008717	823.45
			Line Description: CalNet 3 Braodband-11/30/21		
0235829	01/21/22	P	VincentBenjamin	0000024972	367.80
			Line Description: Temp Staff-J Puente 1/3-1/9/22		
0235830	01/21/22	P	Waterline Technologies Inc	0000014520	132.43
			Line Description: DRC Pool Treatment		
0235831	01/21/22	P	West Coast Fence Co	0000021495	350.00
			Line Description: Fence Repair-Bridge Shelter		

Report ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTERPage No. 1 47
Run Date Jan 20, 2022
Run Time 2:54:22 PMBank: CITY
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0235832	01/21/22	P	WestPac Labs Inc	0000027515	62.00
			Line Description: Blood Panel		
0235833	01/21/22	P	Westates	0000004505	40.43
			Line Description: Signature Stamp		
0235834	01/21/22	P	Williams Scotsman Inc	0000010492	2,593.16
			Line Description: CID Trailer-WSS 12/24-1/23/22		
0235835	01/21/22	P	Z&K Consultants, Inc	0000029416	8,787.00
			Line Description: JHSC Imprv Proj-Oct 21		
TOTAL					\$569,781.58

End of Report

Report ID: CCM2001

City of Costa Mesa Accounts Payable
SUMMARY CHECK REGISTER

Page No.

Run Date Jan 20,2022

Run Time 2:55:49 PM

Bank: CITY
Cycle: APAY

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0235836	01/21/22	P	CalPERS Long-Term Care Program	0000006287	147.42
			<i>Line Description:</i> Payroll Deduction Check 2202		
0235837	01/21/22	P	Community Health Charities	0000008015	10.00
			<i>Line Description:</i> Payroll Deduction Check 2202		
0235838	01/21/22	P	County of Orange-Sheriff's Dept	0000003451	200.00
			<i>Line Description:</i> Payroll Deduction Check 2202		
0235839	01/21/22	P	Pamela Lilly	0000025324	750.00
			<i>Line Description:</i> Payroll Deduction Check 2202		
TOTAL					\$1,107.42

End of Report

Report ID: CCM20010

City of Costa Mesa Accounts Payable
CCM OVERFLOW CHECK LISTING

Page No.
Run Date Jan 20,2022
Run Time 2:54:56 PM

Bank: CITY
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0235758	01/21/22	O	Southern California Edison Company <i>Line Description: Overflow</i>	0000004088	0.00
0235763	01/21/22	O	AT & T <i>Line Description: Overflow</i>	0000001107	0.00
TOTAL					0.00

End of Report



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-557

Meeting Date: 2/1/2022

TITLE:

MINUTES

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

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of January 18, 2022.

City of Costa Mesa



Meeting Minutes

Tuesday, January 18, 2022

6:00 PM

***Note: All agency memberships are reflected in the title "Council Member"**

5:00 P.M. Closed Session

Via Zoom

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

5:00 P.M. Closed Session

CALL TO ORDER - The Closed Session meeting was called to order by Mayor Stephens at 5:00 p.m.

ROLL CALL

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

Absent: None.

PUBLIC COMMENTS – None.

CLOSED SESSION ITEMS:

- 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - ONE CASE**
Pursuant to California Government Code Section 54956.9 (d)(1)
Costa Mesa v. NMUSD, OCSC Case No. 30-2021-01179397-CU-WM-CXC.
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code
Bernede v. Costa Mesa, OCSC Case No. 30-2019-01041552-CU-PO-CJC

City Council recessed at 4:02 p.m. for Closed Session.

Closed Session adjourned at 5:47 p.m.

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

Tuesday, January 18, 2022– 6:00 P.M.

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

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

National Anthem by Lilly Urresti and Council Member Gameros led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Jordan Hansen from Mesa Church.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper (excused at 9:00 p.m.), Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS: NONE.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Bryce Bunker, Costa Mesa, expressed concerns on a Sober Living Facility located on Purdue Drive and requested more regulations.

Kim Hendricks, spoke on Harbor Soaring Society drones affecting the wildlife at Fairview Park and violators not being ticketed.

Marc Vukceovich provided a video regarding bike safety.

Mike Costello, stated that to his knowledge no Harbor Soaring Society members are flying in Fairview Park and if somebody is violating the rules, they should be cited.

Jenn Tanaka, thanked City Council and staff for their traffic calming efforts at various locations in the city, and spoke in memory of Juan Carlos Miguel.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Reynolds spoke in support of street calming measures, thanked Trellis for Neighborhood cleanup efforts, requested signage and Code Enforcement at Fairview Park, spoke on hiker training for Sierra Club, spoke on the Bikeway and Walkability Committee meeting, and safety on the roads, and requested to adjourn the meeting in honor of Juan Carlo Miguel.

Council Member Chavez spoke on street safety, traffic calming measures, raising the sidewalks, adding a bike lane on Placentia Avenue, and requested to adjourn the meeting in memory of Dulce Maria Hernandez.

Council Member Gameros spoke on impaired driving and enforcement.

Council Member Harlan spoke on the Bikeway and Walkability Committee meeting, requested an assessment of the installed traffic calming measures, thanked everyone who participated in the Housing Ad Hoc Committee meeting, and thanked Costa Mesa United for the Mesa Golf Classic tournament and thanked businesses for participating.

Council Member Harper thanked Police Chief Lawrence for addressing crime issues in his neighborhood.

Mayor Pro Tem Marr spoke on the city's efforts regarding sober living home regulations, spoke on the Housing Ad Hoc Committee meeting, spoke on being active in the community, and spoke on attending a meeting with the business community.

Mayor Stephens thanked city staff for the Snoopy House event, thanked the Police Department for the "Bait car" program regarding catalytic converter theft, spoke on a notable drug bust, spoke on DUI's, spoke on the city's efforts regarding sober living home regulations, and spoke on adjourning the meeting in memory of Ruth Ann Moriarty.

REPORT – CITY MANAGER – Ms. Farrell Harrison provided an update regarding covid-19 and City Hall going to appointment only for the short-term, staff moving to A/B shifts, spoke on availability of vaccines, that at home test kits are available through the US Postal Service for free, spoke on redistricting and that January 27th is the last day to submit maps, and introduced Brett Atencio Thomas as the new Active Transportation Coordinator.

REPORT – CITY ATTORNEY – Ms. Hall Barlow reported that litigation reports will be available in the following week.

CONSENT CALENDAR (Items 1-10)

MOVED/SECOND: Council Member Harlan/Council Member Chavez

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for items 7 and 9.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Abstain: Council Member Gameros recused himself only on CC-3 the Warrant Resolution because of a conflict of interest as his wife works at Priceless Pet Rescue.

Motion carried: 7-0

1. PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

ACTION:

City Council and Agency Board approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

ACTION:

City Council received and filed Claims received by the City Clerk: Mike Baxter, Heizel Castillo, Southern California Edison, Riccardo Grad, Kevin Kono, Damon Levy, Edward Martindale, Ahmad Masri, Mercury Insurance, Estate of Heizel Michelle Pozo-Castillo, Marcial Pozo, Francisco Roman, Ray Taylor, Christianne Leman & Elizabeth Freeman.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2672.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of December 7, 2021, the Special Closed Session meeting of January 5, 2022, and the Special Joint Closed Session meeting of January 11, 2022.

5. ADOPTION OF A RESOLUTION TO CONTINUE CONDUCTING MEETINGS OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES REMOTELY AS NEEDED DUE TO HEALTH AND SAFETY CONCERNS FOR THE PUBLIC

ACTION:

City Council adopted Resolution No. 2022-01 to allow the City to continue conducting City Council, Commission, and Committee meetings remotely as needed via Zoom due to:

- The current State of Emergency and global pandemic, which continues to directly impact the ability of the members of the City's legislative bodies to meet safely in person; and
- Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

6. MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND OBJECTIVES

ACTION:

City Council approved the January update to the City of Costa Mesa's Strategic Plan Goals and Objectives.

8. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

ACTION:

1. City Council adopted Resolution No. 2022-03 which ratifies the application for the Assistance to Firefighters Grant (AFG) award from the Federal Emergency Management Agency (FEMA) and authorizes the City Manager to execute the grant agreement for the amount of \$730,613.76 for the purchase of Personal Protective Equipment (PPE) and other firefighting equipment.
2. Approved budget appropriations of \$664,194.33 from FEMA and the City's required 10% match of \$66,419.43 for the Fiscal Year 2020 Assistance to Firefighters Grant for a total budget of \$730,613.76.
3. Approved the City's 10% match appropriation transfer of \$66,419.43 from the FY 2021-2022 General Fund Non-Departmental Adopted Budget to the Federal Grant Fund 230 to comply with the FEMA award requirement.

10. ADOPT RESOLUTION APPROVING RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR FISCAL YEAR 2020-2021 FOR THE PERIOD OF JULY 1, 2022 TO JUNE 30, 2023

ACTION:

City Council adopted Successor Agency Resolution No. 2022-05 approving the Recognized Obligation Payment Schedule for Fiscal Year 2022-23 for the period of July 1, 2022 to June 30, 2023.

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

7. 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM

Public Comments:

David Martinez, Costa Mesa, spoke in favor of the item and suggested additional improvements and changes.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays:None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved Resolution No. 2022-02 authorizing the submittal of the Fairview Road Improvement Project to the 2021 Pavement Management Relief Funding Program (PMRF).

9. ADOPT A RESOLUTION SUPPORTING THE ACQUISITION OF BANNING RANCH BY THE TRUST FOR PUBLIC LAND

Presentation by Mr. Gonzalez, Chief of Staff.

Council Member Reynolds spoke in support of the resolution.

Assembly Women Cottie Petrie-Norris spoke in support of the resolution.

Terry Welsh, President of the Banning Ranch Conservancy, spoke in support of the resolution.

Dave Sutton, California Land Conservation Director for the Trust for Public Land, spoke in support of the resolution.

Public Comments:

Debby Koken, Costa Mesa, thanked City Council and spoke in support of the resolution.

Hank Castignetti, thanked City Council and spoke in support of the resolution.

Marc Vukceovich, thanked City Council and spoke in support of the resolution.

MOVED/SECOND: Council Member Reynolds/Council Member Harlan

MOTION: Approve recommended actions.

Council Members Reynolds and Harlan and Mayor Stephens spoke in support of the motion.

MOVED/SECOND: Council Member Reynolds/Council Member Harlan

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays:None

Absent: None

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 2022-04 in support of the acquisition of Banning Ranch by The Trust for Public Land (TPL) for the permanent preservation of public open space.

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

MOVED/SECOND: Mayor Stephens/Council Member Gameros

MOTION: To Consider New Business Item #1 - 2021 Legislative Report and Update from Townsend Public Affairs out of order, prior to considering the Public Hearing Item.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Abstain: None.

Motion carried: 7-0

NEW BUSINESS:

1. 2021 LEGISLATIVE REPORT AND UPDATE FROM TOWNSEND PUBLIC AFFAIRS

Presentation by Mr. McReynolds, Townsend Public Affairs Consultant.

Public Comments: None.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays:None

Absent: None

Motion carried: 7-0

ACTION:

City Council received and filed the 2021 legislative update and report from Townsend Public Affairs.

City Council recessed into a break at 7:57 p.m.

City Council reconvened at 8:10 p.m.

PUBLIC HEARINGS:

1. CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

Presentation by Ms. Le, Economic and Development Services Director and Mr. Chen, Kimley-Horn Consultant.

Mayor Pro Tem Marr spoke on the Housing Ad Hoc Committee meeting.

Public Comments:

Cynthia McDonald, Costa Mesa, spoke on comments made at the Housing Ad Hoc Committee meeting on Measure Y and upholding Measure Y.

Marc Vukceovich, Costa Mesa, stated Measure Y is an impediment to housing and people would live in Costa Mesa if housing was available with less government regulations.

Discussion ensued on Measure Y and adding measures to the ballot and the process.

MOVED/SECOND: Mayor Pro Tem Marr/Mayor Stephens

MOTION: Receive staff presentation, take public comment, and continue the item to the February 1, 2022 City Council meeting for consideration and adoption.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: Council Member Harper

Absent: None

Motion carried: 6-1

ACTION:

City Council received a staff presentation for the 2021-2029 (Sixth Cycle) General Plan Housing Element Update, took public comment, considered the Planning Commission's recommendation, provided feedback to staff, and continued the item to the February 1, 2022 City Council meeting for consideration of the Housing Element adoption.

OLD BUSINESS: NONE.

Council Member Harper excused himself from the meeting at 9:00 p.m.

NEW BUSINESS:

2. URBAN MASTER PLAN SCREENING REQUEST (UMP-21-005) FOR A NINE-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 1540 SUPERIOR AVENUE

Presentation by Mr. Yeager, Associate Planner.

Public Comments:

David Davidson, Applicant, spoke on the project.

Cynthia McDonald, Costa Mesa, suggested bike racks, spoke on limited live/work space, and that the project has no affordable housing.

David Martinez, Costa Mesa, suggested more bike racks, spoke on limited live/work, remove #28 and #29 parking spaces, and that the intersection at Superior Avenue and Industrial Way be reviewed.

ACTION:

City Council provided feedback on the location, including a retail component, cost of the housing, expectations of the live/work space, the streetscapes, the design, the total street facing area, utilizing the corner locations, and encouraged acquiring the adjacent property.

3. CITY OF COSTA MESA AND COSTA MESA PUBLIC FINANCING AUTHORITY FINANCIAL STATEMENTS FOR THE PERIOD ENDING JUNE 30, 2021

Presentation by Ms. Molina, Finance Director, Ms. Fortune, Budget and Purchasing Manager, Ms. Basho, Accounting Supervisor, and Ms. Farr, Auditor with Davis Farr.

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays:None

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

1. City Council received and filed the following reports for the fiscal year ended June 30, 2021:

- a. Annual Comprehensive Financial Report (ACFR).
- b. Air Quality Improvement Fund Compliance Report.
- c. Audit Communication Letter.
- d. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets.

2. City Council and Costa Mesa Public Financing Authority received and filed the Costa Mesa Public Financing Authority audited financial statements for the fiscal year ended June 30, 2021.

4. COSTA MESA FINANCING AUTHORITY FISCAL YEAR 2020-2021 AUDITED FINANCIAL STATEMENTS

Presentation by Ms. Fortune, Budget and Purchasing Manager,

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays:None

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

City Council and Costa Mesa Financing Authority received and filed the Costa Mesa Financing Authority's audited financial statements for the fiscal year ended June 30, 2021.

5. COSTA MESA HOUSING AUTHORITY FINANCIAL STATEMENTS AND HOUSING SUCCESSOR ANNUAL REPORT FOR THE PERIOD ENDING JUNE 30, 2021

Presentation by Ms. Fortune, Budget and Purchasing Manager,

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays:None

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

City Council and Housing Authority received and filed the following:

1. The Fiscal Year 2020-21 Independent Financial Audit of the Costa Mesa Housing Authority, including the Low and Moderate Income Housing Asset Fund.
2. The Fiscal Year 2020-21 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority.

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

ADJOURNMENT – The Mayor Adjourned the meeting at 10:29 p.m. in memory of Juan Carlo Miguel, Dulce Maria Hernandez, and Ruth Ann Moriarty.

Minutes adopted on this 1st day of February, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-519

Meeting Date: 2/1/2022

TITLE:

CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03

DEPARTMENT: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTED BY: RAJA SETHURAMAN, PUBLIC SERVICES DIRECTOR

CONTACT INFORMATION: SEUNG YANG, P.E., CITY ENGINEER (714) 754-5633

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, City Project No. 21-03.
2. Award a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, California 92879 in the amount of \$2,828,000 (Base Bid including Additive Bid).
3. Award a Professional Services Agreement (PSA) for construction management services to Z&K Consultants, 473 E. Carnegie Drive, San Bernardino, California 92408 in the amount of \$299,608.
4. Authorize the City Manager and City Clerk to execute the PWA (Attachment 1) for All American Asphalt and PSA (Attachment 2) for Z&K Consultants and future amendments to the agreements within Council authorized limits.
5. Authorize an additional ten percent (10%) contingency in the amount of \$282,800 for construction and also an additional (10%) contingency in the amount of \$29,961 for construction management, as needed for any unforeseen costs related to this project.

BACKGROUND:

The annual Citywide Street Maintenance Project consists of three (3) distinct phases of construction:

Phase 1: Parkway Maintenance Project - includes localized repair of damaged curb, gutter, sidewalk, cross-gutters, driveways, and curb ramps that conform to the Americans with Disabilities Act (ADA).

Phase 2: Street Rehabilitation Project - includes asphalt concrete mill and overlay of the roadway.

Phase 3: Slurry Seal Project - includes application of a surface coating and sealing of the roadway on streets that do not need mill and overlay.

Staff seeks to combine all of the above three (3) phases of work into one construction project in order to achieve economies of scale and cost savings, which will result through reduced mobilization costs, lower unit prices for material, equipment, and labor.

For parkway maintenance, concrete improvements located within the City's parkways (e.g., sidewalks, driveways, curbs & gutters, etc.) require ongoing repair and maintenance due to age, tree root incursion, soil conditions, water intrusion, and traffic loads. It is the goal to repair as many of these damaged areas and to reduce the potential liability associated with aging parkways. The locations identified for repair are prioritized based on pedestrian and handicap access requirements and the severity of the damage.

The renewed Measure M (M2) funding program requires that cities in Orange County maintain a uniform approach to rating and evaluating streets utilizing a standardized Pavement Management Program. Based on pavement analysis recommendations and field review, staff prepared a priority list and recommendations of streets to be repaired. Some of these streets receive full rehabilitation including mill and overlay, while others may just require slurry seal.

The streets proposed for maintenance under the annual Citywide Street Maintenance Project are located in multiple City Council districts (Attachment 3), but much of the work is concentrated in the northwest portion of the City, north of Gisler Avenue, and also along Placentia Avenue.

The contractor is required to complete all of the tasks necessary to perform the scope of work as outlined in the contract documents, plans, and specifications. A copy of specifications and working details are available for review in the Office of the City Clerk or in the Public Services Department, and are posted on the City website at:

<https://www.costamesaca.gov/city-hall/city-departments/public-services/capital-improvement-projects>

ANALYSIS:

The City Clerk received and opened five (5) bids for this project on August 5, 2021. All American Asphalt is the apparent low bidder with a base bid proposal of \$2,698,061. The bid abstract for this project is included as Attachment 4.

Staff has elected to add the first Additive Bid Item, which is the rehabilitation of E. 17th Street from Newport Boulevard to the median nose near Fullerton Avenue for an additional amount of \$129,940. Staff has elected to not include the Mesa Drive concrete parkway construction in the amount of \$236,937 since that work has been completed with the recent Citywide Parkway Maintenance Project.

The apparent low bidder's base bid plus the additive bid item is \$2,828,000. The incorporation of additive bid item will result in a net increase to the base contract in the amount of \$129,940. Since the amount of the base bid plus the additive bid item are within the budgeted amount, staff recommends that the PWA be awarded.

The license and references of All American Asphalt have been checked and staff has found them to be in good standing.

All American Asphalt has successfully completed several projects in the City of Costa Mesa including the Pomona Avenue Improvement Project (from 18th Street to 19th Street), 19th Street Rehabilitation Project (from Newport Boulevard to Park Avenue) and most recently, Bear Street Improvement Project (from Baker Street to I-405 Freeway), and Hamilton Street and Santa Ana Avenue Improvement Project.

Upon City Council award of the PWA, All American Asphalt will furnish the necessary bonds and insurance, which will be approved as to form by Risk Management. After the award and subsequent execution of the agreement, a "Notice to Proceed" will be issued.

Given the scope of this project and current workloads, it was deemed necessary to procure public works inspection and construction management services in order to ensure proper administration and completion of this project.

Therefore, staff issued a Request for Proposals (RFP) for construction management services, and received the following six (6) proposals on October 8, 2021:

- Z&K Consultants
- Dudek
- Interwest Consulting Group
- KOA Corporation
- NV5
- Wallace & Associates

After reviewing objectively all proposals, staff determined that Z&K Consultants was the most qualified consultant based on extensive experience in performing engineering construction management services on similar parkway maintenance and street rehabilitation projects. The consultant's fee proposal is \$299,608, and its complete proposal is included in the PSA (Attachment 2).

Z&K Consultants is a firm that has a history of delivering projects that incorporate, value-oriented solutions that provides lasting benefit and cost-savings to its clients, which is one of the City's priorities for this project. Z&K Consultants is currently providing construction management services for the Jack Hammett Sports Complex Expansion Project.

The consultant will be responsible for performing construction management, public works inspection, and coordination with City staff throughout the course of construction. The consultant's scope of work is further defined in the proposal, which is incorporated by reference within the Professional Services Agreement.

Therefore, staff requests that City Council award the PWA to All American Asphalt for construction as the lowest responsible bidder, and award the PSA to Z&K Consultants for construction management services for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, City Project No. 21-03.

ALTERNATIVES:

The alternative would be to reject all bids, re-advertise, and re-bid the project for both construction and construction management. Staff has determined that re-advertising and re-bidding the project will not result in lower bids and will delay the project.

FISCAL REVIEW:

Funding for this project of approximately \$3.4 million is available in the FY 2021-22 Capital Improvement Project (CIP) budget approved by City Council using multiple funding sources: Gas Tax Fund (Fund 201 - \$1,555,400), Measure "M2" Fairshare Fund (Fund 416 - \$1,555,400), and Capital Improvement Fund (Fund 401 - \$329,569).

LEGAL REVIEW:

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

CITY COUNCIL GOALS AND PRIORITIES:

In 2021, the City Council adopted a list of goals and priorities. This project works toward achieving the following City Council goal:

- Strengthen the public's safety and improve the quality of life.

CONCLUSION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, City Project No. 21-03.
2. Award a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, California 92879 in the amount of \$2,828,000 (Base Bid including Additive Bid).
3. Award a Professional Services Agreement (PSA) for construction management services to Z&K Consultants, 473 E. Carnegie Drive, San Bernardino, California 92408 in the amount of \$299,608.
4. Authorize the City Manager and City Clerk to execute the PWA (Attachment 1) for All American Asphalt and PSA (Attachment 2) for Z&K Consultants and future amendments to the agreements within Council authorized limits.

5. Authorize an additional ten percent (10%) contingency in the amount of \$282,800 for construction and also an additional (10%) contingency in the amount of \$29,961 for construction management, as needed for any unforeseen costs related to this project.

**CITY OF COSTA MESA
PUBLIC WORKS AGREEMENT FOR
CITY PROJECT NO. 21-03**

THIS PUBLIC WORKS AGREEMENT ("Agreement"), dated February 1, 2022 ("Effective Date"), is made by the CITY OF COSTA MESA, a political subdivision of the State of California ("CITY"), and ALL AMERICAN ASPHALT, a California corporation ("CONTRACTOR").

WHEREAS, CITY desires to construct the public improvements described below under Paragraph 1, Scope of Work (the "Project"); and

WHEREAS, CITY has determined that CONTRACTOR is the lowest responsible bidder; and

WHEREAS, CITY now desires to contract with CONTRACTOR to furnish construction and related services for the Project; and

WHEREAS, CITY and CONTRACTOR desire to set forth their rights, duties and liabilities in connection with the services to be performed.

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

1. SCOPE OF WORK.

The scope of work generally consists of but is not limited to: mobilization; clearing and grubbing; saw-cutting, removal and reconstruction of sidewalks, curb and gutters, driveway/driveway approaches, spandrel, cross gutters and Americans with Disabilities Act (ADA) ramps; removal and reconstruction of existing pavement; milling and overlaying with new asphalt; adjustment of manholes and water valves to grades; procurement and application of Slurry Seal Type II with 2.5% latex, crack sealing; notifications to businesses and residents; signing; striping; traffic control; and all other work as depicted within the plans and described within the specifications associated with the Project (the "Work").

The Work is further described in the "Contract Documents" referred to below.

The Project is known as the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, City Project No. 21-03.

2. CONTRACT DOCUMENTS.

The complete Agreement consists of the following documents relating to the Project:

- (a) This Agreement;
- (b) CONTRACTOR's bid, attached hereto as Exhibit A and incorporated herein;
- (c) Bid package, including notice inviting bids, complete plans, profiles, detailed drawings and specifications, including general provisions and special provisions. The bid package is incorporated by this reference as if fully set forth herein;
- (d) Bid Addendum No. 1, dated July 22, 2021; Bid Addendum No. 2, dated July 29, 2021; and Bid Addendum No. 3, dated August 3, 2021. The bid addenda are incorporated by this reference as if fully set forth herein;
- (e) Faithful Performance Bond and Labor and Material Bond, including agent's Power of Attorney for each bond, attached hereto as Exhibit B and incorporated herein;
- (f) Drug-Free Workplace Policy, attached hereto as Exhibit C and incorporated herein; and
- (g) Provisions of the most current edition of The Greenbook: Standard Specifications for Public Works Construction ("The Greenbook"). Provisions of The Greenbook are incorporated by this reference as if fully set forth herein.

The documents comprising the complete Agreement will be referred to as the "Contract Documents."

All of the Contract Documents are intended to complement one another, so that any Work called for in one and not mentioned in another is to be performed as if mentioned in all documents.

In the event of an inconsistency in the Contract Documents, the terms of this Agreement shall prevail over all other Contract Documents. The order of precedence between the remaining Contract Documents shall be as set forth in The Greenbook.

The Contract Documents constitute the entire agreement between the parties and supersede any and all other writings and oral negotiations.

3. CITY'S REPRESENTATIVE.

The CITY's Representative is Seung Yang, referred to herein as the Project Manager ("Project Manager").

4. CONTRACTOR'S PROJECT MANAGER; PERSONNEL.

(a) Project Manager. CONTRACTOR's Project Manager must be approved by City. Such approval shall be at CITY's sole discretion.

(b) Personnel. CITY has the right to review and approve any personnel who are assigned to perform work under this Agreement. CONTRACTOR shall remove personnel from performing work under this Agreement if requested to do so by CITY.

This Paragraph 4 is a material provision of the Agreement.

5. SCHEDULE.

All Work shall be performed in accordance with the schedule approved on behalf of CITY by the Project Manager, and in accordance with the time of performance set forth in Paragraph 11 (Time of Performance).

6. EQUIPMENT - PERFORMANCE OF WORK.

CONTRACTOR shall furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete the Work in a good and workmanlike manner in strict conformity with the Contract Documents.

The equipment, apparatus, facilities, labor and material shall be furnished and such Work performed and completed as required in the plans and specifications to the satisfaction of the Project Manager or his or her designee, and subject to his or her approval.

7. COMPENSATION.

CITY shall pay CONTRACTOR in accordance with the fee schedule set forth in CONTRACTOR's bid. CONTRACTOR's total compensation shall not exceed Two Million Eight Hundred Twenty-Eight Thousand One Dollar and Fifty Cents (\$2,828,001.50). Such amount includes CONTRACTOR's Bid Schedule Proposal (A) in the amount of Two Million Six Hundred Ninety-Eight Thousand Sixty-One Dollars (\$2,698,061.00) and CONTRACTOR's Additive Bid Schedule Proposal (B) in the amount of One Hundred Twenty-Nine Thousand Nine Hundred Forty Dollars and Fifty Cents (\$129,940.50).

8. ADDITIONAL SERVICES.

CONTRACTOR shall not receive compensation for any services provided outside the scope of the Contract Documents unless such additional services, including change orders, are approved in writing by CITY prior to CONTRACTOR performing the additional services.

It is specifically understood that oral requests or approvals of such additional

services, change orders or additional compensation and any approvals from CITY shall be barred and are unenforceable.

9. PAYMENTS TO CONTRACTOR.

On or before the last Monday of each and every month during the performance of the Work, CONTRACTOR shall meet with the Project Manager or his or her designee to determine the quantity of pay items incorporated into the improvement during that month. A "Progress Payment Order" will then be jointly prepared, approved, and signed by the Project Manager and the CONTRACTOR setting forth the amount to be paid and providing for a five percent (5%) retention. Upon approval of the progress payment order by the Project Manager, or his or her designee, it shall be submitted to CITY's Finance Department and processed for payment by obtaining approval from the City Council to issue a warrant.

Within three (3) days following City Council's approval to issue a warrant, CITY shall mail to CONTRACTOR a warrant for the amount specified in the progress payment order as the amount to be paid. The retained five percent (5%) shall be paid to CONTRACTOR thirty-five (35) days after the recording of the Notice of Completion of the Work by the CITY with the Orange County Clerk-Recorder and after CONTRACTOR has furnished releases of all claims against CITY by persons who furnished labor or materials for the Work, if required by CITY.

Upon the request of CONTRACTOR and at its expense, securities equivalent to the amount withheld pursuant to the foregoing provisions may be presented to CITY for substitution for the retained funds. If CITY approves the form and amount of the offered securities it will release the retained funds and will hold the securities in lieu thereof. CONTRACTOR shall be entitled to any interest earned on the securities.

In the event that claims for property damage or bodily injury are presented to CITY arising out of CONTRACTOR's or any subcontractor's work under this Agreement, CITY shall give notice thereof to CONTRACTOR, and CONTRACTOR shall have thirty-five (35) days from the mailing of any such notice to evaluate the claim and to settle it by whole or partial payment, or to reject it, and to give notice of settlement or rejection to CITY. If CITY does not receive notice within the above-mentioned 35-day period that the claim has been settled, and if the Project Manager, after consultation with the City Attorney, determines that the claim is meritorious, CITY may pay the claim or a portion of it in exchange for an appropriate release from the claimant, and may deduct the amount of the payment from the retained funds that would otherwise be paid to CONTRACTOR upon completion of the Work; provided, however, that the maximum amount paid for any one claim pursuant to this provision shall be One Thousand Dollars (\$1,000.00), and the maximum amount for all such claims in the aggregate paid pursuant to this provision shall be Five Thousand Dollars (\$5,000.00).

10. PROMPT PAYMENT OF SUBCONTRACTORS.

CONTRACTOR agrees to pay each subcontractor under this Agreement for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the CONTRACTOR receives from CITY.

CONTRACTOR agrees further to release retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed.

Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the CITY.

11. TIME OF PERFORMANCE.

CONTRACTOR shall commence Work by the date specified in CITY's Notice to Proceed, unless a later date is agreed upon in writing by the parties. The Work shall be completed within eighty (80) working days from the first day of commencement of the Work.

12. TERMINATION.

(a) Termination for Convenience.

CITY may terminate this Agreement at any time, with or without cause, by providing thirty (30) days' written notice to CONTRACTOR.

(b) Termination for Breach of Contract.

- (i) If CONTRACTOR refuses or fails to prosecute the Work or any severable part of it with such diligence as will ensure its timely completion, or if CONTRACTOR fails to complete the Work on time, or if CONTRACTOR, or any subcontractor, violates any of the provisions of the Contract Documents, the Project Manager may give written notice to CONTRACTOR and CONTRACTOR's sureties of the CITY's intention to terminate this Agreement; and, unless within five (5) days after the serving of that notice, such conduct shall cease and arrangements for the correction thereof be made to the satisfaction of the CITY, this Agreement may be terminated at the option of CITY effective upon CONTRACTOR's receipt of a second notice sent by the CITY indicating that the CITY has exercised its option to terminate.
- (ii) If CONTRACTOR is adjudged bankrupt or files for any relief under the Federal Bankruptcy Code or State insolvency laws, this Agreement shall automatically terminate without any further action or notice by CITY.
- (iii) If CONTRACTOR is in breach of any material provision of this Agreement,

CITY may immediately terminate this Agreement by providing written notice to CONTRACTOR of same.

13. LIQUIDATED DAMAGES.

In the event the Work is not completed, for any reason, within the time required including any approved extensions of time, and to the satisfaction of the Project Manager, CITY may, in addition to any other remedies, equitable and legal, including remedies authorized by Paragraph 12 (Termination) of this Agreement, charge to CONTRACTOR or its sureties, or deduct from payments or credits due CONTRACTOR, a sum equal to Six Thousand Two Hundred Fifty Dollars (\$6,250.00) as liquidated damages for each calendar day beyond the date provided for the completion of such Work.

The parties hereto agree that the amount set forth above, as liquidated damages constitutes a fair and reasonable estimate of the costs the CITY would suffer for each day that the CONTRACTOR fails to meet the performance schedule. The parties hereby agree and acknowledge that the delays in the performance schedule will cause CITY to incur costs and expenses not contemplated by this Agreement.

14. PERFORMANCE BY SURETIES.

In the event CONTRACTOR fails or refuses to perform the Work, CITY may provide CONTRACTOR with a notice of intent to terminate as provided in Paragraph 12 (Termination), of this Agreement. CITY shall immediately give written notice of such intent to terminate to CONTRACTOR and CONTRACTOR's surety or sureties, and the sureties shall have the right to take over and perform this Agreement; provided, however, that the sureties must, within five (5) days after CITY's giving notice of termination, (a) give the CITY written notice of their intention to take over the performance of this Agreement; (b) provide adequate assurances, to the satisfaction of the CITY, that the Work shall be performed diligently and in a timely manner; and (c) must commence performance thereof within five (5) days after providing notice to the CITY of their intention to take over the Work. Upon the failure of the sureties to comply with the provisions set forth above, CITY may take over the Work and complete it, at the expense of CONTRACTOR, and the CONTRACTOR and the sureties shall be liable to CITY for any excess costs or damages including those referred to in Paragraph 13 (Liquidated Damages), incurred by CITY. In such event, CITY may, without liability for so doing, take possession of such materials, equipment, tools, appliances, Contract Documents and other property belonging to CONTRACTOR as may be on the site of the Work and reasonably necessary therefor and may use them to complete the Work.

15. DISPUTES PERTAINING TO PAYMENT FOR WORK.

Should any dispute arise respecting whether any delay is excusable, or its duration, or the value of the Work done, or of any Work omitted, or of any extra Work which CONTRACTOR may be required to do, or respecting any payment to CONTRACTOR during the performance of this Agreement, such dispute shall be decided

by the Project Manager, and his or her decisions shall be final and binding upon CONTRACTOR and its sureties.

16. SUPERINTENDENCE BY CONTRACTOR.

At all times during performance of the Work, CONTRACTOR shall give personal superintendence or have a competent foreman or superintendent on the worksite, with authority to act for CONTRACTOR.

17. INSPECTION BY CITY.

CONTRACTOR shall at all times maintain proper facilities and provide safe access for inspection by CITY to all parts of the Work and to all shops on or off-site where the Work or portions of the Work, are in preparation. CITY shall have the right of access to the premises for inspection at all times. However, CITY shall, at all times, comply with CONTRACTOR's safety requirements on the job site.

18. CARE OF THE WORK AND OFF-SITE AUTHORIZATION.

CONTRACTOR warrants that it has examined the site of the Work and is familiar with its topography and condition, location of property lines, easements, building lines and other physical factors and limitations affecting the performance of this Agreement. CONTRACTOR, at CONTRACTOR's sole cost and expense, shall obtain any permission, and all approvals, licenses, or easements necessary for any operations conducted off the premises owned or controlled by CITY. CONTRACTOR shall be responsible for the proper care and protection of all materials delivered to the site or stored off-site and for the Work performed until completion and final inspection and acceptance by CITY. The risk, damage or destruction of materials delivered to the site or to Work performed shall be borne by CONTRACTOR.

19. CONTRACT SECURITY AND GUARANTEE.

Unless previously provided by CONTRACTOR to CITY, CONTRACTOR shall furnish, concurrently with the execution of this Agreement, the following: (1) a surety bond in an amount equal to one hundred percent (100%) of the contract price as security for the faithful performance of this Agreement, and (2) a separate surety bond in an amount equal to at least one hundred percent (100%) of the contract price as security for the payment of all persons furnishing labor or materials in connection with the Work under this Agreement. Sureties for each of the bonds and the forms thereof shall be satisfactory to CITY. In addition, such sureties must be authorized to issue bonds in California; sureties must be listed on the latest revision to the U.S. Department of the Treasury Circular 570; and must be shown to have sufficient bonding capacity to provide the bonds required by the Contract Documents.

CONTRACTOR shall provide a certified copy of the certificate of authority of the surety issued by the Insurance Commissioner; a certificate from the clerk of the county in

which the court or officer is located that the certificate of authority of the surety has not been surrendered, revoked, canceled, annulled, or suspended or, in the event that it has, that renewed authority has been granted; and copies of the surety's most recent annual statement and quarterly statement filed with the Department of Insurance pursuant to Article 10 (commencing with Section 900) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

CONTRACTOR guarantees that all materials used in the Work and all labor performed shall be in conformity with the Contract Documents including, but not limited to, the standards and specifications set forth in the most current edition of The Greenbook. CONTRACTOR shall, at its own expense, make any and all repairs and replacements that shall become necessary as the result of any failure of the Work to conform to the aforementioned Contract Documents, and/or standard specifications; provided, however, that CONTRACTOR shall be obligated under this provision only to the extent of those failures or defects of which CONTRACTOR is given notice within a period of twelve (12) months from the date that the Notice of Completion is recorded.

The rights and remedies available to CITY pursuant to this provision shall be cumulative with all rights and remedies available to CITY pursuant to statutory and common law, which rights and remedies are hereby expressly reserved, and neither the foregoing guarantee by CONTRACTOR nor its furnishing of the bonds, nor acceptance thereof by CITY, shall constitute a waiver of any rights or remedies available to CITY against CONTRACTOR.

20. INDEMNIFICATION.

CONTRACTOR agrees to protect, defend, indemnify and hold harmless CITY and its elected and appointed boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury to or death of any person, and for injury or damage to any property, including consequential damages of any nature resulting therefrom, arising out of or in any way connected with the performance of this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the CONTRACTOR, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the CONTRACTOR, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the CITY, its elected officials, officers, agents and employees based upon the work performed by the CONTRACTOR, its employees, and/or authorized subcontractors under this Agreement, whether or not the CONTRACTOR, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the CONTRACTOR shall not be liable for the defense or indemnification of the CITY for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the CITY. This provision shall supersede and replace all other indemnity provisions contained either in the CITY's specifications or CONTRACTOR's proposal, which shall be of no force and effect.

CONTRACTOR shall comply with all of the provisions of the Workers' Compensation insurance laws and Safety in Employment laws of the State of California, including the applicable provisions of Divisions 4 and 5 of the California Labor Code and all amendments thereto and regulations promulgated pursuant thereto, and all similar State, Federal or local laws applicable; and CONTRACTOR shall indemnify and hold harmless CITY from and against all claims, liabilities, expenses, damages, suits, actions, proceedings and judgments, of every nature and description, including attorney fees, that may be presented, brought or recovered against CITY for or on account of any liability under or failure to comply with any of said laws which may be incurred by reason of any Work performed under this Agreement by CONTRACTOR or any subcontractor or others performing on behalf of CONTRACTOR.

CITY does not, and shall not, waive any rights against CONTRACTOR which it may have by reason of the above hold harmless agreements, because of the acceptance by CITY or the deposit with CITY by CONTRACTOR of any or all of the insurance policies described in Paragraph 21 (Insurance) of this Agreement.

The hold harmless agreements by CONTRACTOR shall apply to all liabilities, expenses, claims, and damages of every kind (including but not limited to attorneys' fees) incurred or alleged to have been incurred, by reason of the operations of CONTRACTOR or any subcontractor or others performing on behalf of CONTRACTOR, whether or not such insurance policies are applicable. CONTRACTOR shall require any and all tiers of subcontractors to afford the same degree of indemnification to the CITY OF COSTA MESA and its elected and appointed boards, officers, agents, and employees that is required of CONTRACTOR and shall incorporate identical indemnity provisions in all contracts between CONTRACTOR and all tiers of its subcontractors.

In the event that CONTRACTOR and CITY are sued by a third party for damages caused or allegedly caused by negligent or other wrongful conduct of CONTRACTOR, or by a dangerous condition of CITY's property created by CONTRACTOR or existing while the property was under the control of CONTRACTOR, CONTRACTOR shall not be relieved of its indemnity obligation to CITY by any settlement with any such third party unless that settlement includes a full release and dismissal of all claims by the third party against the CITY.

21. INSURANCE.

(a) Minimum Scope and Limits of Insurance. CONTRACTOR shall not commence Work under this Agreement until it has obtained all insurance required under this Paragraph 21 and CITY has approved the insurance as to form, amount, and carrier, nor shall CONTRACTOR allow any subcontractor to commence any Work until all similar insurance required of the subcontractor has been obtained and approved.

CONTRACTOR shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an

insurance company admitted to do business in California, rated “A,” Class X, or better in the most recent Best’s Key Insurance Rating Guide, and approved by CITY:

- (i) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.
 - (ii) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence for bodily injury and property damage.
 - (iii) Workers’ compensation insurance as required by the State of California, with Statutory Limits, and Employer’s Liability insurance with a limit of no less than One Million Dollars (\$1,000,000.00) per accident for bodily injury or disease. CONTRACTOR agrees to waive, and to obtain endorsements from its workers’ compensation insurer waiving subrogation rights under its workers’ compensation insurance policy against the CITY, its officers, agents, employees, and volunteers arising from work performed by CONTRACTOR for the CITY and to require each of its subcontractors, if any, to do likewise under their workers’ compensation insurance policies.
 - (iv) Umbrella or excess liability insurance that will provide bodily injury, personal injury and property damage liability coverage at least as broad as the primary coverages set forth above, including commercial general liability, automobile liability, and employer’s liability. Such policy or policies shall include the following terms and conditions:
 - (1) A drop down feature requiring the policy to respond in the event that any primary insurance that would otherwise have applied proves to be uncollectable in whole or in part for any reason;
 - (2) Pay on behalf of wording as opposed to reimbursement;
 - (3) Concurrency of effective dates with primary policies;
 - (4) Policies shall “follow form” to underlying primary policies; and
 - (5) Insureds under primary policies shall also be insureds under the umbrella or excess policies.
- (b) Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

- (i) Additional insureds: The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the CONTRACTOR pursuant to its contract with the City; products and completed operations of the CONTRACTOR; premises owned, occupied or used by the CONTRACTOR; automobiles owned, leased, hired, or borrowed by the CONTRACTOR."
 - (ii) Notice: "Said policy shall not terminate, nor shall it be canceled nor the coverage reduced, until thirty (30) days after written notice is given to CITY."
 - (iii) Other Insurance: "CONTRACTOR's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."
- (c) Reporting Provisions. Any failure of CONTRACTOR to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.
- (d) Insurance Applies Separately. CONTRACTOR's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- (e) Deductible or Self-Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by CITY. No policy of insurance issued as to which the CITY is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.
- (f) Proof of Insurance. Prior to commencement of the Work, CONTRACTOR shall furnish CITY, through the Project Manager, proof of compliance with the above insurance requirements in a form satisfactory to City's Risk Management.
- (g) Non-Limiting. Nothing in this Paragraph 21 shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

22. PREVAILING WAGE REQUIREMENTS.

- (a) Prevailing Wage Laws. CONTRACTOR is aware of the requirements of Chapter 1 (beginning at Section 1720 et seq.) of Part 7 of Division 2 of the California Labor Code, as well as Title 8, Section 16000 et seq. of the California Code of Regulations ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the

performance of other requirements on “public works” and “maintenance” projects. This Project is a “public works” project and requires compliance with the Prevailing Wage Laws. CONTRACTOR shall defend, indemnify and hold the CITY, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

(b) Payment of Prevailing Wages. CONTRACTOR shall pay the prevailing wage rates for all work performed under this Agreement. When any craft or classification is omitted from the general prevailing wage determinations, CONTRACTOR shall pay the wage rate of the craft or classification most closely related to the omitted classification. A copy of the general prevailing wage rate determination is on file in the Office of the City Clerk and is incorporated into this Agreement as if fully set forth herein. CONTRACTOR shall post a copy of such wage rates at all times at the project site(s).

(c) Legal Working Day. In accordance with the provisions of Labor Code Section 1810 et seq., eight (8) hours is the legal working day. CONTRACTOR and any subcontractor(s) of CONTRACTOR shall comply with the provisions of the Labor Code regarding eight (8)-hour work day and 40-hour work week requirements, and overtime, Saturday, Sunday, and holiday work. Work performed by CONTRACTOR's or any subcontractor's employees in excess of eight (8) hours per day, and 40 hours during any one week, must include compensation for all hours worked in excess of eight (8) hours per day, or 40 hours during any one week, at not less than one and one-half times the basic rate of pay. CONTRACTOR shall forfeit as a penalty to CITY Twenty-Five Dollars (\$25.00), or any greater penalty set forth in the Labor Code, for each worker employed in the execution of the Work by CONTRACTOR or by any subcontractor(s) of CONTRACTOR, for each calendar day during which such worker is required or permitted to the work more than eight (8) hours in one calendar day or more than 40 hours in any one calendar week in violation of the Labor Code.

(d) Apprentices. CONTRACTOR shall comply with the provisions of Labor Code Section 1777.5 concerning the employment of apprentices on public works projects. CONTRACTOR shall be responsible for ensuring compliance by its subcontractors with Labor Code Section 1777.5.

(e) Payroll Records. Pursuant to Labor Code Section 1776, CONTRACTOR and any subcontractor(s) shall keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by CONTRACTOR or any subcontractor in connection with this Agreement. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following: (1) The information contained in the payroll record is true and correct; and (2) The employer has complied with the requirements of Sections 1771, 1881, and 1815 of the Labor Code for any work performed by his or her employees on this Project. The payroll records shall be certified and shall be available for inspection at all reasonable hours in accordance with the requirements of Labor Code Section 1776. CONTRACTOR shall

also furnish each week to CITY's Project Administration Division a statement with respect to the wages of each of its employees during the preceding weekly payroll period.

(f) Registration with DIR. CONTRACTOR and any subcontractor(s) of CONTRACTOR shall comply with the provisions of Labor Code Section 1771 and Labor Code Section 1725.5 requiring registration with the DIR.

23. COMPLIANCE WITH ALL LAWS.

CONTRACTOR shall, at its own cost and expense, comply with all applicable local, state, and federal laws, regulations, and requirements in the performance of this Agreement, including but not limited to laws regarding health and safety, labor and employment, and wage and hours.

24. DRUG-FREE WORKPLACE POLICY.

CONTRACTOR, upon notification of the award of this Agreement, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a CITY contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. CONTRACTOR shall conform to all the requirements of CITY's Policy No. 100-5, attached hereto. Failure to establish a program, notify employees, or inform the CITY of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by the CITY.

25. NON-DISCRIMINATION.

In performing this Agreement, CONTRACTOR will not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status or sex, or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code. Violation of this provision may result in the imposition of penalties referred to in Section 1735 of the California Labor Code.

26. PROVISIONS CUMULATIVE.

The provisions of this Agreement are cumulative and in addition to, and not in limitation of, any other rights or remedies available to CITY.

27. NOTICES.

It shall be the duty and responsibility of CONTRACTOR to notify all tiers of subcontractors and material men of the following special notice provision; namely, all preliminary 20-day notices or stop notices shall be directed only to the City Clerk and to

no other department, and shall be either personally delivered or sent by certified mail, postage prepaid.

All other notices shall be in writing and delivered in person or sent by certified mail, postage prepaid. Notices required to be given to CITY pursuant to this Agreement shall be addressed as follows:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Attn: Seung Yang

Notices required to be given to CONTRACTOR shall be addressed as follows:

All American Asphalt
400 East Sixth Street
Corona, CA
Attn: Michael Farkas

Notices required to be given to CONTRACTOR's sureties shall be addressed as follows:

[To be inserted following City Council approval.]

28. INDEPENDENT CONTRACTOR.

The parties hereto acknowledge and agree that the relationship between CITY and CONTRACTOR is one of principal and independent contractor and no other. All personnel to be utilized by CONTRACTOR in the performance of this Agreement shall be employees of CONTRACTOR and not employees of the CITY. CONTRACTOR shall pay all salaries and wages, employer's social security taxes, unemployment insurance and similar taxes relating to employees and shall be responsible for all applicable withholding taxes. Nothing contained in this Agreement shall create or be construed as creating a partnership, joint venture, employment relations, or any other relationship except as set forth between the parties. The parties specifically acknowledge and agree that CONTRACTOR is not a partner with CITY, whether general or limited, and no activities of CITY or CONTRACTOR or statements made by CITY or CONTRACTOR shall be interpreted by any of the parties hereto as establishing any type of business relationship other than an independent contractor relationship.

29. PERS ELIGIBILITY INDEMNIFICATION.

In the event that CONTRACTOR or any employee, agent, or subcontractor of CONTRACTOR providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees' Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the CITY,

CONTRACTOR shall indemnify, defend, and hold harmless CITY for the payment of any employee and/or employer contributions for PERS benefits on behalf of CONTRACTOR or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of CITY.

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

30. VALIDITY.

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any of the other provisions of this Agreement.

31. GOVERNING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any legal action relating to or arising out of this Agreement shall be subject to the jurisdiction of the County of Orange, California.

32. NO THIRD PARTY BENEFICIARY RIGHTS.

This Agreement is entered into for the sole benefit of the CITY and CONTRACTOR and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

33. ASSIGNABILITY.

This Agreement may not be transferred or assigned by either party, or by operation of law, to any other person or persons or business entity, without the other party's written permission. Any such transfer or assignment, or attempted transfer or assignment, without written permission, may be deemed by the other party to constitute a voluntary termination of this Agreement and this Agreement shall thereafter be deemed terminated and void.

34. WAIVER.

No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought referring expressly to this Paragraph. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a

continuing waiver.

35. HEADINGS.

Section and subsection headings are not to be considered part of this Agreement, are included solely for convenience, and are not intended to modify or explain or to be a full or accurate description of the content thereof.

36. COUNTERPARTS.

This Agreement may be executed in one or more counterparts by the parties hereto. All counterparts shall be construed together and shall constitute one Agreement.

37. CORPORATE AUTHORITY.

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

[Signatures appear on following page.]

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

CITY OF COSTA MESA,
A municipal corporation

Lori Ann Farrell Harrison
City Manager

Date: _____

CONTRACTOR

Mark Luer
President

Date: _____

Edward J. Carlson
Vice President

Date: _____

Michael Farkas
Secretary

Date: _____

ATTEST:

Brenda Green
City Clerk

Date: _____

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney

Date: _____

APPROVED AS TO INSURANCE:

Ruth Wang
Risk Management

Date: _____

APPROVED AS TO PURCHASING:

Carol Molina
Finance Director

Date: _____

DEPARTMENTAL APPROVAL:

Raja Sethuraman
Public Services Director

Date: _____

Seung Yang
Project Manager

Date: _____

ATTACHMENT 1

EXHIBIT A
CONTRACTOR'S BID

ATTACHMENT 1
BID ADDENDUM NO. 2

SECTION C
PROPOSAL
FOR THE
CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION,
AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03

The Honorable City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Council Members:

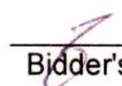
In compliance with the NOTICE INVITING BIDS FOR THE **CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03**, a copy which is hereto attached, the undersigned has carefully examined the location of the proposed Work, the Plans, Specifications and other Contract Documents and is therefore satisfied as to the conditions to be encountered, as to the character, quality and quantity of work to be performed and materials to be furnished and as to the requirements of the specifications and the Contract. It is mutually agreed that the submission of a proposal shall be considered prima facie evidence that the BIDDER has made such examination.

If awarded the Contract, the undersigned agrees to commence the Work under the Contract **WITHIN TEN (10) WORKING DAYS AFTER DATE OF CONTRACT, AND COMPLETE SAID WORK WITHIN ONE HUNDRED (80) WORKING DAYS** from the first day of commencement of such work unless legal extension is granted in accordance with the terms set forth in the specifications, and to perform and complete the Work as shown on the Plans and in accordance with the Specifications and other Contract Documents, and to furnish all labor, materials, tools and equipment necessary to complete the Work in-place therefor, in the manner and time herein prescribed at the following prices, to wit:

ATTACHMENT 1

BID ADDENDUM NO. 2

BID SCHEDULE PROPOSAL (A)					
ITEM #	BID ITEM DESCRIPTION	APPROX. QTY.	UNIT	UNIT PRICE (in figures)	ITEMS TOTAL (in figures)
1	Mobilization and Project Scheduling	1	L.S.	\$154,382.00	\$ 154,382.00
2	Additional Work Items	1	F.A.	\$ 100,000	\$ 100,000
3	Temporary Traffic Control	1	L.S.	\$ 51,700.00	\$ 51,700.00
4	Install Lane Markings, Striping Pavement Legends, and Raised Pavement Markers (RPM)	1	L.S.	\$ 41,000.00	\$ 41,000.00
4A	Install Lane Markings, Striping Pavement Legends, Green Bike Zones, and Raised Pavement Markers (RPM) along Placentia Avenue (from Adams Ave. to Wilson St.). <i>Striping and marking plans to be submitted to contractor after contract award.</i>	1	L.S.	\$ 64,200.00	\$ 64,200.00
Phase I: Parkway Concrete:					
5	Remove & Reconstruct Concrete Sidewalk (4-inch Concrete over 4-inch C.M.B.) including ADA ramps	11,500	S.F.	\$10.50	\$ 120,750.00
6	Remove Existing and Reconstruct C-6 Curb & Gutter over 6" CMB with 2' A.C. Slot Pave	5,500	L.F.	\$70.00	\$ 385,000.00
7	Remove Existing and Reconstruct C-8 Curb & Gutter over 6" CMB with 2' A.C. Slot Pave	550	L.F.	\$61.00	\$ 33,550.00
8	Remove & Reconstruct P.C.C. Cross-Gutter, Spandrel, Local Depression, and P.C.C. Pad (8" Concrete over 8" inch C.M.B) with 3' A.C. Slot Pave	2,600	S.F.	\$ 24.50	\$ 63,700.00
9	Remove Existing and Reconstruct P.C.C. Driveway Approach (6-inch Concrete over 6-inch C.M.B)	650	S.F.	\$ 15.75	\$ 10,237.50
9A	Remove Existing Asphalt Concrete (A.C.) Driveway and Reconstruct New P.C.C. Driveway Approach (6-inch Concrete over 6-inch C.M.B) at 1801 Whittier Ave. (actual location along W. 18th St.) per City Engineer Direction	1,000	S.F.	\$ 14.50	\$ 14,500.00
10	Remove & Reconstruct Miscellaneous AC Pavement	55	TONS	\$133.50	\$ 7,342.50
11	Paint Curb Existing Color	120	L.F.	\$ 3.05	\$ 366.00
12	Root Prune and Install Root Barrier	700	L.F.	\$ 65.00	\$ 45,500.00
13	Install Truncated Domes (ADA ramps)	16	EA	\$ 793.00	\$ 12,688.00


 Bidder's Initials

P-1a (rev)

ATTACHMENT 1

BID ADDENDUM NO. 2

BID SCHEDULE PROPOSAL (A) [Continued]					
ITEM #	BID ITEM DESCRIPTION	EST. QTY.	UNIT	UNIT PRICE (in figures)	ITEMS TOTAL (in figures)
Phase II: Street Rehabilitation:					
14	Cold Mill (2-inch Minimum Depth)	265,000	S.F.	\$ 0.22	\$ 58,300.00
15	Remove & Reconstruct Asphalt Concrete (A.C.) 6-inch Minimum Depth, including Excavation	1,100	TONS	\$ 133.50	\$ 146,850.00
16	Type "B" Asphalt Concrete (A.C.) Base Course (Paving Machine)	1,320	TONS	\$ 70.50	\$ 93,060.00
17	Type "D" Asphalt Concrete (A.C.) Leveling Course (Paving Machine)	1,100	TONS	\$ 73.50	\$ 80,850.00
18	Type "C" Asphalt Concrete (A.C.) Overlay (Paving Machine) – Surface Course	9,700	TONS	\$ 70.50	\$ 683,850.00
19	Install "Mirafi® 600X" Subgrade Fabric or Approved Equal	16,500	S.F.	\$ 0.40	\$ 6,600.00
20	Install "PETROMAT®" Fabric or Approved Equal	167,000	S.F.	\$ 0.25	\$ 41,750.00
21	Install Blue Raised Pavement Markers (BRPM)	80	EA	\$ 20.00	\$ 1,600.00
22	Adjust and Reset Existing Survey Monuments and Ties by California Licensed Land Surveyor	50	EA	\$ 475.00	\$ 23,750.00
23	Adjust Manhole Covers to Grade	85	EA	\$ 1,060.00	\$ 90,100.00
24	Adjust Water Valves to Grade	65	EA	\$ 405.00	\$ 26,325.00
Phase III: Slurry Seal:					
25	Slurry Seal Type II with 2.5% Latex	1,000	ELT	\$ 269.00	\$ 269,000.00
26	Crack Seal	1	L.S.	\$ 71,110.00	\$ 71,110.00
TOTAL BID PROPOSAL FIGURES:				\$ 2,698,061.00	

TOTAL BID PROPOSAL (Words):

TWO MILLION SIX HUNDRED NINETY-EIGHT THOUSAND SIXTY-ONE DOLLARS AND ZERO CENTS

The award of the Contract shall be based on the lowest responsive Bid amount, and the City reserves the right to delete one or more bid items and/or to increase and/or to decrease bid items' quantities.

The CITY also reserves the right to reject all Bids.

Bidder's Initials

ATTACHMENT 1

BID ADDENDUM NO. 2

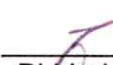
ADDITIVE BID SCHEDULE PROPOSAL (B)					
ITEM #	BID ITEM DESCRIPTION	EST. QTY	UNIT	UNIT PRICE (in figures)	ITEMS TOTAL (in figures)
E. 17TH STREET REHABILITATION (FROM NEWPORT BLVD. TO MEDIAN NOSE)					
B1	Cold mill (2" Depth)	37,400	S.F.	\$ 0.94	\$ 35,156.00
B2	2" Asphalt Concrete (A.C.) overlay Pavement (ARHM)	452	TON	\$ 171.00	\$ 77,292.00
B3	Adjust Water Valves to Grade	3	EA	\$ 1,025.00	\$ 3,075.00
B4	Install Blue Raised Pavement Markers (BRPM)	3	EA	\$ 20.50	\$ 61.50
B5	Install Type "D" Traffic Signal Loops	6	EA	\$ 364.00	\$ 2,184.00
B6	Install Type "E" Traffic Signal Loops	10	EA	\$ 338.00	\$ 3,380.00
B7	Install Lane Markings, Striping, Pavement Legends, and Raised Pavement Markers (RPM)	1	LS	\$8,792.00	\$ 8,792.00
COST OF MOBILIZATION AND TRAFFIC CONTROL TO BE INCLUDED IN BID SCHEDULE PROPOSAL (A)					

TOTAL ADDITIVE BID AMOUNT (B) FIGURES: \$ 129,940.50

TOTAL ADDITIVE BID AMOUNT (B) (Words):

ONE HUNDRED TWENTY-NINE THOUSAND NINE HUNDRED FORTY DOLLARS
AND FIFTY CENTS

The award of the Contract shall be based on the lowest responsive Base Bid amount. Should the CITY authorize the Base Bid and any Additive Bid(s), then the award amount shall be as specified as the cumulative total of the Base Bid (A) and any Additive Bid amounts. The CITY also reserves the right to reject all Bids.


Bidder's Initials

P-1c (rev)

BID PROPOSAL

ATTACHMENT 1

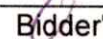
BID ADDENDUM NO. 2

ADDITIVE BID SCHEDULE PROPOSAL (C)					
ITEM #	BID ITEM DESCRIPTION	EST. QTY	UNIT	UNIT PRICE (in figures)	ITEMS TOTAL (in figures)
MESA DRIVE (FROM ELDEN AVE. TO CLUB MESA PL.) CONCRETE PARKWAY CONSTRUCTION					
C1	Remove Existing and Construct New Concrete Sidewalk [4-inch Concrete over 4-inch Crushed Miscellaneous Base (C.M.B.)]	2,970	S.F.	\$ 12.50	\$ 37,125.00
C2	Remove Existing and Reconstruct C-8 Curb & Gutter over 6" Crushed Miscellaneous Base (C.M.B.) with 2-foot Asphalt Concrete (A.C.) slot pave	240	L.F.	\$ 122.00	\$ 29,280.00
C3	Remove Existing and Reconstruct P.C.C. Driveway Approach per Costa Mesa Std. Plan 513	1,295	S.F.	\$ 18.75	\$ 24,281.25
C4	Paint Curb Existing Color	30	L.F.	\$ 3.10	\$ 93.00
C5	Install Truncated Domes	6	EA	\$ 963.00	\$ 5,778.00
C6	Remove Existing and Construct Retaining Wall Variable Height (4ft max)	380	L.F.	\$ 351.00	\$ 133,380.00
C7	Removal and/or Restoration of existing improvements (fences, planters, parkway concrete, landscaping)	1	FA	\$ 7,000	\$ 7,000
COST OF MOBILIZATION AND TRAFFIC CONTROL TO BE INCLUDED IN BID SCHEDULE PROPOSAL (A)					
TOTAL ADDITIVE BID AMOUNT (C) FIGURES:				\$ 236,937.25	

TOTAL ADDITIVE BID AMOUNT (C) (Words):

TWO HUNDRED THIRTY-SIX THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS
AND TWENTY-FIVE CENTS

The award of the Contract shall be based on the lowest responsive Base Bid amount. Should the CITY authorize the Base Bid and any Additive Bid(s), then the award amount shall be as specified as the cumulative total of the Base Bid (A) and any Additive Bid amounts. The CITY also reserves the right to reject all Bids.


Bidder's Initials

ATTACHMENT 1

BID ADDENDUM NO. 2

PROPOSAL BID SCHEDULE
(CONTINUED)


NOTES:

1. The accuracy of estimate quantities as shown is not guaranteed; the Bidder shall make his/her own estimate from the drawings and field review for verification. If the unit price and the total amount are different, the unit price will control the bid. Payment shall be based on actual work done and/or actual quantities used.
2. The City reserves the right to delete one or more bid items and/or to increase or decrease bid items' quantities, at no additional cost to the City.
3. FA designates force account. Payment shall be made on a time and materials basis, only if directed by the ENGINEER.
4. (F) Designates Final Pay Item. When an item of work is designated as "FINAL PAY ITEM" in the Specifications, the estimated quantity for that item of work shall be the final pay quantity, unless the dimensions of any portion of that item are revised by the Engineer, or the item or any portion of the item is eliminated. If the dimensions of any portion of the item are revised, and the revisions result in an increase or decrease in the estimated quantity of that item of work, the final pay quantity for the item will be revised in the amount represented by the changes in the dimensions. If a final pay item is eliminated, the estimated quantity for the item will be eliminated. If a portion of a final pay item is eliminated, the final pay quantity will be revised in the amount represented by the eliminated portion of the item of work.

The estimated quantity for each item of work designated as "FINAL PAY ITEM" in the Specifications, shall be considered as approximate only, and no guarantee is made that the quantity which can be determined by computations, based on the details and dimensions shown on the plans, will equal the estimated quantity. No allowance will be made in the event that the quantity based on computations does not equal the estimated quantity.

In case of discrepancy between the quantity shown in the Engineer's Estimate for a final pay item and the quantity or summation of quantities for the same item shown on the plans, payment will be based on the quantity shown in the Engineer's Estimate.

5. Bidder declares that it has read and understands Items 14 & 15 of Information for Bidders (Page B-2 and B-3).
6. Bidder agrees to initial or notarize (if applicable) all pages on P-1, P-1a, P-1b, and P-1c and uploaded onto *PlanetBids*.


Bidder's Initials

P-1e (rev)

BID PROPOSAL

PROPOSAL SCHEDULE **(CONTINUED)**

(Please Type or Print)

Total Amount for Base Bid (in written words) TWO MILLION SIX HUNDRED NINETY-EIGHT THOUSAND SIXTY-ONE DOLLARS AND ZERO CENTS

(\$ 2,698,061.00) in figures

Contractor's Lawful Name: All American Asphalt

Bidder's Name: Michael Farkas, Secretary Bidder's Initials: MF

Contractor's License No. 267073 Expiration: 01/31/2022

Contractor's Taxpayer I.D. Number: 95-2595043

Contractor's DIR Registration Number: 1000001051

Signature: [Signature] Date: 7/29/2021

Michael Farkas, Secretary

Contractor's Address: 400 East Sixth Street, Corona, CA 92879

Telephone Number: (951) 736-7600 Mobile No.: () N/A

Fax Number: (951) 736-7600 E-mail: publicworks@allamericanasphalt.com

24-Hour Emergency Contacts:

Rick Selph, Superintendent
Name

Telephone Number: (951) 736-7600

Mobile No.: (951) 453-4645

Name

Telephone No.: ()

Mobile No.: ()

Name

Telephone No.: ()

Mobile No.: ()

MF
Bidder's Initials

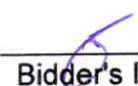
**PROPOSAL SCHEDULE
(CONTINUED)**

The Contractor agrees that the City will not be held responsible if any of the approximate quantities shown in the foregoing proposal shall be found incorrect, and he shall not make any claim for damages or for loss of profits because of a difference between the quantities of the various classes of work as estimated and the work actually done. If any error, omission or misstatements shall be discovered in the estimated quantities, it shall not invalidate this contract or release the Contractor from the execution and completion of the whole or part of the work herein specified, in accordance with the specifications and the plans herein mentioned and the prices herein agreed upon and fixed therefore, or excuse him from any of the obligations or liabilities hereunder, or entitle him to any damages or compensation otherwise than as provided for in this contract.

The Contractor agrees that the City shall have the right to increase or decrease the quantity of any bid item or portion of the work or to omit portions of the work as may be deemed necessary or expedient, and that the payment for incidental items or work, not separately provided in the proposal shall be considered included in the price bid for other various items or work.

Accompanying this proposal is "Cash," "Certified Check," or "Bidder's Bond" (circle one) in the amount of Bidder's Bond
(\$ 10%) equal to at least ten (10%) percent of the total bid price, payable to the City of Costa Mesa, to guarantee that within fourteen (14) days after written notice is deposited in the mail, or the bidder has received notice by telephone, the bidder will furnish proper Certificates of Insurance, and required bonds satisfactory to the City and execute a contract in accordance with the proposal and in the manner and form required by the contract documents.

The undersigned deposits the above-named security as a proposal guarantee and agrees that it shall be forfeited to the City of Costa Mesa as Liquidated Damages if the above requirements are not complied with.


Bidder's Initials

Project and Specification No. 21-03

Respectfully Submitted,

All American Asphalt
 Contractor's Business Name
 400 East Sixth Street
 Business Address: Street
 Corona CA 92879
 City State Zip
 951-736-7600
 Business Phone Number
 Michael Farkas, Secretary
 Name Title
 Corona CA 92879
 City State Zip

Michael Farkas, Secretary
 Contractor Title
 Secretary
 Signed By Title
 267073 A, C-12 01/31/2022
 Contractor's License No. and Classification Exp. Date
 7/29/2021
 Date
 400 East Sixth Street, Corona, CA 92879
 Residence: Street
 951-736-7600
 Residence phone Number

If the bid is by a corporation, state the names of the officers who can sign an agreement on behalf of the corporation and whether more than one officer must sign.

☒ Corporation

Taxpayer I.D. Number: 95-2595043

Name Mark Luer, President
 Name Edward J. Carlson, Vice President
 Name Michael Farkas, Secretary

Can Sign	Must Sign
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

If the bid is by a partnership or a joint venture, state the names and addresses of all general partners and joint ventures.

☐ Partnership or Joint Ventures

Taxpayer I.D. Number: N/A

Name N/A
 Address
 Name
 Address

If the bidder is a sole proprietorship or another entity that does business under a fictitious name, the bid shall be in the real name of the bidder with a designation following showing "DBA (the fictitious name)"; provided, however, no fictitious name shall be used unless there is a current registration with the Orange County Recorder.

The full names and residences of all persons and parties interested in the foregoing proposal, as principals, are as follows:

NOTE: Give first and last names in full; in case of corporation, give names of President, Secretary, Treasurer and Manager, and affix corporate seal; in case of partnerships and joint ventures, give names of all the individual members.

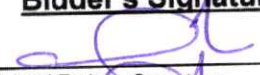
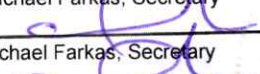
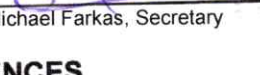
Corporation

Mark Luer, President
 Edward J. Carlson, Vice President
 Michael Farkas, Secretary

Bidder's Initials

Project and Specification No. 21-03

Bidder shall signify receipt of all Addenda here, if any:


<u>Addendum No.</u>	<u>Date Received</u>	<u>Bidder's Signature</u>
<u>1</u>	<u>07/22/2021</u>	<u></u> Michael Farkas, Secretary
<u>2</u>	<u>07/29/2021</u>	<u></u> Michael Farkas, Secretary
<u>3</u>	<u>08/03/2021</u>	<u></u> Michael Farkas, Secretary

CONSTRUCTION PROJECT REFERENCES

In order to more fully evaluate your firm's background and experience for the project herein proposed, it is requested that you submit a list of Public Works and/or similar construction projects completed, or in progress, within the last 24 months. This information will be used to evaluate whether the bid is responsive and or responsible to the call for bids.

<u>Date Project Awarded</u>	<u>Awarding Agency</u>	<u>Agency's Contract Administrator Contact Information</u>
-----------------------------	------------------------	--------------------------------------------------------------------

(See Attached Past Project References)


Bidder's Initials



CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

DATE: JULY 22, 2021

TO: ALL PROSPECTIVE BIDDERS

SUBJECT: BID ADDENDUM NO. 1 – CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to Janet.Zuazo@costamesaca.gov. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: _____

Edward J. Carlson, Vice President

Company: _____ All American Asphalt

All bidders shall register with *PlanetBids* in order to retrieve addenda. It is the responsibility of each prospective bidder to check *PlanetBids* on a DAILY basis through the close of bids for any applicable addenda or updates.

BID OPENING DATE: AUGUST 3, 2021

BID OPENING TIME: NO CHANGE

BID OPENING PLACE: NO CHANGE

This addendum, effective on this date, addresses the following items:

BID OPENING DATE:

The bid opening date, which was scheduled for Tuesday, July 27, 2021, at 2:00 p.m., has been postponed to Tuesday, August 3, 2021 at 2:00 p.m.

The contents of this addendum shall have precedence over all related provisions within the contract documents. It is the intent of the City to clarify the above-mentioned items to all bidders and should it be necessary to request clarification on these matters, please contact Seung Yang at (714) 754-5633.

Please acknowledge receipt of all addenda on the Proposal Page "P-4."

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Yang".

Seung Yang
City Engineer

Kenona Nazari

From: Kenona Nazari
Sent: Monday, July 26, 2021 8:39 AM
To: ZUAZO, JANET
Subject: RE: Acknowledgement - Addendum No. 1 - 21-07 & Addendum No. 1 - 21-03

Good morning, thank you for the email. Have a wonderful day.

If you should have any questions please feel free to contact me.

Thank you

Kenona Nazari
Contract Administrator
400 East Sixth Street
Corona, CA 92879
kenona.nazari@allamericanasphalt.com
Phone: (951) 736-7600 ext. 236
Fax: (951) 736-7646



From: ZUAZO, JANET <JANET.ZUAZO@costamesaca.gov>
Sent: Monday, July 26, 2021 8:38 AM
To: Kenona Nazari <kenona.nazari@allamericanasphalt.com>
Subject: RE: Acknowledgement - Addendum No. 1 - 21-07 & Addendum No. 1 - 21-03

Hello,

Received.



Thank you,

Janet Zuazo
Administrative Secretary
Public Services Department
77 Fair Drive | Costa Mesa | CA 92626
P: (714) 754-5029 | F: (714) 754-5028



ATTACHMENT 1

City Hall is open to the public. For expedited service, [appointments](#) are strongly encouraged.

~ The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive and vibrant community ~



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL. THANK YOU!

From: Kenona Nazari <kenona.nazari@allamericanasphalt.com>

Sent: Friday, July 23, 2021 3:09 PM

To: ZUAZO, JANET <JANET.ZUAZO@costamesaca.gov>

Subject: Acknowledgement - Addendum No. 1 - 21-07 & Addendum No. 1 - 21-03

Janet,

Please see the following acknowledgments for the two upcoming bids as follows:

- Citywide Parkway Maintenance Project No. 21-03
- Randolph Avenue Project No. 21-07

If you should have any questions please feel free to contact me.

Thank you

Kenona Nazari

Contract Administrator

400 East Sixth Street

Corona, CA 92879

kenona.nazari@allamericanasphalt.com

Phone: (951) 736-7600 ext. 236

Fax: (951) 736-7646





CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

DATE: JULY 29, 2021

TO: ALL PROSPECTIVE BIDDERS

SUBJECT: BID ADDENDUM NO. 2 – CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to Janet.Zuazo@costamesaca.gov. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: _____

Michael Farkas, Secretary

Company: All American Asphalt

All bidders shall register with *PlanetBids* in order to retrieve addenda. It is the responsibility of each prospective bidder to check *PlanetBids* on a DAILY basis through the close of bids for any applicable addenda or updates.

This Bid Addendum No. 2, effective on this date, addresses and modifies the following items:

- For this City Project No. 21-03, the entire SECTION C, which is the *Bid Schedule Proposal "A" and Additive Bid Schedule Proposals "B" and "C"* (pages P-1 through P-1e) SHALL be replaced in its entirety with the revised SECTION C attached herewith.
- The number of working days for this project (City Project No. 21-03) SHALL be changed to **EIGHTY (80) working days**, instead of the original ONE HUNDRED (100) working days.
- Liquidated damages for this project (City Project No. 21-03) SHALL be changed to **\$6,250 per each calendar day**, instead of the original \$8,100 per each calendar day.
- The remainder of the *Bid Contract Documents and Specifications* shall remain unchanged.

This Bid Addendum No. 2 must be acknowledged by signing on page "P-4" of the *Bid Contract Documents and Specifications*.

The contents of this addendum shall have precedence over all related provisions within the contract documents. It is the intent of the City to clarify the above-mentioned items to all bidders. Should it be necessary to request clarification on these matters, please contact Cristina Oquendo via email: cristina.oquendo@costamesaca.gov.

ATTACHMENT 1

Bid Addendum No. 2
Project and Specifications No. 21-03

Please acknowledge receipt of **ALL two (2)** addenda (Bid Addendums No. 1 and No. 2) by signing on page "P-4" of the proposal within the bid contract documents.

Sincerely,



Seung Yang, P.E.
City Engineer

Kenona Nazari

From: Kenona Nazari
Sent: Tuesday, August 3, 2021 8:11 AM
To: ZUAZO, JANET
Subject: RE: Acknowledgement of Addendum No. 2 - Citywide Parkway Maint. 21-03 & Addendum No. 2 - Randolph Avenue 21-07

Thank you.

If you should have any questions please feel free to contact me.

Thank you

Kenona Nazari
Contract Administrator
400 East Sixth Street
Corona, CA 92879
kenona.nazari@allamericanasphalt.com
Phone: (951) 736-7600 ext. 236
Fax: (951) 736-7646



From: ZUAZO, JANET <JANET.ZUAZO@costamesaca.gov>
Sent: Tuesday, August 3, 2021 7:50 AM
To: Kenona Nazari <kenona.nazari@allamericanasphalt.com>
Subject: RE: Acknowledgement of Addendum No. 2 - Citywide Parkway Maint. 21-03 & Addendum No. 2 - Randolph Avenue 21-07

Hello,

Received.

Thank you,

Janet Zuazo
Administrative Secretary
Public Services Department
77 Fair Drive | Costa Mesa | CA 92626



P: (714) 754-5029 | F: (714) 754-5028



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~ The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive and vibrant community ~



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL. THANK YOU!

From: Kenona Nazari <kenona.nazari@allamericanasphalt.com>

Sent: Tuesday, August 3, 2021 7:13 AM

To: ZUAZO, JANET <JANET.ZUAZO@costamesaca.gov>

Subject: FW: Acknowledgement of Addendum No. 2 - Citywide Parkway Maint. 21-03 & Addendum No. 2 - Randolph Avenue 21-07

From: Kenona Nazari

Sent: Tuesday, August 3, 2021 7:11 AM

To: Janet Zuazo (JANET.ZUAZO@costamesaca.gov) <JANET.ZUAZO@costamesaca.gov>

Subject: Acknowledgement of Addendum No. 2 - Citywide Parkway Maint. 21-03 & Addendum No. 2 - Randolph Avenue 21-07

Janet,

Good morning, I am emailing you acknowledging the receipt of Addendum No. 2 for both bids today Citywide Parkway Maintenance CIP NO. 21-03 and Randolph Avenue and St Clair Street 21-07. Have a wonderful day.

If you should have any questions please feel free to contact me.

Thank you

Kenona Nazari

Contract Administrator

400 East Sixth Street

Corona, CA 92879

kenona.nazari@allamericanasphalt.com

Phone: (951) 736-7600 ext. 236

Fax: (951) 736-7646





CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

DATE: AUGUST 3, 2021

TO: ALL PROSPECTIVE BIDDERS

SUBJECT: BID ADDENDUM NO. 3 – CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to Janet.Zuazo@costamesaca.gov. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: _____

Michael Farkas, Secretary

Company: _____

All American Asphalt

All bidders shall register with *PlanetBids* in order to retrieve addenda. It is the responsibility of each prospective bidder to check *PlanetBids* on a DAILY basis through the close of bids for any applicable addenda or updates.

BID OPENING DATE: AUGUST 5, 2021

BID OPENING TIME: NO CHANGE

BID OPENING PLACE: NO CHANGE

This addendum, effective on this date, addresses the following items:

BID OPENING DATE:

The bid opening date has been postponed to Thursday, August 5, 2021 at 11:00 a.m.

The contents of this addendum shall have precedence over all related provisions within the contract documents. It is the intent of the City to clarify the above-mentioned items to all bidders and should it be necessary to request clarification on these matters, please contact Irina Gurovich at (714) 754-5323.

Please acknowledge receipt of all addenda on the Proposal Page "P-4."

Sincerely,

Seung Yang
City Engineer

Kenona Nazari

From: ZUAZO, JANET <JANET.ZUAZO@costamesaca.gov>
Sent: Wednesday, August 4, 2021 10:35 AM
To: Kenona Nazari
Subject: RE: Acknowledgement of Addendum No. 3 - CIP 21-03 -CITYWIDE AVENUE BIDDING 08/05/2021@11:00AM

Hello,

Received.



Thank you,

Janet Zuazo
Administrative Secretary
Public Services Department
77 Fair Drive | Costa Mesa | CA 92626
P: (714) 754-5029 | F: (714) 754-5028



City Hall is open to the public. For expedited service, [appointments](#) are strongly encouraged.
~ The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive and vibrant community ~



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL. THANK YOU!

From: Kenona Nazari <kenona.nazari@allamericanasphalt.com>
Sent: Wednesday, August 4, 2021 10:34 AM
To: ZUAZO, JANET <JANET.ZUAZO@costamesaca.gov>
Subject: Acknowledgement of Addendum No. 3 - CIP 21-03 -CITYWIDE AVENUE BIDDING 08/05/2021@11:00AM

Janet,

Good morning, I am acknowledging the receipt of Addendum No. 3 for the bid for Project 21-03 Citywide Avenue. Have a great day.

If you should have any questions please feel free to contact me.

Thank you

Kenona Nazari
Contract Administrator
400 East Sixth Street
Corona, CA 92879
kenona.nazari@allamericanasphalt.com

ATTACHMENT 1

Phone: (951) 736-7600 ext. 236

Fax: (951) 736-7646



2020 PAST WORK REFERENCES

City of Ontario
303 East B Street
Ontario, CA 91764
Contact: Ariana Kern (909) 395-2129
akern@ontarioca.gov

2020 Fall Pavement Rehabilitation Project
Contract Amount: \$2,499,333.00
Start Date: 07/2020
End Date: 12/2020

City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354
Contact: T. Jarb Thaipejr (909) 799-4400
jthaipejr@lomalinda-ca.gov

Pavement Rehabilitation – Barton Road
Contract Amount: \$768,677.00
Start Date: 04/2020
End Date: 12/2020

City of Jurupa Valley
8920 Limonite Avenue
Jurupa Valley, CA 92509
Contact: Chase Keys (951) 332-6464
ckkeys@jurupavalley.org

Granite Hill Drive Pavement Rehabilitation
Contract Amount: \$999,777.00
Start Date: 04/2020
End Date: 10/2020

County of Orange
601 N. Ross Street, 4th Floor
Santa Ana, CA 92701
Contact: Albert Rodriguez (714) 667-8800
albert.rodriguez@ocpw.ocgov.com

JOC Pavement Maintenance
Contract Amount: \$2,584,747.69
Start Date: 07/2020
End Date: 08/2020

City of Compton
205 S. Willowbrook Avenue
Compton, CA 90220
Contact: Brittany Duhn (310) 605-5505
bduhn@zandkconsultants.com

Annual Residential Street Rehabilitation –
Phase 1
Contract Amount: \$5,295,068.00
Start Date: 05/2020
End Date: 11/2020

City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Contact: Joe Fuentes (714) 536-5259
jfuentes@surfcity-hb.org

Arterial Rehabilitation of Graham St, Slater
Ave, Newland St and Atlanta Ave
Contract Amount: \$5,181,955.00
Start Date: 05/2020
End Date: 11/2020

2020 PAST WORK REFERENCES

City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660
Contact: Patricia Kharazmi (949) 644-3344
pkharazmi@newportbeachca.gov

Cameo Highlands Street Reconstruction
Contract Amount: \$2,425,694.00
Start Date: 07/2020
End Time: 11/2020

City of Westminster
8200 Westminster Boulevard
Westminster, CA 92683
Contact: Theresa Tran (714) 548-3460
ttran@westminster.ca.gov

Citywide Overlay Street Improvements
Contract Amount: \$1,131,621
Start Date: 02/2020
End Date: 06/2020

Crescenta Valley Water District
2700 Foothill Boulevard
La Crescenta-Montrose, CA 91214
Contact: Brook Yared (818) 236-4117
byared@cvwd.com

Final Paving of Pennsylvania Ave
Contract Amount: \$82,620.00
Start Date: 02/2020
End Date: 04/2020

City of Alhambra
111 S. 1st Street
Alhambra, CA 91801
Contact: Robert Bias (626) 580-5000
rbias@cityofalhambra.org

2020 HUD Street Improvements Project
Contract Amount: \$300,433.00
Start Date: 06/2020
End Date: 10/2020

County of Ventura
800 S. Victoria Avenue, #1600
Ventura, CA 93009
Contact: Matt Maechler (805) 477-1911
matthew.maechler@ventura.org

Yerba Buena Rd. (South) Pavement
Resurfacing
Contract Amount: \$2,298,467.40
Start Date: 03/2020
End Date: 06/2020

City of Camarillo
601 Carmen Drive
Camarillo, CA 93010
Contact: Thang Tran (805) 388-5345
ttran@cityofcamarillo.org

Earl Joseph Drive Paving
Contract Amount: \$681,901.50
Start Date: 06/2020
End Date: 07/2020

2019 PAST WORK REFERENCES

City of Simi Valley
2929 Tapo Canyon Rd.
Simi Valley, CA 93063
Contact: Sarah Sheshebor (805)583-6792
sshesheb@simivalley.org

Simi Valley Minor Street Rehabilitation
Contract Amount: \$510,124.25
Start Date: 07/2019
End Date: 08/2019

County of Ventura
501 Poli Street
Ventura, CA 93001
Contact: Christopher Solis (805) 654-2054
chris.solis@ventura.org

Yerba Buena Area Resurfacing Project
Contract Amount: \$3,919,808.95
Start Date: 06/2019
End Date: 12/2019

City of Stanton
7800 Katella Avenue
Stanton, CA. 90680
Contact: Guillermo Perez (714) 890-4204
gperez@ci.stanton.ca.us

2019 Citywide Street Resurfacing
Contract Amount: \$1,206,869.00
Start Date: 10/2019
End Date: 12/2019

City of Compton
205 S. Willowbrook Avenue
Compton, CA. 90220
Contact: John Strickland (310) 605-5505
jstrictland@comptoncity.org

Road Repair Service (Pothole Repair)
Contract Amount: \$1,019,100.00
Start Date: 08/2019
End Date: 11/2019

City of San Clemente
910 Calle Negocio
San Clemente, CA. 92673
Contact: Darra Koger (949) 361-3138
kogerD@san-clemente.org

Street Rehabilitation for S. Avenue LA
Esperanza
Contract Amount: \$384,055.00
Start Date: 09/2019
End Date: 10/2019

City of South Gate
8650 California Avenue
South Gate, CA. 90280
Contact: John Rico (323) 563-9594
jrico@sogate.org

Circle Park Driveway Project
Contract Amount: \$268,576.00
Start Date: 06/2019
End Date: 09/2019

2019 PAST WORK REFERENCES

City of Chino
13220 Central Ave.
Chino, CA. 91710
Contact: Dustin Postovoit (909) 334-3415
apostovoit@cityofchino.org

Slurry Seal Maintenance Work
Contract Amount: \$372,805.00
Start Date: 1/2019
End Date: 12/2019

City of Lancaster
44933 Fern Avenue
Lancaster, CA. 93534
Contact: Greg Wilson (661) 570-8003
gwilson@cityoflanasterca.org

2018 Pavement Management Program
Contract Amount: \$2,720,103.65
Start Date: 3/2019
End Date: 12/2019

City of Colton
650 N. La Cadena Dr.
Colton, CA. 92324
Contact: Victor Ortiz (909) 370-5099
vortiz@coltonca.gov

FY 18-19 Asphalt Paving Project
Contract Amount: \$1,377,700.00
Start Date: 3/2019
End Date: 11/2019

City of Cathedral City
68700 Ave Lalo Guerrero
Cathedral City, CA. 92234
Contact: John A. Corella (760) 770-0349
jcorella@cathedralcity.gov

Ortega Road Widening
Contract Amount: \$459,998.00
Start Date: 2/2019
End Date: 12/2019

City of San Clemente
910 Calle Negocio
San Clemente, CA. 92673
Contact: Gary Voborsky (949) 361-6132
voborskyg@san-clemente.org

Arterial Street Pavement Maintenance
Contract Amount: \$1,187,187.00
Start Date: 3/2019
End Date: 7/2019

2019

PAST WORK REFERENCES

Pardee Homes
1250 Corona Pointe Court, Ste. 600
Corona, CA. 92879
Contact: Nick Lasher (951) 428-4442
nick.lasher@pardeehomes.com

Railroad Canyon Widening
Contract Amount: \$5,062,746.00
Start Date: 11/2018
End Time: 08/2019

City of Fontana
8353 Sierra Avenue
Fontana, CA. 92335
Contact: Kimberly Young (909) 350-7632
kyoung@fontana.org

Citrus Avenue Improvements
Contract Amount: \$502,730.00
Start Date: 08/2018
End Date: 10/2019

DR Horton
2280 Wardlow Circle Ste. 100
Corona, CA. 92880
Contact: Keith Alex (951) 830-5872
kalex@drhorton.com

Singlton Road
Contract Amount: \$1,684,000.00
Start Date: 07/2018
End Date: 12/2019

Irvine Community Development Company
550 Newport Center Dr. Ste. 550 B2
Newport Beach, CA. 92660
Contact: Mike Morse (949) 720-2560

Portola Springs PA-6 Enclave 5B Phase1, 2
Contract Amount: \$2,055,055.00
Start Date: 09/2018
End Date: 12/2019

City of Downey
11111 Brookshire Avenue
Downey, CA. 90241
Contact: Desi Gutierrez, (562) 904-7110
dgutierrez@downeyca.org

FY 18/19 Slurry Seal Project
Contract Amount: \$313,425.87
Start Date: 06/2019
End Date: 12/2019

DESIGNATION OF SUBCONTRACTORS

In compliance with the "Subletting and Subcontracting Fair Practices Act" being Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, each bidder shall set forth below the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half ($\frac{1}{2}$) of one percent (1%) of the prime contractor's total bid or in the case of bids for the construction of streets or highways, including bridges, in excess of one-half ($\frac{1}{2}$) of one percent (1%) of the prime contractor's total bid or ten thousand (\$10,000) dollars, whichever is greater. Bidder shall further set forth the portion of the work, which will be done by each such subcontractor with its Department of Industrial Relations (DIR) registration number. Only one subcontractor for each such portion shall be listed.

If the contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he/she/it shall be deemed to have agreed to perform the balance of all work, which is not covered, and he/she/it shall not be permitted to subcontract that portion of the work except under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work to which no subcontractor was designated in the original bid, shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the Legislative Body of the Owner.

All information must be filled out and typed. Please use additional pages in this format if needed.

Bid Item (s) Number	% Portion of Work	Name, Address and E-mail of Subcontractor	State License Number	Class	DIR Registration Number
26	100%	GLOBAL ROAD SEALING 10832 DORTHY AVE. GARDEN GROVE, CA 92843	757584	A,C-10 C-32	1000007714
B5&B6	100%	SMITHSON ELECTRIC, INC 1938 KATELLA AVENUE ORANGE, CA 92867 laurie@smithsonelectric.com	614518	C-10	1000001610
4,4A,11 21,B4,B7, C4	100%	SUPERIOR PAVEMENT MARKINGS 5312 CYPRESS ST CYPRESS CA 90630 darren@superiorpavementmarkings.com	766306	C-31, C-32	1000001476
22	100%	CASE LAND SURVEYING 614 N ECKHOFF STREET ORANGE, CA 92868 csi@caselandsurveying.com	L5411		1000001533
12	100%	V&E TREE SERVICE P.O. BOX 3280 ORANGE, CA 92865 john@vetreeservice.com	654503	C-61 C-27	1000001936

By submission of this proposal, the Bidder certifies:

1. That (I)(we)(it) is able to and will perform the balance of all work which is not covered in the above subcontractors listing.
2. That the AGENCY will be furnished copies of all subcontracts entered into by subcontractor for this project.

Bidder's Initials

Bid Bond No. 08597423

Bid Date: 08/05/2021

Project and Specification No. 21-03

BIDDER'S BOND TO ACCOMPANY PROPOSAL

(Required if the bidder desires to submit bond instead of a certified or cashier's check.)


KNOW ALL PEOPLE BY THESE PRESENTS:

That we, All American Asphalt as
 principals, and Fidelity and Deposit Company of Maryland as
 surety, are held and firmly bound unto the City of Costa Mesa, a municipal corporation,
 organized under the laws of the State of California and situated in Orange County in the
 sum of Ten Percent of Total Amount Bid ----- (\$ 10% of Bid ----)
 to be paid to the City, its successors and assigns, for which payment well and truly to be
 made, we bind ourselves, our heirs, executors, and administrators, successors or assigns,
 jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That is the certain proposal of the above bounden, All American Asphalt, if
 accepted by the City of Costa Mesa, and if the above bounden,
All American Asphalt, his heirs, executors, administrators,
 successors and assigns, shall duly enter into and execute a contract for such
 construction, and shall execute and deliver the CERTIFICATE OF INSURANCE and the
 LABOR AND MATERIAL and the FAITHFUL PERFORMANCE BONDS described within
 fourteen (14) days from the date of the mailing of a notice of the above bounden,
All American Asphalt, by and from the City, that
 said contract is ready for execution, then this obligation shall become null and void;
 otherwise it shall be and remain in full force and virtue.

IN WITNESS WHEREOF:

We hereunto set our hands and seals this 3rd day of August, 2021.All American Asphalt

Michael Farkas, Secretary

Contractor/ Principal
 (Notary Acknowledgement to be attached)

Fidelity and Deposit Company of Maryland

Rebecca Haas-Bates, Attorney-in-Fact

Surety/Power of Attorney
 (Notary Acknowledgment to be attached)


 Bidder's Initials

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

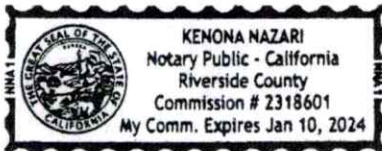
State of California

County of RiversideOn August 4, 2021 before me, Kenona Nazari, Notary Public
Date Here Insert name and Title of the Officerpersonally appeared Michael Farkas
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Kenona Nazari
Signature of Notary Public**OPTIONAL**

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document Bid Bond – City of Costa Mesa Bid Project No. 21-03Document Date: August 3, 2021 Number of Pages: 3Signer(s) Other Than Named Above: Rebecca Haas-Bates, Attorney-in-Fact**Capacity(ies) Claimed by Signer(s)**Signer's Name: Michael Farkas☐ Individual☒ Corporate Officer – Title(s): Secretary☐ Partner ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Other: _____

Signer is Representing:

All American AsphaltRIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

☐ Individual☐ Corporate Officer – Title(s): _____☐ Partner ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Other: _____

Signer is Representing:

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Orange)On 08/03/2021 before me, Liliana Gomez, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Rebecca Haas-Bates

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Liliana Gomez
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Bid Bond Document Date: 08/03/2021Number of Pages: One (1) Signer(s) Other Than Named Above: All American Asphalt**Capacity(ies) Claimed by Signer(s)**Signer's Name: Rebecca Haas-Bates☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☒ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Fidelity and Deposit Company of Maryland

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Secretary of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 3rd day of August, 2021.



Brian M. Hodges

By: Brian M. Hodges
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **William SYRKIN, Rebecca HAAS-BATES, Sergio D. BECHARA and Richard ADAIR, all of Irvine, California, EACH**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 11th day of June, A.D. 2019.



ATTEST:
**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 11th day of June, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

ATTACHMENT 1

"ORIGINAL BID BOND"
Citywide Parkway Maintenance,
Street Rehabilitation, and Slurry
Seal Project" 8/5/2021@11:00am
City Project No 21-03

RECEIVED
CITY CLERK

21 AUG -4 PM 12:28

CITY OF COSTA MESA
BY *GG*



ALL AMERICAN
— ASPHALT —

AN EQUAL OPPORTUNITY EMPLOYER

P.O. BOX 2229, CORONA, CA 92878-2229

TO: City of Costa Mesa
City Clerk – Gladys
77 Fair Drive
Costa Mesa, CA 92628-1200

RETURN REQUESTED

"Do Not Open With Regular Mail"

CONTRACT ASSURANCE

The CONTRACTOR or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONTRACTOR shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the CONTRACTOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The CONTRACTOR will require that the above provision is included in all subcontracts.


Bidder's Initials

NONCOLLUSION AFFIDAVIT

The bidders, by its officers and agents or representatives present at the time of filing this bid, being duly sworn on their oaths say, that neither they nor any of them have in any way directly or indirectly entered into any arrangement or agreement with any other bidder, or with any public officer of such CITY OF COSTA MESA whereby such affiant or affiants or either of them has paid or is to pay to such bidder or public officer any sum of money, or has given or is to give to such other bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for on the attached bids; that no bid has been accepted from any subcontractor or supplier through any bid depository, the By-Laws, Rules, or Regulations of which prohibit or prevent the Contractor from considering any bid from any subcontractor or supplier which is not processed through said bid depository, or which prevent any subcontractor or supplier from bidding to any Contractor who does not use the facilities or accept bids from or through such bid depository; that bidder has not bid as subcontractor to other bidders; that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contracts sought by this bid.

All American Asphalt

Contractor Firm Name

Michael Farkas

Name of Principal
Secretary

Title

Signature

Subscribed and sworn to before me by:

This ____ day of _____, 20__.

My Commission Expires: _____

Notary Public

Bidder's Initials

CALIFORNIA JURAT**GOV CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

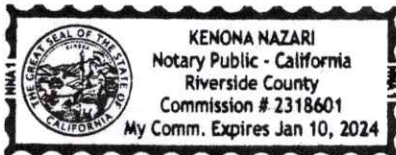
Subscribed and sworn to (or affirmed) before
me on this 29th day of July, 2021.
Date Month

By (1) Michael Farkas
Name of Signer

Proved to me on the basis of satisfactory evidence
be the person who appeared before me (.) (,)

(and

(2) _____
Name of Signer



Proved to me on the basis of satisfactory evidence
be the person who appeared before me.)

Place Notary Seal Above

Signature *Kenona Nazari*
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove
valuable to person relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached DocumentTitle or Type of Document Non-Collusion Affidavit 21-03Document Date: 7-29-2021 Number of Pages: 1Signer(s) Other Than Named Above: NoneRIGHT THUMBPRINT
OF SIGNER

Top of thumb here

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

**CONTRACTOR'S CERTIFICATION
OF
WORKERS' COMPENSATION INSURANCE REQUIREMENTS
FOR
PUBLIC WORKS PROJECTS
(Labor Code §1861)**

I am aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract.

Dated: 4/29/2021

CONTRACTOR

All American Asphalt

Company Name

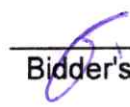
PROJECT: CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION,
AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03

Bidder's Initials

DRUG-FREE WORKPLACE POLICY

CONTRACTOR, upon notification of contract award, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a CITY contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. Failure to establish a program, notify employees, or inform CITY of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by CITY.

CONTRACTOR shall conform to all the requirements of CITY'S Policy No. 100-5. A copy of this policy is attached to the sample contract agreement as an attachment in the Project Specifications.


Bidder's Initials



**BIDDER/APPLICANT/CONTRACTOR CAMPAIGN
CONTRIBUTION DISCLOSURE FORM**

Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than \$249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

Date	Name of Donor	Company/Business Affiliation	Name of Recipient	Amount
		N/A		

Except as described above, I/we have not made any campaign contribution in the amount of \$250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder/Applicant/Proposer

Michael Farkas, Secretary

Date

Bidder's Initials

ATTACHMENT 1

EXHIBIT B

BONDS

[TO BE PROVIDED BY CONTRACTOR FOLLOWING CITY COUNCIL APPROVAL.]

ATTACHMENT 1

EXHIBIT C

DRUG-FREE WORKPLACE POLICY

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

BACKGROUND

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

PURPOSE

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.
2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

POLICY

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;
 - B. Establishing a Drug-Free Awareness Program to inform employees about:

ATTACHMENT 1

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	2 of 3

1. The dangers of drug abuse in the workplace;
 2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;
- D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:
1. Abide by the terms of the statement; and
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;
- F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

ATTACHMENT 1

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	3 of 3

- G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.
2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:
- Contractor and/or sub-grantee has made a false certification under paragraph 1 above;
 - Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;
 - Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.
3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.

**CITY OF COSTA MESA
PROFESSIONAL SERVICES AGREEMENT
WITH
Z & K CONSULTANTS, INC.**

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this 1st day of February, 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and Z & K CONSULTANTS, a California corporation ("Consultant").

W I T N E S S E T H :

A. WHEREAS, City proposes to utilize the services of Consultant as an independent contractor to provide project and construction management and inspection services for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project (City Project No. 21-03), as more fully described herein; and

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

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

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

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

1.0. SERVICES PROVIDED BY CONSULTANT

1.1. Scope of Services. Consultant shall provide the professional services described in City's Request for Proposal, attached hereto as Exhibit "A," and Consultant's Proposal, attached hereto as Exhibit "B," both incorporated herein.

1.2. Prevailing Wage Requirements. Consultant is aware of the requirements of Chapter 1 (beginning at Section 1720 et seq.) of Part 7 of Division 2 of the California Labor Code, as well as Title 8, Section 16000 et seq. of the California Code of Regulations ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. Consultant shall comply with all applicable Prevailing Wage Laws in connection with the services provided pursuant to this Agreement. Consultant shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

1.3. Professional Practices. All professional services to be provided by Consultant

pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant's performance of this Agreement.

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

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;
- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

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

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

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

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

1.9. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and

employees of City. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without written authorization by City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

2.0. COMPENSATION AND BILLING

2.1. Compensation. Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "C," attached hereto and incorporated herein (the "Fee Schedule"). Consultant's total compensation shall not exceed Two Hundred Ninety-Nine Thousand Six Hundred Eight Dollars (\$299,608.00).

2.2. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal unless the City Manager or designee, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

2.3. Method of Billing. Consultant may submit invoices to the City for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Consultant's services which have been completed to City's sole satisfaction. City shall pay Consultant's invoice within thirty (30) days from the date City receives said invoice. Each invoice shall describe in detail, the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.4. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and shall be made available to City or its Project Manager for inspection and/or audit at mutually convenient times from the Effective Date until three (3) years after termination of this Agreement.

3.0. TIME OF PERFORMANCE

3.1. Commencement and Completion of Work. Unless otherwise agreed to in writing by the parties, the professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, pandemics, material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party (each, a "Force Majeure Event"). If a party experiences a Force Majeure Event, the party shall, within five (5) days of the occurrence of the Force Majeure Event, give written notice to the other party stating the nature of the Force Majeure Event, its anticipated duration and any action being taken to avoid or minimize its effect. Any suspension of

performance shall be of no greater scope and of no longer duration than is reasonably required and the party experiencing the Force Majeure Event shall use best efforts without being obligated to incur any material expenditure to remedy its inability to perform; provided, however, if the suspension of performance continues for sixty (60) days after the date of the occurrence and such failure to perform would constitute a material breach of this Agreement in the absence of such Force Majeure Event, the parties shall meet and discuss in good faith any amendments to this Agreement to permit the other party to exercise its rights under this Agreement. If the parties are not able to agree on such amendments within thirty (30) days and if suspension of performance continues, such other party may terminate this Agreement immediately by written notice to the party experiencing the Force Majeure Event, in which case neither party shall have any liability to the other except for those rights and liabilities that accrued prior to the date of termination.

4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of one (1) year, ending on January 31, 2023, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties. This Agreement may be extended by one (1) additional one (1) year period upon mutual written agreement of both parties.

4.2. Notice of Termination. The City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing written notice to Consultant. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City.

4.3. Compensation. In the event of termination, City shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the date of City's written notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein. In ascertaining the professional services actually rendered hereunder up to the effective date of termination of this Agreement, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents pertaining to the services contemplated herein whether delivered to the City or in the possession of the Consultant.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the City within ten (10) days of delivery of termination notice to Consultant, at no cost to City. Any use of uncompleted documents without specific written authorization from Consultant shall be at City's sole risk and without liability or legal expense to Consultant.

5.0. INSURANCE

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

City:

- (a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.
- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence for bodily injury and property damage.
- (c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.
- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

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

- (a) Additional insureds: "The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."
- (b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City."
- (c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of

Costa Mesa shall be excess and not contributing with the insurance provided by this policy.”

- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant’s insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability.

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

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

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

6.0. GENERAL PROVISIONS

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

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

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

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

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

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

IF TO CONSULTANT:

Z & K Consultants, Inc.
473 E. Carnegie Drive, Suite 200
San Bernardino, CA 92400
Tel: (951) 310-7470
Attn: Crystal Fraire

IF TO CITY:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Tel: (714) 754-5633
Attn: Seung Yang

Courtesy copy to:

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

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

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

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

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

6.9. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

6.10. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

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

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors

providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

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

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

6.14. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code section 6254.7, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

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

6.16. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation as may be required by the City's representative, regarding any services rendered under this

Agreement at no additional cost to City. In the event that an error or omission attributable to Consultant occurs, then Consultant shall, at no cost to City, provide all necessary design drawings, estimates and other Consultant professional services necessary to rectify and correct the matter to the sole satisfaction of City and to participate in any meeting required with regard to the correction.

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

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

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

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

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

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

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

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

6.25. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in

ATTACHMENT 2

respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

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

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

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

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

CONSULTANT

Crystal Fraire
President

Date: _____

CITY OF COSTA MESA

Lori Ann Farrell Harrison
City Manager

Date: _____

ATTEST:

Brenda Green
City Clerk

ATTACHMENT 2

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney

Date: _____

APPROVED AS TO INSURANCE:

Ruth Wang
Risk Management

Date: _____

APPROVED AS TO CONTENT:

Seung Yang
Project Manager

Date: _____

DEPARTMENTAL APPROVAL:

Raja Sethuraman
Public Services Director

Date: _____

APPROVED AS TO PURCHASING:

Carol Molina
Finance Director

Date: _____

ATTACHMENT 2

EXHIBIT A
REQUEST FOR PROPOSAL



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE PUBLIC SERVICES DEPARTMENT / ENGINEERING DIVISION

September 7, 2021

**SUBJECT: CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT, NO. 21-03:
REQUEST FOR PROPOSAL (RFP) TO PROVIDE PROJECT AND CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES (NON-FEDERAL AID PROJECT)**

Dear Consultant:

The City of Costa Mesa is requesting a proposal from your firm to provide professional project and construction management and inspections services for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, No. 21-03. This is a NON-Federal aid project. The tentative schedule is as follows but is subject to change:

REQUEST FOR PROPOSAL SCHEDULE	DATE
1. Deadline to Submit Requests for Clarification	09/30/21
2. Proposal Due Date	10/08/21 at 5:00 p.m.
3. City Council Award of Professional Services Agreement	11/02/21
4. Project Kick-off Meeting	01/04/22

This is the Request for Proposal (RFP) to provide professional services for the subject project. The proposal requirements and the necessary professional services required by the City are stated within this RFP. The consultant shall provide all services as requested in the RFP and stated in the submitted proposal.

CITY OF COSTA MESA CONTACT PERSON

The City of Costa Mesa contact person for this project is **Cristina Oquendo**, Assistant Engineer. E-mail: cristina.oquendo@costamesaca.gov. All correspondence shall be submitted in writing via Planet Bids. Inquiries submitted other than via Planet Bids will not receive a response.

PROPOSAL / STATEMENT OF QUALIFICATIONS (SOQ) SUBMITTAL REQUIREMENTS

Proposals shall be submitted electronically via PlanetBids:

<https://www.planetbids.com/portal/portal.cfm?CompanyID=45476>

No other form of submittal shall be accepted by the City.

FEE PROPOSAL

Fee Proposals shall be submitted in a separate file electronically via PlanetBids:

<https://www.planetbids.com/portal/portal.cfm?CompanyID=45476>

Sincerely,

Seung Yang, P.E.
City Engineer

**CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION,
AND SLURRY SEAL PROJECT, NO. 21-03:
REQUEST FOR PROPOSAL (RFP) TO PROVIDE PROJECT AND CONSTRUCTION
MANAGEMENT AND INSPECTION SERVICES (NON-FEDERAL AID PROJECT)**

1. INTRODUCTION

The City of Costa Mesa, California (City) is soliciting a Request for Proposals (RFP) for the selection of a construction management consulting firm for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, No. 21-03.

For selected streets throughout the City, the scope of work generally consists of mobilization, removal and reconstruction of curb and gutters, sidewalks, driveway approaches, spandrels, cross gutters, and A.D.A. curb ramps; removal and reconstruction of existing pavement; milling and overlaying with new asphalt; adjustment of manholes and valves to grades; procurement and application of Slurry Seal Type II with 2.5% latex, crack sealing; notifications to businesses and residents; traffic signing; striping and markings; installation of pavement markers; and implementation of traffic control.

The bid opening was on August 5, 2021, and the City will award the construction contract to the apparent lowest responsible bidder.

The plans, specifications, bid documents, and bid addendums for this project can be obtained via the City's PlanetBids portal at: <https://pbsystem.planetbids.com/portal/45476/bo/bo-detail/84544>. Note that a "login" may be required in order to access these documents.

The City's goal is to have a proposal for the professional services needed to complete this project. If you feel that any items should be added to the scope of work to accomplish this goal, please include a separate description and cost item in your proposal.

2. CONTENT OF PROPOSAL

To maintain uniformity, your proposal must be limited to **a maximum of ten (10) pages** (excluding front and back covers, section dividers, resumes, and photographs) and must include the following:

Statement of project understanding containing any suggestions for successful completion of the project or additional concerns that the City should be made aware of, and a project approach containing any scope of work tasks you feel are necessary for the successful completion of the project.

A project team organization chart identifying those who will perform work, and a brief resume of each team member, including similar type projects in which they have been directly involved. Identify the Project Manager / Construction Manager and the Project Engineer proposed for this project. The Project Manager will be the primary contact person to represent your firm and to conduct the presentation, if invited for an interview. Sub-consultants, if any, shall be identified in the proposal with the same requirements as for the main consultant.

A list of similar projects that your firm has completed within the last five years. Information of the completed projects should include project name and description, agency or client name along with the person to contact and telephone number, year completed, engineering fee, and

project construction cost. A proposed schedule indicating stages of work, time frames, and ability to perform the required services in a timely manner taking into consideration the required meetings noted below.

A fee proposal provided in a separate electronic file.

3. CONSULTANT SELECTION COMMITTEE

The Public Services Department of the City of Costa Mesa has established a Consultant Selection Committee consisting of members from this department who have acted in the capacity of Project Manager for the City on previous similar projects. The evaluation of each proposal will be based on the technical information and qualifications presented in the proposal, reference checks, and other information, which will be gathered independently. Evaluations of the consultant proposals will be done by this Consultant Selection Committee, and interviews *may* be conducted at the discretion of the City.

4. FEE PROPOSAL

- A. A separate electronic file containing the fee schedule for the project shall be submitted labeled "Fee Proposal" with your company's name and the project title.
- B. A cover letter stating the not-to-exceed total fee.
- C. The fee schedule shall depict individual project tasks, work hours, and basic hourly rates for specific personnel to be used. Personnel hourly rates will reflect all costs for office overhead, including direct and indirect costs. The fee proposal shall reflect all anticipated fee increases during the contract duration. Travel time and mileage will not be allowed.
- D. Payment shall not be processed for any submitted invoices if the consultant is behind the design schedule that was approved by the City for any of the outlined tasks.

5. ESTABLISHMENT OF FEES

The fee proposal will not be opened until the Consultant Selection Committee, comprising of City staff and its agents, has evaluated the consultants' submitted proposals. In conformance with the Mini-Brooks Act, the City will select the Consultant based on qualifications, and then negotiate a contract price based on available funding and a further breakdown of the "not-to-exceed" fee submitted in the fee proposal.

6. PROFESSIONAL SERVICES AGREEMENT

A City of Costa Mesa Professional Services Agreement will be awarded to the selected consultant. The RFP and the consultant's proposal will be attached to and become part of the executed agreement as exhibits.

The City will not permit reduction in the City's "Scope of Consultant Services" without written approval.

7. INSURANCE REQUIREMENTS

General Liability:	\$1,000,000
Automobile Liability:	\$1,000,000
Workers Compensation and Employers' Liability:	\$1,000,000
Professional Liability:	\$1,000,000

Additional and primary insurance endorsements shall include the City of Costa Mesa.

8. SCOPE OF CONSULTANT SERVICES

The following chart is a list of, but not limited to, the following tasks that are expected from the Consultant for this project. The City's expectation is for the Consultant to meet or exceed expectations in delivering quality services for the City in relation to this project. The list below is not an exhaustive one and ancillary activities are assumed to be included as well.

Service	Function	Deliverables
Pre-construction Conference	Outline project specifics. Inform contractor of project administration procedures.	Meeting agenda & meeting minutes.
Management Information System (MIS)	Implement system for organizing, tracking, filing, and managing paper/electronic correspondence including letters, information requests, submittals, contracts, reports, O&M manuals, progress payments, and change orders, etc.	Paper files, digital files, correspondence logs.
Review Traffic Control Plans	Review contractor's plans for traffic control, detours, shutdowns and access for emergency vehicles. Review of phasing plan/sequence of work.	Review traffic control plan & phasing plan.
Meetings	Conduct meetings with City staff, Contractor, etc., to discuss background, scope, objectives, schedule, current, and past issues as necessary.	Meeting agenda & meeting minutes.
Issues Management	Analyze issues, seek appropriate advice, and give recommendations. Review cost reduction proposals as well as contractor's methods of construction in order to ensure compliance with plans and specifications and delivery of project within budget and the time specified.	Design clarifications. Contract change orders.

ATTACHMENT 2

Service	Function	Deliverables
Schedule	Monitor contractor's schedule weekly. Notify parties of actual or potential deviation from schedule. Work with project team to correct noncompliance with schedule.	Schedule reports and recommendations of "As-built" schedule.
Cost Control	Monitor project funding. Monitor project budgets. Review contract item payments, material quantities, and change order payments.	Budget reports and cost estimate reviews.
Labor Compliance	Provide labor compliance report(s).	Provide labor compliance report (s) to include reporting on prevailing wage, payroll documentation, compliance status, and certified payrolls.
Request for Information (RFIs) & Submittals	Review Request for Information (RFIs) and submittals received from the Contractor. Log in and distribute to appropriate parties.	Provide a list of RFIs and responses. Provide a list of submittals and responses.
Change Orders	Review potential change orders for contractual and technical merit. Prepare independent cost estimate and schedule analysis of work. Negotiate and prepare change orders for execution. Keep the City apprised of impact of cumulative change orders.	Independent cost estimate change orders ready for execution of change order summary reports.
Dispute Resolution	Make recommendation and implement procedures for reducing the likelihood of disputes and claims. Assist in the resolution of disputes.	Dispute avoidance procedures and give recommendations.
Quality Control / Inspection / Material Testing Services	Observe and monitor all aspects of project. Notify contractor when work is not in compliance. Prepare daily inspection reports. Provide photographic and video documentation of construction process. Encourage and stress quality in the constructed product. Provide materials testing services during construction by a certified geotechnical professional per the plans, specifications and industry standards.	Photography and videotapes project files. Material testing results per the plans specifications, and industry standards.

ATTACHMENT 2

Service	Function	Deliverables
Public Relations	Communicate with local residents and business community regarding temporary construction impacts, such as traffic changes, noise, limited access and construction schedule.	Verbal and written notices delivered to local residents and businesses. Conflict management / dispute resolution.
Permitting / Environmental	Review and enforce requirements stipulated in permits issued by regulatory and environmental agencies.	Daily inspection reports and correspondence.
Progress Payments	Review and approve all contractor's payment request. Verify contractor pay items. Prepare payment documentation for execution.	Progress payment request documents.
Monthly Status Reports	Prepare monthly reports highlighting project progress, CCO's, cost issues, and schedule.	Monthly report.
Site Safety	Review and monitor contractor's safety program for compliance with Cal/OSHA. Notify contractor if unsafe condition is observed. Notify City if contractor refuses to rectify unsafe condition. Investigate accidents.	Accident reports and monthly reports.
"As-Built" Drawings	Collect, review, and transmit contractor's As-Built Plans to engineer.	Data for record drawings.
Final Walkthrough	Make final inspections, Prepare punch- list. Verify that required certificates of compliance, O&M manuals and as-built drawings have been delivered.	Punch list.
Project Completion Report	Process final progress payment to contractor. File Notice of Completion. Prepare final report. Review project records.	Final progress payment, Notice of Completion and Final report. Deliver project records to the City.

9. MINIMUM COMPETENCY REQUIREMENTS

Project Management:

Staff proposed by consultants under this RFQ for project and construction management must possess, at minimum, a bachelor's degree in civil engineering or a closely related field, four (4) years of project and construction management experience in the areas mentioned in this RFP. California Registered Professional Engineering license is preferred, but not required. The selected firm(s) should have the ability to provide at least one, preferably two, full-time project manager(s) that can provide the requested services within the period of the contract. Staff provided by the selected firm must be able to work under the direction of City staff.

Construction Inspection:

Staff proposed by consultants under this RFP for construction inspection must possess the following qualifications:

Possession of a high school diploma or General Education Development (GED) certification and four (4) years of experience in the field of engineering, construction, or technical engineering support, which includes experience in construction inspection, surveying, and contract or plan and specification interpretation. College level course work from an accredited college or university in engineering or a closely related subject is desirable.

Proposed construction inspection staff should have knowledge and experience, but *not* limited to, the following:

- Public works construction methods, materials, practices, specifications, and equipment.
- Basic surveying principles and practices.
- Field engineering practices and basic design criteria for public works projects.
- Relevant state and local laws, ordinances, regulations, codes, and standards.
- Construction scheduling methods.
- Safe work practices and regulations pertaining to the work.
- Mathematics, including trigonometry and algebra.
- Methods and techniques of materials testing.
- Computer applications related to public inspection work and record keeping.
- Mark areas for removals with the Contractor and keeping records for "AS-BUILT" quantities and plans.
- Conflict / dispute resolution management with City staff, residents, businesses, other government agencies, and Contractor.
- Any other task(s) requested by the City that is/are within the purview of duties and responsibilities of a construction inspector.

10. RIGHT TO REJECT ALL PROPOSALS

- A. The City of Costa Mesa reserves the right to reject any or all proposals submitted, and no representation is made that any contract will be awarded pursuant to this RFP or otherwise.
- B. The City also reserves the right to award a portion of work or combination, thereof.

- C. All costs incurred in the preparation of the proposal, the submission of additional information and / or any aspect of a proposal prior to award of a written contract will be borne by the consultant. The City will only provide the staff assistance and documentation specifically referred to herein and will not be responsible for any other cost or obligation of any kind that may be incurred by the consultant. All proposals submitted to the City of Costa Mesa will become the property of the City.

11. SUMMARY

The City appreciates your firm's participation, and the intent of this RFP is to establish the minimum consultant services required. If you feel that any items should be added to the scope of work, please include a separate description and cost item in your proposal. Prior to awarding a contract, all insurance documents must be submitted and approved.

ATTACHMENT 2

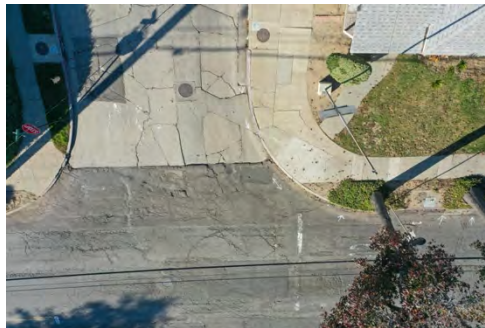
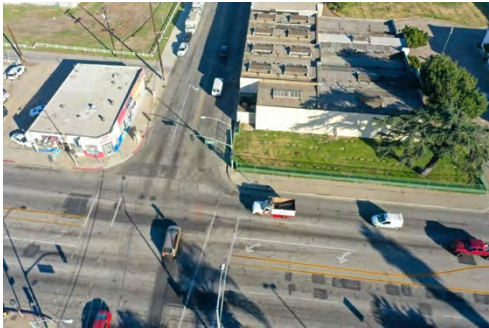
EXHIBIT B

CONSULTANT'S PROPOSAL



City of Costa Mesa

Engineering Division



REQUEST FOR PROPOSALS

PROJECT AND CONSTRUCTION MANAGEMENT AND
INSPECTION SERVICES (NON-FEDERAL AID PROJECT) FOR
THE CITYWIDE PARKWAY MAINTENANCE, STREET
REHABILITATION, AND SLURRY SEAL PROJECT, NO. 21-03

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Fee Proposal	Separate Submission



October 8, 2021

Cristina Oquendo, Assistant Engineer
City of Costa Mesa, Public Services Department/Engineering Division
77 Fair Drive, Costa Mesa, CA 92628

Subject: Request for Proposal for Project and Construction Management and Inspection Services (Non-Federal Aid Project) for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, No. 21-03

Dear Ms. Oquendo,

Z&K Consultants Inc. (Z&K) proudly presents our proposal to the City of Costa Mesa to provide Project and Construction Management and Inspection Services for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, No. 21-03.

Z&K is a certified Disadvantaged Business Enterprise (DBE), Women's Business Enterprise (WBE), and Small Business Enterprise (SBE) in Southern California. Z&K specializes in the provision of Project Management, Construction Management, Construction Inspection, Plan Review, Staff Augmentation, and other Professional Engineering Consulting Services. The Z&K Team has held numerous street rehabilitation contracts for local agencies and is committed to the success of the City of Costa Mesa's Project.

Z&K is proposing the same team that successfully delivered the many street improvement projects. This Team works efficiently and with great comradery with City staff to achieve the community's goals. Z&K works proactively and diligently with City staff to successfully deliver the Project under budget while mitigating numerous unforeseen delays. We understand the vital importance of community outreach in keeping councilmembers and the community informed with accurate project schedules and detailed outreach efforts. Z&K will provide a weekly project newsletter of critical construction activities completed each week and the scheduled activities to be completed the week after. Z&K is also proud to provide site walks with City staff and elected officials at any time throughout the project to discuss project progress and schedule.

Z&K understands that the bid opening for this Project was on August 5, 2021, and that the apparent lowest bidder is R.J. Noble Company with a bid amount of \$3,021,475. The contractors' bids ranged from \$3,021,475 to \$3,767,275 with the Engineer's estimate in the amount of \$3,326,927. Our team has worked with R.J. Noble Company on numerous projects and have a great working relationship with the contractor. The bid is lower than the Engineer's estimate which will result in cost saving to the City.

Our proposed Senior Construction Inspector, Noah Hernandez, is thoroughly familiar with the project, and has performed a site visit and preliminary constructability review of the project. We have thoroughly reviewed the Project plans and specifications and understand that this project generally consists of mobilization, removal and reconstruction of curb and gutters, sidewalks, driveway approaches, spandrels, cross gutters, and ADA curb ramps; removal and reconstruction of existing pavement; milling and overlaying with new asphalt; adjustment of manholes and valves to grade; procurement and application of Slurry Seal Type II with 2.5% latex, crack sealing; notifications to businesses and residents; traffic signing; striping and markings; installation of pavement markers; and implementation of traffic control. Our team prepared a comprehensive risk matrix, as well as a detailed project schedule, identifying various critical elements of the project that will be of top priority for Z&K's proposed personnel.

We have created unique staffing plan to meet the City's needs and expectations for this Project. Z&K has carefully selected this "A-Team," which includes Converse Consultants as subconsultant providing Geotechnical and Materials Testing Services. Z&K has committed our most qualified staff for the duration of the contract. Our proposed team members are recognized as experts in the industry and will provide "turn-key" Services for the City of Costa Mesa. The Z&K team knows the importance of providing qualified and experienced personnel, capable of working independently, that arrive on-site properly equipped and have the necessary safety and technical training to start work with no learning curve.

Z&K has successfully delivered over 40 street improvement projects serving in a similar capacity over the past 10 years. Our team members' unmatched experience in Project Management, Construction Management and Inspection of street rehabilitation projects makes the Z&K team uniquely qualified to provide the requested services. Z&K is proud of our reputation for having seasoned personnel and of the industry's recognition of our ability to deliver complex capital improvement projects ahead-of-schedule, under budget, without claims, and with outstanding customer service.

Zack Faqih, PE, QSD/P, MSCE, CBO will personally lead the Z&K Team as the Project Manager/Construction Manager and will be the point of contact for the duration of the Project. I will serve as the management contact person for the full duration of the contract, and I am authorized to bind the firm to the terms of the proposal. Z&K Consultants, Inc. does not have any exceptions and commits to accept the terms and conditions to the language in the RFP documents. We acknowledge that the City issued Addendum No. 1 on October 4, 2021. We are excited about this opportunity to serve the City of Costa Mesa and are committed to the successful and early completion of the Project.

Sincerely,

Crystal Fraire, PE | President, Z&K Consultants Inc.
473 E. Carnegie Drive | Suite 200 | San Bernardino, CA 92400
951.310.7470 | cfaqih@zandkconsultants.com

PROJECT UNDERSTANDING

Z&K is proposing the same team that successfully delivered numerous other street rehabilitation projects. Our Team has unique knowledge working with Cities and their community. Through this experience, we have identified items that were successful in previous projects or could be improved for the success of the City of Costa Mesa's Project. Our Team also performed a site visit and a preliminary constructability review of the project.

Construction Site Walk/Change Orders | To assist in controlling cost, Z&K will conduct a pre-construction site walk with City staff members to identify areas that could potentially result in unanticipated costs. This includes extra quantities of asphalt or concrete such as damaged curbs, gutters or sidewalks not listed on the approved plans. During construction, Z&K will conduct site visits with City staff, as needed, to minimize change orders and cost increases.

Community Outreach | The Project streets are a mix of residential and commercial areas, especially along Placentia Avenue. Z&K will have continuous efforts to keep the community informed of scheduled construction activities. Access to businesses will be planned and coordinated prior to the start of any work. It is imperative that our community outreach does not only include property owners, business owners and residents of Costa Mesa, but also elected officials, management from the City of Costa Mesa, and all affected agencies. Z&K will provide updates to affected areas concerning traffic controls, anticipated completion dates, lane closures and access to private property during construction.



Weekend Work/Overtime Requested by Contractor | All overtime shall be approved by the City prior to the commencement of work and all associated costs for inspection/construction management shall be at the expense of the contractor. This item shall be included as a discussion item in the pre-construction conference. Due to unforeseen issues when scheduling manpower and materials, it may be necessary for the contractor to work evenings or weekends. This provision is important to minimize any additional costs to the City for the benefit of the contractor.

Agency Coordination | During previous projects, several situations developed that required Z&K to reach out to both local and Federal agencies to coordinate activities and address agency concerns. Prior to the start of construction, Z&K will have City/County areas of responsibility clearly marked and will coordinate construction activities with the contractor.

Delays Due to Other Projects | Previous projects encountered a significant delay to due utility construction work. Z&K will work closely with the City to ensure that other scheduled projects do not interfere with our project. We will also work closely with local agencies to ensure project schedule overlap and conflicts do not occur. Z&K will also work with staff to coordinate street construction activities so that they do not conflict with any needed emergency utility or road work. If the need arises, Z&K will work closely with the contractor to adjust the schedule and accommodate any unanticipated work which might impact the overall schedule.

Public Safety | Our team will closely monitor traffic control since this Project includes several high traffic flow streets. Our Team will ensure that work within a two (2) block radius of schools are performed during school breaks or on weekend work as specified in the specifications. We will also ensure that work around the Fair Grounds is not performed during the Fair. Z&K will maintain access to residents and businesses during concrete reconstruction phase. After PCC improvements are made, we will ensure that the parkways are restored to satisfactory condition.

Street Striping | During a previous project, a vehicle drove over the freshly painted street striping and pursued a claim against the Contractor. It is recommended for the contractor to utilize cones during all street striping. Flagmen should also be required for streets with a higher vehicle count. The Z&K inspector should be able to require the street striping company to provide additional flagmen when the inspector deems it necessary. It is recommended that this be at no additional cost to the City.



Damage to Private Property | Damage to private property and vehicles occasionally occurs during construction activities. The contractor and subcontractors all have adequate insurance and an established procedure to handle these claims. Community outreach shall include a procedure to notify Z&K immediately if any damage occurs. This is so we can properly memorialize the damage and conduct an interview to ascertain the facts. Z&K will have a procedure for the community to file claims prior to the start of construction. This will include the contact information, phone numbers, and emails for the contractor's risk management person.

Parking Enforcement | The objective of parking enforcement during construction should include the use of more flyers and notifications from the contractor to the residents. It is important to stress the need for the residents to adhere to the posted no parking signs.

They may contact Z&K if there are extenuating circumstances such as inoperative vehicles, lost keys, etc. Community outreach will encourage voluntary compliance with ticketing and towing as absolute last resorts. Z&K will notify and coordinate with the City's parking control staff prior to the posting of no parking signs.

RISK MANAGEMENT LOG

Based on a comprehensive review of the project documents and site visit, Z&K has identified the following potential risks and proposed resolutions for the Project.

ID	Risk Impact	Occurrence Probability	Risk Description	Project Impact/Risk Area	Response Strategy
1	High	High	Traffic Control	Safety & Public Inconvenience	Z&K understands that there is substantial traffic issues on most of these streets. Due to traffic issues, conventional traffic control methods along with a combination of constant flagmen should be implemented. WATCH may be adequate for most situations; however, some locations may require additional resources. Our team will review the traffic control plans to ensure they comply with the WATCH manual and MUTCD requirements. We will also review it for minimum lane widths and as well as continuous and safe access for pedestrians. We will ensure temporary pavement markings are implemented. Our team will work closely with the Contractor to provide advanced notice to first responders and essential services.
2	High	High	Community Outreach	Schedule	It is imperative that our community outreach does not only include property owners, business owners and residents, but also elected officials, management from the City, and all affected agencies. Prior notification for the start of the Project as well as continuous communication to property owners concerning both the construction schedule and access issues will be ongoing.
3	High	High	Agency Coordination	Schedule & Budget	Our Team will ensure that all agencies affected by this Project are invited to the pre-construction conference and informed of the Project schedule and progress. Z&K will ensure that the Project complies with all permit requirements and environmental mitigation measures. Our Team will need to coordinate with the City's arborist for tree root removal and root pruning. We will closely monitor the Contractor during any tree root trimming.
4	High	High	Utility Coordination	Schedule & Budget	We will ensure that the Contractor coordinates with Underground Service Alert and all utilities are marked prior to the start of construction. We will track existing utilities marked by Underground Service Alert to ensure that mark outs are recorded and documented. After mark outs, contractor will be required to pothole. Additionally, contractor shall notify all utility agencies to performing any work. If the contractor hits a utility, they will not be able to claim that the City is liable for the cost of repairs. We will ensure that all utilities are tied off and lowered prior to paving. We will ensure that all utilities are raised to grade and free of any debris.
5	High	High	Change Order	Schedule & Budget	Z&K will closely monitor the work and proactively manage the change order process. We will identify potential change orders early and proactively develop solutions.
6	High	Medium	Delays Due to Other Projects	Schedule & Budget	Z&K will work closely with the City to ensure that other scheduled projects do not interfere with our project. We will also work closely with local agencies to ensure project schedule overlap and conflicts do not occur.
7	High	Medium	Overtime Work Requested by Contractor	Budget	All overtime shall be approved by the City prior to the commencement of work and all associated costs for inspection/construction management shall be at the expense of the contractor.
8	Medium	High	Pedestrian Access during Construction	Safety & Schedule	The contractor is responsible to always maintain pedestrian access through the project. We will ensure that the contractor accounts for pedestrian access when staging their work.
9	Medium	Medium	Damage to Private Properties	Public Inconvenience	Damage to private property and vehicles occasionally occurs during construction activities. Community outreach shall include a procedure to notify Z&K immediately if any damage occurs.
10	Medium	Medium	Job Site Housekeeping	Safety & Public Inconvenience	We will have the contractor commit to street sweeping during all construction activity. This item should not be left to the discretion of the Contractor but rather a specific directive from the City to the Contractor.

PROJECT APPROACH

The Z&K Team has successfully utilized CM Agency delivery on a host of projects. Through this experience we have developed project management procedures that promote collaboration and teamwork, improve quality and maximize the value of the above project. Z&K's past performance with Cities, Counties, and other agencies show our remarkable ability to control costs, guarantee great quality of work, and meet all project deadlines.

MANAGEMENT APPROACH

Z&K Consultants, Inc. provides proven professional construction management techniques to ensure the safe construction of a quality project completed on time and within budget. Z&K accomplished this by establishing the systems, policies, and procedures necessary to ensure adequate project controls are in place. The Construction Manager must ensure all parties understand the basic responsibilities and interrelationships of all team member such as the Owner, the Design Engineer, the Contractor, the construction management team, and the subconsultants. Additionally, a good Construction Manager must have the knowledge and experience to effectively understand the interrelationships between the key management components of time, information, cost, and quality. Decision making, including obtaining sufficient information to make reasoned decisions, is the key element leading to a successful project. The Z&K approach is founded on a thorough understanding of each of the management components critical to the project.

TIME MANAGEMENT

Time management uses scheduling to accurately manage and track the restrictive elements of time and resources throughout the project. The key to a successfully implemented and managed schedule is the development of an accurate, detailed, and realistic baseline schedule. Z&K will review the Contractor's baseline schedule to ensure it is accurate and reasonable. Activity durations and logic ties may be examined for accuracy and constructability. Schedule implementation and administration is the next step in proper time management. The Contractor's actual progress will be documented daily. The Z&K Team may review the progress with the Contractor at the weekly meetings. The Contractor's three-week-look-ahead schedule will be compared with the work plan on the record schedule to ensure the Contractor continues to use the record schedule as a management tool. We will check the record schedule for activities with start dates that did not begin during the review period. This proactive approach flags potential delay issues for further discussion.

INFORMATION MANAGEMENT

Proper information flow is crucial to the success of a project. A construction project generates a large amount of information, which must be distributed to all parties on a timely basis. Z&K will act as the hub for the management of all information flow. Z&K has extensive experience providing document management solutions for its clients. Z&K's approach to information management also includes building a communication framework to continually foster partnering and teamwork relationships for all the project stakeholders. Z&K builds this framework from the start of the project with an all-inclusive kick-off meeting where the lines of communication and project responsibilities will be clearly explained to all the project stakeholders. The emphasis on project communication continues throughout the project with the weekly construction meetings. At each weekly meeting, all ongoing issues will be reviewed and discussed.

COST MANAGEMENT

Z&K will take the lead to ensure a cost management system is properly implemented and maintained. Z&K's cost management role will be in two parts. The first is to track the value of the completed work to ensure accurate and detailed monthly progress billing by the contractor. Secondly, Z&K will proactively manage the change order process. Each month, the Construction Inspector will review and approve the quantities. This ensures the Owner is accurately billed for the completed work monthly. Changes in work and unforeseen conditions will be closely monitored. Any costs for changes will be managed by the Z&K construction management team. An ongoing log of potential change issues will be maintained. These issues will be discussed and updated at each weekly meeting.

QUALITY MANAGEMENT

Quality management is an inherent CM responsibility. Z&K is knowledgeable and capable in all aspects of quality management. Quality assurance is the application of systematic methods to verify the effective implementation of quality control procedures. Z&K will manage the quality of the project by taking the quality assurance lead role and implementing the Z&K quality assurance program, which allocates quality control responsibilities to the various project participants to ensure the constructed product conforms to the contract plans and specifications. This includes a detailed inspection plan, inspection procedures, and documentation procedures for all inspection and test reports. Z&K will review the Contractor's quality control procedures to ensure adequacy.

Quality assurance includes quality of the constructed work as well as the quality of the Contractor's document processes. In Z&K's experience, lack of quality in the paperwork with items such as poor submittals and unanswered RFIs may lead to lack of quality in the constructed product. Deficiencies in submittal quality control by the Contractor often leads to incorrect or inferior equipment and materials being installed. Z&K will be proactive with the Contractor to ensure the quality of their submittals. Likewise, lax procedures for the processing of RFIs may lead to misunderstandings and delays. Z&K will take a proactive approach with the Contractor and the Design Engineer to ensure the quality of the RFI process is maintained. Z&K regularly performs internal audits of its field operations to ensure the proper implementation of procedures for Z&K's quality assurance program.

SCOPE OF WORK

Z&K has thoroughly reviewed the Request for Proposals (RFP); we confirmed our team will provide all scope of work tasks as outlined in the RFP scope of services to ensure the success of the City of Costa Mesa's Project. Z&K acknowledges our ability to meet potential project requirements for the variety of work listed under the scope of services.

Pre-Construction Services | Z&K will schedule, coordinate, and conduct a pre-construction conference with the City, contractor, utilities and other agencies. At the pre-construction conference, we will outline project specifics, discuss critical contract items and concerns, and establish the protocol and project administration procedures to be used throughout the project. The meeting will highlight the contractor's responsibility for items such as permit and environmental agreements, safety and access, progress pay requests, labor compliance, submittals, RFIs, CCOs, quality control, materials certification, schedule updates, and weekly meetings.

Management Information System (MIS) | Our proposed staff has extensive documentation and filing experience and will establish a cloud-based management information system (MIS) that will be utilized throughout the project's duration. This information system will be used for organizing, tracking, filing, and managing project documents. Our Team know that a complete record of the project must include, at a minimum, a full set of copies of all paper/electronic correspondence, including letters, requests for information, submittals, contracts, reports, O&M manuals, progress payments, and change orders. All paper files, digital files, and correspondence logs will be made available to City staff throughout the duration of the project.

Review Traffic Control Plans | Z&K has extensive experience with all types of traffic control processes, including City and County streets and Caltrans right-of-way, night closures, detours, shutdowns, and ensuring access to pedestrians and emergency vehicles. Z&K will review the contractor's traffic control plan for traffic control, detours, shutdowns, and access for emergency vehicles. Our Team will review the phasing plan/sequence of work and provide any comments or recommendations to the contractor. Our inspector will provide oversight for lane closures, traffic congestion monitoring and analysis, and provide the contractor with traffic relief recommendations and potential alternate routes. Z&K inspectors will ensure the traveling public's safety and prevent any unreasonable delay by verifying minimum lane widths and safe access for vehicles and pedestrians.

Meetings | Z&K will schedule, coordinate, and conduct weekly construction progress meetings with the City, contractor, utilities and other agencies. At each weekly meeting, all ongoing issues will be reviewed and discussed. The agenda will include items such as project background, scope, objectives, safety, current and past issues, updated progress of the work, requests for information (RFIs), submittals, testing and inspection reports, non-conformance notices, contract issues, procedures, environmental monitoring, change orders (COs), look-ahead schedule for upcoming work, pay requests, and so forth. Z&K will prepare and promptly distribute meeting minutes to all attendees at the conclusion of each weekly meeting.

Issues Management | Z&K has the knowledge, skill, and experience to inspect all the anticipated construction operations for this contract. Our Team will review cost reduction proposals as well as contractor's methods of construction in order to ensure compliance with plans and specifications and delivery of project within the budget and time specified. Our inspectors will monitor and enforce construction noticing requirements. Our Team will analyze issues, seek appropriate advice, and give recommendations. Z&K will verify that all work conforms with the requirements and identify any issues of non-compliance with the applicable codes. Inspectors will meet with the project design team, City's consultants, and City staff to work out any problems and resolve issues quickly and efficiently.

Schedule | The Z&K team will review the Contractor's schedule weekly to monitor the project progress and define the critical path tasks required to ensure compliance with the project schedule. The Z&K Team has extensive experience in dealing with changes from unforeseen conditions, owner-initiated changes, and other types of delays. Z&K will report any delays or instances of noncompliance with the project schedule to the City. The contractor will be required to submit a time impact analysis for any issue with the potential to delay the overall progress of the work. Z&K will advise the City and recommend and approve the monthly construction schedule, including activity sequences and durations, schedule of submittals, and schedule of delivery for products with long lead-time.

Cost Control | Z&K will monitor the project's funding to ensure that all requirements are being met and that the project's monthly progress billing is on track and within budget. Our team will monitor the budget closely and alert the City of any issues. Z&K will review and document all contract item payments, material quantities, and change order payments. Z&K will ensure that the appropriate paperwork is reviewed and processed for the project funds. Our team will provide budget reports and cost estimate reviews.

Labor Compliance | Z&K has extensive experience providing labor compliance oversight, and is capable of reporting on prevailing wage requirements, reviewing payroll documentation, ensuring compliance status and the proper filing and review of certified payrolls. Z&K will monitor and enforce prevailing wage forms and requirements for conformance to the prevailing wage rates. Z&K will conduct field interviews at the job site with each labor trade to verify that prevailing wages and fringe benefits follow applicable laws and certified payroll reports. Z&K will immediately inform the City of any discrepancies or labor compliance violations.

Request for Information (RFIs) & Submittals | Z&K will coordinate and ensure prompt processing and an efficient turnaround time for contractor requests for information (RFIs) and submittals. Z & K will log, track, manage the distribution, and ensure timely review of all RFIs and submittals. The log will identify each RFI and submittal, the date received, date the submittal is returned to the contractor, the action required, and other pertinent information.

Change Orders | Z&K works proactively to eliminate or reduce project impacts from potential change orders. Z&K will provide first-line management of change order administration including evaluation of change order requests; independent estimates; project mitigation; written approval from the City prior to approval of any extra work; investigation and inspection of differing site conditions; schedule impact analysis; impact mitigation; and verification of costs. Z&K will continuously prepare independent cost estimate change orders and schedule analysis of work to ensure that all change orders are of technical merit prior to execution.

ATTACHMENT 2

Dispute Resolution | Z&K's proposed team members are trained in dispute and claim avoidance and resolution and will develop and implement an Alternate Dispute Resolution ladder to resolve construction issues in a timely manner and avoid any potential delays in the project schedule. Z&K will evaluate any potential claims from the Contractor for whether there is entitlement and will determine what the fair and reasonable amount of entitlement will be prior to making a recommendation to the City for Contractor payment.

Quality Control/Inspection/Material Testing Services | Z&K will manage the quality of the project by taking the quality assurance lead role and implementing the Z&K quality assurance program, which allocates quality control responsibilities to the various project participants to ensure the constructed product conforms to the contract plans and specifications. The Z&K proposed staff will complete Daily Reports including equipment, crews/personnel, and photographic and video documentation of construction process (before, during and after construction). The Z&K Team will provide digital photos and/or video documentation prior to work, with work in progress, and upon acceptance of work. This will include scope of work and critical elements. Materials testing services will be provided by our subconsultant, Converse Consultants, with whom we have worked on multiple projects in the past.

Public Relations | Z&K will assist the City in forming and maintaining good relations with the local business community regarding temporary construction impacts by providing community outreach and a contact person to manage public relations for the duration of the project. At a minimum, the Z&K team distribute verbal and written notices to local businesses before any temporary construction impacts take place. Z&K will manage and track public inquiries for the Contractor and for the City and will advise of any concerns and findings. Additionally, Z&K will develop a neighborhood affairs strategy for any property owners, businesses, and the public that will be affected. This will include the preparation and distribution of information materials for the affected public, including fact sheets and project updates. It is imperative that our community outreach does not only include property owners, business owners and residents, but also elected officials and management from the City.

Permit/Environmental Compliance | The Z&K Team understand the importance of coordinating with local environmental and regulatory agencies and have experience complying with a vast number of them. Our team includes QSD/PS and inspectors fully knowledgeable regarding WQMP and SWPPP implementation and maintenance requirements. We will review the contractor's compliance with regulatory permits, mitigation measures, storm water regulations, and the SWPPP. Z&K will notify the Contractor immediately if control measures are not installed correctly and will oversee a prompt correction. Z&K will ensure that the Project complies with all permit requirements and environmental mitigation measures.

Progress Payments | We will work closely under the direction of the City and with the Contractor to verify that the contractor's payments are processed, provide recommendations, and ensure they are executed promptly by the contract documents and City's procedures. Z&K will work with the Contractor on required corrections to the pay requests and progress payments. The pay requests will be submitted to the City with a statement that they have been reviewed and will include recommendations for execution.

Monthly Status Reports | The Z&K Team will prepare and distribute a monthly status report will include project progress, change orders, cost issues, and an update to the schedule. These reports will be submitted to the City in a timely manner.

Site Safety | Z&K Consultants take extreme pride for being a very safety conscious organization implementing a safe environment both in our offices and on our project sites. Z&K will review the Contractor's compliance with workplace safety and health standards and notify the City of non-compliance. The Inspectors will attend the Contractor's Safety Meetings and promote safety throughout the life of our contract. Z&K will review, monitor, document and enforce contractor safety procedures for compliance with all safety laws and regulations. If any safety violations occur, Z&K will take immediate action to correct the issue and report any incidents.

"As-Built" Drawings | Z&K will create redlines on as-built drawings and coordinate the as-built plans with the Design Engineer. We will manage the Design Engineer's performance on the as-built drawings and check the record drawings prior to transferring to the City. Z&K Consultants will prepare a final report detailing the work completed, costs, changes, warranties, and documentation provided to the City. The report will also include a section on future suggestions and lessons learned.

Final Walkthrough | Our Team will take a proactive approach at processing project close-out by preparing a final punch list of items, which typically include guarantees/warranties, subcontractor liens, retention, and final acceptance/certificates of completion, orderly transfer of key records and documents, resolution of outstanding issues, final payment preparation and processing along with final acceptance or record drawings. Upon completion of the project and all items on the final punch-list, Z&K will conduct a final inspection and walk-through including City staff, Contractor, maintenance/service personnel, and project design consultant, and applicable agencies. Z&K will advise the City when the Notice of Completion (NOC) should be filed. Z&K will prepare the final punch list when the contractor has certified and demonstrated the work is substantially complete..

Project Completion Report | Upon project completion, Z&K's Construction Manager will submit the final construction management report summarizing the project history, any claims and recommendations or resolutions, and documentation of any corrective actions. All project documents collected and filed throughout the project will be delivered to the City at project completion. The final construction management report will also include a section on future suggestions and lessons learned. All original project documents and final project reports will be furnished to the City within the acceptable time frame and in the formats requested.

Upon completion of the project and following the final inspection and walkthrough, Z&K will provide the City with both hard and electronic copies of project documentation, including a report stating that the installation of all improvements required by the project have been completed in accordance with the plans and specifications. Z&K will also provide the City with necessary data needed for acceptance of the project, such as release of retention, certification of release of all liens and stop notices, certification of delivery of record drawings. Z&K will calculate the amount of final payment due to the prime Contractor and prepare the proposed final estimate. Z&K will also review and process the release of retention.

ORGANIZATIONAL CHART

Z&K has carefully selected this "A-Team" and committed our most qualified staff for the duration of the contract to deliver a successful project. Our team members have extensive experience in construction management and inspection services for public agencies and have completed over [40 Street Rehabilitation Projects](#). Our proposed Z&K team includes Converse Consultants to provide material testing services, with whom we've worked together on numerous projects and share great synergy.

We have utilized the following staffing plan on over 20 street rehabilitation Projects with great success. We have proposed one Project Manager/Construction Manager dedicated to this Project part-time (20 hours per week) and a Project Manager/Project Engineer full-time. Both Project Managers are licensed Professional Engineers and QSD/Ps. We have strategically provided a highly experienced senior construction inspector that is qualified to perform construction management and inspection services for the City. Our proposed Senior Construction Inspector is multi-disciplined and will provide general and specialized inspection saving the City significant cost. We will also deploy a second construction inspector since this is a significantly large project that will cover all of the City of Costa Mesa. Our staff will deploy efforts as the project schedule and construction activities dictate. We will reallocate manhours, when possible, for cost savings to the City.



PROFESSIONAL AND QUALIFIED TEAM

The key to a successful project is a highly qualified and well-managed team. We offer the City a cohesive, talented team of licensed and certified professionals. Our Professionals are recognized as leaders in the industry and will act as a seamless extension of City Staff.

Our Construction Management and Inspection professionals keep these key objectives in mind:

- Quality services and project deliverables
- Time and budget efficiency
- Adherence to quality and assurance standards
- Constant communication
- Application of technical and practical expertise

Z&K Consultants commits that all assigned personnel will not be removed or replaced without prior written City approval. Key personnel will be available to the extent proposed for the duration of the contract. Our proposed and fully committed team is fully capable and exceptionally qualified. They have held many leadership and supervisory management positions in many local agencies including the private and public sectors. All can multi-task, are multi-disciplined, and have a full understanding of all aspects of the proposed project requirements. They deliver their knowledge and expertise with tact and seamless integration with staff and outside agencies.

SIMILAR PROJECTS

The Z&K Team has successfully performed Professional Project and Construction Management and Inspection Services for numerous projects. [Z&K specializes in Construction Management and Inspection services for street rehabilitation projects and has successfully delivered over 40 projects of similar scope in the last 10 years. The following projects have been completed on time and within budget.](#)

CITY OF LAKE FOREST | STREET RESURFACING & SLURRY SEAL PROJECT

Duration: 2021 – Ongoing | **Contact:** Taylor M. Abernathy, Principal Civil Engineer | **Phone:** (949) 461-3490 | **Email:** tabernathy@lakeforestca.gov

Z&K Consultants, Inc. is providing **Construction Management and Inspection Services** for this project for the City of Lake Forest, which involves the street resurfacing of Glenn Ranch Road from Portola to El Toro, slurry seal of residential Zone F and arterial slurry seal of Jeronimo and Muirlands from Los Alisos to Bake. The project's scope of work includes street rehabilitation and resurfacing, slurry seal, grind and overlay using the City's GIS system, mobilization, updated ADA ramps, dig-outs at multiple locations, traffic signing, striping, and markings, removal and replacement of existing curb and gutters, sidewalks, driveway approaches, spandrels, cross gutters, adjustment of manhole and valves to grade, and drainage improvements. Z&K staff are providing construction management and inspection services, contract administration, labor compliance, traffic control, coordination of material testing services, and maintaining relations with local affected businesses and residents. **Engineering Fee:** \$355,000 | **Project Construction Cost:** \$6.0M

CITY OF ALHAMBRA | FY 19/20 & FY 20/21 SB1 STREET REHABILITATION PROJECTS

Duration: 2021 – Ongoing | **Contact:** Stephanie Sandoval, Engineering Associate | **Phone:** (626) 570-5062 | **Email:** ssandoval@cityofalhabra.org

Z&K Consultants, Inc. is providing **Construction Inspection Services** for these two projects for the City of Alhambra. The FY 19/20 SB1 Street Rehabilitation project consists of pavement rehabilitation of 23. Local street segments, located south of Mission Rd., west of Garfield Ave., east of Atlantic Blvd., and north of Valley Blvd. The FY 20/21 SB1 Street Rehabilitation Project consists of pavement rehabilitation of 24 local street segments, located south of Valley Blvd., west of Atlantic Blvd., east of Fremont Ave., and north of Ramona Rd. The scope of work for both projects include slurry seal treatment, varying depths of cold milling and overlay, full depth removal and reconstruction, removal and replacement of existing broken and off-grade sidewalk, ADA ramps, curb and gutter, driveway approaches, and concrete cross gutters. The Z&K Inspectors are providing full time construction inspection services, reviewing traffic control plans, attending progress meetings, performing issues management, coordinating materials testing services, and assisting in maintaining public relations. **Engineering Fee:** \$50k (FY 19/20), \$80k (FY 20/21) | **Project Construction Cost:** \$1.9M (FY 19/20), \$2.3M (FY 20/21)

CITY OF COMPTON | ANNUAL RESIDENTIAL STREET REHABILITATION PROJECT (PHASES 1 & 2A)

Contract Duration: 2020 – Ongoing | **Contact:** John Strickland, Project Manager | **Phone:** (310) 605-5500 | **Email:** jstrickland@comptoncity.org

Z&K Consultants, Inc. is providing **Project Management, Construction Management, and Inspection Services** for this Project. The scope of work consists of asphalt overlay, clearing and grubbing, construction of cold mill and AC overlay, slurry seal application, HMA pavement, ARHM overlay, AC base course, aggregate base, full depth AC slot pavement, PCC sidewalk and pavement, PCC curb and gutters, PCC cross gutter, alley intersection, sidewalk, driveway approach, curb ramps including detectable warning surfaces, signing, striping, markings, pavement legends, speed hump, landscaping, irrigation, adjusting manhole and utility covers to grade, water valve, water meter, street lighting, installation of loop detectors and bicycle loop detectors, traffic signal modification, adjustment of streetlight and traffic signal pull boxes to grade. Z&K inspectors performed mobilization, construction staging coordination in heavily traveled intersections, traffic control, SWPPP and erosion control plan preparation. Services also included full-service construction management, pre-construction, establishing a management information system, reviewing traffic control plans, meetings, issues management, scheduling, cost control, labor compliance, reviewing RFIs and Submittals, change orders, dispute resolution, quality control/inspection, material testing services, public relations, permits/environmental compliance, progress payments, monthly staff reports, site safety, as-builts drawings, final walkthrough, and project completion reports. **Engineering Fee:** \$300K (Phase 1), \$400K (Phase 2A) | **Project Construction Cost:** \$5.2M (Phase 1), \$6.5M (Phase 2A)



ATTACHMENT 2

CITY OF TORRANCE | RESIDENTIAL & ARTERIAL PAVEMENT IMPROVEMENT PROJECT, I-159/I-139

Contract Duration: 2020-2021 | Contact: Cesar Aguilar, Assistant Engineer | Phone: (310) 618-3061 | Email: caguilar@torranceca.gov



Z&K Consultants, Inc. provided **Construction Management and Construction Inspection services** for this project, which consists of pavement improvements to a residential neighborhood and four arterial streets. Improvements include clearing and grubbing, application of slurry seal, cold mill and AC overlay, removal and disposal of existing pavement, localized pavement repairs, as well as tree removals and replacements, asphalt berm replacement, AC base course, concrete repairs to PCC curb, gutter, PCC sidewalk, PCC driveways and driveway approaches, access and ramps, replacing pavement markings and striping on concrete and asphalt, and installation of raised pavement markers and City project signs. Other relevant features include mobilization, preparation of SWPPP and erosion control plans,

coordination with local utilities, adjustment of manhole and utility covers to grade, water valves and storm drain manholes, traffic control, local utility coordination, geotechnical and materials testing coordination, hardscape, landscape, and irrigation. Throughout the project, Z&K team members have coordinated an attended meeting, reviewed traffic control plans, performed issues management, labor compliance, reviewed requests for information and submittals from the contractor, reviewed potential change orders, prepared daily inspection reports, reviewed all contractor payment requests, prepared monthly reports, reviewed as-built drawings, and monitored contractor's safety program for compliance with Cal/OSHA. **Engineering Fee: \$120K | Project Construction Cost: \$3.6M**

CITY OF SAN BERNARDINO | STREET REHABILITATION PROGRAM (30+ MAJOR CITY STREETS)

Contract Duration: 2018 – Ongoing | Contact: Saba Engineer, Principal Civil Engineer | Phone: (909) 384-5284 | Email: Engineer_Sa@sbccity.org

Z&K Consultants, Inc. provided **Construction Management and Inspection Services** for this long-term, on-call contract with the City of San Bernardino, which has included street resurfacing and pavement rehabilitation for over 30 major streets and multiple major street intersections. The project included street rehabilitation and resurfacing, storm drain relocation, traffic signal improvements, traffic control, full depth removal and replacement of asphalt concrete, cold milling and AC overlay, slurry seal application, construction of new curb, curb and gutter, PCC sidewalk, replacement of existing PCC driveways, driveway approaches, curb ramps, retaining curbs, cross gutters, asphalt-concrete pavement, clearing and grubbing, preservation of existing city survey monuments, adjusting manhole covers to grade, and installation of pavement markings and striping on concrete and asphalt. Related work includes mobilization, assisting in preparation of SWPPP and erosion control plans, local utility coordination, geotechnical and materials testing coordination. Z&K personnel coordinated the distribution of public notifications to several schools, churches, and residential homes affected. **Engineering Fee: \$600K (Total) | Project Construction Cost: \$8M (Total)**



coordination with local utilities, adjustment of manhole covers to grade, and installation of pavement markings and striping on concrete and asphalt. Related work includes mobilization, assisting in preparation of SWPPP and erosion control plans, local utility coordination, geotechnical and materials testing coordination. Z&K personnel coordinated the distribution of public notifications to several schools, churches, and residential homes affected. **Engineering Fee: \$600K (Total) | Project Construction Cost: \$8M (Total)**

CITY OF SAN MARINO | STREET REHABILITATION PROGRAM

Contract Duration: 2021-Ongoing | Contact: Michael Throne, Public Works Director | Phone: (626) 300-0787 | Email: mthrone@cityofsanmarino.org

Z&K Consultants, Inc. is providing **Construction Inspection Services** for the City of San Marino's Annual Street Rehabilitation Program, which consists of citywide roadway pavement rehabilitation. The program's improvements include cold-milling asphalt concrete pavement and re-paving with hot mix asphalt (HMA) and asphalt rubber hot mix (ARHM), clearing and grubbing, localized pavement repairs, replacing impacted traffic striping, markings, pavement legends, curb painting, replacing damaged curb and gutter, curb ramps, cross gutters, sidewalks, driveway approaches, installing speed humps, adjustment of sewer manholes and water valves, coordinating with local utilities, implementation of SWPPP and temporary construction BMPs, and temporary traffic control. Throughout the project, Z&K staff is also attending and coordinating meetings with the City and contractor, performing issues management, monitoring the contractor's schedule and project funding, performing labor compliance, reviewing contractor's RFIs and submittals, reviewing potential change orders, performing dispute resolution, managing public relations, and coordinating materials testing services. **Engineering Fee: \$85,000 | Project Construction Cost: \$2.6M**

LOS ANGELES COUNTY | AS-NEEDED CONSTRUCTION INSPECTION SERVICES

Contract Duration: 2017 – 2018 | Contact: Tariq Malik, Principal Project Manager | Phone: (951) 893-8897 | Email: tmalik@falcon-ca.com

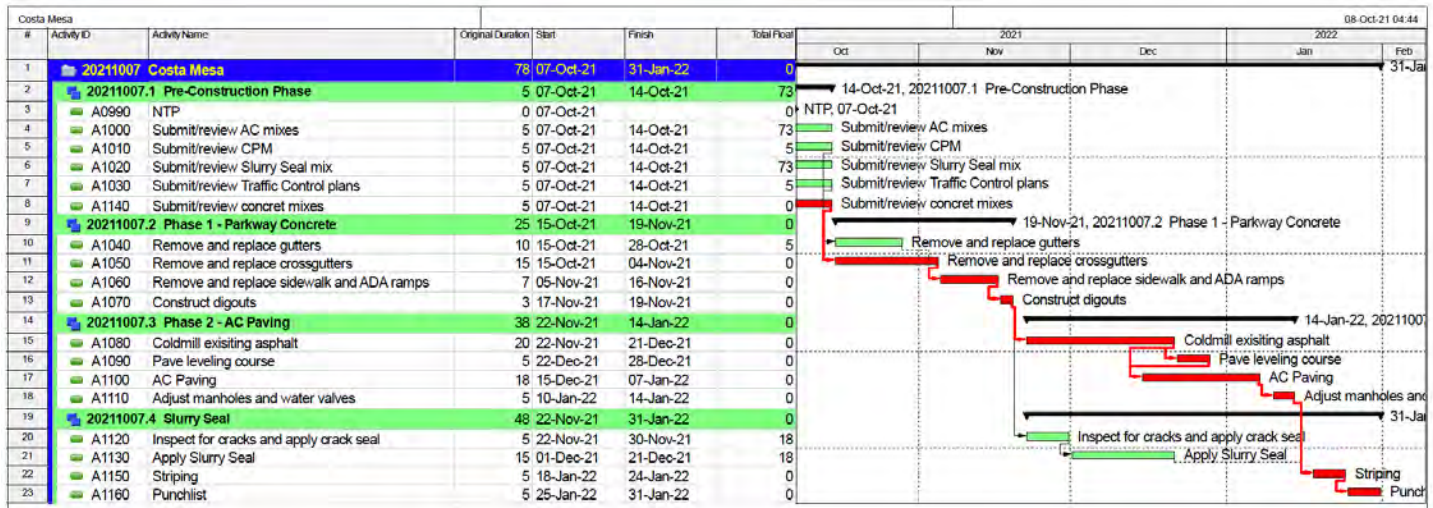


The Z&K Team performed **Construction Management and Inspection Services** for the Slauson Avenue Revitalization and Firestone Blvd. Street Rehabilitation Projects under this contract. The work included resurfacing of roadway pavement tire rubber modified asphalt concrete; cold mill and ARHM overlay, slurry seal installation, aggregate base, reconstruction of curb and gutter, PCC sidewalk, PCC driveways, PCC cross gutters, ADA curb ramp construction; and construction of concrete pavement and crosswalks. The Z&K team effectively managed key issues including Schedule Control, Environmental Compliance, Communication, Cost Control, Contract Change Orders and Quality to ensure that the project is successfully completed within time and budget. Other Technical Features: included: AC paving, concrete paving, curb ramps (ADA Ramps), landscaping and hardscaping, irrigation, electrical street lighting, replacement of street signing and striping, traffic signal

modification, adjustment of streetlight and traffic signal pull boxes to grade, storm drains and sanitary sewer repairs. **Engineering Fee: \$290K | Project Construction Cost: \$3.3M**

PROPOSED SCHEDULE

The proposed schedule was developed using Primavera P6 technology. Z&K assumed that no construction will be conducted until the contractor gets an approved traffic control plan that make sure that the public will move around the construction safely and with minimum inconvenience. Our Project Schedule includes a preliminary draft CPM Schedule demonstrating that this project can be completed in approximately **78 working days, which results in a schedule reduction of 2 working days.**



These estimates are supported by our preliminary construction schedule yielding a significant savings along with overhead construction management and construction costs. The most significant saving is less inconvenience to the community and less City exposure due to shortened construction duration. Our team members have achieved such savings on many other projects, so our track record and previous experience supports our proposal to the City.



Time management uses scheduling to accurately manage and track the restrictive elements of time and resources throughout the project. The key to a successfully implemented and managed schedule is the development of an accurate, detailed, and realistic baseline schedule. Z&K will review the Contractor's baseline schedule to ensure it is accurate and reasonable. Activity durations and logic ties will be examined for accuracy and constructability. The schedule logic and activity durations will also be analyzed to ensure the Contractor does not use float suppression techniques. Schedule float is a valuable resource for the Owner and the Contractor.

Schedule implementation and administration is the next step in proper time management. The Contractor's actual progress will be documented daily. The Z&K Team will review the progress with the Contractor at the weekly meetings. The Contractor's three-week-look-ahead schedule will be compared with the work plan on the record

schedule to ensure the Contractor continues to use the record schedule as a management tool. We will check the record schedule for activities with start dates that did not begin during the review period. This proactive approach flags potential delay issues for further discussion.

The Z&K Team has extensive experience in dealing with changes from unforeseen conditions, owner-initiated changes, and other types of delays. The Contractor will be required to submit a time impact analysis for any issue with the potential to delay the overall progress of the work. Z&K will seek ways to mitigate the delay as the first course of action. This enables creative solutions for potential delay issues.

The Z&K team will review the Contractor's critical path method schedule weekly to monitor the project progress and define the critical path tasks required to ensure compliance with the project schedule. Z&K will provide, monthly, an update of accomplishments and projected project schedule goals for the following month. Z&K will report any delays or instances of noncompliance with the project schedule to the City.

The monthly progress billing will be tied to the construction schedule. This will be reviewed by the inspector and discrepancies will be addressed. If necessary, the Contractor will revise and resubmit the schedule of values. This process ensures the City is accurately billed for the completed work on a monthly basis. Z&K will advise the City and recommend and approve the monthly construction schedule, including activity sequences and durations, schedule of submittals, and schedule of delivery for products with long lead-time.





APPENDIX A. RESUMES

Zack Faqih, MSCE, PE, QSD/P, CBO



Project Manager/Construction Manager



EDUCATION

- » MSCE - Structures
Cal State Fullerton 2005
- » BSCE - Civil /Transportation
Cal State LA 1985

LICENSES & REGISTRATION

- » Professional Engineer, P.E.
State of California, C57958
- » Certified Accessibility
Inspector/Plans Examiner
- » Certified Building Official,
C.B.O., CABO, ICC #3741
- » Certified Plans Examiner,
I.C.B.O., #1020345-60
- » Certified Mechanical Inspector
I.C.B.O. #1020345-40
- » Certified Plumbing Inspector
I.C.B.O. #1020345-30
- » Certified Electrical Inspector
I.C.B.O. #1020345-20
- » SWPPP (QSD) & (QSP) #22055
- » OSHA 30 Hour Certification
- » State Certified HERS Rater
- » Certified Emergency Inspector
- » C.G.B.P Certified Green
Building Inspector
- » Certified Special Inspector for
Fire Proofing
- » Certified Special Inspector for
Structural Welding
- » Certified Special Inspector for
Structural Steel
- » Certified Special Inspector for
Reinforced Concrete

Relevant Key Highlights:

- Construction Management
- Construction Inspection
- Project Management
- Constructability Reviews
- Value Engineering
- Submittal Reviews
- Request for Information Review
- Progress Billing Review
- Change Order Review
- Capital Improvement Projects
- Street Maintenance
- Street Rehabilitation
- Street Resurfacing
- Slurry Seal
- Curb & Gutters
- Sidewalks
- Driveway Approaches
- Spandrels

- Cross Gutters
- ADA Curb Ramps
- Pavement Reconstruction
- Milling & Overlay
- Manhole & Valve Adjustment
- Crack Sealing
- Traffic Signing, Striping, & Markings
- Pavement Markers
- Traffic Control
- Mobilization & Demobilization
- Materials Testing Coordination
- Cal/OSHA Compliance
- Labor Compliance
- Public Relations
- Utility Coordination
- Cost/Scheduling/Budgets
- Safety & SWPPP Compliance
- Quality Control/Quality Assurance
- Issues Management

Mr. Faqih has over 32 years of experience in the project management, construction management, inspection and design of projects including street rehabilitations, local street improvements (slurry seal, overlay, signals, landscaping, drainage, and sidewalks), capital improvement projects, grade separations, retaining walls, asphalt concrete & Portland Cement Concrete pavement, freeway rehabilitation, interchanges, sewer & drainage disposal systems, reinforced concrete channels, bridge seismic retrofits, and utility relocations. He has excellent skills in understanding construction contracts, review and control project cost and schedule, coordinate and assist in negotiating change orders, provide project updates to the client, ensure timely review of critical path method (CPM) schedule to track any changes in critical path and delays, maintain project as-builts, managing multiple subconsultants and supervise inspection staff. Mr. Faqih excels in providing detailed constructability review of project plans and specifications, which minimizes the potential project delays and change order, assists the client from pre-award to project close-out to ensure full funding reimbursement.

Relevant Project Experience

City of Lake Forest: Street Resurfacing & Slurry Seal Project, Lake Forest, CA | Senior Construction Manager/Project Manager: This project involves street resurfacing of Glenn Ranch Road from Portola to El Toro, slurry seal of residential zone F, and arterial slurry seal of Jeronimo and Muirlands from Los Alisos to Bake. Scope of work included street rehabilitation and resurfacing, curb and gutter improvements, sidewalk replacement, driveway approaches, ADA curb ramps, cross gutters, manhole and water valve adjustment to grade, milling and overlay, etc.

City of Alhambra: FY 19-20 & FY 20-21 SB1 Street Rehabilitation Projects, Alhambra, CA | Senior Construction Manager/Project Manager: Pavement improvements include slurry seal treatment, varying depths of cold milling and overlay, and full depth removal and reconstruction. The project also includes concrete improvements such as removal and replacement of broken and off-grade sidewalk, ADA ramps, sidewalks, and driveway approaches, that need updating, broken and off-grade curb and gutter, driveway aprons in need of repairs, concrete cross gutter reconstruction, and traffic signing striping, and markings.

City of Compton: Annual Residential Street Rehabilitation Project (Phases 1 & 2A), Compton, CA | Senior Construction Manager/Project Manager: Scope of work included construction of cold mill, ARHM pavement, AC base course, curb and gutters, asphalt overlay, PCC sidewalks and driveways, cross gutter, alley intersection, driveway approach, curb ramps, signing, striping, markings, traffic signal loop, loop detectors, and adjust to grade existing sewer manhole. Scope included construction management, reviewing traffic control plans, meetings, scheduling, cost control, labor compliance, reviewing RFIs and Submittals, change orders, quality control/inspection, public relations, progress payments, monthly staff reports, site safety, as-builts drawings, final walkthrough, and project completion reports.

City of San Bernardino: Street Rehabilitation Program (30+ Major Streets), San Bernardino, CA | Senior Construction Manager/Project Manager: This long-term, on-call contract involves street rehabilitation and concrete improvements and pavement improvements of over 30 major streets and intersections. Scope of work includes full depth removal and replacement of asphalt concrete, cold milling and overlay of existing asphalt concrete, mobilization, traffic control, staging for major streets and intersections, removal of traffic striping, installation of traffic striping and pavement markers, installation of loop detectors and bicycle loop detectors, construction of cross walks, removal and replacement of sidewalk, driveways, PCC curb and gutter, cross gutters, spandrels, curb ramps along both residential and commercial streets, manhole and utility vault adjustments, and preparation of SWPPP and erosion control plans.

Noah Hernandez, Cert. Public Works Inspector

Senior Construction Inspector



Relevant Key Highlights:

- Construction Management
- Construction Inspection
- Project Management
- Constructability Reviews
- Value Engineering
- Submittal Reviews
- Request for Information Review
- Progress Billing Review
- Change Order Review
- Capital Improvement Projects
- Street Maintenance
- Street Rehabilitation
- Street Resurfacing
- Slurry Seal
- Curb & Gutters
- Sidewalks
- Driveway Approaches
- Spandrels
- Cross Gutters
- ADA Curb Ramps
- Pavement Reconstruction
- Milling & Overlay
- Manhole & Valve Adjustment
- Crack Sealing
- Traffic Signing, Striping, & Markings
- Pavement Markers
- Traffic Control
- Mobilization & Demobilization
- Materials Testing Coordination
- Cal/OSHA Compliance
- Labor Compliance
- Public Relations
- Utility Coordination
- Cost/Scheduling/Budgets
- Safety & SWPPP Compliance
- Quality Control/Quality Assurance
- Issues Management

EDUCATION

- » Public Works Construction Inspection – Santiago Canyon College
- » Water Distribution System Operation and Maintenance, California State University, Sacramento
- » Liberal Arts, Fullerton College
- » Construction Inspection of Traffic Signals – University of California Institute of Transportation Studies
- » Quality of Hot Mix Asphalt Pavement Construction Certification – Asphalt Institute
- » Underground Safety Certification – City of Fullerton

Mr. Hernandez is a certified public works inspector with more than 25 years of construction management and inspection experience. Mr. Hernandez's public works inspection responsibilities include the ability to review improvement plans, inspect public improvements construction, negotiate and administer contracts, and prepare and maintain a variety of reports. His project experience includes street rehabilitation, parks, roadway improvements, commercial buildings, channels, ADA compliant related projects, and water/wastewater projects. He has detailed knowledge of various construction manuals, Caltrans filing system, materials inspection & certification procedure and documentation, field measurement verification, review of submittals & RFI's, construction and removal, formwork, concrete pours, and coordination with various testing labs. Mr. Hernandez proficiently surveys, inspects and evaluates production

environments to determine fulfillment of safety and security standards. Mr. Hernandez has a proven track record of meeting company and agency objectives are direct results of his cost-conscious, team-oriented, dependable and professional approach.

Relevant Project Experience

City of Torrance: Residential & Arterial Pavement Improvement Project, Torrance, CA | Senior Construction Inspector: Mr. Hernandez provided inspection for improvements including application of slurry seal, cold mill and AC overlay, clearing and grubbing, removal and disposal of existing pavement, localized pavement repairs, as well as tree removals and replacements, asphalt berm replacement, AC base course, concrete repairs to PCC curb, gutter, PCC sidewalk, driveways, access and ramps. Other relevant features include adjustment of storm drains and sewer manholes to grade, reconfiguration of sewer piping, mobilization, traffic control, removal and replacement of existing traffic striping/markings and signage, and irrigation.

City of Irvine: Annual Street Rehabilitation and Slurry Seal, Irvine, CA | Senior Construction Inspector: Scope of work included asphalt pavement, cold-milling and AC overlay, pavement overlays and slurry seal application, removal and replacement of concrete improvements such as PCC sidewalks, ramps, curbs, gutters, and driveways, as well as adjustment of manhole and utility covers to grade. Inspected tasks included adjusting a survey monument, water valve, sewer cleanout and manhole frames and covers to grade and installation of striping and pavement markings, providing public notifications and traffic control. Mr. Hernandez provided full-time inspection services, prepared monthly cost progress reports and contract change orders, prepared punch-lists for contractor, and coordinated with agency sub-consultants and utilities.

City of La Mirada: La Mirada Boulevard & Imperial Highway Improvements, La Mirada, CA | Senior Construction Inspector: This project involved street maintenance and rehabilitation, replacement of sidewalks, curb & gutters, driveway approaches, ADA curb ramps, . Responsibilities include review and enforce the contractor's proposed construction schedule; require, monitor and document compliance with the contract and specifications, SWPPP compliance, review of submittals, and confirm compliance of materials delivered, and attend weekly progress meetings.

City of Fullerton: Longview Drive Water/Sewer Main Replacement and Street Improvements, Fullerton, CA | Senior Construction Inspector: Inspection of water, sewer and street rehabilitation project. The project included replacing 2500 linear feet of 8-inch DIP water main and appurtenances, 2500 linear feet of 8-inch VCP, PVC SDR 26 sewer main, new manholes and storm drains, removing and replacing existing sewer and video inspection and abandoning existing water mains and valves. Street and drainage improvement work included cold planning, excavation, asphalt concrete, aggregate base, curb and gutter, access ramps, driveway approach and sidewalk.

Brittany Duhn, PE, QSD/QSP

Project Manager/Project Engineer



Relevant Key Highlights:

- Construction Management
- Construction Inspection
- Project Management
- Constructability Reviews
- Value Engineering
- Submittal Reviews
- Request for Information Review
- Progress Billing Review
- Change Order Review
- Capital Improvement Projects
- Street Maintenance
- Street Rehabilitation
- Street Resurfacing
- Slurry Seal
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- Sidewalks
- Driveway Approaches
- Spandrels
- Cross Gutters
- ADA Curb Ramps
- Pavement Reconstruction
- Milling & Overlay
- Manhole & Valve Adjustment
- Crack Sealing
- Traffic Signing, Striping, & Markings
- Pavement Markers
- Traffic Control
- Mobilization & Demobilization
- Materials Testing Coordination
- Cal/OSHA Compliance
- Labor Compliance
- Public Relations
- Utility Coordination
- Cost/Scheduling/Budgets
- Safety & SWPPP Compliance
- Quality Control/Quality Assurance
- Issues Management

EDUCATION

- » BSCE – Civil Engineering
California State Polytechnic
University, Pomona

LICENSES & REGISTRATION

- » Professional Engineer,
P.E. State of California, #91078
- » SWPPP (QSD) & (QSP)
Certificate # 22055
- » OSHA 30 Hour

Ms. Duhn has extensive experience in project management, project engineering, labor compliance, document control, office engineering, program management, construction

management, and field inspections of street improvement projects. She has thorough knowledge of labor compliance and office engineering from her work on numerous street improvement projects, bridge, rail, grade separations, water and wastewater projects, and interchange projects. These are great testaments of Ms. Duhn' managerial and oversight project experience. She gained tremendous experience in the design, operations, and maintenance by working closely with various stakeholders. Ms. Duhn has thorough knowledge of submittals, RFIs, and CCO review, project filing, daily reporting, quantity tracking, and project coordination. She is experienced in developing and maintaining project files, processing progress payments, and maintaining various logs, including submittals, RFIs, and correspondences. She is proficient with various construction computer software.

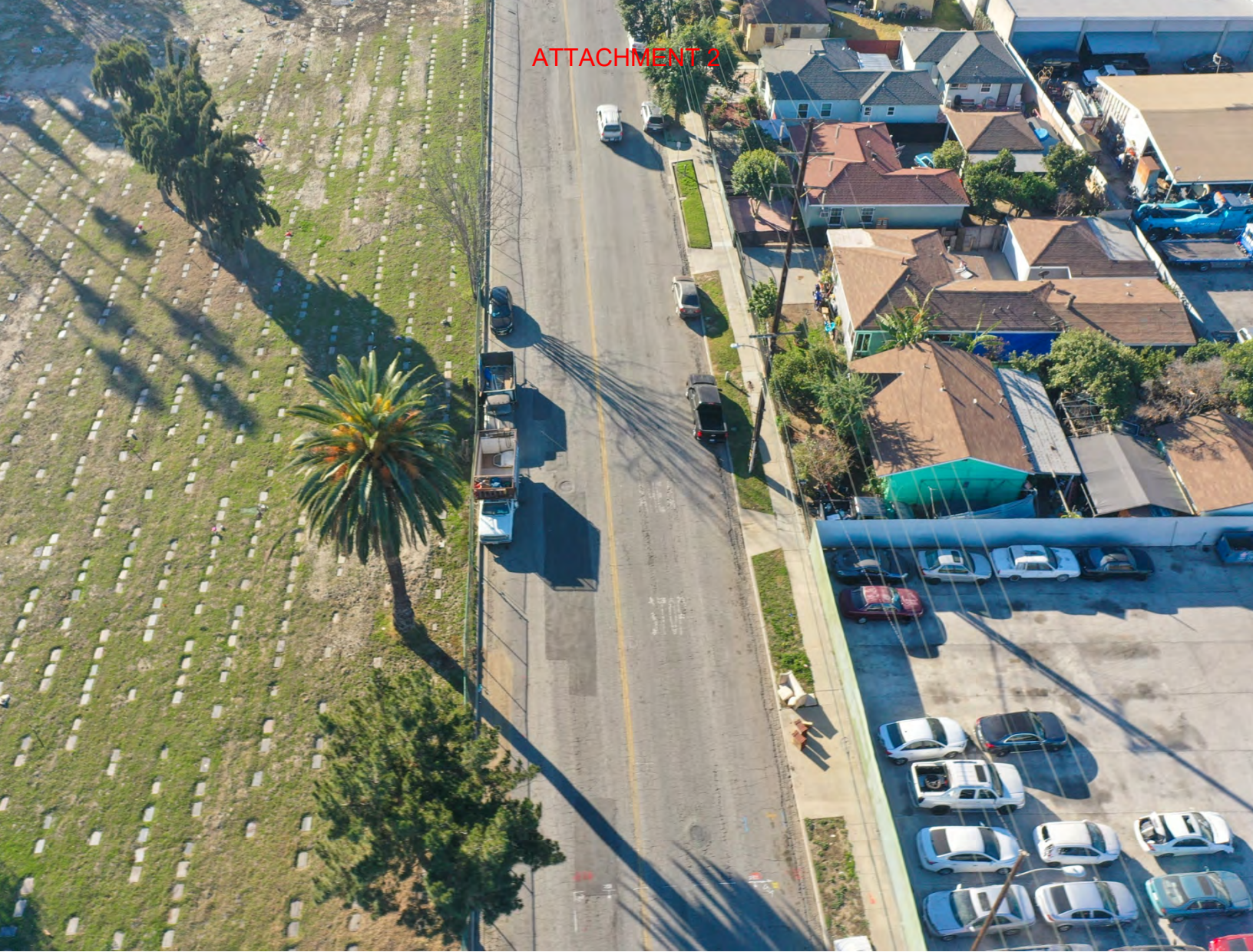
Relevant Project Experience

City of Alhambra: FY 19-20 and FY 20-21 SB1 Street Rehabilitation Project, Alhambra, CA | Project Manager/Project Engineer: Pavement improvements include slurry seal treatment, varying depths of cold milling and overlay, and full depth removal and reconstruction. The project also includes concrete improvements such as removal and replacement of broken and off-grade sidewalk, ADA ramps that need updating, broken and off-grade curb and gutter, driveway aprons in need of repairs, and concrete cross gutter reconstruction.

City of Compton: Annual Residential Street Rehabilitation Project (Phases 1 and 2A), Compton, CA | Project Manager/Project Engineer: This project included street rehabilitation of seven major City streets. Scope included full-service construction management, reviewing traffic control plans, meetings, scheduling, cost control, staging coordination, labor compliance, reviewing RFIs and Submittals, change orders, quality control/inspection, public relations, permits/environmental compliance, progress payments, monthly staff reports, site safety, as-builts drawings, final walkthrough, and project completion reports. Ms. Duhn met with city staff prior to beginning of work and periodically at various stages of construction, verified all requirements in accordance with contract documents, and collected and reviewed reports generated from the contractor's payroll office.

City of San Bernardino: Street Rehabilitation Program (30+ Major Streets), San Bernardino, CA | Project Manager/Project Engineer: This long-term, on-call contract involves concrete improvements and pavement improvements of over 30 major streets in the City of San Bernardino. The contract also includes the rehabilitation and resurfacing of various streets and intersections. Scope of work includes full depth removal and replacement of asphalt concrete, cold milling and overlay of existing asphalt concrete, mobilization, traffic control, staging for major streets and intersections, removal of traffic striping, installation of traffic striping and pavement markers, installation of loop detectors and bicycle loop detectors, construction of cross walks, removal and replacement of sidewalk, driveways, PCC curb and gutter, cross gutters, spandrels, curb ramps along both residential and commercial streets, manhole and utility vault adjustments, and preparation of SWPPP and erosion control plans.

City of Torrance: Residential and Arterial Pavement Improvement, I-159/I-139, Torrance, CA | Project Manager/Project Engineer: This project involves pavement improvements to a residential neighborhood and four arterial streets. Improvements include clearing and grubbing, application of slurry seal, cold mill and AC overlay, removal and disposal of existing pavement, localized pavement repairs, as well as tree removals and replacements, asphalt berm replacement, AC base course, concrete repairs to PCC curb, gutter, PCC sidewalk, PCC driveways and driveways approaches, access ramps, replacement of pavement markings and striping on concrete and asphalt, and installation of raised pavement markers and city project signs. Ms. Duhn coordinated meetings with City staff, performed document control procedures, and reviewed contractor's payroll reports.



APPENDIX B. ADDENDUM ACKNOWLEDGMENT



CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

DATE: OCTOBER 4, 2021

TO: ALL PROSPECTIVE BIDDERS

SUBJECT: BID ADDENDUM NO. 1 – REQUEST FOR PROPOSAL (RFP) TO PROVIDE PROJECT AND CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES (NON-FEDERAL AID PROJECT) FOR CITY PROJECT NO. 21-03

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to Janet.Zuazo@costamesaca.gov. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: Crystal Fraire Crystal Fraire, PE, President

Company: Z&K Consultants, Inc.

All bidders shall register with *PlanetBids* in order to retrieve addenda. It is the responsibility of each prospective bidder to check *PlanetBids* on a DAILY basis through the close of bids for any applicable addenda or updates.

PROPOSAL DUE DATE: NO CHANGE - FRIDAY, OCTOBER 8, 2021 AT 5:00PM

CITY COUNCIL AWARD: NO CHANGE

PROJECT KICK-OFF MEETING: NO CHANGE

This addendum, effective on this date, addresses the following items:

RESPONSES TO REQUESTS FOR INFORMATION (RFIs):

Q1. On the Planet Bid website, it said there is no online Q/A? Should we submit the questions directly to you?

A1. Yes, e-mail all your questions to both Cristina and Seung.

Q.2. What is the city's reason for identifying two Project Managers for one project? Are there additional projects that the City plans to include in this RFP?

A.2. It's a significantly large project that will cover all of the city of Costa Mesa including streets, sidewalks, driveways, slurry seal, utility coordination, etc.

If you believe that one project manager is sufficient for this project, please note that in your proposal and the reasons why.

Q.3. Does the city anticipate two Full Time Inspectors will be needed on this project?

A.3. Yes, this project is significantly large enough that two inspectors will be needed.

ATTACHMENT 2

EXHIBIT C
FEE SCHEDULE

December 8, 2021

Cristina Oquendo, Assistant Engineer
City of Costa Mesa, Public Services Department/Engineering Division
77 Fair Drive, Costa Mesa, CA 92628



Subject: Revised Request for Proposal for Project and Construction Management and Inspection Services (Non-Federal Aid Project) for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, No. 21-03

Dear Ms. Oquendo,

Z&K Consultants Inc. (Z&K) proudly presents our cost proposal for Project and Construction Management and Inspection Services (Non-Federal Aid Project) for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, No. 21-03. Our not-to-exceed fee for Project and Construction Management and Inspection Services is **\$299,608.00**.

Z&K Consultants based our cost proposal on the scope of work provided in the Request for Proposals. All prevailing wage requirements will be followed by the team. All team members are in conformance with the State of California Labor compliance requirements. Rates included in our Cost Proposal are fully billable rates. All overhead costs are included. All insurance will be in force at the time of contract execution. Z&K has carefully selected this **"A-Team"** and committed our most qualified staff for the duration of the contract to deliver a successful project. We understand the importance of meeting budgets and schedules; we have a strategic plan in place to deliver projects with such benchmarks in mind.

Z&K Consultants, Inc Hourly Rates:

Project Manager/Construction Manager.....	\$157.00
Project Manager/Project Engineer	\$137.00
Senior Construction Inspector	\$145.00
Construction Inspector.....	\$140.00
Material Testing Services (Converse Consultants)	Attached

I will serve as the contact person for the full duration on the contract and I am authorized to bind the firm to the terms of the proposal. By signing below, I attest that all information submitted is true and accurate. This proposal shall remain valid for a period of not less than 90 days from the date of submittal. The payment terms shall be net thirty (30) days. **We are excited about this opportunity to serve the City of Costa Mesa and are committed to the successful completion the City's important project.**

NOT-TO-EXCEED FEE SCHEDULE

Task/ Classification	Construction Manager (Hrs)	Project Manager / Project Engineer (Hrs)	Senior Construction Inspector (Hrs)	Construction Inspector (Hrs)	Material Testing Services - Converse Consultants	Total Cost
Hourly Rate	\$ 157.00	\$137.00	\$145.00	\$140.00	-	-
Pre-Construction Services	10	40	40	20	-	\$15,650.00
Project Management/ Construction Management	64	480	0	0	-	\$75,808.00
Construction Inspection	0	0	640	640	-	\$182,400.00
Project Closeout	10	40	40	20	-	\$15,650.00
Material Testing Services	0	0	0	0	\$10,100.00	\$10,100.00
TOTAL	\$13,188.00	\$76,720.00	\$104,400.00	\$95,200.00	\$10,100.00	\$299,608.00

The not-to-exceed fee amount is based on 80 working days. Any additional services needed beyond the contract scope of work shall require prior approval from the City. Our proposed and fully committed team is fully capable and exceptionally qualified. They have held many leadership roles and supervisory management positions in many local agencies including the private and public sectors. All can multi-task, are multi-disciplined, and have a full understanding of all aspects of the proposed project requirements.

Sincerely,

Crystal Fraire, PE, President

Z&K Consultants Inc.
473 E. Carnegie Drive | Suite 200 | San Bernardino, CA 92400
951.310.7470 | cfaqih@zandkconsultants.com

ATTACHMENT 2

EXHIBIT D

CITY COUNCIL POLICY 100-5

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

BACKGROUND

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

PURPOSE

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.
2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

POLICY

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;
 - B. Establishing a Drug-Free Awareness Program to inform employees about:

ATTACHMENT 2

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	2 of 3

1. The dangers of drug abuse in the workplace;
 2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;
- D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:
1. Abide by the terms of the statement; and
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;
- F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

ATTACHMENT 2

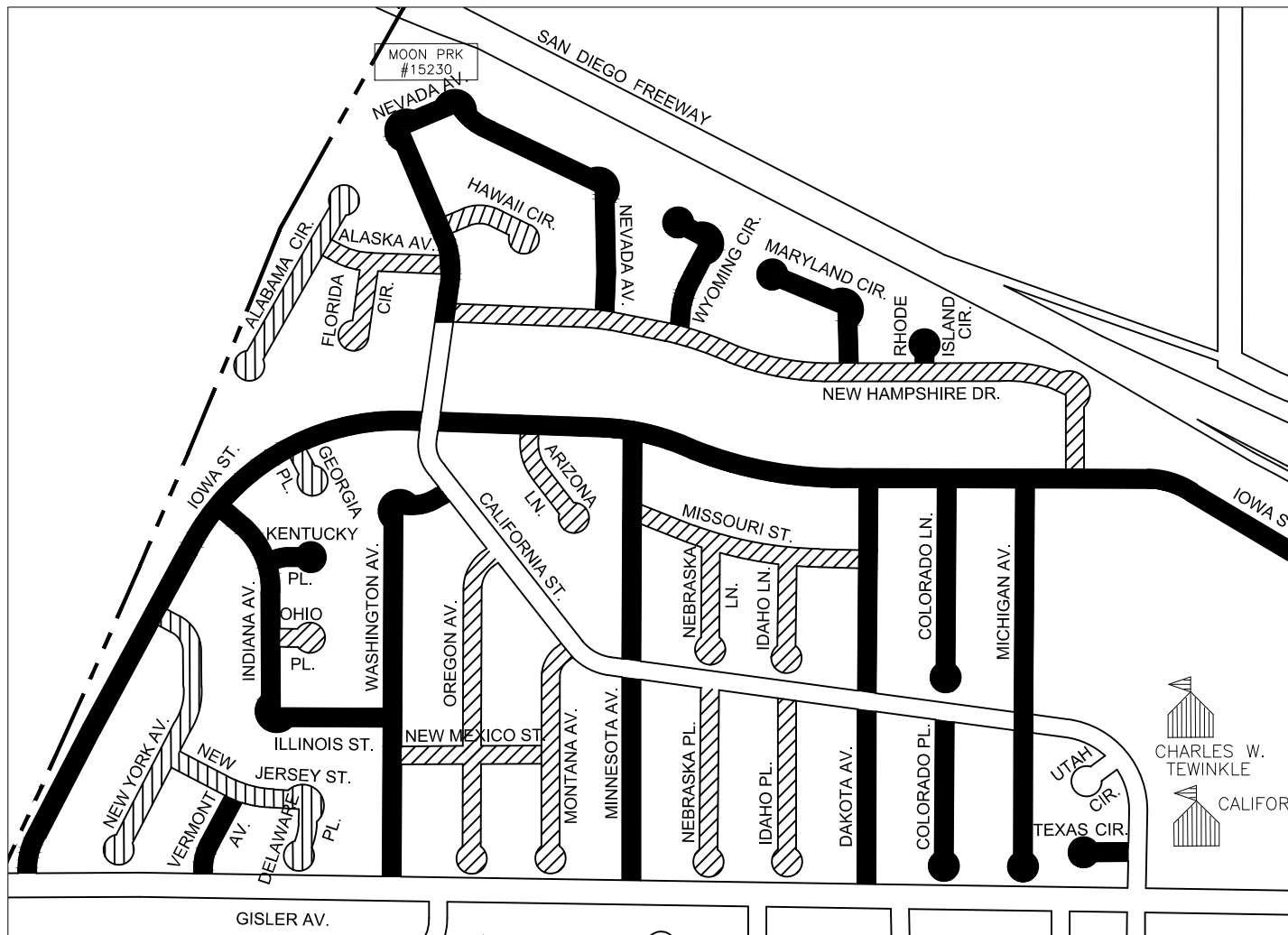
SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	3 of 3

- G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.
2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:
- Contractor and/or sub-grantee has made a false certification under paragraph 1 above;
 - Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;
 - Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.
3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.



CITY OF COSTA MESA

Public Services/Engineering



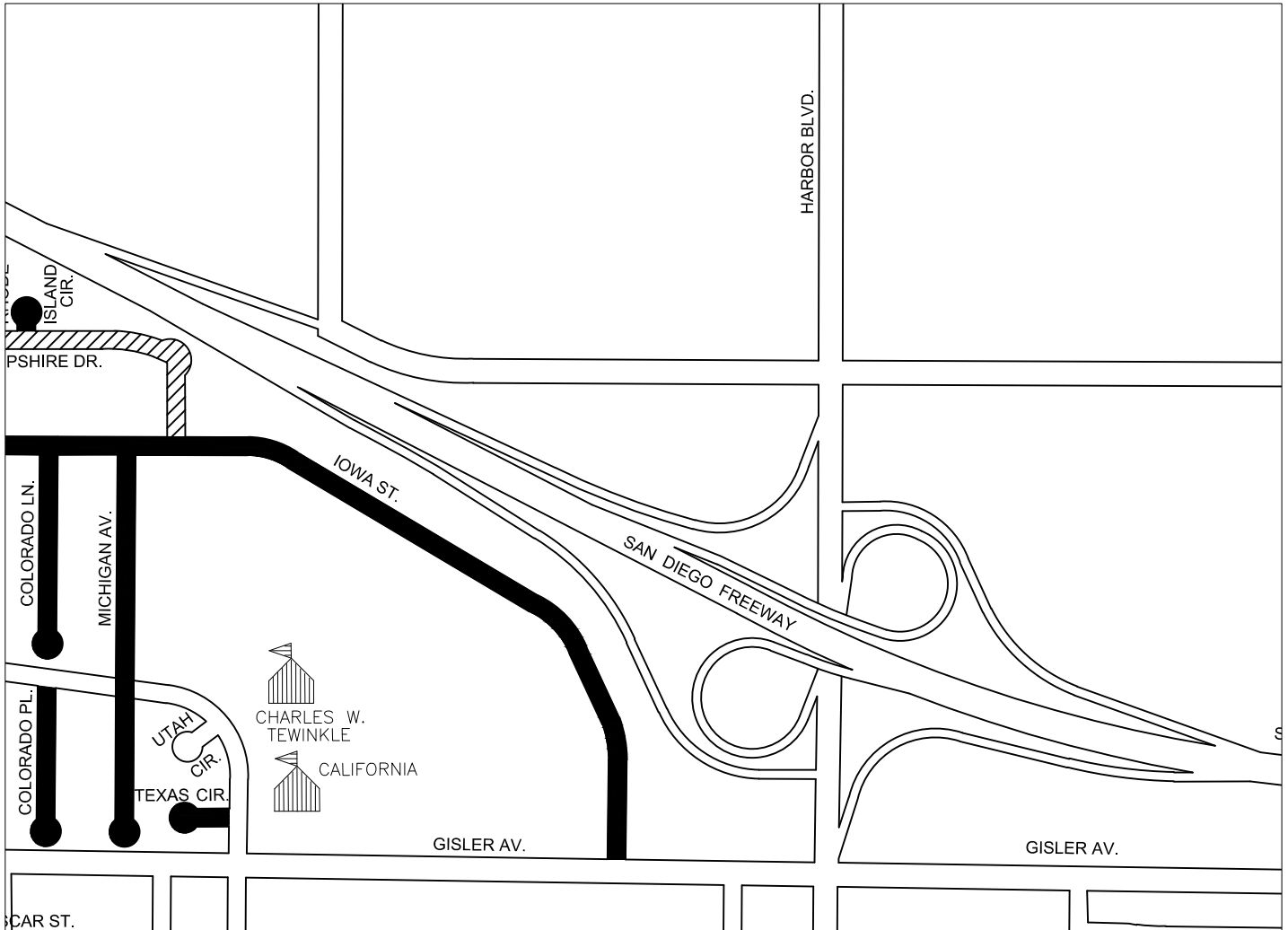
CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT #21-03

- STREET REHABILITATION AND PARKWAY LOCATIONS
- SLURRY AND PARKWAY LOCATIONS



CITY OF COSTA MESA

Public Services/Engineering



CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT #21-03

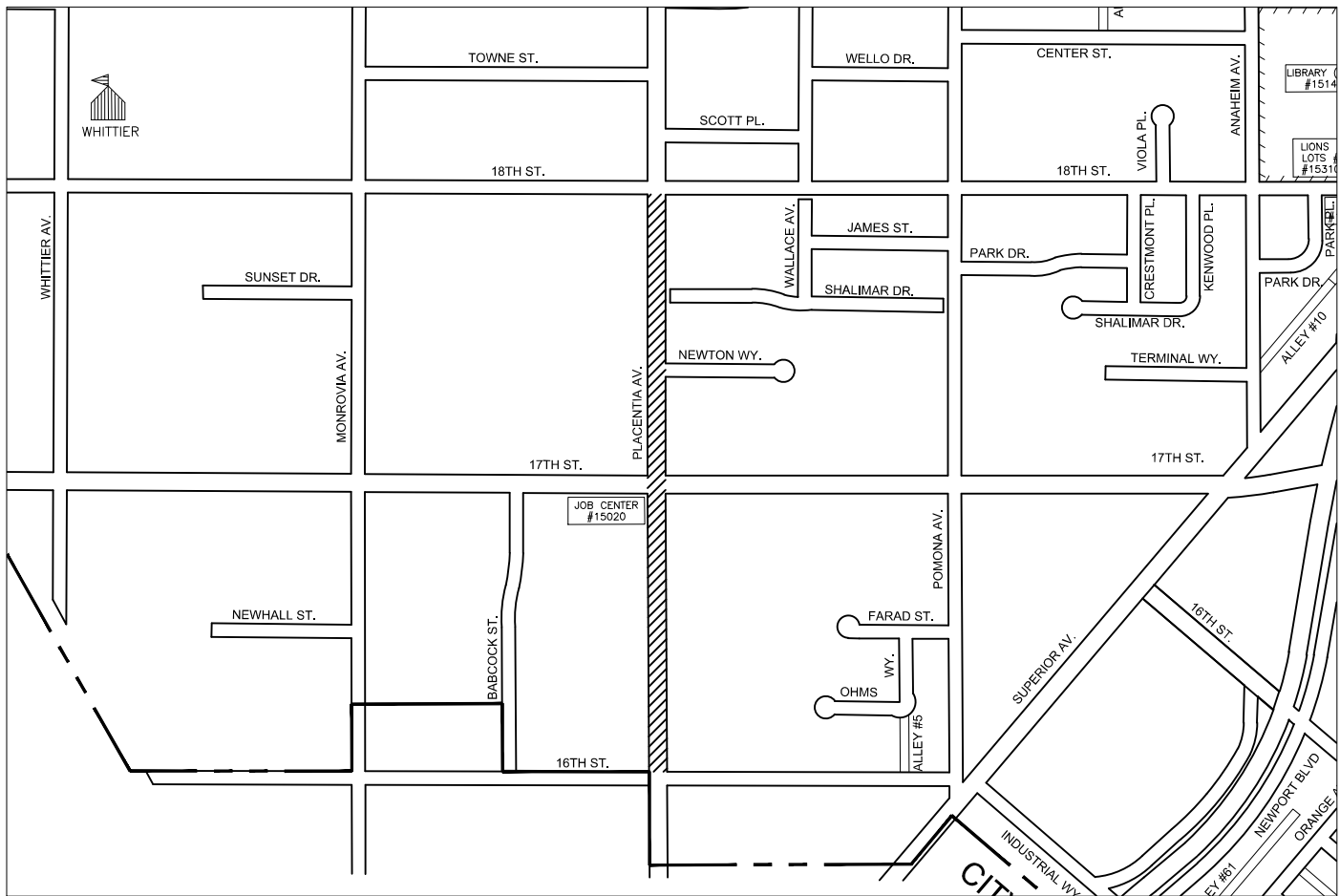
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 STREET REHABILITATION AND PARKWAY LOCATIONS
 SLURRY AND PARKWAY LOCATIONS



CITY OF COSTA MESA

Public Services/Engineering



CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT #21-03

- STREET REHABILITATION AND PARKWAY LOCATIONS
- SLURRY AND PARKWAY LOCATIONS

ATTACHMENT 4

**CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT**

CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT

CITY PROJECT NO. 21-03

BID OPENING RESULTS: AUGUST 5, 2021

<i>Bidder</i>	<i>City</i>	<i>Total Base Bid</i>
1. ALL AMERICAN ASPHALT	CORONA	\$2,698,061.00
2. R.J. NOBLE COMPANY	ORANGE	\$2,794,665.00
3. SEQUEL CONTRACTORS, INC	SANTA FE SPRINGS	\$2,826,294.00
4. HARDY & HARPER INC.	LAKE FOREST	\$2,875,000.00
5. PALP. INC DBA EXCEL PAVING COMPANY	LONG BEACH	\$3,394,525.00

AVERAGE \$2,917,709.00

ENGINEER'S ESTIMATE \$3,122,805.00

ATTACHMENT 4

CITY OF COSTA MESA PUBLIC SERVICES DEPARTMENT

CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT

CITY PROJECT NO. 21-03

BID OPENING DATE: AUGUST 5, 2021

1. ALL AMERICAN ASPHALT

2. R.J. NOBLE COMPANY

3. SEQUEL CONTRACTORS,
INC

4. HARDY & HARPER INC.

BASE BID			CITY ESTIMATE			CORONA		ORANGE		SANTA FE SPRINGS		LAKE FOREST	
NO.	BID QUANTITY		DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization and Project Scheduling	\$75,000.00	\$75,000.00	\$154,382.00	\$154,382.00	\$150,000.00	\$150,000.00	\$146,000.00	\$146,000.00	\$76,675.00	\$76,675.00
2	1	FA	Additional Work Items	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
3	1	LS	Temporary Traffic Control	\$75,000.00	\$75,000.00	\$51,700.00	\$51,700.00	\$110,000.00	\$110,000.00	\$206,699.00	\$206,699.00	\$100,000.00	\$100,000.00
4	1	LS	Install Lane Markings, Striping Pavement Legends, and Raised Pavement Markers (RPM)	\$75,000.00	\$75,000.00	\$41,000.00	\$41,000.00	\$27,000.00	\$27,000.00	\$27,000.00	\$27,000.00	\$40,000.00	\$40,000.00
4A	1	LS	Install Lane Markings, Striping Pavement Legends, and Raised Pavement Markers (RPM) along Placentia Avenue (from Adams Ave. to Wilson St.). Striping and marking plans to be submitted to contractor after contract award.	\$35,000.00	\$35,000.00	\$64,200.00	\$64,200.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$65,000.00	\$65,000.00
5	11,500	S.F.	Remove & Reconstruct Concrete Sidewalk (4-inch Concrete over 4-inch C.M.B.) including ADA ramps	\$15.20	\$174,800.00	\$10.50	\$120,750.00	\$12.50	\$143,750.00	\$15.00	\$172,500.00	\$16.00	\$184,000.00
6	5,500	L.F.	Remove Existing and Reconstruct C-6 Curb & Gutter over 6" CMB with 2' A.C. Slot Pave	\$75.00	\$412,500.00	\$70.00	\$385,000.00	\$77.00	\$423,500.00	\$60.00	\$330,000.00	\$63.00	\$346,500.00
7	550	L.F.	Remove Existing and Reconstruct C-8 Curb & Gutter over 6" CMB with 2' A.C. Slot Pave	\$80.00	\$44,000.00	\$61.00	\$33,550.00	\$83.00	\$45,650.00	\$61.00	\$33,550.00	\$73.00	\$40,150.00
8	2,600	S.F.	Remove & Reconstruct P.C.C. Cross-Gutter, Spandrel, Local Depression, and P.C.C. Pad (8" Concrete over 8" inch C.M.B) with 3' A.C. Slot Pave	\$32.00	\$83,200.00	\$24.50	\$63,700.00	\$27.00	\$70,200.00	\$25.00	\$65,000.00	\$45.00	\$117,000.00
9	650	S.F.	Remove Existing and Reconstruct P.C.C. Driveway Approach (6-inch Concrete over 6-inch C.M.B.)	\$22.00	\$14,300.00	\$15.75	\$10,237.50	\$23.00	\$14,950.00	\$18.00	\$11,700.00	\$20.00	\$13,000.00
9A	1,000	S.F.	Remove Existing Asphalt Concrete (A.C.) Driveway and Reconstruct New P.C.C. Driveway Approach (6-inch Concrete over 6-inch C.M.B) at 1801 Whittier Ave. (actual location along W. 18th St.) per City Engineer	\$22.00	\$22,000.00	\$14.50	\$14,500.00	\$23.00	\$23,000.00	\$18.00	\$18,000.00	\$20.00	\$20,000.00
10	55	TONS	Remove & Reconstruct Miscellaneous AC Pavement	\$200.00	\$11,000.00	\$133.50	\$7,342.50	\$300.00	\$16,500.00	\$155.00	\$8,525.00	\$350.00	\$19,250.00
11	120	L.F.	Paint Curb Existing Color	\$5.00	\$600.00	\$3.05	\$366.00	\$3.00	\$360.00	\$4.00	\$480.00	\$5.00	\$600.00
12	700	L.F.	Root Prune and Install Root Barrier	\$43.00	\$30,100.00	\$65.00	\$45,500.00	\$42.00	\$29,400.00	\$16.00	\$11,200.00	\$70.00	\$49,000.00
13	16	EA	Install Truncated Domes (ADA ramps)	\$1,000.00	\$16,000.00	\$793.00	\$12,688.00	\$1,300.00	\$20,800.00	\$600.00	\$9,600.00	\$1,250.00	\$20,000.00
14	265,000	S.F.	Cold Mill (2-inch Minimum Depth)	\$0.29	\$76,850.00	\$0.22	\$58,300.00	\$0.23	\$60,950.00	\$0.23	\$60,950.00	\$0.24	\$63,600.00
15	1,100	TONS	Remove & Reconstruct Asphalt Concrete (A.C.) 6-inch Minimum Depth, including Excavation	\$150.00	\$165,000.00	\$133.50	\$146,850.00	\$170.00	\$187,000.00	\$130.00	\$143,000.00	\$150.00	\$165,000.00
16	1,320	TONS	Type "B" Asphalt Concrete (A.C.) Base Course (Paving Machine)	\$120.00	\$158,400.00	\$70.50	\$93,060.00	\$65.00	\$85,800.00	\$79.00	\$104,280.00	\$95.00	\$125,400.00
17	1,100	TONS	Type "D" Asphalt Concrete (A.C.) Leveling Course (Paving Machine)	\$147.00	\$161,700.00	\$73.50	\$80,850.00	\$72.00	\$79,200.00	\$97.00	\$106,700.00	\$95.00	\$104,500.00
18	9,700	TONS	Type "C" Asphalt Concrete (A.C.) Overlay (Paving Machine) - Surface Course	\$93.00	\$902,100.00	\$70.50	\$683,850.00	\$76.00	\$737,200.00	\$79.00	\$766,300.00	\$75.00	\$727,500.00
19	16,500	S.F.	Install "Mirafi® 600X" Subgrade Fabric or Approved Equal	\$0.50	\$8,250.00	\$0.40	\$6,600.00	\$0.37	\$6,105.00	\$0.20	\$3,300.00	\$0.45	\$7,425.00
20	167,000	S.F.	Install "PETROMAT®" Fabric or Approved Equal	\$0.30	\$50,100.00	\$0.25	\$41,750.00	\$0.10	\$16,700.00	\$0.15	\$25,050.00	\$0.20	\$33,400.00
21	80	EA	Install Blue Raised Pavement Markers (BRPM)	\$27.00	\$2,160.00	\$20.00	\$1,600.00	\$20.00	\$1,600.00	\$12.00	\$960.00	\$25.00	\$2,000.00
22	50	EA	Adjust and Reset Existing Survey Monuments and Ties by California Licensed Land Surveyor	\$775.00	\$38,750.00	\$475.00	\$23,750.00	\$1,000.00	\$50,000.00	\$500.00	\$25,000.00	\$500.00	\$25,000.00
23	85	EA	Adjust Manhole Covers to Grade	\$991.00	\$84,235.00	\$1,060.00	\$90,100.00	\$500.00	\$42,500.00	\$900.00	\$76,500.00	\$1,000.00	\$85,000.00
24	65	EA	Adjust Water Valves to Grade	\$704.00	\$45,760.00	\$405.00	\$26,325.00	\$500.00	\$32,500.00	\$800.00	\$52,000.00	\$1,000.00	\$65,000.00
25	1,000	ELT	Slurry Seal Type II with 2.5% Latex	\$225.00	\$225,000.00	\$269.00	\$269,000.00	\$230.00	\$230,000.00	\$222.00	\$222,000.00	\$230.00	\$230,000.00
26	1	LS	Crack Seal	\$36,000.00	\$36,000.00	\$71,110.00	\$71,110.00	\$55,000.00	\$55,000.00	\$65,000.00	\$65,000.00	\$50,000.00	\$50,000.00

PROJECT BASE BID TOTAL:

\$3,122,805.00

\$2,698,061.00

\$2,794,665.00

\$2,826,294.00

\$2,875,000.00

ATTACHMENT 4

CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT

CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT

CITY PROJECT NO. 21-03

BID OPENING DATE: AUGUST 5, 2021

ADDITIVE BID ITEMS					CITY ESTIMATE		1. ALL AMERICAN ASPHALT		2. R.J. NOBLE COMPANY		3. SEQUEL CONTRACTORS, INC		4. HARDY & HARPER INC.	
BID							CORONA		ORANGE		SANTA FE SPRINGS		LAKE FOREST	
NO.	QUANTITY		DESCRIPTION	UNIT PRICE	TOTAL		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
B1	37,400	S.F.	Cold mill (2" Depth)	\$0.21	\$7,854.00		\$0.94	\$35,156.00	\$0.50	\$18,700.00	\$0.22	\$8,228.00	\$0.30	\$11,220.00
B2	452	TON	2" Asphalt Concrete (A.C.) overlay Pavement (ARHM)	\$85.00	\$38,420.00		\$171.00	\$77,292.00	\$115.00	\$51,980.00	\$134.00	\$60,568.00	\$110.00	\$49,720.00
B3	3	EA	Adjust Water Valves to Grade	\$339.00	\$1,017.00		\$1,025.00	\$3,075.00	\$1,000.00	\$3,000.00	\$850.00	\$2,550.00	\$1,000.00	\$3,000.00
B4	3	EA	Install Blue Raised Pavement Markers (BRPM)	\$25.00	\$75.00		\$20.50	\$61.50	\$20.00	\$60.00	\$20.00	\$60.00	\$25.00	\$75.00
B5	6	EA	Install Type "D" Traffic Signal Loops	\$479.00	\$2,874.00		\$364.00	\$2,184.00	\$375.00	\$2,250.00	\$400.00	\$2,400.00	\$400.00	\$2,400.00
B6	10	EA	Install Type "E" Traffic Signal Loops	\$450.00	\$4,500.00		\$338.00	\$3,380.00	\$350.00	\$3,500.00	\$400.00	\$4,000.00	\$400.00	\$4,000.00
B7	1	LS	Install Lane Markings, Striping, Pavement Legends, and Raised Pavement Markers (RPM)	\$2,000.00	\$2,000.00		\$8,792.00	\$8,792.00	\$5,700.00	\$5,700.00	\$5,500.00	\$5,500.00	\$4,585.00	\$4,585.00
C1	2,970	S.F.	Remove Existing and Construct New Concrete Sidewalk [4-inch Concrete over 4-inch Crushed Miscellaneous Base (C.M.B.)]	\$15.00	\$44,550.00		\$12.50	\$37,125.00	\$12.50	\$37,125.00	\$15.00	\$44,550.00	\$11.00	\$32,670.00
C2	240	L.F.	Remove Existing and Reconstruct C-8 Curb & Gutter over 6" Crushed Miscellaneous Base (C.M.B.) with 2-foot Asphalt Concrete (A.C.) slot pave	\$75.00	\$18,000.00		\$122.00	\$29,280.00	\$83.00	\$19,920.00	\$61.00	\$14,640.00	\$75.00	\$18,000.00
C3	1,295	S.F.	Remove Existing and Reconstruct P.C.C. Driveway Approach per Costa Mesa Std. Plan 513	\$20.00	\$25,900.00		\$18.75	\$24,281.25	\$23.00	\$29,785.00	\$18.00	\$23,310.00	\$17.00	\$22,015.00
C4	30	L.F.	Paint Curb Existing Color	\$5.00	\$150.00		\$3.10	\$93.00	\$3.00	\$90.00	\$10.00	\$300.00	\$5.00	\$150.00
C5	6	EA	Install Truncated Domes	\$1,000.00	\$6,000.00		\$963.00	\$5,778.00	\$1,300.00	\$7,800.00	\$600.00	\$3,600.00	\$1,177.50	\$7,065.00
C6	380	L.F.	Remove Existing and Construct Retaining Wall Variable Height (4ft max)	\$120.00	\$45,600.00		\$351.00	\$133,380.00	\$105.00	\$39,900.00	\$200.00	\$76,000.00	\$245.00	\$93,100.00
C7	1	FA	Removal and/or Restoration of existing improvements (fences, planters, parkway concrete, landscaping)	\$7,000.00	\$7,000.00		\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00
TOTAL ADDITIVE BID:					\$203,940.00		\$366,877.75		\$226,810.00		\$252,706.00		\$255,000.00	
PROJECT BASE BID + ADDITIVE BID TOTAL:					\$3,326,745.00		\$3,064,938.75		\$3,021,475.00		\$3,079,000.00		\$3,130,000.00	

ATTACHMENT 4

CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT

CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT

CITY PROJECT NO. 21-03

BID OPENING DATE: AUGUST 5, 2021

5. PALP. INC DBA EXCEL
PAVING COMPANY
LONG BEACH

AVERAGE

BASE BID

CITY ESTIMATE

NO.	BID QUANTITY		DESCRIPTION	UNIT PRICE	TOTAL	PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	LS	Mobilization and Project Scheduling	\$75,000.00	\$75,000.00	\$326,000.00	\$326,000.00	\$170,611.40	\$170,611.40
2	1	FA	Additional Work Items	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
3	1	LS	Temporary Traffic Control	\$75,000.00	\$75,000.00	\$168,000.00	\$168,000.00	\$127,279.80	\$127,279.80
4	1	LS	Install Lane Markings, Striping Pavement Legends, and Raised Pavement Markers (RPM)	\$75,000.00	\$75,000.00	\$27,000.00	\$27,000.00	\$32,400.00	\$32,400.00
4A	1	LS	Install Lane Markings, Striping Pavement Legends, and Raised Pavement Markers (RPM) along Placentia	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$46,840.00	\$46,840.00
5	11,500	S.F.	Remove & Reconstruct Concrete Sidewalk (4-inch Concrete over 4-inch C.M.B.) including ADA ramps	\$15.20	\$174,800.00	\$18.00	\$207,000.00	\$14.40	\$165,600.00
6	5,500	L.F.	Remove Existing and Reconstruct C-6 Curb & Gutter over 6" CMB with 2' A.C. Slot Pave	\$75.00	\$412,500.00	\$99.00	\$544,500.00	\$73.80	\$405,900.00
7	550	L.F.	Remove Existing and Reconstruct C-8 Curb & Gutter over 6" CMB with 2' A.C. Slot Pave	\$80.00	\$44,000.00	\$100.00	\$55,000.00	\$75.60	\$41,580.00
8	2,600	S.F.	Remove & Reconstruct P.C.C. Cross-Gutter, Spandrel, Local Depression, and P.C.C. Pad (8"	\$32.00	\$83,200.00	\$30.00	\$78,000.00	\$30.30	\$78,780.00
9	650	S.F.	Remove Existing and Reconstruct P.C.C. Driveway Approach (6-inch Concrete over 6-inch C.M.B.)	\$22.00	\$14,300.00	\$23.00	\$14,950.00	\$19.95	\$12,967.50
9A	1,000	S.F.	Remove Existing Asphalt Concrete (A.C.) Driveway and Reconstruct New P.C.C. Driveway Approach (6-	\$22.00	\$22,000.00	\$22.00	\$22,000.00	\$19.50	\$19,500.00
10	55	TONS	Remove & Reconstruct Miscellaneous AC Pavement	\$200.00	\$11,000.00	\$450.00	\$24,750.00	\$277.70	\$15,273.50
11	120	L.F.	Paint Curb Existing Color	\$5.00	\$600.00	\$3.00	\$360.00	\$3.61	\$433.20
12	700	L.F.	Root Prune and Install Root Barrier	\$43.00	\$30,100.00	\$65.00	\$45,500.00	\$51.60	\$36,120.00
13	16	EA	Install Truncated Domes (ADA ramps)	\$1,000.00	\$16,000.00	\$525.00	\$8,400.00	\$893.60	\$14,297.60
14	265,000	S.F.	Cold Mill (2-inch Minimum Depth)	\$0.29	\$76,850.00	\$0.22	\$58,300.00	\$0.23	\$60,420.00
15	1,100	TONS	Remove & Reconstruct Asphalt Concrete (A.C.) 6-inch Minimum Depth, including Excavation	\$150.00	\$165,000.00	\$235.00	\$258,500.00	\$163.70	\$180,070.00
16	1,320	TONS	Type "B" Asphalt Concrete (A.C.) Base Course (Paving Machine)	\$120.00	\$158,400.00	\$89.00	\$117,480.00	\$79.70	\$105,204.00
17	1,100	TONS	Type "D" Asphalt Concrete (A.C.) Leveling Course (Paving Machine)	\$147.00	\$161,700.00	\$97.00	\$106,700.00	\$86.90	\$95,590.00
18	9,700	TONS	Type "C" Asphalt Concrete (A.C.) Overlay (Paving Machine) - Surface Course	\$93.00	\$902,100.00	\$74.00	\$717,800.00	\$74.90	\$726,530.00
19	16,500	S.F.	Install "Mirafi® 600X" Subgrade Fabric or Approved Equal	\$0.50	\$8,250.00	\$0.89	\$14,685.00	\$0.46	\$7,623.00
20	167,000	S.F.	Install "PETROMAT®" Fabric or Approved Equal	\$0.30	\$50,100.00	\$0.25	\$41,750.00	\$0.19	\$31,730.00
21	80	EA	Install Blue Raised Pavement Markers (BRPM)	\$27.00	\$2,160.00	\$20.00	\$1,600.00	\$19.40	\$1,552.00
22	50	EA	Adjust and Reset Existing Survey Monuments and Ties by California Licensed Land Surveyor	\$775.00	\$38,750.00	\$975.00	\$48,750.00	\$690.00	\$34,500.00
23	85	EA	Adjust Manhole Covers to Grade	\$991.00	\$84,235.00	\$700.00	\$59,500.00	\$832.00	\$70,720.00
24	65	EA	Adjust Water Valves to Grade	\$704.00	\$45,760.00	\$600.00	\$39,000.00	\$661.00	\$42,965.00
25	1,000	ELT	Slurry Seal Type II with 2.5% Latex	\$225.00	\$225,000.00	\$222.00	\$222,000.00	\$234.60	\$234,600.00
26	1	LS	Crack Seal	\$36,000.00	\$36,000.00	\$52,000.00	\$52,000.00	\$58,622.00	\$58,622.00

PROJECT BASE BID TOTAL:

\$3,122,805.00

\$3,394,525.00

\$2,917,709.00

ATTACHMENT 4

CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT

CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT

CITY PROJECT NO. 21-03

BID OPENING DATE: AUGUST 5, 2021

5. PALP. INC DBA EXCEL
PAVING COMPANY
LONG BEACH

ADDITIVE BID ITEMS

CITY ESTIMATE

AVERAGE

NO.	BID QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
B1	37,400 S.F.	Cold mill (2" Depth)	\$0.21	\$7,854.00
B2	452 TON	2" Asphalt Concrete (A.C.) overlay Pavement (ARHM)	\$85.00	\$38,420.00
B3	3 EA	Adjust Water Valves to Grade	\$339.00	\$1,017.00
B4	3 EA	Install Blue Raised Pavement Markers (BRPM)	\$25.00	\$75.00
B5	6 EA	Install Type "D" Traffic Signal Loops	\$479.00	\$2,874.00
B6	10 EA	Install Type "E" Traffic Signal Loops	\$450.00	\$4,500.00
B7	1 LS	Install Lane Markings, Striping, Pavement Legends, and Raised Pavement Markers (RPM)	\$2,000.00	\$2,000.00
C1	2,970 S.F.	Remove Existing and Construct New Concrete Sidewalk [4-inch Concrete over 4-inch Crushed	\$15.00	\$44,550.00
C2	240 L.F.	Remove Existing and Reconstruct C-8 Curb & Gutter over 6" Crushed Miscellaneous Base (C.M.B.) with 2-	\$75.00	\$18,000.00
C3	1,295 S.F.	Remove Existing and Reconstruct P.C.C. Driveway Approach per Costa Mesa Std. Plan 513	\$20.00	\$25,900.00
C4	30 L.F.	Paint Curb Existing Color	\$5.00	\$150.00
C5	6 EA	Install Truncated Domes	\$1,000.00	\$6,000.00
C6	380 L.F.	Remove Existing and Construct Retaining Wall Variable Height (4ft max)	\$120.00	\$45,600.00
C7	1 FA	Removal and/or Restoration of existing improvements (fences, planters, parkway concrete, landscaping)	\$7,000.00	\$7,000.00

UNIT PRICE	TOTAL
\$1.00	\$37,400.00
\$158.00	\$71,416.00
\$950.00	\$2,850.00
\$48.00	\$144.00
\$450.00	\$2,700.00
\$420.00	\$4,200.00
\$9,000.00	\$9,000.00
\$21.00	\$62,370.00
\$145.00	\$34,800.00
\$30.00	\$38,850.00
\$6.00	\$180.00
\$950.00	\$5,700.00
\$253.00	\$96,140.00
\$7,000.00	\$7,000.00

UNIT PRICE	TOTAL
\$0.59	\$22,140.80
\$137.60	\$62,195.20
\$965.00	\$2,895.00
\$26.70	\$80.10
\$397.80	\$2,386.80
\$381.60	\$3,816.00
\$6,715.40	\$6,715.40
\$14.40	\$42,768.00
\$97.20	\$23,328.00
\$21.35	\$27,648.25
\$5.42	\$162.60
\$998.10	\$5,988.60
\$230.80	\$87,704.00
\$7,000.00	\$7,000.00

TOTAL ADDITIVE BID: \$203,940.00

\$372,750.00

\$294,828.75

PROJECT BASE BID + ADDITIVE BID TOTAL: \$3,326,745.00

\$3,767,275.00

\$3,212,537.75



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-521

Meeting Date: 2/1/2022

TITLE:

POLICE DEPARTMENT RANGE REMODEL AND UPGRADES PROJECT

DEPARTMENT: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTED BY: RAJA SETHURAMAN, PUBLIC SERVICES DIRECTOR

CONTACT INFORMATION: SEUNG YANG, P.E., CITY ENGINEER (714) 754-5633

RECOMMENDATION:

Staff recommends the City Council:

1. Approve Amendment No. 1 (Attachment 1) to Gillis & Panichapan Architects (GPa) in order to authorize an additional \$38,413 for architectural design services related to Americans with Disabilities Act (ADA) upgrades for the Police Department Range Remodel and Upgrades Project; and
2. Authorize the City Manager and City Clerk to execute Amendment No. 1 to the original Professional Services Agreement (PSA) for GPa and future amendments to the PSA within Council authorized limits.

BACKGROUND:

The Police Department facility was originally built in the late 1960's, and during the late 1990's, the building was upgraded with seismic retrofits and additional workspaces. Previously, only minor upgrades were made to the range located in the basement. The current technology and operating systems in the range are outdated and in need of repair. The scope of the project is to improve the lighting, replace antiquated equipment, improve the protective baffling and sound proofing, address the range's electrical controls, repair the heating and ventilation, improve the existing inadequate ammunition storage facility and enhance compliance with current 911 training requirements. Once completed, the improvements will allow the Police Department to meet the mandates and training needs in the most efficient manner without jeopardizing training standards or requiring staff to travel out of the area.

On January 21, 2020, the City Council awarded to Gillis & Panichapan Architects (GPa) a Professional Services Agreement (PSA) in the amount of \$99,830 for the design of the upgrades to the Police Department practice range.

During the course of the design project, additional elements were deemed necessary in order to satisfy federal Americans with Disabilities Act (ADA) requirements. This additional work is to cover the expanded scope to satisfy ADA retrofitting and accessibility improvements at the Police practice range.

ANALYSIS:

GPa submitted additional work to satisfy ADA requirements for the Police Department Range Remodel and Upgrades Project (Attachment 2). The scope of these ADA upgrades are twofold:

1. *ADA Assessment Report* - This is to assess the facility based on the proposed renovations for any additional improvements that may be necessary to satisfy ADA accessibility requirements. The proposed fee for this work is \$2,933.
2. *Architectural and Engineering Services* - This is to provide design services in the form of construction documents (i.e., plans and specifications) for needed ADA improvements and retrofits. The proposed fee for this work is \$35,480.

The third task noted in GPa's fee proposal (Attachment 2) is for construction administration support at a cost of \$32,000. This will be considered by staff as a separate cost item during the time of construction.

Therefore, the combined fee for the above two tasks is \$38,413.

Per Purchasing guidelines, City Council approval is necessary since the requested additional amount exceeds the ten percent (10%) contingency.

ALTERNATIVES:

The alternative would be to reject Amendment No. 1 to the original PSA. Staff does not recommend this action as it will significantly delay the project.

FISCAL REVIEW:

Funding for the Police Department Range Remodel Project and Upgrades of \$1.5 million is included in the FY 2021-22 Capital Improvement Fund (Fund 401) budget approved by City Council.

LEGAL REVIEW:

The City Attorney's Office has reviewed the report, prepared Amendment No. 1, and approves both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

In 2021, the City Council adopted a list of goals and priorities. This project works toward achieving the following City Council goal: *Strengthen the Public's Safety and Improve the Quality of Life.*

CONCLUSION:

Staff recommends the City Council:

1. Approve Amendment No. 1 (Attachment 1) to Gillis & Panichapan Architects (GPa) in order to authorize an additional \$38,413 for architectural design services related to Americans with Disabilities Act (ADA) upgrades for the Police Department Range Remodel and Upgrades Project; and
2. Authorize the City Manager and City Clerk to execute Amendment No. 1 to the original Professional Services Agreement (PSA) for GPa and future amendments to the PSA within Council authorized limits.

**AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
GILLIS & PANICHAPAN ARCHITECTS, INCORPORATED**

THIS AMENDMENT NUMBER ONE ("Amendment") is made and entered into this 1st day of February, 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and GILLIS & PANICHAPAN ARCHITECTS, INCORPORATED, a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement dated January 21, 2020 for Consultant to provide professional design services and construction support services in connection with the Costa Mesa Police Department Shooting Range Upgrade Project, now referred to as the Police Department Range Remodel and Upgrades Project (the "Agreement"); and

WHEREAS, City and Consultant desire to amend the Scope of Services to include the additional services identified as Tasks 1 and 2 in Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, City desires to increase Consultant's maximum compensation accordingly to One Hundred Thirty-Eight Thousand Two Hundred Forty-Three Dollars (\$138,243.00).

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

1. The Scope of Services shall be amended to include the additional services identified as Tasks 1 and 2 in Exhibit A.
2. Section 2.1 of the Agreement shall be amended to reflect that Consultant's total compensation shall not exceed One Hundred Thirty-Eight Thousand Two Hundred Forty-Three Dollars (\$138,243.00).
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
5. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

[Signature page follows.]

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

CITY OF COSTA MESA

City Manager

Date: _____

CONSULTANT

Longkavach Panichapan
President/CEO

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Date: _____

APPROVED AS TO INSURANCE:

Risk Management

Date: _____

APPROVED AS TO CONTENT:

Project Manager

Date: _____

DEPARTMENTAL APPROVAL:

Public Services Director

Date: _____

APPROVED AS TO PURCHASING:

Finance Director

Date: _____

EXHIBIT A
ADDITIONAL SERVICES



October 19, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Subject: ***City of Costa Mesa Police Firing Range: Change Order Requests for ADA and Construction Administration Support Services***

Dear Seung,

We are seeking a change order request for additional work we had provided for this project, as well as additional work we anticipate to provide due to the expanded scope of work to cover ADA retrofits and accessibility improvements for the facility to accommodate the original scope of the Firing Range at the Police Station.

A. SCOPE OF WORK SUMMARY

The requested change orders for this project are based on the following three (3) tasks that provide additions and alterations to the original scope of work:

1. **ADA Assessment Report:** (Originally submitted 3/4/21) Provide Accessibility/ ADA Assessment Report on the the facility based as it relates to the primary proposed renovation for the Firing Range. Report illustrating existing conditions that would need upgrades and retrofits (Exhibit A)
2. **A&E services for ADA retrofits:** (Originally submitted 5/26/21) Provide A&E services to develop construction documents through construction support for selected ADA retrofits outlined in the Accessibility/ ADA report. (Exhibit B)
3. **Supplemental Construction Administration*:** (New) Construction Support Services for the expanded scope of work. (Exhibit C) *

*Regarding third task #3, we are requesting this change order for additional Construction Administration services work due partially to the expanded scope of work provided over the course of the project up to this time.

During the course of the project, there were not enough funds to cover the accessibility coordination within the existing scope. These additional services provided needed to be allocated from funds originally dedicated to future phases of the project (Including the original Construction Administration Phase) to develop solutions and conceptual schemes to address the Accessibility constraints and obstructions of the existing facility above and beyond original scope of the Firing Range. It included coordination with City Building Department and Plan check to determine the final scope and extent of the ADA retrofits.



B. **COMPENSATION**

The following are the proposed fees for each respective tasks followed by a grand total not to exceed:

1. **ADA Assessment Report**
\$2,933 (Two Thousand Nine Hundred and Thirty-Three Dollars)
2. **A&E services for ADA retrofits:**
\$35,480 (Thirty-Five Thousand Four Hundred and Eighty Dollars)
3. **Supplemental Construction Administration:**
\$32,000 (Thirty-two Thousand Dollars)

GRAND TOTAL FOR ALL 3 TASKS: \$70,413
(Seventy Thousand, Four Hundred and thirteen dollars)

Refer to attached Exhibits A, B, and C for additional details about each respective task.

Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation.

Sincerely,

Jack Panichapan, AIA, LEED AP, President, CEO
Gillis + Panichapan Architects, Inc.

EXHIBIT A: ADA ASSESSMENT REPORT



March 4, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Subject: ***City of Costa Mesa Police Firing Range: ADA Report and Assessments***

Dear Seung,

The following work outlined is in response to potential ADA accessible code requirements by the City of Costa Mesa triggered by the proposed renovations for the new Firing Range located at the City's Police Headquarters at 99 Fair Drive. Based on building code requirements, the proposed renovation would require additional building and site improvements/ verification to meet current code requirements for accessibility per section 11B-202.1 of the CBC.

We will be coordinating with the Accessibility consultant to determine the potential of retrofits required by code, and help the City determine an accessibility retrofit scope for this project to fulfill Plan Check requirements for ADA accessibility.

A. SCOPE OF WORK SUMMARY

- Provide Report illustrating existing conditions that would need accessible code upgrades (see attached consultant proposal).

B. CONSULTANTS

We will plan to utilize the following consultants:

Accessibility Consultant
Casper Development Resources, Inc
5360 Jackson Drive, Suite 114 La Mesa, Ca 91942
619.741.1080

(Please refer to attached consultant proposal)

C. COMPENSATION

We propose to furnish these services not to exceed:

\$2,550 (Two Thousand Five Hundred and Fifty Dollars) includes potential consultant reimbursable and expenses
+ 15% administrative coordination (\$383)

\$2,933 (Two Thousand Nine Hundred and Thirty-Three Dollars)

Please see attached consultant proposal. Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation.



Sincerely,

A handwritten signature in black ink, appearing to read 'JP', is written over the signature line.

Jack Panichapan, AIA, LEED AP, President, CEO
Gillis + Panichapan Architects, Inc.

EXHIBIT A - DESCRIPTION OF SERVICES**A. SERVICES****A.1 SITE EVALUATION SURVEY**

Consultant shall conduct a Facility Inspection ("Inspection") of the facility(s) listed in Exhibit "A-1" (the "Facility"). The portion of each facility included in the Inspection is limited to those areas identified in "Exhibit A-1" and as further limited by the following.

The Inspection shall, unless otherwise excepted herein, compare elements with: (i) the current new building construction requirements of the Americans with Disabilities Act Accessibility Standards (the "ADAS") and (ii) the current new building provisions of the California Building Code that exclusively and unambiguously address disabled access issues (the "CBC").

Consultant shall only examine those features that are: (1) required to be evaluated hereunder and (2) specifically and unambiguously required to be accessible pursuant to the ADAS and CBC as Consultant understands these obligations.

Consultant shall not be responsible for any analysis in connection with fire alarms or any other alarm system or the operating condition of any telephones, assistive listening system or any other electronic device of any nature whatsoever. Consultant shall not be responsible for examining any feature or facility outside the boundary of a Facility, including without limitation, any feature in any public right-of-way. Consultant shall not be responsible to analyze any policy or procedures.

Though Consultant shall use its reasonable best efforts to locate and evaluate features required to be accessible under the ADAS and CBC, Consultant and Client agree that an occasional and/or immaterial failure to identify and/or evaluate any particular subject feature will not be deemed to be a breach of Consultant's duties hereunder.

A.2 REPORT - (NON-CRASCA)

Consultant shall memorialize the findings of the SES in a written standardized report ("Report").

The report is not intended to conform to the requirements of the Construction-Related Accessibility Standards Compliance Act (CRASCA, CA Civil Code 55.51–55.545).

The Report shall identify elements which do not conform to the new construction related ADAS or CBC requirement. Consultant shall include a color digital photograph of each element identified as non-conforming.

In the event that any specific area, feature or item (or portion thereof) does not reflect the relevant requirements of ADAS or CBC/DA, Consultant shall attempt to make a simple and general "recommendation." Each recommendation comes from a standard list or possible recommendations for features similar to the feature being evaluated. The recommendation is derived from a basic cursory examination of each subject feature and

represents only one possible physical solution to bring the subject feature into comparative compliance with ADAS and CBC/DA New Construction standards.

Consultant shall deliver one electronic copy of each Report to Client in Adobe PDF format.

B. EXCLUSIONS

Consultant shall not be obligated to provide any services other than those set forth in Section A.1 and A.2, above, including, without limitation, the following:

- a. Services related to the portions of the ADA dealing with employment policies, transportation issues and telecommunications.
- b. Analysis of the requirement of Section 504 of the Rehabilitation Act of 1973.
- c. Analysis of concealed or unknown conditions or characteristics of any facility or performance of destructive testing of any sort or nature.
- d. Analysis of survey of any facility's compliance with applicable codes and standards (excluding Disabled Access Laws) including, but not limited to building, health, zoning, seismic and life safety codes.
- e. Design or construction work of any nature whatsoever.
- f. Any research or analysis of the permit history or construction dates of any building or facility.

C. CLIENT DUTIES REGARDING SITE EVALUATION

Client shall provide the following:

- a) Client shall provide Consultant with the right to enter from time to time, property owned by the Client and/or others so Consultant may perform the Services.

D. SCHEDULE

Consultant shall perform the services outlined in A.1 & A.2 (Inspection and Report) within thirty (30) days of receiving a fully executed contract.

Consultant shall perform the services outlined in A.3 (Review of Phasing Schedule) within fourteen (14) days of receiving the schedule from Client.

E. MISCELLANEOUS

All services shall be performed by a minimum of one of the following persons:

Neal Casper
CAsp-020
Expiration 9/29/2020

EXHIBIT "B" - FEE FOR SERVICES

Consultant and Client agree that Consultant shall charge a fee (the "Fee") of **\$2,400.00** or the provision of Services set forth in Sections A.1, A.2 and A.3 of Exhibit "A".

Travel Expenses (estimated at \$105.00)

If Consultant utilizes their automobiles in the provision of services, mileage shall be charged at the published IRS mileage rate (currently \$0.56 per mile).

Miscellaneous

Client understands and affirms that this Agreement is between Client and Consultant only and payment to Consultant by Client is not dependent upon Client's reimbursement of Consultant's fees, costs and expenses by any third parties whatsoever.

Unless otherwise agreed in writing, all fees and costs shall be due and payable within thirty (30) days of the date upon which they are invoiced to Client. Any sums not paid when due and payable shall accrue interest at a rate of 15% per annum until paid in full.

ADDITIONAL SERVICES

Additional services, should they be requested, including consulting time connected with Consultant's finding, shall be billed in accordance with Exhibit C - Standard Rates.

EXHIBIT “C” - STANDARD RATES**Principal Consultant/Expert Rates**

Document or Plan Review (2hr minimum):	\$250 per hour
Research, Investigation or Consulting (4hr minimum):	\$250 per hour
Deposition or Sworn Testimony:	\$375 per hour

Associate or Administrative Rates

Document or Plan Review (Associate):	\$150 per hour
Research, Investigation or Consulting (Associate):	\$150 per hour
Technical / Clerical or Administrative:	\$100 per hour

Consultant's hourly rates shall be billed in ¼ hour increments.

Travel Time

Consultant shall be entitled to compensation for Travel Time while away from his office. Travel Time will be charged to Client at Consultant's regular hourly rate from the time of departure from Consultant's office until the time of return (portal to portal).

Expenses – Travel-Related & Other

Client shall reimburse Consultant for all reasonable costs (including, without limitation, photocopying, parking, travel expenses, overnight delivery charges, messenger service and printing) in an amount equal to said costs plus a markup of 10%.

Travel Expenses include, but are not limited to:

- | | |
|---------------|----------------------------------------------------|
| 1. Parking | Garages, tolls & airport |
| 2. Airfare | Flights 0-2 hours - Refundable Coach |
| | Flights 2-4 hours – Refundable Coach Plus & Wifi |
| | Flights 4+ hours – First Class & Wifi |
| | (Time based on total duration for day's flight(s)) |
| 3. Hotel | Business class |
| 4. Meals | Breakfast / Lunch / Dinner |
| 5. Car Rental | Intermediate class |

Expenses – Use of Personal Vehicles

In the event that Consultant or staff utilizes their automobiles in connection with the provision of Services, mileage shall be charged at the standard mileage rate published by the IRS from time to time (currently \$0.56 per mile).

Terms

Unless otherwise agreed in writing, all fees and costs shall be due and payable within thirty (30) days of the date upon which they are invoiced to Client. Any sums not paid when due and payable shall accrue interest at a rate of 15% per annum until paid in full.

Client understands and affirms that this Agreement is between Client and Consultant only and payment to Consultant by Client is not dependent upon Client's reimbursement of Consultant's fees, costs and expenses by any third parties whatsoever.

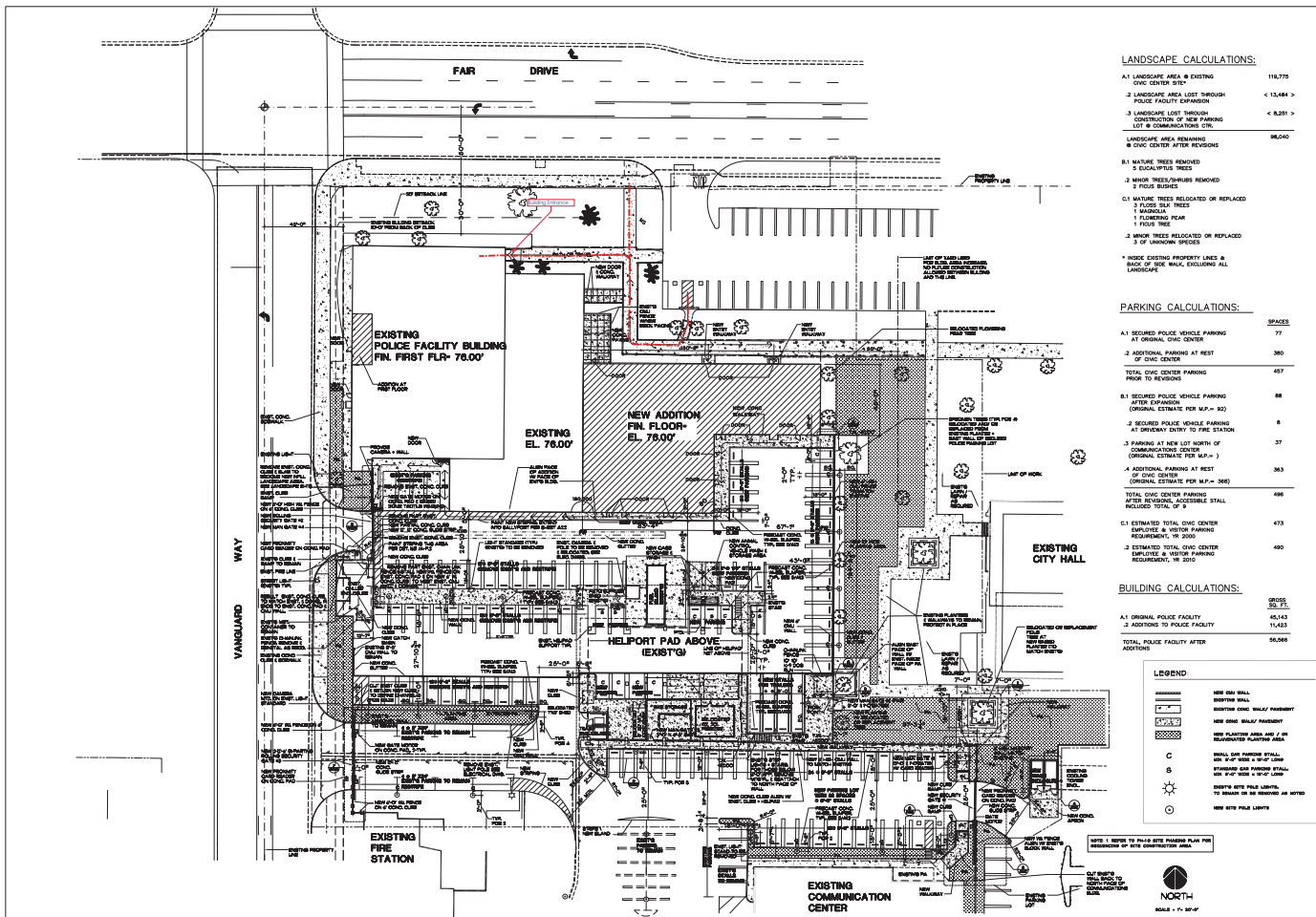
EXHIBIT A-1 – FACILITIES

Costa Mesa Police Facility
99 Fair Drive
Costa Mesa, CA

Inspection limited to the path of travel serving the basement shooting range as marked on the attached plans (dotted red line) including:

1. Accessible parking near the building entrance
2. Accessible route between city sidewalk, accessible parking and the facility entrance
3. Route from facility entrance to the basement (elevator / stairs / hallways)
4. Basement toilet and shower rooms

EXHIBIT A: ADA ASSESSMENT REPORT



LANDSCAPE CALCULATIONS:

A.1 LANDSCAPE AREA @ EXISTING CIVIC CENTER SITE*	119,775
.2 LANDSCAPE AREA LOST THROUGH POLICE FACILITY EXPANSION	< 13,484 >
.3 LANDSCAPE LOST THROUGH CONSTRUCTION OF NEW PARKING LOT @ COMMUNICATIONS CTRL.	< 8,251 >

LANDSCAPE AREA REMAINING 98,040
● CIVIC CENTER AFTER REVISIONS

- B.1 MATURE TREES REMOVED
5 EUCALYPTUS TREES
- .2 MINOR TREES/SHRUBS REMOVED
2 FIGUS BUSHES
- C.1 MATURE TREES RELOCATED OR REPLACED
3 FLOSS SILK TREES
1 MAGNOLIA
1 FLOWERING PEAR
1 FIGUS TREE
- .2 MINOR TREES RELOCATED OR REPLACED
3 OF UNKNOWN SPECIES
- * INSIDE EXISTING PROPERTY LINES &
BACK OF SIDE WALK, EXCLUDING ALL
LANDSCAPE

PARKING CALCULATIONS:

SPACES








- | | | |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----|
| A.1 | SECURED POLICE VEHICLE PARKING AT ORIGINAL CIVIC CENTER | 77 |
| 2. ADDITIONAL PARKING AT REST OF CIVIC CENTER | | 360 |
| TOTAL CIVIC CENTER PARKING PRIOR TO REVISIONS | | 437 |
| B.1 | SECURED POLICE VEHICLE PARKING AFTER EXPANSION
ORIGINAL ESTIMATE PER M.P. = 92) | 88 |
| B.2 | SECURED POLICE VEHICLE PARKING AT DRIVEWAY ENTRY TO FIRE STATION | 8 |
| C.1 | PARKING AT NEW LOT NORTH OF COMMUNICATIONS CENTER
ORIGINAL ESTIMATE PER M.P. =) | 37 |
| C.2 | ADDITIONAL PARKING AT REST OF CIVIC CENTER
ORIGINAL ESTIMATE PER M.P. = 360) | 363 |
| TOTAL CIVIC CENTER PARKING AFTER REVISIONS, AVAILABLE STILL INCLUDED TOTAL OF \$ | | 496 |
| C.1 | ESTIMATED TOTAL CIVIC CENTER EMPLOYEES & VISITOR PARKING REQUIREMENT, VR 2010 | 473 |
| C.2 | ESTIMATED TOTAL CIVIC CENTER EMPLOYEES & VISITOR PARKING REQUIREMENT, VR 2010 | 490 |

BUILDING CALCULATIONS:

GROSS
SQ. FT.

- | | |
|----------------------------------------|--------|
| A.1 ORIGINAL POLICE FACILITY | 45,143 |
| .2 ADDITIONS TO POLICE FACILITY | 11,423 |
| <hr/> | |
| TOTAL, POLICE FACILITY AFTER ADDITIONS | 56,566 |

LEGEND:

- | | |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------|
|  | NEW CON WALL |
|  | EXISTING WALL |
|  | EXISTING CONC WALK/ PAVEMENT |
|  | NEW CONC WALK/ PAVEMENT |
|  | NEW PLANTING AREA AND / OR
REVEGETATED PLANTING AREA |
| C | SMALL CUR PARKING STALL:
WIDE 8'-0" WIDE x 10'-0" LONG |
| S | STANDARD CAR PARKING STALL:
WIDE 8'-0" WIDE x 10'-0" LONG |
|  | EXIST'G SITE POLE LIGHTS,
TO REMAIN OR BE REMOVED AS NOTED |
|  | NEW SITE POLE LIGHTS |



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SILVER CITY, CA 96222
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fax (415) 842-7790

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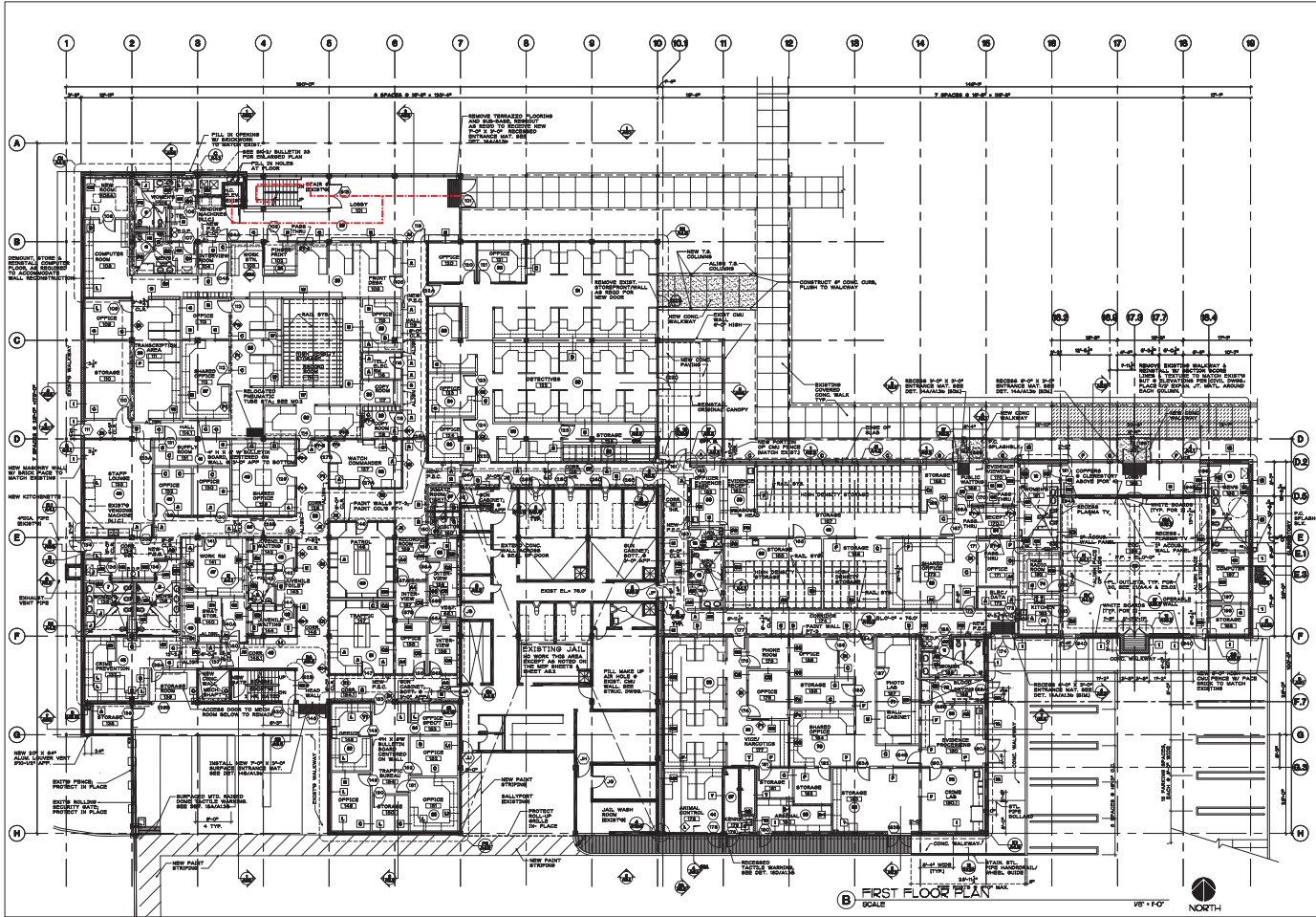
COSTA MESA POLICE FACILITY Expansion & Renovation

City of Costa Mesa
99 Fair Drive
Costa Mesa, CA 92628

DRAWN BY:	310.03
CHECKED BY:	
DATE:	

SITE PLAN

SHEET
A1.1
OF 1 SHEETS



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APPROVED BY:



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COSTA MESA
POLICE FACILITY
Expansion & Renovation

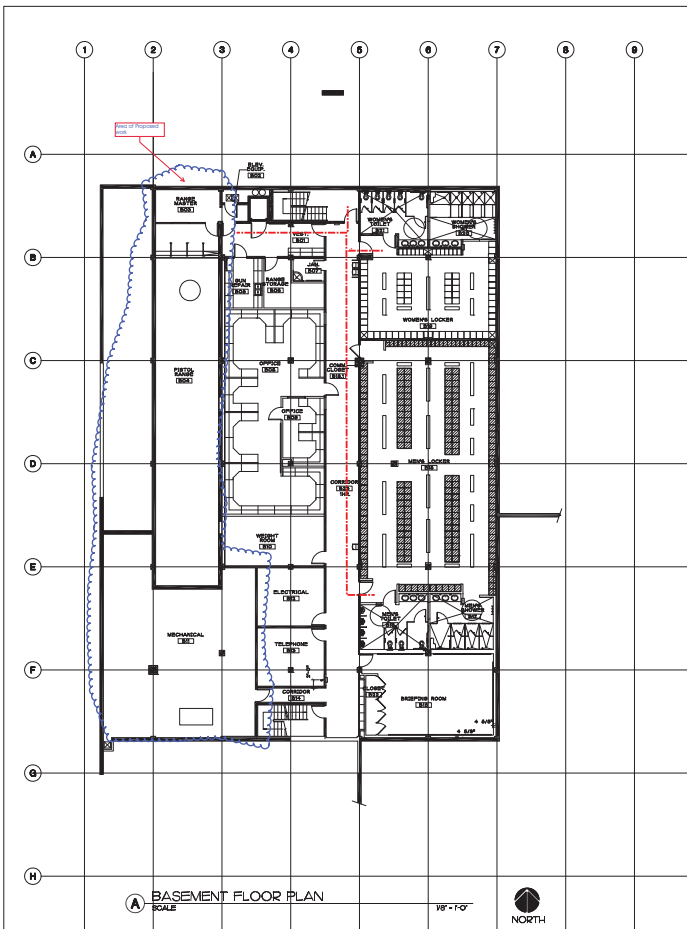
City of Costa Mesa
59 Fair Drive
Costa Mesa, CA 92626

DRAWN BY: **ME**
CHECKED BY: **ME**
DATE: **3/10/03**

SHEET TITLE: **FIRST FLOOR PLAN**

SHEET **A2.2**
OF **2** SHEETS

EXHIBIT A: ADA ASSESSMENT REPORT

[illegible]

TOILET ACCESSORIES KEYNOTES:		MOIS. NUMBER
(A)	GRAY TUB W/ RAMP	B-113
(B)	30" BRASS BATH	D-200 1/2 18
(C)	1/2" HALL BAR	D-200 1/2 18
(D)	RECESSED DOUBLE ROLL TOILET TUBING	B-687
(E)	DOUBLE ROLL TOILET TUBING DISPENSER	B-740
(F)	RECESSED, HAT COVER DISPENSER	D-1041
(G)	WALL MOUNTED SHOWER SHOWERHEAD	D-200
(H)	RECESSED SHOWER "MINOR" - 1/2" X 10 1/2" HALL	W/ BY ACORN
(I)	FLUSHING RAFFER DISPENSER	B-184
(J)	FOLDING SHOWER SEAT	B-200 1/2 18
(K)	RECESSED SHOWER TUBES 1/2" DISPENSER AND WASHES RESEALING	B-200 1/2 18
(L)	SHOWER AND SHOWERHEAD	B-200 1/2 18
(M)	WALL MOUNTED SHOWERHEAD	B-184
(N)	WALL MOUNTED SHOWERHEAD	B-184
(O)	W/ 1/2" HALL BAR	B-113
(P)	RECESSED TOILET PAPER HOLDER PENNY	W/ BY ACORN
(Q)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(R)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(S)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(T)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(U)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(V)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(W)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(X)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(Y)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(Z)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(AA)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(AB)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(AC)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(AD)	RECESSED TOILET PAPER HOLDER PENNY	B-687
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(AK)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(AL)	RECESSED TOILET PAPER HOLDER PENNY	B-687
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(BD)	RECESSED TOILET PAPER HOLDER PENNY	B-687
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(BF)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BG)	RECESSED TOILET PAPER HOLDER PENNY	B-687
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(BI)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BJ)	RECESSED TOILET PAPER HOLDER PENNY	B-687
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(BN)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BO)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BP)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BQ)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BR)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BS)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BT)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BU)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BV)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BW)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BX)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BY)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(BZ)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CA)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CB)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CC)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CD)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CE)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CF)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CG)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CH)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CI)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CJ)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CK)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CL)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CM)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CN)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CO)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CP)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CQ)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CR)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CS)	RECESSED TOILET PAPER HOLDER PENNY	B-687
(CT)	RECESSED TOILET PAPER HOLDER PENNY	B-

NOTE:
1. ALL ITEMS ARE BY BOBROCK,
UNLESS OTHERWISE NOTED.
2. PROVIDE MIN. 948A. BACKING IN
STUD WALLS AT ALL ACCESSORY
LOCATIONS.

**MEYER & ALLEN
ASSOCIATES**

ARCHITECTS

800-769-6666

www.mya.com

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10113 JEFFERSON BOULEVARD
SILVER CITY, CA 95232
tel (310) 842-8590
fax (310) 842-7790

[illegible]

**COSTA MESA
POLICE FACILITY**
Expansion & Renovation

City of Costa Mesa
99 Fair Drive
Costa Mesa, CA 92628

DRAWN BY:	310.03
CHECKED BY:	
DATE:	
SHEET TITLE	

**BASEMENT
FLOOR PLAN**

SHEET
A2.1
OF SHEETS

EXHIBIT B: A&E SERVICES FOR ADA RETROFITS



May 26, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Subject: **City of Costa Mesa Police Firing Range: A&E Services for ADA Improvements**

Dear Seung,

The following proposal is for providing A&E services to the selected retrofits from the ADA report that has been completed in response to the proposed renovations for the new Firing Range located at the City's Police Headquarters at 99 Fair Drive.

We understand that this project would involve an architectural, structural, and mechanical engineering scope of design improvements, planning review/ entitlement, design development, and construction support for these additional accessibility retrofits.

This proposal includes the following:

- Detailed Cost Proposal for A&E Services
- Statement of Probable Construction Costs based on respective itemized ADA Retrofits (For reference)

B. COMPENSATION

We propose to furnish these services not to exceed:

\$35,480 (Thirty-Five Thousand Four Hundred and Eighty Dollars)

Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP' or similar initials, followed by a flourish.

Jack Panichapan, AIA, LEED AP, President, CEO
Gillis + Panichapan Architects, Inc.

EXHIBIT B: A&E SERVICES FOR ADA RETROFITS

City of Costa Mesa

Costa Mesa P.D. - Shooting Range Upgrade (ADA)

Statement of Probable Cost

Date: 05/24/2021

OPTION 1 - Summary

DRAFT

Element	Quantity	Unit	Unit Cost	Total
01 General Conditions (incl. below)				
02 Parking/Site (exterior):				\$3,500.00
03 Building (interior):				\$8,300.00
04 Elevator:				\$60,500.00
05 Stairs:				\$11,400.00
06 Women's Lockers/Toilet				\$58,050.00
07 Men's Lockers/Toilet				\$65,925.00
Subtotal				\$207,675
Subtotal				\$207,675
General Conditions		10.0%		\$20,768
Subtotal				\$228,443
Overhead & Profit		10.0%		\$22,844
Subtotal				\$251,287
Bonds & Insurance		2.5%		\$6,282.17
Subtotal				\$257,569
Design Contingency		10%		\$25,757
Subtotal				\$283,326
Construction Contingency		10%		\$28,333
TOTAL ESTIMATE				\$311,658

EXHIBIT B: A&E SERVICES FOR ADA RETROFITS

City of Costa Mesa
 Costa Mesa P.D. - Shooting Range Upgrade (ADA)
 Statement of Probable Cost
 Date: 05/24/2021

Detail

DRAFT

Element	Quantity	Unit	Unit Cost	Total
01 General Conditions (Incl. below)				
02 Parking/Site (exterior):				
New/Replaced Parking signage (Driveway entrance)	1	LS	\$300.00	\$300.00
New accessible stall paint marking	1	LS	\$1,000.00	\$1,000.00
Grind A.C. and Concrete to be flush at path of travel (1/4" +/-)	1	LS	\$800.00	\$800.00
New accessible stall paint marking (International symbol)	1	LS	\$600.00	\$600.00
New/Replaced Parking signage (Stall identification)	1	LS	\$800.00	\$800.00
Sub-total				<u>\$3,500.00</u>
03 Building (interior):				
Replace protruding object in path of travel (4" max.)	1	LS	\$600.00	\$600.00
B01 Entrance: Provide Lever type door hardware	1	ea	\$800.00	\$800.00
B01 Entrance: Remove existing kick-down door stop. Provide overhead door stop (if allowed by Wall/Door rating)	1	LS	\$900.00	\$900.00
B01: Entrance: Adjust or replace door closer	1	ea	\$800.00	\$800.00
B01: relocate cabinet to provide 60" clear.	1	LS	\$500.00	\$500.00
B01: relocate Room Signage	1	LS	\$800.00	\$800.00
B03: Door: Remove kick-down door stop. Provide overhead door stop (if allowed by Wall/Door rating)	1	LS	\$900.00	\$900.00
B03: relocate Room Signage	1	LS	\$800.00	\$800.00
Signage: Provide tactile Braille "EXIT" signage.	1	ea	\$250.00	\$250.00
Signage: Stairs: Provide tactile Braille signage "EXIT STAIR DOWN,UP".	1	ea	\$250.00	\$250.00
Signage: Provide tactile Braille "EXIT ROUTE" signage (Stair 1 and at room B01)	2	ea	\$250.00	\$500.00
Drinking Fountain: Basement: relocate adjacent railings	1	LS	\$1,200.00	\$1,200.00
Sub-total				<u>\$0.00</u> <u>\$8,300.00</u>
04 Elevator:				
Call Buttons: replace or provide additional buttons at wall (lighted/ registered)	2	ea	\$1,500.00	\$3,000.00
Call Signal: provide lighted signal (wall mounted -high)	2	ea	\$1,500.00	\$3,000.00
Signage: Braille floor level signs (each floor)	2	ea	\$250.00	\$500.00
Elevator doors: install auto-operators for doors.	2	ea	\$20,000.00	\$40,000.00
Elevator Car: Options for elevator finishes/materials for options to widen cab.	1	LS	\$4,000.00	\$4,000.00
Elevator Car control buttons: Replace as required to comply	1	LS	\$8,000.00	\$8,000.00
Elevator Limited Type certification	1	LS	\$2,000.00	\$2,000.00
Sub-total				<u>\$60,500.00</u>
05 Stairs:				
Provide signage (Braille floor level) at each floor level landing/door	2	ea	\$250.00	\$500.00

EXHIBIT B: A&E SERVICES FOR ADA RETROFITS

City of Costa Mesa

Costa Mesa P.D. - Shooting Range Upgrade (ADA)

Statement of Probable Cost

Date: 05/24/2021

Detail

DRAFT

Element	Quantity	Unit	Unit Cost	Total
Provide/replace outside handrail at middle landings.	60	LF	\$165.00	\$9,900.00
Provide guard rail at underside of Stairs	1	ea	\$1,000.00	\$1,000.00
Sub-total				<u>\$11,400.00</u>

06 Women's Lockers/Toilet

Signage: Replace braille signage at wall. Relocate sign at door	1	ea	\$250.00	\$250.00
B19: Remove kick-down hold open	1	ea	\$300.00	\$300.00
B19: Adjust or replace door closer	1	ea	\$900.00	\$900.00
B19: Door clearance: provide and install low energy door operator	1	ea	\$16,000.00	\$16,000.00
B19: Remove or relocate protrusion at wall or provide detectable barrier below item	1	ea	\$900.00	\$900.00
Signage: relocate room signage	1	ea	\$800.00	\$800.00
B20: Install ADA Circle symbol on door	1	ea	\$250.00	\$250.00
B20: Remove kick-down hold open	1	ea	\$300.00	\$300.00
B20: Adjust or replace door closer	1	ea	\$900.00	\$900.00
Accessible toilet partition: replace partition door hardware with self-closing device	1	LS	\$3,000.00	\$3,000.00
Accessible toilet stall clearance: replace adjacent sink to provide 60" clear	1	LS	\$8,000.00	\$8,000.00
Accessible toilet stall clearance: reconfigure stall door providing 4" max. jamb	1	ea	\$1,000.00	\$1,000.00
Accessible toilet stall door: install additional door pull 34" to 44" high	1	ea	\$1,000.00	\$1,000.00
Accessible toilet stall: relocate/adjust grab bars	1	LS	\$1,500.00	\$1,500.00
Accessible toilet stall: install/relocate toilet tissue dispenser rolls	1	LS	\$1,500.00	\$1,500.00
Accessible toilet stall: install/relocate toilet seat cover dispenser rolls	1	LS	\$1,500.00	\$1,500.00
Accessible toilet stall: install/relocate disposal unit	1	LS	\$1,500.00	\$1,500.00
B21: Door signage: Install ADA Circle symbol on door	1	ea	\$250.00	\$250.00
B21: Shower stall: replace diverter controls and relocated Water valve controls and Hand held spray unit	1	LS	\$6,000.00	\$6,000.00
B21: Shower stall: cut back plastic partition	1	LS	\$800.00	\$800.00
B21: Shower stall: replace floor tile and provide max. slope of 2.08%	1	LS	\$8,000.00	\$8,000.00
B21: Threshold: replace door threshold	1	ea	\$500.00	\$500.00
B21: Floor Drain. Retile floor and reset floor drain	1	LS	\$2,000.00	\$2,000.00
B21: Sink drains: provide insulated pipes	1	ea	\$250.00	\$250.00
Sink, Label Accessible sink in one room	1	ea	\$250.00	\$250.00
B21: Sink, Replace soap dispenser	1	ea	\$400.00	\$400.00
Sub-total				<u>\$58,050.00</u>

City of Costa Mesa
Costa Mesa P.D. - Shooting Range Upgrade (ADA)
Statement of Probable Cost
Date: 05/24/2021

DRAFT

PAGE 23 **211**

EXHIBIT C: SUPPLEMENTAL CONSTRUCTION ADMINISTRATION

October 19, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Re: City of Costa Mesa Police Firing Range: Supplemental Construction Support Services

Seung,

This proposal would provide enhanced construction support services for renovation of City of Costa Mesa Police Firing Range including the additional scope for the ADA and accessibility retrofits to the existing facility.

A. PROJECT UNDERSTANDING
Supplemental Construction Administration and Support

The following additional architectural services to be provided during Construction:

- Attend weekly meetings during construction and assist City with formatting Weekly meeting minutes.
- Review and provide input on Contractor's construction schedule and status.
- Review and provide input on Contractor's order project updates for the project.
- Assist in coordination of Fire Safety Enhancements and Retrofits
- Assist City in reviewing coordination between the Contractor and City 's vendors (including telecommunications, audio visual, low voltage cabling, security, and furniture).
- Assist City in Construction Change Directives during construction.
- Assist City in reviewing of Contractor invoicing and credits with the city.
- Conduct field reviews to observe work by Contractor. Development of Field Reports as needed identifying observed work that is not consistent with the Construction Documents. (3 field reviews provided)
- Provide one follow-up visit after Punchlist to confirm that the noted construction deficiencies have been corrected or provide a summary of the deficiencies.

The scope of these services is based on the 80 working day construction schedule projected for this project.

B. COMPENSATION

We propose to furnish these services not to exceed the following fee:

Grand Total: \$32,000 (Thirty-Two Thousand Dollars)

Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation. We look forward to working with you on this project.

Sincerely,



Jack Panichapan, AIA, LEED AP
Principal, CEO,
Gillis + Panichapan Architects, Inc.



October 19, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Subject: ***City of Costa Mesa Police Firing Range: Change Order Requests for ADA and Construction Administration Support Services***

Dear Seung,

We are seeking a change order request for additional work we had provided for this project, as well as additional work we anticipate to provide due to the expanded scope of work to cover ADA retrofits and accessibility improvements for the facility to accommodate the original scope of the Firing Range at the Police Station.

A. SCOPE OF WORK SUMMARY

The requested change orders for this project are based on the following three (3) tasks that provide additions and alterations to the original scope of work:

1. **ADA Assessment Report:** (Originally submitted 3/4/21) Provide Accessibility/ ADA Assessment Report on the the facility based as it relates to the primary proposed renovation for the Firing Range. Report illustrating existing conditions that would need upgrades and retrofits (Exhibit A)
2. **A&E services for ADA retrofits:** (Originally submitted 5/26/21) Provide A&E services to develop construction documents through construction support for selected ADA retrofits outlined in the Accessibility/ ADA report. (Exhibit B)
3. **Supplemental Construction Administration*:** (New) Construction Support Services for the expanded scope of work. (Exhibit C) *

*Regarding third task #3, we are requesting this change order for additional Construction Administration services work due partially to the expanded scope of work provided over the course of the project up to this time.

During the course of the project, there were not enough funds to cover the accessibility coordination within the existing scope. These additional services provided needed to be allocated from funds originally dedicated to future phases of the project (Including the original Construction Administration Phase) to develop solutions and conceptual schemes to address the Accessibility constraints and obstructions of the existing facility above and beyond original scope of the Firing Range. It included coordination with City Building Department and Plan check to determine the final scope and extent of the ADA retrofits.

B. COMPENSATION

The following are the proposed fees for each respective tasks followed by a grand total not to exceed:

1. **ADA Assessment Report**
\$2,933 (Two Thousand Nine Hundred and Thirty-Three Dollars)
2. **A&E services for ADA retrofits:**
\$35,480 (Thirty-Five Thousand Four Hundred and Eighty Dollars)
3. **Supplemental Construction Administration:**
\$32,000 (Thirty-two Thousand Dollars)

GRAND TOTAL FOR ALL 3 TASKS: \$70,413
(Seventy Thousand, Four Hundred and thirteen dollars)

Refer to attached Exhibits A, B, and C for additional details about each respective task.

Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation.

Sincerely,



Jack Panichapan, AIA, LEED AP, President, CEO
 Gillis + Panichapan Architects, Inc.

EXHIBIT A: ADA ASSESSMENT REPORT



March 4, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Subject: **City of Costa Mesa Police Firing Range: ADA Report and Assessments**

Dear Seung,

The following work outlined is in response to potential ADA accessible code requirements by the City of Costa Mesa triggered by the proposed renovations for the new Firing Range located at the City's Police Headquarters at 99 Fair Drive. Based on building code requirements, the proposed renovation would require additional building and site improvements/ verification to meet current code requirements for accessibility per section 11B-202.1 of the CBC.

We will be coordinating with the Accessibility consultant to determine the potential of retrofits required by code, and help the City determine an accessibility retrofit scope for this project to fulfill Plan Check requirements for ADA accessibility.

A. SCOPE OF WORK SUMMARY

- Provide Report illustrating existing conditions that would need accessible code upgrades (see attached consultant proposal).

B. CONSULTANTS

We will plan to utilize the following consultants:

Accessibility Consultant
Casper Development Resources, Inc
5360 Jackson Drive, Suite 114 La Mesa, Ca 91942
619.741.1080

(Please refer to attached consultant proposal)

C. COMPENSATION

We propose to furnish these services not to exceed:

\$2,550 (Two Thousand Five Hundred and Fifty Dollars) includes potential consultant reimbursable and expenses
+ 15% administrative coordination (\$383)

\$2,933 (Two Thousand Nine Hundred and Thirty-Three Dollars)

Please see attached consultant proposal. Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation.



Sincerely,

Jack Panichapan, AIA, LEED AP, President, CEO
Gillis + Panichapan Architects, Inc.

**Casper Development Resources**

5360 Jackson Drive, Suite 114 | La Mesa, California | 91942

February 25, 2021

Vic Nguyen
Gillis + Panichapan Architects, Inc.
2900 Bristol Street, Suite G-205
Costa Mesa, CA 92626

Re: Agreement for Consulting Services

This letter agreement ("Agreement") is made and entered into as of the date indicated above by and between **Casper Development Resources, Inc.**, a California corporation ("Consultant") and **Gillis + Panichapan Architects, Inc.** ("Client") with reference to the following:

- A. Consultant is in the business of providing accessibility studies based upon the application of the Americans with Disabilities Act of 1990 (the "ADA") and other laws, regulation and codes connected with the rights of the disabled (collectively, "Disabled Access Laws").
- B. The Client desires to retain Consultant's services, as an independent contractor, to provide disabled access compliance survey services.

1. ENGAGEMENT

Client hereby engages Consultant, as an independent contractor, to perform the services set forth and described in Exhibit "A" attached hereto (the "Services"). Consultant shall not be obligated to provide any services other than those specifically set forth in Exhibit "A" unless expressly agreed to in writing by both parties.

2. TERM

This Agreement shall become effective as of the date hereof and continue in full force and effect until all of the respective duties and obligations of the parties hereto have been satisfied in full.

3. COMPENSATION

As full and complete compensation for the Services performed hereunder and set forth in Sections A.1 and A.2 of Exhibit "A", or for any work in addition to that specified in Sections A.1 and A.2 of Exhibit "A", Consultant shall be paid its hourly rates and charges as set forth in Exhibit "B".

4. DOCUMENTS

All reports and writings produced by the Consultant for Client pursuant to this Agreement (collectively "Documents") are considered tools of service and Consultant shall be deemed to retain and hold all right, title and interest, in and to any and all Documents. Client shall be entitled to own a copy of each Document and shall have a non-exclusive license to

use, copy and reproduce any and all Documents for its own benefit, but for no other purpose without Consultant's prior written consent.

5. CONFIDENTIALITY

In the course of Consultant's provision of the Services, Consultant agrees to keep confidential and not disclose to any person or entity (other than Consultant's principals, agents, employees and subcontractors necessary for the intended purposes of this Agreement), without prior consent of Client, all data or information, not previously known to and generated by Consultant or furnished to Consultant by Client. The foregoing sentence shall not apply to information that (a) was in Consultant's possession before receipt from Client, (b) is or was already in the public domain, (c) is rightfully received by Consultant from a third party, or (d) is disclosed by Consultant with Client's prior approval. Further, nothing contained herein shall restrict Consultant from complying with an order or a subpoena to produce or supply data and/or information.

6. LIMIT OF LIABILITY

The parties acknowledge and agree that the ADA is a relatively new and complex law and that it contains many concepts, interpretation and terms of art, many of which have yet to be tested by actual experience or judicial decision and which are subject to change by legislative, regulatory or judicial action. Although Consultant shall use its best efforts to provide the most comprehensive analysis for the client concerning the ADA issues presented, it is impossible to guarantee that Consultant will locate every barrier to individuals with disabilities. In no event shall Consultant's liability to Client exceed the total amount paid to Consultant under this Agreement.

7. TERMINATION

This Agreement may be terminated by either party at any time with written notice. If the Agreement is terminated prior to the completion of the Services described in Exhibit A, Consultant shall be paid for the percentage of Services performed prior to receiving the notice of termination.

8. MISCELLANEOUS PROVISIONS

- A. This Agreement and its Exhibits, contain the entire agreement of the parties hereto in relation to the subject matter hereof and supersedes all other agreements, both written and oral, between the parties. Any modification to this Agreement must be in writing and signed by both parties.
- B. This Agreement shall be deemed to be governed by California law applicable to contracts which are made, entered into and performed entirely with the State of California.
- C. If any arbitration or action at law or equity is brought to enforce the terms hereof, the prevailing party shall, in addition to any other award or relief ordered by the court or arbitrator, be entitled to an award of costs and attorney's fees.
- D. Unless the parties mutually agree otherwise, all claims, disputes and other matters in question between the parties to this Agreement which arise out of or are related to this Agreement or the interpretation or breach hereof, shall be decided by a single arbitrator in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. All arbitration hearings shall be conducted in San Diego, California, unless the parties mutually agree otherwise.

Notice of a demand to arbitrate shall be filed, in writing, with the other party and the American Arbitration Association. The demand shall be made in a reasonable time after the claim, dispute or other matter has arisen. In no event shall the demand for arbitration be made later than the date when the institution of legal or equitable proceedings based upon claim, dispute, or other matter would be barred by the applicable statute of limitations.

The award rendered by the arbitrator in any arbitration shall be final and binding and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

- E. Any notice or invoice given or sent under this Agreement shall be deemed to have been received when sent by facsimile or three (3) business days after it has been deposited in the United States Mail, first class, postage prepaid and addressed to the last known address of the party in question.
- F. No contract or obligation shall exist between Consultant and Client unless and until this Agreement has been executed by Consultant.
- G. This Agreement may be executed in multiple counterparts by the parties hereto. All counterparts so executed shall constitute one agreement binding upon all parties, notwithstanding that all parties are not signatories to the original or the same counterpart. Each counterpart shall be deemed an original to this Agreement, all of which shall constitute one agreement to be valid as of the date of this Agreement. Documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Agreement and all matters related thereto, with such scanned and electronic signatures having the same legal effect as original signatures.

IN WITNESS WHEREOF, the parties hereto into this Agreement as of the date and year first set forth above.

"CONSULTANT"

"CLIENT"

Casper Development Resources, Inc.
A California Corporation

Gillis + Panichapan Architects, Inc.



By _____
Neal Casper, President
(CAsp-020)

By _____

EXHIBIT A - DESCRIPTION OF SERVICES**A. SERVICES****A.1 SITE EVALUATION SURVEY**

Consultant shall conduct a Facility Inspection ("Inspection") of the facility(s) listed in Exhibit "A-1" (the "Facility"). The portion of each facility included in the Inspection is limited to those areas identified in "Exhibit A-1" and as further limited by the following.

The Inspection shall, unless otherwise excepted herein, compare elements with: (i) the current new building construction requirements of the Americans with Disabilities Act Accessibility Standards (the "ADAS") and (ii) the current new building provisions of the California Building Code that exclusively and unambiguously address disabled access issues (the "CBC").

Consultant shall only examine those features that are: (1) required to be evaluated hereunder and (2) specifically and unambiguously required to be accessible pursuant to the ADAS and CBC as Consultant understands these obligations.

Consultant shall not be responsible for any analysis in connection with fire alarms or any other alarm system or the operating condition of any telephones, assistive listening system or any other electronic device of any nature whatsoever. Consultant shall not be responsible for examining any feature or facility outside the boundary of a Facility, including without limitation, any feature in any public right-of-way. Consultant shall not be responsible to analyze any policy or procedures.

Though Consultant shall use its reasonable best efforts to locate and evaluate features required to be accessible under the ADAS and CBC, Consultant and Client agree that an occasional and/or immaterial failure to identify and/or evaluate any particular subject feature will not be deemed to be a breach of Consultant's duties hereunder.

A.2 REPORT - (NON-CRASCA)

Consultant shall memorialize the findings of the SES in a written standardized report ("Report").

The report is not intended to conform to the requirements of the Construction-Related Accessibility Standards Compliance Act (CRASCA, CA Civil Code 55.51–55.545).

The Report shall identify elements which do not conform to the new construction related ADAS or CBC requirement. Consultant shall include a color digital photograph of each element identified as non-conforming.

In the event that any specific area, feature or item (or portion thereof) does not reflect the relevant requirements of ADAS or CBC/DA, Consultant shall attempt to make a simple and general "recommendation." Each recommendation comes from a standard list or possible recommendations for features similar to the feature being evaluated. The recommendation is derived from a basic cursory examination of each subject feature and

represents only one possible physical solution to bring the subject feature into comparative compliance with ADAS and CBC/DA New Construction standards.

Consultant shall deliver one electronic copy of each Report to Client in Adobe PDF format.

B. EXCLUSIONS

Consultant shall not be obligated to provide any services other than those set forth in Section A.1 and A.2, above, including, without limitation, the following:

- a. Services related to the portions of the ADA dealing with employment policies, transportation issues and telecommunications.
- b. Analysis of the requirement of Section 504 of the Rehabilitation Act of 1973.
- c. Analysis of concealed or unknown conditions or characteristics of any facility or performance of destructive testing of any sort or nature.
- d. Analysis of survey of any facility's compliance with applicable codes and standards (excluding Disabled Access Laws) including, but not limited to building, health, zoning, seismic and life safety codes.
- e. Design or construction work of any nature whatsoever.
- f. Any research or analysis of the permit history or construction dates of any building or facility.

C. CLIENT DUTIES REGARDING SITE EVALUATION

Client shall provide the following:

- a) Client shall provide Consultant with the right to enter from time to time, property owned by the Client and/or others so Consultant may perform the Services.

D. SCHEDULE

Consultant shall perform the services outlined in A.1 & A.2 (Inspection and Report) within thirty (30) days of receiving a fully executed contract.

Consultant shall perform the services outlined in A.3 (Review of Phasing Schedule) within fourteen (14) days of receiving the schedule from Client.

E. MISCELLANEOUS

All services shall be performed by a minimum of one of the following persons:

Neal Casper
CAsp-020
Expiration 9/29/2020

EXHIBIT "B" - FEE FOR SERVICES

Consultant and Client agree that Consultant shall charge a fee (the "Fee") of **\$2,400.00** or the provision of Services set forth in Sections A.1, A.2 and A.3 of Exhibit "A".

Travel Expenses (estimated at \$105.00)

If Consultant utilizes their automobiles in the provision of services, mileage shall be charged at the published IRS mileage rate (currently \$0.56 per mile).

Miscellaneous

Client understands and affirms that this Agreement is between Client and Consultant only and payment to Consultant by Client is not dependent upon Client's reimbursement of Consultant's fees, costs and expenses by any third parties whatsoever.

Unless otherwise agreed in writing, all fees and costs shall be due and payable within thirty (30) days of the date upon which they are invoiced to Client. Any sums not paid when due and payable shall accrue interest at a rate of 15% per annum until paid in full.

ADDITIONAL SERVICES

Additional services, should they be requested, including consulting time connected with Consultant's finding, shall be billed in accordance with Exhibit C - Standard Rates.

EXHIBIT "C" - STANDARD RATES**Principal Consultant/Expert Rates**

Document or Plan Review (2hr minimum):	\$250 per hour
Research, Investigation or Consulting (4hr minimum):	\$250 per hour
Deposition or Sworn Testimony:	\$375 per hour

Associate or Administrative Rates

Document or Plan Review (Associate):	\$150 per hour
Research, Investigation or Consulting (Associate):	\$150 per hour
Technical / Clerical or Administrative:	\$100 per hour

Consultant's hourly rates shall be billed in ¼ hour increments.

Travel Time

Consultant shall be entitled to compensation for Travel Time while away from his office. Travel Time will be charged to Client at Consultant's regular hourly rate from the time of departure from Consultant's office until the time of return (portal to portal).

Expenses – Travel-Related & Other

Client shall reimburse Consultant for all reasonable costs (including, without limitation, photocopying, parking, travel expenses, overnight delivery charges, messenger service and printing) in an amount equal to said costs plus a markup of 10%.

Travel Expenses include, but are not limited to:

- | | |
|---------------|----------------------------------------------------|
| 1. Parking | Garages, tolls & airport |
| 2. Airfare | Flights 0-2 hours - Refundable Coach |
| | Flights 2-4 hours – Refundable Coach Plus & Wifi |
| | Flights 4+ hours – First Class & Wifi |
| | (Time based on total duration for day's flight(s)) |
| 3. Hotel | Business class |
| 4. Meals | Breakfast / Lunch / Dinner |
| 5. Car Rental | Intermediate class |

Expenses – Use of Personal Vehicles

In the event that Consultant or staff utilizes their automobiles in connection with the provision of Services, mileage shall be charged at the standard mileage rate published by the IRS from time to time (currently \$0.56 per mile).

Terms

Unless otherwise agreed in writing, all fees and costs shall be due and payable within thirty (30) days of the date upon which they are invoiced to Client. Any sums not paid when due and payable shall accrue interest at a rate of 15% per annum until paid in full.

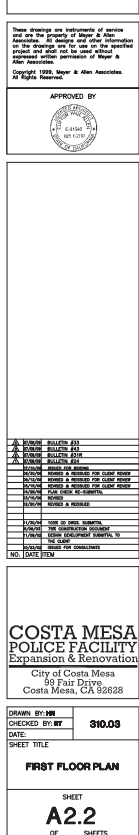
Client understands and affirms that this Agreement is between Client and Consultant only and payment to Consultant by Client is not dependent upon Client's reimbursement of Consultant's fees, costs and expenses by any third parties whatsoever.

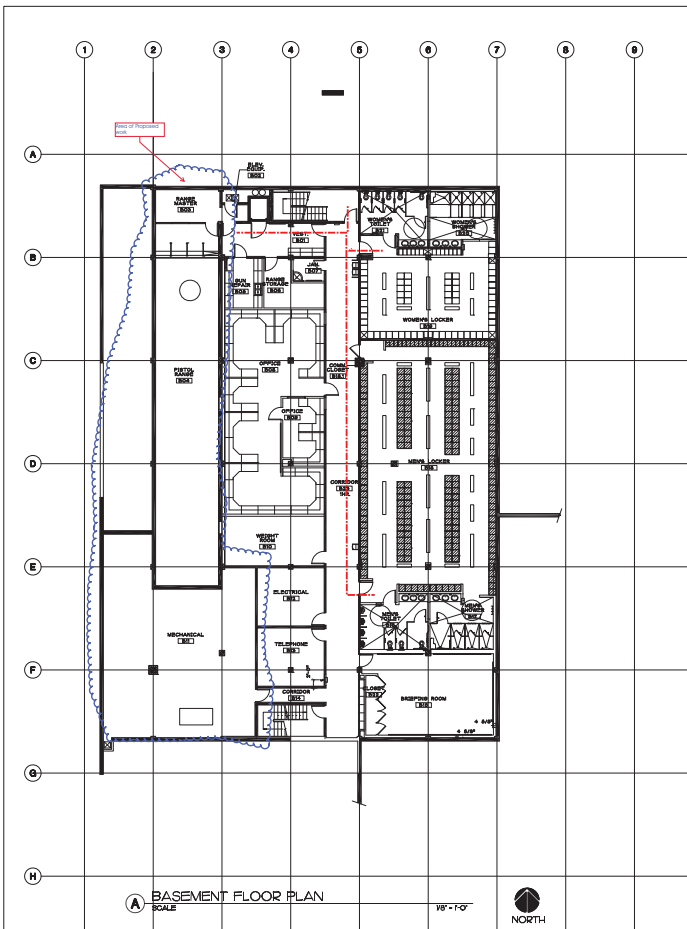
EXHIBIT A-1 – FACILITIES

Costa Mesa Police Facility
99 Fair Drive
Costa Mesa, CA

Inspection limited to the path of travel serving the basement shooting range as marked on the attached plans (dotted red line) including:

1. Accessible parking near the building entrance
2. Accessible route between city sidewalk, accessible parking and the facility entrance
3. Route from facility entrance to the basement (elevator / stairs / hallways)
4. Basement toilet and shower rooms





GENERAL NOTES	SYMBOLS LEGEND	WALL TYPES LEGEND
1. TOP OF FOUNDATION - E.L. = 10' 0" USED B.L. = 0' 0" - DIMENSIONS ARE FROM FOUNDATION B.L.	① INTERIOR EXTERIOR, SEE SHEET #1 (TWO AD)	EXISTING WALL/COLUMN NEW W.P. 6" 12" NEW CMU WALL
2. ALL INTERIOR STED PARTITIONS TO BE CONCRETE 12" THICK	② DOOR MARKER, SEE SHEET #1	NEW CMU WALL
3. EXTERIOR DOORS ARE "TYPICALLY" CONCRETE 12" THICK, SEE SHEET #1 FOR DOOR SCHEDULE	③ WINDOW TYPE, SEE SHEET #1	NEW CONCRETE WALL
4. FOUNDATIONS ARE SHED TO PERM. CENTER LINE, UNLESS OTHERWISE NOTED. SEE SHEET #1 FOR FOUNDATION SCHEDULE AND ELEVATIONS. IF WALL IS NOTED AS RETAIN, IT SHALL BE NOTED AS SUCH.	④ WALL TYPE, SEE SHEET #1-⑤	W.P. PER RATED WALL
5. FOUNDATIONS SHALL BE PERM. CENTER LINE, UNLESS OTHERWISE NOTED. SEE SHEET #1 FOR FOUNDATION SCHEDULE AND ELEVATIONS. IF WALL IS NOTED AS RETAIN, IT SHALL BE NOTED AS SUCH.		
6. DOORS OR SPACERS NOTED AS "TYPICALLY" CONCRETE 12" THICK, SEE SHEET #1 FOR DOOR SCHEDULE. IF WALL IS NOTED AS RETAIN, IT SHALL BE NOTED AS SUCH.		

TOILET ACCESSORIES KEYNOTES:		MOIS. NUMBER
(A)	GRAY TUB W/ RAMP	B-133
(B)	3P BRASS BATH	B-269
(C)	1P BRASS BAT	B-269
(D)	RECESSED DOUBLE RAIL TOILET TUB	B-267
(E)	DOUBLE RAIL TOILET TUB DISPERSED	B-270
(F)	RECESSED, HAT COVER DISPENSE	B-341
(G)	WALL MOUNTED BRASS BATH PENCH	B-269
(H)	RECESSED MIRROR "W" X 12 1/2" HAT	W/ BY ACORN
(I)	FINDING RAFTER DISPENSE	B-184
(J)	FOLDING SHOWER SEAT	B-269
(K)	RECESSED, HAT RATES DISPENSE	B-269
(L)	AND WANTS RECESSED	B-269
(M)	BRASS AND MOUNTED	B-269
(N)	WALL MOUNTED	B-269
(O)	WALL MOUNTED	B-269
(P)	W/ 1P TUB	B-133
(Q)	RECESSED TOILET PAPER HOLDER PENNY	W/ BY ACORN
(R)	MULTI-PORT TOILET SEAT COVER DISPENSE	B-267
(S)	RECESSED TOILET SEAT COVER DISPENSE	B-267
(T)	RECESSED TOILET SEAT COVER DISPENSE	B-267
(U)	RECESSED TOILET SEAT COVER DISPENSE	B-267
(V)	RECESSED TOILET SEAT COVER DISPENSE	B-267
(W)	W/ 1P BRASS BAT	B-269
(X)	W/ 1P BRASS BAT	B-269
(Y)	W/ 1P BRASS BAT	B-269
(Z)	W/ 1P BRASS BAT	B-269

NOTE:
1. ALL ITEMS ARE BY BOBROCK,
UNLESS OTHERWISE NOTED.
2. PROVIDE MDL MSA, SACKS IN
STUD WALLS AT ALL ACCESSORY
LOCATIONS.



These drawings are instruments of service and are the property of Meyer & Allen Associates. All designs and other information on the drawings are for use on the specified project and shall not be used without expressed written permission of Meyer & Allen Associates.

Copyright 1999, Meyer & Allen Associates.

APPROVED BY _____



M&E ENGINEERS, INC.
CONSULTING ENGINEERS
10113 JEFFERSON BOULEVARD
CULVER CITY, CA 90232
tel. (310) 842-6790
fax. (310) 842-7793

[illegible]

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**COSTA MESA
POLICE FACILITY**
Expansion & Renovation

City of Costa Mesa
99 Fair Drive
Costa Mesa, CA 92628

DRAWN BY:	\$10.03
CHECKED BY:	
DATE:	
SHEET TITLE	

**BASEMENT
FLOOR PLAN**

SHEET

EXHIBIT B: A&E SERVICES FOR ADA RETROFITS



May 26, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Subject: **City of Costa Mesa Police Firing Range: A&E Services for ADA Improvements**

Dear Seung,

The following proposal is for providing A&E services to the selected retrofits from the ADA report that has been completed in response to the proposed renovations for the new Firing Range located at the City's Police Headquarters at 99 Fair Drive.

We understand that this project would involve an architectural, structural, and mechanical engineering scope of design improvements, planning review/ entitlement, design development, and construction support for these additional accessibility retrofits.

This proposal includes the following:

- Detailed Cost Proposal for A&E Services
- Statement of Probable Construction Costs based on respective itemized ADA Retrofits (For reference)

B. COMPENSATION

We propose to furnish these services not to exceed:

\$35,480 (Thirty-Five Thousand Four Hundred and Eighty Dollars)

Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP' or similar initials, followed by a flourish.

Jack Panichapan, AIA, LEED AP, President, CEO
Gillis + Panichapan Architects, Inc.

City of Costa Mesa

Costa Mesa P.D. - Shooting Range Upgrade (ADA)

Statement of Probable Cost

Date: 05/24/2021

OPTION 1 - Summary

DRAFT

Element	Quantity	Unit	Unit Cost	Total
01 General Conditions (incl. below)				
02 Parking/Site (exterior):				\$3,500.00
03 Building (interior):				\$8,300.00
04 Elevator:				\$60,500.00
05 Stairs:				\$11,400.00
06 Women's Lockers/Toilet				\$58,050.00
07 Men's Lockers/Toilet				\$65,925.00
Subtotal				\$207,675
Subtotal				\$207,675
General Conditions		10.0%		\$20,768
Subtotal				\$228,443
Overhead & Profit		10.0%		\$22,844
Subtotal				\$251,287
Bonds & Insurance		2.5%		\$6,282.17
Subtotal				\$257,569
Design Contingency		10%		\$25,757
Subtotal				\$283,326
Construction Contingency		10%		\$28,333
TOTAL ESTIMATE				\$311,658

City of Costa Mesa
 Costa Mesa P.D. - Shooting Range Upgrade (ADA)
 Statement of Probable Cost
 Date: 05/24/2021

Detail

DRAFT

Element	Quantity	Unit	Unit Cost	Total
01 General Conditions (Incl. below)				
02 Parking/Site (exterior):				
New/Replaced Parking signage (Driveway entrance)	1	LS	\$300.00	\$300.00
New accessible stall paint marking	1	LS	\$1,000.00	\$1,000.00
Grind A.C. and Concrete to be flush at path of travel (1/4" +/-)	1	LS	\$800.00	\$800.00
New accessible stall paint marking (International symbol)	1	LS	\$600.00	\$600.00
New/Replaced Parking signage (Stall identification)	1	LS	\$800.00	\$800.00
Sub-total				<u>\$3,500.00</u>
03 Building (interior):				
Replace protruding object in path of travel (4" max.)	1	LS	\$600.00	\$600.00
B01 Entrance: Provide Lever type door hardware	1	ea	\$800.00	\$800.00
B01 Entrance: Remove existing kick-down door stop. Provide overhead door stop (if allowed by Wall/Door rating)	1	LS	\$900.00	\$900.00
B01: Entrance: Adjust or replace door closer	1	ea	\$800.00	\$800.00
B01: relocate cabinet to provide 60" clear.	1	LS	\$500.00	\$500.00
B01: relocate Room Signage	1	LS	\$800.00	\$800.00
B03: Door: Remove kick-down door stop. Provide overhead door stop (if allowed by Wall/Door rating)	1	LS	\$900.00	\$900.00
B03: relocate Room Signage	1	LS	\$800.00	\$800.00
Signage: Provide tactile Braille "EXIT" signage.	1	ea	\$250.00	\$250.00
Signage: Stairs: Provide tactile Braille signage "EXIT STAIR DOWN,UP".	1	ea	\$250.00	\$250.00
Signage: Provide tactile Braille "EXIT ROUTE" signage (Stair 1 and at room B01)	2	ea	\$250.00	\$500.00
Drinking Fountain: Basement: relocate adjacent railings	1	LS	\$1,200.00	\$1,200.00
Sub-total				<u>\$0.00</u> <u>\$8,300.00</u>
04 Elevator:				
Call Buttons: replace or provide additional buttons at wall (lighted/ registered)	2	ea	\$1,500.00	\$3,000.00
Call Signal: provide lighted signal (wall mounted -high)	2	ea	\$1,500.00	\$3,000.00
Signage: Braille floor level signs (each floor)	2	ea	\$250.00	\$500.00
Elevator doors: install auto-operators for doors.	2	ea	\$20,000.00	\$40,000.00
Elevator Car: Options for elevator finishes/materials for options to widen cab.	1	LS	\$4,000.00	\$4,000.00
Elevator Car control buttons: Replace as required to comply	1	LS	\$8,000.00	\$8,000.00
Elevator Limited Type certification	1	LS	\$2,000.00	\$2,000.00
Sub-total				<u>\$60,500.00</u>
05 Stairs:				
Provide signage (Braille floor level) at each floor level landing/door	2	ea	\$250.00	\$500.00

City of Costa Mesa

Costa Mesa P.D. - Shooting Range Upgrade (ADA)

Statement of Probable Cost

Date: 05/24/2021

Detail

DRAFT

Element	Quantity	Unit	Unit Cost	Total
Provide/replace outside handrail at middle landings.	60	LF	\$165.00	\$9,900.00
Provide guard rail at underside of Stairs	1	ea	\$1,000.00	\$1,000.00
Sub-total				\$11,400.00

06 Women's Lockers/Toilet

Signage: Replace braille signage at wall. Relocate sign at door	1	ea	\$250.00	\$250.00
B19: Remove kick-down hold open	1	ea	\$300.00	\$300.00
B19: Adjust or replace door closer	1	ea	\$900.00	\$900.00
B19: Door clearance: provide and install low energy door operatc	1	ea	\$16,000.00	\$16,000.00
B19: Remove or relocate protrusion at wall or provide detectable barrier below item	1	ea	\$900.00	\$900.00
Signage: relocate room signage	1	ea	\$800.00	\$800.00
B20: Install ADA Circle symbol on door	1	ea	\$250.00	\$250.00
B20: Remove kick-down hold open	1	ea	\$300.00	\$300.00
B20: Adjust or replace door closer	1	ea	\$900.00	\$900.00
Accessible toilet partition: replace partition door hardware with self-closing device	1	LS	\$3,000.00	\$3,000.00
Accessible toilet stall clearance: replace adjacent sink to provide 60" clear	1	LS	\$8,000.00	\$8,000.00
Accessible toilet stall clearance: reconfigure stall door providing 4" max. jamb	1	ea	\$1,000.00	\$1,000.00
Accessible toilet stall door: install additional door pull 34" to 44" high	1	ea	\$1,000.00	\$1,000.00
Accessible toilet stall: relocate/adjust grab bars	1	LS	\$1,500.00	\$1,500.00
Accessible toilet stall: install/relocate toilet tissue dispenser rolls	1	LS	\$1,500.00	\$1,500.00
Accessible toilet stall: install/relocate toilet seat cover dispenser rolls	1	LS	\$1,500.00	\$1,500.00
Accessible toilet stall: install/relocate disposal unit	1	LS	\$1,500.00	\$1,500.00
B21: Door signage: Install ADA Circle symbol on door	1	ea	\$250.00	\$250.00
B21: Shower stall: replace diverter controls and relocated Water valve controls and Hand held spray unit	1	LS	\$6,000.00	\$6,000.00
B21: Shower stall: cut back plastic partition	1	LS	\$800.00	\$800.00
B21: Shower stall: replace floor tile and provide max. slope of 2.08%	1	LS	\$8,000.00	\$8,000.00
B21: Threshold: replace door threshold	1	ea	\$500.00	\$500.00
B21: Floor Drain. Retile floor and reset floor drain	1	LS	\$2,000.00	\$2,000.00
B21: Sink drains: provide insulated pipes	1	ea	\$250.00	\$250.00
Sink, Label Accessible sink in one room	1	ea	\$250.00	\$250.00
B21: Sink, Replace soap dispenser	1	ea	\$400.00	\$400.00
Sub-total				\$58,050.00

City of Costa Mesa

Costa Mesa P.D. - Shooting Range Upgrade (ADA)

Statement of Probable Cost

Date: 05/24/2021

Detail

DRAFT

Element	Quantity	Unit	Unit Cost	Total
07 Men's Lockers/Toilet				
Signage: Replace braille signage at wall. Relocate sign at door	575	sf	\$35.00	\$20,125.00
B18: Remove kick-down hold open	575	sf	\$12.00	\$6,900.00
B18: Adjust or replace door closer	575	sf	\$20.00	\$11,500.00
B18: Recess fire extinguisher (4" maximum protrusion)	1	ea	\$1,200.00	\$1,200.00
Signage: Relocate braille signage	1	ea	\$800.00	\$800.00
B16: Replace door signage	1	ea	\$250.00	\$250.00
Door to B16: Remove kick-down hold open	1	ea	\$300.00	\$300.00
Door to B16: Adjust or replace door closer	1	ea	\$900.00	\$900.00
Urinal: Relocate/replace paper towel combo	1	ea	\$400.00	\$400.00
Accessible toilet partition: replace partition door hardware with self-closing device	1	ea	\$3,000.00	\$3,000.00
Accessible toilet stall clearance: replace adjacent sink to provide 60" clear	1	ea	\$8,000.00	\$8,000.00
Accessible toilet stall: reconfigure partitions		ea	\$1,000.00	\$0.00
Accessible toilet stall: relocated/replace grab bars	1	ea	\$1,500.00	\$1,500.00
B17: Replace/relocate door signage	1	ea	\$800.00	\$800.00
Accessible shower: Relocate/replace/adjust seat	1	ea	\$2,000.00	\$2,000.00
Accessible shower: Relocate/replace/adjust water valve	1	ea	\$2,000.00	\$2,000.00
Accessible shower: Relocate/replace hand held spray unit	1	ea	\$4,000.00	\$4,000.00
Accessible shower: Floor Drain. Retile floor and reset floor drain	1	ea	\$2,000.00	\$2,000.00
B16: Sinks: insulate sink drains (completely)	1	ea	\$250.00	\$250.00
Sub-total				<u>\$65,925.00</u>

EXHIBIT C: SUPPLEMENTAL CONSTRUCTION ADMINISTRATION

October 19, 2021

Seung Yang, P.E.
City Engineer
City of Costa Mesa
77 Fair Dr. Costa Mesa CA 92626

Re: City of Costa Mesa Police Firing Range: Supplemental Construction Support Services

Seung,

This proposal would provide enhanced construction support services for renovation of City of Costa Mesa Police Firing Range including the additional scope for the ADA and accessibility retrofits to the existing facility.

A. PROJECT UNDERSTANDING
Supplemental Construction Administration and Support

The following additional architectural services to be provided during Construction:

- Attend weekly meetings during construction and assist City with formatting Weekly meeting minutes.
- Review and provide input on Contractor's construction schedule and status.
- Review and provide input on Contractor's order project updates for the project.
- Assist in coordination of Fire Safety Enhancements and Retrofits
- Assist City in reviewing coordination between the Contractor and City 's vendors (including telecommunications, audio visual, low voltage cabling, security, and furniture).
- Assist City in Construction Change Directives during construction.
- Assist City in reviewing of Contractor invoicing and credits with the city.
- Conduct field reviews to observe work by Contractor. Development of Field Reports as needed identifying observed work that is not consistent with the Construction Documents. (3 field reviews provided)
- Provide one follow-up visit after Punchlist to confirm that the noted construction deficiencies have been corrected or provide a summary of the deficiencies.

The scope of these services is based on the 80 working day construction schedule projected for this project.

B. COMPENSATION

We propose to furnish these services not to exceed the following fee:

Grand Total: \$32,000 (Thirty-Two Thousand Dollars)

Additional services outside the Scope of Work agreed upon shall not be performed without the authorization of the City. We have tailored our scope and subsequent fee proposal to accommodate the scope of work, realizing that there is latitude in both parameters to be discussed during the contract negotiation. We look forward to working with you on this project.

Sincerely,



Jack Panichapan, AIA, LEED AP
Principal, CEO,
Gillis + Panichapan Architects, Inc.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-549

Meeting Date: 2/1/2022

TITLE:

CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT /
PLANNING DIVISION

PRESENTED BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT
SERVICES

CONTACT INFORMATION: JENNIFER LE, JENNIFER.LE@COSTAMESACA.GOV; (714)
754-5270

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution that approves and adopts the Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program, and approve General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element update.

BACKGROUND:

On January 18, 2022, staff provided the City Council a presentation regarding the final steps for the update of the City's Sixth Cycle Housing Element and associated Initial Study/Mitigated Negative Declaration. Included with the presentation was a comprehensive agenda report that included the following components:

- A summary of the City's assigned Regional Housing Needs Assessment (RHNA) of 11,733 housing units;
- A description of the City's multi-year Housing Element associated community outreach efforts;
- A description of the Draft Housing Element content;
- A discussion of the Draft Housing Element update, circulation for public review, and comments received;
- A discussion of the State's recent and past housing element enforcement efforts;
- A summary of the State Department of Community Development (HCD) comment letter in consideration of the City's submitted Draft Housing Element update;
- A summary of the environmental review process pursuant to the California Environmental Quality Act (CEQA); and
- A summary of the Planning Commission hearing and recommendation of the Draft Housing Element and CEQA document to the City Council.

The January 18, 2022 agenda report also highlighted:

- Key milestones completed from the beginning of the Housing Element Update effort to present;
- The Draft Housing Element Program changes and other modifications that occurred since the City Council's prior review as a result of HCD's comment letter, public comment, and the Planning Commission's consideration;
- A summary of the recent Housing Ad Hoc Committee community discussion related to State housing element law compliance and Measure Y;
- A discussion of the City's Housing Element "next steps."

During the January 18, 2022 City Council hearing, one public comment was provided that generally focused on Measure Y. After the City Council considered public input and the draft Housing Element update, the City Council provided the following general comments:

- After Housing Element adoption, the City must continue to engage the community in regard to housing and land use issues and begin the next steps in community visioning;
- Any City Council discussions regarding Measure Y will require significant public outreach and public participation;
- High rents in the City and the significant cost of housing is a critical issue for City Council and community consideration;
- The City should generally consider how to further diversify housing options in the City for all income levels; and
- Community engagement with Housing Element implementation is critical when considering housing and open space needs in the City.

No changes to the Housing Element were made by the City Council. A motion was approved on a 6-1 vote to continue the Housing Element review to the February 1, 2022 City Council meeting for consideration of Housing Element adoption.

ANALYSIS:

The Housing Element update provides an analysis of the City's current demographic, economic, and housing characteristics and establishes objectives, policies, and programs addressing community housing conditions and needs. The Housing Element update is a comprehensive statement of the City's current and future housing needs and a listing of proposed actions to facilitate the provision of housing to meet those needs. The proposed Housing Element would update the previous Fifth Cycle Housing Element and provide a program for the 2021-2029 Sixth Cycle planning period. To remain in compliance with State Housing Law, the City's updated Housing Element must include various applicable State provisions and be adopted by City Council and certified by California State Department of Housing and Community Development (HCD) by February 11, 2022.

For a comprehensive summary, please refer to the January 18, 2022 agenda report:

<https://costamesa.legistar.com/ViewReport.ashx?M=R&N=Text&GID=839&ID=4650866&GUID=DB908081-37E6-4240-8339-25AE1F3D3A3D&Title=Legislation+Text>

Housing Element Changes Since the January 18, 2022 City Council Hearing

- As a result of recent HCD comments returned to other local agencies in regard to “special needs housing,” Appendix A of the Draft Housing Element update has been modified to include an evaluation of the City’s prior program accomplishments and achievements related to special needs populations.
- In addition, staff made minor modifications to *Program 3G - Address Measure Y in Relationship to Housing Element Compliance*, in Housing Element Chapter 4. The modifications are limited and do not change the fundamental substance or approach of the Program as previously discussed.

A “track changes” version of these modifications, along with a Resolution and a “clean copy” of the Housing Element Update are provided as attachments to this report.

Environmental Review

In accordance with CEQA and the State CEQA Guidelines, an Initial Study/ Mitigated Negative Declaration (IS/MND) has been prepared to evaluate the potential environmental effects associated with the City of Costa Mesa 2021-2029 Housing Element update. The IS/MND was circulated for public comments on October 29, 2021. The public comment period ended on November 29, 2021. Three comment letters were received and are provided as an attachment to the January 18, 2022 City Council report.

The IS/MND includes a description of the Housing Element Update; programmatic high-level evaluation of the potential environmental impacts; the findings of the environmental analyses; and recommended standard conditions and mitigation measures to avoid/lessen potentially significant adverse impacts on the environment. Based on the conclusions of the environmental analysis, the Housing Element update would have less than significant impacts with the implementation of mitigation measures in the areas of: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources.

The City Council is being asked to review and consider the information provided, and approve and adopt the IS/MND including the Mitigation Monitoring and Reporting Program (provided as an attachment to this report).

Next Steps

- **February 11, 2022** - Pursuant to State Law, the City must adopt its Housing Element by this date to remain in compliance with housing laws. After City Council adoption, the Housing Element will be forwarded to HCD for their re-review and certification. City staff and our expert consultants believe that HCD comments have been appropriately addressed in the revised Housing Element Update. However, if HCD requires additional corrections, staff will bring the Housing Element to the Council for an update at that time.

- **2022 - 2029** - After State HCD Housing Element certification, Development Services staff will process for Planning Commission and City Council approval subsequent land use and zoning code amendments in compliance with Housing Element program implementation. This effort will begin with a community visioning process.

ALTERNATIVES:

The City Council alternative actions include:

1. Adopting the Resolution as proposed;
2. Adopting the Resolution with modifications to the Draft Housing Element update; or
3. Not adopting the Resolution.

If the City Council chooses to make substantive modifications to the Draft Housing Element update, the modified Draft Element would need to be brought back at a future meeting for further City Council consideration. However, continuance of the review could result in the City not complying with the February 11, 2022 State required adoption date. Alternatively, if City Council requests minor modifications to the Housing Element, a motion could be made by City Council to adopt the Resolution, and for staff to make the City Council directed changes to the Draft Element prior to forwarding for State certification. Not adopting the Housing Element Update would make the City out of compliance with State Housing Element law and would subject the City to potential litigation and other enforcement actions by the State as previously discussed.

FISCAL REVIEW:

The adoption of the Housing Element will have no impact to the City's General Fund.

LEGAL REVIEW:

This report has been approved as to form by the City Attorney's Office.

CITY COUNCIL GOALS AND PRIORITIES:

Diversify, stabilize and increase housing to reflect community needs.

CONCLUSION:

Staff recommends the City Council adopt a Resolution approving the IS/MND (including the Mitigation Monitoring Program) and the General Plan Housing Element Update.

After adoption, the Housing Element Update will be forwarded to the State HCD for the required certification. After certification by the State, the City will begin implementing the required Housing Element plan and program actions.

Revisions to Program 3G Language:

As it exists upon adoption of the 2021-2029 Costa Mesa Housing Element, the Voter Initiative, Measure Y requires voter approval of certain changes in land use, defined as those projects that amend, change or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan, (collectively, legislative changes) and that involve any one of the following changes: adds 40 or more dwelling units, generates more than 200 additional average daily trips; increases the volume/capacity of an intersection based on specified formulas; changes the intersection capacity utilization or level of service based on specified formulas; adds 10,000 square feet of retail, office or other nonresidential; or, where the proposed project, combined with other projects within 8 years and a half mile of each other, meet the above criteria. Additionally, voter approval is required for projects that involve one of the above legislative changes and: changes from public uses to private uses under specified circumstances; land designated as utility right-of-way under specified circumstances; land donated, bequeathed, or otherwise granted to the City; land used or designated for Costa Mesa school property; or land owned, controlled, or managed by the City.

Through extensive community outreach with Costa Mesa residents, housing advocates, and members of the development community, the City of Costa Mesa has continued to contemplate Measure Y's role in the City's 2021-2029 Housing Element Update. State HCD has identified Measure Y as a clear constraint to the future development of residential uses within the City, a constraint to implementing the land use and zoning changes necessary to achieve State-mandated compliance with the RHNA allocation, and also conflicts with meeting State housing requirements. The City recognizes that it must, in coordination with guidance from the City Attorney and input from the community, determine a path forward in consideration of Measure Y to be able to adopt the subsequent changes to specific plans, urban plans, and overlays that are necessary to implement the City's adopted Housing Element and meet the City's RHNA allocation.

The language of Measure Y itself is not clear on how the initiative applies to the State-mandated Housing Element Update process and/or the associated rezones and revisions to the existing specific plans, urban plans, and overlays included as program actions within the Housing Element. The City will take the following steps to ~~minimize the~~ identify and address specific ways in which Measure Y functions as a constraint to housing ~~development compliance, the city's housing goals, Housing Element compliance,~~ and other shared community goals.

Added Appendix A language:**Program Evaluation for Households with Special Needs**

The City of Costa Mesa has demonstrated a significant effort in working towards accomplishing many of the objectives set for the programs of the past cycle. During the fifth cycle, the City completed a number of key programs to support housing opportunity and made substantial progress towards many of its programs. The City's successful programs have been identified as continued for the sixth cycle, due to their success in the fifth cycle.

As a part of analyzing prior programs, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations. The table below provides an overview of the City's prior program accomplishments; achievements related to special needs populations are summarized below:

Seniors

As shown in Section 2, approximately 11% of the population in Costa Mesa are seniors aged 65 years or older. Throughout the 5th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assisted using \$56,180 CDBG funds through Services for Seniors/Frail Elderly. Additionally, a Single Room Occupancy Ordinance was adopted in 1991. Since then, three projects were completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.

On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for 60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.

Persons with Disabilities

As shown in Section 2, approximately 8 percent of the population in Costa Mesa have at least one disability. On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.

In 2020, the owner of Costa Mesa Village was awarded "Section 811" program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State's Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person's needs and provided off-site.

Large Households

Large households are classified as those consisting of five or more members. These households can have difficulty in finding housing options that are adequately sized and affordable. As shown in Section 2, large-family households make up approximately 10% of the total households within Costa Mesa. The City permitted over 950 units across all income levels during the 5th cycle, many of which were single-family and could accommodate large-family households. The majority of those housing units were market rate and not available at levels affordable to low and very low-income households.

The City has implemented Program 2E in the 2021-2029 Housing Element to prioritize development of housing options to accommodate large-family households, including outreach to the development community and a review of the current development standards to determine if any pose potential impediments to building housing that can accommodate larger households.

Farmworkers

As previously discussed, farm workers are not a significant portion of the Costa Mesa community. Their needs are accommodated through housing programs and policies that assist lower-income households in general rather than specialized programs, such as:

- Program HOU 1-6 (rehabilitation loan and grant programs) which provided funding for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.
- Program HOU 2-5 (OCHA rental assistance), which provided homeless prevention services or transitional housing assistance and services to over 450 individuals
- Program HOU 4-4 (preservation of residential developments for families and individuals with specialized housing needs)

Single-Parent Households:

As shown in Section 2, approximately 7.6 percent of Costa Mesa households are single-parent households, a quarter of which (27 percent) live below the poverty line. Costa Mesa Village (CMV), located at 2450 Newport Boulevard, is a 96-unit single room occupancy (SRO) affordable housing development with one manager's unit for a total of 97 units on site. CMV was originally approved and developed as a two-story Travelodge motel in the mid-1980s. In 1991, a conditional use permit (CUP) was approved to allow the conversion of the existing motel into a single room occupancy (SRO) affordable housing development. As part of the conversion project, the City through its Redevelopment Agency (Agency) provided financial assistance for land acquisition costs in the form of a \$500,000.00 loan in addition to a \$1,200,000.00 loan from the Orange County Housing Authority. The Agency entered into several agreements with Costa Mesa Village, Ltd. (original developer and current owner of CMV) including a Regulatory Agreement to ensure that the units were provided as very low-income units at or below 50-percent of the area median income (AMI) in perpetuity. The conversion improvements were completed in 1993 and the loans were fully repaid in 2014. Changes to the CUP and Regulatory Agreement were proposed and require approval by the City Council. The CUP modifications were reviewed by the Planning Commission on January 24, 2022 and were recommended for City Council approval by the Planning Commission. The modifications are

scheduled for review and consideration by the City Council on February 1, 2022. In conjunction with the CUP changes, the property owner is also changing to a well-known California affordable housing developer (Century Housing Corporation). Century Housing Corporation is mission-driven to support and develop quality affordable home development and manage and administer 1000s of affordable units throughout the State.

Persons Experiencing Homelessness (Unhoused)

As shown in Section 2, the 2019 Point in Time Count showed 193 total persons experiencing homelessness (sheltered and unsheltered). As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services. In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law. In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.

During the 5th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or transitional housing assistance and services to over 450 individuals.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Extremely Low Income Households

As shown in Section 2, there are approximately 6,610 extremely low-income households in Costa Mesa per the 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) data available. Extremely low-income renter households have the highest rate of cost burden at 17.5 percent.

Between 2013 and 2020, the City completed 111 mobile home rehabilitation projects, 52 of which were for individuals or family which qualified as extremely low income. The Housing and Community Development Division provided assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants. Funding was provided for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking

another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Additionally in 2020, the owner of Costa Mesa Village was awarded “Section 811” program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State’s Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person’s needs and provided off-site.

RESOLUTION NO. 2021-21**A RESOLUTION OF THE PLANNING COMMISSION OF
CITY OF COSTA MESA RECOMMENDING ADOPTION OF
THE INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION FOR, AND APPROVAL OF, THE GENERAL
PLAN AMENDMENT 21-01, CITY OF COSTA MESA 2021-
2029 (SIXTH CYCLE) HOUSING ELEMENT UPDATE**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY 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 Housing Element is one of the seven State-mandated General
Plan chapters or "elements" and is a component of the City of Costa Mesa 2015-2035
General Plan;

WHEREAS, California State Housing Element Law establishes the requirements
for Housing Elements and California Government Code Section 65588 requires that local
governments review and revise the Housing Element of their comprehensive General
Plans not less than once every eight years. Additionally, the California Legislature
identifies overall housing goals for the State with the goal of ensuring every resident has
access to housing and a suitable living environment;

WHEREAS, the updated Housing Element must be adopted by City Council and
certified by California State Department of Housing and Community Development (HCD),
and the Planning Commission is required to make a recommendation regarding the
Housing Element Update prior to City Council adoption;

WHEREAS, the City of Costa Mesa has completed extensive public outreach that
included conducting two City-wide Townhall meetings on November 18, 2020 and

September 2, 2021, hosting outreach meetings for each of the City's six voting districts on February 17, 2021 and February 18, 2021, a special study session with the Planning Commission was held on March 1, 2021 and with the City Council on March 23, 2021, and on April 27, 2021 and September 13, 2021, the City Council and Planning Commission held joint public study sessions;

WHEREAS, duly-noticed public hearings were held by the Planning Commission for the review of the Draft Housing Element update on November 8, 2021, November 22, 2021 and December 13, 2021;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Housing Element Update in compliance with CEQA and the local environmental review guidelines;

WHEREAS, the IS/MND was circulated for the required 30-day public review period from October 29, 2021, to November 29, 2021;

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that City Council of the City of Costa Mesa approve and adopt the Initial Study/Mitigated Negative Declaration for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element Update.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that City Council of the City of Costa Mesa approve and adopt the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element Update subject to program modifications regarding Accessory Dwelling Units (ADUs).

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 13th day of December, 2021.



Byron de Arakal, Chair
Costa Mesa Planning Commission

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

I, Jennifer Le, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2021-21 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on December 13, 2021 by the following votes:

AYES: de Arakal, Ereth, Rojas, Russell, Toler, Vivar

NOES: Zich

ABSENT: None

ABSTAIN: None



Jennifer Le, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2021-21

City of Costa Mesa
2021-2029 Housing Element Update
Initial Study and
Mitigated Negative Declaration

Prepared City of Costa Mesa
for 77 Fair Drive
Costa Mesa California 92626

Prepared Kimley-Horn and Associates, Inc.
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Date October 2021

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1.0 INTRODUCTION

1.1 Purpose and Scope of the Initial Study

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), this Initial Study has been prepared to evaluate the potential environmental effects associated with the City of Costa Mesa 2021-2029 Housing Element Update (project or proposed project), which represents the City of Costa Mesa's policy program for the 2021-2029 6th Cycle planning period. The Housing Element is one of state-mandated General Plan elements and is included in the *City of Costa Mesa 2015-2035 General Plan*. The purpose of the Housing Element is to identify and plan for the City's existing and projected housing needs.

This Initial Study includes a description of the proposed project; an evaluation of the project's potential environmental impacts; the findings of the environmental analyses; and recommended standard conditions and mitigation measures to avoid/lessen the project's significant adverse impacts on the environment. For purposes of CEQA review and compliance, the City of Costa Mesa (City) serves as the Lead Agency. In accordance with the State CEQA Guidelines, the City has the authority for environmental review and certification of the environmental documentation.

This Initial Study has evaluated each of the environmental issue areas contained in the checklist provided in **Section 3.0: Environmental Checklist**. It provides decision-makers and the public with information concerning the potential environmental effects associated with the project implementation, and potential ways to reduce or avoid the potential environmental impacts. This Initial Study is intended to be used as a decision-making tool for the City in considering and taking action on the proposed project. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with the project implementation.

In each planning cycle, the California Department of Housing and Community Development (HCD) determines the regional housing needs assessment (RHNA) by income level for each region's Council of Governments (COG). The Southern California Association of Government (SCAG) is the COG for the six-county region of Orange, Los Angeles, San Bernardino, Riverside, Ventura, and Imperial counties. SCAG prepares the RHNA allocation for every city and county. The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA allocation.

The proposed Housing Element Update (HEU) includes the City's Housing Policy Plan, which addresses the City's identified housing needs and includes goals, policies, and programs concerning housing and housing-related services, as well as the City's approach to addressing its share of the regional housing need for the 6th Cycle planning period. The proposed project includes 99 candidate housing sites on 352 acres. The HEU would require a General Plan Amendment. No other entitlements, such as zone changes, are proposed as a part of the project. Future zoning actions to implement specific programs in the HEU are required to be completed within three years of adoption of the HEU.

1.2 Summary of Findings

As set forth in State CEQA Guidelines Section 15070, a public agency can prepare or have prepared an Initial Study leading to a Negative Declaration (IS/ND) or a Mitigated Negative Declaration (IS/MND) for a project subject to CEQA when:

- a) The initial study shows no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- b) The initial study identifies potentially significant effects, but:
 - 1) Revisions in the project plans or proposals made by, or agreed to by the applicant before the proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - 2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Based on the Environmental Checklist Form and supporting environmental analysis completed for the proposed project, the project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Energy, Geology, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The proposed project's impacts on the following issue areas would be less than significant with the implementation of mitigation: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. All impacts would be less than significant after mitigation.

1.3 Initial Study Public Review Process

The Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration has been provided to the County of Orange Clerk-Recorder and mailed to responsible agencies and others who expressed interest in being notified. A 30-day public review period has been established in accordance with Section 15073 of the State CEQA Guidelines. During the public review period, the Initial Study, including the technical appendices, can be accessed on the City's website and is available for review at the location identified below.

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/environmental-notice-and-reports>

City of Costa Mesa, Development Services, Planning Division
77 Fair Drive
Costa Mesa California 92626
(714) 754-5000

In reviewing the Initial Study, affected public agencies and interested members of the public should focus on the adequacy of the document in identifying and analyzing the potential environmental impacts and the ways in which the potentially significant effects of the project can be avoided or mitigated. Comments on the Initial Study and the analysis contained herein may be sent to:

Jennifer Le
Director of Economic and Development Services
City of Costa Mesa
Email: jennifer.le@costamesaca.gov
Phone: (714) 754-5617

Comments sent via email should include the project title in the subject line and a valid mailing address in the email.

Following receipt and evaluation of comments, the City of Costa Mesa will determine whether any substantial new environmental issues have been raised. If so, further documentation may be required. If not or if the issues raised do not provide substantial evidence that the project will have a significant effect on the environment, the Mitigated Negative Declaration and the project will be considered for adoption and approval, respectively.

1.4 Report Organization

This document has been organized into the following sections:

Section 1.0 – Introduction. This section provides an introduction and overview describing the conclusions of the Initial Study.

Section 2.0 – Project Description. This section identifies key project characteristics and includes discussion of the 6th Cycle Housing Element Update.

Section 3.0 – Initial Study Environmental Checklist and Evaluation. This section describes the environmental setting and evaluates the potential impacts that may result from project implementation.

Section 4.0 – References. The section identifies resources used to prepare the Initial Study.

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2.0 PROJECT DESCRIPTION

2.1 Project Location

The City of Costa Mesa (City) is located in northwest Orange County. The City is bordered by the cities of Huntington Beach to the west, the City of Santa Ana to the north, the City of Irvine to the east, and the City of Newport Beach to the south. The Pacific Ocean is approximately one mile south of the City. John Wayne Airport (JWA) is adjacent to the City's eastern jurisdictional boundary with the City of Santa Ana. Regional access to the City is provided by State Route 55 (SR-55) that traverses the City in a southwest-northeast direction and Interstate 405 (I-405) that runs in a west-east direction at the City's jurisdictional boundary with the City of Santa Ana. SR-73, the San Joaquin Hills Toll Road, also provides regional access in the City, providing connections to SR-55 and I-405. **Exhibit 2-1: Regional Vicinity Map** depicts the City's location in a regional context and local context.

This Initial Study considers 99 candidate housing sites (parcels) on approximately 352 acres within the City's boundaries; see **Appendix B: Candidate Housing Sites Inventory**. The project area and candidate housing site locations are illustrated on **Exhibit 2-2: Candidate Housing Sites Map**. Solely for analysis purposes, the candidate housing sites have been assigned a numeric label (Exhibit 2-2). Various candidate housing sites are located within the North Costa Mesa Specific Plan, SoBECA Urban Plan, Mesa West Bluff Urban Plan, 19 West Urban Plan, and Harbor Mixed Use Overlay (Exhibit 2-2).

2.2 Environmental Setting

Physical Setting

Costa Mesa is approximately 10,880 acres of land area or 17 square miles. The City is approximately 3 miles wide and 4.5 miles long.¹ As described above, Costa Mesa is bordered by the cities of Huntington Beach to the west, the City of Santa Ana to the north, the City of Irvine to the east, and City of Newport Beach to the south. The City's topography ranges from approximately 80 to 110 feet above mean sea level (amsl) in the southern portion of the City, and approximately 40 feet amsl in the north portion of the City.² The Santa Ana River forms the City's western boundary, and bisects Costa Mesa with the City of Huntington Beach.

The City is predominantly comprised of residential land uses, with other notable land uses including major commercial uses along Harbor Boulevard, The Camp and The Lab, SOCO and the OC Mix, and South Coast Plaza. The South Coast Metro area includes South Coast Plaza, major office buildings, residential uses, and theater and arts uses including the South Coast Repertory and Orange County Museum of Art. Industrial areas are primarily located in the western part of the City. Major institutional and cultural land uses include the Orange County Fairgrounds, Orange Coast College, Vanguard University, and the Segerstrom Center for the Arts.

¹ City of Costa Mesa. Available at <https://www.costamesaca.gov/about/history>. Accessed on August 26, 2021.

² City of Costa Mesa Chapter 8 Safety Element, page S-3

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Regional Vicinity Map

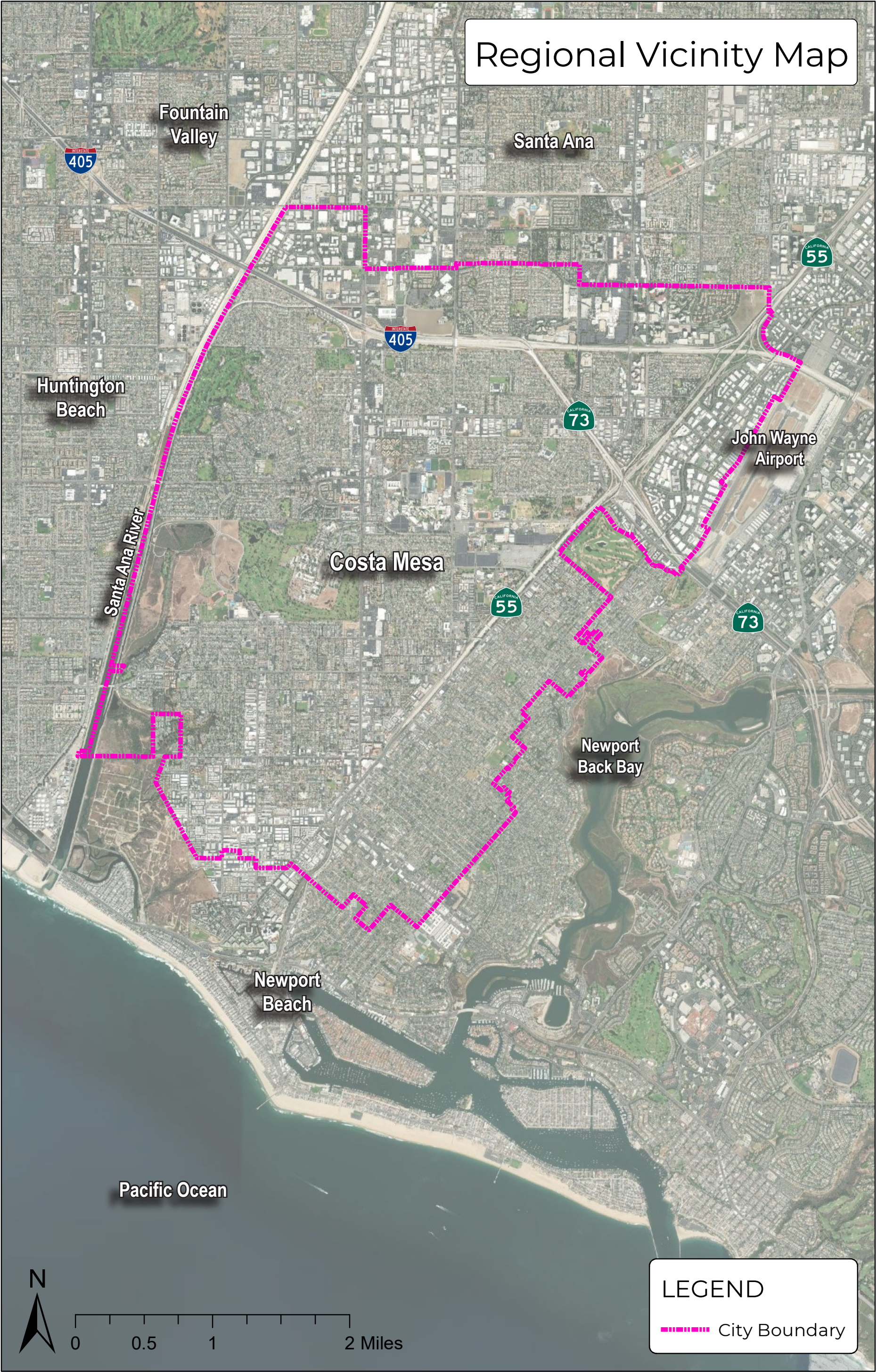


EXHIBIT 2-1: Regional Vicinity Map
Costa Mesa Housing Element Update IS/MND

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Sites Inventory

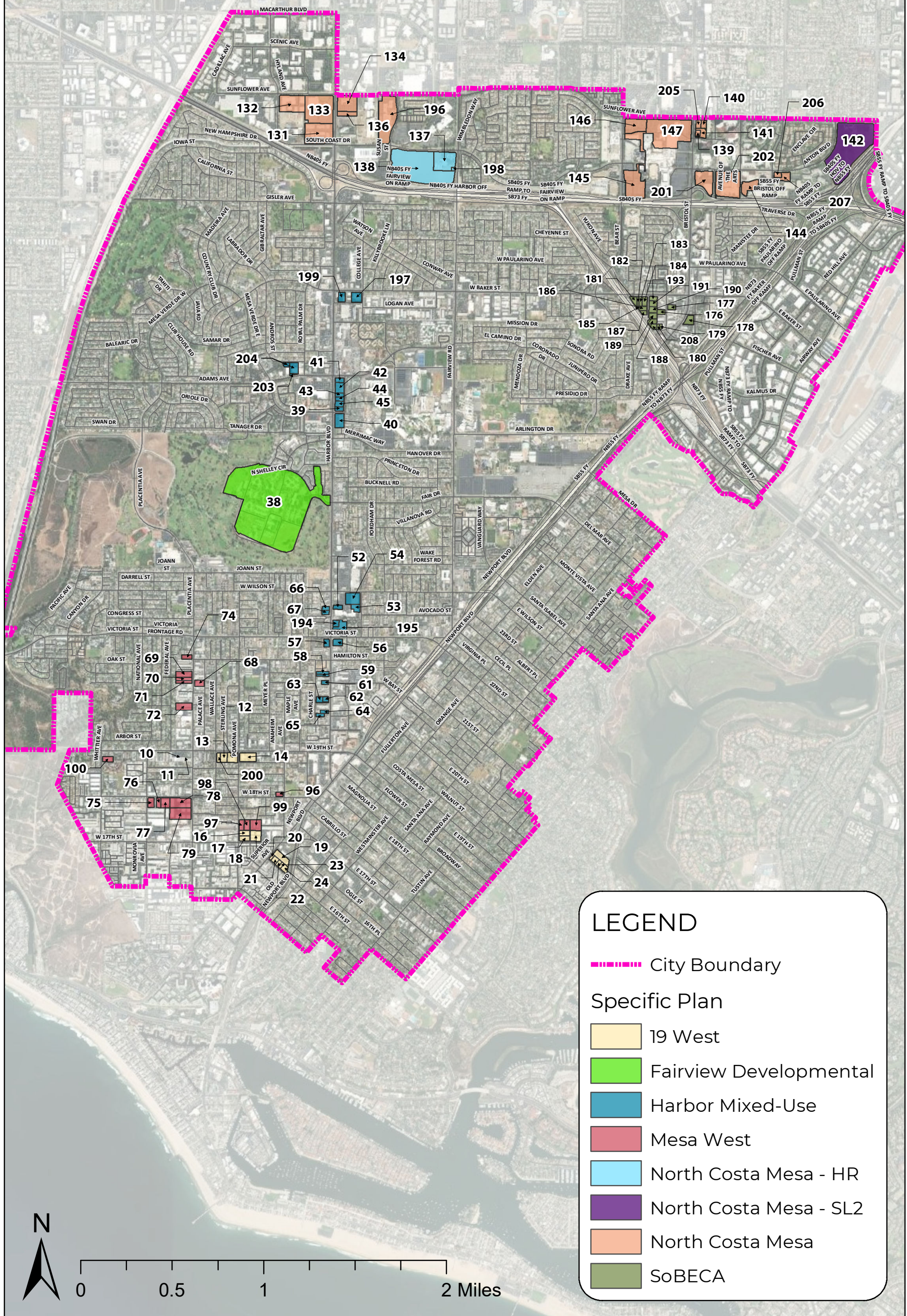


EXHIBIT 2-2: Candidate Housing Sites
Costa Mesa Housing Element Update IS/MND

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Population

The 2010 Census estimated Costa Mesa's population to be 109,960 persons.³ The City's population (as of January 2021) is 114,778 persons.⁴ From 2010 to 2021, the City's population increased by approximately 4.5 percent (4,818 persons). According to the Southern California Association of Governments (SCAG) 2016 – 2040 Regional Growth Forecast, the City's population is forecast to grow to approximately 123,700 persons by 2040. Therefore, Costa Mesa is projected to have an average annual growth of approximately 1.4 percent (1,622 persons) between 2021 and 2040. Costa Mesa's population growth is lower than many of the surrounding cities in the Orange County. **Table 2-1: Population Growth (2010 – 2040)** shows the projected growth for Costa Mesa compared with the nearby cities of Newport Beach, Irvine, Santa Ana and Huntington Beach, and with the County of Orange.

Table 2-1: Population Growth Forecast, 2010-2040							
Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	109,960	111,200	113,900	116,500	117,400	3.6%	2.2%
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5.0%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%

Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.

Housing

The U.S. Census 2018 American Community Survey estimated Costa Mesa's housing stock was 42,867 units in 2010. The City's current housing stock inventory (as of January 2021) is 43,658 units.⁵ From 2010 to 2018, the City's housing stock increased 1,233 units, or 0.6 percent, to approximately 43,100 units. According to the SCAG 2016 – 2040 Regional Growth Forecast, the City's housing stock is forecast to grow to approximately 42,500 households by 2040. Therefore, Costa Mesa has exceeded the SCAG forecast for housing units by approximately 1,158 units, or 2.7 percent. **Table 2-2: Housing Unit Growth Trends (2012-2018)** identifies the household growth for Costa Mesa and surrounding cities.

As shown in Table 2-2, most of the nearby cities' household experienced a higher growth rate than Costa Mesa from 2010 to 2015 and from 2015 to 2018. Between 2015 and 2018, Costa Mesa's housing stock had grown by 0.2 percent, or 70 units, which was the lowest percent increase compared to surrounding jurisdictions from the same period. For example, the City of Irvine's housing stock grew by 10.3 percent, or 9,496 units, from 2015 to 2018. However, and as indicated above, Costa Mesa continues to exceed the

³ United States Census Bureau. (2010). QuickFacts Costa Mesa City, California, Available at: <https://www.census.gov/quickfacts/fact/table/costamesacitycalifornia/POP010210>, Accessed on October 26, 2021.

⁴ City of Costa Mesa. (2021). Community Economic Profile. Available at <https://www.costamesaca.gov/Home/ShowDocument?id=26063>.

⁵ California Department of Finance, Table E-5 - City/County Population and Housing Estimates 1/2021, Accessed July 27, 2021.

SCAG Regional Housing Growth Forecast and the development and entitlement of various housing types in the City continues.

Table 2-2: Housing Unit Growth Trends, 2010-2018					
Jurisdiction	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
Newport Beach	43,503	43,690	44,801	0.4%	2.5%
Costa Mesa	42,867	43,030	43,100	0.4%	0.2%
Irvine	76,184	91,938	101,434	20.7%	10.3%
Santa Ana	77,796	77,192	78,597	-0.8%	1.8%
Huntington Beach	79,166	78,252	81,396	-1.2%	4.0%
Orange County	1,042,254	1,064,642	1,091,376	2.1%	2.5%
Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.					

Candidate Housing Sites

SCAG prepares and identifies the RHNA allocation for local jurisdictions. For the 2021-2029 6th Cycle planning period, the City of Costa Mesa's RHNA allocation is 11,760 housing units. The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA allocation. The sites identified in the HEU represent the City's plan for housing at the designated income levels within the 6th Cycle planning period. The candidate housing site inventory in **Appendix B** of this Initial Study provides a development capacity breakdown and other land use details for the 99 candidate housing sites. Of the 99 candidate housing sites, only 3 of these sites are vacant and undeveloped (or approximately 64 acres out of the 352 acres).⁶ All of the vacant sites are in the North Costa Mesa Specific Plan area and are zoned PDC (Planned Development Commercial) which allows for residential uses. There are 5 existing housing units on the 99 candidate housing sites.

General Plan

The *City of Costa Mesa 2015-2035 General Plan* (General Plan) was adopted in 2015. It provides the City's long-range planning goals and policies for development within the City. The General Plan is the City's vision for growth to 2035. General Plan Chapters 2 through 11 include the following General Plan Elements: Land Use, Circulation, Growth Management, Housing, Conservation, Noise, Safety, Community Design, Open Space and Recreation, and Historic and Cultural Resources.

The Land Use Element describes the City's existing land use characteristics and development patterns and establishes a plan for future development and redevelopment. The existing General Plan land use designation for each of the candidate housing sites is identified in **Appendix B** and described in **Table 2-3: Existing General Plan Land Use Designations**.

⁶ Vacant sites are defined as sites that have little to no improvements and mainly untouched by the HCD Housing Element Sites Inventory Guidebook. (2020). Available at: https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf. pp. 22.

Table 2-3: Existing General Plan Land Use Designations

Land Use Designation	Description
Commercial Center	The Commercial Center designation is intended for large areas with a concentration of diverse or intense commercial uses serving local and regional needs. Appropriate uses include a wide variety and scale of retail stores, professional offices, restaurants, hotels, and theaters. Intense service uses, such as automobile repair and service, should be discouraged.
Commercial Residential	It is the intent of this land use designation to allow a complementary mix of commercial and residential zoning along Newport Boulevard. It is anticipated that individual parcels will be developed as either a commercial or residential use.
Cultural Arts Center	The Cultural Arts Center designation allows intensely developed mixed commercial and cultural uses within a limited area. The intended uses within this designation include mid- to high-rise offices, hotels, restaurants, retail, and cultural uses (theater, art museum or academy, etc.), as well as mid- to high-rise residential units in limited areas that are defined in the North Costa Mesa Specific Plan. It serves as the cultural center of the community and provides a focus to the arts-related uses, with the complement of nearby employment and shopping opportunities.
General Commercial	The General Commercial designation is intended to permit a wide range of commercial uses that serve both local and regional needs. Appropriate uses include those found in the Neighborhood Commercial designation, plus smaller retail stores, theaters, restaurants, hotels and motels, and automobile sales and service establishments.
Golf Course	Three golf courses are located within the City's planning area. Because of the large area devoted to open space, the building intensity for this designation is 0.01 FAR.
High Density Residential	Areas designated as High-Density Residential are intended for residential development with a density of up to 20 units to the acre with some exceptions. Density bonuses shall be granted by the City when a project is designed to provide housing for individuals and families with specialized requirements (e.g., senior citizens, disabled, very-low, low-income, and moderate-income households with needs not sufficiently accommodated by conventional housing) or provide other facilities or land as required by State law. The City may also grant additional incentives or concessions pursuant to State law.
Medium Density Residential	The Medium-Density Residential designation is intended to support single-and multi-family developments with a density of up to 12 units to the acre. The 12 units to the acre standard can be exceeded for legal, nonconforming Medium-Density Residential lots between 6,000 and 7,260 square feet in size that existed as of March 16, 1992.
Low Density Residential	Low-Density Residential areas are intended to accommodate detached single-family residences. Low-Density Residential areas are intended to accommodate outdoor living activities (front yards and backyards) in open space adjacent to dwellings.
Industrial Park	The Industrial Park designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. Industrial parks are characterized by large parcels and landscaped setbacks that create a campus-like environment.
Light Industrial	The Light Industry designation applies to areas intended for a variety of light and general industrial uses. Uses are limited to small manufacturing and service

Table 2-3: Existing General Plan Land Use Designations	
Land Use Designation	Description
	industries, as well as larger industrial operations that can demonstrate design features or restricted operations that limit disruptions to surrounding uses.
Public/Institutional	The Public/Institutional designation applies to both publicly and privately owned land that provides recreation, open space, health, and educational opportunities, as well as uses that provide a service to the public.
Regional Commercial	The Regional Commercial designation is intended to apply to large, concentrated shopping centers of regional scale and importance. The intended uses within this designation include major department stores, specialty retail outlets, restaurants, offices, hotels, and other complementary uses.
Urban Commercial Center	The Urban Center Commercial designation is intended to allow high-intensity mixed-use commercial development within a limited area. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings of four to approximately 25 stories, provided the maximum building height set forth in the North Costa Mesa Specific Plan is not exceeded. Appropriate uses include offices, retail shops, restaurants, residential, and hotels.
Source: City of Costa Mesa. (2015). <i>City of Costa Mesa General Plan Land Use Element Land Use Designations</i> , Available at http://ftp.costamesaca.gov/costamesaca/generalplan2015-2035/adopted/02_FinalDraftLandUseElement_02-2016.pdf , Accessed August 30, 2021.	

Zoning

The City's Zoning Code can be found in the City of Costa Mesa Municipal Code (CMMC) Title 13. The Zoning Code's purpose is to establish permitted land uses and development standards for each zone. It also is intended to implement General Plan goals and objectives; guide and manage development within the City in accordance with the General Plan; as well as reduce hazards to the public resulting from the inappropriate location, use, or design of buildings and other improvements. The existing zoning for each of the candidate housing sites is identified in **Appendix B** to this Initial Study and described in **Table 2-4: Existing Zoning**.

Table 2-4: Existing Zoning	
Zone	Description
C1 Local Business District	This district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the city. The permitted and conditional uses as well as development standards are aimed toward reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.
C2 General Business District	This district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.
CL Commercial Limited District	This district is intended for unique areas of land which, due to the proximity of residential development or the potential for traffic circulation hazards, require special precautions to be taken to assure appropriate development. The district is also intended for industrial areas where commercial uses must be considered according to their compatibility with existing or permitted industrial uses.

Table 2-4: Existing Zoning	
Zone	Description
I & R Institutional and Recreational District	This district is intended to allow land uses which provide recreation, open space, health and public service uses. Development in this designation may occur on either public or private property.
MG General Industrial	This district is intended for a variety of industrial areas which contain a wide range of light and general industrial activities. Development standards and the approval of conditional uses shall be aimed toward eliminating possible hazards to adjoining properties, especially in those areas where residential uses are in the vicinity.
MP Industrial Park	This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.
PDC Planned Development Commercial	This district is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential areas, as well as the entire community and region. Complementary residential uses could also be included in the planned development.
PDI Planned Development Industrial	This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.
R1 Single-Family Residential District	This district is intended to promote the development of single-family detached units located on lots with a minimum lot size of six thousand (6,000) square feet, and a maximum density of 7.26 dwelling units per gross acre.
R2-HD Multiple-Family Residential District, High Density	This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand (3,000) square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.
R2-MD Multiple-Family Residential District, Medium Density	This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand six hundred thirty (3,630) square feet per dwelling unit, which equals twelve (12) dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of six thousand (6,000) square feet up to seven thousand two hundred sixty (7,260) square feet are allowed two (2) dwelling units.
TC Town Center District	This district is intended to allow intensely developed mixed commercial and residential uses within a very limited geographical area bounded by Sunflower Avenue to the north, 1-405 to the south, Bristol Street to the west, and Avenue of the Arts to the east. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings.
Source: City of Costa Mesa. <i>City of Costa Mesa Municipal Code Title 13</i> . Available at http://qcode.us/codes/costamesa/view.php?topic=13-ii-13_20&frames=on . Accessed August 3, 2021.	

2.3 Background

State Policy and Authorization

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for Housing Elements. California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years. Additionally, the California Legislature identifies overall housing goals for the state to ensure every resident has access to housing and a suitable living environment.

Housing Element

California Government Code Article 10.6 and Section 65588 requires all cities and counties to adopt a Housing Element as part of their respective General Plans. The Housing Element provides an analysis of the city's current demographic, economic, and housing characteristics and establishes objectives, policies, and programs addressing community housing conditions and needs. The Housing Element is a comprehensive statement by the City of its current and future housing needs and a listing of proposed actions to facilitate the provision of housing to meet those needs. The proposed Housing Element would update the previous 5th Cycle Housing Element and provide a program for the 2021-2029 6th Cycle. The proposed 6th Cycle Housing Element Update (HEU), in compliance with State regulations, proposes an update to the current Housing Element to incorporate goals, policies, and programs to support housing development throughout the City of Costa Mesa.

Household Income

The California State Department of Housing and Community Development (HCD) has identified the following income categories based on the Area Median Income (AMI) of Orange County:

- **Very Low-income:** households earning up to 50 percent of the AMI
- **Low-income:** households earning between 51 and 80 percent of the AMI
- **Moderate Income:** households earning between 81 percent and 120 percent of the AMI
- **Above Moderate Income:** households earning above 120 percent of the AMI

State law also defines extremely low-income as households earning less than 30 percent of the AMI and are considered a subset of the very low-income category. Combined, the extremely low, very low, and low-income groups are referred to as lower income.⁷

The Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) estimates are based on the 2013-2017 American Community Survey. As identified in **Table 2-5: Households by Income Category in Costa Mesa**, approximately 52.8 percent of Costa Mesa households earned moderate or above moderate incomes, while 29 percent of households had incomes in the extremely low, very low, and low-income levels.

Table 2-5: Households by Income Category in Costa Mesa		
Income Category (% of County AMI)	Households	Percent
Extremely Low (30% AMI or less)	6,610	16.3%
Very Low (31 to 50% AMI)	5,220	12.9%
Low (51 to 80% AMI)	7,325	18.1%
Moderate or Above (over 80% AMI)	21,405	52.8%
Total	40,555	100%
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.		

⁷ Federal housing and community development programs typically assist households with incomes up to 80 percent of the AMI and use different terminology. For example, the Federal Community Development Block Grant (CDBG) program refers households with incomes between 51 and 80 percent AMI as moderate income (compared to low-income based on State definition).

Regional Housing Needs Assessment (RHNA)

As previously noted, California Government Code Section 65583 sets forth the specific content requirements of a jurisdiction's Housing Element. Included in these requirements are obligations on the part of local jurisdictions to provide their "fair share" of regional housing needs. Local governments and Councils of Governments (COGs) are required to determine existing and future housing needs (RHNA) and the allocation of this need must be approved by HCD.

The City is a member agency of SCAG, who is responsible for preparing the RHNA for all jurisdictions within the SCAG region and therefore acts as the COG for Orange County. The RHNA is mandated by State Housing Law as part of the periodic process of updating local General Plan Housing Elements.⁸ SCAG quantifies the housing need in each jurisdiction for all economic segments of the community (known as RHNA allocation plan) in four income categories: very low, low, moderate, and above moderate.

Per California Government Code Section 65584(d), the RHNA allocation plan determines existing and projected housing need with the following objectives:

- Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.
- Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to California Government Code Section 65080.
- Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.
- Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.
- Affirmatively furthering fair housing.

Each jurisdiction must demonstrate in its Housing Element that it can accommodate its RHNA allocation at all income levels. The California Department of Finance's (DOF) population estimates and RHNA are also used for regional transportation planning purposes. Senate Bill (SB) 375 integrates RHNA with SCAG's Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). In the past, the RHNA was undertaken independently from the RTP. However, in 2008, the California Legislature passed SB 375 as the land use and transportation planning component of the State's effort to reduce vehicle miles traveled (VMT) to achieve the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) GHG emission reductions. AB 32 recognizes the importance of planning for housing and land use in creating sustainable communities where residents of all income levels have access to jobs, services, and housing by using transit, walking, or bicycling.

⁸ Southern California Association of Governments (SCAG). *What is RHNA?* Available at <https://scag.ca.gov/rhna>. Accessed on August 10, 2021

RHNA Allocation

The 6th Cycle RHNA allocates housing need based on future estimates of housing unit growth need over the planning period of 2021-2029. The RHNA allocation plan identifies the projected number of housing units that will be needed to accommodate estimated future growth need during the planning period at specified levels of affordability. On March 4, 2021, SCAG adopted the final RHNA allocations and distributed the RHNA allocation to all local jurisdictions. **Table 2-6: RHNA Housing Needs Allocation** breaks down the City's regional share of housing units by income category. The City's projected housing need for the 6th Cycle planning period is 11,760 housing units, including 2,919 very low-income units and 1,794 low-income units.

Table 2-6: RHNA Housing Needs Allocation				
Income Level	% of Median Family Income (MFI)¹	Income Range¹		RHNA Allocation (Housing Units)
		Min.	Max.	
Very Low Income	0-50%	\$0	\$51,500	2,919
Low Income	51-80%	\$51,501	\$82,400	1,794
Moderate Income	81-120%	\$82,401	\$123,600	2,088
Above Moderate Income	>120%	\$123,601	>\$123,601	4,959
Total				11,760
1. Income Range is based on the 2020 HUD Median Family Income (MFI) for County of Orange of \$103,000.				

In accordance with State Housing Law, local governments must be accountable for ensuring that projected housing needs can be fully accommodated at all times during the Housing Element planning period. The HEU provides a framework for evaluating the adequacy of local zoning and regulatory actions to ensure each local government is providing sufficient appropriately designated land use throughout the planning period. The Housing Element must identify and analyze the City's housing needs and establish reasonable goals, objectives, and policies to achieve those needs. The HEU must also identify candidate housing sites with the potential to accommodate housing at higher densities to meet the City's assigned low-income RHNA (extremely low, very low and low-income) category need.

2.4 Project Characteristics

The City is proposing the 6th Cycle Housing Element (2021–2029 planning period) as a comprehensive update to the City's 5th Cycle 2014-2021 Housing Element. The HEU includes the City's Housing Policy Plan, which addresses the City's identified housing needs, and includes goals, policies, and programs concerning housing and housing-related services, as well as the City's approach to addressing its share of the regional housing need.

The draft 2021-2029 Housing Element has four chapters and four appendices:

- **Chapter 1 - Introduction:** The Introduction contains a summary of the content, organization, and statutory considerations of the Housing Element.
- **Chapter 2 – Community Profile:** The Community Profile contains an analysis of the City's population, household and employment base, and characteristics of the housing stock.
- **Chapter 3 – Housing Constraints, Resources, and Affirmatively Furthering Fair Housing:** The Housing Constraints and Resources examine governmental and non-governmental constraints on

the production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification, funding and financial considerations, and an analysis of fair housing.

- **Chapter 4 – Housing Plan:** The Housing Policy Plan addresses Costa Mesa’s identified housing needs, including housing goals, policies, and programs.
- **Appendix A:** Appendix A reviews the implementation of housing programs and strategies proposed in the 6th Cycle Housing Element Update.
- **Appendix B:** Appendix B contains an analysis of each selected candidate housing site as well as an analysis of strategies that can be implemented in order for the City to achieve the RHNA.
- **Appendix C:** Appendix C contains a description of community engagement throughout the Housing Element Update process.
- **Appendix D:** Appendix D contains a glossary of terms used in the Housing Element Update.

Candidate Housing Sites Inventory

To demonstrate the availability of sites to accommodate the 2021-2029 RHNA allocation, the City prepared a parcel-specific “land inventory” that takes into consideration land availability, zoning and development standards, and infrastructure to accommodate this allocation. Provided in Appendix B of the draft Housing Element Update, the inventory includes sites capable of accommodating the RHNA allocation pursuant to State guidance, without the need for any changes to land use designations.

These candidate housing sites include those that have been or will be constructed or issued permits during the 2021-2029 planning period, sites with existing residential zoning capacity, and sites to be rezoned in the future as part of the Housing Element’s policy program; see **Table 2-7: Summary of RHNA Status and Sites Inventory**. As shown in the table, the City’s total potential development capacity is approximately 17,531 housing units, which would exceed the City’s RHNA allocation of 11,760 housing units by 5,771 units (or approximately 149 percent over the RHNA allocation). A sufficient buffer is identified to accommodate the RHNA during the entire planning period given the requirements of the “no net loss” statute pursuant to Senate Bill 330.

The table identifies the City’s 6th Cycle RHNA need by income category and candidate site to meet the need. The analysis demonstrates that Costa Mesa has the capacity to meet their 6th Cycle RHNA allocation through the following methods:

- Identification of development capacity in entitled overlays, Specific Plans, and urban plan areas.
- Identification of development capacity on sites which permit residential development at or above 30 dwelling units per acre (du/ac).
- Identification of entitled/approved projects that do not have Certificates of Occupancy.
- Future development of Accessory Dwelling Units (ADUs) assumptions using SCAG/HCD approved methodologies.

Table 2-7: Summary of RHNA Status and Sites Inventory (Housing Units)					
	Very Low Income	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 31, 2021)	0	0	0	0	0
Remaining Unmet RHNA	2,919	1,794	2,088	4,959	11,760
Sites Inventory					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Existing Sites	1,009	562	1,084	3,655	6,310
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,269	632	1,269	3,265	6,435
SoBECA Urban Plan	141	67	141	383	732
Mesa West Bluff Urban Plan	208	100	208	555	1,071
19 West Urban Plan	123	59	123	335	640
Harbor Mixed Use Overlay	286	135	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	2,027	993	2,027	5,316	10,363
Projected ADU Construction					
Projected ADU Construction	215	369	257	17	858
Sites Inventory Total					
Total Units towards RHNA	3,251	1,924	3,368	8,988	17,531
Total Capacity Over RHNA Categories	111%	107%	161%	181%	149%

The candidate housing site inventory provides a breakdown of the potential 17,531 housing units from the 99 candidate housing sites, which are comprised of 99 potential buildable parcels totaling approximately 352 acres (see Appendix B to this Initial Study). The HEU identifies potential candidate housing sites by income category to meet the City's RHNA allocation; see Appendix B for further details. The City demonstrates the capacity to accommodate up to 17,531 candidate housing sites through existing capacity or future amendments per Housing Programs 3B and 3C to permit residential development at the densities specified in HEU Appendix B, Table B-3. The candidate housing sites are either residentially zoned or within areas of opportunity identified by the City with supporting strategies to stimulate future housing growth. Each site's development capacity depends on permitted density and site-specific factors. **Exhibit 2-2** depicts the candidate housing sites identified for future housing development, as facilitated by project implementation.

All candidate sites were evaluated based on surrounding and existing on-site development to determine the extent to which existing, established uses have the likelihood to redevelop during the 2021-2029 planning period.

As discussed above, to accommodate their RHNA allocation, the City has identified candidate sites that yield 17,531 potential housing units within the City, which exceeds the total required RHNA growth need of 11,760 housing units and result in a surplus of 5,771 housing units or 149 percent (Table 2-7). As shown in the table, no units have been constructed and/or permits have been issued. As also shown in the table, 6,310 housing units would be provided through existing zoning, which includes 858 Accessory Dwelling Units (ADUs), as well as through entitled Specific Plans, Overlays, and Urban plans (10,363 units).

The environmental analysis in this Initial Study is limited to the City's housing policy and program of actions to support the City's compliance with State Housing regulations. Therefore, this Initial Study evaluates changes from the proposed revisions to existing Specific Plans, Urban Plans, and Overlays (North Costa Mesa Specific Plan, 19 West Specific Plan, SoBECA Urban Plan, Mesa West Bluff Urban Plan, Residential Ownership Urban Plan (Propose to Remove), Residential Incentive Overlay, and Harbor Mixed-Use Overlay) at a programmatic and policy level and does not evaluate future site-specific development on the candidate housing sites. Amendments to the Specific Plans, Urban Plans, and Overlays would permit residential development at a higher density than what the current zoning permits as of adoption of this document. Implementation of the revisions is a future action that will be evaluated in subsequent CEQA analysis.

All the candidate housing sites in the inventory with a capacity to accommodate very low-/low-income units meet the criteria set forth by AB 1397 (or pursuant to State guidance, have specific justification for their inclusion). The City recognizes that all sites within the inventory will not likely develop at the maximum affordability assumptions identified draft Housing Element. As an additional strategy to create adequate capacity for the development of lower-income units, the City assumes only a portion of (approximately half) of the full capacity of each of candidate housing sites will develop at lower-income affordable levels. For example, some sites may develop at higher densities or lower affordability levels, and some may develop with lower densities or higher affordability levels. For this reason, the City has included a buffer of 10 percent (462 units) on the total number of very low and low-income units to assist in accommodating potential differences in future housing development. There is also an overall buffer of 50 percent (5,771 units), averaged over all income categories, of capacity built into the inventory.

The HEU establishes goals, policies, and programs (Section 4: Housing Plan) that identify funding opportunities and partnerships with the development community to increase the amount of affordable housing built in future developments. The City recognizes that should a "No Net Loss" situation occur, they will be required to identify additional sites to demonstrate the ability to accommodate any future unaccommodated RHNA need. For this reason, the City has included the housing buffer.

Depending on the City's policy preferences and guidance from HCD, it is possible that not all of the candidate sites will be included in the final HEU. This Initial Study analysis considers all candidate housing sites to provide a conservative analysis of potential environmental impacts. The candidate sites are listed in Initial Study **Appendix B**.

General Plan Goals and Policies

The HEU's purpose is to address the housing needs and objectives of the City and to meet the State Housing Law requirements. The City of Costa Mesa has identified the following housing goals as part of this Housing Element Update:

- Housing Goal 1:** Preservation, conservation, and enhancement of existing housing stock and residential neighborhoods within Costa Mesa.
- Housing Goal 2:** A range of housing choices for all social and economic segments of the community, including housing for persons with special needs.
- Housing Goal 3:** Identification of adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels.
- Housing Goal 4:** Existing and future housing opportunities open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

The Housing Element expresses the Costa Mesa community's overall housing goals and supporting policies, quantified objectives, and housing programs to achieve them. The stated Housing Programs are based on a review of past performance of the 5th Cycle Housing Element, current State requirements, analysis of current constraints and resources, and input from Costa Mesa residents and stakeholders.

- Housing Goal 1:** Preservation, conservation, and enhancement of existing housing stock and residential neighborhoods in Costa Mesa.

Housing Policy 1.1: Continue the existing rehabilitation loan and grant programs for low and moderate-income homeowners as long as funds are available.

Housing Policy 1.2: Minimize the displacement of existing residences due to redevelopment and public projects.

Housing Policy 1.3: Encourage the development of housing that fulfills all segments of the population including specialized needs.

Housing Policy 1.4: Actively enforce existing regulations regarding derelict or abandoned vehicles, outdoor storage, substandard or illegal buildings and establish regulations to abate weed-filled yards when any of the above is deemed to constitute a health, safety or fire hazard.

Housing Policy 1.5: Establish code enforcement as a high priority and provide adequate funding and staffing to support code enforcement programs.

- Housing Goal 2:** Providing a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.

Housing Policy 2.1: Encourage concurrent applications (i.e., rezones, tentative tract maps, conditional use permits, variance requests, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.

Housing Policy 2.2: Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing.

Housing Policy 2.3: Encourage developers to employ innovative or alternative construction methods to reduce housing costs and increase housing supply.

Housing Policy 2.4: Continue membership in the Orange County Housing Authority to provide rental assistance to very low-income households.

Housing Policy 2.5: Provide clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing.

Housing Policy 2.6: Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws.

Housing Policy 2.7: Encourage programs that address the housing needs of Costa Mesa's senior resident population.

Housing Goal 3: Identification of adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels.

Housing Policy 3.1: Encourage the conversion of existing marginal, underutilized or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.

Housing Policy 3.2: Provide opportunities for the development of well-planned and designed 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.

Housing Policy 3.3: Cooperate with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability to provide housing opportunities affordable to the incomes of the newly created job opportunities.

Housing Policy 3.4: Consider the potential impact of new housing opportunities and their impacts on existing residential neighborhoods when reviewing rezone petitions affecting residential properties.

Housing Policy 3.5: Encourage residential and mixed-use development along transportation routes and major commercial corridors.

Housing Goal 4: Existing and future housing opportunities open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin, or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

Housing Policy 4.1: Support the intent and spirit of equal housing opportunities as expressed in Federal and State fair housing laws.

Housing Policy 4.2: Continue to provide fair housing and counseling services for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City.

Housing Policy 4.3: Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements.

Housing Policy 4.4: Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements.

Development Capacity Projections for Future Site Development

Under State CEQA Guidelines Section 15378(a), a project is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” The proposed project includes creating policies that would accommodate implementation measures to increase 17,531 potential housing units within the City, inclusive of the RHNA allocation of 11,760 housing units and a buffer of 5,771 housing (Table 2-7). The project does not include the actual implementation measures and/or development of the housing units, which would be subject to future environmental evaluation.

Project Phasing

The Housing Element is a policy document that presents the City’s policies and programs to achieve housing objectives during the 2021-2029 planning period. Foundational to this analysis is that growth projections represent a theoretical development capacity, which, consistent with the Housing Element planning period, is estimated to be accommodated by 2029. However, and as previously mentioned, the project does not propose development, rather it is intended to accommodate and encourage housing development to accommodate the State regional projected share at all income levels within the City. The 17,531 housing unit development capacity and planning period are both based on theoretical conditions used to conduct a thorough and conservative analysis of potential environmental impacts that would result from future development accommodated through project implementation. The development capacity and planning period do not consider factors that influence the timing of development, such as economics and market forces, among others. Individual projects would occur incrementally over time, largely based on property owner desires, economic conditions, market demand, and other planning considerations.

The actual rate of housing development is outside of the City’s control and would be dictated by factors that influence development, as previously mentioned. Therefore, while the project includes creating policies for the development capacity of 17,531 housing units, it is unlikely that the anticipated development would occur by the Housing Element’s 2029 planning horizon. Moreover, not all the candidate sites analyzed as part of the project may be included in the final Housing Element. The project’s intent is to provide the capacity (i.e., land use implementation provisions and zoning amendments) for the housing market to adequately address housing needs for all income groups, rather than generating the full development capacity housing within the planning cycle. The project further directs the

development capacity to occur where planned growth is best suited to occur. Therefore, to provide a conservative analysis (i.e., a “worst-case” scenario environmentally), this Initial Study assumes project buildout by 2029.

2.5 Discretionary and Ministerial Approvals

Primarily, the following discretionary and ministerial actions and/or approvals need to be considered for the proposed project:

- **Adoption of the Initial Study/Mitigated Negative Declaration.** The proposed project requires CEQA compliance through the adoption of an IS/MND prior to approval of the project. This Initial Study and the proposed MND are intended to serve as the primary environmental document for the Costa Mesa HEU Project.
- **Adoption of the City of Costa Mesa 2021-2029 Housing Element**
- **Approval of Housing Element from the California Department of Housing and Community Development (HCD)**

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3.0 INITIAL STUDY CHECKLIST

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. The analysis concludes that no Potentially Significant Impacts would occur.

- | | | |
|--------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this initial evaluation (check one):

- ☐ 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 measures 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.

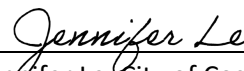
CERTIFICATION:

Prepared by:



Dana Privitt, Kimley-Horn and Associates, Inc.

Reviewed by:



Jennifer Le, City of Costa Mesa

ENVIRONMENTAL CHECKLIST

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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. 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 non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
where sewers are not available for the disposal of waste water?				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. PUBLIC SERVICES. Would the project result in				
a) 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:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. RECREATION. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. TRIBAL CULTURAL RESOURCES. Would the project:				
a) 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: i) Listed or eligible for listing in the California				
i) 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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

Threshold (a) Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. According to the *City of Costa Mesa 2015-2035 General Plan Environmental Impact Report* (General Plan EIR), the City has three public scenic vistas: the Pacific Ocean, the Santa Ana River, and the Santa Ana Mountains. A substantial adverse effect to scenic vistas could result in situations in which a development project introduces physical features that are not characteristic of current development, obstructs an identified public scenic vista mentioned above or has a substantial change to the natural landscape.

The HEU would not result in a substantial adverse effect on a scenic vista. The project would not result in direct housing construction but would facilitate future housing development on candidate housing sites that are located throughout the City. All new development facilitated by the HEU would be required to be consistent with the *City of Costa Mesa 2015-2035 General Plan* (General Plan) and current zoning standards. Future housing development projects would be subject to the City's planning review process and zoning requirements per CMMC Title 13 – Planning, Zoning, and Development, which contains regulations intended to protect scenic vistas. Furthermore, future development facilitated by the HEU would be subject to comply with the City's General Plan policies. Specifically, General Plan Policy CD-5.1 requires the City to preserve and optimize natural views and open spaces, Policy CD-5.2 requires preservation and optimization of natural views and open spaces in the City, and Policy CD-5.4 aims to maintain Fairview Park as an open space and recreation area. Approximately, 97 percent of candidate housing sites identified in the HEU are currently developed and are surrounded by urban development.

Compliance with the above-mentioned regulations and policies would ensure that appropriate consideration is taken when reviewing any new housing development facilitated by the HEU for adverse effects on scenic vistas. Furthermore, the proposed project would not change the City's current development standards and would be consistent with the regulation of building height, setbacks, massing, and overall design in the City per CMMC Title 13, Chapter V (Development Standards). Future housing development would be subject to the City's planning review process and zoning requirements, which are intended to ensure consistency with the General Plan policies. Therefore, impacts to scenic vistas would be less than significant and no mitigation is required.

Threshold (b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. There are no designated or eligible State scenic highways in the City. State Highway 1, which runs parallel to the Pacific Ocean just southwest of the City, is an eligible State Scenic Highway but has not been designated.⁹ Because there are no State scenic highways in the City, no impact would occur and no mitigation is required.

⁹ Caltrans. (2018). California State Scenic Highway System Map, Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, Accessed July 19, 2021.

Threshold (c) Would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The HEU would not directly result in construction but would facilitate new housing development on candidate housing sites located throughout in the City. The HEU would not conflict with applicable zoning and other regulations governing scenic quality.

The development review process codified under CMMC Title 13, Chapter V protects against degrading visual character or quality of public views through its development standards. Development standards are regulations, rules, or measures pertaining to land uses and zoning that establish how future development projects would be designed. For example, residential common interest development standards under CMMC Title 13, Chapter V, Article 2, Section 13-41 (Residential Common Interest Development Standards) require natural features such as scenic points and bluffs be taken into consideration during the site planning process. Additionally, the City does not have a scenic overlay that governs scenic quality.

Future housing development facilitated by the HEU would be required to comply with the CMMC regarding design compatibility of housing facilitated by the HEU with the surrounding community. Therefore, impacts to existing visual character and quality of public views would be less than significant and no mitigation is required.

Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Future housing development facilitated by the HEU could add new sources of light and glare. Potential new light sources would be primarily exterior nighttime lighting fixtures, parking area lighting, light glow from windows, doors and skylights, and accent lighting. The introduction of concentrated or multiple sources of nighttime lighting near low-density areas could result in potential impacts.

However, future housing development facilitated by the HEU would be required to comply with all applicable requirements related to light and glare, including the California Green Building Standards Code. Additionally, future housing projects facilitated by the HEU would be subject to City standard conditions outlined in Standard Condition (SC) AES-1, which requires applicants to submit a Lighting Plan and Photometric Study for approval to the City's Development Services Department prior to the issuance of any building permits.¹⁰ CMMC Title 13, Chapter V, Article 2, (Residential District Development Standards) protects residential neighborhoods from excessive illumination by regulating lighting orientation (directed toward walkways and driveways, or shielding). Compliance with SC AES-1 would ensure future housing development on candidate housing sites is reviewed for lighting compatibility with adjacent neighborhoods.

Future housing development facilitated by the HEU could also add new sources of glare. Glare is commonly associated with reflective surfaces such as glass, rooftop solar panels, windows, heat-reflective roofing materials, and other building elements. SC AES-1 requires a Lighting Plan and Photometric Study to determine if glare shields are required. Further, to minimize glare, future projects would be required to use glass with low reflectivity, in compliance with California Building Code Title 24 standards. To minimize glare associated with rooftop solar panels, panels could be installed flat, treated with anti-reflective coatings, and manufactured from modern glass technology. Considering these requirements

¹⁰ City of Costa Mesa. General Conditions and Code Requirements for All Applications, Accessed July 19, 2021.

and the City's standard conditions, future housing development facilitated by the HEU would not create new sources of substantial light or glare. Therefore, impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

SC AES-1 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.

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4.2 Agriculture and Forestry Resources

Threshold (a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?

Less than Significant Impact. According to the City's General Plan EIR, the City is mostly developed and urbanized, and does not contain any areas zoned or designated solely for commercial agriculture or forest resources. The California Important Farmland Finder Map¹¹ identifies that candidate housing site 138 is on land classified as Prime Farmland and Farmland of Statewide Importance and candidate housing site 142 is on land classified as Farmland of Statewide Importance. Candidate housing sites 138 and 142 are currently in commercial agriculture production. Candidate housing site 138 is occupied by the Segerstrom House and Ranch, and site 142 is occupied by the Tanaka Farms Hana Field and Sakioka Company, LLC. Although these sites are designated as Prime Farmland and Farmland of Statewide Importance, neither is zoned for agriculture or designated for agricultural use in the General Plan. The current uses on candidate housing sites 138 and 142 are considered historical remnant agricultural operations ultimately to be replaced by urbanization. The existing zoning designation on candidate housing sites 138 and 142 is Planned Development Commercial (PDC), which allows for residential development following Planning Commission review and approval for compatibility with surrounding uses. Therefore, the HEU would not result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract? or

Threshold (c) Would the project 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))? or

Threshold (d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

b-d. No Impact. According to the General Plan EIR, the City does not have any active Williamson Act contracts, have any lands zoned for agriculture use, and does not contain any forest land. Therefore, future housing development facilitated by the HEU would not conflict with any existing zoning for agricultural use, Williamson Act Contract, or result in rezoning of forest lands. No impact would occur and no mitigation is required.

Threshold (e) Would the project involve other changes in the existing environment which, due to their location or nature could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest land?

Less than Significant Impact. As discussed above, candidate housing site 138 and 142 currently used for agricultural production. However, these candidate housing sites have an Urban Center Commercial land use designation, which allows for residential land uses. Further, the HEU would not involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural use or

¹¹ California Department of Conservation, *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed August 3, 2021.

the conversion of forest land to non-forest land. Therefore, the impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed HEU.

4.3 Air Quality

The Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA) regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. Local control in air quality management is provided by the California Air Resources Board (CARB) through county-level or regional (multi-county) air pollution control districts (APCDs). CARB establishes air quality standards and is responsible for control of mobile emission sources, while the local APCDs are responsible for enforcing standards and regulating stationary sources. CARB has established 14 air basins statewide. Costa Mesa is in the South Coast Air Basin (SCAB).

Federal Regulations

Federal Clean Air Act

The Federal Clean Air Act (FCAA), passed in 1970 and last amended in 1990, is the basis for national air pollution control. The U.S. Environmental Protection Agency (U.S. EPA) is responsible for implementing most aspects of the Clean Air Act, including setting National Ambient Air Quality Standards (NAAQS) for major air pollutants; setting hazardous air pollutants standards; approving State attainment plans; setting motor vehicle emission standards; issuing stationary source emission standards and permits; and establishing acid rain control measures, stratospheric ozone (O₃) protection measures, and enforcement provisions. The 1990 FCAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The FCAA allows states to adopt more stringent standards or to include other pollution species.

National Ambient Air Quality Standards

The FCAA requires the U.S. EPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. NAAQS have been established for the following pollutants: Ozone (O₃), Carbon Monoxide (CO), Sulfur Dioxide (SO₂), Particulate Matter 10 (PM₁₀), Particulate Matter 2.5 (PM_{2.5}), and lead.

State Regulations

California Clean Air Act

The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve and maintain the CAAQS by the earliest practical date. CARB is the state air pollution control agency and is a part of the California Environmental Protection Agency (CalEPA). CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in the state, and for implementing the requirements of the CCAA. CARB oversees local district compliance with state and federal laws, approves local air quality plans, submits the State Implementation Plans (SIPs) to the U.S. EPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Ambient Air Quality Standards

The CCAA requires CARB to establish CAAQS. Similar to the NAAQS, CAAQS have been established for the following pollutants: O₃, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, lead, vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. In most cases, the CAAQS are more stringent than the NAAQS. The CCAA requires that all local air districts in the state endeavor to achieve and maintain the CAAQS by the earliest

practical date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources. The CAAQS and NAAQS are presented in **Table 4.3-1: State and Federal Ambient Air Quality Standards** below.

Table 4.3-1: State and Federal Ambient Air Quality Standards			
Pollutant	Averaging Time	State Standards¹	Federal Standards²
Ozone (O ₃) ^{2, 5, 7}	8 Hour	0.070 ppm (137 µg/m ³)	0.070 ppm
	1 Hour	0.09 ppm (180 µg/m ³)	NA
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/m ³)	0.10 ppm ¹¹
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)
Sulfur Dioxide (SO ₂) ⁸	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)
	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)
	Annual Arithmetic Mean	NA	0.03 ppm (80 µg/m ³)
Particulate Matter (PM ₁₀) ^{1, 3, 6}	24-Hour	50 µg/m ³	150 µg/m ³
	Annual Arithmetic Mean	20 µg/m ³	NA
Fine Particulate Matter (PM _{2.5}) ^{3, 4, 6, 9}	24-Hour	NA	35 µg/m ³
	Annual Arithmetic Mean	12 µg/m ³	12 µg/m ³
Sulfates (SO ₄₋₂)	24 Hour	25 µg/m ³	NA
Lead (Pb) ^{10, 11}	30-Day Average	1.5 µg/m ³	NA
	Calendar Quarter	NA	1.5 µg/m ³
	Rolling 3-Month Average	NA	0.15 µg/m ³
Hydrogen Sulfide (H ₂ S)	1 Hour	0.03 ppm (42 µg/m ³)	NA
Vinyl Chloride (C ₂ H ₃ Cl) ¹⁰	24 Hour	0.01 ppm (26 µg/m ³)	NA

ppm = parts per million; µg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter; – = no information available.

¹ California standards for O₃, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM₁₀, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equalled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM₁₀ annual standard), then some measurements may be excluded. Measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe carbon monoxide standard is 6.0 ppm, a level one-half the national standard and two-thirds the State standard.

² National standards shown are the "primary standards" designed to protect public health. National standards other than for O₃, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour O₃ standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour O₃ standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm or less. The 24-hour PM₁₀ standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m³. The 24-hour PM_{2.5} standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³.

Table 4.3-1: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards ¹	Federal Standards ²
³ Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM ₁₀ is met if the 3-year average falls below the standard at every site. The annual PM _{2.5} standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard. NAAQS are set by the U.S. EPA at levels determined to be protective of public health with an adequate margin of safety.			
⁴ On October 1, 2015, the national 8-hour O ₃ primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour O ₃ concentration per year, averaged over three years, is equal to or less than 0.070 ppm. U.S. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the O ₃ level in the area.			
⁵ The national 1-hour O ₃ standard was revoked by the U.S. EPA on June 15, 2005.			
⁶ In June 2002, CARB established new annual standards for PM _{2.5} and PM ₁₀ .			
⁷ The 8-hour California O ₃ standard was approved by the CARB on April 28, 2005 and became effective on May 17, 2006.			
⁸ On June 2, 2010, the U.S. EPA established a new 1-hour SO ₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99 th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO ₂ NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1 hour SO ₂ NAAQS.			
⁹ In December 2012, U.S. EPA strengthened the annual PM _{2.5} NAAQS from 15.0 to 12.0 µg/m ³ . In December 2014, the U.S. EPA issued final area designations for the 2012 primary annual PM _{2.5} NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.			
¹⁰ CARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure below which there are no adverse health effects determined.			
¹¹ National lead standards, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.			
Source: South Coast Air Quality Management District, <i>Air Quality Management Plan</i> , 2016; California Air Resources Board, <i>Ambient Air Quality Standards</i> , May 6, 2016.			

Regional and Local Regulations

South Coast Air Quality Management District

The South Coast Air Quality Management District (South Coast AQMD) is responsible for air quality planning in the SCAB and developing rules and regulations to bring the area into attainment of the ambient air quality standards. This is accomplished through air quality monitoring, evaluation, education, implementation of control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations, and by supporting and implementing measures to reduce emissions from motor vehicles. All projects are subject to South Coast AQMD rules and regulations in effect at the time of construction.

The South Coast AQMD is also the lead agency in charge of developing the Air Quality Management Plan (AQMP) with input from SCAG and CARB. The AQMP is a comprehensive plan that includes control strategies for stationery and area sources, as well as for on-road and off-road mobile sources. SCAG has the primary responsibility for providing future growth projections and the development and implementation of transportation control measures. CARB, in coordination with federal agencies, provides the control element for mobile sources.

The 2016 AQMP was adopted by the South Coast AQMD Governing Board on March 3, 2017. The purpose of the AQMP is to set forth a comprehensive and integrated program that would lead the SCAG into compliance with the federal 24-hour PM_{2.5} air quality standard, and to provide an update to the South

Coast AQMD's commitments towards meeting the federal 8-hour O₃ standards. The AQMP incorporates the latest scientific and technological information and planning assumptions, including the SCAG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories.

The South Coast AQMD has published the CEQA Air Quality Handbook (approved by the South Coast AQMD Governing Board in 1993 and augmented with guidance for Local Significance Thresholds [LST] in 2008). The South Coast AQMD guidance helps local government agencies and consultants to develop environmental documents required by CEQA and provides identification of suggested thresholds of significance for criteria pollutants for both construction and operation. With the help of the CEQA Air Quality Handbook and associated guidance, local land use planners and consultants are able to analyze and document how proposed and existing projects affect air quality in order to meet the requirements of the CEQA review process. The South Coast AQMD periodically provides supplemental guidance and updates to the handbook on their website.

South Coast AQMD Thresholds

According to the South Coast AQMD, an air quality impact is considered significant if the project would violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The South Coast AQMD has established thresholds of significance for air quality during construction and operational activities of land use development projects, as shown in **Table 4.3-2: South Coast Air Quality Management District Emissions Thresholds**.

Table 4.3-2: South Coast Air Quality Management District Emissions Thresholds		
Criteria Air Pollutants and Precursors	Construction-Related	Operational-Related
Reactive Organic Gases (ROG)	75	55
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO _x)	100	55
Sulfur Oxides (SO _x)	150	150
Coarse Particulates (PM ₁₀)	150	150
Fine Particulates (PM _{2.5})	55	55
Source: South Coast Air Quality Management District, <i>South Coast AQMD Air Quality Significance Thresholds</i> , April 2019.		

Localized Carbon Monoxide. In addition to the daily thresholds listed above, development associated with the project would also be subject to the ambient air quality standards. These are addressed through an analysis of localized CO impacts. The significance of localized impacts depends on whether ambient CO levels near a project site are above the state and federal CO standards (the more stringent California standards are 20 ppm for 1-hour and 9 ppm for 8-hour). The SCAB has been designated as in attainment under the 1-hour and 8-hour standards.

City of Costa Mesa 2015-2035 General Plan

The City's General Plan Conservation Element contains goals and policies to improve and maintain air quality for the benefit of the health and vitality of residents and the local economy. In alignment with State emissions reduction goals and in cooperation with the South Coast AQMD, the City aims to pursue regional collaboration to reduce emissions from all sources.

Objective CON-4.A: Pursue the prevention of the significant deterioration of local and regional air quality.

Policy CON-4.A.1: Support regional policies and efforts that improve air quality to protect human and environmental health, and minimize disproportionate impacts on sensitive population groups.

Policy CON-4.A.2: Encourage businesses, industries and residents to reduce the impact of direct, indirect, and cumulative impacts of stationary and non-stationary pollution sources.

Policy CON-4.A.3: Require that sensitive uses such as schools, childcare centers, parks and playgrounds, housing, and community gathering places are protected from adverse impacts of emissions.

Policy CON-4.A.4: Continue to participate in regional planning efforts with the Southern California Association of Governments, nearby jurisdictions, and the South Coast Air Quality Management District to meet or exceed air quality standards.

Impact Analysis

Threshold (a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The South Coast AQMD is required, pursuant to the FCAA, to reduce emissions of criteria pollutants for which the SCAB is in non-attainment of the NAAQS (e.g., ozone and PM_{2.5}). The South Coast AQMD's 2016 AQMP contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving the NAAQS. These strategies are developed, in part, based on regional growth projections prepared by SCAG. SCAG has the responsibility of preparing and approving portions of the AQMP relating to the regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies. SCAG is required by law to ensure that transportation activities conform to, and are supportive of, the goals of regional and state air quality plans to attain the NAAQS. The RTP/SCS includes transportation programs, measures, and strategies generally designed to reduce VMT, which are contained in the AQMP. The South Coast AQMD combines its portion of the AQMP with those prepared by SCAG.

On September 3, 2020, SCAG's Regional Council adopted Connect SoCal, the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS was determined to conform to the federally mandated SIP for the attainment and maintenance of the NAAQS. On October 30, 2020, CARB also accepted SCAG's determination that the RTP/SCS met the applicable state GHG emissions targets. The 2020-2045 RTP/SCS will be incorporated into the forthcoming 2022 AQMP. Both the Regional Comprehensive Plan and AQMP are based, in part, on projections originating with county and city general plans.

The 2016 AQMP was prepared to accommodate growth, reduce the high levels of pollutants within the areas under the jurisdiction of South Coast AQMD, return clean air to the region, and minimize the impact on the economy. Projects that are consistent with the assumptions used in the AQMP do not interfere with attainment because the growth is included in the projections utilized in the formulation of the AQMP. Therefore, projects, uses, and activities that are consistent with the applicable growth projections and

control strategies used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the South Coast AQMD's numeric indicators.

As discussed previously, the HEU does not propose development. Instead, the HEU identifies policies and programs that could be implemented to provide additional capacity for future development of dwelling units consistent with State Housing Law. Future zoning actions to implement specific programs within the HEU are required to be completed within three years of adoption of the HEU. The City can accommodate some of the future housing needs based on sites currently zoned for or permitting residential uses. However, rezones are required to accommodate the RHNA allocation.

The HEU would not result in direct housing construction but would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City. A total potential development capacity of 17,531 housing units is assumed. As such, future housing on these sites would be developed with greater density than assumed in the General Plan and SCAG's growth projections. Additionally, 858 ADU units are anticipated throughout the City. The forecast population growth associated with these 17,531 new housing units is approximately 47,333 persons; see **Section 4.14, Population and Housing**.

Additionally, future housing development on candidate housing sites would be required to adhere to all federal, state, and local requirements for minimizing construction and operational pollutant emissions, including South Coast AQMD's Rule 402, Rule 403, and Rule 1113, as prescribed in the City's Standard Conditions (see SC AQ-1 and SC AQ-2) as well as the CMMC.

It is noted, the City's goal for the HEU is to achieve Housing and Community Development (HCD) certification; therefore, the project must comply with applicable federal, state, regional, and local housing laws, and policies. As a result, it is not anticipated that future housing development facilitated by the HEU would interfere with South Coast AQMD goals for improving air quality in the SCAB or conflict with or obstruct implementation of applicable air quality plans. The HEU would be consistent with the standards and policies set forth in the 2016 AQMP and would not conflict with or obstruct implementation of the AQMP. Therefore, anticipated air quality impacts would be less than significant.

Threshold (b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The HEU does not propose development. Future housing development facilitated by the HEU would be subject to development review and would occur as market conditions allow and at the discretion of the individual property owners. Future housing development on candidate housing sites could result in the temporary, short-term pollutants from construction-related soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Emissions resulting from construction would be temporary and construction activities and associated emissions would cease following completion of the housing development. Further, construction emissions can vary substantially from day to day depending on activity level, the specific operation type, and, for dust, prevailing weather conditions.

The South Coast AQMD's approach to assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the FCAA and CCAA.

The AQMP is designed to assist the region in attaining the applicable State and national ambient air quality standards and is intended to bring the SCAB into attainment for all criteria pollutants.

All future housing development facilitated by the HEU would be subject to the City's development review process and required to demonstrate compliance with federal, state, and local regulations in effect at the time of development, including the Costa Mesa General Plan policies and CMMC standards. The City's standard condition related to air quality, outlined under SC AQ-1 and SC AQ-2 require compliance with South Coast AQMD air quality construction thresholds. SC AQ-1 (e.g., prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.) would be applied to future developments on a project-by-project basis in order to minimize those potential negative air quality effects. Emissions resulting from construction would be temporary and construction activities and associated emissions would cease following completion of each housing development.

In regard to operational thresholds, future development on candidate housing sites would likely generate VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} operational emissions from mobile sources, including vehicle trips from future residents and guests. Other emissions from future housing development would likely include those from use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; and those from energy sources, including combustion of fuels used for space and water heating and cooking appliances. In analyzing cumulative impacts for future housing development facilitated by the HEU, an analysis must specifically evaluate a development's contribution to the cumulative increase in pollutants for which the SCAB is designated as nonattainment for the CAAQS and NAAQS.

The SCAB has been designated as a federal nonattainment area for O₃ and PM_{2.5} and State nonattainment area for O₃, PM₁₀, and PM_{2.5}. PM₁₀ and PM_{2.5} emissions associated with construction generally result in nearfield impacts. The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the SCAB. Future housing developments would be required to evaluate the potential air emissions for both construction and operational activities. As provided by SC AQ-1, future construction activities would be subject to South Coast AQMD's Rule 402 and 403: Fugitive Dust Control, which requires actions to restrict visible emissions of fugitive dust beyond the property line. Compliance with Rule 402 and Rule 403 would limit fugitive dust (i.e., PM₁₀ and PM_{2.5}) that may be generated during grading and construction activities. Additionally, as provided in SC AQ-2, future housing developments also would be subject to South Coast AQMD's Rule 1113: Architectural Coatings, which requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings.

Further, future development on candidate housing sites, at a minimum, would be required to meet the mandatory energy requirements of CALGreen and the Energy Code (Title 24, CCR §6) in effect at the time of development application and would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. Considering these requirements, future development on candidate housing sites facilitated by the HEU would not result in a cumulatively considerable net increase of any criteria pollutant for which the SCAB is in nonattainment under an applicable federal or state ambient air quality standard.

Threshold (c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The HEU would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City, which are situated in urbanized areas and

would be consistent with State Housing laws. The candidate housing sites were evaluated in this Initial Study at a programmatic level, as discussed above. Future housing development would be evaluated on a case-by-case basis. As a result, no air modeling was conducted for this analysis.

Toxic Air Contaminants. Future housing development could include emissions of pollutants identified by the state and federal government as TACs or hazardous air pollutants. State law has established the framework for the state's TAC identification and control program, which is generally more stringent than the federal program and aimed at TACs that are a problem in the state. The greatest potential for TAC emissions during construction would be diesel particulate emissions from heavy equipment operations and heavy-duty trucks and the associated health impacts to sensitive receptors. The following measures are required by state law to reduce DPM emissions:

- Fleet owners of mobile construction equipment are subject to the CARB Regulation for in-use off-road diesel vehicles (Title 13, CCR §2449), the purpose of which is to reduce DPM and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles.
- All commercial diesel vehicles are subject to Title 13, CCR §2485, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

CARB's Air Quality and Land Use Handbook: A Community Health Perspective recommends against siting sensitive receptors within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. The primary concern with respect to heavy-traffic roadway adjacency is the long-term effect of TACs, such as diesel exhaust particulates, on sensitive receptors. The primary source of diesel exhaust particulates is heavy-duty trucks on freeways and high-volume arterial roadways. The project would not result in direct construction of residential or non-residential uses but would facilitate and provide a policy framework for future development within the City. While the HEU does not propose development, it can be assumed that future development could potentially result in direct impacts through construction and operation of residential land uses through the emission of toxic air contaminants (TAC). All future projects would be subject to the City's development review process and would be required to demonstrate consistency with General Plan policies and CMMC requirements, which may require additional studies for future projects proximate to TAC emitters.

Carbon Monoxide Hot Spots. Mobile-source impacts, including those related to CO, occur essentially on two scales. Regionally, construction travel associated with future housing development would add to regional trip generation and increase the VMT within the local airshed and the SCAB. Locally, construction traffic would be added to the roadway system in the vicinity of the future housing development site. Although the SCAB is currently an attainment area for CO, there is a potential for the formation of microscale CO "hotspots" to occur immediately around points of congested traffic. Hotspots can form if traffic occurs during periods of poor atmospheric ventilation that is composed of a large number of vehicles cold-started and operating at pollution-inefficient speeds, and/or is operating on roadways already congested with existing traffic.

Typically, high CO concentrations are associated with congested roadways. Traffic associated with future housing development facilitated by the HEU could contribute to traffic impacts that may result in the formation of CO hotspots. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SCAB is steadily decreasing. Any future housing development on candidate housing sites would require further evaluation

under this criterion upon submittal of permits and entitlement applications to demonstrate that both daily construction emissions and operations would not exceed South Coast AQMD's significance thresholds for any criteria air pollutant.

As previously discussed, future construction activities would be subject to the City's standard conditions for air quality control, prescribed under SC AQ-1 and SC AQ-2. As provided by SC AQ-1, future construction activities would be subject to South Coast AQMD's Rules 402 and 403: Fugitive Dust Control, which requires actions to restrict visible emissions of fugitive dust beyond the property line. Compliance with Rules 402 and 403 would limit fugitive dust (i.e., PM₁₀ and PM_{2.5}) that may be generated during grading and construction activities. Additionally, as provided in SC AQ-2, future housing developments also would be subject to South Coast AQMD's Rule 1113: Architectural Coatings, which requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings.

Therefore, future development on candidate housing sites would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant and no mitigation is required.

Threshold (d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. Future housing development facilitated by the HEU could result in odors generated from vehicles and/or equipment exhaust emissions during construction. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors would be temporary and generally would occur at magnitudes that would not affect substantial numbers of people. Land uses and industrial operations associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Future development on candidate housing sites facilitated by the HEU would result in new housing, which is not a land use typically associated with generation of odors. Future housing development facilitated by the HEU would not expose a substantial number of people to odors. Therefore, impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions

SC AQ-1 Dust Control. During construction, construction contractors shall comply with South Coast Air Quality Management District's (South Coast AQMD's) Rules 402 and 403 to minimize construction emissions of dust and particulates. South Coast AQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

South Coast AQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible beyond the property line of the emission source. This rule is intended to reduce PM₁₀ emissions from

any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:

- a. Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
- b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- d. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- e. Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.

SC AQ-2

Architectural Coatings. South Coast Air Quality Management District (South Coast AQMD) Rule 1113 requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories. Architectural coatings shall be selected so that the volatile organic compound (VOC) content of the coatings is compliant with South Coast AQMD Rule 1113. This requirement shall be included as notes on contractor specifications.

4.4 Biological Resources

Threshold (a) Would the project have a substantial 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 Game of U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation. The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) may list species as threatened or endangered under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA), respectively. The USFWS can designate critical habitat that identifies specific areas that are essential to the conservation of a listed species.

The HEU does not propose construction of housing or other development; rather, it provides capacity for future housing development. Of the 99 candidate housing sites, 97 percent of the sites are developed and in urbanized areas. However, future housing development could potentially impact candidate, sensitive, or special status wildlife or plant species through direct or indirect disturbance or elimination of essential habitat, if located near such resources, as depicted in General Plan Figure CON-1.¹²

The Santa Ana River Greenbelt, Talbert Regional Park, and Fairview Park contain wetland, riparian, and vernal pool habitat. Banning Ranch, located in the City of Newport Beach and adjacent to the City of Costa Mesa boundary to the southwest contains critical habitat for the San Diego Fairy Shrimp and Coastal California Gnatcatcher. No candidate housing sites are located near the City boundary with Newport Beach or near the Banning Ranch area. Additionally, the General Plan Conservation Element identifies sensitive vegetation species in the City include but are not limited to the following: San Diego button-celery (*E. aristulatum* var. *parishii*), Gambel's watercress (*N. gambelii*), and California Orcutt grass (*O. californica*).

All future housing development facilitated by the HEU would comply with federal, State, and local regulations. Compliance with the regulatory framework would ensure that no habitat would be impaired during development construction or operations. Future housing development would be subject to General Plan Conservation Element Policy CON-1.A.1, which requires applicants proposing development within biologically sensitive areas to consult the CDFW, Orange County Water District, and Orange County Parks. Compliance with Policy CON-1.A.1 would identify areas for special protection and create protection measures for specified habitat and sensitive species.

Future housing development facilitated by the HEU would have the potential to impact nesting birds which have acclimated to urban life and nest and forage in local trees and shrubs. These bird species are protected under the Migratory Bird Treaty Act (MBTA). If vegetation clearing would occur during the bird breeding season (February 1 to July 15 for raptors and January 15 to August 31 for other birds), direct impacts to nesting birds could occur.

All future housing development facilitated by the HEU would be subject to the City's development review process per CMMC Title 13, Chapter III, Section 13-29 (Planning Application Review Process). Future housing developments facilitated by the HEU would be required to implement MM BIO-1 and MM BIO-2

¹² Costa Mesa General Plan, Conservation Element- all sensitive species of concern can be found in Tables CON-1, CON-2, and CON-3.

to protect biological resources from construction-related activities.¹³ MM BIO-1 requires future housing development facilitated by the HEU to conduct a biological study prior to construction to determine suitable mitigation for each individual site. MM BIO-2 requires that construction shall not take place during bird breeding season, and if construction must be done during nesting season, a qualified biologist will be brought in to identify nesting bird activity and create construction barriers to protect the sites. Additionally, as provided in SC BIO-1, a focused survey for burrowing owls is required for any new development project proposed on a vacant site of two acres or larger. Implementation of MM BIO-1 and MM BIO-2 would reduce any substantial adverse effect, either directly or indirectly, or through habitat modifications to special status wildlife and plants. Therefore, impacts would be mitigated to a less than significant level.

Threshold (b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation. As previously discussed above, Fairview Park contains vernal pools and wetlands and riparian habitat while the Banning Ranch area, adjacent to the City's jurisdictional boundary with Newport Beach, contains critical habitat for San Diego Fairy Shrimp and the Coastal California Gnatcatcher. Future housing development facilitated by the HEU would comply with General Plan Policy CON-1.A., which requires consultation with the appropriate agencies (CDFW, Orange County Water District, and Orange County Parks) to establish special protection and appropriate protection measures for developments near natural habitats. Additionally, future housing development facilitated by the HEU would be subject to the City's development review process, and comply with General Plan policies. Further, future housing development facilitated by the HEU would be required to comply with MM BIO-1 for avoiding and minimizing construction and operations impacts to riparian habitat or other sensitive vegetation communities. Therefore, impacts would be less than significant level with mitigation.

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

Less than Significant Impact with Mitigation. While the HEU does not specifically propose alteration of a known or potential jurisdictional wetland or other waters of the U.S. or State, it is possible that potential future housing development projects facilitated pursuant to the HEU could directly or indirectly impact jurisdictional waters or wetlands. No candidate housing sites are located on identified wetland habitats known to be present in Fairview Park. Future housing development would be required to implement MM BIO-1 which would require a biological study to be conducted in order to determine what impacts could be had on riparian habitat or other sensitive vegetation communities through consultation with the appropriate agencies, and then incorporating design to mitigate effects. Implementation of MM BIO-1 would reduce the potential for future housing development to result in substantial adverse effect, either directly or indirectly, on any known wetlands or other waters of the U.S. and State. Therefore, potential impacts related to wetland resources would be less than significant level with mitigation.

¹³ The City's Planning Division may require preparation of site biological surveys where the City has determined a potential for biological impacts, even for by-right projects.

Threshold (d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact with Mitigation. As previously addressed, future housing development facilitated by the HEU has the potential to impact nesting birds which have acclimated to urban life and nest and forage in the local trees and shrubs.

The City is mostly developed and urbanized. Only candidate housing sites 138 and 142 are currently vacant and actively used for agricultural purposes. Candidate housing sites 138 and 142 are located in the northern portion of the City in the South Coast Metro area, bordered by urban development, and within 0.25 mile of I-405 and 2.5 miles of SR-55. Given the active agricultural use on candidate housing sites 138, 142, and 198 and proximity to freeway transportation corridors, no wildlife corridors are known to exist. Further, the City's General Plan identifies wildlife habitat areas in the City, including the Santa Ana River and Fairview Park. Per the General Plan Conservation Element, habitat corridors provide for open space connectivity between isolated areas where animals live and forage, as well as for migration corridors. No candidate housing sites are proximate to the Santa Ana River or in Fairview Park. Therefore, HEU implementation would not impact wildlife corridors.

Future housing development facilitated by the HEU would be required to adhere to all federal, State, and local requirements for avoiding and minimizing interference with the movement of any native resident or migratory fish and wildlife species, migratory wildlife species, or migratory wildlife corridors. Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to a wildlife corridor, would be required to implement the mitigation framework included in MM BIO-1 and MM BIO-2. Compliance with the established regulatory framework, as well as MM BIO-1 and MM BIO-2, future housing development would reduce impacts to a less than significant impact with mitigation on wildlife corridors.

Threshold (e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The City regulates parkway or median trees, tree easements, and landmark trees. If future housing development facilitated by the HEU would impact parkway or median trees, applicants would be subject to the City's tree replacement ratio codified under CMMC Title 15, Chapter V, Section 15-131 (Tree Replacement Ratio). The City establishes regulations for preservation of landmark trees under CMMC Title 15, Chapter V, Section 15-138 (Preservation of Landmark Trees). Future housing development facilitated by the HEU would be subject to compliance with CMMC regulations related to the removal or installation of public trees or effects to landmark trees. Therefore, the HEU would not conflict with any local policies or ordinances protecting biological resources and impacts would be less than significant.

Threshold (f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant Impact. The City is within the Orange County Central/Coastal Subregional Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP), specifically covered under the County of Orange Central and Coastal Subregion (Parts I and II: NCCP/HCP). Although the City is within the

NCCP/HCP Plan boundary, the City is not a signatory to the Implementation Agreement, meaning any projects receiving development permits in the City would not be covered for incidental take of state or federally-listed species addressed in the NCCP/HCP. Talbert Regional Park and Talbert Nature Preserve are within the boundaries of an identified NCCP/HCP habitat reserve; however, no candidate housing sites are within the Talbert Regional Park or Nature Preserve.

A majority of candidate housing sites are developed and bordered by urban development. Future housing construction facilitated by the HEU would not conflict with the Central/Coastal NCCP/HCP. All future housing development facilitated by the HEU would be subject to the City's development review process and be required to demonstrate consistency with conservation policies in the General Plan as well as federal, State, and local regulatory requirements. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Program

Standard Conditions and Requirements

SC BIO-1¹⁴ A focused survey for burrowing owls shall be conducted by a qualified professional biologist for any new development project proposed on a vacant site of two acres or larger and with a landscape of annual and perennial grasslands, desert, or arid scrubland with low-growing vegetation or agricultural use or vegetation. The purpose of the survey is to determine if burrowing owls are foraging or nesting on or adjacent to the project site. If surveys confirm that the site is occupied habitat, mitigation measures to minimize impacts to burrowing owls, their burrows, and foraging habitat shall be identified. The results of this survey, including any mitigation recommendations, shall be incorporated into the project-level CEQA compliance documentation. Owl surveys and approaches to mitigation shall be in accordance with the Staff Report on Burrowing Owl Mitigation, issued by the California Department of Fish and Wildlife on March 7, 2012 (CDFW 2012).

Mitigation Measures

MM BIO-1 Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features required by the applicant to minimize direct

¹⁴ Costa Mesa General Plan Environmental Impact Report Mitigation Measure 4.3.A-1

impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.

MM BIO-2: Housing development activities facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

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4.5 Cultural Resources

Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?

Less than Significant Impact with Mitigation. While the HEU does not propose any development, future housing development facilitated by the HEU could potentially result in direct or indirect impacts through the physical demolition, destruction, relocation, or alteration of potential historical resources. The likelihood of encountering historical resources on developed sites is higher than on vacant lots. Out of the 99 candidate housing sites, 96 are developed and 3 are vacant.

Based on National Register of Historical Places (NRHP) guidelines, generally, structures 50 years of age or older have the potential to be a historic resource. Since development facilitated by the HEU could occur over the next ten or more years, there is a potential for buildings on developed candidate housing sites to reach an age of 50 years and thus be eligible to be added to the NRHP. Vacant candidate housing sites would be at lower risk of containing historic resources since no structures exist.

According to the General Plan Historical and Cultural Resources Element, there are 31 historical properties, built environments and landmarks eligible for listing in the City's Local Register of Historical Places. Specifically, there are five properties within the City eligible for National Register Listing, 24 properties eligible for local register listing, and two properties eligible for local listing as a historical district contributor.¹⁵ Two candidate housing sites are located on properties eligible for listing on the National Register, as shown in **Table 4.5-1: Candidate Housing Sites on Properties Eligible for National Register Listing**.

Table 4.5-1: Candidate Housing Sites on Properties Eligible for National Register Listing				
Site Number	Assessor's Parcel Number	Address	Size (AC)	Architectural Style/ On the Ground Use
137	140-041-82	3315 Fairview Drive	7.58	Western Style/ Segerstrom Barn
198	140-041-83	3315 Fairview Drive	0.23	Craftsman/ Segerstrom House

Future housing development on the candidate housing sites facilitated by the HEU would be subject to development review and be required to adhere to all federal, State, and local requirements for avoiding impacts to historical resources, including the National Historic Preservation Act. The City General Plan Historical and Cultural Resources Element includes several policies aimed at historical preservation, including Policy HCR-1.1, which encourages the protection and enhancement of historical sites within the City and Policy HCR-1.4 which requires an impact assessment of all historical resources as part of the environmental review process. Specifically, future housing development on candidate housing site 137 and 198 would be required to comply with Policy HCR-1.1. Although the Segerstrom Barn and House are not listed historical resources under the NRHP or the California Register of Historical Resources, they are

¹⁵ City of Costa Mesa. Costa Mesa General Plan Historical and Cultural Resources Element Table HCR-1, Available at: <https://www.costamesaca.gov/home/showpublisheddocument/34708/636740022588370000>, Accessed October 1, 2021.

considered local historical resources¹⁶. Compliance with Policy HCR-1.1 and Policy HCR-1.4 is enforced through CMMC Title 13, Chapter IX, Article 14 (Historic Preservation).

Future development on candidate housing sites 137 and 198 would be subject to preparation of a historical resource assessment as part of the development review process pursuant to CMMC Title 13, Chapter IX, Article 14, Section 13-200.10 (Certificate of Appropriateness Process), which details the procedures for proper maintenance, restoration, relocation, and processing of cultural resources found in the City.

All future housing development facilitated by the HEU would be subject to the City's development review process, which may include review pursuant to CEQA, and be required to comply with General Plan policies, CMMC standards, as well as be required to adhere to all federal, state, and local regulations for avoiding impacts to historical resources.

It could be likely that future development on candidate housing sites could impact future potential, unidentified historical resources. As a result, implementation of MM CR-1 would be required, which requires historical evaluations on buildings and structures over 50 years of age. Following compliance with the established regulatory framework, the project's potential impacts concerning adverse changes in the significance of a historical resource would be less than significant.

Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant Impact with Mitigation. The HEU does not directly propose any future housing development nor ground-disturbing activities such as grading or excavation. However, future projects facilitated by the HEU could involve ground-disturbing activities that could impact archeological resources during construction. The likelihood of encountering archeological resources on undeveloped sites is greatest given these have been minimally disturbed in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). Alternately, previously disturbed sites are generally considered to have a lower potential for archeological resources since previous construction activities may have already removed or disturbed soil that may have contained resources.

Future housing development facilitated by the HEU on candidate housing sites would be subject to development review would be required to adhere to all federal, State, and local requirements for avoiding or mitigating impacts to archeological resources, including General Plan Policy HCR-1.7 and 1.8, which require cultural resources studies (i.e., archaeological and historical investigations) for all applicable discretionary projects, in accordance with CEQA regulations. In the likelihood that future housing developments would impact archeological resources, implementation of MM CR-2 would be required. MM CR-2 requires preparation of an archaeological survey by a qualified archaeologist to evaluate the presence of cultural resources. Compliance with the established regulatory framework and MM CUL-2 would reduce any potential impacts to archaeological resources to less than significant.

¹⁶ City of Costa Mesa, Historical Ordinance, Available at: [Historical Ordinance | City of Costa Mesa \(costamesa.gov\)](https://www.costamesa.gov/city-clerk/historical-ordinance), accessed October 1, 2021.

Threshold (c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact. According to the General Plan EIR, the City has identified seven archeological sites, one of which is a habitation and burial site for human remains. Since the precise locations of each of these sites is not publicly shared, future development facilitated by the HEU on candidate housing sites could result in the discovery of burial grounds or formal cemeteries. Future housing development would be subject to comply with the General Plan Policy HCR-1.7 which requires cultural resource studies for all applicable discretionary projects in accordance with CEQA regulations. However, preparation of future housing development facilitated by the HEU may still result in the disturbance of unknown human remains.

Therefore, human remains could be disturbed as a result of future development facilitated by the HEU. If human remains are found, those remains would require proper treatment in accordance with applicable laws, including State of California Health and Safety Code (HSC) Sections 7050.5-7055 and PRC Section 5097.98 and Section 5097.99. HSC Sections 7050.5-7055 describe the general provisions for treatment of human remains. Specifically, HSC Section 7050.5 prescribes the requirements for the treatment of any human remains that are accidentally discovered during excavation of a site. HSC Section 7050.5 also requires that all activities cease immediately, and a qualified archaeologist and Native American monitor be contacted immediately. As required by State law, the procedures set forth in PRC Section 5087.98 would be implemented, including evaluation by the County Coroner and notification of the NAHC. The NAHC would designate the “Most Likely Descendent” of the unearthed human remains. If human remains are found during excavation, excavation would be halted near the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for treatment and disposition of the remains.

All future housing development facilitated by the HEU would be subject to the City’s development review process and be required to demonstrate compliance with the regulatory framework. In the likelihood that future housing development would disturb any human remains, projects would be required to comply with Standard Condition Cultural Resources 1 (SC CR-1). SC CR-1 requires all construction to stop if human remains are found, and a forensic expert will be brought in to determine the significance of the find. Compliance with the established regulatory framework would result in a less than significant impact.

Mitigation Program

Standard Conditions and Requirements

SC CR-1 Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework: In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find

has been appropriately mitigated, as determined, and documented by a qualified archaeologist, work in the area may resume.

Mitigation Measures

MM CR-1 Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework: For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.

MM CR-2 Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.

4.6 Energy

Threshold (a) Would the project result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Southern California Gas (SoCal Gas) and Southern California Edison provide natural gas and electricity to the City of Costa Mesa.

Construction: Less Than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. Therefore, future housing development facilitated by the HEU would result in the direct consumption of electricity and natural gas resources. Energy use from construction activities would primarily result from the use of diesel fuel (e.g., mobile construction equipment), fuel use by vehicles and construction equipment and vehicle trips associated with workers commuting to and from construction sites, and electricity (e.g., power tools) and fuel use. During construction, some incidental energy conservation would occur through compliance with State requirements. Construction equipment would also be required to comply with the latest U.S. EPA and CARB engine emissions standards. Construction-related energy consumption associated with future housing developments would be subject to project-level review and approval by the City.

Future construction activities associated with future housing development would also be required to monitor air quality emissions using applicable regulatory guidance per the South Coast AQMD. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced because of monitoring and the efficient use of equipment and materials, this results in reduced energy consumption. There are no aspects of the HEU that would foreseeably result in the inefficient, wasteful, or unnecessary consumption of energy during construction activities of future housing developments.

There are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. Future housing developments would be subject to project-specific review and approval to ensure compliance with applicable City goals, policies, and code requirements. Therefore, it is expected that construction fuel consumption associated with the HEU would not be any more inefficient, wasteful, or unnecessary than other similar projects of this nature. Impacts to energy resources associated with the future developments' construction activities would be less than significant. Project implementation would not grant any entitlements or building permit issuances that would result in wasteful, inefficient, or unnecessary consumption of energy resources.

Operations: Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future development facilitated by the HEU would consume energy during operations through building electricity, water, and natural gas usage, as well as fuel usage from on-road vehicles. Passenger vehicles would be mostly powered by gasoline, with some fueled by diesel or electricity. Public transit would be powered by diesel or natural gas and could potentially be fueled by electricity. Future housing development facilitated by the HEU would be subject to the City's development review process codified under CMMC Title 13, Chapter III, Section 13-29 (Planning Application Review Process). CMMC Title 13, Chapter III, Section 13-29 requires development to be consistent with the General Plan and any applicable specific plan as well as specific

standards set for multi-family dwellings that outline proper steps to ensure energy efficiency for future development. Future housing development facilitated by the HEU would also be required to adhere to all federal, state, and local requirements for energy efficiency, including SB 32's Scoping Plan that includes a 50 percent reduction in petroleum use in vehicles; South Coast AQMD's 2016 Air Quality Management Plan¹⁷, which calls for the support of land use and transportation planning strategies that reduce energy use and GHG emissions; and the latest Title 24 standards. It is also noted that future project design and materials would be subject to compliance with the most current Building Energy Efficiency Standards. Prior to issuance of a building permit, the City would review and verify that the project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. Future projects would also be required adhere to the provisions of California Green Building Standards Code (CALGreen), which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Considering these requirements, HEU implementation would not result in a substantial increase in transportation-related energy uses, such that it would result in a wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, impacts would be less than significant, and no mitigation is required.

Threshold (b) Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than Significant Impact. As previously noted, HEU implementation would not result in direct housing construction but would facilitate future housing development. Future housing development facilitated by the HEU would be required to comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. Project development would not cause inefficient, wasteful, and unnecessary energy consumption, and no adverse impact would occur. The General Plan identifies goals and policies related to energy efficiency and renewable energy sources such as Policy CON-2.A.2, which requires new residential construction to consult with regional agencies and utility companies to achieve energy efficient goals. Future developments would be reviewed for consistency with City policies related to renewable energy and energy efficiency. Future housing developments facilitated by the HEU would be required to comply with all current energy requirements set by the current California Building Code, adopted by reference under CMMC Title 5, Chapter I, Section 5-1 (Construction Codes Adopted). Therefore, compliance with the existing regulatory setting and CMMC would reduce impacts to a less than significant level, and no mitigation would be required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

¹⁷ South Coast Air Quality Management District, Final 2016 South Coast Air Quality Management Plan. Accessed online at <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>. 2016.

4.7 Geology and Soils

Threshold (a.i) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the 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?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate future housing development on candidate housing sites. No candidate housing sites are located in an Alquist-Priolo Fault zone. Therefore, the project would not directly, or indirectly, cause potential substantial adverse effects involving rupture of a known earthquake fault. No impact would occur and no mitigation is required.

Threshold (a.ii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction but would facilitate future housing development. Future development in the City would subject people and structures to potential earthquake hazards due to the seismically active nature of Southern California. The General Plan Safety Element notes that the City is in the vicinity of several known active and potentially active earthquake faults, including the Newport-Inglewood Fault Zone and the San Joaquin Hills Fault Zone. Other faults such as the San Andreas, Whittier, Elsinore, Palos Verdes, and Puente Hills Faults are predicted to affect the City with strong seismic shaking. The San Jacinto, San Andreas, Newport-Inglewood, and Whittier faults have the potential of generating earthquakes of magnitudes ranging from 6.5 to 7.5 on the Richter scale.¹⁸

Therefore, future housing development facilitated by the HEU would be subject to rupture at known earthquake faults. General Plan Safety Element Policy S-1.1 requires consideration of geologic hazard constraints, impacts, and mitigation when making decisions relating to land development. Compliance with this policy would ensure that effects of any future housing development facilitated by the HEU would be evaluated prior to development, therefore ensuring that substantial adverse effects are disclosed and minimized to the greatest extent possible.

The City has adopted the Orange County Grading and Excavation Code under CMMC Title 5, Chapter I Section 5-1.4 (Adoption of the Orange County Grading and Excavation Code). The Orange County Grading and Excavation Code requires that a geotechnical/soil engineering and engineering geology report be prepared for any development project that requires a grading permit. Additionally, the City requires as a Standard Condition of Approval (SC GEO-1) that any design, grading, and construction be performed in accordance with the California Building Code (CBC) requirements applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of a project geotechnical consultant prior to the issuance of grading permits (March 2021).¹⁹ Future housing developments facilitated by the HEU would be subject to permit approval and required to adhere to all federal, State, and local requirements for avoiding and minimizing seismic-related impacts. Considering these

¹⁸ City of Costa Mesa. (2015). General Plan EIR Section 4.6 Geology and Soils, Available at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan>, Accessed July 7, 2021.

¹⁹ City of Costa Mesa. General Conditions and Code Requirements for All Applications

requirements, the HEU would result in a less than significant impact concerning potential exposure to seismic-related hazards and no mitigation is required.

Threshold (a.iii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction is the loss of strength where loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The potential exists for liquefaction in localized sections within the northwest and western portions of the City.²⁰ Available records do not indicate recent cases of liquefaction. However, instances of liquefaction have been reported in the nearby cities of Huntington Beach and Newport Beach.

The project would not result in direct housing construction but would facilitate future housing on candidate housing sites located throughout the City. Therefore, future housing facilitated by the HEU could be subject to liquefaction. All future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all local, State, and federal requirements, including the City's Building Regulations (CMMC Title 5 Chapter I) and the Orange County Grading and Excavation Code (CMMC Title 5, Chapter I, Section 5-1.4), which requires a geotechnical/soil engineering and engineering geology report for grading projects. The soils engineering report would confirm site-specific soil composition and assign an expansion index (EI) rating, and would include conclusions and recommendations addressing grading procedures, soil stabilization, and foundation design. Additionally, General Plan Policy S-1.7 requires compliance with the Seismic Hazard Mapping Act, which requires sites within liquefaction hazard areas to be investigated for liquefaction susceptibility prior to building construction or human occupancy. Compliance with Policy S-1.7 would ensure that the project would not cause substantial adverse effects due to liquefaction hazard areas.

Considering these requirements, including the preparation of soils engineering reports for future housing developments, as required by the CMMC, and compliance with General Plan Policy S-1.7, future housing development facilitated by the HEU would not create substantial adverse effects involving seismic-related ground failure, including liquefaction. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (a.iv) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less Than Significant Impact. Landslides can occur if areas of steep slopes consisting of unstable soils are disturbed by ground shaking and/or heavy rainfall. Since the City's topography consists of generally flat to gently sloping terrain, the potential for hazards from landslides is minimal.²¹ No candidate housing sites are located adjacent to bluffs or on slopes.

As previously mentioned, the project would not result in direct housing construction but would facilitate future housing development on candidate housing sites located throughout the City. Therefore, future housing facilitated by the HEU could be subject to landslides. The City relies on the CBC Chapter 18, Soils

²⁰ City of Costa Mesa. (2015). General Plan EIR Section 4.6 Geology and Soils, Available at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan>, Accessed July 7, 2021.

²¹ Ibid.

and Foundations, and Appendix J, Grading, to regulate all grading and design criteria.²² This includes design criteria for development on slopes and at the toe of slopes. The CBC requires soils reports to include slope stability studies that discuss grading procedures, soil design criteria for structures and embankments, and site geology. General Plan Policy S-1.8 requires consideration of site soils when reviewing projects in areas subject to slope instability. Additionally, all future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all local, State, and federal requirements for avoiding and minimizing seismic-related impacts (i.e., ground failure including landslides). Therefore, impacts related to landslides would be less than significant and no mitigation is required.

Threshold (b) Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate future housing development throughout the City. Therefore, future housing development facilitated by the HEU would involve grading activities that would disrupt soil profiles/soil composition and thereby result in potential increased exposure of soils to wind and rain. Erosion on graded slopes could cause downstream sedimentation impacts. Other related impacts resulting from substantial short-term erosion or loss of topsoil include topography changes and the creation of impervious surfaces.

Future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all local, State, and federal requirements for avoiding and minimizing impacts concerning soil erosion or loss of topsoil, including the City's Building Regulations (CMMC Title 5, Chapter I) and the Orange County Grading and Excavation Code (CMMC Title 5, Chapter I, Section 5-1.4), which establishes minimum requirements for grading, excavating and filling of land, and the issuance of permits as contained in the CBC. Prior to initiation of ground disturbing activities, future project applicants would be required to demonstrate compliance with the Orange County Grading and Excavation Code including requirements pertaining to erosion control. Short-term construction-related erosion would be addressed through compliance with the National Pollutant Discharge Elimination System (NPDES) program, which requires implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs) intended to reduce soil erosion.

Out of the 99 candidate housing sites, 3 are vacant, and 96 are developed, or approximately 97 percent. Developed sites curtail wind-driven erosion by preventing wind from contacting soil, due to the presence of buildings, parking lots, other impervious surfaces, and landscaping. Therefore, future housing development facilitated by the HEU would not result in substantial soil erosion or loss of topsoil. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (c) Would the project 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 an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? or

Threshold (d) Would the project 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?

²² City of Costa Mesa. (2015). General Plan EIR Section 4.6 Geology and Soils, Available at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan>, Accessed July 7, 2021.

Less Than Significant Impact. Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. According to the General Plan Safety Element, the potential for liquefaction is greatest in the northwest and western portions of the City. Some candidate housing sites are located in these areas.

The project would not result in direct housing construction but would facilitate future housing development throughout the City. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all local, State, and federal requirements for avoiding and minimizing impacts concerning soil erosion or loss of topsoil, including the City's Building Regulations (CMMC Title 5, Chapter I) and the Orange County Grading and Excavation Code, which requires a geotechnical/soil engineering and engineering geology report for grading projects. The soil engineering report would confirm site-specific soil composition and assign an EI rating, and would include conclusions and recommendations addressing grading procedures, soil stabilization, and foundation design.

The General Plan Safety Element contains policies that aim to minimize the risk of injury, loss of life, property damage, and environmental degradation from geological hazards. General Plan Policy S-1.1 requires geotechnical hazard data be incorporated into land use decision-making, site design, and construction standards. General Plan Policy S-1.8 requires the consideration of site soil conditions when reviewing projects in areas subject to liquefaction or slope instability. Compliance with Policy S-1.8 would ensure that development would not be located on an unstable geologic site. Considering these requirements, including the preparation of soil engineering reports for future housing developments, as required by the CMMC, and compliance with the above-mentioned General Plan policies, future housing development facilitated by the HEU would not create substantial risks to life or property associated with expansive soils, or allow for the development of housing on a geologic unit that is unstable and would result in a seismic-related impact (i.e., ground failure including landslide). Therefore, impacts would be less than significant and no mitigation is required.

Threshold (e) Would the project 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. All future housing development facilitated by the HEU would be in areas served by the City's sanitary sewer system and would therefore not use septic tanks or other alternative wastewater disposal systems. Therefore, no impact would occur and no mitigation is required.

Threshold (f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The City's General Plan Historical and Cultural Resources Element defines paleontological resources as fossilized remains of organisms from prehistorical environments found in geologic strata, providing evidence of pre-human activity. The City's geological composition is part of the Palos Verdes Formation, a collection of sand and gravel deposits approximately 100,000 years old. These

deposits contain evidence of marine life that inhabited the area prior to the ocean receding. Ten paleontological sites have been identified within the City.²³

While the HEU would not result in direct housing construction, it would facilitate future housing development throughout the City. Therefore, there is a likelihood that earthwork activities associated with future housing development facilitated by the HEU would encounter a paleontological resource. Direct impacts to paleontological resources could occur when earthwork activities (e.g., grading) cut into sensitive paleontological areas, thereby directly damaging the resource, or exposing paleontological resources to potential indirect impacts (e.g., surficial erosion, uncontrolled specimen collection).

All future housing development facilitated by the HEU would be subject to the City's development review process and required to demonstrate consistency with General Plan policies protecting paleontological resources. The General Plan Historic and Cultural Resources Element Policy HCR-1.9 requires that a paleontological study be prepared that identifies all paleontological resources in the project area and provide mitigation measures for any resources in the project area that cannot be avoided. General Plan Policy HCR-1.10 requires compliance with State CEQA Guidelines regarding the protection and recovery of paleontological resources during development activities. Compliance with Policy HCR-1.9 and Policy HCR-1.10 would ensure that future housing development facilitated by the HEU would have a paleontological study prepared and that State CEQA Guidelines regarding paleontological resources are followed. Additionally, future housing development would be required to adhere to all local, State, and federal requirements for avoiding and minimizing impacts to paleontological resources. Compliance with established regulatory framework would ensure potential impacts from future housing development concerning the destruction of a unique paleontological resource or unique geologic feature would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

SC GEO-1 Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to the issuance of grading permits.

²³ City of Costa Mesa. (2015). General Plan Historical and Cultural Resources Element, Available at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan>, Accessed July 7, 2021

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4.8 Greenhouse Gas Emissions

Background

The “greenhouse effect” is the natural process that retains heat in the troposphere, the bottom layer of the atmosphere. Without the greenhouse effect, thermal energy would “leak” into space resulting in a much colder and inhospitable planet. With the greenhouse effect, the global average temperature is approximately 61°F (16°C). Greenhouse gases (GHGs) are the components of the atmosphere responsible for the greenhouse effect. The amount of heat that is retained is proportional to the concentration of GHGs in the atmosphere. As more GHGs are released into the atmosphere, GHG concentrations increase and the atmosphere retains more heat, increasing the effects of climate change. Six gases were identified by the Kyoto Protocol for emission reduction targets: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆). When accounting for GHGs, all types of GHG emissions are expressed in terms of CO₂ equivalents (CO₂e) and are typically quantified in metric tons (MT) or million metric tons (MMT).

Approximately 80 percent of the total heat stored in the atmosphere is caused by CO₂, CH₄, and N₂O. These three gases are emitted by human activities as well as natural sources. Each of the GHGs affects climate change at different rates and persist in the atmosphere for varying lengths of time. The relative measure of the potential for a GHG to trap heat in the atmosphere is called global warming potential (GWP). The GWP was developed to allow comparisons of the global warming impacts of different gases. Specifically, it is a measure of how much energy the emissions of one ton of a gas will absorb over a given period, relative to the emissions of one ton of CO₂. The larger the GWP, the more that a given gas warms the Earth compared to CO₂ over that period. GWPs provide a common unit of measure, which allows analysts to add up emissions estimates of different gases (e.g., to compile a national GHG inventory), and allows policymakers to compare emissions reduction opportunities across sectors and gases.

Greenhouse gases, primarily CO₂, CH₄, and N₂O, are directly emitted because of stationary source combustion of natural gas in equipment such as water heaters, boilers, process heaters, and furnaces. GHGs are also emitted from mobile sources such as on-road vehicles and off-road construction equipment burning fuels such as gasoline, diesel, biodiesel, propane, or natural gas (compressed or liquefied). Indirect GHG emissions result from electric power generated elsewhere (i.e., power plants) used to operate process equipment, lighting, and utilities at a facility. Included in GHG quantification is electric power which is used to pump the water supply (e.g., aqueducts, wells, pipelines) and disposal and decomposition of municipal waste in landfills.²⁴

Threshold (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The HEU does not propose any development and future housing development facilitated by the HEU would be subject to permits and plan check processes, and would occur as market conditions allow and at the discretion of individual property owners. The HEU does identify sites to meet the City’s future housing need and does include several goals and policies that would induce population growth. As noted in **Section 4.14, Population and Housing**, the future housing development facilitated by the HEU would result in a population growth of approximately 47,333 persons.

²⁴ California Air Resources Board, Climate Change Scoping Plan, 2008.

Future housing development facilitated by the HEU would increase GHG emissions due to increased VMT, construction activities, stationary area sources (i.e., natural gas consumption for space and water heating devices, landscape maintenance equipment operations, and use of consumer products), energy consumption, water supply, and solid waste generation. Increased GHG emissions could contribute to global climate change patterns and the adverse global environmental effects thereof. GHG emissions associated with future development are anticipated to include CO₂, N₂O, and CH₄. Future housing development facilitated by the HEU would comply with Title 24 which applies green building standards for new development. Compliance with Title 24 would result in lower emissions from the City overall and would support greenhouse gas reduction efforts since technology for reductions would be prioritized by developers. Additionally, future housing development would be subject to the City's development review process, CEQA evaluation, and plan check process, which may require future applicants prepare air quality and GHG emission studies using the California Emissions Estimator Model (CalEEMod). CalEEMod relies upon project-specific land use data to calculate emissions. Site-specific details are not available for this analysis of the HEU, which is programmatic in nature.

SCAG's Connect SoCal RTP/SCS aims to create sustainable, mixed-use communities conducive to public transit, walking, and biking by focusing future growth in the previously developed areas such as the South Coast Metro area along the I-405 transportation corridor and downtown area south of I-405. Future housing development could potentially place housing closer to other residential areas, commercial uses, public transportation, along established transportation corridors, and near some recreational activities. Overall, placing residential uses closer to commercial and transportation corridors, and providing additional opportunities for transit ultimately would reduce dependency on vehicle trips, and therefore reduce VMT.²⁵ Future housing development would be subject to permits and required to meet the mandatory energy requirements of CALGreen and the Energy Code (Title 24, Part 6 of the California Code of Regulations) in effect at the time of development. These regulations require that new development incorporate design features to capture energy efficiencies associated with building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. Future housing development would also be required to adhere to General Plan policies targeted toward GHG emissions reductions such as Policy CON-4.A.5, which encourages infill development close to transit, pedestrian, and bicycling infrastructure. Infill development would provide future housing opportunities in already established and developed areas, and would be built closer to public transit stops, increasing public transit opportunities for future residents. Compliance with the California Green Building Standards Code (CALGreen) and the Energy Code (CCR Title 24, Part 6) in effect at the time of development and General Plan Policy CON-4.A.5 which encourages infill development which would reduce VMT and vehicle emissions in the City, would reduce GHG emissions in the City. Therefore, the project's potential impact concerning generating GHG, either directly or indirectly, that may have a significant impact on the environment would be less than significant.

Threshold (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City. These candidate housing sites are spread throughout the City (see Exhibit 2-2). Future development facilitated by the HEU, at a minimum, would be required to meet the mandatory energy

²⁵ Byars, M. et. Al. (2017). State-Level Strategies for Reducing Vehicle Miles of Travel. Available at: <https://escholarship.org/content/qt8574j16j/qt8574j16j.pdf?t=pfb6o8&v=lg>.

requirements of CALGreen and the Energy Code (Title 24, Part 6 of the California Code of Regulations) in effect at the time of development. These regulations require that new development incorporate design features to capture energy efficiencies associated with energy efficient building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. In addition, future housing development would be subject to discretionary permits and CEQA evaluation required to comply with the goals and strategies outlined in the City's General Plan and SCAG Connect SoCal RTP/SCS.

The City's General Plan Conservation and Land Use Elements outline the City's goals to use sustainable practices in order to reduce energy consumption and decrease the volume of greenhouse gases emitted each year. Future housing development would comply with General Plan Conservation Element Policy CON- 4.A.4 which requires coordination with regional agencies to meet standards set by the South Coast AQMD and SCAG. Compliance would ensure future housing development comply with SCAG's RTP/SCS which aims to reduce GHG emissions. Further, future housing facilitated by the HEU would comply with General Plan Policy LU-4.6 which requires the incorporation of sustainable practices in order to reduce greenhouse gas emissions to levels consistent with the State goals. Compliance with the Policy CON-4.A.4 and LU-4.6 would reduce energy consumption, inefficient use of resources, would decrease in GHG emissions and would accomplish adherence to LU 4.6.

SCAG's RTP/SCS aims to create sustainable, connected communities conducive to public transit, walking, and biking by focusing future growth on enhancing multi-modal transit opportunities as well as the expansion of existing public transit facilities. Further, General Plan Policy C-1.10 encourages new developments to integrate better walking and biking facilities into their design. The proposed candidate housing sites are within urbanized and developed portions of the City and served by existing pedestrian, bicycle, and transit facilities. Future housing development facilitated by the HEU would propose additional housing opportunities closer to transit areas and non-motorized opportunities near major throughfares in the City, which ultimately could reduce VMT and GHG emissions.

Future development facilitated by the HEU would be consistent with the City's General Plan and SCAG' RTP/SCS goals and policies. The proposed HEU is consistent with strategies included SCAG RTP/SCS including: focusing on new, higher density residential and commercial development; increasing the convenience of shared transportation; supporting energy programs that promote sustainability; and creating High Quality Transit Areas that would encourage employment and living closer to the workplace. Furthermore, future housing development would be required to comply with mandatory energy requirements of CALGreen and the Energy Code (CCR Title 24, Part 6) in effect at the time of development. Compliance with these regulations would further incorporate design features to capture energy efficiencies associated with building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting, which ultimately would reduce GHG emissions. Therefore, future development facilitated by the HEU, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, impacts would be less than significant and no mitigation is required.

Impacts related to GHG emissions are the result of cumulative global emissions and no single project on its own can cause climate change as a single project is not large enough to change the global atmosphere. As such, the geographic scope for cumulative GHG emissions impacts is global and past, present, and reasonably foreseeable future projects in the region, State, nation, and world, have and would continue to contribute to GHG emissions. While federal, State, and local regulations have been put in place to

address targets for emissions reductions, changes from past, present, and reasonably foreseeable future projects have contributed to a cumulatively significant impact on GHG emissions.

Cumulative impacts related to consistency with GHG plans, policies, and regulations would be less than significant, as the HEU would be consistent with applicable plans and policies. Further, individual future development projects would be required to demonstrate compliance with these plans and policies. Therefore, the HEU would not cause a cumulatively considerable impact to global climate change.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.9 Hazards and Hazardous Materials

Regulatory Setting

Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The Federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act (RCRA) established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) regulates hazardous waste primarily under the authority of the RCRA and Title 22 of the California Public Health and Safety Code. The DTSC regulates hazardous waste, maintains a public database of potentially contaminated properties (through its List and Hazardous Materials Division [HMD] database), cleans up existing contamination, and research ways to reduce the hazardous waste produced in the state. The HMD is the Certified Unified Program Agency (CUPA) for the County of Orange and is responsible for regulating hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, above ground petroleum storage, and risk management plans.

Costa Mesa Local Hazard Mitigation Plan

The Disaster Mitigation Act of 2000 requires all local governments to create such a disaster plan to qualify for hazard mitigation funding. As of October 2021, the City of Costa Mesa is preparing a Local Hazard Mitigation Plan (LHMP), expected to be adopted in 2021.²⁶ The LHMP aims to create a safer community for residents, businesses, and visitors. A hazard mitigation strategy would be included in the LHMP that would detail specific policy recommendations for the City to carry out to reduce the threat from hazard events.

Threshold (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Environmental exposure to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors.

The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. Demolition and construction activities associated with future housing development facilitated by the HEU would require transport of hazardous materials (e.g., asbestos-containing materials, lead-based paint, and contaminated soils). Transport of hazardous materials during construction would be limited in duration since construction impacts are typically short term and cease upon project completion. Future housing projects facilitated by the HEU

²⁶ City of Costa Mesa, Local Hazard Mitigation Plan, Available at: <https://www.costamesaca.gov/city-hall/city-departments/police/departments-divisions/administration/the-office-of-emergency-management-oem/local-hazard-mitigation-plan>, Accessed September 2, 2021.

would be required to comply with handling measures specified by the City, County's Department of Environmental Health, and the South Coast AQMD during construction and operational phases. These measures include standards and regulations regarding the storage, handling, and use of hazardous materials.

Future housing development facilitated by the HEU would not involve ongoing or routine use of substantial quantities of hazardous materials during operations (occupancy of future housing). Only small quantities of hazardous materials would be anticipated including cleaning solvents, fertilizers, pesticides, and other materials used in regular maintenance. Additionally, according to the General Plan Safety Element, the City has adopted the Orange County Hazardous Waste Management Plan that provides policy direction and action programs to address hazardous waste management issues that require local responsibility. Additionally, the storage, management, and disposal of any hazardous materials is required to be done in accordance with the local, State, and federal regulations.

Future housing development facilitated by the HEU would not involve ongoing or routine use of substantial quantities of hazardous materials during operations (occupancy of future housing). Only small quantities of hazardous materials would be anticipated including cleaning solvents, fertilizers, pesticides, and other materials used in regular maintenance. Impacts associated with the transport, use, or disposal of hazardous materials would be less than significant following compliance with the established regulatory framework.

Threshold (b) Would the project 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 with Mitigation. The HEU would not result in direct housing construction but would facilitate future housing development throughout the City. Therefore, excavation and grading activities associated with future housing development could expose construction workers and the public to unknown hazardous materials present in soil or groundwater. All future housing development on the candidate housing sites in the City would be reviewed to confirm compliance with all applicable requirements, including the City's development review process and consistency with the regulatory framework for minimizing upset associated with hazardous materials. As provided in SC HAZ-1, a Phase I Environmental Site Assessment (ESA), prepared in accordance with the latest ASTM protocol, is required for all new development projects requiring City discretionary approval. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified hazardous materials specialist.

Future housing development on currently developed candidate housing sites would be subject to demolition permits, which would be subject to the City's Building Division plan check review process. It is possible that unknown wastes or suspect materials could be discovered during construction. Therefore, implementation of MM HAZ-1 would be required, which provides instructions for contractors to identify and rectify suspected hazardous wastes that are inadvertently discovered during construction. Future assessments for future housing projects would include a review of local, State, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps, and physical setting sources. Although future housing development construction could accidentally involve the release of hazardous materials into the environment, the City's development review process, compliance with SC HAZ-1, and implementation of MM HAZ-2, would ensure that no significant hazard would be created. Following compliance with the established regulatory framework, all federal, State, and

local regulations, and implementation of MM HAZ-1, potential impacts involving the accidental discovery of unknown wastes or suspect materials during construction would be reduced to less than significant levels.

Threshold (c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The HEU would have a potentially significant impact on the environment if it would facilitate future housing development that would emit hazardous emissions or substances within 0.25-mile of an existing or proposed school. Any future housing development facilitated by the HEU would need to adhere to mandatory requirements and regulations related to the emissions or handling of hazardous materials, substances, or wastes near schools to reduce the potential for impacts to schools. Adherence to California Hazardous Waste Control Law, California Health and Safety Code, and RCRA regulations, which regulate how to transport and handle hazardous and non-hazardous materials and waste, would reduce potential impacts associated with the accidental release of hazardous materials.

As a result, future housing development facilitated by the HEU would not conflict with any State or local plan aimed at preventing emissions or handling of hazardous materials near schools. Therefore, the HEU's impacts would be less than significant and no mitigation is required.

Threshold (d) Would the project 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 create a significant hazard to the public or the environment?

Less Than Significant Impact. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board (SWRCB) as having underground storage tank leaks and having had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

DTSC identified three hazardous waste sites pursuant to California Government Code Section 65962.5 (Cortese List). Candidate housing sites identified in the HEU are not directly located on the sites identified; however, candidate housing sites 75, 76, 77, 78, and 79 are near the identified hazardous sites on the Cortese List. Additionally, a regulatory review of the DTSC Envirostor and SWRCB Geotracker databases identified 37 regulated facilities and 210 regulated facilities, respectively in the City. Future housing development facilitated by the HEU could occur near identified regulated facilities. As provided in SC HAZ-1, future housing development facilitated by the HEU would require a site-specific Phase I ESA to identify any site contamination that exists that could require clean up to avoid danger to people or damage to the environment. Compliance with SC HAZ-1 would reduce potential impacts relative to hazardous material sites to less than significant.

Threshold (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 City of Costa Mesa does not contain any airports. However, John Wayne Airport (JWA) is adjacent to the eastern boundary of the City near the I-405. The HEU has identified multiple candidate housing sites within two miles of the airport. Future housing development applications would be reviewed by the Airport Land Use Commission for consistency with the Airport Environs Land Use Plan for JWA (AELUP) criteria regarding development within airport safety zones. The safety zones identify the land uses that are permitted in each zone and establish safety standards to reduce potential safety hazards for persons living, working, or recreating near JWA.²⁷ Further, the General Plan Safety Element contains policies regarding the safety of development near JWA, including Policy S-1.17 which requires coordination with the AELUP for evaluation of land use compatibility and land use intensity in areas affected by airport operations. Compliance with the JWA AELUP and General Plan Policy S-1.17 would ensure that any future development applications are evaluated by ALUC for compatibility with airport operations. CMMC Title 13, Chapter V, Article 1, Section 13-38 (Additional Property Development Standards for the Multiple-Family Residential Districts) requires development within proximity to the airport to prepare a noise study. For further discussion of noise related to the proximity to JWA, see **Section 4.12 Noise**.

General Plan Policy S-1.19 requires developers to use the Federal Aviation Regulations as a guideline to establish the ultimate height of structures as defined in FAR Part 77. Compliance with Policy S-1.19 would ensure that any new housing development facilitated by the HEU not result in a safety hazard due to building height. All future housing developments facilitated by the HEU would be subject to permit approval and required to adhere to all local, State, and federal requirements for avoiding and minimizing safety hazards or excessive noise for people residing or working within two miles of. Therefore, future housing development facilitated by the HEU would not result in significant safety hazards or excessive noise for people residing or working in the HEU area, impacts would be less than significant and no mitigation is required.

Threshold (f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. Future housing development facilitated by the HEU would increase housing densities on candidate housing sites located throughout the City and therefore could potentially interfere with adopted emergency response plans. However, 97 percent of the candidate housing sites are currently developed with structures and are located in urbanized areas. Additionally, no substantial circulation improvements such as new freeways or roadways would be required to implement the HEU.

Future housing development facilitated by the HEU, would be subject to discretionary permits and required to comply with CMMC Title 7, Chapter II, Section 7-15 (Amendments to the 2019 California Fire Code), which requires fire access roads be designed in compliance with Fire Code Section Sections 503.2.1 through 503.2.8 and the Costa Mesa Fire & Rescue Department Plan Submittal Checklist Specifications. Given the scope and location of future housing development facilitated by the HEU, the HEU is not anticipated to impair implementation of, or physically conflict with, emergency response plans. All future housing development facilitated by the HEU would be subject to the City's development review process, which may include review pursuant to CEQA, and be required to comply with CMMC Title 7, Chapter II Section 7-15 which prescribes suitable site access for emergency vehicles. As a result, future housing

²⁷ County of Orange. (2008). Airport Land Use Commission Airport Environs Land Use Plan for John Wayne Airport, Available at: <https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission>, Accessed July 8, 2021

development facilitated by the HEU would not conflict with any local, County, or State plan aimed at preserving and maintaining adopted emergency response or emergency evacuation plans. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. As discussed in **Section 4.20, Wildfire**, the City does not contain any lands that are in a “Very High, High, or Moderate” Fire Hazard Zone. Therefore, future housing development facilitated by the HEU would not directly or indirectly expose people or structures to a risk of loss, injury or death involving wildland fires. Candidate housing sites are located primarily in developed locations and not adjacent to any wildland areas. Future housing development projects would be subject to the development review process and the California Fire Code as adopted by CMMC Title 7, Chapter II Section 7-14 which would ensure adequate fire protection through certain design features to limit exposure and impacts of fires. Therefore, there is no impact related to wildland fire, and no mitigation is required.

Mitigation Program

Standard Conditions

SC HAZ-1²⁸ Applicants for new development projects requiring City discretionary approval shall include the results of a Phase I Environmental Site Assessment (ESA), prepared in accordance with the latest ASTM protocol for such assessments. If the Phase I ESA indicates some evidence that site contamination exists that could require cleanup to avoid danger to people or damage to the environment, a Phase II level review shall be completed to fully characterize the nature and extent of such contamination, and the scope of required clean up procedures. The results of the Phase II assessment shall be considered as part of the CEQA compliance process prior to any action on the project.

Mitigation Measures

MM HAZ-1 If the Applicant or Applicant’s contractor discovers unknown wastes or suspect materials during construction that are believed to involve hazardous waste or materials, the applicant or applicant’s contractor shall:

1. Immediately cease work in the suspected contaminant’s vicinity, remove workers and the public from the area, and secure the area.
2. Notify the applicant’s Environmental Professional and immediately implement proper remedial activities as recommended.
3. Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area.
4. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

²⁸ Costa Mesa General Plan Environmental Impact Report Mitigation Measure 4.8.D-1

4.10 Hydrology and Water Quality

No hydrological studies were prepared for this analysis. Candidate housing sites were evaluated in this Initial Study at a programmatic level based on information available to the City where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered. Further analysis was not conducted, as it would be too speculative to base an analysis of potential impacts resulting from future housing development per the HEU. As such, potential changes beyond that are considered speculative or unlikely to occur and therefore, not reasonably foreseeable.

Environmental Setting

Hydrology and Drainage

The City is located within the jurisdictions of both the North Orange County and Central Orange County Integrated Regional Watershed Management Plan, specifically within the Santa Ana River Hydrologic Unit. This unit covers an area of approximately 2,700 square miles, or the majority of the Santa Ana Region of the Water Quality Control Board (WQCB) jurisdictional area, which includes portions of Orange, Los Angeles, Riverside, and San Bernardino counties. Within this hydrologic unit, the City's geography is split between the Santa Ana River Watershed (northern portion) and the Newport Bay Watershed (southern portion).

The City's Master Plan of Drainage was last updated and adopted in August 2006. The City's Public Services Department is currently revising the Storm Drain Master Plan and an updated version is expected to be released in 2022. The Master Plan provides an inventory of all existing public drainage facilities along with hydrologic and hydraulic analyses to determine existing system capacities. Existing and proposed local drainage facilities are designed to provide a measure of control for stormwater generated within Costa Mesa for a 10-year storm. These facilities are identified in the City of Costa Mesa's Master Plan of Drainage for the key purpose of programming funding in the 10-year and 20-year Capital Improvement Programs (CIPs). The level of protection decreases with longer-term storm events because the facilities are not designed for 25-year or 100-year storm runoff. Although proposed and programmed improvements to the City's drainage facilities pursuant to the CIPs would reduce the damage from these higher-than-design storms, the City has deemed it impractical to design the local drainage system for greater than a 10-year storm event. Accordingly, minor flooding can be expected when local flows exceed the system's capacity or if inlets plug with trash and debris. However, the City has a storm water management ordinance that establishes standards and minimum requirements for storm water management, site design, and best management practices to improve water quality and reduce the adverse effects of polluted runoff discharges.

Threshold (a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The HEU does not propose any development and future housing development facilitated by the HEU would be subject to discretionary permits, plan check processes, and would occur as market conditions allow and at the discretion of individual property owners. Future housing development could result in potential impacts related to water quality over three different periods:

- During the earthwork and construction phase, where the potential for erosion, siltation, and sedimentation would be the greatest;

- Following construction, before the establishment of ground cover, when the erosion potential may remain relatively high; and
- After project completion, when impacts related to sedimentation would decrease markedly but those associated with urban runoff would increase.

Urban runoff, both dry and wet weather, discharges into storm drains, and in most cases, flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Urban runoff pollution includes a wide array of environmental, storm water characteristics depend on site conditions (e.g., land use, impervious cover, and pollution prevention practices), rain events (duration, amount of rainfall, intensity, and time between events), soil type and particle sizes, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff from urban areas include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria.

Construction: Short-term impacts related to water quality can occur during the earthwork and construction phases of future housing development projects. During this phase, the potential for erosion, siltation, and sedimentation would be the greatest. Additionally, impacts could occur prior to the establishment of ground cover when the erosion potential may remain relatively high. Future development projects facilitated by the HEU would be subject to compliance with the established regulatory framework pertaining to water quality. If future developments disturb more than one acre of land surface, they would be required to obtain coverage under the National Pollution Discharge Elimination System (NPDES) storm water program. The NPDES Construction General Permit program calls for the implementation of best management practices (BMPs) to reduce or prevent pollutant discharge from these activities to the Maximum Extent Practicable for urban runoff and meeting the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards for construction storm water. Construction activities would be required to comply with a project-specific Stormwater Pollution Prevention Program (SWPPP) that identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized.

Additionally, future development projects facilitated by the HEU would be required to comply with CMMC Title 8, Chapter III, Section 8-32 (Control of Urban Runoff). Pursuant to CMMC Title 8, Chapter III Section 8-32, future development would be undertaken in accordance with the Orange County Drainage Area Management Plan (DAMP). DAMP Section 8.0 ensures the implementation of control practices that address construction related pollutants discharges including erosion and sediment control and on-site hazardous materials and waste management. Further, future project applicants would be required to comply with conditions and requirements established by the City's Department Services Department and Public Services Department. Further, the City has adopted NPDES No. CAS618030 that regulates the discharge of pollutants in urban stormwater runoff from anthropogenic sources and requires construction sites of one acre or more to obtain a General Construction Activity Storm Water Permit. Compliance with the established regulatory framework would ensure that potential impacts from construction of developments facilitated by the HEU related to soil erosion, siltation, and sedimentation would be less than significant and no mitigation is required.

Operations. Due to the City's built-out nature, most surface flows are directed toward existing stormwater drainage facilities. The project would facilitate and provide a policy framework for future housing

development on candidate housing sites throughout the City, which are situated in urbanized areas. Therefore, the project's operations could potentially violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The DAMP ensures that all new development and significant redevelopment incorporates appropriate Site Design, Source Control and Treatment Control BMPs to address specific water quality issues (DAMP Section 7.0). Future developments facilitated by the HEU would be required to install, implement, and maintain the BMPs identified in DAMP Section 7.0, including but not limited to erosion management; materials storage; inspection, maintenance, repair, upgrade of BMPs; and preparation of SWPPP.

Future housing development would also be required to comply with existing water quality standards and waste discharge regulations set forth by the State Water Quality Control Board (SWQCB). Future developments facilitated by the HEU would comply with these regulations and waste discharges would be connected to the public wastewater system. Further, Costa Mesa General Plan Conservation Element Policies CON-3.F through CON-3.K address water quality and urban runoff. These policies are focused on reducing stormwater runoff and ensuring pollutant-free runoff entering the storm drain system. Future housing development facilitated by the HEU would be required to adhere to all federal, State, and local requirements for avoiding violation of water quality standards during construction and operations. Considering these requirements, future housing development facilitated by the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (b) Would the project 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. A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers that has reasonably well-defined boundaries and areas of recharge and discharge. The City's groundwater supply comes from the Lower Santa Ana Groundwater Basin. Groundwater occurs in semi- to moderately consolidated sand, gravel, and silt occurring in aquifers extending from approximately 40 to over 2,500 feet beneath the ground surface in the City.

The Mesa Water District provides water resources to the City. The Mesa Water District receives water from two main sources, the Lower Santa Ana River Groundwater Basin, which is managed by the Orange County Water District (OCWD) and a backup source of imported water from the Municipal Water District of Orange County (MWDOC). MWDOC is Orange County's wholesale supplier and is a member agency of the Metropolitan Water District of Southern California (Metropolitan). The Mesa Water District owns and operates eight wells, 317 miles of distribution pipelines, and two reservoirs for emergency storage.

Future housing development facilitated by the HEU could increase impervious surfaces, decrease water infiltration into the groundwater basin, and reduce ground water recharge. Approximately 97 percent of candidate housing sites are developed with structures and connected to the existing water supply infrastructure; only 3 candidate housing sites are vacant. Future developments facilitated by the HEU could potentially increase the City's impervious surface area from development of these three candidate housing sites. Increased impervious surfaces on the remaining candidate sites is anticipated to be nominal

given these sites are already fully improved. Given approximately 61.5 acres²⁹ of increased impervious surface area is anticipated, the project is not anticipated to interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin.

Future housing development facilitated by the HEU would be required to incorporate design features that would reduce impervious area, as feasible, and promote water infiltration. Treatment control and hydromodification management facilities would promote retention and infiltration of stormwater. Future housing development on candidate housing structures would comply with water quality standards intended to reduce runoff, increase infiltration, and improve water quality. Additionally, future housing development facilitated by the HEU would be required to adhere to all federal, state, and local requirements for avoiding and minimizing construction and operations impacts to groundwater supplies, including the Orange County DAMP. Considering these requirements, future housing development facilitated by the HEU would not decrease ground water supplies or interfere substantially with ground water recharge such that the HEU may impede sustainable groundwater management of the basin. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (c.i.) Would the project 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 result in substantial erosion or siltation on- or off-site? or

Threshold (c.ii.) Would the project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? or

Threshold (c.iii.) Would the project 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 create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? or

Threshold (c.iv.) Would the project 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 impede or redirect flood flows?

Less Than Significant Impact. A majority of identified candidate housing sites (97%) are currently developed and contain impervious surfaces. Accordingly, surface flows are directed toward existing City facilities. Due to the primarily built-out nature of the City, construction of future housing developments facilitated by the HEU would not substantially alter the existing drainage pattern through the addition of impervious surfaces.

Future housing development facilitated by the HEU would be required to adhere to all federal, state, and local requirements for avoiding construction and operations impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including the Orange County DAMP.

²⁹ Candidate housing site 138,142, and 198 total 61.46 acres.

Further, the City has adopted existing regulations and policies that minimize on-site and off-site flooding which can alter drainage patterns or stream course and cause erosion and sedimentation impacts. Specifically, floodway and floodplain districts regulations are contained in CMMC Title 13, Chapter V, Article 10 (Floodway and Floodplain Districts), which aim to prevent and regulate development in flood-prone areas. General Plan Conservation Element Policy CON-3.F through CON-3.K above address water quality and urban runoff. CMMC Title 8, Chapter III, Section 8-32 (Control of Urban Runoff) enforces the Orange County DAMP to reduce or eliminate pollutants in storm water runoff from a project site.

Considering these requirements, future housing development facilitated by the HEU would not substantially alter the existing drainage pattern of the site or area. This includes the alteration of the course of a stream or river that would result in substantial erosion, runoff, or impede flood flows. Therefore, impacts would be less than significant and no mitigation is required.

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

Less Than Significant Impact. The Santa Ana River forms the City's western boundary and is considered a flooding hazard. Significant flood control improvements have been installed along the river course. The Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA) identify areas located within the City that are susceptible to 100-year and 500-year floods (e.g., within Flood Zone X). In the event of a 500-year flood, the northern and western boundaries of Costa Mesa would be susceptible to flooding³⁰ as shown in General Plan Safety Element Figure S-5, Local Flooding Hazards. In the event of a 100-year storm event, minimal flooding is expected to occur within the flood channels adjacent to the Talbert Nature Preserve. Future development facilitated by the HEU would be subject to the Floodplain Management Regulations under CMMC Title 13, Chapter V, Article 10 (Floodway and Floodplain Districts), which outlines a development review process and development standards for future projects within a flood-prone area. These regulations specifically prohibit construction of structures that could cause or divert floodwaters without appropriate site planning and structural design. Compliance with CMMC Title 13, Chapter V, Article 10 would ensure new development is not within a flood hazard area and designed to avoid hazards related to flooding.

According to the General Plan Safety Element, the City is approximately one mile inland from the Pacific Ocean at elevations ranging between 30 to 100 feet above mean sea level. The potential for tsunamis affecting the City is negligible. Therefore, future development on candidate housing sites would not be impacted by tsunamis.

Future housing development facilitated by the HEU would be required to adhere to all federal, state, and local requirements for avoiding and minimizing impacts related to flood hazards, tsunami, or seiches, including the General Plan policies and CMMC. Considering these requirements, the future housing development facilitated by the HEU would not result in significant increased risk concerning release of pollutants due to inundation, tsunami, or seiche zones. Therefore, HEU impacts would be less than significant and no mitigation is required.

³⁰ City of Costa Mesa. (2015). General Plan Safety Element Figure S-5, Local Flooding Hazards, Available at: <https://www.costamesaca.gov/home/showpublisheddocument/34702/636740022576330000>, Accessed August 12, 2021.

Threshold (e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. In 2014, the California Sustainable Groundwater Management Act was passed, which provides authority for agencies to develop and implement groundwater sustainability plans or alternative plans that demonstrate the water basins are being managed sustainably. The City is underlain by the Lower Santa Ana River Groundwater Basin. Groundwater levels are managed within a safe basin operating range to protect the long-term sustainability of the OC Basin and to protect against land subsidence. Orange County Water District (OCWD) regulates groundwater levels in the OC Basin by regulating the annual amount of pumping. As discussed under Threshold 4.10b, the City is unlikely to face groundwater impacts through the implementation of the project. Therefore, future housing development facilitated by the HEU would not obstruct implementation of the Sustainable Groundwater Management Act.

The City's Water Quality Ordinance codified under CMMC Title 8, Sections 8-30 to 8-40 aim to protect water resources and improve water quality. The ordinance requires all new development and significant redevelopment within the City to comply with the Orange County DAMP that would reduce the adverse effects of polluted runoff discharges on waters of the state and control contribution of pollutants to the City's municipal separate storm sewer systems (MS4s), and to ensure that the City is compliant with RWQCB and with applicable state and federal law. Future developments facilitated by the HEU would be required to prepare a stormwater management plan and incorporate stormwater standards manual requirements into design documents to minimize potential impacts to water quality. Submitted materials would be required to demonstrate how the requirements of this stormwater ordinance would be met, and the permit or approval would not be approved unless the decision maker determines that the application complies. Further, dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to comply with the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). The Construction General Permit requires the development of a SWPPP by a certified Qualified SWPPP Developer.

All future housing development facilitated by the HEU would be subject to the City's development review process, which may include review pursuant to CEQA, and be required to comply with General Plan policies, CMMC standards, and required to adhere to all federal, state, and local requirements for avoiding and minimizing conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan. As a result, future housing development facilitated by the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, impacts would be less than significant.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.11 Land Use and Planning

Threshold (a) Would the project physically divide an established community?

Less than Significant Impact. Projects that divide an established community can involve large scale linear infrastructure, such as freeways, highways, and drainage facilities that bisect an established community or create barriers to movement within that community. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. All future housing development facilitated by the HEU would be subject to the City's development review process and would occur as market conditions allow and at the discretion of the individual property owners.

The HEU does not propose infrastructure improvements that would bisect existing established communities. As previously noted, 97 percent of the candidate housing sites are developed with structures and would be considered in-fill developments. In addition, candidate housing sites have been identified throughout the City, rather than concentrated in a single area and would therefore not divide an established community. Impacts would be less than significant and no mitigation is required.

Threshold (b) Would the project 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 HEU includes 99 candidate housing sites for future housing development to meet the City's RHNA allocation of 11,760 units. As previously noted, the HEU would not result in direct housing construction but would facilitate future housing development. Future housing development facilitated by the HEU would occur as market conditions allow and at individual property owner discretion. The HEU would identify a series of implementing actions to increase the City's housing capacity. As part of the HEU, additional housing units would be accommodated on the candidate housing sites that are ultimately selected through revisions to the City's Housing Element. Future housing development facilitated by the HEU is anticipated to increase the City's housing stock where capacity exists.

Future housing development facilitated by the HEU may be subject to the City's development review process, and required to comply with applicable federal, state, and local laws, policies, and regulations as applicable to new housing development. The HEU is required to comply with applicable State Housing laws. As such, the HEU would be consistent with applicable land use and planning policies in the state, regional, and local context as necessary to meet that legislation. This includes consistency with the General Plan. Future housing development facilitated by the HEU would therefore be consistent with all applicable land use and planning policies and regulations intended to minimize environmental effects. Impacts are considered less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.12 Mineral Resources

Threshold (a) Would the project 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?

Less than Significant Impact. The City's General Plan EIR depicts Mineral Resource Zone (MRZ) categories in the City.³¹ The majority of the City is classified as MRZ-3, an area of undetermined mineral resource significance, with smaller areas of MRZ-1, an area of no mineral resource significance, located along SR-55. Aggregate mining is not associated with small parcels within existing urban areas of undetermined significance. While the City contains oil wells and peat deposits, future development facilitated by the HEU would primarily occur in already developed and urbanized areas not associated with mineral significance; 97 percent of candidate housing sites would be in-fill development in urbanized areas. Further, no candidate housing sites would be located on vacant lands associated with historic mining activities. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (b) Would the project 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 General Plan does not identify any available locally-important mineral resources. Therefore, future development facilitated by the HEU would not result in the loss of availability of a locally-important mineral resource recovery site delineated on an applicable land use plan. The proposed HEU's adoption would result in no impact to mineral resources and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the HEU.

³¹ City of Costa Mesa. General Plan Environmental Impact Report, Figure 4.11-1: Mineral Resources in Orange County, Available at: <http://ftp.costamesaca.gov/costamesaca/generalplan2015-2035/4.0-Environment-and-Impact-Analysis.pdf>. Accessed July 19, 2021.

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4.13 Noise

Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from traffic on a major highway.

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise as well as the time of day when the noise occurs. For example, the equivalent continuous sound level (L_{eq}) is the average acoustic energy content of noise for a stated period of time; thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. The Day-Night Sound Level (L_{dn}) is a 24-hour average L_{eq} with a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The Community Noise Equivalent Level (CNEL) is a 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. and an additional 5 dBA weighting during the hours of 7:00 p.m. to 10:00 p.m. to account for noise sensitivity in the evening and nighttime.

Regulatory Setting

California Code of Regulations, Title 24. The State’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for the purpose of interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL.

City of Costa Mesa General Plan. The General Plan Noise Element contains noise standards that are correlated with land use categories, meant to maintain identified ambient noise levels and to limit, mitigate, or eliminate intrusive noise that exceeds the ambient noise levels within a specified zone. The

noise and land use guidelines for different land uses within the City are presented in **Table 4.13-1: Noise Levels for Land Uses**.³²

Table 4.13-1: Noise Levels for Land Uses				
Land Use Category	Community Noise Exposure Ldn or CNEL, dBA			
	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-Motels, Hotels	50-65	65-70	70-80	≥80
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-65	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
Source: City of Costa Mesa. (2015). General Plan Noise Element Table N-3: Noise and Land Use Compatibility Matrix				

Threshold (a) Would the project result in the 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 ordinances, or applicable standards of other agencies?

Construction Noise: Less Than Significant Impact with Mitigation. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development facilitated by the HEU would result in construction noise generated from development activities. In general, construction would typically involve the following construction sequence: (1) site preparation and/or demolition; (2) grading and utilities construction; (3) building construction; (4) paving; and (5) architectural coatings. Typical construction equipment would include backhoes, excavators, graders, loaders, compactors, cranes, trucks, pavers, pneumatic tools, generator sets, and air compressors. With exception to pile-driving activities, construction equipment with substantially higher noise-generation characteristics (such as rock drills and blasting equipment) would not be anticipated for construction of typical residential developments. Typical construction

³² City of Costa Mesa. (2015). General Plan Noise Element Table N-3: Noise and Land Use Compatibility Matrix Available at: <https://www.costamesa.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan>, Accessed July 7, 2021

equipment generates maximum noise levels at 50 feet from the noise source ranging between 80 dBA for backhoes and loading trucks, to 85-90 dBA for graders and excavators. **Table 4.13-2: Maximum Noise Levels Generated by Construction Equipment** shows the typical noise levels for common construction equipment.

Table 4.13-2: Maximum Noise Levels Generated by Construction Equipment			
Equipment	Typical Noise Level (dBA) at 50 Feet from Source		
	Acoustical Use Factor	L_{max} at 50 Feet (dBA)	L_{max} at 100 Feet (dBA)
Concrete Saw	20	90	84
Crane	16	81	75
Concrete Mixer Truck	40	79	73
Backhoe	40	78	72
Dozer	40	82	76
Excavator	40	81	75
Forklift	40	78	72
Paver	50	77	71
Roller	20	80	74
Tractor	40	84	78
Water Truck	40	80	74
Grader	40	85	79
General Industrial Equipment	50	85	79
dBA: A-weighted decibels; L _{max} : maximum noise level Note: Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation. Source: Federal Highway Administration, <i>Roadway Construction Noise Model User's Guide</i> , January 2006.			

In general, construction noise can vary substantially from day to day, depending on the level of activity and the specific type of equipment in operation. Additionally, construction activities associated with future housing development facilitated by the HEU is anticipated to occur in incremental phases over time based on market demand, economic, and planning considerations. As a result, construction-related noise would not be concentrated in any one constant area in the City.

Future housing development facilitated by the HEU would be required to comply with the City's Noise Ordinance codified under CMMC Title 13, Chapter XIII, Sections 13-277 through 13-287. Construction associated with future housing development facilitated by the HEU would be required to comply with the CMMC Title 13, Chapter XIII, Section 13-279 (Exceptions for Construction). CMMC Title 13, Chapter XIII, Section 13-279 limits construction activities to Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday 9:00 a.m. to 6:00 p.m., with no construction allowed on Sundays or City holidays. Exemptions to the code requirements include noise related to emergency work or work that has obtained special approval by appropriate city departments. Additionally, future project applicants may request approval from the development services director of a minor modification for a temporary waiver for construction equipment, vehicles, or work outside the permitted hours. The City requires compliance with CMMC Title 13, Chapter XIII, Section 13-279 outlined under Standard Condition NOI-1 (SC NOI-1).

The Planning Division may also require an acoustical analysis for future development projects situated in a noise environment which may affect future residents per CMMC Title 13, Chapter V, Article 6,

Section 13-62(g) (Noise Attenuation). The acoustical analysis would ensure that construction and operations of future housing projects would meet the interior and exterior noise standards specified in the City's Noise Ordinance.

Operations Noise: Less Than Significant Impact with Mitigation. Future housing development facilitated by the HEU would result in additional noise sources from housing, people, pets, and automobiles in the community. Noise is also likely to occur from stationary operation-related sources, such as heating, ventilation, and air conditioning (HVAC) units, tankless water heaters, generators, lawn maintenance equipment, and swimming pool pumps. Future housing development facilitated by the HEU would be subject to the City's Noise Ordinance and CMMC Title 13, Chapter III, Planning Applications.

Some stationary noise sources, such as mechanical HVAC units located on the ground or on rooftops of the proposed structures, would have the potential to generate high noise levels. However, specific information on the HVAC units (location, sizes, manufacturers, models) associated with future housing development facilitated by the HEU is not known. Compliance with the City's Noise Ordinance is typically achieved through the inclusion of acoustical enclosures around the HVAC units. Noise is also likely to occur from sources mobile from motor vehicle traffic. Future housing development facilitated by the HEU would result in increased traffic volumes on local City roadways, thereby increasing cumulative noise levels. Additional average daily trips (ADT) from future housing development facilitated by the HEU would need to more than double current ADT for there to be a discernable difference in noise levels (i.e., more than 3 dBA increase). There are 96 candidate housing sites already developed with structures and already generate traffic volumes and contribute to mobile noises. Future development on the candidate housing sites would likely not double traffic volumes to increase mobile noise.³³ Future housing development projects facilitated by the HEU would be subject to the planning application review process under CMMC Title 13, Chapter III, Planning Application, which requires projects are reviewed with compliance with adjacent land uses, including noise compatibility.

Since the City is largely developed and built out, and 97 percent of candidate housing sites would be in-fill developments adjacent to existing established communities, there is a possibility that future development facilitated by the HEU could exceed the City's noise standards. Therefore, implementation of MM NOI-1 and MM NOI-2 would be required. MM NOI-1 requires the use of the best available noise control techniques, as well as alternatives to pneumatic power tools to reduce noise levels. MM NOI-2 would require future applicants provide methodology to track and respond to noise complaints. Implementation of MM NOI-1 and MM NOI-2, as well as compliance with the City's Noise Ordinance codified under CMMC Title 13, Chapter XIII, Sections 13-277 through 13-287 would reduce noise impacts from construction and operations of future development facilitated by the HEU to a less than significant level with mitigation.

Threshold (b) Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact with Mitigation. Construction activities associated with future housing development facilitated by the HEU could result in varying degrees of groundborne vibration impacts from heavy equipment operations, depending on the construction procedure and equipment used. Construction equipment operations would generate vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located near a construction

³³ Out of the 99 candidate housing sites, 3 are vacant, and 96 are developed, or approximately 97 percent.

site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). Groundborne vibrations from construction activities rarely reach levels that damage structures.

The FTA has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second) appears to be conservative even for sustained pile driving. Pile driving levels often exceed 0.2 inch/second at distances of 50 feet, and 0.5 inch/second at 25 feet without any apparent damage to buildings. Types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 25 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. Construction activities associated with future development have the potential to generate low levels of groundborne vibration. **Table 4.13-3: Typical Vibration Levels for Construction Equipment** identifies various vibration velocity levels for various construction equipment types.

Table 4.13-3: Typical Vibration Levels for Construction Equipment			
Equipment	Approximate Peak Particle Velocity at 25 Feet (inches/second)	Approximate Peak Particle Velocity at 50 Feet (inches/second)	Approximate Peak Particle Velocity at 250 Feet (inches/second)
Large bulldozer	0.089	0.0315	0.0028
Loaded trucks	0.076	0.0269	0.0024
Small bulldozer	0.003	0.0011	0.0001
Jackhammer	0.035	0.0124	0.0011
Vibratory compactor/roller	0.210	0.0742	0.0066
Notes: 1. Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Manual</i> , September 2018. Table 7-4. 2. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA <i>Transit Noise and Vibration Impact Assessment Guidelines</i> D = the distance from the equipment to the receiver			

Similar to noise, groundborne vibration would attenuate with distance. The groundborne vibration generated during construction activities would primarily impact vibration-sensitive land uses (i.e., nonengineered timber and masonry buildings) located adjacent to or near the construction activity. The force of vibrations reaching an adjacent structure would depend upon several variables, including the activity generating the vibrations, the distance between the source and the existing structure, and the type of soil or pavement found between the two. Based upon the vibration velocity levels provided in Table 4.13-3, vibration velocities from typical heavy construction equipment operations that could be used during construction activities range from 0.003 to 0.089 inch-per-second PPV at 25 feet from the activity source (and up to 0.644 PPV if pile driving activities were to occur). Therefore, vibration velocities from typical heavy construction equipment operations at 25 feet from the activity source would not

exceed the 0.2 the inch/second threshold, except for pile driving activities. As also shown in the table, vibration velocities from pile driving activities at 50 feet from the activity source would exceed the 0.2 the inch/second threshold. Therefore, construction-related activities that involve pile driving and occur 50 feet from a vibration-sensitive land use (non-engineered timber and masonry buildings) could exceed 0.2 the inch/second threshold, and expose persons or structures to, or generate excessive groundborne vibration or groundborne noise levels.

To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, MM NOI-3 would be required. MM NOI-3 requires temporary noise attenuation curtains and alternative installation methods to reduce vibration impacts. The attenuation curtain would be placed between the equipment and nearest noise sensitive receptor to the construction site. Alternative installation methods could reduce vibration impacts below the 0.2 the inch/second threshold. Implementation of MM NOI-3 would reduce vibration impacts on adjacent sensitive land uses to a less than significant level.

Operation of residential uses are not anticipated to generate excessive groundborne vibration or groundborne noise. Future housing development facilitated by the HEU would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Therefore, operational activities associated with future development would not expose persons or structures to or generate excessive groundborne vibration or groundborne noise levels. Therefore, impacts would be less than significant and no additional mitigation is required for operational uses.

Threshold (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 City does not contain any airports. However, the City is located near JWA and the HEU has identified multiple candidate housing sites within two miles of the airport. Future development within the airport area could be exposed to noise levels up to 65 dBA according to the Airport Environs Land Use Plan AELUP. The City's General Plan Policy N-1.A defines that the maximum acceptable exterior noise levels for residential areas is 65 CNEL. Compliance with Policy N-1.A would ensure that future housing developments within the airport area would not experience significant noise impacts. Further, CMMC Title 13, Chapter V, Article 1, Section 13-38 (Additional Property Development Standards for Multiple-Family Residential Districts), requires residential projects located in proximity to an airport to submit an acoustical evaluation for approval by the City. Acoustical evaluations would show that future development projects could reduce interior noise levels to 45 CNEL and exterior noise levels to 65 CNEL. Compliance with CMMC Title 13, Chapter V, Article 1, Section 13-38 would ensure that the noise levels of future housing development near JWA would be evaluated and would not exceed the thresholds stated above. Therefore, airport traffic noise would not cause City residents to be exposed to noise above existing standards and impacts would be less than significant and no additional mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

SC NOI-1 All noise-generating construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. 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.

MM NOI-1 To reduce construction-related noise impacts, where construction activities would exceed the standards established in the City's Noise Ordinance, the Applicant shall require construction contractors to implement a site-specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction). Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.

MM NOI-2 Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:

- A procedure to the public for notifying the City's Code Enforcement Officer and Police Department (during regular construction hours and off-hours);
- A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and
- A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

MM NOI-3 To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:

- The applicant shall utilize temporary noise attenuation curtain suitable for pile driving equipment as needed. This noise attenuation device should be installed directly between the equipment and the nearest noise sensitive receptor to the construction site.
- Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

4.14 Population and Housing

Threshold (a) Would the project 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 Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. To meet the City's RHNA allocation of 11,760 units and to accommodate a buffer of 5,771 units, the HEU identifies candidate housing sites that could accommodate the RHNA allocation, which would induce population growth in the City. As a component of statewide housing legislation, any housing growth and population growth associated with the project would be in accordance with State-level regulation and would therefore not be considered unplanned. Additionally, future housing development facilitated by the HEU would occur in urbanized locations near existing utilities and service systems, and areas already served by public services (e.g., police and fire protection, and other emergency responders).

Table 4.14-1: Population Increase from Housing Element Update summarizes the projected population growth associated with the project's maximum forecast development capacity of 17,531 housing units.

Table 4.14-1: Population Increase from Housing Element	
Definition	6th Cycle Housing Element
Maximum Potential Candidate Housing Units	17,531
Persons per household (American Community Survey, 5-Year Estimates, 2019)	2.7
Forecasted Unplanned Population Growth with HEU – 2029 Horizon (persons)	+47,333
Existing 2021 Population Estimate ¹	112,780
Forecast Population with Housing Element Update: 2029 Horizon (persons)	160,113
Forecast Population Growth with Housing Element Update: 2029 Horizon (percent increase)	+41.9%
Forecast SCAG 2045 Population for City ²	123,700
Forecast SCAG 2045 Population for City with Housing Element Update (persons)	171,033
Forecast SCAG 2045 Population for City with Housing Element Update (percent increase)	+38.3%
¹ . State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2020 and 2021. Sacramento, California, May 2021. ² . SCAG. 2020. SCAG RTP/SCS: Connect SoCal Plan – Demographics and Growth Forecast. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579 .	

The projected population growth associated with future development facilitated by the HEU is a conservative estimate given no credit was taken for displacing existing on the ground land uses and assuming all persons were new to the City. SCAG forecasts the City's population will grow to 123,700 persons through the RTP/SCS horizon year of 2045. Therefore, project implementation would generate a population growth rate that is approximately 29.4 percent greater than SCAG's forecast population projections for the City. However, when adopting Connect SoCal, SCAG recognized that its growth projections do not constitute a prescriptive pattern of future development for General Plan or zoning code amendments. The distribution and types of RHNA housing units allocated within each local jurisdiction

continues to be fully and completely subject to local control and subject to other applicable laws, and not be constrained or affected by Connect SoCal's growth projections.

SCAG's Resolution No. 20-624-1 further notes that for many cities and counties, General Plan and zoning changes may need to accommodate more housing units than reflected in the Connect SoCal's household and population growth projections. Given SCAG's use of growth projections for regional planning and modeling purposes, and the local jurisdictions' obligations to comply with State Housing laws including RHNA, SCAG agrees that potential exceedances may not be used to impede a local jurisdiction's compliance with the 6th Cycle RHNA requirements or to assess impacts of a plan or project under CEQA. Further, it is anticipated that the next RTP/SCS update will incorporate the latest population and housing growth projections from the 6th Cycle RHNA and the Housing Elements of cities and counties within the SCAG region. Accordingly, the forecast population growth generated by the future housing development facilitated through the HEU would not be classified as unplanned growth but rather would accommodate growth.

Future housing development would be subject to development review process and be assessed on a case-by-case basis for potential effects concerning population growth. Additionally, future housing development would be subject to compliance with all federal, State, and local requirements for minimizing growth-related impacts. Local requirements include those stated in the Costa Mesa General Plan and CMMC. Future housing development facilitated by the project would primarily occur in urbanized locations where utility and service systems (e.g., water, sewer, stormwater, and dry utilities) already exist or are planned to accommodate residential development in the community. Therefore, the HEU would not induce substantial unplanned population growth in the City directly or indirectly, a less than significant impact would occur.

Threshold (b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Less Than Significant Impact. SB 166 (2017) requires a city or county to ensure that its housing inventory identified in its Housing Element can accommodate its share of the regional housing need throughout the planning period. It prohibits a city or county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density than what was used by the HCD for certification of the Housing Element, unless the city or county makes written findings supported by substantial evidence that the reduction is consistent with the adopted General Plan, including the Housing Element.

Compliance with SB 166 would minimize the potential for future housing displacement. The candidate housing sites inventory would be sufficient to accommodate the City's RHNA allocation, and all HEU actions would occur such that there is no net loss of residential unit capacity. Therefore, the HEU's potential impacts, including from future development facilitated by the HEU, concerning displacement of existing people or housing, and need to construction replacement housing elsewhere would be less than significant.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed HEU.

4.15 Public Services

Threshold (a.i) 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 fire protection?

Less than Significant Impact. The Costa Mesa Fire Department provides fire protection and emergency services to the City. The Fire Department has 6 fire stations and 90 full-time staff. The proposed project would not directly result in new housing construction but would guide and provide a policy framework for future housing development within the City. Future housing development facilitated by the HEU would result in an estimated population growth of 47,333 persons (see **Section 4.14, Population and Housing**) that would incrementally increase the demand for fire protection services in the City.

All candidate housing sites are within urbanized areas, surrounded by development, and served by CMFD. It is not anticipated that new fire protection facilities would be necessary for these sites. However, future housing development facilitated by the HEU located on vacant sites, which is three percent of the candidate housing sites, would incrementally increase the demand for fire protection services. Future housing development would be subject to comply with General Plan Safety Element Policy S-2.7, which requires future developments to contribute a fair share toward funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve projects. Therefore, the project would not result in physical impacts associated with the provision or construction of fire protection facilities.

Future housing development facilitated by the HEU would be subject to the City's development review process, the 2019 California Fire Code, and CMMC Title 7, Chapter II, Section 7-14 (Adoption of Fire Code), which requires new construction projects comply with fire safety standards and required fire prevention measures such as smoke and carbon monoxide sensors, fire extinguishers, and sprinkler systems to reduce the burden to fire service providers. Further, future housing developments would be subject to Fire System Development Fees detailed in the City's 2019-20 Fiscal Year Development Impact Fee Annual Report.³⁴ Payment of these fees would help fund the construction and development of new fire facilities and minimize future housing projects' operational impacts to fire protection services. Additionally, future housing developers would be required to submit a will-serve letter or service questionnaire to the Fire Department in conjunction with development project applications to ensure that fire protection services are available to serve proposed housing developments. Compliance with the established regulatory framework would minimize impacts to fire protection services to less than significant.

Threshold (a.ii) 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 police protection?

Less than Significant Impact. Police services in the City are provided by the Costa Mesa Police Department. The Police Department's headquarters are located at 99 Fair Drive and the department

³⁴ City of Costa Mesa. 2019-20 Fiscal Year Development Impact Fee Annual Report. Accessed at <https://www.costamesaca.gov/home/showpublisheddocument/46181/637435391754870000>. 2019.

currently employs 191 full-time staff members. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City. Future development facilitated by the project would increase demand for police protection services over time. HEU implementation would result in intensification of development and/or change of use, or construction on previously vacant sites. All candidate housing sites are within urbanized areas, surrounded by development, and served by CMPD. Potential impacts would include placing greater demands upon police stations, personnel, and equipment over time, potentially resulting in the need to provide new or expanded facilities in order to maintain acceptable service ratios. The CMPD would continue to provide services to the future housing developments facilitated by the project.

The project does not propose new or physically altered Police Department facilities, the construction of which could cause significant environmental impacts. Any future expansion of existing Police Department facilities, if required, would be subject to environmental review. Future housing development facilitated by the HEU would be required to submit a will-serve letter or service questionnaire to the Police Department in conjunction with development applications to ensure that police protection services are available to serve the proposed housing development. Therefore, the HEU would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. Impacts would be less than significant, and no physical environmental impacts would occur.

Threshold (a.iii) 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 schools?

Less than Significant Impact. As previously discussed above, the HEU would not directly result in housing construction but would facilitate future housing development. Future housing development facilitated by the HEU would increase the City's population by approximately 47,333 persons (see **Section 4.14, Population and Housing**) and thereby increase the demand for school services. The City is served by the Newport-Mesa Unified School District (NMUSD), which provides public education for grades K-12. **Table 4.15-1: School Capacity** lists the existing elementary, middle, and high schools and 2019/2020 enrollment numbers.

Future housing development facilitated by the HEU would generate student population growth in the NMUSD, which would incrementally increase the demand for school facilities and services. Any future housing development facilitated by the HEU would be required to comply with SB 50, which allows school districts to collect impact fees from developers of new development (residential and non-residential) projects to offset the cost of new development. Future applicants would be subject to school developer fees from NMUSD. These fees are evaluated on a yearly basis and would be collected at the time of permit issuance. Pursuant to Government Code Section 65995(3)(h), "payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property...". Payment of these fees would provide an adequate financial base to construct new and equip existing schools in the area. Impacts concerning construction of school facilities would be less than significant and no mitigation is required.

Table 4.15-1 School Capacity		
School	Grades	Current Student Enrollment
Elementary Schools		
College Park Elementary 2380 Notre Dame Road, Costa Mesa	K-6	512
Killybrooke Elementary 3155 Killybrooke Lane, Costa Mesa	K-6	367
Paularino Elementary 1060 Paularino Avenue, Costa Mesa	K-6	410
Sonora Elementary 966 Sonora Road, Costa Mesa	K-6	398
Middle and High School		
Costa Mesa High/Middle School 2650 Fairview Road, Costa Mesa	7-12	1,864
Source: Newport-Mesa Unified School Accountability Report Cards 2019/2020		
Notes:		
As of 2021, CEQA thresholds apply only to public schools. Thirteen private schools exist within the City and were not included in this table: Waldorf School of Orange County, St. John the Baptist Catholic School, Mariners Christian School, St. Joachim Elementary School, Renascence School International-- Orange County, Saniku East West Language School, Woodland Child Development Center, Christ Lutheran School, Page Academy. Montessori Christian School, Kline School, and Christian Montessori School – Costa Mesa.		

Threshold (a.iv) 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 parks?

Less Than Significant Impact. Please refer to Section 4.16, *Recreation*.

Threshold (a.v) 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 other public facilities?

Less than Significant Impact. The project would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City, which are situated in urbanized areas. Future housing development facilitated by the HEU and the resulting population growth would increase the demand on public facilities. The population growth would increase the demand for public services and facilities over time. Potential impacts would include placing greater demands upon existing facilities and personnel, potentially resulting in the need to provide new or expanded facilities, in order to maintain acceptable service ratios.

As previously noted, HEU implementation would not result in direct housing construction but would facilitate future housing development. Future housing development facilitated by the HEU and the resulting population growth of approximately 47,333 persons would incrementally increase the demand for library facilities. Future housing development facilitated by the HEU would occur in urbanized locations near existing library facilities.

The project does not propose construction of new or physically altered public facilities. Future development could warrant construction of new facilities or physically altered existing facilities depending upon its nature and timing. Any future expansion of existing facilities or construction of new, if required, would be subject to environmental review. Demand would be at least partially offset by funding generated by tax revenue of higher numbers of residents.³⁵ Therefore, impacts on public facilities would be less than significant.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed HEU.

³⁵ Property tax is the primary funding source for the Orange County Public Library – County of Orange FY 2019-2020 Recommended Budget.

4.16 Recreation

Threshold (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 project would not result in direct housing construction but would facilitate future housing development. Future housing development facilitated by the HEU and the resulting population growth of approximately 47,333 persons (see **Section 4.14, Population and Housing**), would incrementally increase the use of existing recreational facilities such that substantial physical deterioration could occur or be accelerated. Future residential projects could increase the use of existing neighborhood and regional parks. All future housing development facilitated by the HEU would be subject to the City's development review process and compliance with CMMC requirements. CMMC Title Chapter XII, Article 4 (Park and Recreation Impact Fees) identifies that park and recreation impact fees are applicable to subdivisions, multi-family, and apartment units, as outlined in SC REC-1. Payment of fees helps fund the acquisition and development of new or rehabilitating existing park and recreational facilities needed to accommodate demands created by the addition of residential dwelling units. Prior to subdivision map recordation or issuance of building permits, residential developments that create a subdivision must dedicate a portion of the land, or pay a fee in lieu thereof, to provide park and recreation facilities to serve future residents, as outlined in SC REC-2 (CMMC Title 13, Chapter XI, Article 5).

According to the Costa Mesa General Plan, the City has over 415 acres of neighborhood and community parks, exclusive of the 244-acre Talbert Regional Park. Payment of impact fees pursuant to CMMC Title 13, Chapter XII, Article 4 would ensure that future development facilitated by the HEU not result in substantial physical deterioration of park or recreational facilities in the City as a result of an increase in the use of existing parks and recreational facilities. Further, it is possible that future developments would include the construction of additional recreational facilities and developer-produced parks, but it is presently unknown until future housing projects are proposed.

Additionally, the HEU's candidate housing sites are dispersed throughout the community to minimize the potential for adverse changes in the neighborhood character and reduce the potential for adverse impacts on recreation amenities. Adherence to mandatory development permit requirements and regulations for providing recreation would support the City's goals for providing sufficient recreation opportunities for residents. For these reasons, the HEU and future housing development facilitated by the HEU would not result in substantial physical deterioration of existing neighborhood or regional parks. Therefore, impacts would be less than significant.

Threshold (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. As previously noted, the project would not result in direct housing construction but would facilitate future housing development on candidate housing sites located throughout the City. Future development would increase demand for parks and recreational facilities over time. Potential impacts would include placing greater demands on parkland and recreational facilities, potentially resulting in the need to provide new or expanded facilities in order to maintain an acceptable level of service. The project does not propose construction of new or physically altered parks or recreational facilities. Therefore, the project would not result in substantial environmental impacts in this

regard. Future development could warrant construction of new or physically altered parks or recreational facilities depending upon its nature and timing. Any future expansion of existing facilities or construction of new facilities, if required, would be subject to environmental review and comply with any applicable development review actions related to the expansion of recreational facilities.

Mitigation Program

Standard Conditions

- SC REC-1** Prior to the issuance of building permits, applicants of projects that do not meet the City's parkland dedication requirements shall pay park fees as established in CMMC Title 13, Chapter XII, Article 4 (Park and Recreation Impact Fees) to provide park and recreational facilities to serve the future residents of proposed new residential units.
- SC REC-2** Every residential subdivider who creates a subdivision shall be required to dedicate a portion of the land, pay a fee in lieu thereof, or do a combination of both, as established in CMMC Title 13, Chapter XI, Article 5 (Park and Recreation Dedications) for the purpose of providing park and recreational facilities to serve future residents of the subdivision. In determining whether a subdivider shall dedicate land, pay a fee in lieu of land dedication, or a combination of both, the following procedure shall be used:
- (a) Subdividers required to or desiring to dedicate property for park and recreational purposes shall, upon filing a tentative map for approval, check with the city to determine whether their property has been designated for a park site in the general plan. If a subdivider's property is so designated, the subdivider shall coordinate with the necessary departments to incorporate the park site(s) into the property's development plan.
 - (b) If the subdivider's property is not so designated, and a school site is proposed within or in proximity to the property, a park site adjacent to the school site shall be developed and the subdivider shall coordinate with the necessary departments to incorporate the park site(s) into the property's development plan.

Mitigation Measures

No mitigation measures are applicable.

4.17 Transportation

The City of Costa Mesa is accessed via three primary corridors: the I-405, the Corona Del Mar Freeway (SR-73), and the Costa Mesa Freeway (SR-55).

Interstate 405 (I-405). I-405 is a major north-south regional facility that provides access between the City and other communities in Orange County such as Irvine, Fountain Valley, and Westminster. I-405 also provides connectivity to Los Angeles County in the northbound direction. The I-405 carries significant vehicle trips in Orange County, with an estimated 370,000 vehicle trips per day.³⁶ The Orange County Transportation Authority (OCTA) in cooperation with Caltrans is currently widening a 16-mile segment of the I-405 between I-605 and SR-73. This project is expected to be completed in 2023.³⁷

State Route 73 (SR-73). SR-73, also referred to as the Corona del Mar Freeway, is a north-south regional facility that provides access between the City and other communities in Orange County such as Irvine, Aliso Viejo, and Laguna Niguel. SR-73 begins at the I-405 between Fairview Road and Bear Street, and continues in a southeast direction becoming the San Joaquin Hills Transportation Corridor (SR-133) in Laguna Beach. A majority of SR-73 is a limited-access toll highway. The first three miles of SR-73 have no tolls and make up the entire Corona del Mar Freeway.

State Route 55 (SR-55). SR-55, or the Costa Mesa Freeway, is a major regional facility that bisects the City in a northeast to southwest direction. SR-55 continues through the downtown Triangle area before transitioning into Newport Boulevard south of 19th Street. In 2015, it was observed that approximately 100,000 vehicles used this freeway daily.³⁸

Major Arterial Streets. Harbor Boulevard, Fairview Road, and Bristol Street are main north-south arterial roads that serve the City. All three roadways connect to I-405 and are six-lane facilities. Vehicle traffic on Harbor Boulevard, Fairview Road, and Bristol Street is approximately 40,000, 28,000 to 54,000 vehicles a day, respectively and connects the City to the neighboring cities of Newport Beach and Santa Ana.³⁹

Public Transit and Pedestrian Facilities. Public bus transit in the City is provided by OCTA. OCTA operates over ten bus routes throughout the City, including to regional destinations such as South Coast Plaza and the downtown Triangle area. Metrolink provides public train services to Orange County with connections to other regional destinations in San Diego County and Los Angeles County. Although there are no Metrolink stations in the City, the Metrolink Station Non-motorized Accessibility Strategy outlines policies to encourage public train ridership through connected walking and biking trails and walkways between Metrolink stations.

Pedestrian facilities in the City include a large, interconnected system of sidewalks and walking trails throughout the City, including facilities along most streets, pedestrian streets near The Triangle, and trails in as Fairview Park.⁴⁰

³⁶ City of Costa Mesa. General Plan- Circulation Element.

<https://www.costamesaca.gov/home/showpublisheddocument/34694/636740022558830000>, 2015.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ City of Costa Mesa. General Plan-Circulation Element: Figure C-6. 2015.

Threshold (a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City. The HEU does not include any goals, policies, or implementation programs that would conflict with plans or other regulations that address the circulation system. Future development projects would be reviewed on a case-by-case basis to verify consistency with applicable regulations that address the circulation system.

All future housing development facilitated by the HEU would be subject to the City's development review process, which may include review pursuant to CEQA, and be required to comply with General Plan policies, CMMC standards, and relevant policies and standards concerning public transit and pedestrian facilities.

General Plan Circulation Element Policy C-9.3 requires that adequate pedestrian facilities are provided in new development projects. Future housing development facilitated by the HEU would comply with Policy C-9.3 by providing connections to the existing pedestrian facility network. Further, planned residential development projects facilitated by the HEU would comply with CMMC Title 13, Chapter V, Article 6, Section 13-62 (Planned Development Standards) which requires planned residential development to provide physically separated pedestrian walking corridors. Compliance with Policy C-9.3 and CMMC Title 13, Chapter V, Article 6, Section 13-62 would promote the creation and improvement of walking facilities throughout the City.

Future housing development facilitated by the HEU would comply with goals to improve bicycle lanes and access throughout the City, including Policy C-9.3 which requires that bicycle parking be considered when new developments are designed. Future development projects could incorporate bicycle racks to encourage future residents to utilize alternative modes of transportation.

The City sets forth provisions to assure adequate transportation system in conjunction with new development under CMMC Title 13, Chapter XII, Article 3, Section 13-275 (Development Project Review Procedures), which requires preparation of traffic studies to evaluate potential traffic impacts.⁴¹ Future housing development would also subject to payment of Traffic Impact Fees⁴² that would fund future traffic-related capital improvement projects for the City. The City's review process would examine project compatibilities with the surrounding areas to ensure future housing development facilitated by the HEU would not conflict with existing circulation plans. As a result, future housing development on the candidate housing sites facilitated by the HEU would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, impacts would be less than significant.

⁴¹ A traffic impact study shall be required for all development projects estimated by the public services director to generate one hundred (100) or more vehicle trip ends during a peak hour. Traffic studies may also be required for smaller projects at the discretion of the Public Services Director.

⁴² City of Costa Mesa. (2019). *Development Impact Fees FY 2019-20*. Available at: <https://www.costamesaca.gov/home/showpublisheddocument/46181/637435391754870000> Accessed July 6, 2021.

Threshold (b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. The candidate housing sites are dispersed throughout the City to reduce the potential for adverse environmental impacts. The intent is to reduce impacts by placing housing near public transportation and recreation opportunities and away from environmentally sensitive resources. Future development projects would be reviewed on a case-by-case basis to ensure consistency with applicable regulations that address the circulation system, including regulations related to VMT and emergency access. The City adopted VMT guidelines pursuant to SB 743 in the Fall of 2020 and subsequently updated CMMC Title 13, Chapter XII, Article 3, Section 13-275 (Development Project Review Procedures), for consistency with SB 743 and revised traffic impact analysis guidelines for new development projects.

Future housing development facilitated by the HEU would be required to comply with several General Plan policies which indirectly aim to reduce VMT. General Plan Policy CON-4.A.5 encourages compact development, infill development, and a mix of uses that are in proximity to transit, pedestrian, and bicycling infrastructures. Of the candidate housing sites, 97 percent of the sites are developed and located in urban and developed areas, and would be considered in-fill development projects. Providing additional housing in urbanized areas of the City would place housing closer to employment and commercial areas, further increasing opportunities to reduce VMT and increase alternative modes of transportation through walking, cycling, and public transit.

Future housing development on the candidate housing sites facilitated by the HEU would be required to adhere to all State and local requirements for avoiding significant impacts related to VMT. Any traffic demand management (TDM) measures required for mitigation would be required to comply with the City's adopted VMT guidelines. In addition, future housing projects would be required to comply with CMMC Title 13, Chapter XII, Article 3, Section 13-275 which defines development project review procedures to evaluate transportation and traffic impacts. Future housing projects would be subject to CMMC Title 13, Chapter XII, Article 3, Section 13-275 and be required to prepare project-level transportation analysis. Therefore, impacts would be less than significant, and no mitigation is required.

Threshold (c) Would the project 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 HEU would not result in direct housing construction but would facilitate future housing development throughout the City. Since future housing development facilitated by the HEU would predominantly occur on developed properties and use existing roadways that are connected and adjacent to the existing transportation network, hazards due to a geometric design feature or incompatible uses are not anticipated.

While site-specific details for future housing development on the candidate housing sites are not known at this time, all future housing development on the candidate housing sites with the potential to substantially increase transportation-related hazards would be subject to the City's development review process, which may include review pursuant to CEQA, and comply with General Plan policies and CMMC standards. Per CMMC Title 13, Chapter XII, Article 3, Section 13-275, a traffic impact study is required for all development projects estimated by the Public Services Director to generate 100 or more vehicle trip

ends during a peak hour. Traffic studies may also be required for smaller projects at the discretion of the Public Services Director. Further, future housing projects would be subject to the City's development review process per CMMC Title 13 Chapter V (Development Standards), which would ensure compatible uses per the zoning district.

The City's Transportation Services Division addresses traffic circulation needs and design issues related to traffic operations during the plan check review process. Future housing development facilitated by the HEU would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access, and would be required to adhere to all state and local requirements for avoiding construction and operations impacts related to design and incompatible uses. As a result, future housing development facilitated by the HEU would not substantially increase hazards due to design features or incompatible uses. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (d) Would the project result in inadequate emergency access?

Less than Significant Impact. The City's General Plan Safety Element provides several goals and policies aimed at ensuring emergency response times and safety during natural disasters. General Plan Policy S-2.9 requires projects to ensure adequate access to all parcels in the City for emergency response teams and services. Compliance with Policy S-2.9 would ensure future development facilitated by the HEU would be designed to allow for adequate emergency access. Further, the City has adopted the California Fire Code under CMMC Title 7, Chapter II, Section 7-14 and codified several regulations pertaining to emergency access roadway design including CMMC Title 7, Chapter II, Section 7-15 (Amendments to 2019 California Fire Code) which address Fire Code Section 503 - Fire Apparatus Access Roads. Future housing development on the candidate housing sites facilitated by the HEU would be required to comply with CMMC Section Title 7, Chapter II, 7-15 which requires fire apparatus access roads installed and arranged in accordance with the Costa Mesa Fire and Rescue Department Plan Submittal Checklist Specifications.

Additionally, CBC standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate/strong winds, and water shortages. Future housing development facilitated by the HEU would be required to comply with current, applicable building and fire safety regulations required for the design of new housing and emergency access. Compliance with the General Plan, CMMC, the California Fire Code, and CBC standards would ensure future housing development facilitated by the HEU provide adequate emergency access. Therefore, impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed project.

4.18 Tribal Cultural Resources

Threshold (a) 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:

- i) 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
- ii) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less than Significant Impact with Mitigation. Chapter 532 Statutes of 2014 (i.e., AB 52) requires that lead agencies evaluate a project's potential impact on "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." AB 52 also gives lead agencies the discretion to determine, based on substantial evidence, whether a resource qualifies as a "tribal cultural resource."

In compliance with PRC Section 21080.3.1(b), the City has provided formal notification to California Native American tribal representatives identified by the California Native American Heritage Commission. Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074. The City contacted the tribal representatives noted below.

- Campo Band of Diegueno Mission Indians, Ralph Goff
- Ewiiapaayp Band of Kumeyaay Indians, Robert Pinto
- Ewiiapaayp Band of Kumeyaay Indians, Michael Garcia
- Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas
- Gabrieleno/Tongva San Gabriel Band of Mission Indians, Anthony Morales
- Gabrielino/Tongva Nation, Sandonne Goad
- Gabrielino Tongva Indians of California Tribal Council, Robert Dorame
- Gabrielino Tongva Indians of California Tribal Council, Christina Conley
- Gabrielino-Tongva Tribe, Charles Alvarez
- Juaneño Band of Mission Indians Acjachemen Nation - Belardes, Matias Belardes
- La Posta Band of Diegueno Mission Indians, Javaughn Miller
- La Posta Band of Diegueno Mission Indians, Gwendolyn Parada
- Manzanita Band of Kumeyaay Nation, Angela Elliott Santos

- Mesa Grande Band of Diegueno Mission Indians, Michael Linton
- Pala Band of Mission Indians, Shasta Gaughen
- Santa Rosa Band of Cahuilla Indians, Lovina Redner
- Soboba Band of Luiseno Indians, Isaiah Vivanco

Correspondence to and from tribal representatives is included as **Appendix A: Native American Tribal Consultation Correspondence** to this Initial Study. As of the release date of the Initial Study, the City has received one response from the Gabrieleno Band of Mission Indians – Kizh Nation on October 8, 2021 requesting clarification regarding the HEU. No consultation was requested.

While the HEU does not propose any development or ground-disturbing activities such as grading or excavation, it can be assumed that future housing development on the candidate housing sites facilitated by the HEU could directly or indirectly impact undiscovered subsurface tribal cultural resources through such activities. The likelihood of encountering tribal cultural resources on undeveloped sites is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). Alternately, previously excavated areas are generally considered to have a lower potential for tribal cultural resources, since the previously graded areas may have already removed or disturbed the soil that may have previously contained resources.

Since no construction or development is proposed by the HEU and the details for future housing development on the candidate housing sites facilitated by the HEU is not known at this time, no site-specific surveys were conducted for this programmatic analysis. The HEU analysis was evaluated based on information available to the City where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered. Further analysis was not conducted on tribal cultural resources because the City had no further information on which to base an analysis of potential impacts resulting from future housing development on the candidate housing sites.

Future housing development on the candidate housing sites facilitated by the HEU would be subject to the City's development process and would be required to comply with federal, state, and local requirements for the protection of tribal cultural resources. This includes compliance with State CEQA Guidelines Section 21074 and the City's Historical and Cultural Resources Element, Objective HCR-1A, which aims to preserve and protect the City's historical, archaeological, and paleontological resources. In the likelihood that future housing development would impact tribal resources, MM TR-1 would be required. MM TR-1 requires applicants to immediately cease any ground-disturbing activities upon discovery of any tribal, cultural, or archaeological resources. Implementation of MM TR-1 would reduce potential future impacts to a less than significant level.

Mitigation Program

Mitigation Measures

MM TCR-1 Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities, the Applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the Applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the Director of Economic and Development Services to the discovery of resources. If the

resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Development Services Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5 [f]. If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code Section 21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Costa Mesa Historical Society for educational purposes.

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4.19 Utilities and Service Systems

Threshold (a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water Facilities: Less than Significant Impact. The Mesa Water District and Irvine Ranch Water District provide water service to the City. All of the candidate housing sites are in the Mesa Water District service area, which has approximately 110,000 users within an 18-square-mile area. Approximately 97 percent of candidate housing sites are developed and are served by existing water infrastructure. Only three candidate housing sites are undeveloped but are bordered by urban development with Mesa Water District infrastructure. Accordingly, future housing development facilitated by the HEU is not anticipated to require or result in the relocation or construction of substantial new or expanded water facilities that could cause significant environmental effects. Notwithstanding, all future housing development facilitated by the HEU would be subject to the City's development review process, which may include review pursuant to CEQA, and be required to adhere to General Plan policies and the CMMC standards.

Further, future housing development facilitated by the HEU would be required to obtain will-serve letters from the Mesa Water District per the City's Standard Conditions of Approval (SC UT-1). Developers would contact the water district submit plans to be reviewed prior to the issuance of permits. Therefore, a less than significant impact would occur and no mitigation is required.

Wastewater Treatment Facilities: Less than Significant Impact. The Costa Mesa Sanitary District (CMSD) provides sanitation services to the City and maintains approximately 224 miles of sewer mains throughout its service area.⁴³ There are also over 45,000 individual connections to residences, commercial and industrial properties⁴⁴. The Orange County Sanitation District (OCSD) processes over 200 million gallons of collected wastewater daily at treatment plants in the cities of Fountain Valley and Huntington Beach. OCSD owns and maintains trunk sewers and diversion structures in the City. Wastewater generated by future housing development facilitated by the HEU would be treated at OCSD Reclamation Plants No. 1 and 2.

As noted in **Section 4.14, Population and Housing**, the forecast population growth resulting from future housing development facilitated by the HEU is 47,333 persons, or an approximate 41.9 percent increase of the City's existing population of 112,780 residents.⁴⁵ CMSD's Five-Year Strategic Plan (2020-2025) identifies goals to further assess the water needs of the City as it grows annually. Future housing development facilitated by the HEU would increase demand incrementally. Future development projects would be required to coordinate with CMSD and obtain will-serve letters from CMSD as part of the development review process. Additionally, all future housing development would be required to be designed, constructed, and operated in accordance with OCSD Ordinance Nos. 40 and 48, and all wastewater discharges into OCSD facilities would be required to comply with the discharge standards set

⁴³ Costa Mesa Sanitary District. Sewer System.

<https://www.arcgis.com/apps/insight/Minimalist/index.html?appid=72c5a224bfa49f387063e679334e9ae>. Accessed online July 1, 2021.

⁴⁴ CMSD. Sewer System Facts. <https://cmsdca.gov/index.php/wastewater/sewer-system-facts>. Accessed online on June 29, 2021.

⁴⁵ US Census. Costa Mesa City California. <https://www.census.gov/quickfacts/fact/table/costamesacitycalifornia/PST045219>. Accessed online on June 29, 2021.

forth to protect the public sewage system and Waters of the United States. Additionally, as noted in **Section 4.14**, the population buildout is overly conservative since no credit is taken for displacement of existing on the ground land uses. Forecast population growth similarly assumes a net population increase of entirely new residents to the City.

It should also be noted that 97 percent of the candidate housing sites are developed, and therefore already have access to existing wastewater infrastructure. Accordingly, future housing development facilitated by the HEU is not anticipated to require or result in the relocation or construction of substantial new or expanded wastewater facilities that could cause significant environmental effects.

Future development on candidate housing sites facilitated by the HEU would also be required to comply with CMMC Title 13, Chapter V, Article 9, Section 13-71 (Utility Requirements), which requires adherence to standards and approval of sewer and water system improvements from the serving utility. Additionally, the City requires as a Standard Condition of Approval for developers to contact and work with CMSD to comply with district requirements design standards. All future housing development facilitated by the HEU would be required to meet the mandatory requirements under the City's various programs aimed at ensuring adequate supplies and service infrastructure are available to serve the development. Compliance with CMSD design requirements as well as other CMMC regulations would reduce potential impacts to a less than significant level and no mitigation is required.

Stormwater Drainage: Less than Significant Impact. The City of Costa Mesa developed a Drainage Master Plan in 2012, which provides an inventory of existing drainage capacity as well as future goals for expansion and stormwater management. The City's Public Services Department is currently revising the Storm Drain Master Plan and an updated version is expected to be released in 2022. Future housing development facilitated by the HEU would be located in developed areas of the City where storm drain infrastructure already exists. Further, most of the candidate housing sites are developed and include existing connections to the City's storm drain system. Accordingly, future housing development facilitated by the HEU is not anticipated to require or result in the relocation or construction of substantial new or expanded storm drain facilities that could cause significant environmental effects. The City requires projects that disturb more than 5,000 square feet of impervious surfaces prepare a preliminary water quality plan (WQMP) as part of the City's grading permit requirements. WQMPs detail pre-development and post-development conditions and how project flows drain to local or regional drainage facilities. The City's Engineering Division development review process and implementation of a WQMP would ensure that future housing development facilitated by the HEU would be adequately served by storm drain infrastructure.

Future housing development facilitated by the HEU would also comply with CMMC Title 15, Chapter III, Section 15-65 (Drainage Fees Established), which establishes a drainage fee for development or redevelopment projects. The Drainage Fees would be used by the City to defray the cost of constructing storm drains and related facilities, including repair, maintenance and upkeep of existing drainage facilities. Notwithstanding, all future housing development facilitated by the HEU would be subject to the City's development review process, which may include review pursuant to CEQA, and be subject to payment of drainage fees per CMMC Title 15, Chapter III, Section 15-65. A less than significant impact would occur.

Dry Utilities (i.e., Electric Power, Natural Gas, and Telecommunications): Less than Significant Impact. Southern California Gas (SoCal Gas) and Southern California Edison (SCE) provide natural gas and

electricity, respectively to the City of Costa Mesa. Telecommunications services are provided by multiple companies including Spectrum, Verizon, Direct TV, AT&T, and Cox Communications.

Of the total candidate housing sites, 97 percent of the sites are developed, bordered by urban development, and within the service area of existing electric power, natural gas, and telecommunications providers and facilities. The remaining three percent of candidate housing sites are vacant but are bordered by urban development and fall within the service area of the utility purveyors. All future housing development would be required to meet the mandatory requirements under the City's various programs aimed at ensuring adequate supplies and service infrastructure are available to serve the development. In addition, future development would be required to ensure adequate supplies and service infrastructure as required by CMMC Title 13, Chapter V, Article 9, Section 13-71 (Utility Requirements). A less than significant impact would occur.

Threshold (b) Would the project 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. Future housing development facilitated by the HEU would generate additional demand for water services. Costa Mesa is served by two water supply agencies: Mesa Water District and Irvine Ranch Water District (IRWD). Properties to the southeast of Newport Boulevard, between 23rd Street and Bristol Street, are served by IRWD. All candidate housing sites are in the Mesa Water District service area, which has approximately 110,000 users within an 18-square-mile area. Mesa Water District's main sources of water are groundwater from the Orange County Groundwater Basin, recycled water, and purchased/imported water from the Metropolitan Water District of Southern California (Metropolitan) through the Municipal Water District of Orange County in the event of an emergency.

According to the Mesa Water District 2020 Urban Water Management Plan (UWMP), during fiscal year 2019-2020, the water district relied on 94 percent groundwater (75% from clear wells and 19% from desalinated groundwater) and 6 percent recycled water; no water was imported from Metropolitan. Mesa Water District forecasts 100 percent reliance on local water supplies by 2045, with a similar water supply portfolio of 95 percent groundwater and 5 percent recycled water.⁴⁶ Mesa Water District conducted a Water Reliability Assessment to compare the total water supply sources available to the water supplier with long-term projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The UWMP determined that even in the multiple-dry year scenario, the Mesa Water District would be capable of meeting all customers' demands with significant groundwater reserves. Shortage conditions due to drought would not trigger customer demand reduction measures.⁴⁷

It is noted that future development would occur incrementally, based on market conditions and other factors. Future development satisfying certain criteria would be required to prepare a Water Supply Assessment (WSA) in order to verify sufficient water supply is available to meet the development's water demand. Future development would also be subject to compliance with General Plan Policies CON-3.A.1 through CON-3.A.3 concerning water conservation.

⁴⁶ Mesa Water District, June 2021, 2020 Urban Water Management Plan page ES-2

⁴⁷ Mesa Water District, June 2021, 2020 Urban Water Management Plan page ES-3

Future housing development facilitated by the HEU would be subject to discretionary permits and required to adhere to all federal, State, and local requirements during construction and operation for ensuring that sufficient water supplies are available. Further, future housing development applicants would be required to present will-serve letters from the water district to ensure proper service and sufficient availability to serve future housing development facilitated by the HEU.⁴⁸ Therefore, impacts would be less than significant and no mitigation is required.

Threshold (c) Would the project 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. The Costa Mesa Sanitary District (CMSD) provides wastewater services to the City of Costa Mesa. The Orange County Sanitation District (OCSD) treats sewage for CMSD. Future development facilitated by the HEU would increase demand on the wastewater treatment facility capacities. OCSD's 2019 Strategic Plan addresses future growth and plans to continue to expand as demand increases by assessing current wastewater needs as well as expansion of infrastructure to serve the area.⁴⁹ **Table 4.19-1: Wastewater Capacity of OCSD Plants** shows the daily capacity of OCSD wastewater treatment plants.

Table 4.19-1:Wastewater Capacity of OCSD Plants	
Plant	Million Gallons Per Day (MGD)
Fountain Valley (Plant No. 1)	120
Huntington Beach (Plant No. 2)	65
Total	185
Source: Orange County Sanitation District. <i>Facts and Key Statistics</i> . Accessed through https://www.ocsan.gov/services/regional-sewer-service . Accessed on July 19, 2021.	

The project would increase the population by 47,333 persons, although not all new persons would be new customers to the CMSD service area, since there is a potential for existing City residents to relocate to other portions of the City within the CMSD service area. OCSD estimates an average generation rate of 75 gallons per capita per day (GPCD).⁵⁰ Future housing development facilitated by the HEU could increase demand of wastewater services by approximately 3.5 million gallons per day (MGD) or 2 percent of the existing capacity at the OCSD treatment plants. Future housing developments facilitated by the HEU would comply with CMMC Title 13, Chapter III, Section 13-29 (Planning Application Review Process) which requires developments subject to parcel or tract maps ensure project sewage flows would not violate the State Regional Water Control Board requirements pursuant to California Water Code Division 7 standards (which govern Water Quality). Considering these requirements and the available capacity of the treatment plants, the project would not result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing

⁴⁸ MWD. Procedural Guidelines and General Design Requirements. <https://www.mesawater.org/about/engineering/standard-specifications/document/download/1143>. 2018.

⁴⁹ OCSD. (2019). Strategic Plan. Accessed through <https://www.ocsan.gov/Home/ShowDocument?id=29333>.

⁵⁰ OCSD. (2017). Final Report and Recommendations on Wastewater Rates, Fees, and Charges. Accessed through <https://www.ocsan.gov/Home/ShowDocument?id=23431>.

commitments. No new significant expansions of infrastructure facilities are required, and impacts would be less than significant.

Threshold (d) Would the project 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. CMSD provides solid waste service to the City. CMSD is required by the Integrated Waste Management Act of 1989 (AB 939) that at least 50 percent of all the City's solid waste and recycling is diverted from landfills. There are also a multitude of other laws that require developers to provide multifamily-unit recycling and organic waste receptacles as well as promote statewide waste reductions:

- **AB 341** requires cities and counties to implement recycling programs, reduce refuse at the source, and compost waste to achieve the established 75 percent diversion of solid waste from landfills.
- **AB 1826** requires businesses to recycle organic waste depending on the amount of waste generated per week.
- **SB 1383** requires a 75 percent reduction of state-wide organic waste by 2025 in order to reduce associated greenhouse gases such as methane and other short-lived climate emissions.

Future development would involve a maximum development buildout of 17,531 housing units over existing conditions. Therefore, the project would increase solid waste disposal demands. It is not expected that future projects would lead to inadequate landfill capacity at the Frank R. Bowerman Sanitary Landfill, which has a daily capacity of 11,500 tons per day. The landfill has the capacity for 266 million cubic yards and has an operational life through 2053.⁵¹ Solid waste generated at future housing developments facilitated by the HEU would represent a nominal increase in disposal rates. Existing landfill capacity would be sufficient to serve future development in the City. Future housing development facilitated by the HEU may be subject to the City's development review process and be required to adhere to all federal, state, and local requirements for solid waste reduction and recycling. Considering these requirements, the HEU implementation would not generate solid waste in excess of State or local standards, or in excess of local infrastructure's capacity. Therefore, impacts would be less than significant.

Threshold (e) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. State, county, and local agencies with regulatory authority related to solid waste include the California Department of Resources Recycling and Recovery (CalRecycle) and the City of Costa Mesa. Regulations specifically applicable to future housing development on candidate housing sites include the California Integrated Waste Management Act of 1989 (AB 939), Section 4.408 of the CalGreen Code, and SB 341, which requires multi-family residential development and commercial uses to implement recycling programs.

The Integrated Waste Management Act requires every City and County in the State to prepare a Source Reduction and Recycling Element (SRRE) to its Solid Waste Management Plan, which identifies how each

⁵¹ CalRecycle, Solid Waste Information System, Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103>, Accessed September 12, 2021.

jurisdiction will meet the State's mandatory waste diversion goal of 50 percent by and after 2000. In accordance with SB 341, the diversion goal has been increased to 75 percent by 2020.

Future housing development facilitated by the HEU would be subject to compliance with the 2019 CalGreen Code Section 4.408.2, which requires preparation of a Construction Waste Management Plan that outlines methods to divert or reuse 65 percent of nonhazardous construction and demolition debris. Future projects would comply with the CalGreen Code through the recycling and reuse of at least 65 percent of the nonhazardous construction and demolition debris from a project site.

Future housing development facilitated by the HEU would comply with regulations such as AB 939, AB 341, AB 1826, and SB 1383 which would ensure solid waste reduction, increased rates of recycling, and the proper disposal of organic waste. Compliance with these regulations would result in less than significant impacts and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

SC UT-1 Customer shall contact the Mesa Water District – Engineering Desk and submit an application with plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

4.20 Wildfire

Threshold (a) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. According to Cal Fire's Fire Hazard Severity Zone Map,⁵² the City is not within a very high fire hazard severity zone for a Local Responsibility Area. No candidate housing sites are near a fire hazard severity zone. Therefore, future housing development facilitated by the HEU would not substantially impair an adopted emergency response plan or emergency evacuation plan because no portion of the City is within a very high fire hazard severity zone. No impact would occur.

Threshold (b) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. As discussed above, no portion of the City is within a very high fire hazard severity zone. Therefore, future housing development facilitated by the HEU would not exacerbate wildfire risks and would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impacts would occur.

Threshold (c) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project 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. No portion of the City is within a very high fire hazard severity zone. Therefore, future housing development facilitated by the HEU would not require the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impact to the environment. No impacts would occur.

Threshold (d) If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project 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. No portion of the City is within a very high fire hazard severity zone. Therefore, future housing development facilitated by the HEU would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes associated with a very high fire hazard severity zone. No impacts would occur.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable to the proposed HEU.

⁵² California Department of Forestry and Fire Protection, California Fire Hazard Severity Zone Viewer Available at: <https://egis.fire.ca.gov/FHSZ/>, Accessed June 28, 2021.

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4.21 Mandatory Findings of Significance

Threshold (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. On the basis of the foregoing analysis, the proposed project does not have the potential to significantly 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 or 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.

The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City. All future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all federal, state, and local requirements. The HEU would not result in any direct environmental impacts that would 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.

Threshold (b) Does the project have possible environmental effects which are individually limited, but cumulatively considerable?

Less than Significant Impact. State CEQA Guidelines Section 15065(a)(3) defines "cumulatively considerable" as times when "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." This document provides a programmatic analysis of the effects of the proposed HEU and the future housing development facilitated by its implementation.

The project would facilitate and provide a policy framework for future housing development on candidate housing sites throughout the City, which are situated in urbanized areas. Future housing development facilitated by the HEU would occur as market conditions allow and at the discretion of the individual property owners; be subject to the City's development review process; be subject to environmental review under CEQA; and does not propose changes to current land use designations and zoning. Based on these factors, and since all future housing development facilitated by the HEU would be subject to the City's development review process, the project would not result in environmental effects, which are individually limited, but cumulatively considerable.

Threshold (c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. There are no known substantial adverse effects on human beings that would be caused by the proposed project. The HEU would facilitate future housing development throughout the

City but would not result in direct housing construction. The HEU provides capacity for future housing development consistent with State Housing law. The candidate housing sites are dispersed throughout the community to minimize the potential for adverse changes in neighborhood character and aesthetics and reduce the potential for adverse impacts to the environment. The expansion of housing units in the City intends to create adequate housing availability at all income levels. The creation of more economically and socially diversified housing choices is a goal of the HEU and intends to provide new housing opportunities for low-income households. Implementation of the HEU would provide additional housing options for various income levels, as allocated by RHNA. Impacts are less than significant, and no mitigation is required.

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Appendix A

Native American Tribal Consultation Correspondence

**NATIVE AMERICAN HERITAGE COMMISSION**

July 23, 2021

Minoo Ashabi
City of Costa MesaVia Email to: minoo.ashabi@costamesaca.govCHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov**Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Costa Mesa 6th Cycle Housing Element Update Project, Orange County**

Dear Ms. Ashabi:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1 (d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the tribes on the attached list for more information.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Orange County
7/23/2021**

***Campo Band of Diegueno
Mission Indians***

Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno
Campo, CA, 91906
Phone: (619) 478 - 9046
Fax: (619) 478-5818
rgoff@campo-nsn.gov

***Gabrielino Tongva Indians of
California Tribal Council***

Robert Dorame, Chairperson
P.O. Box 490 Gabrielino
Bellflower, CA, 90707
Phone: (562) 761 - 6417
Fax: (562) 761-6417
gtongva@gmail.com

***Ewiiapaayp Band of Kumeyaay
Indians***

Robert Pinto, Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 445 - 6315
Fax: (619) 445-9126
wmicklin@leaningrock.net

***Gabrielino Tongva Indians of
California Tribal Council***

Christina Conley, Tribal
Consultant and Administrator
P.O. Box 941078 Gabrielino
Simi Valley, CA, 93094
Phone: (626) 407 - 8761
christina.marsden@alumni.usc.edu

***Ewiiapaayp Band of Kumeyaay
Indians***

Michael Garcia, Vice Chairperson
4054 Willows Road Diegueno
Alpine, CA, 91901
Phone: (619) 445 - 6315
Fax: (619) 445-9126
michaelg@leaningrock.net

Gabrielino-Tongva Tribe

Charles Alvarez,
23454 Vanowen Street Gabrielino
West Hills, CA, 91307
Phone: (310) 403 - 6048
roadkingcharles@aol.com

***Gabrieleno Band of Mission
Indians - Kizh Nation***

Andrew Salas, Chairperson
P.O. Box 393 Gabrieleno
Covina, CA, 91723
Phone: (626) 926 - 4131
admin@gabrielenoindians.org

***Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes***

Matias Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano, CA, 92675
Phone: (949) 293 - 8522
kaamalam@gmail.com

***Gabrieleno/Tongva San Gabriel
Band of Mission Indians***

Anthony Morales, Chairperson
P.O. Box 693 Gabrieleno
San Gabriel, CA, 91778
Phone: (626) 483 - 3564
Fax: (626) 286-1262
GTTribalcouncil@aol.com

***La Posta Band of Diegueno
Mission Indians***

Javaughn Miller, Tribal
Administrator
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
jmiller@LPtribe.net

Gabrielino /Tongva Nation

Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., Gabrielino
#231
Los Angeles, CA, 90012
Phone: (951) 807 - 0479
sgoad@gabrielino-tongva.com

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Costa Mesa 6th Cycle Housing Element Update Project, Orange County.

**Native American Heritage Commission
Tribal Consultation List
Orange County
7/23/2021**

***La Posta Band of Diegueno
Mission Indians***

Gwendolyn Parada, Chairperson
8 Crestwood Road Diegueno
Boulevard, CA, 91905
Phone: (619) 478 - 2113
Fax: (619) 478-2125
LP13boots@aol.com

***Soboba Band of Luiseno
Indians***

Isaiah Vivanco, Chairperson
P. O. Box 487 Cahuilla
San Jacinto, CA, 92581 Luiseno
Phone: (951) 654 - 5544
Fax: (951) 654-4198
ivivanco@soboba-nsn.gov

***Manzanita Band of Kumeyaay
Nation***

Angela Elliott Santos, Chairperson
P.O. Box 1302 Diegueno
Boulevard, CA, 91905
Phone: (619) 766 - 4930
Fax: (619) 766-4957

***Mesa Grande Band of Diegueno
Mission Indians***

Michael Linton, Chairperson
P.O Box 270 Diegueno
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mesagrandeband@msn.com

Pala Band of Mission Indians

Shasta Gaughen, Tribal Historic
Preservation Officer
PMB 50, 35008 Pala Temecula Cupeno
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Fax: (760) 742-3189
sgaughen@palatribe.com

***Santa Rosa Band of Cahuilla
Indians***

Lovina Redner, Tribal Chair
P.O. Box 391820 Cahuilla
Anza, CA, 92539
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Isaul@santarosa-nsn.gov

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This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Costa Mesa 6th Cycle Housing Element Update Project, Orange County.

Native American Tribal Consultation under AB 52 are between tribal representatives and the Lead Agency (City of Costa Mesa). AB 52 requires that any information – not just documents– submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public consistent with Gov. Code Sections 6254, subd.(r) and 6254.10. (Pub. Resources Code § 21082.3, subd. (c)(1)). Unless the tribe agrees, in writing, to public disclosure, the project applicant or the project applicant’s legal advisors, using a reasonable degree of care, shall maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism or damage to a tribal cultural resource and shall not disclose the information to a third party. (Pub. Resources Code § 21082.3, subd. (c)(2)(A)). For more information, please contact the Planning Division at the City of Costa Mesa. No formal request for consultation was received during the preparation of the Initial Study.



Appendix B

Candidate Housing Sites Inventory



Table 1: Sites to Accommodate Costa Mesa 2021-2029 RHNA

*Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process.
Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.*

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
424-191-10	10	821 W 19th St	WATTS RICHARD C TR	C1	4	19 West	0.69	50				6	3	6	19	Small commercial uses in a strip mall center. Approximately half of the parcel is surface parking and property abuts a major transportation corridor (19th Street) and existing multi-family. Shopping Center shows no recent sign of renovation.
424-202-02	12	719 W 19th St	PANGE MARC C TR PANGE REVOC TR	C1	4	19 West	1.29	50			Yes	12	6	12	34	Small commercial uses in a strip mall center. Approximately half of the parcel is surface parking and property abuts a major transportation corridor (19th Street). Shopping Center shows no recent sign of renovation.
424-202-03	13	707 W 19th St	MUNOZ FAMILY PROPERTIES LLC	C1	4	19 West	2.00	50				19	9	19	52	Existing single-user (Smart&Final) with large surface parking lot. Potential to redevelop for mixed-use adjacent to major transportation corridor (19th Street).
424-211-01	14	695 W 19th St	CITY OF COSTA MESA	C1	5	19 West (Senior)	2.66	50				40	20	0	0	Proposed Senior Center Housing project.
424-281-20	16	1710 Pomona Ave	PACIFIC MESA PROPERTIES	MG	5	19 West	1.08	50				10	5	10	28	Existing self-storage facility in close proximity to new residential uses and major transportation corridor (17th Street).
424-281-21	17	670 W 17th St	PACIFIC MESA PROPERTIES	MG	5	19 West	1.06	50				10	5	10	28	Existing 2-story office and commercial uses in close proximity to new residential uses and major transportation corridor (17th Street).
424-281-22	18	660 W 17th St	PACIFIC MESA PROPERTIES	MG	5	19 West	2.22	50				22	11	22	55	Existing self-storage facility and light industrial/commercial use in close proximity to new residential uses and major transportation corridor (17th Street).
425-431-02	19	1680 Superior Ave	B D INNS INC	CL	6	19 West	2.11	50				21	10	21	53	Existing hotel use (Ramada) with large surface parking lot. Property is directly adjacent to Newport Boulevard and next to new multi-family development.



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425-431-03	20	1666 Superior Ave	SCHWARTZ PAUL D 2007 TR	MG	6	19 West	0.29	50		A		2	1	2	9	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.
425-431-04	21	116 E 16th St	SHEEHAN MICHAEL W TR	MG	6	19 West	0.73	50		A		7	3	7	19	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.
425-431-05	22	126 E 16th St	126 PROPERTIES LLC	MG	6	19 West	0.42	50		A		4	2	4	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.
425-431-06	23	126 E 16th St	126 PROPERTIES LLC	C1	6	19 West	0.35	50		A		3	1	3	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.
425-431-07	24	1601 Newport Blvd	WINKAL HOLDINGS L L C	C1	6	19 West	0.79	50				7	3	7	22	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.
420-012-16	38	2476 Mark St	STATE OF CALIFORNIA	I&R-MLT	1	Fairview Developmental	108.91	60				575	345	690	690	Fairview Developmental Center property. See analysis in Appendix B for additional information on potential to redevelop.
141-361-06	39	2700 Harbor Blvd	FEMINO JAMES J THE J J & S FEMINO LIVING TR	C1	3	Harbor Mixed-Use	0.68	50				6	3	6	19	Mixed use building with first floor retail and offices



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141-361-11	40	2666 Harbor Blvd	HARBOR CM LLC	C1	3	Harbor Mixed-Use	2.41	50				24	12	24	60	Former Ace Hardware store, now for lease after Ace went out of business. Large big box structure with surface parking along a major transportation corridor (Harbor Blvd)
141-361-21	41	2790 Harbor Blvd	LEFEBVRE MAUREEN ELIZABETH	C1	3	Harbor Mixed-Use	0.75	50				7	3	7	20	Mixed use building with retail and offices on first floor and offices on 2nd and 3rd floor. Building is partially vacant with large surface parking lot adjacent to major transportation corridor (Harbor).
141-361-22	42	2750 Harbor Blvd	SRS COLLEGE CENTER	C1	3	Harbor Mixed-Use	1.71	50				17	8	17	43	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.
141-361-23	43	2730 Harbor Blvd	SRS COLLEGE CENTER	C1	3	Harbor Mixed-Use	0.68	50				6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.
141-361-27	44	2710 Harbor Blvd	JOHNSON GREGORY A & JACLYN H	C1	3	Harbor Mixed-Use	0.67	50				6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.
141-361-28	45	2706 Harbor Blvd	MESA VERDE CENTER LLC	C1	3	Harbor Mixed-Use	0.97	50				9	4	9	26	Vacant Pier 1 Imports box store and surface parking lot. Building is currently for lease.
419-031-08	52	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	5	Harbor Mixed-Use	0.75	50				7	3	7	20	Surface parking lot within large retail shopping center. Potential for mixed-use redevelopment. Retail center has major big box tenants which have permanently closed, leaving an excess of surface parking.
419-031-09	53	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	5	Harbor Mixed-Use	1.17	50				11	5	11	31	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed- use.



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419-031-12	54	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	5	Harbor Mixed-Use	3.16	50				31	15	31	81	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed- use.
419-171-58	56	2150 Harbor Blvd	2150 HARBOR BLVD LLC	C1	5	Harbor Mixed-Use	1.17	50				11	5	11	31	Norms restaurant with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).
422-021-09	57	2131 Harbor Blvd	SHERMAN DONALD L H	C2	4	Harbor Mixed-Use	0.83	50				8	4	8	21	Auto parts store, retail store, and pet grooming store, with large surface parking area adjacent to major transportation corridor (Harbor Blvd).
422-091-11	58	2075 Harbor Blvd	LEWIS JOHN T & LEWIS MARY K	C2	5	Harbor Mixed-Use	0.63	50				6	3	6	16	Tools and equipment rental yard adjacent to major transportation corridor (Harbor Blvd).
422-091-12	59	2069 Harbor Blvd	TANNER DALE A	C2	5	Harbor Mixed-Use	0.54	50				5	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).
422-091-14	61	2049 Harbor Blvd	C M HARBOR CM LLC	C2	5	Harbor Mixed-Use	0.54	50				5	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).
422-091-24	62	2015 Harbor Blvd	NEWPORT MESA AUTO CENTER LLC	C2	5	Harbor Mixed-Use	0.62	50				6	3	6	15	Newport Mesa Auto Center with car repair and car wash uses adjacent to major transportation corridor (Harbor Blvd).
422-091-26	63	2007 Harbor Blvd	949 STORAGE LLC	C2	5	Harbor Mixed-Use	0.83	50				8	4	8	21	Self-storage facility with surface parking lot and access to major transportation corridor (Harbor Blvd).
422-101-03	64	1989 Harbor Blvd	JUNEAU PAULINE BRECHT	C2	5	Harbor Mixed-Use	0.56	50				5	2	5	15	Budget Truck Rental yard which is largely a paved surface parking lot with a small building. Site is adjacent to major transportation corridor (Harbor Blvd).
422-101-06	65	1974 Charle St	CHARLE ST REALTY LLC	C2	5	Harbor Mixed-Use	0.53	50				5	2	5	14	Existing low-intensity light industrial and warehouse uses.
422-193-23	66	2215 Harbor Blvd	CHEN-RONG PROPERTIES LLC	C2	4	Harbor Mixed-Use	0.58	50				5	2	5	16	Aging furniture store structure with surface parking lot adjacent to major transportation corridor (Harbor Blvd).



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422-193-24	67	2205 Harbor Blvd	AQUA 26 LLC	C2	4	Harbor Mixed-Use	0.58	50				5	2	5	16	Aging motel use with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).
422-282-11	68	2044 Placentia Ave	SAA 2 LLC	MG	4	Mesa West	1.18	40				9	4	9	25	Auto repair shop and light industrial uses with surface parking adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.
422-291-04	69	2065 Placentia Ave	PUBLIC STORAGE PARTNERS LTD	MG	4	Mesa West	1.85	40				14	7	14	38	Self-storage facility adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.
422-291-05	70	2065 Placentia Ave	PUBLIC STORAGE INC	MG	4	Mesa West	0.92	40				7	3	7	19	Self-storage facility adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.
422-291-06	71	2051 Placentia Ave	PLACENTIA AVE PROPERTIES LLC	MG	4	Mesa West	0.92	40				7	3	7	19	Existing office/light industrial uses adjacent to recently developed townhouses and apartments.
422-301-01	72	1987 Placentia Ave	HARTLEY CO	MG	4	Mesa West	2.31	40				18	9	18	47	Warehouses with large surface parking lot. Two buildings on the site. Adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.
422-454-28	74	2101 Placentia Ave	CASACOS LLC	MG	4	Mesa West	0.91	40				7	3	7	19	Restaurant with large surface parking lot. Potential for mixed-use development.
424-061-01	75	885 W 18th St	MONROVIA AVENUE PARTNERS LLC	MG	5	Mesa West	1.25	40				9	4	9	27	Warehouses with large surface parking lot. One building on the site.
424-061-03	76	859 W 18th St	CRANK FAMILY 2007 LLC	MG	5	Mesa West	0.81	40				6	3	6	17	Auto repair shop with surface parking lot.
424-061-04	77	851 W 18th St	SEA PROPERTIES	MG	5	Mesa West	1.79	40				14	7	14	36	Auto body shop with large surface parking lot.
424-061-05	78	1791 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	5	Mesa West	4.27	40				34	17	34	85	Single-story warehouses with large surface parking lot and drive aisles. Five buildings on the site which show little sign of recent renovation.



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424-061-06	79	1751 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	5	Mesa West	4.70	40				37	18	37	95	Single-story warehouses with large surface parking lot and drive aisles. Seven buildings on the site which show little sign of recent renovation.
424-241-11	96	610 W 18th St	COSTA MESA WOMEN'S CLUB	R2-HD	5	Mesa West	0.58	40				4	2	4	13	Costa Mesa Women's Club with large surface parking lot. Property is adjacent to new park and civic center uses and in a residential setting with both single-family and multi-family uses. Property is underutilized.
424-281-01	97	1730 Pomona Ave	C & K PARTNERS	MG	5	Mesa West	0.99	40				7	3	7	22	Warehouses with surface parking lot. One building on the site.
424-281-19	98	424 Pomona Ave	PACIFIC MESA PROPERTIES	MG	5	Mesa West	1.19	40				9	4	9	25	Warehouses with large surface parking lot. One building on the site.
424-281-23	99	660 W 17th St	PACIFIC MESA PROPERTIES	MG	5	Mesa West	2.26	40				18	9	18	45	Large single-story self-storage facility adjacent to existing multi-family residential.
424-321-17	100	1882 Whittier Ave	AYRES SELF STORAGE COSTA MESA LLC	R2-MD	5	Mesa West	1.08	40				8	4	8	23	Large single-story self-storage facility adjacent to existing multi-family residential.
139-031-39	131	3303 Harbor Blvd	SDCO COSTA MESA COMMERCE PARK INC	PDI	1	North Costa Mesa	10.00	90				180	90	180	450	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses.
139-031-42	132	1575 Sunflower Ave	RREEF CPIF 1575 SUNFLOWER LLC	MP	1	North Costa Mesa	8.03	90				144	72	144	362	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses.
139-031-67	133	3333 Harbor Blvd	BEG HOLDINGS LP	MP	1	North Costa Mesa	10.00	90				180	90	180	450	Sofia University site (former Whittier Law School site) with large surface parking lot and largely underdeveloped land. The City has received interest in the potential future redevelopment of the site for residential uses.



Table 1: Sites to Accommodate Costa Mesa 2021-2029 RHNA

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APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
140-041-38	134	3390 Harbor Blvd	HARBOR ASSOCIATES	MP	1	North Costa Mesa	5.78	90				104	52	104	260	National University site. Analysis assumes potential redevelopment of the entire site as National University has vacated the existing lease. The City has received interest in the potential future redevelopment of the site for residential uses.
140-041-63	136	3390 Harbor Blvd	C J SEGERSTROM & SONS	MP	1	North Costa Mesa	1.69	90				30	15	30	77	National University site. Analysis assumes potential redevelopment of the surface parking area. The City has received interest in the potential future redevelopment of the site for residential uses.
140-041-82	137	3315 Fairview Rd	C J SEGERSTROM & SONS	PDC	1	North Costa Mesa - HR	7.58	90	Vacant	C		44	22	44	333	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
140-041-93	138	1201 South Coast Dr	HENRY T SEGERSTROM PROP LLC	PDC	1	North Costa Mesa - HR	30.30	90	Vacant	C		177	88	177	1,330	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
410-051-48	139	3400 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.53	90		G		9	4	9	25	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-051-51	140	685 Sunflower Ave	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.88	90		G		15	7	15	41	Vacant portion of parcel adjacent to parking structure. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-051-52	141	3410 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	1.35	90		G		24	12	24	61	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA & SONS	PDC	2	North Costa Mesa - SL2	30.93	90	Vacant			120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.



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410-501-31	144	N/A	JKS-CMFV LLC	PDC	2	North Costa Mesa	3.39	90				61	30	61	153	Large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	6.41	90				115	57	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-491-11	146	0	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	5.37	90				96	48	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	2	North Costa Mesa	10.00	90				180	90	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
418-161-06	176	2957 Randolph Ave	ZELDEN ALICE WILLER	MG	2	SoBECA	0.72	60				8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	2	SoBECA	0.72	60				8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-163-05	178	2064 Bristol St	PEP BOYS	C1	2	SoBECA	1.47	60				17	8	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	2	SoBECA	0.26	60		B		3	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	2	SoBECA	0.67	60				8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	2	SoBECA	0.87	60				10	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	2	SoBECA	0.33	60		D		3	1	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.



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418-202-03	183	841 Baker St	BAKER STREET PROPERTIES LLC	C1	2	SoBECA	0.60	60		D		7	3	7	18	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-04	184	801 Baker St	RED MOUNTAIN ASSET FUND ILLC	C1	2	SoBECA	0.86	60				10	5	10	26	Strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-05	185	2969 Century Pl	ECHAN BARBARA TRUST	C1	2	SoBECA	0.09	60		E		1	0	1	3	Surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-06	186	2969 Century Pl	ECHAN BARBARA TRUST	MG	2	SoBECA	0.68	60		E		8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-07	187	2959 Century Pl	GRAYBAR ELECTRIC CO INC	MG	2	SoBECA	0.50	60				6	3	6	15	Electrical equipment manufacturer/distributor. Site is within the SoBECA Urban Plan redevelopment area.
418-202-10	188	2942 Century Pl	SCM ENTERPRISES	MG	2	SoBECA	0.87	60				10	5	10	27	Coworking office with large surface parking. Site is within the SoBECA Urban Plan redevelopment area.
418-202-11	189	2952 Century Pl	GRAHAM GORDON T TR	MG	2	SoBECA	0.90	60				10	5	10	29	Warehouse with large yard. Site is within the SoBECA Urban Plan redevelopment area.
418-202-12	190	2972 Century Pl	PROJECT C LLC	MG	2	SoBECA	0.94	60				11	5	11	29	Auto repair shop with surface parking. Site is within the SoBECA Urban Plan redevelopment area.
418-202-13	191	2972 Century Pl	PROJECT C LLC	MG	2	SoBECA	0.91	60				10	5	10	29	Warehouse with large yard. Site is within the SoBECA Urban Plan redevelopment area.
418-202-14	193	765 Baker St	PROJECT C LLC	C2	2	SoBECA	0.67	60				8	4	8	20	Existing auto repair shop use. Site is within the SoBECA Urban Plan redevelopment area.
419-041-02	194	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	5	Harbor Mixed-Use	0.77	50				7	3	7	21	Existing aging strip mall with multiple tenants and large surface parking lot area. Site is adjacent to a major transportation corridor (Harbor Blvd).
419-041-06	195	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	5	Harbor Mixed-Use	2.50	50				25	12	25	63	99 cent store with large surface parking. Site is adjacent to a major transportation corridor (Harbor Blvd).



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140-041-81	196	3333 Susan St	THE HIVE CREATIVE OFFICE INC	PDI	1	North Costa Mesa	4	90				72	36	72	252	Current Chargers practice field facility. The City has discussed the potential for future redevelopment of this site for high-density residential uses with the property owner.
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	2	Harbor Mixed-Use	1.90	60				22	11	22	59	Existing auto dealer with large surface parking.
140-041-83	198	N/A	C J SEGERSTROM & SONS	PDC	1	North Costa Mesa - HR	0.23	80		C		0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	2	Harbor Mixed-Use	1.27	60		B		14	7	14	39	Restaurant and barbershop. Site is anticipated to redevelop with adjacent parcels as shown in this table.
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	4	19 West	0.63	50				6	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	6.27	90		H		18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	12.07	90		H		35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
139-313-21	203	1590 Adams Ave	C J SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	0.19	50		F		1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
139-313-30	204	1590 Adams Ave	C J SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	2.40	50		F		24	12	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.79	90		G		14	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.



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APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.75	130				19	9	19	48	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	N/A	JKS-CMFV LLC	PDC	2	North Costa Mesa	1.82	170				61	30	61	157	Surface parking lot. Property owner has indicated interest in redeveloping the site for residential uses.
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	1	SoBECA	0.27	60		B		3	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.

CITY OF COSTA MESA 2021-2029 HOUSING ELEMENT UPDATE MITIGATION MONITORING AND REPORTING PROGRAM

Prepared for

City of Costa Mesa
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Prepared by

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Date: January 2022

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in The City of Costa Mesa 2021-2029 Housing Element Update Initial Study/Mitigated Negative Declaration (IS/MND). The City of Costa Mesa 2021-2029 Housing Element Update MMRP has been prepared in conformance with Public Resources Code §21081.6 and City of Costa Mesa Monitoring Requirements. Specifically, Public Resources Code Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- (b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- (c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction

over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or an agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Costa Mesa is the Lead Agency for The City of Costa Mesa 2021-2029 Housing Element Update Project and is therefore responsible for ensuring implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The Mitigation Measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City of Costa Mesa or designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The MMRP table's last column will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Costa Mesa. The completed MMRP and supplemental documents will be kept on file at the City of Costa Mesa Planning Division.

THE CITY OF COSTA MESA 2021-2029 HOUSING ELEMENT UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
Biological Resources						
Threshold (a) Would the project have a substantial 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 Game or U.S. Fish and Wildlife Service?	MM BIO-1: Biological Survey: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to special-status wildlife and plants species, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development consistent with the HEU, a site-specific general biological resources survey shall be conducted on sites that contain the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover	Prior to Building Permit Issuance	Completed Biological Resources Survey	Planning and Building Divisions		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features required by the applicant to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to be implemented by the applicant to reduce the impacts to below a level of significance.					
	MM BIO-2: Pre-Construction Nesting Bird Survey: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to migratory birds, shall avoid the bird breeding season (typically January through July for raptors	Prior to ground disturbing activities	Verify Requirements Included on Grading and Construction Plans Verify Pre-Construction Nesting Bird Survey Conducted and Nesting	Planning and Building Divisions Qualified Biologist		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for a qualified biologist to conduct a pre-construction nesting bird survey prior to the commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on or adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding		Bird Plan Prepared, If Required			

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	agencies) shall be established around such active nests, and no construction within the buffer shall allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).					
Cultural Resources						
Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?	MM CR-1: Historical Resource Evaluation: Applications for future development facilitated by the HEU, where the City has determined a potential for impacts to historic resources, shall be required to comply with the following mitigation framework: For any building/structures in excess of 50 years of age having its original structural integrity intact, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State		Retention of a Qualified Professional; Evaluate Significance of Historical Findings	Planning and Building Divisions Qualified Professional Historian		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.					
Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	MM CR-2: Archaeological Survey Evaluation: Applications for future development consistent with the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following mitigation framework: Prior to the issuance of any permit for future development located on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for project impact mitigation by preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall	During Excavation and Grading Activities, If Resources are Unearthed	Verify Requirements on Construction Plans Submitted Archaeological Resource Report	Planning and Building Divisions Qualified Professional Archaeologist		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant to reduce impacts to below a level of significance.					
Hazards and Hazardous Materials						
Threshold (b) Would the project 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?	MM HAZ-1: Unanticipated Discovery of Hazardous Materials: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to Hazards and Hazardous Materials, the applicant or applicant's contractor shall complete the following if unknown wastes or suspect materials are discovered that are believed to involve hazardous waste or materials:	During Construction Activities	Written Notification to Environmental Hazard Professional Documentation of Implementation Measures	Planning and Building Divisions Certified Environmental Hazards Contractor		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	<ol style="list-style-type: none"> 1. Immediately cease work in the suspected contaminant's vicinity, remove workers and the public from the area, and secure the area. 2. Notify the applicant's Environmental Professional and immediately implement proper remedial activities as recommended. 3. Notify the City Engineer and Planning and Community Development Director and implement measures to further secure the area. 4. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required 					
Noise						
Threshold (a) Would the project result in the 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 ordinances, or applicable standards of other agencies?	MM NOI-1: Noise Reduction Program: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts noise standards, the Applicant shall require construction contractors to implement a site-specific Noise Reduction Program, which includes the following measures, ongoing	During Construction Activities	Noise Reduction Program and Requirements Included on Grading and Construction Plans; Site Inspections	Planning and Building Divisions		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	<p>through demolition, grading, and/or construction to reduce construction-related noise impacts, where construction activities would exceed the standards established in the City's Noise Ordinance:</p> <ul style="list-style-type: none"> -Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. -Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used 					

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	<p>where feasible (this can achieve an approximately 5.0-dBA reduction. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.</p> <p>-Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.</p>					
	<p>MM NOI-2: Noise Compliant Response and Tracking: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to substantial excess of noise standards, prior to demolition, grading, or building permit approval, the Applicant shall submit to the Planning Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At</p>	Prior to Demolition, Grading, or Building Permit Approval	Verify Requirements on Construction Plans; Conduct Inspections	Planning and Building Divisions		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
<p>minimum, these measures shall include the following:</p> <ul style="list-style-type: none"> -A procedure to the public for notifying the City's Code Enforcement Officer and Police Department (during regular construction hours and off-hours); -A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and -A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed 					

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
Threshold (b) Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?	<p>MM NOI-3: Vibration Impact Response Plan: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:</p> <ul style="list-style-type: none"> - The applicant shall utilize temporary noise attenuation curtain suitable for pile driving equipment as needed. This noise attenuation device should be installed directly between the equipment and the nearest noise sensitive receptor to the construction site. -Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free 	Prior to Demolition, Grading, or Building Permit Approval	Verify Requirements on Construction Plans; Conduct Inspections	Planning and Building Divisions		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.					
Tribal Cultural Resources						
Threshold (a) 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	MM TCR-1: Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to tribal resources, including discovery of any tribal, cultural, or archaeological resources during ground-	During Ground Disturbing Activities	Retention of an Approved Native American Monitor; Executed Monitoring Agreement Monitoring During Ground Disturbance Activities; Pre-Construction Sensitivity	Planning and Building Divisions Native American Monitor		

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
<p>value to a California Native American tribe, and that is: i) 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 ii) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<p>disturbing activities, the Applicant shall immediately cease such activities in the immediate vicinity. The find will then be assessed by a qualified archeologist retained by the Applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the Director of Economic and Development Services to the discovery of resources. If the resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Development Services Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines Section 15064.5 [f]. If</p>					

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	<p>a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code Section 21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials.</p>					

Mitigation Measures (MMs)		Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
					Date	Initials
	Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Costa Mesa Historical Society for educational purposes.					

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
Aesthetics						
Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	SC AES-1: Lighting Plan and Photometric Study: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to light and glare, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City’s Development Services Department prior to the issuance of Building Permits. 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	Prior to Permit Issuance	Submittal of Plans	Planning and Building Division		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	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					
Air Quality						
Threshold (b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	SC AQ-1: Dust Control: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to air quality during construction, construction contractors shall comply with South Coast Air Quality Management District's (South Coast AQMD's) Rules 402 and 403 to minimize construction emissions of dust and particulates. South Coast AQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the	During Construction	Verify Requirements Included on Grading and Construction Plans; Site Inspections	Planning and Building Divisions		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	<p>comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p> <p>South Coast AQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible beyond the property line of the emission source. This rule is intended to reduce PM10 emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:</p> <p>a. Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass</p>					

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	<p>cover is grown or otherwise stabilized.</p> <p>b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.</p> <p>c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.</p> <p>d. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.</p> <p>e. Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.</p>					
	<p>SC AQ-2: Architectural Coatings: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to air quality, construction contractors shall adhere to South Coast Air Quality Management District (South Coast AQMD) Rule 1113, which requires manufacturers,</p>	Prior to Construction	Verify Requirements Included on Construction Plans	Planning and Building & Safety Divisions		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories. Architectural coatings shall be selected so that the volatile organic compound (VOC) content of the coatings is compliant with South Coast AQMD Rule 1113. This requirement shall be included as notes on contractor specifications.					
Biological Resources						
Threshold (a) Would the project have a substantial 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 Game or U.S. Fish and Wildlife Service?	SC BIO-1: Focused Survey for Burrowing Owls on Vacant Sites Two Acres or larger: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts to sensitive species (Burrowing Owl), the Applicant shall initiate preparation of a focused survey for burrowing owls, conducted by a qualified professional biologist for any	Prior to ground disturbing activities	Verify Pre-Construction Survey Conducted	Planning and Building Divisions Qualified Biologist		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	new development project proposed on a vacant site of two acres or larger and with a landscape of annual and perennial grasslands, desert, or arid scrubland with low-growing vegetation or agricultural use or vegetation. The purpose of the survey is to determine if burrowing owls are foraging or nesting on or adjacent to the project site. If surveys confirm that the site is occupied habitat, mitigation measures to minimize impacts to burrowing owls, their burrows, and foraging habitat shall be identified. The results of this survey, including any mitigation recommendations, shall be incorporated into the project-level CEQA compliance documentation. Owl surveys and approaches to mitigation shall be in accordance with the Staff Report on Burrowing Owl Mitigation, issued by the California Department of Fish and Wildlife on March 7, 2012 (CDFW 2012).					
Cultural Resources						

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
Threshold (c) Would the project disturb any human remains, including those interred outside of formal cemeteries?	SC CR-1: Unanticipated Discovery of Human Remains: Applications for future development consistent with the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following mitigation framework: In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide	During Excavation and Grading Activities	Retention of a Qualified Professional, If Cultural Resources are Unearthed; Evaluate Significance of Findings	Planning and Building Divisions Qualified Professional Paleontologist		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined, and documented by a qualified archaeologist, work in the area may resume.					
Geology and Soils						
Threshold (a.ii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	SC GEO-1: California Building Code Conformance: Applications for future housing development facilitated by the HEU, where the City has determined a potential for impacts related to seismic ground shaking, design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to the issuance of grading permits.		Verify Requirements on Construction Plans	Planning and Building Divisions		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
Hazards and Hazardous Materials						
Threshold (b) Would the project 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?	SC HAZ-1: Preparation of Phase 1 Environmental Site Assessment: Applicants for new development projects requiring City discretionary approval shall include the results of a Phase I Environmental Site Assessment (ESA), prepared in accordance with the latest ASTM protocol for such assessments. If the Phase I ESA indicates some evidence that site contamination exists that could require cleanup to avoid danger to people or damage to the environment, a Phase II level review shall be completed to fully characterize the nature and extent of such contamination, and the scope of required clean up procedures. The results of the Phase II assessment shall be considered as part of the CEQA compliance process prior to any action on the project.	Prior to Permit issuance During CEQA review process	Completed Phase 1 ESA	Planning and Building Divisions		
Threshold (d) Would the project 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 create a significant hazard to the public or the environment?						
Noise						
Threshold (a) Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the	SC NOI-1: Construction Noise Limitation: Applications for future housing development facilitated by the HEU, where the City has determined a	During Construction	Verify Requirements on Construction Plans; Conduct Inspections	Planning and Building Divisions		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?	potential for impact to noise, all noise-generating construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. 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.					
Recreation						
Threshold (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?	SC REC-1: Payment of Park Fees: Applications for future housing development facilitated by the HEU, where the City has determined a potential impact to recreational resources, applicants of projects that do not meet the City's parkland dedication requirements shall pay park fees as established in CMMC Title 13, Chapter XII, Article 4 (Park and Recreation Impact Fees) to provide park and recreational facilities to serve the future residents of proposed new residential units, prior to the issuance of building permits.	Prior to Building Permit Issuance	Receipt of Payment of Park Fees	Planning Division		

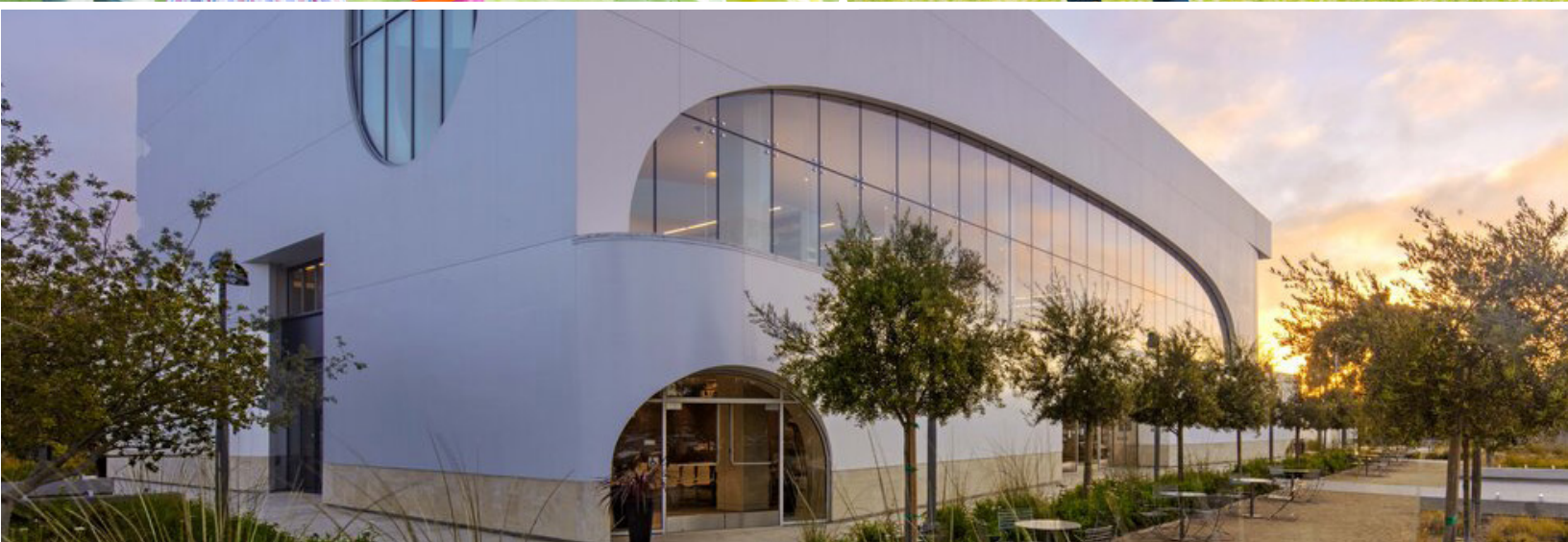
Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	<p>SC REC-2: Parkland Dedications: Applications for future housing development facilitated by the HEU, where the City has determined a potential impact to recreational resources, every residential subdivider who creates a subdivision shall be required to dedicate a portion of the land, pay a fee in lieu thereof, or do a combination of both, as established in CMMC Title 13, Chapter XI, Article 5 (Park and Recreation Dedications) for the purpose of providing park and recreational facilities to serve future residents of the subdivision. In determining whether a subdivider shall dedicate land, pay a fee in lieu of land dedication, or a combination of both, the following procedure shall be used:</p> <p>(a) Subdividers required to or desiring to dedicate property for park and recreational purposes shall, upon filing a tentative map for approval, check with the city to determine whether their property has been designated for a park site in the general plan. If a subdivider's property is so designated, the subdivider</p>	Prior to Building Permit Issuance	<p>Receipt of Payment of Park In Lieu Fees</p> <p>Park Site Designated on Construction Plans</p>	Planning Division		

Standard Conditions (SCs)		Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
					Date	Initials
	shall coordinate with the necessary departments to incorporate the park site(s) into the property's development plan. (b) If the subdivider's property is not so designated, and a school site is proposed within or in proximity to the property, a park site adjacent to the school site shall be developed and the subdivider shall coordinate with the necessary departments to incorporate the park site(s) into the property's development plan.					
Utilities and Service Systems						
Threshold (a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	SC UT-1: Mesa Water District Coordination: Applications for future housing development facilitated by the HEU, where the City has determined a potential impact to water utility service providers, customer shall contact the Mesa Water District – Engineering Desk and submit an application with plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.	During Development Review Process	Approval Letter or Written Documentation from Mesa Water District	Planning and Building Division		



Draft Costa Mesa Housing Element

6th Cycle - 2021-2029





City of Costa Mesa

Housing Element

2021-2029

CITY COUNCIL HEARING DRAFT

FEBRUARY 2022



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APPENDIX D: GLOSSARY OF HOUSING TERMS

EXECUTIVE SUMMARY

PURPOSE

The Housing Element plans for future housing opportunities within the City of Costa Mesa while also addressing housing needs within the community. This is the 6th cycle of the Housing Element and is for the planning period from 2021 to 2029.

HOUSING ELEMENT UPDATE GUIDING PRINCIPLES

The City of Costa Mesa followed certain “guiding principles” in developing its approach and strategy for accommodating future housing growth. These guiding principles assist with implementation of the housing goals, policies and programs and will aid overall decision making. The guiding principles are rooted in community engagement and local knowledge and input into the planning process. The guiding principles are as follows:

The City will plan for future housing primarily along major commercial, industrial, and mixed use corridors within Costa Mesa that are compatible with growth, while preserving established residential neighborhoods.

Each neighborhood, community, and district within Costa Mesa has its own unique characteristics and needs. Future housing growth will build upon Costa Mesa’s history and complement the diversity and unique characteristics that already exist within each area.

The City will plan for a diverse range of housing forms, types, and densities to address the housing needs of an inclusive and diverse community and provide housing opportunities that meet the needs of all residents, including low-income households, seniors, multi-generational families, larger households and special needs groups.



“HOW TO” GUIDE TO THE HOUSING ELEMENT

The City of Costa Mesa’s Housing Element contains a lot of information relating to housing. The guide below is designed to help users navigate to the section of the document that contains the relevant information for each user’s needs.

- > Demographic information relating to housing, population, and family trends can be found in **Section 2 (Community Profile)**.

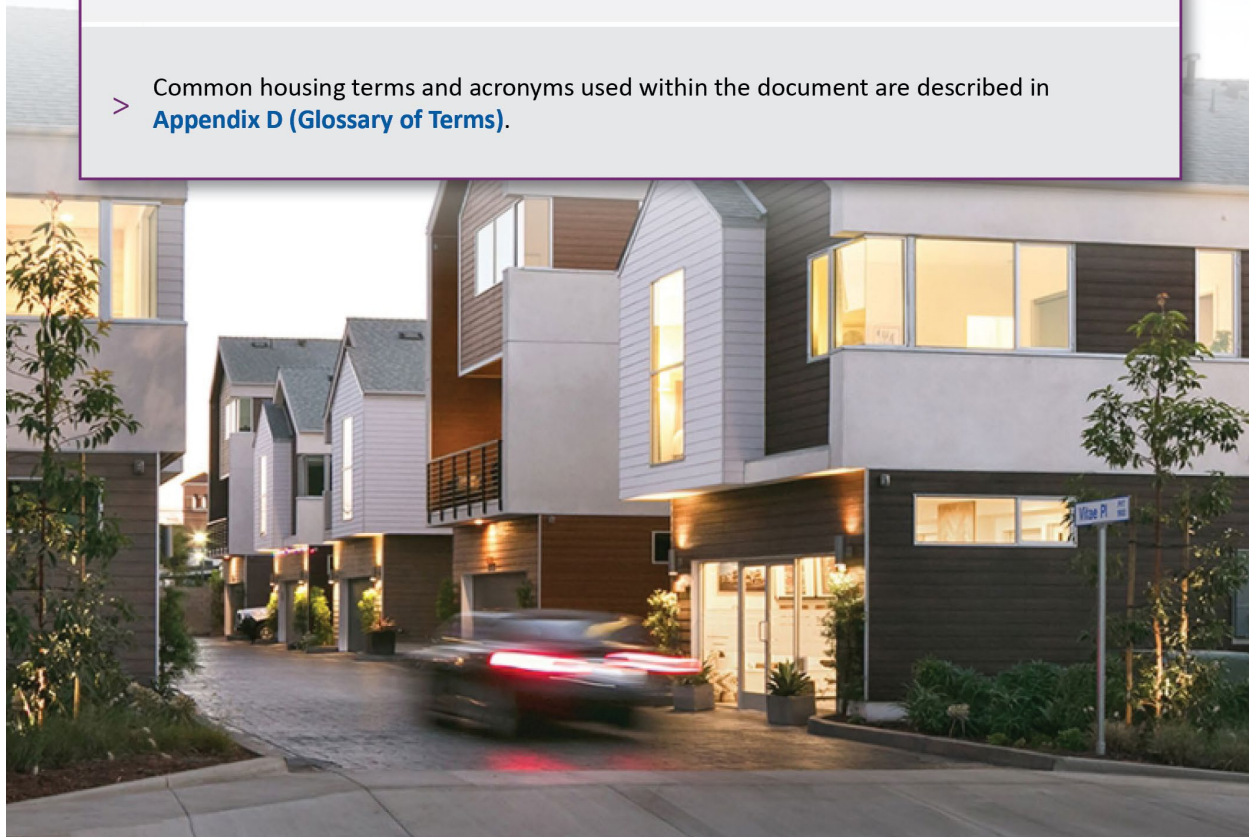
- > **Section 3 (Constraints, Resources, and Fair Housing)** contains an overview of the City of Costa Mesa’s 6th Cycle Candidate Sites Inventory and strategy. A more detailed analysis, including maps and a list of candidate housing sites by Assessor Parcel Number (APN) can be found in **Appendix B (Sites Analysis)**.

- > A discussion of potential housing constraints, including governmental, non-governmental, and other constraints, is located in **Section 3**.

- > The City’s Action Plan to address and facilitate housing growth is located in **Section 4 (Housing Plan)**.

- > A full summary of the City’s community engagement efforts relating to the Housing Element Update, including meeting summaries and public comments received, is in **Appendix C (Summary of Community Engagement)**.

- > Common housing terms and acronyms used within the document are described in **Appendix D (Glossary of Terms)**.



An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban landscape with various buildings and structures.

Chapter 1

Introduction





A. Role of the Housing Element

The Housing Element is one of the seven State mandated elements included in the City of Costa Mesa's General Plan. The purpose of the Housing Element is to identify a high-level strategy and blueprint for addressing the City's existing and projected housing needs over the eight-year planning cycle. It contains a detailed work program of the City's housing goals, policies, quantified objectives, and actions or programs for the preservation, improvement, and development of housing for a sustainable future.

Each eight-year planning cycle, the City is allocated a specific number of housing units called the Regional Housing Needs Allocation (RHNA) determined by the Southern California Association of Governments (SCAG). The RHNA quantifies future housing growth within a City. Through research and analysis, the Housing Element identifies potential candidate housing sites and establishes the City's official housing policies and programs to accommodate the City's RHNA allocation. As part of the Housing Element, focus areas and corridors are identified where future housing may be appropriate. Candidate housing sites within those areas are identified in order to show that the City has or will have sufficient land with the appropriate zoning to facilitate the development of housing by the private market in sufficient quantity to meet its RHNA allocation. The Housing Element is not a document that lays out specifically where future housing must go nor does it mandate housing construction. The Housing Element is an important tool for the City of Costa Mesa to plan for and accommodate current and future housing growth within the community, over the eight-year planning cycle (2021-2029).

B. State Policy and Authorization

1. Background

As a mandated element of the Costa Mesa General Plan, the Housing Element must meet all requirements of existing state laws. Goals, programs and policies, and quantified objectives developed within the Housing Element are consistent with state law and are implemented within a designated timeline to ensure the City accomplishes the identified actions as well as maintains compliance with state law. The California Department of Housing and Community Development (HCD) reviews each Housing Element for substantial compliance with state law. HCD's review is required before a local government can adopt its housing element as part of its overall General Plan.

2. State Requirements

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for the Housing Element. California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans no less than once every eight years.

The California Legislature identifies overall housing goals for the State to ensure every resident has access to housing and a suitable living environment; Section 65580 of the California Government Code states the following Housing Element goals:



- a. *The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.*
- b. *The early attainment of this goal requires cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.*
- c. *The provisions of housing affordable to low- and moderate-income households requires the cooperation of all levels of the government.*
- d. *Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community. The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.*

Table 1-1 summarizes State Housing Element requirements and identifies location in this document where these requirements are addressed.

Table 1-1: Housing Element Requirements		
Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Analysis of employment trends.	Section 65583.a	Chapter 2.B.1
Projection and quantification of existing and projected housing needs for all income groups.	Section 65583.a	Chapter 3.F
Analysis and documentation of the City's housing characteristics, including cost for housing compared to ability to pay, overcrowding, and housing condition.	Section 65583.a	Chapter 2.C, D, F
An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential.	Section 65583.a	Chapter 3.F.1
Analysis of existing and potential governmental constraints upon the maintenance, improvement or development of housing for all income levels.	Section 65583.a	Chapter 3.B
Analysis of existing and potential nongovernmental (private sector) constraints upon maintenance, improvement or development of housing for all income levels.	Section 65583.a	Chapter 3.B
Analysis concerning the needs of the homeless.	Section 65583.a	Chapter 2.E.8
Analysis of special housing needs: handicapped, elderly, large families, farm workers, and female-headed households.	Section 65583.a	Chapter 2.E
Analysis of opportunities for energy conservation with respect to residential development.	Section 65583.a	Chapter 3.G.2
Identification of Publicly-Assisted Housing Developments.	Section 65583.a	Chapter 3.E.3
Identification of Units at Risk of Conversion to Market Rate Housing.	Section 65583.a	Chapter 3.E.3



Table 1-1: Housing Element Requirements

Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Identification of the City's goal relative to the maintenance, improvement, and development of housing.	Section 65583.a	Chapter 4
Analysis of quantified objectives and policies relative to the maintenance, improvement, and development of housing.	Section 65583.b	Chapter 4
Identification of adequate sites that will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels.	Section 65583.c(1)	Appendix B
Identification of strategies to assist in the development of adequate housing to meet the needs of low and moderate-income households.	Section 65583.c(2)	Chapter 3.E.1, 2, 3
Description of the Public Participation Program in the formulation of Housing Element Goals, Policies, and Programs.	Section 65583.d	Appendix C
Description of the Regional Housing Needs Assessment (RHNA) prepared by the Southern California Association of Governments.	Section 65583.e	Chapter 3.F
Analysis of Fair Housing, including Affirmatively Furthering Fair Housing.	Section 8899.50	Chapter 3.E
Review of the effectiveness of the past Element, including the City's accomplishments during the previous planning period.	Section 65583.f	Appendix A
<i>Source: State of California, Department of Housing and Community Development.</i>		

Costa Mesa's current Housing Element was adopted in January 2014 for the 5th cycle for the 2014 - 2021 planning period. The 6th Cycle Housing Element will plan for the 2021-2029 planning period. Multiple amendments have been made to Housing Element law since the adoption of the City's 5th Cycle Housing Element; such amendments and subsequent housing laws change the required analysis, reporting and policies contained in the Housing Element. The contents of this updated Housing Element comply with these amendments to state housing law and all other federal, state and local requirements.

3. Regional Housing Needs Assessment

California's Regional Housing Needs Assessment (RHNA) is the basis for determining future housing need, by income category, within the state and is based on growth in population, households, and employment. The statewide RHNA is determined under the administration of the Department of Housing and Community Development (HCD). The quantified housing need is then allocated among the state's 18 Metropolitan Planning Organizations (MPOs). For the City of Costa Mesa's case, this agency is the Southern California Association of Governments (SCAG).

In accordance with Section 65583 of the California Government Code, SCAG then delegates a "fair share" of housing need to its member jurisdictions. The City of Costa Mesa's RHNA allocation is divided amongst four income categories, which are benchmarked on the County of Orange's median income for a family of



four. **Table 1-2** below identifies the four income categories by which the City’s RHNA allocation is divided. For the 2021-2029 planning period the City of Costa Mesa is allocated a total of 11,760 units as shown below.

Table 1-2: RHNA Income Categories		
Income Category	Percent of Median Family Income (MFI)	Costa Mesa’s RHNA Allocation for the 2021-2029 Planning Period
Very Low Income	0-50% MFI	2,919 units
Low Income	51-80% MFI	1,794 units
Moderate Income	81-120% MFI	2,088 units
Above Moderate Income	>120% MFI	4,959 units
Total		11,760 units

4. Relationship to Other General Plan Elements

The goals, policies, actions, and programs within the Housing Element relate directly to, and are consistent with, all other elements in the City’s General Plan. The City’s Housing Element identifies programs and resources required for the preservation, improvement, and development of housing to meet the existing and projected needs of its population.

The Housing Element works in tandem with development policies contained in the Land Use Element, most recently amended in 2018. The Land Use Element establishes the location, type, intensity and distribution of land uses throughout the City, and defines the land use build-out potential. By designating residential development, the Land Use Element places an upper limit on the densities and types of housing units constructed in the City. The Land Use Element also identifies lands designated for a range of other uses, including employment creating uses, open space, and public uses. The presence and potential for jobs affects the current and future demand for housing at the various income levels in the City.

The City’s Transportation Element also affects the implementation of the Housing Element. The Transportation chapter establishes policies for a balanced circulation system in the City. Costa Mesa’s Circulation Element establishes policies governing the system of roadways, intersections, bike paths, pedestrian ways, and other components of the circulations system, which collectively provide for the movement of persons and goods throughout the City. Consequently, the Housing Element must include policies and incentives that consider the types of infrastructure essential for residential housing units in addition to mitigating the effects of growth in the City.

The Housing Element has been reviewed for consistency with the City’s other Community Plan Chapters, and the policies and programs in this Element are consistent with the policy direction contained in other parts of the General Plan. As portions of the General Plan are amended in the future, the Housing Element will be reviewed to ensure that internal consistency is maintained.

5. Public Participation

Public participation is a vital component of the Housing Element update process. Public engagement creates opportunities for community members to provide their input and feedback, information which then directs the Housing Element’s goals, policies and programs. Section 65583 of the Government Code requires local governments to make diligent and continued efforts to achieve public participation of all



economic segments of the community. Meaningful community participation ensures that a variety of stakeholders and community members are offered a platform to engage in the City's planning process.

The City of Costa Mesa engaged in an extensive community outreach process as part of the development of the 6th Cycle Housing Element. The outreach plan focused on reaching as many segments of the population as possible through a series of citywide meetings, district-specific meetings, focused group meetings, and meetings with topical experts in the area of housing. These efforts were complemented by a series of online presentations, handouts, and community surveys.

Outreach for the 6th Cycle Housing Element to the community are outlined in detail in **Appendix C: Summary of Community Outreach**, and includes the following actions:

- Housing Element Update webpage with all housing materials available in English and Spanish, located at : www.costamesaca.gov/housing-element-update
- Virtual Townhall Meetings
- District Specific Meetings
- Stakeholder Meetings
- Online Community Survey
- City Council and Planning Commission Study Sessions

As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

Appendix C contains a summary of all public comments regarding the Housing Element received by the City during the update process.

[Note: This section to be updated prior to adoption to include additional public meetings and outreach.]

6. Data Sources

The data used for the completion of this Housing Element comes from a variety of sources. These include, but are not limited to:

- 2000 and 2010 Census
- American Community Survey
- Regional Analysis of Impediments to Fair Housing (AI)
- Point-in-Time Homeless Census by the Regional Task Force on the Homeless, 2020
- Home Mortgage Disclosure Act (HMDA) lending data
- California Department of Economic Development
- California Employment Development Division Occupational Wage data, 2020
- Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2013-2017

The data sources represent the best data available at the time this Housing Element Update was prepared. The original source documents contain the assumptions and methods used to compile the data.



7. *Housing Element Organization*

This Housing Element represents the City’s policy program for the 2021-2029 6th Planning Period. The Housing Element is comprised of the following Chapters:

Chapter 1: Introduction contains as summary of the content, organization, and statutory considerations of the Housing Element;

Chapter 2: Community Profile contains an analysis of the City’s population, household and employment base, and the characteristics of the housing stock;

Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations;

Chapter 4: Policy Plan addresses Costa Mesa’s identified housing needs, including housing goals, policies, and programs.

Appendices provides various appendices with supplementary background resources including:

- **Appendix A** – Review of Past Performance of 5th Cycle Programs
- **Appendix B** – Summary of Adequate Sites Analysis
- **Appendix C** – Summary of Outreach
- **Appendix D** – Glossary of Housing Terms

An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban area with various building footprints and street patterns.

Chapter 2

Community Profile





Community Profile

This Community Profile for the City of Costa Mesa provides an overview of the City's housing and population conditions. The Community Profile serves as the foundation for the 2021-2029 Housing Element's policies. It describes and assesses the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. The Community Profile provides baseline analysis to inform the goals, programs, and policies, included in the Housing Element.

The data used for this Community Profile has been collected using the most current available data from the Southern California Association of Governments (SCAG), 2010 U.S. Census, 2010-2018 U.S. Census American Community Survey (ACS), the California Department of Finance, the California Employment Development Department, the California Department of Education and other relevant available real estate and market data.

A. Population Characteristics

Population characteristics directly impact the current and future housing demand in a community. The type and extent of housing needs is often influenced by population growth, age composition of the community and the mix of race/ethnicity. These factors also determine the ability of the local population to afford housing costs. The following section describes and analyzes various population characteristics and local trends that affect housing needs.

1. Population Growth

Table 2-1 compares Costa Mesa's forecasted population growth from 2010 to 2040 to the surrounding cities. The U.S. Census reported a population of 109,960 in 2010. Costa Mesa's population represents 3.7 percent of the total Orange County population.

Table 2-1 estimates a 2010-2040 population growth of 5.8 percent, or 6,440 persons. Population growth estimates for Orange County anticipated an increase of 8.7 percent between 2010 to 2020. A 5.8 percent growth is projected for Orange County between 2020 and 2040. Costa Mesa's estimated future population growth rate during that time period is lower than surrounding cities. For example, Irvine's population is estimated to increase 10.5% through 2040 and Newport Beach's population is estimated to increase 3.8% over that same period. This is compared to 2.2% growth in Costa Mesa between 2020 and 2040.



Table 2-1: Population Growth Forecast, 2010-2040

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010-2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	109,960	111,200	113,900	116,500	116,400	3.6%	2.2%
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%

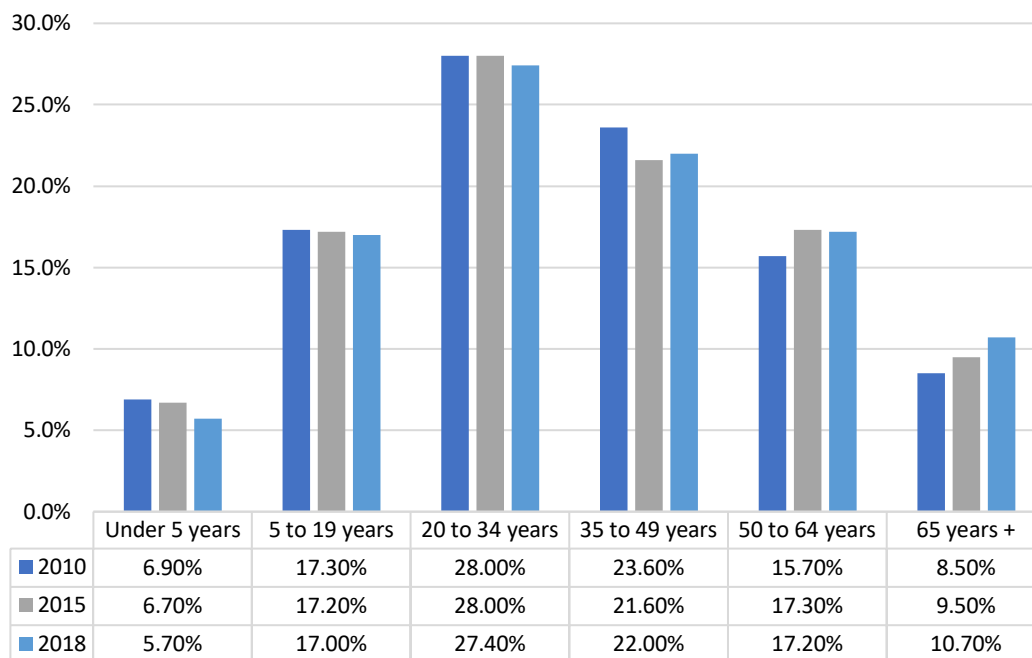
Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.

2. Age Characteristics

Age composition of a community is a consideration when evaluating housing need – housing demand within the local real estate market may be influenced by the unique preferences of certain age groups. For example, young adults and seniors may favor apartments, low to moderate-cost condominiums, and smaller or more affordable single-family units. Young adults and seniors tend to have comparatively lower or fixed incomes and may have a smaller family size. In comparison, the middle-aged demographic typically represents the largest portion of local home buyers.

As these age cohorts move through different stages of life, housing needs and preferences will likely change. Creating a well-balanced community that provides for the individual housing needs of its residents will consider the changing housing needs of the current and projected future population.

Figure 2-1: Age Distribution in Costa Mesa, 2010-2018



Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.



Figure 2-1 shows age distribution of Costa Mesa residents from 2010 to 2018. Young adults 20 to 34 years were estimated to represent the largest age group in Costa Mesa in 2018 (27.4 percent). Children aged 5 years and under were estimated to represent 5.7 percent of the City's population in 2018. Seniors aged 65 years and over experienced the largest percent change of all age groups between 2010 and 2018 (a 2.2% increase).

These data shown in **Figure 2-1** indicate a slight aging trend in the City of Costa Mesa, with some decreases in the population aged 34 years and under and a larger increase for persons aged over 50 years. The population aged 65 and over experienced the most growth. An aging population may result in changing needs for different housing types, amenities, and accessibility to local services.

Table 2-2 displays estimated age characteristics in 2018 for Costa Mesa, Orange County, and adjacent cities. Persons aged 25 to 44 represent the largest population age group in Costa Mesa. Teenagers aged 15 to 17 represent the smallest age group in Costa Mesa (3.2 percent of the total population). Just under 11 percent of Costa Mesa's population are persons aged 65 years or older.

Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	5.7%	11.4%	3.2%	9.6%	35.2%	24.3%	10.7%
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018</i>							

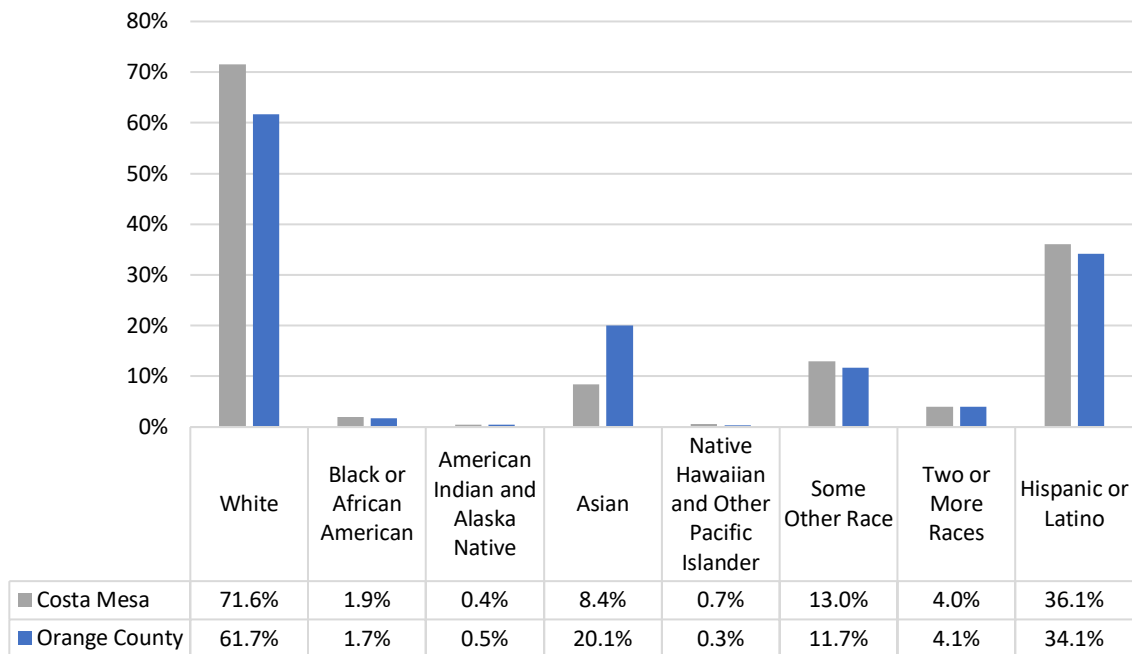
3. Race/Ethnicity Characteristics

Different racial and ethnic groups often represent a variety of household characteristics, income levels, and cultural backgrounds which may influence housing needs, housing choices, and housing types. Various cultures may also influence preferences for specific types of housing that need to be considered in future housing needs of a community.

Figure 2-2 and **Table 2-3** compare racial and ethnic composition between Costa Mesa, adjacent communities, and Orange County. The White population represents the largest racial group (71.6 in Costa Mesa). The smallest racial groups, each representing less than 1 percent of the City and County populations, are the American Indian/Alaska Natives and the Native Hawaiian/other Pacific Islanders. The Asian population in Costa Mesa represents 8.4 percent of the total population, compared to 20.1 percent of the total Orange County population. Persons identifying as of Hispanic or Latino origin represent 36.1 percent of entire Costa Mesa's population, compared to 34.1 percent in Orange County. Persons identifying as being of Hispanic or Latino origin may be from any race. This is not additive to the racial composition information shown in **Figure 2-2**.



Figure 2-2: Percentage of Racial and Ethnic Composition, 2018



Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-3: Racial and Ethnic Composition, 2018

Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	71.6%	1.9%	0.4%	8.4%	0.7%	13%	4%	36.1%
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%

Source: American Community Survey, 5-Year Estimates, 2018.

Demographic analysis includes evaluating demographic changes over time. The U.S. Census and ACS report little change in racial and ethnic composition in Costa Mesa between 2010 and 2018, as displayed in **Table 2-4**. The greatest percent change was an increase of about 2 percent of the Hispanic and Latino population, regardless of race. The population of persons who identify as two or more races rose by 1.6 percent. The White population experienced the greatest percent decrease between 2010 and 2015 at 5.6 percent. In 2018 the White population increased by 5 percent. Those identifying as Some Other Race increased by 4 percent in 2015 and then decrease by 5.2 percentage points in 2018.



Table 2-4: Racial and Ethnic Composition, 2010-2018

Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

B. Economic Characteristics

Economic characteristics of a community provide valuable insight into a community's ability to access the housing market. Different job types, income levels and the number of workers in a household could also affect housing affordability and choice. Therefore, a healthy balance between jobs and housing is important when evaluating the economic characteristics of a community.

1. Employment and Wage Scale

The SCAG Growth Forecast Report estimates employment growth for the City of Costa Mesa and nearby cities, as summarized in **Table 2-5**. From 2012 to 2040, Orange County forecasts a net gain of 373,000 new jobs – a 23.2 percent increase over 28 years. Santa Ana and Newport Beach are estimated to experience the smallest percent growth of approximately 7 percent. Irvine has the fastest growing job market with an estimated increase of almost 40 percent, or 95,600 new jobs. In contrast, Costa Mesa has a forecasted employment growth of 9.9 percent through 2040.

Table 2-6 shows how employment has changed amongst different sectors for Costa Mesa residents between 2010 and 2018. In 2010, the majority of the working population in the City was employed in education services, health care, and social assistance. In 2018, the majority of employed persons were estimated to be in the professional, scientific, management, and administrative services sector. This sector is estimated to have increased by 2.7 percent between 2010 and 2018. Agriculture, forestry, fishing and hunting, and mining represents the sector with the lowest rates of employment for all cities in Orange County.



Table 2-5: Employment Growth Trends, 2012-2040

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	# Change 2012-2040	Total % Change
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100	4.1%
Costa Mesa	84,600	89,600	92,700	93,200	5.9%	4.0%	8,600	10.2%
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600	42.6%
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200	7.2%
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200	14.8%
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000	24.4%

Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.

Table 2-6: Employment in Costa Mesa by Sector, 2018

Industry Sector	2010		2018		Percent Change 2010-2018
	# of people employed	% of City Employment	# of people employed	% of City Employment	
Agriculture, forestry, fishing and hunting, and mining	231	0.4%	557	0.9%	0.5%
Construction	3,831	6.4%	3,783	5.9%	-0.5%
Manufacturing	5,768	9.6%	5,869	9.2%	-0.4%
Wholesale trade	2,562	4.3%	2,005	3.2%	-1.1%
Retail trade	6,643	11.1%	7,224	11.3%	0.2%
Transportation and warehousing, and utilities	1,493	2.5%	1,850	2.9%	0.4%
Information	1,385	2.3%	1,216	1.9%	-0.4%
Finance and insurance, and real estate and rental leasing	6,076	10.2%	5,713	9%	-1.2%
Professional, scientific, management, and administrative services	9,150	15.3%	11,436	17.9%	2.7%
Education services, health care, and social assistance	10,210	17.1%	10,360	16.3%	-0.8%
Arts, entertainment, recreation, accommodation, and food services	7,828	13.1%	8,623	13.5%	0.5%
Other services (except public administration)	3,582	6%	3,698	5.8%	-0.2%
Public Administration	1,126	1.9%	1,406	2.2%	0.3%
Total	59,885	100.0%	63,740	100.0%	6.4%

Source: American Community Survey, 5-Year Estimates, 2010 and 2018.



The unemployment rate is essential to understand the current and projected housing needs and affordability. According to the 2018 ACS survey data in **Table 2-7**, Costa Mesa was estimated to have an unemployment rate of 4.8 percent, or 4,445 individuals unemployed in the City. This percentage is slightly less than Orange County's rate of 5.1 percent.

Table 2-7: Unemployment Rate, 2018	
Jurisdiction	Unemployment Rate*
Newport Beach	3.4%
Costa Mesa	4.8%
Irvine	4.9%
Santa Ana	5.6%
Huntington Beach	4.3%
Orange County	5.1%
*Population 16 years and over	
Source: American Community Survey, 5-Year Estimates, 2018.	

Table 2-7 shows approximately 4.8 percent of the population in Costa Mesa was estimated to be without work in 2018 and would therefore be more likely to need affordable housing options.

2. Regional Affordable Housing Rates

Income levels can determine affordability and choice of housing types offered in Costa Mesa. According to SCAG's Regional Housing Needs Assessment (RHNA), housing needs are defined by the following four income categories:

- **Very Low Income** (less than 50 percent of the Orange County's median family income)
- **Low Income** (50-80 percent of Orange County's median family income)
- **Moderate Income** (81-120 percent of Orange County's median family income)
- **Above Moderate Income** (120 percent and above of Orange County's median family income)

Included in the very low-income category is the extremely low-income group. Extremely low incomes are less than 30 percent of the County's median family income. Orange County's 2020 median family income, based on an assumed family of four, is \$103,000. **Table 2-8** provides a summary of median salary by occupation in Costa Mesa in 2018.



Table 2-8: Median Salary by Occupation in Costa Mesa, 2018

Occupation	Salary
Management	\$84,842
Legal	\$154,293
Computer and Mathematical	\$73,170
Architecture and Engineering	\$93,000
Healthcare Practitioners and Technical	\$84,833
Business and Financial Operations	\$66,708
Life, Physical and Social Sciences	\$75,833
Construction and Extraction	\$31,719
Education, Training and Library	\$52,786
Installation, Maintenance and Repair	\$42,193
Community and Social Service	\$63,750
Arts, Design, Entertainment, Sports and Media	\$62,693
Office and Administration Support	\$47,958
Protective Services	\$31,979
Healthcare Support	\$28,243
Sales	\$57,677
Production	\$41,490
Transportation	\$31,950
Material Moving	\$27,401
Building, Grounds Cleaning, and Maintenance	\$25,534
Farming, Fishing and Forestry	\$31,090
Food Preparation and Serving Related	\$26,465
Personal Care and Service	\$34,167
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>	



C. Household Characteristics

A household is defined by the U.S. Census as all persons who occupy a housing unit. This may include single persons living alone, families related through marriage, blood or adoption, domestic partnerships and unrelated individuals living together. Not all housing is considered a housing unit including, nursing facilities, residential care facilities, dormitories, and other group living; the persons living with them also do not constitute a household.

Information on household characteristics assists in understanding growth and determining the housing needs of a community. Income and affordability are best measured at the household level. The special needs of certain groups, such as large families, single parent households, or low, very low, and extremely low-income households must also be assessed to identify potential housing needs. For example, if a city has a predominately aging population of homeowners who may have fixed incomes, the City may consider implementing a home rehabilitation or maintenance assistance program to assist in deferred maintenance due to lack of disposable income.

1. Household Type and Size

The City of Costa Mesa had an estimated 41,019 households in 2018. Married-couple families are the largest household type in Costa Mesa, representing 42.8 percent of the City's population (**Table 2-9**). The percentage is lower by comparison to nearby cities. Just under 55 percent of all Orange County residents live in married-couple households. Households of this type typically occupy single family residences with multiple bedrooms. Non-family households are the second largest household type in Costa Mesa, representing 40.2 percent of all households. When combined with senior householders over the age of 65 and living alone, (as shown in **Figure 2-3**), it represents 46.8 percent of all households. Persons aged 65 or older tend to occupy apartments or smaller age-centric living.

Table 2-9: Household Characteristics by Jurisdiction, 2018

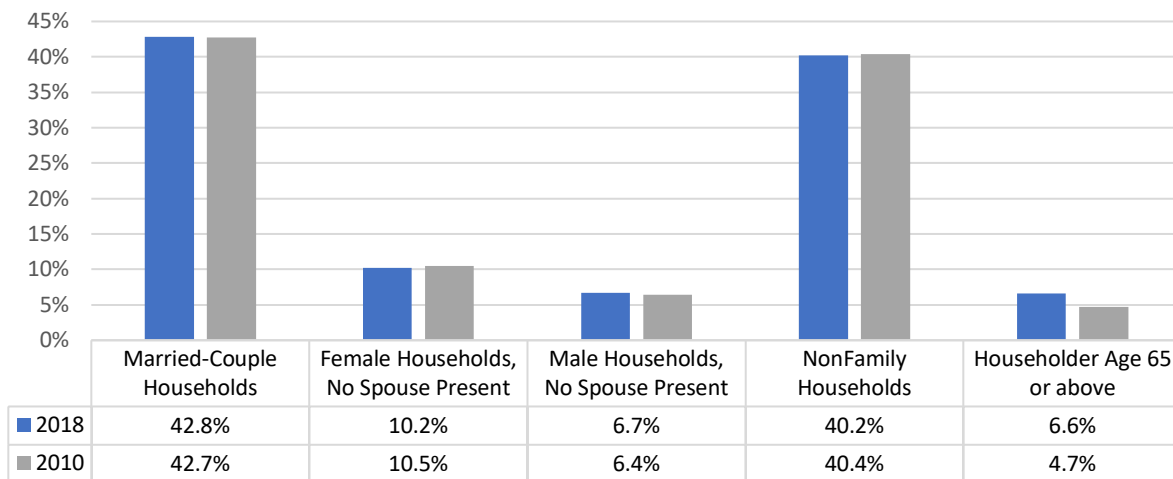
Jurisdiction	Married-couple Family Households		Female Household, No Spouse Present		Non-Family Household ¹		Total Households	
	2010	2018	2010	2018	2010	2018	2010	2018
Newport Beach	44.8%	50.1%	5.7%	4.9%	46.7%	42.5%	37,803	37,870
Costa Mesa	42.7%	42.8%	10.5%	10.2%	40.4%	40.2%	40,104	41,019
Irvine	52.8%	54.2%	9.3%	8.8%	34.0%	33.2%	71,680	95,371
Santa Ana	53.7%	54.3%	16.3%	18.0%	19.5%	18.7%	74,381	76,521
Huntington Beach	48.7%	48.9%	10.0%	10.8%	36.4%	35.1%	75,220	76,821
Orange County	54.2%	54.7%	11.4%	11.8%	29.0%	28.2%	984,503	1,032,373

1. A nonfamily household consists of a householder living alone (a one-person household) or where the householder shares the home exclusively with people to whom he/she is not related.

Source: American Community Survey, 5-Year Estimates, 2018.



Figure 2-3: Costa Mesa Household Characteristics, 2010 and 2018



Source: American Community Survey, 5-Year Estimates, 2010 and 2018.

Table 2-10 summarizes changes in household types between 2010 and 2018. Over this time period, households in Costa Mesa increased by 915. The changes in household types have remained generally constant for all housing types. The two largest percent changes between 2010 and 2018 were a 0.3% decrease for female households and a 0.3% increase for male households.

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
Total Households	40,104	100%	40,908	100%	41,019	100%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Jurisdiction	Average Persons per Household
Newport Beach	2.3
Costa Mesa	2.7
Irvine	2.7
Santa Ana	4.3
Huntington Beach	2.6
Orange County	3.0

Source: American Community Survey, 5-Year Estimates, 2018.



The average household size in Costa Mesa is estimated to be 2.7 persons per household, as shown in **Table 2-11**. This is less than Orange County's average household size of 3.0 persons per household. Of Costa Mesa's adjacent communities, the smallest average household size is in Newport Beach (2.3 persons per household), and the largest household size is in Santa Ana (4.3 persons per household).

2. Household Income

Household income is directly connected to housing affordability and housing choice. As household income increases, it is more likely that the household can afford market rate housing units, larger units, and/or pursue ownership opportunities. As household income decreases, households may spend a disproportionate amount of their income on housing. State and federal guidance suggests that households paying more than 30 percent of their income for housing are considered overpaying. Household income and overpayment influences a household's housing cost burden and may influence increased incidences of overcrowding and substandard living conditions in the area. A high housing cost burden may also influence a household's available income for reinvestment in the local economy, education, and other similar investments.

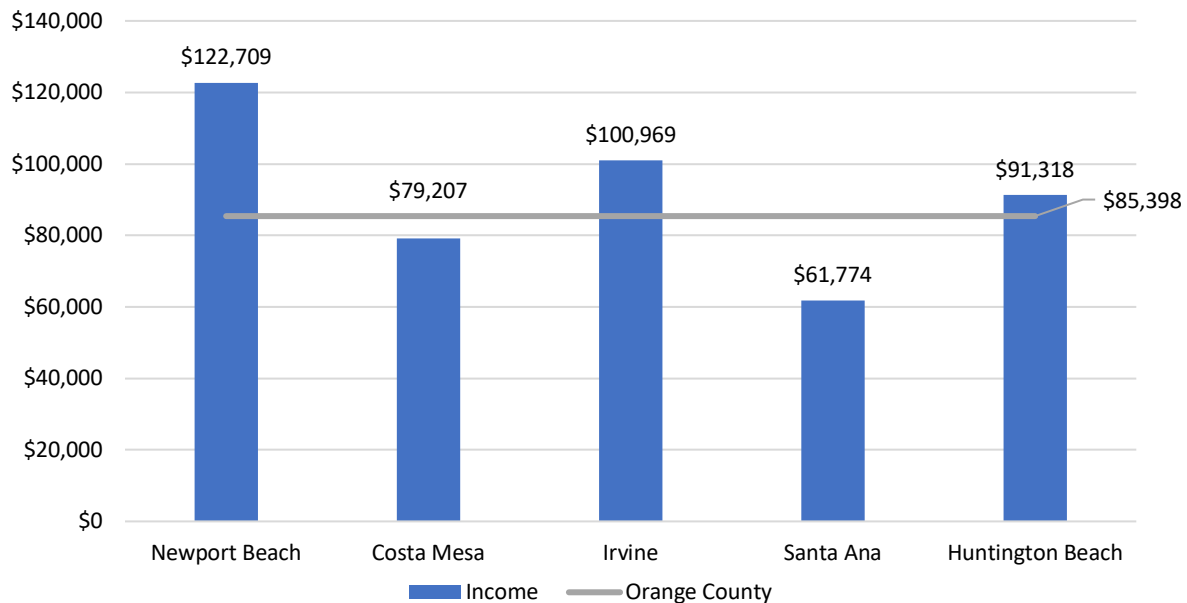
The data for **Table 2-12** comes from the Department of Housing and Urban Development (HUD)'s 2020 Comprehensive Housing Affordability Strategy (CHAS) estimates which are based on 2013-2017 American Community Survey (ACS) data and area median family income (AMFI). A total of 52.8 percent of the Costa Mesa population qualify for the moderate-income category. About 29 percent qualify for very low or extremely low income - this is about 11,842 Costa Mesa households that make less than \$42,699 annually.

Table 2-12: Households by Income Category, 2020		
Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
Total	40,555	100%
<i>Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.</i>		

The median household income in Costa Mesa is \$6,191 lower than Orange County's median household income. **Figure 2-4** compares Costa Mesa's median household income to that of Orange County and the City's neighboring communities. This figure shows that Costa Mesa households have a lower median household income comparatively.



Figure 2-4: Median Household Income by City, 2018



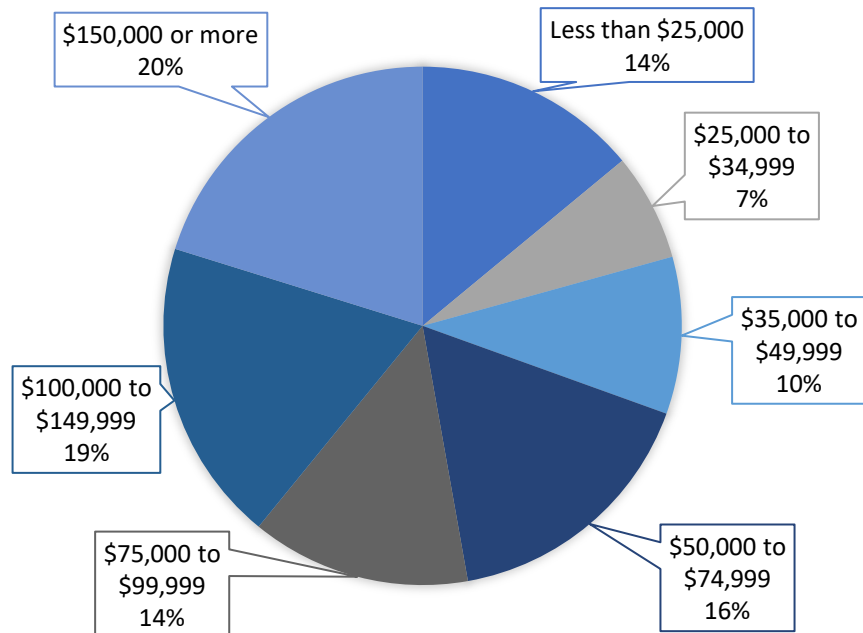
Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-13 presents the median income for Costa Mesa and its adjacent cities in comparison to the regional median for Orange County in 2018. Costa Mesa households have a median income 7.2 percent below the regional median. The City's median household income is higher than that of Santa Ana at \$61,774. Aside from Costa Mesa and Santa Ana, the other nearby cities have a median income above the regional median. Newport Beach has a significantly higher median household income at \$122,709 annually, approximately and 64.5 percent higher than the Costa Mesa's median household income.

Table 2-13: Median Household Income, 2018		
Jurisdiction	Median Income	Percent Above/Below Regional Median
Newport Beach	\$122,709	43.7%%
Costa Mesa	\$79,207	-7.2%
Irvine	\$100,969	18.2%
Santa Ana	\$61,774	-27.7%
Huntington Beach	\$91,318	6.9%
Orange County	\$85,398	--
Source: American Community Survey, 5-Year Estimates, 2018.		



Figure 2-5: Costa Mesa Income Breakdown by Income Category



Source: American Community Survey, 5-Year Estimates, 2018.

D. Housing Problems and Housing Needs

The 2020 Comprehensive Housing Affordability Strategy (CHAS) provides detailed information on housing needs by income level for different types of households in Costa Mesa. The most recent available CHAS data for Costa Mesa was published in August 2020 and is based on 2013-2017 American Community Survey (ACS) data (**Table 2-14**). Housing problems considered by CHAS include:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The types of housing problems in Costa Mesa vary according to household income, housing type, and tenure. Renters make up the greatest percentage of households at about 60 percent. Renters experiencing at least one of the four housing problems listed above represent 33.4 percent of all households and about 55 percent of all renters. Households who do not have any of the four housing problems are similar for both owners and renters (25.7 percent and 26.6 percent, respectively). For the City as a whole, 46.5 percent of households have at least one of the four housing problems.

The severe housing problems category relates to the livability of a residence and critically affects the quality of life of the occupants. These are important to analyze as it may reveal an aging housing stock, as well as a need for affordable housing. Severe housing problems include incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room (rate of severe overcrowding), and a cost burden greater than 50 percent of a household's annual income. **Table 2-14** shows that at 70.6 percent or the



majority of Costa Mesa households do not have any of the four severe housing problems. However, 28.2 percent of households do experience at least one of these problems. Renters with at least one severe housing problem represent 21.5 percent of all Costa Mesa households. Owners with at least one severe housing problem represent 6.7 percent of all households.

Table 2-14: Housing Assistance Needs of Lower Income Households, 2013-2017						
Housing Problem Overview*	Owner	% of total HH	Renter	% of total HH	Total	% of total HH
Household has at least 1 of 4 Housing Problems	5,330	13.1%	13,540	33.4%	18,870	46.5%
Household has none of 4 Housing Problems	10,425	25.7%	10,785	26.6%	21,210	52.3%
Cost Burden not available, no other problems	95	0.2%	380	0.9%	475	1.2%
Total	15,850	39.0%	24,705	60.9%	40,555	100.0%
Severe Housing Problem Overview**	Owner	% of total HH	Renter	% of total HH	Total	% of total HH
Household has at least 1 of 4 Severe Housing Problems	2,720	6.7%	8,715	21.5%	11,435	28.2%
Household has none of 4 Severe Housing Problems	13,040	32.2%	15,610	38.5%	28,650	70.6%
Cost Burden not available, no other problems	95	0.2%	380	0.9%	475	1.2%
Total	15,855	39.1%	24,705	60.9%	40,560	100.0%
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.						
* The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.						
** The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room, and cost burden greater than 50%.						

1. Overcrowding

“Overcrowding” is generally defined as a housing unit occupied by more than one person per room in a house (including living room and dining rooms, but excluding hallways, kitchen, and bathrooms). An overcrowded household results from either a lack of affordable housing and/or a lack of housing units of adequate size. The combination of lower incomes and high housing costs can result in households living in overcrowded housing conditions. Additionally, overcrowding can indicate that a community does not have an adequate supply of affordable housing, especially for larger families.

Overcrowded and severely overcrowded households can contribute to neighborhood deterioration. This can be due to more intensive use leading to excessive wear and tear, and/or the potential cumulative



overburdening of community infrastructure and service capacity. Generally, overcrowding in neighborhoods could contribute to overall decline in social cohesion and environmental quality. Such decline may spread geographically and impact the quality of life, the economic value of property, and the vitality of commerce within a city.

Table 2-15 summarizes the overcrowding condition in Costa Mesa. Data from the 2018 ACS reports an estimated 6 percent overcrowded housing units and 3 percent severely overcrowded housing units. About 1 percent of owner-occupied housing units are overcrowded and just under 8 percent of renter-occupied housing units are overcrowded. Renters living in overcrowded housing units represent 5.1 percent of all occupied housing units and renters living in severely overcrowded housing units represent 2.8 percent of all occupied housing units.

Table 2-15: Overcrowding by Tenure, 2018						
Tenure	Overcrowded Housing Units (1.0 to 1.50 persons/room)		Severely Overcrowded Housing Units (>1.51 persons/room)		Total Overcrowded Occupied Housing Units	
	Count	Percent of Total Occupied Housing Units	Count	Percent of Total Occupied Housing Units	Count	Percent of Total Occupied Housing Units
Owner Occupied	361	0.9%	74	0.2%	435	1.1%
Renter Occupied	2,082	5.1%	1,169	2.8%	3,251	7.9%
Total	2,443	6%	1,243	3%	3,686	9%

Source: American Community Survey, 5-Year Estimates, 2018.

Costa Mesa has one of the largest estimated percentages of renters living in overcrowded housing units compared to nearby cities and Orange County (**Table 2-16**). With 88 percent of renter-occupied housing units overcrowded, Costa Mesa is slightly less than Newport Beach; however, Newport Beach reports 505 overcrowded renter-occupied units while Costa Mesa reports 3,251. Santa Ana has the lowest percentage of renters living in overcrowded units, but at 27 percent it has the highest rate of owner-occupied housing units experiencing overcrowding (15 percent more than Costa Mesa). Overcrowding in Costa Mesa is 12 percent below the regional percentage for owners and 12 percent above the regional percentage for renters. In comparison, Costa Mesa has one of the lowest rates of overcrowding in owner-occupied housing units (12 percent) behind Newport Beach. **Table 2-17** shows the combination of renter occupied and owner occupied indicating that the City of Costa Mesa has the second highest rate of overcrowding in this area of Orange County (9 percent) which is 0.1 percent above the regional total.



Table 2-16: Overcrowded Housing Units by Tenure, 2018				
Jurisdiction	Owner Occupied Overcrowded Units (>1.0 persons/room)		Renter Occupied Overcrowded Units (>1.0 persons/room)	
	Count	Percent of Total Overcrowded Units	Count	Percent of Total Overcrowded Units
Newport Beach	65	11%	505	89%
Costa Mesa	435	12%	3,251	88%
Irvine	958	16%	4,921	84%
Santa Ana	6,470	27%	17,375	73%
Huntington Beach	557	20%	2,291	80%
Orange County	21,800	24%	69,713	76%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>				

Table 2-17: Overcrowded Housing Units		
Jurisdiction	Total Overcrowded Units	Percent of Jurisdiction's Total Housing Units
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>		

2. Overpayment (Cost Burden) for Housing In Relation to Income

Overpayment is an important consideration when evaluating housing need and affordability. State and federal guidance suggests that households paying more than 30 percent of their income for housing are considered overpaying. Overpayment for housing can cause an imbalance for overall household budgets.

Table 2-18 and Table 2-19 provides a summary of housing overpayment in Costa Mesa and a comparative analysis between homeowners and renters. In general, renters are more prone to overpayment than homeowners due to lower incomes that do not allow them to qualify for purchasing a home with a fixed mortgage payment or at an affordable price. In Costa Mesa, 48.8 percent of renters are estimated to spend more than 30 percent of their income on housing. In comparison, 31.8 percent of homeowners spend that same amount. For renters, as their household income rises so does their ability to afford rent. Renters who earn an Area Median Family Income (AMFI) of 30 percent or less have much greater cost burdens than homeowners with the same income; 17.5 percent of renters spend 30 percent or more of their income and 16.3 percent spend over 50 percent. By comparison, homeowners who also earn an AMFI of 30 percent or less, 7.3 percent spend 30 percent or more of their income on housing and 6.2 percent spend over 50 percent. **Table 2-18** also shows that homeowners who earn a low to moderate income are the most likely to experience a cost burden of 30 percent or more.



Table 2-18: Summary of Housing Overpayment for Homeowners

Income by Cost Burden*	Cost Burden > 30%	% of Owner HH	Cost Burden > 50%	% of Owner HH
Household Income is less-than or = 30%	1,165	7.3%	990	6.2%
Household Income >30% to less-than or = 50% AMFI	770	4.9%	505	3.2%
Household Income >50% to less-than or = 80% AMFI	1,230	7.8%	540	3.4%
Household Income >80% to less-than or = 100% AMFI	670	4.2%	185	1.2%
Household Income >100% AMFI	1,200	7.6%	115	0.7%
Total	5,035	31.8%	2,335	14.7%
<p>* Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.</p> <p>Note: AMFI = Area Median Family Income, this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. AMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.</p> <p>Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.</p>				

Table 2-19: Summary of Housing Overpayment for Renters

Income by Cost Burden	Cost Burden > 30%	% of Renter HH	Cost Burden > 50%	% of Renter HH
Household Income is less-than or = 30%	4,325	17.5%	4,020	16.3%
Household Income >30% to less-than or = 50% AMFI	3,390	13.7%	1,790	7.2%
Household Income >50% to less-than or = 80% AMFI	3,100	12.5%	605	2.4%
Household Income >80% to less-than or = 100% AMFI	725	2.9%	15	0.1%
Household Income >100% AMFI	505	2.0%	10	0.0%
Total	12,045	48.8%	6,440	26.1%
<p>Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.</p>				



E. Special Needs Groups

State law recognizes certain households may have more difficulty in finding adequate and affordable housing due to special circumstances. Special needs populations include seniors, persons with disabilities, female-headed households, large households, and farm workers. Based on the analysis included within this section the City of Costa Mesa has developed **Program 2C** which describes how the City will expend available CDBG funds to support residents with special housing needs.

Special circumstances may be related to one's employment and income, family characteristics, disability and household characteristics, or other factors. Consequently, certain Costa Mesa residents may experience higher incidences of housing overpayment (cost burden), overcrowding, or other housing problems. The special needs groups analyzed in the Housing Element include the elderly, persons with disabilities (including persons with developmental disabilities), individuals experiencing homelessness, single parents, large households, and farmworkers (**Table 2-20**). These groups may also overlap, for example some elderly people may have a disability of some type. The majority of these special needs groups could be assisted by an increase in affordable housing.

The following sections provide a detailed discussion of the housing needs facing each particular group in Costa Mesa as well as programs and services available to address their housing needs.

Table 2-20: Special Needs Groups in Costa Mesa			
Special Needs Groups	# of People or Households	Percent of Total Households	Percent of Total Population
Senior Population	12,138 people	--	10.7%
Senior Headed Households	9,757 people	--	8.6%
Seniors Living Alone	3,075 households	7.5%	--
Persons with Disabilities	9,224 people	--	8.1%
Large Households (5 or more persons per household)	3,926 households	9.6%	--
Single-Parent Households	3,787 households	9.2%	--
Single-Parent, Female Headed Households with Children (under 18 years)	2,304 households	5.7%	--
People Living in Poverty ¹	14,554 people	--	12.9%
Farmworkers	557 people	--	0.5%
Migrant Farmworkers	340 people	--	--
Seasonal Farmworkers	666 people	--	--
Permanent Farmworkers	1,106 people	--	--
Persons Experiencing Homelessness	193 people	--	0.2%
<p>1. The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty.</p> <p>Source: American Community Survey, 5-Year Estimates, 2018; Orange County Point in Time County /Homeless Count, 2019.</p>			



1. Seniors

The senior population is generally defined as those over 65 years of age. Seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone. Specific housing needs of the senior population include affordable housing, supportive housing, co-living, multi-generational settings such as Accessory Dwelling Units and other housing options that include a planned service component.

Table 2-21 shows that Costa Mesa has a lower senior population compared to some nearby cities and Orange County, in general. Seniors over the age of 65 comprise 10.7 percent of the Costa Mesa population. Costa Mesa seniors represent a greater population percentage than those in Irvine (9.9 percent) and Santa Ana (8.6 percent). Newport Beach has the largest senior population of the area compared at 22.7 percent (12 percent more than Costa Mesa). The senior population of the County of Orange (13.9 percent) is 3.2 percent greater than that of Costa Mesa.

Table 2-21: Persons Age 65 and Over in Costa Mesa		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	12,138	10.7%
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>		

Table 2-22 illustrates the tenure of senior households in the City of Costa Mesa. The majority of senior households are owner-occupied with 58.8 percent of all senior households.

Table 2-22: Senior Households by Tenure		
Tenure	Senior Households	Percent of Total Senior Households
Owner Occupied	5,143	58.8%
Renter Occupied	3,611	41.2%
Total	8,754	100.0%
<i>Source: American Community Survey, 5-Year Estimates, 2019.</i>		

Federal housing data defines the household type as ‘elderly family’ if it consists of two persons with either or both age 62 or over. **Table 2-23** summarizes the income and tenure of elderly family households in Costa Mesa. Of elderly households in Costa Mesa, 24.5 percent earn less than 30 percent of the surrounding area income, 39.4 percent earn less than 50 percent of the surrounding area.



Table 2-23: Elderly Households by Income and Tenure

Income Category, relative to surrounding area	Owner	Renter	Total	Percent of Total Elderly Households
Extremely Low (30% HAMFI or less)	905	955	1,860	24.5%
Very Low (30% to 50% HAMFI)	840	290	1,130	14.9%
Low (50% to 80% HAMFI)	1,090	555	1,645	21.7%
Moderate (80% to 100% HAMFI)	465	195	660	8.7%
Above Moderate (100% HAMFI or more)	1,720	580	2,300	30.3%
Total	5,020	2,575	7,595	--
<i>Source: HUD CHAS, 2012-2016, (Reported by the Southern California Association of Governments Per-Certified Local Housing Data for 2021).</i>				

In addition to overpayment problems faced by seniors due to their relatively fixed incomes, seniors may be faced with various disabilities. In 2018, the American Community Survey (ACS) 5-year estimate reported 4,064 Costa Mesa seniors with a disability. Among these disabilities, the most common were ambulatory disabilities, independent living disabilities and hearing disabilities. Based on this analysis, the City has developed **Program 2D** to identify opportunities for Senior Housing developments within Costa Mesa. Actions include outreach and collaboration with the senior housing development community to understand needs and opportunities.

2. Persons with Physical and Developmental Disabilities

Physical and developmental disabilities may hinder access to traditionally designed housing units. Physical, mental, and/or developmental disabilities may deprive a person from earning an income, restrict one's mobility, or make self-care difficult. Some residents may also have disabilities that require living in a supportive or institutional setting. Thus, persons with disabilities generally have special housing needs that must be provided with the City's housing stock.

No current comparisons of disability with income, household size, or race/ethnicity are available. However, it is reasonable to assume that a substantial portion of persons with disabilities would have annual incomes within Federal and State income limits, especially households not in the labor force. Furthermore, lower income persons with disabilities are likely to require housing assistance and services. Housing needs for disabled persons are further compounded by costly design issues and location factors such as proximity to transit, medical services, and retail. For example, special needs households with wheelchair-bound or semi-ambulatory individuals may require ramps, holding bars, special bathroom designs, wider doorways, lower cabinets, elevators, and other interior and exterior design features.

The 2018 ACS identifies six disability types: hearing disability, vision disability, cognitive disability, ambulatory disability, self-care disability, and independent living disability. The Census and the ACS provides clarifying questions to determine persons with disabilities and to differentiate between disabilities. The ACS defines a disability as a report of one of the six disabilities identified by the following questions:



- **Hearing Disability:** Is this person deaf or does he/she have serious difficulty hearing?
- **Visual Disability:** Is this person blind or do they have serious difficulty seeing even when wearing glasses?
- **Cognitive Difficulty:** Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- **Ambulatory Difficulty:** Does this person have serious difficulty walking or climbing stairs?
- **Independent Living Difficulty:** Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

Table 2-24: Disability Status in Costa Mesa						
Disability Type	Under 18 with a Disability	18 to 64 with a Disability	65 years and Over with a Disability	Total	Percent of Population with Disability	Percent of Total Population
Population with a Hearing Difficulty	93	904	1,592	2,589	28.1%	2.3%
Population with a Vision Difficulty	112	894	905	1,911	20.7%	1.7%
Population with a Cognitive Difficulty	371	2,159	1,489	4,019	43.6%	3.6%
Population with an Ambulatory Difficulty	48	1,670	2,571	4,289	46.5%	3.8%
Population with a Self-care Difficulty	96	591	1,069	1,756	19%	1.6%
Population with an Independent Living Difficulty	--	1,403	1,993	3,396	36.8%	3%
Total	535	4,625	4,064	9,224*	100%*	8.2%*
Source: American Community Survey, 5-Year Estimates, 2018.						
*This number may include persons reporting having one or more disabilities. Percentages include persons reporting having more than one disability and are not additive.						

State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by federal law, “developmental disability” means a severe, chronic disability of an individual that:

- Is attributed to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.



Per Section 4512 of the Welfare and Institutions Code, a "developmental disability" means a disability that originates before an individual attains the age of 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. A developmental disability includes intellectual disability, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to intellectual disability or to require treatment like that required for individuals with intellectual disability. This term does not include other handicapping conditions that are solely physical in nature.

According to the Regional Center of Orange County's (RCOC) *Total Annual Expenditures and Authorized Services for Fiscal Year 2019-2020*, a total of 25,163 individuals living in Orange County received services. RCOC represents the fifth largest regional center in California and has over 300 service coordinators. Diagnosis reported by the individuals who received services include 37.6 percent with an intellectual disability, 31 percent with Autism, 2.5 percent with Cerebral Palsy, 1 percent with Epilepsy, 3.9 percent with a Category 5 disability, and 24.1 percent reported "Other". Of those who received services, 31.6 percent reported their race as White, 16 percent reported Asian, 16.1 percent reported Other Ethnicity or Race/Multi-Cultural, and 2 percent reported Black/African American. Approximately 34 percent of those who received services also reported their ethnicity as Hispanic or Latino. Ages of the 25,163 individuals includes 21.1 percent 2 years or younger, 39.9 percent 3 to 21 years, and 39 percent over the age of 22. The majority of those who received services lived at the home of a parent or guardian (82.3 percent), but 6.8 percent live in a Community Care Facility and 5.6 percent live in Independent Living or Supported Living.

People with developmental disabilities may live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities may require a supervised group living environment. The most severely affected individuals may require an environment where medical attention and physical therapy services are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for persons with developmental disabilities is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

There are several housing types and assistance programs appropriate for people living with a development disability: rent subsidized homes, licensed single-family homes, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 (veterans) homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of housing opportunities represent some of the types of considerations that are important in serving the needs of this group. Incorporating 'barrier-free' design in all new, multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities. Special consideration should also be given to the affordability of housing as people with disabilities may be living on a fixed income.

3. Large Households

Large households are defined as those consisting of five or more members. These households comprise a special need group because many communities have a limited supply of adequately sized and affordable housing units. To save for other basic necessities such as food, clothing, and medical care, it is common for lower income large households to reside in smaller units with a low number of bedrooms, which may result in overcrowding and can contribute to fast rates of deterioration.



Securing housing large enough to accommodate all members of a household is generally more challenging for renters as multi-family rental units are generally physically smaller with limited bedrooms than single-family ownership units. While apartment complexes offering two and three bedrooms are common, apartments with four or more bedrooms are rare; housing units with 4 or more bedrooms account for approximately 15 percent of housing units in the City. Therefore, it is more likely that large households will experience overcrowding in comparison to smaller households. Additionally, single-family homes with higher bedroom counts, whether rental or ownership units, are rarely affordable to lower income households in the region.

According to the 2018 ACS 5-year estimates, there is a much greater amount of large renter households than large owner-occupied households (**Table 2-25**). Approximately, 63 percent of large households are renter households, of which 56 percent are 5-person households. As **Table 2-25** also shows a reverse relation between household size and overcrowding; as the total number of large households decreases, the household size increases. Therefore, 58.3 percent of large households are 5-person households compared to 17.1 percent 7-person households.

Table 2- 25: Large Households by Tenure in Costa Mesa						
Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	1,520	37.2%	2,571	62.8%	4,091	100%
<i>Source: American Community Survey, 5-Year Estimates, 2018</i>						

Table 2-26 provides comparisons of large households between Costa Mesa and its neighboring cities. At ten percent, Costa Mesa has a lower total number of large households than Orange County (14.2 percent). Of the neighboring cities, Santa Ana has the greatest number of large households (25 percent more than Costa Mesa). In comparison, Costa Mesa has approximately 5 percent more large households than Newport Beach. While lower than the County percentage as a whole, ten percent of the total households containing five or more persons is a large portion of the Costa Mesa community. In response, **Program 2E** describes actions the City will take to encourage the development of additional housing options for large-family households.

Table 2-26: Percent of Large Households by Jurisdiction				
	5-Person Households	6-Person Households	7-or-More Person Households	Total Large Households
Newport Beach	3.6%	1.3%	0.3%	5.1%
Costa Mesa	5.8%	2.5%	1.7%	10.0%
Irvine	5.3%	1.9%	0.6%	7.8%
Santa Ana	14.2%	9.4%	11.4%	35.0%
Huntington Beach	5.3%	1.6%	0.9%	7.8%
Orange County	7.9%	3.5%	2.8%	14.2%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>				



4. Single-Parent Households

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Many female-headed households with children are susceptible to having lower incomes than similar two-parent households.

Table 2-27 shows a breakdown of single parent households and poverty status. Of the single parent households in Costa Mesa, the majority are estimated to be female households with no spouse present (60.7 percent) and 39.3 percent are estimated to be male households with no spouse present. With 3,110 single parent households, Costa Mesa is only 0.2 percentage points over Orange County's percentage. Over a quarter of these Costa Mesa single-parent households live under the poverty line (27.4 percent).

Table 2-27: Single Parent Households in Costa Mesa

Jurisdiction	Single Parent-Male, No Spouse Present		Single Parent-Female, No Spouse Present		Single Parent Households Living in Poverty		Single Parent Households	Percent of Total Households
	Count	% of Single Parent HH	Count	% of Single Parent HH	Count	% of Single Parent HH	Count	Percent
Costa Mesa	1,223	39.3%	1,887	60.7%	851	27.4%	3,110	7.6%
Orange County	22,456	29.5%	53,659	70.5%	22,999	30.2%	76,115	7.4%

Source: American Community Survey, 5-Year Estimates, 2018.

5. Farmworkers

Farmworkers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on a generally year-round basis. When workload increases during harvest periods, the labor force is supplemented by seasonal workers, often supplied by a labor contractor. For some crops, farms may hire migrant workers, defined as those whose travel prevents them from returning to their primary residence every evening. Farm workers have special housing needs because they earn lower incomes than many other workers and move throughout the year from one harvest location to the next.

The United States Department of Agriculture, National Agriculture Statistics provides data on hired farm labor across the United States. The data is compiled at both a State and County level. Within Orange County, a total of 99 farms reportedly hired 1,772 workers in 2017. Permanent workers, those who work 150 days or more, represent the largest category of workers with 1,106 workers (62 percent). A total of 666 workers (38 percent) are considered seasonal and work less than 150 days. Orange County reported 340 migrant workers (19 percent) with full time hired labor in 2017. In addition, the County reported 176 unpaid workers.

The median annual salary for the agriculture, forestry, fishing, hunting, and mining industry in Costa Mesa is \$31,023, which is 36 percent of the Orange County median income and is considered as a very-low income (2018).



6. Extremely Low-income Households and Poverty Status

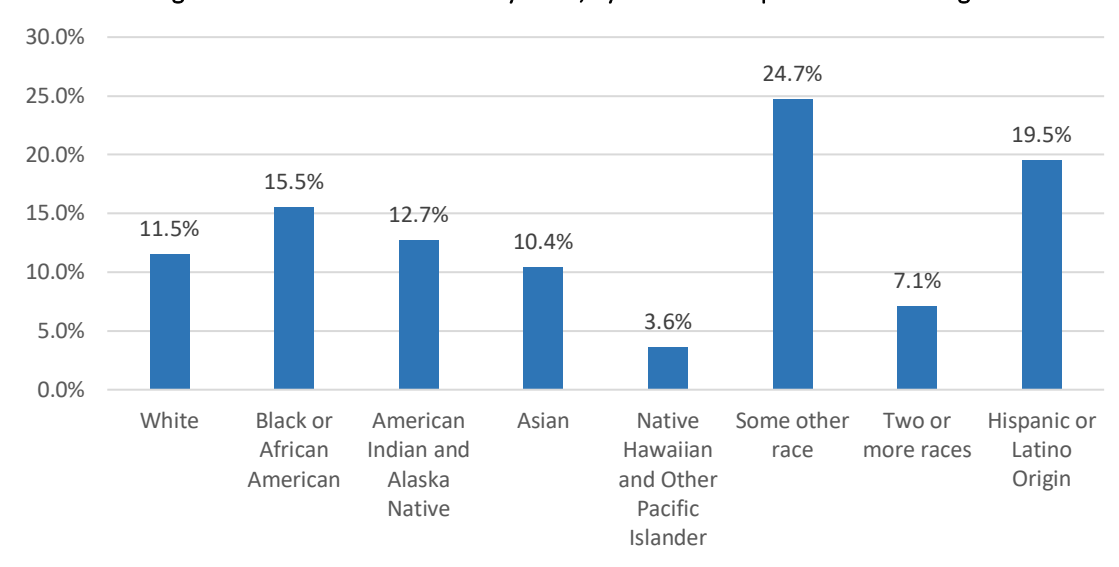
The 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) indicates that there are approximately 7,325 low-income households and 5,230 very low-income households in the City of Costa Mesa. Very low-income households are those households that earn less than 50 percent of the Orange County area median family income (AMFI). Extremely low-income households are those which earn less than 30 percent of the AMFI. There are approximately 6,610 extremely low-income households in Costa Mesa, including renters and homeowners. **Table 2-28** includes data characterizing affordability and cost burden for various income groups. The housing problems identified by CHAS include the following:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; or
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

As the table below shows, there is a disparity between homeowners and renters who experience a cost burden. There are an estimated 8,210 more renter households than owner-occupied households who have a cost burden. Amongst renters, lower income households bear most of the burden. Specifically, 46.5 percent of renter households are both of a lower income and experience a housing burden. Extremely low-income renter households have the highest rate of cost burden at 17.5 percent.

Figure 2-6 compares poverty levels by race and ethnicity in order to identify disparities amongst people in Costa Mesa. Residents who report Some Other Race have the highest percentage of poverty in the City (24.7 percent). About 20 percent of people living under the poverty line are of Hispanic or Latino origin. Combined, the Black and American Indian/Alaska Native populations account for 28.2 percent of those below the poverty level, despite representing a total of just 2.3 percent of the entire population. Native Hawaiian and other Pacific Islander community members have the lowest percentage of poverty, but only represent 0.7 percent of the total City population. The White population is the largest racial group in the City and is estimated to have one of the lower poverty percentages at 11.5 percent.

Figure 2-6: Percent below Poverty Level, by Race and Hispanic or Latino Origin



Source: American Community Survey, 5-Year Estimates, 2018.



Table 2-28: Housing Problems for All Households by Income Category, 2013-2017*

Income Category	Owner					
	Household has at least 1 of 4 Housing Problems	% of Owner HH	Household has none of 4 Housing Problems	% of Owner HH	Cost Burden not available, no other Housing Problem	% of Owner HH
Household Income is less-than or = 30%	1,210	7.6%	250	1.6%	95	0.6%
Household Income >30% to less-than or = 50% AMFI	780	4.9%	590	3.7%	0	0%
Household Income >50% to less-than or = 80% AMFI	1,285	8.1%	1,135	7.2%	0	0%
Household Income >80% to less-than or = 100% AMFI	695	4.4%	805	5.1%	0	0%
Household Income >100% AMFI	1,365	8.6%	7,645	48.2%	0	0%
Total	5,330	33.6%	10,425	65.8%	95	0.6%
Income Category	Renter					
	Household has at least 1 of 4 Housing Problems	% of Renter HH	Household has none of 4 Housing Problems	% of Renter HH	Cost Burden not available, no other Housing Problem	% of Renter HH
Household Income is less-than or = 30%	4,400	17.5%	275	1.1%	380	1.5%
Household Income >30% to less-than or = 50% AMFI	3,595	14.3%	265	1.1%	0	0%
Household Income >50% to less-than or = 80% AMFI	3,700	14.7%	1,205	4.8%	0	0%
Household Income >80% to less-than or = 100% AMFI	1,040	4.1%	1,470	5.9%	0	0%
Household Income >100% AMFI	805	3.2%	7,575	30.1%	0	0%
Total	13,540	53.9%	10,785	42.9%	380	1.5%
Total Households (Owner and Renter)	18,870	46.5%	21,210	52.3%	475	1.2%

Note: AMFI = Area Median Family Income, this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. AMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2013-2017.



7. *Persons Experiencing Homelessness*

Throughout the Southern California region, homelessness has become an increasingly important issue. Factors contributing to the rise in homelessness include increased unemployment and underemployment, limited affordable housing available to lower and moderate-income persons (especially extremely low-income households), reductions in public subsidies to lower income persons, and legislative impacts pertaining to the behavioral health system of care and correctional reform mandates.

State law mandates that cities address the special needs of persons experiencing homelessness within their jurisdictional boundaries. “Homelessness” as defined by the U.S. Department of Housing and Urban Development (HUD) has recently been updated to include the following descriptions:

- People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (previously 30 days) and were in shelter or a place not meant for human habitation immediately prior to entering that institution.
- People who are losing their sleeping quarters, which may include a motel or hotel or a doubled-up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The proposed regulation also describes specific documentation requirements for this category.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This category applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

This definition does not include persons living in substandard housing (unless it has been officially condemned); persons living in overcrowded housing (for example, doubled up with others); persons being discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge); or persons who may be at risk of homelessness (for example, living temporarily with family or friends.)

The Point in Time Count is required to be conducted every two years by the local Continuum of Care (CoC) jurisdiction led by the County of Orange Health Care Agency in accordance with the U.S. Department of Housing and Urban Development (HUD) guidelines to provide information on where individuals experiencing homelessness are located in the county. On January 22, 2019, 1,167 volunteers across Orange County counted 6,860 individuals experiencing homelessness; of those, 2,899 were sheltered and 3,961 were unsheltered. The 2021 Point in Time count was deferred to the COVID-19 pandemic and is anticipated to occur in January 2022. The 2019 Point In Time Count individual city results are shown in **Table 2-29**. Costa Mesa reported a total of 193 individuals experiencing homelessness (187 unsheltered and 6 sheltered); this represents 2.8 percent of the total homeless population for Orange County. This percentage is greater than that of the neighboring cities of Newport Beach and Irvine as both counted under 2 percent.



Santa Ana reported the largest population of people experiencing homelessness as a quarter of the total number for Orange County reside there (23 percent more than Costa Mesa).

Table 2-29: Homeless Count by Jurisdiction – January 22, 2019				
Jurisdiction	Unsheltered	Sheltered	Total	% of County
Newport Beach	64	0	64	0.9%
Costa Mesa	187	6	193	2.8%
Irvine	127	3	130	1.9%
Santa Ana	830	939	1,769	25.8%
Huntington Beach	289	60	349	5.1%
Orange County	3,961	2,899	6,860	100%
<i>Source: Orange County Point in Time Count, Everyone Counts Report 2019.</i>				

The City of Costa Mesa opened an emergency Bridge Shelter at a temporary location in April 2019 with 50 beds, while constructing a permanent shelter location with 72 beds which opened in April 2021. The Bridge Shelter assists persons experiencing homeless with temporary housing along with a variety of programs including:

- Collaborative Case Management
- Housing Related Support Services (including Coordinated Entry System housing assignments, Housing Search Assistance, linking clients to rental assistance programs and other general housing services)
- Legal Services
- Basic Needs (including food, clothing, and housing/emergency services)
- Social Services
- Transportation

The permanent Bridge Shelter publishes bi-weekly reports in which they regularly assist approximately 60 to 110+ persons over a two-week span.

8. Students

The need for student housing is another factor that affects housing demand. Student housing often only produces a temporary housing need based on the duration of the educational institution. The impact upon housing demand is important in areas that surround universities and colleges. Costa Mesa is home to a number of private and public universities and colleges. Located in Costa Mesa are Vanguard University (2,200 students), California Southern University (online), and Orange Coast Community College (24,000 students). Orange Coast Community College is primarily a commuter school serving students local to the south Orange County area. During pre-pandemic conditions when classes were fully in person, OCC had approximately 20,000 students, 39.1% of which were full-time. As OCC had very little on-campus housing, the majority of students commuted into campus. While data is not readily available, it is a fair assumption that the majority of these students live at home with family and do not require separate housing. OCC has recently built on-campus housing which may house up to 800 students.



Typically, students are low-income and may therefore require affordable housing options, especially within easy commuting distance from campuses. To reduce living cost, students may seek shared housing situations to decrease expenses, which may lead to overcrowding. Affordable housing may also influence choices students make after graduating, which may affect the region's economy. College graduates provide a specialized pool of skilled labor that contributes to the region's economy; however, the lack of affordable housing may lead to their departure from the region.

F. Housing Stock Characteristics

Characteristics of the housing stock (growth, type, availability and tenure, age and condition, housing costs, and affordability) may affect the housing needs for the community. This section details the Costa Mesa housing stock characteristics to identify how well the current housing stock meets the needs of its current and future residents.

1. Housing Growth

According to the American Community Survey (ACS), between 2010 and 2018 the Costa Mesa housing stock grew by 0.6 percent, or 1,233 units, as shown in **Table 2-30**. This is the smallest percent increase for the area. The City of Irvine experienced the largest housing surge of the area during this time with an addition of 25,250 more units (an increase of 30.4 percent more than Costa Mesa). Orange County as a whole saw an increase of 4.6 percent of its total housing stock.

Table 2-30: Housing Unit Growth Trends, 2010-2018

Jurisdiction	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
Newport Beach	43,503	43,690	44,801	0.4%	2.5%
Costa Mesa	42,867	43,030	43,100	0.4%	0.2%
Irvine	76,184	91,938	101,434	20.7%	10.3%
Santa Ana	77,796	77,192	78,597	-0.8%	1.8%
Huntington Beach	79,166	78,252	81,396	-1.2%	4.0%
Orange County	1,042,254	1,064,642	1,091,376	2.1%	2.5%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

2. Housing Type

Table 2-31 is a breakdown of housing units in the City by type in comparison to Orange County. Costa Mesa is estimated to be predominantly made up of multi-family housing (50.3 percent). The City has an estimated 37.7 percent single-family detached housing and 9.6 percent attached single-family units. This differs from the rest of the region as Orange County reports an estimated 50.7 percent single-family detached units and 34.3 percent multi-family housing. The percentage of mobile homes in Costa Mesa is estimated to be comparable to that of Orange County (2.4 percent and 2.8 percent, respectively). Single-family attached units are less prevalent in Costa Mesa (9.6 percent) than County as a whole (12.2 percent).



Table 2-31: Total Housing Units by Type

Jurisdiction	Single- Family Detached		Single-Family Attached		Multi-Family		Mobile Homes*	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Costa Mesa	16,236	37.7%	4,119	9.6%	21,692	50.3%	1,053	2.4%
Orange County	553,164	50.7%	133,326	12.2%	374,176	34.3%	30,710	2.8%

*Includes mobile homes, boats, RVs, vans, etc.
Source: American Community Survey, 5-Year Estimates, 2018.

3. Housing Availability and Tenure

Housing tenure and vacancy rates generally influence the supply and cost of housing. Housing tenure defines if a unit is owner-occupied or renter-occupied, and it relates to the availability of housing product types and length of tenure. The tenure characteristics in a community can indicate aspects of the housing market such as affordability, household stability, and availability of unit types, among others. Tenure distribution may correlate with household income, composition, and age of the householder.

In 2018, owner-occupied housing units accounted for 40.4 percent of the housing stock and 59.6 percent were rental occupied units (**Table 2-32**). At 88.7 percent, the large majority of single-family units are owner-occupied. Multi-family housing units are conversely predominantly occupied by renters (77.1 percent). Mobile homes in Costa Mesa are estimated to be occupied by mostly owners than renters (4.6 percent and 0.8 percent, respectively).

Table 2-32: Occupied Housing Units by Type and Tenure

Tenure	Single-Family Detached	Single-Family Attached	Multi-Family	Mobile Homes	Total Occupied Units
Owner Occupied	76.1%	12.6%	6.6%	4.6%	40.4%
Renter Occupied	14.1%	7.9%	77.1%	0.8%	59.6%

Source: American Community Survey, 5-Year Estimates, 2018.

Table 2-33 compares estimated average household sizes and tenure amongst cities surrounding Costa Mesa. Aside from Santa Ana, all of the cities included below have household sizes that are below that of Orange County and fairly similar amongst owner-occupied households. The average household size for Santa Ana is estimated to be nearly double that of the other cities for both renters and owners and is an average of about 1.6 persons per household more than Costa Mesa. **Figure 2-7** illustrates vacancy rates by city and shows that Costa Mesa has the second lowest vacancy rate in the area (4.8 percent). Orange County's vacancy rate is 0.6 percent above that of Costa Mesa.



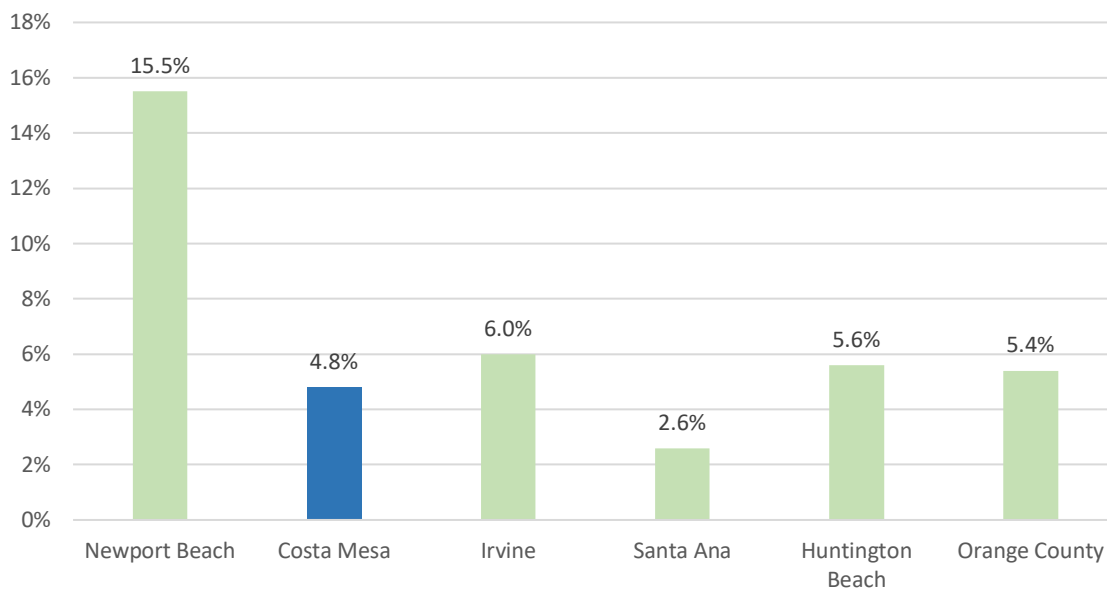
Table 2-33: Average Household Size by Tenure, 2018

Jurisdiction	Owner Occupied Household Size	Renter Occupied Household Size	Average Household Size
Newport Beach	2.46	2.02	2.27
Costa Mesa	2.8	2.66	2.71
Irvine	2.81	2.61	2.7
Santa Ana	4.28	4.32	4.3
Huntington Beach	2.58	2.62	2.6
Orange County	2.99	3.06	3.02

Source: American Community Survey, 5-Year Estimates, 2018.

Vacancy rates may reveal the degree of housing choice available. High vacancy rates generally indicate low demand and/or high supply conditions in the housing market. Low vacancy rates typically indicate high demand and/or low supply conditions in the housing market. Too low of a vacancy rate can force prices up making it more difficult for lower and moderate-income households to find housing. Vacancy rates between two to three percent are usually considered healthy for housing that is owned, and rates of five to six percent are usually considered healthy for rental housing. Costa Mesa's vacancy rate indicates a healthy demand for housing within the City and a potential lack of available housing units at all income categories.

Figure 2-7: Vacancy Rates by Jurisdiction, 2018



Source: American Community Survey, 5-Year Estimates, 2018.

Based on 2018 ACS estimates, the most common reason for vacancies in Costa Mesa is due to units being up for rent (37.8 percent), as shown in **Table 2-34**. Another 566 units (31.5 percent) are vacant in the City because they are for seasonal, recreational, or occasional use. Homes that have been sold and are not yet occupied represent the lowest vacancy type (4.1 percent).



Table 2-34: Vacant Housing Units by Type in Costa Mesa

Type of Housing	Estimate	Percent
For rent	786	37.8%
Rented, not occupied	191	9.2%
For sale only	115	5.5%
Sold, not occupied	86	4.1%
For seasonal, recreational, or occasional use	656	31.5%
Other vacant	247	11.9%
Total	2,081	100%

Source: American Community Survey, 5-Year Estimates, 2018.

4. Housing Age and Condition

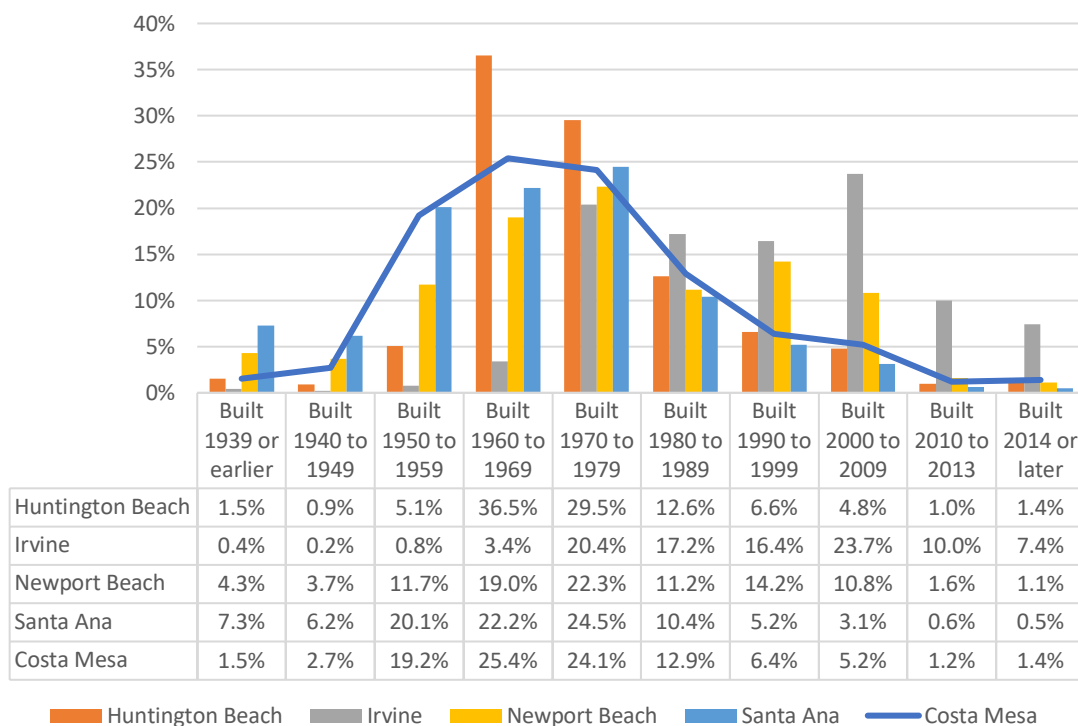
Housing age can be an important indicator of housing condition within a community. For example, housing that is over 30 years old may be in need of rehabilitation, such as a new roof, seismic retrofit, foundation, plumbing, etc. Many federal and state programs use housing age as one factor to determine housing rehabilitation needs.

Figure 2-8 shows the City of Costa Mesa's housing stock was mostly built prior to 1990 and is therefore more likely in need of certain renovations. Almost a quarter of the housing stock was built around the time the City was incorporated in 1953. About 2.6 percent of housing stock was built after 2010. In comparison to neighboring cities, the Cities of Costa Mesa, Huntington Beach, and Santa Ana experienced their peak unit growths between 1950 and 1979. Newport Beach experienced a growth similar to Costa Mesa until 1990 when Newport Beach housing unit growth picked up again. Unlike Costa Mesa, the City of Irvine experienced a housing boom in 1970 through 2009, and it continued building units at a greater rate than the other cities past 2014.

Much of Costa Mesa's housing stock is greater than 30 years old. Many of these houses may have experienced some level of housing renovations since initial construction, but in general an aging housing stock may indicate the potential for substandard housing conditions or a housing stock in need of rehabilitation or maintenance. The City tracks code enforcement cases due to substandard housing conditions and has established a quantified target objective in **Chapter 4** for housing rehabilitation goals over the next 8 years.



Figure 2-8: Age distribution of Housing Stock



Source: American Community Survey, 5-Year Estimates, 2018.

5. Housing Costs and Affordability

Housing costs reflect the supply and demand of housing in a community. This section summarizes the cost and affordability of the Costa Mesa housing stock.

The median home value in Costa Mesa is estimated to be \$707,600, as shown in **Table 2-35**. This is \$54,700 above the median home value for Orange County and comparable to the home values in Irvine and Huntington Beach. The City of Santa Ana has the lowest home value at \$455,300 and the City of Newport Beach has the greatest median home value at \$1,787,300.

Table 2-35: Median Home Value by Jurisdiction	
Jurisdiction	Median Home Value
Newport Beach	\$1,787,300
Costa Mesa	\$707,600
Irvine	\$797,100
Santa Ana	\$455,300
Huntington Beach	\$728,200
Orange County	\$652,900
Source: American Community Survey, 5-Year Estimates, 2018.	

Table 2-36 outlines the average monthly price of rent by number of bedrooms in Costa Mesa and how it has changed between 2017 and 2020. This data is provided by the Zillow Rent Index Report for Costa Mesa



and shows that all units experienced increases in rates in the last three years; for example, one-bedroom rentals rose by 5.1 percent. The price per square foot saw a much greater increase for the three types of units, with 17.9 percent being the greatest increase for 3- or more bedroom units. This may indicate a higher demand and a need to plan for housing for large families within Costa Mesa.

Table 2-36: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2,055	\$2,077	\$2,091	\$2,159	5.1%
2 bedrooms	\$2,553	\$2,582	\$2,579	\$2,649	3.8%
3 Bedrooms	\$3,027	\$3,044	\$3,097	\$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2.48	\$2.57	\$2.97	\$2.83	14.1%
2 bedrooms	\$2.20	\$2.25	\$2.32	\$2.36	7.3%
3+ Bedrooms	\$1.95	\$2.15	\$2.25	\$2.30	17.9%
<i>Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.</i>					

Housing affordability can be inferred by comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

The Federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide to determine a household's eligibility for federal housing assistance. Based on this survey, the California Department of Housing and Community Development (HCD) developed income limits, based on the Area Median Family Income (AMFI), which can be used to determine the maximum price that could be affordable to households in the upper range of their respective income category. Households in the lower end of each category can afford less by comparison than those at the upper end. The maximum affordable home and rental prices for residents in Orange County are shown in **Table 2-37** and **Table 2-38**.

The data shows the maximum amount that a household can pay for housing each month without incurring a cost burden (overpayment). This amount can be compared to current housing asking prices (**Table 2-35**) and market rental rates (**Table 2-36**) to determine what types of housing opportunities a household can afford.

Extremely Low-Income Households

Extremely low-income households earn less than 30 percent of the County AMFI – up to \$26,950 for a one-person household and up to \$41,550 for a five-person household in 2020. Extremely low-income households cannot afford market-rate rental or ownership housing in Costa Mesa without assuming a substantial cost burden. An extremely low-income household at the maximum income limit can afford to pay approximately \$1,039 in monthly rent, depending on household size.



Very Low-Income Households

Very low-income households earn between 31 percent and 50 percent of the County AMFI – up to \$44,850 for a one-person household and up to \$69,200 for a five-person household in 2020. A very low-income household cannot afford market-rate rental or ownership housing in Costa Mesa without assuming a substantial cost burden. A very low-income household at the maximum income limit can afford to pay approximately \$1,121 to \$1,730 in monthly rent, depending on household size. Given the high cost of housing in Costa Mesa, persons or households of very low-income could not afford to rent or purchase a home in the City.

Low-Income Households

Low-income households earn between 51 percent and 80 percent of the County's AMFI - up to \$71,750 for a one-person household and up to \$110,650 for a five-person household in 2020. The affordable home price for a low-income household at the maximum income limit ranges from \$308,500 to \$454,000. Based on the asking prices of homes for sale in 2020 (**Table 2-35**), ownership housing would not be affordable to low-income households. A one-person low-income household could afford to pay up to \$1,794 in rent per month and a five-person low-income household could afford to pay as much as \$2,766. Low-income households in Costa Mesa would not be able to afford to rent apartment units.

Moderate Income Households

Persons and households of moderate income earn between 81 percent and 120 percent of the County's AMFI – up to \$133,500, depending on household size in 2020. The maximum affordable home price for a moderate-income household is \$377,000 for a one-person household and \$558,600 for a five-person family. Moderate income households in Costa Mesa would not be able to purchase a home in the City. In comparison to neighboring cities, at this affordable range, moderate income households would only be able to purchase a home in Santa Ana. The maximum affordable rent payment for moderate income households is between \$2,163 and \$3,338 per month. Appropriately sized market-rate rental housing is generally affordable to households in this income group.



Table 2-37: Affordable Housing Costs in Orange County, 2020

Annual Income		Mortgage	Utilities^1	Tax and Insurance	Total Affordable Monthly Housing Cost	Affordable Purchase Price
Extremely Low-income (30% of AMFI)						
1-Person	\$26,950	\$455	\$118	\$101	\$674	\$99,990
2-Person	\$30,800	\$504	\$151	\$116	\$770	\$110,500
3-Person	\$34,650	\$539	\$197	\$130	\$866	\$118,000
4-Person	\$38,450	\$574	\$243	\$144	\$961	\$125,800
5-Person	\$41,550	\$594	\$289	\$156	\$1,039	\$130,200
Very Low-Income (50% of AMFI)						
1-Person	\$44,850	\$835	\$118	\$168	\$1,121	\$183,000
2-Person	\$51,250	\$938	\$151	\$192	\$1,281	\$205,500
3-Person	\$57,650	\$1,028	\$197	\$216	\$1,441	\$225,400
4-Person	\$64,050	\$1,118	\$243	\$240	\$1,601	\$245,000
5-Person	\$69,200	\$1,182	\$289	\$260	\$1,730	\$259,000
Low-income (80% AMFI)						
1-Person	\$71,750	\$1,407	\$118	\$269	\$1,794	\$308,500
2-Person	\$82,000	\$1,592	\$151	\$308	\$2,050	\$349,100
3-Person	\$92,250	\$1,763	\$197	\$346	\$2,306	\$386,500
4-Person	\$102,450	\$1,934	\$243	\$384	\$2,561	\$424,000
5-Person	\$110,650	\$2,062	\$289	\$415	\$2,766	\$452,000
Moderate Income (120% AMFI)						
1-Person	\$86,500	\$1,720	\$118	\$324	\$2,163	\$377,000
2-Person	\$98,900	\$1,951	\$151	\$371	\$2,473	\$427,800
3-Person	\$111,250	\$2,167	\$197	\$417	\$2,781	\$475,000
4-Person	\$123,600	\$2,384	\$243	\$464	\$3,090	\$522,700
5-Person	\$133,500	\$2,548	\$289	\$501	\$3,338	\$558,600
<p>Source: Orange County Housing Authority, 2020 Utility Allowance Schedule and California Department of Housing and Community Development, 2020 Income Limits and Kimley Horn and Associates Assumptions: 2020 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on Orange County Utility Allowance.</p> <p>1. Utilities includes basic electric, water, sewer/trash, refrigerator, and stove.</p>						



Table 2-38: Affordable Monthly Housing Cost for Renters, 2020				
Annual Income		Rent	Utilities^1	Total Affordable Monthly Housing Cost
<i>Extremely Low-income (30% of AMFI)</i>				
1-Person	\$26,950	\$556	\$118.00	\$674
2-Person	\$30,800	\$619	\$151.00	\$770
3-Person	\$34,650	\$669	\$197.00	\$866
4-Person	\$38,450	\$718	\$243.00	\$961
5-Person	\$41,550	\$750	\$289.00	\$1,039
<i>Very Low-income (50% of AMFI)</i>				
1-Person	\$44,850	\$1,003	\$118.00	\$1,121
2-Person	\$51,250	\$1,130	\$151.00	\$1,281
3-Person	\$57,650	\$1,244	\$197.00	\$1,441
4-Person	\$64,050	\$1,358	\$243.00	\$1,601
5-Person	\$69,200	\$1,441	\$289.00	\$1,730
<i>Low-income (80% AMFI)</i>				
1-Person	\$71,750	\$1,676	\$118.00	\$1,794
2-Person	\$82,000	\$1,899	\$151.00	\$2,050
3-Person	\$92,250	\$2,109	\$197.00	\$2,306
4-Person	\$102,450	\$2,318	\$243.00	\$2,561
5-Person	\$110,650	\$2,477	\$289.00	\$2,766
<i>Moderate Income (120% AMFI)</i>				
1-Person	\$86,500	\$2,045	\$118.00	\$2,163
2-Person	\$98,900	\$2,322	\$151.00	\$2,473
3-Person	\$111,250	\$2,584	\$197.00	\$2,781
4-Person	\$123,600	\$2,847	\$243.00	\$3,090
5-Person	\$133,500	\$3,049	\$289.00	\$3,338
Source: Orange County Housing Authority, 2020 Utility Allowance Schedule and California Department of Housing and Community Development, 2020 Income Limits and Kimley Horn and Associates Assumptions: 2020 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on Orange County Utility Allowance.				
1. Utilities includes basic electric, water, sewer/trash, refrigerator, and stove.				

This analysis shows that the moderate- and lower-income households in Costa Mesa generally cannot afford to own a home in Costa Mesa based on for sale housing costs. Lower income households generally cannot afford to rent or own in Costa Mesa based on for sale housing costs and rental prices. Long term, this trend may result in increased instances of overcrowding, an increased number of households with a high housing cost burden, and residents moving out of Costa Mesa for ownership opportunities.



G. Community Profile Summary

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs which are uniquely adapted to fit the needs of Costa Mesa.

The City will need to consider the following findings, but not limited to, based on the data presented in this Community Profile:

- The Costa Mesa population is showing aging trends – housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options. **The City has established Housing Program 2D to address this finding.**
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino – housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community. **The City has established Housing Programs 2E and 4A to address this finding.**
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing including affordable rental options and entry level home ownership facilitation should be considered. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Approximately 48.8 percent of renters and 31.8 percent of homeowners are estimated to spend more than 30 percent of their income on housing, indicating a high housing cost burden overall with a higher proportion of renters compared to owners experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Based on for sale and rental housing prices, a moderate-income household cannot afford to own a home in Costa Mesa, while lower income households cannot afford to own or rent in Costa Mesa without experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities. **The City has established Housing Programs 1A and 1B to address this finding.**
- Costa Mesa has a relatively low vacancy rate, indicating high demand for housing and low availability of housing units within the City. **The City has established Housing Programs 2B and 3A to address this finding.**
- 46.5 percent of Costa Mesa households have at least one of the four identified housing problems, which include:
 - Units with physical defects (lacking complete kitchen or bathroom);
 - Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);



- Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The City has established Housing Programs 1A, 1B, and 4A to address this finding.

The Housing Element's **Chapter 4: Housing Plan** provides goals, policies, and programs for the City of Costa Mesa based on the findings of this analysis. Policies established in the Housing Plan implement the goals and programs of the Housing Element and are reviewed on yearly-basis to identify progress and success.

An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban area with various building footprints and street patterns.

Chapter 3

Housing Constraints, Resources, and Affirmatively Furthering Fair Housing





Housing Constraints

A variety of factors could affect the number, type, and affordability of housing and housing development in a community. Governmental housing constraints are often specific to the requirements and regulations local governments enforce. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental and market constraints are directly related to the conditions of the local and regional construction and the development market. Nongovernmental constraints in Costa Mesa may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. The focus of this section is recognizing the existing constraints. The following sections will analyze the extent of each constraint on housing development.

A. Nongovernmental Constraints

Nongovernmental constraints are those associate with external market costs and rely predominantly on the economy and cost of land and construction. The availability and cost of land, labor costs, as well as financing, may pose barriers for housing developers and can often deter the development of housing, specifically affordable housing. The following sections highlights the primary market factors that affect the production of housing in Costa Mesa.

1. Land Costs and Construction Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes due to square footage. However, there is wide variation within each construction type, depending on the size of the unit and the number and quality of amenities provided. An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The ICC updates the estimated cost of construction at six-month intervals and provides estimates for the average cost of labor and materials for typical Type V-A wood-frame housing. Estimates are based on “good-quality” construction, providing for materials and fixtures well above the minimum required by state and local building codes. In August 2020, the ICC estimated that the average per square-foot cost for good-quality housing was approximately \$118.57 for multi-family housing, \$131.24 for single-family homes, and \$148.44 for residential care/assisted living facilities. Construction costs for custom homes and units with extra amenities, run even higher. Construction costs are also dependent upon materials used and building height, as well as regulations set by the City’s adopted Building Code. For example, according to the ICC, an accessory dwelling unit (ADU) or converting a garage using a Type V-B wood framed unit would costs about \$123.68 per square foot. Although construction costs are a significant portion of the overall development cost, they are typically consistent throughout the region and, especially when considering land costs, are not considered a major constraint to housing production in Costa Mesa.



Land costs can also pose a significant constraint to the development of affordable and middle-income housing and represents a significant cost component in residential development. Land costs may vary depending on whether the site is vacant or has an existing use that must be removed. Similarly, site constraints such as environmental issues (e.g., steep slopes, soil stability, seismic hazards, flooding, and contamination) can also be factored into the cost of land. A September 2020 web search for vacant lots for sale in the City of Costa Mesa returned three lots for sale ranging in size from 0.23 acres at \$749,000 to 1.03 acres at \$2,000,000. Based on current prices of for sale lots, the vacant lots cost an estimated average price per square foot of \$68, or about 2.9 million dollars per acre.

Costa Mesa has the lowest cost of land in comparison to the neighboring cities of Santa Ana, Huntington Beach, and Irvine, based on an October 2020 Zillow search for vacant lots. The cost of land in these cities range from \$73 per square to \$304 per square foot. However, the cost of land in Costa Mesa is still very expensive and though it is consistent with neighboring jurisdictions and the region, it may create a constraint to the development of housing, specifically affordable housing. The City cannot control the cost of land in Costa Mesa or the region, however **Chapter 4** of this Housing Element outlines programs and policies to work with developers and interested parties to increase affordable housing options in the City.

2. Available Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, rates and fees charged, laws and regulations governing financial institutions, and equal access to such loans. Additionally, availability of financing affects a person's ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to all residents of a community, regardless of income, sex, race, or ethnicity. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in the Anaheim-Santa Ana-Irvine MSA.

Table 3-1 below displays the disposition of loan applications for the Anaheim-Santa Ana-Irvine MSA, per the 2016 Home Mortgage Discloser Act report. According to the data, applicants in the 120% MSA/MD median income or more had the highest rates of loans approved. Of that income category, applicants who reported White had the highest percentage of approval and the number of applications. Applicants in the less than 50% of the MSA/MD median income categories were showed higher percentages of denied loans than loans originated. According to the data, applicants who reported white were, on average, more likely to be approved for a loan than another race or ethnicity.

Given the relatively high rates of approval for home purchase, improvement, and refinance loans, home financing is generally available and not considered to be a significant constraint to the provision and maintenance of housing in Costa Mesa.



Table 3-1: Disposition of Loan Applications by Race/Ethnicity– Anaheim-Santa Ana-Irvine MSA

Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	26.2%	52.3%	23.1%	65
Asian	33.9%	42.5%	26.7%	1,382
Black or African American	41.6%	33.7%	25.8%	89
Native Hawaiian or other Pacific Islander	25.0%	44.2%	30.8%	52
White	45.6%	31.2%	26.1%	5,240
Hispanic or Latino	37.9%	38.2%	26.8%	1,566
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	38.1%	34.0%	29.9%	97
Asian	53.3%	25.3%	29.4%	3,153
Black or African American	43.4%	19.1%	41.4%	152
Native Hawaiian or other Pacific Islander	49.4%	39.8%	16.9%	83
White	54.5%	23.3%	27.6%	8,677
Hispanic or Latino	47.6%	27.7%	29.3%	3,245
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	51.4%	25.7%	31.4%	35
Asian	59.5%	19.2%	29.3%	1,495
Black or African American	52.9%	22.1%	30.9%	68
Native Hawaiian or other Pacific Islander	43.5%	13.0%	43.5%	23
White	61.9%	17.2%	26.1%	3,873
Hispanic or Latino	54.0%	21.4%	29.1%	1,347
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	22.7%	29.5%	88
Asian	62.3%	15.6%	28.8%	4,820
Black or African American	55.6%	20.1%	28.6%	234
Native Hawaiian or other Pacific Islander	49.4%	27.6%	31.0%	87
White	66.2%	13.8%	25.1%	12,607
Hispanic or Latino	60.8%	16.4%	26.8%	3,398
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	59.2%	13.0%	32.0%	169
Asian	62.8%	12.9%	29.0%	17,800
Black or African American	57.7%	17.3%	27.2%	624
Native Hawaiian or other Pacific Islander	64.2%	11.4%	26.8%	254
White	68.3%	11.3%	24.9%	49,811
Hispanic or Latino	64.6%	13.3%	26.7%	6,095
<i>Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.</i>				



3. *Economic Constraints*

Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. It is estimated that housing price and development costs will continue to increase in the City and the region. Moving into 2020, the economy was growing, California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates. COVID-19 had stalled much of the economy in early 2020, however, as the California economy regains momentum, housing stock and prices in the Costa Mesa community remain stable. A housing market analysis by Redfin reports the number of homes sold in August 2020 experienced a 16.1% growth in year-over-year trends and over doubled since the low in May 2020. The same report shows that the median sale price of homes in Costa Mesa is the largest it has been in five years, except for a peak in February 2021; the median number of days on the market was 41 in August 2020 in contrast to 86.5 in at the start of the year.

A 2020 California Association of Realtors (CAR) report found that homes on the market in Orange County experienced a 10.2 percent year to year increase and cost an average of \$915,000 in September 2020; over \$250,000 higher than the Southern California median home price in the same month (\$656,750). According to the CAR First Time Buyer Housing Affordability Index, the median value of a home in Orange County is \$730,150 with monthly payments (including taxes and insurance) of \$3,690, requiring an average qualifying income of \$110,700.

Costa Mesa's home value index (\$881,064), which includes single-family residences and condos, has been on a steady increase since Spring 2012, according to Zillow data from September 2020. According to Zillow, this value is seasonally adjusted to remove outliers and only includes the middle price-tier of homes. Costa Mesa home values have gone up 4.9 percent over the past year and Zillow predicts they will rise 4.8 percent within the next year. Orange County by comparison has a median home value index of \$775,797, which is \$105,267 less than Costa Mesa. Due to the high costs and increasing values, the cost of land and home prices in Costa Mesa may be considered a constraint to the development of and access to housing, particularly affordable housing.

4. *Applicant Requests to Develop Below the Maximum Density*

The City does not typically receive request to develop below the maximum density permitted for residential projects. Based on review of past projects and discussions with the development community, the existing development standards have not proved to be a constraint to meeting the maximum density. **Programs 3B and 3C** within the Housing Plan call for revisions to the development standards associated with the North Costa Mesa Specific Plan and the City's Urban Plans and Overlays, including the maximum density permitted. These densities are higher than what is currently permitted within Costa Mesa (with the exception of some areas in the North Costa Mesa Specific Plan where densities have exceeded 90 du/ac for specific projects). Until those zoning changes are made to permit the higher densities identified in the housing element, the City will not be able to evaluate potential requests to develop below the maximum density. The City has committed to working with the community, including the local development community, to create development standards which promote development consistent with the identified densities.



B. Governmental Constraints

In addition to market constraints, local policies and regulations also affect the price and availability of housing and the provision of affordable housing. For example, State and Federal regulations affect the availability of land for housing and the cost of housing production, making it difficult to meet the demand for affordable housing and limiting supply in a region. Regulations related to environmental protection, building codes, and other related topics have significant, often adverse, impacts on housing cost and availability.

While the City of Costa Mesa has no control over State and Federal Laws that affect housing, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing as well as, create barriers to housing development.

1. Land Use Controls

Cities in California are required by Law to prepare a comprehensive, long term General Plan to guide future development. The Land Use Element of the General Plan establishes permitted land uses and development density throughout the City of Costa Mesa. These land uses provide for a wide variety of housing types throughout the City, while also ensuring compatibility between neighboring uses. The following lists the land uses that permit residential developments and the maximum allowable density:

- **Low-Density Residential:** 8 dwelling units per acre
- **Medium-Density Residential:** 12 dwelling units per acre
- **High-Density Residential:** 20 dwelling units per acre
- **Commercial-Residential:** 12 to 17.4 dwelling units per acre
- **Urban Center Commercial:** 20 dwelling units per acre / 80 dwelling units per acre
- **Multi-Use Center:** 6 dwelling units per acre / 40 dwelling units per acre

Overlay Districts

Overlay districts are created in order to incentivize particular development types in an area and/or to implement a Master Plan's strategies and goals. Overlay districts are applied to the Zoning Map and provide a development option in addition to the underlying zoning regulations as they often require stricter and/or more specific standards. An overlay district could also be created to administer the goals of a Master Plan. There are four overlay districts in Costa Mesa, which are detailed below.

Residential Incentive Overlay

The Residential Incentive Overlay District is intended to create opportunities for residential development at strategic locations along Harbor Boulevard and Newport Boulevard. The designation allows for development of new higher-density residential uses in areas where limited residential with lower densities are currently allowed. Small-lot single-family subdivisions are also appropriate in the designated areas. The Residential Incentive Overlay also expands development opportunities on residential and commercial



properties which are not currently developed to their full potential or supporting outdated buildings and underperforming uses.

The following are required for developments in the Residential Incentive Overlay District:

Residential Incentive Development Plan Screening Application – To provide initial feedback to developers, all residential and development projects proposed in this district must submit a screening application for review and approval by the City Council.

Master Plan – All developments proposed in this district require approval of a master plan by the Planning Commission. The master plan must be consistent with the General Plan and meet the intent and purpose of the overlay district. The project must include adequate resident-serving amenities in the common open space areas and private open space area; this may include patios, balconies, roof terraces, walkways, and landscaped areas. The project must be consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations. The residences must have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.

Development Standards – This overlay designation allows for developments that meet the following:

- **Minimum Lot Area:** 0.5 acres
- **Maximum Height:** 4 stories (not including permitted roof top terraces)
- **Maximum Density:** 40 units per acre
- **Minimum Open Space:** 40% of total site area
- **Common Open Space:** 50% of required open space. Recreational facilities for children are required for residential projects with 12 or more units.
- **Front Setback:** 20 feet
- **Side Setback:** 20 feet (30 feet minimum for 4-story developments abutting R2-MD zones)
- **Rear Setback:** 20 feet (30 feet minimum for 4-story developments abutting R2-MD zones)

SoBECA Mixed-Use Overlay

The SoBECA Overlay District establishes provisions for mixed-use development, including live/work development, in the 39-acre SoBECA plan area (located west of the Costa Mesa Freeway, east of the Corona Del Mar Freeway, and south of the San Diego Freeway). This overlay district allows for high-density residential developments with a maximum unit cap and is intended to allow a mix of housing, eclectic retail/services, creative studios, and entertainment/restaurant uses that attract local residents and visitors.

Development Standards – This overlay designation allows for developments that meet the following:

- **Maximum Density:** 40 units per acre
- **Maximum Residential Cap:** 450 units within the SoBECA Urban Plan



Harbor Mixed-Use Overlay

The Harbor Mixed-Use overlay district applies to select areas along Harbor Boulevard and between Wilson Street and 19th Street. The district is intended to introduce a diverse mix of uses to create a more integrated, walkable, and complementary balance of creative commercial and office spaces, neighborhood-serving retail and commercial services, and residential uses along the southern portion of Harbor Boulevard that intersects 19th Street. Since this overlay applies to a commercial corridor and is considered an extension of the 19 West Urban Plan (see below), Live/Work developments are not permitted in this overlay district. The provisions of the 19 West Urban Plan applies to the overlay district.

Development Standards – This overlay designation allows for developments that meet the following:

- **Maximum Density:** 20 units per acre
- **Maximum FAR:** 1.25 for commercial and residential mixed uses
- **Maximum Building Height:** 4 stories

Westside Urban Plans

In 2005, the City of Costa Mesa approved three strategies based on the Westside Revitalization Oversight Committee's (WROC) Final Report and Implementation Plan. Together these strategies make up the Westside Urban Plans and include the following three urban plans and their individual goals:

19 West Urban Plan – Improve the Urban Plan area by providing visual enhancement and facilitating development of mixed-use urban villages along the specified areas of West 17th Street, West 19th Street, and Superior Avenue.

Mesa West Bluffs Urban Plan – Improve the Urban Plan area by providing visual enhancement and encouraging the development of live/work units or residential development within the plan area.

Mesa West Residential Ownership Urban Plan – Encourage the development of new owner-occupied condominiums and clustered homes by allowing a higher density than currently zoned.

These plans aim to attract investments and improvements to the west side of Costa Mesa and avoids strict architectural guidelines to welcome flexible projects. These three plans provide a framework for major private market reinvestment and improvements for the Westside.

2. State Density Bonus Law

Density bonuses are another way to increase the number of dwelling units allowed in a residentially zoned area. The City of Costa Mesa does not have its own Density Bonus Ordinance but defers to the Government Code Section 65915. However, the City's Zoning Code identifies the purpose of a density bonus as providing incentives for the production of affordable housing, senior housing, and childcare facilities in compliance with State Government section 65915.

The City of Costa Mesa must grant one density bonus to housing developments which contain at least one of the following (excluding any units permitted by the density bonus awarded):



- 10 percent of the total units of a housing development for lower income households;
- 5 percent of the total units of a housing development for very low-income households;
- A senior citizen housing development or a mobile home park that limits residents based on age requirements for housing for older persons; or
- 10 percent of the total dwelling units in a common interest development for persons and families of moderate income, provide that all units the development are offered to the public for purchase;

In addition, a housing development which is awarded a density bonus must maintain an affordable cost for very low- and low-income rental units for a minimum of 55 years. Additional years may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

The following provides the density bonus to be calculated for very low-income, low-income, and moderate-income households:

Table 3-2: Density Bonus for Very Low-Income Households	
Percent Very Low-Income Units	Percent Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

Table 3-3: Density Bonus for Low-Income Households	
Percent Low-Income Units	Percent Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

Table 3-4: Density Bonus for Moderate-Income Households	
Percent Moderate-Income Units	Percent Density Bonus
10	5
11	6



Table 3-4: Density Bonus for Moderate-Income Households	
Percent Moderate-Income Units	Percent Density Bonus
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

In addition, the Government Code states that when an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with these subdivisions, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density for the entire development, as shown in **Table 3-5**. This increase may be added to the density bonuses listed above but may not exceed 35 percent.

Table 3-5: Density Bonus for Land Donation	
Percent Very Low-Income	Percent Density Bonus
10	15
11	16
12	17
13	18



Table 3-5: Density Bonus for Land Donation	
Percent Very Low-Income	Percent Density Bonus
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

Concessions and Incentives

According to the State Government Code section 65915, an applicant for a density bonus may submit a proposal for a specific concession or incentive; a waiver or reduction of development standards may not affect the number of incentives or concessions to which the applicant is entitled. The following concessions and incentives must be provided to eligible applicants:

- One incentive or concession for projects that include 10 percent of the total units for lower income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.
- Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.
- Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families with moderate income in a common interest development.

Compliance with State Law

Until 2021, under Government Code Section 65915, known as the Density Bonus Law, the maximum bonus was 35%. California state law AB 2345 states that all jurisdictions in California are required to process projects proposing up to 50% additional density, as long as those projects provide the additional Below Market Rate units (units affordable to low and very low-income households) in the original proposed project, unless the locality already allows a bonus above 35%. The City's Density Bonus program allows a maximum of 35% density increase; however, AB 2345 requires an allowance of up to 50% density bonus



when the base BMR is proposed. The City has included a program in Chapter 4: Housing Plan to update the City's Development Code in compliance with state legislation.

3. Residential Development Standards

The City of Costa Mesa established four residential districts to provide a range of housing types. These standards and regulations are intended to create the highest quality residential development, minimize land use conflicts, encourage the maintenance of residential neighborhoods, and implement the goals of the City's General Plan. In addition to residential districts, Costa Mesa also includes three types of mixed-use designations to bring together residential and commercial developments.

- **Single-Family Residential District (R1)** – Single-Family Residential is intended to promote the development of single-family detached units on lots measuring at least 6,000 square feet. The maximum density is 7.26 dwelling units per gross acre.
- **Multiple-Family Residential District, Medium Density (R2-MD)** – Medium Density Multiple-Family Residential is intended to promote the development of multi-family properties on lots measuring a minimum of 12,000 square feet. The maximum density is 3,630 square feet per dwelling unit / 12 dwelling units per gross acre.
- **Multiple-Family Residential District, High Density (R2-HD)** – High Density Multiple-Family Residential is intended to promote the development of multi-family properties with a minimum of 12,000 square feet. The maximum density is 3,000 square feet per dwelling unit / 14.25 dwelling units per gross acre.
- **Multiple-Family Residential District (R3)** – Multiple-Family Residential is intended to promote the development of multi — family properties with a minimum of 12,000 square feet. The maximum density is 2,178 square feet per dwelling unit / 20 dwelling units per gross acre.
- **Town Center District (TC)** – Town Center is intended to allow intensely developed mixed commercial and residential uses within a limited geographical area located between Sunflower Avenue, I-405, Bristol Street, and Avenue of the Arts. Developments can range from one- to two-story office and retail buildings to mid- and high-rise buildings, including residential.
- **Planned Development Commercial (PDC)** – Planned Development Commercial is intended for retail shops, offices, and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential area and the entire community and region. Complementary residential uses may also be included in the planned development.
- **Institutional and Recreational Multi-Use District** – Institutional and Recreational Multi-Use is only applicable to the Fairview Development Center and is intended to allow the integration of a variety of land uses and intensities at a low to moderate density and intensity.

As mentioned above, the City of Costa Mesa's Zoning Code establishes standards which regulate development throughout the City. The development standards include minimum requirements for lot size, width, building setbacks, and open space. **Table 3-6** provides the development standards applicable to each zoning district in Costa Mesa that permit residential development.



Table 3-6: Development Standards in Costa Mesa - Dimensions

Zone	Dimensions		Min. Yard Setbacks (ft)			Construction Standards		
	Min. Lot Size (square feet)	Min. Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Max. Height*	Min. Open Space (square feet)	Max. Density
Residential Districts								
R1	6,000 sq.ft.	Interior Lot: 50 ft. Corner Lot: 60 ft.	20 ft.	5 ft. ⁽³⁾	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU ⁽¹⁾ per 6,000 sq.ft.
R2-MD	12,000 sq.ft.	100 ft.	20 ft.	5 ft. ⁽³⁾	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 3,630 sq.ft. ⁽²⁾
R2-HD	12,000 sq.ft.	100 ft.	20 ft.	5 ft. ⁽³⁾	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 3,000 sq.ft.
R3	12,000 sq.ft.	100 ft.	20 ft.	5 ft. ⁽³⁾	2-story: 20 ft. 1-story: 10 ft.	27 feet	40%	1 DU per 2,178 sq.ft.
Planned Development Standards								
PDR-LD	5,500 sq.ft.	40 ft.	5 ft. ⁽⁷⁾	0-10ft. ⁽⁸⁾	5 ft.	27 ft.	45% ⁽⁶⁾	8 DUs per acre
PDR-MD	5,500 sq.ft.	-	5 ft.	0-10ft. ⁽⁸⁾	5 ft.	27 ft.	45%	12 DUs per acre
PDR-HD	3,000 sq.ft.	-	5 ft.	0-10ft. ⁽⁸⁾	5 ft.	27 ft.	42%	20 DUs per acre ⁽⁴⁾
PDR-NCM	3,000 sq.ft.	-	-	-	-	-	42%	35 DUs per acre
PDC	N/A	-	-	-	-	-	-	20 DUs per acre ⁽⁵⁾
PDI	N/A	-	-	-	-	-	-	N/A
Note: (1): Dwelling Unit (2): 1 unit per DU for legal lots existing as of March 16, 1992, that are less than 7,260 sq.ft. in area but not less than 6,000 sq.ft. in area. (3) Accessory structures that do not exceed 6.5 feet in height in the R1 zone or 15 feet in height in other residential zones may have a zero-side setback. Property line abutting a public street: 10 feet. Property line abutting an alley: 5 feet. (4): See North Costa Mesa Specific Plan for exceptions. The maximum density for 125 East Baker Street is 58 dwelling units per acre (CO-13-02). The maximum density for 2277 Harbor Boulevard is 54 dwelling units per acre (CO-14-02). (5): The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions. No residential development is permitted within the 23.4-acre project site generally addressed as 1375 Sunflower Ave. and 3370 Harbor Blvd. (6): See section 13-60 required open space criteria for planned development residential. (7): For individual DUs. (8): feet on one side; 10 feet combination of both sides. Source: City of Costa Mesa Zoning code								

Yard Requirements

Yards provide light and air, pedestrian and vehicular circulation, emergency access, and general aesthetic improvements. The Costa Mesa Zoning Code establishes setback requirements in order to maintain yard area. Minimum setback requirements are consistent in residential districts, 5 feet, but they differ depending on type development in mixed-use districts. While it is possible that setback requirements may pose a constraint on reaching maximum permitted density in some cases, there is enough flexibility in the



current ordinances that setback requirements do not constitute a significant constraint on residential development.

Site Coverage and FAR

The City of Costa Mesa establishes site coverage requirements in order to maintain bulk, mass, and intensity of use. Site coverage is not used towards planning residential districts in Costa Mesa as open space and setback requirements ensure structures are located within an area of a lot to avoid massing and excessive density. Site coverage is considered in mixed-use developments when combined with commercial uses.

Floor Area Ratio (FAR) refers to the gross floor area allowed on a site divided by the total gross area of the site. FAR requirements limit the usable floor area to limit the bulk of a building in comparison to the land, other buildings, and public facilities in the area.

Open Space

Open space is used in conjunction with site coverage to control intensity of use and provide for an area that is intended to add light and air. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational area, playgrounds, fountains, swimming pools, and wooded areas. Also included are unenclosed patios, water courses, and surfaces covered by no more than 5 feet in depth by projections which are at least 8 feet above ground. Driveways, parking lots, surfaces designed for vehicular access, upper floor decks, balconies, and areas under projections which are less than 8 feet above ground are not considered open space.

Maximum Building Heights

A structure's height is defined by the Zoning Code as the distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening. A standard 27 feet maximum height is established for two-story residential developments in Costa Mesa in order to maintain compatibility with existing and proposed developments, however a planned development is permitted to be developed up to four stories. The City's General Plan and Zoning Code permit up to four stories south of the 405 Freeway through planned development and in many of the City's urban plan and overlay areas where higher densities are allowed, as well as additional height north of the 405 Freeway in the North Costa Mesa Specific Plan area. Per the City's development standards shown in **Table 3-6**, a 2-story 14,400 square-foot multi-family development on a 12,000 square-foot lot could develop up to 14 potential 1,000 square-foot units, all while meeting the City's setback, open space, and height requirements. The City's 27-foot height limit for all residential developments does not pose a constraint to meeting the City's established densities and is not considered a constraint to the development of housing.

Parking Standards

The City of Costa Mesa mandates parking requirements be applied to all developments in the City. **Table 3-7** provides the required parking for all housing types. The Zoning Code further identifies the number of parking spaces that must be covered and those that can remain uncovered. These requirements ensure that there is adequate parking provided for residents and for guests in both single-family and multi-family residences.

Table 3-7: Parking Requirements for Residential Uses



Unit Type		Number of Spaces Required
Single-Family Detached with 4 Bedrooms or Less	Without garage access from alley	4
	With garage access from alley	3
Single-Family Detached with 5 Bedrooms or More	Without garage access from alley	5
	With garage access from alley	4
Multi-Family Residential	Bachelor/Studio	2
	1 Bedroom	2.5
	2 Bedrooms	3
	3 Bedrooms or more	4

Source: City of Costa Mesa Zoning Code

The cost associated with garage parking construction can be viewed as a constraint to affordable housing development, especially for multi-family housing. However, Costa Mesa's parking regulations differ depending on the number of bedrooms proposed per unit. Affordable housing projects that qualify for a density bonus may also request application for additional incentives which can be provided in the form of reduction of parking requirements. While off-street parking requirements can affect planned residential density, particularly for small lots and in-fill areas, this potential constraint is mitigated by the flexible standards shown above.

Furthermore, in comparison to neighboring jurisdictions (**Table 3-8**), the City of Costa Mesa has similar parking requirements. Where Costa Mesa differs in single-family parking requirements is in its count of open/driveway parking spaces. The City of Costa Mesa specifically requires 2 spaces in a garage and 2 spaces on a driveway for a single-family detached residence with 4 bedrooms or less; the other cities only provide requirements for the number of vehicles that must be included in a garage. In addition, the other cities require guest parking as a percentage of the total number of units or required spaces, while Costa Mesa requires a set number per unit.

Table 3-8: Parking Standards of Neighboring Communities	
Unit Type	Number of Spaces Required
City of Newport Beach	
Accessory Dwelling Unit	1 parking space, with exceptions ⁽¹⁾
Junior Accessory Dwelling Unit	No additional parking required
Single-Unit Dwellings – Attached	2 per unit in a garage
Single-Unit Dwellings – Detached and less than 4,000 sq. ft. of floor area	2 per unit in a garage
Single-Unit Dwellings – Detached and 4,000 sq. ft. of floor area	3 per unit in a garage
Single-Unit Dwellings – Balboa Island	2 per unit in a garage
Multi-Unit Dwellings – 3 units	2 per unit covered, plus guest parking 1-2 units, no guest parking required 3 units, 1 guest parking space
Multi-Unit Dwellings – 4 units or more	2 per unit covered, plus 0.5 space per unit for guest parking
Two-Unit Dwellings	2 per unit; 1 in a garage and 1 covered or in a garage
Live/Work Units	2 per unit in a garage, plus 2 for guest/customer parking
Senior Housing – Market Rate	1.2 per unit



Table 3-8: Parking Standards of Neighboring Communities		
Unit Type		Number of Spaces Required
City of Newport Beach		
Senior Housing – Affordable		1 per unit
City of Irvine		
Single Family	1-3 bedrooms	2 spaces
	4+ bedrooms	3 spaces + visitor parking ⁽²⁾
Attached Ownership	Studio	1 space + visitor parking ⁽²⁾
	1 bedroom	1.5 spaces + visitor parking ⁽²⁾
	2 bedroom	2 spaces + visitor parking ⁽²⁾
Attached Rental	Studio	1 space + visitor parking ⁽²⁾
	1 bedroom	1.4 spaces + visitor parking ⁽²⁾
	2 bedroom	1.6 spaces + visitor parking ⁽²⁾
	3 bedroom	2 spaces + visitor parking ⁽²⁾
City of Fountain Valley		
Single-family, detached: up to 4 bedrooms		2 stalls in a garage
Single-family, detached: 5+ bedrooms or homes larger than 4,000 sq. ft.		3 stalls in a garage
Single-family, detached		Same as single-family, detached
Mobile home park		2 covered for unit, plus 0.2 visitor stall/unit provided independent of the unit
Accessory dwelling unit		No parking required beyond that which is required for the primary residence. Pursuant to California Government Code Section 65852.2, replacement parking cannot be required if an existing garage is converted to an ADU.
Multi-family: duplex, condos, other attached dwellings	1 bedroom or less	1 covered stall + 0.5 uncovered + 25% of total required spaces for visitor parking
	2 bedrooms	1 covered stall + 1 uncovered + 25% of total required spaces for visitor parking
	3 bedrooms	2 covered stall + 0.5 uncovered + 25% of total required spaces for visitor parking
	More than 3 bedrooms	2 covered stall + 0.5/room over 3 uncovered + 25% of total required spaces for visitor parking
Note: 1. Parking is waived for ADUs if the property is within ½ mile walking distance to transit (including ferry); within an architecturally or historically significant district; on-street parking permits are required and not provided to the occupant of the ADU; or within one block of a car-share vehicle pick-up/drop-off location 2. Visitor parking: 0.7 space/unit if project has resident garages or 0.4 spaces/unit if the project has resident carports. Source: City of Newport Beach, Irvine, and Fountain Valley Municipal Codes		

Program 2M is included in **Chapter 4: Housing Plan** to review and revise the City's residential off-street parking standards for multi-family residential projects in an effort to facilitate the development of multi-family developments, and specifically affordable housing projects.

4. Variety of Housing Types Permitted

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes, employee and agricultural work housing, transitional



and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table 3-9** shows the various housing types permitted throughout the City of Costa Mesa.

Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R
Single-Family	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-
Multi-Family	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-
Accessory Dwelling Unit	P	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-
Common Interest Development	-	P	P	P	-	-	-	P	-	-	P	P	P	P	P	P	-
Small Lot Subdivision, Residential	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Home Park	-	C	C	C	-	-	-	-	-	-	C	C	C	C	C	C	-
Boarding House, Small ⁽¹⁾	-	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-
Boarding House, Large ⁽¹⁾	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-
Residential Care Facility, 6 or Fewer Persons	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	P
Residential Care Facility, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-
Group Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P
Group Homes, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P



Table 3-9: Housing Types Permitted in Costa Mesa

Housing Types	Zones																
	Residential				Commercial				Industrial		Planned Development						Institutional & Rec.
	R1	R2-MD	R2-HD	R3	C1	C2	C1-S	TC	MG	MP	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI	I&R
Sober Living Homes, 6 or Fewer Persons	S	S	S	S	-	-	-	-	-	-	S	S	S	S	S	S	P
Sober Living Homes, 7 or More	-	C	C	C	-	-	-	-	-	-	-	C	C	C	C	C	P
Referral Facility	-	C	C	C	-	C	-	-	-	-	-	C	C	-	-	-	-
Single Room Occupancy Residential Hotel (SRO)	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-
Emergency Shelters	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	P	-
Low Barrier Navigation Centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Farmworker Housing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Source: City of Costa Mesa Zoning Code

Notes: (1) Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.

P – Permitted

C – Conditional Use Permit

S – Special Use Permit

(-) – Prohibited

Single-Family Dwelling

The Costa Mesa Zoning Code defines a Single-Family Dwelling as a building of permanent character which is designed or used for residential occupancy by one family. A single mobile home on a foundation system on a single lot is a single-family dwelling. A single-family dwelling may be attached or detached from another single-family dwelling, including but not limited to an accessory dwelling unit. Single Family dwelling units are permitted in the R1, R2-MD, R2-HD, and R3 residential zones, as well as the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, PDI, and I&R-MLT zones.



Multi-Family Dwelling

A Multi-Family Dwelling is a building of a permanent character which is designed or used for residential occupancy or two or more families. This housing designation may include, duplexes, triplexes, fourplexes, and apartments. The building is typically owned by a single person or agency and rented out to tenants. Each dwelling unit within the structure is occupied by a single housekeeping unit. Multifamily dwelling units are permitted in the R2-MD, R2-HD, and R3 residential zones, the TC commercial zone, and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI zones, and the I&R-MLT Institution zone.

Accessory Dwelling Unit (ADU)

An ADU is a second dwelling unit established in conjunction with and subordinate to the single-family dwelling unit existing on the property. The ADU may be a studio with no bedroom or contain any number of bedrooms and it may be attached to the single-family dwelling unit or detached and located on the same lot. An ADU may also be referred to as an “accessory apartment”, “granny unit”, “granny flat”, or “in-law apartment”. Refer to Costa Mesa City Ordinance 2021-03 for ADU-specific development standards. Accessory dwelling units are permitted in all zones where single-family residential units are also permitted.

Common Interest Development

The City Zoning Code defines Common Interest Developments as containing 2 or more common interest units, which may include, but is not limited to, a community apartment project, rights of exclusive occupancy, a stock cooperative, and/or exclusive occupancy. Common interest developments are permitted in all zones where multifamily developments and units are permitted.

Small Lot Subdivision, Residential

A Small Lot Subdivision refers to a residential development that contains a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel. In a small lot subdivision, the land is subdivided into fee simple parcels containing each unit and each individual lot is provided with either a direct access to a public street/alley or an easement access through a recorded subdivision map. Small Lot subdivision projects are permitted in the R2-MD, R2-HD, and R3 residential zones.

Manufactured Housing

Manufactured housing includes detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. A factory-built structure is considered a single-family home and shall be reviewed under the same standards as a site-built structure if it is manufactured under the authority of 42 U.S.C. section 5401 - National Manufactured Housing Construction and Safety Standards Act. Mobile homes are permitted conditionally in the R2-MD, R2-HD, R3 residential zones and PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, PDI zones. Boarding House

A Boarding House is a residence or dwelling, other than a hotel, wherein rooms are rented under 2 or more separate written or oral rental agreements, leases, or subleases. The property owner, agent, or rental manager may or may not reside on the property. A small boarding house rents 2 or less rooms, while a large boarding house rents out 3 to 6 rooms. The City of Costa Mesa prohibits boarding houses that rent



more than 6 rooms. Small boarding house developments are permitted in all zones where manufactured/mobile homes are permitted, and large boarding house developments are conditionally permit in these zones.

Residential Care Facility

In Costa Mesa, a Residential Care Facility must be licensed by the State to provide care, services, or treatment to persons living in supportive community residential setting. Residential care facilities may include, but may not be limited to: intermediate care facilities for the developmentally disabled; community care facilities; residential care facilities for the elderly; residential care facilities for the chronically ill; alcoholism and drug abuse facilities; pediatric day health and respite care facilities; residential health care facilities, including congregate living health facilities; family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children. Residential care facilities are permitted in all residential, planned development, and institutional zones.

Group Homes

A Group Home is a facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether State licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Small group homes are permitted with a special use permit in residential and planned development zones, and they are permitted as a primary use in institutional zones. Large group homes are conditionally permitted in residential and planned development zones and are permitted as a primary use in the I&R institutional zone.

Although there are several different housing types outlined in the zoning code including group homes, the City's zoning code does not exclude group homes or more specifically housing for disabled people from any residential zones in the City. On the contrary, disabled individuals can live in any residential property in the City. The city's code provisions regarding group homes have been upheld by numerous courts in both state and federal court, and have been found to be intended to and actually protective of persons with disabilities. Group homes are intended to be integrated into residential communities for the benefit of both the disabled and the non-disabled. The City's code protects the disabled from being forced to live in multiple adjoining properties clustered together -- institutionalized settings -- in cramped quarters, subject to eviction without warning and left vulnerable and homeless in a City far from their actual homes. It also preserves the very character of residential neighborhoods which make them desirable places to live, by preventing unreasonably increased traffic, noise, parking difficulties, and drug-related activity when residents relapse during the recovery process. The recovery community, including industry associations like Sober Living Network and the National Alliance for Recovery Residences, acknowledged these issues, and recommend that group recovery homes – including sober living homes – adopt model operational standards to ensure proper care of their residents. Costa Mesa's code does exactly that, regulating *operators*, not disabled individuals, and ensuring the disabled safe and appropriate residential environments. Numerous group homes for the disabled, including sober living homes have been approved and operate throughout the City. There is no shortage of options for those seeking to live in a recovery



home in low or high density areas of the City. Further, the City does not regulate state licensed homes of six or fewer residents, as that is preempted by state law.

Transitional Housing

The Costa Mesa Zoning Code defines Transitional Housing as a development with buildings configured as rental developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which may not be less than 6 months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits transitional housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a transitional housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a SFU. The City has identified **Program 2J** to update the zoning code to acknowledge transitional housing distinctively in the City's land use matrix, consistent with state law.

Supportive Housing

Supportive Housing includes housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses. Currently, the city permits supportive housing consistent with the development standards and regulations of the type of unit it is proposed as; for example, if a supportive housing project is proposed as a single-family unit (SFU), it is subject to the same provisions of the identified zone for a single family unit. The City has identified **Program 2J** to update the zoning code to acknowledge supportive housing distinctively in the City's land use matrix, consistent with state law.

Referral Facility

A Referral Facility or a group home may include one or more person who resides there pursuant to a court order or directive from an agency in the criminal justice system. Referral facilities are conditionally permitted in the R2-MD, R2-HD, and R3 residential zones, the PDR-MD, PDR-HD Planned Development zones and the C2 commercial zone.

Single Room Occupancy Residential Hotel (SRO)



An SRO is permitted in certain commercial zones and contains units designed for long-term occupancy by a single person. Double occupancy may be permitted. SROs are conditionally permitted in the C1 and C2 commercial zones.

Emergency Shelter

An emergency shelter provides temporary housing and food for individuals in need or disaster victims. The shelters may be operated by a public or non-profit organization. Emergency shelters are permitted by-right in the PDI Zone. Emergency shelters are also permitted in the MP Zone with approval of a Conditional Use Permit. All emergency shelters are subject to the following development standards (City-owned emergency shelters are exempt from certain provisions):

- The maximum length of stay may not exceed 120 days in a 365-day period.
- Each emergency shelter may have a maximum of 30 beds.
- Off-site parking must be provided at a parking rate of 1 parking space per 4 beds or one 1 space per employee, whichever is higher. In comparison to the Cities of Newport Beach, Huntington Beach, and Irvine, Costa Mesa's emergency shelter parking requirements are lowest and therefore not considered a constraint.
- Stays at an emergency shelter facility shall be limited to the hours of 5:00 p.m. and 8:00 a.m. the following day.
- Nonoperational and unregistered vehicles may not be kept on site.
- Each emergency shelter will provide an interior and exterior waiting area adequate to accommodate waiting clients and to prevent queuing into the public right-of-way. An exterior waiting area must be physically separated and visually screened from the public right-of-way.
- The emergency shelter facility will provide an on-site resident manager on site at all times.
- A minimum distance of 300 feet must be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- The shelter operator shall provide minimum exterior lighting in compliance with the city's security requirements.
- The shelter operator shall patrol a half-mile radius surrounding the shelter site during hours that the shelter is in operation to ensure that shelter clients and homeless individuals who have been denied access are not congregating in the neighborhood.
- Alcohol and narcotics use, and consumption are prohibited within the facility and on the property.
- An operations plan will be submitted for review and approval by the development services director and police chief prior to operation of the emergency shelter. The plan must include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services, and indoor and outdoor management of the facility.

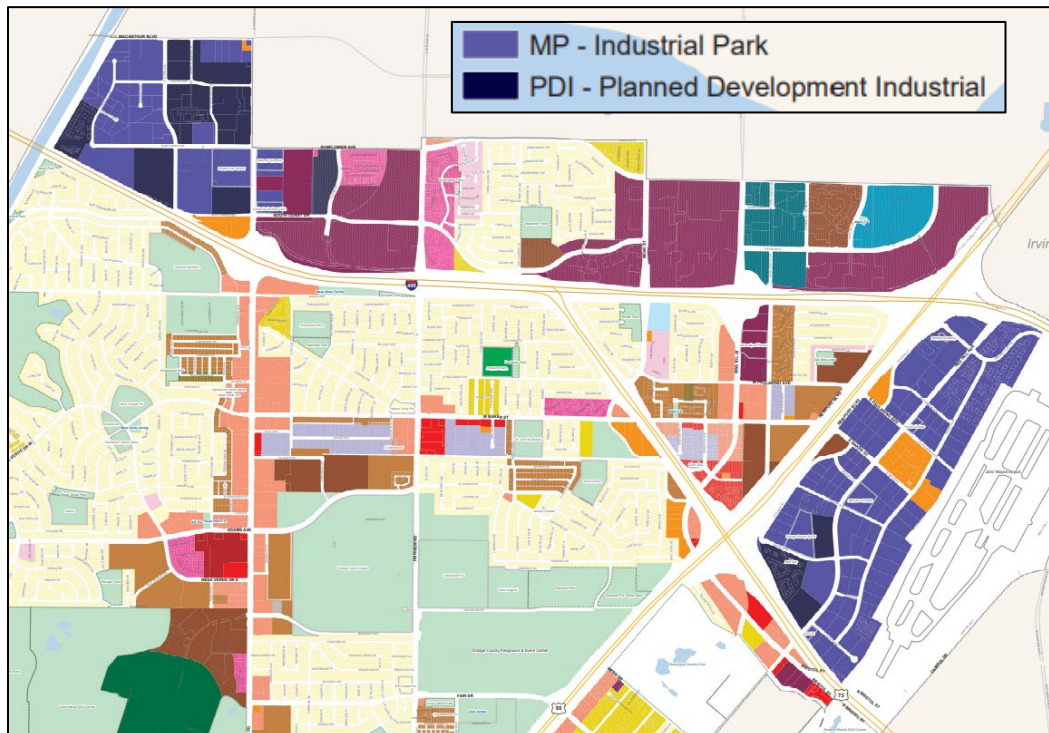
A total of 294 parcels (483.5 acres) are zoned MP and 150 parcels (168.7 acres) are zoned PDI. These parcels currently include industrial uses, office buildings, and surface parking lots. There are two areas of the City with a mix of PDI and MP zoning – these include the area between John Wayne Airport and the 55 Freeway and the area to the north-west of the City between the 405 Freeway and W MacArthur Boulevard. Parcels

located in these PDI and MP zones are all located approximately within a half-mile of a transit stop. In the area closest to John Wayne Airport, the 71 OCTA line runs through Red Hill Avenue. In the area closest to W MacArthur Boulevard, OCTA lines 43, 76, and 37 run along Harbor Boulevard and W MacArthur Boulevard.

In March 2021, the City of Costa Mesa completed the construction of a permanent Bridge Shelter at 3175 Airway Avenue. The parcel that the Bridge Shelter is located on is zoned MP and was previously a 26,000 square-foot industrial warehouse; it has since been converted into a 12,000 square-foot 72-bed shelter and a 14,000 square-foot rentable tenant space.

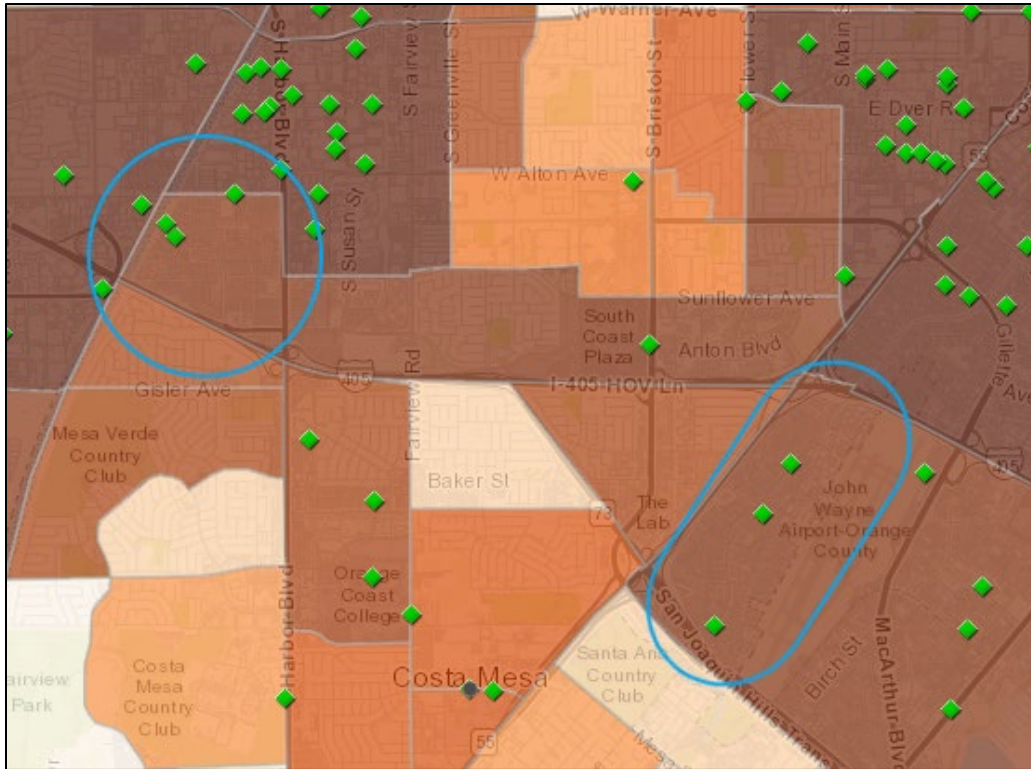
Based on the California Office of Environmental Health Hazards Assessment, there are approximately 8 hazardous waste contributors near the MP and PDI zones in the north-west portion of the City and 3 near the north-east portion of the City as shown in **Figure 3-1b**.

Figure 3-1a: Map of MP Zones in Costa Mesa



Source: City of Costa Mesa, Zoning Code Map.

Figure 3-1b: Map of Hazardous Waste Contributors



Source: OEHHA, Hazardous Waste Results.

Farmworker Housing

California Health and Safety Code Sections 17021.5 and 17021.6 require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The Costa Mesa Municipal Code does not address Farmworker Housing by definition. A program is included in **Chapter 4: Housing Plan** to ensure the City's development standards allow Farmworker Housing by-right, without a CUP, in single-family zones for six or fewer persons.

Low Barrier Navigation Centers

AB 101 states that "Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state." Low Barrier Navigation Centers are defined as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low Barrier Navigation Centers are required as a use by right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets specified requirements. The Costa Mesa Municipal Code does not address Low Barrier Navigations Centers by definition. A program is included in **Chapter 4: Housing Plan** to ensure the City's development standards allow Low Barrier Navigation Centers by-right in all zones that permit mixed-uses and non-residential uses.

5. Planned Development



The intent and purposed of Planned Developments are to provide a method by which appropriately located areas of the City can be developed utilizing more imaginative and innovative planning concepts than would be possible through strict application of existing zoning and subdivision regulations. It is intended that these developments will meet the broader goals of the General Plan and Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring developments. Additional standards for PDs may be found in Chapter V. Article 6 of the City's Zoning Code.

All PDs require approval through a Master Plan and must be reviewed and approved by the Planning Commission. The following provides the process by which PDs may be reviewed:

Preliminary Master Plan: a preliminary master plan may be processed in advance of the master plan to determine the general location, type, and intensities of uses proposed in large scale planned developments prior to the preparation and submittal of more detailed development plans. Preliminary master plans may also be used as conceptual plans for long-term or phased PDs.

Upon approval of the preliminary master plan, development plans for individual components or phases of the PD are required and will be processed according to the provisions for master plans. Subsequent plans must be consistent with the parameters and general allocation and intensity of uses of the approved preliminary master plan. At the time of approval of the preliminary master plan, the Planning Commission may determine that subsequent development plans may be approved by the Zoning Administrator. In such cases, development plans will be forwarded by the Zoning Administrator, upon an appeal filed or upon motion by the Planning Commission or City Council.

Amendments to the Master Plan: Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by engineering specifications or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

- A change in the use of character of the development;
- An increase in the overall density of the development;
- An increase in overall coverage of structures;
- A reduction or change in character of approved open space;
- A reduction of required off-street parking;
- A detrimental alteration to the pedestrian, vehicular and bicycle circulation, and utility networks;
- or
- A reduction in required street pavement widths.

Major changes involving substantial amendments to the master plan encompassing one or more of the minor changes listed above, or any other proposed change determined by the Development Services Director as a major amendment, shall be subject to review and approval by the Zoning Administrator. If the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the



major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.

Minor Additions to an Existing PD:

- Residential buildings—Single-story additions: Minor single-story additions to existing residential buildings not meeting the criteria below may be approved by a Minor Modification application if the Planning Division finds that the proposed construction does not materially affect the required open space, site coverage, or parking of the PD.
- Unenclosed patio covers: Unenclosed patio covers in planned development residential zones, which meet the setback criteria may be approved by the Planning Division:
- Enclosed patios and room additions: Enclosed patios and room additions may be permitted pursuant to the parameters for such additions established in the master plan. In cases where the master plan does not include criteria for future enclosed patios and/or room additions, the addition may be permitted if the required open space percentage is met on the affected lot and the addition meets the setbacks established for patio covers with the exception of small lot developments.
- Residential buildings—Second story additions: In cases where the master plan does not include criteria for future second-story additions, the planning division may approve any proposed second-story addition that meets the setback standards. Any second-story addition that does not meet all of the following criteria will be subject to Minor Design Review: complies with residential design guidelines adopted by the City Council, and does not materially affect the required open space, site coverage, or parking of the planned development.
- Nonresidential buildings: Minor additions to existing nonresidential buildings may be approved by Development Review if the Planning Division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements specified in the approved master plan. If the minor addition results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the Planning Division must find that the minor addition is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

Site Design Concept

To maintain similar development designs and intensities within the different residential zones in the Costa Mesa, the City encourages the following standards and housing types:

Low-Density Zone: Small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development are appropriate.

Medium-Density and High-Density Zone, and North Costa Mesa Zones: Single- and multi-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to, clustered development, townhouses, patio homes, detached houses, duplexes, garden apartments, and high-rise apartments or common interest developments are appropriate.



As a Complementary Use: nonresidential use of a religious, educational, or recreational nature may be allowed if the planning commission finds the use to be compatible with the PD residential project.

As a Complementary Use in PDR-MD, PDR-HD, PDR-NCM Zones: nonresidential uses of a commercial nature may be allowed if the Planning Commission finds the uses to be compatible with the PD residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan Land Use designation.

6. Growth Management Measures - Measure Y

Growth management measures allow cities to grow in a responsibly and orderly manner, however, if overly restrictive, these measures can produce constraints to the development of housing, specifically affordable and accessible housing.

In 2016, residents of Costa Mesa voted to pass Measure Y: An Initiative to Require Voter Approval on Certain Development Projects. The Measure amended the Costa Mesa Municipal Code to require voter approval of any projects involving certain legislative actions (i.e. projects that amend, change, or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan) which:

- Add 40 or more dwelling units;
- Generates more than 200 additional average daily trips (ADT);
- Increases the volume/capacity of an intersection based on specified formulas;
- Changes the intersection capacity utilization or level of service (LOS) based on specified formulas;
- Adds 10,000 square feet of retail, office, or other nonresidential uses; and/or
- Where the proposed project, combined with other projects within 8 years and a half-mile of each other, meet the above criteria.

Voter approval is also required for projects involving the above listed legislative actions which involve:

- Changes from public uses to private uses under special circumstances;
- Land designated as utility right-of-way under specified circumstances;
- Land donated, bequeathed, or otherwise granted to the City;
- Land used or designated for Costa Mesa school property; and/or
- Land owned, controlled, or managed by the City.

Any of these proposed changes as listed above are required to be approved by the Costa Mesa voters through a special or general election after the City Council has approved the project. Applicants may choose to put their project on a General Election which could result in timing delays to the project as those typically only occur in June and November of even numbered years or may pay for a Special Election to occur. Special Elections typically cost approximately \$200,000, a cost which must be paid for by the developer. This can be a significant capital investment that may return uncertain election results (even if a project is approved by the City Council through an entitlement process). This process may discourage developers from pursuing housing development projects and particularly affordable housing projects.



The precise impact on development projects depends heavily on the type of project, number of residential units, and funding sources. The City has not had a project go through the entire Measure Y process to date. While the exact cost and impact is not known, it can be assumed based on the analysis above that the Measure Y process adds time to the entitlement schedule and potentially additional costs if a Special Election is required. **Program 3G** discusses specific actions the City will take to address Measure Y in the context of the Housing Element and making sites available to accommodate the City's RHNA.

7. Specific Plans

The purpose of a Specific Plan is to implement the goals and objectives of a city's General Plan in a more focused and detailed manner that is area and project specific. The Specific Plan promotes an enhanced aesthetic level throughout the project/community. Specific Plans can contain their own development standards and requirements that may be more restrictive than those defined for a city as a whole.

East 17th Street Specific Plan

The East 17th Street Specific Plan encompasses approximately 33 acres along 17th Street, east of Santa Ana Avenue and west of Irvine Avenue. The area is designated for General Commercial by the General Plan Land Use Element and contains a mix of office and commercial uses.

The intent and purpose of the specific plan is to provide a good transition to neighboring residential areas by alleviating the problems generated by the proximity of commercial and residential uses in the area. In order to do this, the City adopted the following development standards:

- Properties on the south side of the 400 block of the Specific Plan area must maintain a 10-foot landscape buffer and properties on the north side of the 400 block must maintain a 5-foot landscape buffer.
- A Conditional Use Permit is required to permit any development over 2 stories / 30 feet. Developments over 4 stories are prohibited.

Newport Boulevard Specific Plan

The Newport Boulevard Specific Plan was prepared in order to address the development issues that resulted from the completion of the Costa Mesa Freeway. The intent and purpose of this specific plan is to encourage viable commercial businesses along Newport Boulevard, as well as to encourage marginal uses to redevelop. The Newport Boulevard Specific Plan added the "Commercial-Residential" land use designation to allow for a mix of residential and commercial zoning, which would otherwise only occur in Planned Development zoning districts. Maximum residential density ranges from 12 units to 17.4 units per acre through the specific plan area; **Table 3-10** below provides the permitted densities.

The Commercial-Residential land use designation is intended to allow commercial uses which serve and complement the residential neighborhoods to the east and within the specific plan. Appropriate uses include markets, drug stores, retail shops, financial institutions, service establishments and support office uses. Single room occupancy hotels are also permitted in this area. The location of these uses near



residential neighborhoods is further intended to reduce the need for longer vehicle trips to areas of more intense commercial activity in order to obtain goods or services.

Table 3-10: Permitted Residential Density		
Lot Size	Street Frontage	Allowable Density
40,000 square feet	120 feet	1 unit/ 3,630 square feet (Medium density at 12 units per acre)
60,000 square feet	150 feet	1 unit/ 3,000 square feet (High density at 14.5 units per acre)
80,000 square feet	180 feet	1 unit/2,500 square feet (High density at 17.4 units per acre)
<i>Source: Newport Boulevard Specific Plan SP-96-01 (1996)</i>		

North Costa Mesa Specific Plan

The North Costa Mesa Specific Plan encompasses 423 acres north of the San Diego Freeway and was adopted in 1994 and last updated in 2016. A specific plan was developed to set standards and strategies for the development of two large areas of undeveloped land in this area. The intent of the specific plan is to implement the policies of the General Plan in a manner that seamlessly integrates a variety of uses and considers the impact of new development on surrounding areas.

Table 3-11 provides the permitted land uses and densities within the specific plan areas, and **Table 3-12** provides the maximum building heights allowed.

Table 3-11: Permitted Land Uses and Development Standards				
Land Use Designation	Typical Uses	Zoning Districts	Residential Density	FAR
Low Density Residential	Single family detached and attached units, granny units, accessory apartments, family day care	R1, PDR-LD, I&R	≤ 8 units per acre	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
Medium Density Residential	Single-family attached units, multiple family units, senior congregate care facilities, convalescent hospitals, and group residential homes. Ancillary commercial uses are permitted the planned development zones.	R1, R2-MD, PDR-MD, MU, I&R	≤ 12 units per acre	0.15 high traffic 0.25 moderate traffic 0.35 low traffic
High Density Residential	Multiple family units, senior congregate care facilities, convalescent hospitals and group residential homes.	R2-HD, R3, PDR-HD, PDR-NCM, MU, I&R	≤ 20 units per acre (except the density in PDR-NCM)	0.15 high traffic 0.25 moderate traffic 0.35 low traffic



	Ancillary commercial uses are permitted in the planned development zones.		zone is 25-35 units per acre)	
Commercial Center ⁽¹⁾	Major shopping, service, and office facilities designated serve city-wide and regional markets.	C1, C2, C1-S, PDC, AP, P, CL	≤ 20 units per acre	0.25 high traffic 0.35 moderate traffic 0.45 low traffic 0.75 very low traffic
Regional Commercial	Regional scale uses including major department stores, specialty retail outlets, restaurants, offices, and hotels.	PDC	≤ 20 units per acre	0.652 South Coast Plaza (east of Bear Street) 0.89 South Coast Plaza (west of Bear Street)
Urban Center Commercial	Intensively developed mixed commercial including offices, retail shops, restaurants, and hotels. Residential uses are also permitted pursuant to the North Costa Mesa Specific Plan	PDC, TC	≤ 20 units per acre	See Note 2.
Industrial Park	Wide variety of industrial and compatible office and support commercial uses.	MP, POI, CL	≤ 20 units per acre	0.20 high traffic 0.30 moderate traffic 0.40 low traffic 0.75 very low traffic
<p>Notes:</p> <p>(1) Home Ranch has a site-specific FAR: 0.37 for the IKEA portion of the project and 0.64 for the office portion</p> <p>(2) South Coast Metro Center (Area 6) has a site-specific FAR of 0.79. Sakioka Lot 2 (Area 8) has a maximum site-specific FAR of 1.0.</p> <p>Source: North Costa Mesa Specific Plan (2016)</p>				

Table 3-12: Maximum Building Height – North Costa Mesa Specific Plan	
Sub-Are	Max. Building Height
Area 1 – Home Ranch	Varies ⁽¹⁾
Area 2 – Metro Pointe	30 feet / 2 stories ⁽²⁾⁽³⁾ (North of South Coast Drive)
	90 feet / 6 stories ⁽²⁾⁽³⁾ (South of South Coast Drive)
Area 3 – South Coast Plaza and Crystal Court	85 feet / 4 stories
Area 4 – SCP Town Center	315 feet / 25 stories ⁽²⁾
Area 5 – The Lakes	90 feet / 6 stories ⁽²⁾ (Mid-Rise Residential)
	280 feet / 26 stories ⁽²⁾ (High-Rise Residential)
Area 6 – South Coast Metro	Varies ⁽²⁾⁽⁴⁾
Area 7 – Sakioka Lot 1	60 feet / 4 stories ⁽⁴⁾
Area 8 – Sakioka Lot 2	60 feet / 4 stories ⁽²⁾⁽⁴⁾ (North of Collector Street)



	180 feet / 12 stories ⁽²⁾⁽⁴⁾ (South of Collector Street)
Notes: (1) See North Costa Mesa Specific Plan. (2) Buildings above 173 feet in height will require a determination of no hazard by the FAA. (3) Current development agreement allows buildings up to 15 stories. (4) Buildings which encroach into the setback for Anton Blvd. and/or Sakioka Dr. cannot exceed 30 feet (approx. 2 stories) within the setback area. Source: North Costa Mesa Specific Plan (2016)	

Costa Mesa Theater and Arts District Plan

The Costa Mesa Theater and Art District includes 54 acres of land located east of Bristol Street, south of Sunflower Avenue, west of Avenue of the Arts, and north of the San Diego Freeway. The specific plan area includes high-rise office buildings, cultural facilities, hotels, restaurants, and other commercial uses; it neighbors high-density residential developments. The goals of the plan are to:

- Create a strong sense of place and awareness of a coherent identity for the Costa Mesa Theater and Arts District that will recognize existing cultural and corporate resources in the area and successfully integrate new resources as they are developed.
- Assist pedestrians and vehicle operators in reaching their destinations quickly and easily, and, once they are in the area, make information available that highlights additional points of attraction throughout the district.
- Inform local, regional, national, and international communities about the Costa Mesa Theater and Arts District.
- Support occasional programs and installations in the Costa Mesa Theater and arts District that will recognize the importance of culture and the arts in daily life.
- Encourage appropriate interplay between policies that apply particularly to the Costa Mesa Theater Arts District and those policies that evolve in the City of Costa Mesa to serve regional needs.
- Improve communication and cooperation among area property owners in monitoring and fostering design and development within the district.

8. Housing for Persons with Disabilities

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.



Reasonable Accommodation

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Reasonable Accommodations Chapter of the City of Costa Mesa's Municipal Code identifies the applicability and procedures needed to obtain relief from a Zoning Code provision, regulation, policy, or condition which may cause a barrier to equal opportunity for housing. This regulation applies to any person seeking approval to construct and/or modify residential housing for persons(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities.

An application for a reasonable accommodation must be submitted to the City of Costa Mesa's Planning Division and requires approval by the Development Services Director within 60 days of the application being deemed complete. A denied application may be appealed to the Planning Commission and is subject to the notice, review, approval, and appeal procedures prescribed for any other discretionary permit. There are no fees associated with the application and it must include:

- The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
- The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individual;
- Any other information that the Director reasonably determines is necessary for evaluating the request;
- Documentation that the applicant is either an individual with a disability, applying on behalf of one or more individuals with a disability, or a developer or provider of housing for one or more individuals with a disability;
- The specific exception or modification to the zoning code provision, policy, or practices requested;
- Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence; and
- Any other information that the hearing officer reasonably concludes is necessary to determine whether the grounds for reasonable accommodation can be made, so long as any request for information regarding the disability of the individual(s) benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

The following factors are considered during the review of the application:



- Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.
- Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.
 - In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.
 - In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

The inherent constraints of any reasonable accommodation process are that the accommodation must be both “reasonable” and “necessary.” Each of these concepts are unavoidably subjective in some ways and entail a highly specific inquiry into a particular, typically unique, set of circumstances. The examples offered by HCD in its comments on the draft element reference consideration of General Plan consistency, for example. A General Plan and evaluation of uses as consistent or inconsistent with the General Plan may be a constraint, but both a General Plan and acting consistently with the General Plan are obligations imposed on the City by State law. Similarly, impacts to individuals and properties in the vicinity of any requested deviation from standards is a routine and appropriate factor to review in determining whether a particular accommodation requested is reasonable under all the circumstances presented. Nevertheless, the City has established **Program 2N** and has committed to review and revise its reasonable accommodation procedures to be consistent with the requirements of State law as needed, and to consider public comments to determine whether revisions can be made to minimize constraints in the process.

Definition of Family

Under the right of privacy, the California Constitution prohibits a restrictive definition of “family” which limits the number of unrelated persons and differentiates between related and unrelated individuals living together. The City of Costa Mesa’s Municipal Code defines the term “family” as one or more persons occupying one dwelling unit and living together as a single housekeeping unit. The City also defines a “single housekeeping unit” as occupants which have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities. Membership in the single housekeeping unit must be fairly stable as opposed to transient, the members have some control over who becomes a member of the household, and the residential



activities of the household are conducted on a nonprofit basis. The City also includes that there is a rebuttable presumption that integral facilities do not constitute single housekeeping units.

The City's Municipal Code provides the following indicators that a household is not operating a single housekeeping unit:

- The occupants do not share a lease agreement or ownership of the property;
- Members of the household have separate, private entrances from other members;
- Members of the household have locks on their bedroom doors; and/or
- Members of the household have separate food storage facilities, such as separate refrigerators.

The Courts have clearly distinguished between single housekeeping units and those of a more transient nature, such as boarding homes, motels, etc. The City's code does not restrict single housekeeping units to those who are related, but does properly define a single housekeeping unit consistently with the law. State zoning law allows the city to establish zones of different residential density, such as R-1 (single family residential), R-2 (two unit/family residential), multi-family, mixed use, etc. The City's definition of family does not touch on whether the members are disabled or not, is not based on and is not intended to discriminate against any based on different levels of ability or disability.

9. Development Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. Development fees can be a constraint to the maintenance, improvement, and development of housing because the added costs for developers results in higher housing unit costs. Development fees are, however, necessary to provide planning and public services. **Table 3-13** provides the planning processing fees and **Table 3-14** provides the engineering fees.

Table 3-13: Planning Processing Fees			
Review Process			Fee
ABC License Review			\$500
Administrative Adjustment			\$3,800
Address / Address Change			\$200
Appeal	Planning Commission Decision	Located within 500 ft. of project site	\$1,220
		Located greater than 500 ft. of project site	\$3,825
	Non-Planning Commission Decision	Located within 500 ft. of project site	\$690
		Located greater than 500 ft. of project site	\$3,825
Banner Permit			\$25
CC&Rs Review			\$1,000
Certificate of Appropriateness			\$7,500



Table 3-13: Planning Processing Fees		
Review Process		Fee
Certificate of Compliance		\$1,500
Conditional Use Permit		\$7,500
Conditional Use Permit – Measure X		\$27,508
Density Bonus Review		\$12,000
Design Review	Minor	\$1,500
	Major	\$3,800
Designating a Cultural Resource		No fee
Development Agreement		Time and materials with \$20,000 min. deposit
Development Agreement Annual Review	Planning Commission Review	\$1,425
	City Council Review	\$1,875
Development Review (Staff)		\$1,500
Environmental Review / CEQA		Total consultant contract estimates plus 10%
Flood Zone Determination Letter		\$250
Gate Permits		\$500
General Plan Amendment Screening		\$5,000
General Plan Amendment		\$12,000
Home Occupation Permit (Planning Review)		\$100
Land Use Restriction		\$500
Lot Line Adjustment		\$1,500
Master Plan		\$9,000
Master Plan Amendment	Minor Change	\$1,250
	Minor Amendment	\$6,000
	Major Amendment	\$7,500
Minor Modification		\$500
Minor Conditional Use Permit		\$3,800
Minor Design Review		\$1,500
Mixed-Use Development Plan Screening		\$5,000
Mobile Home Park Applications	Mobile Home Park Conversion	\$7,500
	Tenant Relocation (Staff Review)	\$5,000
	Tenant Relocation (Third Party Review)	Total consultant contract estimates plus 10%
Off-Site Hazardous Waste Facility	Notice of Intent	\$5,000
	Conditional Use Permit	\$12,000
	Local Assessment Committee (Formation and Convening)	\$5,000
Planned Signing Program		\$1,500
Plan Check	Commercial	\$250
	Industrial	\$250
	Residential – Minor, 4 or Less	\$250
	Residential – Major, 5 or More	\$500



Table 3-13: Planning Processing Fees		
Review Process		Fee
	Landscape Plan Only	\$500
Pre-Application Review		\$1,500
Public Entertainment Permit		\$1,500
Public Notice (500-Foot Radius and Newspaper Publishing)		\$1.00 per mailing address plus publishing costs
Reasonable Accommodation		No fee
Renewal/Time Extension	Director Action	\$500
	Zoning Administrator Action	\$2,500
	Planning Commission Action	\$3,800
Residential and Non-Residential Common Interest Development Conversion		\$7,500 plus \$115 per unit for required building inspection
Rezone		\$10,000
Second-Story Notification		\$500
Shared Parking Approval		\$500
Small Cell Facility Encroachment Permit – Planning Review		\$1,000
Special Use Permit		\$5,500
Specific Plan / Amendment		\$12,000
Specific Plan Conformity Review		\$9,000
Tentative Tract Map		\$6,000
Tentative Parcel Map		\$3,800
Tree Removal Review / Tree Replacement Plan		\$500
Urban Master Plan Screening		\$10,000
Use Determination Letter		\$500
Variance		\$7,500
Zoning Verification Letter		\$250
<i>Source: City of Costa Mesa Planning Processing Fee Schedule (2019)</i>		

Table 3-14: Engineering Fees	
Type	Fee
Drainage Fee	\$6,283 - \$11,309 per acre + storm drain upgrade
Final Map Check Fee	\$90/hour
Off-Site Plan Check	\$90/hour
Street Improvement Plan Check Fee	\$90/hour
Deposit/bond – Off-Site Work	Twice the amount of the cost estimate of off-site work
Construction Access Permit	\$230
Curb and Gutter Permit	\$365
Driveway Approach	\$425
Sidewalk Approach	\$380
Wheelchair Ramp	\$365
Public Right-of-Way Inspection	\$125/hour
<i>Source: City of Costa Mesa Development Fees (2019)</i>	



The City of Costa Mesa assesses impact fees on a project-by-project basis, taking into account the number of units proposed in the development and the impact these units may have on the local school district, parkland, circulation in the area, and sewage and water infrastructure. **Table 3-15** provides the development impact fees as they relate to the development of housing in Costa Mesa.

Table 3-15: Development Impact Fees		
Use		Fee
Newport-Mesa Unified School District		
Residential Developer Fees		\$1.84 per sq.ft. (additions under 500 sq.ft. may be exempt)
Transportation		
Low Density Residential (9.41 ADT)		\$235 per net trip
Medium Density Residential (7.5 ADT)		\$235 per net trip
High Density Residential (6.85 ADT)		\$235 per net trip
Parkland		
Single-Family Residential		\$13,572 per dwelling unit
Multi-Family Residential		\$13,829 per dwelling unit
Apartment		\$5,000 per dwelling unit
Costa Mesa Sanitary District		
Small New Development Plan Check		\$420
Large New Development Plan Check		\$1,260
Single Family Residential	1 Bedroom	\$3,083
	2 Bedrooms	\$4,029
	3 bedrooms	\$4,973
	4 Bedrooms	\$5,918
	5+ Bedrooms	\$6,912
Multi-Family Residential	Studio	\$1,591
	1 Bedroom	\$2,486
	2 Bedrooms	\$3,482
	3 bedrooms	\$4,426
	4+ Bedrooms	\$5,371
San Juan Hill Trans. Corridor Agency		
Single-Family Residential		\$4,448 per dwelling unit
Multi-Family Residential		\$2,595 per dwelling unit
Mesa Water District		
Service Establishment Fee		\$20/account
Sources: City of Costa Mesa and Other Agencies Development Fees (2019) Newport-Mesa Unified School District Developer Fees CMSD Sewer Connection Fees (2020)		

The development fees associated with each project is dependent on the housing type, density, intensity of use, and location. In addition to these direct fees, the total cost of development is contingent on the project meeting the City's policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.



The estimated total development and impact fees for a typical single-family residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations, can range from \$40,069 to \$45,069. Estimated total development and impact fees for a typical multi-family residential project with ten units, assuming it is consistent with existing city policies and regulations range from \$303,008 to \$308,008.

These estimates are illustrative in nature and actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Costa Mesa, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 3.98 percent to 4.48 percent of the direct cost of development for a single-family residential project and 4.27 percent to 4.34 percent for a multi-family residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities. The percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

10. On-/Off-Site Improvements

Site improvements in the City consist of those typically associated with development for on-site improvements (street frontage improvements, curbs, gutters, sewer/water, and sidewalks), and off-site improvements caused by project impacts (drainage, parks, traffic, schools, and sewer/water). Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are considered a regular component of development of housing within the City and may also influence the sale or rental price of housing. The majority of cost associated with on and off-site improvements is undertaken by the City and recovered in the City's development and impact fees.

The Costa Mesa Municipal Code requires that all abutting public rights-of-way must be fully improved to the full extent possible as required through the Master Plan of Highways, adopted specific plans, or applicable code sections as directed by the Public Services Department. On-site improvements may include, but are not limited to, curbs, gutters, sewers/water, sidewalks, and undergrounding utility lines for housing developments with at least five units. For example, a project may be accompanied by a condition to upgrade an existing sidewalk. Larger multi-family residential developments may also be conditioned to improve an intersection as a response to the change in traffic patterns. The required public improvements standards are used to ensure that the existing roadways adjacent to new residential construction maintain or provide the appropriate right-of-way. Street work permits are required to authorize construction in these areas.

On- and off-site improvements in Costa Mesa do not pose a constrain the development of housing. Although these improvements create an additional cost, they also ensure adequate services and infrastructure for residents and existing uses. In addition, the improvements are site and project specific. A multi-family project may require the addition of a sidewalk at a specific site, while the same project may not in a different location.

Subdivision Improvements



Title 13 Chapter XI of the Costa Mesa Municipal Code establishes on- and off-site improvements required for subdivisions. The Code states that subdividers must agree to improve all land dedicated for streets, highways, public ways, and easements as a condition precedent to acceptance and approval of a final map. The improvements must include grading, surfacing, sidewalks, curbs, gutters, culverts, bridges, storm drains, water mains, and service connections to the property line with cutoff valves, sanitary sewers, and other structures or improvements which may be required by ordinance for the general use of the lot in the subdivision and for local neighborhood traffic and drainage needs.

Subdivision improvements may add development costs for developers. However, these subdivision improvements are consistent with that of neighboring communities. Additionally, all improvements required add to the livability, safety, and resources of future housing units. Such requirements do not pose an unreasonable constraint to development.

11. *Building Codes and Enforcement*

The City of Costa Mesa's construction codes are based upon the California Code of Regulations, Title 24 that includes the California Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and California Referenced Standards Code. These are considered to be the minimum necessary to protect the public health, safety, and welfare of the City's residents. In compliance with State law, the California Building Standards Code is revised and updated every three (3) years. The newest edition of the California Building Standards Code is the 2019 edition with an effective date of January 1, 2020.

Code enforcement is conducted by the City and is based on systematic enforcement in areas of concern and on a complaint basis throughout the city. The Code Enforcement Division works with property owners and renters to assist in meeting State health and safety codes. The Code Enforcement Division investigates complaints regarding violations of the Costa Mesa Municipal Codes. The City's caseload is complaint-based, and deals with issues such as unpermitted structures, poor property maintenance, debris accumulation, and inappropriate storage of vehicles or materials with the intention and goal of working with the community to help resolve issues through voluntary compliance. On average, there are 1,292 total code enforcement cases generated per year.

12. *Local Processing and Permit Procedures*

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for all permits or reviews are recommended to request a pre-application meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the



City's review process, possible project alternatives or revisions; and identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

The typical proposal for a single-family or multi-family residential development entitlement review is provided below:

- New single-family residences that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for single-family developments and do not require public hearings.
- New multi-family developments (with 3 or fewer units) that comply with development standards are processed through the normal plan check process. Planning staff is the approval body for these type of developments (staff report written and posted online) and do not require public hearings. Approximate processing time to get to a decision is typically 6–8 weeks; following planning approval, the project would go through normal plan check process.
- New multi-family developments (with 3 or more units) that comply with development standards are processed through the Design Review application process. The Planning Commission is the approval body for these types of developments, with a public hearing before the 7-member commission. Approximate processing time is 8–12 weeks; following planning commission approval, the project would go through normal plan check process.

All permit applications are first reviewed by City Staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing. **Table 3-16** identifies the appropriate review process for each planning permit application.

Table 3-16: Planning Application Review Process					
Planning Application	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Development Review	No	No	None	Planning Division	No
Minor Modification					
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment	Yes	No	None	Zoning Administrator	Yes
Minor Conditional Use Permit					
Minor Design Review					
Planned Signing Program					
Design Review	Yes	Yes	Planning Division	Planning Commission	Yes
Mobile Home Park Conversion					
Common Interest Development Conversion					
Specific Plan Conformity Review					
Tentative Parcel Map					
Tentative Tract Map					
Variance					
Conditional Use Permit	Yes	Yes			Yes



Table 3-16: Planning Application Review Process					
Planning Application	Public Notice Required	Public Hearing Required	Recommending Authority	Final Review Authority	Notice of Decision
Density Bonus			Planning Division	Planning Commission ⁽¹⁾	
Master Plan					
Master Plan – Preliminary					
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission ⁽²⁾	City Council	No
Local Register of Historic Places	No	No	Planning Commission ⁽³⁾	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission ⁽³⁾	Planning Commission ⁽³⁾	No
Note: (1) Except where noted otherwise in the Zoning Code. (2) If located in a redevelopment project area, the Redevelopment Authority is the recommending authority. (3) Or other commission/committee as designated by the City Council. <i>Source: City of Costa Mesa Municipal Code Section 13-29. Planning Application Review Process</i>					

Table 3-17 shows recent projects which received entitlement approval and the date applicants submitted for building permits. As shown, the gap between planning approval and building submittal ranges from about one week to a little over a year. Applicants may submit for building permits directly after the appeal period ends (the appeal period is seven days). Timing of submittals is dependent on applicants and may vary based on unique situations unrelated to City processes.

Table 3-17: Residential Project Entitlements			
Application Reference	Entitlement Approval	Building Permit Submittal	Description
DR-18-13	09/10/2018	06/04/2019 (9 months)	Development Review for the construction of a new two-story residence with an attached two-car garage.
DR-18-07	10/02/2018	10/11/2018 (after end of appeal period)	Development Review for the demolition of an existing single-story residence, and the construction of a new, two-story 2,523 sq. ft.
DR-18-12	10/04/2018	11/02/2018 (1 month)	Development Review for a new, two-story single family residence (3,121 sq. ft.) with 4 bedrooms, 4.5 bathrooms and an attached two-car garage.
DR-18-16	01/07/2019	01/22/2019 (2 weeks)	Development Review for the demolition of an existing attached garage structure and 2nd floor deck, to be replaced with a new garage and 425 sq. ft. master bedroom above. Interior work is limited to the 2nd floor master bedroom only
DR-19-03	06/26/2019	08/24/2020 (1 year 2 months) *	Development Review to construct a new two-story residential unit (ADU) which consists of 1 bed, kitchen, family room, parlor and 2 baths. Total square footage is 1,196 sq. ft. Includes a new three car garage.



Table 3-17: Residential Project Entitlements

Application Reference	Entitlement Approval	Building Permit Submittal	Description
* The COVID-19 may have played a factor in delay of submitted plans. The City also had to adapt to taking in plans electronically.			

Development Reviews

A Development Review is the processing of a development plan when authority is vested in the Planning Division. The following are subject to development review:

- **Single-Story Residential Construction:** In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- **Two-Story Residential Construction:** In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones. However, building additions that do not exceed 2,000 square feet or 50 percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.
- Lot Line Adjustments.
- Any other uses specified in the City's Zoning Code as requiring development review.

Conditional Use Permits

A Conditional Use Permit requires a discretionary approval which is usually granted by the Planning Commission and allows a use or activity not allowed as a matter of right, based on specified findings.

C. Infrastructure Constraints

Another factor that may constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often "passed on" as part of home rental or sales rates.

1. Water Supply

The Mesa Water District is responsible for providing safe, local, and reliable water to 110,000 customers in Costa Mesa, as well as some parts of Newport Beach and unincorporated areas of Orange County. Mesa



Water pumps water from Orange County’s groundwater basin, which is located beneath north-central Orange County between Irvine and the Los Angeles County border and from Yorba Linda to the Pacific Ocean. The groundwater basin derives its water from the Santa Ana River and imported water from the Metropolitan Water District of Southern California. Mesa Water does not depend on other water sources, however, water from Northern California and the Colorado River can be imported as necessary.

In addition to Mesa Water District, a small portion of the City to the east, south of the John Wayne Airport, receives its water from the Irvine Ranch Water District (IRWD). Approximately 50 percent of the IRWD water supply is derived from the Orange County Groundwater Basin. The remaining amount comes from recycled water (23 percent) and potable water imported from MWD (27 percent).

2. Water Production

The independent special district pumps, treats, and delivers about 5 billion gallons of drinking water to homes and businesses per year. The system includes 317 miles of pipeline, 7 wells, 2 reservoirs and the Mesa Water Reliability Facility (MWRF/ “Murph”). The MWRF features 2 deep-water wells, a million-gallon reservoir and nanofiltration technology for water treatment. ¹

3. Water Quality

Mesa Water provides safe, drinking water to the community and is considered the most efficient water provider of the 10 Orange County water districts. The water is naturally filtrated through sand and gravel as the Orange County groundwater basin is replenished from the Santa Ana River. Before it enters the distribution system, the water is treated and disinfected with chloramines, which include chlorine and ammonia. In addition to the groundwater, Mesa Water also uses source water from the MWRF, which is safe to drink prior to treatment but has an amber tint. Nanofiltration technology is used to remove the tint prior to adding it to the water supply. ¹

In the event of an emergency, Mesa Water would be provided with water from the Municipal Water District of Orange County (MWDOC), which sources its water from the State Water Project and the Colorado River. The imported water is filtered at Metropolitan’s Diemer and Weymouth Filtration Plants where the water is also disinfected with chloramines.

According to Mesa Water District and the City of Costa Mesa Conservation Element, access to water does pose a constraint to the development of housing in the City. Mesa Water District has adopted and regularly updates an Urban Water Management Plan in order to ensure an adequate supply of water for the following 5 years, and the District continuously maintains the reservoir, water mains, and wells. Through continued community outreach and water conservation strategies, the City and the District are able to conserve more water than before – customers have reduced their water usage by 20 percent since 2015².

4. Wastewater

¹ Mesa Water District

² Mesa Water District



Wastewater includes used water, solids, storm water, surface water, groundwater infiltration, and used water from industrial processes, which flows to a treatment plant. Costa Mesa Sanitary District (CMSD) oversees 224.2 miles of gravity sewer mains and, as of 2019, a total of 47,471 connections to single-family residences, multi-family residences, commercial properties, and industrial properties. The District continuously cleans the collection system and uses closed circuit televising (CCTV) to identify problems and ensure quick maintenance. Twenty (20) sewer pumps are located throughout the collection system to maintain gravity flow and continuously report data to the headquarters. Standby generators and bypass pumps are also used in case of emergency. Wastewater collected by CMSD is sent to and treated at the Orange County Sanitation District (OCSD)³.

Wastewater does not pose a constraint on the development of housing in the City. Given the sufficient infrastructure, access to services, and continuous maintenance, CMSD is confident it can continue to serve the Costa Mesa community through the addition of more housing. Furthermore, CMSD has developed a Sewer Management Plan which ensures the District avoids sewage spills and maintains adequate facilities.

5. Fire and Emergency Services

The City of Costa Mesa's Fire & Rescue Department aims to protect life, property, and the environment using highly trained professionals committed to service excellence. Across six fire stations and City Hall, the Department has 94 full-time employees, 84 sworn positions, ten non-sworn positions, and the equivalent of one full-time position with part-time staff to provide 24-hour protection and response to the community's residents, businesses, and visitors. The Costa Mesa Fire & Rescue Department is an "all-risk" and "all-hazard" organization.

Fire Administration Division

The Fire Administration Division provides direction for strategic, operational, and emergency planning through the following:

- Establish policies and procedures;
- Coordinate internal functions of all divisions, programs, and external functions with other City departments and community organizations;
- Develop and manage the budget;
- Coordinate ordering and purchasing;
- Manage the Department's human resources;
- Coordinate additional functions and performs duties as delegated by the City Manager or the City Council;
- Continue to manage and safeguard the City's rights for local control, including the Emergency Medical Services (EMS) system, as expressly guaranteed by the Health & Safety Code Section 1797.201.

Operations Division

³ Costa Mesa Sanitary District



This Division manages Fire, Rescue, and Emergency Medical Services and maintains constant readiness to answer calls for assistance. The Division is tasked with responding to fire, rescue, and environmental emergencies that threaten life, health, and property. The Division also provides fire cause and origin determinations, life and safety inspections, and educational programs. To support these services, the Division offers the following services: emergency planning, communications, training and education, equipment maintenance and repair, supplies, records, and quality control.

Community Risk Reduction Division

This Division works to prevent and reduce risks to the community by enforcing protections standards and fire and life safety codes through fire prevention, planning, and code enforcement. The Department achieves such goals by doing the following:

- Reviewing building construction plans;
- Conducting building construction and business inspections;
- Investigating citizen complaints;
- Monitoring the City's hazardous materials disclosure program as Certified Unified Program Agency (CUPA) liaison to the Orange County Environmental Health Division;
- Providing training to department personnel regarding fire and life safety codes; and
- Assisting professional trades with technical fire code requirements and department public education efforts.

Community risk reduction and fire prevention strategies are critical components for new development projects and throughout the life of the building. During the entitlement and pre-construction phases of a new building or tenant improvement project, the CRR team applies the California Fire Code (CFC) and locally adopted amendments to building and fire system plan review to ensure conformance to state and international standards. Once plans are reviewed and approved and building permits are issued, Fire Protection Specialists perform technical inspections and acceptance tests of fire protection systems and building construction for Fire & Life Safety compliance. After the Certificate of Occupancy is issued for a new building or tenant improvement, Annual Operational Fire Permits are issued based on the hazard of the use, and Company Inspections are conducted to complete emergency response pre-planning operations and verify ongoing compliance with the CFC.

Fire and Emergency Services provide sufficient services which would not cause a strain on the Department's ability to respond to community emergencies. The City recognizes in its General Plan Safety Element that additional emergency services and funding will be required as the population ages and additional residents and employees come to the City; however, this is addressed and maintained in the Safety Element's goals and policies. The existing six facilities are spread out throughout the City in such a way to provide the fastest service possible; the Department aims to respond to at least 80 percent of emergency calls within 5 minutes. In addition, no part of Costa Mesa lies within a State Responsibility Area (SRA), which indicates a fire hazard area, nor the very High Fire Severity Zone⁴.

⁴ Costa Mesa Safety Element



6. Police Services

The Police Department is tasked with protecting life and property while preserving the peace. As of 2020, the department has 215 full-time positions, of which 138 are sworn and 77 are professional staff. Full-time staffing is composed of 13 management positions, 32 supervisory, and 170 line-level positions. Part-time staffing consists of 21.21 full-time equivalents. The department is comprised of three divisions and each division is further split into bureaus and units.

The three divisions are as follows:

- Police Administration
- Police Field Operations
- Police Support Services

Administration Division

The Administration Division is responsible for the department's overall direction and planning with input from other divisions; provides advice to the city manager and the City Council on public safety issues; manages the department budget and financial planning; oversees the department's Volunteer Program and Citizens' Academy through the Crime Prevention Unit; maintains and updates the department's policy and procedures manual; coordinates and disseminates information to the media; provides internal investigation services through the Professional Standards Unit; and supervises training and recruitment. Administration is comprised of the following bureaus and units:

- Professional Standards
- Public Affairs & Crime Prevention
- Training & Recruitment
- The Office of Emergency Management (OEM)

Field Operations Division

The Field Operations Division provides public safety services through both geographic-based and community-oriented policing. In January 2008, the Costa Mesa Police Department (CMPD) implemented geographic-based policing, which divided the City into two areas, based upon calls for service and geographical boundaries. Each area is overseen by a lieutenant who is the designated area commander for either Area 1 or Area 2. The area commanders are responsible for the delivery of police services to the communities within the designated geographical area. Field Operations is comprised of three bureaus:

- Patrol Services
- Traffic Safety
- Field Operations Administration

Within the three bureaus, there are various specialized units that provide specific police services. They include Patrol, Traffic Safety, Community Policing Unit, South Coast Plaza Detail, K9 Unit, Reserve Program and Park Rangers.

Support Services Division

The Support Services Division is responsible for specialized investigations and provides essential logistical support services to the Police Department. It is responsible for computer-related activities associated with the 24-hour operation of the City's public safety computer system; and responsible for the research and



development of numerous programs, including safety equipment, new laws and regulations, and policy development. Support Services is comprised of the following bureaus:

- Investigative Services Bur
- Records and Evidence
- Telecommunications

The City contracts with G4S Secure Solutions (USA) Inc. for jail services and the City of Huntington Beach for airborne law enforcement services.

D. Environmental Constraints

The City of Costa Mesa contains a variety of natural landscapes and environmental features, which may cause constraints to the development of housing. The City is located approximately one mile from the Pacific Ocean, directly alongside the Santa Ana River, and atop an uplifted mesa. As with most of California cities, the City of Costa Mesa sits along major fault lines. In total, the City is susceptible to a variety of environmental hazards that could affect housing, including fires, flooding, and geological and seismic hazards.

1. *Geologic and Seismic Hazards*

According to the Costa Mesa Safety Element of the General Plan, geologic risks are defined as those associated with geological hazards such as seismically induced surface rupture, ground shaking, ground failure, tsunamis, seiches and dam failure, and slope instability leading to mudslides, landslides, and subsidence. The specific geological hazards that may affect the development of housing the City are detail below.

2. *Mineral Resources*

The City is located over portions of the West Newport Oil Field, particularly on the west side. The Safety Element of the General Plan identifies 15 active oil wells located west of Irvine Avenue, east of the City boundary with Huntington Beach, north of 16th Street, and south of Baker Street. Another 132 oil wells exist in the City; however, they are either plugged and abandoned, idle, or buried.

In addition to oil, peat deposits have been found adjacent to the Santa Ana River. While the quantity does not justify extraction, it is an unstable base for construction and requires removal prior to development. This may create a constraint to the development of housing as it creates additional costs to remove the peat deposits.

3. *Seismic Hazards*

The City of Costa Mesa is located near several active earthquake faults such as the Newport-Inglewood Fault Zone and the San Joaquin Hills Fault Zone, which would prove the most damaging to the City in the event of an earthquake. Other faults such as the San Andreas, Whittier, Elsinore, Palos Verdes, and Puente Hills Faults are located further away and would potentially cause less direct damage to the City's infrastructure, depending on the magnitude of the quake. The Safety Element notes indirect impact to the



City resulting from a severe quake of one of these faults, particularly the San Andreas Fault, includes the need to provide aid, an infusion of households seeking housing, and mass care and sheltering services.

The General Plan Safety Element defines ground shaking as resulting from seismic activity which may be intensified depending on the recorded magnitude and duration of the quake, proximity to the ruptured fault, and the presence of deeper soft soils below the ground surface. The Newport-Inglewood Fault runs directly through the City; the largest quake from this fault was in 1933 at a recorded magnitude of 6.3 on the Richter scale. The San Joaquin Hills Fault is located near Huntington Beach and it is estimated a rupture of this blind thrust fault could result in a magnitude 7.3 quake. The third most likely seismic hazard to the City of Costa Mesa is from the San Andreas Fault, which is expected to produce a magnitude 6.8 to 8 quake in the near future. While the fault is located approximately 48 miles from the City, a quake from the fault may result in simultaneous ruptures of nearby faults. The Safety Element notes a major earthquake occurs on this zone approximately every 145 years; 2002 marked 145 years since the last major rupture.

Given the extent of seismically active areas in California, any new residential structures will face potential hazards. The location of the City of Costa Mesa on relatively flat land improves enable it to provide a safer location for development in comparison to neighboring cities with steep slopes or along the Pacific Ocean. Therefore, seismic activity in Costa Mesa does not create a burden or constraint to the development of housing.

4. Flood Hazards

The City of Costa Mesa and surrounding areas are, like most of Southern California, subject to unpredictable seasonal rainfall, and every few years the region is subjected to periods of intense and sustained precipitation that result in flooding. Flooding can be a destructive natural hazard and is a recurring event. A flood is any relatively high streamflow overtopping the natural or artificial banks in any reach of a stream. The City of Costa Mesa's Safety Element Identifies 100-year and 500-year flood zones in the City. Federal Emergency Management Agency (FEMA) flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. Each zone reflects the severity or type of flooding in the area.⁵ The 100-year flood zone are areas with a one percent annual chance of flooding, the 500-year flood zones are areas with a 0.2 percent annual chance of flooding. The City's Safety Element cites 100-year floods as potentially having low impacts on the City with minimal flooding in the channels adjacent to Talbert Nature Preserve. A 500-year flood would pose flooding dangers to the northern and western boundaries of the City.

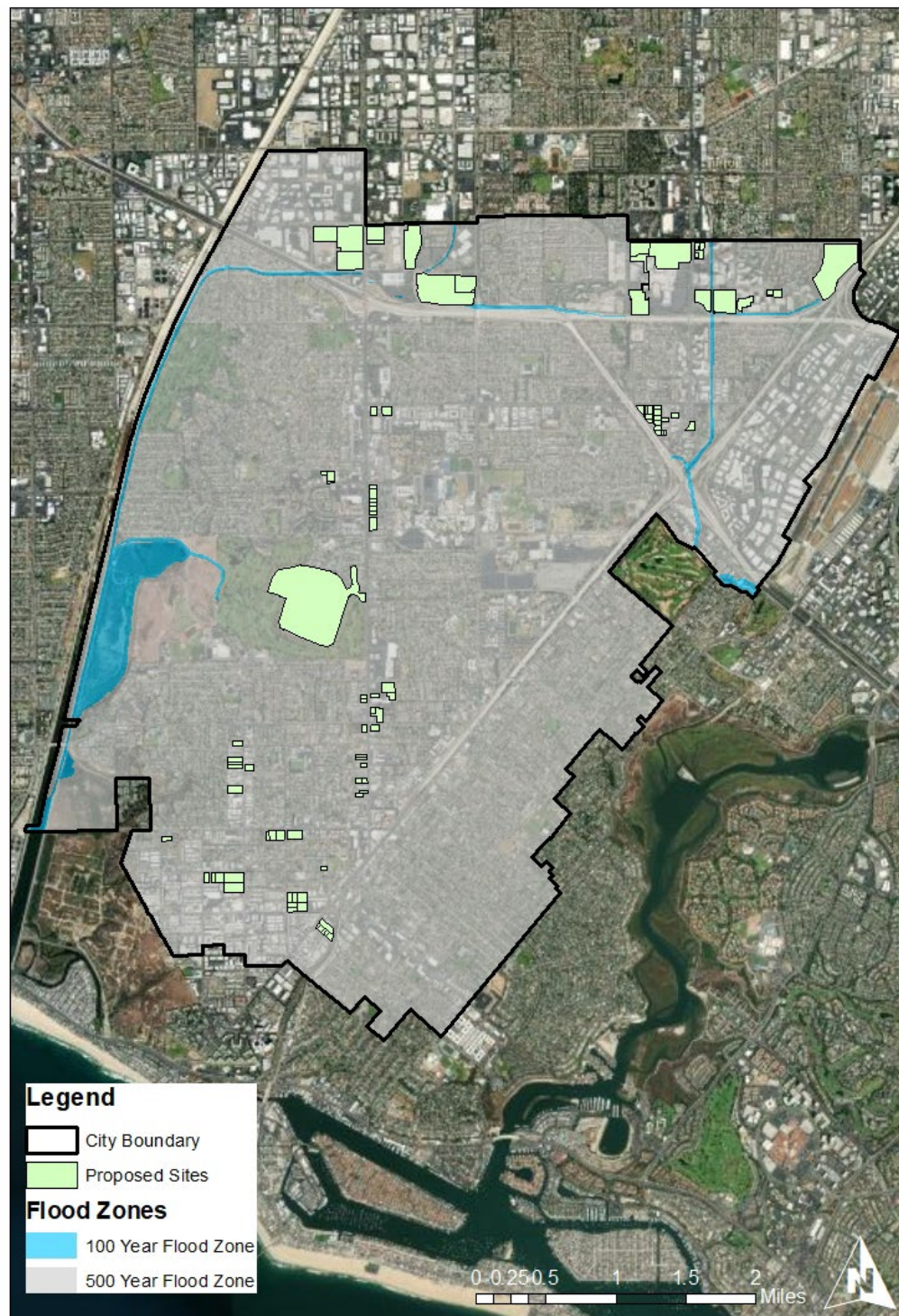
With increased development, there is also an increase in impervious surfaces, such as asphalt. Water that used to be absorbed into the ground becomes runoff to downstream areas. However, various flood control measures help mitigate flood damage in the City, including reservoirs in the San Joaquin Hills and Santa Ana Mountain foothills, and channel alterations for the Santa Ana River. These structures help regulate flow in the Santa Ana River, San Diego Creek, and smaller streams and hold back some of the flow during intense rainfall period that could otherwise overwhelm the storm drain system in Costa Mesa.

⁵ FEMA Flood Zone Designations, Natural resources Conservation Service – Field Office Technical Guides



Figure 3-2 illustrates the flood zones within the City of Costa Mesa in relation to the proposed sites selected for future housing. There are two housing sites that are adjacent to a 100-year flood zone channel running between the two sites. The majority of the sites are located within the 500-year flood zone. The 500-year flood zone is considered an area of minimal flood hazard and does not present a constraint on the development of housing as the sites are located within an existing developed context. Additionally, all housing sites are serviced by the City's emergency services.

Figure 3-2: Flood Zones and Identified Sites Map



Sources: FEMA, Flood Zones SCAG, published by Southern California Association of Governments, 2019, accessed December 2021.



5. Dam Inundation

Costa Mesa and numerous other Orange County cities are protected from flooding by both the Santiago Creek Dam and the Prado Dam. The Santiago Creek Dam serves to protect from flooding of the Irvine Lake, approximately 15 miles from the City. While it historically provided irrigation for agriculture, the water is now protected within the reservoir and downstream flow only occurs from seepage and storm water. The Prado Dam is located approximately 30 miles from the City and is continuously improved and maintained by the U.S. Army Corps of Engineers. Recent improvements to the dam have added 190 years of protection. However, should failure occur to either of the dams, flooding would likely occur in the northern and western portions of the City. Such a flood would cause varying degrees of damage to structures north of the San Diego Freeway (I-405) and up to approximately one-mile east of the Santa Ana River. The threat of flooding in these areas due to dam failure is a constraint on the development of housing.

6. Sea Level Rise

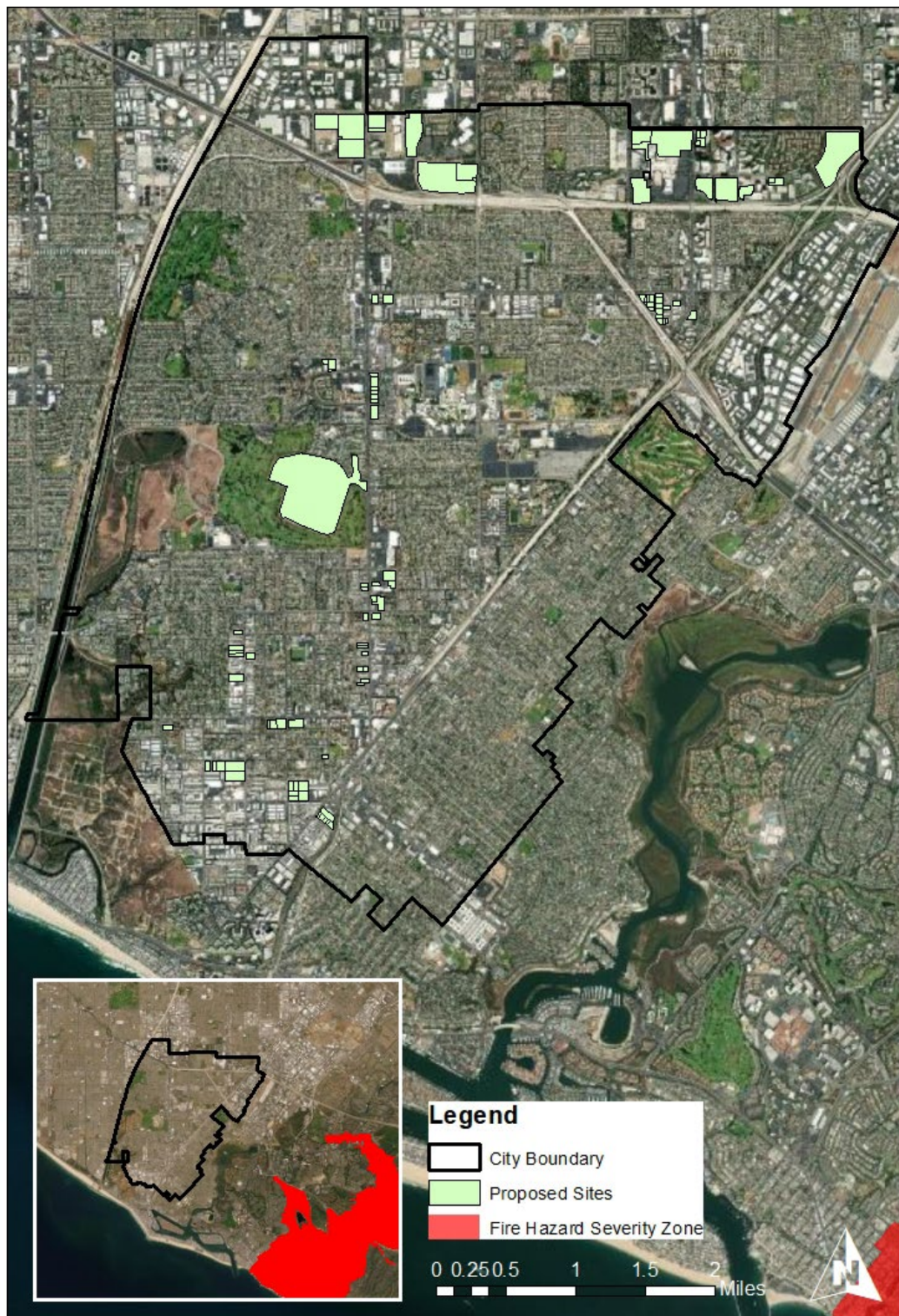
Sea level rise is an important consequence of anthropogenic climate change – resulting from human activity – to coastal communities. Sea level rise may affect Costa Mesa through flooding in low-lying areas, water infiltration into sanitary sewer and storm drain systems, and earthquake-induced tsunami flooding. The City's location along the Santa Ana River places it at risk of these impacts; the City's Safety Element identifies areas to the west of the City, near Talbert Regional Park and Fairview Park, that will become inundated by unimpeded Pacific coastal flooding under a scenario of 100-year flood with a 55-inch (1.4 meters) sea level rise. A 100-year flood risk does not pose significant risk to developments in the City and would likely result in flooding within the channels adjacent to the Talbert Nature Preserve; however, a 500-year flood event would cause significant flooding in the northern and west regions of the City and therefore poses a minimal constraint on housing development. The potential hazard is minimal as the chances of a 500-year floor occurring each year is 0.2 percent.

7. Fire Hazards

The Costa Mesa Safety Element determines the fire hazard severity of an area by the amount and type of vegetation, slope gradient, and weather. Wildfires are particularly prone during late summer and early fall, and during Santa Ana wind events. The Department of Forestry and Fire Protection (Cal Fire) does not list any area within Costa Mesa as a Very High Fire Hazard Severity Zone. The most likely fire risk within the City comes from urban and grassland fires in open spaces, such as Talbert Regional Park. A direct threat from fire is not a significant risk for housing development in Costa Mesa; poor air quality from local and State fires, however, may pose significant health risks to the Costa Mesa population.

Figure 3-3 maps the fire hazard severity zones identified within the City in relation to the proposed sites for future housing. Based on the map there are no fire hazard severity zones within the City of Costa Mesa. As there are no fire hazard severity zones identified within the City, fire is not considered a major hazard or constraint to the development of housing.

Figure 3-3: Fire Hazard Severity Zones and Proposed Sites



Source: VHFHSV in LRA, Cal Fire, November 2011.



E. Affirmatively Furthering Fair Housing (AFFH)

Beginning January 1, 2019, AB 686 established new requirements for all California jurisdictions to ensure that local laws, programs, and activities affirmatively further fair housing. All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of July 16, 2015.

Fair housing is a condition in which individuals of similar income levels in the same housing market have like ranges of choice available to them regardless of race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor. Under State law, affirmatively further fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. These characteristics can include, but are not limited to race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

The Analysis of Impediments to Fair Housing Choice (Impediments Analysis), prepared for the County of Orange, examines local housing conditions, economics, policies, and practices in order to ensure that housing choices and opportunities for all residents are available in an environment free from discrimination. The (Impediments Analysis) assembles fair housing information, identifies any existing impediments that limit housing choice, and proposes actions to mitigate those impediments. The Regional (Impediments Analysis) examines fair housing issues in the County’s unincorporated areas and cooperating cities from 2020 to 2024, it includes additional fair housing issues and data for the City of Costa Mesa.

1. Needs Assessment

The (Impediments Analysis) contains a Countywide analysis of demographic, housing, and specifically fair housing issues in the City of Costa Mesa. The City's demographic and income profile, household and housing characteristics, housing cost and availability, and special needs populations were discussed in the previous **Chapter 2: Community Profile**.

Analysis of Impediments Outreach FY 2019-2024

As a part of the Regional Analysis for the County, a series of outreach workshops and events were hosted, including the following:

- Outreach by the Lawyers’ Committee to tenants, landlords, homeowners, fair housing organizations, civil rights and advocacy organizations, legal services providers, social services providers, housing developers, and industry groups;
- Stakeholder and focus group meetings organized by the Lawyers’ Committee in Mission Viejo, Westminster/Garden Grove, Santa Ana, and Fullerton;
- Community meetings across Orange County with additional outreach to members of protected classes, including the Latino and Vietnamese communities; and
- Virtual public hearings and City Council meetings.



Fair Housing Issues

Within the legal framework of federal and state laws and based on the guidance provided by the HUD Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor which restrict housing choices or the availability of housing choices; or
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of age, race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

As a part of the 2019-2024 AI, the County identified fair housing impediments including the following:

- | | |
|-----------------------------|---------------------------------|
| • Housing Discrimination | • Racial and Ethnic Segregation |
| • Reasonable Accommodations | • Unfair Lending |
| • Density Bonus Incentive | • Discriminatory Advertising |
| • Zoning | • Cost Burden |
| • Affordable Homeownership | • Accessibility |

Local Contributing Factors

Of the fair housing impediments listed in the Regional AI, the City of Costa Mesa was identified as experiencing the following local contributing factors as impediments to fair housing choice:

- | | |
|---------------------------------|------------------|
| • Housing Discrimination | • Unfair Lending |
| • Racial and Ethnic Segregation | • Overcrowding |

Local contributing factors are detailed further below in Section E.4 “Assessment of Contributing Factors to Fair Housing”.

Lending Patterns

Availability of financing affects a person’s ability to purchase or improve a home. The analysis of the lending patterns and practices within a community or city help to identify persons who are regularly experience disproportionate roadblocks to home ownership. **Table 3-18** below identifies the lending patterns by race and ethnicity, as well as income category for the Anaheim-Santa Ana-Irvine MSA. According to the data, applicant in the highest income category were more likely to have a loan approved, compared to applicants in the lower income categories where approval rates were consistently under 55 percent. Additionally, within each income category, applicants who identified as White consistently had higher rates of approval than applicant of color. Overall, applicants who identified as Native Hawaiian/Pacific Islander, American Indian/Alaska Native, and Black/African American had the lowest rates of loan approval in all income categories.



Table 3-18: Disposition of Loan Applications by Race/Ethnicity– Anaheim-Santa Ana-Irvine MSA

Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other	Total (Count)
LESS THAN 50% OF MSA/MD MEDIAN				
American Indian and Alaska Native	26.2%	52.3%	23.1%	65
Asian	33.9%	42.5%	26.7%	1,382
Black or African American	41.6%	33.7%	25.8%	89
Native Hawaiian or other Pacific Islander	25.0%	44.2%	30.8%	52
White	45.6%	31.2%	26.1%	5,240
Hispanic or Latino	37.9%	38.2%	26.8%	1,566
50-79% OF MSA/MD MEDIAN				
American Indian and Alaska Native	38.1%	34.0%	29.9%	97
Asian	53.3%	25.3%	29.4%	3,153
Black or African American	43.4%	19.1%	41.4%	152
Native Hawaiian or other Pacific Islander	49.4%	39.8%	16.9%	83
White	54.5%	23.3%	27.6%	8,677
Hispanic or Latino	47.6%	27.7%	29.3%	3,245
80-99% OF MSA/MD MEDIAN				
American Indian and Alaska Native	51.4%	25.7%	31.4%	35
Asian	59.5%	19.2%	29.3%	1,495
Black or African American	52.9%	22.1%	30.9%	68
Native Hawaiian or other Pacific Islander	43.5%	13.0%	43.5%	23
White	61.9%	17.2%	26.1%	3,873
Hispanic or Latino	54.0%	21.4%	29.1%	1,347
100-119% OF MSA/MD MEDIAN				
American Indian and Alaska Native	48.9%	22.7%	29.5%	88
Asian	62.3%	15.6%	28.8%	4,820
Black or African American	55.6%	20.1%	28.6%	234
Native Hawaiian or other Pacific Islander	49.4%	27.6%	31.0%	87
White	66.2%	13.8%	25.1%	12,607
Hispanic or Latino	60.8%	16.4%	26.8%	3,398
120% OR MORE OF MSA/MD MEDIAN				
American Indian and Alaska Native	59.2%	13.0%	32.0%	169
Asian	62.8%	12.9%	29.0%	17,800
Black or African American	57.7%	17.3%	27.2%	624
Native Hawaiian or other Pacific Islander	64.2%	11.4%	26.8%	254
White	68.3%	11.3%	24.9%	49,811
Hispanic or Latino	64.6%	13.3%	26.7%	6,095
<i>Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2019.</i>				



Hate Crimes

Hate crimes are violent acts against people, property, or organizations because of the group to which they belong or identify with. The Federal Fair Housing Act makes it illegal to threaten, harass, intimidate, or act violently toward a person who has exercised their right to free housing choice. In Orange County, there were a total of 9 hate crimes reported in 2019. **Table 3-19** below identifies the reported hate crimes in Costa Mesa between 2014 and 2019. Data for hate crimes reported in Costa Mesa was not available by bias for the years 2014-2016 and 2018. However, in 2017 and 2019 a total of 5 hate crimes were reported in the City, all of which were motivated by race, ethnicity, or ancestry.

Table 3-19: Reported Hate Crimes by Bias Motivation for City of Costa Mesa (2014-2019)							
Year	Race/Ethnicity/ Ancestry	Religion	Sexual Orientation	Disability	Gender	Gender Identity	Total
2014	NA	NA	NA	NA	NA	NA	0
2015	NA	NA	NA	NA	NA	NA	0
2016	NA	NA	NA	NA	NA	NA	0
2017	2	0	0	0	0	0	2
2018	NA	NA	NA	NA	NA	NA	0
2019	3	0	0	0	0	0	3
2020	7	0	1	0	0	0	8
Total	12	0	1	0	0	0	13
<i>Source: Federal Bureau of Investigation, Uniform Crime Reporting. Hate Crime Statistics Report, 2014, 2015, 2016, 2017, 2018, and 2019.</i>							

Fair Housing Enforcement and Outreach Capacity

The City of Costa Mesa utilizes the Fair Housing Foundation. The Fair Housing Foundation was formed in 1964 to support and promote freedom of residence through education, advocacy, and litigation, to ensure that all persons have the opportunity to secure safe and decent housing that they desire and can afford. The Fair Housing Foundation is dedicated to eliminating discrimination in housing and promoting equal access to housing choices for everyone.

The City of Costa Mesa has identified the following goals regarding fair housing in collaboration with the Fair Housing Foundation:

- Provide fair housing education and information to apartment managers and homeowner associations on why denial of reasonable modifications/accommodations is unlawful.
- Conduct multi-faceted fair housing outreach to tenants, landlords, property owners, realtors, and property management companies. Methods of outreach may include workshops, informational booths, presentations to community groups, and distribution of multi-lingual fair housing literature.



2. Analysis of Federal, State, and Local Data and Local Knowledge

Summary of Local Data

As a part of the Housing Element Update for 2021-2029, the City of Costa Mesa implemented a thorough and expansive outreach program. The program intended to gather a deeper understanding of housing concerns and issues, challenges, and opportunities to housing, and gain insight and feedback from residents and the community on housing in Costa Mesa. As a part of the outreach program, the City hosted the following:

- Virtual townhall community meeting #1 – November 18, 2020
- Online community survey – November 19, 2020
- Subject matter expert meetings – February 9-11, 2021
- District specific meetings – February 18 and 18, 2021
- Targeted focus group meetings – throughout the update 202-2021
- Virtual townhall community meeting #2 – September 2, 2021

During the outreach program the City gathered input and ideas from the public. Key feedback or concerns related to fair housing, which were identified during engagement, include the following:

- Accessory Units should be affordable to lower income households
- The City needs more housing
- There should be more bike lanes to support active transportation
- Housing should be focused on increasing quality of life for residents
- More education about affordable housing to increase public awareness and public opinion
- Need supportive services along with housing
- Overcrowding often occurs and there need to be opportunity for multigenerational living
- Senior housing should be prioritized, followed by housing for persons with disabilities
- More affordable housing near transit and jobs
- Overall need for more affordable housing for residents of Costa Mesa, both for renters and owners

In addition to the fair housing and housing accessibility related concerns, a large percentage of residents were not interested in increasing the housing stock in Costa Mesa. Many residents identified a desire and interest to keep Costa Mesa lower density for single-family homes, a disinterest in ADUs and objections to growth in affordable housing stock.

Integration and Segregation Patterns and Trends

The dissimilarity index is the most used measure of segregation between two groups, reflecting their relative distributions across neighborhoods (as defined by census tracts). The index represents the percentage of the minority group that would have to move to new neighborhoods to achieve perfect integration of that group. An index score can range in value from 0 percent, indicating complete integration, to 100 percent, indicating complete segregation. An index number above 60 is considered to show high similarity and a segregated community.

It is important to note that segregation is a complex topic, difficult to generalize, and is influenced by many factors. Individual choices can be a cause of segregation, with some residents choosing to live among



people of their own race or ethnic group. For instance, recent immigrants often depend on nearby relatives, friends, and ethnic institutions to help them adjust to a new country.⁶ Alternatively, when white residents leave neighborhoods that become more diverse, those neighborhoods can become segregated. Other factors, including housing market dynamics, availability of lending to different ethnic groups, availability of affordable housing, and discrimination can also cause residential segregation.

Figure 3-4 shows the dissimilarity between each of the identified race and ethnic groups and Costa Mesa's White population. The White population within Costa Mesa makes up the majority of the City's population at approximately 71 percent according to 2019 American Community Survey (ACS) estimates.

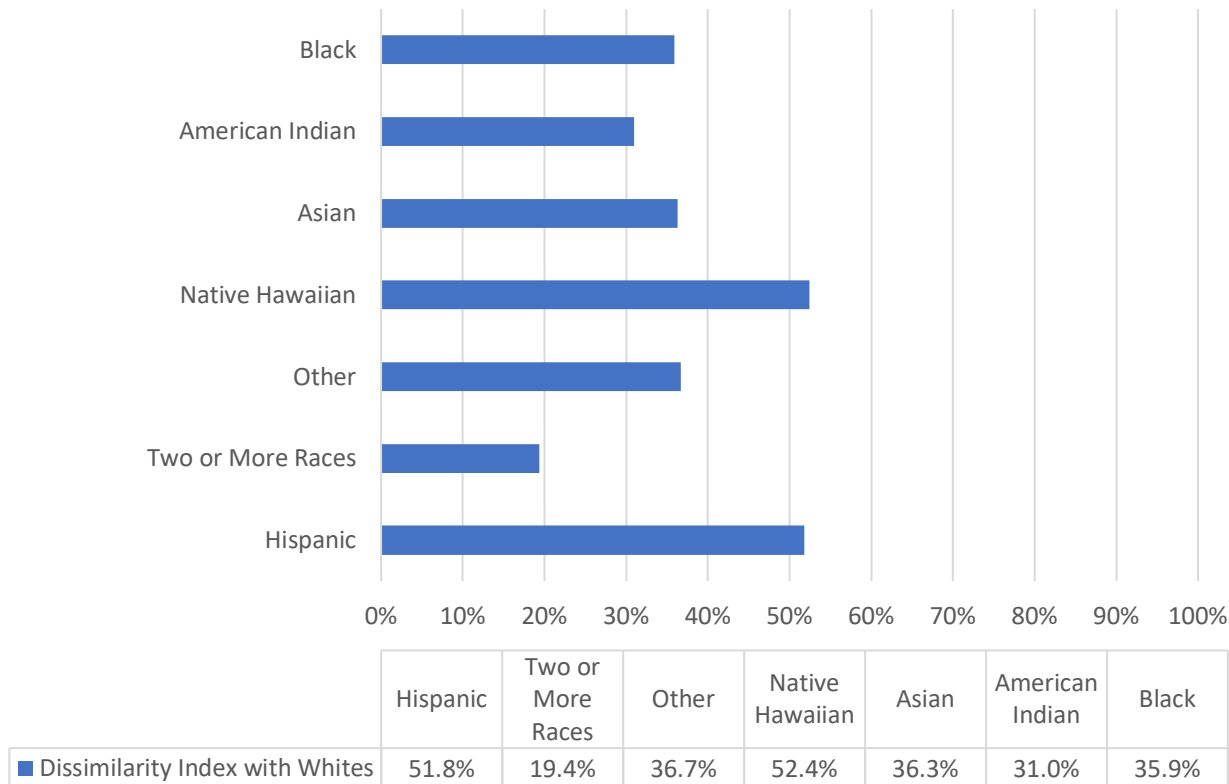
The higher scores shown in the figure below, directly indicate higher levels of segregation among those race and ethnic groups. The race and ethnic groups with the high scores were Native Hawaiian (52.4 percent) and Hispanic (51.8 percent). These scores correlate directly with the percentage of people within that racial or ethnic group that would need to move into a predominantly White census tract in order to achieve a more integrated community. For instance, 52.4 percent of the Native Hawaiian population would need to move into predominantly White census tract areas to achieve "perfect" integration, or 51.8 percent of the Hispanic population would need to move into predominantly White census tract areas for perfect integration.

As indicated above, a score of 60 or higher indicates a highly similar and segregated area. The City does not have any racial or ethnic groups with scores higher than 60. However, scores above 30 indicate moderate levels of segregation. It is important to note the areas where moderate segregation occurs in order for Costa Mesa to understand any additional disparities in access to opportunities or housing, as well as identify lack of resources for the communities. In the City of Costa Mesa, all racial and ethnic groups, except for those who identify as two or more races, show a score of 30 or greater dissimilarity index. The City of Costa Mesa is committed to furthering fair housing access and increasing fair housing opportunities to communities of color.

⁶ Allen, James P. and Turner, Eugene. "Changing Faces, Changing Places: Mapping Southern California". California State University, Northridge, (2002).



Figure 3-4: Dissimilarity Index with White Population in Costa Mesa



Source: Census Scope, Social Science Data Analysis Network

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP)

To assist communities in identifying racially/ethnically concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: RECAPs must have a non-white population of 50 percent or more. Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are substantially lower in many parts of the country, HUD supplements this with an alternate criterion. Thus, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

Location of residence can have a substantial effect on mental and physical health, education opportunities, and economic opportunities. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. However, these areas may also provide different opportunities, such as ethnic enclaves providing proximity to centers of cultural significance, or business, social networks, and communities to help immigrants preserve cultural identity and establish themselves in new places. Overall, it is important to study and identify these areas in order to understand patterns of segregation and poverty in a City.



Figure 3-5 below displays the R/ECAP analysis of the Costa Mesa area. The low poverty index captures the depth and intensity of poverty in a given neighborhood. The index uses both family poverty rates and public assistance receipt, in the form of cash-welfare, such as Temporary Assistance for Needy Families (TANF). The poverty rate and public assistance for neighborhoods are determined at the census tract level, and the higher the score, the less exposure to poverty in a neighborhood. HUD provides data for the entire Orange County region, and not Costa Mesa specific, as shown in the map. **Figure 3-5a** shows that Costa Mesa has a pocket of concentrated Hispanic population towards the southern central region of the City. The eastern region of the City is shown to be mostly made up of concentrated White, Non-Hispanic, population. There is also a minor concentration of Hispanic and Native American, Non-Hispanic, populations in the SoBECA area of Northern Costa Mesa.

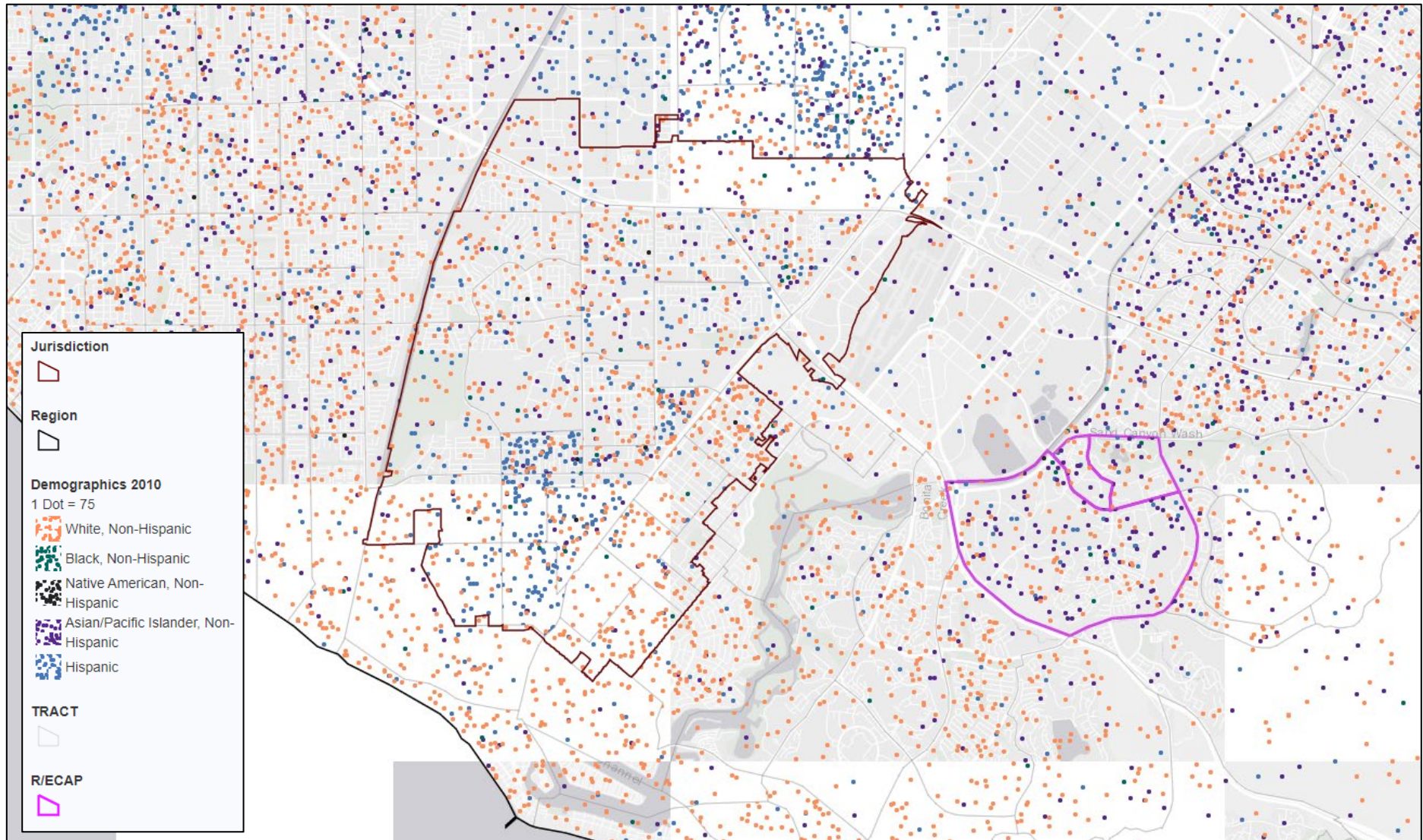
While there are no R/ECAP areas within the City, **Figure 3-5a** shows one in the nearby City of Irvine surrounding the University of California – Irvine campus. According to the AI, it is likely that they qualify as R/ECAPs due to the high proportions of students. In addition, the figure shows a large concentration of Hispanic population directly north of Costa Mesa in the City of Santa Ana. The City of Costa Mesa is committed to increasing housing mobility opportunities for persons outside of the City and in Orange County as a whole. **Chapter 4: Housing Plan** of this Housing Element outlines housing opportunity, affordable housing, and fair housing strategies to increase opportunities to all households.

Additionally, **Figure 3-5b** displays the data for TCAC areas of high segregation and poverty. The maps shows that there is one census tract that is designated as high segregation and poverty (census tract: 06059063605). Areas that are identified as high segregation and poverty are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county).

Census tract 06059063605 is generally located in the southwestern portion of the City. This tract contains 3 different Costa Mesa Districts - Districts 4, 5, and 6. The zoning designations within this tract is majority industrial (MG, General Industrial) and high density residential (R2-HD and R3), with commercial corridors along Newport Boulevard and 19th Street. The general Westside area also has 3 adopted urban plans, which do not change the underlying zoning of the property but allows for the development of live/work units and/or residential development. Since the adoption of the urban plans in 2006, the City has approved 541 newly constructed units, which includes the subject census tract.



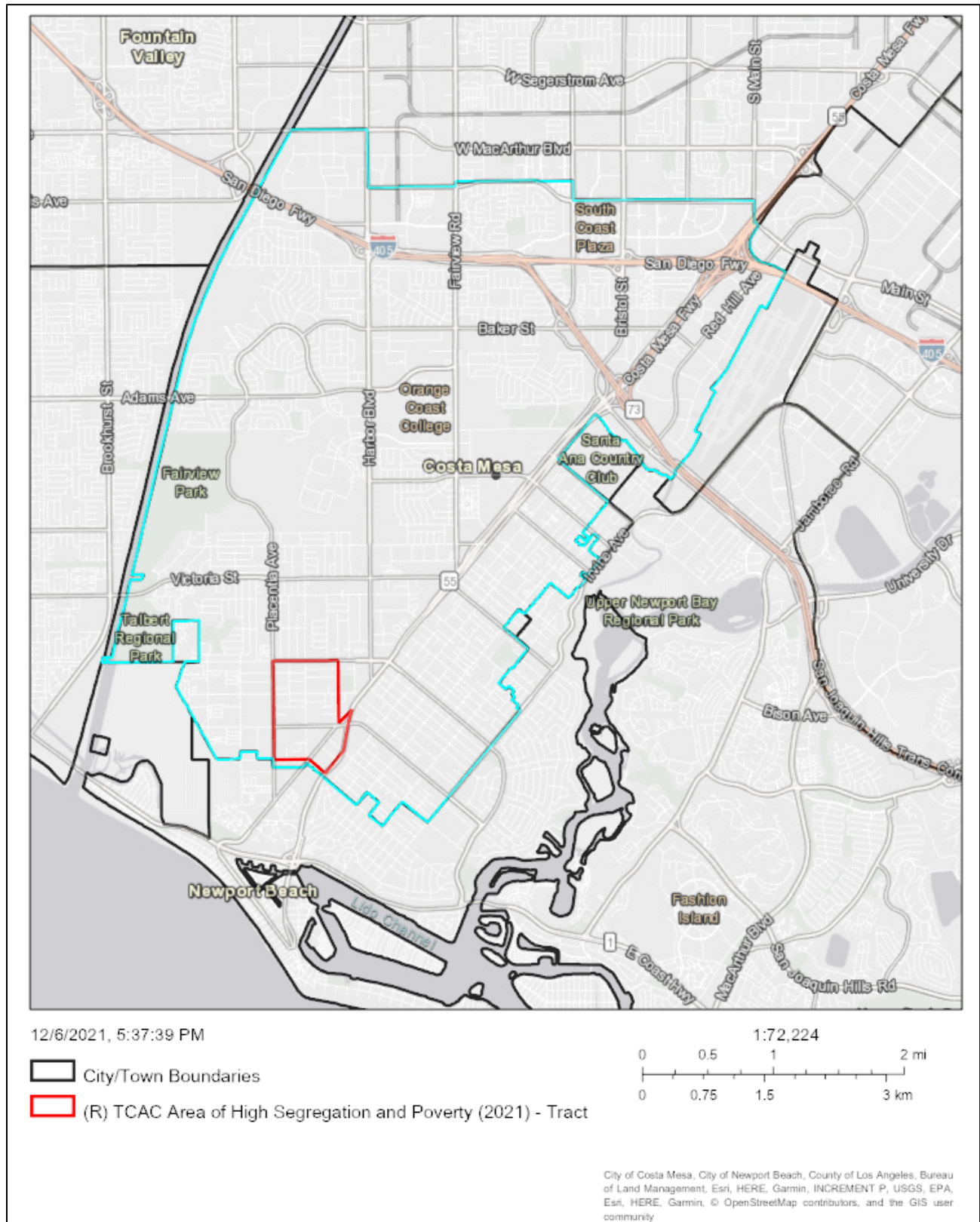
Figure 3-5a: R/ECAP Areas, City of Costa Mesa



Source: HUD Affirmatively Furthering Fair Housing Data and Mapping Tool, Data Versions: AFFHT0006, April 28, 2021



Figure 3-5b: TCAC Area of High Segregation and Poverty





Racially or Ethnically Concentrated Areas of Affluence

Racially or Ethnically Concentrated Areas of Poverty have long been analyzed and reviewed as a contributing factor to segregation. However, patterns of segregation in the United States show that of all racial groups, the White population is the most severely insulated (separated from other racial groups).⁷ Research also identifies segregation of affluence to be greater than the segregation of poverty. Racial and economic segregation can have significant effects on respective communities, including but not limited to, socioeconomic disparities, educational experiences and benefits, exposure to environmental conditions and crime, and access to public goods and services.

Data used in the analysis of Racially Concentrated Areas of Affluence (RCAA) is from the 2012-2016 American Community Survey and measured at the census tract level. The definition for an RCAA is a census tract in which 80 percent or more of the population is White and has a median income of at least \$125,000. The nationwide RCAA analysis identifies the following:

- RCAA tracts have more than twice the median household income of the average tract in their metro area.
- Poverty rates in RCAAs are significantly lower and are, on average about 20 percent of a typical tract.
- RCAAs tracts are more income homogenous than R/ECAPs.
- The average RCAA is about 57 percent affluent, whereas the average R/ECAP had a poverty rate of 48 percent.
- The typical RCAA tract has a rate of affluence 3.2 times that of a typical tract, whereas R/ECAPs on average had a poverty rate 3.2 times that of a typical tract.

Overall, RCCAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices. Postwar patterns of suburbanization in many metropolitan areas were characterized by White communities erecting barriers to affordable housing and engaging in racially exclusionary practices. **Figure 3-6** shows that a few portions of the City of Costa Mesa have large White populations – predominantly towards the eastern region of the City and the north-western region. The region to the east of the 55 Freeway in particular reports a large majority White population, as well as an area on the western edge just southern of the 405 Freeway. An RCCA is identified when an area has a majority White population and a median income greater than \$125,000. **Figure 3-7** shows the majority White areas identified in **Figure 3-6** overlap with median incomes greater than \$125,000; therefore, the City of Costa Mesa does have a few racially or ethnically concentrated area of affluence. **Table 3-20** displays the RCAAs for Costa Mesa, and **Table 3-21** shows local (Costa Mesa) and regional (Orange County) context for the median household incomes of White residents.

⁷ Racially Concentrated Areas of Affluence: A Preliminary Investigation. University of Minnesota. Edwards Goets, Damiano, Williams. 2019.



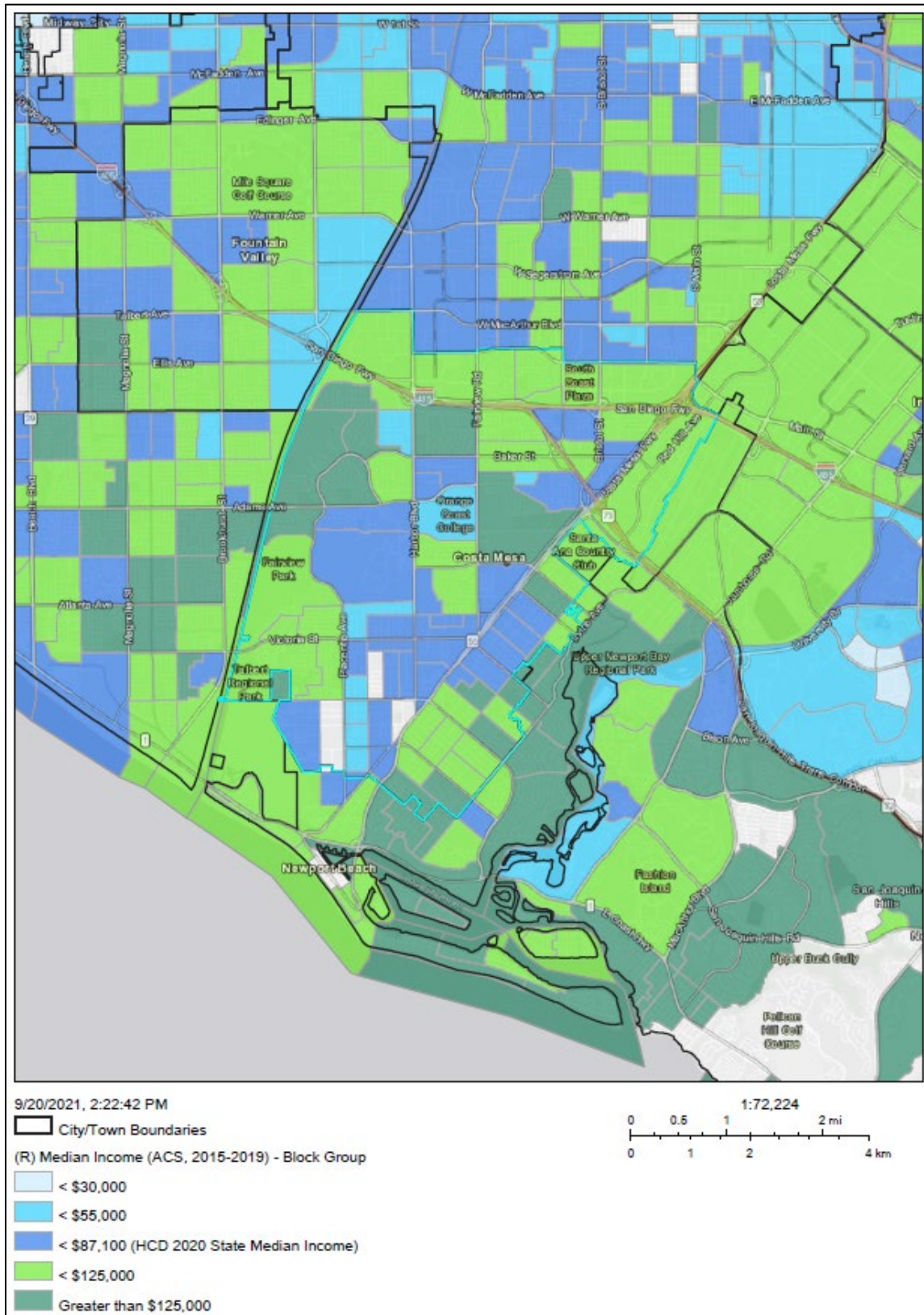
Figure 3-6: RCAA – White Majority Population, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer



Figure 3-7: RCAA – Median Income



Source: California Department of Housing and Community Development – AFFH Data Viewer



Table 3-20: RCCAs - Median Household Income by Race by Block Group, Costa Mesa

Block Group	Percent Population White	Median Income
Block Group 2, Census Tract 638.05	72.8%	\$137,000
Block Group 2, Census Tract 638.06	71.37%	\$153,056
Block Group 3, Census Tract 638.06	71.37%	\$131,500
Block Group 2, Census Tract 638.02	73.1%	\$129,265
Block Group 2, Census Tract 631.02	77.53%	\$125,159
Block Group 1, Census Tract 631.03	84.68%	\$133,875
Block Group 4, Census Tract 632.02	74.63%	\$126,813
Block Group 3, Census Tract 632.02	74.63%	\$161,442
Block Group 4, Census Tract 633.02	83.19%	\$134,605
Block Group 3, Census Tract 633.02	83.19%	\$136,985

Source: (U.S. Census Bureau) from HCD AFFH Data Viewer, Accessed September 27, 2021.

Table 3-21: RCCAs - Median Household Income by Race, Costa Mesa and Orange County

Race	Costa Mesa		Orange County	
	Median Income	Population	Median Income	Population
White	\$85,977 ¹	71%	\$94,082 ¹	61%
All Households	\$84,138	--	\$90,234	--

Notes: 1. Median income in the past 12 months (in 2019 inflation-adjusted dollars)

Source: American Community Survey, 5-Year Estimates, 2019.

Disparities in Access to Opportunity

The UC Davis Center for Regional Change and Rabobank partnered to develop the Regional Opportunity Index (ROI) intended to help communities understand local social and economic opportunities. The goal of the ROI is to help target resources and policies toward people and places with the greatest need to foster thriving communities. The ROI incorporates both “people” and “place components, integrating economic, infrastructure, environmental, and social indicators into a comprehensive assessment of the factors driving opportunity.”

The ROI: People is a relative measure of people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life as follows:

- **Education Opportunity:** Assesses people's relative success in gaining educational assets, in the form of a higher education, elementary school achievement, and regular elementary school attendance.
- **Economic Opportunity:** Measures the relative economic well-being of the people in a community, in the form of employment and income level.
- **Housing Opportunity:** Measures the relative residential stability of a community, in the form of homeownership and housing costs.
- **Mobility/Transportation Opportunity:** Contains indicators that assess a community's relative opportunities for overcoming rural isolation.
- **Health/Environment Opportunity:** Measures the relative health outcomes of the people within a community, in the form of infant and teen health and general health.
- **Civic Life Opportunity:** A relative social and political engagement of an area, in the form of households that speak English and voter turnout.



The ROI: Place is a relative measure of an area's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.

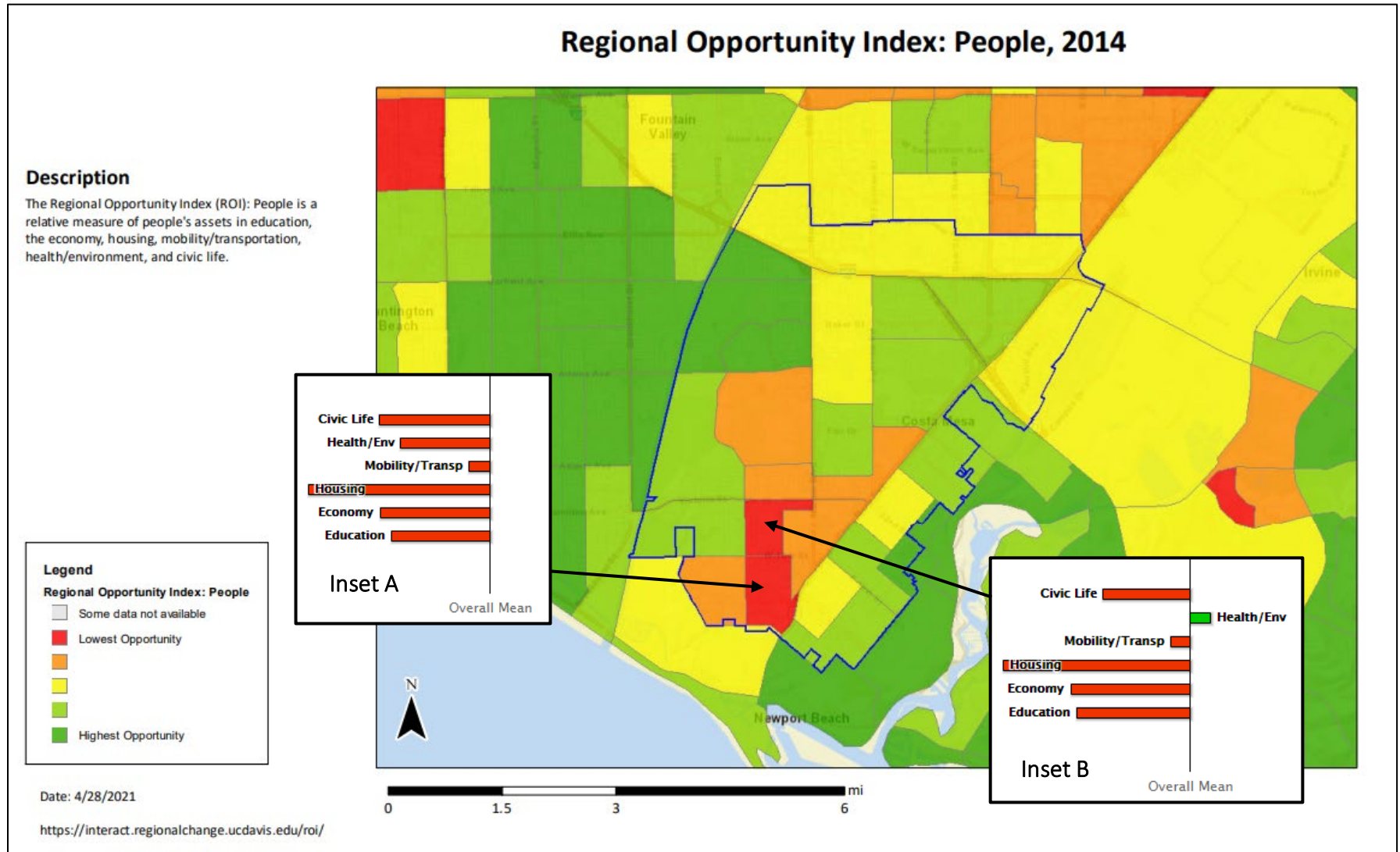
- **Education Opportunity:** Assesses a census tract's relative ability to provide educational opportunity, in the form of high-quality schools that meet the basic educational and social needs of the population.
- **Economic Opportunity:** Measures the relative economic climate of a community, in the form of access to employment and business climate.
- **Housing Opportunity:** Measures relative availability of housing in a community, in the form of housing sufficiency and housing affordability.
- **Health/Environment Opportunity:** A relative measure of how well communities meet the health needs of their constituents, in the form of access to health care and other health-related environments.
- **Civic Life Opportunity:** Measures the relative social and political stability of an area, in the form of neighborhood stability (living in same residence for one year) and US citizenship.

Figure 3-8 shows the ROI: People classifications throughout the City, the “ROI: People” data identifies the achievement levels that persons living within these census tracts have attained. As the figure shows, classifications vary greatly throughout Costa Mesa. The City has areas of high opportunity to the west and east of the City, but also has areas classified as the low opportunity in the southern and central regions of the City. Persons living in the areas identified as low opportunity “people” are considered to have low achievement opportunities for economic, health, and housing. The figure shows one census tract, identified as **Inset B**, where the general attainment for education, transportation, housing, economic opportunity, or jobs was low the residents living in this tract. Further analysis shows the census tract, identified as **Inset A**, has overall very low levers of education, economic, housing, transportation, and civic life attainment among residents. Low attainment levels may project generational poverty, lower levels of upward mobility, and increased challenges accessing essential resources and opportunities. Increase housing opportunities and access, specifically affordable housing, in this area can provide stability, safety, and important resources to a community. The City of Costa Mesa has identified portions of this area to accommodate future growth for low and very low-income housing.

Figure 3-9 displays opportunities provided within each census tracts. The map shows that most of the City is classified as high opportunity. High opportunity areas mean that individual census tracts provide the necessary and essential resources for housing, economic or job opportunity, quality education and educational services, safe and affordable transportation, and quality civic and environmental life. Utilizing areas which provide important and essential resources, to increase housing opportunities can help to break cycles of poverty and increase overall community health. The City of Costa Mesa has identified housing opportunity sites to accommodate the RHNA in a variety of high opportunity areas.



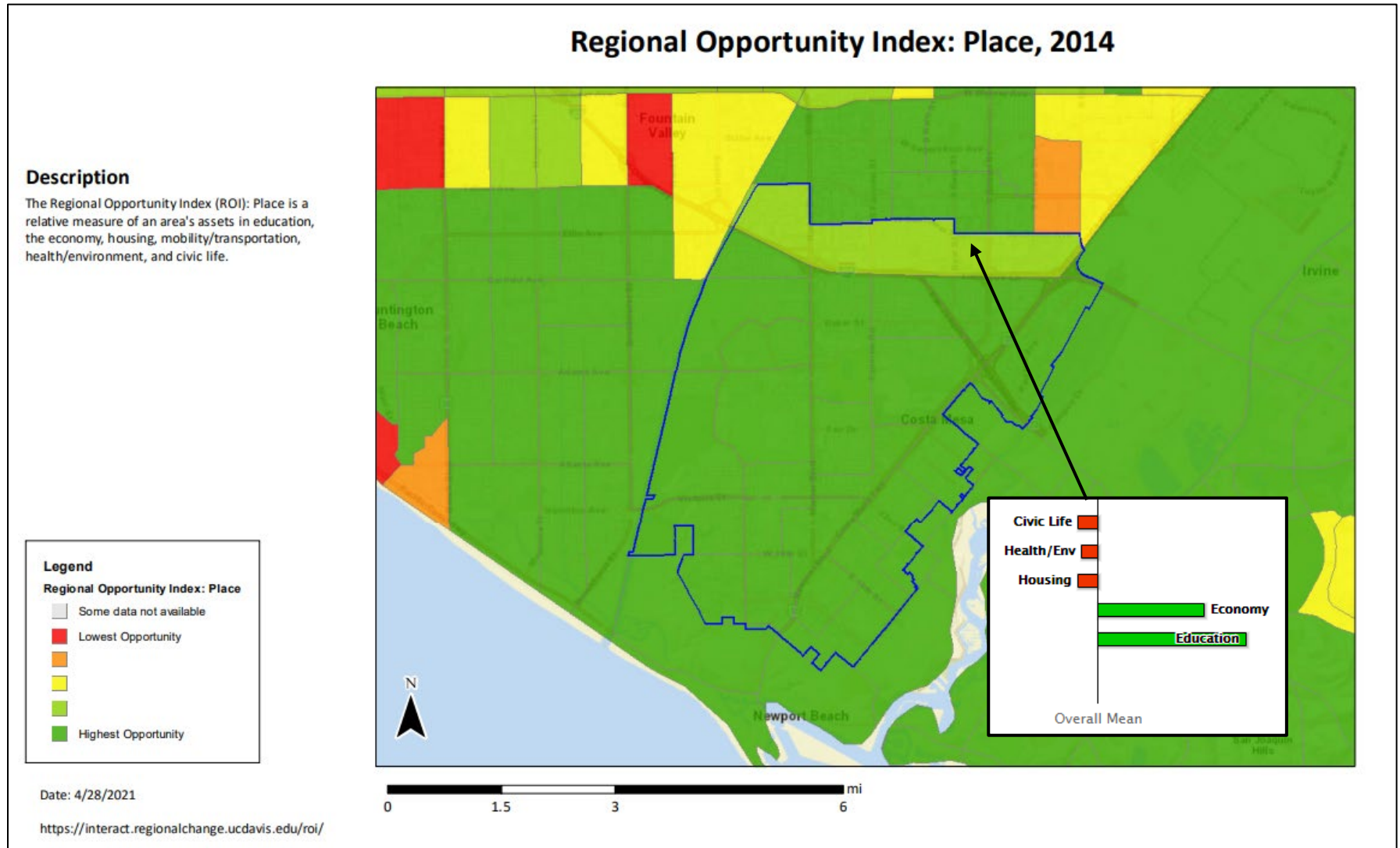
Figure 3-8: Regional Opportunity Index, People – City of Costa Mesa



Source: UC Davis Center for Regional Change and Rabobank, 2014.



Figure 3-9: Regional Opportunity Index, Place – City of Costa Mesa



Source: UC Davis Center for Regional Change and Rabobank, 2014.



Additionally, **Table 3-22** and **Figure 3-10** below display the data for Regional Opportunity Index in Costa Mesa overall compared to the State of California. The data shows the following key findings:

- Costa Mesa residents reportedly have lower math and English proficiency levels; however, they have higher rates of college education, high school graduation, UC/CSU eligibility.
- The economic conditions in Costa Mesa are high. There is a higher rate of high-quality employment amongst residents and higher minimum basic income than the State. There are many jobs available, and that trend continues to increase.
- Costa Mesa households are predominantly renter households. Housing adequacy is the same for the City and the State, but homes in Costa Mesa are reportedly less affordable.
- The City reports high rates of available vehicles per household, as well as commute time. Costa Mesa residents spend more time traveling to and from work than residents across the State.
- Despite lower air quality reports, Costa Mesa residents have high access to medical and health care, as well as access to supermarkets.
- Costa Mesa residents have high rates of English fluency, despite slightly lower rates of citizenship.

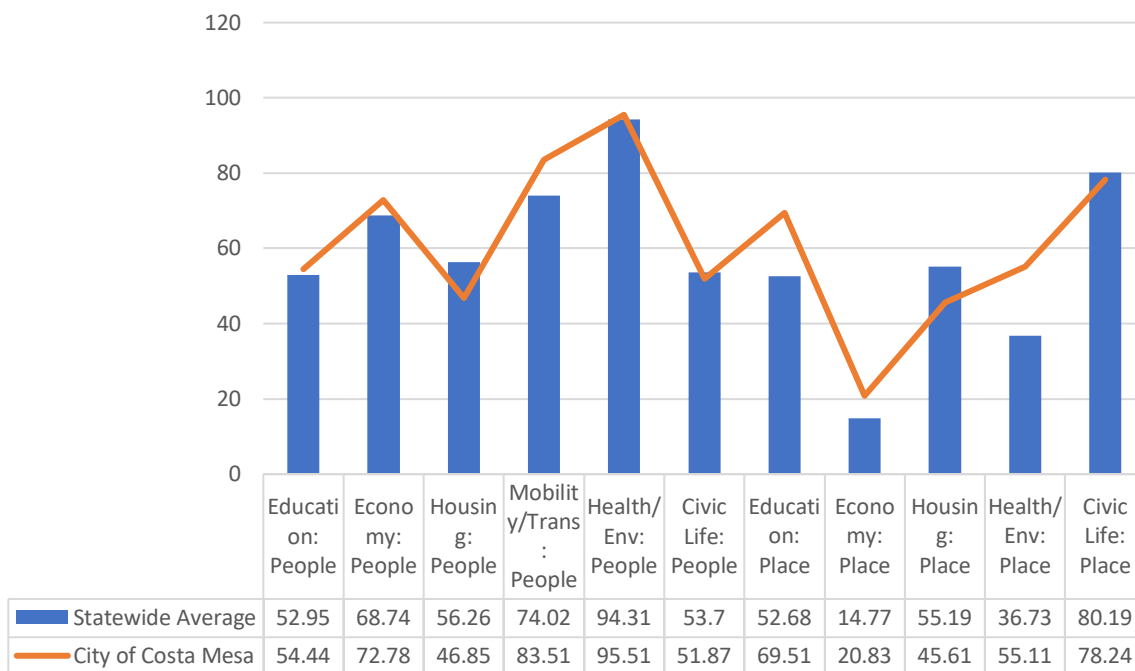
Table 3-22: Opportunity Indicators, Costa Mesa and California			
ROI Indicator		Costa Mesa	California
Education	People		
	College Educated Adults	45%	38%
	Math Proficiency	67%	70%
	English Proficiency	63%	65%
	Elementary Truancy	24%	24%
	Place		
	High School Graduation Rate	93%	83%
	UC/CSU Eligibility	53%	41%
	Teacher Experience	66%	36%
	High School Discipline Rate	8%	6%
Economic	People		
	Employment Rate	92%	89%
	Minimum Basic Income	66%	64%
	Place		
	Job Availability	1291.12	701.75
	Job Quality	50%	40%
	Job Growth	4%	3%
Housing	People		
	Home Ownership	39%	55%
	Housing Cost Burden	50%	52%
	Place		
	Housing Adequacy	91%	91%
M	People		
	Housing Affordability	0.14	0.19



Table 3-22: Opportunity Indicators, Costa Mesa and California			
ROI Indicator		Costa Mesa	California
	Vehicle Availability	88%	86%
	Commute Time	73%	60%
	Internet Access	4.81	4
Health/Environmental	Place		
	Infant Health	96%	95%
	Birth to Teens	5%	7%
	Years of Life Lost	25.68	29.84
	Place		
	Air Quality	9.35	10.01
	Prenatal Care	91%	83%
	Access to Supermarket	65%	53%
	Health Care Availability	3.63	1.76
Civic Life	People		
	Voting Rates	27%	31%
	English Speakers	91%	88%
	Place		
	US Citizenship	81%	83%
	Neighborhood Stability	83%	85%

Source: UC Davis Center for Regional Change and Rabobank, 2014.

Figure 3-10: Regional Opportunity Index, Costa Mesa and California



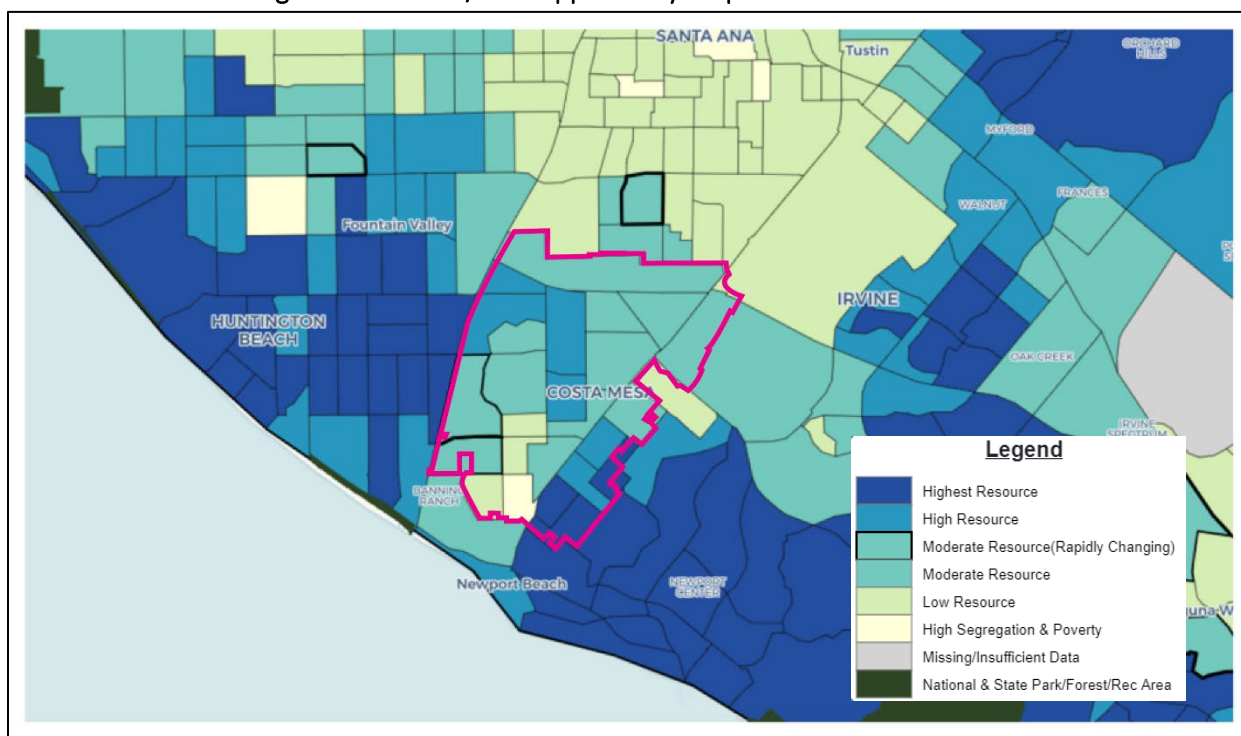
Source: UC Davis Center for Regional Change and Rabobank, 2014.

California Tax Credit Allocation Committee (TCAC) Opportunity Area Maps

The Department of Housing and Community Development together with the California Tax Credit Allocation Committee established the California Fair Housing Task Force to provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD). The Task force developed the TCAC/HCD Opportunity Area Maps to understand how public and private resources are spatially distributed. The Task force defines opportunities as pathways to better lives, including health, education, and employment. Overall, opportunity maps are intended to display which areas, according to research, offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.

According to the Task Force’s methodology, the tool allocates the 20 percent of the tracts in each region with the highest relative index scores to the “Highest Resource” designation and the next 20 percent to the “High Resource” designation. Each region then ends up with 40 percent of its total tracts as “Highest” or “High” resource. These two categories are intended to help State decision-makers identify tracts within each region that the research suggests low-income families are most likely to thrive, and where they typically do not have the option to live—but might, if given the choice. As shown in **Figure 3-11** below, much of Costa Mesa is classified moderate to high resource areas with pockets of low resource areas in the south west region of the City. Costa Mesa has one area classified as high segregation and poverty in the southern area of the City. The City of Costa Mesa is committed to exploring programs and avenues to increase housing access and opportunity to both existing residents, future residents, and households in nearby areas.

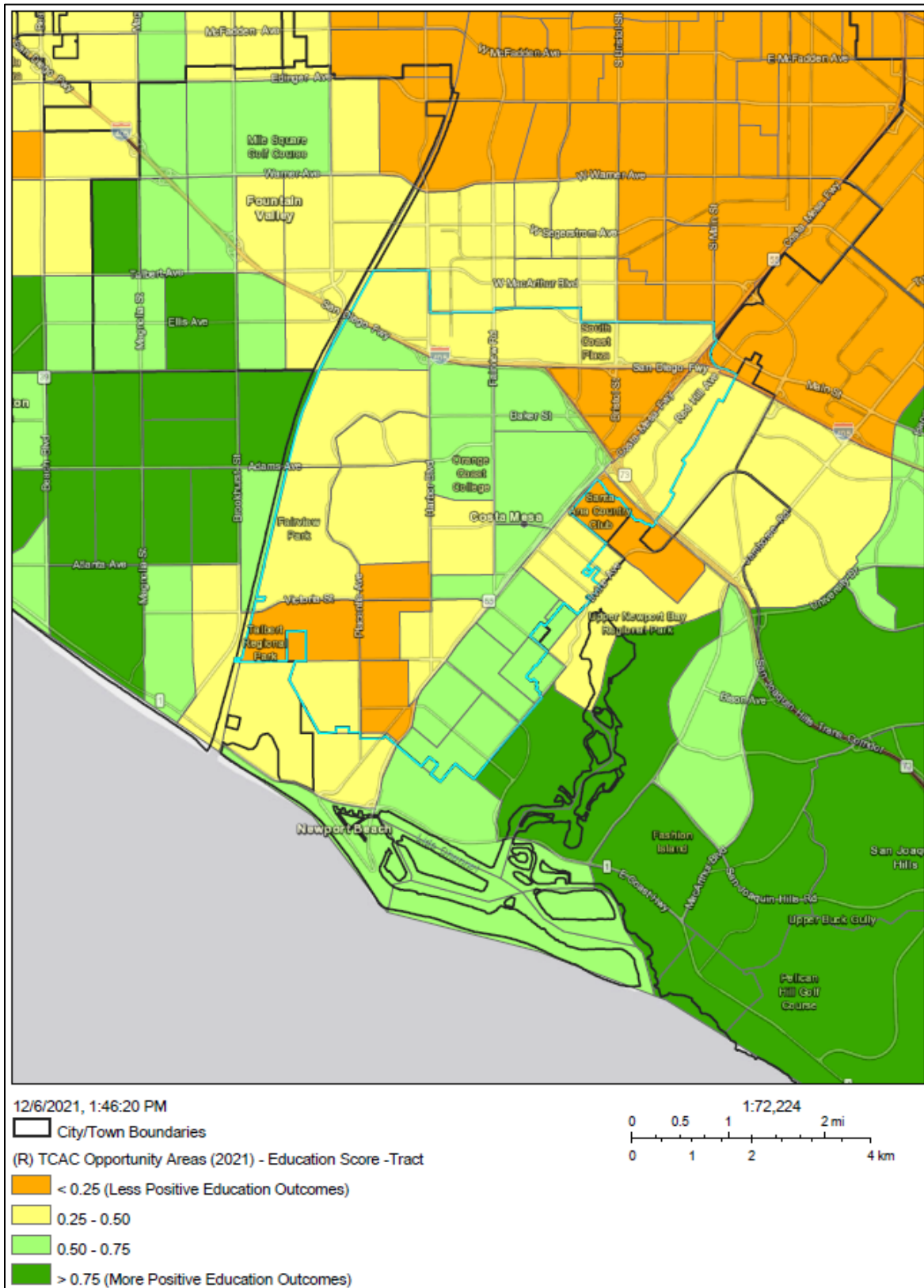
Figure 3-11: TCAC/HCD Opportunity Map – Costa Mesa Area



Source: California Tax Credit Allocation Committee and Department of Housing and Community Development, 2021.



Figure 3-12: TCAC/HCD Opportunity Map – Costa Mesa Area



Source: California Department of Housing and Community Development – AFFH Data Viewer



Opportunity Areas – Education

The TCAC/HCD Opportunity Area Maps include education data, as illustrated in **Figure 3-12**. This data represents opportunity levels based on the following four factors:

- Math proficiency – Percentage of 4th graders who meet or exceed math proficiency standards.
- Reading proficiency – Percentage of 4th graders who meet or exceed literacy standards.
- High school graduation rates – Percentage of high school cohort that graduated on time.
- Student poverty rate – Percentage of students not receiving free or reduced-price lunch.

As **Figure 3-12** shows, the City has a variety of education outcome scores. The more positive education outcomes are located over East Side Costa Mesa, east of the 55 Freeway, as well as over the neighborhoods south of the 405-freeway and in the center of the City. The area of the City west of Harbor Boulevard and north of Fairview Park are rated moderate for educational outcomes. West Side Costa Mesa in the City's south-western region has the lowest educational outcome.

Title 1 schools receive additional government funding to assist their a lower-income student base who are at risk of falling behind. Within Newport-Mesa Unified School District, there are a total of 10 elementary schools, 2 middle schools, and 2 high schools. The following 3 elementary schools are Title 1 schools: Davis Elementary School, Heinz Kaiser Elementary School, and Woodland Elementary School. Davis Elementary School is located in the center of Costa Mesa just north of the OC Fair and Heinz Kaiser and Woodland Elementary Schools are both located in East Side Costa Mesa between the 55 Freeway and the Upper Newport Bay State Marine Conservation Area.

Opportunity Indicators

Opportunity indicators also help inform communities about disparities in access to opportunity. The Department of Housing and Urban Development (HUD) developed the opportunity indicators to help inform communities about disparities in access to opportunity, the scores are based on nationally available data sources and assess resident's access to key opportunity assets in the City. **Table 3-23** provides the index scores (ranging from zero to 100) for the following opportunity indicator indices:

- **Low Poverty Index:** The low poverty index captures poverty in a given neighborhood. The poverty rate is determined at the census tract level. The higher the score, the less exposure to poverty in a neighborhood.
- **School Proficiency Index:** The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the score, the higher the school system quality is in a neighborhood.
- **Labor Market Engagement Index:** The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract. The higher the score, the higher the labor force participation and human capital in a neighborhood.
- **Transit Trips Index:** This index is based on estimates of transit trips taken by a family that meets the following description: a three-person single-parent family with income at 50% of the median



income for renters for the region (i.e. the Core-Based Statistical Area (CBSA)). The higher the transit trips index, the more likely residents in that neighborhood utilize public transit.

- **Low Transportation Cost Index:** This index is based on estimates of transportation costs for a family that meets the following description: a three-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA. The higher the index, the lower the cost of transportation in that neighborhood.
- **Jobs Proximity Index:** The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger employment centers weighted more heavily. The higher the index value, the better the access to employment opportunities for residents in a neighborhood.
- **Environmental Health Index:** The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group.

Table 3-23 below displays the opportunity indices by race and ethnicity for persons in Costa Mesa. According to the data, there is some poverty among the population of Costa Mesa, across all racial/ethnic groups. There are higher levels of poverty among the Hispanic and Native American populations. All racial/ethnic groups in Costa Mesa experience levels of environmental health below 50, meaning all residents are exposed to a higher degree of environmental pollutants. Otherwise, the data shows the City has high marks for school proficiency, labor market, transit, transportation cost, and job proximity.

Table 3-23: Opportunity Indicators, City of Costa Mesa							
(Costa Mesa, CA CDBG) Jurisdiction	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Total Population							
White, Non-Hispanic	60.10	72.71	73.56	89.69	81.33	83.04	28.03
Black, Non-Hispanic	55.04	70.24	69.80	90.47	83.27	83.47	25.72
Hispanic	40.06	60.53	56.72	90.42	83.05	78.57	30.24
Asian or Pacific Islander, Non-Hispanic	61.51	71.28	73.20	90.57	82.88	87.44	22.65
Native American, Non-Hispanic	53.54	70.81	68.03	90.49	82.74	81.69	28.26
Population Below Federal Poverty Line							
White, Non-Hispanic	53.85	69.80	68.91	90.07	82.43	80.51	28.58
Black, Non-Hispanic	61.70	78.78	82.00	91.46	84.89	87.37	19.50
Hispanic	33.36	56.69	51.57	90.56	83.60	78.70	31.40



Table 3-23: Opportunity Indicators, City of Costa Mesa

(Costa Mesa, CA CDBG) Jurisdiction	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Asian or Pacific Islander, Non-Hispanic	55.36	71.81	73.29	90.38	83.08	84.52	24.46
Native American, Non-Hispanic	50.53	67.96	56.06	91.85	77.66	85.70	19.03

Source: Department of Housing and Urban Development, Affirmatively Furthering Fair Housing Online Mapping tool, Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

Access to Transit

Transit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to the data provided, Costa Mesa scored a 5.4 AllTransit performance score, illustrating a moderate combination of trips per week and number of jobs accessible that enable a moderate number of people to take transit to work. In comparison to neighboring cities – Huntington Beach scores a 4.4, Irvine scored a 3.6, Santa Ana scored a 6.6, and Newport Beach scored a 3.9. Access to transportation increases both the economic and environmental/health opportunities. Additionally, AllTransit provides the following data for Costa Mesa transportation:

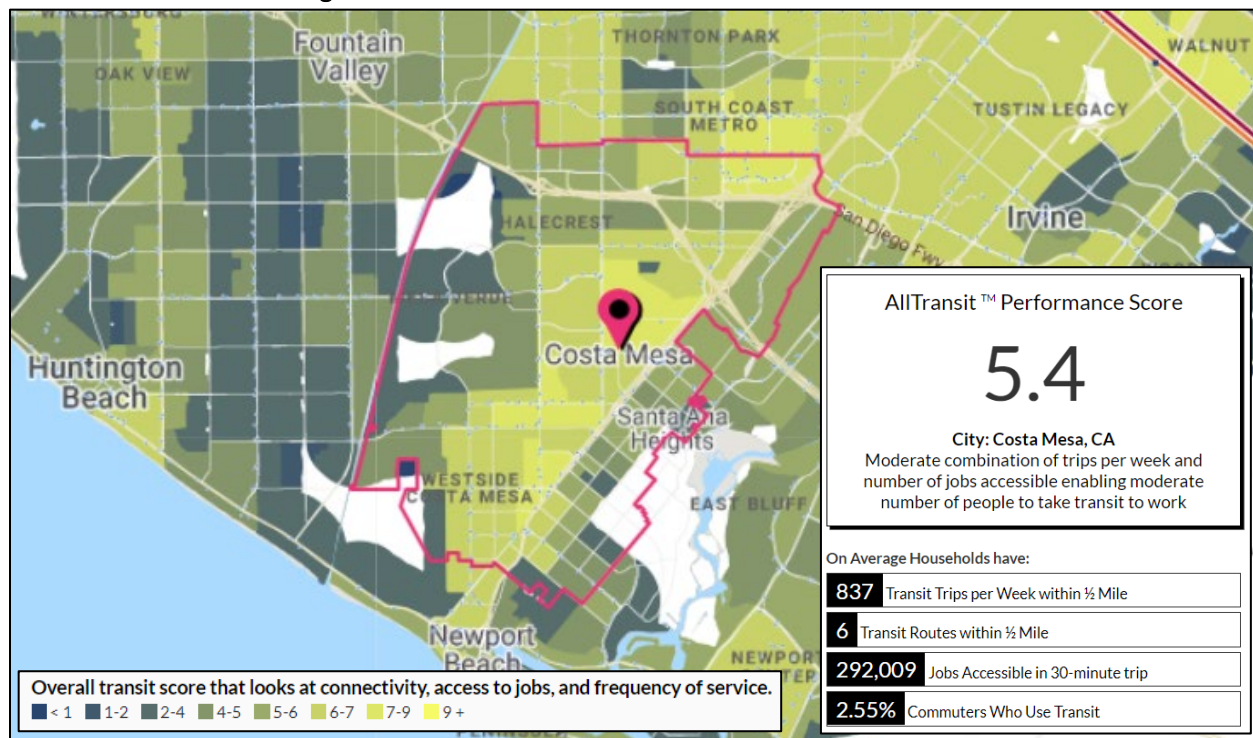
- 98.8% of jobs are located within ½ of transit.
 - 99,721 customer households have access to a business within a 30-minute transit commute.
 - 2.29% of workers walk to work and 1.43% bike to work
 - There are no households within a ½ miles of high frequency transit.
- On average, there are 6 transit routes within ½ of a block group on average.

Table 3-24: Opportunity Indicator – Transit

Jurisdiction	AllTransit Performance Score	Transit Trips Per Week within 1/2 Mile	Jobs Accessible in 30-min trip	Commuters Who Use Transit	Transit Routes within 1/2 Mile
Costa Mesa	5.4	837	292,009	2.55%	6
Orange County	4.2	528	172,595	2.28%	4

Source: AllTransit Fact Sheet, Costa Mesa, 2021.

Figure 3-13: All Transit Performance Score – Costa Mesa



Source: AllTransit Fact Sheet, 2021.

Environmental Justice

The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution called the California Communities Environmental Health Screening Tool (CalEnviro Screen). In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviro Screen also takes into consideration socioeconomic factors. These factors include educational attainment, linguistic isolation, poverty, and unemployment. Research has shown a heightened vulnerability of people of color and lower socioeconomic status to environmental pollutants. **Figure 3-14** below displays mapped results for the CalEnviro Screen in Costa Mesa and the Orange County region. The map shows that Costa Mesa is primarily moderate-scoring, with a few low-scoring census tracts and a couple high-scoring census tracts. High scores signify high levels of pollution burdens and low scores signify low levels of pollution. **Table 3-25** and **3-26** below identifies the CalEnviro Screen scores for the highest and lowest scoring census tracts in Costa Mesa, respectively.



Table 3-25: CalEnviro Screen 3.0 – Highest Scoring Census Tract (6059063605)

Pollutant	Percentile*	Health Risk/Burden	Percentile*
Ozone	40	Asthma	47
PM 2.5	53	Low Birth Weight	78
Diesel	51	Cardiovascular Rate	33
Pesticides	0	Education	92
Toxic Releases	85	Linguistic Isolation	76
Traffic	58	Poverty	88
Drinking Water	10	Unemployment	76
Cleanups	98	Housing Burden	74
Groundwater Threats	92		
Hazardous Waste	93		
Impaired Water	0		
Solid Waste	53		

*Percentile derived using a weighted scoring system to determine average pollution burden/socioeconomic scores relative to other census tracts.

Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed April 28, 2021.

Table 3-26: CalEnviro Screen 3.0 – Lowest Scoring Census Tract (6059063905)

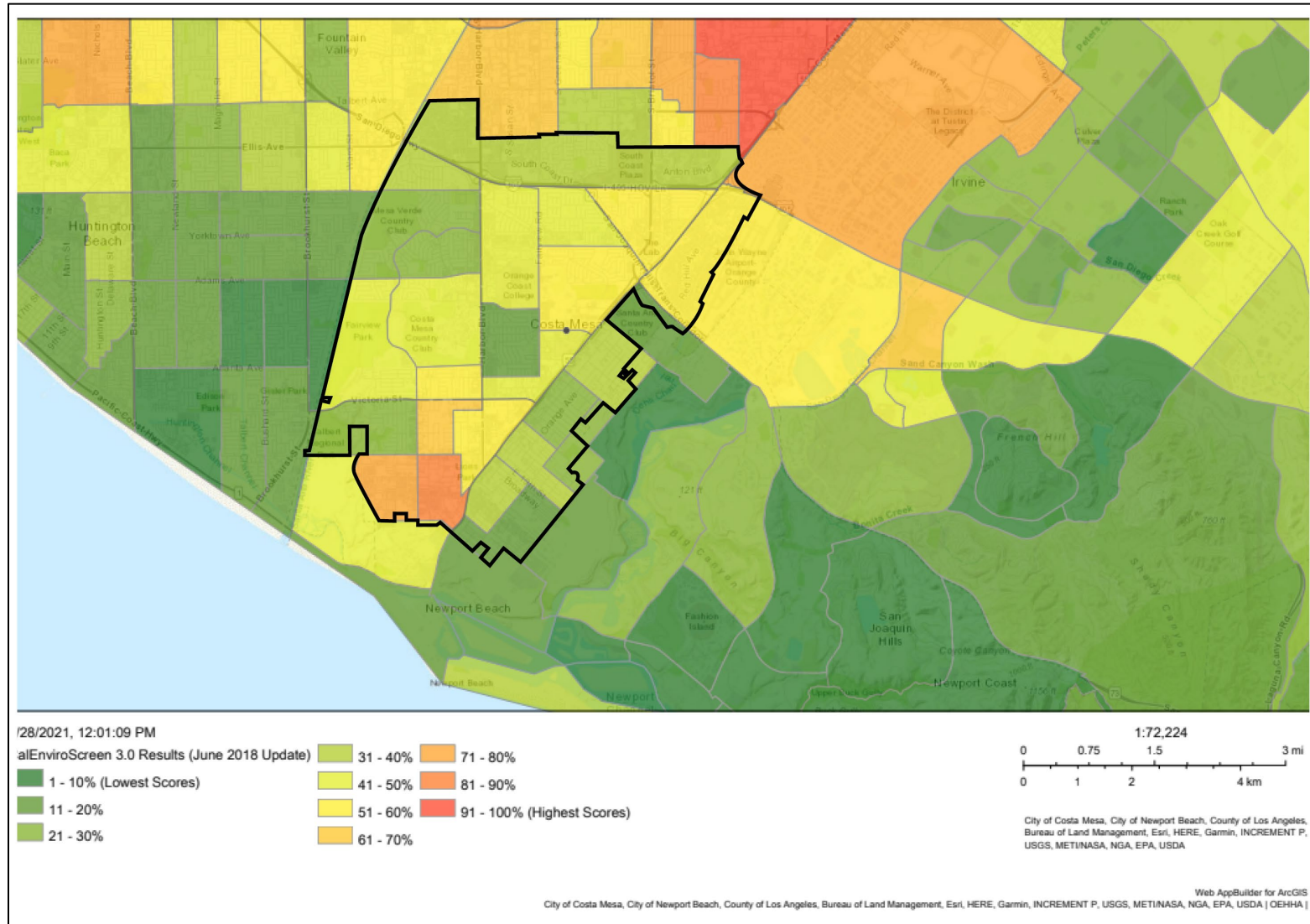
Pollutant	Percentile*	Health Risk/Burden	Percentile*
Ozone	40	Asthma	33
PM 2.5	53	Low Birth Weight	11
Diesel	46	Cardiovascular Rate	24
Pesticides	0	Education	27
Toxic Releases	89	Linguistic Isolation	22
Traffic	47	Poverty	34
Drinking Water	10	Unemployment	13
Cleanups	44	Housing Burden	59
Groundwater Threats	25		
Hazardous Waste	63		
Impaired Water	0		
Solid Waste	0		

*Percentile derived using a weighted scoring system to determine average pollution burden/socioeconomic scores relative to other census tracts.

Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed May 24, 2021.



Figure 3-14: CalEnviro Screen, Costa Mesa (2018)



Source: CalEnviro Screen 3.0 Map Tool, June 2018 Update. Accessed April 28, 2021.



3. Discussion of Disproportionate Housing Needs

The analysis of disproportionate housing needs within Costa Mesa evaluates existing housing need, need of the future housing population, and units within the community at-risk of converting to market-rate.

Existing Needs

As described in **Section 3.G.1** of this Housing Element, the Orange County Housing Authority (OCHA) administers Section 8 Housing Choice vouchers within the City of Costa Mesa. For the 2020 year, there were a total of 561 Section 8 voucher holders within the community: 110 for persons with disabilities, 394 for seniors, and 54 families with at least one dependent.

Housing Needs in Costa Mesa

A variety of factors affect housing needs for different households. Most commonly, disability, household income, and household characteristics shape the type and size of housing needed, as well as accessibility based on existing units in a City. **Table 3-27** through **3-34** display data for demographic characteristics of Costa Mesa, as compared to Orange County and the State of California. Additional detailed analysis of the Costa Mesa community is provided in **Chapter 2: Community Profile**.

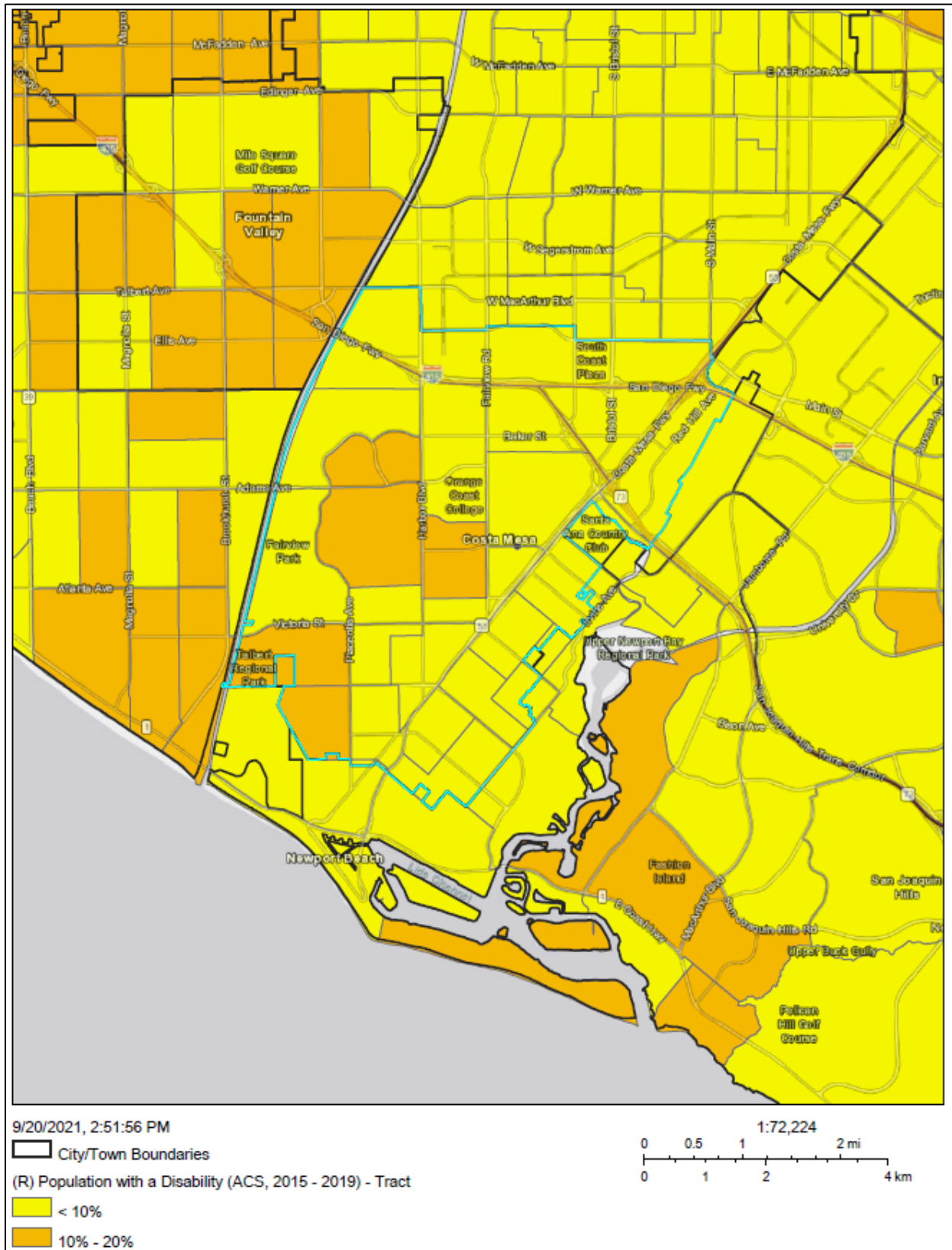
Table 3-27 displays the data for persons with disabilities in the City, County, and State. Overall, about 10.6 percent of the California population has at least one disability. Orange County and the City of Costa Mesa both have lower percentages by about 2 percent less persons with disabilities. Ambulatory, Independent Living, and Cognitive Difficulties are the top three most common disabilities for all three jurisdictions, in order starting from most common. These figures may be reflective of disabilities commonly found amongst the senior population. Each of reasonable accommodation procedures and opportunity for accessible housing can provide increased housing security for the population with disabilities.

Table 3-27: Population by Disability Type by Geography, 2019			
Disability Type	Costa Mesa	Orange County	California
Hearing Difficulty	2.4%	2.5%	2.9%
Vision Difficulty	1.6%	1.5%	2%
Cognitive Difficulty	3.4%	3.4%	4.3%
Ambulatory Difficulty	4.3%	4.5%	5.8%
Self-Care Difficulty	1.7%	2.2%	2.6%
Independent Living Difficulty	3.8%	4.3%	5.5%
Total with a Disability*	8.3%	8.5%	10.6%
* Total of noninstitutionalized population with at least one disability. Source: American Community Survey, 5-Year Estimates, 2019.			

Figure 3-15 shows the population with a disability throughout the City. As illustrated, the majority of the City has census tracts that report less than 10 percent of a disabled population. There are a few census tracts with a population of 10 to 20 percent reporting at least one disability.



Figure 3-15: Population with a Disability, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer



Table 3-28 and **3-29** displays household type and income data for the State, County, and City. Overall, Orange County has the largest percentage of family households (71.7 percent) and Costa Mesa has the smallest with about 10 percent less. Costa Mesa has the lowest percentage of female households without a spouse. Non-family households represent the largest household type in Costa Mesa at 40.5 percent, which is about 9 percent more than California and 12 percent more than Orange County. About 40 percent households in both the State and the County have at least one person above the age of 60, while there are about 30 percent of households in Costa Mesa with at least one person over the age of 60. Different household types have varying housing needs – senior households may benefit from reasonable accommodation procedures and being located near medical facilities, single-parent households may benefit from affordable housing options due to limited income, and family households may benefit from larger housing units located near community areas and schools.

Table 3-28: Population by Familial Status by Geography, 2019			
Familial Status	Costa Mesa	Orange County	California
Family Households	59.5%	71.7%	68.7%
Married-Couple Family Households	43.2%	54.9%	49.8%
With Related Children Under 18	29.3%	34.1%	34%
Female Households, No Spouse	10.1%	11.5%	13%
Non-Family Households	40.5%	28.3%	31.3%
Households with One or More People 60 Years+	29.5%	39.9%	39.1%
Total Households	40,986	1,037,492	13,044,266
<i>Source: American Community Survey, 5-Year Estimates, 2019.</i>			

Table 3-29 provides a breakdown on incomes for the State, County, and City. The majority of households in each region earn between \$100,000 and \$200,000 annually. Orange County has the highest median income at \$90,234, about \$6,000 more than for Costa Mesa and \$15,000 more than for California as a whole.

Table 3-29: Households by Income by Geography, 2019			
Household Income	Costa Mesa	Orange County	California
Less than \$10,000	4.5%	4.2%	4.8%
\$10,000-\$14,999	2.3%	2.7%	4.1%
\$15,000-\$24,999	5.6%	5.6%	7.5%
\$25,000-\$34,999	6%	6%	7.5%
\$35,000-\$49,999	9.5%	8.8%	10.5%
\$50,000-\$74,999	15.8%	14.6%	15.5%
\$75,000-\$99,999	13.9%	12.8%	12.4%
\$100,000-\$149,999	19.9%	18.6%	16.6%
\$150,000-\$199,999	10%	11.1%	8.9%
\$200,000 or More	12.4%	15.5%	12.2%
Median Income	\$84,138	\$90,234	\$75,235
<i>Source: American Community Survey, 5-Year Estimates, 2019.</i>			



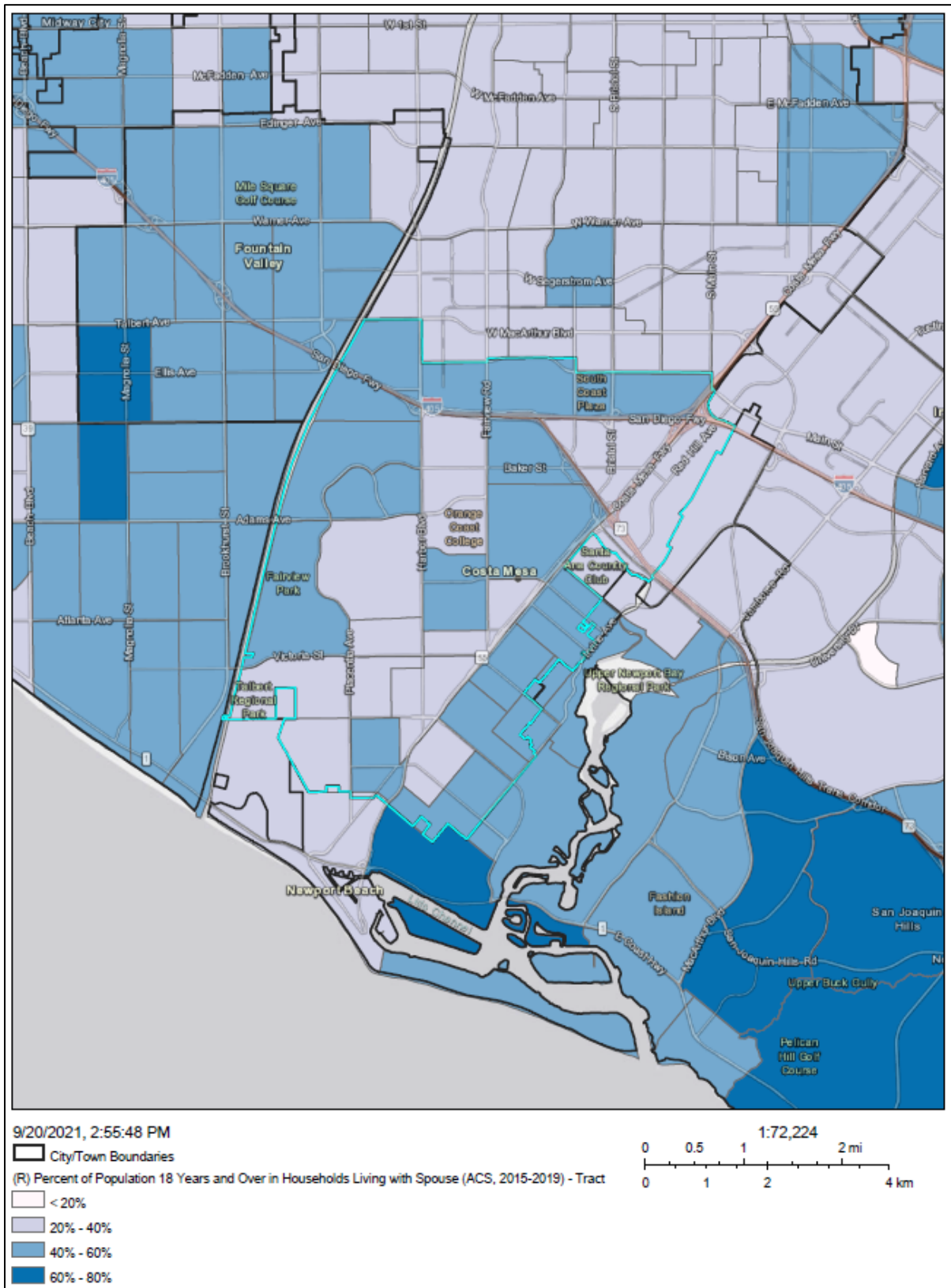
Figure 3-16 below shows the City has varying rates of married-couple households throughout its different census tracts. In general, the map shows the eastern and western edges of the City, which are predominantly single-family neighborhoods, have the highest rates of married-couple households (40-60 percent). Towards the center of the City, census tracts report approximately 20 to 40 percent married-couple households.

When compared to **Figure 3-17**, the census tracts with the highest rates of married-couple households overlap with the highest rates of children living in married-couple family households. Costa Mesa has a generally high propensity of children living in married-couple family households throughout most census tracts. In comparison to neighboring communities, however, Costa Mesa has less census tracts with children in married-couple family households.

Figure 3-18 shows the City, as with its neighboring communities, has very low rates of children living in female-headed households with no spouse present. Most of the City reports approximately 20 percent or less, except for a census tract towards the southern edge of the City which reports 40 to 60 percent of children living in female-headed households. This same census tract is also one of two which reports 20 to 40 percent of its population over the age of 18 living alone, as illustrated in **Figure 3-19**. The rest of the City has fairly low rates of individuals living alone, with the remaining census tracts reporting less than 20 percent.



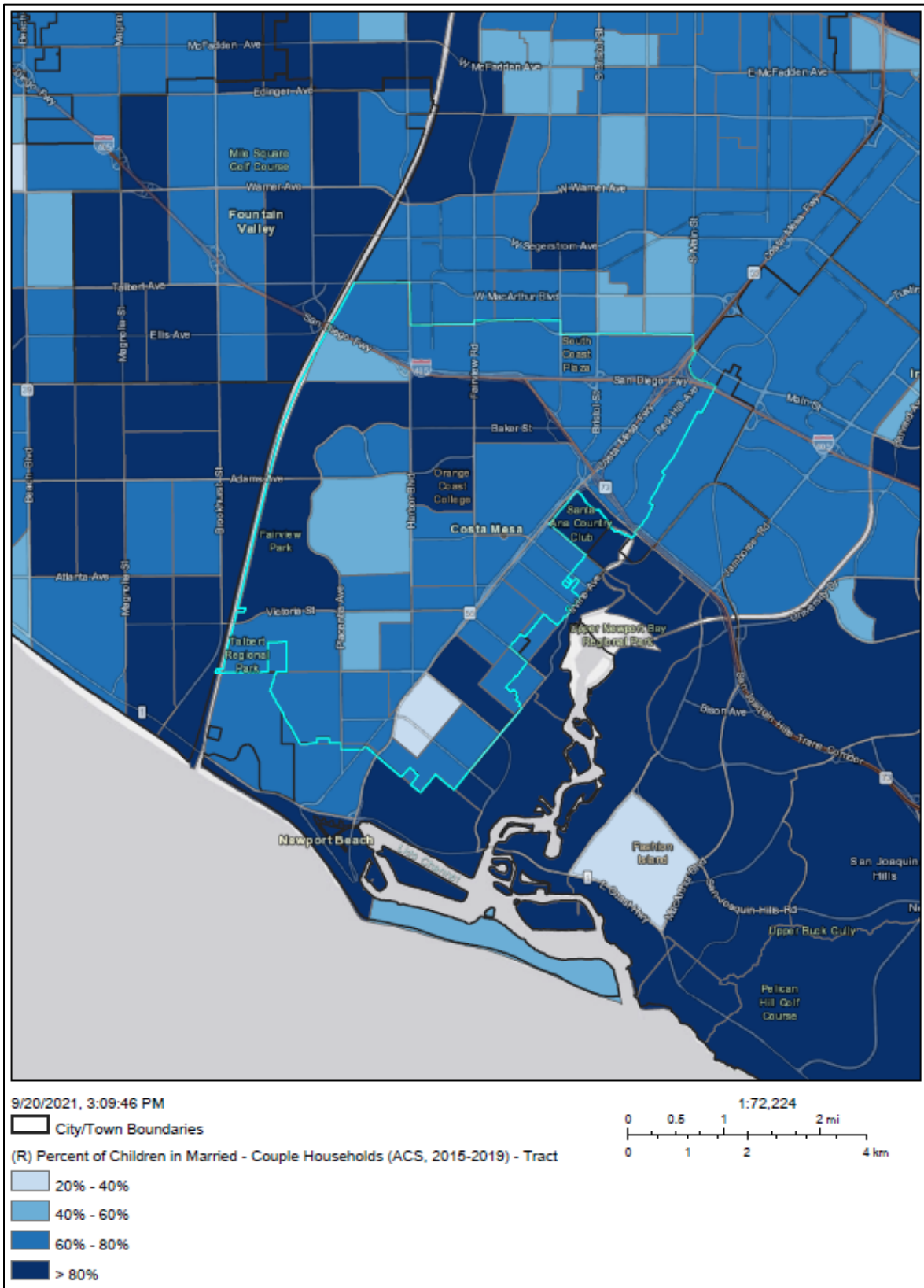
Figure 3-16: Married-Couple Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer



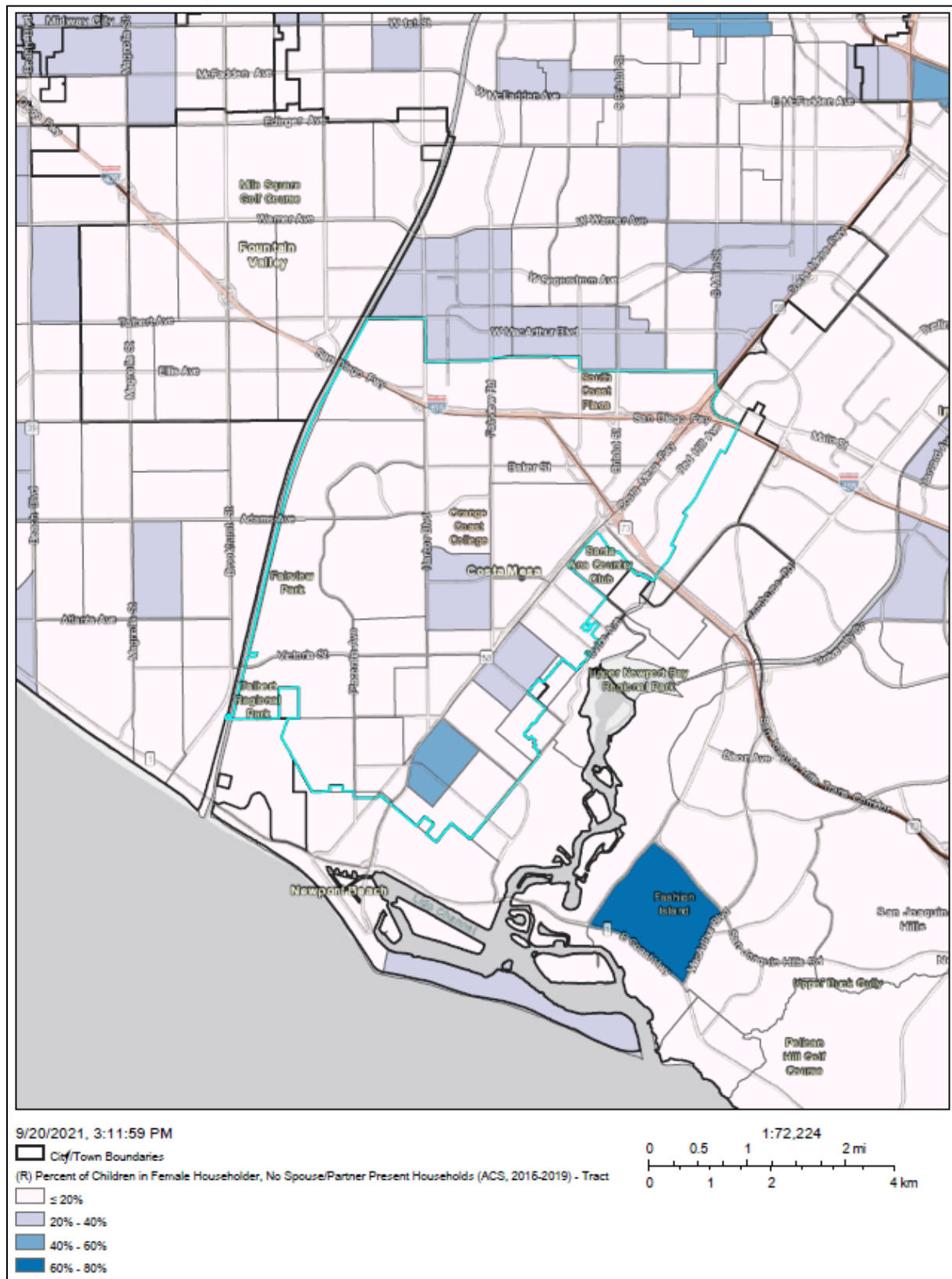
Figure 3-17: Children in Married-Couple Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer



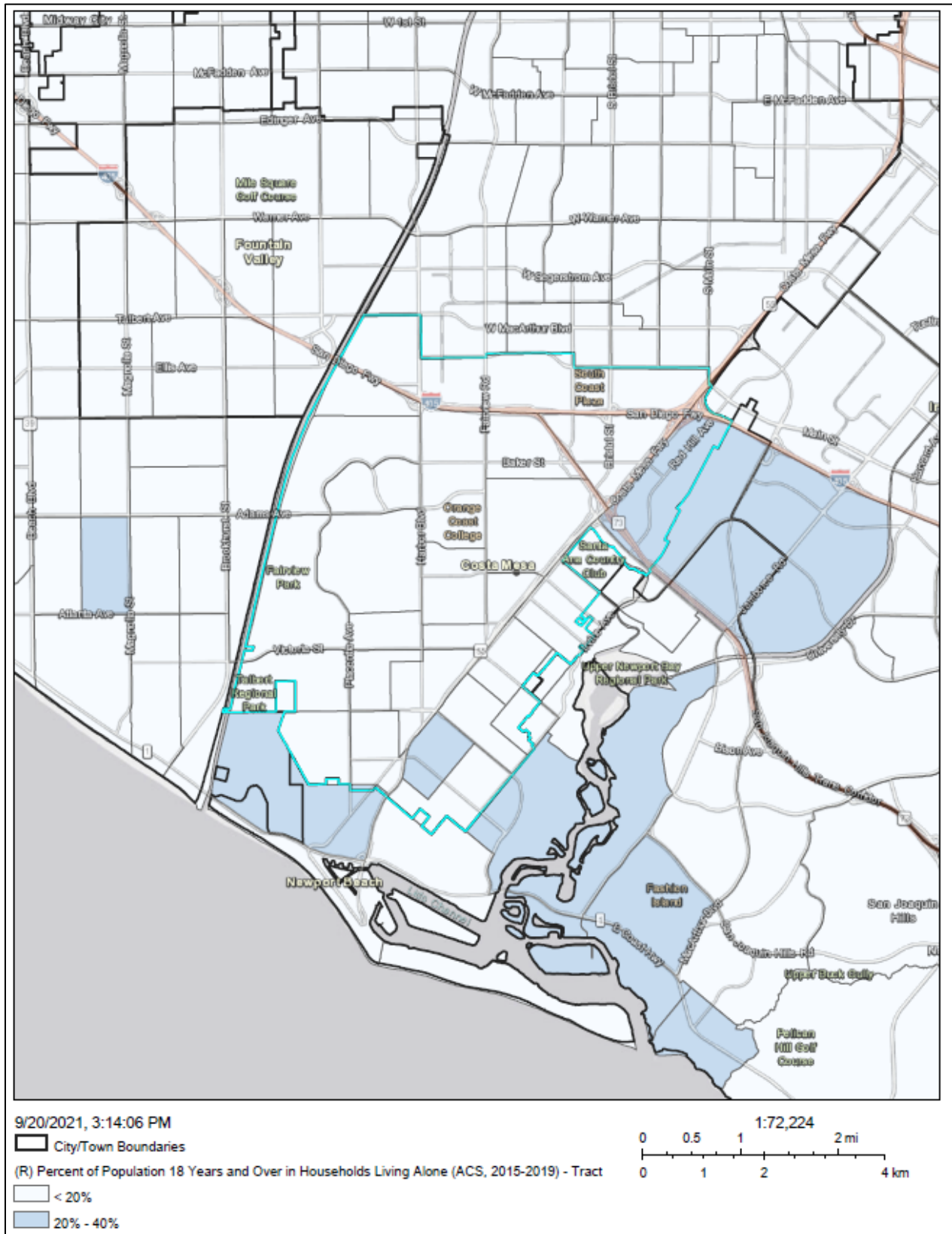
Figure 3-18: Children in Female-Headed Households, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer



Figure 3-19: Individuals Living Alone, Costa Mesa



Source: California Department of Housing and Community Development – AFFH Data Viewer



Table 3-30 displays data for households experiencing overpayment or cost burden in the State, County, and City. Housing cost burden can cause mainly displacement, which may create limited access to essential goods and community, as well as employment by potentially increasing commute times. The percentages of households that experience a cost burden greater than 30 percent is overall similar amongst the State, County, and City. Costa Mesa experiences higher rates of cost burden than the County by about two percent. The City also has the largest percentage of households with a cost burden over 50 percent at about 21.6 percent, compared to about 19 percent in both the State and County. Increased opportunity for affordable housing and housing assistance funds help to prevent cost burden on households.

Table 3-30: Household Overpayment by Geography, 2019			
Overpayment	Costa Mesa	Orange County	California
Cost Burden > 30%	42.1%	40.5%	40.1%
Cost Burden > 50%	21.6%	19.3%	19.4%
Cost Burden Not Available	1.3%	1.4%	1.4%
<i>Source: HUD Consolidated Planning/CHAS Data, 2013-2017.</i>			

Table 3-31 displays data for household tenure (homeowners and renters) for the State, County, and City. Homeownership is a crucial foundation for households with low incomes to build strength, stability, and independence. The opportunity for transition into the homebuyer's market is important in a healthy housing market. **Table 3-31** shows that the City of Costa Mesa has a much lower percentage of homeowners than the County and State, reporting about 38 percent, compared to 57 percent in the County and 55 percent in the State. Costa Mesa also has higher rates of renter at 62 percent, compares to 43 percent in the County and 45 percent in the State.

Table 3-31: Households by Tenure by Geography, 2019			
Household Tenure	Costa Mesa	Orange County	California
Owner Households	38.3%	57.4%	54.8%
Renter Households	61.7%	42.6%	45.2%
Total Occupied Housing Units	40,986	1,037,492	13,044,266
<i>Source: American Community Survey, 5-Year Estimates, 2019.</i>			

Additionally, **Table 3-32** displays data for overcrowding. Overcrowding is defined as between 1.01 and 1.5 persons per bedroom in a household, and severe overcrowding is defined as more than 1.51 persons per bedroom. Overcrowding often occurs when nonfamily members combine incomes to live in one household, such as college students and roommates. Overcrowding also occurs when there are not enough size-appropriate housing options for large or multigenerational households. The City has the lowest percentages of owner-occupied households with overcrowded and severely overcrowded households compared to the County and State. Renters in Costa Mesa are disproportionately affected by overcrowding when compare to homeowners. Overall, across all three regions, owners were less affected by overcrowding and severe overcrowding.



Table 3-32: Households by Overcrowding by Geography, 2019			
Overcrowding and Tenure	Costa Mesa	Orange County	California
Owner Households			
Overcrowded	0.6%	1.5%	1.6%
Severely Overcrowded	0.2%	0.6%	0.6%
Renter Households			
Overcrowded	5.3%	4.2%	3.6%
Severely Overcrowded	2.7%	2.6%	2.4%
<i>Source: American Community Survey, 5-Year Estimates, 2019.</i>			

Housing Stock in Costa Mesa

Table 3-33 and **3-34** display comparative housing stock data for the State, County, and City. Table 3-20 below shows data for occupied housing units by type. A variety of housing stock provides increased opportunity in communities for different size and household types. The majority of housing stock in Costa Mesa is multi-unit developments (50.6 percent for 2 or more units). Single-family housing units represent about 48 percent of the housing stock in Costa Mesa. Comparatively, single family units represent about 63 percent and 64 percent of the housing stock in the County and the State, respectively.

Table 3-33: Occupied Housing Units by Type by Geography, 2019			
Housing Unit Type	Costa Mesa	Orange County	California
1-Unit, Detached	37.9%	50.6%	57.7%
1-Unit, Attached	9.2%	12.3%	7.0%
2 Units	2.9%	1.6%	2.4%
3 or 4 Units	9.6%	6.9%	5.5%
5 to 9 Units	9.4%	6.7%	6.0%
10 to 19 Units	9.1%	5.4%	5.2%
20 or More Units	19.6%	13.7%	12.3%
Mobile Home	2.2%	2.7%	3.7%
Boat, RV, Van, etc.	0.2%	0.1%	0.1%
<i>Source: American Community Survey, 5-Year Estimates, 2019.</i>			

Table 3-24 below displays housing stock by year built for the City, County, and State. Older housing units generally require more upkeep, regular maintenance, and can cause a cost burden on both renters and homeowners. The majority of Costa Mesa's housing stock (68.2 percent) was built during a housing boom between 1950 and 1979. The trend is similar for the County and State, with majority of units built between 1980 and 2013. Overall, increased numbers of older housing can lead to displacement, cost burden, and substandard living conditions. An analysis of the housing stock is provided in **Chapter 2: Costa Mesa Community Profile**.



Table 3-34: Housing Unit by Year Built by Geography, 2019

Year Built	Costa Mesa	Orange County	California
Built 2014 or later	2.6%	2.7%	1.7%
Built 2010 to 2013	1.0%	2.0%	1.7%
Built 2000 to 2009	5.2%	8.3%	11.2%
Built 1990 to 1999	6.3%	11.7%	10.9%
Built 1980 to 1989	12.3%	14.9%	15.0%
Built 1970 to 1979	23.6%	23.3%	17.6%
Built 1960 to 1969	26.7%	19.5%	13.4%
Built 1950 to 1959	17.9%	13.0%	13.4%
Built 1940 to 1949	3.1%	2.1%	5.9%
Built 1939 or earlier	1.3%	2.5%	9.1%

Source: American Community Survey, 5-Year Estimates, 2019.

Future Growth Need

The City's future growth need is based on the RHNA production of 2,919 very low and 1,794 low-income units within the 2021-2029 planning period. **Appendix B** of this Housing Elements shows the City's ability to meet its 2021-2029 RHNA need at all income levels. This demonstrates the City's ability to accommodate the anticipated future affordable housing needs of the community.

4. Displacement Risk

The potential for economic displacement risk can result from a variety of factors, including large-scale development activity, neighborhood reinvestment, infrastructure investments, and changes in local and regional employment opportunity. Economic displacement can be an inadvertent result of public and private investment, where individuals and families may not be able to keep pace with increased property values and market rental rates.

Urban Displacement

The Urban Displacement Project developed a neighborhood change database to map neighborhood transformations and identify areas vulnerable to gentrification and displacement. This data was developed to assist local decision makers and stakeholders better plan for existing communities and provide additional resources to areas in need or at-risk of displacement and gentrification. **Table 3-35** provides the criteria used to identify each displacement typology and the total number of Costa Mesa Census Tracts that currently fall within each category.

Table 3-35: Displacement Typology Criteria and Costa Mesa Census Tracts

Modified Types and Criteria	Census Tracts
Low-Income/Susceptible to Displacement <ul style="list-style-type: none"> Low or mixed low-income tract in 2018. 	6059063701 6059063605
Ongoing Displacement of Low-Income Households <ul style="list-style-type: none"> Low or mixed low-income tract in 2018. Absolute loss of low-income households, 2000-2018. 	--
At Risk of Gentrification <ul style="list-style-type: none"> Low or mixed low-income tract in 2018. Housing affordable to low or mixed low-income households in 2018. Didn't gentrify 1990-2000 OR 2000-2018. 	--

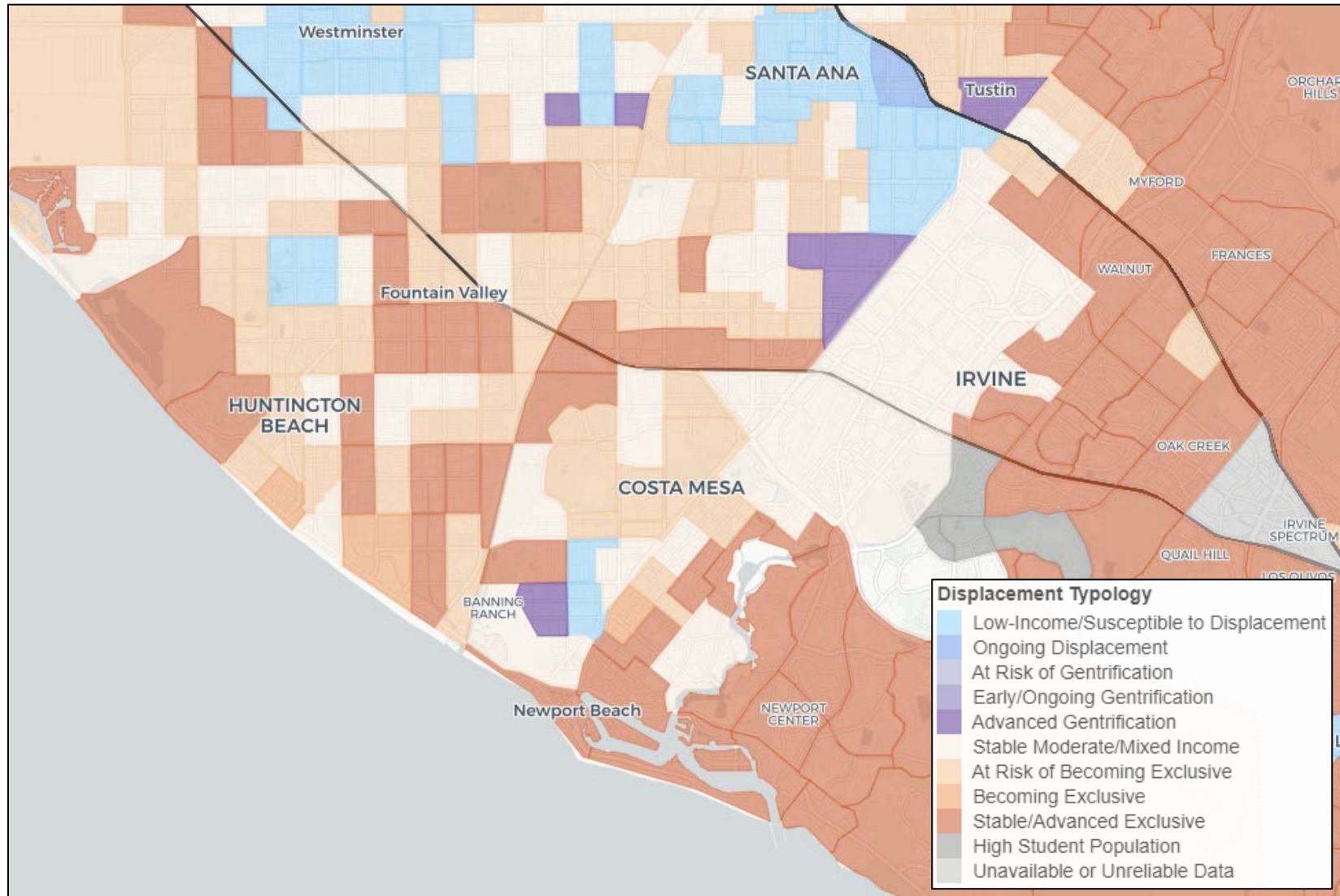


Table 3-35: Displacement Typology Criteria and Costa Mesa Census Tracts		
Modified Types and Criteria	Census Tracts	
<ul style="list-style-type: none"> • Marginal change in housing costs OR Zillow home or rental value increases in the 90th percentile between 2012-2018. • Local and nearby increases in rent were greater than the regional median between 2012-2018 OR the 2018 rent gap is greater than the regional median rent gap. 		
Early/Ongoing Gentrification <ul style="list-style-type: none"> • Low or mixed low-income tract in 2018. • Housing affordable to moderate or mixed moderate-income households in 2018. • Increase or rapid increase in housing costs OR above regional median change in Zillow home or rental values between 2-12-2018. • Gentrified in 1990-2000 or 2000-2018. 	--	
Advanced Gentrification <ul style="list-style-type: none"> • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Marginal change, increase, or rapid increase in housing costs. • Gentrified in 1990-2000 or 2000-2018. 	6059063604	
Stable Moderate/Mixed Income <ul style="list-style-type: none"> • Moderate, mixed moderate, mixed high, or high-income tract in 2018. 	6059062610 6059063908 6059063902 6059063803	6059063702 6059063201 6059063101
At Risk of Becoming Exclusive <ul style="list-style-type: none"> • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Marginal change or increase in housing costs. 	6059063903 6059063904 6059063102 6059063906 6059063905	6059063808 6059063802 6059063807 6059063202
Becoming Exclusive <ul style="list-style-type: none"> • Moderate, mixed moderate, mixed high, or high-income tract in 2018. • Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018. • Rapid increase in housing costs. • Absolute loss of low-income households, 2000-2018. • Declining low-income in-migration rate, 2012-2018. • Median income higher in 2018 than in 2000. 	6059063301	
Stable/Advanced Exclusive <ul style="list-style-type: none"> • High-income tract in 2000 and 2018 • Affordable to high or mixed high-income households in 2018. • Marginal change, increase, or rapid increase in housing costs. 	6059063907 6059063805 6059063806	6059063601 6059063302 6059063103
Source: Urban Displacement Project, University of California Berkeley (2021).		

Table 3-35 and **Figure 3-20** both show the City is mostly made up of census tracts which are currently identified as “exclusive” or are in the process/at-risk of becoming exclusive. These areas overlap with most of the City’s single-family neighborhoods. Two census tracts on the west-side of Costa Mesa and to the east of Placentia Avenue are currently identified as low-income and susceptible to displacement. The south-western-most census tract to the west of Placentia Avenue is categorized as “Advanced Gentrification”, signifying a rapid increase in housing cost over the past few years.



Figure 3-20: Urban Displacement Project - Gentrification and Displacement



Source: Urban Displacement Project, University of California Berkeley (2021).



Inventory of Assisted Affordable Housing

Affordable covenants help to ensure that certain housing units remain affordable for an extended period of time. Covenants provide lasting affordable options to low and very low-income households in a community. **Table 3-36** below provides a list of 1,144 housing units with affordability covenants, of which 75 housing units are at-risk of converting to market-rate between 2021 and 2031.

Jurisdictions are required by State Housing Element Law to analyze government-assisted housing that is eligible to convert from lower income to market rate housing over the next 10 years. State law identifies housing assistance as a rental subsidy, mortgage subsidy or mortgage insurance to an assisted housing development. Government assisted housing may convert to market rate housing for several reasons, including expiring subsidies, mortgage repayments, or expiration of affordability restrictions. Consistent with the requirements to analyze the impacts of the potential conversion of these units to market-rate units, this section provides an analysis of preservation of assisted housing units at-risk of conversion.

Table 3-36: Affordable Housing Units in Costa Mesa with Covenants

Name of Project	Address	Target Group	Potential Expiration	Funding	Target Income Level	Assisted Units
Casa Bella	1844 Park Ave.	Senior	2025	HUD Section 8	Very Low	75
Bethel Towers	678 W. 19th St.	Senior	2067	LIHTC	Low	53
St. John's Manor	2031 Orange Ave.	Senior	5/2062	HUD Section 8, HOME, Costa Mesa Redevelopment, Federal Rental Rehab	Very Low	36
Costa Mesa Family Village	2015 -2019 Pomona Ave. 755-771 W. 20th St. 1924-1932 Wallace Ave.	General	12/2038	Costa Mesa Redevelopment Ground Lease	Very Low/Low	72
Park Place Village (SRO)	1662 Newport Blvd.	General	Perpetuity	Land Use Restriction	Very Low	60
Costa Mesa Village (SRO)	2450 Newport Blvd.	General	Perpetuity	OC Housing Authority, Costa Mesa Redevelopment	Very Low	96
Newport Senior Village (SRO)	2080 Newport Blvd.	Senior	Perpetuity	Land Use Restriction	Very Low/Low	91
HOME Rehabilitation Project #1	734-744 James Street	General	4/2049	HOME	Very Low/Low	11
HOME Rehabilitation Project #3A	745 W. 18th Street	General	5/2056	HOME	Very Low/Low	3
HOME Rehabilitation Project #6	717-721 James Street	General	6/2058	HOME, Federal Rental Rehab	Very Low/Low	8
HOME Rehabilitation Project #3B	707-711 W. 18th Street	General	5/2056	Costa Mesa Redevelopment	Very Low/Low	8
Other Density Bonus Units	Scattered	General	Various	Land Use Restriction	Very Low/Low/	156



Table 3-36: Affordable Housing Units in Costa Mesa with Covenants

Name of Project	Address	Target Group	Potential Expiration	Funding	Target Income Level	Assisted Units
					Moderate	
Harbor Village	2501 Harbor	Developmentally Disabled and General	Perpetuity	State-Owned	Very Low/Low/Moderate	550
TOTAL						1,144
TOTAL UNITS AT-RISK						75
Sources: 1. U.S. Department of Housing and Urban Development. 2. California Housing Partnership Corporation. 3. City of Costa Mesa, 2013						

Cost of Preservation of Units

While there are many options to preserving units including providing financial incentives to project owners to extend lower income use restrictions, purchasing affordable housing units by a non-profit or public agency, or providing local subsidies to offset the difference between the affordable and market rate units, the strategy considered below is to provide local rental subsidy to residents. The rent subsidy would provide financial assistance to residents if their affordable units converted to market rate. To determine the subsidy needed, Fair Market Rents were compared to market rate rents.

Table 3-37: Estimated Monthly Subsidy to Preserve “At-Risk” Units

Unit Size	Monthly Rents		Number of Units At-Risk	Difference	Monthly Subsidy	Annual Subsidy
	Fair Market Rents ¹	Market Rate ²				
Efficiency	\$1,716	\$2,293	0	\$577	\$0	\$0
1-Bedroom	\$1,905	\$2,707	75	\$802	\$60,150	\$721,800
2-Bedroom	\$2,324	\$3,352	0	\$1,028	\$0	\$0
3-Bedroom	\$3,178	\$3,712	0	\$534	\$0	\$0
4-Bedroom	\$3,674	N/A	0	\$0	\$0	\$0
TOTAL						\$721,800
Source: 1. HUD FY 2022 Fair Market Rent Documentation System – Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area 2. Kimley-Horn and Associate Analysis – based on apartments listed for rent across ten properties on September 22, 2021.						

Cost of Replacement of Units

The City of Costa Mesa can also consider the cost of replacing the units with new construction. Construction cost estimates include all hard and soft costs associated with construction in addition to per unit land costs. The analysis assumes the replacement units are apartments with concrete block with steel frame buildings and parking provided on-site. Square footage estimates are based on estimated size of units to be replaced and assume housing units are developed on multi-family zoned properties. Land costs have been determined on a per unit basis.



Table 3-38: Replacement Cost by Unit Type of At-Risk Units

Size of Unit	Cost Per Square Foot ¹	Average Square Foot/Unit ²	Replacement Cost/Unit ³	Number of Units	Total Replacement Cost
Efficiency	131.24	508	\$66,670	0	\$0
1-Bedroom	131.24	761	\$99,874	75	\$7,490,523
2-Bedroom	131.24	1,080	\$141,739	0	\$0
3-Bedroom	131.24	1,390	\$182,424	0	\$0
4-Bedroom	131.24	N/A	N/A	0	\$0
TOTAL					\$7,490,523

Source:

1. International Code Council – August 2020 Report.

2. Kimley-Horn and Associate Analysis – based on apartments listed for rent across ten properties on September 22, 2021.

3. Includes financing and land acquisition costs of \$30,000 per unit.

Resources for Affordable Housing Units

A variety of programs exist to help cities acquire, replace, or subsidize at-risk affordable housing units. The following summarizes financial resources available:

- **Community Development Block Grant (CDBG)** – CDBG funds are awarded to cities on a formula basis for housing activities. The primary objective of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment and economic opportunity for principally low- and moderate-income persons. Eligible activities include administration, fair housing, energy conservation and renewable energy sources, assistance for economic development, public facilities and improvements and public services.
- **HOME Investment Partnership** – Local jurisdictions can receive funds by formula from the Department of Housing and Urban Development (HUD) to increase the supply of decent, safe, sanitary, and affordable housing to lower income households. Eligible activities include housing acquisition, rehabilitation, and development, homebuyer assistance, and rental assistance.
- **Section 8 Rental Assistance Program** – The Section 8 Rental Assistance Program provides rental assistance payments to owners of private, market rate units on behalf of very low-income tenants, senior citizens, disabled and/or handicapped persons, and other individuals for securing affordable housing.
- **Section 202/811 Program** – Non-profit and consumer cooperatives can receive no-interest capital advances from HUD under the Section 202 program for the construction of very low-income rental housing with the availability of supportive services for seniors and persons with disabilities. These funds can be used in conjunction with Section 811, which can be used to develop group homes, independent living facilities and immediate care facilities. The capital advance funding can also provide project rental assistance for the properties developed using the funds. Eligible activities include acquisition, rehabilitation, new construction, and rental assistance.
- **California Housing Finance Agency (CalHFA) Multifamily Programs** – CalHFA's Multifamily Programs provide permanent financing for the acquisition, rehabilitation, and preservation of new construction of rental housing that includes affordable rents for low- and moderate-income



families and individuals. One of the programs is the Preservation Loan program which provides acquisition/rehabilitation and permanent loan financing designed to preserve or increase the affordability status of existing multifamily housing projects.

- **Low-Income Housing Tax Credit (LIHTC)** – This program provides tax credits to individuals and corporations that invest in low-income rental housing. Tax credits are sold to those with high tax liability and proceeds are used to create housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.
- **California Community Reinvestment Corporation (CCRC)** – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for low-income families, seniors, and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.

Qualified Entities for Preservation of Affordable Housing Units

The following organizations may potentially assist in preserving future at-risk units:

- Jamboree Housing Corporation
- Irvine Housing Opportunities, Inc.
- Bridge Housing Corporation
- The Irvine Company
- Orange County Housing Authority
- Housing Corporation of America
- Southern California Housing Development Corporation
- Century Housing

Quantified Objectives

Housing Element law requires that cities establish the maximum number of units that can be preserved over the planning period. The City's objective is to preserve the 75 affordable housing units "at-risk" of converting to market rate through policy programs provided in **Chapter 4: Housing Plan**.

SB 330

Effective January 1, 2020, Senate Bill 330 (SB 330) aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and policies that can be applied to residential development. The revised definition of "Housing Development" now contains residential projects of two or more units, mixed-use projects (with two-thirds of the floor area designated for residential use), transitional, supportive, and emergency housing projects. SB330 sets a temporary 5-year prohibition of residential density reduction associated with a "housing development project", from January 1, 2020, to January 1, 2025. For example, during this temporary prohibition, a residential triplex cannot be demolished and replaced with a duplex as this would be a net loss of one unit.

The City is committed to making diligent efforts to engage underrepresented and disadvantaged communities in studying displacement.



5. Summary of Fair Housing Analysis

The analysis conducted in this section regarding fair housing issues within Costa Mesa yielded the following conclusions:

- The dissimilarity analysis shows that nearly all racial and ethnic groups experience moderate to high segregation in the City of Costa Mesa. The Native Hawaiian and the Hispanic population experience the highest levels of segregation, meaning that to create a more integrated city, more than 45 percent of each respective population would need to move into a predominantly white census tract.
- There are no racially or ethnically concentrated census tracts (RECAPs) within Costa Mesa as identified by HUD. This indicates that there are no census tracts within the City with a non-white population of 50 percent or more or any census tracts that have a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan area. However, there is one area identified as high segregation and poverty.
- The data shows that Costa Mesa has ten block groups which meet the criteria for racially concentrated areas of affluence (RCAA). RCAAs are areas which the population is predominantly white with an income over \$125,000 or higher.
- The UC Davis Regional Opportunity Index shows that the majority of residents within Costa Mesa have a moderate to high level of achievement and attainment. However, there are two census tracts in the south western portion of the City which show the lowest levels of attainment and achievement for residents, these areas also overlap with the high segregation and poverty area identified by the TCAC map (**Figure 3-5b**).
- The UC Davis Regional Opportunity Index (ROI) shows that the majority of residents within Costa Mesa have the highest level of access to opportunity throughout the City. Additional analysis of the ROI maps show that the northern portion of the City has moderate to lower levels of access to affordable or appropriate housing.
- The City provides moderate transit trip opportunity, a score of 5.4. Additionally, about 98.8% of all City jobs are within ½ mile of transit but just under 3 percent of the working population uses public transit as a primary source of transportation.
- The City has demonstrated the ability to meet the anticipated future affordable housing needs of the community through the designation of sites to meet the very low and low income RHNA need (**Appendix B: Candidate Sites and Housing Resources**). These sites are dispersed throughout the community and are identified on sites with high opportunity for residential development.
- There are 75 current units with affordable covenants at risk of converting to market rate before the year 2029 in the City.
- The CalEnviro Screen mapping tool (2018) identified most of the City as “moderate” to “low to moderate” scoring, indicating moderate exposure to harmful pollutants. Additionally, the area which is identified as high segregation and poverty is the highest scoring census tract on the CalEnviro Screen map, indicating high exposure to harmful pollutants.



6. Assessment of Contributing factors to Fair Housing in Costa Mesa

Regionally Identified Contributing Factors

As identified by the AI and the above analysis the City of Costa Mesa experiences the following local contributing factors to fair housing:

- **Housing Discrimination** – The 2020 AI identified housing discrimination as an impediment to fair housing choice in the City. The AI reports that 609 households in Costa Mesa received fair housing services relating to general housing issues and discrimination allegations. The Fair Housing Foundation (FHF) received 65 housing discrimination inquiries with 9 based on physical or mental disability, 8 related to race, 2 related to national origin, 2 related to gender, 1 related to sexual orientation, and 5 related to familial status.
 - Through CDBG funding the City contracts with the Fair Housing Foundation to provide educational and support services to persons who experience housing discrimination in Costa Mesa.
- **Racial and Ethnic Segregation** – The Analysis above identifies moderate segregation through the dissimilarity index analysis. Persons who identify as Hispanics, Asian, Native Hawaiian, American Indian, and Black experience over 30 percent dissimilarity with the white population in Costa Mesa. Additionally, while the R/ECAP analysis did not identify R/ECAPs in the City, there are two racially and ethnic concentrated areas of poverty near the City consisting of primarily Hispanic and Asian population.
 - During the AI report period, the City distributed literature on fair housing in English, Spanish, and Vietnamese to target neighborhoods and in conjunction with other neighborhood improvement efforts. This information was also provided at workshop events, at community centers, and at City Hall.
 - The City will continue to outreach specifically to low and very low-income residents as well as considered targeted outreach to residents with moderate and high levels of segregation,
- **Unfair Lending** – The Lending Analysis identifies lower rates of home loan approval for moderate, low, and very low-income residents. Additionally, applicants in Costa Mesa who identify as Black experience both lower rates and home loan approval and purchase and higher rates of home loan denial, indicating disparity in access to funding.
 - Currently, the City does not offer homebuyer assistance, but the AI reports that information on housing rehab programs are available on the City's website. The City will continue to provide important ownership information on the City's website. Costa Mesa recognizes that an educated community is an empowered commitment and will consider target education and outreach about loan purchase to residents.
- **Overcrowding** – the Analysis of Existing Housing Needs in Costa Mesa identified a significantly higher percentage of renters who experience overcrowding in the City than in the County and the State. Overcrowding can be an indicator of multi-generational living, however in renter ship it is often an indicator that there are not sufficient affordable housing options causing residents to increase the number of persons per unit to lower the overall cost of housing. Overcrowding may also indicate a lack of adequate housing unit types available to residents with large families. While



the City does not build housing, they will work with developers and interested parties to increase feasibility and opportunities for both affordable housing and multigenerational housing.

Locally Identified Contributing Factors

There are a number of factors and elements that contribute to and cause fair housing issues. The following lists a number of contributing factors within the City of Costa Mesa:

- **Community Opposition** As a part of the Housing Element Update, the City hosted a variety of community engagement opportunities to gather feedback and input related housing needs. A large number of community members identified an overall objection to new housing in the City, specifically higher income housing. Traditionally, affordable housing and higher density residential projects receive community pushback or opposition. However, outreach and education can help to shift negative views of additional housing in a positive manner.
- **Lack of Investment in Specific Neighborhoods** – The TCAC map identified census tract: 06059063605 as an area of high segregation and poverty (**Figure 3-5b**); meaning the demographics of this tract are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county). Additionally, this census tract is scored as lowest opportunity in civic life, health, mobility, housing, economy, and education by the UC Davis ROI: People (**Figure 3-8**), which is a relative measure of people's assets in a census tract. While the area was scored as low opportunity for resident assets, it was scored highest opportunity for Place (**Figure 3-9**), meaning the geographic area has high assets and opportunity in education, economic, housing, mobility, health and civic life. The census tract is also identified as having less positive educational outcomes by the TCAC-Education map (**Figure 3-12**) and the highest exposure to harmful pollutants according to the CalEnviro Screen (**Figure 3-14**). Combined data shows that conditions in this area may exacerbate existing segregation trends, low opportunity for community and resident enhancement and upward mobility and that there may be overall lack of public investment in the area.
- **Displacement of Residents Due to Economic Pressures** – The data in the RCAA analysis (**Figures 3-6 through 3-7**) show that there are ten census tracts which meet the criteria for a racially concentrated area of affluence (RCAA). The definition for an RCAA is a census tract in which 80 percent or more of the population is White and has a median income of at least \$125,000. The RCAAs are located in the highest resource and highest opportunity areas and are also within areas with the lowest exposure to harmful pollutants. If RCAA expand and gentrification occurs across the city, lower income households are at risk of displacement due to economic pressures and potential changing or increasing costs in housing and essential retail.

7. Analysis of Sites Pursuant to AB 686

AB 686 requires that jurisdictions identify sites throughout the community in a manner that is consistent with its duty to affirmatively further fair housing. The site identification requirement involves not only an analysis of site capacity to accommodate the RHNA (provided in **Appendix B**), but also whether the



identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Figures 3-21 through 3-26 below identify the sites to accommodate future housing, as identified in the adequate sites analysis, overlaid on demographic data using the 2019 American Community Survey 5-Years Estimates.

- Figure 3-21 – Costa Mesa Proposed RHNA Sites, Hispanic/Latino, 2019
- Figure 3-22– Costa Mesa Proposed RHNA Sites, Non-White Population, 2019
- Figure 3-23 – Costa Mesa Proposed RHNA Sites, Low and Moderate Income, 2019
- Figure 3-24 – Costa Mesa Proposed RHNA Sites, R/ECAP Areas, 2019
- Figure 3-25 – Costa Mesa Proposed RHNA Sites, RCAAs, 2019
- Figure 3-26 – Costa Mesa Proposed RHNA Sites, TCAC Opportunity Areas, 2019

Figure 3-21 shows the proposed candidate sites to meet the RHNA for Costa Mesa in relation to the location of residents of Hispanic origin. These sites take into consideration access to vital goods, services, and public transportation and are therefore ideal areas for the City to focus much of its future housing growth. It is anticipated that accessory dwelling unit (ADU) growth, including growth for affordable ADUs, will occur in the less dense areas of the community. Figure 3-21 shows the following findings:

- 22 proposed sites to accommodate the RHNA allocation (totaling 10,385 potential units, or 62.3% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic which is less than 20 percent. Of those units, 2,028 are proposed as affordable to low and very low incomes.
- 29 proposed sites to accommodate the RHNA allocation (totaling 3,594 potential units, or 21.6% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 20 and 40 percent. Of those units, 1,288 are proposed as affordable to low and very low incomes.
- 29 proposed sites to accommodate the RHNA allocation (totaling 1,697 potential units, or 10.2% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 40 and 60 percent. Of those units 524 are proposed as affordable to low and very low incomes.
- 7 proposed sites to accommodate the RHNA allocation (totaling 207 potential units, or 1.2% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 60 and 80 percent. Of those units, 58 are proposed as affordable o low and very low incomes.
- 10 proposed sites to accommodate the RHNA allocation (totaling 790 potential units, or 4.7% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic greater than 80 percent. Of those units, 229 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units does not disproportionately impact areas with larger concentrations of the Hispanic population.



Figure 3-21: Sites Proposed to Accommodate RHNA and Percent Population Hispanic, Costa Mesa

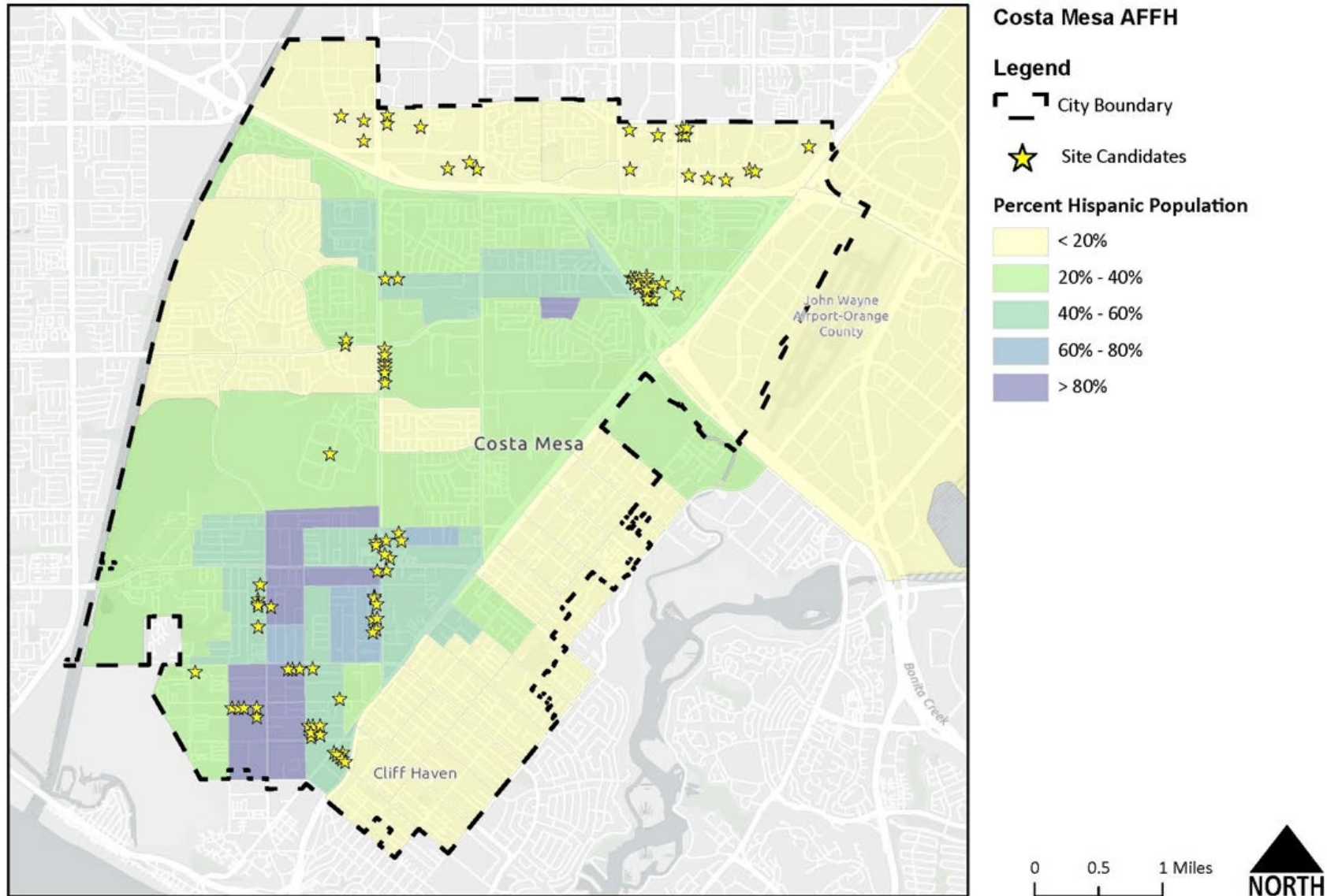




Figure 3-22 shows the proposed candidate sites to meet the RHNA for Costa Mesa in relation with census data showing the percentage of the population within each block group that is Non-white. **Figure 3-22** shows the following findings:

- 56 proposed sites to accommodate the RHNA allocation (totaling 14,222 potential units, or 85.3% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White between 40 and 60 percent. Of those units, 3,849 are proposed as affordable to low and very low incomes.
- 24 proposed sites to accommodate the RHNA allocation (totaling 1,454 potential units, or 8.7% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White between 60 and 80 percent. Of those units, 455 are proposed as affordable to low and very low incomes.
- 17 proposed sites to accommodate the RHNA allocation (totaling 997 potential units, or 6.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as Non-White greater than 80 percent. Of those units, 287 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units does not disproportionately impact areas with larger concentrations of Non-white populations.





Figure 3-22: Proposed Sites to Accommodate RHNA and Percent Population Non-White, Costa Mesa

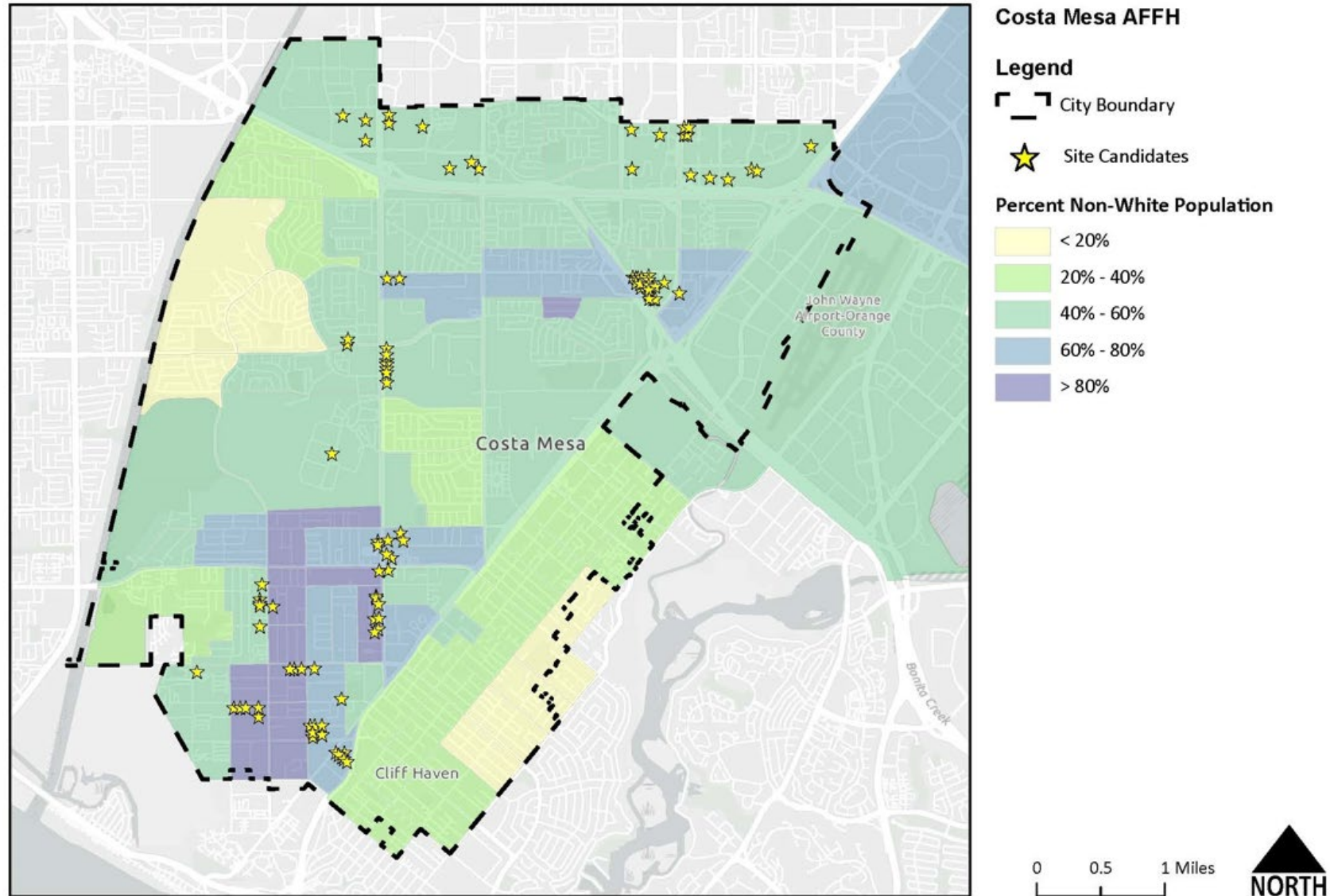




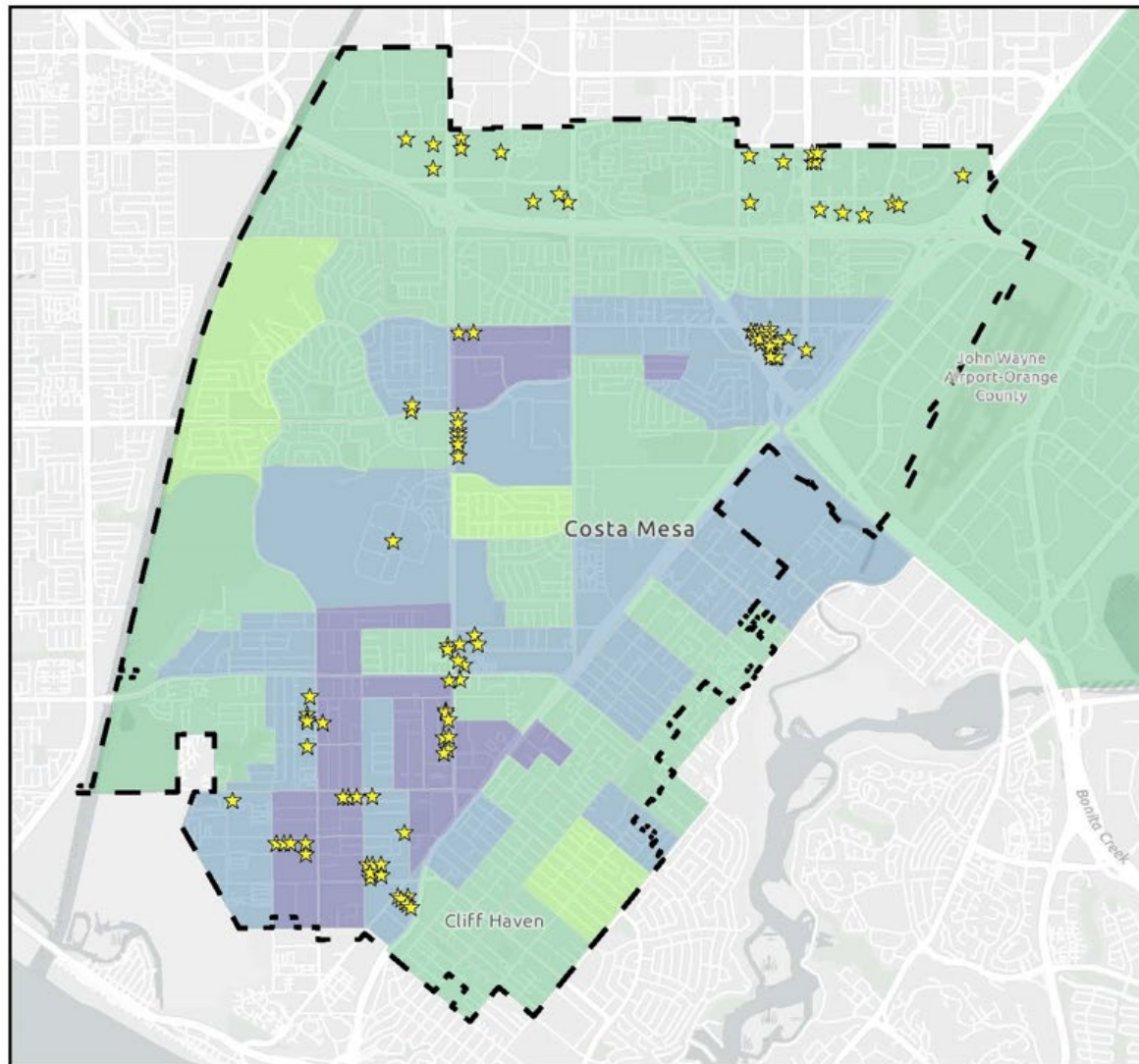
Figure 3-23 shows location of proposed candidate sites to meet the RHNA for Costa Mesa in comparison with census data showing the percentage of the population within each block group who is categorized as low income or moderate by the American Community Survey. **Figure 3-23** shows the following findings:

- 25 proposed sites to accommodate the RHNA allocation (totaling 10,499 potential units, or 63.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income between 25 and 50 percent. Of those units, 2,522 are proposed as affordable to low and very low incomes.
- 53 proposed sites to accommodate the RHNA allocation (totaling 4,989 potential units, or 29.9% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income between 50 and 75 percent. Of those units, 1,728 are proposed as affordable to low and very low incomes.
- 19 proposed sites to accommodate the RHNA allocation (totaling 1,185 potential units, or 7.1% of the total potential units) are located within block groups that have a percentage of the population that identifies as low-and moderate-income greater than 75 percent. Of those units, 341 are proposed as affordable to low and very low incomes.

The data shows that the proposed candidate sites to meet the very low and low-income RHNA allocation are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. The distribution of potential units provides increased opportunities for low-income housing in areas with higher rates of low-income persons.



Figure 3-23: Proposed Sites to Accommodate RHNA and Percent Population Low and Moderate-Income, Costa Mesa



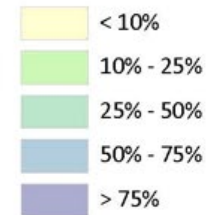
Costa Mesa AFFH

Legend

City Boundary

Site Candidates

Percent Low- and Moderate-Income Population



0 0.5 1 Miles





Figure 3-24 shows proposed candidate sites to meet RHNA for Costa Mesa in relation with data showing R/ECAP areas within the City. R/ECAPs are racially or ethnically concentrated areas of poverty; they are marked in red hatchings. The goal of the AB 686 analysis is to analyze how the sites identified to accommodate the RHNA allocation may exacerbate or mitigate existing fair housing issues. Figure 3-24 shows there are no R/ECAPs located within the City of Costa Mesa; therefore, no proposed candidate sites are located in a R/ECAP.

Figure 3-25 shows proposed candidate sites to meet RHNA in relation with data showing RCAA areas within the City. RCAAs are racially or ethnically concentrated areas of affluence, they are identified as areas with a median household income greater than \$125,000 and a white population of 80 percent or higher. Figure 3-25 shows there are no RCAAs in Costa Mesa; however, there are RCAAs just outside the City's boundaries in Newport Beach.

Figure 3-26 shows proposed candidate sites to meet RHNA for Costa Mesa in relation with the TCAC/HCD Opportunity Areas within the City. TCAC is the California Tax Credit Allocation Committee/Housing and Community Development Opportunity Area Maps which show how resources are spatially distributed throughout the City.

Figure 3-26 shows the following findings:

- 17 proposed sites to accommodate the RHNA allocation (totaling 899 potential units, or 5.4 percent of the total potential units) are located within High Segregation & Poverty Resource areas. Of those units, 298 are affordable to low and very low income groups.
- 10 proposed sites to accommodate the RHNA allocation (totaling 696 potential units, or 4.2 percent of the total potential units) are located within Low Resource areas. Of those units, 200 are affordable to low and very low income groups.
- 56 proposed sites to accommodate the RHNA allocation (totaling 14,227 potential units, or 85.3 percent of the total potential units) are located within Moderate Resource areas. Of those units, 3,850 are affordable to low and very low income groups.
- 5 proposed sites to accommodate the RHNA allocation (totaling 273 potential units, or 1.6 percent of the total potential units) are located within Moderate Resource (Rapidly Changing) areas. Of those units, 78 are affordable to low and very low income groups.
- 9 proposed sites to accommodate the RHNA allocation (totaling 578 potential units, or 3.5 percent of the total potential units) are located within High Resource areas. Of those units, 165 are affordable to low and very low income groups.



Figure 3-24: Proposed Sites to Accommodate RHNA and Racially/Ethnically Concentrated Areas of Poverty, Costa Mesa





Figure 3-25: Proposed Sites to Accommodate RHNA and Racially/Ethnically Concentrated Areas of Affluence, Costa Mesa

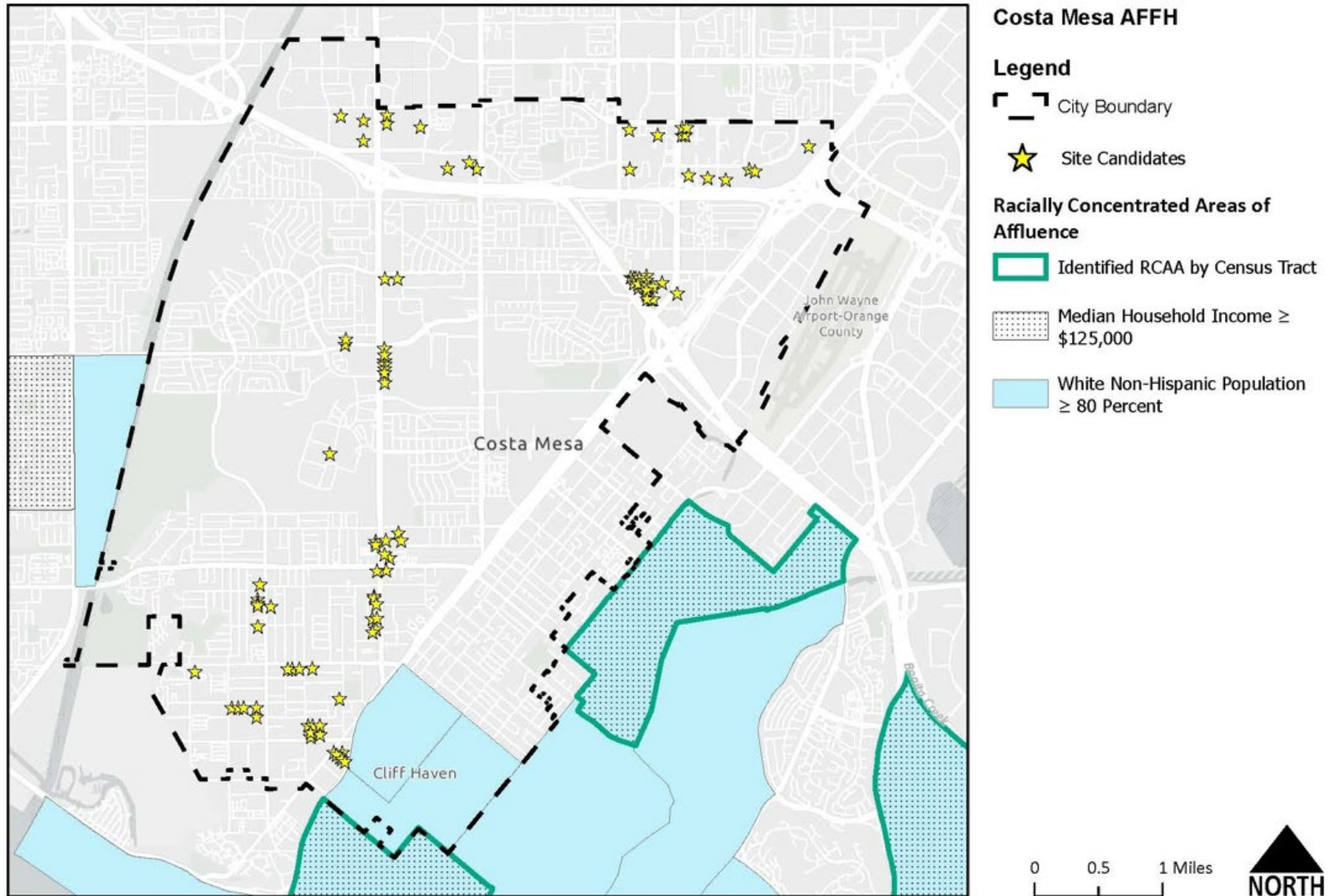
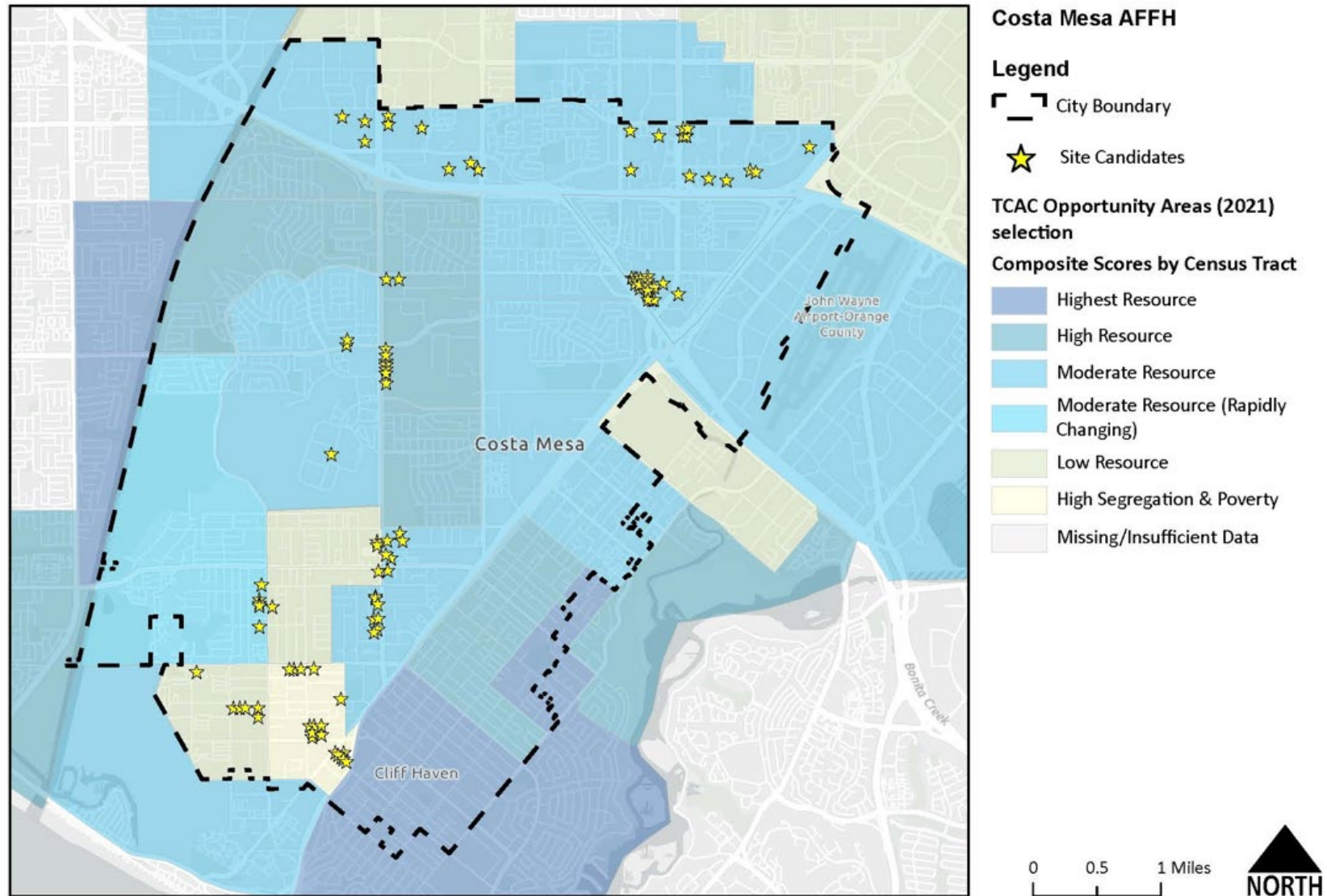




Figure 3-26: Proposed Sites to Accommodate RHNA and TCAC Opportunity Areas, Costa Mesa





8. Analysis of Fair Housing Priorities and Goals

To enhance mobility and promote inclusion for protected classes, the chief strategy included in this Housing Element is to provide sites suitable for affordable housing in high-resource, high-opportunity areas, as demonstrated by the analysis of the housing resource sites contained in Chapter 3: Housing Resources. Other programs that affirmatively further fair housing and implement the AI's recommendations include:

- **PROGRAM 2A:** Inclusionary Housing Ordinance
- **PROGRAM 2B:** Affordable Housing Development
- **PROGRAM 2C:** Supportive Services for Persons with Special Needs
- **PROGRAM 2D:** Facilitate Development of Senior Housing Options
- **PROGRAM 2E:** Encourage Development of Housing Options for Large-Family Households
- **PROGRAM 2F:** Persons with Physical and Developmental Disabilities
- **PROGRAM 2H:** Farmworker Housing
- **PROGRAM 4A:** Fair Housing
- **PROGRAM 4B:** Rental Housing Assistance
- **PROGRAM 4D:** Fair Housing Assistance
- **PROGRAM 4E:** Low Barrier Navigation Centers
- **PROGRAM 4F:** Homeless Shelter

F. Housing Resources

1. Regional Housing Needs Allocation

This section of the Housing Element provides an overview of the resources available to the City to meet the Regional Housing Needs Allocation (RHNA). The City of Costa Mesa is required to plan for the following 2021-2029 RHNA allocation:

Future Housing Needs

Future housing need refers to the share of the regional housing need that has been allocated to the City. The State Department of Housing and Community Development (HCD) has supplied a regional housing goal to the Southern California Association of Governments (SCAG). SCAG was then required to allocate the housing goal to each jurisdiction within the region through a RHNA Plan. In allocating the region's future housing needs to jurisdictions, SCAG is required to take the following factors into consideration pursuant to Section 65584 of the State Government Code:

- Market demand for housing;
- Employment opportunities;
- Availability of suitable sites and public facilities;
- Commuting patterns;
- Type and tenure of housing;
- Loss of units in assisted housing developments;
- Over-concentration of lower income households; and
- Geological and topographical constraints.



HCD, through a determination process, allocates units to each region across California. It is then up to each region to determine a methodology and process for allocating units to each jurisdiction within that region. SCAG adopted its Regional Housing Needs Allocation (RHNA Plan) in March 2021. This RHNA covers an 8-year planning period (starting in 2021) and addresses housing issues that are related to future growth in the region. The RHNA allocates to each city and county a “fair share” of the region’s projected housing needs by household income group. The major goal of the RHNA is to assure a fair distribution of housing among cities and counties within the SCAG region, so that every community provides an opportunity for a mix of housing for all economic segments.

Costa Mesa’s share of the SCAG regional growth allocation is 11,760 new units for the current planning period (2021-2029). **Table 3-39: Housing Needs for 2021-2029**, indicates the City’s RHNA need for the stated planning period.

Table 3-39: Housing Needs for 2021-2029		
Income Category	Percent of Median Family Income (MFI)	Costa Mesa’s RHNA Allocation for the 2021-2029 Planning Period
Very Low Income	0-50% MFI	2,919 units
Low Income	51-80% MFI	1,794 units
Moderate Income	81-120% MFI	2,088 units
Above Moderate Income	>120% MFI	4,959 units
TOTAL		11,760 units

Residential Sites Inventory

Appendix B of the Housing Element includes the required site analysis tables and site information for the vacant and non-vacant properties to meet the City’s RHNA need through the 2021-2029 planning period. The following discussions summarize the City’s site inventory and adequate sites identification strategy.

Adequacy of Sites for RHNA

The City of Costa Mesa conducted a thorough analysis of all parcels within the City to determine which areas may have the most realistic potential to redevelop for residential uses within the planning period. The analysis included an in depth look at the following site characteristics for each parcel within the inventory:

- Address
- Ownership
- Zoning (including Specific Plan areas, Urban Plans, and Overlays, if applicable)
- Size (Net developable acres removing known development constraints)
- Density
- Vacancy status
- Previous Housing Element identification
- Potential Development Capacity (Dwelling Units) by income category
- Description of existing use



Most sites identified meet AB 1397 requirements for size as well as infrastructure requirements for available utility service. There is a further analysis regarding consolidation of small sites as well as the development potential of large sites within **Appendix B**.

The City of Costa Mesa has a total 2021-2029 RHNA allocation of 11,760 units. The Housing Element update lists sites, including accessory dwelling units, that can accommodate approximately 17,531 additional units. **Table 3-40** shows a summary of the City's overall capacity to accommodate its RHNA. Overall, the City has adequate capacity to accommodate its 2021-2029 RHNA with a 149% buffer in excess of the City's RHNA need.

Table 3-40: Summary of RHNA Status and Sites Inventory					
	Very Low Income	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 31, 2021)	3	19	9	8	39
Remaining Unmet RHNA	2,916	1,775	2,079	4,951	11,721
Sites Inventory					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Existing Sites	1,009	562	1,084	3,655	6,310
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,269	632	1,269	3,265	6,435
SoBECA Urban Plan	141	67	141	383	732
Mesa West Bluff Urban Plan	208	100	208	555	1,071
19 West Urban Plan	123	59	123	335	640
Harbor Mixed Use Overlay	286	135	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	2,027	993	2,027	5,316	10,363
Projected ADU Construction					
Projected ADU Construction	143	246	172	11	572
Sites Inventory Total					
Total Units towards RHNA	3,179	1,801	3,283	8,982	17,245
Total Capacity Over RHNA Categories	109%	101%	158%	181%	147%

Projects in the Pipeline

Development projects that are in the planning process but have not received approvals or building permits are considered "in the pipeline." For applications submitted for a land use approval, projects are considered "pending" until the necessary land use approvals are issued, at which point a project is deemed "approved." Once a building permit is issued, the project is identified as "building permit issued." When project



construction is completed and all necessary building safety inspections have been completed a certificate of occupancy or “final building permit” is issued.

Pursuant to the HCD Housing Element Site Inventory Guidebook Government Code Section 65583.2, for projects yet to receive their certificate of occupancy or final building permit, the element must demonstrate that the project is expected to be built within the planning period. The City believes that many of these “in the pipeline” housing units are likely to be developed within the planning period and could further the City’s efforts in reaching its required RHNA, if/once developed. Although “projects in the pipeline” are not included as “candidate housing sites”, they represent opportunities for future housing construction in Costa Mesa within the planning period. If/when these housing units are built, the units will count toward achieving the City’s RHNA allocation consistent with State law.

Appendix B contains a summary of housing projects at various planning/development stages, and consist of potential developments of various sizes, types and housing affordability ranges. The summary includes recent housing projects that have been submitted at this time, but not approved; approved but no building permits have been issued or applied for; and other housing projects that City staff is working on in partnership to develop housing resources in the City.

For a variety of reasons, not all projects in the pipeline complete the planning or building permit process and are built and occupied. However, these projects provide an indication of what future completed construction will likely be. City staff will continue to work with the aforementioned project applicants and other City housing efforts to reach the City’s Housing Element goals.

Redevelopment of Non-Vacant Sites for Residential Uses

The City of Costa Mesa does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA and are reliant on non-vacant sites to meet their RHNA need. To accommodate the need at all income levels, the City has analyzed sites within non-residentially zoned areas that permit residential development through Specific Plans, Urban Plans, or Overlays. The City also evaluated and included parcels not currently within Urban Plans which will be added when those Urban Plans are amended.

As part of the candidate housing sites analysis, the City has evaluated recent projects that have redeveloped within non-residentially zoned areas that included residential units. Those projects, including the zoning, use prior to redevelopment, and a project analysis of the approved development plan, are shown in **Table 3-41**. The City’s analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in **Table B-3**.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in **Table B-3**. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.



The following residential development projects have been constructed on parcels that were either non-residentially zoned or had an existing non-residential use on-site within Costa Mesa.

Table 3-41: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
125 Baker St.	240	PDR - HD	Industrial use	This development is a 240-unit wrap apartment complex on a 4.2-acre parcel in a largely industrial and office area of Costa Mesa. The project was built at a density of approximately 57 du/ac. The site was previously a light industrial and office uses use similar to some of the identified candidate housing sites. The project was rezoned from CL to PDR-HD.
1957 Newport Blvd.	38	PDR - HD	Self-storage use and trailer storage lot	This development is a 38-unit condominium project along the Newport Blvd commercial corridor. The site was previously a self-storage and trailer storage use similar to some of the identified candidate housing sites. The project was rezoned from C1 to PDR-HD.
2277 Harbor Blvd.	200	PDR - HD	Motel use	This development is a 200-unit apartment complex on a previous motel use site. This development is located on Harbor Boulevard and shares many existing characteristics with sites identified within this corridor in the candidate sites inventory. The project was rezoned from C1 to PDR-HD.
671 W. 17 th St.	177	MG	Brownfield development (Argotech Industries)	This development is 177 live/work and loft residential units and was developed on a site that was previously largely surface parking area. This site is in the Mesa West Urban Plan area and adjacent to some of the sites identified within the candidate housing sites analysis. This project also shares many existing use characteristics with those identified sites.
1620 and 1644 Whittier Ave.	89	MG	Industrial use (Ametek Aerospace and Defense)	This development is 89 live/work residential units on a former industrial use site in the Mesa West Bluffs Urban Plan area. Similar to 671 W. 17 th Street, this site shares many geographic and existing use characteristics



Table 3-41: Example Development of Non-Vacant Sites for Residential Uses

Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				with sites identified in the candidate housing sites analysis.
1500 Mesa Verde Drive East	215	PDC	Vacant commercial area	This development is 215 senior apartments developed at four stories along Harbor Boulevard directly adjacent to existing commercial uses. This project is an example of the types of horizontal mixed-use projects that the City anticipates may develop along Harbor Boulevard and matches assumptions made in the Housing Element.
1527 Newport Boulevard	40	C2 & MG	Industrial uses, including boat and automobile repair	This development is 40 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
132, 134, 140 Industrial Way	22	C2 & MG	Industrial uses, including boat and automobile repair	This development is 22 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
1677-1985 Superior Avenue	49	C2 & MG	Gas station and a mixture of commercial and industrial uses.	This development is 49 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
2025 Placentia Avenue	36	MG	Commercial and industrial uses, including storage and repair for boats	This development is 36 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.
2095 Harbor Boulevard	29	PDC	Commercial buildings and gas station which had been vacant for several years.	This development is 28 single-family homes with live/work potential, including ground floor commercial/office workspaces and two stories above for residential. This development is in the Harbor Mixed Use Urban Plan area along Harbor Avenue and



Table 3-41: Example Development of Non-Vacant Sites for Residential Uses

Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				previous uses are consistent with sites identified within the sites inventory.
1672 Placentia Avenue	32	MG	Boat yard and industrial building	This development is 32 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.

This analysis of recent sample development projects shows that residential development occurs within the City on sites that have existing non-residential uses. As indicated in the analysis notes, these example sites share many characteristics with the candidate housing sites in **Table B-3**. This demonstrates that there is development potential on these sites as well as interest in developing these types of sites for residential uses within Costa Mesa.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private party lease agreements or other contractual agreements amongst private parties. Additionally, COVID-19 has increased the potential number of vacancies, especially within commercial uses. As part of the sites analysis for very-low and low-income sites, the City conducted discussions with property owners who felt comfortable sharing this information and came forward as interested in developing their properties for housing through the planning period. Notes regarding discussion are found in **Table B-3**.

Regulatory Incentives

Density bonus is a State law which permits increased density, a lowered parking standard, and concessions for projects which provide a certain percentage of their dwelling units as deed restricted to residents at the very-low, low, and moderate-income levels. Projects within infill areas such as Costa Mesa often utilize density bonus provisions to construct affordable units. The City understands that existing land use policy may not necessarily contribute to the development of housing. Therefore, regulatory incentives can be helpful in bringing housing units to the market. The City has committed through **Program 2I**, to annually update the local density bonus ordinance to be consistent with State law if changes are adopted at the State level.

The City has created programs expressly written to address the analysis and potential development of additional regulatory incentives to incentivize the creation of affordable housing. As stated in **Program 2B**, these may include, but are not limited to, the following for projects that propose a percentage of their housing units as affordable:



- Deferment of fees
- Priority Processing
- Modified development standards (above and beyond what is permitted under Density Bonus)

Development Trends and Current Market Demand for Existing Uses

The existing uses within the identified candidate housing sites are primarily commercial, light industrial, and office/business park. The following excerpts are from the Winter 2021 Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey.

Office Space Markets

The COVID-19 pandemic took a toll on traditional office uses when the majority of California's office workforce was required to work from home. This taught employees and employers that remote work was possible and may have sparked a trend of more remote work options in a post-COVID world. An excerpt from the above referenced study indicated that "survey participants are confident about the growth in demand for office space between 2020 and 2023, they are pessimistic about the return to investment in new space today."⁸

This indicates that while we may return to a more normal work setting in the short term, there is likely to be less investment going forward in new office space as employers look to downsize the leasable space they occupy and expand flexible work options to keep employees happy and hard costs down. It is likely this trend occurs into the next decade, opening up existing office uses not operating at full occupancy for residential redevelopment opportunities.

Retails Space Markets

In regard to future retail development trends and demand, the above referenced study noted the following observations from their analysis on participant responses. "During the previous economic expansion, retail space struggled. The current recession tripled down on that struggle. First, the loss of household income and the shelter-in-place policies reduced current demand for brick-and-mortar retail. Second, the inability to physically frequent many retail establishments created a new set of online shoppers, and third, increases in the savings rate on the part of households in response to the recession portends less individual consumption. To be sure, some activities will be coming back, particularly personal services and experiential retail. But now, more marginal properties will not find tenants willing to pay sufficient rent to keep the properties in the retail space."⁹

While COVID-19 had a large impact on retail in the immediate future, overall market trends pointed to a decline in the need for brick-and-mortar retail spaces going back over the past decade. The rise in online retailers such as Amazon and the shift in focus to online sales of major retailers like Target, Walmart, and others have kept shoppers in their homes and away from smaller mom and pop retailers as well. Experiential uses such as restaurants and dining provide more incentive and are likely to bounce back quickly following the removal of COVID-19 protocols. These uses do well in walkable, mixed-use settings

⁸ Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey, Winter 2021,

⁹ Allen Matkins/UCLA Anderson Forecast Commercial Real Estate Survey, Winter 2021,



with a strong flow of permanent consumers. Residential uses, especially at higher densities, present an opportunity to support future commercial growth including supporting smaller mom and pop retailers in infill settings such as Costa Mesa.

Development Trends

State, regional, and local policy direction promoting the development of housing at all levels to meet existing housing shortages, especially for low-income families, has further driven up the demand for housing. The redevelopment of existing non-vacant land, both in residential and non-residential zones, for multi-family rental and for sale housing provides a realistic opportunity to create affordable housing using the resources available within communities such as Costa Mesa. As a result, much of Costa Mesa's future growth will be on infill opportunities within the City. To facilitate this, the City has proposed actions to evaluate and revise the development standards and permitted uses within many key areas within the City. This increases the developable area within the City where residential development can occur and promotes development at densities which may support affordable housing.

As stated previously, much of Costa Mesa's anticipated future housing growth is expected to occur on infill sites, or sites with existing uses. Development on non-vacant parcels was analyzed to determine a reasonable development capacity based on known constraints and historic development patterns within each of the different zones. **Table B-3 in Appendix B** contains a detailed description of each existing use. Many of the existing uses were found to be similar with recent redevelopment examples in Costa Mesa. **Appendix A** also includes outreach to property owners and letters of owner support/developer interest for specific parcels identified in the Housing Element.

Accessory Dwelling Unit Productions

Accessory dwelling units, or ADUs) are housing units which may be developed in addition to an existing single- or multi-family residential use. These housing units can be free-standing or attached to a primary structure and are intended to provide additional housing on an existing residential lot. Often ADUs provide housing for family members or are rented to members of the community.

One of the proposed methods for meeting the City's RHNA at all income levels is through the production of ADUs. A number of State Assembly and Senate Bills were passed in 2018 and 2019 that promote development of ADUs and remove barriers that may inhibit their development within communities. The following is a summary of those bills:

- AB 68 and 881
 - Prohibit minimum lot size requirements
 - Cap setback requirements at 4', increasing the size and location opportunities for ADUs
 - Prohibit the application of lot coverage, FAR, or open space requirements that would prevent an 800 square foot from being developed on a lot
 - Remove the need for replacement parking when converting an existing garage to an ADU
 - Limit local discretion in establishing min and max unit size requirements
 - Mandate a 60-day review period for ADU applications through a non-discretionary process



- SB 13
 - Prohibit owner-occupancy requirements for 5 years
 - Reduce impact fees applicable to ADUs
 - Provide a program for homeowners to delay compliance with certain building code requirements that do not relate to health and safety
- AB 670
 - Prohibits Homeowner's Associations (HOAs) from barring ADUs

As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2021. In 2018, the City permitted 4 ADUs, followed by 6 in 2019 and a 217% increase in 2020 of 19. In 2020, the City received 44 applications proposing ADUs. Of those 44 applications, 19 were issued building permits in 2020 and 1 was issued a building permit and received their Certificate of Occupancy in 2020. In addition, 12 of those 44 applications were issued a building permit in 2021. The remaining are still in plan check or the projects have been abandoned. Through June 20, 2021, the City has approved 12 ADUs for development, 2 of which are affordable. Additionally, the City has received 24 applications for ADUs so far in 2021. The City is still processing these applications, which will likely receive permits in 2021. In accordance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (Jr ADUs) are permitted only in single dwelling unit zones.

The City of Costa Mesa has determined based on past performance and the SCAG/HCD approved methodology that it is appropriate to anticipate the development of 858 accessory dwelling units from 2021 to 2029. Approximately 583 of these units are anticipated to be affordable at the low and very-low-income categories. A total of 257 ADUs are anticipated to be affordable at the moderate-income level and 18 ADUs are anticipated at the above moderate-income level.

To assist in reaching the City's ADU development projections, Costa Mesa has included **Program 3E**, which explores actions the City will take to promote and incentivize the development of ADUs during the planning period. As outlined in the program, these actions may include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Waiving specific permitting fees to make ADU development more feasible
- Creating an expedited plan check review process to ease the process for homeowners
- Explore potential State and Regional funding sources for affordable ADUs

Summary of Sites Inventory and RHNA Obligations

As described in this section and in further detail in **Appendix B**, the City of Costa Mesa has identified adequate sites to accommodate the 2021-2029 RHNA obligation of 11,760 housing units. These candidate housing sites, in combination with the programs stated in **Chapter 4**, will help to facilitate the development of future housing within the city.

G. Financial Resources



Providing an adequate supply of decent and affordable housing requires funding from various sources, the City has access to the following funding sources.

1. Section 8 Housing Choice Voucher

The Section 8 Housing Choice Voucher program is a Federal government program to assist very low-income families, the elderly, and the disabled with rent subsidy payments in privately owned rental housing units. Section 8 participants are able to choose any housing that meets the requirements of the program and are not limited to units located within subsidized housing projects. They typically pay 30 to 40 percent of their income for rent and utilities. The Orange County Housing Authority (OCHA) administers Section 8 Housing Choice vouchers within the City of Costa Mesa. OCHA reports that as of June 30, 2014, a total of 640 vouchers were granted to Costa Mesa households.

Community Development Block Grants (CDBG)

The Community Development Block Grant (CDBG) program provides annual grants on a formula basis to cities to develop viable urban communities by providing a suitable living environments and by expanding economic opportunities, principally for low- and moderate-income persons (up to 80 percent AMI). CDBG funds can be used for a wide array of activities, including:

- Housing rehabilitation;
- Lead-based paint screening and abatement;
- Acquisition of buildings and land;
- Construction or rehabilitation of public facilities and infrastructure, and;
- Public services for low-income households and those with special needs.

In order to receive CDBG funding, the City of Costa Mesa is required to approve and implement the 2020-2024 Consolidated Plan. This is a planning document that identifies the City's housing and community needs and outlines a strategy to address these needs utilizing funds from the U.S. Department of Housing and Urban Development (HUD).

HUD also requires the City to prepare a One-Year Action Plan for each of the five years covered by the Consolidated Plan. For the 2020-2021 fiscal year the City of Costa Mesa received \$1,600,000 in CDBG and HOME funding (including public service grants associated with CDBG) are anticipated to be allocated towards:

- | | |
|-----------------------------------------------------------------------|-----------------------------------------------|
| (1) Housing Rehabilitation | (7) City of Costa Mesa Senior Social Services |
| (2) Tenant-Based Rental Assistance (TBRA) | (8) Community SeniorServ Meal Programs |
| (3) HOME Administration | (9) Fair Housing Foundation |
| (4) Community Housing Development Organization (CHDO) Housing Reserve | (10) Youth Employment Services Program |
| (5) Special Housing Code Enforcement | (11) CDBG Administration |
| (6) Mercy House – Bridge Shelter | (12) Families Forward |

HOME Investment Partnership Program (HOME)



The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for households with incomes not exceeding 80 percent of area median income. The program gives local governments the flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations. HOME funds can be used for activities that promote affordable rental housing and homeownership by low-income households.

As with CDBG funding, HOME funds require the City complete a Consolidated Plan and a One-Year Action Plan. The 2020-2024 Consolidated Plan identifies the following objectives for HOME funds:

High Priority Need:

- Housing rehab: \$275,000
- Tenant Based Rental Assistance: \$150,000
- Community Housing Development Organization Reserve: \$180,365
- Program Admin: \$50,582

2. Opportunities for Energy Conservation

The primary uses of energy in urban areas are for transportation lighting, water heating, and space heating and cooling. The high cost of energy demands that efforts be taken to reduce or minimize the overall level of urban energy consumption. Energy conservation is important in preserving non-renewable fuels to ensure that these resources are available for use by future generations. There are also a number of benefits associated with energy conservation including improved air quality and lower energy costs.

Energy Use and Providers

Southern California Gas Company (SCG) provides natural gas service for the City. Natural gas is a “fossil fuel” and is a non-renewable resource. Most of the major natural gas transmission pipelines within the City are owned and operated by SCG. SCG has the capacity and resources to deliver gas except in certain situations that are noted in state law. As development occurs, SCG will continue to extend its service to accommodate development and supply the necessary gas lines. Electricity is provided on an as-needed basis to customers within existing structures in the City.

Southern California Edison Company (SCE) is the distribution provider for electricity in Costa Mesa. SCE services an area of 50,000 square miles with a population over 10 million; Costa Mesa represents less than one percent of the population served by SCE. Currently, SCE has no immediate plans for expansion of infrastructure, as most of the City is built out. However, every year SCE expands and improves existing facilities according to demand and they have indicated that future growth in Costa Mesa as anticipated in the General Plan is within the parameters of the overall projected load growth which they are planning to meet.

Energy Conservation

The City’s Conservation Element of the General Plan identify and establish goals and policies for preserving and managing natural resources in the City. The element states that solutions to energy problems can be solved through conservation and through the development of alternate energy sources. Energy suppliers are continuously searching for new and expanded sources of conventional fuels such as oil, gas, and coal.



More recently developed fuels, such as nuclear and geothermal, make up a small share of the nation's energy supplies.

The City's Conservation Element states the City does not operate any local utilities related to energy, however, it partners with and supports energy providers to promote sustainable practices through local regulations. The Element also reports that while the national consumption of energy has increased by over 50 percent in the last 30 years, the State of California has remained stable due to conservation campaigns by individuals, businesses, utilities companies, and State and local regulations.

Solar energy is the viable alternate energy source for the City of Costa Mesa. As of January 2020, the State of California requires all new single-family and multi-family homes (up to 3 stories high) include a solar photovoltaic (PV) system as a source of electricity. The California Clean Energy Commission determined this mandate increases the cost of single-family residences by \$8,400, but it saves homeowners and renters about \$80 per month on electricity costs. To further promote the switch to solar energy, the City of Costa Mesa initiated the Go Green Program which waives permit fees for residential solar installations and electric vehicle charging stations.

The Leadership in Energy and Environmental Design (LEED) certification is a world-wide rating system which reviews and rates buildings, communities, and cities on their energy efficiency and conservation strategies. A LEED certified building is rated based on a set of points received and may be rated "certified" at the lowest and "Platinum" at the highest. In 2007, the City of Costa Mesa implemented a Green Building Program aimed at promoting energy efficiency by expediting the permitting process and waive certain fees for LEED certified projects. The City also became the first California city to require all new Municipal buildings be LEED Gold certified. LEED certified buildings are recognized for providing the following:

- Improved productivity and morale amongst workers, recruitment, and higher retention rates;
- Improved indoor environmental quality and air quality;
- Minimized energy and water costs during construction and operation;
- Minimized waste output;
- Pollution prevention; and
- Low-impact materials that last longer and may be non-toxic, recycled, and sustainably produced.

In February 2021, the City of Costa Mesa became the first city in California to achieve a LEED Gold for Cities and Communities certification.

Lastly, the City also abides to Title 24 standards as mandated by the State. Title 24 establishes energy efficiency standards for residential and nonresidential buildings (new structures and additions) to reduce energy consumption. The standards are updated every three years to achieve greater efficiency and reach for new goals.

An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban area with various building footprints and street patterns.

Chapter 4

Housing Plan





Housing Plan

The Housing Plan describes the City of Costa Mesa 2021-2029 policy program. The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs further the City's overall housing policy goal is to Inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Costa Mesa.

Regional Housing Needs Assessment

The Southern California Association of Governments (SCAG) has conducted a Regional Housing Needs Assessment (RHNA) to determine the City's share of the affordable housing needs for the Orange County region. The RHNA quantifies Costa Mesa's local share housing needs for the region by income category. Income categories are based on the most current Median Family Income (MFI) for Orange County. The City's 2021-2029 RHNA growth need is as follows:

- 2,919 units - Very low income (0-50% County MFI)
- 1,794 units - Low income (51-80% of County MFI)
- 2,088 units - Moderate income (81-120% of County MFI)
- 4,959 units - Above moderate income (120% or more of County MFI)

11,760 units – Total

A. Guiding Principles

The City of Costa Mesa followed certain “guiding principles” in developing its approach and strategy for accommodating future housing growth. These guiding principles assist with implementation of the housing goals, policies and programs and will aid overall decision making. The guiding principles are rooted in community engagement and local knowledge and input into the planning process. The guiding principles are as follows:

- The City will plan for future housing primarily along major commercial, industrial, and mixed-use corridors within Costa Mesa that are compatible with growth, while preserving established residential neighborhoods.
- Each neighborhood, community, and district within Costa Mesa has its own unique characteristics and needs. Future housing growth will build upon Costa Mesa's history and complement the diversity and unique characteristics that already exist within each area.
- The City will plan for a diverse range of housing forms, types, and densities to address the housing needs of an inclusive and diverse community and provide housing opportunities that meet the needs of all residents, including low-income households, seniors, multi-generational families, larger households, and special needs groups.



As identified in **Chapter 2**, the City will need to consider the following findings based on the data presented in this Community Profile:

- The Costa Mesa population is showing aging trends – housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options. **The City has established Housing Program 2D to address this finding.**
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino – housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community. **The City has established Housing Programs 2E and 4A to address this finding.**
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing including affordable rental options and entry level home ownership facilitation should be considered. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Approximately 48.8 percent of renters and 31.8 percent of homeowners are estimated to spend more than 30 percent of their income on housing, indicating a high housing cost burden overall with a higher proportion of renters compared to owners experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- Based on for sale and rental housing prices, a moderate-income household cannot afford to own a home in Costa Mesa, while lower income households cannot afford to own or rent in Costa Mesa without experiencing overpayment. **The City has established Housing Programs 2B, 4A, 4B, and 4C to address this finding.**
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities. **The City has established Housing Programs 1A and 1B to address this finding.**
- Costa Mesa has a relatively low vacancy rate, indicating high demand for housing and low availability of housing units within the City. **The City has established Housing Programs 2B and 3A to address this finding.**
- 46.5 percent of Costa Mesa households have at least one of the four identified housing problems, which include:
 - Units with physical defects (lacking complete kitchen or bathroom);
 - Overcrowded conditions (housing units with more than one person per room – excluding bathrooms and kitchens);
 - Housing cost burdens, including utilities, exceeding 30 percent of gross income; and
 - Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The City has established Housing Programs 1A, 1B, and 4A to address this finding.



B. Housing Goals

The City of Costa Mesa has identified the following housing goals as part of this Housing Element Update:

Housing Goal #1: Preserve and enhance the City's existing housing supply.

Housing Goal #2: Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.

Housing Goal #3: Identify adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels and promote a range of housing types to meet the needs of all segments of the Costa Mesa community.

Housing Goal #4: Provide housing opportunities to residents of all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

The goals listed above are described below and on following pages with accompanying policies and programs to achieve them.

C. Housing Policies and Programs

This Housing Element expresses the Costa Mesa's overall housing goals and supporting policies, quantified objectives, and the housing programs to achieve the objectives. The stated Housing Programs are based on a review of past performance of the prior 2013-2021 Housing Element, analysis of current constraints and resources, and input from Costa Mesa residents and stakeholders.

Housing Goal #1
Preserve and enhance the City's existing housing supply.

POLICIES HOU-1

HOU-1.1 Assist low and moderate-income homeowners and renters through housing assistance programs as long as funds are available.

HOU-1.2 Minimize the displacement risk for existing residents when considering approval of future redevelopment and public projects.

HOU-1.3 Prioritize enforcement of City regulations regarding derelict or abandoned vehicles, outdoor storage, substandard or illegal construction and establish regulations to abate blighted or substantially unmaintained properties, particularly when any of the above is deemed to constitute a health, safety, or fire hazard.

HOU-1.4 Establish housing programs and code enforcement as a high priority and provide adequate funding and staffing to support those programs.



HOUSING GOAL 1 IMPLEMENTATION ACTIONS

PROGRAM 1A: Owner-Occupied Housing Rehabilitation

This program is designed to assist qualified property owners to improve single-family residential properties. Improvements include, but are not limited to, health and safety repairs such as mechanical, plumbing, electrical, roofing, security, medical emergency requirements, and/or aid the mobility of the physically disabled and/or elderly. The program provides rehabilitation loans (up to \$50,000) and grants (up to \$14,000). The loan offers deferred payment that will accrue three percent (3%) simple interest per annum and will be fully deferred without principal repayment until the sale or transfer of all or any interest in the Property, or the occurrence of any other default by the property owner identified in the terms and conditions of the Loan Agreement. Maximum loan-to-value is 85 percent of the current market value. The City will continue to provide information materials on the owner-occupied housing rehabilitation program and encourage the participation of seniors, veterans, and disabled residents in this program.

The City will periodically evaluate the effectiveness of this program and modify program characteristics as needed to best achieve program goals.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Source: Federal HOME funds

PROGRAM 1B: Mobile Home Rehabilitation

The City encourages the preservation of mobile homes as an affordable housing resource. Specifically, the City provides financial assistance (up to \$10,000) as a grant to eligible owner-occupants to rehabilitate existing dwelling units. The City will continue to provide financial assistance as long as funding from CDBG funds remains available.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Source: Community Development Block Grants (CDBG) Funds

PROGRAM 1C: Monitoring and Preservation of At-Risk Housing Units

The City shall provide for regular monitoring of deed-restricted units that have the potential of converting to market-rate during the planning period. The City will continue to work with the property owners of Casa Bella on potential extensions past the current 2025 agreement. The City will continue to comply with noticing requirements and coordinate with qualified entities to preserve at-risk units. When available, the City will assist with funding or support funding actions for tenant education.

Timeframe: Reviewed annually.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division and Planning Division

Funding Source: CDBG, Golden State Acquisition Fund (GSAF), Multifamily Housing Program (MHP)



Housing Goal #2

Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.

POLICIES HOU-2

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

HOU-2.2 Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing through the dissemination of informational materials and discussions with project applicants.

HOU-2.3 Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with State requirements for "reasonable accommodation" for disabled persons and all fair housing laws.

HOU-2.4 Encourage housing programs and future actions that address the need for affordable housing options as well as the housing needs of Costa Mesa's senior resident population and the large households population.

HOUSING GOAL 2 IMPLEMENTATION ACTIONS**PROGRAM 2A: Inclusionary Housing Ordinance**

As of adoption of the 6th Cycle Housing Element, the City of Costa Mesa is analyzing the market impacts and potential affordability requirements for an inclusionary housing requirement for specific projects. The City has hired a consultant to evaluate and make recommendations regarding the structure of a potential inclusionary housing ordinance, including the affordability percentage requirement, potential for an in-lieu fee option, and other factors. As part of this effort, the City will consider the applicability of establishing a local preference policy. The City will consider adoption of an inclusionary housing ordinance within two years of adoption of the 6th cycle Housing Element.

Timeframe: Within 12 months of adoption of the of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division and Planning Division

Funding Source: In Kind, General Fund

PROGRAM 2B: Affordable Housing Development

Pursue State and regional funding and local partnerships with affordable housing organizations to encourage the development of housing affordable to all segments of the population. In addition, Costa Mesa understands that there may be local procedures or standards that could impact the development of affordable housing. The development process relies on a number of factors working together, including timing, fees and flexibility in design components required of a project. The City will establish development incentives for affordable housing projects that meet objective evaluation criteria similar to the process for density bonus concessions. Depending on the project characteristics and affordability components, future projects may qualify for:

- Deferment of fees;



- Priority processing; or
- Modified Development standards (potentially including deviations above and beyond what is permitted under Density Bonus).

The City will develop clear instructional materials for achieving these incentives and make them publicly available on the City's website.

Timeframe: Objective evaluation criteria for affordable housing projects drafted within 12 months of adoption of the 2021-2029 Housing Element Update. Program reviewed annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division and Planning Division

Funding Source: HOME, General Fund, State Department of Housing and Community Development Funds, Low Income Housing Tax Credits and CalHFA

PROGRAM 2C: Supportive Services for Persons with Special Needs

The City recognizes certain segments of the population require additional assistance to secure decent housing and supportive services. Special needs groups in Costa Mesa include: seniors, persons with disabilities (including developmental disabilities), persons at-risk of experiencing or experiencing homelessness, and low-income families (including large households and female-headed households).

Through the annual action plan process for the CDBG program, the City evaluates the needs of various special needs groups and allocation CDBG Public Service dollars accordingly. The City will continue to expend available CDBG funds in a manner that addresses local needs and augments the regional continuum of care system in Orange County.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Source: CDBG

PROGRAM 2D: Facilitate Development of Senior Housing Options

Senior residents, generally defined as those over 65 years of age, make up approximately 10.7% of the population in Costa Mesa while 7.5% of all households within the City are seniors living alone. While the percentage of the total population is lower than that of most of the surrounding cities and the County of Orange as a whole, 10.7% does represent a large component of the community.

City staff will identify opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing. The City has identified a candidate housing site within the sites analysis on the current Senior Center parcel and will continue to pursue opportunities or senior housing on this and/or other sites within the City.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Source: HOME, In Kind

PROGRAM 2E: Encourage Development of Housing Options for Large-Family Households

Large households are defined as those consisting of five or more members. These households comprise a special need group because many communities have a limited supply of adequately sized and affordable



housing units. To save for other basic necessities such as food, clothing, and medical care, it is common for lower income large households to reside in smaller units with inadequate number of bedrooms, which may result in overcrowding and can contribute to fast rates of deterioration.

In Costa Mesa, approximately 10% of all households meet the definition of a large-family household. The majority of large-family households are renter-occupied (62.8%) as opposed to owner-occupied (37.2%). This is compounded by the fact that single-family detached households, which generally tend to be owner-occupied in Costa Mesa, are more likely to be able to accommodate five or more people while apartment complexes rarely develop units larger than 3 bedrooms.

In an effort to meet the City's goal of providing adequate housing for all households, including large-family households, the City will work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments. The City will also review development standards to determine if any pose an impediment to the development of larger units. If it is found that certain standards present an impediment, the City will consider amendments to the Zoning Code to alleviate those impediments.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Source: HOME funds, In Kind

PROGRAM 2F: Persons with Physical and Developmental Disabilities

As identified in **Chapter 2**, the City of Costa Mesa has a total of 9,224 persons reported having some sort of physical or developmental disability based on the 2018 American Community Survey 5-year estimates. This number may include persons reporting having one or more disabilities. Percentages include persons reporting having more than one disability and are not additive.

The Regional Center of Orange County tracks consumer counts, or those receiving services, by zip code and not jurisdiction. Approximately 932 people identified as receiving services through RCOC associated with a developmental disability in May 2021 in Costa Mesa's primary two zip codes, though the number is likely to be slightly higher when considering small portions of the City which fall in other zip codes. The City understands that people with developmental disabilities may have unique needs when looking for housing accommodation and is committed to assisting residents.

The City will continue to take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24 as well as reviewing and amending its procedures to comply with State law as necessary. The City will review its procedures and, as necessary, provide more flexibility in the development of accommodations for persons with physical and developmental disabilities.

Timeframe: Review Annually and Address as Requested

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Source: HOME, CDBG, In Kind

**PROGRAM 2G: Safety Element Update and adoption of Environmental Justice Policies**

SB 1035 requires that the City, after the initial revision of the safety element to identify flood hazards and address the risk of fire in certain lands upon each revision of the housing element, review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not previously available during the previous revision of the safety element. The City will revise the current safety element and take the document to City Council for adoption within 12 months of adoption of the 6th Cycle Housing Element.

SB 1000 (2018) requires that the City incorporate environmental justice policies within the General Plan. The City will amend portions of the General Plan to include environmental justice policies within 12 months of adoption of the 6th Cycle Housing Element.

Timeframe: Within 12 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Development Services Department/Planning Division

Funding Source: State and Federal Grant Funds (e.g., SB2 LEAP funds), In Kind, General Fund

PROGRAM 2H: Farmworker Housing

Per California Health and Safety Code Sections 17021.5 and 17021.6, the City is required to permit farmworker housing by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The City will amend the current zoning code to meet this requirement.

Timeframe: Within 12 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind

PROGRAM 2I: Promote State Density Bonus Incentives

The City of Costa Mesa will evaluate and update its Density Bonus Ordinance to comply with State Density Bonus Law (SDBL). Density bonus is an effective incentive to aid in the development of affordable housing units within Costa Mesa through providing concessions to proposed developments that meet specific affordability criteria. These concessions may take the form of additional residential units permitted beyond the density allowed in the base zoning, a relaxed parking standard, as well as the ability to deviate from development standards. Currently the maximum number of concessions a project can receive through density bonus is three.

Timeframe: Within 24 months of adoption of the 2021-2029 Housing Element Update.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind/General Fund

**PROGRAM 2J: Transitional and Supportive Housing**

The City will amend its Zoning Code to include transitional and supportive housing within the City's land use matrix, subject only to those regulations that apply to other residential uses of the same type in the same zone, in compliance with Senate Bill 2. The City will monitor the inventory of sites appropriate to accommodate transitional and supportive housing and will work with the appropriate organizations to meet the needs of persons experiencing homelessness and extremely low-income residents.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind

PROGRAM 2K: Planning Application Fees

The City will review its current planning application fees, with a special focus on the density bonus fee, and update the fee(s) to avoid creating a constraint to the development of affordable housing.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind/General Fund

PROGRAM 2L: Development of Housing for Extremely Low and Lower-Income Households

The City recognizes the importance of supporting the development of housing for low and extremely low income households. While the City does not build housing, it is a primary goal of the Housing Element to support developers and increase the feasibility of development of housing for extremely low and low income households. Actions for this program include the following:

- When funding is available, the City shall subsidize up to 100 percent of the City's application processing fees for qualifying developments where all units are affordable to 80% AMI or lower.
- Promote the benefits of this program to the development community by posting information on its webpage and creating a handout to be distributed with land development applications.

Timeframe: Evaluated annually.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind/General Fund

PROGRAM 2M: Parking Standards for Residential Developments

The City's residential off-street parking requirements are provided in Section 3.B.3 of this Housing Element. The City will review and revise the Municipal Code's requirements for residential off-street parking for multi-family projects to facilitate the development of multi-family housing, and specifically affordable housing. The City will consider multiple factors when addressing this update, including but not limited to: size of residential units, number of bedrooms, access to transit and other multi-modal opportunities, local parking trends related to vehicle ownership and the availability of the City's inventory of on-street parking.

Timeframe: Review within 24 months of adoption of the 2021-2029 Housing Element Update; revise Code within 36 months of adoption of the 2021-2029 Housing Element Update.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind/General Fund

**PROGRAM 2N: Reasonable Accommodation**

The City of Costa Mesa has completed an analysis of its Reasonable Accommodation process in **Section 3** of the 6th Cycle Housing Element. By the nature of Reasonable Accommodation requests and the range of potential modifications that could need to be accommodated, the City has to evaluate each request individually. This process is described within the City's Zoning Code and persons may contact the City's planning department for assistance with requests. The City will review and revise its Reasonable Accommodation process annually to be consistent with State and federal fair housing requirements.

Timeframe: Evaluated Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Source: In Kind/General Fund

Housing Goal #3
Identify adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels and promote a range of housing types to meet the needs of all segments of the Costa Mesa community.

POLICIES HOU-3

HOU-3.1 Encourage the conversion of existing marginal, underutilized, or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.

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

HOU-3.3 Actively engage and partner with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability to provide housing opportunities affordable to the incomes of the newly created job opportunities.

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

HOU-3.5 Encourage residential and mixed-use development along transportation routes and major commercial/mixed use corridors.

HOUSING GOAL 3 IMPLEMENTATION ACTIONS**PROGRAM 3A: Adequate Sites**

The City will maintain an inventory of vacant and underutilized sites and provide this inventory to interested developers. The City will monitor its status of meeting the Regional Housing Needs Allocation (RHNA) annually and ensure that the City has adequate sites available to accommodate its RHNA.

The City will promote through the following actions development of housing, live/work, and mixed-use development on the sites identified within the inventory. These actions include:



- Make information on candidate housing sites readily available through a database available to the public.
- Priority processing for candidate housing sites which provide the amount of affordable housing units at the income levels identified within the housing element for individual candidate sites.
- If funding becomes available, the City shall subsidize up to 100 percent of the City's application processing fees for qualifying developments that provide the amount of affordable housing units at the income levels identified within the housing element for individual candidate sites.

Timeframe: Reviewed annually.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

PROGRAM 3B: Fairview Development Center – State Property

Fairview Development Center, owned by the State of California, is a 102-acre property located at 2501 Harbor Boulevard in Costa Mesa. This property historically housed adults with intellectual and developmental disabilities but is closed and has been identified as surplus property by the State. The City has engaged with the State Department of General Services regarding the future use of the property as a master planned residential/mixed use community with a substantial affordable housing component and other community amenities.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to address local housing needs and contemplated opportunities for permanent supportive housing and integrated workforce housing on the site. Conceptual yield studies and draft plans have also been compiled for the property and helped to inform development capacity assumptions, which are estimated at 2,300 housing units at the site. There are no current Development Agreements on the property.

The City will need to coordinate with the State of California Department of General Services (DGS) for future use of the site. The City is confident that there is significant interest in redeveloping the property once it becomes available based on informal discussions with developers during the housing element update process. The City is considering various zoning strategies as part of the Housing Element Update, including a specific plan or master plan for the site, which would permit the residential densities and development of the acreage identified within the Housing Element, while also considering expedited permitting.

The City will partner with the State to pursue compatible development on the Fairview Development Center site consistent with the State's Site Assessment and the Housing Element's sites analysis to permit residential development at the identified densities. The City envisions a two-year process to negotiate future residential development use on the site or as modified by the State. If not established, the City will identify additional alternative sites to accommodate a potential shortfall in housing sites to accommodate the remaining RHNA.



Timeframe: Negotiate agreement to develop residential within two years or as modified by the State. If unsuccessful, identify additional sites to accommodate shortfall.

Responsible Agency: City of Costa Mesa/State of California

Funding Sources: State and Federal Grant Funds, In Kind

PROGRAM 3C: Update the North Costa Mesa Specific Plan

The North Costa Mesa Specific Plan is an existing specific plan located north of the 405 Freeway, containing a mixture of residential, commercial, office, and cultural/arts uses. Development in this area is typically of higher densities/intensities than other areas in Costa Mesa. This area is a key component of the City's sites strategy for future housing growth.

The City will complete the required zoning code/Specific Plan amendments to update the North Costa Mesa Specific Plan based on the sites analysis to permit residential development at up to 90 dwelling units per acre. The City has identified approximately 158 acres which is currently or will be within the North Costa Mesa Specific Plan as candidate housing sites. There are limited rezones related to this update, however the development capacity and associated development standards will be updated as a result of this program. These updates will reflect the densities identified within the sites analysis for sites located within the North Costa Mesa Specific Plan and may include amending the boundary of the Specific Plan area as well as revising development standards. There are no caps on residential development within the Specific Plan area. Through this program, the City is not accommodating a shortfall of units but rather identifying sites to meet the overall RHNA need.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: State and Federal Grant Funds (e.g. SB2 LEAP funds), In Kind, General Fund

PROGRAM 3D: Update the City's Urban Plans and Overlays

The City has adopted Urban Plans and overlays that apply to specific planning areas and corridors within the City. These plans are intended to encourage compatible development through modified development standards and guidelines specific to a localized area of the City. The City will complete the required zoning code amendments to update the existing Urban Plans and Overlays based on the sites analysis to permit residential development at the identified densities. These updates will reflect the densities identified within the Sites Analysis for sites located within the various Urban Plans and Overlays and may include amending the boundary of the Specific Plan area as well as revising development standards. Densities for residential development in the separate Urban Plans and Overlays are anticipated to differ depending on the surrounding context and are listed in **Appendix B**. Based on City Council's concerns with displacement of long-term tenants and to preserve the existing housing stock on the west side, the Mesa West Residential Ownership Overlay is proposed to be removed.

The City will make amendments to the following existing Urban Plans and Overlays, shown with maximum density updates per the City's sites analysis:

- 19 West Urban Plan (50 du/ac)
- SoBECA Urban Plan (60 du/ac)
- Mesa West Bluff Urban Plan (40 du/ac)
- Residential Ownership Urban Plan (Proposed to be Removed)
- Harbor Mixed-Use Overlay (50 du/ac)



The City has identified approximately 84 acres in and around the identified Urban Plan areas to either be rezoned or have their zoning characteristics modified through changes to the development standards within the existing Urban Plans. Urban Plan and overlays do not change the base zoning of a parcel, but rather add flexibility in development potential, including uses and densities. There are no caps on residential development within the Urban Plan and Overlay areas. Through this program, the City is not accommodating a shortfall of units but rather identifying sites to meet the overall RHNA need.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: State and Federal Grant Funds (e.g., SB 2 LEAP funds), In Kind, General Fund

PROGRAM 3E: Promote the Development of Accessory dwelling units (ADUs)

Costa Mesa has single-family residential neighborhoods which create the environment for accessory dwelling units to be built. As discussed in the analysis in **Chapter 3**, new State laws, combined with relaxed development standards such as waiver of parking requirements along with increased educational efforts by the City have resulted in an increased number of ADUs being permitted and constructed since 2018. The City anticipates continued growth in ADU development as the concept becomes more common within Southern California.

The City will implement programs with the intent of promoting the development of accessory dwelling units within the 6th cycle. These programs may include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Post a user-friendly FAQ on the City's website to assist the public
- Waiving certain permitting fees to make ADU development
- Creating an expedited plan check review process to ease the process for homeowners
- Research potential State and Regional funding sources for affordable ADUs and make the information found publicly available to homeowners
- Engaging with residential development applicants regarding ADU opportunities that may not have been considered.

Additionally, HCD has indicated that the City's ADU ordinance is inconsistent with State law. The City will review and revise the ADU ordinance as necessary to resolve non-compliance issues to comply with State law.

Timeframe: Program components analyzed within one year, with one additional year for implementation
Review and Revise ADU ordinance within one year.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind, General Fund

PROGRAM 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types

The City does not currently have a definition or standards within the Zoning Code that address permitting co-living units, efficiency units, or other development types with small unit sizes and shared facilities. Motel conversions to permanent housing are referenced in the Zoning Code but policies and standards have not been updated for many years and may serve as an impediment to conversions. Participants in the City's community outreach process expressed that these types of units may meet a need for students, young professionals, seniors, or anyone within the community who may desire a smaller housing unit options that



are more affordable. Additionally, the City's analysis in **Chapter 2** showed that non-family households made up an estimated 40.2% of total households within Costa Mesa in 2018. Non-family households consist of a householder living alone or where the householder shares the home exclusively with people to whom he/she is not related. Co-living or flexibility in housing types may present increased housing options at different affordability levels for this large portion of households in Costa Mesa.

The City will establish definitions of co-living and efficiency housing options within the Costa Mesa Zoning Code. The City will develop informational materials which outline the City's process for permitting efficiency unit and co-living housing types and distribute them to interested members of the development community.

Lastly, if an appropriate project becomes available, the City will explore opportunities to implement motel conversions within Costa Mesa through Project Homekey understanding that it is a competitive grant process that does not guarantee funding. City Council has authorized staff to submit grant applications for two projects under project Homekey and has approved a funding commitment of up to \$3.5 million for local match funding for one or two Homekey projects, contingent upon award of State Homekey Program grant. A qualified /experienced City staff member has been assigned to manage these potential program activities. The City of Costa Mesa will comply with State and Federal laws related to displacement and relocation of long-term residents when considering motel conversion opportunities.

Timeframe: Within 24 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: State and Federal Grant Funds (e.g., HUD funds, State Project Homekey funds), In Kind

PROGRAM 3G: Address Measure Y in Relation to Housing Element Compliance

As it exists upon adoption of the 2021-2029 Costa Mesa Housing Element, the Voter Initiative, Measure Y requires voter approval of certain changes in land use, defined as those projects that amend, change or replace the General Plan, the Zoning Code, a specific plan, or an overlay plan, (collectively, legislative changes) and that involve any one of the following changes: adds 40 or more dwelling units, generates more than 200 additional average daily trips; increases the volume/capacity of an intersection based on specified formulas; changes the intersection capacity utilization or level of service based on specified formulas; adds 10,000 square feet of retail, office or other nonresidential; or, where the proposed project, combined with other projects within 8 years and a half mile of each other, meet the above criteria. Additionally, voter approval is required for projects that involve one of the above legislative changes and: changes from public uses to private uses under specified circumstances; land designated as utility right-of-way under specified circumstances; land donated, bequeathed, or otherwise granted to the City; land used or designated for Costa Mesa school property; or land owned, controlled, or managed by the City.

Through extensive community outreach with Costa Mesa residents, housing advocates, and members of the development community, the City of Costa Mesa has continued to contemplate Measure Y's role in the City's 2021-2029 Housing Element Update. State HCD has identified Measure Y as a clear constraint to the future development of residential uses within the City, a constraint to implementing the land use and zoning changes necessary to achieve State-mandated compliance with the RHNA allocation, and also conflicts with meeting State housing requirements. The City recognizes that it must, in coordination with



guidance from the City Attorney and input from the community, determine a path forward in consideration of Measure Y to be able to adopt the subsequent changes to specific plans, urban plans, and overlays that are necessary to implement the City's adopted Housing Element and meet the City's RHNA allocation.

The language of Measure Y itself is not clear on how the initiative applies to the State-mandated Housing Element Update process and/or the associated rezones and revisions to existing specific plans, urban plans, and overlays included as program actions within the Housing Element. The City will take the following steps to identify and address specific ways in which Measure Y functions as a constraint to housing compliance, the city's housing goals, and other shared community goals.

MILESTONES	TIMING FOR COMPLETION
(1) Engage the community and other stakeholders, and complete legal analysis necessary to identify appropriate modifications to Measure Y for voter approval	Complete by June 2022
(2) Prepare ballot measure language and obtain City Council approval for placement of modifications on the ballot for the November 2022 general election.	Complete by August 2022
(3) Inclusion of the proposed measure on the Ballot of Local Election.	Complete by November 2022
(4) Creation and adoption of an inclusionary housing ordinance. Measure Y exempts "affordable housing proposals required by state or federal law". A City Council- approved inclusionary housing ordinance provides an opportunity to address affordable housing needs City-wide.	Complete by December 2022
(5) Engage in a community planning and visioning process. Prepare General Plan amendments, rezones, and revisions to existing specific plans, urban plans, and overlays included as program actions necessary to meet the City's RHNA allocation as identified within the Housing Element. Complete appropriate technical studies and CEQA compliance documents. Obtain City Council approval.	Complete by June 2024

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind/General Fund

PROGRAM 3H: Analyze the Potential of Establishing an Overlay to Permit Residential Uses in the Airport Industrial Area

The airport industrial area north of the 73 Freeway and East of the 55 freeway presents an opportunity for future housing growth in specific areas. There are several sites within this area that do not fall within significant noise contours relating to operations at John Wayne Airport. One development, Baker Block, was completed recently in this area and adjacent parcels have similar use characteristics and development



potential should the zoning permit it. The City will evaluate the potential to add an overlay to an area in this approximate location which would permit residential development. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

The City will complete a market analysis to determine the potential factors involved with permitting residential uses in this area.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind, General Fund

PROGRAM 3I: Analyze the Potential of Establishing an Overlay to Permit Residential Uses in the 17th Street Corridor Area

The 17th Street corridor east of Newport Boulevard has developed into a successful commercial and restaurant hub within the City of Costa Mesa. This area presents the opportunity for focused mixed-use development which would further enliven the corridor through the addition of residential uses. The City will evaluate the potential to add an overlay to an area in this approximate location which would permit residential development. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

The City will complete a market analysis to determine the potential factors involved with permitting residential uses in this area.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind, General Fund

PROGRAM 3J: Analyze the Potential of Modifying the Newport Boulevard Specific Plan to Promote Residential Uses along Newport Boulevard

The Newport Boulevard corridor contains a mix of commercial uses included 1980's-era motels on small lots fronting Newport Boulevard adjacent to SR-55, with established residential communities located in close proximity. This area presents the opportunity for focused mixed-use development which would further enliven the corridor through the addition of strategically located residential uses. The City adopted a Specific Plan for the area in the 1990's which allows for residential development; however, many of its policies have not been updated. The City will evaluate potential modifications to the Specific Plan that would promote quality residential development. The City has not included any sites within this area within the candidate housing sites analysis in **Appendix B** but recognizes that this area may be able to accommodate housing within the planning period.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind, General Fund

**PROGRAM 3K: Explore Potential Future Housing Opportunities on Church Sites**

As part of the sites analysis for the 2021-2029 Housing Element, the City of Costa Mesa met with leaders in the faith-based community to discuss the opportunity of providing housing, especially to families in the lower income categories, on church properties throughout the City. These discussions were very informative and allowed participants to share what they are doing within their own organizations to assist residents in Costa Mesa.

The City did not identify any church properties as housing opportunity sites within the 2021-2029 Housing Element but believes these partnerships with the local faith-based organizations that serve Costa Mesa could be an important component of the overall process of creating more affordable housing in the community. The City will meet annually with members of the faith-based community, including pastors and church officials from any church which would like to participate, to discuss housing and what unique issues face some of these churches when considering creating housing opportunities on their properties. The City will also continue to develop materials outlining the development process and make them available on the City's website.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind, General Fund

PROGRAM 3L: Annual Progress Reports

Costa Mesa will complete the required housing status reporting through the City's Annual Progress Report. This report outlines the status of residential development projects within the city at various phases of the development progress as well as the City's progress towards meeting the stated program actions within the Housing Element. The report is due to the State Department of Housing and Community Development (HCD) each year within a timeline determined and published by the State.

Timeframe: Reviewed Annually

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

PROGRAM 3M ADU and JADU Monitoring Program

The City will create a monitoring program to track ADU and JADU creation and affordability levels throughout the planning period. This will allow the City to monitor the development of accessory units at all income levels. Additionally, the City will review their ADU and JADU development progress within 2 years of the adoption of the 6th cycle Housing Element to evaluate if production estimates are being achieved. If ADUs are not being permitted as assumed in the Housing Element, the City will take the action within 6 months of completion of the ADU review to ensure that adequate capacity at each income level is maintained to meet the City's RHNA needs. These actions may include additional incentives for ADU development or identification of adequate sites to meet the City's identified unaccommodated need. The City will conduct a subsequent review every two years to evaluate ADU production estimates and trends and make adjustments to accommodate a potential shortfall if determined necessary.

Timeframe: Reviews conducted every two years during the planning period.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

**PROGRAM 3N: Candidate Sites Used in Previous Housing Elements**

Pursuant to State Housing law, candidate sites identified in this Housing Element to accommodate a portion of the City's low- and very low -income RHNA that were identified in previously adopted Housing Elements must be rezoned to allow residential use by right at specified densities for housing developments in which at least 20 percent of the units are affordable to lower income households. By right shall mean the jurisdiction may not require any of the following discretionary actions, except if the project requires a subdivision:

- A Conditional Use Permit
- Other discretionary, local-government review or approval that would constitute a "project"

The City may impose objective design review standards on projects. The City has identified as part of this Housing Element update vacant and nonvacant sites that were used in previous Housing Elements to meet the current RHNA need. To accommodate the provisions of State law, the City shall place a housing overlay zone over all nonvacant sites included in a prior Housing Element and all vacant sites included in two or more consecutive planning periods that permits by right development for projects that meet the requirements of State housing law. These sites are identified in Appendix B.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

PROGRAM 3O: Water and Sewer Resources

Pursuant to Chapter 727, Statutes of 2005 (SB 1087), the City of Costa Mesa is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. Additionally, cooperation with local service providers will support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households. Following the adoption of the 6th Cycle Housing Element, the City will submit the follow up General Plan amendment and rezone sites to local water and sewer providers for their review and consideration when reviewing new residential projects.

Timeframe: Within 6 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

PROGRAM 3P: Federal/State Housing Programs

The City will provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects using Federal and State housing programs/grants. Additionally, the City will continue to partner with the OC Housing Finance Trust to identify potential funding sources.

Timeframe: Reviewed annually.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Housing and Community Development Division

Funding Sources: State and Federal Grants, OC Housing Finance Trust



Housing Goal #4

Provide housing opportunities to residents of all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

POLICIES HOU-4

HOU-4.1 Support equal housing opportunities as expressed in Federal and State fair housing laws.

HOU-4.2 Promote actions and programs that provide fair housing and counseling services and other housing assistance programs for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City as funding is available.

HOU-4.3 Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements, including those with developmental disabilities.

HOUSING GOAL 4 IMPLEMENTATION ACTIONS

PROGRAM 4A: Fair Housing

The City of Costa Mesa participated in the 2020-24 update to the Orange County Analysis of Impediments to Fair Housing Choice, as well as completed an analysis of local factors to fair housing issues in the City within the Housing Element. Through each analysis, the City identified the following fair housing issues:

- Housing Discrimination
- Racial and Ethnic Segregation
- Unfair Lending
- Overcrowding

Pursuant to AB 686, the City will affirmatively further fair housing by taking meaningful actions in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law. The City will continue current efforts to further fair housing as well as explore the feasibility of the following actions to mitigate local contributing factors to fair housing issues in Costa Mesa:

- **Housing Discrimination** – Through CDBG funding the City contracts with the Fair Housing Foundation to provide educational and support services to persons who experience housing discrimination in Costa Mesa.
- **Racial and Ethnic Segregation** – During the Analysis of Impediments (AI) report period, the City distributed literature on fair housing in English, Spanish, and Vietnamese to target neighborhoods and in conjunction with other neighborhood improvement efforts. This information was also provided at workshop events, at community centers, and at City Hall. The City will continue to outreach specifically to low and very low-income residents as wells considered targeted outreach to residents with moderate and high levels of segregation,
- **Unfair Lending** – Currently, the City does not offer homebuyer assistance, but the AI reports that information on housing rehab programs are available on the City’s website. The City will continue to provide important ownership information on the City’s website. Costa Mesa recognizes that an



educated community is an empowered commitment and will considered target education and outreach about loan purchase to residents.

- **Overcrowding** – Overcrowding may also indicate a lack of adequate housing unit types available to residents with large families. While the City does not build housing, they will work with developers and interested parties to increase feasibility and opportunities for both affordable housing and multigenerational housing. Additionally, the City will continue to make information on affordable housing units (including information on size and type) available to the public on City's webpage.

Timeframe: Reviewed annually.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division

Funding Sources: CDBG

PROGRAM 4B: Rental Housing Assistance

The City will continue to participate in the Orange County Housing Authority's Housing Choice Vouchers program to provide rent subsidies to very low-income households provided funding is available.

The City also began offering a Tenant Based Rental Assistance (TBRA) program in 2021. The City will continue to evaluate and offer rental housing assistance programs based on the availability of funding.

Timeframe: Reviewed annually.

Responsible Agency: Orange County Housing Authority and City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division

Funding Sources: HUD Section 8 Housing Choice funds administered by the Orange County Housing Authority; State and Federal Grant funds; HOME funds

PROGRAM 4C: Ownership Housing Assistance

In 2021, the City Council approved allocation of a ½ percent of the City's 7% retail cannabis tax to fund a first-time homebuyer program in Costa Mesa. The City will evaluate and potentially offer ownership housing assistance programs such as a First-Time Home Buyer Program based on the availability of funding. The City will also provide informational materials, online and at City Hall, on potential paths to home ownership and on assistance and resources available for first-time home buyers.

Timeframe: Reviewed annually.

Responsible Agency: Orange County Housing Authority and City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division

Funding Sources: Cannabis Retail Tax Revenue

PROGRAM 4D: Fair Housing Assistance

The City contracts with the Fair Housing Foundation to provide fair housing and tenant/landlord mediation services.

Timeframe: Reviewed annually.

Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Housing and Community Development Division; Fair Housing Foundation

Funding Sources: CDBG

**PROGRAM 4E: Low Barrier Navigation Centers**

The City shall permit Low Barrier Navigation Center development as a matter of right in appropriate zoning districts, subject to requirements of state law. Low Barrier Navigation Centers are housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. These requirements include implementing standards, provisions and limitations governing the permitting, development, siting, and management of Low Barrier Navigation Centers. The City of Costa Mesa shall update its Municipal Code, as appropriate, to comply with State law.

Timeframe: Within 24 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/Planning Division

Funding Sources: In Kind

PROGRAM 4F: Homeless Shelter

In April 2021, the City of Costa Mesa completed the construction of its permanent Bridge Shelter within the city. The Costa Mesa City Council purchased the Airway property in March of 2019 and completed \$4.5 million worth of capital improvements to convert the 26,000-square-foot industrial warehouse to a 12,000-square-foot 72-bed shelter with a 14,000 square foot tenant space. The permanent Bridge Shelter was built in coordination with the neighboring City of Newport Beach who made a one-time payment of \$1.4 million in capital costs as well as \$200,000 in furniture, fixtures, and equipment for the site. Additionally, Newport Beach will provide \$1 million annually for 20 set-aside beds.

Construction of the Bridge Shelter, as well as the organization and operation of the temporary Bridge Shelter at Lighthouse Church, represent the Costa Mesa's commitment to assisting those residents currently experiencing homelessness. With the shelter in full operation, the City is now able to assist up to 72 residents at one time. This multi-year effort is a tremendous step towards helping to house residents within the City of Costa Mesa who may need assistance and transition to more permanent housing. The City also provides services and assistance to residents of the Bridge Shelter.

Costa Mesa will continue to operate and maintain the Bridge Shelter throughout the planning period in order to assist those residents currently experiencing homelessness within the City.

Timeframe: Reviewed annually.

Responsible Agency: City of Costa Mesa

Funding Sources: State and Federal Grant Funds (e.g., State SB 2 and Housing and Homelessness Assistance Programs (HHAP), and Federal Emergency Food and Shelter (EFSP)), General Fund

PROGRAM 4G: Assembly Bill 139

The City will review and update as necessary its Municipal Code to comply with parking requirements of AB 139 for emergency shelters. This includes providing sufficient parking to accommodate all staff working in the emergency shelter, provided the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

Timeframe: Within 36 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division

Funding Sources: In Kind/General Fund

**PROGRAM 4H: Housing Education and Outreach Program**

As a part of the outreach and engagement process, the City found that community opposition to increased housing and affordable housing may create a barrier to housing development. Outreach and education about the importance and benefits of affordable housing can help to address community concerns and negative opinions about affordable housing. Therefore, the City will develop an outreach program which will develop and provide education materials about the purpose and benefits of affordable housing options in the City.

Timeframe: Develop program within 12 months of adoption and distribute materials within 24 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division

Funding Sources: In Kind/General Fund

PROGRAM 4I: Partnerships with Local Organizations and Community Groups

The City identified Census Tract 06059063605 as an area of high segregation and poverty. Areas that are identified as high segregation and poverty are consistent with the standards for both poverty (30% of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county). This area is also considered low opportunity and achievement by the ROI: People analysis and experience the highest exposure to harmful pollutants, according to the CalEnviro Screen. To support this area, the City will partner with local community-based organizations, stakeholders and groups who provide supportive resources and programs. The goal of the program is to further identify specific needs of this community, and connect community members with appropriate resources.

Timeframe: Initiate program within 24 months of adoption of the 2021-2029 Housing Element Update

Responsible Agency: City of Costa Mesa Economic and Development Services Department/ Planning Division

Funding Sources: In Kind/General Fund



D. Summary of Quantified Objectives

Table 4-1 summarizes the City of Costa Mesa’s quantified objectives with regard to the construction, rehabilitation, and preservation of housing. These objectives are established based on the City’s resources available over the planning period.

Table 4-1: Summary of Quantified Objectives						
Income Group	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA)	4,713 units			2,088 units	4,959 units	11,760 units
Accessory Units	583 units			257 units	18 units	858 units
Conservation ¹	600 units			1,000 units	--	--
Rental Subsidy ²	570 persons annually			--	--	--
Rehabilitation ³	88 units			--	--	--
<div>1. Based on 2021-2022 Annual Action Plan estimate of 200 housing units that will benefit from proposed code enforcement activities using CDBG funds.</div> <div>2. Based on current Orange County Housing Authority (OCHA) rental assistance estimates</div> <div>3. Based on 2021-2022 Annual Action Plan estimate of rehabilitation of 11 existing units per year.</div>						

An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban area with various building footprints and street patterns.

Appendix A

Review of Past Performance





Review of Past Performance

The following chart is a review of the City of Costa Mesa's housing project and program performance in the 2014-2021 Planning cycle. It is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-2029 6th Cycle.

Program Evaluation for Households with Special Needs

The City of Costa Mesa has demonstrated a significant effort in working towards accomplishing many of the objectives set for the programs of the past cycle. During the fifth cycle, the City completed a number of key programs to support housing opportunity and made substantial progress towards many of its programs. The City's successful programs have been identified as continued for the sixth cycle, due to their success in the fifth cycle.

As a part of analyzing prior programs, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations. The table below provides an overview of the City's prior program accomplishments; achievements related to special needs populations are summarized below:

Seniors

As shown in Section 2, approximately 11% of the population in Costa Mesa are seniors aged 65 years or older. Throughout the 5th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assisted using \$56,180 CDBG funds through Services for Seniors/Frail Elderly. Additionally, a Single Room Occupancy Ordinance was adopted in 1991. Since then, three projects were completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.

On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for 60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.



Persons with Disabilities

As shown in Section 2, approximately 8 percent of the population in Costa Mesa have at least one disability. On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.

In 2020, the owner of Costa Mesa Village was awarded “Section 811” program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State’s Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person’s needs and provided off-site.

Large Households

Large households are classified as those consisting of five or more members. These households can have difficulty in finding housing options that are adequately sized and affordable. As shown in Section 2, large-family households make up approximately 10% of the total households within Costa Mesa. The City permitted over 950 units across all income levels during the 5th cycle, many of which were single-family and could accommodate large-family households. The majority of those housing units were market rate and not available at levels affordable to low and very low-income households.

The City has implemented Program 2E in the 2021-2029 Housing Element to prioritize development of housing options to accommodate large-family households, including outreach to the development community and a review of the current development standards to determine if any pose potential impediments to building housing that can accommodate larger households.



Farmworkers

As previously discussed, farm workers are not a significant portion of the Costa Mesa community. Their needs are accommodated through housing programs and policies that assist lower-income households in general rather than specialized programs, such as:

- Program HOU 1-6 (rehabilitation loan and grant programs) which provided funding for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.
- Program HOU 2-5 (OCHA rental assistance), which provided homeless prevention services or transitional housing assistance and services to over 450 individuals
- Program HOU 4-4 (preservation of residential developments for families and individuals with specialized housing needs)

Single-Parent Households:

As shown in Section 2, approximately 7.6 percent of Costa Mesa households are single-parent households, a quarter of which (27 percent) live below the poverty line. Costa Mesa Village (CMV), located at 2450 Newport Boulevard, is a 96-unit single room occupancy (SRO) affordable housing development with one manager's unit for a total of 97 units on site. CMV was originally approved and developed as a two-story Travelodge motel in the mid-1980s. In 1991, a conditional use permit (CUP) was approved to allow the conversion of the existing motel into a single room occupancy (SRO) affordable housing development. As part of the conversion project, the City through its Redevelopment Agency (Agency) provided financial assistance for land acquisition costs in the form of a \$500,000.00 loan in addition to a \$1,200,000.00 loan from the Orange County Housing Authority. The Agency entered into several agreements with Costa Mesa Village, Ltd. (original developer and current owner of CMV) including a Regulatory Agreement to ensure that the units were provided as very low-income units at or below 50-percent of the area median income (AMI) in perpetuity. The conversion improvements were completed in 1993 and the loans were fully repaid in 2014. Changes to the CUP and Regulatory Agreement were proposed and require approval by the City Council. The CUP modifications were reviewed by the Planning Commission on January 24, 2022 and were recommended for City Council approval by the Planning Commission. The modifications are scheduled for review and consideration by the City Council on February 1, 2022. In conjunction with the CUP changes, the property owner is also changing to a well-known California affordable housing developer (Century Housing Corporation). Century Housing Corporation is mission-driven to support and develop quality affordable home development and manage and administer 1000s of affordable units throughout the State.



Persons Experiencing Homelessness (Unhoused)

As shown in Section 2, the 2019 Point in Time Count showed 193 total persons experiencing homelessness (sheltered and unsheltered). As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services. In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law. In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.

During the 5th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or transitional housing assistance and services to over 450 individuals.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Extremely Low Income Households

As shown in Section 2, there are approximately 6,610 extremely low-income households in Costa Mesa per the 2013-2017 Comprehensive Housing Affordability Strategy (CHAS) data available. Extremely low-income renter households have the highest rate of cost burden at 17.5 percent.

Between 2013 and 2020, the City completed 111 mobile home rehabilitation projects, 52 of which were for individuals or family which qualified as extremely low income. The Housing and Community Development Division provided assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants. Funding was provided for 7 owner-occupied rehabilitation projects; 4 of which were for extremely-low income households, 1 for very low income, and 2 for low income.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as



an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

Additionally in 2020, the owner of Costa Mesa Village was awarded “Section 811” program funds for up to 24 of the 96 affordable units. The Section 811 program is a federal Housing and Urban Development (HUD) program administered by the State’s Housing and Community Development (HCD) that provides subsidies for housing for very-low income persons with disabilities, in this case developmentally disabled persons. As such, as units become vacant through attrition, Section 811 eligible residents are being referred to CMV through the Regional Center of Orange County. The referral entity is responsible for providing the supportive services to the Section 811 tenants. Programming and services are individualized based on each person’s needs and provided off-site.

Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOUSING GOAL-1: Preservation and Enhancement <i>Preserve the availability of existing housing opportunities and conserve as well as enhance the quality of existing dwelling units and residential neighborhoods.</i>		
HOU-1.1: Develop standard and/or guidelines for new development with emphasis on site (including minimum site security lighting) and building design to minimize vulnerability to criminal activity.	This is a standard condition of approval for new multiple family residential developments. This concept is reviewed during the planning application process and new multiple family residential development projects are subject to a standard condition of approval.	Ongoing. The City of Costa Mesa has developed standards for approval for new multiple family residential developments through standard condition of approval. The City will continue to maintain development standards for new developments to minimize vulnerability to criminal activity.
HOU-1.2: Protect existing stabilized residential neighborhoods, including but not limited to mobile home parks and manufactured home parks, from the encroachment of incompatible or	The Anchor Mobile Home Park (1527 Newport Blvd.) was closed in 2013 and the property is being developed with live/work units consistent with the visions of the West Side Urban Plans.	Continued. The City of Costa Mesa recognizes the importance of maintain existing residential neighborhoods and providing housing for all sectors of the Community. The City will continue to encourage compatible development



Policy Objective	Program Accomplishments	Status for Sixth Cycle
<p>potentially disruptive land uses and/or activities.</p>	<p>The City has taken additional action to protect existing stabilized residential neighborhoods including (i) Adoption of a Group Home Ordinance on October 21, 2014 to limit the number and concentration of group homes and sober living facilities; (ii) Extension of a moratorium to prohibit the establishment of new hookah lounges; and (iii) Abatement of a hookah lounge and revocation of a Conditional Use Permit issued to a recycling center due to associated nuisance activities.</p> <p>Additionally, the Zoning Code requires Planning Commission approval to convert to another land use. The City has taken additional action to protect existing stabilized residential neighborhoods, including (i) adoption of a Multiple Family Group Home Ordinance on November 17, 2015 to limit the number and concentration of group homes and sober living facilities in the Multiple Family Residential zones.</p> <p>Rehabilitation: The City completed:</p> <ul style="list-style-type: none"> • 7 mobile home rehabilitation projects during FY 12-13 • 19 mobile home rehabilitation projects during FY 13-14 (12 extremely low income; 7 very low income) • 21 mobile home rehabilitation projects during FY 14-15 (15 extremely low income; 6 very low income) • 19 mobile home rehabilitation projects during FY 15-16 (14 extremely low income; 5 very low income) • 7 mobile home rehabilitation projects during FY 16-17 (2 extremely low income; 5 very low income) • 10 mobile home rehabilitation projects during FY 2018 (9 extremely low income; 1 very low income) 	<p>through the enforcement of the Land Use and Zoning Designations.</p>



Policy Objective	Program Accomplishments	Status for Sixth Cycle
	<ul style="list-style-type: none"> 9 mobile home rehabilitation projects during FY 2019 (5 extremely low income; 2 very low income; 2 low income) 17 mobile home rehabilitation projects during FY 2020 (9 extremely low income; 6 very low income; 2 low income) <p>The City has continued to protect existing stabilized residential neighborhoods, through adoption of an Ordinance to limit the number and concentration of group homes and sober living facilities in the Multiple Family Residential zones.</p>	
<p>HOU-1.3: Actively enforce existing regulations regarding derelict or abandoned vehicles, outdoor storage, and substandard or illegal building and establish regulations to abate weed-filled yards when any of the above is deemed to constitute a health, safety, or fire hazard.</p>	<p>Ongoing through the implementation and enforcement of Title 20 Property Maintenance, of the Municipal Code. Title 20 establishes standards to ensure proper maintenance, removal of hazardous and improper storage, and removal of weeds and other public nuisances.</p> <p>From 2016 to 2019 the following code enforcement citations were issued: 2016: 454 Citations 2017: 204 Citations 2018: 455 Citations 2019: 171 Citations</p> <p>Information regarding community improvement and code enforcement is available to the public on the City of Costa Mesa's Website, here: https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division</p>	<p>Continued. The City of Costa Mesa has implemented and enforces Title 20 throughout the 5th cycle. The City will continue to enforce existing regulations on property maintenance during the 6th cycle.</p>



Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-1.4: Establish code enforcement as a high priority and provide adequate funding and staffing to support code enforcement programs.	<p>Code enforcement in the City of Costa Mesa is an active department under the Community Improvement Division, between 2016-2018 there were 500 active cases. Citations given each year are listed above.</p> <p>Code enforcement contact and information is found on the City's webpage: https://www.costamesaca.gov/city-hall/city-departments/development-services/community-improvement-division</p>	Continued. The City recognizes the importance of code enforcement in maintaining its existing housing stock and made it a high priority throughout the 5 th cycle. The City of Costa Mesa will continue to make code enforcement a priority for the 6 th cycle.
HOU-1.5: Install and upgrade public service facilities (streets, alleys, and utilities) to encourage increased private market investments in declining or deteriorating neighborhoods.	The City of Costa Mesa has continued installing and upgrading public service facilities based upon funding during the 5 th cycle.	Modified. The City will modify Housing Element Program 1.5 for the 6 th Cycle, as necessary, to ensure it is resourceful and useful in efforts to promote and encourage the development of housing in Costa Mesa.
HOU-1.6: Continue existing rehabilitation loan and grant programs for low and moderate-income homeowners as long as funds are available.	<p>Ongoing assistance through the Housing and Community Development Division for owner-occupied units. The Housing and Community Development Division provides assistance with the purchase and rehabilitation of rental units by non-profit organizations to operate as affordable to low and very-low-income tenants.</p> <p>During the 5th Cycle, the City completed a total of 7 owner-occupied rehabilitation projects (4 extremely low income, 1 very low income and 2 low income).</p> <ul style="list-style-type: none"> • FY 13/14: 1 owner-occupied unit (1 extremely low income) • FY 14/15: 1 owner-occupied unit (1 low income) 	Continued. The City of Costa Mesa recognizes the importance of funding for low- and moderate-income households in efforts to maintain existing affordable housing stock. The City will continue rehabilitation loan and grant programs for low and moderate-income homeowners as funds are available during the 6 th cycle.



Policy Objective	Program Accomplishments	Status for Sixth Cycle
	<ul style="list-style-type: none"> • FY 15/16: 0 owner-occupied unit • FY 16/17: 0 owner-occupied unit • 2018 APR: 3 owner-occupied units (3 extremely low income) • 2019 APR: 1 owner-occupied unit (very low income) • 2020 APR: 1 owner-occupied unit (very low income) <p>Information regarding the loan and grant program as well as contact information is available to the public on the City's webpage at: https://www.costamesaca.gov/city-hall/city-departments/development-services/housing-and-community-development/neighborhood-improvement-programs</p>	
HOU-1.7: Minimize the displacement of existing residences due to public projects.	The City of Costa Mesa continued to monitor and mitigate displacement of residential residences, as a result of public projects, throughout the 5 th cycle.	Continued. The City of Costa Mesa acknowledges the importance of maintaining existing residential, as well as protecting residential displacement as a result of public projects and facilities. The City will continue to monitor public projects as they relate to existing residential in the 6 th cycle.
HOU-1.8: Encourage the development of housing that fulfills specialized needs.	Through the 5 th Cycle the City partnered and consulted with a variety of groups to address the needs of persons with specialized needs in the City, including: Community SeniorServ, Elwyn California, Council on Aging Orange County. The City's Action Plan identifies 500 persons assists using \$56,180 CDBG funds through Services for Seniors/Frail Elderly.	Continued. The City recognizes that special needs populations (i.e., seniors, disabled and households with extremely low-income) are more likely at risk to become homeless because they have limited incomes and have other issues that require housing and



Policy Objective	Program Accomplishments	Status for Sixth Cycle
		supportive services. The City of Costa Mesa will continue to support development of housing that fulfills specialized needs during the 6 th cycle.
HOUSING GOAL 2 Preserving and Expanding Affordable Housing Opportunities <i>Provide a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.</i>		
HOU-2.1: Encourage concurrent applications (i.e., rezones, tentative tract maps, conditional use permits, variance request, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.	Applications for multiple family residential projects requiring multiple approvals are generally processed concurrently. 1957 Newport Blvd. (38 units) 125 E. Baker (240 units) 2277 Harbor Blvd. (200 units)	Continued. The City recognizes that a swift and effective review and permitting process can encourage the development of housing in Costa Mesa. The City will continue encouraging concurrent applications when multiple approvals are required, and if consistent with applicable processing requirements during the 6 th cycle.
HOU-2.2: Promote the use of State density bonus provisions to encourage the development of affordable housing for lower and moderate-income households, as well as senior housing.	All units under density bonus agreements with the City are monitored on an annual basis; as of 20121, 2 projects (78 units) are in compliance with the density bonus program that exist in the City. The 2277 Harbor project includes 9 very low-income units; however, the project is still under construction and will be added to the monitoring list.	Continued. The City will continue to work with developers to promote the use of density bonus as a means of providing affordable housing, as well as continue to monitor all developments which have been granted density bonuses.



Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-2.3: Provide incentive bonus units to encourage the redevelopment of residential units that are nonconforming in terms of density. The incentive shall be limited to the multi-family residential land use designations. The density incentive shall be limited to an increase of 25 percent above the Medium-Density or an increase of 50 percent above High-Density. In no case shall the resulting number of units exceed the existing number of units on each site.	Property owners are encouraged to redevelop the site bringing them into conformance while keeping the same number of units.	Continued. The City will continue to provide incentive bonus units to encourage the redevelopment of residential units that are nonconforming in terms of density in the 6 th cycle.
HOU-2.4: Encourage developers to employ innovative or alternative construction methods to reduce housing costs and increase housing supply.	Most housing construction of wrap and podium product is done with wood construction reducing construction cost. Currently the City provides a variety of handouts regarding building construction on the City's webpage: https://www.costamesaca.gov/residents/information-handouts-forms	Continued. The City continued to encourage housing construction with the materials that reduce costs during the 5 th cycle. The City of Costa Mesa will continue encouraging developers to utilize alternative construction methods to reduce housing costs and increase housing supply in the 6 th cycle.
HOU-2.5: Continue membership in the Orange County Housing Authority to provide rental assistance to very low-income households.	The Orange County Housing Authority maintains the City of Costa Mesa housing assistance program (Section 8). During the 5 th Cycle, the City provided homeless prevention services (i.e., rental assistance to prevent eviction or deposit assistance to move into housing and rapid housing) or	Continued. The City of Costa Mesa has continued membership in the Orange County Housing Authority to provide rental assistance to very low-income households in the 5 th cycle and will continue to do so in the 6 th cycle.



Policy Objective	Program Accomplishments	Status for Sixth Cycle
	<p>transitional housing assistance and services to over 450 individuals.</p> <ul style="list-style-type: none"> • FY 13/14: <ul style="list-style-type: none"> ○ 7 individuals provided homelessness prevention services ○ 23 individuals provided transitional housing assistance and services • FY 14/15: <ul style="list-style-type: none"> ○ 7 individuals provided homelessness prevention services ○ 23 individuals provided transitional housing assistance and services • FY 15/16: <ul style="list-style-type: none"> ○ 9 individuals provided homelessness prevention services ○ 41 individuals provided transitional housing assistance and services ○ 2 individuals funded with Rapid Rehousing • FY 16/17: <ul style="list-style-type: none"> ○ 20 individuals provided homelessness prevention services ○ 25 individuals provided transitional housing assistance and services ○ 1 individual funded with Rapid Rehousing • 2018 APR: <ul style="list-style-type: none"> ○ 7 individuals provided homelessness prevention services ○ 49 individuals provided transitional housing assistance and services ○ 23 individuals funded with Rapid Rehousing 	



Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-2.6: Provide clear rules, policies, and procedures, for reasonable accommodation in order to promote equal access to housing. Policies and procedures should be ministerial and include but not be limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.), timeframes for decision making, and provisions for relief from the various land-use, zoning, or building regulations that may constrain the housing for persons of disabilities.	The City continued to address regulations for reasonable accommodation through Zoning Codes through the 5 th cycle. In March of 2013, the City adopted an Ordinance, in accordance with Senate Bill 2, to permit emergency shelters by right in the Planned Development Industrial zone. The Ordinance also created provisions for transitional housing and supportive housing that would allow these uses to be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This section is regularly updated to be consistent with State requirements.	Continued. As required by state law, the City of Costa Mesa will continue to provide, policies and procedures, for reasonable accommodation in order to promote equal access to housing during the 6 th cycle.
HOU-2.7: Monitor the implementation of the City's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and all fair housing laws	Title 13, Chapter IX, Section 15 is regularly reviewed and updated as necessary to be consistent with State requirements. During the 5 th cycle, 5 residential developments were presented to the City with requests for reasonable accommodation, of those proposed projects, 5 were approved to include reasonable accommodation measures.	Continued. The City of Costa Mesa continually updates City's ordinances, codes, policies, and procedures to stay consistent with State requirements. As required by State law, the City will continue monitoring the implementation of the City's ordinances, codes, policies, and procedures to accommodation for disabled provisions and all fair housing laws.



Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOUSING GOAL 3: Provisions of Adequate Sites <i>Provide adequate, suitable sites for residential use and development or maintenance of a range of housing that varies sufficiently in terms of cost, design, size, location, and tenure to meet the housing needs of all segment of the community at a level that can be supported by infrastructure.</i>		
HOU-3.1: Encourage the conversion of existing marginal or vacant motels, commercial, and/or industrial land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.	The City continued to encourage the conversion of existing marginal or vacant industrial land as well as taking a number of other actions to support new residential development consistent with environmental conditions during the 5 th cycle. In 2006, the City adopted three Urban Plans to encourage the conversion of existing marginal or vacant industrial land in the West Side to mixed-use and residential developments. To date, a total of 966 units have been approved in the Urban Plans.	Continued. The City of Costa Mesa will continue to support the change of existing minor or tenantless motels, commercial, and/or industrial land to residential when conditions permit in the 6 th cycle.
HOU-3.2: Provide opportunities for the development of well-planned and designed projects which, through vertical or of horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood.	Through the 5 th cycle, these design elements were reviewed and considered with development projects. The City is currently reviewing a mixed-use project (One Metro West) with 1,057 residential units, 6,000 SF of commercial retail and 25,000 SF of office space, proposed north of the 405 Freeway that allows for horizontal and vertical mixed use within a single project. The project is anticipated to be reviewed by City Council in mid-2021. With the 2016 General Plan update, the City added a new urban plan overlay for mixed-use on 19 th street and Harbor.	Modified. The City acknowledges the importance of well-integrated and sustainable design for the future of development in Costa Mesa. The City will continue to review and encourage well-planned, well-design projects during the 6 th cycle.
HOU-3.3: Cooperate with large employers, the Chamber of Commerce, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability	The City has continued to facilitate discussion with the Chamber of Commerce, industrial and commercial developers, and large employers to identify programs for a balanced employment/housing opportunity in Costa Mesa. The proposed One Metro West (mixed-use) project has the	Continued. The City of Costa Mesa will continue to work with large employers, the Chamber of Commerce, and major commercial and industrial developers to create



Policy Objective	Program Accomplishments	Status for Sixth Cycle
to provide housing opportunities affordable to the incomes of the newly created job opportunities.	<p>potential to provide affordable housing located within proximity to jobs. It includes:</p> <ul style="list-style-type: none"> • Residential with up to 1,057 rental dwelling units, • 6,000 square feet of specialty retail, • 25,000 square feet of creative office, and • Recreational uses. 	
HOU-3.4: Consider the potential impact on housing opportunities and existing residential neighborhoods when reviewing rezone petitions affecting residential properties.	Throughout the 5 th cycle, the City continually reviewed rezone applications, of which 8 rezone proposals affected residential properties.	Continued. The City of Costa Mesa will continue to review rezoning applications through the 6 th cycle. The City will continue to consider
HOU-3.5: Encourage transit-oriented development along transportation corridors.	The City of Costa Mesa is uniquely situated in that more than 90 percent of the residential properties in the City is located within a half-mile of public transit. Accessory Dwelling Unit (ADU) developments are not subject to parking requirements if located within a half mile of a transit stop.	Continued. The City of Costa Mesa recognizes the importance of mobility in the framework of housing, the City will continue to support development that is transit oriented in the 6 th cycle.
HOUSING GOAL 4: Equal Housing Opportunity <i>Ensure that all existing and future housing opportunities are open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.</i>		
HOU-4.1: Support the intent and spirit of equal housing opportunities as express in Federal and State fair housing laws.	The City of Costa Mesa continued to support equal housing in the 5 th cycle, as well as continued an ongoing partnership with the Orange County Fair Housing Council.	Continued. As required by state law, the City will continue to support Federal and State fair housing laws through equal housing opportunities during the 6 th cycle. .



Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-4.2: Continue to provide fair housing and counseling services for all Costa Mesa residents in an effort to remove barriers and promote access to affordable housing in the City.	<p>The City is a member of a region-wide effort to ensure equal access to housing. Generally, activities have included investigation, resolution, and education. During the 5th Cycle, the City assisted over 1,600 Costa Mesa households with fair housing issues.</p> <ul style="list-style-type: none"> • FY 13/14: 357 Costa Mesa households were assisted with fair housing issues • FY 14/15: 331 Costa Mesa households were assisted with fair housing issues • FY 15/16: 314 Costa Mesa households were assisted with fair housing issues • FY 16/17: 204 Costa Mesa households were assisted with fair housing issues • 2018 APR: 200 Costa Mesa households were assisted with fair housing issues • 2019 APR: 117 Costa Mesa households were assisted with fair housing issues • 2020 APR: 153 Costa Mesa households were assisted with fair housing issues 	Continued. The City continued to provide Costa Mesa Residents with fair housing and counseling services in the 5 th cycle and will continue providing fair housing and counseling services for residents during the 6 th cycle.
HOU-4.3: Encourage programs that address the housing needs of senior citizens.	<p>Ongoing. The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.).</p> <p>As of 2013, accessibility is now required through ADA standards. A 50 percent density increase for construction of very low.</p>	Continued. The City was successful in approving programs for senior housing needs in the Housing Element as shown under program accomplishments. As required by state law, the City will continue to support programs for the housing needs of senior citizens through the appropriate methods listed in this table as well as new methods should



Policy Objective	Program Accomplishments	Status for Sixth Cycle
	Additionally, a Single Room Occupancy Ordinance was adopted in 1991, since three projects are completed and occupied for a total of 247 units; including 91 senior units and 11 SRO units.	they become available during the 6th cycle.
HOU-4.4: Encourage and support the construction, maintenance and preservation of residential developments which will meet the needs of families and individuals with specialized housing requirements.	<p>2014/2015/2016/2017: The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The draft was certified by California Department of Housing and Community Development on November 22, 2013 in meeting statutory requirements. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.).</p> <p>As of 2018 staff worked on establishing a temporary and permanent homeless shelter that will be housing first modeled and will provide housing navigation services.</p> <p>In 2019, the City approved the use of a temporary modular structures at Lighthouse Church for the City's temporary interim bridge shelter. Later in 2019, the City Council adopted an urgency ordinance relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, to be consistent with state law.</p> <p>In 2020, the City approved a permanent homeless shelter (Costa Mesa Bridge Shelter) to replace the temporary bridge shelter identified in 2019. The shelter opened on March 23, 2021. The City of Costa Mesa partners with Newport Beach to leverage scarce resources to better services the homeless population.</p>	Continued. The City of Costa Mesa completed a number of actions during the 5 th cycle to support families and individuals with specialized housing requirements. As required by state law, the City will continue to support the construction, maintenance, and preservation of residential developments for families and individuals with specialized housing requirements.



Policy Objective	Program Accomplishments	Status for Sixth Cycle
HOU-4.5: Encourage and support the construction, maintenance, and preservation of residential developments to meet the needs of the developmentally disabled	<p>The 2013-2021 Housing Element was adopted by City Council on January 21, 2014. The draft was certified by California Department of Housing and Community Development on November 22, 2013 in meeting statutory requirements. The Housing Element includes special programs for special housing needs (i.e., seniors, large families, etc.).</p> <p>The City partnered with Elwyn California to provide services to persons with special needs. The agency provided input on City's special needs populations, specifically economic opportunities for persons with developmental disabilities using CDBG funds (\$5,720).</p>	Continued. The City completed a number of actions during the 5 th cycle to support the developmentally disabled as shown under program accomplishments. The City of Costa Mesa will continue to promote construction, maintenance, and preservation of residential developments for developmentally disabled within the 6 th cycle.
HOUSING GOAL 5: Coordination and Cooperation <i>Coordinate local housing efforts with appropriate federal, state, regional, and local governments and/or agencies and to cooperate in the implementation of intergovernmental housing programs to ensure maximum effectiveness in solving local and regional housing problems.</i>		
HOU-5.1: Investigate alternative intergovernmental arrangements and program options to deal with area-wide housing issues and problems.	<p>The City of Costa Mesa continued to investigate alternative intergovernmental arrangements and program options to meet the housing issues.</p> <p>As of 2015, 48 single- and multiple-family units constructed over the last several years through a combination of public/private partnerships.</p>	Continued. As required by state law, the City will continue to identify alternative intergovernmental arrangements and program for the housing problem in the 6 th cycle.

An aerial photograph of a city, likely Los Angeles, with a semi-transparent blue overlay. The image shows a dense urban area with various building footprints and street patterns.

Appendix B

Summary of Adequate Sites Analysis





A. Candidate Sites Analysis Overview

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

This appendix contains **Table B-5**, which identifies each candidate housing site within Costa Mesa's sites inventory. The sites are identified by assessor parcel number (APN) as well as a unique identifier used to track sites within the inventory. Additionally, the following information is provided for each parcel.

- Address
- Ownership
- Zoning (including Specific Plan areas, Urban Plans, and Overlays, if applicable)
- Size (Net developable acres removing known development constraints)
- Density
- Vacancy status
- Previous Housing Element identification
- Potential Development Capacity (Dwelling Units) by income category
- Description of existing use

A summary of this information is included within the Housing Resources section (**Chapter 3**) of Costa Mesa's 2021-2029 Housing Element.

Table B-1 shows the City's 2021-2029 RHNA need by income category as well as a summary of the sites identified to meet that need. The analysis within this appendix shows that the City of Costa Mesa has the capacity to meet their 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or will be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)



Table B-1: Summary of RHNA Status and Sites Inventory					
	Very Low Income	Low Income	Moderate Income*	Above Moderate Income	Total
RHNA (2021-2029)	2,919	1,794	2,088	4,959	11,760
Units Constructed in Projection Period (Begins June 30, 2021)	3	19	9	8	39
Remaining Unmet RHNA	2,916	1,775	2,079	4,951	11,721
Large Sites					
Fairview Developmental Center	575	345	690	690	2,300
Sakioka Lot 2	120	60	120	900	1,200
Home Ranch	221	110	221	1,663	2,215
Senior Center Housing Project	40	20	0	0	60
Pacific Arts Plaza and Town Center	53	27	53	402	535
Total Potential Capacity - Large Sites	1,009	562	1,084	3,655	6,310
Overlays, Specific Plans, and Urban Plans					
North Costa Mesa Specific Plan	1,269	632	1,269	3,265	6,435
SoBECA Urban Plan	141	67	141	383	732
Mesa West Bluff Urban Plan	208	100	208	555	1,071
19 West Urban Plan	123	59	123	335	640
Harbor Mixed Use Overlay	286	135	286	778	1,485
Total Potential Capacity - Overlays, Specific Plans, and Urban Plans	2,027	993	2,027	5,316	10,363
Projected ADU Construction					
Projected ADU Construction	143	246	172	11	572
Sites Inventory Total					
Total Units towards RHNA	3,179	1,801	3,283	8,982	17,245
Total Capacity Over RHNA Categories	109%	101%	158%	181%	147%

1. Approved Projects and Projects in the Pipeline

Approved Projects since June 30, 2022

As shown in **Table B-1**, the City of Costa Mesa has approved residential development projects since the start of the projection period for the 6th Cycle. The projection period is the time in which development activity can count towards meeting the City's 6th Cycle RHNA need. Cities within the Southern California Association of Governments (SCAG) region can begin taking credit for the 6th cycle for development that was approved on or after June 30th, 2021. **Table B-2** contains projects that received approvals during that timeframe.



Table B-2: Units Permitted				
Address	Building Permit Number	Date Issued	Type	Income Category
900 W 20th Street	BC21-00060	7/6/2021	ADU	Low
2994 Croftdon Street, Unit B	BC21-00123	7/7/2021	ADU	Moderate
1850 Paros Circle	BC20-00583	7/7/2021	ADU	Moderate
230 Sherwood Place, Unit B	BC20-00469	7/12/2021	ADU	Low
257 Knox Place	BC21-00228	7/16/2021	ADU	Moderate
2175 Tustin Avenue, Unit C	BC21-00121	7/20/2021	ADU	Low
2545 Westminster Avenue, Unit B	BC21-00225	7/20/2021	ADU	Low
281 E 20th Street	BC20-00376	7/27/2021	SFR	Above Moderate
281 E 20th Street, Unit B	BC20-00376	7/27/2021	ADU	Low
118 Magnolia Street, Unit B	BC21-00261	8/11/2021	ADU	Low
382 Ramona Way, Unit B	BC21-00110	8/11/2021	ADU	Low
700 W 20th Street, Unit D	BC21-00296	8/12/2021	ADU	Very Low
482 E 20th Street, Unit A	BC21-00321	8/13/2021	ADU	Low
2049 Monrovia Avenue, Unit B	BC21-00113	8/31/2021	ADU	Moderate
536 Caleigh Lane	BC19-00957	9/8/2021	SFR	Above Moderate
324 Costa Mesa Street, Unit B	BC20-00578	9/20/2021	ADU	Low
227 Mesa Drive, Unit B	BC21-00140	9/22/2021	ADU	Moderate
330 Ogle Street, Unit B	BC21-00355	9/27/2021	ADU	Low



Table B-2: Units Permitted				
Address	Building Permit Number	Date Issued	Type	Income Category
379 E 19th Street, Unit B	BC21-00190	9/28/2021	ADU	Low
861 Joann Street, Unit B	BC21-00269	9/28/2021	ADU	Moderate
1951 Rosemary Place	BC20-00111	9/28/2021	SFR	Above Moderate
1951 Rosemary Place, Unit B	BC20-00111	9/28/2021	ADU	Moderate
1939 Continental Avenue, Unit B	BC21-00166	10/5/2021	ADU	Very Low
1984 Orange Avenue	BC21-00461	10/13/2021	ADU	Moderate
2510 Carnegie Avenue	BC21-00339	10/14/2021	ADU	Low
974 Linden Place	BC21-00137	10/14/2021	ADU	Very Low
2687 Elden Avenue, Unit B	BC21-00530	10/18/2021	ADU	Low
320 Colleen Place	BC21-00334	11/5/2021	SFR	Above Moderate
320 Colleen Place, Unit B	BC21-00333	11/5/2021	ADU	Low
3078 Roanoke Lane, Unit B	BC21-00265	11/5/2021	ADU	Moderate
246 Cecil Place	BC21-00293	11/16/2021	SFR	Above Moderate
2014 Maple Avenue, Unit 108	BC21-00534	11/22/2021	ADU	Low
2014 Maple Avenue, Unit 109	BC21-00535	11/22/2021	ADU	Low
466 E 18th Street, Unit B	BC21-00408	11/23/2021	ADU	Low
257 Flower Street	BC21-00644	12/3/2021	SFR	Above Moderate
2458 Norse Avenue	BC21-00626	12/3/2021	SFR	Above Moderate
2845 Ellesmere Avenue, Unit B	BC21-00341	12/7/2021	ADU	Low
473 Ogle Street	BC21-00694	12/14/2021	SFR	Above Moderate
363 Rochester Street	BC21-00625	12/20/2021	ADU	Low



Projects in the Pipeline

Development projects that are in the planning process but have not received land use approvals or building permit are considered “in the pipeline.” For applications submitted for a land use approval, projects are considered “pending” until the necessary land use approvals are issued, at which point a project is deemed “approved.” Once a building permit is issued, the project is identified as “building permit issued.” When project construction is completed and all necessary building safety inspections have been completed a certificate of occupancy or “final building permit” is issued.

Pursuant to the HCD Housing Element Site Inventory Guidebook Government Code Section 65583.2, for projects yet to receive their certificate of occupancy or final building permit, the element must demonstrate that the project is expected to be built within the planning period. The City believes that many of these “in the pipeline” housing units are likely to be developed within the planning period and could further the City’s efforts in reaching its required RHNA, if/once developed. Although “projects in the pipeline” are not included as “candidate housing sites”, they represent opportunities for future housing construction in Costa Mesa within the planning period. If/when these housing units are built, the units will count toward achieving the City’s RHNA allocation as mandated by State law.

The below summary includes housing projects at various planning/development stages, and consist of potential housing developments of various sizes, types and housing affordability ranges. The summary includes recent housing projects that have been submitted for land use approvals at this time, but are not yet “approved”; projects that are “approved” but no building permits have been issued or applied for; and other housing projects that City staff is working on in partnership with other entities or agencies to develop housing resources in the City.

- **Senior Housing Project at the Senior Center (Jamboree Housing ENA)** – On July 21, 2020, the City Council approved an Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation in determining the feasibility, and potential terms, for the right to acquire a long-term leasehold interest in an approximately 0.90-acre portion of the parking lot at the Senior Center property to develop a senior housing project. The conceptual density study plans envisioned the potential for 60 senior affordable dwelling units at the site. An application for an Urban Master Plan Screening for the proposed project was submitted in November 2021 and staff continues to work with the applicant to bring the project forward for a decision.
- **Urban Plan Screening Project (1711 & 1719 Pomona Avenue)** – On November 16, 2021, the City Council considered an Urban Plan Screening of a Master Plan request for eight live/work units on a 0.46-acre lot. The proposed Master Plan includes a deviation request from the Urban Plan’s live/work standards for minimum lot size. The urban planning screening process is the City’s first stage of development review for projects proposed in mixed-use overlay districts. The Council generally supported the project’s concept, including the request for a deviation from minimum lot size and provided the applicant guidance for the project proposal to include in a future application for Planning Commission consideration.
- **Urban Plan Screening Project (1540 Superior Avenue)** – On January 18, 2022, the City Council is scheduled to consider an Urban Plan Screening request for nine live/work units on a 0.44-acre lot. The Urban Plan screening process is the City’s first stage of development review for projects proposed in mixed-use overlay districts. After the City Council screening, the applicant will use



the City Council's guidance to include in a future application for Planning Commission consideration.

- **One Metro West (1683 Sunflower Avenue)** – The proposed project is a mixed-use development and consists of residential, specialty retail, creative office, and recreational uses. The project is proposed to include up to 1,057 dwelling units (anticipated to be rental units), 25,000 square feet of commercial creative office, 6,000 square feet of specialty retail, and 1.5-acres of public open space. The proposed development includes three multi-family residential structures with a maximum building height of seven stories; one stand-alone office building up to four stories in height; tenant-serving commercial retail space integrated into one of the residential structures; open space; landscaping; streetscape improvements; and a Class-I bike trail system on Sunflower Avenue providing access to the Santa Ana River Trail. The project was approved by City Council in 2021. The project includes 10 percent (106 units) of the residential development project component to be affordable (67 very low income units and 39 low income units) for 40 years. The proposed Project is subject to Measure Y, as codified in Article 22, Chapter IX of Title 13 (Zoning) of the Costa Mesa Municipal Code. Pursuant to Measure Y, after final approval by the City Council, including all CEQA review, the voters must then approve the Project.
- **Costa Mesa Village (2540 Newport Boulevard)** – Costa Mesa Village is an existing 97-unit SRO/efficiency development which was redeveloped many years ago from an existing motel. An application to update and amend the original entitlement (which allowed for the conversion of the former motel into an SRO/efficiency unit development) was submitted in November of 2021. The intent of the Conditional Use Permit amendment is to modify and update the conditions of the original entitlement while adhering to the City of Costa Mesa's recent SRO policy. The update will include revisions to enhance project housing and social services to qualified low-income individuals and persons with disabilities. Up to 23 of the 97 housing units are anticipated to be supported by Section a 811 subsidy administered by the California Housing Finance Agency (CalHFA) for persons with developmental disabilities, with the remaining units to continue as affordable housing units for individuals living/working in the City of Costa Mesa. The project is expected to be heard by the Planning Commission on January 24, 2022, with the final decision by the City Council thereafter.
- **Project Homekey** – On November 16, 2021, the City Council directed staff to collaborate with the County of Orange and associated development partners to submit application(s) for the Homekey Program grant funding for the acquisition, rehabilitation and conversion of one or two motel locations proposed for permanent supportive housing. City staff have been working with several existing motel owners of properties that range between approximately 40 to 90 units. The proposals will provide direct permanent supportive housing with funding from the City of Costa Mesa, the County and (if awarded) Homekey grant funds from the State. The target population for these units would include at risk or currently homeless individuals and seniors, age 62 and over, and chronic homeless individuals and couples, with a subset of the units for eligible persons that qualify for Mental Health Services Act (MHSA) programs. Because the City operates the 72 bed Bridge Shelter on Airway Avenue, the Homekey Program could provide a seamless opportunity to stabilize this most vulnerable population where supportive services are provided on site, in the expedited Homekey permanent supportive housing model.



- **The Plant (765-767 Baker Street and 2972 Century Place)** – This project consists of the proposed renovation of three existing commercial buildings (containing the former Car Mart and Plant Stand) totaling 19,100 square feet, for retail and restaurant uses surrounding a central courtyard area. In addition, new buildings are proposed consisting of two greenhouse structures which will contain food stall uses, and a four-story mixed-use building with 48 residential units, 14 live/work units, and 2,570 square feet of workshop/maker office space above a two-level parking structure. This project was approved by the City Council in 2019.
- **Families Forward (Pomona Avenue)** – Families Forward, founded in 1984, is committed to preventing and ending family homelessness in Orange County. Families Forward has acquired and is working on plans to rehabilitate and expand a multi-family property on Pomona Avenue. At completion, the project will include the interior and exterior renovation of the existing 6 units and the addition of 2 new accessory dwelling units that will collectively house 8 families at risk of, or experiencing, homelessness. Families Forward has submitted preliminary plans to the City and are working to advance construction plans which are expected to be submitted to the City for expedited review in January 2022. The project will be owned and operated by Families Forward, but is being constructed as a collaboration between Families Forward and HomeAid of Orange County. Families Forward will provide wrap-around services to low to moderate income family residents and provide a case manager, housing resource specialist, and other professionals to build a plan toward self-sufficiency. The families will also receive supportive services such as counseling, career coaching and access to our food pantry.

In 2020, Families Forward helped house and bring an end to homelessness for 15 Costa Mesa families (49 adults and children), with 33 Costa Mesa families accessing the Families Forward food pantry and taking another step towards stability. When complete, the Pomona project will serve as an entry point for families in and near Costa Mesa. Also, on November 17, 2020, the City Council approved a Subrecipient Agreement with Families Forward to establish a Tenant Based Rental Assistance (TBRA) program to assist qualified, very low-income households who are current residents of Costa Mesa (or households with strong community ties to Costa Mesa).

For a variety of reasons, not all projects in the pipeline complete the planning approval or building permit process and are built and occupied. However, these projects provide an indication of what future housing construction may include within the Housing Element planning period. As indicated above, City staff will continue to work with the aforementioned project applicants and other City housing efforts to reach the City's goals.



Figure B-1: Map of Candidate Housing Sites (All Income Categories)

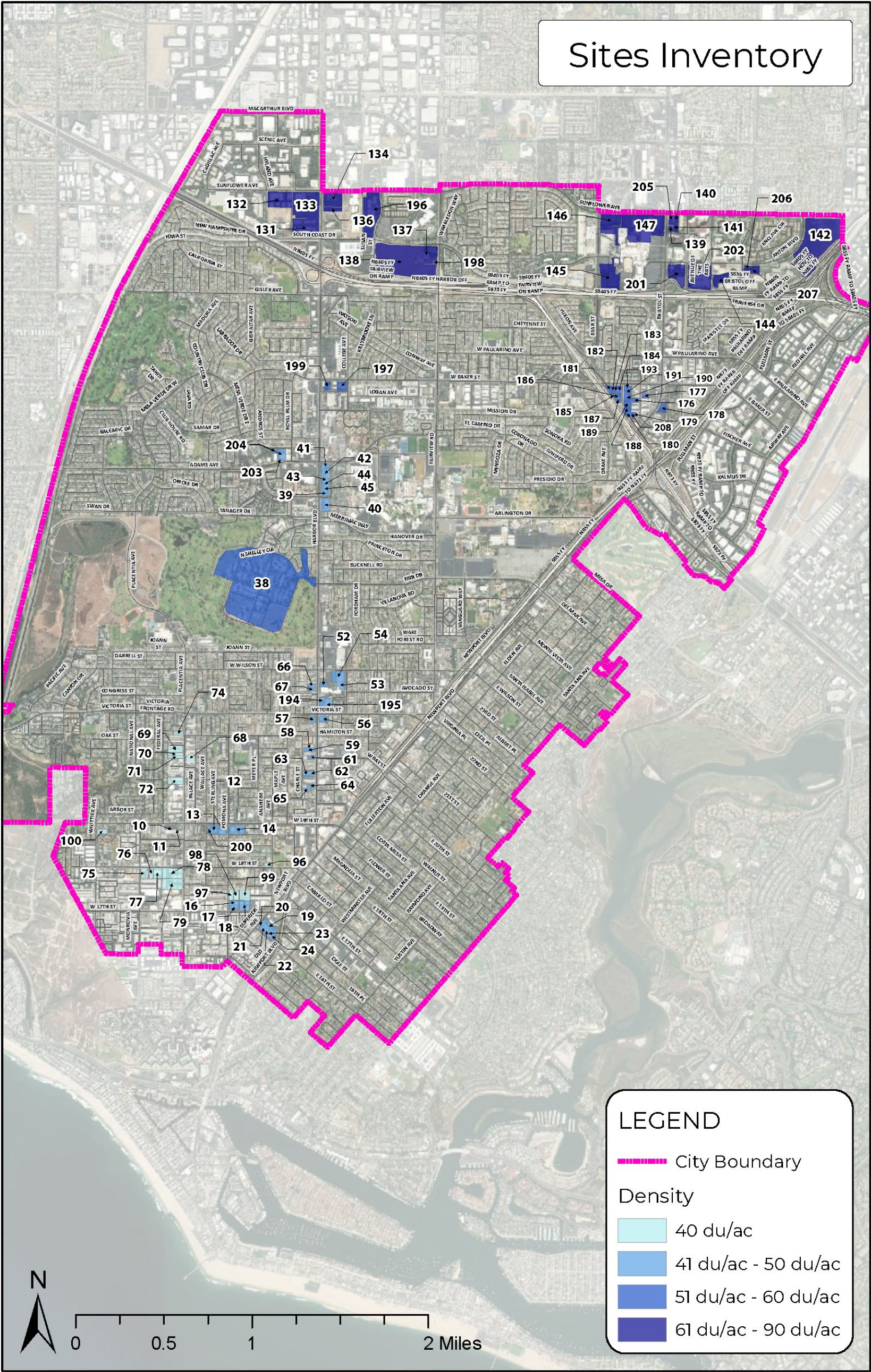




Figure B-2: Map of Candidate Housing Sites (By Zoning)

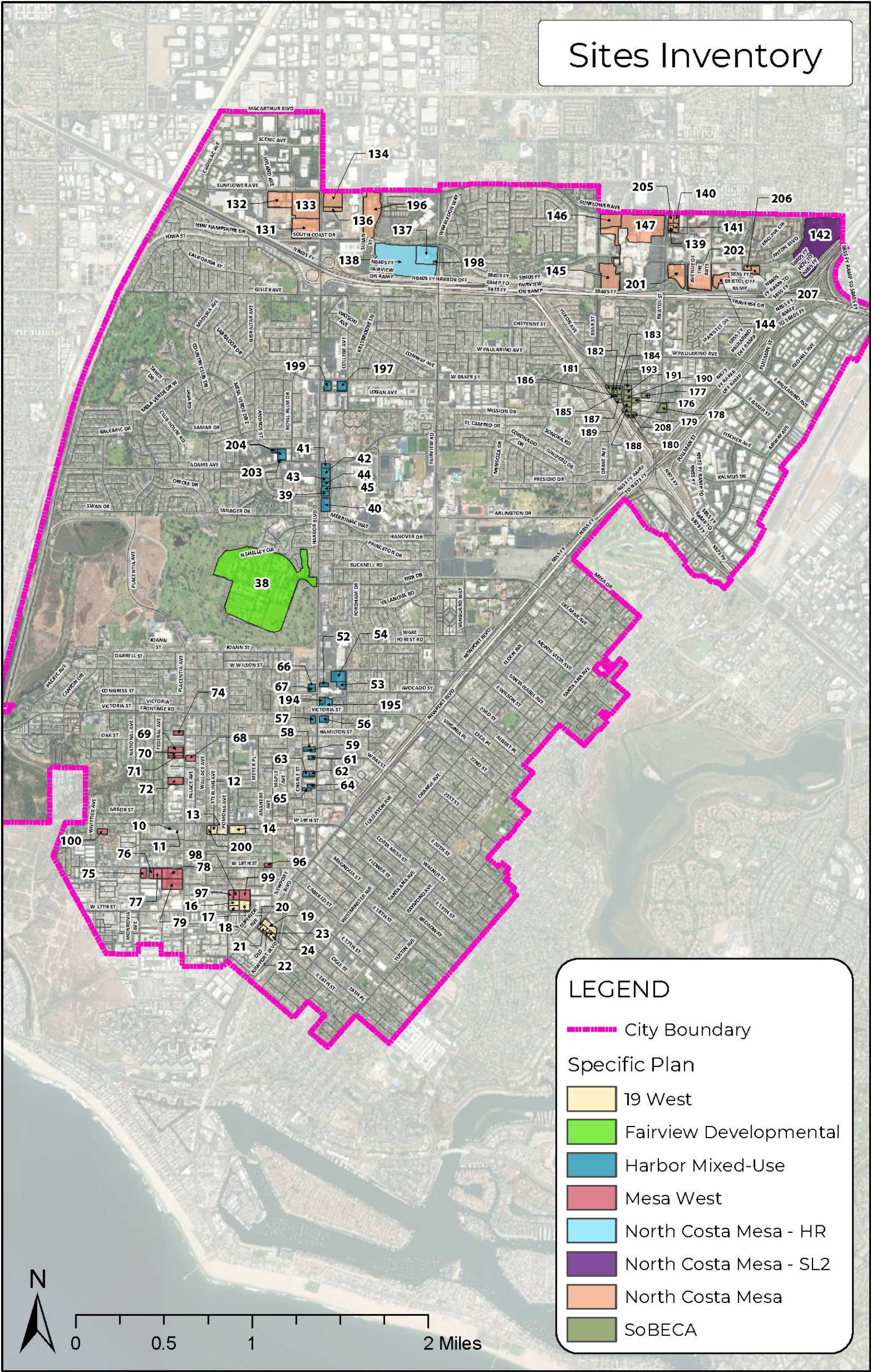
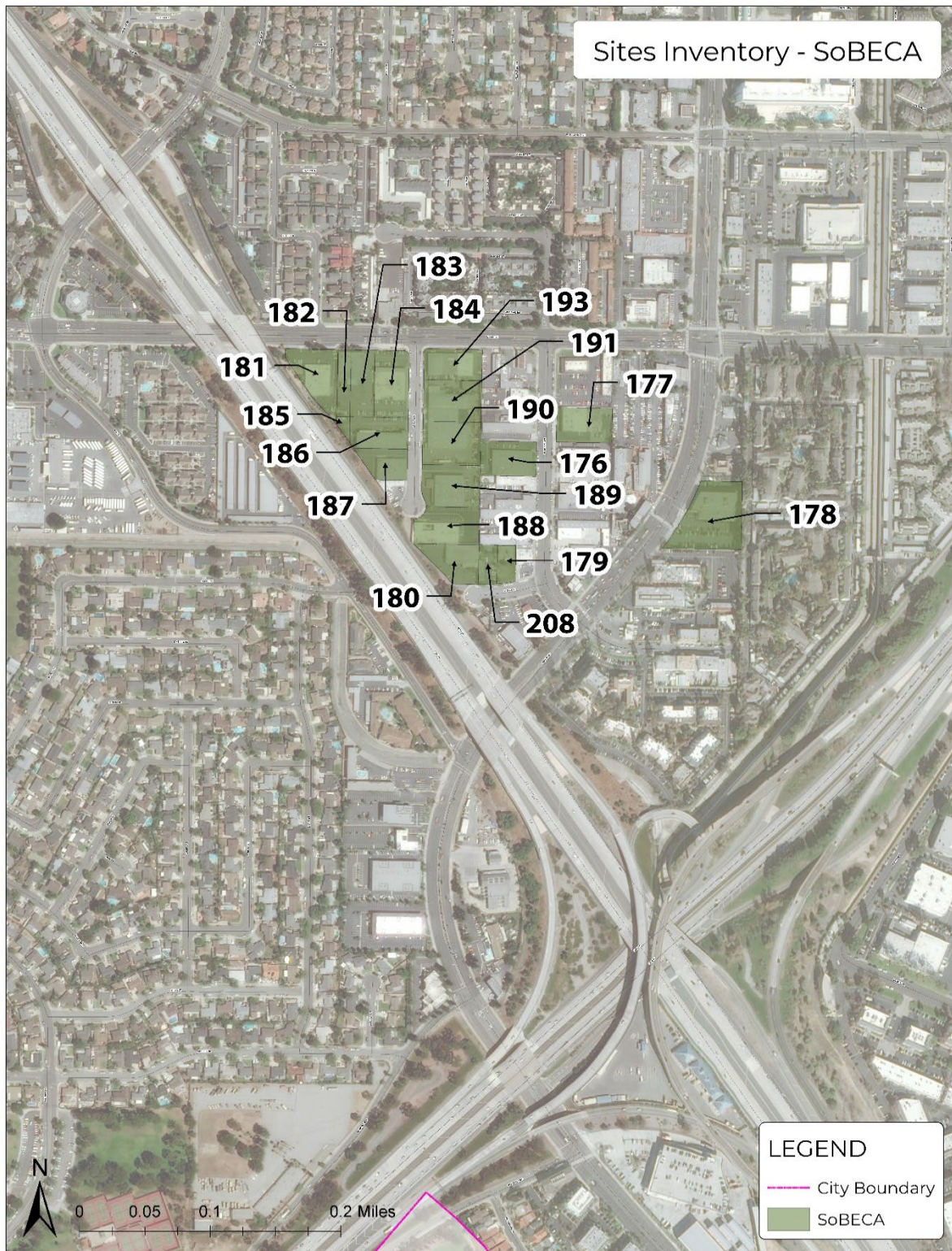




Figure B-2: Map of Candidate Housing Sites (SoBECA Focus)





2. Selection of Sites

The City of Costa Mesa has identified sites with capacity to accommodate the 2021-2029 RHNA. The City has identified 99 parcels within a variety of different zones, specific plan areas, urban plans, and overlays. Each of these either currently permit residential development or will be amended per **Programs 3B and 3C** to permit residential development at the densities specified in **Table B-5**. The identified sites have been evaluated to determine the extent to which on-site uses are likely to redevelop within the planning period. It was found that a number of the existing uses (identified in **Table B-5**) are either permanently closed or available for lease. Many of the uses are in multi-tenant commercial centers with one ownership and most show little to no evidence of recent investment or redevelopment.

The City does not have access to most leasing information as these are generally private documents but has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period. When possible, the City had discussions with property owners to determine interest in redevelopment for residential uses. The analysis also includes several letters of potential residential development interest in **Appendix A**.

COMMUNITY INPUT ON SITES SELECTION

Community input was an important component of the sites identification and selection process. The City conducted multiple public outreach meetings, including district specific meetings where community members gave input on areas of importance within their district. This information was collected as notes on maps of each district and can be found in **Appendix C**. Community members also provided feedback on potential housing development types and focus areas on the online community survey. Additionally, draft versions of the sites inventory were discussed at both Planning Commission and City Council study sessions, with decision makers providing input and community members able to make public comments.

Lastly, the City held discussions with major property owners within the City to better understand their long-range plans for development of the properties under their ownership. The City used these discussions to more accurately determine potential unit yield and affordability assumptions for some of the identified candidate housing sites. Additional information is provided for specific properties in **Table B-5**.

3. Redevelopment of Non-Vacant Sites for Residential Uses

The City of Costa Mesa does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA. To accommodate the need at all income levels, the City has analyzed sites within non-residentially zoned areas that permit residential development through Specific Plans, Urban Plans, or Overlays. The City also evaluated and included parcels not currently within Urban Plans which will be added when those Urban Plans are amended as part of **Programs 3B and 3C**.

As the City cannot accommodate 50 percent of the low/very low income RHNA, state law requires that the City analyze the following:

- Analysis of leases that would prevent redevelopment of the site,
- The extent to which existing uses may constitute an impediment to the future residential development within the planning period,
- The City's past experience with converting existing uses to higher density residential uses,



- Current market demand for the existing use,
- Development trends and market conditions, and
- Regulatory or other incentives to encourage redevelopment.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private lease agreements or other contractual agreements amongst parties because they are private documents. Therefore, the City has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period, including past performance, an on-the ground existing use analysis and a market analysis to understand cost of land, construction, and development trends in Costa Mesa.

Experience Developing Non-Vacant Sites for Residential Uses

As part of the candidate housing sites analysis, the City has evaluated recent projects that have redeveloped within non-residentially zoned areas that included residential units. Those projects, including the zoning, use prior to redevelopment, and a project analysis of the approved development plan, are shown in **Table B-3**. The City's analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in **Table B-6**.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in **Table B-6**. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.

The following residential development projects have been constructed on parcels that were either non-residentially zoned or had an existing non-residential use on-site within Costa Mesa.

Table B-3: Example Development of Non-Vacant Sites for Residential Uses				
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
125 Baker St.	240	PDR - HD	Industrial use	This development is a 240-unit wrap apartment complex on a 4.2-acre parcel in a largely industrial and office area of Costa Mesa. The project was built at a density of approximately 57 du/ac. The site was previously a light industrial and office uses use similar to some of the identified candidate housing sites. The project was rezoned from CL to PDR-HD.
1957 Newport Blvd.	38	PDR - HD	Self-storage use and trailer storage lot	This development is a 38-unit condominium project along the Newport Blvd commercial corridor. The site was previously a self-storage and trailer storage use similar to some of the identified candidate housing sites. The project was rezoned from C1 to PDR-HD.



Table B-3: Example Development of Non-Vacant Sites for Residential Uses				
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
2277 Harbor Blvd.	200	PDR - HD	Motel use	This development is a 200-unit apartment complex on a previous motel use site. This development is located on Harbor Boulevard and shares many existing characteristics with sites identified within this corridor in the candidate sites inventory. The project was rezoned from C1 to PDR-HD.
671 W. 17 th St.	177	MG	Brownfield development (Argotech Industries)	This development is 177 live/work and loft residential units and was developed on a site that was previously largely surface parking area. This site is in the Mesa West Urban Plan area and adjacent to some of the sites identified within the candidate housing sites analysis. This project also shares many existing use characteristics with those identified sites.
1620 and 1644 Whittier Ave.	89	MG	Industrial use (Ametek Aerospace and Defense)	This development is 89 live/work residential units on a former industrial use site in the Mesa West Bluffs Urban Plan area. Similar to 671 W. 17 th Street, this site shares many geographic and existing use characteristics with sites identified in the candidate housing sites analysis.
1500 Mesa Verde Drive East	215	PDC	Vacant commercial area	This development is 215 senior apartments developed at four stories along Harbor Boulevard directly adjacent to existing commercial uses. This project is an example of the types of horizontal mixed-use projects that the City anticipates may develop along Harbor Boulevard and matches assumptions made in the Housing Element.
1527 Newport Boulevard	40	C2 & MG	Industrial uses, including boat and automobile repair	This development is 40 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
132, 134, 140 Industrial Way	22	C2 & MG	Industrial uses, including boat and automobile repair	This development is 22 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
1677-1985 Superior Avenue	49	C2 & MG	Gas station and a mixture of commercial and industrial uses.	This development is 49 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the 19 West Urban Plan area and previous uses are consistent with sites identified within the sites inventory.
2025 Placentia Avenue	36	MG	Commercial and industrial uses, including storage and repair for boats	This development is 36 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and



Table B-3: Example Development of Non-Vacant Sites for Residential Uses				
Project Address	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
				previous uses are consistent with sites identified within the sites inventory.
2095 Harbor Boulevard	29	PDC	Commercial buildings and gas station which had been vacant for several years.	This development is 28 single-family homes with live/work potential, including ground floor commercial/office workspaces and two stories above for residential. This development is in the Harbor Mixed Use Urban Plan area along Harbor Avenue and previous uses are consistent with sites identified within the sites inventory.
1672 Placentia Avenue	32	MG	Boat yard and industrial building	This development is 32 live/work units with ground floor commercial/office workspaces and two stories above for residential. This development is in the Mesa West Bluffs Urban Plan area along Placentia Avenue and previous uses are consistent with sites identified within the sites inventory.

This analysis of recent sample development projects shows that residential development occurs within the City on sites that have existing non-residential uses. As indicated in the analysis notes, these example sites share many characteristics with the candidate housing sites in **Table B-6**. This demonstrates that there is development potential on these sites as well as interest in developing these types of sites for residential uses within Costa Mesa.

Existing Uses on Candidate Sites and Redevelopment Opportunity

The City has identified and analyzed existing use on candidate sites in **Table B-6** below. As the City is a built-out community, consisting mainly of commercial retail, industrial and single-family housing, a primary goal was to identify sites compatible for the development of multifamily and mixed-use housing as well as not displace existing residents. Therefore, the City identified the best possible sites with the most feasible opportunity for redevelopment over the next 8 years. In addition to the analysis in **Table B-6** the City utilized locally available SCAG data to identify the following key indicators that the sites included for low and very low-income opportunity are the most appropriate:

- Nine percent of the sites are within areas identifies as Highest Resource by the TCAC
- 55 percent of the sites are within areas identified as moderate resource
- On average, there are 90 healthcare facilities within a one-mile drive from the identified sites
- On average, there are 4 grocery stores or markets within a one-mile drive from the identified sites
- 97 percent of the sites identified are within a High-Quality Transit area, meaning the 97 percent of sites are within one half-mile of a well-served transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours.



Housing Market Analysis

In addition to an on-the-ground existing use analysis, the City of Costa Mesa has market conditions to facilitate the redevelopment of non-vacant sites for residential. **Table B-3** above shows that a total of 1,167 dwelling units have been constructed through redevelopment in the City. Additionally, a California Association of Realtors report for Historic Housing trends shows that the average time a unit spends on the market in Orange County is just 18.6 days in the last four years (2017-2021) and just 13.3 days in the last two years.¹ Specifically in Costa mesa, homes spent just over one month on market and the sale-to-list price ratio was 100.14%, indicating a sellers' market and the need for more housing.² According to the New Homes Directory (online resource), historical Housing Market data, the average price for an attached unit, 1,500 square feet or less, increased by 48 percent over the last planning cycle (\$434,87 in 2014 to \$645,000 in 2021).³

Additionally, the according to the CAR Current Sales and Price Statistical Survey, the median cost of a home for sale in Orange County increased by 20 percent from 2020-2021 (from \$930,000 in October 2020 to \$1,120,000 in October 2021).⁴ The indicators above signify an increased market demand for new housing.

4. Development of Small Site Parcels

The City of Costa Mesa has identified several candidate housing sites that are smaller than half an acre in size. Assembly Bill 1397 identifies general size requirements for candidate housing sites of greater than half an acre and less than 10 acres in size. The City has only identified sites smaller than half an acre which show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within **Table B-6**.

The candidate sites that are smaller than half an acre are shown in **Table B-4** below along with descriptions of their likelihood to redevelop that go beyond the descriptions in **Table B-6**.

¹ Median time on Market of Existing Detached Homes, Historical Data, California Association of Realtors (CAR), Accessed online: December 9, 2021. <https://www.car.org/marketdata/data>

² Realtor.com, Housing Market Summary, Costa Mesa. Accessed Online: December 9, 2021. https://www.realtor.com/realestateandhomes-search/Costa-Mesa_CA/overview

³ New Homes Directory.com, Historical Housing Report in Costa Mesa, Accessed Online: December 9, 2021. https://www.newhomesdirectory.com/California/Costa_Mesa/historical-housing-report

⁴ Current Sales and Price Statistics, California Association of Realtors (CAR), Accessed online: December 9, 2021. <https://www.car.org/marketdata/data>



Table B-4: Analysis of Candidate Housing Sites Under 0.5 acres

APN	Unique ID	Address	Specific Plan/Urban Plan Area	Size (Ac)	Use Description
42543103	20	1666 Superior Ave	19 West	0.29	<p>These are all adjacent parcels in a contiguous block bounded by E 16th Street, Superior Avenue, E 17th Street, and Newport Blvd. All parcels within this block have been identified as candidate housing sites and total 4.70 acres. Sites 22 and 23 are owned by the same property owner. The existing uses are all car-related industrial uses which are single-story.</p> <p>As shown in Table B-2, the City worked with property owners of parcels along Industrial Way (Specifically 132, 134, and 140 Industrial Way, less than a quarter mile southwest of these identified parcels) to facilitate the development of residential uses on parcels previously occupied with the same types of uses as these three parcels (boat and auto repair uses). These parcels are located within the 19 West Urban Plan area and are permitted to develop in the same manner as the parcels along Industrial Way.</p>
42543105	22	126 E 16 th St	19 West	0.42	
42543106	23	126 E 16 th St	19 West	0.35	
41817101	208	754 Saint Clair St	SoBECA	0.27	<p>These parcels are occupied by warehouse and light industrial uses within the SoBECA Urban Plan area. The SoBECA Urban Plan focuses on residential as a mixed-use component and promoting the development of residential in addition to the existing commercial anchors in the Mall and the Camp. The City has established Program 3D to update the Urban Plans within the City to focus more heavily on residential uses at the identified densities.</p> <p>As identified in Table B-2, the City developed Baker Block on industrial parcels which previously occupied similar light industrial uses in a largely industrial corridor approximately one-</p>
41817102	179	752 Saint Clair St	SoBECA	0.26	
41820202	182	841 Baker St	SoBECA	0.33	
41820205	185	2969 Century Pl	SoBECA	0.09	
13931321	203	1590 Adams Ave	SoBECA	0.27	



Table B-4: Analysis of Candidate Housing Sites Under 0.5 acres					
APN	Unique ID	Address	Specific Plan/Urban Plan Area	Size (Ac)	Use Description
					third of a mile from the SoBECA area. These uses have similar historical context and assumptions have been tied to this project and others as examples of redeveloping these types of uses for residential within industrial areas.
14004183	198	N/A	North Costa Mesa	0.23	<p>This parcel is part of the overall Home Ranch parcel described in the Large Site analysis in the following section. Home Ranch is currently a mostly vacant site within the North Costa Mesa Specific Plan area that has an existing development agreement and is currently planned for residential development. The City has actively worked with the property owner throughout the 6th Cycle Housing Element update process to identify an appropriate number of residential units to allocate towards the site. The property owner has indicated they intend to develop residential uses on the Home Ranch site and they are permitted to alter their development agreement or develop outside of it, meaning there are no unit caps in place.</p> <p>While this individual parcel is less than half an acre, it is in common ownership with the larger Home Ranch site which exceeds the half acre standard. This parcel is currently vacant.</p>

Additionally, Policy LU-2.10 of the City of Costa Mesa's Land Use Element within the General Plan promotes lot consolidation of residential properties. While the sites identified in the table above are commercial in nature, the intent of the policy remains effective in consolidating smaller parcels towards the creation of a larger residential development.

5. Development of Large Site Parcels

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these



major property owners to determine their future interest in developing housing on the identified properties.

FAIRVIEW DEVELOPMENTAL CENTER

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 114 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5th cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City. Conceptual yield studies and draft plans have also been compiled for the property and helped to inform development capacity assumptions. There are no current development agreements or density caps on the property as residential uses are not currently permitted. The City will need to come to an agreement with the State of California for future use of the site and then solicit input from the development community on potential entitlement, likely through a competitive bid process. The City is confident that there is significant interest in redeveloping the property once it becomes available based on informal discussions with developers during the housing element update process.

FDC was discussed multiple times in public workshops by local housing advocacy groups in support of residential uses on the site for primarily affordable housing developments and workforce housing. The City has established **Program 3B** to work with the State of California to establish the FCD area as a mixed-use village with a combination of existing and future uses. As stated in **Program 3B**, the City envisions a two-year process to negotiate future residential development use on the site. If not established within two years, the City will identify additional sites to accommodate a potential shortfall in sites to accommodate the remaining RHNA.

The City's 6th Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

SAKIOKA LOT 2

Sakioka Lot 2 is a 30.93-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan.

The site is currently under a development agreement (DA) that was recently extended for ten years until May of, 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. This development would occur pursuant to the new densities identified within the Housing Element, which may lead to the development of more units than currently established under the DA. The property owner and City could potentially amend the current DA or the property owner may develop outside of the DA but under the



zoning requirements of the North Costa Mesa Specific Plan in order to achieve more than 660 residential units in the future. Therefore, the existing DA does not present a cap or restriction on the future number of potential units on the Sakioka Lot 2 parcel. Furthermore, there are not affordability caps within the current DA which would limit the number of units which may be affordable. The City's 6th Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories. The property owner has expressed interest in communications with the City in developing for residential uses within the 8-year planning cycle.

HOME RANCH

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was executed in 2002 and extended in 2010 for additional 20 years until July of 2030.

The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The property owner has expressed that there are future scenarios which consider fully developing the site for residential uses with some support commercial, which exceeds the assumptions in the housing element. The City conservatively analyzed the potential for a range of uses on the Home Ranch site. This would require a modification of the existing DA, which is possible with property owner and City support. The City's 6th Cycle analysis includes an assumption of 2,215 dwelling units broken down into the very low, low, moderate, and above moderate-income categories. The property owner has expressed interest in communications with the City in developing for residential uses within the 8-year planning cycle.

SOUTH COAST PLAZA

South Coast Plaza is a large regional mall in the North Costa Mesa area. The mall has ample surface parking and as of adoption of this Housing Element, has a large, big box component which is currently vacant. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The sites analysis makes a conservative potential redevelopment assumption of approximately 15 acres of the 128-acre property.

The City's 6th Cycle analysis includes an assumption of 1,959 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

PACIFIC ARTS PLAZA

Pacific Arts Plaza project is an 18.3-acre site located in South Coast Plaza Town Center currently developed with a variety of office buildings and restaurants. The site is designated Cultural Arts Center (CAC) by the General Plan and has a zoning designation of Town Center (TC). The property is also located in the North Costa Mesa Specific Plan. Portions of the site are under a Development Agreement. The existing development approvals referenced in the original Development Agreement that allows for a maximum Floor Area Ratio (FAR) of 1.55 and maximum building square footage of 1,227,978. The Development Agreement was recently extended for two years and will expire in August of 2023. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6th Cycle analysis includes an assumption of 535 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.



6. Accessory Dwelling Units

Accessory dwelling units, or ADUs) are housing units which may be developed in addition to an existing single- or multi-family residential use. These housing units can be free-standing or attached to a primary structure and are intended to provide additional housing on an existing residential lot. Often ADUs provide housing for family members or are rented to members of the community.

As a result of new legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2021. In 2018, the City permitted 4 ADUs, followed by 6 in 2019 and a 450% increase in 2020 of 27. As of the end of November 2021, the City has issued permits for 41 ADUs and JADUs for development. Of the 41 permits issued, 1 was available at the extremely-low income level, 3 were available at the very-low income level, 25 were available at the low-income level, and 12 were available at the moderate income level. In compliance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (JrADUs) are permitted only in single dwelling unit zones.

The City of Costa Mesa has determined based on past performance that it is appropriate to anticipate the development of 572 accessory dwelling units from 2021 to 2029. Approximately 389 of these units are anticipated to be affordable at the low and very-low-income categories. 172 ADUs are anticipated to be affordable at the moderate-income level and 11 ADUs are anticipated at the above moderate-income level. This affordability estimation is based on guidance from SCAG and HCD based on surveys of existing ADUs in the SCAG region between April and June 2020.

The City performed a trend analysis looking at the growth in ADUs from 2018 – 2021. That analysis is shown in the table below.

Table B-5: ADU Trend Analysis (2018 – 2021)		
Year	ADU Permitted (2018-Based Strategy)	Percent of previous year
Projection Period Total:	572	
2028	99	105%
2027	95	110%
2026	86	112%
2025	77	114%
2024	67	116%
2023	58	118%
2022	49	120%
2021*	41	152%
2020*	27	450%
2019*	6	150%
2018*	4	
** indicates actual permitted ADUs within that year.		



As shown in **Table B-4**, Costa Mesa has seen sustained increases in ADU production each year since 2018 with the lowest being a 50% increase between 2018 and 2019 as new State laws and local processes were not common knowledge amongst homeowners. The City expects that while ADU production is likely to continue to increase year after year, there may be some drop off in that increase as more property owners develop ADUs. Table B-3 shows the anticipated increases which state the observed 152% increase between 2020 and 2021, with a slow tapering down to an anticipated 105% in 2028. The City has established **Program 3M** to monitor ADU production every two years and has stated actions should production not match the anticipated amount in the housing element.

To assist in reaching the City's ADU development projections, Costa Mesa has included **Program 3J**, which identifies actions the City will take to promote and incentivize the development of ADUs during the planning period. As outlined in the program, these actions may include:

- Coordinating with the County on implementation of a permit-ready ADU program
- Post a user-friendly FAQ on the City's website to assist the public with the general questions.
- Waiving specific permitting fees to make ADU development more feasible
- Creating an expedited plan check review process to ease the process for homeowners
- Research potential State and Regional funding sources for affordable ADUs and make the information found publicly available to homeowners

7. Water, Sewer, and Dry Utility Availability

Each site has been evaluated to ensure there is adequate access to water and sewer connections as well as dry utilities. Each site is situated with a direct connection to a public street that has the appropriate water and sewer mains and other infrastructure to service the candidate site. The City has sufficient total water and sewer capacity (existing and planned) to accommodate the 2021-2029 regional housing need. The City plans for future housing growth through the Mesa Water District Urban Water Management Plan (UWMP). This was most recently updated in 2020. Future sewer capacity is planned for through the Costa Mesa Sanitary District Sewer System Management Plan (SSMP), which was most recently amended and recertified by the Board of Directors in January 2021.

B. Calculation of Unit Capacity

This section contains a description of the candidate sites identified to meet Costa Mesa's RHNA need at all income levels. The full list of these sites is presented in **Table B-6**.

1. Realistic Capacity and Affordability Calculations

Costa Mesa's 2021-2029 Housing Element sites analysis assumes that each identified candidate housing site will develop with at a range of income levels. Primarily, it is assumed that sites identified within **Table B-6** will redevelop with the following affordability characteristics:

- 30% of units available to residents in the low and very low-income categories
- 20% of units available to residents in the moderate-income category
- 50% of units available to residents in the above moderate-income category



Costa Mesa recognizes that not all sites within the inventory will develop such that they meet these affordability assumptions and has included a 37% buffer on the total number of units to assist in accommodating potential differences in future housing development. This buffer is to accommodate the potential that sites may develop for 100% nonresidential uses, however recent development within Costa Mesa has indicated that is unlikely. The following developments have all occurred recently within the City's urban plans, specific plans, overlays, or on non-residentially zoned sites. Many of these are described in more detail in **Table B-2**.

- **2277 Harbor Blvd** – Previous motel use that underwent a rezone from C1 to PDR-HD and developed as a fully residential project with 200 apartment units.
- **671 W 17th Street** – Previous industrial brownfield site in the Mesa West Bluff Urban Plan which developed as a fully residential project with 177 live/work units.
- **1620 and 1644 Whittier Avenue** – Previous industrial use in the Mesa West Bluff Urban Plan which developed as a fully residential project with 89 live/work units.
- **1500 Mesa Verde East Drive** – Commercially zoned parcel along Harbor Boulevard which developed as a fully residential project with 215 senior apartments.
- **Brickyard East and West** – Previous industrial warehouse uses along Placentia Avenue which developed as a fully residential project with 29 townhouse units.

Consistent with local housing market trends data presented earlier in this appendices, the City of Costa Mesa is seeing an increase in residential development and rarely receives requests for fully non-residential uses in the area identified within the candidate housing sites analysis.

The City has established goals and programs within the Housing Element aimed at identifying funding opportunities and partnering with the development community to increase the amount of affordable housing built in future developments. If the City is able to identify partnerships leading to fully affordable projects, that would also help to cover any potential shortfall in capacity in any of the four income categories. The City of Costa Mesa recognizes that should a “No Net Loss” situation occur, they will be required to identify additional sites and has analyzed additional potential housing sites within the Housing Element's environmental clearance document.

There are several candidate housing sites in which the affordability assumptions differ from those presented above. Those sites include:

- **Costa Mesa Senior Housing Project (APN 424-211-01)**. This site is owned by the City of Costa Mesa who has had previous discussions with a developer on a fully affordable project on this site. This site assumes 60 units which are all affordable at the lower income levels.
- **Fairview Developmental Center**. This site is analyzed previously in the large site analysis portion of this appendices. This site is owned by the State of California and the City anticipates working in collaboration with the State to support the goal of developing affordable housing. The City has assumed that approximately 40% of the units on this site will be available to residents at the lower income levels, while 30% will be available to residents at the moderate-income levels. The remaining units are anticipated to be market-rate.
- **Sakioka Lot 2**. The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels. This site has an existing development agreement.



- **Home Ranch.** The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels. This site has an existing development agreement.
- **Pacific Arts Plaza and Town Center.** The City has conducted outreach meetings with this property owner and determined that it is realistic to assume that 15% of future units on this site may be available to residents at the low and very-low income levels. This site has an existing development agreement.

2. Specific Plan, Urban Plan, and Overlays

As identified in **Programs 3B and 3C**, of the Housing Plan (**Chapter 4**), the City will be modifying some of the existing Specific Plans, Urban Plans, and Overlays within Costa Mesa. The densities identified in **Table B-5** reflect revisions to many of these areas to permit residential development at a higher density than what the current zoning permits as of adoption of this document. As noted, the City has three years to complete these zoning amendments. The City is proposing to either analyze or modify the following areas:

- | | |
|----------------------------------|------------------------------------|
| • North Costa Mesa Specific Plan | • Residential Ownership Urban Plan |
| • 19 West Urban Plan | (Propose to Remove) |
| • SoBECA Urban Plan | • Residential Incentive Overlay |
| • Mesa West Bluff Urban Plan | • Harbor Mixed-Use Overlay |

These areas, with the exception of the Residential Ownership Urban Plan, which is proposed to be removed, will be modified through **Programs 3B through 3C** to permit residential development at or above the default density for Costa Mesa of 30 dwelling units per acre. When considering appropriate densities, the City held outreach meetings with members of the community, decision-makers, the development community, and major property owners. As part of these meetings, the City discusses and analyzed what densities were appropriate to maintain the character of the surrounding neighborhoods while also presenting the opportunity for future residential development that can realistically facilitate the development of units available at the lower income levels.

The City will continue to conduct community outreach post adoption of the Housing Element to discuss potential revisions to development standards within these areas with the goal of effectively planning for future affordable housing. Densities established as a part of future zoning changes must accommodate the densities shown in **Table B-4** for the sites identified.



Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes	Existing Building SF	Max Buildout per FAR	% Occupied
424-202-02	12	719 W 19th St	PANGE MARC C TR PANGE REVOC TR	C1	G	4	19 West	1.29	50			Yes	64	12	6	12	34	Small commercial uses in a strip mall center. Approximately half of the parcel is surface parking and property abuts a major transportation corridor (19th Street). Shopping Center shows no recent sign of renovation.	12,509	70,028	18%
424-202-03	13	707 W 19th St	MUNOZ FAMILY PROPERTIES LLC	C1	G	4	19 West	2.00	50				99	19	9	19	52	Existing single-user (Smart&Final) with large surface parking lot. Potential to redevelop for mixed-use adjacent to major transportation corridor (19th Street).	20,404	108,723	19%
424-211-01	14	695 W 19th St	CITY OF COSTA MESA	C1	G	5	19 West (Senior)	2.66	50				60	40	20	0	0	Proposed Senior Center Housing project.	16,181	144,946	11%
424-281-20	16	1710 Pomona Ave	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	1.08	50				53	10	5	10	28	Existing self-storage facility in close proximity to new residential uses and major transportation corridor (17th Street).	17,660	58,633	30%
424-281-21	17	670 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	1.06	50				53	10	5	10	28	Existing 2-story office and commercial uses in close proximity to new residential uses and major transportation corridor (17th Street).	12,364	57,813	21%
424-281-22	18	660 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	19 West	2.22	50				110	22	11	22	55	Existing self-storage facility and light industrial/commercial use in close proximity to new residential uses and major transportation corridor (17th Street).	29,164	120,722	24%



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425-431-02	19	1680 Superior Ave	B D INNS INC	CL	G	6	19 West	2.11	50				105	21	10	21	53	Existing hotel use (Ramada) with large surface parking lot. Property is directly adjacent to Newport Boulevard and next to new multi-family development.	25,337	115,045	22%
425-431-03	20	1666 Superior Ave	SCHWARTZ PAUL D 2007 TR	MG	LI	6	19 West	0.29	50		A		14	2	1	2	9	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	3,693	15,921	23%
425-431-04	21	116 E 16th St	SHEEHAN MICHAEL W TR	MG	LI	6	19 West	0.73	50		A		36	7	3	7	19	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	13,899	39,955	35%
425-431-05	22	126 E 16th St	126 PROPERTIES LLC	MG	LI	6	19 West	0.42	50		A		20	4	2	4	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	10,868	22,831	48%



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425-431-06	23	126 E 16Th St	126 PROPERTIES LLC	C1	G	6	19 West	0.35	50		A		17	3	1	3	10	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	5,158	19,226	27%
425-431-07	24	1601 Newport Blvd	WINKAL HOLDINGS L L C	C1	G	6	19 West	0.79	50				39	7	3	7	22	Collection of existing warehouse and industrial uses adjacent to new multi-family development. The Housing Element anticipates this property may be redeveloped with adjacent uses as indicated in this table.	9,604	42,763	22%
420-012-16	38	2476 Mark St	STATE OF CALIFORNIA	I&R-MLT	MUC	1	Fairview Developmental	108.91	60				2,300	575	345	690	690	Fairview Developmental Center property. See analysis in Appendix B for additional information on potential to redevelop.	944,681	N/A	N/A
141-361-06	39	2700 Harbor Blvd	FEMINO JAMES J THE J J & S FEMINO LIVING TR	C1	G	3	Harbor Mixed-Use	0.68	50				34	6	3	6	19	Mixed use building with first floor retail and offices	8,228	37,198	22%
141-361-11	40	2666 Harbor Blvd	HARBOR CM LLC	C1	G	3	Harbor Mixed-Use	2.41	50				120	24	12	24	60	Former Ace Hardware store, now for lease after Ace went out of business. Large big box structure with surface parking along a major transportation corridor (Harbor Blvd)	44,693	130,965	34%



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141-361-21	41	2790 Harbor Blvd	LEFEBVRE MAUREEN ELIZABETH	C1	G	3	Harbor Mixed-Use	0.75	50				37	7	3	7	20	Mixed use building with retail and offices on first floor and offices on 2nd and 3rd floor. Building is partially vacant with large surface parking lot adjacent to major transportation corridor (Harbor).	10,347	40,932	25%
141-361-22	42	2750 Harbor Blvd	SRS COLLEGE CENTER	C1	G	3	Harbor Mixed-Use	1.71	50				85	17	8	17	43	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	12,032	92,942	13%
141-361-23	43	2730 Harbor Blvd	SRS COLLEGE CENTER	C1	G	3	Harbor Mixed-Use	0.68	50				33	6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	12,075	36,948	33%
141-361-27	44	2710 Harbor Blvd	JOHNSON GREGORY A & JACLYN H	C1	G	3	Harbor Mixed-Use	0.67	50				33	6	3	6	18	Existing older commercial shopping center adjacent to major transportation corridor (Harbor). Uses range from commercial to office and restaurants. Large surface parking lot.	9,240	36,515	25%
141-361-28	45	2706 Harbor Blvd	MESA VERDE CENTER LLC	C1	G	3	Harbor Mixed-Use	0.97	50				48	9	4	9	26	Vacant Pier 1 Imports box store and surface parking lot. Building is currently for lease.	14,997	52,666	28%



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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes	Existing Building SF	Max Buildout per FAR	% Occupied
419-031-08	52	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	0.75	50				37	7	3	7	20	Surface parking lot within large retail shopping center. Potential for mixed-use redevelopment. Retail center has major big box tenants which have permanently closed, leaving an excess of surface parking.	0	40,935	0%
419-031-09	53	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	1.17	50				58	11	5	11	31	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed- use. While the data shows a high development usage, this tenant space remains vacant.	98,908	63,595	156%
419-031-12	54	2200 Harbor Blvd	GRAY ENTERPRISES	C1-S	G	5	Harbor Mixed-Use	3.16	50				158	31	15	31	81	Former K-Mart box store which has permanently closed. Shopping center is adjacent to multi-family residential and may redevelop for mixed- use.	98,908	172,145	57%
419-171-58	56	2150 Harbor Blvd	2150 HARBOR BLVD LLC	C1	G	5	Harbor Mixed-Use	1.17	50				58	11	5	11	31	Norms restaurant with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).	6,606	63,521	10%
422-021-09	57	2131 Harbor Blvd	SHERMAN DONALD L H	C2	G	4	Harbor Mixed-Use	0.83	50				41	8	4	8	21	Auto parts store, retail store, and pet grooming store, with large surface parking area adjacent to major transportation corridor (Harbor Blvd).	6,891	45,202	15%



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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes	Existing Building SF	Max Buildout per FAR	% Occupied
422-091-11	58	2075 Harbor Blvd	LEWIS JOHN T & LEWIS MARY K	C2	G	5	Harbor Mixed-Use	0.63	50				31	6	3	6	16	Tools and equipment rental yard adjacent to major transportation corridor (Harbor Blvd).	3,032	34,196	9%
422-091-12	59	2069 Harbor Blvd	TANNER DALE A	C2	G	5	Harbor Mixed-Use	0.54	50				26	5	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).	5,032	29,322	17%
422-091-14	61	2049 Harbor Blvd	C M HARBOR CM LLC	C2	G	5	Harbor Mixed-Use	0.54	50				26	5	2	5	14	Auto repair shop with large yard adjacent to major transportation corridor (Harbor Blvd).	4,586	29,226	16%
422-091-24	62	2015 Harbor Blvd	NEWPORT MESA AUTO CENTER LLC	C2	G	5	Harbor Mixed-Use	0.62	50				30	6	3	6	15	Newport Mesa Auto Center with car repair and car wash uses adjacent to major transportation corridor (Harbor Blvd).	9,663	33,643	29%
422-091-26	63	2007 Harbor Blvd	949 STORAGE LLC	C2	G	5	Harbor Mixed-Use	0.83	50				41	8	4	8	21	Self-storage facility with surface parking lot and access to major transportation corridor (Harbor Blvd).	14,103	45,248	31%
422-101-03	64	1989 Harbor Blvd	JUNEAU PAULINE BRECHT	C2	G	5	Harbor Mixed-Use	0.56	50				27	5	2	5	15	Budget Truck Rental yard which is largely a paved surface parking lot with a small building. Site is adjacent to major transportation corridor (Harbor Blvd).	624	30,425	2%
422-101-06	65	1974 Charle St	CHARLE ST REALTY LLC	C2	G	5	Harbor Mixed-Use	0.53	50				26	5	2	5	14	Existing low-intensity light industrial and warehouse uses.	7,962	28,964	27%
422-193-23	66	2215 Harbor Blvd	CHEN-RONG PROPERTIES LLC	C2	G	4	Harbor Mixed-Use	0.58	50				28	5	2	5	16	Aging furniture store structure with surface parking lot adjacent to major transportation corridor (Harbor Blvd).	12,757	31,475	41%



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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes	Existing Building SF	Max Buildout per FAR	% Occupied
422-193-24	67	2205 Harbor Blvd	AQUA 26 LLC	C2	G	4	Harbor Mixed-Use	0.58	50				28	5	2	5	16	Aging motel use with large surface parking lot adjacent to major transportation corridor (Harbor Blvd).	10,089	31,469	32%
422-282-11	68	2044 Placentia Ave	SAA 2 LLC	MG	LI	4	Mesa West	1.18	40				47	9	4	9	25	Auto repair shop and light industrial uses with surface parking adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	26,636	64,338	41%
422-291-04	69	2065 Placentia Ave	PUBLIC STORAGE PARTNERS LTD	MG	LI	4	Mesa West	1.85	40				73	14	7	14	38	Self storage facility adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	34,929	100,710	35%
422-291-05	70	2065 Placentia Ave	PUBLIC STORAGE INC	MG	LI	4	Mesa West	0.92	40				36	7	3	7	19	Self storage facility adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	23,549	50,355	47%
422-291-06	71	2051 Placentia Ave	PLACENTIA AVE PROPERTIES LLC	MG	LI	4	Mesa West	0.92	40				36	7	3	7	19	Existing office/light industrial uses adjacent to recently developed townhouses and apartments.	6,720	50,355	13%
422-301-01	72	1987 Placentia Ave	HARTLEY CO	MG	LI	4	Mesa West	2.31	40				92	18	9	18	47	Warehouses with large surface parking lot. Two buildings on the site. Adjacent to recently developed townhouses and apartments. Building shows little sign of recent renovation.	37,645	125,891	30%
422-454-28	74	2101 Placentia Ave	CASACOS LLC	MG	LI	4	Mesa West	0.91	40				36	7	3	7	19	Restaurant with large surface parking lot.	4,802	49,428	10%



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APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes	Existing Building SF	Max Buildout per FAR	% Occupied
																		Potential for mixed-use development.			
424-061-01	75	885 W 18th St	MONROVIA AVENUE PARTNERS LLC	MG	LI	5	Mesa West	1.25	40				49	9	4	9	27	Warehouses with large surface parking lot. One building on the site.	22,144	67,858	33%
424-061-03	76	859 W 18th St	CRANK FAMILY 2007 LLC	MG	LI	5	Mesa West	0.81	40				32	6	3	6	17	Auto repair shop with surface parking lot.	16,926	44,209	38%
424-061-04	77	851 W 18th St	SEA PROPERTIES	MG	LI	5	Mesa West	1.79	40				71	14	7	14	36	Auto body shop with large surface parking lot.	25,478	97,501	26%
424-061-05	78	1791 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	LI	5	Mesa West	4.27	40				170	34	17	34	85	Single-story warehouses with large surface parking lot and drive aisles. Five buildings on the site which show little sign of recent renovation.	72,191	232,421	31%
424-061-06	79	1751 Placentia Ave	BOYD WILLIS BLAIR SR TR	MG	LI	5	Mesa West	4.70	40				187	37	18	37	95	Single-story warehouses with large surface parking lot and drive aisles. Seven buildings on the site which show little sign of recent renovation.	80,909	255,845	32%
424-241-11	96	610 W 18th St	COSTA MESA WOMEN'S CLUB	R2-HD	HDR	5	Mesa West	0.58	40				23	4	2	4	13	Costa Mesa Women's Club with large surface parking lot. Property is adjacent to new park and civic center uses and in a residential setting with both single-family and multi-family uses. Property is underutilized.	5,857	31,413	19%
424-281-01	97	1730 Pomona Ave	C & K PARTNERS	MG	LI	5	Mesa West	0.99	40				39	7	3	7	22	Warehouses with surface parking lot. One building on the site.	11,802	54,028	22%



Table B-6: Sites to Accommodate Costa Mesa 2021-2029 RHNA

Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.

APN	Unique Id	Address	Owner	Zoning	General Plan Land Use	Council District	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used In 5th Cycle	Net Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes	Existing Building SF	Max Buildout per FAR	% Occupied
424-281-19	98	424 Pomona Ave	PACIFIC MESA PROPERTIES	MG	LI	5	Mesa West	1.19	40				47	9	4	9	25	Warehouses with large surface parking lot. One building on the site.	19,676	64,716	30%
424-281-23	99	660 W 17th St	PACIFIC MESA PROPERTIES	MG	LI	5	Mesa West	2.26	40				90	18	9	18	45	Large single-story self-storage facility adjacent to existing multi-family residential.	50,219	122,853	41%
424-321-17	100	1882 Whittier Ave	AYRES SELF STORAGE COSTA MESA LLC	R2-MD	MDR	5	Mesa West	1.08	40				43	8	4	8	23	Large single-story self-storage facility adjacent to existing multi-family residential.	18,808	59,063	32%
139-031-39	131	3303 Harbor Blvd	SDCO COSTA MESA COMMERCE PARK INC	PDI	IP	1	North Costa Mesa	10.00	90				900	180	90	180	450	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses.	160,463	326,700	49%
139-031-42	132	1575 Sunflower Ave	RREEF CPIF 1575 SUNFLOWER LLC	MP	IP	1	North Costa Mesa	8.03	90				722	144	72	144	362	Existing single-story light industrial/office uses on large site. The City has received interest in the potential future redevelopment of the site for residential uses.	133,055	262,313	51%
139-031-67	133	3333 Harbor Blvd	BEG HOLDINGS LP	MP	IP	1	North Costa Mesa	10.00	90				900	180	90	180	450	Sofia University site (former Whittier Law School site) with large surface parking lot and largely underdeveloped land. The City has received interest in the potential future redevelopment of the site for residential uses.	130,197	326,700	40%



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140-041-38	134	3390 Harbor Blvd	HARBOR ASSOCIATES	MP	IP	1	North Costa Mesa	5.78	90				520	104	52	104	260	National University site. Analysis assumes potential redevelopment of the entire site as National University has vacated the existing lease. The City has received interest in the potential future redevelopment of the site for residential uses.	37,672	188,984	20%
140-041-63	136	3390 Harbor Blvd	C J SEGERSTROM & SONS	MP	IP	1	North Costa Mesa	1.69	90				152	30	15	30	77	National University site. Analysis assumes potential redevelopment of the surface parking area. The City has received interest in the potential future redevelopment of the site for residential uses.	0	55,367	0%
140-041-82	137	3315 Fairview Rd	C J SEGERSTROM & SONS	PDC	CC	1	North Costa Mesa - HR	7.58	90		C		443	44	22	44	333	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	40,025	211,382	19%
140-041-93	138	1201 South Coast Dr	HENRY T SEGERSTROM PROP LLC	PDC	CC	1	North Costa Mesa - HR	30.30	90	Vacant	C		1,772	177	88	177	1,330	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	0	844,812	0%
410-051-48	139	3400 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.53	90		G		47	9	4	9	25	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	18,147	40,626	45%



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410-051-51	140	685 Sunflower Ave	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.88	90		G		78	15	7	15	41	Vacant portion of parcel adjacent to parking structure. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	863	67,517	1%
410-051-52	141	3410 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	1.35	90		G		121	24	12	24	61	Existing office uses. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	1,014	104,331	1%
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA & SONS	PDC	UCC	2	North Costa Mesa - SL2	30.93	90	Vacant			1,200	120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.	15,275	1,347,311	1%
410-501-31	144	N/A	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	3.39	90				305	61	30	61	153	Large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	0	116,821	0%
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	RC	2	North Costa Mesa	6.41	90				575	115	57	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	15,390	248,505	6%



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412-491-11	146	0	SOUTH COAST PLAZA	PDC	RC	2	North Costa Mesa	5.37	90				483	96	48	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	0	208,379	0%
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	RC	2	North Costa Mesa	10.00	90				900	180	90	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.	232,135	387,684	60%
418-161-06	176	2957 Randolph Ave	ZELDEN ALICE WILLER	MG	LI	2	SoBECA	0.72	60				43	8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	16,880	39,375	43%
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	LI	2	SoBECA	0.72	60				43	8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	18,531	39,251	47%
418-163-05	178	2064 Bristol St	PEP BOYS	C1	G	2	SoBECA	1.47	60				88	17	8	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	19,022	79,928	24%
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	G	2	SoBECA	0.26	60		B		15	3	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.	424	14,201	3%
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	G	2	SoBECA	0.67	60				40	8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	12,329	36,507	34%



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418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	G	2	SoBECA	0.87	60				52	10	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	11,899	47,299	25%
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	G	2	SoBECA	0.33	60		D		19	3	1	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	6,401	17,870	36%
418-202-03	183	841 Baker St	BAKER STREET PROPERTIES LLC	C1	G	2	SoBECA	0.60	60		D		35	7	3	7	18	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	8,881	32,546	27%
418-202-04	184	801 Baker St	RED MOUNTAIN ASSET FUND ILLC	C1	G	2	SoBECA	0.86	60				51	10	5	10	26	Strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	15,474	46,602	33%
418-202-05	185	2969 Century Pl	ECHAN BARBARA TRUST	C1	LI	2	SoBECA	0.09	60		E		5	1	0	1	3	Surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	469	4,712	10%
418-202-06	186	2969 Century Pl	ECHAN BARBARA TRUST	MG	LI	2	SoBECA	0.68	60		E		40	8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.	13,488	36,893	37%
418-202-07	187	2959 Century Pl	GRAYBAR ELECTRIC CO INC	MG	LI	2	SoBECA	0.50	60				30	6	3	6	15	Electrical equipment manufacture/distributor. Site is within the SoBECA Urban Plan redevelopment area.	10,200	27,436	37%
418-202-10	188	2942 Century Pl	SCM ENTERPRISES	MG	LI	2	SoBECA	0.87	60				52	10	5	10	27	Coworking office with large surface parking. Site is within the SoBECA Urban Plan redevelopment area.	14,382	47,242	30%



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418-202-11	189	2952 Century Pl	GRAHAM GORDON T TR	MG	LI	2	SoBECA	0.90	60				54	10	5	10	29	Warehouse with large yard. Site is within the SoBECA Urban Plan redevelopment area.	17,227	49,090	35%
418-202-12	190	2972 Century Pl	PROJECT C LLC	MG	LI	2	SoBECA	0.94	60				56	11	5	11	29	Auto repair shop with surface parking. Site is within the SoBECA Urban Plan redevelopment area.	18,109	51,374	35%
418-202-13	191	2972 Century Pl	PROJECT C LLC	MG	LI	2	SoBECA	0.91	60				54	10	5	10	29	Warehouse with large yard. Site is within the SoBECA Urban Plan redevelopment area.	18,372	49,319	37%
418-202-14	193	765 Baker St	PROJECT C LLC	C2	G	2	SoBECA	0.67	60				40	8	4	8	20	Existing auto repair shop use. Site is within the SoBECA Urban Plan redevelopment area.	16,802	36,615	46%
419-041-02	194	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	G	5	Harbor Mixed-Use	0.77	50				38	7	3	7	21	Existing aging strip mall with multiple tenants and large surface parking lot area. Site is adjacent to a major transportation corridor (Harbor Blvd).	11,827	41,947	28%
419-041-06	195	2180 Harbor Blvd	FISHER REAL ESTATE PARTNERS (COSTA MESA) L P	C1	G	5	Harbor Mixed-Use	2.50	50				125	25	12	25	63	99 cent store with large surface parking. Site is adjacent to a major transportation corridor (Harbor Blvd).	37,430	136,349	27%
418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	G	2	Harbor Mixed-Use	1.90	60				114	22	11	22	59	Existing auto dealer with large surface parking.	24,369	103,666	24%
140-041-83	198	N/A	C J SEGERSTROM & SONS	PDC	CC	1	North Costa Mesa - HR	0.23	90	Vacant	C		0	0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.	0	6,419	0%
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	G	2	Harbor Mixed-Use	1.27	60		B		74	14	7	14	39	Restaurant and barbershop. Site is anticipated to redevelop	4,434	69,124	6%



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																		with adjacent parcels as shown in this table.			
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	G	4	19 West	0.63	50				30	6	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.	9,838	34,468	29%
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	CAC	2	North Costa Mesa - Pac Arts	6.27	90		H		186	18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.	81,187	483,505	17%
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	CAC	2	North Costa Mesa - Pac Arts	12.07	90		H		349	35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.	230,300	930,850	25%
139-313-21	203	1590 Adams Ave	C J SEGERSTROM & SONS	C1	G	1	Harbor Mixed-Use	0.19	50		F		9	1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.	247	10,216	2%
139-313-30	204	1590 Adams Ave	C J SEGERSTROM & SONS	C1	G	1	Harbor Mixed-Use	2.40	50		F		120	24	12	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.	27,802	130,680	21%
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	CAC	2	North Costa Mesa	0.75	90		G		70	14	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this	12,109	57,826	21%



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																		site for high-density residential uses with the property owner.			
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.	5,026	25,367	20%
410-501-36	207	N/A	JKS-CMFV LLC	PDC	UCC	2	North Costa Mesa	1.82	90				164	32	16	32	84	Surface parking lot. Property owner has indicated interest in redeveloping the site for residential uses.	5,026	62,729	8%
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	G	1	SoBECA	0.27	60		B		15	3	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.	3,797	14,921	25%
140-041-81	196	3333 Susan St	THE HIVE CREATIVE OFFICE INC	PDI	IP	1	North Costa Mesa	4.00	90				432	72	36	72	252	Current Chargers practice field facility. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.	93,238	130,680	71%



Appendix C

Summary of Community Engagement





Summary of Community Engagement

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A summary of citizen participation is provided below.

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These recent outreach efforts included Virtual Townhall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from townhall and public meetings, notices, and draft public review documents are available on the City's website: www.costamesaca.gov/housing-element-update.

Outreach for the 6th Cycle Housing Element to the Costa Mesa community includes the following actions:

- **Virtual Townhall Meeting #1** – The City conducted a virtual townhall meeting on November 18, 2020 for community members to come and learn about the Housing Element update process and provide initial feedback and guidance. The townhall was hosted in both Spanish and English. Advertising for the townhall included handouts and flyers, posts on the City's website, doorknob hangers, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 78 participants attended the Townhall.
- **Subject Matter Expert Meetings** – Between February 9, 2020, and February 11, 2021, the City held meetings with various groups of professionals throughout the community to solicit topic-specific input as it relates to the Housing Element. These subject matter expert groups included Developers, Housing Advocates, and Homeless Assistance Providers.
- **District Specific Meetings** – On February 17th and 18th, 2021, the City held two district specific meetings to receive area-specific input from each Council District. The meetings allowed residents and local stakeholders from Council Districts 1-6 to provide recommendations on areas that can/cannot accommodate housing in their district, as well as provide insight on their district-specific needs and considerations as they relate to the Housing Element. Both meetings included a Spanish language breakout room for those who wished to participate in Spanish.
- **Targeted Focus Group Meetings** – throughout the Housing Element Update period, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. This included meetings with both English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.
- **Online Community Survey** – From November 19, 2020, to February 24, 2021, the City launched an online community survey to gather feedback and input regarding the Housing Element Update. There was a total of 465 survey respondents who participated. The survey was available in Spanish



and English. Participants were asked to consider existing housing and community needs and provide recommendations on the locations and types of housing that would best assist the City.

- **Planning Commission Study Session** – On March 1, 2021, the City held a Planning Commission Study Session to provide information regarding the status of the Housing Element. The study session informed the Planning Commission on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an introduction to the sites analysis in order to meet the City's RHNA allocation.
- **City Council Study Session** – On March 23, 2021, the City held a City Council Study Session to provide information regarding the status of the Housing Element. The study session informed the City Council on the community outreach efforts to date, summarized housing and community demographics findings, and also provided an overview of the potential areas of the City that could be appropriate to include in the City's housing strategy.
- **City Council and Planning Commission Joint Study Session** – On April 27, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide and update and request feedback on the Housing Element Update's progress, including the Community Profile, opportunities and constraints to housing, and potential housing opportunities to meet the RHNA allocation.
- **Virtual Townhall Meeting #2** – The City conducted a second virtual townhall meeting on September 2, 2021, to provide information about the Public Review Draft and information on how the community can provide feedback. The townhall was hosted in both Spanish and English. Advertising for the townhall included city-wide mailer, posts on the City's website, social media posts, text and email blasts, and outreach to local community organizations and faith-based organizations. A total of 69 participants attended the English Townhall and 7 participants attended the Spanish Townhall.
- **City Council and Planning Commission Joint Study Session** – On September 13, 2021, the City held a joint study session with the City Council and Planning Commission. The intent of the study session was to provide an update on the Public Review Draft and request feedback prior to submission of the Draft Housing Element to the State Department of Housing and Community Development.

This Appendix contains all public comments regarding the Housing Element received by the City at scheduled public meetings. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have been provided to each member of the City Council.



C.1 Virtual Townhall Meeting #1

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at www.costamesaca.gov/housing-element-update.



City of Costa Mesa

2021-2029 Housing Element Update

Virtual Community Townhall Meeting

We need your input! Please join us at our first virtual community townhall meeting for information about the City's Housing Element Update, new State requirements, and to share your ideas about the future of housing in Costa Mesa.

When: Wednesday, November 18, 2020 at 6 PM
(el miércoles 18 de noviembre del 2020 a las 7:30 PM en español)

For instructions on how to access the meeting go to:
<https://www.costamesaca.gov/housing-element-update>





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Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029 Taller Comunitario Virtual

¡Necesitamos su opinión! Por favor únase a nosotros en nuestra primera reunión comunitaria virtual para obtener información acerca de la Actualización del Elemento de Vivienda de la ciudad, los nuevos requisitos por parte del estado, y para compartir sus ideas acerca del futuro habitacional en Costa Mesa.

Fecha: el miércoles 18 de noviembre del 2020 a las 7:30 PM

Para recibir instrucciones sobre cómo obtener acceso a la reunión, vaya a:

<https://www.costamesaca.gov/housing-element-update>





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Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029 Taller Comunitario Virtual

¡Necesitamos su opinión! Por favor únase a nosotros en nuestra primera reunión comunitaria virtual para obtener información acerca de la Actualización del Elemento de Vivienda de la ciudad, los nuevos requisitos por parte del estado, y para compartir sus ideas acerca del futuro habitacional en Costa Mesa.

Fecha: el miércoles 18 de noviembre del 2020 a las 7:30 PM

Para recibir instrucciones sobre cómo obtener acceso a la reunión, vaya a:

<https://www.costamesaca.gov/housing-element-update>



City of Costa Mesa

2021-2029 HOUSING ELEMENT UPDATE

The City of Costa Mesa is in the process of updating the 2021-2029 Housing Element. This Fact Sheet answers commonly asked questions and provides information about the update process.

What is a Housing Element?

The Housing Element is one of the required elements of the City of Costa Mesa's General Plan. The Housing Element provides policies, programs, and actions that support and encourage housing growth at all income levels.

Key Sections of the Housing Element:

- Population and housing analysis for Costa Mesa
- Evaluation of constraints to building housing and identifying potential resources for housing development
- Evaluation of 2013-2021 Housing Element programs and policies to determine what worked and what needs to be changed
- Analysis of potential housing sites that can accommodate Costa Mesa's anticipated housing needs in the next eight years
- Development of policies, programs, and quantified objectives for the 2021-2029 planning period



What is the Regional Housing Needs Assessment (RHNA) Process?

The RHNA process is mandated by state law and lays out the number of housing units in different income categories that Costa Mesa must plan for. The RHNA is determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) for each city in the Southern California region. For the 2021-2029 Planning Period, the City of Costa Mesa is allocated 11,733 housing units based on the income categories listed below. The Housing Element is required by the State to identify sites to accommodate this estimated growth.

2021 - 2029 City of Costa Mesa RHNA Housing Needs Allocation

Income Category	% of Area Median Income (AMI)	Income Range*		RHNA Allocation (Housing Units)
		Min.	Max.	
Very Low Income	0 - 50%	--	\$51,500	2,912 units
Low Income	51 - 80%	\$52,530	\$82,400	1,790 units
Moderate Income	81 - 120%	\$83,430	\$133,900	2,084 units
Above Moderate Income	> 120%	\$133,900	--	4,947 units
Total				11,733 units

*Income range is based on the 2020 HUD Area Median Income (AMI) for Orange County of \$103,000.

City of Costa Mesa 2021-2029 HOUSING ELEMENT UPDATE

Why is the City Updating the Housing Element?

The City of Costa Mesa is required by state law to update its Housing Element every eight years. The current adopted Housing Element is for the 2013-2021 planning period. The City is now planning for the 2021-2029 planning period.

Importance of Updating the Housing Element:

- Allows the community to provide feedback to guide the future of housing in Costa Mesa
- Ensures the City complies with State housing laws
- Allows the City to become eligible for State grants and funding sources
- Demonstrates the ability to meet future anticipated housing growth needs

What is Included in the Update Process?

The update process is community-based and will include a variety of activities to interface with the Costa Mesa community. Key features include:

- A series of community workshops and other community engagement opportunities
- Comprehensive review of the community to analyze existing conditions
- Identification of sites to meet 2021-2029 RHNA
- Public Hearings before the Planning Commission and City Council

How Can You Participate in the Update Process?

There are a variety of ways you can participate throughout the planning process:

- **Virtual Townhall Meeting** will be held on November 18, 2020 for community members to come and learn about the process and provide their feedback and guidance to the City. This townhall meetings will be hosted in English and in Spanish.
- **District Specific Meetings** in December 2020 for in-depth discussions related to issues and opportunities within each of the six unique districts.
- Sign up to be placed on the interest contact list.
- Respond to the Community Survey available on the website.
- Submit written comments to the email address provided below.
- Once all public comments are collected, a Public Review Draft will be available for review and comments in Spring 2021.



For continuously updated information, please visit:
www.costamesaca.gov/housing-element-update
or contact:

Minoo Ashabi, Principal Planner, City of Costa Mesa
housing-element@costamesaca.gov

Project & Outreach Timeline



Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029

La ciudad de Costa Mesa está en proceso de actualizar el Elemento de Vivienda 2021-2029. Esta hoja informativa responde a las preguntas más frecuentes y proporciona información sobre el proceso de actualización.

¿Qué es un Elemento de Vivienda?

El Elemento de Vivienda es uno de los elementos requeridos por el Plan General de la ciudad de Costa Mesa. El elemento de vivienda proporciona normas, programas y acciones que apoyan y fomentan el crecimiento de la vivienda en todos los niveles de ingreso.

Secciones clave del Elemento de Vivienda:

- Análisis de población y vivienda para Costa Mesa
- Evaluación de las limitaciones para construcción de viviendas e identificación de recursos potenciales para el desarrollo de viviendas
- Evaluación de los programas y normas del Elemento de Vivienda 2013-2021 para determinar qué funcionó y qué debe cambiarse
- Análisis de sitios potenciales de vivienda que puedan adaptarse a las necesidades habitacionales anticipadas en los siguientes ocho años
- Desarrollo de normas, programas y objetivos cuantificados para el periodo de planificación 2021-2029



¿Qué es el Proceso de Evaluación de las Necesidades Regionales de Vivienda (RHNA)?

El proceso RHNA es un mandato de la ley estatal y establece el número de unidades de Vivienda en las diferentes categorías de ingreso para las que Costa Mesa debe planificar. El RHNA es determinado por el Departamento de Vivienda y Desarrollo Comunitario del estado (HCD) y es distribuido por la Asociación de Gobiernos del Sur de California (SCAG) para cada ciudad en la región del sur de California. Para el Período de Planificación 2021-2029, a la ciudad de Costa Mesa se le asignan 11,733 unidades de Vivienda según las categorías de ingreso que se indican a continuación. El estado requiere que el Elemento de Vivienda identifique los sitios que se adapten a este crecimiento estimado.

2021-2029 Distribución RHNA de las Necesidades de Vivienda de Costa Mesa

Categoría de Ingresos	% de Ingreso Familiar Rango Medio (MFI)	Escala de Ingresos*		Distribución del RHNA
		Min.	Max.	
Ingresos muy bajos	0 - 50%	--	\$51,500	2,912 unidades
Ingresos bajos	51 - 80%	\$52,530	\$82,400	1,790 unidades
Ingresos moderados	81 - 120%	\$83,430	\$133,900	2,084 unidades
Ingresos por encima de Ingresos Moderados	> 120%	\$133,900	--	4,947 unidades
Total				11,733 unidades

El rango de ingresos se basa en el HUD Ingreso Familiar Rango Medio (MFI) del Condado de Orange de \$103,000.

Ciudad de Costa Mesa

Actualización del Elemento de Vivienda 2021-2029

¿Por qué la ciudad está Actualizando el Elemento de Vivienda?

La ley estatal requiere que la ciudad de Costa Mesa actualice su Elemento de Vivienda cada ocho años. El Elemento de Vivienda adoptado actualmente es para el período de planificación 2021-2029.

Importancia de Actualizar el Elemento Vivienda:

- Permite a la comunidad proporcionar comentarios para orientar el futuro habitacional de Costa Mesa
- Se asegura que la ciudad cumpla con las leyes estatales de vivienda
- Permite que la ciudad sea elegible para subvenciones estatales y fuentes de financiación
- Demuestra la capacidad de satisfacer las futuras necesidades de crecimiento de vivienda previstas

¿Qué se incluye en el proceso de actualización?

El proceso de actualización se basa en la comunidad e incluirá una variedad de actividades para interactuar con la comunidad de Costa Mesa. Las características clave incluyen:

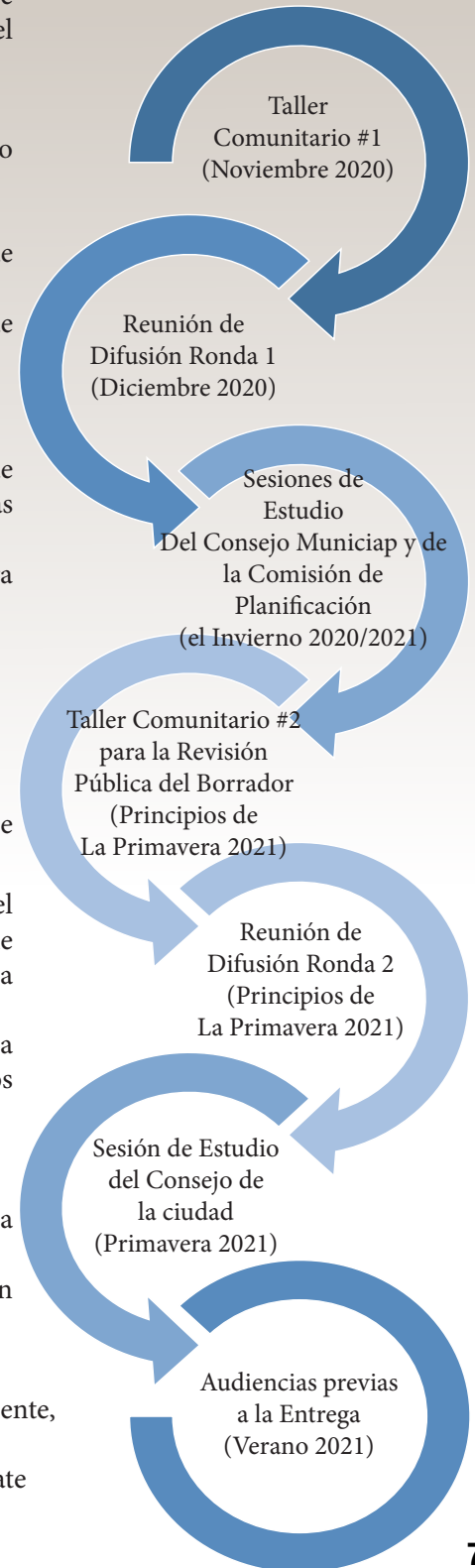
- Una serie de talleres comunitarios y otras oportunidades de participación para la comunidad
- Una revisión integral de la comunidad para analizar las condiciones existentes
- La identificación de sitios para cumplir con el 2021-2029 RHNA
- Audiencias públicas ante la Comisión de Planificación del Consejo Municipal

¿Cómo puede Participar en el Proceso de Actualización?

Hay una variedad de formas en las que puede participar a través del proceso de planificación:

- **El Taller Virtual del Ayuntamiento** se llevará a cabo el 18 de noviembre del 2020 para que la comunidad asista y aprenda sobre el proceso y proporcione sus comentarios y orienten a la ciudad. Estas reuniones públicas se llevarán a cabo en inglés y en español.
- **Reuniones Específicas del Distrito** en diciembre del 2020 para discusiones a fondo relacionadas con problemas y oportunidades dentro de cada uno de los seis distritos únicos.
- Anótese para registrarse en la lista de contactos interesados
- Responda a la Encuesta Comunitaria disponible en el sitio web.
- Envíe sus comentarios por escrito al correo electrónico que se proporciona abajo.
- Para revisar y proporcionar comentarios acerca del Borrador de la Revisión Pública en la primavera del 2021.

Cronograma del Proyecto y la Difusión



Para recibir información actualizada continuamente,
por favor visite:

www.costamesaca.gov/housing-element-update

o comuníquese con:

Minoo Ashabi, Planificado

housing-element@costamesaca.gov

Housing Element Update Townhall Meeting Q&A

The first Housing Element Townhall meetings to kick start the community outreach were held on November 18th at 6:00 (English) and 7:30 (Spanish). A total of 68 individuals participated in the virtual events and presented a number of questions that are included in the following summary. For more details on the meetings such as the video and presentations, please refer to the City's Webpage at: <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

RHNA – Regional Housing Needs Assessment

1. What is the status of the City's RHNA allocations appeal?

The Southern California Association of Governments (SCAG) adopted the Draft RHNA Allocations for southern California on September 3, 2020. The City as well as many other cities in the region received a very large RHNA allocation for this Housing Element cycle. The City has appealed the Draft RHNA allocation. Based on initial information from SCAG, the City is anticipating an Appeal Hearing in January 2021. The City will be informed of any changes to the RHNA allocations after the January 2021 Appeal Hearings.

2. How many dwelling units have been allocated to Costa Mesa?

Costa Mesa has been allocated a total of 11,733 housing units over the next 8 years.

3. What is the RHNA allocations breakdown based on income and can they be adjusted?

The 11,733 units are divided into four income categories as shown below. The City can go beyond the requirement for very low and low income categories but these minimums are set by the state. Very low and Low income category housing are the most challenging to develop because of the high price of real estate in Orange County.

Very Low Income: 2,912 units

Low Income: 1,790 units

Moderate Income: 2,084 units

Above Moderate Income: 4,947 units

4. Does permanent supportive housing count towards lower income categories?

In most cases, newly developed Permanent Supportive Housing can count towards the City's RHNA allocation at the income levels that units are being rented at. Units must meet the Census definition of a dwelling unit (for instance, group homes where tenants only lease a room may not qualify) and fall within the set income ranges for the very-low, low, moderate, and above moderate levels. Every project is a little different and additional project-specific information will be needed in the future to determine if units may qualify.

5. Are there requirements for the number of housing types as there is with income?

There are no requirements for the number of housing types to be built in the next 8 years; however, the Housing Element includes provisions to address the housing needs of a variety of household types such as seniors, larger families, assisted living, etc.

6. Does the City have a contingency plan if the appeal is not approved?

If the appeal is not approved, the City will need to proceed with the plan for the addition of 11,733 units over the next 8 years.

7. Why did the City have a very low RHNA during the 5th Housing Element Cycle?

The methodology used to calculate the RHNA allocations are adjusted each cycle to address the housing need at that particular cycle. With the 5th Cycle, many cities in Orange County received low RHNA numbers based on vacancy and other factors that were reflective of the recession at the time.

Costa Mesa

1. How many City Council districts are in the City?

There are 6 districts in Costa Mesa. Please visit this link to see which District you live in:
<http://apps.costamesaca.gov/maps/VotingDistrict.html>.

2. Are there reports on the number of recently built units?

Annual Progress Reports are available on the City website and provide information on the number of permits granted and households added. The 2018-2019 Progress Report is available at this link:
<https://www.costamesaca.gov/home/showpublisheddocument?id=39281>.

3. Can the City engage the State to build housing on publicly owned properties such as the Fairview Developmental Center and the OC Fairgrounds?

The City can discuss opportunities with the State and add the Zoning and General Plan to allow for additional housing on these sites; however, the State holds the decision making power on those properties and the housing element cycle is for 8 years. The State process for release of public land and development is very lengthy and may not be addressed in this cycle.

4. Does the City have an inclusionary housing ordinance?

City Staff is currently reviewing options for an inclusionary housing ordinance to coincide with the Housing Element Update. The City Council will be the review and approving body on the ordinance which will also be subject to certain studies to develop potential in-lieu fees. Staff anticipates this ordinance to be ready for review by latter part of 2021.

5. How is rent control managed by the City?

The City does not currently have rent control measures. Any policies related to rent control at local level may be reviewed and addressed through the 2021-2029 Housing Element Update Process.

Housing Element Update

1. How will zoning be affected?

The Housing Element Update will assess how additional housing units may be added throughout the City given existing zoning. If existing zoning does not enable the City to reach its RHNA allocation, the Housing Element may recommend future consideration of rezoning.

2. What email address can be used to reach the City's Housing Element Update team?

Please email any questions or comments regarding the Housing Element Update and future housing growth in Costa Mesa to: housing-element@costamesaca.gov.

3. Is the focus on single-family homes or multi-family rental units?

The Housing Element Update will look at all types of housing throughout the City and consider opportunities for new housing development. The purpose of the community outreach is to better understand the needs and support of residents on various housing options.

4. Will the new student housing at OCC count towards RHNA?

The new student housing will not count towards RHNA as it was completed outside of the projection dates (June 30, 2021 to October 15, 2029).

5. How will the City ensure lower income housing is built once the plan is created/hold developers accountable for creating affordable housing?

The Housing Element may identify potential incentives available to developers who include affordable housing components to housing developments. Most affordable housing agreements require long-term affordability covenants; the state requires a minimum of 55 years.

6. What can be done about the development costs?

The Housing Element process will include public input regarding possible constraints due to development costs and/or fees. [How are other City committees and groups involved in the Housing Element Update?](#)

The City will be hosting Subject Matter Expert and Target Focus Group meetings to receive feedback from experts in the field on particular topics. These meetings will be posted to the City's Housing Element Update webpage once a date is set and community members may attend.

Other

1. Can higher density housing improve traffic?

Higher density housing developments may mitigate additional traffic when located within walking distance from amenities, commercial and retail uses, and job centers. Housing developments that incorporate mixed-use methods (combining housing and retail uses) may also decrease the need for residents to drive.

2. How will parks and recreation space be increased as population increases?

As housing developments are proposed, park fees are assessed in order to ensure adequate recreational open space and maintenance services are provided to the community.



C.2 Online Community Survey

This section contains an outline of the survey questions, summary of survey comments, and total survey results. The survey was made available on the City's webpage and survey results were presented to the City Council.



The City of Costa Mesa is updating its Housing Element and needs your input!

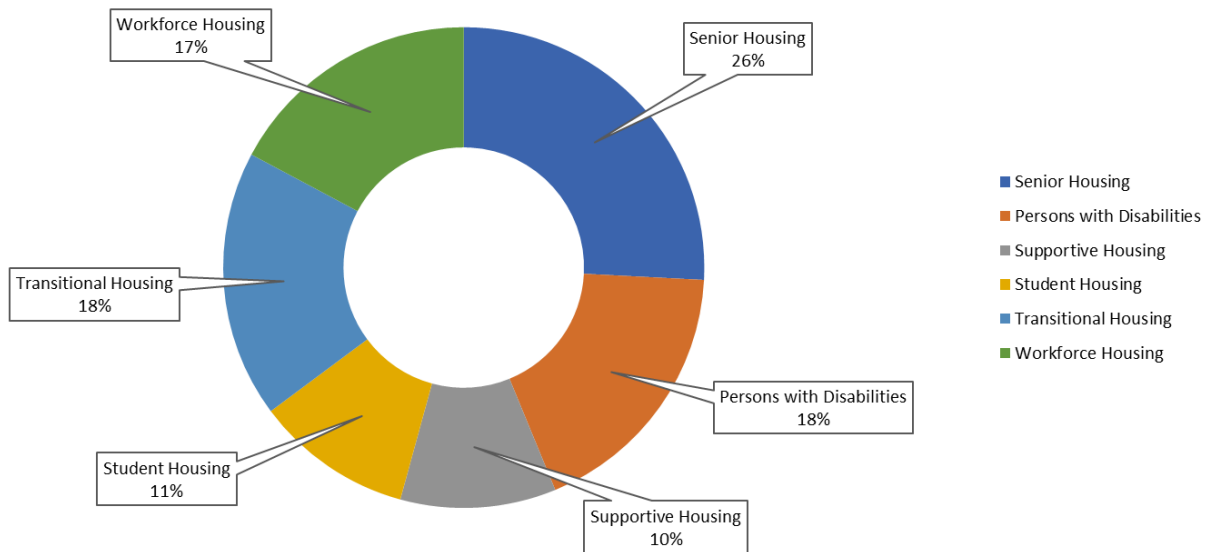
You can take the survey on the
Housing Element Update website at
<https://qrco.de/bbsnzZ>
or by scanning the
QR code below.

For continuously updated
information, please visit:
**[www.costamesaca.gov/
housing-element-update](http://www.costamesaca.gov/housing-element-update)**

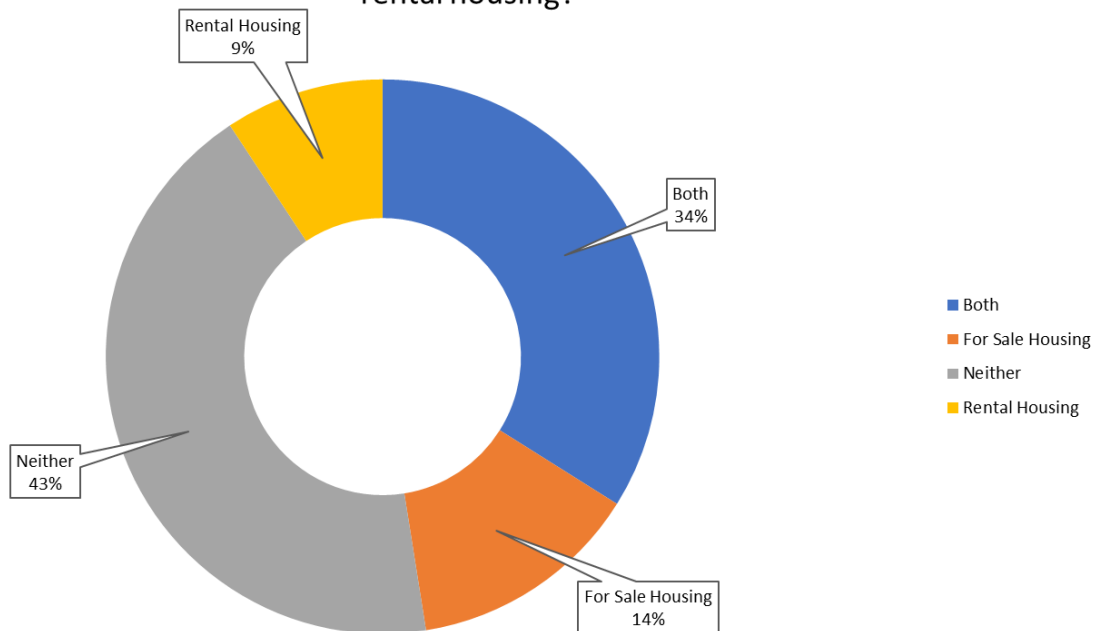


Community Survey Data – English (447 responses)

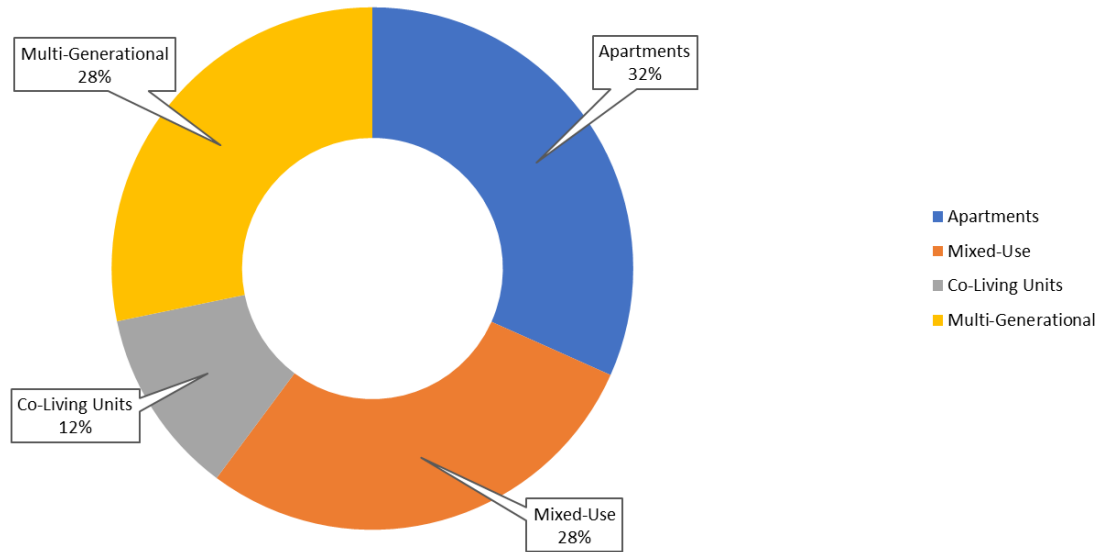
Fair Housing - Special needs housing groups are those who may require housing modifications or specific housing accommodations. Please select all groups that you believe need additional housing in Costa Mesa. and Housing for Special Needs Group



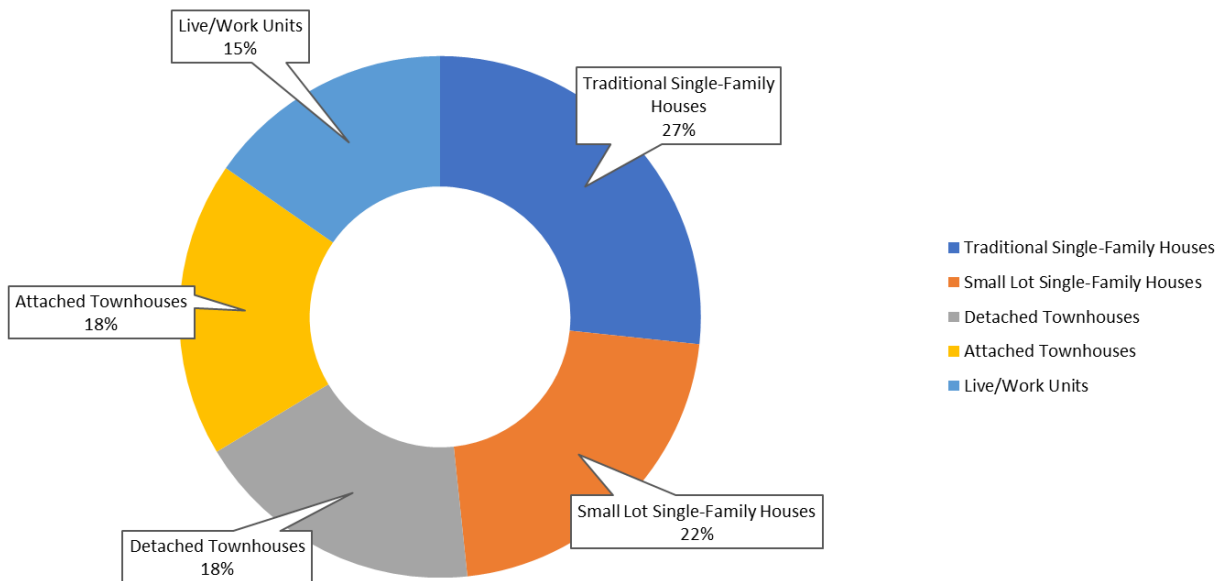
Housing Availability - Do you think Costa Mesa has a lack of for-sale or rental housing?



Multi-Family Housing Types - What types of multi-family housing best help Costa Mesa provide housing for all residents in the community?
Please select all that apply.

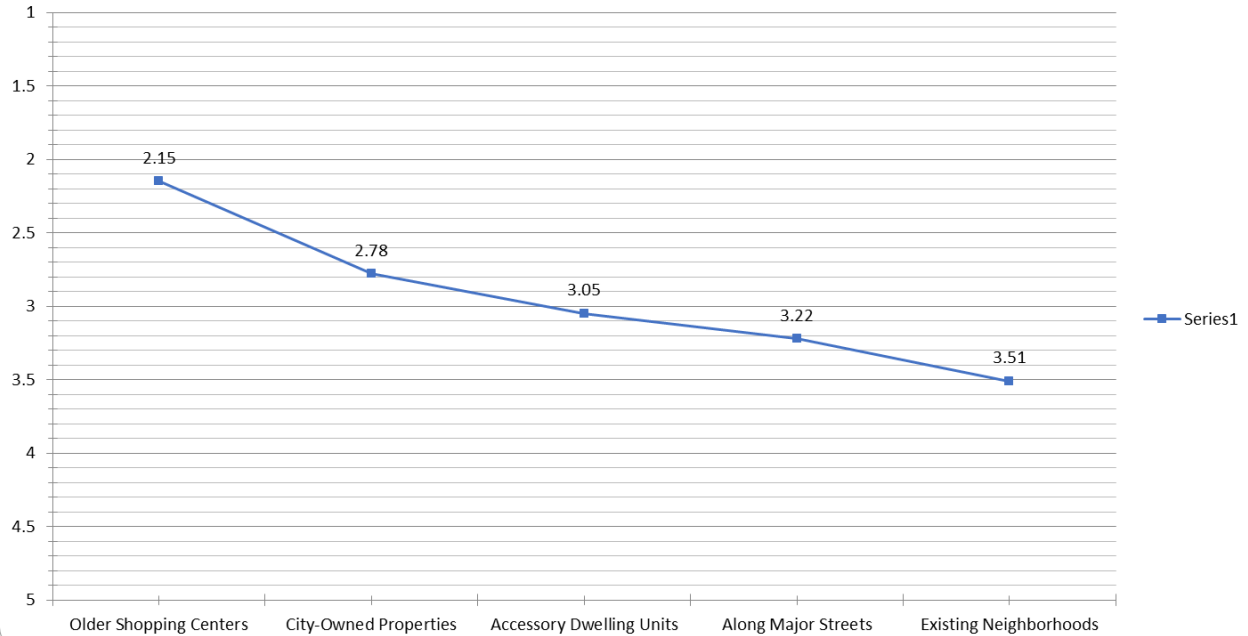


Single-Family Housing types - What types of single-family housing best help Costa Mesa provide housing for all residents in the community?
Please select all that apply.

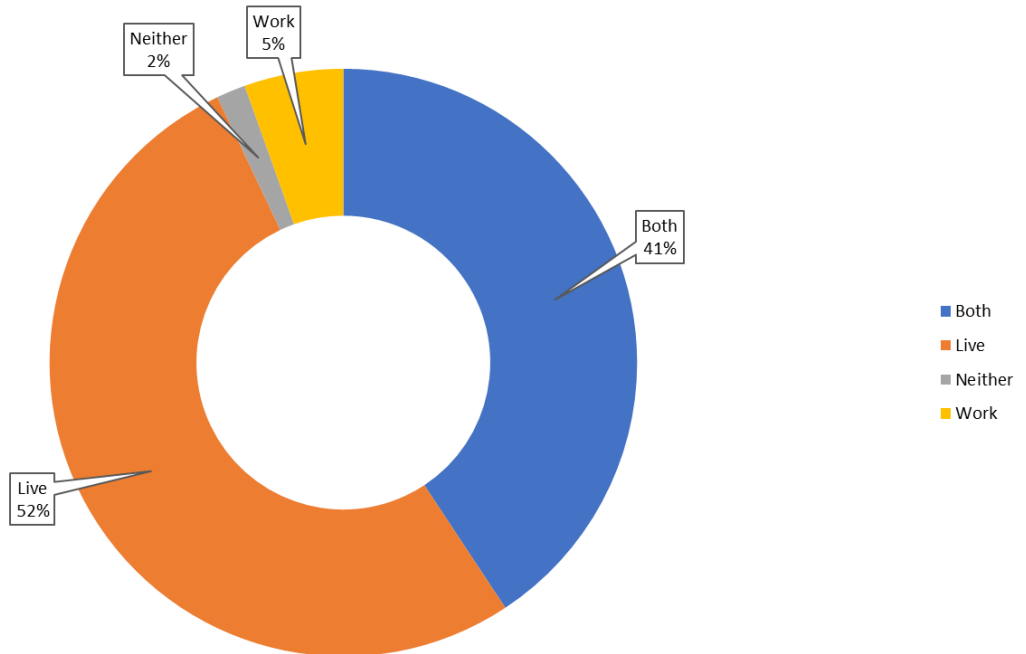


City of Costa Mesa
2021-2029 Housing Element Update

Please prioritize the opportunity areas where you would most like to see housing in Costa Mesa by dragging each item above the line in order of your preference. The top being highest priority, second to the top is your next priority and so on.

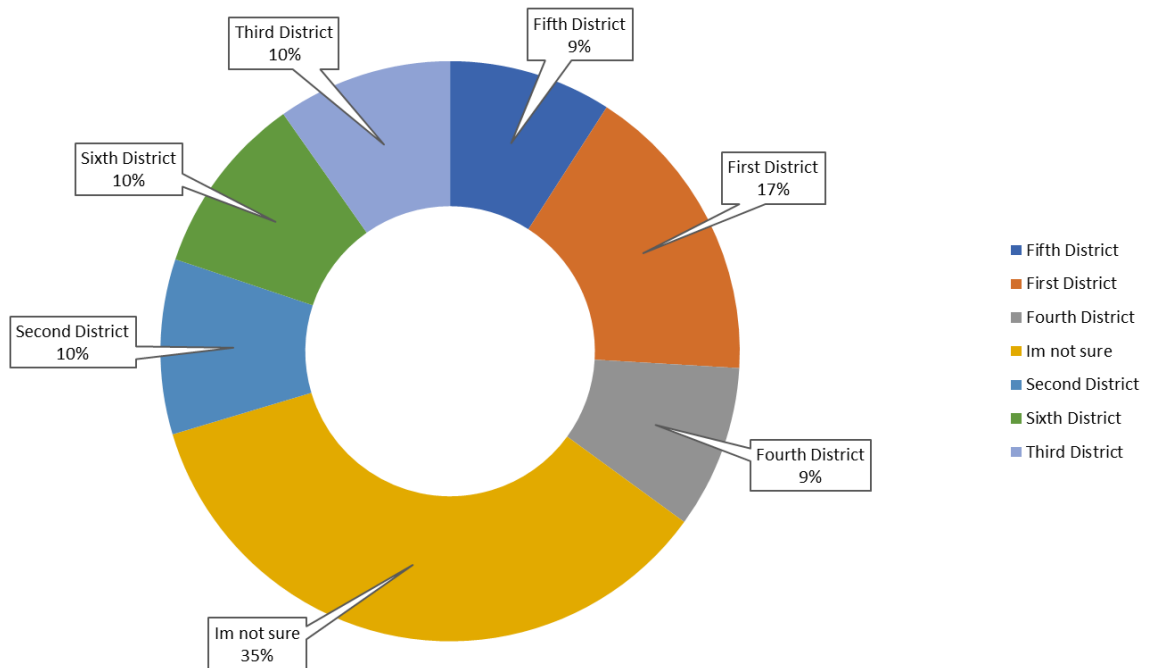


Do you live/work in Costa Mesa?

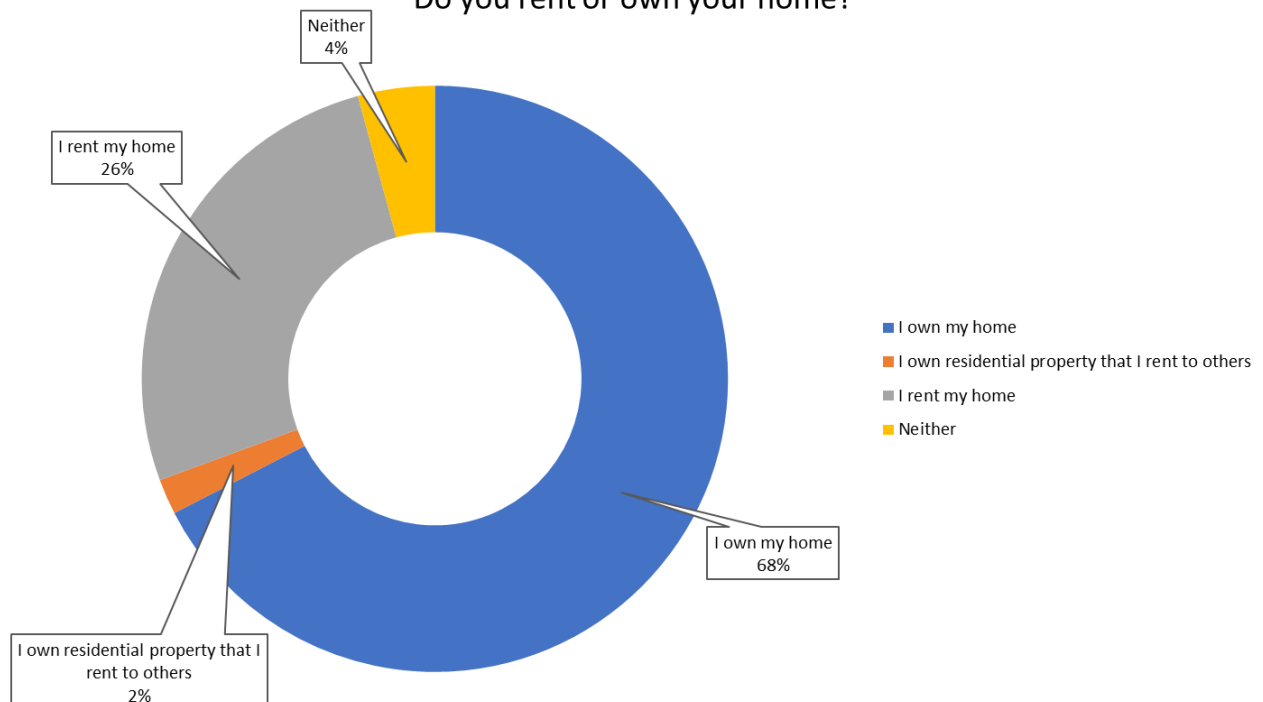


City of Costa Mesa
2021-2029 Housing Element Update

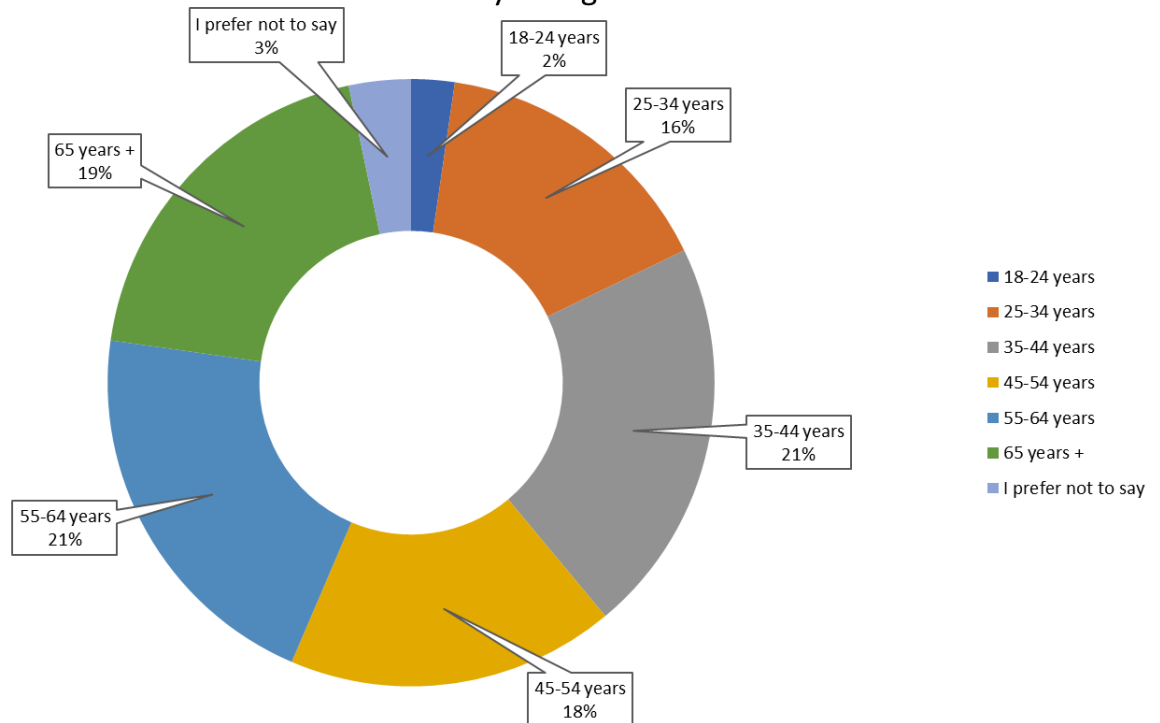
Which City Council District do you live in?



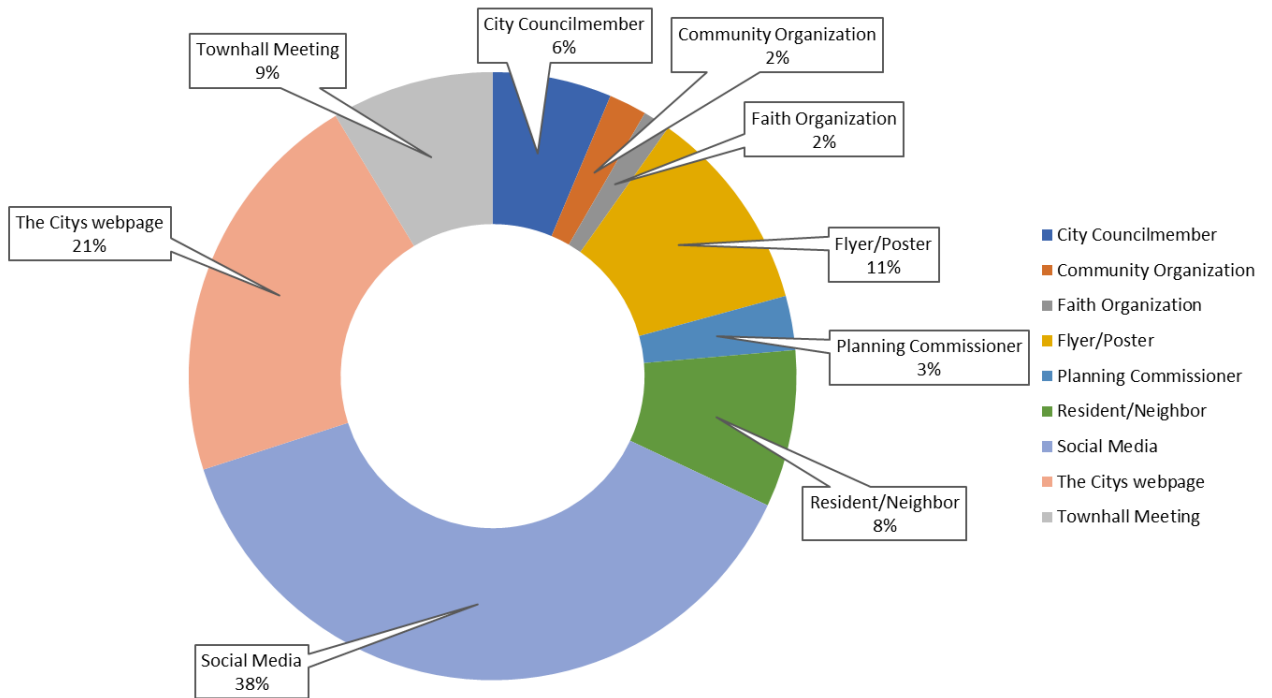
Do you rent or own your home?



What is your age?



How did you hear about the survey?



Vision for Housing in Costa Mesa Comments

Retain character of residential neighborhoods. Use Fairview Developmental Center for an affordable housing enclave. Encourage high rise housing development north of the 405.
Live-work sites are too repetitive in style. Overpower neighbors. Subdividing for smaller lots? Need basic lot area a critical issue.
Supportive and transitional housing for homeless, construction with traffic safety in mind (speed bumps in neighborhoods, not more homes than parking, etc), lots of open space/oaks
Housing should be multi-story on major thoroughfare and close proximity to freeways but not impacted by noise and air quality.
More walkable neighborhoods by promoting mixed use development. I see first floor commercial development with apartments or condos above the next few floors. Increasing housing while increasing quality of life.
Housing density has to increase. The choice is between density and sprawl. We need multi-story housing.
A senior living village on 19th at the senior center. A mixed use neighborhood developed on FDC land that includes various levels of affordability, and affordable for sale work force housing. A denser neighborhood north of the 405 that includes affordable work force housing.
Affordable housing for workforce Supportive housing for those who need help
More affordable options for lower to mid income families. Especially focusing on what's available on the westside and making the westside as desirable but still affordable.
Costa Mesa focuses on infilling and densifying what it's already got, without needing to sprawl into the remaining open spaces. We are lucky to have many "centers" in town: W 19th, E 17th, SoBeca, Harbor and Adams, Harbor & 19th. We focus on concentrating our growth around these amenity-rich, walkable centers while also allowing context-sensitive infill into our existing neighborhoods. To the extent possible, all new development occur on small- to medium-sized lots by local developers. Vulnerable groups are not institutionalized but accommodated in neighborhood environments. Each neighborhood contains a range of options to accommodate people in different life stages, and with different socio-economic conditions. With all new housing, the street matters most – front doors, big windows, small gardens, transitional space that fosters comfortable interaction within the community and a sense of ownership of the public realm. Trees are everywhere.
Liquid, affordable housing at all income levels near jobs. Costa Mesa should be a 15 minute city that doesn't require automobile ownership.
More of it without all the heartache from boomers. YIMBY
Existing streets-incorporate landscaped wider walkways with separate designated bikeways especially high density areas (Monrovia)...make into one way street from 19th to 15th...gateway street to Newport!!!
Folks that moved to Costa mesa prior to 2010 have no idea what it is like in 2020 being a young family looking to set down ties in Costa Mesa. more housing only enhances our city.
Housing needs to be affordable, near public transit or protected bike lanes, and doesn't create additional drains on public services, utilities or additional demands on parks. Compliance with CEQA, height limits, setbacks and other administrative approvals are mandatory. We must avoid SB 35 streamlining.
More affordable. Safety in high traffic areas. Transitional housing for homeless.

City of Costa Mesa
2021-2029 Housing Element Update

People with jobs working in the area can afford to buy an own housing in the area. Costa Mesa has far too much rental housing, already, and we need not build a single new rental unit. All new units should be ownership opportunities.
Costa Mesa used to be a safe place to raise families. Crime is on the rise as well as homelessness and apartments are overcrowded with multi families filling garages with people instead of vehicles which causes excessive parking problems and overpopulation, density and crime in some areas. The people of Costa Mesa are sick and tired of it and a lot of people have moved away because of it.
To work on beautifying the city. Work on rebuilding the older parts of the community. Start a slow growth plan
first time home buyers
Initial homes for people and luxury small apartment homes for those young with high paying jobs, but needing/wanting a high quality environment and location, but not needing a fancy address.
An inclusive city for people of all walks of life to live cohesively alongside one another.
A city that makes a place for people of all economic income levels. A place where people can work and recreate near where they live.
Safe, affordable, quality housing for all.
My vision is to STOP more housing. You have torn down business in our city to put up God-awful condos everywhere. Gross. Just leave it alone.
No growth. Lower taxes. Safer streets
Housing integration that prioritizes walkability and bikeability. Ideally, residents do not feel compelled to drive to groceries, entertainment, recreation etc within the city.
People who live in Costa Mesa now can choose to live here in the future. Diverse housing options make Costa Mesa desirable along income, age, and social characteristics. There is no shortage of housing for vulnerable populations (undocumented, seniors, homeless).
Affordable apartments or condos that are close to services needed, secure parking and entry. I would prefer no more then 3 to 4 levels and look modern to blend with the surrounding area. Trees, garden area including walking paths and reflecting area.
A diversified housing selection, that is realized through public-private-partnership utilizing Costa Mesa's resources within the opportunity zone, new market tax credits map area, lihtc in the DDA area, and define the developer incentives within the overlays.
I don't envision a large amount of new housing. The space that we have remaining is limited with many areas overcrowded with multiple families living in single family dwellings.
Let the market, and the market professionals determine the demand. If a city is built out, it's done...unless of course you want the kind of urban density that other now-undesirable cities have...Long Beach, L.A. etc... quit the social engineering and do the job of providing city services to city residents and businesses.
Let the market decide. Do you realize that your job isn't to provide housing? Do you understand the difference between the free market system and what they have in, say, Russia or China???
I would like to see higher density, for lower income levels, near transit. We have many parking lots, old shopping centers, and seemingly abandoned business parks that should all be changed to high density housing with public transit. Mixed use would also help keep people out of cars.
To make Costa Mesa the place where everyone living in Newport Beach, who grew up around there, wants to live. Making it more desirable for family's. Less crime. And rezoning old run-down retail centers, creating mixed-use development's that increases walkability for the younger demographic, families.

City of Costa Mesa
2021-2029 Housing Element Update

BEAUTY! Those big new ugly apartment boxes going up all over OC are AWFUL. SERVICES appropriate to all housing (roads, schools, etc.)
Stop the trend for high density box type living spaces. Tax paying legal residents need yards, side walks, parking. Not cramped into small areas. Traffic congestion has become a major problem.
More single family housing and small lot single family homes. I do not want to see high rise high density housing which is all rental units. We need to incentive home ownership in Costa Mesa somehow. I understand that not everyone can own a home here and understand building a small amount of affordable housing but why are we so concentrated on building affordable housing for people who can't afford to live here? I want to live in Newport Beach. I want to live on Balboa Island, I want to live in CDM but I can't afford it so I bought where I could here in CM if I couldn't afford to live here I would move to a city where I can afford to buy a home or rent. We are a mile away from the beach and understandably people want to live here but is it not a right to live here. I worked my ass off and made some good decisions and saved 12 years for a down payment working as an Electrician to buy here. I am extremely worried of overcrowding, traffic, pollution, crime, trash, graffiti the stretching of our resources such as schools, police and fire and such. There has to be a point where we say enough is enough. No more space, too crowded and that's it. What it comes down to is a quality of life issue here. The quality of life will be greatly diminished as we build the crap out of Costa Mesa.
Access to affordable housing is in line with the median household income. Affordable housing for everyone.
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision
We need Life Cycle Housing opportunities in Costa Mesa. We need workforce housing. We need an Economic Development Director who will help in the creating of an Opportunity Zone vision.
We need Life Cycle Housing opportunities in Costa Mesa, workforce housing, an Economic Development Director who will help in the creating of an Opportunity Zone.
Appeal the RHNA numbers determined by the State Department of Housing and Community Development (HCD) and distributed by the Southern California Association of Governments (SCAG) to numbers that reflect realistic growth in Costa Mesa based on available land and actual census data/ anticipated growth based on historical data. If the appeal is denied, the City of Costa Mesa needs to file a class action lawsuit with Huntington Beach, Newport Beach, Laguna Beach, etc against the State of California HCD. Protect Single Family Homes in R1 zoning at all costs. Do not allow ADU or small lot developments in R1 neighborhoods. Only Allow for more stories, increase building heights, increase FAR and units per acre in R2-HD and R3 zoning west of the 55 freeway/ Harbor Blvd. Provide specific plan overlays on 19th Street, Harbor Blvd, Superior Blvd, etc. that allow for 4 story max mixed use developments (apartments/condos over retail or commercial). Allow for Live/ Work medium density Developments in MG and MP zoning. Provide developer incentives to build the types of developments that benefit the community.
I hope we will continue to have plenty of single family residences. I would hate to see more condensed living arrangements.
The appeal of Costa Mesa is the safe, family-friendly neighborhoods with quality schools and without high-density inside traditional neighborhoods. It's the opposite of Los Angeles.
The city needs to house all income levels so a mixture of housing types will be required. The NIMBY will be very upset if their neighborhood dynamic is threatened so a major PR effort would be needed for any change.,
To make housing affordable to low income. For renters and buyers.

City of Costa Mesa
2021-2029 Housing Element Update

Single family homes and detached townhouses that are affordable as in 400-600/k to bring in young couples to raise their families
Limit high density housing please
Easier renovations to single family housing
Stop building cage apartments, more affordable housing for middle class income PLEASE .
Something without HOAs and something with plenty of parking
We need to look at mixed use housing along with hi density housing that does not impact our local residents.
Affordable living with various options of housing , safe environment with no halfway houses.
Please NO SHORT TERM HOUSING
More affordable single family housing. Less three story master planned communities.
Affordable housing
I am hopeful that the city won't become overcrowded. Parking in neighborhoods is already difficult, and new construction is being packed into very tight spaces. I would like to see some housing that allows space between units and room for front or backyards.
Let the market determine that within the existing zoning. Increasing home ownership versus rental as the city is upside down in the regard and becoming increasingly a second-class community...inexcusable for a near-beach community.
Affordable housing close to shopping and transportation.
One thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
The one thing I don't want Costa Mesa to do is to change any of the zoning that exists today.
I'd like to see decent housing for the variety of people that live in our community. These should be in safe areas (not on a major street or in areas of noise or other pollution (not freeway adjacent).
I know first-hand that the city must stop the influx of people coming to this city from around the country for rehab's. Insurance fraud the people that are let out just roam our streets in terrorize the neighborhoods.
More dense Multi-Family Rental Housing should be planned north of the 405 Freeway. 580 Anton and 3400 Ave of the Arts and Halcyon House are good examples of what could be and not impact the SFR neighborhoods south of the freeway.
I don't want to see a bunch of dense apartments popping up all over Costa Mesa. Our streets are packed enough with cars. I would rather see more single family homes when there is room to grow, but not they type with no yard.
With limited land, Costa Mesa cannot continue to place high density housing where traffic congestion is already a huge issue because of the proximity to the beach.
Promote single family properties. Not high density. Not sober living. CM is losing its charm fast. Have lived here since '88
High Density DUs north of the 405, in the older industrial section, would be perfect.
Less multi home structures on small plots. There are too many cars parked on the streets due to these developments making it unsafe for children to ride.
My vision for the future of housing in CM is that the community shifts focus on the high cost of housing to focusing on the needs of the family in the home.
I think retaining Costa Mesa's character is very important and not reflected in the 3-story box developments in the Westside. I think future developments should include increased public

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transportation to limit traffic. Any new developments must include public parks and open spaces, not a fee to the city that robs residents of recreational opportunities and facilities.
The city is overcrowded already with too much traffic. You would do well to deport illegals so Americans can have access to the housing they are taking up.
Less high density housing in Costa Mesa with improved land use. Current efforts to remove business from Costa Mesa in favor of housing has cost the community dearly. Time to consider the need for business to exist in the City instead of the continued rush to create more housing.
Affordable for single people living alone making a \$50,000 salary. These new housing blocks being built all over Costa Mesa with units costing \$800,000 or more are ridiculous.
That we face the fact that one city can only accomodate so many people and not destroy everyone's quality of life by making it too dense. I believe in the post-Covid era there will be many shifts in how and where people work, and in what businesses they patronize. It would be wise to see how these trends develop and incorporate the new normal into housing plans.
A variety of housing options at multiple price points to ensure economic diversity of residents. Hourly wage earners need to be able to live where they work to reduce traffic, GhG, other pollutants, and chronic stress
A median income community appealing to families that supports infrastructure and where neighbors cared about each other.
Single story apartments, condos or houses. We have large aging community.
Clean up some of the run down areas. More parks but there doesn't seem to be room. Fill the vacant old shopping centers and large vacant stores with housing.
Safe, clean and a city where I can live and work with peers and multi-generational family members
Housing for families with the majority being for sale housing rather than rental. I realize the idea of home ownership now ranges from the stand alone home to attached duplex houses to condo units. But home ownership stabilizes a community and encourages individuals to take an interest in that community. Most renters don't have an affinity to the town they live in.
I would like to see Costa Mesa expand the housing to the maximum without overcrowding. A fair representation of all social classes and races. More high rises perhaps.
More housing everywhere. Especially along Newport Blvd. The model is what they did over by Trader Joe's.
With all residents willing, and developers open, we can add a mix of housing in all districts evenly. We can reduce traffic, and improve our quality of life by creating more mixed-use spaces we can walk and bike to, increasing community connection, supporting business. It takes everyone.
No overcrowding. affordable, attractive housing, family oriented.
Keeping CM beautiful will keep property values and taxes up. Let's not forget about incorporating trees, looking for power line alternatives in the planning efforts.
Diverse people living in medium-to-high density mixed use spaces, live/work areas, and close to affordable and reliable public transportation/
We have to choose between density and sprawl. Density is better.
Smaller houses with large lots to improve the overall landscape, gain better air quality and grow food
N/A
I would prefer limited growth to avoid an already overloaded system.
A safe community with good schools and access to a good mix of large stores and independently owned businesses.

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I think Costa Mesa has already built in every square foot of land. I have seen so many high density residential area pop up in Costa Mesa. I think we need to take a hard look at whether we are overbuilding and we should not change any zoning laws in Costa Mesa.
I do not believe that building additional housing would benefit Costa Mesa residents, other than permitting accessory dwelling units. Taking away retail, using city property or permitting multi-family housing in neighborhoods is not something residents want and causes more congestion in the neighborhoods and city.
Too many new multi-level boxy looking homes built now; need more traditional single-level & low multi-level homes
Maintain the single family home style being unique to the allure of Costa Mesa. Invest in downtown CM to increase tourist revenues for all CM business's. Make certain Fairview Park remains untouched. Build houses where the Early College H.S. is. Adams Elementary could be a jewel of CM in a heartbeat for immediate surrounding families.
My vision for housing in Costa Mesa is that every neighbor would have a place to live, connect with others, and thrive because their housing costs are within their budget. I believe this is possible with creativity and developers who are willing to make it happen. I applaud the work of the city to not only pursue a plan, but implement it.
Affordability
Future housing would take advantage of greener living (solar panels, etc), and provide safe spaces for those in the unhoused community, while keeping the safety of neighborhood in mind. Gentrification would be replaced by a more collaborative approach, with minimal hostile architecture.
Maintain Costa Mesa single family housing. No more recovery housing/homeless shelters.
Resident Permit Parking Needs To Be In Place. Please start enforcement again. We fought hard for Resident Parking Permits.
Transform older neighborhoods into newer, improved neighborhoods. Turn Westside CM into Eastside CM / CdM flower streets. Property values go up.
To maintain the status quo. We moved to Costa Mesa almost 40 years ago for its large lots, lack of HOAs, freeway and shopping access. The city needs to push back on the state for mandated housing increases. My neighbors, like me, do not want to live in a congested, high density neighborhood. We successfully fought an out of town developer from ruining our tract with HD housing a few years ago and we'll do it again.
More single family homes. Streets requiring parking permits. Reduce apartment building or require adequate parking to be part of process, 2 car spaces at least per unit. If house is zoned for senior or special needs living, must stay that way. Current issue with previously senior home now rented to 7 people with cars, issues with parking for neighbors.
More single family than apartments, even if it means condos with green space around them. There is too little attention to green spaces for walking, riding bikes, exercise. No new housing should be allowed unless it provides open space for parks!
Let the market dictate the response to needs, not the bureaucrats in Sacramento...good grief, this should be obvious...quit social engineering experiments.
Developing some of the industrial land and run-down hotels into quality housing keeping in mind room for plenty of parking and green space. Not 3 story townhouses
Costa Mesa is already impacted any new housing should be multiuse and schools should be open for recreation.
My husband and I are hospital workers (RN) living in a rental duplex. Have wanted to purchase our own single family home but it's just out of reach. Would love to see some affordable single family homes under \$500k

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Less apartments which increase parking problems in virtually every area in the Westside. The 3 story with roof deck properties (now at a 4th floor position) are ugly. The 2 on my street, Poets Place and next door are basically failures. They look horrible, ruin property values in surrounding areas and they do not sell or rent well. Both properties are mostly not rented, and live in homeowners are very few and far in between. They are essentially high priced apartments which do not rent. Few people want to navigate 3 steep floors.
No more tower housing. It's too congested. Simple like before
A place where we value everyone in our community, regardless of how much money they make. That is why we need housing for very low and extremely low income neighbors. We have so many folks working low wage jobs that serve us, but we don't provide anywhere affordable that they can live in our community.
More affordable housing
SLO growth, additional traffic concerns, we have too many cars parked along streets as is
Costa Mesa is upside down in its ownership to rental ratio. We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership.
We do not need a single additional rental property. Ownership has proven and enormous community benefits at all levels; all aspects of this plan should focus on increasing opportunities for ownership. Smaller units work just fine as ownership opportunities. I live in about 1000 square feet and that has been enough for 28 years.
Existing single family home keep the variety of housing architecture. Small rental housing blogs (3 and 4 units). Large developments and small lot homes deteriorate the existing culture.
I believe in placing more value in housing than parking, if you look at an aerial view of most cities, there is more parking area than there is buildings.
Would like Costa Mesa to be free of Homelessness, Low Crime/Drugs, and Open to those that can afford it.
More maintained, nice affordable housing for multiple groups. A mixture of single family homes as well as multi-family units.
Hope there will be opportunities for people who work in Costa Mesa to also live here from CEO's and doctors to service and maintenance workers - a potentially difficult balance.
Density is the only thing that can prevent sprawl. I'm in favor of it.
Unless we are also creating a robust retail environment, quality food, artisan retailers, local businesses, and quality education, as well as sufficient parks and open spaces, I don't believe there should be additional housing units.
Mixed, sustainable, and creative. We need more creative thinking that produces the housing equivalent of the Camp/LAB and less like Triangle Square. The fairgrounds, Fairview development center, and civic center offer a blank canvas to make a new housing hub and "place".
Low to medium density homes which are manageable to buy or rent by mid-level wage earners.
Safe and pleasant neighborhoods based on a shared sense of community and ownership - protecting the product of joint effort and long term investment in places in which our kids can grow up in and continue a legacy
My vision is if people work for it then they will take care of it and the community. If they are provided with a handout from the government they will run this city into the ground. I think our city is very dense and traffic is already congested. The state should consider putting this housing where there is tons of land that isn't already being used (like the desert near Barstow).

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Encourage higher density / mixed use housing in areas that are north of the 405 around South Coast Plaza. Try to protect existing single family neighborhoods with incremental increases of development surrounding them. Realistic economic factors must be considered in order for housing to be developed. The projects must make economic sense or else they won't be built. Flexibility in land planning is key while letting the market determine what is ultimately constructed.
More ownership of housing. Updating older two story rental unit buildings. Using industrial properties as a way to increase housing by converting them to mix use housing and commercial space.
clean and safe
The prices continue to sky rocket, existing workforce continues to get pushed out
More affordable apts in the commercial areas west of Superior Ave. More housing is needed on the west side of the city.
More housing options and locating them in areas to make the city more walkable. All hands on deck approach.
I think we need to keep CM as primarily a suburb with mostly single family homes. That is why people want to live here.
we don't need more high end housing, we need affordable housing units for very low and low income. We need several hundred supportive housing units
That all citizens who want to make COSTA MESA home can do so in a property that matches their needs
I personally believe that we have enough housing in CM already. Every time I see a new high-density housing project go up I get really angry. I do support projects for specific at-need groups, including senior housing or assisted living facilities, and more transitional housing for homeless seeking to get off the street.
For the city to meet the needs of every type of housing where people can call home, for those who have families, senior living, student housing, and homeless run housing.
I WOULD LIKE TO SEE HOUSING THAT IS LESS THAN 3 STORIES. ALSO RESIDENTIAL OVER COMMERCIAL
I would want a denser community with multi-use developments. I want it to be easier to get around as well.
A lot of houses for low income people, disabled and seniors.
Keep present zoning. Especially R-1, the most in demand housing type. There's plenty of open land inland a few miles. No high density
we need to take old hotel/bldgs for the homeless. also create more senior living/independent living facilities
To preserve the nature of Costa Mesa I think no housing of any kind should be above 3 stories high, and nothing should be built out to the streets. There should be ample landscaping around all housing (NOT like the awful stuff going up along Placentia) and all housing should have enough parking so there is no overflow onto streets. The pandemic has shown that dense housing is not healthy.
Affordable, walkable/bikable lively neighborhoods.
Quality and serenity,, focus on seniors and families with children
Housing that is affordable for all segments of society and all income levels.
The State wants and we should require at least 20% of new housing to be affordable units for the workers who live here, which is to say low and very low income units. Water is becoming more scarce, and most of the new building leaves no permeable ground for rain percolation, which already is causing flooding and depletion of our ground water. With thousands of new housing units

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expected, and with no ability to widen roads, parking and traffic congestion will go from bad to worse. No housing plan can be independent of traffic, parking, and resource solutions.
The puss shown here are a good solution. You must preserve CM as a family city. NB plans to put there's bordering CM, and CM looking at out lying spaces. CM already provides MANY homeless persons services, SOS health clinic, soup kitchens, food banks. Do not create housing that will draw more homelessness. We are doing a lot asa city to help.
Affordable housing is becoming harder to find. It would be nice if more affordable housing was available for seniors who only have S.S. for income. Maybe a large community of studio apartments. More housing for the homeless where they could receive the services they need would be nice.
Safe housing for all demographics. But ample parking for units must be required whether for apartments or additional units in neighborhoods
Do not overcrowd Costa Mesa by building up and allowing multi-family developments in R1 and R2 neighborhoods. Preserve the suburban feel that is already being threatened in the City with too many muti-family developments. Turn over MF and CM development areas in decline into small lot, no more than 3 stories.
As Costa Mesa ages so do the people that live here, affordable housing for the Age group 55 and older and affordable housing for first time homebuyers.
Redevelop retail and major streets to accommodate 5-6 story mixed use development with a 15% low income or 12% very low income housing.
replace old one story rentals that have no parking with two story units that provide ample parking. the huge lot houses could add a smaller additional unit or units depending on lot size. a lot of costa mesa is of 70+ year old construction. this would be an opportunity to upgrade to current codes and safety.
I am against the destruction of the single family neighborhoods. I don't have a problem with the small "granny units", but someone built an entire second house taking up the whole backyard in my neighborhood and that is just wrong. The Kmart can be converted to a smart retail/living unit complex if people really think outside the box and not just be motivated by greed.
Take away the seedy motels that attract crime and replace them with housing.
Mixed-use along major arterials, with apartments on older shopping centers and city properties, and incentivize walkability. Keep single-family neighborhoods as cohesive units, i.e. do not allow duplexes/triplexes to be placed inconsistently in single-family neighborhoods.
I would love townhomes near the lab and camp/ triangle where I can walk to things and not have to drive. We have apartments there but the older condo options don't make me want to buy
More enclaves such as Chino has begun building. The homes are reasonably priced on smaller lots...but very quaint. Each enclave has it's own activity center such as a pool and tot lots. Others (The Preserve) have a central facility that has a theater, library, pool, park etc.
I would love options for inclusive housing opportunities without losing the character of our city. I hate when a development goes up in a neighborhood and it stands out. I'd love for new housing to blend it with already existing neighborhoods and infrastructure.
Costa Mesa drew me in because of its large R1 residences which were affordable and accessible 40 years ago. For the future, building on city owned properties and apartments will allow CM to stay accomodate more residents. Multiple housing units on former R1 lots will ruin the city, not everyone can afford to live where they want. I'd love to own a home in South Laguna Beach, that isn't going to happen...
Cleanup and refurbish older housing, incorporation of mixed use and modular compact housing
My visions for future housing is providing housing for low income families.

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I want more affordable rental housing for families, for disabled people, for the homeless. I want smart, creative, "green" development that will be attractive and beneficial to the entire community. I want Costa Mesa to have a balanced housing supply that lets lower income people live affordably here, not just higher income folks (like me).
Affordable homes for first time buyers. Minimal apartments.
Less transitional housing more senior housing for current residents. Take care of residents and less focus on trying to cram so many more people in our crowded city.
Bring back the family feel instead of the singletons and those who buy for vacation homes.
Affordable, plentiful housing for all financial or age demographics in the city. Housing near jobs and commercial areas to allow for biking and walking and reduce traffic
Village like with a multiple variety of units for those who are not able to earn high incomes
A real mess. The State and SCAG did not take into account the lack of infrastructure (roads, sewer, water) Our K-12 school blogs were built in the 50's. This will not resolve affordability and overall make this a less desirable place for families to reside.
I would hope that the City of the Arts would accommodate their retiring ARTISTS who may be living only on Social Security and retirement, about \$3,500 per month.
Less density in west side neighborhoods, more family friendly housing with walkable and green space in neighborhoods
Modern stackable container housing for low income. Perhaps grants for upgrades to older apartments.
My vision would be to have more affordable apartments and mixed use developments. I think Costa Mesa has an ample supply of luxury apartments. Housing is needed for essential workers and their families.
My vision does not include high density living situations that will reduce the quality of life in Costa Mesa
Costa Mesa should be guided by our neighbor Newport Beach in how we handle housing. We should not be guided by Santa Ana or other downscale cities.
Apartments with ample parking on major streets with easy freeway access - We have overcrowded roads - especially in rush hours. Most apts have multiple vehicles - terrible waivers on parking in the past. No parking on streets next to apts.
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing option, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
Combination of high density in portions of the city that has infrastructure in place that includes low, very low and senior housing options, then utilize the ability to build small units on lots (legal), and work-live in spots that really are work-live and not the random developments recently built
A future where there is enough housing at various price/rent for the various income groups.
I would like to see more affordable housing.
Costa Mesa does not need to implement more programs that would lead the city to invite less desirable inhabitants.
Better bike/walk access to work school and shopping areas, better safer bus type transportation, we have great climate many people awesome recreation & shopping, no every has / or can afford a car, since rents are so high these days.
Safe place for our children to walk to school and home. People take pride in where they live and follow community rules. Affordable pricing for lease and renting without huge increases.

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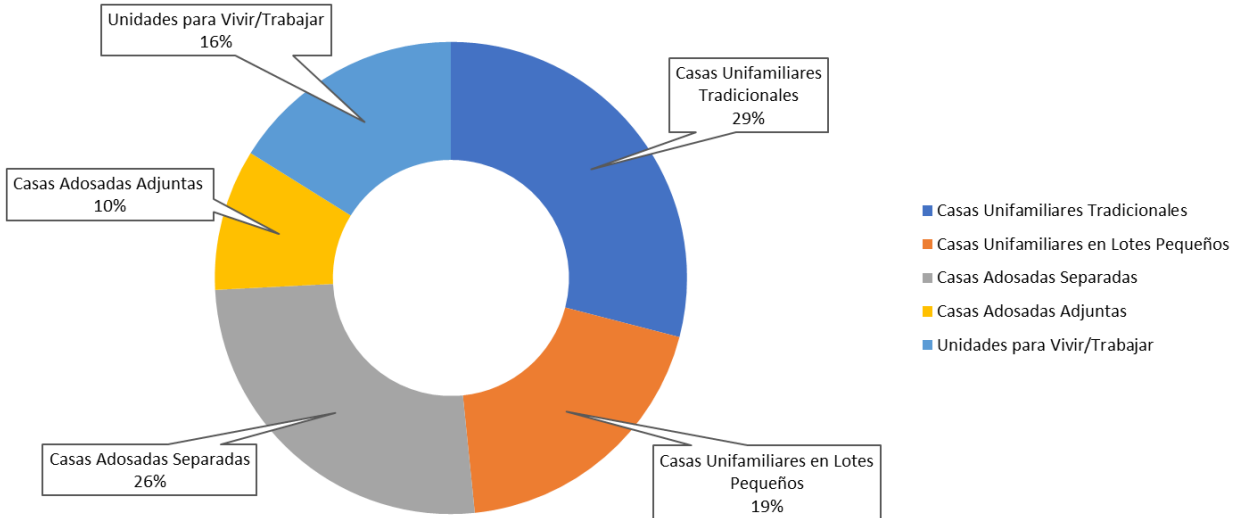
A lot less sober living and senior based facilities, with more traditional single family home in low traffic areas and multifamily units in high traffic areas.
Help residents who want to be able to buy with maybe a rent to own type program or something that helps them work towards purchasing. Eliminate slum lords in our community, those who don't maintain their rental property but charge higher rent. Keep outside developers from over building in our neighborhoods. Maybe convert that police substation by Lions Park to housing? I never see police there. And the giant jail building at City Hall? Is that empty? Fairview Development Center? We could use that property a variety of housing types, plus open space. Unless it remains a hospital? Maybe add a residential community adjacent to IKEA? Or in the former law school near IKEA? The AAA offices don't really need all that space, they could convert some for housing. Please don't destroy our single family home neighborhoods, we've worked hard our whole lives to find our homes and our neighborhoods. I don't think I could have survived this pandemic anywhere else but in our Eastside humble home.
Preserving the lovely single family, large lot areas that are fine (please don't ruin them with high density and additions) while moving into the run down and depressed areas and improving them.
More walkable and bikeable neighborhoods, with a larger variety of housing to support working class families and people from all walks of life.
Our family owns three homes in Costa Mesa and moved to the city in 1967. 3 generations later, our view of the city's housing is troubling. Too many renters and airbnb. Lack of city oversight over older conversions/condos. Condo owners and homes around complexes are tired of condo managements not being accountable for maintaining properties. Please help.
I want Costa Mesa to retain its look, that is to say no big signs (especially L.E.D.), no housing over 3 stories, no overcrowding, keep traffic low.
My vision for Costa Mesa is no more building. Stop all building and do not add anymore living quarters. There is no more room here, build houses in Victorville.
One that meets the needs of our community
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsize city feeling. Let's not turn into Los Angeles. Small is good!!!
I have lived in Costa Mesa my entire life. It concerns me to see so much congestion and poor planning. We need to avoid density wherever possible to continue to enjoy the midsize clean and safe city feeling. Let's not turn CM into Los Angeles.
All people who work in Costa Mesa should be able to live in Costa Mesa, particularly those in lower income jobs. Priority to lower income housing should be based on: 1) History of residency in C.M.; 2) Employment in C.M.
Workforce/senior housing located near transit, shopping and entertainment.
I like how Costa Mesa has residential pockets mixed in with retail and restaurants. I don't want retail/services to go away in favor of housing. Also, we need more parks/community center for our children.
no comment
I think costa mesa has done a great job so far keeping up with growth and building sufficient affordable housing. Costa Mesa should continue creating more housing for its lowest income residents.
A place where housing is affordable and available for all people.
I think building 11,000 new housing units is unattainable for our city. Absolute no way. We must push back on this. When does there come a point that we say no more vacancies we are all full? It comes down to a quality of life issue for the current and future residents of Costa Mesa. Costa Mesa will be

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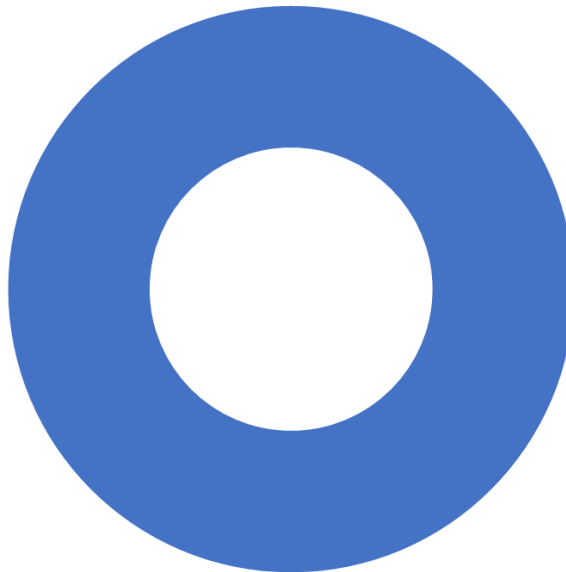
unlivable with the amount of people all this new housing would bring. More people more traffic more pollution, trash, graffiti, trash, blight. All of it. This is proven no doubt. We don't want high rise appt complex's up and down harbor Blvd or especially that disaster One metro west. Bad idea. reasonable size 4 story's max medium density condos if not detached units best
I don't have anything exciting to add here, but I'd like to see affordable and accessible housing for all kinds of people here, and housing provided for those experiencing homelessness.
Maintain neighborhood feeling in R1 neighborhoods with creative solutions for more densely built housing especially live work to reduce traffic. Make sure new units have ample parking.
No more vertical townhomes packed tightly together. Quality, unique single family homes with yard space for kids. Encourage uniqueness with design and architecture. Quality - not quantity. Apartments could be great if they are unique, family friendly and have nice outdoor space.
More plan regarding numbers and traffic problems
To improve the overall variety of housing choice without all the density and poor traffic impact we've been experiencing
A reinvention of the high density rental properties that will make them more desirable, welcoming, friendly and modern.
Stop adding houses, Costa Mesa is already crowded. Fixing up the junky apartments. From what I hear people in Costa Mesa hate all the new high rise single family homes built.
Preservation of open space; leave parks and existing outdoor recreational areas intact. Add housing capacity through careful planning of many types of projects; easing zoning to allow easy accessory dwelling units, encourage multiuse commercial with living units above nicely landscaped with buffers to streets and sidewalks so it doesn't "feel" overbuilt. If higher density apartment type projects are approved, they need to also include outdoor green space.
More housing with more options for more people.
My vision is a blend of residential and commercial industry, with a large focus on open spaces, protecting nature and supporting arts/seniors and other community activities.
We need to plan for the growth but should use other cities experiences that have gone through this growth 10-15 years ago and duplicate the successful ones.
We should hold off on building as long as we can. State requirements may change. No more building in high density areas. All income levels and demographics evenly distributed throughout the city. Every area to feel welcoming, seamless and loved.
Enough units to stop all these homeless mothers and children. Scattered through out the city so no one neighborhood has too much of any element. Get rid of some of the sober living homes to make space for families.
Why must there be more housing in already impacted cities?
Multigenerational single family homes and ADU's in neighborhoods and co-op room leases near shopping centers for singles.
Higher density with no plan to accommodate the growing population is irresponsible. Traffic, trash, homelessness are all growing in Costa Mesa and at the nearby beaches. At some point, push back to the State should be made. We are ruining the environment. There was no place on this survey for open spaces, and our commitment to preserving what little nature parks we have. A more obvious place for higher density living would be in the environs of South Coast Plaza, since there are already larger buildings there.

Community Survey Data – Spanish (18 responses)

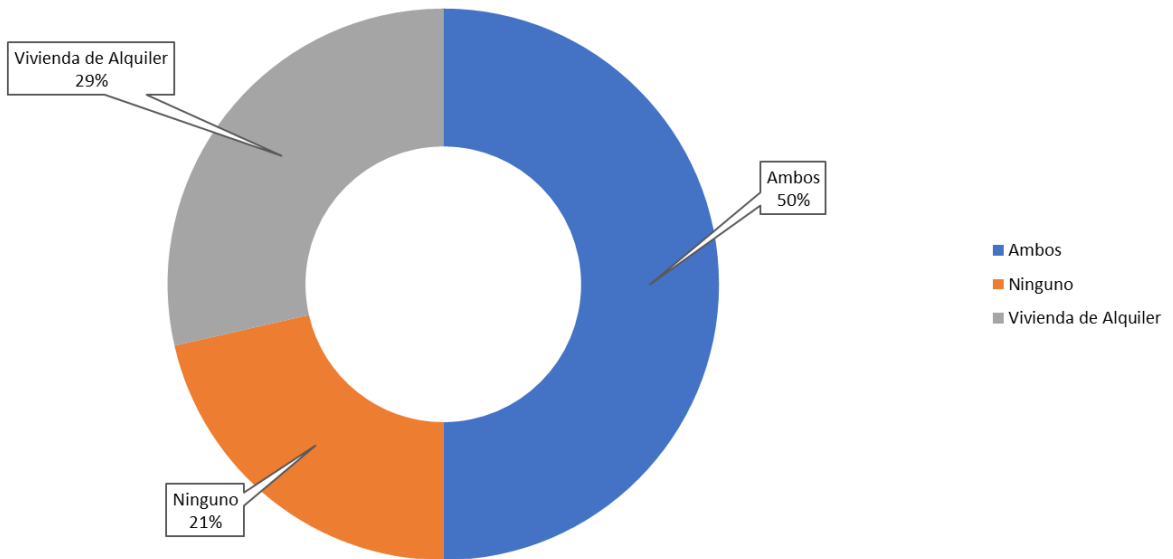
Tipos de Vivienda Unifamiliar - Los grupos con necesidades especiales de vivienda son los que requieren modificaciones o adaptaciones de vivienda específicas. Seleccione los grupos que crea necesitan vivienda adicional en Costa Mesa.



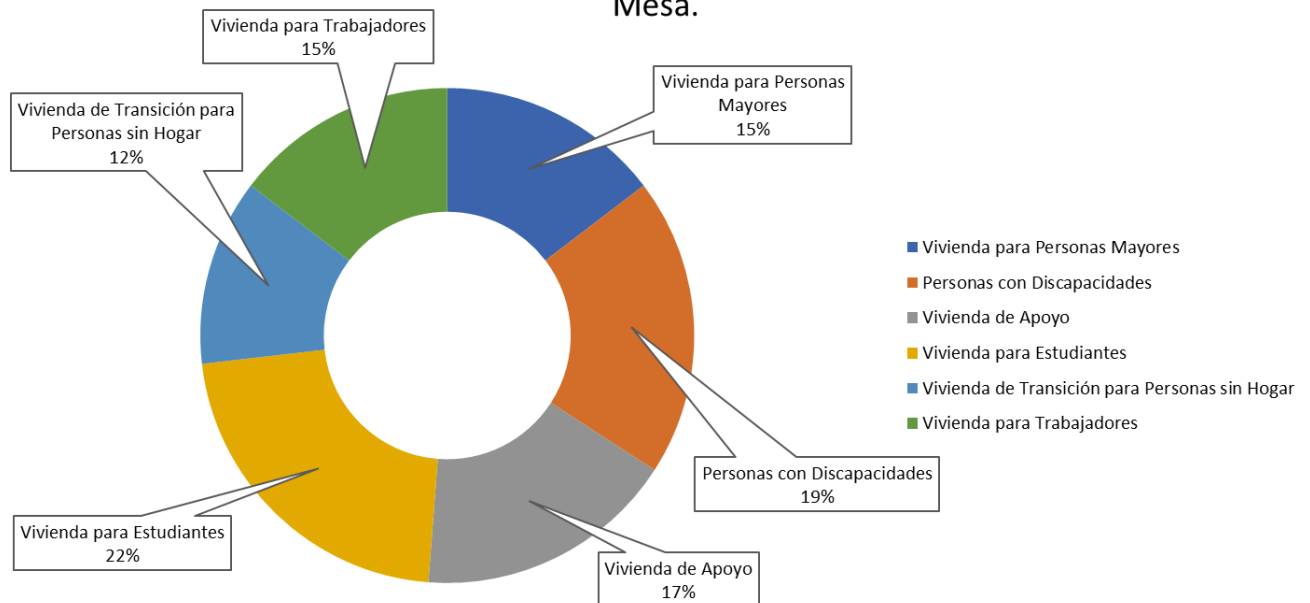
Tipos de Viviendas Multi-Familiares - ¿Qué tipos de viviendas multifamiliares ayudan mejor a Costa Mesa a proporcionar vivienda a todos los residentes de la comunidad? Seleccione todos los que apliquen.



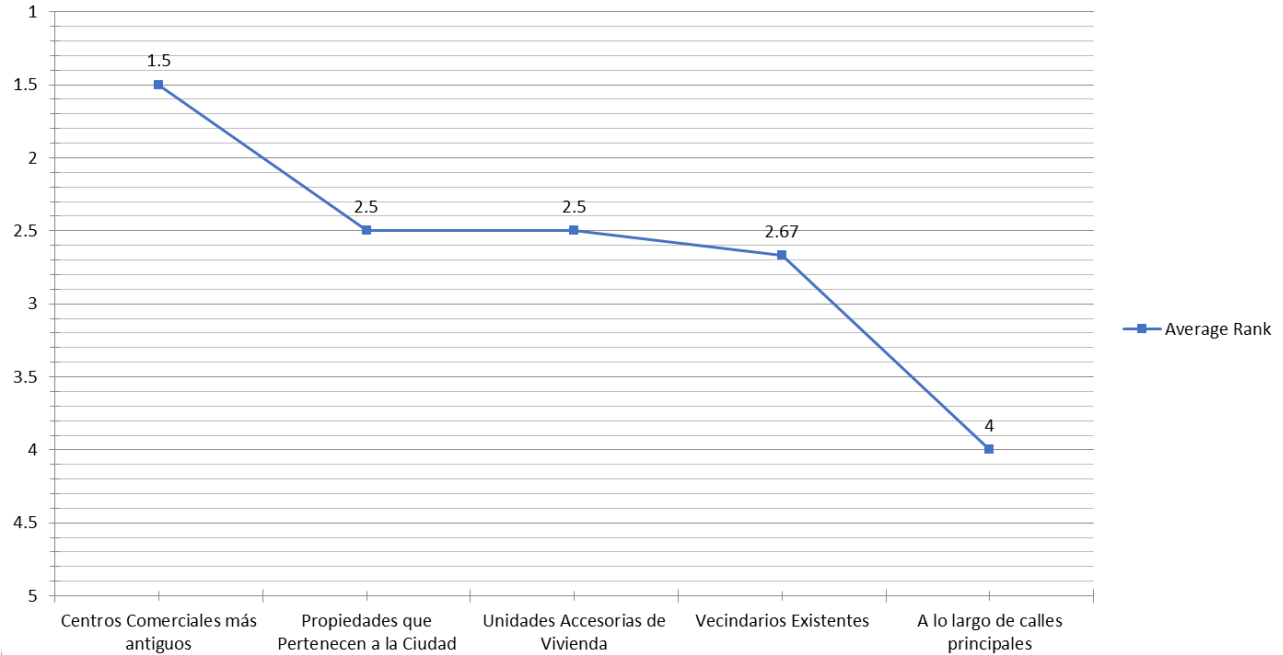
Vivienda en Venta o Alquiler - ¿Crees que Costa Mesa carece de viviendas a la venta o alquiler?



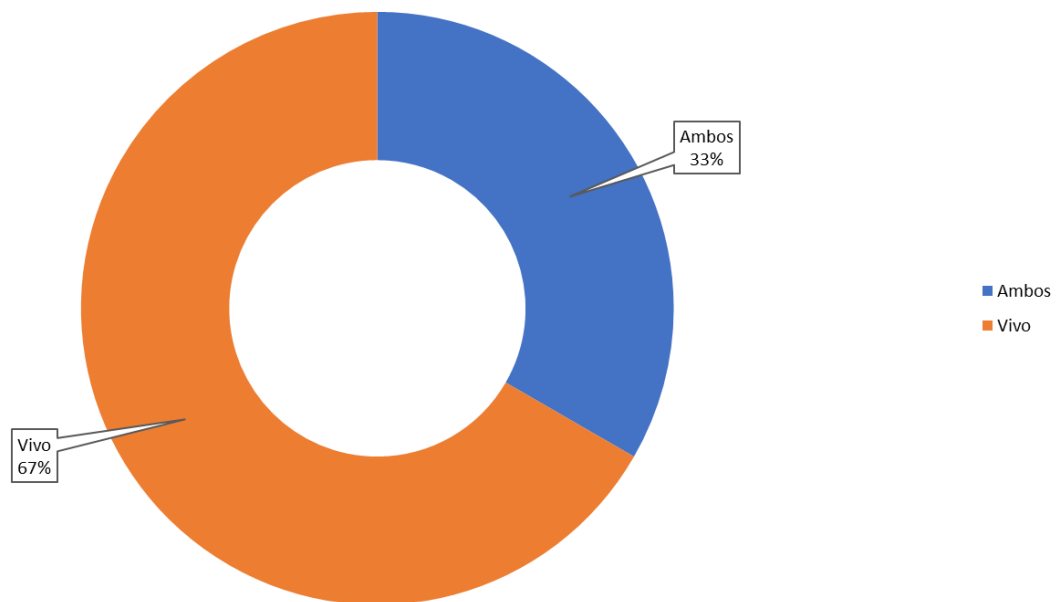
Vivienda Justa - Los grupos con necesidades especiales de vivienda son los que requieren modificaciones o adaptaciones de vivienda específicas. Seleccione los grupos que crea necesitan vivienda adicional en Costa Mesa.



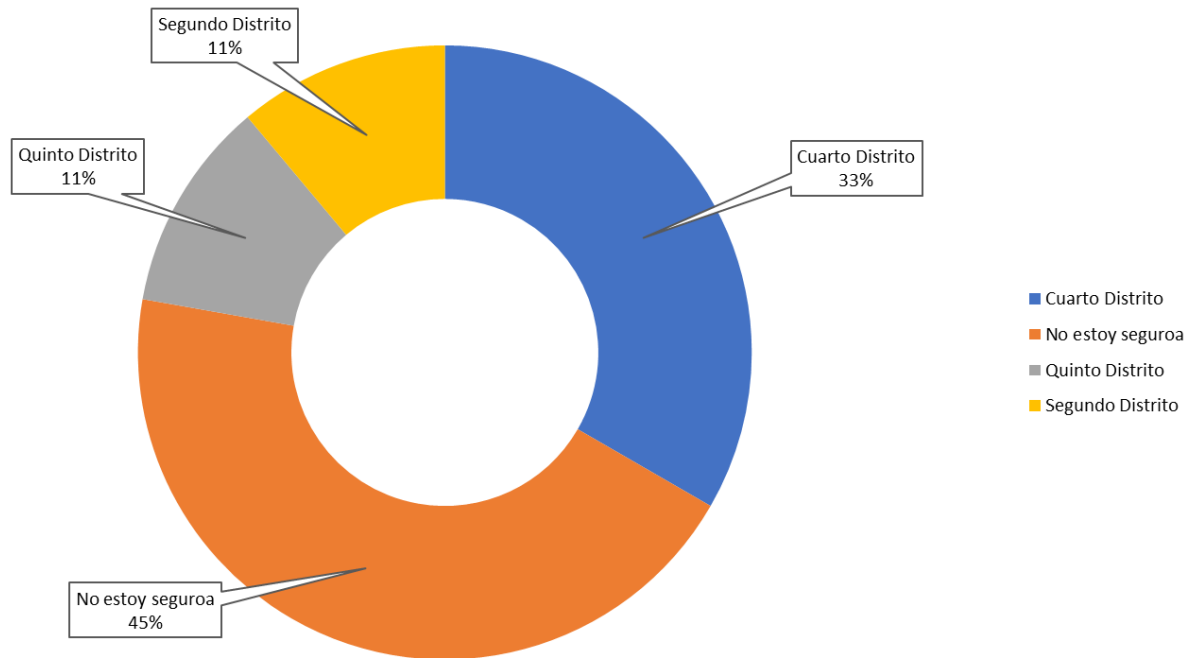
Priorice las áreas de oportunidad donde más le gustaría ver viviendas en Costa Mesa arrastrando cada elemento por encima de la línea en el orden de su preferencia. La primera es la prioridad más alta, la segunda es su próxima prioridad y así sucesivamente



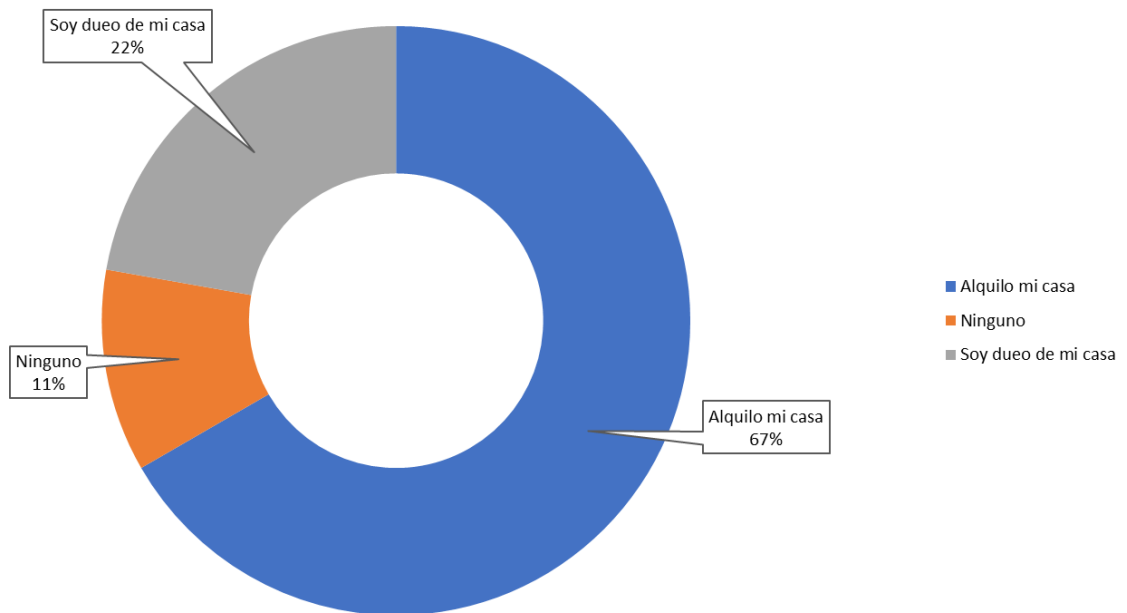
¿Vive / trabaja en Costa Mesa?



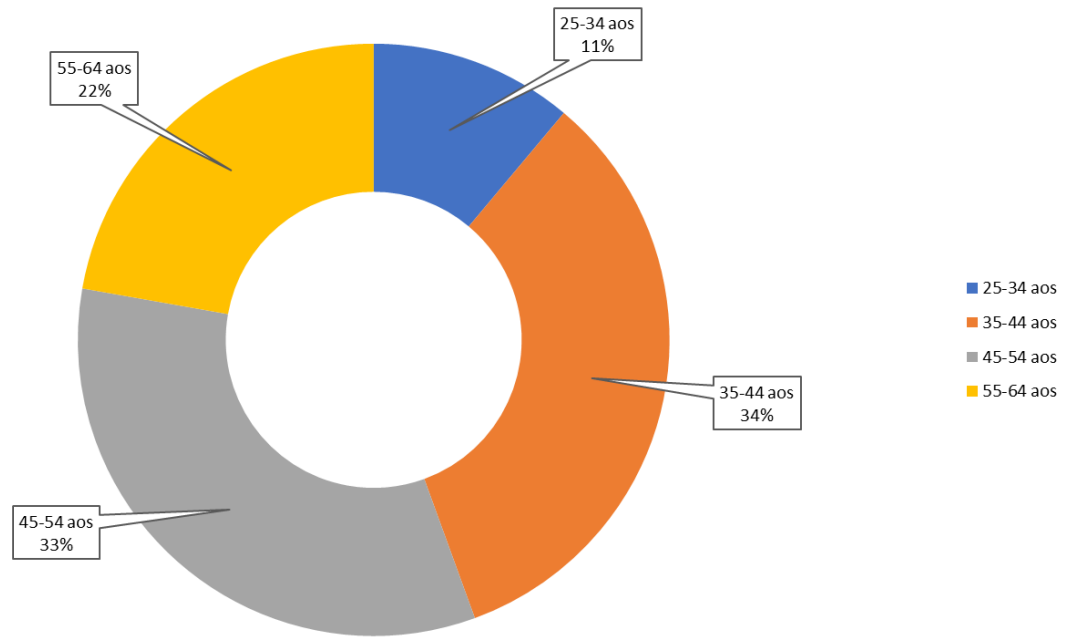
¿En qué distrito del Ayuntamiento vive?



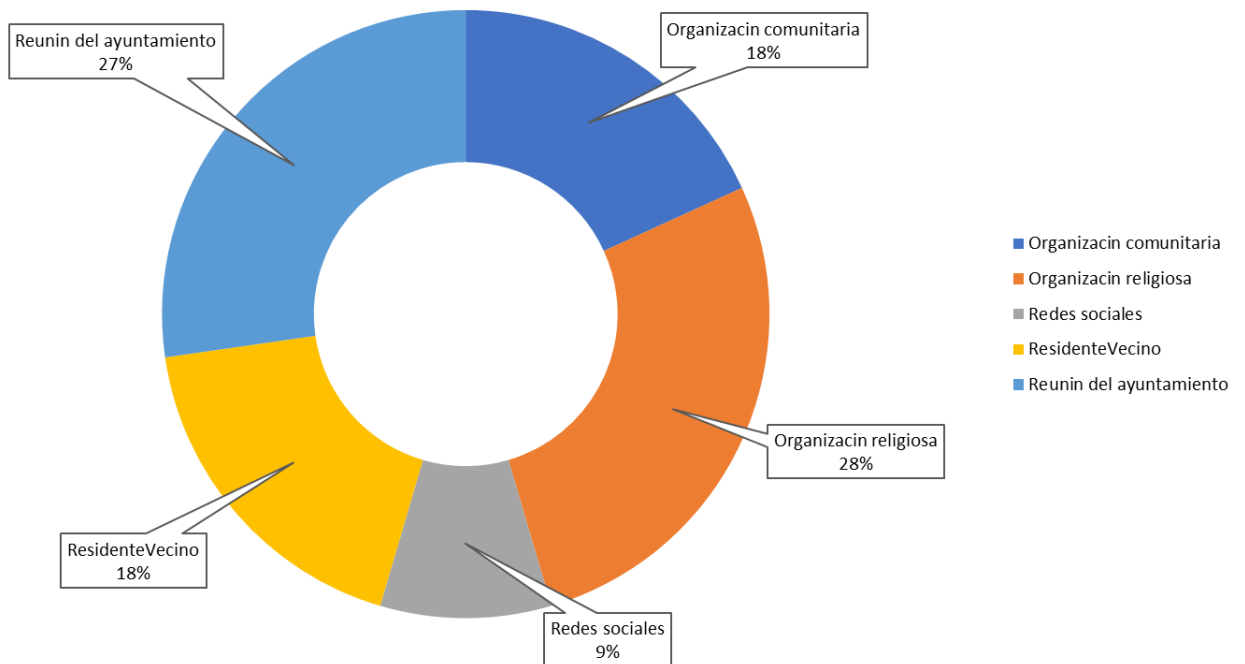
¿Usted alquila o renta su casa?



¿Cual es su edad?



¿Tiene comentarios o sugerencias adicionales?



Vision for Housing in Costa Mesa Comments

Ver mas casas y viviendas con precios mas comodoss (venta y de renta).
Tener más control para que los dueños no cobren más de lo que es. Que los dueños de apartamentos cuando renten el apartamento vaya incluido el garage, porque por donde yo vivo les rentan a otros personas los garages
Que ayga viviendas gusta
Ya han construido demasiados apartamentos en la calles 18th y placentia ,además de otras áreas, lo cual ha incrementado demasiado el tráfico en la ciudad, vendiendo o rentando estos duplex o departamentos a precios demasiado altos. Existe una verdadera necesidad de vivienda o solo están especulando para que los que están construyendo se hagan más ricos? No sobrepoblen la ciudad por favor.
Una zona más comercializada, pero no se olviden que es importante mantener los vecindarios familiares, eso es prioridad.
Mi vision es que aiga mas vivendas accesibles para la gente con bajos recursos
Un lugar con oportunidad de tener mas viviendas asequibles, par familias de bajos recursos

Summary of Survey Comments

Survey respondents were provided with a variety of opportunities throughout the survey to write in additional comments and feedback. The following provides summaries of the most common comments received organized by topic.

Housing Types:

- Respondents noted that there needs to be more middle housing (i.e. duplex, triplex, etc.) and for-sale condos, especially near transportation corridors. Most recognize that density is the solution to lowering housing costs; however, design and height must be considered. Respondents have noted that developments over 3 stories are too tall.
- ADUs present a viable option for survey respondents, given that the ADU remains smaller than the main residence and that it is made affordable.
- Tiny homes have been proposed as a solution for those experiencing homelessness.
- Senior housing must be made affordable and near services/commercial necessities. Respondents have identified a lack of options that allow them to “age in place”. Senior housing should include open/green space and remain affordable.
- Mixed-use housing paired with commercial retail may assist in lowering the need for driving. Respondents have also noted that open and green spaces are important for children and families and must therefore be considered for such developments. This in part participates in preserving and establishing a neighborhood feel.
- There is a need for additional transitional and supportive housing to house those experiencing homelessness.

Location of Housing

- Utilize State-owned properties, such as Fairview Developmental Center. City-owned properties should be used for housing or parks/open space.
- Underutilized properties could be used for housing. According to survey comments, respondents recognize there is a low availability of vacant land, but that this would be a good option for future housing.
- Repurposing of hotels and motels into housing— this could be a good option for providing housing for low-income single apartments or for those experiencing homelessness. The Vagabond Inn has been identified as a potential site.
- Respondents have expressed concern about adding density to existing single-family neighborhoods – they wish to retain a neighborhood/ “Costa Mesa feel”.
- Housing in industrial areas could be a possibility, but there is a lack of services and open space/parks in those areas
- Mixed use at shopping centers to support small businesses but be careful not to replace businesses with housing.
- Adding senior housing at the existing Senior Center has been identified as a potential option.

Density

- Respondents recommended not to further increase high density areas - population needs to be more equally distributed throughout the City.
- Improve existing neighborhoods but not density – help to renovate existing aging housing stock.

Affordability

- More affordable housing – for families, low/mid income households, workforce, seniors, persons experiencing homelessness, and disabled
- Aid in creating a track to ownership, not all rental units. More ownership units and less new rental units.
- Respondents recommend the City looks into creating an Opportunity Zone.

Open Space

- Lack of open space and services in industrial areas that would affect housing planned in those areas
- City-owned properties should be used for housing or parks/open space
- Respondents have identified a need for open space and parks near residential areas.
- There should be a focus on sustainability in both building housing and in transportation (options other than driving)

Parking

- Walkability and bikability are important factors to survey respondents. Some have noted the City should strive to be a “15-minute city”.
- Traffic has been identified as being a topic of concern when considering the planning of additional housing units along major streets. Respondents are concerned about creating further traffic on the roads.
- However, respondents have proposed that parking requirements should be lowered for future affordable housing projects.



C.3 Subject Matter Expert Meetings

This section contains notes and meeting materials provided during the meetings. These include virtual stick-notes and online polling exercises.

Programs

Successful Programs for
Helping People Find Housing

VA -programs to help vets get into housing	Human Options Partnership - DV services - need a system to promote flow out of transitional housing options	TBRA Tenant Based Rental Assistance Programs	Affordable Housing Bonuses	Rapid Rehousing - Program designed for homeless families/indivs that are accessing resources - funded federally -	Lack of permanent supportive housing
Access to vouchers and long term subsidy -need for more vouchers	Domestic violence survivors assistance -need to afforde unit they are moving into	Assistance that stays with tenant -goes with the family		Housing-first model. Eliminate barriers to housing	Community Development Partners, Jamboree Housing are great models for permanent supportive
	Link to financial coach -goal is to inform clients to make decisions on their own			Eligibale for rental assistance and security deposit	
	Create flow out of transition program -collective impact			Utilizing existing housing stock - not subsidized program -not long term subsidy	

Recommendations for New Programs/Services

housing first model w/ supportive services	Supportive services	Financial Literacy/ Economic mobility	Relational mentors
Not just about 1 program - multiple components -rapid housing in conjunction with vouchers and	Multiple layers to address needs	Employment training programs	*List of supportive services -Families Forward menu of services (Rose to send to Nick)
National Alliance to End Homelessness - taking funds provided by federal, state, and local	OC United Way providing financial incentives	County of San Diego Welcome Home OC by United Way	Landlord incentive programs -make housing available to veterans and/or lower-income indivs
Orange County provides Section 8 vouchers			

Constraints to Finding Housing

Income/credit score	Affordable housing - Lack of	Paperwork needed to apply/how to go through process	Method to accomodate moderate housing	Fear-immigration issues	
Coordinated working effort with service providers who have existing relationships	City's incentives haven't helped with building -need incentives for developers to add affordable housing	People don't know that housing is an option for them	Challenges of low- middle class that make an amount that do not allow them to get assistance that's needed	Education - information is currently numbers driven (income, property value, etc.) -Info has to be	
Outreach on requirements to qualify for certain housing/units	Make affordable housing attractive to developers - from City's side	Educational component - there are opportunities for people to find housing	Relation building between homeless population - service providers - and city	Coordination with service providers is key -service providers come with hope	COC - Housing Opportunity Committee - commissioned UCI
Special needs housing - need to remove barriers	Flexibility on developer's and City's side	Benefit from City producing outreach materials on how to go after housing and services available	Would people served be trustful of City produced materials? -can be overwhelming/ must be simple	Format for outreach- -paper -simple -text blasts (Service providers to share info via	UCI research on impacts to existing development (locally based approach)

nick.chen@kimley-horn.com

City's Role in Assisting in Efforts

Reduction of impact fees and parking requirements to increase affordable housing	City/State providing land - need to be usable parcels	City needs to look at transportation options around city -walkability, bikability
Case studies available to City to provide to those pushing against the development of affordable	Being willing to change zoning	

Creative Methods/Processes to Consider

Co-Living	Tiny Houses	Add density to existing multi- family	by-right approval for affordable housing	Storage container developments - Potters lane example in industrial area (next to some services but not	Inclusionary housing requirements (reduce option for developers to pay in-lieu	What is most importane near housing - transportation -financial coaches and employment ready programs
Communal living -For those who enjoyed communal living from Bridge Shelter -adds more units	Conversions of existing commercial -Walkup external offices converted to small units		rent-to-own incentives	Not cost helpful	ADUs	-education -groceries
Lack of Community is an issue -People find housing in new cities they do not know	2 level 10-12 unit office conversions			Leverage what is already there and multi-family, rather than new methods like storage containers		
				Quality of living important to consider on this	Industrial area not bikable	

Housing Types

Rental Housing		Workforce Housing			
Current vacancy rate for lower	More affordable rental housing needed Important near concentration of jobs in city	intergenerational housing -development at senior center to include housing for others but seniors to increase	Divers mix of single/studios and larger units	affordable housing for very-low and low income population	Rental units for persons at lower end of workforce
	increase production of market rate rentals currently	need for open space for intergenerational housing	Starter units	Along transit routes location	FDC
		Opportunities for families making \$30k-\$90k Rental opportunities	mix income and mix use housing housing for persons with special needs and seniors	larger units with more bedrooms tendency to make affordable housing with a couple bedrooms	overcrowding happening majority single indivs with housing vouchers

Housing Growth in Costa Mesa

Permanent Supportive Housing					Unbalanced
Sensitivity towards populations living in motel	Need to take the next step past housing people experiencing homelessness	Trellis No permanent supportive housing currently - persons move to other cities for	Is there community support for SROs or similar? Yes - past projects that received	What is the critical mass of people to justify the cost of development? -mix of units for different incomes/needs	
	A group of people who will always need supportive services	Flexibility in City policy to allow mixes of this to accomodate the need -helps address cost of land too	Public opinion for services show support	range of services/senior/family housing together example	
	Shift in public opinion in last couple years	Educational component to move the conversation -Positive public opinion	People need to be able to graduated from shelters and have access to services - mix in opportunities *Shelters the start	Using State funding - promote availability	

Fairview Developmental Center

Reimagine as a housing village 2015/2016 effort capped units -25 housing -25 institutional -50 sports field	large housing amount (increase density) - majority affordable housing	Should be 25% sports and rest housing & affordable housing
State to donate land to City and to create a land trust	Pushback will be from those that want sports fields	See Great Park See Willowick Golf Course project
Looking at City-owned sites in addition to FDC and private Land plays a large factor	Shannon's mountain - 244 units at FDC	Unique opportunity to create more housing and for the State to participate in local solutions

Creative Development Methods/Processes

Affordable housing/inclusionary						
flexibility in uses and design/zoning Overlay zones as potential solution	*Collaborative process & community benefit	Inclusionary Housing ordinance have been asking CC	Conversation needed about development needs How do City decisions impact community	What is the City's role in the development process?	Very suburban city - challenge/resistance to density	SB 9/10 as examples of actions the City might be able to take
Mixing in housing with services/supportive uses -zoning to allow for housing in other zones	No net loss issue - market rate developments resulting in needing to find new sites for affordable	Messaging is key Community needs to get benefits back for developing at highest use	Rezones to allow for what is needed	Need to work with market-rate developers/property owner to plan for affordable housing needs	Remind community of benefits to them of having balanced housing	Developments on Church and Hospital properties
Pair with affordable housing policy	Education - Density as the key to affordability Addresses cost of land for development	A large educational component to this	*Less about density and more about affordability in Costa Mesa	Interests/Access of young population in housing types and mobility	-transit oriented -mixed use -open space	

Constraints in the Development Process

Parking		Measure Y		Nimby	Price of Land
Review parking standards from high density perspective	High parking ratio/standard large apartment/condo projects operate at lower parking ratio	clarity to potential land owners - difficult to determine outcome	complex process that requires understanding from all levels	SF home values increased when near density/related amenities	Addressed through density - build up
Baker Block - 2.25 Studio - 1.15 st/unit 1 bd - 1.65 2 bd - 2.15 inclusive of guest based on demand	1.5 - 1.75 range - depends on proximity to transit	-Deters investors -Clarity on process and when measure Y applies	Variables involved with Measure Y are too complex to work through	Educational component to development projects	
Have to consider all components of project - push/pull	Higher density projects with underutilized parking	Developers pass on projects due to risk	Risk is too difficult		
			Margins are small -Consider market and development standards		

Creative Methods in Other Cities

Development process				
Expedited plan check	Space to "color between the lines"	Develop a one form checklist - centralize the process for fee schedules	prescriptive zoning -	Fees provide benefit and value to the City -Costa Mesa's fees low compared to neighboring cities
fee schedules - land cost - include all fees associated with a project	Specific Plans and overlays can be a big benefit	Clear online system that provides estimation of fees	opportunity to meet housing requirement outside of SF areas	can't look at fees in a vacuum - all attached
Include all fees - development impact fees	Less impactful an issue compared to others -streamlining improval process		Develop in "paint by numbers"	

Potential Growth Areas

density v FAR consideration		North 405	Westside - higher density type projects in specific parcels/industrial type areas	Airport Area - demonstrated demand	Small lots on major boulevard areas present an issue - tough to develop
Clarity on Density Bonus -height is currently easy to use	Small lots .5ac and up	larger lot sizes	200 - 400 units type projects 2.5-4 ac sweet spot	Larger lot sizes	Boulevards - housing overlay
3 stories changes landscape of what can be done on certain properties	City of Carlsbad downtown example - mix of commercial/residnetial uses	17th st -increase height limits and density			

Impacts of COVID-19

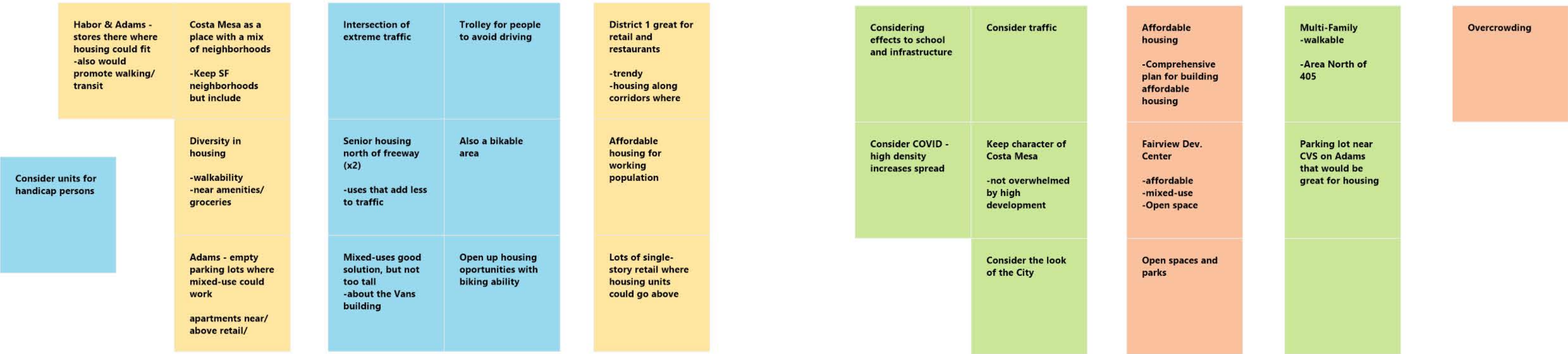
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C.4 District Specific Meetings

The section contains all district specific meetings materials, flyers, PowerPoint presentation, participant activities, as well as all available public comments provided during the meetings. Public comments were received verbally and in written form through the Zoom chat. A video recording of each meeting is available at www.costamesaca.gov/housing-element-update.

Unique Characteristics/ Considerations



New/Innovative Trends or Ideas

Housing Types



How do we get affordable high density housing built?

Need to find developers that are willing to engage with the City that will be accepted by Measure Y	How do we bring a high density project into the community	City policy is not flexible enough to allow affordable development	Inclusionary housing ordinance could draw in developers that to do an affordable project
Design details are important to the process - design guidelines need to be in place	Is there the developer interest to come in and develop housing? Some interest indicated	Needs to be a public/private partnership, not enough City owned land	City historically not asking for that lower income development
	educational component - change the understanding of what affordable housing is	Especially in District 2	Needs to be high density - cannot be built in R1 type zones
	Workforce housing terminology near working opportunities/ transit		

Unique Considerations/Characteristics

Projects north of the 405 are up to 100 du/ac - high density in compatible areas	Needs to be a progression/ transitional zone
Interest in developer engagement process	One Metro West - Measure Y Case study question - what happened?
Community member involvement - get information on community needs for specific projects	Next step is to sit with developers and propose in Costa Mesa knowing Measure Y is in existence

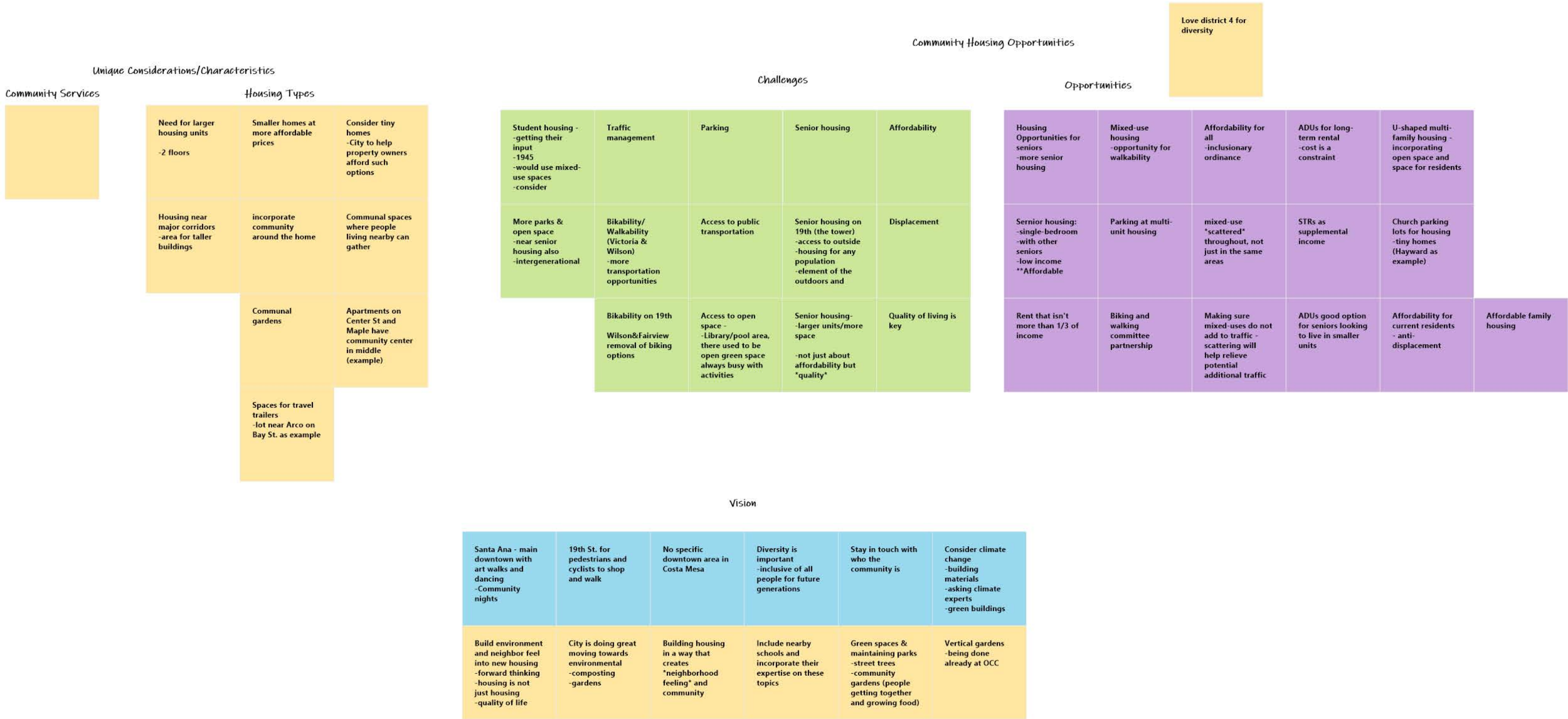
New or Innovative Trends/Ideas

Costa Mesa Housing Element

Other Growth Areas

Community Needs

Along Harbor & Newport (conversion from retail to mixed use)	Airport area	Unique Characteristics - connected communities	Med Village densities could be successful	Development will need to be taller to meet goals
Newport Blvd has overlay/specific plan for housing - Good opportunity for mixed-use and placemaking	Industrial conversion	Missing Housing Types - Workforce housing - TOD - Senior housing - Upzoning north	Above Moderate - attached or detached condominiums - age restricted?	Mixed use with resident serving uses - grocery - pharmacy - services
Surplus school sites	Underutilized church sites?	Could lower minimum parking standards	Support first/last mile improvements + safety enhancements	Need a wide mix of densities where appropriate
Balearic Parsons School	Whittier Property Coastline Regional Occupational Program (Old Presidio School)			
South Fairview Wilson Vacant parcels north of 405	Whittier Law School			
Parking lot between south coast drive and sunflower (southeast corner)	Golf courses?			



What is unique about District 5?

multi-culturalism/ diversity	ocean breeze	can still raise a family here - middle class and can get a good education	ADA ramps on traffic breaks
keep Costa Mesa funky - does not have the restrictiveness of other cities	most privileged residents of Costa Mesa - access to open space, yard, wide streets. Be willing to share	industrial areas bring value/jobs to the area - part of the character of the area	LID/rain garden treatment in areas to expand greenspace
Great potential to be more bikeable and walkable - can get to the beach without hitting a stoplight	Share the good life we have in Costa Mesa	there is a vibe here	Trees in this area

What are community housing needs in District 5?

housing for single people/individuals - shared/co- housing to address this need	large lots with one dwelling	Permanent supportive housing
Project Hope Alliance - homeless children - need for housing for families	storage units - space on rooftops. Conversion to shared housing	live/work units to address work from home conditions going forward

How do we get affordable housing built?

evaluate COVIDs impact on housing	Educational component of different types of housing - workshop/tiny houses	City to provide an incentive to people developing ADUs to offer them at affordable levels	in building support/sell idea - needs to be more community involvement and visual representation
	Efficiency of space and existing units	Manufactured homes/small park models - could help on building costs	AB 387
	include all aspects relating to housing	Potential for pre- approved housing models?	follow up on status of affordable ADU/ incentives discussion

Costa Mesa Housing Element

Other Growth Areas

District Characteristics

Community Needs

Harper School
Property

Surplus school
district property?

Should engage in
conversations.

Supportive of
housing north of
the 405

Whittier Law
School

Commercial
Shopping Centers

District 6

Disorganized
development
leading to
congestion

Older section of
the City

City of the Arts

Near transit and
employment

Permanant
supportive
housing

Artist housing

Affordable +
services

Mixed Use
Development

Work/Live spaces

Educator housing

Oportunidades de Vivienda

Nos gustaría ver más apartamentos	-No hay apartamentos de 3 Recamaras .- cuestan más de \$3000 actualmente.	Renta demasiado alta	
Viviendas tipo Estudio	ADU's tipo estudio	Construir más apartamentos que sean accesibles para gente de bajos recursos	

Necesidades de la Comunidad

Apartamentos de bajo recursos	Que el cosdto de la vivienda sea accesible	Actualmente el costo es muy alto y tenemos que compartir los departamentos con varias familias	Apartamentos de costo mas bajo.
Debido al costo alto tenemos que rentar cuartos en el apartamento			

¿Qué ideas tienen sobre este proceso de vivienda?

Difundirlo más	Más facilidad para participar en el proceso

Algún comentario adicional

Otras ciudades tienen más La delincuencia	Al parecer C. M. es más segura aunque el costo de vivienda es más alto	Existe más seguridad	Tener la seguridad que la comunidad no estará expuesta a delincuencia
La gente prefiere viajar de lejos a trabajar en CM y vivir en otro lado más económico	Aquí las viviendas están cerca de la playa, negocios, su trabajo.	CM es muy tranquilo y a la gente le gusta mucho el área. Cerca de los negocios, parques.	Aquí a la gente le gusta el lugar donde vive
Se necesitan más viviendas en el lado Oeste.	La comunidad comenta que la vivienda es cara debido a la carencia de vivienda	CM es muy segura, un poco más cara pero el clima, los negocios,negocios hispanos son accesibles	Comunidad hispana no puede pagar las rentas, no hay estacionamiento.
	Difundir esta información en centros comunitarios	Difundir este proceso y juntas por medio del distrito escolar.	
	Difundir en el sitio web de "I love Costa Mesa"		

Retos en cuanto a La Vivienda

Alto costo de alquiler	Por eso la gente trabaja en Costa Mesa y vive en otro lado más económico que Costa Mesa
Debido al costo alto tienen que rentar cuartos en el apartamento. El costo es alto	

District Specific Meetings Chat

District 2:

19:11:40 From Cash Rutherford : Denser = cheaper. Agreed!

19:22:57 From Mildred Perez : Affordable housing overlays to provide incentives for developers

19:23:17 From Cash Rutherford : Great points - agree with you all.

19:24:12 From Daniel : Didn't a high density development north of the 405 just get voted down?

19:25:48 From Cash Rutherford : I believe the developer has the project on hold due to the constraints of Measure Y.

19:26:56 From Daniel : Would those constraints also be applied to any high density building we are talking about now?

19:27:39 From Cash Rutherford : Yes. Other cities have ran into legal trouble due to policies like Measure Y that prevent high density housing in job-rich areas.

19:30:23 From Daniel : Cash do you know if those cities come to a resolution with that situation?

19:32:04 From Cash Rutherford : There is a precedent of courts and/or state regulators intervening to resolve restrictive policies like measure Y. At a minimum the Housing Element is required to recognize local constraints to development.

19:37:59 From Cynthia McDonald : Cash, Measure Y is based on Redondo Beach's ordinance. That ordinance was litigated and to my knowledge stands to this day. Its is one of the reasons we used it as the basis of our ordinance.

19:38:40 From Daniel : Thank you for the information everyone. I appreciate the shared knowledge.

District 3:

18:49:47 From Carol Buchanan : Is it possible to consider the hospital grounds Harbor and Fair by the Gold Course

18:50:02 From Carol Buchanan : Golf Course

18:56:38 From Carol Buchanan : I will have to drive around and look since I have no idea

18:57:05 From Carol Buchanan : It is pretty dense in Costa Mesa

19:05:18 From Carol Buchanan : Also my husband and myself

19:07:35 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : Belearic

19:09:58 From Carol Buchanan : How about the closed Law school opposite AAA on Harbor

19:13:54 From Carol Buchanan : Interesting

19:24:07 From Andrea Marr to Matt Horton, Kimley-Horn(Direct Message) : south coast drive not augusta :)

19:24:22 From Matt Horton, Kimley-Horn to Andrea Marr(Direct Message) : thanks!

19:25:34 From Carol Buchanan : They will fight you for that parking lotu

19:26:11 From Carol Buchanan : Thank you!!

19:27:03 From Carol Buchanan : Back Bay Golf Course would be a great location

19:27:29 From Carol Buchanan : Everyone there hates the fly over from John Wayne

19:30:20 From Carol Buchanan : To bad.

19:38:12 From Carol Buchanan : Thank you, I really enjoyed this insight. I will attend future meeting

19:38:32 From Carol Buchanan : Good Night

District 4:

19:07:12 From Christine Nolf : I have to sign off. I really enjoyed this time with my neighbors. Thank you for facilitating and listening. Count me in for investing in our community.

19:07:36 From Ines Galmiche : Thank you Christine for joining us!

19:08:47 From James : 55+ is senior per HUD rules.

19:09:14 From Linda Kraemer : Love the diversity in District 4

19:12:26 From James : Nature. Good point. Read "The Nature Fix."

19:17:05 From Linda Kraemer : Nature even in our buildings. Green spaces

19:18:29 From Jenna and Alex to Ines Galmiche(Direct Message) : you're doing amazing!

19:28:36 From James : We have a couple of community gardens but need more.

19:50:47 From James : Please allow Airbnb for home owners.

District 5:

18:48:20 From Aaron Klemm to Nick Chen(Direct Message) : My recommendation for the Housing element should plan for SB 9 to pass this session.

18:50:33 From Aaron Klemm to Nick Chen(Direct Message) : Additionally, the base condition 10' setback on exterior side lot lines should be made more conditional. The 10' setback makes sense if the sidewalks/parkway is narrow. However when there is a 7' city owned parkway that is more than adequate to ensure pleasant streetscapes.

18:58:05 From Aaron Klemm : I would encourage the city to keep it simple.

18:59:00 From Aaron Klemm : State policy is focused on high opportunity areas which in practice means traditional SFH zoning. Traditional SFH is super racist/segregationist.

19:01:43 From Aaron Klemm : For 4 story zones, old dilapidated warehouse, boat storage and industrial spaces on the westside are preferable to some of those pollution hotspots.

19:03:19 From Aaron Klemm : I heard the question about parking adequacy. This brings up the issue of complete/safe streets. We can't have more neighbors and more fun without reducing the waste and geometry problems of cars.

19:03:30 From Aaron Klemm : and ceding most of our public spaces to cars.

19:04:08 From Wendy Leece : There are multiple owners/family of the shopping center

19:04:40 From Aaron Klemm : I prefer missing middle housing.

19:05:00 From Aaron Klemm : <https://missingmiddlehousing.com/>

19:08:17 From Ben Glassman : Aaron you are saying you prefer missing middle over a large apartment complex?

19:09:17 From Aaron Klemm : I think missing middle is the correct next step for Costa Mesa to keep our pro-housing councilmember elected to keep moving to more housing after we exhaust the missing middle.

19:11:05 From olga : Costa Mesa must think about doesn't exist yet but is pictured.....lets narrow streets and have some creative housing in these areas!,,

- 19:12:40 From olga : We must promote global thinking about housing spaces and sharing public spaces.
- 19:13:51 From Adam Ereth : The D6 group was just talking about this a few mins ago on Newport Blvd.
- 19:14:22 From Arlis Reynolds - SOUTH : The "15 minute city" is something I've been learning about as a concept for city planning - reduces traffic, improves health, increases community connections and happiness: <https://www.15minutecity.com/about>
- 19:17:06 From Wendy Leece : Have you estimated how many units could be built with in the existing overlays?
- 19:17:41 From Ben Glassman : Arlis - do you know what ratio CM is currently at regarding the 15min city?
- 19:18:02 From Arlis Reynolds - SOUTH : I don
- 19:18:11 From Lori Ann Farrell Harrison : Thank you everyone for your participation!! The City is conducting a Parking Study to identify multiple solutions to address current parking shortages in D4 and D5. Community meetings will be held next month on Thursday, March 4th and on Monday, March 15th. More info to follow. SAVE THE DATE!!!!
- 19:18:15 From Cindy Brahs : Agree with Jay's concerns however I think Covid has forever impacted a lot of businesses utilizing WFH. I know of a lot of business that are letting their office leases expire.
- 19:18:42 From Aaron Klemm : Induced demand exists for both cars and bikes, pedestrian and transit infrastructure. If you make it as safe and convenient as a car the riders will come. Adding road capacity does not reduce congestion. The evidence and literature is very clear on that.
- 19:19:05 From Arlis Reynolds - SOUTH : I don't - it's a study I'd like to do.. perhaps something we can crowdsource... we've done some research on this for park access (we are deficient) but not other amenities.
- 19:20:04 From Aaron Klemm : Adding highway lanes to deal with traffic congestion is like loosening your belt to cure obesity.
- 19:21:29 From Ben Glassman : Lol @Aaron correct not the solution to the root problem
- 19:21:49 From Eileen Cirillo to Nick Chen(Direct Message) : In the Housing Element are there any requirements for affordable Senior Housing
- 19:24:18 From olga : What are the sizes of the units in the proposed 30 units per acre?
- 19:32:10 From Cindy Brahs : Is there a map of county a/o government owned vacant parcels in the city?
- 19:35:28 From Aaron Klemm : If the housing element can target ab AB 2588 pollution hotspot with an upzoning that makes the land valuable enough to end the pollution that would be great.
- 19:35:35 From Aaron Klemm : http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588_annual_report_2019.pdf?sfvrsn=30
- 19:36:24 From Ben Glassman : I agree Olga
- 19:36:33 From Ben Glassman : Love all the parks and river trail
- 19:37:02 From Dianne Russell : Yes- we have a great area! Lots of open space.

19:39:14 From Arlis Reynolds - SOUTH : @Olga I think 30 units per acre could look very different with different designs.. here's an article that shows some examples:

<https://www.theurbanist.org/2017/05/04/visualizing-compatible-density/>

19:39:52 From Arlis Reynolds - SOUTH : @Cindy- I will ask for that map.

19:42:14 From Aaron Klemm : Support Alex Lee's bill AB 387 for California to lead on social housing.

19:42:20 From Aaron Klemm : <https://eastcountytoday.net/assemblymember-alex-lee-introduces-bill-to-establish-social-housing/#:~:text=According%20to%20the%20bill%2C%20t,limited%20equity%20homeownership%20ho using%20and>

19:44:11 From Cindy Brahs : There are modular ADU companies out there too.

19:47:43 From olga : I agree Wendy that the staff at city hall needs to be open minded and more learned about the vareities of housing elements!

19:50:49 From Jim : @Arlis and everyone I suppose: there is a catalog of preapproved renovations for the Freedom Home tract.

<https://www.costamesaca.gov/home/showpublisheddocument?id=250>

19:50:57 From Jim : Same could be done for ADUs

19:53:23 From Cindy Brahs : We may want to reconsider some office zoning.

19:53:48 From Wendy Leece : Someone just posted about the pre made plans for Freedom homes. Could include ADU.

19:55:30 From Cindy Brahs : Thank you!

19:55:45 From Wendy Leece : Thank you Good use of time!

19:56:04 From olga : How about small spaces for rvs i think Tustin or Orange have at least one.

19:57:20 From olga : great idea...we should just do it!!!

19:57:57 From Eileen Cirillo : Thank you.

19:58:02 From olga : great idea on the swales at the dividers at oak and 20th

District 6:

20:00:35 From L. Alejandra Reyes R. C. : Thank you!!

20:01:14 From Jeffrey Harlan : Thanks, all. That was really very helpful and enlightening--great ideas and discussion.

Spanish Breakout Room:

18:39:19 From Lucy : si

18:39:24 From Lucy : si gracias

18:41:41 From Lucy : gracias por la información

18:42:08 From Andy Godinez : De nada, gracias por su participacion

18:47:27 From Andy Godinez : <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

19:01:12 From Lucy : si gracias

19:01:17 From Molly Mendoza (Kimley-Horn) : <https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>
19:01:25 From Mary Martinez. : gracias
19:08:42 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : Even if its not related to the map - can you add their comments?
19:09:12 From Molly Mendoza (Kimley-Horn) to Rossina.Chichiri(Direct Message) : just so we can capture anything additional, we can always reformat
19:25:19 From Molly Mendoza (Kimley-Horn) to Andy Godinez(Direct Message) : Andy - will you just encourage everyone to participate - they don't have to but we want to hear from them :)
19:25:32 From Andy Godinez to Molly Mendoza (Kimley-Horn)(Direct Message) : Copy
19:42:33 From Lucy : gracias
19:43:06 From Andy Godinez : Gracias muchisimo por su tiempo y sus propociones
19:44:02 From Andy Godinez : <https://costamesahousingsurvey-sp.metroquest.com/>

Other Comments:

18:14:20 From Jan H. to Everyone : Did the State approve our appeal for lowering the total amount of housing Costa Mesa is supposed to cover?
18:14:44 From Jon Zich to Everyone : No
18:16:07 From Minoo Ashabi to Everyone : The City submitted an appeal along with over 50 other cities in the region. Only two appeals were approved based on technical errors so the City's appeal was not approved.
18:16:59 From Jan H. to Everyone : The appeal was very well written. I'm surprised that the state turned it down.
18:19:21 From Molly Mendoza (Kimley-Horn) to Everyone : More information on the cities that appealed and the process is available here: <https://scag.ca.gov/rhna>
18:27:17 From Pamela Morgan to Everyone : thanks for that info
18:32:46 From Jan H. to Everyone : Do units that are completed in 2021 count towards our total units for Costa Mesa?
18:34:54 From Jan H. to Everyone : How many people are on this zoom meeting?



C.5 Targeted Focus Meeting Notes

The section contains a summary of the targeted focus meetings held with: English and Spanish-speaking faith-based community, organizations that provide services for those experiencing homelessness, the Costa Mesa Housing Coalition, the Costa Mesa Mobile Home Park Advisory committee, affordable and market-rate housing developers, and interested property owners and landowners.

Targeted Focus Meeting Notes

The City of Costa Mesa employed a community outreach strategy that engaged community members multiple times at a Citywide level through live workshops, online surveys, and a thirty-day public review draft document. Next, the City went one level lower and held meetings by individual districts to determine what unique characteristics should be taken into consideration. Lastly, the City focused outreach on sections of the community through Targeted Focus Meetings who are underrepresented in the planning process or who may not typically participate in community building processes. These communities can be affected by long-range housing plans, just as the rest of the community is, and community feedback from these groups is important to get when developing the Housing Element.

As part of the Targeted Focus Meetings, the City held one on one discussions with representatives from the following segments of the community:

- **Faith-based community (English and Spanish).** The City met with some of the local leaders within the faith-based community to discuss housing-related services currently being provided through church facilities or organizations. Participants in the meeting discussed the challenges the local organizations face when assisting members of the community in looking for housing and the recent successful example at Lighthouse Church. Participants included leaders from Lighthouse Church, The Crossing, and several other local churches as well as Ian Stevenson with Trellis, a community group established by people from all over Costa Mesa to tackle problems faced by residents each day.
- **Organizations that provide services for those experiencing homelessness.** The City met with organizations that provide services to people experiencing homelessness or who are in need of other services, such as locating jobs or completing and filing governmental paperwork. These are organizations that currently work fairly independently. The City discussed future ways in which they could collaborate and potentially assist in the efforts.
- **Costa Mesa Housing Coalition.** The City met with the Costa Mesa Housing Coalition who has been an active participant in all housing element related community meetings and workshops, in addition to the one-on-one meeting held. Some of the comments expressed were that Fairview Development Center should be strongly considered as a viable solution for lower-income housing, that accessory dwelling units were important to the community, and that mobile home parks, churches, and city-owned properties should all be explored. The most important point was that the City needs to pass an inclusionary housing ordinance, which is a program in the housing element and already currently underway.
- **Costa Mesa Mobile Home Park Advisory Committee.** The Mobile Home Park Advisory Committee is a City-established committee comprised of current mobile home park residents. Attendees discussed current issues within the mobile home parks and the need to further protect existing mobile home parks within Costa Mesa. The City did not identify any candidate housing sites on mobile home park sites within the Housing Element.

- **Affordable and market-rate housing developers.** City staff met with developers of both affordable and market-rate housing. Many of the participants had previously done work within the Orange County region and gave recommendations on topics such as density, product type, and potential candidate housing sites.
- **Interested property owners and landowners.** Property owners provided valuable input into existing uses and lease agreements, development agreements with the City, and other background information used in the sites analysis to determine feasibility of some of the candidate housing sites. They also provided information the types of future development they are considering.



C.6 Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 1, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://www.costamesaca.gov/home/showpublisheddocument/46937/637502847448170000>

Video Recording: https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true



AGENDA

**CITY OF COSTA MESA
PLANNING COMMISSION
SPECIAL STUDY SESSION
VIA ZOOM WEBINAR
Monday, March 1, 2021
6:00 p.m.**

**BYRON DE ARAKAL – CHAIR
KEDARIOUS COLBERT – VICE CHAIR
DIANNE RUSSELL - COMMISSIONER
JOHN STEPHENS – COMMISSIONER
RUSSELL TOLER – COMMISSIONER
JENNA TOURJE – COMMISSIONER
JON ZICH – COMMISSIONER**

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Planning Commission Members to attend Planning Commission meetings telephonically. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. You are strongly encouraged to observe the Planning Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) AND ONLINE AT youtube.com/costamesatv.
2. Zoom Webinar – March 1, 2021 **6:00 PM**
Please click the link below to join the webinar:
<https://zoom.us/j/96060379921?pwd=N2lrbzhJM2hWU3puZkk1T3VYTThoQT09>

Or sign into Zoom.com and “Join a Meeting”
Webinar ID: 960 6037 9921/ Passcode: 595958

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.

v.1, 2/26/2021

- During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

Participate via telephone: US: + 1 669 900 6833

Webinar ID: 960 6037 9921/ Passcode: 595958

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item may submit your comment via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City as described above **NO LATER THAN 12:00 PM** on the day of the hearing. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and we will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.
5. The City of Costa Mesa’s goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk’s office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

**CITY OF COSTA MESA PLANNING COMMISSION
SPECIAL STUDY SESSION**

MONDAY, MARCH 1, 2021 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

SPECIAL STUDY SESSION ITEM

Public comments are limited to 2 minutes, or as otherwise directed.

1. [**2021-2029 HOUSING ELEMENT – STATUS UPDATE**](#)

RECOMMENDATION:

Receive and file.

ADJOURNMENT



PLANNING COMMISSION – SPECIAL STUDY SESSION AGENDA REPORT

MEETING DATE: MARCH 1, 2021

ITEM NUMBER: |

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: FEBRUARY 25, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION
CONTACT:

MINOO ASHABI, PRINCIPAL PLANNER
minoo.ashabi@costamesaca.gov

RECOMMENDATION

Receive and file.

PURPOSE

This study session is intended to provide information to the Planning Commission regarding the status of the Housing Element Update. The report includes a background section on Housing Element law and requirements, status of the Regional Housing Needs Assessment (RHNA) allocation and the City's appeal, Community Outreach efforts to date, a summary of Costa Mesa's Community Profile data, and a brief summary of the "sites analysis" portion of the Housing Element including an overview of the potential areas of the City that may be appropriate for additional housing development in order to meet the City's RHNA allocation.

BACKGROUND

The Housing Element is one of the required General Plan Elements and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to HCD for certification by October 15, 2021. A City Council Study Session was held in February 2020 that includes a comprehensive background on the Housing Element and RHNA. The staff report is available at this link:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf>

With the Housing Element Update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. As part of the Update, the City will also establish goals, objectives, policies, and an implementation program demonstrating how Costa Mesa will meet its existing and future housing needs for all income levels and address recent housing legislation adopted in response to the State's housing shortage.

Although the City does not build housing, the Housing Element creates a strategy and regulatory framework, which provides opportunities for the private sector to develop housing.

Regional Housing Needs Assessment Update (RHNA)

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City's RHNA allocation. The allocation is planned for an eight-year cycle. The City is currently in the 6th RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029. A jurisdiction with a non-certified Housing Element has limited access to state funding programs, including CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants. The City recently received an SB2 grant in the amount of \$310,000 and Local Early Action Plan (LEAP) funding in the amount of \$500,000 to update the Housing Element and to develop other policy programs that promote housing at all income levels, including the Accessory Dwelling Unit (ADU) ordinance and an inclusionary housing ordinance.

In addition, it is important to note that recent legislation, such as AB 72 and SB 35, authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

Under SCAG's approved RHNA Methodology for the 2021-2029 Housing Element planning period, Costa Mesa's draft RHNA allocation was set at 11,733 dwelling units. The final RHNA allocation, which includes a slight increase in the City's RHNA number to 11,760 units, is expected to be adopted by SCAG's Regional Council on March 3, 2021.

RHNA Appeal

The City submitted an appeal of its draft RHNA allocation on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal on January 22, 2021 and made a compelling argument that there were many constrained areas of land (i.e., open spaces and parks, state owned land, John Wayne Airport proximity, etc.) in the City which are subject to external factors and not suitable for housing development within the eight-year cycle.

Even though, there was a general discussion among the subcommittee members that the 6th cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County appeals were denied). The final RHNA number for Costa Mesa will increase slightly from 11,733 to 11,760 due to redistribution of units as a result of the two approved appeals.

Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category (pending the March 3, 2021 decision):

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4,959
TOTAL (Costa Mesa)		11,760
TOTAL (SCAG Region)		1,341,827

SB 35, AB 72 and Consequences of a Non-compliant Housing Element

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their housing needs. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described in the next section of this report.

The City is also required to ensure that housing potential or capacity is maintained on sites with the potential to accommodate affordable units (as described in the Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City will eventually trigger the "No Net Loss" provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government's actions do not comply with state law. HCD's website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. <https://www.hcd.ca.gov/community-development/accountability-enforcement.shtm>

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law,

the Housing Accountability Act, “no net loss” law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of some level of local control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City's authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue.

HOUSING ELEMENT UPDATE

California's housing element law acknowledges that in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5th cycle. That threshold would drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The following sections discuss the different components of the Housing Element that will be addressed with the update including Community Outreach, the Community Profile, and the Site Inventory Analysis.

Community Outreach

Based on direction from the City Council provided on July 21, 2020, staff has worked with Kimley-Horn to implement a comprehensive outreach approach to ensure creative methods are used to engage harder-to-reach populations including senior citizens,

families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: <https://www.costamesaca.gov/home/showpublisheddocument?id=46282>
<https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be>
2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district and utility contacts. The surveys closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2 and 3. A comprehensive analysis of the survey results will be provided at a future meeting.
3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18 to allow for a more detailed discussion of the unique issues and opportunities within each district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District presentation and break out room videos are being posted online.
4. Subject Matter Expert Meetings – Staff have held and are continuing to hold meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, and housing advocates. In addition, staff is in the process of meeting with major landowners, homeless services providers, and targeted meetings with neighborhood groups in harder-to-reach areas of the community.

- Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following general ideas and comments regarding constraints and opportunities were shared at this meeting:
 - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
 - Lower parking standards to match parking demand for large residential complexes
 - Uncertainty associated with the Measure Y process discourages investment
 - Expedite and streamline application processing
 - Provide a clear, comprehensive fee schedule
 - Defer impact fees
 - Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments were shared:
 - Housing Element should plan for workforce housing
 - Housing development has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
 - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
 - Provide by right zoning for housing development in appropriate locations
 - Partner with churches and City-owned properties to develop housing in underutilized parking lots
 - Housing should be equitable and distributed fairly in the community
 - There is a need for larger units to accommodate larger households at affordable levels
5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.
6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City's website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. To date, there have been a total of 83,331 "impressions" on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff will continue its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage harder-to-reach communities; upcoming meetings with major landowners, homeless services providers, and other subject matter experts; and preparation and launch of a series of short

community videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics:

- 1) Population Characteristics – this data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010- 2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	109,960	111,200	113,900	116,500	116,400	3.6%	2.2%
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
<i>Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.</i>							

The following table shows age distribution in Costa Mesa showing that 20.3% of the polutaion is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018							
Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	5.7%	11.4%	3.2%	9.6%	35.2%	24.3%	10.7%
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%
Source: American Community Survey, 5-Year Estimates, 2018							

The following table shows the racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018								
Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	71.6	1.9%	0.4%	8.4%	0.7%	13%	4%	36.1%
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%
Source: American Community Survey, 5-Year Estimates, 2018.								

- 2) Economics Characteristics – this data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	84,600	89,600	92,700	93,200	5.9%	4.0%	8,600
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000

Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.

- 3) Households Characteristics – this data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of the household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	12,138	10.7%
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%

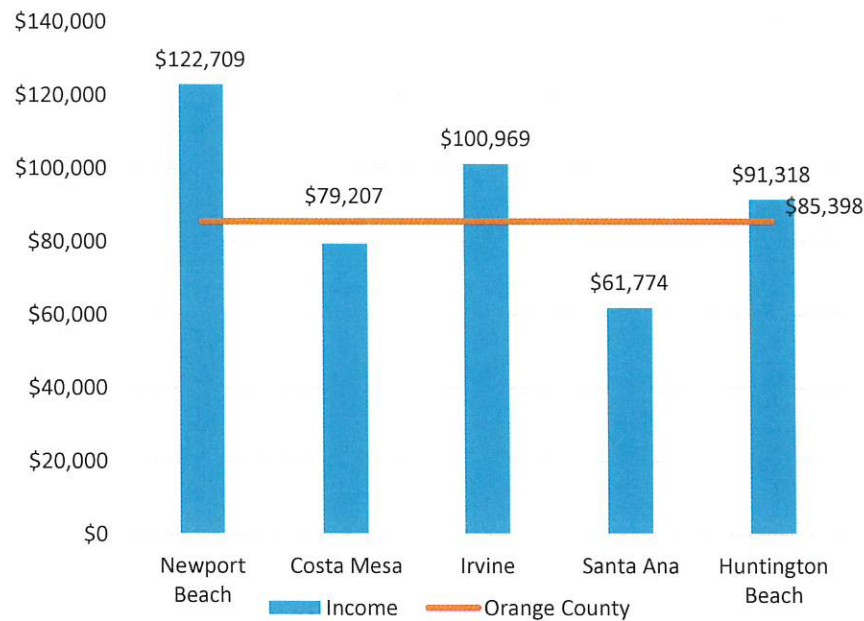
Source: American Community Survey, 5-Year Estimates, 2018.

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married- couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Household s
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
Costa Mesa	17,568	42.8%	4,191	10.2%	16,509	40.2%	41,019
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373

Source: American Community Survey, 5-Year Estimates, 2018.

The following graphic shows that the median household income in Costa Mesa is \$79,207 slightly lower than the county average.



- 4) The Community profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa						
Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	1,520	37.2%	2,571	62.8%	4,091	100%
Source: American Community Survey, 5-Year Estimates, 2018						

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	Total Overcrowded Units	Percent of Total Housing Units
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is \$2,159, \$2,649 for a two bedroom unit, and \$3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2,055	\$2,077	\$2,091	\$2,159	5.1%
2 bedrooms	\$2,553	\$2,582	\$2,579	\$2,649	3.8%
3 Bedrooms	\$3,027	\$3,044	\$3,097	\$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2.48	\$2.57	\$2.97	\$2.83	14.1%
2 bedrooms	\$2.20	\$2.25	\$2.32	\$2.36	7.3%
3+ Bedrooms	\$1.95	\$2.15	\$2.25	\$2.30	17.9%
<i>Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.</i>					

The Community Profile in its entirety will be included in the draft Housing Element and shared at a future meeting.

Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The City will undertake a comprehensive review of all land uses and potential housing sites referred as a "Site Inventory". The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA need without rezoning areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in underutilized areas such as surface parking lots. The ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will only accommodate a small portion of the RHNA allocation.

In discussion with Subject Matter Expert Groups and District-Specific discussions during the community outreach meetings, the following areas were identified as potential areas for housing growth:

- 1) Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision for the site.
- 2) Industrial sites – since this area includes larger parcels, it may be appropriate for housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for industrial areas.
- 3) Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19th Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
- 4) Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus

land. Large church sites with Public/Institutional zoning could also be considered in the analysis.

- 5) Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19th Street, and 17th Street – There is currently a mixed use overlay along Harbor Boulevard that extends from 19th Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17th Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17th Street. Both horizontal and vertical mixed use opportunities could be considered.
- 6) Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
- 7) Accessory Dwelling Units – The City's local ordinance includes development standards that could allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
- 8) Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team will evaluate the above listed areas as part of the Site Inventory Analysis effort and will return to the Planning Commission at a future meeting to discuss the housing constraints analysis, the sites analysis, and the draft policy program.

NEXT STEPS:















The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next month, City staff and our consultant will complete outreach efforts and the Community Profile, and will begin the Constraints and Sites Analysis. A City Council Study Session is planned for March 23, 2021. Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a public comment period, along with a CEQA compliance analysis. Ultimately, to meet the state mandated deadline, public hearings on the Housing Element will need to be held in summer 2021 and an adopted Housing Element submitted to State HCD by October 15, 2021.


MINOO ASHABI
Principal Planner
JENNIFER LE
Director of Economic and
Development Services












ATTACHMENTS:

1. [Social Media Data](#)
2. [Community Survey Summary- English language](#)
3. [Community Survey Summary- Spanish language](#)

HOUSING ELEMENT PUBLIC OUTREACH

English Post	Spanish Post	Date	Facebook Impressions	Instagram Impressions	Nextdoor Impressions	Nixle Texts/emails	Twitter Impressions	Snapshot Emails Sent	Total Impressions
		2/18/21	321						321
		2/17/21	603						603
		2/16/21	635	1,936	443	6,878			9,982
		2/16/21	1,122	2,910					4,032
		2/15/21	713	2,063	443				3,219
		2/14/21	1,125	1,964					3,089
		2/13/21	785	2,139					2,924
		2/12/21	2,115	5,108					7,223

HOUSING ELEMENT PUBLIC OUTREACH

		2/12/21	998	3,466	890		1,151	11,713	18,218
		2/12/21	591	1,573					2,164
		2/11/21	1,158	1,549					2,707
		2/11/21	568	1074					1,642
		2/10/21	488	1053					1,541
		2/8/21	484	1086					1,570
		2/5/21	1,225	2,511	1,077		1,167	11,862	17,842
		2/4/21	1,770	2,232	987		1,265		6,254
			TOTAL IMPRESSIONS FEB. 4 - 18					83,331	



C.7 City Council Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the March 23, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://www.costamesaca.gov/home/showpublisheddocument/47187/637516952381070000>

Minutes: <https://www.costamesaca.gov/home/showpublisheddocument/47746/637552180849270000>

Video Recording: https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true



AGENDA

CITY OF COSTA MESA CITY COUNCIL SPECIAL STUDY SESSION

Tuesday, March 23, 2021

5:00 p.m.

**CITY HALL, CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA**

KATRINA FOLEY - MAYOR

ANDREA MARR - MAYOR PRO TEM

MANUEL CHAVEZ – COUNCIL MEMBER

LOREN GAMEROS - COUNCIL MEMBER

JEFF HARLAN - COUNCIL MEMBER

DON HARPER - COUNCIL MEMBER

ARLIS REYNOLDS – COUNCIL MEMBER

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv) (Note the chat feature on YouTube is disabled).
2. Zoom Webinar:
Please click the link below to join the webinar:
<https://zoom.us/j/94075129334?pwd=Z3B5aUVvU0MrUmRkUFIKaFM4S01Ddz09>
Or sign into Zoom.com and “Join a Meeting”
Enter Webinar ID: **940 7512 9334**/ Password: **030331**
 - If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
 - Select “Join Audio via Computer.”
 - The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
 - During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: Call: [1 669 900 6833](tel:16699006833)

Enter Webinar ID: [940 7512 9334](#)/ Password: [030331](#)

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

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

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at www.costamesaca.gov or by clicking [here](#).

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

**CITY OF COSTA MESA CITY COUNCIL
SPECIAL STUDY SESSION**

TUESDAY, MARCH 23, 2021 – 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL STUDY SESSION ITEM:

Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.

1. [2021-2029 HOUSING ELEMENT – STATUS UPDATE](#) – Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Receive and file.

ADJOURNMENT



CITY COUNCIL – SPECIAL STUDY SESSION AGENDA REPORT

MEETING DATE: MARCH 23, 2021

ITEM NUMBER: 1

SUBJECT: 2021-2029 HOUSING ELEMENT – STATUS UPDATE

DATE: MARCH 11, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

**PRESENTATION BY: JENNIFER LE, DIRECTOR OF ECONOMIC AND
DEVELOPMENT SERVICES
MINOO ASHABI, PRINCIPAL PLANNER**

**FOR FURTHER INFORMATION
CONTACT:**

**MINOO ASHABI, PRINCIPAL PLANNER
minoo.ashabi@costamesaca.gov**

RECOMMENDATION

Receive and file.

PURPOSE

This study session is intended to provide information and receive feedback from the City Council regarding the Housing Element Update. This report includes information regarding Housing Element law, the Regional Housing Needs Assessment (RHNA), the Housing Element community outreach efforts, Costa Mesa's Community Profile data, and an overview of potential areas of the City that could be appropriate to include in the City's forthcoming housing strategy.

BACKGROUND

The Housing Element is one of the required chapters or "elements" of the General Plan and is the only element that has a process for State certification. Costa Mesa's Housing Element is required by state law to be updated every eight years. Adopting a Housing Element requires a General Plan Amendment and is subject to at least one public hearing each by the Planning Commission and the City Council. The adopted General Plan update is required to be submitted to the State Department of Housing and Community Development (HCD) for certification by October 15, 2021.

A City Council Study Session was first held in October 2019 and a second in February 2020 to discuss the Housing Element and RHNA. The staff reports, meeting minutes and videos for these study sessions are available at the following links:

October 8, 2019 Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-10-08/Item-1.pdf>

Meeting Minutes:

<https://www.costamesaca.gov/home/showpublisheddocument?id=46106>

Video:

http://costamesa.granicus.com/player/clip/3458?view_id=10&redirect=true

February 25, 2020 Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-02-25/Item-1.pdf>

Meeting Minutes:

<https://www.costamesaca.gov/home/showpublisheddocument?id=46110>

Video:

https://costamesa.granicus.com/player/clip/3517?view_id=10&redirect=true

Following the February 2020 Study Session, the City retained Kimley–Horn as the City’s consultant expert and launched the Housing Element Update effort in August 2020.

For the Housing Element Update, the City must identify potential land suitable for housing development to meet the City’s RHNA allocation. As part of the update, the City must also establish goals, policies, objectives and an implementation program that responds to recent housing legislation and demonstrates how Costa Mesa will meet its existing and future housing needs for all income levels.

Although the City does not build housing, the Housing Element creates a strategy and high-level regulatory framework that provides opportunities for the private sector to develop housing.

Regional Housing Needs Assessment Update (RHNA)

State law requires that jurisdictions have a certified Housing Element that provides appropriate zoning at adequate residential densities to accommodate the number of units at the required levels of affordability identified in the City’s RHNA allocation. The RHNA allocation is planned for an eight-year cycle. The City is currently in the 6th RHNA/Housing Element cycle with an eight year planning period from October 2021 to October 2029.

Under the Southern California Association of Government’s (SCAG’s) approved RHNA methodology for the 2021-2029 Housing Element planning period, Costa Mesa’s draft RHNA allocation was 11,733 units.

RHNA Appeal

On October 20, 2020, the City Council authorized and directed staff to appeal the RHNA allocation. The City submitted its appeal to SCAG on October 26, 2020. SCAG received a total of 52 appeals (19 from Orange County jurisdictions) indicating several common reasons why the RHNA allocation was unrealistic and could not be accommodated in the eight-year RHNA cycle. City staff presented the appeal at a public hearing on January 22, 2021 and made a compelling argument that there were many constrained areas of land in the City which are subject to external factors and not feasible for housing development within the eight-year cycle.

Even though there was a general discussion among the appeal board members that the 6th cycle RHNA allocation of 1.34 million housing units to the SCAG region was unrealistic and that legislation is needed to modify the RHNA process at the state level, all appeals but two were denied (all Orange County cities' appeals were denied). SCAG's decision was ultimately ratified at its meeting of February 16, 2021. The final RHNA allocation for Costa Mesa was increased slightly from 11,733 to 11,760 housing units due to redistribution of units as a result of the two approved appeals.

Final RHNA Allocation

The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision):

Table 1 – Final RHNA Allocation

Income Category	% of Area Median Income (AMI)	2021-2029 RHNA
Very Low Income	< 50%	2,919
Low Income	51% - 80%	1,794
Moderate Income	81% - 120%	2,088
Above Moderate Income	> 120%	4,959
TOTAL (Costa Mesa)		11,760
TOTAL (SCAG Region)		1,341,827

The area median income for a 4-person household in Orange County in 2020 was \$103,000.

SB 35, AB 72 and Consequences of a Non-compliant Housing Element

A jurisdiction with a non-compliance Housing Element has limited access to state funding programs, potentially jeopardizing millions of dollars in transportation-related grants, CDBG funds, HOME Investment Partnership Program funds, and the newly established Senate Bill 2 and Assembly Bill 101 State planning grants.

In addition, recent legislation such as AB 72 and SB 35 authorizes the State Department of Housing and Community Development (HCD) to find a jurisdiction out of compliance with state housing law. Under those provisions, HCD now has the authority to decertify a

Housing Element, if an action by a City is not in compliance with the adopted Housing Element.

In addition to obtaining a certified Housing Element, every April, cities and counties must submit Annual Progress Reports for the prior year, showing whether they are on-track to meet their RHNA allocation. Progress is measured by how many housing construction permits a city has issued for housing units at various income levels. This requirement is part of Housing Element compliance and is tracked by HCD. If adequate progress is not reported, SB 35 (2017) could be enacted as described later in this report.

The City is also required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the eight year planning period. If those sites are instead developed for market rate housing, the City may eventually trigger the “No Net Loss” provision of State law and will need to identify additional sites to accommodate the unmet need.

AB 72, enacted in 2017, grants HCD the authority to review any action or failure to act by a local government that may be inconsistent with an adopted Housing Element or housing element law. This includes failure to implement program actions included in the Housing Element. Consequently, HCD may revoke Housing Element compliance if the local government’s actions do not comply with state law. HCD’s website on AB 72 (Accountability and Enforcement) lays out potential scenarios, though each case is unique. <https://www.hcd.ca.gov/community-development/accountability-enforcement.shtml>

HCD also has the authority to notify the California Office of the Attorney General that a local jurisdiction is in violation of state law for non-compliance with housing element law, the Housing Accountability Act, “no net loss” law, density bonus law, or anti-discrimination law. A non-compliant Housing Element would mean that the City could be subject to the following actions.

1. Potential loss of access to certain State grant funds
2. Potential loss of control over development; for example, a city may be required to approve any proposed development that offers at least 20% of the units affordable to low-income households. CEQA streamlining provisions may also be applied to these projects.
3. A court may suspend the City’s authority to issue any building permits or other approvals.
4. HCD may forward a noncompliance case to the California Office of the Attorney General.
5. Developers and housing advocacy groups may sue the city.

PAST PERFORMANCE

The projected housing need for the SCAG region for the 5th cycle RHNA 2013 to 2021 planning period was 412,137 units. The City’s RHNA allocation for the 5th Cycle 2013 to

2021 planning period was only two housing units (one very low income unit and one low income unit). In general, many cities received low RHNA allocations during the 5th cycle (Newport Beach was allocated five units and Laguna Beach two units) due to several factors such as foreclosures and high vacancy rates during the recession.

Per Government Code section 65400 the City has prepared annual progress reports (APR) on the status of the Housing Element and the City's progress in meeting its RHNA allocation. <https://www.costamesaca.gov/city-hall/city-departments/development-services/approved-plans-for-city/2015-2035-general-plan/general-plan-annual-reports>

The most recent report shows that between 2014 and 2019, the City finalized building permits for 948 new housing units. Of those, eight housing units fell into lower income categories. Additional housing units are currently under construction, including an additional nine deed-restricted "very low income" units associated with the project at the former Costa Mesa Motor Inn site (2277 Harbor Boulevard). As such, the City expects to meet and exceed its RHNA allocation for this planning period.

HOUSING ELEMENT UPDATE

California's housing element law acknowledges that for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.

The Housing Element does not mandate construction of units, though SB 35 streamlining provisions (which are already in place), may become stricter if housing construction is not occurring. Currently under SB 35, the City is required to provide developers with the opportunity to streamline development as outlined in the law for developments proposing at least 50% affordable housing. This is because the City has done a good job meeting its RHNA need in the 5th cycle. That threshold could drop to 10% affordable housing if during HCDs annual review, the City is found to not be keeping proportionate pace of housing. As long as the City plans for and maintains capacity to accommodate housing units at all income levels, the City should remain in compliance.

Following the adoption of the Housing Element and its associated policies and implementation program, the City has three years to complete any follow-up actions related to the General Plan or Zoning for housing sites as outlined in the Housing Element implementation program.

The Housing Element contains the following major components:

- Community Profile
- Opportunities and Constraints Analysis
- Goals, policies and objectives
- Implementation Program
- Appendices
 - Summary of Community Outreach

- Review of Past Performance
- Sites Analysis

The following sections discuss the various components of the Housing Element Update currently underway.

Community Outreach

Based on direction from the City Council, staff have worked with Kimley-Horn to implement a comprehensive outreach approach including using creative methods to engage harder-to-reach populations including senior citizens, families experiencing or at risk of housing insecurity, and non-English speakers. The following is a summary of the major outreach events completed to date:

1. Virtual Townhalls – The first townhall meeting was held on November 18, 2020. The intent of this meeting was to introduce the Housing Element requirements and provide an overview of the process. More than 65 individuals participated. There was a general presentation on the Housing Element Update and public comments were received. The presentation and video of the meeting are available at this link: <https://www.costamesaca.gov/home/showpublisheddocument?id=46282>
<https://www.youtube.com/watch?v=Y5GNLnLabD4&feature=youtu.be>
2. Community Surveys – Following the townhall meeting, a survey was released in English and Spanish; it was intended to gather high-level information required to understand the general views of Costa Mesa residents on housing issues as prompted by key housing and affordability questions. Staff used several methods to publicize the survey by distribution of fliers, posting on the City's website and social media as well as the City's snapshot articles. Email blasts were also sent to the Housing Element interest list, home builders, stakeholders, school district staff, and utility contacts. The survey window closed on February 22, 2021; 465 surveys were received including 447 in English and 18 in Spanish. There were 10 questions in the survey including questions related to which district the respondents live, whether they own or rent their home, housing availability, questions regarding desired multi-family and single-family housing types, opportunity areas for additional housing and the age group of the respondents. There were also more than 160 written comments received that staff is in the process of analyzing. A summary of the survey results is included as Attachments 2, 3, and 4.
3. District-specific Meetings – Two District-specific workshops were held on February 17 and 18, 2021 to allow for a more detailed discussion of the unique issues and opportunities within each Council district. The first meeting included districts one, two and three; the second meeting included districts four, five and six. Both meetings started with an overview of the Housing Element and were followed by break out rooms (one per district) to discuss constraints, potential housing opportunity sites, and compatible housing types for each district. Each meeting also included a breakout room for Spanish language participants. The District

presentation and break out room videos are posted on the Housing Element Webpage.

4. Subject Matter Expert Meetings – Staff held meetings to solicit feedback from groups that may hold specific expertise or information related to housing resources or housing needs such as community organizations, home builders, affordable housing developers, homeless services providers and housing advocates. In addition, staff is in the process of meeting with major landowners and holding targeted meetings with neighborhood groups in harder-to-reach areas of the community.
 - Home Builders/ Developers - Staff held a meeting with housing developers and home builders, which was attended by 11 participants. The following ideas and comments regarding constraints and opportunities were shared at this meeting:
 - By right residential zoning in appropriate areas (for example, specific plans or downtowns plans) is recommended
 - Lower parking standards to match parking demand for large residential complexes
 - Uncertainty associated with the Measure Y process discourages investment
 - Expedite and streamline planning application processing
 - Provide a clear, comprehensive fee schedule
 - Defer development impact fees
 - Housing Advocacy Groups – There were five participants in this meeting. The following general ideas and comments regarding constraints and opportunities were shared:
 - Housing Element should plan for workforce housing
 - Housing development in Costa Mesa has been unbalanced with an increase in above-moderate income housing and not enough affordable housing
 - Combine changes in zoning with an inclusionary housing ordinance to achieve affordability with new development
 - Provide by right zoning for housing development in appropriate locations
 - Partner with churches and City-owned properties to develop housing in underutilized parking lots
 - Housing should be equitable and distributed fairly in the community
 - There is a need for larger units to accommodate larger households at affordable levels
 - Homeless and service Providers – There were seven participants in this meeting who specialized in homeless services, transitional and permanent housing for homeless individuals and families as well as social services for

domestic violence and women and children. The following general ideas regarding constraints and opportunities were shared:

- Setting aside affordable housing with each development should be considered
 - Density bonus should be encouraged with relaxed parking standards
 - Option of a 99-year ground lease on City properties for housing development should be considered
 - Education and services are needed to help individuals facing housing challenges such as improving credit score, filing paperwork, fear of immigration issues, and mental illness
 - Supportive housing with wraparound services, employment training, subsidized housing, education and mentorship programs are needed
 - Tenant Based Rental Assistance (TBRA) and other rental subsidy programs are needed
 - Place housing close to transportation and providing bike and pedestrian accessibility
 - Alternative housing options such as co-living and conversion of commercial and office building into residential units are recommended
 - Tiny house sites are recommended
5. Outreach Materials in English and Spanish – The meeting fliers, email blasts, social media posts, and PowerPoint presentations for the virtual townhall and district-specific meetings were provided in both English and Spanish. In addition, Spanish language breakout groups at the district-specific meetings were offered for a more in depth discussion with the Spanish speaking community.
6. Social Media, Community Platforms, and Online Engagement – There has been a consistent focus on online engagement through multiple platforms including the City’s website e-blasts, social media including Facebook and Twitter, community sharing platforms such as NextDoor, and text blasts. By early March, there were a total of 83,331 “impressions” on social media; summary information on the total number of engagements for each posting is provided as Attachment 1.

City staff are continuing its community outreach efforts including: connecting with community organizations and neighborhood leaders to engage in more detailed conversations with harder-to-reach communities; meetings with major landowners to discuss future plans for vacant sites and sites under development agreements; and launch of a series of short videos focused on the Housing Element and community housing issues. A detailed description of feedback received for all outreach efforts will be included in the draft Housing Element.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. Such data is useful in understanding the community's changing demographics and to inform future policy discussions regarding existing and future housing needs. Specifically, the Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Basically, the Community Profile provides a baseline analysis to inform the goals, programs, and policies included in the Housing Element.

The information in the Community Profile is divided into three major topics of: Population, Economics, and Household Characteristics that are discussed as follows.

1. **Population Characteristics** – This data includes population growth at the City level, population age characteristics, and population race/ethnicity characteristics. The following is a snapshot of population growth in Costa Mesa and adjacent cities:

Jurisdictions	Population					Percent Change	
	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2040 Projected	2010- 2020	2020-2040
Newport Beach	85,186	86,300	89,300	92,300	92,700	4.8%	3.8%
Costa Mesa	109,960	111,200	113,900	116,500	116,400	3.6%	2.2%
Irvine	212,375	227,100	296,300	326,700	327,300	39.5%	10.5%
Santa Ana	324,528	329,200	340,600	343,400	343,100	5%	0.7%
Huntington Beach	189,992	193,200	203,800	207,300	207,100	7.3%	1.6%
Orange County	3,010,232	3,072,000	3,271,000	3,431,000	3,461,000	8.7%	5.8%
<i>Sources: Bureau of the Census (2010) and SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.</i>							

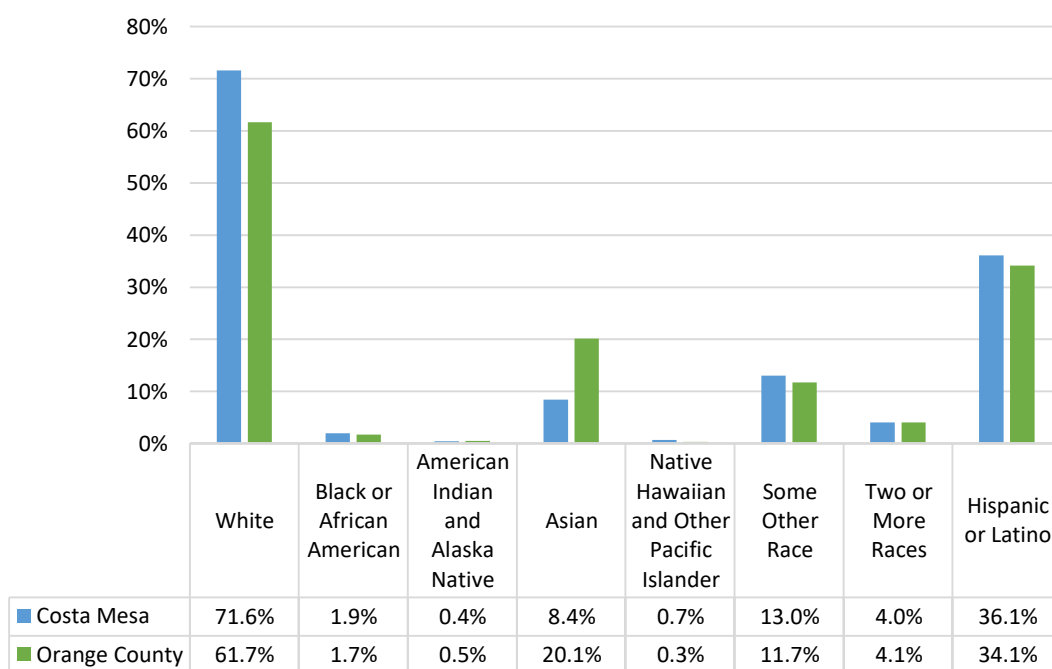
The following table shows age distribution in Costa Mesa showing that 20.3% of the population is 17 years old and under, 9.6% is 18 to 24 years old, 35.2% are ages 25 to 44, 24.3% are ages 45 to 64, and 10.7% of the population is 65 years old or above.

Table 2: Age Distribution by Jurisdiction, 2018							
Jurisdiction	Under 5	5 to 14	15 to 17	18 to 24	25 to 44	45 to 64	65 years +
Newport Beach	3.9%	10%	3.5%	6.3%	23.4%	30.2%	22.7%
Costa Mesa	5.7%	11.4%	3.2%	9.6%	35.2%	24.3%	10.7%
Irvine	6.4%	12.4%	3.6%	13%	30.8%	23.9%	9.9%
Santa Ana	7.5%	15.2%	4.4%	11.3%	30.9%	22.1%	8.6%
Huntington Beach	5.2%	10.9%	3.5%	7.6%	27%	29%	16.9%
Orange County	6.0%	12.5%	4%	9.5%	27.4%	26.6%	13.9%
Source: American Community Survey, 5-Year Estimates, 2018							

The following table shows racial and ethnic distribution in Costa Mesa.

Table 3: Racial and Ethnic Composition, 2018								
Jurisdiction	White	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Persons of Hispanic or Latino Origin (of any race)
Newport Beach	85.3%	0.8%	0.3%	8.3%	0.2%	2.1%	3.1%	9%
Costa Mesa	71.6	1.9%	0.4%	8.4%	0.7%	13%	4%	36.1%
Irvine	47.6%	1.9%	0.2%	42.3%	0.2%	2.8%	5.2%	10.3%
Santa Ana	44.2%	1.1%	0.6%	11.8%	0.2%	40.1%	1.9%	76.8%
Huntington Beach	72.4%	1.4%	0.6%	12.1%	0.4%	7.7%	5.4%	20.0%
Orange County	61.7%	1.7%	0.5%	20.1%	0.3%	11.7%	4.1%	34.1%
Source: American Community Survey, 5-Year Estimates, 2018.								

The following chart represents the ethnic and racial composition of the City in comparison to Orange County.



2. **Economics Characteristics** – This data includes wages, employment, industry sectors, unemployment rates and median salaries by occupation. The following is a snapshot of the employment data of Costa Mesa and adjacent cities and shows a steady increase in employment in the county and in local cities.

Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	84,600	89,600	92,700	93,200	5.9%	4.0%	8,600
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

The following table shows employment growth in the City and adjacent cities.

Table 5: Employment Growth Trends, 2012-2040							
Jurisdiction	2012	2020	2035	2040	% Change 2012-2020	% Change 2020-2040	Numeric Change 2012-2040
Newport Beach	76,000	77,900	78,900	79,100	2.5%	1.5%	3,100
Costa Mesa	84,600	89,600	92,700	93,200	5.9%	4.0%	8,600
Irvine	224,400	280,600	314,000	320,000	25.0%	14.0%	95,600
Santa Ana	154,800	160,600	165,200	166,000	3.7%	3.4%	11,200
Huntington Beach	75,800	82,900	86,400	87,000	9.4%	4.9%	11,200
Orange County	1,526,000	1,730,000	1,870,000	1,899,000	13.4%	9.8%	373,000
Source: SCAG 2016-2040 Regional Growth Forecast by Jurisdiction Report.							

3. **Households Characteristics** – This data includes household types and size, and median incomes. In Costa Mesa, the total number of households is 41,019. The following is a snapshot of household data, which shows that 10.7% of the population in Costa Mesa is over 65, which is similar to Irvine and Santa Ana but lower than other adjacent coastal cities.

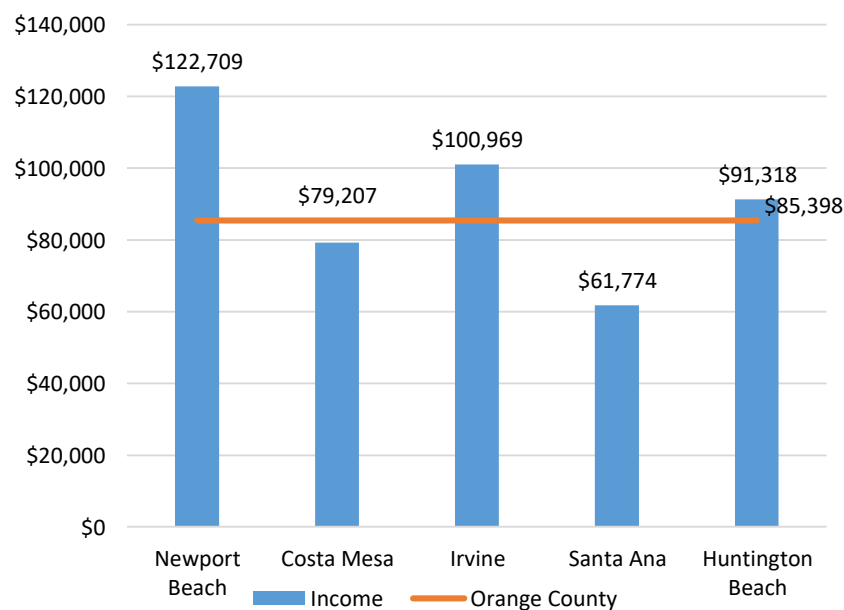
Persons 65 and over		
Jurisdiction	Population Count	Percent
Newport Beach	19,574	22.7%
Costa Mesa	12,138	10.7%
Irvine	26,228	9.9%
Santa Ana	28,621	8.6%
Huntington Beach	34,002	16.9%
Orange County	440,488	13.9%
Source: American Community Survey, 5-Year Estimates, 2018.		

The following table shows that in Costa Mesa 42.8% of households are married-couple households in comparison with the County that has 54.7% married-couple households. 40.2% are non-family households, with 10.2% being female-headed households.

Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Spouse Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Newport Beach	18,965	50.1%	1,870	4.9%	16,088	42.5%	37,870
Costa Mesa	17,568	42.8%	4,191	10.2%	16,509	40.2%	41,019
Irvine	51,682	54.2%	8,418	8.8%	31,636	33.2%	95,371
Santa Ana	41,543	54.3%	13,754	18.0%	14,337	18.7%	76,521
Huntington Beach	37,588	48.9%	8,263	10.8%	26,961	35.1%	76,821
Orange County	564,685	54.7%	121,753	11.8%	290,652	28.2%	1,032,373

Source: American Community Survey, 5-Year Estimates, 2018.

The following graphic shows that the median household income in Costa Mesa is \$79,207 slightly lower than the county average.



- Housing Issues** - The Community Profile also analyzes data on housing issues such as overcrowding, over-payment/cost burden, large households, single-parent households, homeless individuals, special needs groups and seniors. The following is a snapshot of the housing data regarding large households, which shows that large households constitute approximately 10% of total households. Of those large households, 62.8% are renter households and 37.2% are owner households.

Large Households by Tenure in Costa Mesa						
Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	944	62.1%	1,441	56%	2,385	58.3%
6-person household	278	18.3%	728	28.3%	1,006	24.6%
7-or-more person Households	298	19.6%	402	15.6%	700	17.1%
Total	1,520	37.2%	2,571	62.8%	4,091	100%
<i>Source: American Community Survey, 5-Year Estimates, 2018</i>						

The following is a snapshot of the housing data regarding overcrowding, which shows that 9% of Costa Mesa's housing units are considered "overcrowded", similar to the County overall.

Table 17: Overcrowded Housing Units		
Jurisdiction	Total Overcrowded Units	Percent of Total Housing Units
Newport Beach	570	1.5%
Costa Mesa	3,686	9%
Irvine	5,879	6.2%
Santa Ana	23,845	31.2%
Huntington Beach	2,848	3.7%
Orange County	91,513	8.9%
<i>Source: American Community Survey, 5-Year Estimates, 2018.</i>		

The following is a snapshot of the housing data regarding rental rates, which shows that as of January 2020, average monthly rent for a one bedroom rental unit is \$2,159, \$2,649 for a two bedroom unit, and \$3,160 for a three bedroom unit.

Table 32: Average Monthly Rental Rates, 2017-2020					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2,055	\$2,077	\$2,091	\$2,159	5.1%
2 bedrooms	\$2,553	\$2,582	\$2,579	\$2,649	3.8%
3 Bedrooms	\$3,027	\$3,044	\$3,097	\$3,160	4.4%
Price per Square Foot					
Unit Type	January 2017	January 2018	January 2019	January 2020	% Change 2017-2020
1 Bedroom	\$2.48	\$2.57	\$2.97	\$2.83	14.1%
2 bedrooms	\$2.20	\$2.25	\$2.32	\$2.36	7.3%
3+ Bedrooms	\$1.95	\$2.15	\$2.25	\$2.30	17.9%
Source: Zillow Rent Index Report, January 2017-2020, accessed August 17, 2020.					

The Community Profile in its entirety will be included in the draft Housing Element.

Housing Programs and Policies

In addition to the Community Profile, the Housing Element must include an analysis of opportunities and constraints (both governmental and non-governmental) and must also articulate housing goals, policies and objectives that support and promote housing. Previous Housing Element goals and policies focused on: 1) preserving the existing housing stock including mobile home parks; 2) promoting use of programs such as density bonus to promote affordable housing development; 3) encouraging development or maintenance of a range of housing types that varies sufficiently in terms of cost, design, size, location, and tenure; and 4) ensuring existing and future housing opportunities are open and available to all social and economic segments of the community.

Given that the 6th Cyle RHNA allocation includes 11,760 units, the policies and programs of this Housing Element Update will need to be more detailed and assertive to ensure compliance with State requirements and to support future compatible housing opportunities over the next 8 years.

Site Inventory Analysis

In addition to programs and policies that encourage housing at all income levels, the Housing Element is required to identify specific sites where housing could be located. The Housing Element team will undertake a comprehensive review of all land uses and potential housing sites referred as a "Site Inventory". The site analysis process will consider the fair and equitable distribution of housing throughout the City and at all income levels.

While the sites analysis is not complete, it is clear that because the City has very few areas which permit residential development at or above 30 du/ac (the default density identified by State HCD as the density at which the market may create affordable housing), the City likely does not have the existing capacity to meet its RHNA allocation in affordable categories without re-visioning and revising zoning in certain areas. In fact, the City's base zoning districts do not allow more than 20 du/acre, with higher densities allowed in certain areas by specific plan, overlay/urban plan or other means.

Given the high RHNA allocation of 11,760 units, a combination of strategies will need to be considered such as: modifying the zoning in appropriate locations to allow a minimum density of 30 du/acre to meet the default density requirements set by State HCD; revisiting the City's Urban Plans and Specific Plans to allow higher densities at strategic locations such as on Commercial and Industrial sites; and planning for housing development in appropriate underutilized areas such as surface parking lots. ADUs and Junior ADUs could contribute additional units in lower density areas of the city; however, this strategy will likely accommodate only a small portion of the RHNA allocation.

In discussions with Subject Matter Expert groups and during the District-Specific outreach meetings, the following areas were identified as potential areas for housing:

1. Fairview Developmental Center – This site is currently zoned to allow 582 units. Additional units could be accommodated at the large 100-acre site; however, given that the site is owned and operated by the State Department of General Services, the City will need to continue to coordinate with the State as to the future vision and opportunities for housing at the site.
2. Industrial sites – There are three major industrial hubs within the City:
 - a. the area north of the I-405, some of which is covered by the North Costa Mesa Specific Plan;
 - b. the industrial area near Baker Block; and
 - c. the industrial area near John Wayne Airport.

Since these areas include larger parcels, such parcels may be appropriate for larger scale housing development; however, for industrial areas near John Wayne Airport, the airport noise contours may limit opportunities. Properties in the industrial area near Baker Block could also be considered. The City will need to evaluate long-term fiscal and employment considerations as part of its land use policy discussions for housing in these industrial areas.

3. Newport Boulevard Specific Plan area – The Specific Plan that includes properties fronting Old Newport Boulevard from Mesa Drive to 19th Street was adopted in 1996. The Specific Plan allows for residential development at a maximum density of 17 du/acre. Additional housing opportunities could be possible in this area.
4. Surplus School and Church properties – School sites are largely overseen by the school district and the State; however, the City could evaluate potential surplus land. Large church sites with Public/Institutional zoning could also be considered in the analysis.
5. Mixed Use Zoning along Major Commercial Corridors such as Harbor Boulevard, 19th Street, and 17th Street – There is currently a mixed use overlay along Harbor

Boulevard that extends from 19th Street to north of Victoria Street that could be modified to allow more options for mixed use and residential development. Suggestions were also made to consider walk up apartments either along 17th Street as mixed use development or in close proximity to take advantage of the pedestrian connections on 17th Street. Both horizontal and vertical mixed use opportunities could be considered.

6. Rezone of Commercial Centers with high vacancy – The City could evaluate commercial centers with high vacancy rates to allow an option for mixed use development.
7. Accessory Dwelling Units – The City's local ordinance includes development standards that allow for and encourage ADU and Junior ADU development. These units could be counted toward the City's RHNA allocation and provide additional housing opportunities in neighborhoods with existing low density housing.
8. Focus on Reuse of Commercial and Industrial Sites instead of Redevelopment of Existing Housing Sites - In order to maintain the City's current housing stock, policies related to rehabilitation of existing housing and a focus on non-residential sites such as commercial and industrial areas for additional housing may be desired.

City staff and our consultant team are evaluating the above listed areas as part of the Sites Analysis effort and will return to the City Council at a future meeting to discuss the opportunities and constraints analysis, sites analysis, and the draft policy and implementation program.

Measure Y

As the Housing Element team evaluates areas throughout the City for its ability to support compatible housing projects in Costa Mesa, it appears that Measure Y may present a major challenge in developing a compliant Housing Element. While the state-required Housing Element update itself is exempt from Measure Y, the language of Measure Y is unclear as to how it might apply to any planning or zoning efforts necessary to meet the State-mandated RHNA allocation. Should the City fail to achieve Housing Element certification or fall out of compliance due to an inability to plan or zone for housing needs, the City would be subject to sanctions such as ineligibility for state grants and the loss of transportation funding. This is important as the City receives approximately \$5 million per year in funding from the state which currently funds the City's streets, curb and gutter repair, active transportation and other critical infrastructure projects.

In addition to difficulties in maintaining a compliant Housing Element, Measure Y appears to present an impediment to property owners deciding to develop housing in Costa Mesa because of the uncertainty that arises from the need for a ballot measure requiring voter approval. Such potential impediments make it difficult for the City to maintain a compliant Housing Element (given a RHNA allocation of this magnitude), and/or to show sufficient progress toward meeting the City's RHNA allocation each year as required by state law. Staff has already seen a number of interested property owners and developers choose

to invest in other communities rather than risk the time, cost and uncertainty of processing a request through Measure Y.

Maintaining a compliant Housing Element in the context of Measure Y is an important issue warranting continued conversations with the Costa Mesa community, housing advocates, property owners and City staff and officials. Ultimately, we must come to consensus on how to move forward with a successful housing strategy that allows us to achieve our common housing goals.

PLANNING COMMISSION STUDY SESSION

The Planning Commission held a study session on March 1, 2021. There were six public speakers who provided comments regarding several topics including: 1) the importance of an inclusionary housing ordinance with a minimum affordability requirement; 2) amending the Urban Plan and Residential Incentive Overlays to require a minimum affordability requirement; 3) upzoning Fairview Developmental Center to allow a mix of uses, densities and housing types; 4) including provisions for permanent supportive housing; 5) allowing higher densities to attract market rate housing developers that could lead to development of affordable housing; and 6) recognizing Measure Y as a potential impediment, consequences of non-compliance, and that SB 35 that could lead to housing development without California Environmental Quality Act (CEQA) compliance.

The Planning Commission discussed the City's challenges in meeting its high RHNA allocation and provided comments including but not limited to the following:

1. Importance of recognizing that non-compliance with RHNA/State laws will have consequences such as losing local control and streamlining of projects without local input
2. State requirement of AB 1397 related to site area of ½ acre minimum and 10 acre maximum for housing development will affect the City's sites analysis
3. Consideration of allowing for housing on large parking lots of commercial properties
4. Consideration of clustering development in appropriate locations while maintaining open space and the potential for a transfer of development rights policy
5. Consideration of policies that lead to a variety of housing types and designs that are compatible with the Costa Mesa fabric and meet the needs of various populations in terms of household type, age, and income groups
6. Consideration of City-owned properties for housing development
7. Consideration of housing policies that provide a pathway to homeownership

The Planning Commission Study Session can be viewed at the following link:
https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

NEXT STEPS:

The next few months are critical to the Housing Element Update process and to meeting the State mandated timeline for adoption. In the next few months, the Housing Element Update team will:

- Continue with targeted community outreach efforts
- Complete the Opportunities and Constraints analysis and the comprehensive Sites Analysis
- Hold a joint Planning Commission/City Council Study Session in April to discuss the housing strategy for meeting the City's RHNA allocation, potential programs and policies, and the Housing Element Implementation Program

Based on collected data, public input, and feedback from the Planning Commission and City Council, staff will complete a draft Housing Element for public review, referred to as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period. After, the revised draft will be submitted to HCD for review. Following any revisions, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

MINOO ASHABI
Principal Planner

JENNIFER LE
Director of Economic and
Development Services

ATTACHMENTS:

1. [Social Media Data](#)
2. [Community Survey Summary- English language](#)
3. [Community Survey Summary- Spanish language](#)
4. [Community Survey Comments Summary](#)



C.8 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the April 27, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://www.costamesaca.gov/home/showpublisheddocument/47682/637551264967530000>

Minutes: <https://www.costamesaca.gov/home/showpublisheddocument/48002/637571885573630000>

Video Recording: https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true



AGENDA

**CITY OF COSTA MESA
CITY COUNCIL AND PLANNING COMMISSION
SPECIAL JOINT STUDY SESSION
Tuesday, April 27, 2021, 5:00 p.m.
VIRTUAL LOCATIONS, COSTA MESA, CALIFORNIA**

**JOHN STEPHENS - MAYOR
ANDREA MARR - MAYOR PRO TEM
MANUEL CHAVEZ – COUNCIL MEMBER
LOREN GAMEROS - COUNCIL MEMBER
JEFF HARLAN - COUNCIL MEMBER
DON HARPER - COUNCIL MEMBER
ARLIS REYNOLDS – COUNCIL MEMBER
BYRON DE ARAKAL – PLANNING COMMISSION CHAIR
KEDARIOUS COLBERT – PLANNING COMMISSION VICE CHAIR
ADAM ERETH – PLANNING COMMISSIONER
DIANNE RUSSELL – PLANNING COMMISSIONER
RUSSELL TOLER – PLANNING COMMISSIONER
JENNA TOURJE – PLANNING COMMISSIONER
JON ZICH – PLANNING COMMISSIONER**

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

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

2. Zoom Webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/98137963334?pwd=RnBkRThrdGhVaCtnZmtWbEU4eWtWZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: **981 3796 3334**/Password: **440975**

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

Participate via telephone: Call: **1 669 900 6833**

Enter Webinar ID: [981 3796 3334](#)/Password: [440975](#)

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 2 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

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

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at www.costamesaca.gov or by clicking [here](#).

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

**CITY OF COSTA MESA CITY COUNCIL AND PLANNING COMMISSION
SPECIAL JOINT STUDY SESSION**

TUESDAY, APRIL 27, 2021 – 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE – Mayor Stephens

ROLL CALL

SPECIAL STUDY SESSION ITEM:

Public comments will be heard after staff presentation. Public comments are limited to 2 minutes, or as otherwise directed.

1. [2021-2029 HOUSING ELEMENT](#) – Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council and Planning Commission:

Provide feedback and receive and file.

ADJOURNMENT



CITY COUNCIL/ PLANNING COMMISSION- JOINT STUDY SESSION AGENDA REPORT

MEETING DATE: APRIL 27, 2021

ITEM NUMBER: 1

SUBJECT: 2021-2029 HOUSING ELEMENT – COMMUNITY PROFILE,
OPPORTUNITIES AND CONSTRAINTS, AND SITE SELECTION
PROCESS

DATE: APRIL 23, 2021

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, PRINCIPAL PLANNER
MINOO.ASHABI@COSTAMESACA.GOV

RECOMMENDATION:

Provide feedback and receive and file.

PURPOSE:

This joint study session is intended to update and receive feedback from the Planning Commission and City Council on the Housing Element Update. The report is organized into three sections: 1) the Community Profile; 2) opportunities and constraints for housing; and 3) potential housing opportunities to meet the City's Regional Housing Needs Assessment (RHNA) allocation.

BACKGROUND:

With the Housing Element update, the City must identify potential land suitable for housing development to meet the City's RHNA allocation. In addition, the Housing Element will provide goals, objectives, policies, and implementation programs demonstrating how Costa Mesa intends to meet its housing needs for all income levels and address recent housing legislation adopted in response to the state's housing shortage.

Per State law, a City-Council approved Housing Element is required to be submitted to the HCD by October 2021. Costa Mesa's RHNA allocation for the 2021-2029 Housing Element planning period is 11,760 dwelling units.

RHNA Allocation

The basis of the Housing Element Update is compliance with RHNA. The following table provides a breakdown of Costa Mesa's final RHNA allocation by state-defined income category based on SCAG's March 3, 2021 decision:

Table 1 – Final RHNA Allocation					
Income Category	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. – Max.		RHNA Allocation
Very Low Income	0-50% AMI	\$961 - \$1,281	--	\$64,050	2,919 units
Low Income	51-80% AMI	\$2,561	\$64,051	\$102,450	1,794 units
Moderate Income	81-120% AMI	\$3,090	\$102,451	\$123,600	2,088 units
Above Moderate Income	>120% AMI	>\$3,090	\$123,601	--	4,959 units
Total					11,760 units

The affordability rates are based on the area median income for a 4-person household in Orange County which was \$103,000 in 2020.

Previous Study Sessions

A Planning Commission Study Session was held on March 1, 2021 and a City Council Study Session was held on March 23, 2021. The staff reports and meeting videos for these study sessions are available at the following links:

March 23, 2021 City Council Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf>

Meeting Video:

https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true

March 1, 2021 Planning Commission Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf>

Meeting Video:

https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance, Costa Mesa's demographics and preliminary Community Profile data, summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The previous Study Sessions held with the Planning Commission and City Council focused primarily on the legal requirements and process cities must follow pursuant to State law to update the City's Housing Element for the 2021-2029 8-year cycle. The focus of this report is on the Opportunity and Constraints analysis and the

Housing Opportunity Sites process – two major components of the Housing Element Update for the City of Costa Mesa that will be provided to the State's Department of Housing and Community Development (HCD).

HOUSING ELEMENT UPDATE:

The Housing Element contains the following major components:

1. Community Profile
2. Opportunities and Constraints Analysis
3. Goals, policies and objectives
4. Implementation Program
5. Appendices:
 - Summary of Community Outreach
 - Review of Past Performance
 - Sites Analysis

The following sections discuss the components of the Housing Element Update.

Community Profile

The first step in development of the Housing Element is to collect the housing, population, and economic data for the City and to summarize this information for the community and decision-makers. At the March 23rd City Council study session, preliminary Community Profile data was presented. The draft Community Profile section of the Housing Element has been completed and is included as Attachment 1.

The Community Profile describes the community's population, employment, economics, and household characteristics. Special needs groups and housing stock characteristics are also described. Such data is useful in understanding the community's changing demographics and serves as the foundation for the Housing Element's policies by describing and assessing the factors and characteristics that contribute to the supply and demand for housing in Costa Mesa.

In summary, the Community Profile indicates that:

- Costa Mesa's population is showing aging trends; therefore, housing policies should consider the needs of seniors who typically have a fixed income, need accessibility accommodations, and may seek options for senior communities or assisted living. Multigenerational and large family housing options should also be considered.
- The majority of housing units in Costa Mesa were built over 30 years ago – households in older homes may benefit from assistance programs for renovating their homes to ensuring safe living environments and improve the City's housing stock.
- Costa Mesa experienced the lowest growth in new housing units in the past decade in comparison to neighboring cities. The Opportunities and Constraints analysis

evaluates the factors that may play a role in slow housing development. Housing policies that seek to lessen constraints should be considered.

- By household income, Table 2 shows that approximately 48% of Costa Mesa households fall into lower income categories. Based on market rental and ownership rates, most lower income households are not able to afford to buy or rent most housing in Costa Mesa. Over the long-term, the lack of access can lead to overcrowding, overpayment, and migration of Costa Mesa residents to other communities that are more affordable. This data indicates that production of and access to affordable housing and homeownership facilitation should be considered in the City's housing policies.

Table 2 – Households by Income Category, 2020		
Income Category (% of Orange County's AMI)	No. of Households	Percent
Extremely Low (30% AMI or less)	6,610	16.3%
Very Low (31 to 50% AMI)	5,220	12.9%
Low (51 to 80% AMI)	7,325	18.1%
Moderate or Above (over 80% AMI)	21,405	52.8%
Total	40,555	100%
Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017		

A short video explaining the highlights of the profile is available on the website at this link:

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

Housing Opportunities and Constraints

As part of the Opportunities and Constraints Analysis, the City must identify potential constraints to housing development such as:

- 1) Government regulation including zoning and development standards as well as local initiatives like Measure Y;
- 2) Protected land or unsuitable land (e.g. land with protected habitat, land within the airport vicinity, land with environmental conditions of concern, and land otherwise physically unsuitable for residential development; and,
- 3) Land value and housing construction costs.

The discussion is divided into non-governmental constraints and governmental constraints, though the feasibility and likelihood of housing development are affected by a combination and synergies between both.

In addition, resources and opportunities for promoting housing are identified. These opportunities include potential programs to encourage affordable housing (e.g., density

bonus laws, an inclusionary housing ordinance, and CDBG, HOME grant funds, and other funding sources which may be used to fund local housing programs). In addition, potential areas or “opportunity sites” for housing development are identified based on land suitability and feasibility of housing development within the 8-year Housing Element cycle.

Non-Governmental Constraints - Land and Construction Cost

Nongovernmental constraints such as availability and cost of land, housing demand, financing, construction and labor cost largely affect the cost of housing and can produce barriers to housing production and affordability. These constraints can make it challenging for developers to build housing, and especially affordable housing. Although Housing Element policies and programs cannot directly affect these market factors, it aims to mitigate these external factors through the creation of land use policies that encourage housing development and make housing available at affordable rates.

Governmental Constraints – Local Regulations and Process

In addition to market conditions and constraints, local factors affect the cost, price and feasibility of housing development and affordable housing. Regulations related to environmental review, zoning, development standards, building codes, and similar regulations could have significant impacts on housing cost and availability. While the City has no control over State and Federal Laws, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the development and improvement of housing stock and can be addressed by local programs.

Local Land Use Constraints

The Housing Element evaluates the effects of current land use regulations such as overlay zones, height and density restrictions, parking standards, Floor Area Ratios and trip budgets on housing development. Although regulations and development standards are a part of the development environment in every community and are important to maintaining a well-planned compatible community plan, such regulations may become a constraint when the cumulative regulatory environment places an undue burden and thus has the unintended consequence of discouraging development.

The discussion with major landowners and developers as part of the Outreach Program indicated the following major factors in development decisions:

- a. Certainty in the entitlement process in the form of by-right development with clear codified development standards and requirements encourages investment;
- b. Any requirement to place certain development projects on the local ballot for a vote (e.g. Measure Y) discourages investment;
- c. A comprehensive and readily accessible list of City-wide development fees is desired;
- d. Streamlined processing is preferred;

- e. The need to allow for higher residential densities, depending on product types and in appropriate locations (for example, 100 du/acre north of 405 Freeway may be appropriate while 20 to 40 du/acre may be appropriate on the Westside); and,
- f. Flexible parking standards to match parking demand especially for larger residential complexes is desirable;

Measure Y

Measure Y requires voter approval of development projects that meet certain thresholds. In general, projects that require a General Plan Amendment, Specific Plan Amendment or Zone Change and add 40 units or more, or 10,000 square feet of new building area, or meet other specified criteria would be subject to voter approval under Measure Y. In effect, Measure Y locks in land use plans and regulations as of 2016 and limits the City's ability to modify those plans to respond to a changing market or changed conditions without triggering a vote of the City's electorate.

Of the 34 cities in Orange County, there are only a few cities that require certain housing development projects be subject to voter approval. While it may appear that this was the precise intent of Measure Y, it is also possible that the actual effects of Measure Y on future development may be more impactful than originally intended. Experience has shown such ballot measures often stall most housing development in host cities.

Given that the allowable density in the City's base residential zoning districts is a maximum of 20 dwelling units per acre (du/acre) (with some higher densities allowed in overlays, urban plans and specific plans) and given that the State's default density assumption for when the market can begin to produce affordable housing is 30 du/acre, it is clear that modifications to the City's General Plan, zoning, and specific plans will be necessary in order to plan for additional housing to meet the City's RHNA allocation and particularly affordable housing.

On May 26, 2020, following the closure of most retail and restaurant establishments and a struggling hospitality industry due to the COVID-19 pandemic and other economic factors including the rise of online shopping and commercial vacancies along major corridors, the City Council voted to explore the formation of a Citizens Advisory Committee with the goal of seeking opportunities to further economic development through potential amendments to Measure Y and to return to the City Council with a recommendation. In addition, at the last Study Session on March 23, 2021, the City Council requested the City Attorney's Office prepare a memo indicating the implications of Measure Y and its applicability to affordable housing projects. These items are addressed in the Next Steps section of this report.

Infrastructure Constraints and Safety Evaluation

Potential opportunity sites are being evaluated at a high level in regards to infrastructure constraints, particularly with regard to local hazards such as flood zones, airport safety, unstable slopes, emergency services and infrastructure constraints such as sufficient water and sewer supply/capacity and storm drain systems. Future community planning and visioning efforts will consider emergency services, infrastructure, and community needs at a more focused level as post-Housing Element site-specific planning occurs.

Opportunities

Inclusionary Housing Ordinance

For the 2014 to 2021 Housing Element planning period (5th cycle RHNA), nearly 1,200 housing units have been permitted or constructed, with only 39 falling into affordable categories. One approach to address existing constraints to affordable housing is the adoption of an Inclusionary Housing Ordinance. Presently staff is working with a consultant on a financial evaluation of an Inclusionary Housing program, which will balance the need to provide affordable housing with the need to maintain responsiveness to housing market conditions such that inclusionary requirements do not inadvertently disincentivize new housing. The financial evaluation will include recommended policies for both for sale and rental housing projects. The evaluation of a potential Inclusionary Housing program for the City is underway and can be included in the City's Housing Element policy program.

Density Bonus Laws

Density Bonus Law has been used for more than 40 years to allow higher densities over base allowable densities in exchange for providing affordable housing. Density Bonus is a State law intended to encourage developers to incorporate affordable units within a residential project in exchange for density bonuses and relief from other base development standards. Effective as of January 1, 2021, Assembly Bill 2345 amends the Density Bonus Law to expand and enhance development incentives for projects with affordable and senior housing components. AB 2345 is modeled after the City of San Diego's Affordable Homes Bonus Program.

Prior to 2021, the Density Bonus Law permitted a maximum density bonus of thirty-five percent for a housing development in which (a) at least eleven percent (11%) of the total units are for very low income households, (b) at least twenty percent (20%) of the total units are for low income households, or (c) at least forty percent (40%) of the total for-sale units are for moderate income households.

AB 2345 amends the Density Bonus Law to increase the maximum density bonus from thirty-five percent to fifty percent. To be eligible for the maximum bonus, a project must set aside at least fifteen percent (15%) of total units for very low income households, twenty-four percent (24%) of total units for low income households, or forty-four percent (44%) of for-sale units for

moderate income households. Levels of bonus density between thirty-five percent (35%) and fifty percent (50%) are granted on a sliding scale.

In addition, the Density Bonus Law provides that, if requested by a developer, the City must use the state-mandated parking ratios (inclusive of accessible parking and guest parking) for qualifying projects. AB 2345 amends these parking ratios to decrease requirements for two and three bedroom units, as shown in the table below.

Table 3 - Maximum Required Parking Per AB 2345	
Rooms	Number Required
Studio/one Bedroom	1 Space
2 and 3 Bedrooms	2 spaces → 1.5 space
4 Bedrooms	2.5 spaces

Since there have not been any density bonus applications in recent years, the City could include policies to promote and incentivize density bonus projects as a tool for affordable housing development.

Streamlined Application Processing/ Review of Development Standards

The City should evaluate its planning application review process and determine what refinements could be made to streamline applications without jeopardizing consideration of contextual impacts of a project. For example, three-story projects are only allowed in urban plan overlays or through a master plan approval. However, if specific development standards and design guidelines could be codified to address any potential interface issues for small and medium size projects, the City could streamline the project and save processing time and reduce costs for smaller local developers. In addition, the City should evaluate its development standards to ensure they remain appropriate for today's market and development context. For example, residential parking requirements have not been studied or modified in many years and should be "right-sized" for current housing types and housing goals.

Housing Programs

Following dissolution of the Redevelopment Agency in 2012 and the wind down of redevelopment assets by the Successor Agency (i.e. Housing Authority), the City's resources for housing programs were reduced to an administration function for limited state and federal grant dollars only (like CDBG and HOME dollars). The City currently administers a HUD-funded Single Family Residential housing rehabilitation grant and loan program (assists approximately 20 homeowners per year) and a CalHOME loan program to assist homeowners to address building safety and property maintenance issues (maximum of two loans at a time, depending on funding). The City Council has in recent years indicated renewed interest in housing programs and could include a policy to evaluate and potentially allocate additional resources toward new housing programs.

Co-living/Efficiency Units

The zoning code does not explicitly allow for co-living housing types. Co-living refers to a housing type whereby individual living spaces with small footprints and limited personal amenities are provided, coupled with highly amenitized common kitchen and community facilities that are shared. Staff has received inquiries regarding allowing for such housing types in rehabilitated commercial spaces, catering to both a younger demographic as well as a senior demographic. Allowing for such uses could provide an opportunity for a new creative housing type that is likely to be more affordable due to the small footprint of the individual living areas. In addition, evaluating the effectiveness of existing policies intended to encourage motel conversions into efficiency units could be included as a housing policy.

Accessory Dwelling Units (ADU's)

The City recently updated its ADU Ordinance to comply with State law, establishing standards that encourage construction of compatible ADUs within existing neighborhoods. ADU's can range from an attached 150-square-foot efficiency unit to a detached 1,200 square foot ADU (depending on configuration). ADU's provide an opportunity to increase housing stock, and smaller ADU's will likely fall within affordable categories thereby increasing affordable housing opportunities.

ADU's are a part of the City's overall housing strategy to meet its RHNA allocation, as shown in the opportunity sites section of this report. Between 2018 and 2020 when the City adopted its first ordinance specific to ADU's, the City permitted and finalized 29 ADU's (the majority of which were completed in 2020). However, based on the City's new ADU ordinance which allows for an ADU on single family and multifamily properties in compliance with State law), staff is projecting an increase in ADU construction compared to past trends and we anticipate the trend will continue over the next few years as residents become more familiar with ADU's. As such, staff projects over 850 new ADU units over the planning period (with nearly 600 projected to fall within low and very-low income categories). In addition, the City could include as part of its Housing Element a program for education, outreach and informational materials, as well as the potential to offer pre-approved/permit ready ADU plans.

Evaluation of Existing Overlays, Specific Plans, and Urban Plans

Many of the City's urban plans and overlays were developed in 2006 to incentivize housing development but have not been substantially amended since. Since 2006, 604 units have been developed in Urban Plan areas and 200 units have been built in overlay areas over the last 15 years. Re-evaluation of these plans as to their effectiveness and appropriateness given changed market conditions, updated housing goals, while also addressing concerns regarding family dislocation is warranted. Updating the City's existing plans (while identifying new potential areas for compatible housing development) is a fundamental part of the City's overall housing strategy to meet its RHNA allocation, as discussed in the Opportunity Sites section of this report.

Site Inventory/ Opportunity Sites

The following section discusses the required Housing Element components that need to be addressed within the site suitability analysis and for the selection of opportunity sites:

- 1) Site analysis guidelines
 - a. Realistic redevelopment potential in the 8-year planning period
 - b. No net loss regulations
 - c. Guidance regarding selecting housing opportunity sites between ½-acre and 10 acres in size (AB 1397 guidance)
 - d. Fair housing and housing options
2. Sites recommended per the City's outreach process and community feedback
 - a. Community Outreach (sites recommended based on public workshops/survey)
 - b. Subarea Walkthrough and site strategies (District Meetings)
 - c. Subject Matter Expert meetings and major landowners
 - d. Accessory Dwelling Units (assumptions based on SCAG's study vs. a more aggressive approach)
3. Site density assumptions based on City's affordability assumptions (City's potential inclusionary housing ordinance and diverse housing types/density examples)

Community Feedback Related to Site Selection

At a fundamental level, community feedback provided through the community survey and outreach meetings provided the basis for focus areas and site selection. Initially, a community survey was made available on the website from December to February with questions relative to housing needs and potential sites. The City received 465 survey responses in English and 18 in Spanish. The responses helped to determine approximate locations for new housing and the desired housing types from the community's standpoint. The results of the surveys were included with the March 23, 2021 Study Session Report and available at these links:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-2.pdf>

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1-Attach-3.pdf>

At the district specific meetings, staff and the consultant used neighborhood district maps and community discussions to focus on candidate housing sites within each Council district; and, finally, the Subject Matter Expert meetings with the home builders, advocacy groups and homeless services providers offered more specific direction in terms of programs and policies that could assist the City in meeting its housing goals.

The following comments were received from the public through the surveys and the outreach meetings:

- Under housing options, older shopping centers, City owned properties, and housing along major streets were the top three options
- ADUs were identified as an important housing option
- Participants of the District Meetings and other outreach meetings emphasized the following criteria for site selection:
 - Consider impacts of traffic
 - Consider locations of existing neighborhoods
 - Consider proximity to open space
 - Consider industrial areas (for example, along Logan Ave/Airport Area/Westside Costa Mesa) and along major corridors (for example, Bristol Street/Harbor Avenue/Newport Boulevard)
 - Complementary mixed-use or live-work on smaller commercial corridors like 19th Street and 17th Street
 - Potential for housing north of the 405 Freeway
 - Potential for housing at Fairview Development Center
 - Diversity between renter and ownership opportunities
 - Evaluate existing overlays, urban plans, specific plans for community goals/effectiveness and to avoid overconcentration of dense housing only on the Westside
 - Need to address the missing middle housing and plan for “gentle density”
 - Walkability of neighborhoods to other land uses

While these discussions have provided a framework for site selection, additional discussions with property owners will be necessary to ensure potential sites are feasible. Recently, the Housing Element team has connected with a group of local church leaders led by Trellis who are interested in the option to develop housing at church sites; therefore, staff will be contacting them and evaluating this possibility further as well.

Site Analysis Guidelines

State law requires the City to identify adequate sites to accommodate its fair share allocation for the 6th Cycle Housing Element. Staff has identified a variety of candidate sites through extensive analysis considering site size, viability of the current land use, vacancy rates, and property owner interest. City Council and Planning Commission feedback as well as public input provided through study sessions, townhalls, subject matter meetings and in discussions with major landowners were also considered.

The City is required to ensure that housing capacity is maintained on sites with the potential to accommodate affordable units (as identified in the adopted Housing Element) throughout the 8-year planning period. If those sites are instead developed for market rate housing or non-residential land uses, the City may eventually trigger the “No Net Loss” provision of State law and will need to identify additional sites to accommodate the unmet need. As such, although densities are not established by the Housing Element

Update (rather the Housing Element estimates densities for purposes of establishing whether the City has demonstrated sufficient potential sites and capacity for housing), it is important that density assumptions are conservative and in the “ballpark”.

Density and Site Selection

The site selection process goes hand in hand with the identification of potential densities. While a higher density project may be appropriate north of the 405-Freeway (where high quality apartment communities like 580 Anton, Halcyon, Enclave and the Lakes are already developed at densities up to 125 du/acre), a lower or mid-range density is more appropriate on the Westside or on 17th Street because of the smaller sites, existing fabric of the neighborhood and the circulation pattern. In general, larger sites can accommodate more density because the interface with the adjacent community can be better designed with smart site planning, deeper setbacks, and multiple access points. The site selection strategies analyze the potential for housing in various neighborhoods and appropriate compatible densities to address housing growth. Once general housing opportunity locations are identified, planning for appropriate densities and context-sensitive design become the next steps to ensure projects are designed to complement and enhance neighborhoods.

Potential Housing Opportunity Areas and Strategies

The following includes a high-level description of opportunity areas and the density and affordability assumptions being considered to meet RHNA requirements. The background information on each of these potential strategies is included as Attachment 2 and a preliminary map is provided as Attachment 3. Staff is evaluating the feasibility of parcels shown, therefore this map may change over time and prior to the final Housing Element. Staff is reaching out to the owner of each property identified in the Housing Element with an explanation and an opportunity for discussion before the Housing Element is finalized.

Potential Housing Opportunity Areas		
Site/Strategy	Current	Site Area Identified
Fairview Developmental Center	Size: 102 acres Density: Up to 40 du/ac Potential Units: 535	Density Proposed: 60 du/ac Potential Units: 1,500 – 2,500
ADUs	ADUs are allowed on single family and multifamily properties.	Potential Units: 858 units
North Costa Mesa Specific Plan	Size: 37 acres Density: 30-100 du/ac Potential Units: 535	Approximately 20 parcels Density Proposed: 80-90 du/ac Potential Units: 11,750 – 12,500
Newport Blvd Specific Plan	Size: 68 acres Density: 20 du/ac Potential Units: 159	Approximately 20 parcels Density Proposed: 50 du/ac Potential Units: 925

SoBECA Plan	Size: 32 acres Density: 40 du/ac Potential Units: 450	Approximately 18 parcels Density Proposed: 60 du/ac Potential Units: 771
Residential Incentive Overlay	Size: 12 acres Density: 30 du/ac Potential Units: 360	24 parcels identified Density Proposed: 50 du/ac Potential Units: 1,101
Harbor Blvd. Mixed Use Overlay	Size: 24.5 acres Density: 40 du/ac Potential Units: 491	Approximately 25 parcels Density Proposed: 50 du/ac Potential Units: 1,376
Mesa West Residential Ownership Overlay	Size: 129 acres Density: 20 du/ac Potential Units: 282 remaining	Propose to remove.
19 West Urban Plan	Size: 129 acres Density: 20 du/ac Potential Units: 282 remaining	Approximately 15 parcels Density Proposed: 50 du/ac Potential Units: 771
Mesa West Bluffs Urban Plan	Size: 277 acres Density: 20 du/ac Potential Units: 562 remaining	Approximately 43 parcels Density Proposed: 40 du/ac Potential Units: 2,090
17th Street East	Residential not currently permitted.	Approximately 9 parcels Density Proposed: 60 du/ac Potential Units: 263
Airport Area	Residential not currently permitted.	Approximately 8 parcels Density Proposed: 80 du/ac Potential Units: 844
Church Properties	Residential not currently anticipated.	Approximately 5 parcels Density Proposed: 10 - 30 du/ac Potential Units: 129 (all assumed to be affordable at low/very low level)

Staff is seeking feedback as to the City Council's interest in pursuing the housing opportunity areas listed above.

Fair Housing and Housing Options

AB 686 creates new requirements for all state and local agencies to ensure that their laws, programs and activities affirmatively further fair housing, and that they take no action inconsistent with this obligation. Beginning January 1, 2019, all housing elements must now include a program that promotes and affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (FEHA), Government Code Section 65008, and any other state and federal fair housing and planning law.

The diversity of household types would need to be addressed with accommodating a variety of housing types such as for sale and rental housing, multi-generational housing, transitional housing and housing in proximity to transit. In consideration of future housing needs, the City will need to select a combination of housing opportunity sites capable of supporting a variety of housing types. While a large multi-acre site may be suitable for a higher density apartment complex with on-site amenities (typically developed by large housing developers), smaller lots could be zoned for walk up apartments and condominium units that could be developed at smaller scale by the local housing developers.

Future Community Planning and Visioning Efforts

The main intent of the Housing Element is to address RHNA by showing *potential capacity* for housing and identification of a high level housing strategy using goals, policies and programs, to be implemented over the 8-year planning cycle. Implementation of the Housing Element's goals, policies and housing programs will require future General Plan Amendments and rezoning actions which will be accompanied by ongoing in-depth community outreach and visioning exercises. Community visioning is critical to neighborhood planning and necessary to envision how housing opportunity areas identified in a Housing Element will translate into well-designed, high quality, compatible housing projects that fit into the context of their surroundings. Staff have already secured \$500,000 in LEAP grant funds to pursue these efforts and will launch those programs following Housing Element adoption as the next step in a larger community conversation surrounding housing in Costa Mesa.

Next Steps


Following this joint study session, staff will complete the opportunities and constraints analysis and sites analysis, and will prepare the draft goals, policies and housing programs section of the Housing Element based on Council and Planning Commission feedback. Staff will provide the complete preliminary draft Housing Element to the City Council and may schedule a third study session in May if needed.

Concurrently, staff will move ahead with exploring the creation of a Citizen Advisory Committee to discuss Measure Y. The City Attorney's Office is also preparing a memo regarding Measure Y, which will be forwarded to the City Council as requested. In addition, staff will re-engage the State along with the Council Ad Hoc Committee regarding the future of the Fairview Development Center.

Following Council feedback, the preliminary draft will be revised and prepared as the "Public Review Draft." The Public Review Draft will be released for a 30-day public comment period and submitted to State HCD for a 60-day review period. Following any revisions based on feedback, a final-draft Housing Element will be released to the public, along with the required CEQA compliance analysis. Public hearings with the Planning Commission and City Council are anticipated in late summer through fall 2021. Ultimately, an adopted Housing Element is required to be submitted to HCD by October 15, 2021.

CONCLUSION:

Identification of opportunities and constraints and housing opportunity sites are critical steps in the Housing Element Update. Staff is seeking input on the proposed opportunity sites and recommended densities to finalize this step. Staff is also seeking initial feedback regarding the Council's high-level housing goals, in light of the Community Profile, as well as constraints inherent with Measure Y as discussed in this report.


MINOO ASHABI
Principal Planner


JENNIFER LE
Director of Economic & Development
Services

ATTACHMENTS:

1. [Community Profile \(Final Draft\)](#)
2. [Housing Opportunity Areas Summary](#)
3. [Map of Potential Housing Opportunity Areas](#)

April 27, 2021 City Council Joint Study Session**Attachment 2 – Housing Opportunity Areas Summary****1) Accessory Dwelling Units**

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> The City does not currently have an anticipated annual ADU development. Since 2018, 29 ADUs have been permitted and constructed. 	<ul style="list-style-type: none"> The City anticipates that approximately 858 ADUs will be developed within the 8-year planning period based on the recently adopted ADU ordinance and recent changes to State law which promote the development of ADUs. The City will also explore programs as part of the Housing to promote ADU development.

2) Fairview Developmental Center

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> Owned by the State of California Costa Mesa has included Fairview Developmental Center in previous Housing 	<ul style="list-style-type: none"> Actively pursue an agreement with the State of California for the development of housing at the site Due to the ownership nature, the City assumes that it may be possible to develop more than 17.5% of the units at the very low/low income levels

3) North Costa Mesa Specific Plan

Current Plan Summary	Proposed Revisions/ Notes
<ul style="list-style-type: none"> Adopted in 1994, amended frequently through 2016 Existing Specific Plan consisting of a range of permitted land uses, including single family through high density residential uses Densities range from 8 – 35 du/ac, though up to 100 du/ac is 	<ul style="list-style-type: none"> Amend the plan boundary to include additional parcels west of Harbor Blvd Propose to amend some land use designations to allow up to 100 du/ac (The Housing Element assumes between 80 and 90 du/ac for planning purposes)

permitted in the South Coast Metro Center (Area 6)	
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4) Newport Boulevard Specific Plan

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> Intended to spur residential development in place of commercial uses along Newport Blvd. as new roadways moved traffic from Newport Boulevard to other areas within the City 	<ul style="list-style-type: none"> Expand the boundary beyond 19th to include additional parcels Propose to increase density up to 50 du/ac directly adjacent to Newport Boulevard

5) Residential Incentive Overlay

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> Intended to create new housing opportunities for residential development at strategic locations along Harbor and Newport Boulevard Overlay that adds additional entitlement capabilities to the base zoning 	<ul style="list-style-type: none"> Expand area to potentially include some of the land previously in the Residential Ownership Overlay Propose to increase density up to 50 du/ac

6) Harbor Blvd. Mixed-Use Overlay

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> Applies to select areas along Harbor Boulevard between Wilson Street and 19th Street Intent is to introduce a diverse mix of uses with the objective of creating a more integrated, walkable, and complementary balance of uses 	<ul style="list-style-type: none"> Propose residential development be allowed in a mixed-use context up to 50 du/ac with horizontal mixed-use along the Harbor corridor encouraged Propose to extend the northern boundary up to the 405 freeway

7) 19 West Urban Plan

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> Adopted April 2006 Intended to encourage a mix of uses, including commercial and residential, along 19th Street west of Newport Blvd. Encourage the design and development of urban residential structures Has not resulted in much residential development in this area to date 	<ul style="list-style-type: none"> Propose to increase density up to 50 du/ac Promote horizontal mixed-use along this corridor as well as vertical mixed-use

8) Mesa West Bluffs Urban Plan

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> Adopted April 2006 Objective to encourage development of live/work units, stimulate improvement in the area, and meet demand for a new housing type Some residential development has occurred within the area since adoption of the plan 	<ul style="list-style-type: none"> Propose to expand the area to potentially include some of the land previously in the Residential Ownership Overlay Propose to increase density to 40 du/ac

9) 17th Street – East

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> This area does not currently permit residential development 	<ul style="list-style-type: none"> Area currently experiencing a commercial resurgence City anticipates crafting development standards within this overlay which would promote either a vertical or horizontal mixed-use setting with the intent of supplementing the commercial

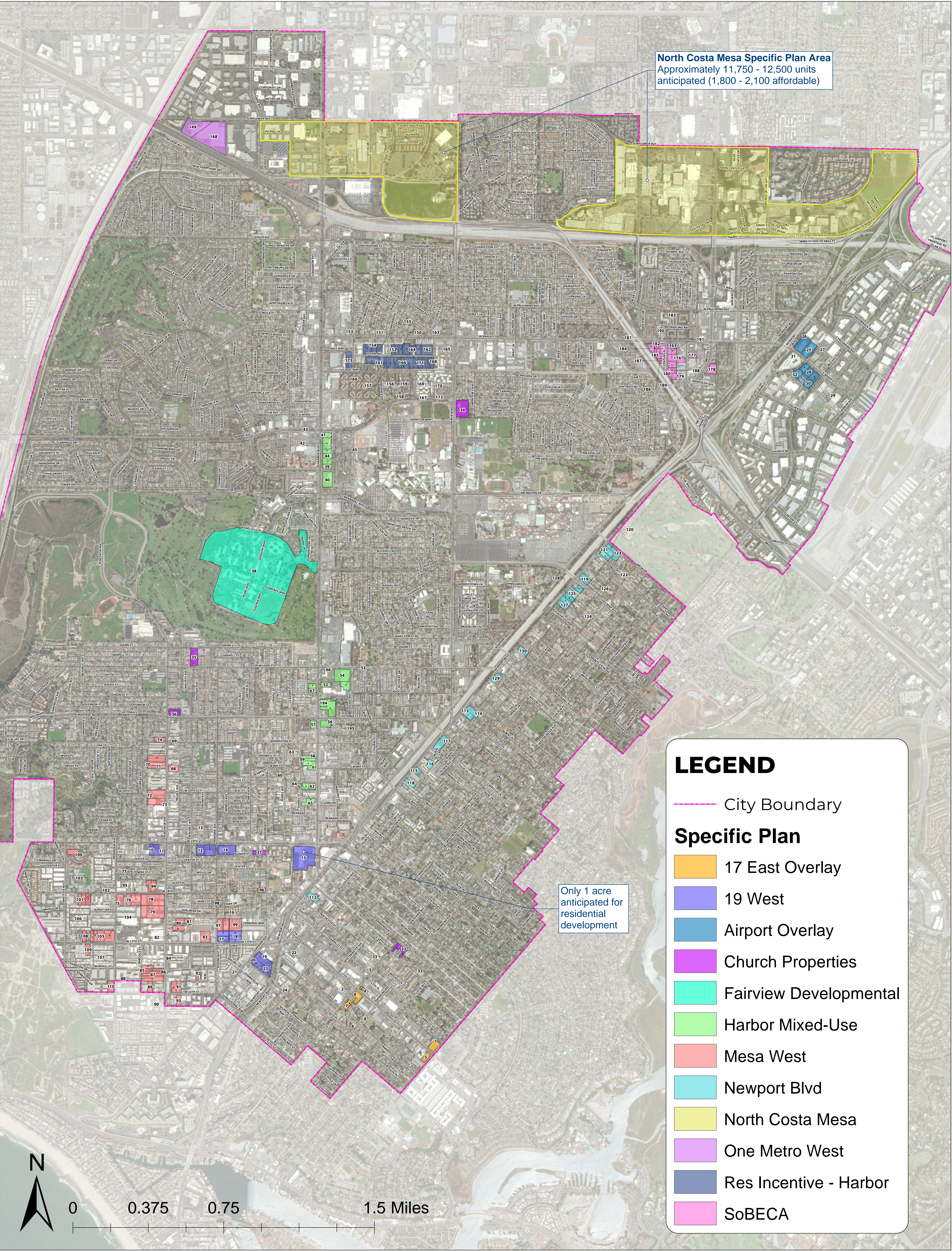
	<p>development through additional users and a more walkable area</p> <ul style="list-style-type: none"> • Propose the addition of residential uses which may be developed up to 60 du/ac
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10) Airport Area

Current Plan Summary	Proposed Revisions/Notes
<ul style="list-style-type: none"> • This area does not currently permit residential development 	<ul style="list-style-type: none"> • Propose to add residential uses at densities up to 80 du/ac adjacent to Baker Block, outside of the John Wayne Airport noise contour area

Sites Considered but Not Included

- Civic Center Park – City owned open space
- Portions of OC Fairgrounds – State DAA Owned





C.9 Virtual Townhall Meeting #2

The section contains all townhall materials, handouts, flyers, PowerPoint presentation, as well as all available public comments provided during the meeting. Public comments were received verbally and in written form through the Zoom chat. A video recording of the virtual townhall is available at www.costamesaca.gov/housing-element-update.

Townhall Meeting #2 Summary

The City of Costa Mesa held a virtual public community workshop in Spanish and English for the 2021-2029, 6th Cycle Housing Element Update on Thursday September 2, 2021. The intent of the workshop was to provide information on the Public Review Draft Housing Element and to gather feedback from the public on proposed housing sites and policy programs. The workshop had a total of 69 participants in the English workshop and 7 participants in the Spanish workshop.

The workshop included a PowerPoint presentation providing information on the following topics:

- The Housing Element Update Process
- Summary of the City's RHNA allocation
- Community Engagement Efforts
- Housing Element Strategy
- Overview of Proposed Housing Programs
- Community Conversation
- Breakout Group #1: Candidate Housing Sites Analysis
- Breakout Discussion #2: Housing Goals, Policies, and Programs

Summary of Community Questions and Comments

Following the presentation, the City provided time for open questions from the public regarding the Housing Element. Questions and comments from the attendees included the following:

- This has been a great process so far with the diligence by the city. I'm excited to see more housing opportunities for folks in our community!
- Was the safe harbor formula not used to have a more realistic estimation of ADU's that could be built?
- What programs would make sure that the built ADU's would be units for Lower income families?
- Can you discuss why the city didn't follow HCD guidance and model practice when using inventory sites in a housing element to discount those sites with a probability of being developed during the cycle?
- HCD will treat the proportion of parcels in the previous housing element that were developed during the previous planning period as the presumptive probability of development for current inventory sites.
- In Costa Mesa that is not feasible since the prior cycle the city only had an RHNA of a couple units. Recent state law requires stricter feasibility assessment for each site. City must comply.
- Nothing precludes the city from voluntarily assigning probabilities for a more accurate plan <https://www.lewis.ucla.edu/research/what-gets-built-on-sites-that-cities-make-available-for-housing/>
- More housing, more neighbors, less housing burdened people makes for a more fun/lively city. Legalize all types of housing.
- Build more bike lanes so people have options other than a car for local trips!
- What is the city's plan to incorporate local control measures SB 9 and SB 10? Is the city going to incorporate these bills in the housing element or address them in the manner that ADU legalization was handled?
- Publish the incentives: developer competition encourages affordability

City of Costa Mesa
2021-2029 Housing Element Update

- The area on 17th street and Newport Blvd. is on the way to the beach. I have a difficult time understanding how that's a valid census.
- OC has vast, world class water recycling programs that turn wastewater into potable water local supplies.

A video of the full presentation and PowerPoint, including public comments, are available on the City's Housing Element Update webpage: <http://www.costamesaca.gov/housing-element-update>.

Whiteboard Activity

During the workshop the City conducted a community activity to further engage participants.

Candidate Sites

Participants were asked to share their thoughts on opportunities areas in the City as well as Accessory Dwelling Units (ADUs). The majority of participants were familiar with the high cost of housing and felt there is currently enough housing in the City. In each breakout room participants discussed the following topics:

- Short discussion on why the CEQA analysis may differ a bit from the Housing Element and why the list is smaller than previously shown.
- Are there any areas within the City which should be given further consideration?
- Are there resources which the City can provide to make it easier for those who wish to develop Accessory Dwelling Units?
- Are there any questions we did not cover relating to the Candidate Housing Sites Strategy the City has proposed as part of the draft Housing Element?

Comments and Questions on Candidate Sites
Opportunity Sites
Quality of life is what we're looking for – congestion and traffic concerns with sites
5% or 10% for inclusionary housing ordinance
Concerned about wording in the Housing Element
Need an overall visioning process for the City – need a unified urban plan
Questions on affordability categories
Concerned about the language being used in the document – models currently being used is 10% affordability
Pretty significant changes
Quality of life – members of the community should benefit from the programs
Data check affordability – overburdening
Nothing within motel conversion proves to look at what percentages are made
Consider infrastructure first – look at both sides of the coin, all types of housing development
Densities we have now make the community – you can get anything in Costa Mesa
Attach entire census tract near Newport Blvd. and 17 th St. census tract
Accessory Dwelling Units (ADUs)
What were the assumptions made?

Housing Plan

Participants were asked to share their thoughts on the Housing Element's goals. In each breakout room participants discussed the following topics:

- Quick overview of the City's overall housing goals.
- Are there any questions on the purpose of the Housing Plan section within the Housing Element?
- Do you believe there are groups who may have special housing needs that are not represented within this plan?
- Are you aware of any funding sources the City can explore further to implement these programs or promote the development of future housing?
- Are there any questions we did not cover relating to the City's proposed Housing Plan?

Comments and Questions on the Housing Plan
Incentives to developers
DDA Census tract areas – find ways to take advantage of tax credits – target housing towards areas with federal funding
More effectively advertise incentives that exist
Water needs
Geographic distribution of identified capacity
Local workforce
How will infrastructure accommodate this proposed capacity?
Small parcels and high cost
Make sure more housing happens – young professions
Housing for all ages and incomes
Look for opportunities to do more
What is the city's plan to incorporate local control measures SB 9 and SB 10? Is there housing element going to address them in the same manner as ADUs?
Coordination with adjacent cities
Inclusionary housing ordinance – consider implementing faster
SRO and congregate living options
Opportunity zones – address traffic and transportation needs
Communicate opportunities – publish the incentives: developer competition encourages affordability
More specifics on constraints of Measure Y
Low-income Housing Tax Credits (LIHTC) and New Market Tax Credits (NMTC) bring our federal tax dollars to our community to benefit low-income community members
Conversion of commercial/retail to housing opportunities
ADU income restrictions – multigenerational housing
How to encourage ADUs to be affordable?
How will monitoring of ADU affordability and production be implemented?
Lot size restrictions for ADUs
Are ADUs allowed in every neighborhood? Do neighbors have anything to say about one on adjacent property?
West side of 19 th St. supermarkets – address food deserts
Have conversations with owners taken place?
Development agreements on identified sites
Set aside affordable housing requirements



C.10 City Council/Planning Commission Study Session

The section contains all study session materials, PowerPoint presentation, and all available public comments provided during the September 13, 2021, study session. Public comments were received verbally and in written form through the Zoom chat.

Agenda: <https://costamesa.legistar.com/View.ashx?M=PA&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6>

Public Comments: <https://costamesa.legistar.com/View.ashx?M=E3&ID=892974&GUID=2EC89CD4-EDE7-461F-8127-922507F6D3D6>



City of Costa Mesa

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

Agenda

Monday, September 13, 2021

5:00 PM

**City Council Chambers
77 Fair Drive**

SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY SESSION

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. The Governor's Executive Orders N-25-20 and N-29-20 suspend certain requirements of the Brown Act, and City Council Members, Commissioners, and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: All attendees are required to wear a face covering at all times while in the Council Chambers or City Hall. Please maximize spacing by utilizing all seating in the Chambers.
2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

3. Zoom Webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone:

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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

5. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

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

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

**SPECIAL CITY COUNCIL AND PLANNING COMMISSION JOINT STUDY
SESSION**

SEPTEMBER 13, 2021 – 5:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

BYRON DE ARAKAL
Chair

JON ZICH
Vice Chair

DIANNE RUSSELL
Planning Commissioner

RUSSELL TOLER
Planning Commissioner

ADAM ERETH
Planning Commissioner

TARQUIN PREZIOSI
Assistant City Attorney

JENNIFER LE
Director of Economic and
Development Services

CALL TO ORDER

ROLL CALL

NEW BUSINESS:

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

Attachments: [Draft Housing Element](#)

[Revised densities for candidates sites \(545 & 575 Anton Blvd.\)](#)

[Public Comments](#)

ADJOURNMENT



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

b File #: 21-375

Meeting Date: 9/13/2021

TITLE:

PUBLIC REVIEW DRAFT 2021-2029 HOUSING ELEMENT

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES
DEPARTMENT/PLANNING DIVISION

PRESENTED BY:

JENNIFER LE, DIRECTOR OF ECONOMIC AND DEVELOPMENT SERVICES

CONTACT INFORMATION: MINOO.ASHABI@COSTAMESACA.GOV
[<mailto:MINOO.ASHABI@COSTAMESACA.GOV>](mailto:MINOO.ASHABI@COSTAMESACA.GOV)

RECOMMENDATION:

Provide feedback on the Public Review Draft Housing Element before its submittal to the State Department of Housing and Community Development (HCD).

BACKGROUND:

The basis of the 2021-2029 sixth cycle Housing Element Update is compliance with the State's Regional Housing Needs Assessment (RHNA) for the planning and zoning for additional housing units as allocated by the State and the Southern California Association of Governments (SCAG). The following table provides a breakdown of Costa Mesa's final RHNA allocation:

Table 1 - Final RHNA Allocation					
Income Category	% of Area Median Income (AMI)	Affordable Monthly Rent	Income Range Min. - Max.		RHNA Allocation
Very Low Income	0-50% AMI	\$961 - \$1,281	--	\$64,050	2,919 units
Low Income	51-80% AMI	\$2,561	\$64,051	\$102,450	1,794 units
Moderate Income	81-120% AMI	\$3,090	\$102,451	\$123,600	2,088 units
Above Moderate Income	>120% AMI	>\$3,090	\$123,601	--	4,959 units
Total					11,760 units

During the past year and a half, the City has held several town hall meetings and study sessions

regarding the required Housing Element Update. Study sessions were previously held with the Planning Commission and City Council on March 1, 2021, March 23, 2021, and April 27, 2021. At these study sessions, staff presented information regarding the RHNA process, new State housing regulations, consequences of non-compliance with State Housing Element law, Costa Mesa's demographics and preliminary Community Profile data, a summary of community outreach efforts and feedback, and an introduction to the housing plan and the sites analysis process. The September 13, 2021 study session is the fourth publicly noticed study session regarding the housing element update and process.

The staff reports and meeting videos for previous study sessions are available at the following links:

March 1, 2021 Planning Commission Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/planningcommission/agenda/2021/2021-03-01/SR-1.pdf>

Meeting Video:

https://costamesa.granicus.com/player/clip/3670?view_id=10&redirect=true

March 23, 2021 City Council Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-03-23/Item-1.pdf>

Meeting Video:

https://costamesa.granicus.com/player/clip/3697?view_id=10&redirect=true

April 27, 2021 City Council and Planning Commission Joint Study Session Staff Report:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2021/2021-04-27/Item-1.pdf>

Meeting Video:

https://costamesa.granicus.com/player/clip/3710?view_id=10&redirect=true

ANALYSIS:

At the April 27, 2021 joint Planning Commission/City Council study session, a number of issues were discussed and feedback was received by the public, Planning Commission, and City Council. The purpose of the study session was to provide an opportunity for feedback on the proposed focus areas and corridors for potential housing and the housing opportunity sites and recommended densities within those corridors to finalize the City Council's high-level housing goals. The following is a summary of general comments received during the study session and how they have been addressed in the Public Review Draft Housing Element.

Planning Commission Comments:

- 1) Consider 4-plex and 6-plex bungalows in single family neighborhoods since they maintain the same height and streetscape.
 - The 4-plex and 6-plex development types can integrate well with established low-density residential neighborhoods. Staff will continue to evaluate how such housing types may be incorporated into the City's planning and zoning codes. However, for Housing Element purposes, the State requires a minimum density of 30 du/acre to demonstrate compliance with RHNA requirements for the provision of housing in affordable categories. The incremental increase in housing in established single family neighborhoods will be addressed through ADU and JADUs and other incremental

changes.

- 2) Plans for housing should be integrated with more open space and consideration of the existing network of neighborhoods.
 - Open space and other development standards will be evaluated with the comprehensive zoning code and general plan updates following adoption of the Housing Element.
- 3) Encouraged removal of the Mesa West Residential Ownership urban plan.
 - The Draft Housing Element includes a program for the potential removal of this urban plan following Housing Element adoption.
- 4) Add residential units on the 17th Street corridor as mixed-use development and around the airport area as alternative housing sites.
 - The Draft Housing Element includes programs for further study of these corridors for potential housing opportunities. Even though specific sites in these areas are not identified as housing opportunity sites, the City could consider these locations as potential housing areas in the future.
- 5) The City should be proactive in its conversation with faith-based organizations for use of their properties for affordable housing.
 - Programs to continue the conversation with the faith-based community are included in the Draft Housing Element. Please refer to Program 3J.
- 6) Infrastructure studies (water, sewer, etc) should be considered in planning for additional housing units.
 - As part of the Housing Element Update, the City will prepare an environmental study that will include high-level studies related to infrastructure and public services at a program level. Additional more detailed studies would be undertaken as part of the zoning and General Plan Updates that would be necessary to implement the Housing Element programs.
- 7) Discussed a citizen advisory committee related to Measure Y.
 - Staff will be undertaking a larger community conversation about the necessity of a compliant Housing Element and the Measure Y process, which include formation of an advisory group. The City anticipates the General Plan and zoning changes necessary to implement the Housing Element will be subject to Measure Y.
- 8) Consideration should be given to environmental justice goals and affirmative fair housing related to air quality and quality of life with placement of housing along major freeways, near airports, etc.
 - Environmental justice and fair housing goals are incorporated into the fabric of the Housing Element and staff agrees these goals must be a part of future General Plan and zoning actions related to Housing Element implementation. The Draft Housing Element identifies housing opportunity sites along the 405 Freeway such as the Home Ranch and Sakioka sites. These sites are very large and would allow for site planning of mixed-use projects including housing and office use that would allow for site planning solutions including sufficient setbacks for residential units. No housing opportunity sites have been identified along the airport industrial area though staff have included a Housing Element Program to further study this potential.
- 9) With the potential for housing along Newport Boulevard, Harbor Boulevard and the 17th Street corridors, visioning for these areas and form based codes should be considered to provide flexibility in development while maintaining the streetscape and human scale of development.
 - Through public outreach and comments received from the City Council and Planning

Commission, staff recognizes that there is strong support in the community for developing a specific vision for each of the corridors as identified in the Draft Housing Element for future growth. Visioning exercises and the potential for form-based codes will be evaluated during the general plan and zoning changes that follow the Housing Element.

City Council Comments:

- 1) Is 850 ADUs in relation to the number of residential lots a realistic assumption?
 - The ADU assumptions are realistic based on the number of applications received in the first 6 months of 2021. The City has also experienced an uptick in the number of ADU proposals in multi-family sites that could lead to even more ADUs than anticipated.
- 2) The City should consider tracking ADU affordability and data on units occupied by family members.
 - Although there is not City specific data for ADU affordability rates, the Draft Housing Element uses the safe harbor assumptions resulting from SCAG a specific study of the Orange County area. The City could request information on anticipated rental prices or family member occupancy figures at the time of application. The Draft Housing Element recognizes that ADU programs will need to be monitored for effectiveness and includes this in Program 3L of the Housing Plan.
- 3) Understanding the reasons for Costa Mesa having the lowest number of housing development in the neighboring cities.
 - The City has experienced a decline in larger development applications in the past several years. Based on general feedback from the development community, this is could be due to the uncertainty introduced by Measure Y. However, smaller developments that are below the 40 dwelling unit threshold have been processed since 2016 including a 38-unit development on Newport Boulevard. The Draft Housing Element refers to Measure Y as a potential constraint for housing development and that a vote of the people will be required to fully implement the adopted housing element as drafted. Please refer to Chapter 4, Housing Plan, Program 3G.
- 4) Importance of communication with the public on data gathered and how the data is being incorporated.
 - The Draft Housing Element includes a comprehensive summary of all public meetings, town halls, surveys and individual submittals. Please refer to Appendix C of the Draft Housing Element.
- 5) Emphasize the importance of Community Profile and how it is used to formulate the housing plan such as the aging population and their housing needs.
 - The Community Profile includes detailed data on the population, housing and income levels. Based on this data, the housing programs and policies included in the Housing Element Update recognize the needs of seniors, large households and the affordability needs for various households. Although the Housing Element includes the opportunity sites and the programs to address housing needs, some of the incentive to develop these sites are market driven and may need to be adjusted at project level such as the mix of bedrooms in a development or universal design features, etc. Please refer to Section 4, Housing Plan Program 2D and 2E.
- 6) Integrate senior housing with the rest of the community to promote healthy aging.
 - The Draft Housing Element recognizes that specific features of co-housing and multi-

generational housing needs to be further studied and included in development standards and guidelines in the general plan and zoning code update. Please refer to Chapter 4, Housing Plan, Program 3E.

- 7) Consider public gathering spaces as much as open space in planning of housing developments.
 - The visioning exercises for specific corridors will include public open spaces and streetscapes studies appropriate for each neighborhood. This effort will be addressed with the General Plan and zoning code amendments following the Housing Element's adoption.
- 8) Keep studying the airport area as a potential housing opportunity area for younger professionals.
 - As directed by City Council, this area will be evaluated for potential housing opportunities. Coordination with the Airport Land Use Commission will be required. Please see Chapter 4, Housing Plan, Program 3H.
- 9) Housing units should include a variety of household types such as singles, single parent households and larger families.
 - The Draft Housing Element includes a comprehensive Community Profile that breaks down household types and their housing needs such as non-family households, which have increased in the past decade to more than 40 percent. Please refer to Chapter 4, Housing Plan, Program 3F.
- 10) Consider hotel/ motel conversion options and using available state funding for such.
 - The City will evaluate the potential benefits of motel conversion, co-living and efficiency housing options. Please refer to Chapter 4, Housing Plan, Program 3F.
- 11) Consider pre-approved ADU plans to incentivize ADU development.
 - The Draft Housing Element includes a program to promote development of ADUs such as permit ready plans, waiver or reduction of permit fees, expedited plan checks and exploring other funding options. Please refer to Chapter 4, Housing Plan, Program 3E.
- 12) Discuss housing development options with smaller developers and adjust programs and fees to accommodate large and small size developments.
 - This would require fee studies and additional analysis to formulate an objective basis for varying housing development types. Local developers have been involved in the outreach process and have stated timing and streamlining of project review as an opportunity to improve the development environment.

Public Review Draft Housing Element

Following the April 27, 2021 study session, staff and the City's expert housing consultants prepared the Public Review Draft Housing Element, incorporating feedback from the prior public town halls and study sessions. The Public Review Draft was posted online at the City's website on August 17, 2021 and hardcopies were available at City Hall, the Donald Dungan Library and the Mesa Verde Library. Approximately 40,000 flyers were mailed to Costa Mesa residents City-wide and the release was widely publicized via social media, community platforms and through local contacts with community organizations. Comments on the public review draft are being accepted through September 15, 2021.

As of the writing of this report, the City has received seven written comments via email and six online submissions. Public comments are provided as an attachment to this report and generally pertain to:

- the inclusion of the Chargers / The Hive site as a housing opportunity site;

- the inclusion of local hire requirements for development;
- new housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods;
- increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions;
- consider whether the Casa Bella Apartments should be listed as an “at risk” affordable housing development (i.e. an affordable housing project “at risk” of converting to market rate units); and
- consider how assisted living and group living are counted toward the City’s housing need.

September 2, 2021 Town Hall Meeting

Staff held a town hall meeting on September 2, 2021 to discuss and receive feedback regarding the Public Review Draft. The meetings were virtual and provided in English and Spanish. More than 60 individuals participated in the English language breakout room and six in the Spanish language breakout room.

Topics discussed at the town hall meeting included:

- the need for an inclusionary housing ordinance and requiring affordable housing in conjunction with added densities;
- consideration of potential quality of life impacts that may result from higher densities
- use of consistent data related to housing cost burden;
- options and incentives for development of Single Room Occupancies (SROs);
- number of ADUs assumed in the Draft Housing Element;
- consideration of reduced parking and setbacks to incentivize development;
- graphics that show comparison of existing and proposed densities on the identified housing opportunity corridors;
- use of federal monies to encourage higher density development as appropriate;
- affordable housing units assumed for the State-owned Fairview Developmental Center;
- assumptions regarding affordable housing on sites with Development Agreements; and
- consideration of the impacts of added housing units to sewer, water, traffic, other infrastructure and public services including police and fire services.

Housing Element Guiding Principles

Based on input from the community, local officials and business community, and with consideration of the State’s requirements, the City established four guiding principles that were referenced throughout the Housing Element Update process, which shaped the sites analysis process and development of the housing goals, programs, and policies. The guiding principles are rooted in community engagement and local knowledge as follows:

- The City will plan for responsible growth that is fitting for each of the unique areas within the City with the understanding that the different characteristics, even within districts, result in different housing needs and appropriate housing types.
- The City will engage the Costa Mesa community at multiple times throughout the Housing Element update to incorporate local knowledge and input into the planning process.

- The City will create a plan, which meets the local needs of the community as well as the requirements of the State Department of Housing and Community Development (HCD).
- The City will develop actionable policies and programs that address identified constraints within the community profile analysis.

Based on community feedback, the Housing Element identifies housing opportunity sites within “focus areas” and along major corridors in the City that are most suitable for potential future housing growth. These areas include:

- Area north of the 405 Freeway
- SoBECA
- Harbor Boulevard corridor
- Placentia Avenue corridor
- West 19th Street corridor
- Mesa West Bluffs area/ southern portion of Newport Boulevard

Within these corridors and areas, housing opportunity sites were identified for purposes of establishing compliance with RHNA, based on certain criteria.

Housing Element Organization

The Draft Housing Element represents the City’s policy program for the 2021-2029 6th Planning Period. The Draft Housing Element is comprised of the following Chapters:

- Chapter 1: The Introduction contains a summary of the content, organization and statutory considerations of the Housing Element;
 - Chapter 2: Community Profile contains an analysis of the City’s population, household and employment base, and the characteristics of the housing stock;
 - Chapter 3: Housing Constraints, Resources, and Fair Housing examines governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations; and
 - Chapter 4: Policy Plan addresses Costa Mesa’s identified housing needs, including housing goals, policies, and programs.
- Appendices provide supplementary background resources including:
 - Appendix A - Review of Past Performance of 5th Cycle Programs
 - Appendix B - Summary of Adequate Sites Analysis
 - Appendix C - Summary of Outreach
 - Appendix D - Glossary of Housing Terms

Chapter 1 - Introduction

The Introduction covers the basics of Housing Element requirements and the related State requirements; includes a reference to all required sections of the Housing Element; and refers to the guiding principles that directed all chapters and the related data sources.

Chapter 2 - Community Profile

The Community Profile provides an analysis of the Costa Mesa population and housing stock for policy considerations within this Housing Element. The Costa Mesa community's housing needs are directly correlated to the demographic composition of the population and the conditions of existing housing within the City. The data analyzed in this Community Profile sets the baseline for the Housing Element goals, policies, and programs, which are uniquely adapted to fit the needs of Costa Mesa. The following tables include a few excerpts of the data and highlights specific characteristics of the Costa Mesa population, household types and income levels.

Table 2-4: Racial and Ethnic Composition, 2010-2018

Race/Ethnicity	2010	2015	2018	Percent Change 2010 to 2015	Percent Change 2015 to 2018
White	72.3%	66.7%	71.6%	-5.6%	4.9%
Black	1.2%	1.6%	1.9%	0.4%	0.3%
American Indian and Alaska Native	0.4%	0.3%	0.4%	-0.1%	0.1%
Asian	9%	9%	8.4%	0%	-0.6%
Native Hawaiian or Other Pacific Islander	0.6%	0.5%	0.7%	-0.1%	0.2%
Some Other Race	14.1%	18.2%	13%	4.1%	-5.2%
Two or More Races	2.4%	3.6%	4%	1.2%	0.4%
Hispanic or Latino	34.2%	35.7%	36.1%	1.5%	0.4%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, and 2018.

Table 2-10: Changes in Household Types, 2010-2018

Household Types	2010	Percent	2015	Percent	2018	Percent
Married-couple Family Households	17,127	42.7%	17,039	41.7%	17,568	42.8%
Female Household, No Spouse Present	4,196	10.5%	4,746	11.6%	4,191	10.2%
Male Household, No Spouse Present	2,564	6.4%	2,371	5.8%	2,751	6.7%
Nonfamily Household	16,217	40.4%	16,752	41%	16,509	40.2%
Total Households	40,104	100%	40,908	100%	41,019	100%

Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2018.

Table 2-12: Households by Income Category, 2020		
Income Category (% of Orange County's AMFI)	No. of Households	Percent
Extremely Low (30% AMFI or less)	6,610	16.3%
Very Low (31 to 50% AMFI)	5,220	12.9%
Low (51 to 80% AMFI)	7,325	18.1%
Moderate or Above (over 80% AMFI)	21,405	52.8%
Total	40,555	100%
<i>Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.</i>		

For the full analysis of the population, income, household characteristics and housing needs, please refer to Chapter 2 of the Draft Housing Element.

Based on the data presented in Chapter 2, the City will need to consider the following findings in development of the housing programs and policies:

- The Costa Mesa population is showing aging trends - housing goals should consider the needs of seniors who may have less flexible income, need accessibility accommodations, or may seek assisted living options.
- Over a quarter of the Costa Mesa population identifies as Hispanic or Latino - housing needs should account for possible cultural needs such as larger or multigenerational housing units. Additionally, housing information should be made available in Spanish to assist in the location of appropriate housing within the community.
- Approximately 47 percent of the Costa Mesa population earn a lower income, indicating that production of and access to affordable housing (i.e. housing affordable to Costa Mesa households who earn 80% of the Orange County Area Median or AMI) and homeownership facilitation should be considered.
- Costa Mesa housing units experienced the lowest growth in the past decade in comparison to neighboring cities - the following section analyzes potential constraints, which may be playing a role in the slowing of residential development in Costa Mesa. If identified, housing goals should be considered which look to mitigate or eliminate those constraints.
- The majority of housing units in Costa Mesa were built over 30 years ago - households in older homes may benefit from assistance in renovating their homes and ensuring safe living environments with access to all utilities.

Chapter 3 - Housing Constraints, Resources and Fair Housing

This section focuses on the variety of factors that could affect the number, type, and affordability of housing and the rate of housing development in a community including governmental housing constraints. Governmental constraints in Costa Mesa may include land use controls, residential development standards, development and permitting fees, and permitting processes, amongst other constraints. Nongovernmental constraints may include the cost of land, construction costs, including materials and labor, availability of financing, and the local economic conditions. These factors could incentivize or create barriers for the maintenance and addition of housing in Costa Mesa, and predominantly affordable housing. This section also identifies Measure Y as a potential constraint to implementation of a compliant Housing Element and the development of housing projects in Costa Mesa. The measure requires significant capital investment while introducing uncertainty for

investments due to uncertain election results regardless of the merits of any particular project.

Chapter 4 - Housing Plan

The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Costa Mesa Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs are drafted to further a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices while preserving the special character of Costa Mesa.

The following housing goals have been included in the Draft Housing Element Update:

- Housing Goal #1: Preservation, conservation, and enhancement of existing housing stock and residential neighborhoods within Costa Mesa.
- Housing Goal #2: Providing a range of housing choices for all social and economic segments of the community, including housing for persons with special needs.
- Housing Goal #3: Identification of adequate, suitable sites for residential use and development to meet the City's Regional Housing Needs Assessment (RHNA) at all income levels.
- Housing Goal #4: Existing and future housing opportunities open and available to all social and economic segments of the community without discrimination on the basis of race, color, religion, sex, sexual orientation, disability/medical conditions, national origin or ancestry, marital status, age, household composition or size, source of income, or any other arbitrary factors.

Each one of the housing goals are implemented through housing programs which are actions the City commits to taking to implement its housing plan within specific timeframes over the 8-year Housing Element planning period. Highlights of the housing programs include:

- Program 2A - Inclusionary Housing Ordinance
- Program 2D - Senior Housing Options
- Program 2E - Housing Options for Large Family Households
- Program 3B - Fairview Development Center
- Program 3C - Update the North Costa Mesa Specific Plan
- Program 3D - Update the City's Urban Plans and Overlays
- Program 3E - Promote the Development of Accessory Dwelling Units
- Program 3F - Motel Conversions/Efficiency Units and Co-Living Housing Types
- Program 3G - Measure Y
- Other programs related to evaluating the potential for future housing opportunities along the 17th Street corridor, Airport Industrial Area, and church-owned sites.

Appendix A - Review of Past Performances

This section is an evaluation of the 5th cycle's Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2021-

2029 6th Cycle.

Appendix B - Site Analysis

The Housing Element is required to identify potential candidate housing sites by income category to meet the City's RHNA Allocation. The sites identified within the Draft Housing Element represent the City of Costa Mesa's ability to plan for housing at the designated income levels within the 6th housing cycle planning period (2021-2029). As described in this appendix, the development capacity for each site depends largely on its location within the City, a specific plan or urban plan area as well as known development factors. Where possible, property owners were consulted to help the City better understand potential future housing growth on candidate housing sites within the City.

The analysis within this appendix shows that the City has the capacity to meet 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of development capacity on sites which either currently permit or would be rezoned to permit development of residential uses at or above 30 dwelling units per acre
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

Appendix C - Community Outreach

As part of the 6th Cycle Housing Element Update process, the City of Costa Mesa has conducted extensive public outreach activities beginning in fall 2020. These outreach efforts included virtual town hall Meetings, District Specific Workshops, Stakeholder Meetings, City Council and Planning Commission Study Sessions, Online Community Survey, digital media and engagement, and noticed Public Hearings. Project materials, including recordings from town hall and public meetings, notices, and draft public review documents are available on the City's website:

www.costamesaca.gov/housing-element-update <<http://www.costamesaca.gov/housing-element-update>>.

Next Steps and Timeline

The study session is the final opportunity for City Council and Planning Commission feedback and revisions to the Public Review Draft Housing Element before staff submits the document to State HCD for review. The State has 60 days to provide comments on the Housing Element.

After staff receives the State's comments, the Housing Element will be modified to respond and then scheduled for a formal public hearing with the Planning Commission for a recommendation, and City Council afterward for final approval. These hearings are anticipated to occur in December 2021/January 2022. An approved Housing Element must be submitted to the State by February 11, 2022 (which is within 120 days of the statutory deadline of October 15, 2021).

ALTERNATIVES:

No Housing Element decisions are being made at the Study Session; therefore, alternatives are not necessary.

FISCAL REVIEW:

There are no fiscal impacts associated with the study session.

LEGAL REVIEW:

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

CITY COUNCIL GOALS AND PRIORITIES:

Diversify, stabilize and increase housing to reflect community needs.

CONCLUSION:

Staff is seeking additional Planning Commission, City Council and public feedback prior to submission of the Draft Housing Element to the State Department of housing and Community Development for its review and concurrence.

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 1 to Staff Report

The Draft Housing Element is available on the City's Website. Due to the size of the draft Housing Element, click on the link below to view the document.

1. [Cover](#)
2. [Introduction](#)
3. [Profile](#)
4. [Housing Constraints, Resources, and Affirmatively Furthering Fair Housing](#)
5. [Housing Plan](#)
6. [Appendix A - Review of Past Performance](#)
7. [Appendix B - Candidate Sites Analysis Overview](#)
8. [Appendix C - Summary of Community Engagement](#)
9. [Appendix D - Glossary of Housing Terms](#)

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 2

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5 th Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 3 to Staff Report

A total of 13 written public comments have been received to date which include comments directly emailed to City Staff as well as submittal of the online survey form. The main topics included in the public comments are:

- The inclusion of the Chargers / The Hive site as a housing opportunity site
- The inclusion of local hire requirements
- New housing being visually attractive, and include greenbelts, sound walls, be located near jobs, transit stops and high-resource neighborhoods
- Increase densities to make housing projects more financially feasible and encourage mixed income higher density communities, as well as other housing options like co-housing and motel conversions.
- Consider whether Casa Bella Apartments should be listed as an at Risk affordable developments
- Consider how assisted living and group living are counted toward the City's housing need

Refer to the attached public comments.



Invesco Real Estate

620 Newport Center Drive
Suite 350
Newport Beach, CA 92660
Telephone (949) 222-6380
Facsimile (949) 222-6376

www.invesco.com

August 30, 2021

Mayor John Stephens
77 Fair Drive
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco (\$85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site is walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Cassiano", with a stylized flourish at the end.

Peter Cassiano
Managing Director

P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com



139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 1, 2021

Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Em: housing-element@costamesaca.gov

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Costa Mesa’s (“**City**” or “**Lead Agency**”) draft 2021-2029 update to the City’s General Plan Housing Element (“**Draft HEU**” or “**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents,

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I. CONCLUSION

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$ = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink, appearing to read "Paul Rosenfeld".

Paul E. Rosenfeld, Ph.D.

EXHIBIT B



Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

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Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas

Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.

Case Number cc-11-01650-E

Rosenfeld Deposition: March and September 2013

Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio

John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*

Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)

Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division

Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.

Case 3:10-cv-00622

Rosenfeld Deposition: February 2012

Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland

Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants

Case Number: 03-C-12-012487 OT

Rosenfeld Deposition: September 2013



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Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

From: Diane Kastner <dianekastner@hotmail.com>
Sent: Thursday, September 2, 2021 12:56 PM
To: Housing Element
Subject: Feedback-Public Comment

Importance: High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.
2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.
3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.
4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

Kind Regards,

Diane Kastner

Diane Kastner

dianekastner@hotmail.com

Tel. (949) 378-1067

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From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,
Matthew Sheehan

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From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,
N. Henning

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From: Betsy Densmore <betsydensmore52@gmail.com>
Sent: Sunday, September 5, 2021 10:37 PM
To: Housing Element
Cc: CITY COUNCIL
Subject: Comments on Fair Housing Elements Draft
Attachments: CM Housing Element Testimony Take 2.docx

To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,
Betsy

Betsy Densmore
betsydensmore52@gmail.com
949-500-2381

"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Franks

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Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the “inclusionary housing ordinance” which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more “granny flats”, in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that “affordable housing” will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units (such as Section 8) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly “normal” citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

Betsy

Betsy Densmore

Resident:
1006 Nancy Lane
949-500-2381
Betsydensmore52@gmail.com

Sept 5, 2021

From: ronronron@juno.com
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Public Review Draft Community Comments

Chapter 1 (Introduction)

No comments

Chapter 2 (Community Profile)

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Chapter 3 (Housing Constraints, Resources, and AFFH)

No comments

Chapter 4 (Housing Plan)

- Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
- Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a ‘victory garden’ to produce locally and create an outdoor gathering area?

Appendices

No comments

Additional Comments

- Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using (pre - Covid 19) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just add to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
- Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces.

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True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but it seems like everything revolves around money and not quality of life. I hope you prove me wrong.

- For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city in planting Green, as well as the city of the arts. :)



C.11 Public Comments

The section contains all public comments submitted throughout the Housing Element Update and during the Public Review Period. Comments were submitted through the Public Review Period feedback form and by email to City Staff. Public comments provided during the Townhall Meeting, Subject Matter Expert Meeting, District Meetings, Planning Commission and City Council Study Sessions, and Public Hearings are provided in the sections above.

Response to Public Comments

Public Comment	Response
The Housing Element should plan for more housing near jobs, transit stops, and high-resource neighborhoods.	As part of the Housing Element’s Section 3 on Affirmatively Furthering Fair Housing (AFFH), the City identifies and analyzes disparities in access to opportunity, including: “improving the quality of life for residents of low-income communities, as well as supporting mobility and access to ‘high resource’ neighborhoods. This encompasses education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment” (HCD Guidance on AFFH).
Adopt an inclusionary housing ordinance.	The adoption of an inclusionary housing ordinance is Program 2A of the Housing Element Update. The City is currently working on developing an inclusionary housing policy.
The City should adopt a program to allow by-right development for projected proposing 100% units affordable to very low- and low-income households.	The City’s Housing Element meets State requirements to allow by-right development for sites identified in the Housing Element that permit at least 20% affordable units as described in Program 3M.
Create a Specific Plan for the Fairview Developmental Center site to facilitate the development of housing affordable to extremely low-income to moderate income households.	Program 3B addresses the City’s future planning actions regarding development of the Fairview Developmental Center.
Create new overlay zones along major thoroughfares like Harbor Blvd. to replace failing strip malls with mixed-use developments.	Programs 3C and 3D within the Housing Element will amend the existing specific plans, urban plans, and overlays, many of which are within major thoroughfares, to better suit today’s development climate

Public Comment	Response
	while planning responsibly for future potential growth within these areas.
All City Specific Plans and Overlays should have densities of 60 DU/Acres and a requirement of at least 20% affordable units.	The City has proposed densities which take into considerations the development characteristics of each area. Proposed densities range from 40 du/ac to 90 du/ac. The City is working to develop an inclusionary housing policy which will have a citywide affordability requirement for projects that meet established requirements.
Create a land trust to hold donated land.	The City is not proposing a policy related to creating a land trust but may consider that strategy in future implementing efforts.
Add workforce housing.	The City has established a housing strategy which looks to address housing for all segments of the community. More information can be found within Appendix B.
The densities proposed in the Public Review Draft are not high enough to make the sites financially feasible.	The City worked with members of the development community to identify densities which are likely to promote the development of housing at all income levels. The City also analyzed past real world development examples to determine at what densities different housing types are typically proposed.
We should be allowing multi-unit buildings in all neighborhoods.	This is not included as part of the Housing Element Update sites strategies; however, Appendix B identifies sites and strategies to accommodate the development of multi-unit projects throughout the City.
The City should accelerate the pace of ADU developments throughout the community.	Appendix B of the Housing Element discusses projected ADU growth over the next 8 years. Chapter 4: Housing Plan also provides policies and programs the City will

Public Comment	Response
	implement to track and facilitate the development of ADUs.
Casa Bella's subsidized senior housing contract expires in 2025 and should be considered at-risk.	Casa Bella is included in Section 3 – Inventory of Assisted Affordable Housing.
Select part of the Costa Mesa Golf Course and driving range for candidate sites.	This site is not included as part of the Housing Element Update sites strategy as the City is able to meet the RHNA allocation through the selection of other sites. It is also important to the City to maintain limited recreational open space for the community.
Create pathways to home ownership.	The City's Housing Element focuses on strategies for the attainment of both rental and for sale housing. Strategies specifically aimed at home ownership are not included.
Create an Ad Hoc Advisory Committee to review Measure Y and potential constraints on housing.	The City is currently pursuing the creation of an Advisory Committee to review Measure Y and its implications for housing development.
Do not replace El Metate Market with housing.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not replace the Smart & Final with affordable high-density housing on 19 th Street.	This site has been removed from the Housing Element and is no longer considered a candidate housing site.
Do not propose high density development on 19 th Street.	The City's sites strategy includes consideration of the West 19 th corridor.
High-density housing on 19 th Street will further the parking shortage and decrease property value.	Parking standards may be evaluated during the amendment of the City's overlays and urban plans.
Stop the affordable unit tax on developers.	The City is considering a inclusionary housing policy to address affordable housing requirements for future development projects.
The sites inventory must include probability of development during the RHNA cycle.	Appendix B of the Housing Element provides detailed information on the sites analysis strategies, including the assumed

Public Comment	Response
	affordability percentages. The City has allocated a buffer of units as part of its sites analysis in order to plan for sites potentially developing with lower densities than maximum permitted.
The Housing Element should specify the current available density and the proposed new density for each site identified for rezoning.	Appendix B of the Housing Element includes a detailed list of all sites identified as part of the sites analysis, including the current and proposed densities.
Reduce traffic congestion and consider parking shortages.	The City has considered mobility and access to public transportation when identifying candidate housing sites.
Costa Mesa should be a 15-minute city and become less car-dependent.	The City has considered mobility and access to public transportation when identifying candidate housing sites. In addition, the development of mixed-use projects generally facilitates walkability and sustainable transportation due to the location of housing units near commercial and retail uses.
Adopt a form-based code with objective criteria.	The City will consider different development strategies as part of the update to its existing urban plans and overlays. Currently the urban plans have a form-based like development criteria.
The City should abandon its RHNA appeal and add housing affordable to disadvantaged residents.	The City was not successful in appealing its RHNA allocation. The final RHNA allocation was released by SCAG on March 4, 2021.
How much importance is placed on public comments?	Public participation is critical to the success of the Housing Element and is a required component of the Update. All public comments are included in the Housing Element and all are provided to the City Council for consideration.
The City must engage community participation throughout all stages of the Housing Element.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the

Public Comment	Response
	Housing Element Update period. The City has solicited input from the community, stakeholders, and local organizations at the start of the Update process, during the Public Review period, during public Council and Commission meetings, as well through meetings with City Staff and via email and phone calls.
The City should include affordable housing advocates and local organizations in community outreach efforts.	Appendix C of the Housing Element includes all community engagement efforts and public comments received throughout the Housing Element Update period. The City outreached to and held multiple meetings with local organizations and housing advocates throughout the Update process.
The City should provide further analysis on the constraints for Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza)	The City has considered known constraints to development on these sites. Future implementing projects will be subject to an objective development review process which further analyzes potential constraints.
Program 3F should include long-term resident protections through anti-displacement, right-of-first refusal, and relocation benefits strategies.	The City's Housing Element Draft does not directly address long-term resident strategies but does analyze displacement risk and other environmental justice factors within Section 3 of the document.
The City should adopt a stand-alone program to make mid-cycle adjustments if housing production is not moving forward on identified large sites.	The City reports to HCD annually on its progress towards meeting its RHNA allocation. If HCD determines the City is not making sufficient progress, the City must revise its Housing Element in accordance.
Let single-family homes become duplexes and triplexes.	The Housing Element Update does not include a rezoning of all single-family neighborhoods.
Consider the availability of public open space.	The City has considered the availability of public open space in its sites analysis. Additionally, the City currently requires Park Fees for new residential projects as a

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Public Comment	Response
	condition of approval. These fees ensure compliance with State law and provide funds to cover the cost of land acquisition and parkland upgrades to support accessible public park space as population grows.
Add The Hive as a candidate housing site to allow for multi-family housing.	The Hive has been added as a candidate housing site.

Public Review Draft - Community Comments

Chapter 1 (Introduction)

1. I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.

Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.

Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.

Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

2. It was very disappointing to see preserve single family neighborhoods (monoplex zoning) as a goal in the Housing element. This is contrary to Costa Mesa's professed values (safe, inclusive, vibrant) and emergent state law. It is also subjective, latently racist and classist. Subjective discretion has historically resulted in treating people with more resources better than those with fewer resources which is another way to say latently racist and classist exclusionary practices wrapped in a ball of boring planning language. Costa Mesa should adopt a form-based code, compliant with state law that uses objective criteria to treat everyone equally under the zoning code and law. If the exclusionary neighbors wish to preserve monoplex zoning they may do so by buying those properties and preserving those parcels through private action. It is not the city's role to preserve exclusionary, high resource enclaves and concentrate housing growth where pollution burdens are higher (arterial and freeway corridors).

Chapter 2 (Community Profile)

1. On page 2-14 of the Community Profile PDF, the section on "Overcrowding" begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as "Residences" or are properly classified as stand-alone businesses, and are therefore excluded from these overall numbers. By the definition offered here, I believe that each of those homes could qualify as "overcrowded" and artificially skew the data toward implying a greater need for housing remediation than actually exists. I will send the same question above in the form of an e-mail, as I would like to get an answer and this comment format doesn't allow for that. Thank You

Chapter 3 (Housing Constraints, Resources, and AFFH)

1. The most powerful thing local elected officials can do on climate change is Urban Infill land use planning. <https://coolclimate.berkeley.edu/ca-scenarios/index.html>. This draft housing element is a swing and a miss that will jeopardize Costa Mesa's land use authority. This draft is tantamount to climate and racial justice arson. The primary deficiency is a failure to address the primary Governmental constraint on housing, Measure Y. It is a governmental constraint because it is a referendum embedded in municipal code that can be superseded by State law, interpreted by the Attorney General and the courts all of which are all government agencies. City council through its budgetary authority can also choose to defund anything related to implementation of it. In light of Title 13, Chapter IX, Article 22 of the municipal code (AKA Measure Y) the Housing Element made a lot more sense. This Municipal code conflicts with state law and all cities are subordinate to state law. The City Council and City Management's unwillingness to confront Measure Y head on leads the this Housing Element to a state of turboparalysis where City Planners and their consultants make vigorous and dramatic motions to meet RHNA goals but the end result is the absence of steady movement any particular direction. This unwillingness to confront Measure Y will likely result in City Council and city management eventually losing its land use authority.
A second weakness in the draft is the defense of pretextual zoning for parking requirements. This is bad policy and bad planning and pretextual zoning in any form should not be included in any part of Costa Mesa's housing element. Pretextual zoning is contrary to Costa Mesa's values (safe, inclusive and vibrant) and the statutory requirement to AFFH. <https://slate.com/business/2021/05/california-parking-minimums-planners-housing-ab1401.html>.
The fees and services nexus studies will need to be re-done thanks to AB602 which requires these fees to be levied on a per square foot basis. The current and future fee nexus studies should be publicly noticed and freely available for inspection by Costa Mesans.
The Housing element draft makes it difficult to undertake an analysis of these fees to determine if they are a constraint on housing production or if the assumptions made at the times of these studies are still valid. One specific example of this is the DIF for San Joaquin Hills TCA. This fee is antithetical to the principal of a toll road where the users pay. This DIF should be re-visited as an obstacle to the city's climate goals and housing goals. It is ridiculous and tantamount to climate arson that new infill housing (ADUs without parking) in Costa Mesa is used to support toll roads.
2. Parking Standards. My comment: Parking is always a problem in new developments, and also in high density residential areas. The City should NOT consider garage parking to be parking at all, since there is nothing assuring the City that it will be used for parking. I believe over half of garages within the city are NOT used for parking, but rather for storage or other uses. I would prefer the City require 1 outdoor parking space per bedroom AND 2-3 public street parking spaces per house/condo specifically for guests. Currently, there are not enough guest parking spaces in new developments or high density (apartment) areas. I always worry about going to a party at a new development, or near apartments, because I know parking is a problem. Taking a taxi is not an appropriate solution, this is not New York City. Riding my bike only works if I have extra time, it's daytime, and I am alone, so biking has limitations.
3. ADUs - Costa Mesa should create standardized ADU plans that residents can use. Most people are converting garages and those have set dimensions. So plans for studio and 1-bedrooms would cut down on costs, fast-track the approval process and encourage more ADU builds. Households are becoming more multi-generational. Folks want to move their elderly parents in with them but still give them their own space. Or grown children move back home for whatever reason and also need a space of their own. Also, there are probably lots of unpermitted ADUs constructed (maybe due to the recession and the need for additional

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income). There needs to be a way to get those permitted after the fact (without punishing the homeowners). It'll add to property valuations and increase tax revenue for the city.

4. AFFH - I believe access to affordable utilities applies to this policy. Approvals for solar power and home batteries should be fast-tracked and permitting should not be cumbersome or cost-prohibitive. Access to affordable energy is also an environmental justice issue. Current incentives for electric vehicles benefit affluent residents who can afford to charge their vehicles. Grants should be issued for lower income residents to install solar

Chapter 4 (Housing Plan)

1. Re Fairview Development Center property tagged for mixed use residential/commercial use with amenities, what kind of time frame do you envision for this redevelopment? It is a very large property with park like characteristics and would lend itself very well if its natural setting was preserved for the enjoyment of residents and commercial tenants. Do you plan a park with walkways, water fountains, sitting areas in your proposed redevelopment? Fairview is a prized piece of real estate in Costa Mesa, so it should be developed with Green in mind. Thank you. Ivan Alexander, CM resident
2. Re Fairview Development renewal: Will you be able to preserve the natural beauty and have walking trails and bike trails for CM city residents to enjoy? Will new construction renewal incorporate a green intent with solar energy, water recycling, eco friendly construction materials where possible? Will there be a 'victory garden' to produce locally and create an outdoor gathering area?
3. Regarding the section "PROGRAM 3C: Update the North Costa Mesa Specific Plan", it would be better to not implement the North Costa Mesa Specific Plan, or to scale the North Costa Mesa Specific Plan back significantly. Traffic on Bristol Street (and the neighboring streets) is already very congested. The changes proposed by the North Costa Mesa Specific Plan would worsen the traffic on Bristol Street (and the neighboring streets). Worse traffic reduces the quality of life. Worse traffic is also not "compatible with growth", which is one of the "guiding principles" of the Costa Mesa Housing Plan.
4. HCD requires cities to include a probability weighting of each site in its inventory of actually being developed during the 8 year cycle. Costa Mesa did not do that. Exceeding the city's RHNA goal by 34% addresses this partially but that still assumes that each of the identified sites has about a two thirds probability of being redeveloped. Based on the literature for California cities indicates the Costa Mesa's assumptions are optimistically high. <https://escholarship.org/uc/item/6786z5i9>.
The housing element spatially concentrated new housing sites along arterial roads and freeway corridors. This decision places additional noise pollution from cars and particulate matter pollution burdens on those occupants, including low income people. It also concentrates new arrivals in low resource areas and keeps monoplex (single family) zoning exclusionary contrary to the city's values and legal mandate to AFFH.
5. I am not against the City having a Housing Plan in general. I agree that the City should have a "plan" regarding housing. However, I disagree with the allotted number given to each City (11,760). I disagree with some of the wording in the Plan that simply agrees with this number without any push-back. Not all residents agree with the proposal to add so many high density living spaces in the City. Many of us think this is a bad idea & do not support it. Where is our voice and our representation? If it's already listed in the document I am apologize, but I have missed that part.
6. Approve more affordable housing, less luxury housing and luxury apartments. Lobby state to remove CEQA requirements for affordable housing

Appendices

1. Site Analysis. My comment, the only site south of the Freeway that has real merit is the Fairview Developmental Hospital. It's a large site, off major streets, and would be a nice spot to live. I lived right off Harbor Blvd for 2 years, with my bedroom window facing the street. I hated living there because the traffic noise was constant.

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I came to the conclusion that nobody wants to live right off a major street, and that people only live there because it's available. I now see so many little houses and apartments being built right on Harbor Blvd, and I scratch my head a little. Who is allowing these places to be built? Have they every lived right on Harbor? Do they know how much it sucks to live there? I have...and I know. The same thing goes for Placentia & 19th St. Again, these are terrible places for people to live. Who wants their front door opening up to Placentia? It's ridiculous. I think all sites within 50 feet of any major street are not fit for anybody to live, not old people, not poor people, not millennials, nobody.

Additional Comments

1. Hi - My name is Walter Chirichigno and live in College Park on Bowling Green. We used to live on the East side on Mesa Drive. The traffic and parking congestion got so bad we moved to our current home. I hope and pray that the proper traffic studies were done using (pre - Covid 19) traffic numbers. I am very concerned that Fair Drive And Fairview will become more of a traffic nightmare than they already are. And of course we know anything being built on Harbor will just add to the current ugly situation. Allowing Canes to be built with the overflow of drive thru customers stopping on Harbor has basically eliminated one lane from 12pm -2pm and 5pm - 7pm.
2. Permitting small home building (used to be called grandmother suites) for any age group is a good idea. This helps with extra housing and permits residents with low income to rent the small house and avoid being forced out by high taxes. The mass building of the 3 story units around Costa Mesa has contributed to heavy traffic, which Costa Mesa now has all year round, instead of summer only. Most residents I've spoken to believe past members of the city council were paid off, which permitted the development of those crowded living spaces. True or not, perception is reality for many. The freedom home track (west side) is unique to southern ca. If you over develop it you will ruin the country feel, increase traffic, not to mention increase water use. The element update will be too complicated for most residents to understand. There should be a more simple way of explaining the City's intent so residents completely understand. Overall, I'm discouraged by what I see. I mean no disrespect, but it seems like everything revolves around money and not quality of life. I hope you prove me wrong.
3. For the future of Costa Mesa, can we have the city plant 'fruit trees' for our insects birds and humans consumption, and enjoyment, that also lower our carbon footprint? Examples, some that are drought tolerant: tamarind, loquats, figs, guava, natal plum, mango, etc. It would be beautiful to know Costa Mesa is a leading city is planting Green, as well as the city of the arts. :)
4. SB 9, SB 10, SB 477, AB 602 and SB 478 are all on the Governor's desk and polling indicates he will beat the recall and is likely to sign these bills. The city should actively embrace and enable these tools to legalize housing freedom, affirmatively further fair housing and practice Costa Mesa's values (safe, inclusive and vibrant).
5. Housing plan needs to include more dedicated bike paths, similar to the one that runs along the golf course and connects Harbor Blvd to Placentia Ave, and the one along Victoria.
6. According to FORBES what makes a great neighborhood/city is
 - Pride in ownership
 - Low crime rate
 - Great schools
 - Outdoor activities abound
 - Stepping back in time (tree lined streets)
 - Access to medical care
 - Family friendly
 - Close to public transportation
 - Nearby shopping and restaurants

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- Nightlife and entertainment
- Walkability

Rather than just looking at housing let's consider the above. Although the plan says it is responsible for policies and programs regarding inclusion and diversity I don't see how this is being done. Where is the infrastructure like safety, green space, water, sewer, schools, police, fire departments that will support any new housing. Where is climate change and sustainability address in these new spaces. How are we going to attract new and interesting businesses? How are we going to get people to stay rather than be just a stop over (on the way to Newport Beach). How are we going to live up to our name, "the City of the Arts"? Where is the quality of life in this proposal rather than just getting more funding and adding more houses. Please consider those of us who really love this City and want to continue to invest it in. I care a lot.



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August 30, 2021

Mayor John Stephens
77 Fair Drive
Costa Mesa, CA 92626

Re: The Hive

Dear Mayor Stephens,

Thank you for taking the time last week to discuss Invesco's ownership and future growth plans for The Hive and The Press properties. As we discussed, Invesco (\$85.8B in Assets Under Management as of June 30, 2021) has made a substantial investment in The Press and The Hive and view these investments as long term in nature. We are very pleased with having Anduril Industries locating their headquarters at The Press. Anduril anticipates over 2,000 employees at this location which is a very strong economic driver for the City of Costa Mesa and surrounding communities.

With respect to The Hive, we acquired this asset with the understanding that the Charger's tenancy would be temporary in nature. The Charger's practice field is not adequate in size to effectively run their practices. We understand that the Chargers are actively seeking alternative locations that are more suitable for their operations. While the Chargers have certain termination rights, there is the possibility that they may seek to leave earlier than anticipated. For this reason, we need to prepare to plan for that occurrence and plan for a multi-family project on the field site. We have had success in other such mixed-use properties throughout the country and would seek to replicate this at The Hive.

As we discussed, we are prepared to advance a Specific Plan on the site concurrent with the City's General Plan update. For us to justify investing the funds in this process, it is important we communicate to our investors that the field site has been included in the city's upcoming Housing Element Update. From a planning perspective we believe the site is ideal. In addition to being located directly adjacent to Anduril, the site is walking distance to a host of current and future employers in North Costa Mesa area.

We appreciate your support to include the site in the Housing Element Update and are hopeful that other Council and Planning Commission Members agree.

If you have any further questions, please contact me at 949-222-6390.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Cassiano", with a stylized flourish at the end.

Peter Cassiano
Managing Director

P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com



Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

September 1, 2021

Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Em: housing-element@costamesaca.gov

RE: City of Costa Mesa Draft 2021-2029 Housing Element Update

To Whom It May Concern,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Costa Mesa’s (“**City**” or “**Lead Agency**”) draft 2021-2029 update to the City’s General Plan Housing Element (“**Draft HEU**” or “**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents,

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

I. CONCLUSION

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A



Technical Consultation, Data Analysis and
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March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$ = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink, appearing to read "Paul Rosenfeld".

Paul E. Rosenfeld, Ph.D.

EXHIBIT B



Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

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Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

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Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

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Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

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Rosenfeld, P. E., Grey, M. A., Sellev, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23rd Annual International Conferences on Soils Sediment and Water. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas

Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.

Case Number cc-11-01650-E

Rosenfeld Deposition: March and September 2013

Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio

John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*

Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)

Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division

Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.

Case 3:10-cv-00622

Rosenfeld Deposition: February 2012

Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland

Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants

Case Number: 03-C-12-012487 OT

Rosenfeld Deposition: September 2013

EXHIBIT C



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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,
N. Henning

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From: Aaron Klemm <aaron_klemm@hotmail.com>
Sent: Monday, September 13, 2021 5:48 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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Paul Dumont
6535 Lankershim Boulevard
North Hollywood CA 91609
paulrdumont@live.com
818.968.5627

September 13, 2021

Costa Mesa City Council
and Planning Commission
via CityClerk@CostaMesaCA.gov

RE: Public Comment on the Draft Housing Element & Regional Housing Needs

Dear Costa Mesa:

I have worked to provide housing for special needs, low income people for 20 years. Many come from Orange County in general and many are from Costa Mesa specifically. They all suffer from a lack of affordable housing options in their community of choice.

I am writing on their behalf to encourage you to abandon the appeal of the Regional Housing Needs Assessment determination required by the California Department of Housing and Community Development. Besides the sound legal reasoning behind the assessment, you should act in your constituent's best interests by facing reality: there is simply not enough affordable housing for the people who already live in Costa Mesa.

My experience is that when low income Costa Mesa residents can't find housing there, they migrate to other communities - even though Costa Mesa has been their home. And that is the precise reason you, along with other Orange County communities, are pushing back on the requirement that you plan for housing for all of your residents. Pushing "undesirable" people out of town is not only morally reprehensible; it's illegal.

Planning to make housing unavailable for already disadvantaged residents will not pass constitutional muster, and it certainly will not improve your City in the long term. Providing all people with housing opportunities will improve Costa Mesa for everyone.

The incredible amount of taxpayer money you spend to harm poor people's ability to live and thrive in Costa Mesa is fiscally irresponsible. Moving your perceived "problem people" to other jurisdictions is incredibly selfish and solves nothing. You have a duty to make room for everyone. I encourage you to plan accordingly – it's the law.

Sincerely,
Paul Dumont
Paul Dumont

From: Betsy Densmore <greatmexgrill@gmail.com>
Sent: Monday, September 13, 2021 10:04 PM
To: Housing Element; CITY COUNCIL
Cc: info@fairhousingelements.org
Subject: Re: Comments on Fair Housing Elements Draft

Good evening,

It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.

Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases that currently consume much too much of their income.

I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.

Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.

Thank you for serving us!

Best Regards,
Betsy

Elizabeth Densmore, Business Manager/Co-owner
Great Mex Grill LLC
www.greatmexgrill.com
greatmexgrill@gmail.com
949-500-2381

On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <betsydensmore52@gmail.com> wrote:
To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,
Betsy

Betsy Densmore
betsydensmore52@gmail.com
949-500-2381

"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Frankls

From: bmarkle1@gmail.com
Sent: Tuesday, September 14, 2021 8:02 PM
To: Housing Element
Subject: 19th Street - Housing Element Draft Proposal (September 13, 2021)

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19th Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costa Mesa on 19th Street west of Harbor Blvd.
3. So many units proposed for 19th Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
 - a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
 - b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Bryan Markle
717 Center St.
Costa Mesa, Ca 92627
Bpmarkle1@gmail.com

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From: Eric Markle <ericsmarkle@gmail.com>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Housing Element
Subject: 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.

The Golf course is a better option.

19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.

Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!

Eric Markle

--

Eric Markle

[His Word Your Story Podcast](#)

[LinkedIn](#)

[Instagram](#)

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From: Holly Rahill <holly.rahill@gmail.com>
Sent: Tuesday, September 14, 2021 3:38 PM
To: Housing Element
Subject: Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill
Costa Mesa Resident & Home Owner

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From: Kyle Harper <Harper.Kyle@outlook.com>
Sent: Tuesday, September 14, 2021 3:47 PM
To: Housing Element
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper
HarperPromotional
949.278.1055

Sent from my iPhone

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From: ryan.forman9@gmail.com
Sent: Tuesday, September 14, 2021 3:33 PM
To: Housing Element
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Best,

Ryan Forman, Resident
Brentwood Property Appraisal
Lic. #3004308

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From: Eleanor Markle <eamarkle@gmail.com>
Sent: Wednesday, September 15, 2021 5:31 AM
To: Housing Element
Subject: Housing element draft proposal

Please enter these comments into the public record regarding the Housing Element Draft Proposal presented September 13, 2021.

1. **I request/vote to; deny the Housing Element Draft Proposal to tear down Smart & Final and El Metate Market and replace it with 'affordable' high density housing on 19th Street.**
2. Local residents in our neighborhood depend on Smart & Final for groceries with a large number of residents commuting on foot. Smart & Final has little competition as it is the largest grocery store serving the community of Costa Mesa on 19th Street west of Harbor Blvd.
3. So many units proposed for 19th Street will not fix the homeless problem. Adding high density developments in place of the Smart & Final and the Soup Kitchen presents instability within an already high-density zoned neighborhood. This is a recipe for crime and overcrowding. There is already a shortage of parking within our residential streets and authorizing additional high-density housing will further ruin property values.
4. There are other properties identified and proposed which are much more appropriate to re-zone for high-density housing.
 - a. Golf course practice area/driving range which is raw land next to the 2 (two) 18-hole golf courses. Partial use of this property of 100-acres would easily hold 4000 affordable homes which the state law requires. Building out just the practice area is a much better option than ruining an already stressed neighborhood.
 - b. Another potential location identified for these proposed units would be the Fairview Development Center.
5. Either of the properties identified in paragraph 3. above impacts our already high-density zoned neighborhood community of Costa Mesa in the least possible way.
6. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Regards,

Eleanor Markle

717 Center St.

Costa Mesa, Ca 92627

[Eamarkle@gmail.com](mailto:eamarkle@gmail.com)

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September 15, 2020

VIA EMAIL

Mayor Katrina Foley
Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626
cityclerk@costamesaca.gov

Bruce A. Lindsay
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
714-446-1400
714-446-1448 FAX
bal@jones-mayer.com

Re: Comment on September 15, 2020 Agenda Item 12 of the Consent Calendar: Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard

Affordable Housing Initiatives under the Settlement Agreement, *Dadey, et al. v. City of Costa Mesa, et al.* (Orange County Superior Court Case No. 30-2014-00757962-CU-CR-CJC)

Dear Mayor Foley and City Council Members:

The Public Law Center writes to encourage the City Council to approve Agenda Item 12 of the Consent Calendar, Approval of an Affordable Housing Agreement that Provides for Nine Affordable Units as Part of the 200-Unit Multi-Family Development Project Located at 2277 Harbor Boulevard, at tonight's City Council Meeting. As the Staff Report accurately points out, approving and executing this Affordable Housing Agreement is necessary to comply with the global settlement agreement entered into by all parties in the *Dadey, et al. v. City of Costa Mesa, et al.* and to comply with the July 12, 2018 Stipulated Judgment. Additionally, adopting and executing this Affordable Housing Agreement will provide affordable units to very low income households in Costa Mesa and help the City begin to meet the great need for affordable housing that currently exists. We applaud the City for complying with its agreements and working toward the important goal of expanding the availability of affordable housing in Costa Mesa.

We would also like to take this opportunity to mention the City's other obligations under the Settlement Agreement for *Dadey, et al. v. City of Costa Mesa, et al.*

Fairview Developmental Center

Pursuant to the Settlement Agreement, “The City agrees to exercise reasonable best efforts consistent with and as authorized by applicable law to: (i) promote development of affordable housing at the real property commonly referred to as the Fairview Developmental Center (“FDC”) . . . in accordance with the City’s land use and zoning for that site of Institutional & Recreational-Multi-Use District (I&R-MLT), which provides for twenty-percent (20%) affordable housing in multi-unit residential developments; (ii) not limit the affordable housing at the FDC to developmentally disabled persons to the extent it is authorized under applicable federal and state law and subject to the conditions of disposition of the State-owned property to do so and to obtain permission from the State of California and any relevant state or federal authorities to permit such housing; (iii) encourage that residential development at FDC provide for a reasonable percentage of extremely low, very low, and low income affordable units, based on the applicable, then-current Orange county income limits established by the Department of Housing and Community Development (“HCD”) or the United States Department of Housing and Urban Development (“HUD”); and obtain permission and authority, as necessary, from the State of California and any relevant state or federal authorities toward achieving (i) to (iii) of this subsection 3(a).”

As we understand it, over a year ago the Costa Mesa City Council formed an Ad Hoc Committee of the Council to Address the Upcoming Closure and Potential Future Uses of the Fairview Developmental Center with the objective to “effectively analyze the matter and develop a City of Costa Mesa strategy to address the future of Fairview Developmental Center.” We are eager to hear of the Ad Hoc Committee’s progress, especially in light of the State’s goal to have finalized operational closure of the Fairview Developmental Center by July 1, 2020.

We also expect that, with the upcoming updates for the 6th Cycle Housing Element, there will be a lot of discussions of the role Fairview Developmental Center may play in the City’s efforts to reach its future Regional Housing Needs Allocation, estimated to be over 11,000 units.

As the Ad Hoc Committee continues its work and as the City approaches drafting its 6th Cycle Housing Element, we remind the City of its obligations under the Settlement Agreement to use best efforts to ensure that 20% of the housing developed in multi-family residential developments at Fairview Development Center is affordable to extremely-low-, very-low-, and low-income households.

James Street/West 18th Street Properties

The City also agreed to seek proposals to substantially rehabilitate or redevelop affordable housing at the James Street/West 18th Street Properties with new or extended covenants of affordability that include a minimum of ten percent extremely-low-income units.

As we understand, the City issued a request for proposals with a deadline of February 2019 and received several proposals by that deadline. The City staff was then reviewing the proposals to make a recommendation of a finalist development team to the City Council and agendize the

selection for final approval. We are eager to learn of the City's progress in selecting a development team and the currently proposed timeline for this project.

Again, we applaud the City's efforts in making affordable housing a priority and look forward to continuing to work with the City on these important goals.

Sincerely,

/s/

Richard Walker
Senior Staff Attorney
Public Law Center
601 Civic Center Drive West
Santa Ana, CA 92701-4002
(714) 541-1010 ext. 292
rwalker@publiclawcenter.org

Costa Mesa Affordable Housing Coalition

September 10, 2021

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Comments on Draft 2021-2029 Housing Element Update (August 2021)

Dear Ms. Ashabi:

On behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), we thank you for the opportunity to review and comment on the city of Costa Mesa's draft Housing Element—6th cycle—2021-2029. As you know, the Coalition is a local advocacy group which for many years has been encouraging Costa Mesa to actively facilitate the construction of affordable homes for the city's lower income residents. We submit this letter as part of our public comments on the draft Housing Element.

First of all, we congratulate the city for its success in conducting a remarkably robust, open, and serious process of public engagement. The Coalition had the opportunity to meet several times with you and your excellent consultant, Kimley-Horn, in both small and large group settings. Throughout this process, we have been impressed with the city's willingness to listen to our concerns and consider our ideas for spurring the development of homes affordable to the city's lower income residents.

In this letter, we recommend a few important substantive changes to the draft Housing Element and seek clarification on a number of important issues. We begin with recommendations on **our two most pressing concerns: the need for the city to adopt expeditiously an effective inclusionary zoning ordinance, and the related need to postpone until after adoption of the inclusionary zoning ordinance all zoning changes the Housing Element identifies as essential for meeting the city's 2021-2029 RHNA.**

Recommendations and Requests for Clarification

1. **The city must move expeditiously to adopt an effective inclusionary zoning ordinance.** It is widely understood such an ordinance is one of the most important tools available to a city for spurring the construction of affordable housing for lower income households. We are aware the city has engaged a consultant to help draft an inclusionary zoning ordinance, and the ordinance is nearly ready for presentation to the Planning Commission and City Council for adoption.
 - a. **We recommend the draft Housing Element be revised to include a deadline of the end of October 2022 for adoption of an inclusionary zoning ordinance.**
 - b. **Given the city's high 2021-2029 RHNA for lower income units and the city's persistent failure to produce any significant amount of lower income units through the last three planning periods, we recommend the city's**

inclusionary zoning ordinance contain provisions for setting aside a minimum of 15% of the units for lower income households.

- 2. The city must postpone enactment of any zoning changes or other land use changes affecting allowable residential densities identified in the draft Housing Element as necessary to meet the city's 2021-2029 RHNA until after the city adopts the inclusionary zoning ordinance.**
 - a. It would be a grave mistake for the city to enact any zoning or land use changes which increase residential densities without first ensuring those changes are tied to housing affordability requirements. Otherwise, developers could lock in the new increased densities by entering into a development agreement which would not be bound by the new inclusionary zoning ordinance.
 - b. Assuming the city meets its October 2022 deadline for adoption of the inclusionary zoning ordinance, we believe the city will be able to meet its obligation to accomplish the specified zoning and other land use changes within three years of certification of the Housing Element.
- 3. The city should create a stand-alone program that allows by-right development for new construction projects which make 100% of the units affordable to low-, very low- and extremely low-income households.**
- 4. The city should provide additional analysis on the Fairview Developmental Center (FDC) and the implications of SB 82.** In the Housing Element, the city identified FDC as a 109-acre opportunity site and assumes 40% of future units on the site will be affordable to lower income households (575 very low and 345 low).¹ However, SB 82 states:

“Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property *not exceeding 20 acres* located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities... A *minimum of 20 percent* of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center...”²
- 5. The city should decrease the FDC's affordability assumption that 40% of the units will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income.** While SB 82 indicates that a minimum of 20% of units will be affordable to individuals with developmental disabilities, we are unaware of any written or public statement from the state expressing interest in making more than 20% of homes affordable to lower income households.
- 6. The city should create a stand-alone program and commit to working with the state to ensure that at least 40% of the total future units on the FDC site will be**

¹ City of Costa Mesa Housing Element 2021-2029 Public Review Draft, Appendix B Candidate Sites Analysis Overview, August 2021, p. B-16.

² California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015.
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82

affordable to lower income households. There is ample land at FDC to accommodate the affordable housing needs of the city's developmentally and physically disabled residents and the city's lower income working families. To further that end, the city should create **a specific plan for FDC** which would allow high density residential throughout the 109 acres. The city should also issue a request for proposal for the creation of **a master plan** for a housing village at FDC.

7. **Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable development, and perpetuates exclusionary zoning. The city council should adopt a policy to exempt from Measure Y any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.**
8. **The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are in the 2021-2029 sites inventory but are currently under development agreements. Specifically, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement and whether that development agreement will be affected by the city's anticipated future adoption of an inclusionary housing ordinance.**
 - a. Sakioka Lot 2 and Home Ranch have been vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle?
 - b. Though these three large sites are in the 2021-2029 sites inventory, because they are each currently under a development agreement, they will be exempt from the requirements of the inclusionary housing ordinance the city intends to adopt. The only way these sites would be bound by that ordinance is if the property owners opt into future General Plan and zoning regulations. This fact was confirmed during the city's consideration of the proposal to extend Sakioka Lot 2's Development Agreement. The city confirmed that "if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance **IF** they opted to develop per the future General Plan and zoning regulations."³
 - c. On April 6, 2021, the city council extended the Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the Development Agreement include affordable housing requirements to help achieve the city's RHNA goals.⁴ The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements.** Given the property owner's recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it seems unrealistic to assume the property owner will prioritize the

³ Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.

⁴ Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.

development of housing affordable to lower income households in developing the property.

- d. Similarly, in applying the “15% lower income” assumption to these three large properties, it seems the city is over relying on the assumption that the developers will use the city’s existing density bonus to produce affordable units. It should be noted **the density bonus alone has not been effective in producing affordable housing** for lower income households. From 2014-2020, only 30 permitted units were issued at low and very low income.⁵ Of those, **only 9 units** are deed restricted at very low and 21 units are non-deed restricted ADUs at very low and low income.
- 9. The city should add a chart specifying both the current allowable density and the proposed new density for each of the sites identified for rezoning to accommodate the city’s 2021-2029 RHNA.** This information will help the public understand the proposed zoning changes.
- 10. The city should strengthen Program 3F: Motel Conversions, Efficiency Units, and Co-living Housing Types to include long-term resident protections through anti-displacement, right-of-first refusal and relocation benefits strategies.**
- 11. The city should include a stand-alone program to make mid-cycle adjustments if production is not moving forward on identified large sites and if production falls short of the expected yield during the first half of the planning period.**

Thank you for considering these recommendations for further revisions to and clarifications of the draft 2021-2029 Housing Element update. We welcome the opportunity to continue our dialogue with the city to ensure that the draft Housing Element includes effective policies that will result in new affordable homes for extremely low-, very low- and low-income working families in Costa Mesa.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Paul McDougall, California Housing and Community Development Department
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission

⁵ Planning Commission Agenda Report- 2020 Annual Review of the Costa Mesa 2015-2035 General Plan, City of Costa Mesa, p. 5, April 26, 2021.

From: [Elizabeth Hansburg P4H](#)
To: [Chen, Nick](#); [ASHABI, MINOO](#)
Subject: Examples of Workforce Housing by a Market rate developer
Date: Wednesday, February 10, 2021 2:23:55 PM

Done by a private developer, large, 5+ bedrooms, to serve multi-gen families. The project they did in Fullerton did not have enough open space, IMO, but they hit the product type 100%.

<https://www.urbanpacific.com/creating-affordable-homes-for-multigenerational-living/>

<https://www.urbanpacific.com/education/urban-pacific-announces-the-start-of-construction/>

--

Elizabeth Hansburg

Co-Founder & Executive Director



c. (714) 872-1418

e. elizabeth@peopleforhousing.org

[Click here to become a member of People for Housing!](#)

From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#)
Subject: FW: 19th Street
Date: Tuesday, September 14, 2021 5:59:53 PM

From: Eric Markle <ericmarkle@gmail.com>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: 19th Street

As a home owner there is already to many people around the 19th st. area. Street parking is very limited, traffic in the neighborhood streets is high. This is not an acceptable place to add low income homes. This will also eliminate markets that the community uses.

The Golf course is a better option.

19th street has to high a population. Its unsafe for my wife to run in the mornings alone and my kids to play in front yard. Due to all the traffic. More housing in this area will make it worse for existing residents.

Low income housing needs to be in a location that can handle the increase in population. 19th is not the place!

Eric Markle

--

Eric Markle

[His Word Your Story Podcast](#)

[LinkedIn](#)

[Instagram](#)

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From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#)
Subject: FW: Comments on Fair Housing Elements Draft
Date: Tuesday, September 14, 2021 8:58:09 AM

From: Betsy Densmore <greatmexgrill@gmail.com>
Sent: Monday, September 13, 2021 10:04 PM
To: Housing Element <housing-element@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Re: Comments on Fair Housing Elements Draft

Good evening,

It was a pleasure to attend this evening's study session and observe the high degree of well-informed, thoughtful discussion by my representatives.

Since protocol prevents observers from speaking at the end, I am writing again to especially applaud Commissioner's Zich's suggestion that we put more attention creating pathways to home ownership as an alternative to privately developed apartment complexes. Many developers are not even local so the money they collect in rent leaves town and the tenants are at the mercy of rent increases that currently consume much too much of their income.

I also appreciated Commissioner Toler and Flo Martin's comments which favored looking for more ways to create additional housing in R-1 zones. Both these ideas are potential strategies for reducing housing instability.

Finally, I hope that the idea of starting an Ad Hoc Advisory Committee to address the constraints posed by Measure Y is implemented. As Mayor Stephens said, this seems most pressing if we need another referendum in 2022.

Thank you for serving us!

Best Regards,

Betsy

Elizabeth Densmore, Business Manager/Co-owner

Great Mex Grill LLC

www.greatmexgrill.com

greatmexgrill@gmail.com

949-500-2381

On Sun, Sep 5, 2021 at 10:37 PM Betsy Densmore <betsydensmore52@gmail.com> wrote:

To Whom It May Concern:

I am very sorry that I was unable to attend the public hearing last Thursday. I attach the comments I would have made in person. Please acknowledge receipt of this email and let me know how I can review the discussion and comments which took place.

Best Regards,

Betsy

Betsy Densmore

betsydensmore52@gmail.com

949-500-2381

"Everything you have in life can be taken from you except one thing, your freedom to choose how you will respond to the situations you face. This is what determines the quality of the life we live-- not whether we've been rich or poor, famous or unknown, healthy or suffering." Viktor Franks

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From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [ARIOS, JUSTIN](#); [Chen, Nick](#)
Subject: FW: Community Profile
Date: Monday, September 6, 2021 10:39:17 AM

[Please add to public comments.](#)

From: ronronron@juno.com [mailto:ronronron@juno.com]
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#)
Subject: FW: Concerns regarding Proposed W 19th Street Development
Date: Tuesday, September 14, 2021 3:45:10 PM

From: Holly Rahill <holly.rahill@gmail.com>
Sent: Tuesday, September 14, 2021 3:38 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Concerns regarding Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Sincerely,

Holly Rahill
Costa Mesa Resident & Home Owner

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From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#); [ARIOS, JUSTIN](#)
Subject: FW: Costa Mesa Draft Housing element study session
Date: Monday, September 13, 2021 6:00:16 PM

From: Aaron Klemm [mailto:aaron_klemm@hotmail.com]

Sent: Monday, September 13, 2021 5:48 PM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>

Cc: info@fairhousingelements.org

Subject: Costa Mesa Draft Housing element study session

City Council members and Planning staff and consultants:

I live in Westside Costa Mesa and vote in District 5.

Costa Mesa should live up to its professed values to be safe, inclusive and vibrant by updating the draft housing element to include the high resource neighborhoods that are studiously avoided in the draft Housing Element but required by state law to Affirmatively Further Fair Housing.

The draft housing element is problematic because it doesn't follow the law or HCD's guidance. The sites inventory needs to include a probability of development during the RHNA cycle (AB 1397). The draft Housing element doesn't do that.

The housing element describes Measure Y as a growth management initiative. This is incorrect, it is a government constraint on housing. If the city continues to tiptoe around Measure Y allowing this governmental constraint on housing the remedies of the Housing Accountability Act will kick in up to by-right affordable housing that city council and city management cannot reject.

Both San Mateo and Huntington Beach have lost major court cases that firmly established the constitutionality of the Housing Accountability Act. I encourage Costa Mesa to not waste scarce time and money on another fruitless legal challenge and get started legalizing housing in all neighborhoods.

The city should live up to its professed values and embrace the positive vision of a safe, inclusive and vibrant Costa Mesa.

1. Safety achieved by reducing speeds and the number of cars on the city's public property.
2. Inclusive by updating the zoning to a form based code that uses objective criteria to allow the full RHNA allocation plus 20% to be built in this cycle in all neighborhoods.
3. Vibrant by moving to a form based code that allows services in all neighborhoods to reduce car dependence.

Aaron Klemm

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From: [ASHABI, MINOO](#)
To: [Chen, Nick](#); [LE, JENNIFER](#)
Subject: FW: Draft Housing Element 2021-2029
Date: Thursday, September 2, 2021 9:20:50 AM

From: Nancy Henning <nphenn@gmail.com>
Sent: Thursday, September 2, 2021 8:56 AM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Draft Housing Element 2021-2029

Hello,

Regarding Casa Bella Apartments, 1840 Park Ave...

Please check this only if you think it is worth checking into. In the prior housing element, Casa Bella was the most at risk subsidized senior housing in Costa Mesa due to having a for profit owner and due to the Hud contract expiring in 2015. The owner did renew the contract for 10 years at that time.

*** Now, the contract expires in Sept 2025. And the for profit owner's mortgage deed restrictions ended in 2020. The owner changed property management companies in Autumn 2020 and beginning April 2021 began renovations to the building.. it appears in order to bring it up to code? All red flags in some of our opinions as tenants here.

I skimmed a few parts of the draft Housing Element and I "think" I read one paragraph that said there is no at risk housing in Costa Mesa in this plan??? My feeling is that Casa Bella is at risk?? But I have no idea. Did anyone check with the actual owner about future plans for this property?

Thank you,

N. Henning

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From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#); [ARIOS, JUSTIN](#)
Subject: Fw: Housing Element comments
Date: Thursday, November 19, 2020 8:17:37 AM

From: Russell Toler <russell.toler@gmail.com>
Sent: Wednesday, November 18, 2020 9:01 PM
To: Housing Element
Cc: CITY COUNCIL; HARLAN, JEFFREY; PERKINS, MARC; TOURJE, JENNA; ZICH, JON; COLBERT, KEDARIOUS; DEARAKAL, BYRON; RUSSELL, DIANNE
Subject: Housing Element comments

Hello,

I wanted to provide some comments on the Housing Element update.

There is a full range of historic housing types in between the single family home and the big ugly apartment complex. The “Missing Middle Housing” types – duplexes, quadplexes, rowhouses, and other small multi-family buildings – with good development standards, can all fit well within whatever shades of neighborhood character we’re hoping to create or preserve, including our R-1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes (so that families can stay close and people can age in place, among other benefits). I hope that through this update, we focus not just on big projects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small projects. A big reason this sort of incremental development often doesn’t pencil out because of parking requirements, which brings me to my next point: cars.

As we grow, we need to figure out how to become less of a car-dependent and car-oriented city, otherwise the NIMBYs are right – we’ll be a tangled mess of traffic, which no one wants. So to what extent is this new document going to deal with the question of how to uncouple housing from the car demand (or toll) that unnecessarily comes with it? As we try to accommodate 11,000 units over the next 10 years, what are we doing to ensure that owning a car and is optional rather than virtually required?

Lastly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the context of how we want our city to look, feel, and function. How will the occupants of the new housing get around? How will the developments fit into the existing urban fabric and contribute to the neighborhood they’re in? How will the new buildings relate to and shape the public space they sit on? We don’t want islands of amenity-rich high-density housing fortress-ed in from bleak rights of way and full of people who never leave the property without a car (if you want to know what I’m describing, drive up [Jamboree](#) in Irvine some time). The sustainable, equitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler (lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay)

From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#); [EMERY, SUSAN](#); [ARIOS, JUSTIN](#)
Subject: FW: Opinión
Date: Monday, February 15, 2021 8:09:30 AM

FYI,

We had a comment submitted in Spanish that Andy translated for us.

-----Original Message-----

From: GODINEZ, ANDY
Sent: Sunday, February 14, 2021 11:15 PM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Subject: RE: Opinión

Minoo,

To the best of my ability I translated the email below:

"I just wanted to know how much importance will be placed on the comments that are posed by tenants? The importance shouldn't just be placed on the comments posed by business and property owners, but also the people who inhabit those properties. Because without the tenants, the property owners cannot prosper."

Please note that LOA I QUIMONOS is not a word, so I am assuming they meant LOS INQUILINOS, which means THE TENANTS.

Also, it seemed to be one run on sentence so I had to break it into a question and two sentences.

The last portion seems to be a Bible verse and I believe it is being used as part of their signature, so I didn't feel the need to translate that.

Andy Godinez
Code Enforcement Officer
Community Improvement Division
77 Fair Drive
City of Costa Mesa, CA 92626
OFFICE HOURS:
MON.-THURS. 7:00 AM – 5:30 PM
Office: (714) 754-5209
Fax: (714) 754-4856
Andy.Godinez@costamesaca.gov

-----Original Message-----

From: ASHABI, MINOO
Sent: Sunday, February 14, 2021 11:24 AM
To: GODINEZ, ANDY <andy.godinez@costamesaca.gov>
Subject: FW: Opinión

Hi Andy,

We have received this email; could you please translate?

-----Original Message-----

From: Dalia Silva [mailto:slater81017@gmail.com]

Sent: Saturday, February 13, 2021 3:31 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Opinión

Solo quería saber que tan importante son los comentarios de loa i quimonos, porque no solo importa la opinión de los comerciantes y dueños de casa sino del que los habita, porque sin el inquilino, los arrendatarios no pueden prosperar.

Juan 3:16

Porque de tal mantra amo Dios al hombre que dio a su hijo unigenito para que todo aquel que en El crea no se pierda mas tengo vida eterna.

From: [ASHABI, MINOO](#)
To: [LE, JENNIFER](#); [Chen, Nick](#)
Subject: FW: Proposed W 19th Street Development
Date: Tuesday, September 14, 2021 4:00:53 PM

From: Kyle Harper <Harper.Kyle@outlook.com>
Sent: Tuesday, September 14, 2021 3:47 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Proposed W 19th Street Development

Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area.
- 3.1 The proposed plan contains no certainty at all, and a lot of wishful thinking that the hundreds of retrofit projects actually take place. Utilizing the raw land that the practice area provides will impact the community in the least possible way.
4. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Kyle Harper
HarperPromotional
949.278.1055
Sent from my iPhone

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From: [ASHABI, MINOO](#)
To: [ARIOS, JUSTIN](#); [Chen, Nick](#); [LE, JENNIFER](#)
Subject: FW: Public Comment: City of Costa Mesa Housing Element Update
Date: Thursday, September 2, 2021 6:02:55 PM

From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; Housing Element <housing-element@costamesaca.gov>
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,

Matthew Sheehan

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August 17, 2020

Dear City of Costa Mesa:

St. Joseph Hospital is an acute-care not-for-profit faith-based hospital founded in 1929 by the Sisters of St. Joseph of Orange, located in the City of Orange, California. St. Joseph Hospital has 465 licensed beds, 379 of which are currently available, and a campus that is approximately 38 acres in size. The hospital's Primary Service Area includes the cities of Orange, Santa Ana, Tustin, Anaheim, Garden Grove, Villa Park, and Westminster. Major programs and services include cardiac care, critical care, diagnostic imaging, emergency medicine, obstetrics and behavioral/psychiatric services. St. Joseph Hospital dedicates resources to improve the health and quality of life for the communities it serves, with special emphasis on the needs of the economically poor and vulnerable.

Over the past two years, St. Joseph Hospital along with 13 other Community-based Organizations have been working together to address the issues of Economic Development, Housing, and Mental Health. In Central Orange County. The goal is to impact systemic change and determinants of health. In addition, St. Joseph Hospital has identified Homeless & Housing as one its key priorities of focus over the next three years. We will develop strategies to address lack of affordable housing under the framework of equity and racial disparities. We firmly believe that in order for communities to thrive, there must be equitable systems in place that support social consciousness, economic stability, and diverse development.

As you are aware, Housing Elements for the 6th cycle period (2021-29) are due to the California Department of Housing and Community Development by October 2021. St. Joseph Hospital understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.¹ Together with local housing advocate groups, we support their efforts on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

St. Joseph Hospital seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..." Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, St. Joseph Hospital requests that the City include us and our local housing advocates in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments.

St. Joseph Hospital further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate St. Joseph Hospital, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach and community planning process.

To ensure adequate public participation St. Joseph Hospital recommends the following:

1. The City should engage community participation and feedback at all stages of the Housing Element review and update. Participation should not be limited to public hearings.
2. The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.
3. The City's public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.
4. The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.
5. The City should include affordable housing advocates in any anticipated Housing Element Work Group and provide the opportunity for them to provide their analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.
6. The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please feel free to contact me at (714) 771-8000 Ext. 17535 or Cecilia.Bustamante-Pixa@stjoe.org.

Sincerely,

Cecilia Bustamante Pixa

Cecilia Bustamante Pixa, MPH, MHCML
Director, Community Health Investment

¹California Government Code § 8899.50 (Assembly Bill 686).

Mr. Mayor, Members of the City Council,

I felt that it would be helpful to write out some thoughts on the Housing Element in hopes that it might both shape the document and help keep the conversation going in what I believe to be a good direction. Although much of what I say in this letter is aspirational, I truly believe that Costa Mesa - much more than most of our neighbors - is set up to grow *well* into a leafy, sustainable, interesting, and beautiful urban city. Some of what is written below is immediately applicable to the task at hand (updating the Housing Element), while some of it is applicable to the larger task of updating the Circulation Element and Title 13 of the Municipal Code (zoning) in the wake of the updated Housing Element.

Please note that the ever-present risk of discussing these things is that certain terms and ideas are likely to present themselves very differently in each of our heads. To keep this letter from getting too long, I'm taking that risk. I've provided links throughout and resources at the bottom that might help refine the things I'm trying to say, and I'm also always available to chat.

The entire planning profession can be boiled down to "how do we fix the problems caused by cars and apartment bans without banning cars or allowing apartments"

- Someone on Twitter

1. The shape of the city

A good, healthy city is a collection of complete neighborhoods. *Complete* neighborhoods are geographically finite areas with civic, cultural, and commercial uses embedded into them. They also have a variety of housing types (among other benefits, like the mixing of ages and socio-economic status, this allows people to move through stages of life without having to leave their neighborhoods behind). This idea that neighborhoods are limited in size¹ is key. We often talk about how complete our *city* is (citing the number of dwellings, amount of office and commercial space, etc.), but what *matters* is the [proximity of everything](#). That is really the whole point of a city. But when we disregard the [human scale](#), we create a contradiction of a city. When civic, cultural, and commercial uses, and different housing options are embedded into our neighborhoods and within comfortable walking

¹ A complete neighborhood should roughly have a ¼ mile radius (5-minute walk), since that is the distance that people are generally willing to walk before opting to drive instead.

distance of each other, the city can flourish. But when they are grouped into sectors, miles away from each other and only accessible by car, the city *cannot* function well.

I say this because we need to think about what each neighborhood is lacking before designating vacant or underutilized lots as “opportunity sites” for housing.² This is important to remember, because once land is developed, it stays like that for a very long time. However good an increase in housing supply may be, a neighborhood which contains nothing but housing - or worse: nothing but one master-planned, centrally-managed product - is an incomplete neighborhood. Density without amenity is just car-dependent density. See this [great blog post](#) on the 5 Cs of neighborhood planning by urban designer Howard Blackson.

My point: *We need to make sure that this Housing Element is actively helping make all of our neighborhoods more complete. And we need to make sure that we aren't precluding the future “completion” of neighborhoods by planning for every last bit of available land to be filled in with nothing but more housing.*

2. Regulating What Matters

As with many other cities, it's our development standards that are largely responsible for our shortage of housing. Pre-WWII neighborhoods that represent the best of what we're trying to imitate with our R-1 standards contained a variety of building types, densities, and even uses. What we like about them is that the streets are lined with shade trees, cars move slowly, the buildings are mostly one or two stories and aren't too wide, they have conspicuous front doors and big front windows, they have porches and small gardens in front that make for comfortable transitions between private and public space, etc. If these (and whatever else we identify as the features that make such places desirable) successfully embody the spirit of what R-1 is intended to be, then *these* are the things that we should be regulating. And the same principle applies to whichever type of environment we're trying to achieve - whether we're talking about R-1-type streets or whatever the subsequent “clicks up” are.³

² This requires a lot-by-lot analysis, but for a simple example - have we identified any land as an “opportunity site” that is in a park-poor neighborhood? (see General Plan [Figures OS-R 2 & 3](#)).

³ The subsequent “clicks up” shouldn't be on their own, far away: they should be embedded into the same neighborhoods - or even blocks!

But rather than regulating the physical things that matter, we've been regulating the abstract things that no one actually cares about. Density caps, [minimum lot sizes](#), and [costly parking mandates](#) are three principal zoning culprits that have kept traditional American housing types - those that can deliver good density at multiple scales - out of our city.⁴ As a result, our neighborhoods are frozen: single-family homes are selling for millions of dollars, and the only other product that gets built are distorted variants of the single-family home - crammed together unnaturally on jointly-owned lots, often turned away from the public realm. But we need to get our development codes right (code the things that we actually care about) so that our "built-out" parts can be liberated to evolve [incrementally and organically](#).

There are many potential housing types that should be embedded into our neighborhoods, but are simply coded out. Missing middle housing traditionally refers to multiplexes that are the general size and shape as houses and therefore integrate seamlessly into R-1-type environments. But there are many other possibilities of types that are larger than missing middle products, but smaller than wraps or podiums, that - if done well - can work just fine in the *right parts* of each of our neighborhoods. We need to not only allow, but actively facilitate these "small" multi-family, or even mixed-use, infill projects. See [here](#) for some examples. We should not be depending on mega-projects to deliver all of our new housing.

Much of what I'm trying to get at is summed up in this line from [a great Strong Towns post](#) by Daniel Herriges:

Let single-family homes become duplexes and triplexes. Let small apartment buildings, 8 to 12 units, go up on corner lots. Let mom-and-pop stores and cafes open in these areas to serve growing populations.

Then there are the large parcels in the city - both those still undeveloped and those that are ripe for redevelopment. Historically, large sites have been developed as sealed off pods of a single building type. [Monticello](#) - the 20 acre mega-project that turns its back on 3,000 feet of public streets - may have been the first of this type in town, and until recently have been in the form of garden apartments, like [these](#), [these](#), [these](#), [these](#), and [these](#). But this model of development neglects the most *fundamental* principles of city-making: **urban**

⁴ To take the simplest example: currently, how could you build a duplex in R-2? To subdivide your land, each new parcel would need 12,000 square feet and 100 feet of frontage(!) To build on an existing, smaller parcel, you would be allowed one unit per 3,630 square feet of lot area (meaning that you would not be able to build a duplex on a typical 6,000 square foot lot). If your lot has been that size since 1992, however, you can build a duplex - but only if you can fit 5 parking spaces on it.

land should be carved into small, walkable blocks, public open spaces, and streets of shared use; buildings should address, and take pedestrian access off those spaces.

These are the characteristics that every desirable urban environment shares. But look what we're still allowing to happen with [Superior Pointe](#), [17th West](#), [The Enclave](#), and [Miraval](#). The edge buildings in the first two at least address and take access off the street (though with questionable frontages), while The Enclave and Miraval have followed in the tradition of walling themselves off from the outside world. Rather than authentic places, these are all homogenous (in so many ways) faux-"communities" - unstitched from the fabric of the surrounding environment, impenetrable by the public, and wholly unable to evolve. You have to leave the whole project if your financial situation changes, if your family grows, or if it's time for grandma to be closer. We are making static, stagnant *projects* rather than *places* - despite how they are branded and marketed.⁵ This is largely a matter of getting our codes right, and it should not have to require a colossal effort.

My point: *Our existing neighborhoods cannot be frozen and protected from any change. We need to make sure that our code is set up so that the change that does happen is incremental, context-sensitive, and in the right parts of each neighborhood. For the bigger projects, we need to especially make sure we have better subdivision standards. In all contexts, we should be regulating the things we actually care about, so that each project contributes to the aesthetic quality of our "urban commons."*

3. Corridor Visioning

I have heard the idea from the dais that we might want to articulate a vision - or visions - for our corridors, and even regulate them with form-based codes. I want to throw in my support. Like much of Southern California, our grid of corridors is a result of the Public Land Survey System from long before our time. When the functional classification system of highways is applied to this pattern, the result can only be seen as ideal by the most myopic observer. Look what has happened to places like [Huntington Beach](#). We instantly recognize this interpretation of what a street is supposed to be as *not good*, yet we've been allowing the same thing to happen - project-by-project - along what perhaps is our corridor with the most potential: Harbor Blvd. Look at all the new development (for example [Blue Sol](#), [Twenty8](#), [Aura](#), [Azulon](#)) and note what they have in common - they don't want to have

⁵ [580 Anton](#) is a different sort of project, but errs in the same way as many others. The entirety of the ground floor that is adjacent to the public realm - 700 feet of frontage - is dead. A lot of planning energy went into this project, yet the building fails in its most basic role (from an urban design perspective): shape and engage with the public space of the street. In the core of the City of the Arts, we need to do a better job of communicating our belief that beauty actually matters.

anything to do with Harbor Blvd. This is understandable, since we've allowed Harbor Blvd. to become a high-speed 6+ lane highway (making it a convenient place to *drive through*, but a very unpleasant place to *be*). We also - bewilderingly - have been allowing (even more) single-family homes to back right up to the boulevard. Is this consistent with our vision for our corridors? Is the future of Harbor Blvd. [a high-speed channel of privacy walls](#) with the backs of low-density, car-dependent housing on either side? The Planning Commission recently reviewed the plans for a new car wash to be built on a commercially-zoned lot on Harbor and Dale. I checked the zoning: 2 stories maximum, 20-foot setback required for both streets, FAR capped at 0.4, etc. It's no wonder that a car wash is moving in. Each new development betrays the embarrassing fact that we don't know what we want. We don't have a vision.

We would be wise to remember Principle no. 19 of the [Charter of the New Urbanism](#) (which is worth reading in its entirety): *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.*

The establishing of a form-based code would force us to figure out what the barriers to development are, what the market can support, and what ideal-yet-practical buildout *should* look, feel, and function like. The development code, then, would be set up to deliver physically-predictable results that are consistent with that vision, and with as little headache as possible each time an application comes in.

My point: *Yes to visioning our corridors, yes to code revisions in light of those established visions, yes to form-based zoning if necessary.*

4. Open Space

When the countryside is far away, the city becomes a prison.

- Christopher Alexander

In Southern California we've carpeted the land with low-density, car-dependent sprawl. In our worst suburban pockets, we lack both the benefits of the city *and* the benefits of the country. A wise response is not to try to freeze growth and long for more rural times. Nor is it to swing the other way and hastily welcome any and all growth. Our best approach is to strategically do what we can to control *the shape and character* of our city as the market and the State push us to grow (see No. 1, above). This obviously applies at all scales and should permeate all of our discussions about everything planning-related, but what I'm bringing up

here is the topic of semi-wild, easily-accessible open space *within* the city. The concept of “transfer of development rights” (TDR) programs is traditionally applied to cities that want to curb outward sprawl and protect surrounding farmland. It is dependent on the not-ideal system of regulating the abstract concept of density via the DUA metric. While I very much hope that we can stop regulating density through zoning at the parcel level, the DUA caps at the Land Use Plan⁶ level may suffice to make a program like this viable. We have some very large vacant and underutilized parcels in the city, and it would be folly to let them just get paved over without considering whether they (in whole or part) might be opportunities to get more quality open spaces in the city that are easily-accessible to more people. This approach has the added benefit of not requiring that the city purchase the land: the property owner only sells the *rights* to build a specified number of units to another property owner elsewhere, and maintains ownership of the land - with a newly-recorded easement. I’ve never seen TDR programs set up like this before. But I don’t see why the idea wouldn’t be worth exploring if we are truly interested in rewilding parts of our city and providing more quality open space to more people as we densify.⁷

Having said that, we also need to recognize the obvious: the topic of urban open spaces and the lack of access to them is a modern, self-inflicted problem. The most common open space is the space between buildings - streets. But since we’ve allowed most of our streets to be monopolized by cars - and therefore unsafe and unpleasant for people outside of vehicles - none of it “counts.” This really is amazing, considering the amount of open space there is in the city and how close it is to all of us! Instead, we provide pockets of turf with plastic play equipment where we can manage, but leave it up to residents to figure out how to navigate to those places safely through a network of disqualified open space that is dominated by fast-moving cars. Whenever we talk about the need for open space, we need to also talk about the need to [reconceptualize our streets](#).

My point: *We need more public open space, and we need it more easily-accessible to more people. This topic increases in importance as we increase in population. A TDR program might be one means towards this end, or maybe we have better ideas. Our streets should serve as public open space too, but they cannot fulfill this basic role when driving convenience is treated as the highest good.*

⁶ Using DUA at the Land Use Plan level is fine. It should *inform* our zoning. But when the metric is being applied parcel-by-parcel through zoning, it is being used inappropriately.

⁷ I am using semi-wild spaces (like Canyon, Talbert, and Fairview Parks) as a gold standard here, but other forms of accessible open space may work well too - especially those that might provide some revenue to the property owner.

5. Parking & Mobility

In The High Cost of Free Parking, which the American Planning Association published in 2005, I argued that minimum parking requirements subsidize cars, increase traffic congestion, pollute the air, encourage sprawl, increase housing costs, degrade urban design, prevent walkability, damage the economy, and penalize poor people. Since then, to my knowledge, no member of the planning profession has argued that parking requirements do not cause these harmful effects. Instead, a flood of recent research has shown they do cause these harmful effects. Parking requirements in zoning ordinances are poisoning our cities with too much parking. Minimum parking requirements are a fertility drug for cars.

- Donald Shoup

The right to access every building in a city by private motorcar, in an age when everyone owns such a vehicle, is actually the right to destroy the city.

- Lewis Mumford

Before we go too deep in our analysis of how much and what sort of housing is possible, we need to figure out what we're going to do about our costly on-site car storage mandates, AKA [parking minimums](#). Arguments in favor of keeping them can only be from the myopic perspective of the driver who has been accustomed to free and easy parking (and no traffic) wherever they go, despite how unrealistic and unsustainable that expectation may be. Arguments for their reduction or removal include [sound logic](#) and [big-picture thinking](#).

As we grow, our dependence on cars *needs* to weaken, and the comfort and convenience of getting around in more spatially-efficient ways *needs* to become more viable for more people. Right now, despite our aspirational statements about being a multi-modal city, our codes ensure that driving remains the most convenient option to get around - through the continued use of LOS, high on-site parking requirements, the limitation of FAR and DUA by estimated trip generation, etc.⁸ As we prepare for this growth spurt, we need to figure out

⁸ Donald Shoup: *Consider the three main elements of city planning. First, divide the city into separate zones (housing here, jobs there, shopping somewhere else) to create travel between the zones. Second, limit density to spread everything apart and further increase travel. Third, require ample off-street parking to spread everything even farther apart and make cars the easiest and cheapest way to travel. Cities have unwisely adopted these three car-friendly policies. Separated land uses, low density, and ample free parking create drivable cities but prevent walkable neighborhoods. Although city planners did not intend to enrich the automobile and oil industries, they have shaped our cities to suit our cars.*

what we need to do to function and thrive as a car-lite city. If we allow the accommodation of cars to shape (and price) the development of 11,760 units, then [this problem](#) will be further entrenched for decades, and we will be marching away from our city and state climate goals. Now is the time to decide that we are going to grow sustainably (both spatially and environmentally), and calibrate our codes around more noble needs like beauty, green and active mobility, and affordable housing.

My point: *If we plan for cars and traffic, we'll get cars and traffic. Right now, despite what we say, we are still very much planning for cars and traffic. The discussion of the future of local housing must be intertwined with the discussion of the future of local [access and mobility](#).*

I don't want any of the above points to be construed as hard-edged propositions. They are not intended as solutions, only ideas in an attempt to move the conversation in what I believe is the right direction. I want to push them to the front of our discourse over the vision of our city, and I hope that they can be on our minds as we continue to work out our future.

Thanks for reading,
Russell Toler

Resources

- [Blog Post: Density Done Well](#)
- [Publication: Density Done Well](#)
- [Book: Soft City](#)
- [Missing Middle Housing](#)
- [AARP Handbook for Improved Neighborhoods](#)
- [Users Guide to Zoning Reform](#)
- [Lean Code Tool](#)
- [Biophilic Cities](#)
- [Residential Infill Project \(Portland\) \(Oregon City\)](#)
- [Random examples of new "small" infill](#)

From: [ASHABI, MINOO](#)
To: ["bustariley@aol.com"](mailto:bustariley@aol.com)
Cc: [ARIOS, JUSTIN](#); [Chen, Nick](#)
Subject: RE: Housing Element Comments
Date: Monday, May 3, 2021 3:00:01 PM

Hello Riley,

Thank you for your interest in the Housing Element Update. We will add your name to the interest list for future email blasts. You could also check the City's website for periodic updates including two new videos:

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

Your comment below is noted and will be included in the public comments provided to the City Council.

Minoo Ashabi, AIA
Principal Planner
City of Costa Mesa
714/754-5610
minoo.ashabi@costamesaca.gov

From: bustariley@aol.com <bustariley@aol.com>
Sent: Monday, May 03, 2021 2:54 PM
To: Housing Element <housing-element@costamesaca.gov>
Subject: Fwd: Housing Element Comments
Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.

I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have all of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for \$570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time...raining...doctors appt...

errands...the list goes on & on).

2. We must set a housing “unit” to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I’m not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc...) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,
Riley Watson

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From: [Cash Rutherford](#)
To: [Kathy Esfahani](#); [Elizabeth Hansburg P4H](#)
Cc: [Chen, Nick](#); [ASHABI, MINOO](#); [Rutherford Cassuis](#); [Dianne Russell](#)
Subject: RE: Sharing Willowick proposal
Date: Thursday, February 11, 2021 12:32:27 PM
Attachments: [image001.jpg](#)

Thanks to Minoo, Nick and TeamCM for meeting with us on the housing element update. Please do keep Kathy and the CM affordable housing coalition apprised of the process as it unfolds. We are eager to stay engaged.

Kudos to Elizabeth for sharing the info about Willowick – I think there are definitely some lessons learned in how to approach developing FDC.

All the best,

Cash

Cash Rutherford

Field Coordinator, United to End Homelessness

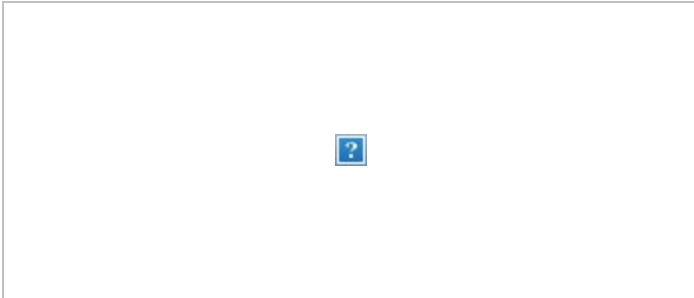
Orange County United Way

18012 Mitchell South, Irvine, CA 92614

Email: CashR@UnitedWayOC.org

Phone: 949.477.4502

Mobile: 951.265.0461



From: Kathy Esfahani <kathy.esfahani@gmail.com>

Sent: Thursday, February 11, 2021 11:44 AM

To: Elizabeth Hansburg P4H <elizabeth@peopleforhousing.org>

Cc: nick.chen@kimley-horn.com; ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>; Cash Rutherford <CashR@UnitedWayOC.org>; Rutherford Cassuis <cashrutherford@gmail.com>; Dianne Russell <diannelrussell@gmail.com>

Subject: Re: Sharing Willowick proposal

Thanks very much, Elizabeth, for sending this. And thanks to Nick, Minoo, and all involved for hosting such a productive and satisfying meeting. We look forward to participating further in the Housing Element Update process.

Kathy

On Wed, Feb 10, 2021 at 3:10 PM Elizabeth Hansburg P4H

<elizabeth@peopleforhousing.org> wrote:

To be clear, this is a PROPOSAL, and no decision has been made, but for proof of concept, Willowick is a comparable site in size for FDC. It would be an interesting exercise to analyze how these partners are proposing to use the 90+ acres. The partners are City Ventures and Jamboree Housing.

--

Elizabeth Hansburg

Co-Founder & Executive Director

Image removed by sender.



c. (714) 872-1418

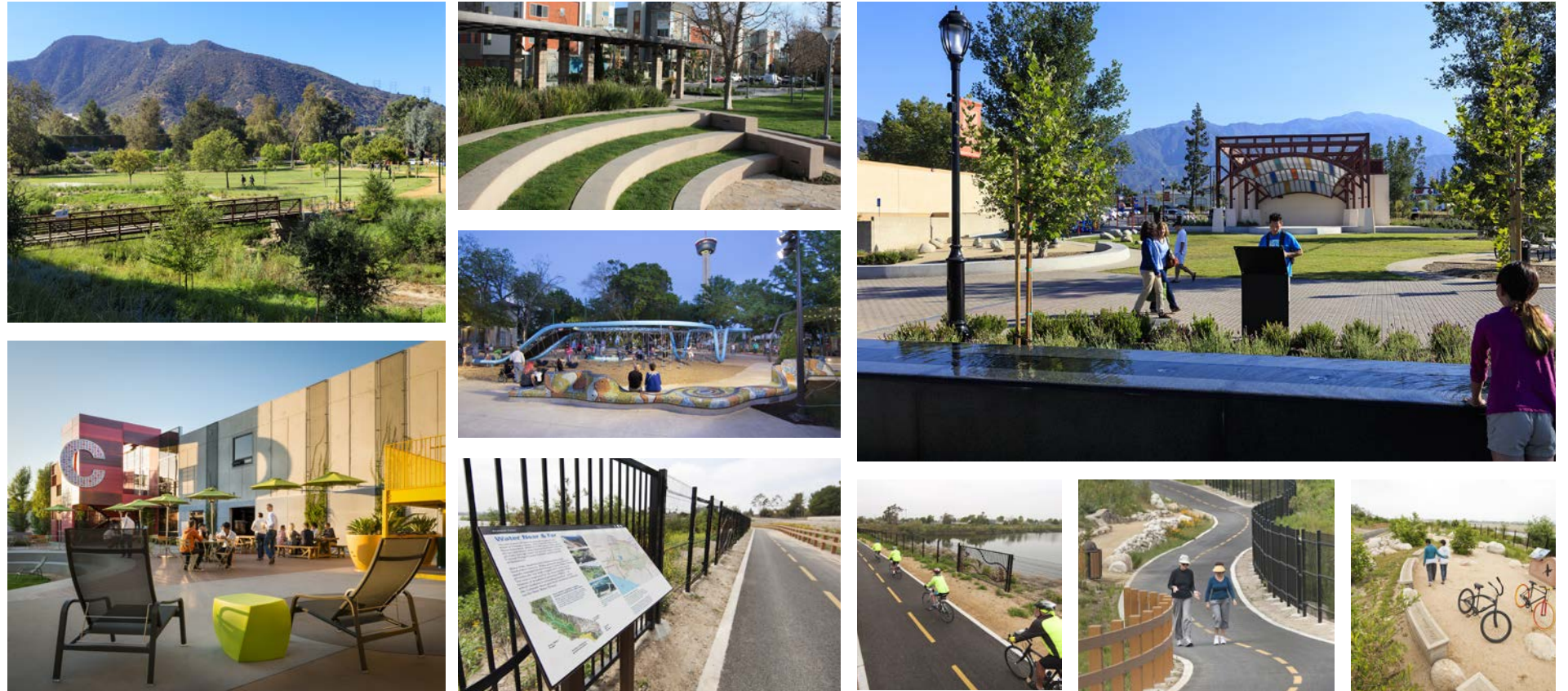
e. elizabeth@peopleforhousing.org

[Click here to become a member of People for Housing!](#)

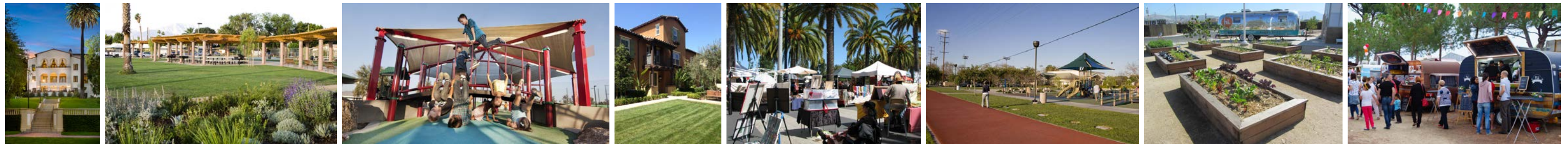




3 RIVERFRONT PARK



4 COMMUNITY PARK



5 NEIGHBORHOOD VIBE



4.2 INSPIRATIONAL IMAGERY WILLOWICK





From: [Brent Stoll](#)
To: [Chen, Nick](#)
Subject: SCMW
Date: Friday, March 12, 2021 9:31:04 AM

Something to think about. Most of the council members and some of the planning commissioners have seen versions of this over the years.

<https://www.dropbox.com/sh/khkj4sk4j5e6qzz/AAAj7go8lWZBJ8804ndhkwcGa?dl=0>

From: [LE, JENNIFER](#)
To: [ASHABI, MINOO](#); [ARIOS, JUSTIN](#); [EMERY, SUSAN](#)
Cc: [Chen, Nick](#)
Subject: Update
Date: Friday, January 15, 2021 11:35:49 AM
Attachments: [image001.png](#)

Hi—

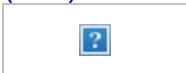
I had a meeting with Kathy Esfahani today of the Affordable Housing Coalition. They are gearing up to participate in the Housing Element and to launch an outreach effort asking Costa Mesa residents to support some bold policies they will be advocating for. Their outreach focus is on promoting understanding of who affordable housing residents are (workforce housing) and confronting density with visuals of example affordable projects. Although we have a different role than an advocacy group, their messaging is in line with ours in terms of promoting an understanding of density and affordable housing issues. These are both topics for our short videos being developed.

Their top 3 policy asks are:

- Inclusionary Housing Ordinance
- A land use plan for Fairview Development Center that incorporates a master planned housing village of sorts with a mix of densities including rentals and low to mod affordable housing mix including a PSH component. Current cap of 500 units and “golf course” style housing is not their vision. Possibly lobbying the State to put the property in a land trust.
- Amending Measure Y so as not to function as a barrier to housing.
- Not top 3 but other things that are priorities for them: Preserving affordable MH parks and motel conversions and ADUs as a potential part of a solution for affordable housing. Offered to be a facilitator of conversations on motel conversions with Hotel owners who they had a relationship with from past efforts (Mike Lin owner of Travelodge was mentioned).

We already have them on our list I’m sure, but they will be one to include in our stakeholders meeting and possibly a one-on-one meeting in the future as we develop our adequate sites analysis and policy plan.

[Jennifer Le](#)
Director of Economic and Development Services
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92626
(714) 754-5617



Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Please note: Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom’s direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor’s guidance and reduce the potential spread of COVID-19.

Costa Mesa Affordable Housing Coalition

March 23, 2021

Mayor John Stephens and City Council Members
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Our Public Comments for the Housing Element Study Session

Dear Mayor Stephens and City Council Members:

The Costa Mesa Affordable Housing Coalition (the Coalition) applauds the extensive outreach efforts of city planning staff and the consultant in attempting to involve the community in the 2021-2029 Housing Element update. The Coalition has been glad to participate in many of these efforts and we appreciate the open minds and skillful listening displayed on the part of the city's agents.

Given the huge RHNA numbers assigned to Costa Mesa in the new planning period, and our community's desperate need for affordable housing, we urge the city to adopt in its Housing Element Update **bold policies** aimed at ensuring **affordable housing actually gets built** here. These are our major policy suggestions:

1. Adopt a highly effective inclusionary housing ordinance. The affordability requirement must hit the sweet spot: It should be high enough that it will help the city meet its RHNA numbers for low and very low income households, but not too high as to discourage development. We believe an excellent model is the inclusionary ordinance which works so well in Irvine. We note it is imperative the ordinance's in lieu fee is high enough to encourage developers to include affordable units in their project, rather than opt for paying the fee.
2. Amend Measure Y so it does not constrain the building of affordable housing. Additionally, we urge the city to interpret Measure Y as written as exempting from the "voter approval" requirement all developments which make at least 20% of their units affordable to low and very low income households.
3. Create a specific plan for the 100-acre Fairview Developmental Center site. The plan should allow densities of at least 60 units to the acre, with at least 20 percent of all units affordable to low and very low income households. Also, lobby the Governor's office to

get the state to either donate the property to the city for affordable housing development or sell the property at a discount to nonprofit developers for that purpose.

4. Create new overlay zones along major thoroughfares like Harbor Blvd. where mixed use development can replace failing strip malls with vibrant new communities of apartments, restaurants and small businesses, incorporating walking and bike trails. These overlays should require at least 20% of the housing to be affordable for low and very low income households.

5. Review and amend all specific plans and overlays in the city to include increased densities of 60 units/acre and a requirement of at least 20% affordable units.

6. Create a housing trust fund to hold the in-lieu fees generated by our new inclusionary ordinance, and prioritize in-lieu fees for use at the Fairview Developmental Center site/city-owned sites/affordable housing in overlay zones.

7. Create a land trust to hold donated land.

Thank you for considering our input on this crucial planning document. We look forward to partnering with you to increase affordable housing in Costa Mesa. Please let us know if you have any questions.

Sincerely,

Kathy Esfahani

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor John Stephens and City Council Members
Cesar Covarrubias, Kennedy Commission
Richard Walker, Public Law Center

August 3, 2020

www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909

City of Costa Mesa
77 Fair Dr
Costa Mesa, CA 92626

Dear City of Costa Mesa:

The Kennedy Commission (the Commission), a broad-based coalition of residents and community organizations, advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has successfully partnered and worked with Orange County jurisdictions to create effective housing and land-use policies that have led to the new construction of homes affordable to lower-income working families.

As you are aware, Housing Elements for the 6th cycle planning period (2021-29) are due to the California Department of Housing and Community Development by October 2021. The Commission understands the importance of each city's Housing Element in guiding housing programs, policies, zoning, and funding, as well as in reducing current obstacles to affordable housing development. We also understand the importance of Housing Elements in addressing racial equity in housing, particularly with the new statutory requirements mandating the inclusion of programs that affirmatively further fair housing in 6th cycle Housing Elements.¹ Our work focuses on ensuring that each jurisdiction increases affordable housing opportunities by implementing proven strategies, policies, and incentives that encourage affordable housing development.

Further, the Commission seeks to ensure that jurisdictions engage the public in revising their Housing Elements. Public engagement is a necessary component of the Housing Element process as California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..." Broad participation and true engagement of the public increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

As the City embarks upon the 2021-29 Housing Element update, the Commission requests that the City include us in the upcoming Housing Element review and evaluation of the current 5th cycle planning period goals, policies, and accomplishments. The Commission further requests that the City conduct a robust public participation process for the 6th cycle Housing Element update and that it incorporate the Commission, affordable housing advocates, and residents of low-income communities in this process. We believe that you will achieve a stronger Housing Element update through diverse community participation, outreach, and community planning process.

To ensure adequate public participation the Commission recommends the following:

¹ California Government Code § 8899.50 (Assembly Bill 686).

- 1. The City should engage community participation and feedback at all stages of the Housing Element review and update. Participation should not be limited to public hearings.**
- 2. The City should allow for various methods of engagement to encourage public participation. For instance, for members of the public who may not have access to the internet or a computer, or who are unable to use video applications, consistently provide an adequate telephone option – available in multiple languages – and generally ensure that members of the community who lack adequate technology can participate in meetings about the Housing Element review.**
- 3. The City’s public participation and outreach opportunities should be meaningful and create various platforms (for example, virtual, written, workshops, webinars, community meetings, and public hearings) for the engagement of community members who reside in lower-income communities, affordable housing partners, Legal Aid organizations, and advocates.**
- 4. The City should create a diverse Housing Element Working Group to evaluate the current Housing Element policies and accomplishments. This Working Group could help create policies and recommendations for the new Housing Element update to ensure that you meet the housing needs of those who are most vulnerable in the City.**
- 5. The City should include The Commission in any anticipated Housing Element Working Group and provide the opportunity for the Commission to provide its analysis on 5th cycle RHNA progress and be a part of developing policy recommendations on the 6th cycle update.**
- 6. The City should engage community organizations representing and advocating for families and individuals residing in lower-income communities to ensure that members of these communities can directly participate and that the City considers their perspective as part of the evaluation and creation of policies that create affordable housing.**

We would appreciate the City giving us notice of any public meetings regarding the Housing Element. We look forward to working with the City of Costa Mesa to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

Costa Mesa Affordable Housing Coalition

January 26, 2021

Jennifer Le, Director of Economic and Development Services
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Working Together on Policies and Programs for the 2021-2029 Housing Element Update

Dear Jennifer,

It was so nice to “meet” you in our recent Zoom call. As I mentioned then, the Costa Mesa Affordable Housing Coalition looks forward to discussing with you, your staff and the consultant the programs and policies Costa Mesa should include in its 2021-2029 Housing Element Update to address the City’s housing affordability crisis. We are eager to work with you to help the City meet its steep RHNA challenge.

This letter is advance notice of some of our “big ideas” for the Housing Element Update, to frame our upcoming discussion. We have many other ideas to share, but will save those for another time. Our overall goal for this Housing Element Update is that it will reflect the City’s commitment to *prioritize* and *facilitate* the development of rental homes affordable to lower income working families. Market rate (and above) housing has never needed much encouragement to flourish in Costa Mesa. Lower income housing, on the other hand, needs determined support from the City to ensure its development here. We suggest three key strategies for the City to pursue in that regard:

1. Reimagine the 100-acre Fairview Developmental Center (FDC) site as a master planned “housing village” which will provide housing for a broad spectrum of Costa Mesa residents at affordability levels from extremely low income through moderate income; advocate with state officials for donation of the entire 100-acre site for that purpose; take concrete steps at the local level to advance that policy.
2. Adopt a city-wide Inclusionary Housing Ordinance which requires a minimum of 15% of new housing development to be affordable to lower income households.
3. Identify Measure Y as a constraint in the production of housing affordable to lower income households and take steps to amend Measure Y so it no longer constrains that production.

More detailed discussion of the three key strategies:

1. Create a “housing village” on the Fairview Developmental Center (FDC) site¹

¹ The current General Plan permits up to 582 residential units on FDC, with a mix of 250 single family units (6 du/ac on a minimum of 50 acres) and 332 multiple family units (40 du/ac).

- a. The City should reimagine the FDC site as a housing “village” which meets the housing needs of multiple segments of the community by providing rental housing at different income levels, from extremely low through moderate. The village should offer housing for young families just starting out as well as for lower income families with multiple children in need of larger (three- and four-bedroom) apartments; permanent supportive housing for the developmentally disabled community; veterans housing; and mixed-use housing which will allow village residents to work and shop in ground level retail and offices within the village, which itself incorporates generous parks and open space.
 - b. The City should commit to an intense lobbying campaign to convince Governor Newsom and the Department of General Services to donate the entire 100-acre site into the City’s (not yet established) affordable housing land trust for the purpose of facilitating the development of a substantial amount of the affordable housing required by the City’s large RHNA allocation.
 - c. The City should identify the *entire* FDC site as an opportunity site for lower and moderate income housing. The City should change the site’s current land use designation in the General Plan and its zoning to allow the site to be developed as a master planned “housing village” (described above), including allowable densities of 30-60 units to the acre and mixed-use housing.
 - d. The City should include a policy in the Housing Element Update to ensure affordable housing gets built at the FDC site, and a policy that requires the issuance of RFP’s for affordable housing at the site.
2. Adopt a highly effective Inclusionary Housing Ordinance containing the following elements:
 - a. A minimum of 15% of all new housing development will be set aside for *extremely low, very low and low income levels*.
 - b. The ordinance should include the following options for meeting the affordable housing requirement: build affordable units on-site or off-site; donate land into the City’s affordable housing land trust; pay an in-lieu fee (fee range \$10-\$20/sf or \$10K to \$20K per unit).
 - c. Create a housing trust fund to hold the in-lieu fees and create a land trust to hold donated land.
 - d. Prioritize in-lieu fees for use at FDC site/ city-owned sites/affordable housing in overlay zones.
 3. Amend Measure Y so it is no longer a barrier to meeting the city’s RHNA requirement for lower income housing.

- a. The Housing Element Update should identify Measure Y as a constraint in producing affordable housing.
- b. The Housing Element Update should include as a program that the City will take steps to amend Measure Y so it is no longer a barrier to meeting the RHNA requirement for extremely low, very low, and low income housing.

We look forward to partnering with you to increase affordable housing in the City and discussing these ideas at a meeting with you soon. Please let me know some available dates and I'll coordinate with members of our Coalition. Thank you!

Sincerely,

Kathy Esfahani

Kathy Esfahani, on behalf of the Costa Mesa Affordable Housing Coalition

cc: Mayor Katrina Foley and City Council Members
Planning Commission Members
Cesar Covarrubias, Kennedy Commission
Richard Walker, Public Law Center

Commentary on the Draft Costa Mesa Housing Element Plan

My name is Betsy Densmore. I live in the Canyon neighborhood and I co-own a restaurant in Mesa Verde Plaza. I also serve on the Board of a local nonprofit affordable housing development company. I fully endorse the goals of the draft Housing Element and carefully read the various strategies for fulfilling those goals. Unfortunately, my take away is that there are several ways that these lofty goals will be thwarted.

The plan as written does not go far enough. New construction is very expensive and providing tenant services drives the cost per unit even higher. I believe that the proposed densities for many of the sites which are identified are not high enough to make the sites financially feasible. Can we find more or be more aggressive about promoting other alternatives to new construction? And too much of the plan hangs on the details of the “inclusionary housing ordinance” which will likely take months to be developed.

Will 25% or more of EACH new development be reserved for very low and low income tenants? Otherwise, won't we perpetuate the problem we already have which is that service workers we need in Costa Mesa (like the folks who work in my restaurant) have great difficulty living here because moderately priced housing is so scarce. Those who own cars, clog our roads and spend too much of their income on car loans, gas and repairs. I sometimes hear people say that adding more housing and thus more people to Costa Mesa will just make traffic worse. I beg to differ. Those able to live close to work and amenities, can walk or ride their bikes.

We need more residential units for people in ALL income categories. Our market is too tight – shortages in any category have a domino effect on the others. I think we should be allowing multi-unit buildings in all neighborhoods. Moreover, I believe accelerating development of more “granny flats”, in-fill small apartment buildings and planned communities like One Metro West can't happen fast enough. How do we pick up the pace?

I also hear people assume that “affordable housing” will only draw undesirables- nonsense! Visit any housing developments with high numbers of subsidized units (such as Section 8) in this area and you will see nothing of the sort. Trellis and SOS have plenty of stories about formerly “normal” citizens who succumb to drugs and mental illness after being traumatized by the loss of their homes. Restoring self-sufficiency for these folks starts with housing them.

Moreover mixed income, high density communities sustain local businesses. Mesa Verde Plaza is a case in point. My fellow tenants provide a wide variety of food, health, educational and personal services to the thousands of apartment dwellers who surround us. I believe every single one of the Plaza's businesses survived the pandemic. The residents of these apartments are a broad range of old, young, affluent, middle class and working poor. Many stroll our boardwalk and buy from us. We know & support our neighbors and they know and support us.

I grew up in a single-family home and worked hard to my buy own as soon as I got out of college. We are taught that this is fundamental to the American Dream. However, as the years rolled on, my husband and I grew disenchanted with the effort required to maintain it and with the amount of stuff we accumulated to fill and take care of it. First, we downsized to buying a small apartment building and

these days we reside in a town house. The Canyon neighborhood is delightfully diverse, dense and peaceful but someday one or both of us may need to downsize again or invite others to share our home. For this reason, I am glad to see that the plan includes promoting co-housing, motel conversions to what we used to call SROs (single room occupancy), and other approaches to small, efficiency units. Working with local churches and other non-profits who have a commitment to serving their community is also a good idea.

Congratulations on getting us this far. I welcome any opportunities to help make the vision of nearly 12,000 more housing units by 2029 a reality. You may reach me per the below contact information.

Best Regards,

Betsy

Betsy Densmore

Resident:
1006 Nancy Lane
949-500-2381
Betsydensmore52@gmail.com

Sept 5, 2021

From: REYNOLDS, ARLIS
To: LE, JENNIFER; Chen, Nick; ASHABI, MINOO
Subject: Notes on draft HEA
Date: Thursday, August 12, 2021 10:23:46 AM

You don't often get email from arlis.reynolds@costamesaca.gov. [Learn why this is important](#)

All,

I spent about an hour skimming through the draft HEA and keeping these notes on the side. I certainly do not expect you to address every note. I'm sharing these for perspective and to share reactions from this westside reader. I highlighted what I think would be the most relevant comments that we may be able to address in an revised draft.

I'll try to get to the rest tonight!

- Cover page – as I mentioned on the call, my first reaction was that these images do not reflect the diversity we want to honor and protect; the image strikes at the common westside sentiment of “the city” wanting to replace us with they often referred to as “high quality families”. It may seem trivial, but the sentiment is real and we want people to feel welcome right away.
- Can we put our new mission statement up front in the document?
- Can we add a table of contents?
- Page 2 – in the interest of encouraging & facilitating community feedback, consider adding to this page:
 - Public Review Period
 - Instructions / opportunities to give feedback – e.g., email XXX; survey on website, etc. ; date of planning/council meeting
- Page 4 – I agree with Harlan's comments about the photos in general – let's show the diversity of existing housing stock to remind ourselves that we have a pretty big range of housing types already!
- Page 4, Role
 - Add the year range at the end of the paragraph – “over the eight-year planning cycle (2021-2019).”
 - Consider adding a statement that clarifies what the HE is and is not.... It is a planning document to show opportunities for housing development; it is NOT a housing plan in the sense that the city dictates construction. (I'm sure there is better language for this!)
- Page 8 – will we have an opportunity to review 2020 census data and update if necessary? Not sure if we anticipate any substantive changes from 2010.
- Page 9 – guiding principles
 - Seems to be a typo in the second principle
 - I thought we had a principle that touched on protecting/maintaining homes of existing residents or minimizing displacement... can we say something about that here, or minimizing impacts on existing residents? It's valuable to acknowledge that we are consciously trying to not create a plan that targets development/overhaul of specific neighborhoods.

If appropriate, it would be great to state upfront here our recognition of the existing diversity in housing stock and our recognition that this plan requires similar diversity/variety in housing solutions

- CH 2 – community profile
 - Table 2-8
 - What is the order here? Should these be in order from highest to lowest?
 - All but one job in this list is below the OC median income – is that accurate? I get that a family with two working adults will be above \$103... but my goodness!!!
 - source says American Community Survey. Are these numbers specific to Costa Mesa?
 - Page 19 – what is a “household” compared to a “housing unit”? Might be helpful to have definitions somewhere.
 - Table 2-9 – could we add a table note describing what “non-family household” includes? It sounds bad at first glance (no family!) I think includes senior living alone or young professionals alone or as roommates... totally normal!
 - Page 20 on Household income ---- would be really nice to have a call-out here describing housing burden and “ideal” ratio of income to rent/mortgage; and state that high housing burden reduces residents’ ability to spend in the local economy and make educational investments for example. (I see now the section on page 2-15.. but still think we can add something about why a community should care that some people are overburdened)
 - Figure 2-5 --- can we connect this somehow with the data in Table 2-8? E.g., with each income category, give an example of the type of job? I want to make sure we recognize the value lower income jobs have in community
 - Page 2-13 – this is a big statement! “For the City as a whole, 46.5 percent of households have at least one of the four housing problems.” Consider putting this in bold or a call-out box.
 - Table 2-20 – what is the definition of poverty, relative to the income levels?
 - Page 2-29 – what’s the conclusion about Costa Mesa’s vacancy rate..... would be good to include a statement on this. My takeaway is that Costa Mesa’s low vacancy rate (lower than average in OC) reflects high demand for living in the city and low housing stock available to meet that demand. If I’m right, this is an important takeaway
 - Page 2-31 – my takeaway is that 50% of our housing stock is at least 60 years old (yikes!) and 75% is at least 40 years old (yikes, yikes!). What does that mean for HE? Potential unsafe conditions? Need for new housing to replace old housing? Opportunity to add housing units with necessary rehabilitation?
 - Page 2-32 – Newport is just nuts!
 - Table 2-35 – this tells me that Moderate income families cannot afford to purchase a home in Costa Mesa, and most low income families cannot afford to

rent either. Is that right? Can we say something somewhere to acknowledge these are not the ingredients for a healthy community?

- Page 2-36 --- this would be the place to make a statement about the housing burden on Costa Mesa families. We should include also:
 - 46.5 percent of Costa Mesa households have at least one of the four housing problems.
 - Something on the low vacancy rate
 - Something about affordability
- *I didn't see much about children/families with children – not sure what we can add here or what the data says, but I know that HOAG as found in its recent community analyses that housing stability is one of the top three health challenges in the community.*
- CH 3 -

Archived: Wednesday, March 3, 2021 9:12:10 PM

From: [ASHABI, MINOO](#)

Sent: Tuesday, November 17, 2020 4:18:40 PM

To: [ARIOS, JUSTIN](#)

Subject: FW: Feedback for City of Costa Mesa

Response requested: No

Sensitivity: Normal

Please add his name to the list and respond with the usual verbiage. Thank you.

From: AZAD, ARZO

Sent: Tuesday, November 17, 2020 8:19 AM

To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>

Subject: FW: Feedback for City of Costa Mesa

Minoo, please see email below...

Arzo Azad

Website Coordinator

City Manager's Office

(714) 754-5340

From: webmaster@costamesaca.gov <webmaster@costamesaca.gov>

Sent: Monday, November 16, 2020 4:25 PM

To: AZAD, ARZO <arzo.azad@costamesaca.gov>

Subject: Feedback for City of Costa Mesa

You have received this feedback from Herme Gonzalez <herme778@icloud.com> for the following page:

<https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update>

To whom it may concern, I feel as though the city needs to do something about the cars that are parked with no movement on the street. Parking is an ongoing issue and with less cars on the street better. PARKING GARAGES would be ideal in every few blocks to help with this. Thank you.

Archived: Wednesday, March 3, 2021 9:12:24 PM

From: [Fred Arnold](#)

Sent: Wednesday, November 18, 2020 2:57:29 PM

To: [Housing Element](#)

Subject: Housing Element Team update

Sensitivity: Normal

Attn: Minoo Ashabi, Principal Planner

I have been attempting To review and understand the new State and City requirements as it relates to Costa Mesa. With all due respect, I feel it is akin to theoretical science fiction. It is difficult to break it down to simple terms such as; high density impact. When traffic, waste removal, fire and flood emergencies etc. are factored in it runs into funding. I can't follow the money because there is none. Costa Mesa is broke. Orange County is broke. The State is broke and looking to the Feds for a bail-out. I see grants are mentioned but from who. More taxes? Please say it isn't so!

We will be watching. We're long term residents of Eastside Costa Mesa and care about the future of our home. Good luck.

Sincerely, Fred and Karen Arnold

Archived: Wednesday, March 3, 2021 9:12:32 PM

From: [Russell Toler](#)

Sent: Wednesday, November 18, 2020 9:01:1 PM

To: [Housing Element](#)

c: [CITY COUNCIL](#), [HAR, AN, JEFFREY PERKINS, MARC TOURJE, JENNA](#), [JCH, JON CO BERT, KE ARIOUS](#), [EARAKA](#), [BYRON](#), [RUSSE](#), [IANNE](#)

Subject: Housing Element comments

Sensitivity: Normal

Hello,

I wanted to provide some comments on the Housing Element update.

There is a full range of historic housing types in between the single family home and the big ugly apartment complex. The Missing Middle Housing types duplexes, triplexes, rowhouses, and other small multi-family buildings with good development standards, can all fit well within whatever shades of neighborhood character we're hoping to create or preserve, including our R-1 neighborhoods. Without assaulting the cherished feel of our surroundings, these can help us increase the amount of housing, while also allowing neighborhoods to accommodate people of all ages, incomes, and family sizes so that families can stay close and people can age in place, among other benefits. I hope that through this update, we focus not just on big projects on big sites, but on *facilitating* organic and stable neighborhood growth from local, small developers through many small projects. A big reason this sort of incremental development often doesn't pencil out because of parking requirements, which brings me to my next point: cars.

As we grow, we need to figure out how to become less of a car-dependent and car-oriented city, otherwise the NIMBys are right—we'll be a tangled mess of traffic, which no one wants. So to what extent is this new document going to deal with the question of how to uncouple housing from the car demand or toll that unnecessarily comes with it? As we try to accommodate 11,000 units over the next 10 years, what are we doing to ensure that owning a car and is optional rather than virtually required?

Lastly, I hope that the discussion over housing and the resulting decisions we make reflect some sort of unified vision for *how* we want to grow. While it may be necessary to balance out our spreadsheets and zone for the necessary amount of units, it is crucial that this is all decided within the context of how we want our city to look, feel, and function. How will the occupants of the new housing get around? How will the developments fit into the existing urban fabric and contribute to the neighborhood they're in? How will the new buildings relate to and shape the public space they sit on? We don't want islands of amenity-rich high-density housing fortressing in from bleak rights of way and full of people who never leave the property without a car. If you want to know what I'm describing, drive up [Amboree](#) in Irvine some time. The sustainable, equitable, fair, and good way to approach this is not to resist growth, but to plan for it, so that as we inevitably grow, we grow well. I hope that we can approach our housing need holistically, taking more into consideration than where we can allow the spaceship developments to land, and nesting the whole conversation into a greater discussion about what our *physical vision* is for our city.

Thank you for reading. I look forward to participating in this process.

Russell Toler: lifelong Costa Mesa resident, husband, father, car driver, bike rider, walker, and renter, who can barely afford to stay

Archived: Wednesday, March 3, 2021 9:12:40 PM
From: [ASHABI, MINOO](#)
Sent: Thursday, November 19, 2020 4:10:53 PM
To: [Steven C. Shepherd, Architect](#)
c: [ARIOS, JUSTIN](#) [E. JENNIFER](#)
Subject: Re: Thank You for last night's workshop I have a question
Sensitivity: Normal

Hi Steven,

Thank you for your participation we look forward to your continued input and other events for community engagement. Here are the responses to your questions. I hope you find these responses helpful, but feel free to reach out if you have further questions.

We will also include these questions as well as others presented last night on the general A document we are preparing and post it on the webpage.

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance?
The City will need to adopt policies and programs that allow for development of housing at various locations and densities that in entirety address the allocated RHNA. The City is only required to change the general plan and zoning designations that would accommodate the growth but is not accountable for construction of the units. This effort will follow adoption of the Housing Element through a series of general plan amendments and zone changes (all subject to approval by City Council and potentially subject to Measure Y). The City is also required to submit an annual progress report to HCD (Dept. of Housing and Community Development) on development of housing during each year of the housing element cycle.
2. Is compliance based on identifiable land-use densities? [yes, please see above](#)
3. Since ADU's & Jr ADU are now allowed based on State law, how does that impact RHNA compliance?
[HCD allows the City to count ADUs and JADUs toward RHNA but up to a percentage \(latest information is 5 times the number of approved ADUs since 2018\)](#)
4. If property currently designated as single-family residential was allowed "by-right" to convert a single-family residence into a duplex or triplex, how would that impact RHNA compliance?
[Same as above, the City can only account for a certain percentage of construction or conversion related to ADUs based on past trends. We distinguish ADUs and JADUs as a second unit subordinate to the main house and subject to certain requirements \(max. size, etc.\), although triplex and duplexes could be the same size.](#)

Development Services staff are available to assist you Monday through Thursday, 8AM to 5PM. Until further notice, Costa Mesa City Hall is closed to the public in keeping with Governor Newsom's direction regarding COVID-19. The City is committed to continuing to provide essential services and will be providing services to the public online, via telephone, and via email in order to follow the Governor's guidance and reduce the potential spread of COVID-19.

Thank you!



Minoo Ashabi
Principal Planner
Development Services Department
Fairview Costa Mesa CA



From: Steven C. Shepherd, Architect <steve@shepherdarchitects.com>
Sent: Thursday, November 19, 2020 1:24 PM
To: Housing Element
Subject: Thank you for last night's workshop I have a question

Hello and Thank you for your very informative presentation workshop last night I learned a lot and really appreciated hearing the statements of residents.

I have a couple of very basic questions:

1. While I understand where RHNA numbers and allotments come from, how does the city actually demonstrate compliance
2. Is compliance based on identifiable land use densities
3. Since ADUs or ADUs are now allowed based on State law, how does that impact RHNA compliance
4. If property currently designated as single family residential was allowed by right to convert a single family residence into a duplex or triple , how would that impact RHNA compliance

Sorry to ask such foundational questions, but I am trying to educate myself and have never really been involved these types of issues.

Thank you.

Regards,
Steven C. Shepherd, Architect

P: 714 785 9404
www.ShepherdArchitects.com

Archived: Wednesday, March 3, 2021 9:12:50 PM
From: [Nancy Henning](#)
Sent: Monday, November 30, 2020 3:40 PM
To: [Housing Element](#)
Subject: 2013-2020 and 2021-2019 Costa Mesa Housing Element Plan
Sensitivity: Normal

I have a few questions re the 2013-2020 plan. I recently viewed it online due to some changes where I live...at Casa Bella Apartments... and am wondering if you have any recent info about the status of Casa Bella that you are allowed to share with residents. Possibly you can direct this email to the appropriate person if someone else handles these types of inquiries.

For your convenience, I copied the sections from your plan that I'm interested in below in this email. In November 2020, Casa Bella totally changed property management companies which included a new manager. So far communications have not been great possibly because the new manager was solely part time to begin and full time beginning this week. He is still getting organized. So far it seems the new company knows very little about Casa Bella and HUD though I could be wrong.

Several residents are worried including myself. We are worried that Casa Bella might be in the process of converting to market rates soon. Based on your 2013-2020 plan, it seems likely that the for-profit owner might wish to convert to market rates. But your plan also mentioned that the residents of Casa Bella would be given a year's notice and also be given Section 8 vouchers (see below). I'm not sure if that is what the City of Costa Mesa must wish in order to help us or if it is mandatory for the owner to provide the year's notice as well as vouchers.

Also, if we are given Section 8 vouchers, can we use them anywhere in Orange Co or even anywhere in CA or out of state?

I realize that most likely the new management company will be notifying us eventually. Some of us are just wanting to get prepared ahead if this is the case...that Casa Bella converts to market rates possibly in 2021.

Thank you so much for any information you can provide,
Nancy Henning
See sections below if helpful...copied from your 2013-2021 plan...

Page 3 -37
At Risk Status

Twenty-five properties with 15 affordable units have density bonus agreements that were executed mostly in the late 1990s. These agreements are expiring between 2018 and 2020. Among these units, 85 units are for very low income and 71 are for low-moderate income.

Another property, Casa Bella, is at risk of converting to market-rate housing or losing their low income subsidies within the next ten years. At Casa Bella, a total of 75 units are at-risk of converting to market rate rents over the next ten-year period. Specifically, Section 8 contract at Casa Bella is set to expire on September 11, 2015. Casa Bella is considered the highest priority, due to the owner being a for-profit entity. However, the City imposed a land use restriction on Casa Bella in exchange for the initial land write down, density increases, parking reductions and participation in HUD financing. The land use restrictions require Casa Bella to remain affordable for the length of the mortgage, 40 years. In other words, Casa Bella is not at-risk of converting to market rate through a mortgage prepayment. The risk with Casa Bella converting to market rate is associated with the termination of a tenant-based Section 8 contract.

Page 73....
8. Preservation of At-Risk Housing

Overall, 231 housing units in the City of Costa Mesa are considered at risk of converting to market-rate housing. Specifically 25 projects with 15 affordable units are at risk due to the expiring density bonus agreements executed during the 1990s.

Another project 75-unit Casa Bella is at risk due to the potential expiration of its Section 8 contract.

2013-2021 Objectives: Monitor at-risk status of affordable units. For Casa Bella, work with HUD and the property owner to extend the Section 8 rent subsidy contract. Notify tenants of potential risk of conversion at least one year prior to conversion. Provide information regarding HUD's special vouchers set aside for households losing project-based Section 8 assistance (applicable to Casa Bella only). Work with property owners to pursue State and federal funds for preserving at-risk housing.

Archived: Wednesday, March 3, 2021 9:12:59 PM
From: [James Gerrard](#)
Sent: Wednesday, December 9, 2020 10:10:03 AM
To: [Housing Element](#)
Subject: Housing Element Updates
Sensitivity: Normal

Hello,

I hope this email finds you well.

My name is James Gerrard, and I am the Government Relations Coordinator for Habitat OC.

Please add me to your housing element notification list. Habitat OC currently has 11 families living in Costa Mesa and as a community and county stakeholder we would like to stay update to on our local housing elements. Our mission is to create a world where everyone had a decent place to live, so we believe it is important to ensure a voice for affordable housing and especially affordable homeownership.

Thank you for your time and look forward to participating in your housing element process.

All the best,

-
James Gerrard

Government Relations Coordinator | Habitat for Humanity of Orange County
P.O. Box 15821 | Santa Ana, CA 92735 | www.HabitatOC.org
Office: (714)434-6200 ext. 250 | James@HabitatOC.org



Facebook: [/HabitatOC](#) | Twitter: [@HabitatOC](#) | Instagram: [@HabitatOC](#) | [Shop the Habitat ReStores](#) | [Learn about homeownership](#)

The Habitat for Humanity of Orange County team is working remotely while managing normal operations. Along with the health and well-being of our staff, our top priority is to continue to serve families and community partners in the safest and most effective way possible.

From: Priscilla Rocco <dementedgardensprite@gmail.com>
Sent: Monday, March 01, 2021 12:11 PM
To: PC Public Comments
Subject: Housing Element

The survey gathering information about the housing element does not take into account any of the effects of this enormous housing addition to our already built-out city, fixed street capacity, existing schools and resources. And it is so limited asking preferences between townhomes, etc. when there is no mention of high rises like One Metro West at all. I can only assume that it was designed to achieve a predetermined outcome.

I have to also assume that there are no more guidelines or requirements for green space, trees, permeable ground for water percolation, or parks for families to relax and play, as every new build is all concrete to the property line, and in lieu of parkland, open space, and green areas, developers are paying money to the city allowed by the variances and agreement of the Planning Commission.

Not to mention that this whole Housing Element 10 year project is being driven by the State mandates, but those require 40% affordable housing units, and we DO NOT require ANY affordable housing in new builds!

Please do us the favor of speaking plainly. Is the Planning Commission going to do anything except green light any project that a developer submits?

Since One Metro West has been announced, I have tried multiple times to get Brent Stoll to speak to a group of local residents regarding our concerns, but he has repeatedly refused and the

Planning Commission has already agreed to cutting the parkland in lieu of payment, and we need parks in northern Costa Mesa. In the beginning they boasted 15% affordable housing, now it's down to 10% with no guarantee to the number or duration of years applicable.

And now with the Triangle Square signage issue?! Please just speak plainly. Is the Planning Commission working for the residence of Costa Mesa and taking their concerns and objections into account, or are you working for developers and corporations? Please address these concerns so we can get you on the record.

Thank you,
Priscilla Rocco

Archived: Wednesday, March 3, 2021 9:13:42 PM

From: [ASHABI, MINOO](#)

Sent: Tuesday, March 2, 2021 11:13:07 AM

To: [ARIOS, JUSTIN](#)

Subject: Fw: Senior Housing Waitlist

Sensitivity: Normal

From: Carol Buchanan <ca_mrsb@live.com>

Sent: Tuesday, March 2, 2021 9:1 AM

To: ASHABI, MINOO

Subject: Senior Housing Waitlist

ood Morning,

I am concern that I may miss the option to apply for affordable senior housing when it comes available. So, I would love to be put on a future senior housing list to be advised when I could move in. I do not want to miss this opportunity.

I read the information sent out and it was disturbing that the last words, where the study does not guarantee anything will be done.

I am seeing donut shop which we do not need going in and senior housing only be spoken about for a maybe option. Right now, what is available in Costa Mesa is whatever the market can s ueeze out of you.

Thank you for your time and assistance.

Sincerely,

Carol Buchanan

From: CJ Hunter <mapleknowellhouse@gmail.com>
Sent: Tuesday, April 27, 2021 7:46 AM
To: CITY CLERK
Subject: Housing Element

Dear City Council,

As you begin to review different options for increasing the housing in Costa Mesa, please keep in mind that the status quo does not work. Car centric cities are bound to fail as can be seen by the current housing market which is dominated by car ownership, climate change which is fueled by emissions, and the countless number of cyclists and pedestrians that are killed by cars every year in Costa Mesa and Orange county. I implore you to take drastic action and to save our City.

Newport Boulevard is deteriorating north of 19th Street because commercial businesses are bound to fail there. There is no visibility and it is a haven for druggies with all of the motels and derelict properties. Every property should allow high density housing by right. The location has easy access to the 55 freeway and also is cyclable to downtown Costa Mesa, East Side, West Side, and even the beach.

While we're at it, the same applies for Harbor Boulevard, specifically in "downtown". These properties are falling apart. The City should allow for ground floor commercial, and a minimum of 3 floors of residential above. Having a mixed use neighborhood actually decreases traffic and increases livability. Restaurants and retailers flock to these locations because of the constant pedestrian traffic. Employees of the new commercial business would also live above removing any requirement for a car. These new businesses would also be utilized by the countless number of people who walk and cycle in Westside Costa Mesa. This would also work on West 19th, East 17th, and other potential neighborhoods.

So please, drop the status quo, stop holding our city hostage to the car. Remove as many car and parking requirements and the City will thrive. Will people complain about parking? Yes. Will people spend a couple more minutes commuting in their car? Yes. But ultimately, more people will move away from car dependence if other options are available. Unfortunately our current system doesn't allow for that.

Thank you for your consideration and hard work,

CJ FONG



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

April 30, 2021

Jennifer Le, Director of Economic and Community Development
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628-1200

Dear Ms. Le:

We are aware that cities in Orange County are in the process of updating their respective Housing Elements in accordance with state law. Please be aware that portions of your city are within the Planning Area for John Wayne Airport, as shown on the attached exhibit. Pursuant to California Public Utilities Code Section 21676(b):

"Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission."

As such, please incorporate ALUC review into your schedule for the Housing Element Update process. We request that items be referred to ALUC after consideration/approval by your city's Planning Commission. The ALUC meets the third Thursday of each month at 4:00 p.m. in the Airport Commission meeting room at 3160 Airway Avenue, Costa Mesa. For additional submittal information please see Section 4.7 of the AELUP which can be found here:

<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>.

If you have any questions, feel free to contact me at lchoum@ocair.com, or Julie Fitch at jfitch@ocair.com. You may also contact us by phone at (949) 252-5170.

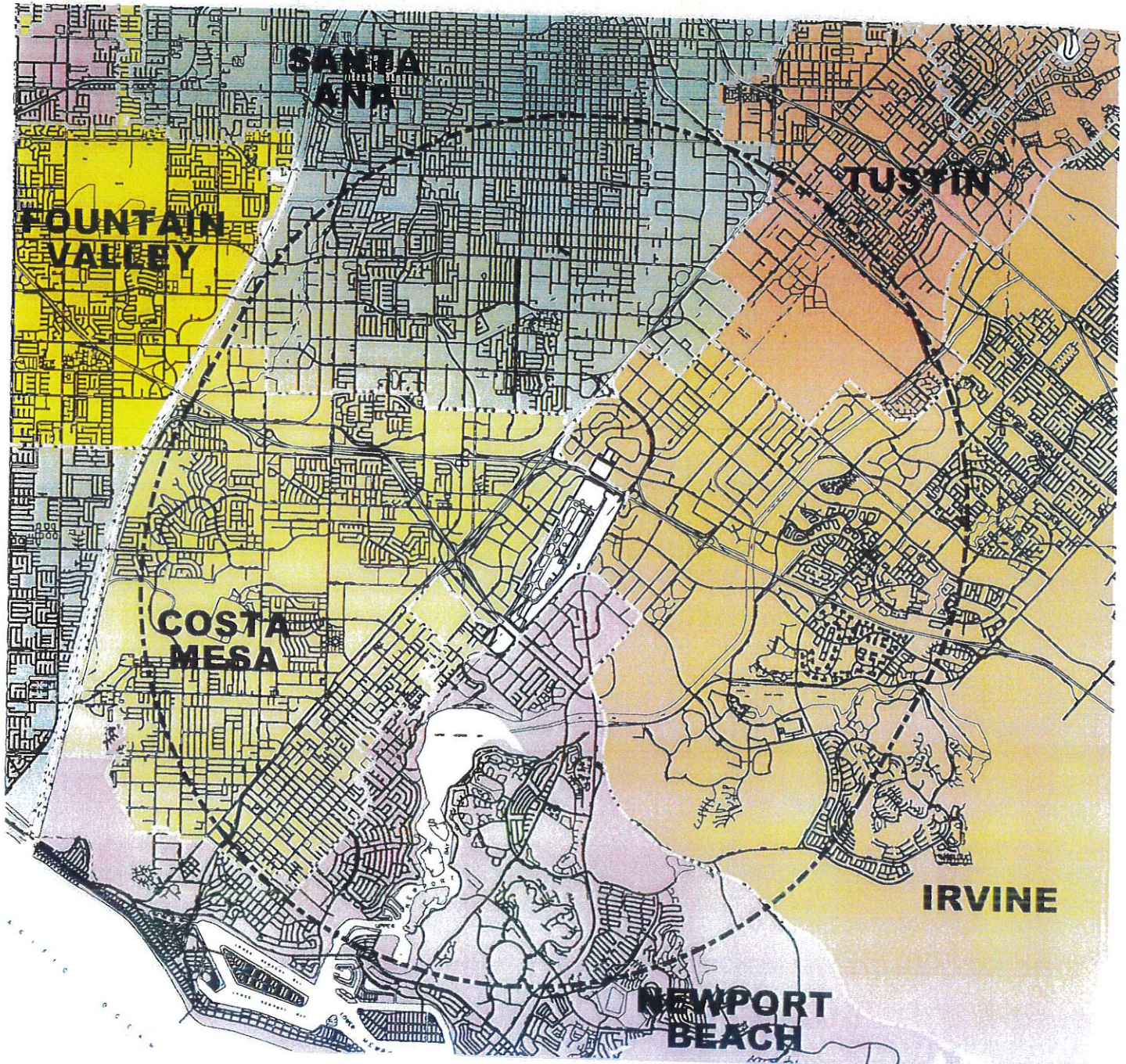
Thank you.

Lea U. Choum
Executive Officer

Attachment: JWA Planning Area

REC'D MAY 05 REC'D

AELUP Notification Area for JWA



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for John Wayne Airport: 20,000' Radius at 100:1 Slope

LEGEND

- 20,000' Radius
- - - CITY BOUNDARIES
- AIRPORT BOUNDARIES



0 1000 2000 3000 4000 5000
100
Scale in Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni
Kari A. Rigoni, Executive Officer

April 17, 2008
Date

From: bustariley@aol.com
Sent: Monday, May 3, 2021 2:54 PM
To: Housing Element
Subject: Fwd: Housing Element Comments

Hello,

I have been watching the recorded community meetings on District 4 & 5, and I would like to be included in future meetings or information updates.

I am a home owner and live in the freedom homes in district 5. I am very busy with young children, as are many of my neighbors, and hence I don't have a lot of time for city involvement. However, this housing issue has been a hot topic for the 10+ years I have lived in Costa Mesa. After listening to these meetings, I feel like people like me were not well represented, and I would like to share a few of my own comments. I bought my house in 2015 for \$570K. An average lot in my neighborhood is 0.2 acres, so that makes 5 houses per acre. When I heard the State has decided that 30 "housing units" per acre is the only way to have "affordable" housing, my jaw dropped a little. 30 "housing units" per acre is 6X the housing density of my neighborhood. Pause a little and contemplate 6X the density of my neighborhood as the new "norm" & it will make your head spin a little. I am biased like everyone, and I enjoy the lifestyle that a less dense neighborhood provides. I also feel that the majority of my neighbors do as well. I am not excited to think about the entire lower west-side of Costa Mesa be transformed into high density neighborhoods, but I truly feel powerless to fight the state. I would only like to offer my suggestions to this conversation:

1. Consider the parking situation! Please! Do not believe that people bike or walk & don't have cars, that's a ridiculous idea. Go to any high density area (like district 4), and you find parking is very hard to find. I love walking & biking around town, but also realize most people do not, and most times biking & walking is not possible (ex: night time...raining...doctors appt...errands...the list goes on & on).
2. We must set a housing "unit" to Park space ratio! If you want to attract families, you must have local park space! No exceptions. And I'm not talking about the little tiny parks they put in those high density neighborhoods with only 1 play structure & no swings or space to run around. Those are not sufficient & should not count towards park space.
3. Please realize these 3 story + rooftops places that are popping up everywhere are selling for MORE money than small houses in my spacious neighborhood. So it is NOT TRUE that high density = less cost.
4. If you really wanted to build affordable houses, you would build a simple house (1 or 2 stories, Asphalt driveway, formica countertops, simple fixes, 1 bathroom, etc...) That is the only really affordable house. All other types are not affordable. And government assistance does not mean affordable. If you need help to pay for something, is it affordable?

Thank you,

Riley Watson

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From: TONY DOUGHER <playporthoa2017@gmail.com>
Sent: Tuesday, May 11, 2021 10:31 AM
To: Housing Element
Subject: Costa Mesa Mobile Home Coalition

Good Morning Mr. Ashabi,

My name is Michael Dougher, I am a Commissioner on the Mobile Home Advisory Committee and President of the Costa Mesa Mobile Home Coalition.

I have been in contact with Willa Killeen as it pertains to our concerns over the rulings and subsequent planning of 11,000 plus, new dwellings to be built in the next 8 years here in the City and She directed me towards you, the council and the planning commission. We as owners of mobile homes and as rent payers, are more than a little bit terrified about the ramifications that this ruling might have on our lives. As you know a lot of the parks in this city are senior parks where people on very fixed incomes reside. That said, the affordability of owning a mobile home and paying what is now and has been for decades very reasonable rates to lease the land our homes sit on, has afforded the luxury to continue to be able to live here in this beautiful place. The prospect of having our homes torn out from under us at the hands of the City and or faceless Corporate Developers is, as I said, simply terrifying. The Mobile Home Coalition has attended Council meetings; we have submitted Overlay and Zoning proposals and have heard nothing back in at least a year. The Advisory Committee has not met even via ZOOM in a year or more. We understand lockdowns, regulations and restrictions on the already slow wheels of government have practically ground it to a halt. That does not mean however, that we can just leave the most vulnerable among us waving in the breeze as low hanging fruit for developers to pick off without any protections in place.

You need an angel on the affordable housing issue to help with the requirements of the ruling RIGHT? Well here you go Most people who live in MH Parks fall into the low income category, The dwellings are already in place and there are hundreds of them already occupied. It is my hope that you can guide me to the help we need to address this as soon as possible. We need a meeting Sir. I implore you to contact me and get this ball rolling. I believe we can work out a WIN! WIN! for all parties involved.

Yours Respectfully:

Michael Dougher. SP #14

Playport Mobile Village

President: HOA Playport Mobile Village

President: CMMC

Commissioner CMMHAB

**NATIVE AMERICAN HERITAGE COMMISSION**

July 23, 2021

Minoo Ashabi
City of Costa MesaVia Email to: minoo.ashabi@costamesaca.govCHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov**Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Costa Mesa 6th Cycle Housing Element Update Project, Orange County**

Dear Ms. Ashabi:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1 (d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the tribes on the attached list for more information.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment

From: Diane Kastner <dianekastner@hotmail.com>
Sent: Thursday, September 2, 2021 12:56 PM
To: Housing Element
Subject: Feedback-Public Comment

Importance: High

Hello Housing Element-

I have lived in Costa Mesa for well over sixty years. We can all agree, that the main concern should always be quality of life. We can all agree, streets that are clogged with congestion are the first signs of an unhappy living experience (see LA). Irvine is a great model of how to increase housing density without the burden of heavy congestion and traffic. We can all agree, we do not want to see concrete everywhere, housing tracts that are cold, austere, and entirely void of attractive elements such as; trees, bushes and green plant life. We all know that crime, aggressiveness and unhappiness increase when rats are placed in dense housing and are subject to congested living, well it is the same for the human beings.

Quality of Life:

1. Roads must be kept moving freely where new housing is considered. A roadway already fully impacted with rush-hour traffic should not be further burdened by the building of new housing. Areas to consider new housing must have roads that can flow well and handle new traffic going forward, particularly during rush hour.
2. Visually attractive housing is VERY important. People do not want to see housing that encroaches to the edge of a sidewalk with dense concrete built-up 3-6 stories high. Again, the City of Irvine is a great model. All new housing tracts require roadway setbacks where they must build greenbelts and install attractive sound barrier walls that keep housing separated from road noise and roadway views.
3. Housing needs to consider the humans that will live there for multiple generations into the future. Are we building housing environments that support a happy and content life? Or are we letting greed and high density dominate the landscape like a permanent scar in the most beautiful Climate on the planet? Only developers can determine what our future holds.
4. Please see that the City requires greenbelts, set-backs off the road, sound barrier walls, less-dense, less greed driven density with attractive housing that will make living positive for many generations to come.

Thank you for letting me freely share my opinions. Please feel free to share this with the powers that be.

Kind Regards,

Diane Kastner

Diane Kastner

dianekastner@hotmail.com

Tel. (949) 378-1067

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From: Matthew Sheehan <matthewmsheehan3@gmail.com>
Sent: Thursday, September 2, 2021 6:02 PM
To: CITY COUNCIL; Housing Element
Cc: info@fairhousingelements.org
Subject: Public Comment: City of Costa Mesa Housing Element Update

Good evening,

My name is Matthew Sheehan and I live in Costa Mesa (District 48). I believe everyone should have access to housing in our community.

As a child, my family often struggled to pay for housing. My parents had to sign a new lease nearly every other year because they were unable to renew their leases due to rising requested rents and were not able to afford to purchase a house. During my elementary school years, I had to transfer to a new school each year due to our housing instability. As a current resident of Costa Mesa, this is not the future I want for my family and future children.

Please use our housing element update to boldly plan for more housing near our jobs, transit stops, and high-resource neighborhoods. Let's clearly demonstrate to HCD and to our community that we are affirmatively furthering fair housing in our city.

Best,
Matthew Sheehan

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From: ronronron@juno.com
Sent: Sunday, September 5, 2021 4:30 PM
To: Housing Element
Subject: Community Profile

Dear Sirs:

On page 2-14 of the Community Profile PDF, the section on “Overcrowding” begins and offers its definition as relates to this document. My question here is whether the Assisted Living Facilities and the Drug and Alcohol Rehabilitation Homes that heavily populate our city are considered in this study as “Residences” or are properly classified as stand-alone businesses excluded from these overall numbers. By the definition offered here, I believe each of those homes could qualify as “overcrowded” and artificially skew the data toward implying a greater need for housing remediation than actually exists.

If you should require a specific person to whom you should submit this question, please forward it to Nick, as he narrated the September 2nd webinar and would probably best know how to rout this request.

Thank you for your efforts on an otherwise thankless endeavor.

Sincerely,

Dr. Ron Housepian

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ARIOS, JUSTIN

From: LE, JENNIFER
Sent: Monday, September 13, 2021 11:31 AM
To: Chen, Nick; ARIOS, JUSTIN
Subject: FW: CM - Revised densities for candidate sites (545-575) Anton
Attachments: Revised densities for candidates sites (545 575) Anton Blvd.pdf

From: George Sakioka [mailto:gmks@sakiokacompany.com]
Sent: Monday, September 13, 2021 11:30 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>
Subject: CM - Revised densities for candidate sites (545-575) Anton

Hi Minoo,
Here are our comments for the “revised density for candidate sites” – attachment 2 on the Agenda for 9/13/2021. (see attachment)
These comments are in addition to our previous email comments to the initial draft.

Unique ID sites:

Site 206

- size = 0.75 acres
- typo = “Small commercial out parcel uses.”

Site 207

- address = N/A , it is a surface parking lot, not the 575 Anton Building itself.
- notes = surface parking lot

Thanks and I’m happy to discuss in more detail.

George

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ARIOS, JUSTIN

From: ASHABI, MINOO
Sent: Monday, September 13, 2021 11:31 AM
To: ARIOS, JUSTIN; Chen, Nick
Subject: FW: CM- Housing Site Analysis- comments

From: George Sakioka <gmks@sakiokacompany.com>
Sent: Monday, September 13, 2021 11:28 AM
To: ASHABI, MINOO <MINOO.ASHABI@costamesaca.gov>
Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>
Subject: CM- Housing Site Analysis- comments

Hi Minoo,

Here are our initial comments/clarifications on the DRAFT Housing Element before the “revised densities” for the 9/13/21 agenda.

(I will send comments on the “revised densities” in a separate email.)

Attached is the CM Housing Element Update - **Appendix B site analysis - highlighted** with notes for the Sakioka parcels.

Please refer to the PDF pages of the attached Appendix B Site Analysis for comments/clarifications:

- PDF - Page 11
 - Sakioka Lot 2 = 30.93 acres

- PDF - Page 23
 - Site 142 = Roy K. Sakioka & Sons (owner) and 30.93 acres
 - Site 144 = address is N/A since it is a surface parking lot only. Remove 24/hr Fitness in the Notes section.

- PDF - Page 25
 - Site 206 = .75 acres

- PDF - Page 26
 - Site 207 = address is N/A since it is a surface parking lot only.
 - Notes = surface parking lot only

I have also included the following attached documents for your reference.

- CM Plat Map Sakioka Lot 2
- CM Plat Map 545 Anton, Parking Lot & Lot 3

Thank you and I'm happy to discuss any of our comments.

George

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September 13, 2021

City Council/ Planning Commission Joint Study Session

Attachment 2

During the Public Review period, a discrepancy in the anticipated density for candidate sites 206 and 207 was noticed. Prior to sending the Housing Element to HCD for review, the document will be revised to indicate a development yield on these sites at 90 dwelling units per acre, consistent with the other sites within the North Costa Mesa Specific Plan. Future development on these and all sites within the Housing Element will be subject to the applicable development standards within that area. 90 du/ac is an appropriate planning assumption for the Housing Element document.

APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5 th Cycle	Total Units	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	90				66	13	6	13	34	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
410-501-36	207	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesza	1.82	90				164	32	16	32	64	Small commercial our parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

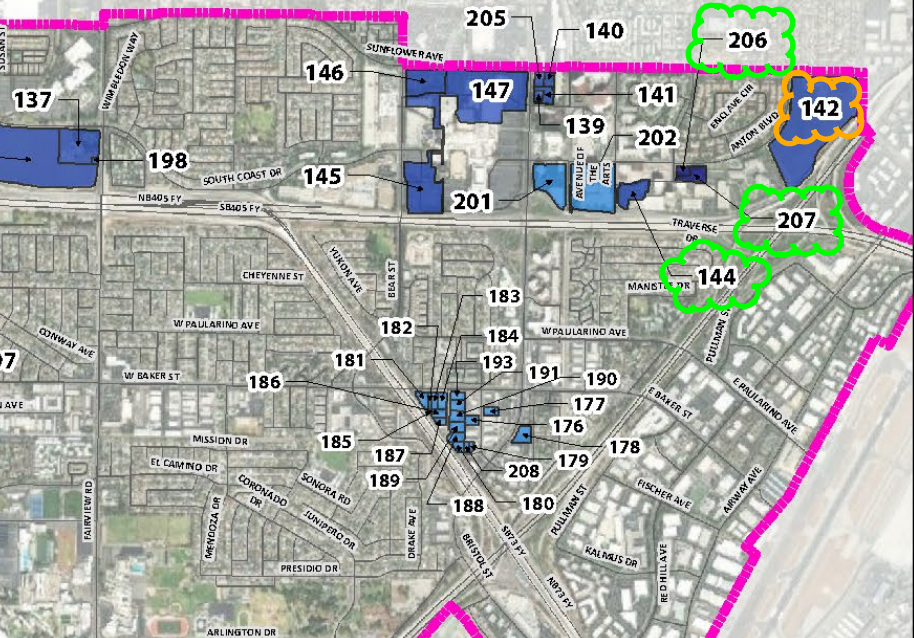
0.75

typo

out

n/A

Surface Parking Lot





requirement. The likelihood of redevelopment was based primarily on common ownership amongst adjacent parcels which share a property line. In most instances, these parcels are currently developed as a single use and it is reasonable to anticipate that the collection of parcels will redevelop as one new development to maximize efficiency and design of the new use.

The potential candidate sites which are anticipated to be consolidated into a single development are identified within **Table B-3**.

4. Development of Large Site Parcels

The 2021-2029 sites inventory includes several sites that are larger than 10 acres. These sites exceed the AB1397 size requirement and require additional analysis. The following background and analysis relates to each site in the inventory that exceeds that inventory. The City has conducted meetings with each of these major property owners to determine their future interest in developing housing on the identified properties.

FAIRVIEW DEVELOPMENTAL CENTER

The Fairview Developmental Center (FDC) is a State-owned property that is approximately 114 acres in size and located on Harbor Boulevard within Costa Mesa. The FDC currently serves as one of the largest residential facilities for developmentally disabled persons in the State of California. The FDC was previously identified in the City's 5th cycle Housing Element (2013-2021) and the City has continued discussions with the State to determine the potential residential yield of the area taking into consideration the existing uses.

In January 2020, the Costa Mesa Fairview Developmental Center Ad Hoc Committee met to discuss potential development yields for the site. The Committee presented a report to the City Council which summarized its strategic engagement in the development of the local vision, priorities, and reasoning behind the stated preliminary vision of a solutions-based, housing-first model for the site. The Committee took into consideration the City's recent efforts to open a homeless shelter and identified opportunities for permanent supportive housing and integrated workforce housing within the City.

The City's 6th Cycle analysis includes an assumption of 2,300 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

SAKIOKA LOT 2

30.93 AC
Sakioka Lot 2 is a 33-acre site located north of the 405 Freeway with General Plan Land Use designation that allows up to 660 residential units, 863,000 Square feet of office or retail use and a Floor Area Ratio of 1.0. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement that was recently extended for ten years until May of, 2031. The City has had continued discussions with the property owners who have indicated there is the potential for future housing development on the site in strategic areas. The City's 6th Cycle analysis includes an assumption of 1,200 dwelling units broken down into the very low, low, moderate, and above moderate-income categories.

HOMERANCH

Segerstrom Home Ranch is a 43-acre site located north of the 405 Freeway with a General Plan land use designation that allows up to 1.2 million square feet of office and up to 0.64 Floor Area Ratio. The property is also located in the North Costa Mesa Specific Plan. The site is currently under a development agreement



Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA																
Note: This table is sorted by unique identifier (Unique ID). The unique identifiers were established at the beginning of the sites analysis process. Some sites were removed as part of the analysis and sites were not renumbered to retain continuity for the community and other users when referring to specific sites.																
APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-441-17	142	14850 Sunflower Ave	ROY K SAKIOKA INC	PDC	2	North Costa Mesa - SL2	33.02	90	Vacant			120	60	120	900	Sakioka Lot 2 property. See analysis in Appendix B for additional information on potential to redevelop.
410-501-31	144	575 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	3.39	90				61	30	61	153	Existing 24-hour fitness with large surface parking lot. Analysis assumes only redevelopment of the surface parking lot area. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
412-491-07	145	3333 Bristol St	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	6.41	90				115	57	115	288	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-491-11	146	0	SOUTH COAST PLAZA	PDC	2	North Costa Mesa	5.37	90				96	48	96	243	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
412-501-06	147	3333 Bristol St	S-TRACT LLC	PDC	2	North Costa Mesa	10.00	90				180	90	180	450	This parcel is and existing surface parking lot within South Coast Plaza. See analysis in Appendix B for additional information on potential to redevelop.
418-161-06	176	2957 Randolph Ave	ZELDENALICE WILLER	MG	2	SoBECA	0.72	60				8	4	8	23	Existing light industrial/brewery with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-162-02	177	2968 Randolph Ave	PALANJIAN JERRY O	MG	2	SoBECA	0.72	60				8	4	8	23	Warehouses with surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-163-05	178	2064 Bristol St	PEP BOYS	C1	2	SoBECA	1.47	60				17	8	17	46	Tire shop with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-171-02	179	752 Saint Clair St	PURCILLY GAY WHEELER	C2	2	SoBECA	0.26	60		B		3	1	3	8	School yard for learning center. Site is within the SoBECA Urban Plan redevelopment area.
418-191-04	180	766 Saint Clair St	766 ST CLAIR LLC	C2	2	SoBECA	0.67	60				8	4	8	20	Gym with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-01	181	845 Baker St	RMAFII LOC LLC	C1	2	SoBECA	0.87	60				10	5	10	27	Small strip mall with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.
418-202-02	182	841 Baker St	BAKER STREET PROPERTIES LLC	C1	2	SoBECA	0.33	60		D		3	1	3	12	Nightclub with large surface parking lot. Site is within the SoBECA Urban Plan redevelopment area.



Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA																
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418-101-05	197	1425 Baker St	1425 BAKER LLC	C1	2	Harbor Mixed-Use	1.90	60				22	11	22	59	Existing auto dealer with large surface parking.
140-041-83	198	N/A	CJ SEGERSTROM & SONS	PDC	1	North Costa Mesa - HR	0.23	80	Vacant	C		0	0	0	0	Home Ranch property. See analysis in Appendix B for additional information on potential to redevelop.
418-101-03	199	1491 Baker St	PURCILLY GAY WHEELER TR	C1	2	Harbor Mixed-Use	1.27	60		B		14	7	14	39	Restaurant and barbershop. Site is anticipated to redevelop with adjacent parcels as shown in this table.
424-202-01	200	745 W 19th St	PANGE MARC C REVOC TR	C1	4	19 West	0.63	50				6	3	6	15	Strip mall with surface parking lot adjacent to major transportation corridor (19th St.). Site has the potential to redevelop for mixed-use.
410-481-05	201	3201 Park Center Dr	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	6.27	60		H		18	9	18	141	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
410-491-07	202	601 Anton Blvd	THE IRVINE COMPANY LLC	TC	2	North Costa Mesa - Pac Arts	12.07	60		H		35	18	35	261	Pacific Arts Center property. See analysis in Appendix B for additional information on potential to redevelop.
139-313-21	203	1590 Adams Ave	CJ SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	0.19	50		F		1	0	1	7	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
139-313-30	204	1590 Adams Ave	CJ SEGERSTROM & SONS	C1	1	Harbor Mixed-Use	2.40	50		F		24	12	24	60	Existing Post Office site with lease expiring during the planning period. Property owner has indicated interest in redeveloping the site for residential uses.
410-051-46	205	3420 Bristol St	SOUTH COAST PLAZA	TC	2	North Costa Mesa	0.79	90		G		14	7	14	35	Existing office uses and surface parking lot. The City has discussed the potential future redevelopment of this site for high-density residential uses with the property owner.
410-501-25	206	545 Anton Blvd	JKS-CMFV LLC	PDC	2	North Costa Mesa	0.74	130				19	9	19	48	Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.

• 75



Table B-3: Sites to Accommodate Costa Mesa 2021-2029 RHNA																
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APN	Unique ID	ADDRESS	OWNER	ZONING	COUNCIL DISTRICT	Specific Plans	Size (Ac)	Density	Vacant	Potential Consolidation	Used in 5th Cycle	Very Low (20%)	Low (10%)	Moderate (20%)	Above Moderate (50%)	Notes
410-501-36	207	575 Anton Blvd N/A	JKS-CMFV LLC	PDC	2	North Costa Mesa	1.82	170				61	30	61	157	Surface Parking Lot Small commercial out parcel uses. Property owner has indicated interest in redeveloping the site for residential uses.
418-171-01	208	754 Saint Clair St	PURCILLY GAY WHEELER TR	C2	1	SoBECA	0.27	60		B		3	1	3	8	Existing learning center use. Site is anticipated to redevelop with adjacent parcels as shown in this table.

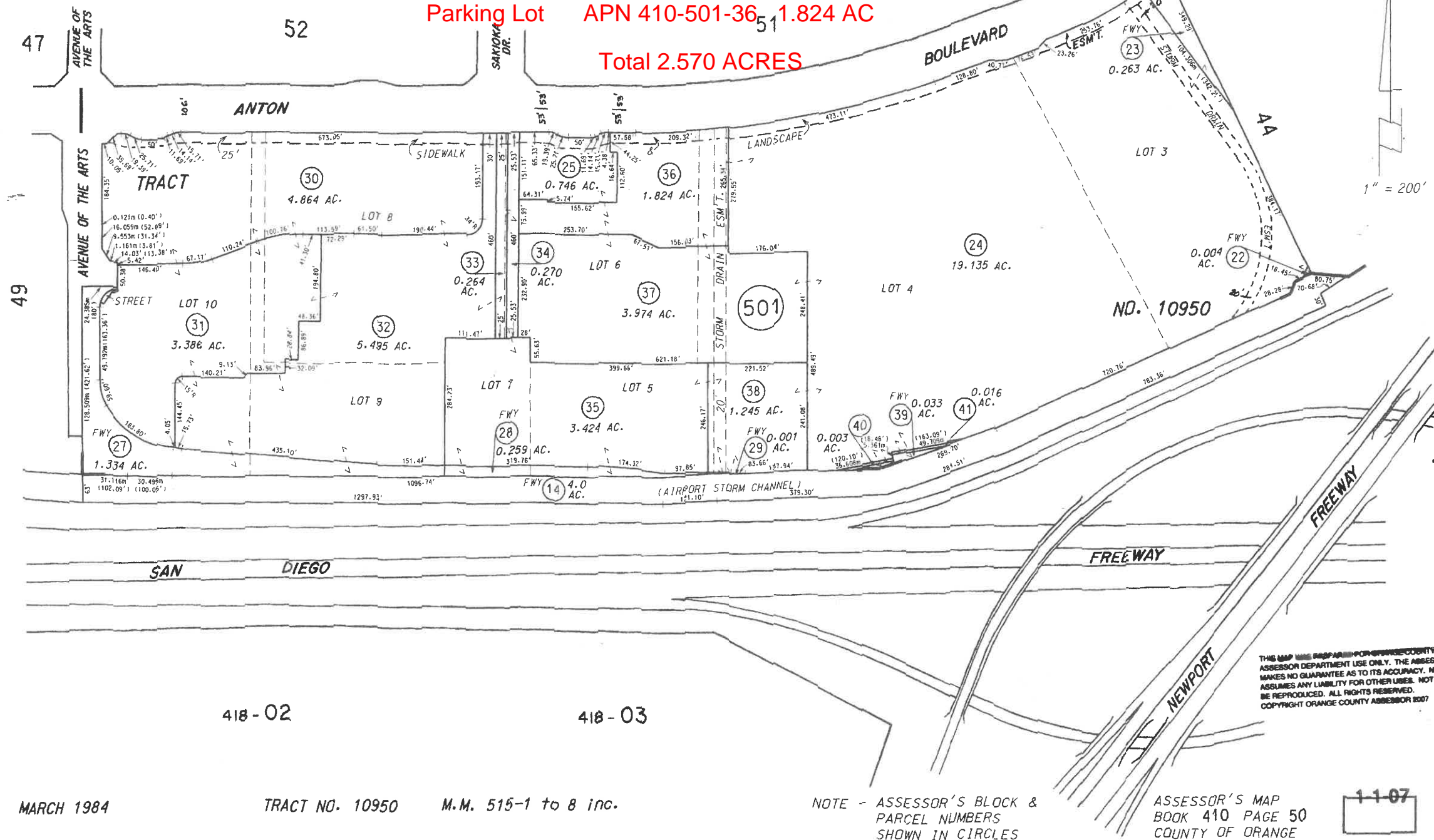
POR. S 1/2, SEC. 36, T 5 S, R 10 W

410-50

Starbucks Retail APN 410-501-25 0.746 AC

Parking Lot APN 410-501-361 1.824 AC

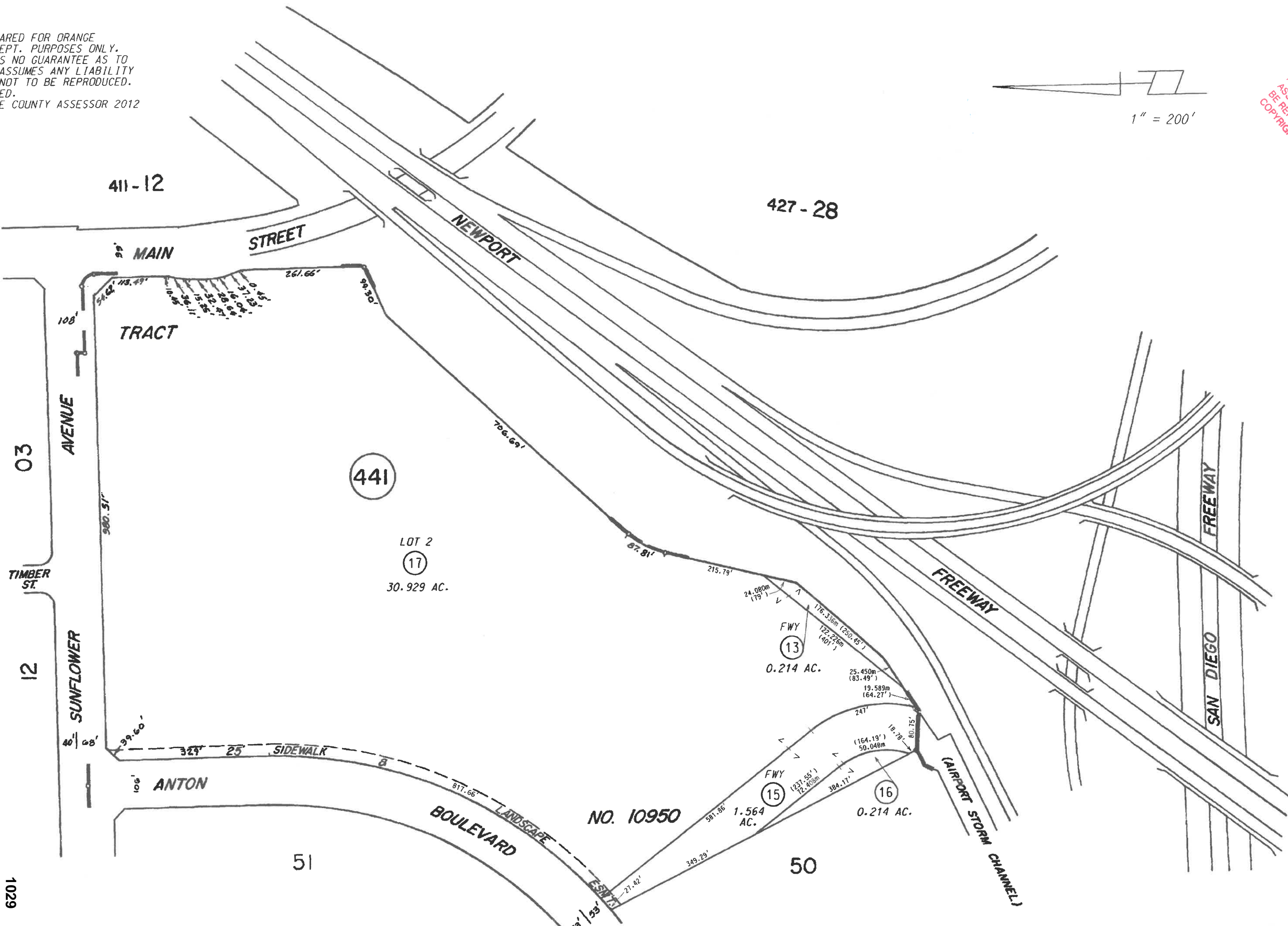
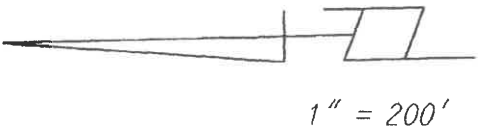
Total 2.570 ACRES



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410-44

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From: cmcdonald.home@gmail.com
Sent: Wednesday, September 15, 2021 4:37 PM
To: CITY COUNCIL; DEARAKAL, BYRON; RUSSELL, DIANNE; ERETH, ADAM; TOLER, RUSSELL; ZICH, JON; Housing Element
Cc: LE, JENNIFER; ASHABI, MINOO; FARRELL HARRISON, LORI ANN
Subject: Housing Element Update

Dear City Council Members, Planning Commissioners and City Staff:

A city is a living thing. It will always grow and expand, because if it doesn't, it stagnates. The challenge is growing a city so that it is the best city it can be. It must satisfy the needs of the current residents, while providing for the needs of new and future residents. It needs to be financially stable, but safe and healthy for its residents. In today's world, it must be sustainable and socially equitable. All of this takes good planning by city leaders and city employees.

The Housing Element Update is a very important part of the comprehensive planning process for the City of Costa Mesa. It is an element of the blueprint for the growth of our city. We need it to be the best plan possible for our residents, businesses, and visitors.

This draft Housing Element is built around satisfying the requirements of SCAG and the RHNA that has been imposed on Costa Mesa. The strategy used was to look at the current planning tactics used by the City and adapt those to meet our RHNA. Consideration was given to proximity to transit corridors so that the impacts of traffic caused by any increase in density could potentially be offset by the use of mass transit and active transportation. However, there is no requirement that new housing be mixed-use in order to deter the use of motor vehicles. How will we encourage people to use transit other than cars? There is no requirement that new development include active transportation facilities. That needs to be addressed as part of the process that results from the adoption of the Housing Element Update.

During the recent joint City Council and Planning Commission Study Session it was stated that the diversity and unique characteristics of neighborhoods would be complemented. The size of the parcel would have to accommodate at least 30 du/ac, which narrowed down the choice of some of the parcels. Identifying the potential to redevelop the parcels is also required. However, we see a great deal of the burden of increased density falling on areas that have already been subjected to projects whose impacts were not mitigated, thus causing more stress on residents who already are affected by traffic, pollution, and a decreasing amount of open space.

An inclusionary housing ordinance ("IHO") is being considered. Much has been said about the reasons why young people and seniors cannot afford to live in Costa Mesa. The primary reason why affordable housing hasn't been built is because the price of land is high. But another reason is that the City has not adopted an IHO and no developer will build truly affordable housing unless it is required to do so. Why is an IHO being "considered" when it should have been drafted and implemented long ago as a tactic to satisfy our RHNA? The City needs to move this off the back burner and get it done. By no means should the City Council approve the final zoning changes contemplated by in the Housing Element Update until the City has adopted an IHO.

Many of the identified parcels are being zoned at densities that are typically used for rental housing. We are upside down compared to other cities in terms of home ownership versus rental housing. Homeowners tend to be invested in their communities, which is something encouraged by most cities. How is the City going to make certain affordable home ownership opportunities are provided?

Including ADUs and JADUs to satisfy the numbers is reasonable. However, the City needs to consider ways to induce or assist homeowners to build them. Grants, loans, and tax abatements are all incentives the City should consider.

As noted in Program 3G of the draft Housing Element and by some of the City Council and Planning Commission members, the Housing Element Update will need to be put to a vote by the citizens because it exceeds the limitations under Measure Y. This will require the City to present information to the public, including depictions of buildings of the new levels of density, what you anticipate traffic VMT to be, and environmental impacts.

Measure Y came about because, despite the illusion of the City welcoming participation by residents in the planning process, the voices of the residents were largely ignored. Many residents were not aware of large projects that impacted their quality of life until the framing began. The purpose of Measure Y was not only to engage citizens in the process and give them the ability to have input into large projects, but also to encourage developers to bring better projects to Costa Mesa. Additionally, it was anticipated that the City would adopt a better General Plan because that document would likely be subject to a vote of the residents under Measure Y.

For many years the residents have been asking the City to develop a vision of what the future of Costa Mesa will be. It is understood that this takes time and expertise, but it will never happen unless it gets started. This is the perfect opportunity to do that. Jennifer Le, the City's Director of Economic and Development Services, stated that looking at Form-Based Code will be a part of a major update to our Planning Code. I encourage the City to adopt Form-Based Code, because it will encourage predictable growth that is compatible with existing neighborhoods, while encouraging financial solvency through mixed-use development.

As for the document itself, it is well organized, and I thank Staff and the consultant for the time and care that was taken. I suggest the following modifications/additions:

1. In the Community Profile (Chapter 2), it would be helpful to see:
 - a. Population Growth: What has been the historical growth of Newport Beach and Irvine as compared to Costa Mesa? Did Costa Mesa grow more over the past decade or less than these cities? This will tell us if this is a trend or a pattern. It should also be noted that Costa Mesa, unlike Newport Beach and Irvine, is nearly built out and has very little space in which to add housing without repurposing commercial/industrial properties. Also, the fact that high cost of land contributes to the lack of affordability and growth of housing should be included.
 - b. Age Characteristics: How does Costa Mesa compare to California? The US? Is the increase in people over 65 living in Costa Mesa unique or is this because people in the US are living longer overall?
2. Chapter 4, Housing Plan, includes programs where developers are identified and encouraged to work with the City on senior housing and mixed-use projects within the Urban Plan areas. I encourage the City to include that same action in Program 2B, Affordable Housing Development.
3. Appendix B, Candidate Sites Analysis and Overview:
 - a. A major corridor, Newport Boulevard has been ignored. This area has many aging properties that could be repurposed for housing; however, careful consideration needs to be given to how those projects would impact the adjoining neighborhoods. Since Newport Boulevard is one-way on either side of the freeway, walkability, bikeability and mixed-use developments must be prioritized.
 - b. Most of the parcels have been assigned a future density that we typically see as multi-family rental housing when built out. The City already is upside-down in the ratio of homeownership to rental housing compared to other cities in Orange County. How will the City remedy this situation?
4. It would be very helpful if hyperlinks/cross-references could be added to the document so readers could more easily find definitions and use of terms in various sections. For example, I tried to find "high resource neighborhoods" that were referenced in the joint Study Session and had a difficult time finding it (used twice in Chapter 3, but not defined).

Thank you for your consideration.

Cynthia McDonald

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From: fred solter <fsolter@msn.com>
Sent: Wednesday, September 15, 2021 4:27 PM
To: Housing Element
Subject: Please enter these comments into the public record regarding the Housing element draft proposal presented September 13, 2021.

Absurd levels of Density are Not Acceptable

State Mandates Violate - 'Local Governance' principals

also:

1. Many people walk to Smart & Final and El Metate Market to get their groceries. I request that to deny the proposal to tear both of these down and put hundreds of high-density units in their place. Where will the residents buy their food? Do not tear down the grocery store and replace it with 'affordable' high-density housing on 19th Street.
2. So many units proposed for 19th Street will not fix the homeless problem, and adding high density development in the soup kitchen neighborhood smacks of instability over a multi-year period. Do not force higher density in here. It is a recipe for a slum and overcrowding. Currently, there is a shortage of parking on the residential streets that will be overrun if this plan moves forward.
3. Use the golf course practice area/driving range which is raw land next to the 2 (two) 18 hole golf courses. These 100 acres will easily hold the 4000 affordable homes state law requires to be planned for. This will give certainty that the required 4000 affordable homes will be built at all. All 100 acres don't need to be taken, and the 2 18 hole courses are totally separate from the practice area. Another benefit to utilizing the golf course is the reduction in land that needs watering which would reduce the overall water demand on the city.
4. Another potential location for these proposed units would be the Fairview Development Center. Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.
5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

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From: Louis <Louis@LouisShapiro.com>
Sent: Wednesday, September 15, 2021 10:25 AM
To: Housing Element
Cc: ASHABI, MINOO
Subject: ADU comments and Questions

Dear Housing Element,

Meeting:

I was on the Thursday September 2nd evening community meeting .

Want to thank your staff for the professionalism, the number of staff showing up for the meeting. As well as the different categories of topics that were included.

Used a cell phone and did not use zoom. Was limited on being able to raise my hand or make comments. Also was not able to move from main room to other rooms. I would recommend on future invites to the meeting to go into detail on best ways to attend the meeting and protocols.

There was a large amount of information provided before the meeting which was excellent. Even after reading the information felt largely not prepared for the meeting. Not sure how to resolve this disconnect. But wanted to make your staff aware of this as if I felt a disconnect maybe others in the meeting felt the same way.

Maybe if the agenda is more clear before the meeting and a contact person for an inquiry before the meeting may help the meeting to go more smoothly.

I realize that state, county and city requirements for ADU are still being defined. With this in mind I am making the following comments. Also not an expert with all the rules and regulations proposed and have been made into law. As a home owner making the following comments. Want to thank the City for making public comments available for shaping ADU's in the City of Costa Mesa.

My comments below is for R1 zoning only.

Comments:

A. FORMAL NAMES OF AREAS WITH THE CITY

The city has identified different areas within the city limits. Can we have formal names for these areas and city boundaries? Can these formal names be used in the reporting processes?

B. FEATURES AND BENEFITS

On the information that was provided before the meeting. Was not able to find information on Cottages, Duplex and Triplexes. But the information was on larger apartment complexes.

As a home owner we are interested in features and benefits. Not so much technical details about the city requirements for densities, tax credits to the city and other city related technical details.

I am pleased to find a glossary of terms that is helpful. But it is easy to get over whelmed with all the technical details that are involved with a ADU both from a State and the City requirements. Within the calendar last year, the ADU process is much easier. Want to thank the city for making it much easier in the planning process.

C. PERMITTING PROCESSES

It seems to me we submit our proposal for an ADU and it is reviewed within the guidelines. To me if the guidelines are more clear it would be an easier process. My thinking is if the criteria broken down into categories and posted on the city website it would be easier prior to submitting the application for approval. Would it be possible to break up the ADU's permitting process in the City in the following categories:

R1 Zoning:

A. Garage conversion

B. Single Free standing

C. Existing Single Family Home conversion D. Duplexes C. Triplexes E. Cottage Clusters F. Number of ADU's on a lot permitted.

Some ideas would be a flow chart of the permitting processes to include allowed, not allowed, in process of change. Then into sub categories.

These different categories have different requirements. Maybe even a spread sheet table that has check boxes on the requirements would be helpful. Any more color on this subject would be helpful. Ways to make it easier as a home owner to understand the ADU processes.

From my understanding, I can be wrong. But Duplexes, Triplexes and Cottage Clusters are not allowed under R1 zoning. Can this be changed? Is this a State or City mandate?

On Duplexes, Triplexes, and Cottage clusters to have consideration to allow under R1 Zoning under the definition of use for a ADU with the criteria of California and City codes.

During the meeting the process of planning and permitting of ADU seems to be capped for the number of ADU. I am not clear on the # of ADU permitted per year. Any color on this subject would be helpful.

D. YEARLY REPORTING OF ADU's

To produce a yearly report that would have these details:

Under R1 Zoning, ADU permitted to include Garage Conversion, Single Free Standing, Existing Single Family Home Conversion, Duplexes, Triplexes, and Cottage Clusters.

1. #1 Parking Spaces allocated
2. SQ Feet of ADU
3. Set Back requirements
4. 1 Story or two story, or multi story
5. The intended use of the ADU (Family, Income, Guest House)
6. The length of time for planning process, Permitting and build completion
7. Estimated Costs of permits, and build costs.
8. Building Materials used (high, medium, low cost)
9. The area formal location name within the city

Please consider my comments for future planning.

Best Regards,
Mr. Louis Shapiro

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From: Yesenia Markle <yessiemrkl@gmail.com>
Sent: Wednesday, September 15, 2021 9:09 AM
To: Housing Element
Subject: Housing Proposal

To whom it may concern. I am writing to share my concerns on the proposed Housing element draft presented on September 13, 2021.

I oppose this proposal for the following reasons:

1. Smart & Final and El Metate are very conveniently located within our neighborhood. Many people walk to these stores for their groceries. If both of these are torn down, where will the residents buy their food? Many residents do not have the luxury of a vehicle to drive for groceries. Do not tear down the grocery stores to build "affordable housing".
2. Adding low-income housing will not solve the problem of homelessness, it will only add to overcrowding and the parking shortage for residents in the area. This is a recipe for slum and overcrowding.
3. I suggest using the golf course area/driving range which is raw land. This area will easily accommodate all the affordable housing the state law is requiring.
4. Another potential location for these proposed units would be the Fairview Development Center.

Utilizing the land that the practice area or Development Center provides will impact the community in the least possible way.

5. Stop the affordable unit tax on developers and they will build better market rate projects that build neighborhood value.

Thank you for your time,

Yesenia Markle
Costa Mesa Resident

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From: Richard Walker <rwalker@publiclawcenter.org>
Sent: Thursday, September 16, 2021 12:35 AM
To: ASHABI, MINOO
Cc: Housing Element
Subject: Comment Letter re Draft 6th Cycle Housing Element
Attachments: Costa Mesa Comment Letter to the City - 09.15.21.pdf

Please find attached Public Law Center's Comment Letter regarding Costa Mesa's Draft 6th Cycle Housing Element. Please do not hesitate to reach out with any questions or concerns.

Regards,

Richard Walker (he, him, his)
Senior Staff Attorney
Housing and Homelessness Prevention
Public Law Center
601 Civic Center Drive W.
Santa Ana, CA 92701
714.541.1010 Ext. 292
rwalker@publiclawcenter.org

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September 15, 2021

Minoo Ashabi
Principal Planner
Developmental Services Department
City of Costa Mesa
77 Fair Drive,
Costa Mesa, CA 92626
housing-element@costamesaca.gov
minoo.ashabi@costamesaca.gov

RE: City of Costa Mesa Draft 6th Cycle Housing Element

Dear Ms. Ashabi and City Staff,

Public Law Center (“PLC”) is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals and families across Orange County. Our services are provided across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Additionally, PLC provides legal assistance to community organizations. Further, the mission of our Housing and Homelessness Prevention Unit includes preserving and expanding affordable housing. Thus, we write on behalf of individuals in need of affordable housing in Orange County to comment on the City of Costa Mesa (“the City”) Draft 6th Cycle Housing Element.

Government Code Section 65583 requires that a housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.¹ Additionally, the housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.² We commend the City on its efforts to engage its residents in the housing element update process and in its attempts to identify and address the housing needs of its residents. However, the City’s Draft 6th Cycle Housing Element fails to meet all of the requirements of State law and fails to contain strong commitments to implement meaningful programs and actions that will address the housing needs of its residents.

Extremely Low-Income Households

Local agencies shall calculate the subset of very-low-income households allotted that qualify as extremely-low-income households.³ To make this calculation, the local agency may

¹ Cal. Gov. Code Section 65583.

² Cal. Gov. Code Section 65583.

³ Cal. Gov. Code Section 65583(a)(1).

either use available census data or presume that 50% of the very-low-income households qualify as extremely-low-income households.⁴

In describing its RHNA, the City lists a need for 2,919 very low-income units but does not explain how many of these households are considered extremely-low-income.⁵ The City states that there are approximately 6,610 extremely-low-income households within the jurisdiction, but does not utilize this information to calculate the need for extremely-low-income units within the jurisdiction.⁶ The City must describe its need for extremely-low-income households and very-low-income households, which shall equal the jurisdiction's allocation of very-low-income households.⁷

Emergency Shelters

The housing element shall include the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit.⁸ Additionally, each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.⁹

Although it appears that the City has existing ordinances that satisfy these requirements, the City has not clearly described these ordinances, policies, and standards because it provides conflicting information.¹⁰ First, the City's table describing housing types permitted across various zoning districts does not state that emergency shelters are permitted within any zone.¹¹ The City later states that emergency shelters are permitted in the MP Industrial Zone.¹² Then in its review of past performance, the City states that the City adopted an ordinance to permit emergency shelters by-right within the Planned Development Industrial Zone.¹³ The City must clarify where emergency shelters are permitted without a conditional use or other discretionary permit and specify whether these zones can accommodate at least one year-round emergency shelter.

Emergency Shelter Need

Further, the identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter.¹⁴ The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an

⁴ Cal. Gov. Code Section 65583(a)(1).

⁵ City of Costa Mesa, 2021–2029 Housing Element Draft, 1-4, 3-76, 3-77, 4-22, B-2 (August 2021).

⁶ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-11 (August 2021).

⁷ Cal. Gov. Code Section 65583(a)(1).

⁸ Cal. Gov. Code Section 65583(a)(4)(A).

⁹ Cal. Gov. Code Section 65583(a)(4)(A).

¹⁰ Cal. Gov. Code Section 65583(a)(4)(D).

¹¹ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-17 (August 2021).

¹² City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).

¹³ City of Costa Mesa, 2021–2029 Housing Element Draft, A-8 (August 2021).

¹⁴ Cal. Gov. Code Section 65583(a)(4)(A).

average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.¹⁵

First, the City identifies 193 persons experiencing homelessness within the jurisdiction: 6 sheltered and 187 unsheltered.¹⁶ Second, the City’s emergency Bridge Shelter has opened its permanent location with 72 beds available.¹⁷ However, the City’s website states that the City of Newport Beach “entered into a partnership with the city,” contributed a total of \$1.6 million toward the construction and furnishing of the shelter, and will continue to “provide \$1 million annually for 20 set-aside beds.”¹⁸ This means only 55 of the Bridge Shelter beds are available to accommodate the City’s homeless population, requiring that the City still zone for sufficient emergency shelter capacity to accommodate 132 unsheltered individuals within its jurisdiction. Third, the City does not specify whether the Shelter has any unused beds on an average monthly basis or what percentage of those in emergency shelters move on to permanent housing. The City must provide this information to accurately assess its emergency shelter need and determine whether its identified zones can accommodate this need.

Emergency Shelter Standards

The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.¹⁹ However, because the Bridge Shelter currently has 72 beds, the City must clarify whether it still requires that each emergency shelter have a maximum of 30 beds.²⁰ This information is important to determine how many shelters the City would need to accommodate its 132 unsheltered homeless individuals.

Special Housing Needs

The housing element must analyze special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability;²¹ large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.²²

¹⁵ Cal. Gov. Code Section 65583(a)(7).

¹⁶ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-27 (August 2021).

¹⁷ City of Costa Mesa, *Costa Mesa Bridge Shelter*, <https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter> (last visited Sep. 13, 2021).

¹⁸ City of Costa Mesa, *Costa Mesa Bridge Shelter*, <https://www.costamesaca.gov/hot-topics/costa-mesa-bridge-shelter> (last visited Sep. 13, 2021).

¹⁹ Cal. Gov. Code Section 65583(a)(4)(A).

²⁰ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-20 (August 2021).

²¹ “‘Developmental disability’ means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.” Cal. Welfare and Institutions Code Section 4512.

²² Cal. Gov. Code Section 65583(a)(7).

Seniors

The City explains that “seniors have a high likelihood of limited and fixed incomes, higher health care costs, greater mobility challenges and self-care limitations, transit dependency, and commonly live alone,” resulting in a need for affordable housing, supportive housing, co-living, multi-generational living options, and alternative housing options with service components.²³ The City then touches on overpayment issues and disabilities seniors often face.²⁴ This analysis of senior housing needs is shallow and should be more detailed. The City should include a description of the financial challenges that seniors may face, the number of lower-income seniors living within the jurisdiction, and an analysis of challenges specific to lower-income seniors.

To address senior housing issues, the City identified Program 2D, which requires the City to “identify opportunities for Senior Housing developments within Costa Mesa, including working with developers who specialize in the development of Senior Housing.”²⁵ However, “identifying opportunities” is extremely vague and does not actually commit the City to taking any action to help seniors address their special housing needs. Further, the City does not address any of the other challenges seniors face that contribute to the difficulty in finding appropriate, affordable housing. The City does not attempt to assist lower income seniors to find affordable housing and does not claim it will attempt to create this type of housing. The City must revise this program and include others that actually address senior housing needs and that commit the City to take specific actions.

Persons With Disabilities

The City first discusses the housing challenges that persons with physical and developmental disabilities may face, such as limited income, restricted mobility, reduced ability for self-care, and disabilities that require a supportive or institutional setting.²⁶ Further, housing with modifications for persons with disabilities can be costly and should be located near transit, medical services, and retail.²⁷

This brief listing of challenges does not constitute a thorough analysis of the special housing needs of this group. Although the City states that “no current comparisons of disability with income, household size, or race/ethnicity are available,” the City should conduct its own analysis of this demographic.²⁸ Such an analysis is important to understanding how these factors exacerbate housing challenges and will enable the City to create specific programs that meet the needs of as many residents with disabilities as possible.

To address these needs, the City states that “incorporating ‘barrier-free’ design in all new, multi-family housing . . . is especially important to provide the widest range of choices for residents with disabilities” and that “special consideration should also be given to the

²³ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

²⁴ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

²⁵ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-6 (August 2021).

²⁶ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

²⁷ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-20 (August 2021).

²⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-19 (August 2021).

affordability of housing as people with disabilities may be living on a fixed income.”²⁹ However, the City merely lists several housing types and assistance programs that can help meet these special housing needs and does not reference any City programs that incorporate barrier-free designs or prioritize low-income residents with disabilities.³⁰

Instead, Program 2F: Persons with Physical and Developmental Disabilities states that “the City will continue to take actions to accommodate ADA retrofit efforts, ADA compliance and/or other measures where appropriate through the implementation of Title 24 as well as reviewing and amending its procedures to comply with State law as necessary.”³¹ Similar to Program 2D for seniors, this program does not commit the City to taking meaningful actions to address these special housing needs, even though the City identified meaningful actions in its analysis that would help meet these needs, such as incorporating “barrier-free” designs in housing. Since Program 2F is insufficient, the City must either revise this program or create a new program that accounts for the special needs of persons with physical or developmental disabilities.³²

Large Households

The City states that “a limited supply of adequately sized and affordable housing units,” causes lower-income large households to face overcrowding in smaller units with less bedrooms.³³ Lower-income renters are particularly vulnerable to this because rental units with more than three bedrooms are rare and more expensive.³⁴ Again, this analysis is lacking important details, such as the existing number of four-bedroom or larger units in the City and their level of affordability, the number of large households that are lower income or cost burdened, and other pertinent factors, all of which would influence the programs the City should create to meet these needs. The City should take additional steps to study this group further and provide analysis that is more detailed.

Program 2E: Encourage Development of Housing Options for Large-Family Households is another vague program that merely states that “the City will work with applicants who propose for-rent residential projects to encourage 4-bedroom units as part of proposed developments” and will “review development standards to determine if any pose an impediment to the development of large units.”³⁵ If the City finds any impediments, the program only requires that the City “consider amendments to the Zoning code to alleviate those impediments.”³⁶ The program does not commit the City to taking any specific actions that will actually assist large households. The City should revise the program to be more descriptive by including specific incentives or actions that will be taken to encourage the development of four-bedroom or larger units and by including a specific timetable for the review of development standards that might impeded the

²⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 to 2-22 (August 2021).

³⁰ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-21 (August 2021).

³¹ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

³² Cal. Gov. Code Section 65583(a)(7).

³³ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).

³⁴ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-22 (August 2021).

³⁵ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

³⁶ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-7 (August 2021).

development of larger units. If any impediments are encountered, the City should commit to take actual steps toward revising the standards to mitigate this constraint. As the City does additional analysis, it should also revise its program to address the needs of large households who are at lower-income levels. The City should also revise the program to not just encourage four-bedroom units, but four-bedroom *and larger* units to accommodate different sizes of large households, such that it addresses the overcrowding issue.³⁷

Single-Parent Households

The City's extremely brief description of single-parent households states that these residents have a "greater need for affordable and accessible day care, health care, and other supportive services," and that "many female-headed households with children are susceptible to having lower incomes than similar two-parent households."³⁸ Despite this acknowledgement, the City provides no additional discussion of these challenges, nor does it specify a program that addresses these needs. For example, the City notes that 27.4% of its single-parent households are living in poverty, but makes no attempt to address this issue.³⁹

The City must further discuss the special needs of single-parent and female-headed households and describe the City's resources and unmet needs for such groups.⁴⁰ The City must identify programs that specifically assist single-parent and female-headed households.

Farmworkers

In attempting to analyze the special housing needs of farmworkers, the City explains who farmworkers are and simply states that farmworkers "earn lower incomes than many other workers and move throughout the year from one harvest location to the next."⁴¹ This statement is not an analysis of farmworkers' special housing needs. Additionally, Program 2H is not sufficient to meet the needs of this group because it merely brings the City's zoning code into compliance with state law.⁴² With 2,669 farmworkers living within the jurisdiction, the City must identify unique factors that affect their ability to obtain housing, their specific housing needs, and create programs to address these needs.⁴³

No Net Loss Requirements

Government Code Section 65863 requires that jurisdictions maintain adequate sites to accommodate its remaining unmet RHNA in each income category throughout the entire planning period. If there is a shortfall of sites to accommodate its RHNA, the jurisdiction must either amend its site inventory to include sites that were previously unidentified or rezone sites to

³⁷ Cal. Gov. Code Section 65583(a)(7).

³⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).

³⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).

⁴⁰ Cal. Gov. Code Section 65583(a)(7).

⁴¹ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-23 (August 2021).

⁴² City of Costa Mesa, 2021–2029 Housing Element Draft, 4-8 (August 2021).

⁴³ City of Costa Mesa, 2021–2029 Housing Element Draft, 2-18 (August 2021).

meet the need.⁴⁴ Failure to do so would constitute a violation of the No Net Loss law and Housing Element law.⁴⁵

To ensure a jurisdiction can accommodate its entire RHNA throughout the planning period and avoid these violations, HCD recommends that jurisdictions include a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for lower incomes.⁴⁶ Alternatively, jurisdictions may create a buffer by projecting capacity less than what is allowed from the maximum density in anticipation of reductions in density, or rezoning additional sites above what is needed to accommodate the RHNA.⁴⁷

Through its site inventory, rezoned sites, and ADUs, the City has created a 34 percent buffer, with only a five percent buffer for lower income units.⁴⁸ Because lower income units are the most difficult to construct, the City should increase the lower income buffer to avoid violating the No Net Loss and other Housing Element laws.

Constraints

Governmental Constraints

The housing element must contain an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in Section 65583(c)(1),⁴⁹ and for persons with disabilities,⁵⁰ including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development.⁵¹

The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the RHNA and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.⁵²

⁴⁴ HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).

⁴⁵ HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).

⁴⁶ HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).

⁴⁷ HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).

⁴⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-77 (August 2021).

⁴⁹ “Housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.” Cal. Gov. Code Section 65583(c)(1).

⁵⁰ “‘Developmental disability’ means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.” Cal. Welfare and Institutions Code Section 4512; Cal. Gov. Code Section 65583(a)(7).

⁵¹ Cal. Gov. Code Section 65583(a)(5).

⁵² Cal. Gov. Code Section 65583(a)(5).

The Draft provides an analysis of the City’s current “1. Land Use Controls”, but fails to mention how, if at all, these land use controls are constraints to housing development.⁵³ If the City determines land use controls constrains housing development, and if so, a program should be included to prevent such constraints. The element exhibits the same issue in the “4. Variety of Housing Types Permitted” and “5. Planned Development” section of Governmental Constraints to affordable housing development.⁵⁴ On pages 3-6 to 3-8, the element provides a description of zoning codes and regulations, but does not conclude how, or if, these codes are a constraint on housing development.⁵⁵ The element should mention if these restrictions are constraints to housing developments, and if so provide a program to eliminate or mitigate such constraints.⁵⁶

Measure Y is a slow growth program, “An Initiative to Require Voter Approval on Certain Development Projects”.⁵⁷ Program 3G discusses actions the City will take to address Measure Y in the context of the Housing Element.⁵⁸ Program 3G asserts it must determine “a path forward” in consideration of Measure Y to be able to adopt changes necessary to implement the City’s housing element to meet the City’s state mandated RHNA allocation.⁵⁹ Essentially, Program 3G is a plan to deal with a housing constraint and gives the City a 3 year time frame to “deal” with the issue, but provides no concrete steps.⁶⁰ The City should provide more concrete steps on how it plans to address Measure Y as a constraint and alternative options in the event that voter approval does not pass, to ensure the City is compliant with Housing Element Laws.

Nongovernmental Constraints

The housing element must also analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by Section 65583.2(c), and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the RHNA.⁶¹

The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing.⁶²

⁵³ City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).

⁵⁴ City of Costa Mesa, Draft 2021-2029 Housing Element 3-16 to 3-23 (August 2021).

⁵⁵ City of Costa Mesa, Draft 2021-2029 Housing Element 3-6 to 3-8 (August 2021).

⁵⁶ HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Constraints*, <https://www.hcd.ca.gov/community-development/building-blocks/constraints/nongovernment-constraints.shtml#requisite> (last visited September 1, 2021).

⁵⁷ City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).

⁵⁸ City of Costa Mesa, Draft 2021-2029 Housing Element 3-23 to 3-24 (August 2021).

⁵⁹ City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).

⁶⁰ City of Costa Mesa, Draft 2021-2029 Housing Element 4-11 to 4-12 (August 2021).

⁶¹ Cal. Gov. Code Section 65583(a)(6).

⁶² Cal. Gov. Code Section 65583(a)(6).

The element asserts construction costs are a major portion of development costs, but is not a constraint to housing development since construction costs are “consistent with the region”.⁶³ Just because the City’s construction costs are consistent within the region does not mean they are not a constraint to development. For example, the element mentions the cost of land is consistent with the region, but that the “[the cost of land] may create a constraint to the development of housing, specifically affordable housing.”⁶⁴ The City contradicts its own logic in the housing element. For this reason, the City should analyze development costs as an actual constraint on the development of housing and create a program to mitigate constraints on affordable housing development caused by the construction costs.

The element identifies “Cost of Land” as a constraint to housing development and mentions Chapter 4 to accommodate these constraints.⁶⁵ The element should identify exactly which program(s) within Chapter 4 address and mitigate the high cost of land. Additionally, the element claims “Available Financing” is not a constraint to the provision and maintenance of housing in the City.⁶⁶ On the same page, the element asserts that White applicants were more likely to be approved for a loan than their non-White counterparts.⁶⁷ The City should implement a program to ensure equal opportunities to all loan applicants as inconsistent lending practices is a constraint to fair and affordable housing.

The element identifies Program 2A to “consider” an inclusionary housing ordinance within two years of implementing the sixth cycle housing element.⁶⁸ Program 2B explains the City will “analyze potential development incentives” to encourage affordable housing development.⁶⁹ Program 2A and 2B embody noncommittal, vague language with no quantified goal. “Analyzing” incentives will not lower barriers to the development and maintenance of affordable housing. Program 2E exhibits the same issue, as the City will “consider” removing impediments in the City’s zoning ordinance for developments to accommodate underserved large families.⁷⁰ Program 2I exists to promote state bonus density incentives.⁷¹ According to the element, such incentives “*may* take the form of additional residential units permitted beyond the density allowed in the base zoning...”⁷² The language of Programs 2A, 2B, 2E and 2I is vague, non-committal and observes no quantified objective.⁷³ The City should amend these programs to create concrete steps that will result in beneficial outcomes during the planning period and incorporate a quantified goal to assess if these programs are making progress.

⁶³ City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).

⁶⁴ City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).

⁶⁵ City of Costa Mesa, Draft 2021-2029 Housing Element 3-2 to 3-3 (August 2021).

⁶⁶ City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).

⁶⁷ City of Costa Mesa, Draft 2021-2029 Housing Element 3-3 to 3-4 (August 2021).

⁶⁸ City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 (August 2021).

⁶⁹ City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-6 (August 2021).

⁷⁰ City of Costa Mesa, Draft 2021-2029 Housing Element 4-6 to 4-7 (August 2021).

⁷¹ City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).

⁷² City of Costa Mesa, Draft 2021-2029 Housing Element 4-8 (August 2021).

⁷³ City of Costa Mesa, Draft 2021-2029 Housing Element 4-5 to 4-7 (August 2021).

Similar to the issues listed above in Program 2, Program 3A adopts language that is vague, noncommittal and unquantified⁷⁴, so it is unclear how this program will loosen constraints on affordable housing development. For example, Program 3A claims “The City will *consider* and *promote* various incentives to *encourage* development of housing, live/work, and mixed-use development in its Urban Plan and Specific Plan areas.”⁷⁵ Programs 3B, 3E, 3F, 3H, 3I, 3J, 3O, 4A, 4C and 4D display the same deficiencies.⁷⁶ The City should amend this program to adopt mandatory language with a time sensitive, quantified goal to encourage the development of affordable housing.

The element assesses 5th cycle policy progress within Appendix A: Review of Performance.⁷⁷ In this section, the City fails to provide a quantified analysis of fifth cycle progress, which makes it difficult to determine the effectiveness of the policy and whether it should remain in the sixth cycle housing element. For example, the City dedicated Policy HOU-1.5 to maintaining and upgrading “deteriorating” neighborhoods to encourage private development,⁷⁸ however the element fails to determine if this policy was effective in encouraging housing development in the fifth cycle. The element maintains Policy HOU-1.5 in the sixth cycle “to ensure it is resourceful and useful in efforts to promote and encourage the development of housing”.⁷⁹ With lack of data or measured progress, it is unclear if Policy HOU-1.5 was effective in the past and whether it should remain in the sixth cycle element. Policy HOU-1.7, HOU-2.1, HOU-2.3, HOU-2.4, HOU-3.1, HOU-3.2, HOU-3.4, HOU-4.1, HOU-4.2, HOU-4.4 and HOU-5.1 exhibit the same issues.⁸⁰ The element is void of information necessary to form an assessment on Policy progress. The element should provide policy data of past performance success or failure to determine if a policy should remain in the sixth cycle housing element.

Site Inventory

The housing element must include an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level.⁸¹ A jurisdiction may identify sites by a variety of methods, such as re-designating property to a more intense land use category, increasing the density allowed within one or more categories, and identifying sites for accessory dwelling units (“ADUs”).⁸²

⁷⁴ City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).

⁷⁵ City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 (August 2021).

⁷⁶ City of Costa Mesa, Draft 2021-2029 Housing Element 4-9 to 4-17 (August 2021).

⁷⁷ City of Costa Mesa, Draft 2021-2029 Housing Element Appendix A, A-2 (August 2021).

⁷⁸ City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).

⁷⁹ City of Costa Mesa, Draft 2021-2029 Housing Element A-4 (August 2021).

⁸⁰ City of Costa Mesa, Draft 2021-2029 Housing Element A-5 to A-13 (August 2021).

⁸¹ Cal. Gov. Code Section 65583(a)(3); Cal. Gov. Code Section 65583.2(a).

⁸² Cal. Gov. Code Section 65583.1(a).

The site inventory must provide for a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.⁸³

Determining Site Capacity

Based on the information provided in the site inventory, a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period.⁸⁴ To determine the number of housing units that can be accommodated on each site when the jurisdiction does not adopt a law or regulation requiring the development of a site at a minimum density, the jurisdiction shall demonstrate how the number of units determined for that site will be accommodated.⁸⁵

The number of units that can be accommodated on each site shall be adjusted as necessary based on the potential and actual governmental constraints upon maintenance, improvement, or development of housing, including land use controls and site improvements; the realistic development capacity for the site; typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction; and the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.⁸⁶

Here, the City does not describe a methodology that considers these factors. Further, although the City assumes “that sites identified within [the City’s site inventory] will redevelop with . . . 30% of units available to residents in the low and very low-income categories,” the City has not justified this assumption.⁸⁷ In fact, Program 2A: Inclusionary Housing Ordinance does not actually require developers to set aside any units for affordable housing, but merely states that the City will continue to analyze the impacts of inclusionary ordinances and “consider adoption of an inclusionary housing ordinance.”⁸⁸ The City must reanalyze its site capacities in light of this unsupported assumption.

Lower Income Sites Size

If a site is smaller than half an acre or larger than ten acres, it cannot be deemed adequate to accommodate lower income housing unless the locality can demonstrate that sites of an equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site.⁸⁹ Alternatively, the locality may provide other evidence to HCD that the site is adequate to accommodate lower income housing.⁹⁰

⁸³ Cal. Gov. Code Section 65583(c)(1).

⁸⁴ Cal. Gov. Code Section 65583.2(c).

⁸⁵ Cal. Gov. Code Section 65583.2(c)(1).

⁸⁶ Cal. Gov. Code Section 65583.2(c)(2).

⁸⁷ City of Costa Mesa, 2021–2029 Housing Element Draft, B-12 (August 2021).

⁸⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).

⁸⁹ Cal. Gov. Code Section 65583.2(c)(2).

⁹⁰ Cal. Gov. Code Section 65583.2(c)(2).

The City has identified numerous sites for lower-income housing that are either smaller than half an acre or larger than ten acres. Because the City has not demonstrated that sites of equivalent sizes have been successfully developed in the previous cycle for an equivalent number of lower-income units, the City has attempted to provide other evidence that these sites are adequate for lowing income housing.

Regarding sites smaller than half an acre, the City has merely stated that it only identified these sites that “show the likelihood of redeveloping in conjunction with other parcels which collectively meet the half acre requirement.”⁹¹ The City based these identifications on common ownership and assumed willingness to consolidate parcels.⁹² However, these assumptions are not evidence that these sites can actually be developed for lower-income housing or that they will be consolidated. The City must provide more evidence or remove these sites from its inventory.

In addressing sites larger than ten acres, the City again could not demonstrate that sites of equivalent size have been successfully developed in the previous cycle for an equivalent number of lower income units. Instead, the City attempts to provide evidence for each site. However, the Fairview Developmental Center was identified in the 5th Cycle but was not developed and its development potential is based on a City ad hoc committee’s meetings and reports.⁹³ The City does not claim that the State is actually interested in developing lower-income housing here. Further, for Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza, the City describes the properties and states for each one that “the City has had continued discussions with the property owners who have indicated that there is potential for future housing development on the site in strategic areas.”⁹⁴ This vague statement and lack of evidence to support an assumption for future development is not sufficient to deem these properties adequate for lower-income housing. The City must provide more evidence or remove these sites from its inventory.

Nonvacant Sites Owned by the City

If a nonvacant site is owned by the city or county, the description shall include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with the Surplus Lands Act.⁹⁵

Site 424-211-01 is owned by the City, but it is unclear whether it is nonvacant. The City must clarify this. If it is nonvacant, the City must provide the requisite information or remove the site from its inventory.

Nonvacant Sites for 50% or More of Housing Need

If the jurisdiction is relying on nonvacant sites to accommodate 50% or more of its housing need for lower-income households, the methodology used to determine additional

⁹¹ City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).

⁹² City of Costa Mesa, 2021–2029 Housing Element Draft, B-11 (August 2021).

⁹³ City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 (August 2021).

⁹⁴ City of Costa Mesa, 2021–2029 Housing Element Draft, B-10 to B-11 (August 2021).

⁹⁵ Cal. Gov. Code Section 65583.2(b)(3).

development potential shall demonstrate that the existing use identified does not constitute an impediment to additional residential development during the planning period.⁹⁶

Here, only four sites have been identified as vacant. Therefore, the City must revise its stated methodology for nonvacant sites to describe how it will address existing uses impeding additional residential development.

Sites with Current or Past Residential Uses

For sites that currently have residential uses; have had a residential use within the past five years that have been vacated or demolished; are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to very-low- or low-income residents; are subject to any other form of rent or price control through the public entity's valid exercise of its police power; or are currently occupied by very-low- or low-income residents shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site.⁹⁷

Site 425-431-02 is a hotel and Site 422-193-24 is a motel. If either of these sites have current residential uses or are currently occupied by very-low- and low-income residents, the City must create a program that requires developers to replace these units at the same or lower income level.

Presumption of Impeding Additional Residential Development

An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.⁹⁸

Although the City has claimed that many of its sites are likely to be redeveloped within the planning period and provides examples of development on nonvacant sites for residential uses, it has not provided actual, individualized evidence that any of these uses will be discontinued.⁹⁹ Therefore, none of these sites can overcome the presumption that their existing uses will impede additional residential development.

Accessory Dwelling Units

A jurisdiction may count an ADU for purposes of identifying adequate sites for housing.¹⁰⁰ The number of ADUs identified is based on the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right; the need for these units in the community; the resources or incentives available for their development; and any other relevant factors determined by HCD.¹⁰¹ To estimate the number of ADUs that will be developed in the planning period, a jurisdiction must generally use a three-part approach

⁹⁶ Cal. Gov. Code Section 65583.2(g)(2).

⁹⁷ Cal. Gov. Code Section 65583.2(g)(3).

⁹⁸ Cal. Gov. Code Section 65583.2(g)(2).

⁹⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, B-7 (August 2021).

¹⁰⁰ Cal. Gov. Code § 65852.2(m); Cal. Gov. Code § 65583.1(a).

¹⁰¹ Cal. Gov. Code Section 65583.1(a).

addressing (1) development trends, (2) anticipated affordability, and (3) resources and incentives.¹⁰²

When assessing development trends, a jurisdiction must consider the number of ADUs developed in the prior housing element planning period, whether or not the units are permitted by right;¹⁰³ the need for these units in the community;¹⁰⁴ the availability of ADUs and JADUs that will be part of the rental stock, rather than used as offices or guest houses;¹⁰⁵ and more recent trends.¹⁰⁶ However, HCD Staff has stated that the following two approaches would be accepted without further analysis or incentives: (1) average ADU applications from the beginning of the 5th Cycle to 2017, multiplied by five; or (2) average ADU applications from 2018, multiplied by eight. If jurisdictions anticipate a higher ADU production, HCD will require more analysis and incentives to show the higher production can be met.

The City has determined its ADU production estimate “based on past performance and the SCAG/HCD approved methodology” to claim 858 ADUs for the planning period.¹⁰⁷ The City has permitted 4 ADUs in 2018, 6 in 2019, 19 in 2020, and 12 so far in 2021.¹⁰⁸ Utilizing the second “HCD approved methodology,” the City should have only claimed 88 ADUs over the planning period. To justify the additional 770 ADUs, the City must demonstrate that its offered incentives can achieve the higher production. The City states that Program 3E will do so.¹⁰⁹

Program 3E states that “the City will evaluate potential programs with the intent of promoting the development of accessory dwelling units,” which may include the following:

- Coordinating with the County on implementation of a permit-ready ADU program;
- Post a user-friendly FAQ on the City’s website to assist the public;
- Waiving certain permitting fees to make ADU development more feasible;
- Creating an expedited plan check review process to ease the process for homeowners; and
- Explore potential State and Regional funding sources for affordable ADUs.

However, Program 3E does not thoroughly describe these incentives, does not analyze how these incentives will boost ADU production, and does not commit the City to implement any of these incentives. Even if all of these incentives were implemented, none of them promotes

¹⁰² HCD, ADU Handbook, 19 (December 2020).

¹⁰³ Cal. Gov. Code § 65583.1(a); HCD, ADU Handbook, 19 (December 2020).

¹⁰⁴ Cal. Gov. Code § 65583.1(a).

¹⁰⁵ HCD, Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs), *Requisite Analysis*, <https://hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/accessory-dwelling-units.shtml> (last visited March 21, 2021).

¹⁰⁶ HCD, ADU Handbook, 19 (December 2020).

¹⁰⁷ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

¹⁰⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

¹⁰⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-84 (August 2021).

the creation of ADUs that can offer affordable rents for very-low-, low-, or moderate-income households.¹¹⁰

The City must reduce its ADU production estimate to a more realistic number, revise Program 3E to include the information stated above, and include more incentives such as:

- Prototype plans;¹¹¹
- Reduce or eliminate building permit/development fees;¹¹²
- Affordability monitoring programs;¹¹³
- Incentives for affordability;¹¹⁴
- Financing – construction & preservation;¹¹⁵
- Outreach, promotion, and educational materials;¹¹⁶ and
- Amnesty programs (SB 13).

Programs

The housing element must include programs that allow the jurisdiction to achieve its stated housing goals and objectives. Programs must set forth a schedule of actions during the planning period, each with a timeline for implementation.¹¹⁷ The jurisdiction may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element.¹¹⁸ The jurisdiction may do so through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law.¹¹⁹

To make adequate provision for the housing needs of all economic segments of the community, the programs shall address housing issues such as inadequate site inventories, meeting lower income housing needs, removing constraints, maintaining affordable housing, promoting affirmatively furthering fair housing, preserving assisted housing developments, encouraging accessory dwelling units, and facilitating public participation. To make these programs most effective, HCD recommends jurisdictions include the following: definite time frames for implementation; an identification of agencies and officials responsible for

¹¹⁰ HCD, ADU Handbook, 19 (December 2020); Cal. Gov. Code § 65583.1(a); Cal. Health and Safety Code § 50504.5.

¹¹¹ HCD, ADU Handbook, 19 (December 2020).

¹¹² SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹¹³ HCD, ADU Handbook, 19 (December 2020).

¹¹⁴ SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹¹⁵ SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹¹⁶ SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹¹⁷ Cal. Gov. Code Section 65583(c).

¹¹⁸ Cal. Gov. Code Section 65583(c).

¹¹⁹ Cal. Gov. Code Section 65583(c).

implementation; a description of the local government's specific role in program implementation; a description of the specific action steps to implement the program; proposed measurable outcomes; demonstration of a firm commitment to implement the program; and an identification of specific funding sources, where appropriate.¹²⁰

As has been stated throughout our comment letter, the City's programs lack the detail and specificity recommend by HCD. Most goals are simply "ongoing" without definite timeframes or specific action steps. Also, most of the City's programs are noncommittal only planning to "promote," "encourage," or "evaluate."¹²¹ The City should revise its programs generally to include more firm commitments, definite time frames, and specific action steps.

Affirmatively Furthering Fair Housing

California law requires that public agencies administer all "programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing."¹²² To affirmatively further fair housing, a public agency must do the following:

[Take] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.¹²³

Meaningful action means taking significant action that is designed and reasonably expected to achieve a material positive change that affirmatively furthers fair housing.¹²⁴

Housing elements must incorporate the obligation to affirmatively further fair housing in the following aspects: (1) outreach, (2) assessment of fair housing, (3) site inventory, (4)

¹²⁰ HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Program Overview and Quantified Objectives*, <https://hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml> (last visited April 4, 2021).

¹²¹ City of Costa Mesa, 2021–2029 Housing Element Draft, Chapter 4 (August 2021).

¹²² Cal. Gov. Code Section 8899.50(b).

¹²³ Cal. Gov. Code Section 8899.50(a)(1).

¹²⁴ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 66 (April 2021); Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42354. Although the Department of Housing and Urban Development does not enforce this federal AFFH rule, California law has adopted the federal rule. This means that the federal AFFH rule can inform how to interpret the obligation to affirmatively further fair housing in California law.

identification and prioritization of contributing factors, and (5) goals, policies, and actions. Each section is addressed below.¹²⁵

Outreach

Beyond preexisting outreach requirements, jurisdictions must include a summary of their fair housing outreach capacity.¹²⁶ Jurisdictions “must describe meaningful, frequent, and ongoing public participation with key stakeholders.”¹²⁷ Moreover, jurisdictions must summarize “issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics, if that proves to be the case.”¹²⁸

The City must further describe its outreach efforts or make additional outreach efforts related to fair housing. While the City describes its multiple efforts to engage residents in the housing element update process,¹²⁹ none of the described efforts seem to relate to fair housing. The topics discussed at the meetings referenced by the City seem to focus on general housing element requirements and specifically housing development and site identification. None of the stakeholders referenced generally seem to indicate stakeholders connected with fair housing expertise and insights. While the City’s online survey had one question under the category “Fair Housing,” the question seems to be more related to special housing needs in the community and not necessarily to issues of fair housing. The City’s fair housing assessment does describe some outreach related to fair housing specifically, but that outreach was conducted prior to 2019 and in conjunction with the Impediments Analysis for the entire County and not specific outreach for the City.¹³⁰ Additionally, the City has not established that it engages in “frequent” and “ongoing” public participation with key fair housing stakeholders. City does not identify key stakeholders that were invited to engage with the City regarding fair housing issues and fails to summarize issues that contributed to lack of participation. The City should describe, or encourage, additional key stakeholder participation, especially as it relates to fair housing, and address lack of participation by any key stakeholders or demographics.

Assessment of Fair Housing

A fair housing assessment needs to have a summary of fair housing enforcement and capacity.¹³¹ In addition, the assessment must analyze these five areas: (1) fair housing enforcement and outreach capacity; (2) integration and segregation patterns and trends related to people with protected characteristics; (3) racially or ethnically concentrated areas of poverty (R/ECAPs) or racially concentrated areas of affluence (RCAAs); (4) disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and (5)

¹²⁵ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).

¹²⁶ Cal. Gov. Code Section 65583(c)(10)(A)(i).

¹²⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).

¹²⁸ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 22 (April 2021).

¹²⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, Appendix C (August 2021).

¹³⁰ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-45 (August 2021).

¹³¹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

disproportionate housing needs within the jurisdiction, including displacement risk.¹³² Furthermore, each of these analyses must include local and regional patterns and trends, local data and knowledge, and other relevant factors.¹³³ The analyses should each arrive at conclusions and have a summary of fair housing issues.¹³⁴

Fair Housing Enforcement and Outreach Capacity. The City references utilizing and contracting with Fair Housing Council of Orange County and Fair Housing Foundation for fair housing enforcement and outreach capacity.¹³⁵ However, the City only describes the missions and work of these organizations and largely identifies efforts to educate residents and housing providers, without any description of actual enforcement activities or a description of the actual outreach capacity. The City should include details describing actual enforcement and outreach capacity.

Segregation and Integration. “At minimum, the analysis must discuss levels of segregation and integration for race and ethnicity, income, familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation.”¹³⁶

The City must bolster its discussion of segregation and integration. While the City analyzes some data regarding other protected classes, as it relates specifically to segregation the City largely focuses its analysis on race and ethnicity and to some extent income, the City should consider these segregations trends over timer and consider whether there are patterns of segregation for other protected classes including familial status and persons with disabilities.¹³⁷ While the City does some comparisons between the City, State, and County data, the City does not actually analyze regional segregation and integration trends other than occasionally mentioning trends along its borders. If protected classes are being segregated into other locations in the region and isolated from Costa Mesa, the City should be consider what factors are contributing to those trends. For example, the percentage of family households in Costa Mesa is significantly less than the County and the State.¹³⁸ Additionally, the City references some local factors and knowledge, such as the number of fair housing complaints from residents, it does not do much analysis of this local data or knowledge or consider other local data and knowledge.¹³⁹ To strengthen its analysis, the City should analyze integration and segregation patterns and trends based on income, familial status, and disability status currently and over time and provide additional analysis of ethnic and racial segregation over time. The analysis should be at a local and regional level for all protected classes. Furthermore, the City should utilize local data and

¹³² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 27–28, 62 (April 2021).

¹³³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

¹³⁴ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

¹³⁵ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-48, 3-67 (August 2021).

¹³⁶ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 31 (April 2021).

¹³⁷ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-49 to 3-57 (August 2021).

¹³⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-62 (August 2021).

¹³⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-67 (August 2021).

knowledge and other relevant factors “beyond data that identifies and compares concentrations of groups with protected characteristics.”¹⁴⁰

R/ECAPs and RCAAs. Jurisdictions must identify R/ECAPs and RCAAs.¹⁴¹ “The analysis must be conducted at a regional and a local level where the incidence of concentrated areas of poverty is discussed relative to the region and within the locality. Importantly, this regional comparison should discuss the incidence of racial concentrations in areas of affluence.”¹⁴²

While the City does an analysis of R/ECAPs,¹⁴³ the City does not even mention RCAAs, local data, local knowledge, or other relevant factors. We recommend that the City present and analyze all relevant regional and local data about R/ECAPs and RCAAs. The City should also employ local data and knowledge, and other relevant factors.

Disparities in Access to Opportunity. The City’s discussion of disparities in access to opportunity is inadequate. HCD’s Guidance Memo presents questions that the City “should, at minimum” answer.¹⁴⁴ These questions cover disparities in educational, transportation, economic, and environmental opportunities, and disparities in other factors.¹⁴⁵ While the City utilizes some data sources regarding these factors and does an analysis of the factors, the City fails to connect the factors to data related to protected classes and whether there are disparities related to members of protected classes and access to opportunities.

Disproportionate Housing Needs, Including Displacement. Jurisdictions must analyze both disproportionate housing needs and displacement.¹⁴⁶ “[C]ategories of housing need are based on such factors as cost burden and severe cost burden, overcrowding, homelessness, and substandard housing conditions.”¹⁴⁷

The City touches on cost burden, severe cost burden, and overcrowding, but only does a comparison of this data between the City, County, and the State.¹⁴⁸ There is no discussion as to whether members of protected classes living in the City are experiencing these housing needs at greater rates than other residents and what factors are contributing to those disproportionate housing needs among protected classes. Substandard housing seems to only be addressed as the

¹⁴⁰ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 25 (April 2021).

¹⁴¹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32–34 (April 2021).

¹⁴² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32 (April 2021).

¹⁴³ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-50 to 3-52 (August 2021).

¹⁴⁴ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35 (April 2021).

¹⁴⁵ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35–36 (April 2021).

¹⁴⁶ Cal. Gov. Code Section 65583(c)(10)(ii).

¹⁴⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 39 (April 2021).

¹⁴⁸ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-61 to 3-65 (August 2021),

age of housing units.¹⁴⁹ The City should do more analysis of issues regarding substandard housing in the City, particularly as it impacts protected classes. There is no analysis of homelessness as it relates to fair housing and impacts on protected classes, which the City must consider. We recommend following HCD's Guidance Memo and analyzing the aforementioned disproportionate housing needs, especially as they relate to protected classes.

Additionally, the City only touches on displacement and seems to indicate that there is no affordable housing complexes at risk of conversion to market rate and therefore no displacement risk to consider. The City should revise this section for two major reasons. First, the City has a significant and recent history of displacement concerns as was raised in multiple public meetings which has resulted in the City eliminating or seeking to eliminate certain housing policies that caused displacement and to change how it identifies sites in those areas. The City needs to analyze and address these displacement concerns, even if the City thinks it has already resolved the issue. Second, the City goes through great lengths to distribute more of its affordable units in its site inventory in areas that have lower concentrations of ethnic and racial minorities and low-income households. However, the City still identifies many housing sites in these areas, just predominately for market rate. An influx of market rate units into low-income and segregated communities creates the risk of indirect displacement and the City should analyze and address this potential.

Conclusion and Summary of Fair Housing Issues. None of the City's sections conclude and summarize fair housing issues, likely because the City does not actually connect the analysis of the various factors to fair housing issues and the impacts on protected classes. The City should revise its assessment of fair housing and provide conclusions and summaries of the fair housing issues experienced by its residents.

Site Inventory

A jurisdiction's site inventory must be consistent with the jurisdiction's obligation to affirmatively further fair housing.¹⁵⁰ "Sites must be identified and evaluated relative to the full scope of the assessment of fair housing."¹⁵¹ The jurisdiction should consider the following during its site inventory analysis:

- how identified sites better integrate the community;
- how identified sites exacerbate segregation;
- whether the jurisdiction concentrated the RHNA by income group in certain areas of the community;
- whether local data and knowledge uncover patterns of segregation and integration; and
- how other relevant factors can contribute to the analysis.¹⁵²

¹⁴⁹ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-64 to 3-65 (August 2021).

¹⁵⁰ Cal. Gov. Code § 65583.2(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45 (April 2021).

¹⁵¹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 3, 45 (April 2021).

¹⁵² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45–46 (April 2021).

The identified sites must attempt to improve conditions related to integration and segregation patterns and trends related to people with protected characteristics; racially or ethnically concentrated areas of poverty or affluence; disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and disproportionate housing needs within the jurisdiction, including displacement risk.¹⁵³ Moreover, the jurisdiction must map the number of units at identified sites and include the sites' assumed affordability.¹⁵⁴ The jurisdiction should also address whether it groups sites near areas of concentrated affluence or areas of concentrated poverty.¹⁵⁵

The City provides several maps of its site inventory in relation to concentrations of ethnic and racial minorities and lower-income residents.¹⁵⁶ While these maps do not identify the sites by assumed affordability, the City does provide an analysis of the affordability levels as it relates to the different categories and demographics contained in the maps. It is clear from the City's analysis that it went to great lengths to distribute more of the affordable units in areas of higher income residents and higher concentrations of White residents in an attempt to affirmatively further fair housing. While this is commendable, it is still concerning that, for example, there are no sites in any of the areas in the City with less than 40% non-White residents.¹⁵⁷ So while the City made an attempted to further fair housing among the sites identified, it does not seem that the City made an effort to affirmatively further fair housing in the actual selection of the sites. The City should make a greater effort to identify sites throughout the community, including in areas of the City with less than 40% non-White residents and the City should further analyze whether the identification of the majority of its sites in lower-income communities with higher concentrations of racial and ethnic minorities actually furthers fair housing or will only result in continued trends of segregation.

Identification and Prioritization of Contributing Factors

As a result of a jurisdiction's assessment of fair housing, the jurisdiction must identify and prioritize significant contributing factors to fair housing issues.¹⁵⁸ The jurisdiction must explain how it prioritized contributing factors.¹⁵⁹ "A fair housing contributing factor means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues."¹⁶⁰ The jurisdiction must follow these steps:

¹⁵³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(ii).

¹⁵⁴ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021).

¹⁵⁵ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 48 (April 2021).

¹⁵⁶ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-68 to 3-74 (August 2021).

¹⁵⁷ City of Costa Mesa, 2021–2029 Housing Element Draft, 3-72 (August 2021).

¹⁵⁸ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(iii).

¹⁵⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).

¹⁶⁰ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

- (1) identify fair housing issues and significant contributing factors;
- (2) prioritize contributing factors, giving highest priority to those factors that
 - (a) deny fair housing choice or access to opportunity or
 - (b) negatively impact fair housing or civil rights compliance; and
- (3) discuss strategic approaches to inform and strongly connect these contributing factors to goals and actions.¹⁶¹

The City seems to only adopt the same four factors identified for the City in the countywide Analysis of Impediments,¹⁶² which likely is due to the fact that the City fails to fully assess fair housing and just provides data in attempt to satisfy the State requirements. Additionally, the City does not prioritize contributing factors. The City must do so to comply with State law. We suggest the City consult HCD's Guidance Memo for further details.

Goals, Policies, and Actions

Jurisdictions must provide goals, policies, and a schedule of actions during the planning period to affirmatively further fair housing.¹⁶³ These goals, policies and actions must be based on the jurisdiction's identification and prioritization of contributing factors.¹⁶⁴ The jurisdiction's actions may address, but are not limited to, the following areas:

- mobility enhancement,
- new housing choices and affordability in high opportunity areas,
- place-based strategies for preservation and revitalization,
- displacement protection, and
- other program areas.¹⁶⁵

The jurisdiction's actions must be meaningful and sufficient to overcome identified patterns of segregation and to affirmatively further fair housing.¹⁶⁶ Accordingly, actions must commit to specific deliverables, measurable metrics, or specific objectives.¹⁶⁷ Actions must also have definitive deadlines, dates, or benchmarks for implementation.¹⁶⁸ In contrast, "programs that 'explore' or 'consider' on an 'ongoing' basis are inadequate"¹⁶⁹ Moreover, adequate

¹⁶¹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

¹⁶² City of Costa Mesa, 2021–2029 Housing Element Draft, 3-46, 3-67 to 3-68 (August 2021).

¹⁶³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).; Cal. Gov. Section 65583(c)(10)(A)(iv)–(v).

¹⁶⁴ Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).

¹⁶⁵ Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).

¹⁶⁶ Cal. Gov. Section 8899.50(a)(1), (b); AFFH Guidance Memo 51–53 (April 2021).

¹⁶⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁶⁸ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁶⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

actions must be “in addition to combatting discrimination” and “well beyond a continuation of past actions.”¹⁷⁰

The City’s goals, policies, and actions fall below California law’s standard. Many of the City’s goals, policies, and actions do nothing more than make information available on its website claiming that “an educated community is an empowered community.”¹⁷¹ The City assumes that by providing information on its website, information likely already available on the internet, somehow housing discrimination will end, the community will become integrated, and all individuals will have equal access to housing opportunities. The City should consider goals that will actually result in beneficial impacts to the community beyond just making information available online. Also, the City has other goals, policies, and actions that only commit the City to continuing current programs. For instance, the City will continue to contract with the Fair Housing Foundation or continue to participate in the Orange County Housing Authority’s Housing Choice Voucher program.”¹⁷² But the City already provided these services, which means that they cannot count as satisfactory affirmatively furthering fair housing goals. Additionally, these goals are vague and it is unclear how the City actually engages with these entities and what services and programs the City’s residents gain by these programs. For example, it is unclear what City action actually makes any difference in or has any influence on the provision of Housing Choice Vouchers to City residents. While the City provides other goals that are beyond providing information or continuing past actions, many of the City’s goals, policies, and actions are noncommittal and generally the City’s fair housing goals lack measurable objectives and specific timelines for implementation, as has been discussed throughout our comment letter. The Program 2A: Inclusionary Housing Ordinance could go a long way toward combatting patterns of segregation and encouraging affordable housing throughout the community, but the City states that it will only “consider” adoption of such an ordinance.¹⁷³ Other goals state the City will simply “analyze potential development incentives for affordable housing,” “pursue opportunities,” “encourage development,” “consider amendments” and “continue to evaluate.” These exemplify the City’s failure to include measurable objectives and concrete action steps or firm commitments to address the housing needs of its residents.¹⁷⁴ For most of its goals, the City designates the timeframes as “ongoing”—a feature that renders goals inadequate.¹⁷⁵ Because many of the City’s goals, policies, and actions lack measurable objectives and timelines for implementation, this section cannot withstand HCD’s scrutiny. We suggest picking actions that go beyond providing information and beyond continuing past actions. We also recommend that the City add specific metrics and milestones to its goals. We again refer the City to HCD’s Guidance Memo.

¹⁷⁰ Cal. Gov. Code Section 8899.50(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁷¹ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-15 to 4-18 (August 2021).

¹⁷² City of Costa Mesa, 2021–2029 Housing Element Draft, 4-16 to 4-17 (August 2021).

¹⁷³ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 (August 2021).

¹⁷⁴ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).

¹⁷⁵ City of Costa Mesa, 2021–2029 Housing Element Draft, 4-5 to 4-7, 4-15 to 4-18 (August 2021).

Conclusion

The housing element process is an opportunity for jurisdictions to meet the needs of California's residents, including needs for housing that is accessible to seniors, families, and workers and the needs of extremely-low-, very-low-, and low-income families for affordable housing. We commend the efforts the City is making to identify and address the housing needs of all of its residents and we hope that the City will take advantage of this opportunity to adopt meaningful programs that actually commit the City to take actions during the planning period to address the housing needs of its most vulnerable residents and to affirmatively further fair housing. We look forward to continuing to work with the City through this process and encourage the City to reach out to us with any questions or concerns.

Sincerely,

THE PUBLIC LAW CENTER, BY:



Richard Walker, Housing and Homelessness Prevention Unit, Senior Staff Attorney
Alexis Mondares, Housing and Homelessness Prevention Unit, Legal Fellow



California Consortium of
Addiction Programs and
Professionals

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September 15, 2021

Lori Ann Farrell Harrison
City Manager
City of Costa Mesa
77 Fair Dr.,
Costa Mesa, CA 92626

Re: Objection to Housing Element.

Dear Ms. Harrison:

On behalf of the California Consortium of Addiction Programs and Professionals (CCAPP) - the largest statewide consortium of community-based for profit and non-profit recovery residences – we respectfully object to Costa Mesa’s housing element because it contains discriminatory clauses against people in recovery in blatant violation of fair housing.

Several items¹ in Costa Mesa’s municipal code (see detailed list attached) echo practices already proven discriminatory per the outcome of Encinitas and *Pacific Shores et. Al. v. City of Newport Beach*. They specifically target recovery residences and are discriminatory at every level because they ask people of a disabled class to adhere to regulation that people who are not disabled are not required to conform to. Employment checks, 24-hour supervision of adults in recovery, and distance requirements are glaringly not “reasonable accommodations,” in any sense of the definition.

On March 25, 2021, the Department of Housing and Community Development (HCD) sent the City of Encinitas a letter declaring their ordinance to be discriminatory and contrary to both state and federal law (see attached). This led to an immediate response from the city and this ordinance has since then been repealed. Subsequently, on May 3, 2021, the City of Anaheim was sent a letter of technical assistance regarding its discriminatory ordinance that is very similar to the Encinitas notice of violation. CCAPP has notified HCD of all known ordinances of similar nature including yours so that the same enforcement action can be taken.

In *Pacific Shores et. al. v. City of Newport Beach*, the City of Newport Beach settled with the plaintiffs, agreeing to pay \$5.25 million to a group of recovery residences. Given the settlement and both outside and in-house counsel, this case cost the City of Newport Beach well over \$10 million over the seven year course of trying to defend its actions. This outcome was prior to the attached 10-page notice of violation sent to the City of Encinitas which reads, in part:

¹ Title 9, Chapter II, Article 23 of the Municipal Code, Chapters XV and XVI of Title 13 (Zoning), and Article 23 of Title 9 (Licenses and Business Regulations)

“On December 16, 2020, the City adopted Ordinance No. 2020-16, amending the Municipal Code to regulate Group Homes and, as a subset of Group Homes, Sober Living Facilities. Described in greater detail below, HCD finds that the City’s ordinance is in violation of statutory prohibitions on discrimination in land use (Gov. Code, § 65008) by imposing separate requirements on housing for a protected class (based on familial status and disability), limiting the use and enjoyment of their home, and jeopardizing the financial feasibility of group and sober living homes. The City must take immediate steps to repeal Ordinance No. 2020-16.”

The notice of violation is a clear and unmistakable declaration that these ordinances are in violation of state housing laws. It also makes clear that HCD will take action, up to and including, the assistance of the California Office of the Attorney General.

And it is for these reasons that we object to your housing element as proposed.

Sincerely,



Pete Nielsen
President and Chief Executive Officer

Specific Considerations Objectionable in the Municipal Code

1. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(a) The owner/operator shall submit an application to the director that provides the following information:

- (7) relapse policy

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

- (vii). The relapse policy;

These provisions target persons with disability. Other homes within the jurisdiction are not required to report to the city when a person relapses or what preparations are made for such an occurrence.

2. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes.*

- (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

- (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.

Recovery residences are homes, not facilities. There are no "day-to-day operations" which require 24 hour supervision. This requirement, particularly for smaller homes will make it economically unfeasible to exist. Recovery residences cannot simply require 24-hour supervision without paying the persons responsible for providing this service. Typical, house managers, senior residents, or mentors are paid a small stipend of their contributions to the leadership they provide. To change this model to 24-hour supervision would make this type of housing unaffordable. Three 8-hours shifts at \$15 per hour would increase the cost of the unit to \$2,520 per week, or \$10,080 per month. If it is the city's intention to expel this housing from the jurisdiction via onerous financial requirements, the resulting homelessness increase should be taken into consideration.

Persons in this stage of recovery are not in need of supervision as determined by the American Society of Addiction Medicine:

Although persons in recovery are afforded protections under the Americans with Disabilities Act, the disability concerned does not imply that persons in recovery are in need of physical assistance (dressing, feeding) or in need of supervision. In fact, the American Society of Addiction Medicine Placement criteria for addictions patients, originally published in 1991 and now in its third edition (2013), directly contradicts the notion that persons in recovery residences are being supervised, in a clinical sense. Use of this criteria is a decades old industry standard and is now required for all programs licensed or certified by the Department of Health Care Services. By definition, persons living in a recovery residence do not require supervision. Applying ASAM criteria, persons in a supportive living environment would, at most, be classified as level 1.0, although many in long term recovery may not even be assessed as needing any treatment:

“At ASAM Level 1 placement/Recovery Environment, it is clear that medical experts do not consider supervision to be necessary. Likening this level to a mental health scenario, one could compare this level to a patient who has received a higher level of care, inpatient or otherwise, and is now perhaps receiving medication and attending weekly therapy.”

3. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator’s permit.

(b) Requirements for operation of group homes.

(11) In addition to the regulations listed above, the following shall also apply to sober living homes:

- i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs including but not limited to Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home’s rule and regulations, refusal to actively participate in such a program shall be cause for eviction.
- ii. The sober living home’s rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home’s rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator’s permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

(6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:

- i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.

- iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

- (b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

(ii) The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

The ordinances asks for “immediate removal” of persons not “actively participating” in a “legitimate recovery program” and to ban communication with other residents should relapse occur.

Substance use disorder is prone to relapse. A person should not become homeless for relapse. Substance use disorder is a medical issue. Anyone relapsing may be in physical danger and in need of detoxification or treatment. In fact, “immediate removal” of a client in a licensed treatment program is prohibited by regulation due to safety concerns for the relapsing client. It takes time to contact family, arrange for detoxification, and find an open treatment bed, immediate removal is unrealistic and dangerous.

As for “legitimate recovery programs” as define in the ordinances, many persons in long term recovery do not necessarily attend meetings or have a need for outpatient services. For some hiking in the wilderness, working, or reuniting with family constitutes all the recovery services that they need. You cannot force people to attend a religious group or seek medical attention that they no longer need and do not desire to participate in. It is their right, this right was made clear when the City of Dana Point successfully sued a recovery residence for requiring that outside services be attended as a violation of state licensing law for alcohol drug treatment facilities. People in recovery are mature adults with civil rights which include the right to pursue personal recovery activities as they choose. How can city staff, with no knowledge of recovery define what is “legitimate?”

And what constitutes “active participation?” Who decides how much attendance is necessary for each person? To prove any program attendance, requires violating the disabled persons' privacy (particularly if the attendance involves outpatient treatment, a medical service, as opposed to mutual aid meetings). Maintaining records regarding medical and spiritual attendance for an individual is a violation of privacy, and in the case of outpatient treatment, a violation of Health Insurance Portability and Accountability Act of 1996. Asking city staff to review the personal health and spiritual activities of any of its citizens is a violation of privacy on every level.

4. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator’s permit.

(e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator’s permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
 - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);

- ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or
 - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).
 - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
 - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code section 290 (last ten (10) years);
 - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven (7) years); or
 - iii. Violent felonies, as defined in Penal Code section 667.5, which involve doing bodily harm to another person (last ten (10) years).
 - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
 - i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.

As per California statute, employers are prohibited from denying employment based upon disability. A one year sobriety requirement clearly violates employment laws. Many people with substance use disorder lose employment for reasons stated in the ordinances. House managers live at the residence. Denial of housing based on employment history is beyond reasonable. Realizing that people in early recovery often have legal issues connected to previous drug use, denial of housing based on criminal history, including simple possession of cannabis, is discriminatory and specifically designed to limit this type of housing. Are other renters in the jurisdiction denied housing for this broad array of criminal acts? Are other renters denied housing based on employment loss? Are other businesses who provide housing held to this standard?

5. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes.*

(11) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.

Are other citizens prohibited from profanity or being "obnoxious?" Are other families required to respond to neighbor's complaints? Who decides what "unduly interfering" means? There are code compliance mechanisms in place to handle such complaints for other persons in the jurisdiction. Why is this disabled class being subjected to different criteria with consequences that can lead to removal of housing for them? Should all citizens in the jurisdiction who violate noise codes or use their First Amendment rights to express themselves in poor taste be subject to loss of residency and homelessness? Is an arbitrary "be good" clause a reasonable accommodation?

6. Municipal Code Title 9, Chapter II, Article 23. Group Homes, 9-374. Requirements for issuance of operator's permit.

(b) *Requirements for operation of group homes.*

- (2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.

There exist parking regulation that governs where individuals can park. These parking requirements go beyond existing regulations and subject a disabled class of individuals to separate and discriminatory rules. Individuals without disability are not told they can only park one car in a 500 feet distance from their home.

7. Municipal Code Title 13, Chapter XV, 13-311. Special use permit required.

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(14) In addition to the regulations outlined above, the following shall also apply to sober living homes:

- i. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:

- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:

- iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism

or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.

Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

(a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

(3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.

Municipal Code Title 13, Chapter XVI, 13-223. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

(b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

The types of facilities where distance requirements may be imposed is set by state statute. These ordinances are contrary to this statute. State statute applies to licensed facilities only and the arbiter who decides whether "overconcentration" exists is the Department of Health Care Services:

"1520.5. (b) The Legislature hereby declares it to be the policy of the state to prevent overconcentrations of residential facilities that impair the integrity of residential neighborhoods. Therefore, the department shall deny an application for a new residential facility license if the department determines that the location is in a proximity to an existing residential facility that would result in overconcentration."

The distance requirements set forth in the aforementioned ordinances more than double the distance requirements set by state statute. It is excessive and discriminates against a disabled class of people as it excludes what is in essence a normal residence from many spaces that other residents without this disability would not have to adhere to.

Furthermore, if say a group of birdwatchers wanted to move into a residence they would not be expected to notify every neighbor within 500 ft of their property that they are moving in. They would

also not be required to hold a hearing to make a case as to why they should be permitted to move in to that space. These practices are discriminatory and clearly meant to exclude sober living homes.

8. Municipal Code Title 13, Chapter XVI, 13-320. Purpose.

This chapter is intended to **preserve the residential character** the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

- (b) Limiting the secondary impacts of group homes by **reducing noise and traffic, preserving safety and providing adequate off-street parking;**

This is discriminatory on face value. Would a concentration of birdwatchers living together degrade a neighborhood? Would a concentration of LGBTQ individuals degrade a neighborhood? There are no services in a recovery residence; they are not institutions. As for "secondary impacts" of group homes we ask that the city produce concrete evidence of such impacts.

9. Municipal Code Title 13, Chapter XVI, 13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

- (a) A **special use permit shall be required** for and may be granted **to permit the operation of a group home including a sober living home with six (6) or fewer occupants** in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:

- (2) The application includes **a live scan of the house manager and/or operator** of the group home.

House managers typically live with residents and are a part of the family in much the same way a parent would act as a mentor, leader, and a person who encourages that rules are followed, chores are completed, and disputes are amicably resolved. Requiring a live scan is excessive and discriminatory. As per California employment statute, employers are prohibited from sharing background information about their employees.

From: Darryl Shinder <darryl@pipelinepromotions.com>
Sent: Wednesday, September 15, 2021 4:26 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Ordinance 14-13.pdf; Ordinance 13-05.pdf

Hello,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-29 and 3-30 the Public Review Draft (August 2021) discusses the City's definition of Single Housekeeping Unit. The City's presentation of that definition is misleading to the public and HCD.

Since 2013, the City has amended its definition of Single Housekeeping Unit twice for the express purpose of excluding Group Homes for persons with disabilities from qualifying as a Single Housekeeping Unit in order to subject housing for persons with disabilities to the City's discriminatory zoning regulations.

First, in December 2013, the City enacted Ordinance 13-05. As explained at the time by City staff, Ordinance 13-05 amended the definition of Single Housekeeping Unit for the express purpose of excluding Group Homes from its coverage to enable the City to subject Group Homes to discriminatory zoning regulations. A copy of the relevant City report regarding Ordinance 13-05 is attached to this email.

Next, in October 2014, the City again amended the definition of Single Housekeeping Unit as part of Ordinance 14-13, which simultaneously enacted discriminatory zoning regulations that applied solely to Group Homes for persons with disabilities. Ordinance 14-13 also added a definition for Group Home (formerly defined as Residential Service Facilities), which its discriminatory zoning regulations – enacted in the very same ordinance -- targeted with laser-like efficiency:

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Ordinance 14-13 simultaneously and retroactively prohibited any existing use defined as a Group Homes, including Sober Living Homes, from the City's R-1 zoning district unless the Group Home obtained a Special Use Permit (SUP). The City then denied SUPs to most existing R-1 Group Homes and cited and ordered them to close, ousting their disabled residents from their housing. In 2015, the City extended similar zoning regulation to its Multifamily Zoning Districts.

Since enactment of Ordinance 14-13's definition of Single Housekeeping Unit, there is no public record reflecting any determination by the City that supportive housing of persons with disabilities constitutes a Single Housekeeping Unit.

Thanks for your attention in this matter,

Darryl Shinder
SoCal Recovery

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

ORDINANCE NO. 14-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES

THE CITY COUNCIL OF THE CITY OF COSTA MESA MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THE FOLLOWING ORDINANCE:

WHEREAS, under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the single-family characteristics of its single-family neighborhoods, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, "It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled"; and

WHEREAS, both the California Supreme Court and United States Supreme Court have held that cities have the right to regulate both the number of people who may reside in a single family home and the manner in which the single family is used as long as such regulations do not unfairly discriminate or impair an individual's rights of privacy and association; and

WHEREAS, individuals and families often purchase homes in single-family neighborhoods for the relative tranquility and safety that often accompanies such neighborhoods and with the expectation of establishing close and long-standing ties with their neighbors; and

WHEREAS, with these expectations, individuals and families commit to making what will be, for most of them, the single largest financial investment of their lives, as well as one of the most significant emotional investments; and

WHEREAS, the Federal Fair Housing Act Amendments ("FHAA") and the California Fair Employment Housing Act ("FEHA") prohibit enforcement of zoning ordinances which would on their face or have the effect of discriminating against equal housing opportunities for the handicapped; and

WHEREAS, a core purpose of the FHAA, FEHA and California's Lanterman Act is to provide a broader range of housing opportunities to the handicapped; to free the handicapped, to the extent possible, from institutional style living; and to ensure that handicapped persons have the opportunity to live in normal residential surroundings and

use and enjoy a dwelling in a manner similar to the way a dwelling is enjoyed by the non-handicapped; and

WHEREAS, to fulfill this purpose the FHAA and FEHA also require that the City provide reasonable accommodation to its zoning ordinances if such accommodation is necessary to afford a handicapped person an equal opportunity to use and enjoy a dwelling; and

WHEREAS, the Lanterman Act fulfills this purpose in part by requiring cities to treat state licensed residential care facilities serving six or fewer as a residential use; and

WHEREAS, in enacting this Ordinance the City Council of the City of Costa Mesa is attempting to strike a balance between the City's and residents' interests of preserving the single family characteristics of single-family neighborhoods and to provide opportunities for the handicapped to reside in single-family R1 zones that are enjoyed by the non-handicapped; and

WHEREAS, over the past several years the City, County and State have seen a significant increase in the number of single-family homes being utilized as alcohol and drug recovery facilities for large numbers of individuals (hereafter, "sober living homes"); and

WHEREAS, the increase appears to be driven in part by the Substance Abuse and Crime Prevention Act of 2000 (hereafter, "the Act") adopted by California voters which provides that specified first-time drug and alcohol offenders are to be afforded the opportunity to receive substance abuse treatment rather than incarceration; and

WHEREAS, the Affordable Care Act has significantly expanded the availability of health care coverage for substance abuse treatment; and

WHEREAS, the City of Costa Mesa has seen a sharp increase of sober living homes, which has generated community outcry and complaints including, but not limited to overcrowding, inordinate amounts of second-hand smoke, and noise; and the clustering of sober living facilities in close proximity to each other creating near neighborhoods of sober living homes; and

WHEREAS, this significant increase in sober living homes has become an rising concern for cities statewide as local officials are in some cases being bombarded with complaints from residents about the proliferation of sober living homes; conferences drawing local officials from around the state are being held discussing what to do about the problems associated with sober living homes; it has been the topic of several League of California Cities meetings; there have been numerous city-sponsored attempts at legislative fixes that have failed in committee; and litigation is spreading across the state as cities attempt to address the problem; and

WHEREAS, as of the date of adoption of this Ordinance, it is estimated that the City of Costa Mesa is home to 1,214 alcohol and drug recovery beds, divided as follows: 40 licensed residential facilities/certified alcohol and drug programs in residential zones, providing 398 beds; 94 unlicensed sober living homes in residential zones, providing 740 beds; and 1 sober living home on two separate parcels, providing 76 beds in a non-residential zone; and 28 nonresidential services facilities, providing support services such as administrative offices, therapy etc.; and

WHEREAS, the number of sober living homes in the City of Costa Mesa is rapidly increasing, leading to an overconcentration of sober living homes in the City's R1 neighborhoods, which is both deleterious to the single-family character of the R1 neighborhoods and may also lead to the institutionalization of such neighborhoods; and

WHEREAS, the purpose of sober living homes is to provide a comfortable living environment for persons with drug or alcohol addictions in which they remain clean and sober and can participate in a recovery program in a residential, community environment, and so that they have the opportunity to reside in the single family neighborhood of their choice; and

WHEREAS, recovering alcoholics and drug addicts, who are not currently using alcohol or drugs, are considered handicapped under both the FHAA and FEHA; and

WHEREAS, concentrations of sober living homes and/or the placement of inordinately large numbers of recovering addicts in a single dwelling can undermine the benefits of home ownership in single-family neighborhoods for those residing nearby and undermine the single-family characteristics of neighborhoods; and

WHEREAS, in some cases, operators of sober living homes have attempted to house inordinately large numbers of recovering addicts in a single-family dwelling in Costa Mesa; for example, in one case an operator has placed 15 beds in a single-family home; and there has been a tendency for sober living homes to congregate in close proximity (for example, five sober living homes are located next to each other on one street in a R1 zone); and

WHEREAS, the City has experienced situations in which single-family homes are remodeled to convert common areas such as family rooms, dressing rooms, and garages into bedrooms (in one case a patio was converted to a room where 6 beds were found) or to add multiple bedrooms for the sole purpose of housing large numbers of recovering addicts in a single dwelling; and

WHEREAS, it has been the City's experience that most, if not all, operators of sober living homes have taken the stance that the FHAA and FEHA prohibit the City from regulating them in any fashion, that they are free to house as many recovering addicts in a single home as they desire, and that they are not required to make any showing to obtain an accommodation from the City's zoning ordinances, which allow a sober living home to house up to six recovering addicts as a matter of right; and

WHEREAS, based on the City's experience it has become clear that at least some operators of sober living homes are driven more by a motivation to profit rather than to provide a comfortable living environment in which recovering addicts have a realistic potential of recovery, or to provide a living environment which remotely resembles the manner in which the non-disabled use and enjoy a dwelling; and

WHEREAS, this Ordinance and the balance of the City's zoning scheme have built in an accommodation for group homes to locate in the R1 neighborhoods as long as they are serving six or fewer tenants, whereas a similarly situated and functioning home with non-handicapped tenants would be defined as a boarding house and only be allowed three residents; and

WHEREAS, this Ordinance will provide a mechanism for a group home to seek additional accommodation above the six residents upon making a showing, as required by state and federal law, that such additional accommodation is reasonably necessary to afford the handicapped the right to use and enjoy a dwelling in a manner similar to that enjoyed by the non-handicapped; and

WHEREAS, permitting six or fewer residents in a sober living home and establishing distance requirements is reasonable and non-discriminatory and not only helps preserve the single family characteristic of single family neighborhoods, but also furthers the purpose for which sober living homes are established: (1) the State legislature in establishing licensed residential care facilities as a residential use, including group homes serving recovering addicts, found that six residents was a sufficient number to provide the supportive living environment that experts agree is beneficial to recovery; (2) Group Homes serving six or fewer have existed and flourished in the State for decades and there has been no significant efforts or suggestions to increase the number; (3) the City has received expert testimony stating that six is a reasonable number for a sober living facility and is sufficient to provide the supportive living environment that is beneficial to recovery and that larger numbers can actually reduce the chances of recovery; (4) a 2005 UCLA study found that 65-70% of recovering addicts do not finish the recovery programs into which they are placed and a comfortable living environment is a factor in whether recovering addicts will finish their programs; (5) drug and alcohol addiction is known to affect all income levels and there is no evidence in the record that individuals residing in sober living homes are financially unable to pay market rate rents and certainly the experience in the City of Newport Beach, where rents and property are among the most expensive in Orange County, is evidence that such addiction has a profound effect on the wealthy; (6) in any event, receiving rent from up to six individuals will provide sufficient income for operators of sober living homes and result in revenue which is well above market rate rents; (7) the evidence in the record indicates that in general operators of sober living homes do not incur significant costs over and above what landlords of other similarly-situated homes may incur; and (8) limiting the number of recovering addicts that can be placed in a single-family home enhances the potential for their recovery; and

WHEREAS, sober living homes do not function as a single-family unit nor do they fit the City's zoning definition of a single-family for the following reasons: (1) they house

extremely transient populations (programs are generally about 90 days and as noted, the 2005 UCLA study found that 65-70% of recovering addicts don't finish their recovery programs); (2) the residents generally have no established ties to each other when they move in and typically do not mingle with other neighbors; (3) neighbors generally do not know who or who does not reside in the home; (4) the residents have little to no say about who lives or doesn't live in the home; (5) the residents do not generally share expenses; (6) the residents are often responsible for their own food, laundry and phone; (7) when residents disobey house rules they are often just kicked out of the house; (8) the residents generally do not share the same acquaintances; and (9) residents often pay significantly above-market rate rents; and

WHEREAS, the size and makeup of the households in sober living homes, even those allowed as a matter of right under the Costa Mesa Municipal Code, is dissimilar and larger than the norm, creating impacts on water, sewer, roads, parking and other City services that are far greater than the average household, in that the average number of persons per California household is 2.90 (2.74 in Costa Mesa's R1 zones according to the City's General Plan), while a sober living facility allowed as a matter of right would house six, which is in the top 5% of households in Orange County according to the most recent U.S. federal census data; and

WHEREAS, all of six individuals residing in a sober living facility are generally over the age of 18, while the average household has just 2.2 individuals over the age of 18 according to the most recent federal census data; and

WHEREAS, the City utilizes federal census data and other information relating to the characteristics of single-family neighborhoods for among other things: (1) determining the design of residential homes, residential neighborhoods, park systems, library systems, transportation systems; (2) determining parking and garage requirements of single-family homes; (3) developing its General Plan and zoning ordinances; (4) determining police and fire staffing; (5) determining impacts to water, sewer and other services; and (5) in establishing impacts fees that fairly and proportionally fund facilities for traffic, parks, libraries, police and fire; and

WHEREAS, because of their extremely transient populations, above-normal numbers of individuals/adults residing in a single home and the lack of regulations, sober living facilities present problems not typically associated with more traditional single-family uses, including: the housing of large numbers of unrelated adult who may or may not be supervised; disproportionate numbers of cars associated with a single-family home which causes disproportionate traffic and utilization of on-street parking; excessive noise and outdoor smoking, which interferes with the use and enjoyment of neighbors' use of their property; neighbors who have little to no idea who does and does not reside in the home; little to no interaction with the neighborhood; a history of opening facilities in complete disregard of the Costa Mesa Municipal Code and with little disregard for impacts to the neighborhood; disproportional impacts from the average dwelling unit to nearly all City services including sewer, water, parks, libraries, transportation infrastructure, fire and

police; a history of congregating in the same general area; and the potential influx of individuals with a criminal record; and

WHEREAS, a 650-foot distance requirement provides a reasonable market for the purchase and operation of a sober living home within the City and still results in preferential treatment for sober living homes in that non-handicapped individuals in a similar living situation (i.e., in boardinghouse-style residences) cannot reside in the R1 zone; and

WHEREAS, housing inordinately large numbers of unrelated adults in a single-family home or congregating sober living homes in close proximity to each other does not provide the handicapped with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide relief from for the handicapped, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, notwithstanding the above, the City Council recognizes that while not in character with a single-family neighborhood, that when operated responsibly, a group homes, including sober living homes, provide a societal benefit by providing the handicapped the opportunity to live in single-family neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions, and that therefore providing greater access to R1 zones to group homes, including sober living homes, than to boardinghouses provides a benefit to the City and its residents; and

WHEREAS, without some regulation there is no way of ensuring that the individuals entering into a group home are handicapped individuals and entitled to reasonable accommodation under local and state law; that a group home is operated professionally to minimize impacts to the surrounding neighborhood; and that the secondary impacts from over concentration of both group homes in a neighborhood and large numbers of unrelated adults residing in a single facility in a single home are lessened; and

WHEREAS, in addition to group homes locating in single-family neighborhoods other state-licensed residential care facilities for six or fewer persons who are mentally disordered or otherwise handicapped or supervised, are also taking up residence in single-family neighborhoods; and

WHEREAS, the purpose of group homes for the handicapped is to provide the handicapped an equal opportunity to comfortably reside in the single family neighborhood of their choice; and

WHEREAS, this Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b)(3) (General

Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1: The following definitions in Section 13-6 (Definitions) of Article 2 (Definitions) of Chapter I (General) of Title 13 (Planning, Zoning and Development) are hereby repealed, amended or added as follows:

Alcoholism or drug abuse recovery or treatment facility means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to Section 11834.01 of the California Health & Safety Code. *Alcoholism or drug abuse recovery or treatment facilities* are a subset of residential care facilities.

Boardinghouse A residence or dwelling, other than a hotel, wherein rooms are rented under three or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two or fewer rooms being rented. Boardinghouse, large means three or more rooms being rented.

Development Services Department means the Development Services Department of the City of Costa Mesa.

Disabled shall have the same meaning as *handicapped*.

Fair housing laws means the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute's implementing regulations.

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Integral facilities. Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as Integral Facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral uses. Any two or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one use for purposes of applying federal, state and local laws to its operation.

Operator means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Planning division. The planning division of the Development Services Department of the City of Costa Mesa.

Referral facility. A residential care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include but may not be limited to the following: intermediate care facilities for the developmentally disabled (Health & Saf. Code §§ 1267.8, 1267.9); community care facilities (Health & Saf. Code §§ 1500 et seq.); residential care facilities for the elderly (Health & Saf. Code §§ 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Saf. § 1568.02); alcoholism and drug abuse facilities (Health & Saf. Code §§ 11834.02-11834.30); pediatric day health and respite care facilities (Health & Saf. Code §§ 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Saf. Code §§ 1265 – 1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115-5120).

[Residential services facilities is hereby deleted.]

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Section 2: Chapter XV (Group Homes) of Title 13 (Planning, Zoning and Development) is hereby added as follows:

Chapter XV: Group homes.

13-310 Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the City's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

13-311 Special use permit required.

- (a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

1. An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; and (8) a fee for the cost of processing of the application as set by Resolution of the City Council. No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.
2. The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.
3. The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.
4. The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24-hour basis and who are responsible for the day-to-day operation of the group home.
5. All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
6. Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code Section 1503.5 and Section 80001(c)(3) of title 22, California Code of Regulations.
7. Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
8. If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.

9. The property must be fully in compliance with all building codes, municipal code and zoning code
10. In addition to the regulations outlined above, the following shall also apply to sober living homes:
 - i. The sober living home is not located within 650 feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.
 - ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
 - iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
 - iv. The number of occupants subject to the sex offender registration requirements of Penal Code Section 290 does not exceed the limit set forth in Penal Code Section 3003.5 and does not violate the distance provisions set forth in Penal Code Section 3003.
 - v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.

- vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- vii. The sober living home shall not provide any of the following services as they are defined by Section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

11. An applicant may seek relief from the strict application of this Section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Section 13-200.62.

(b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(9) above. The special use permit shall be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following circumstances:

- 1. Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
- 2. Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- 3. Any owner/operator or staff person has been convicted of or pleaded *nolo contendere*, within the last seven to ten years, to any of the following offenses:
 - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290 (last 10 years);
 - ii. Arson offenses – violations of Penal Code Sections 451-455 (last seven years); or
 - iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last 10 years).
 - iv. The unlawful sale or furnishing of any controlled substances (last seven years).

4. Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
5. The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
6. A special use permit for a sober living home shall also be denied, and if already issued, any transfer shall be denied or revoked, upon a hearing by the director under any of the following additional circumstances:
 - i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.
 - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
 - iii. The sober living home, as measured by the closest property lines, is located within 650 feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state licensed alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.
7. For any other significant and/or repeated violations of this Section and/or any other applicable laws and/or regulations.
8. Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this Ordinance, that has obtained a reasonable accommodation pursuant to Section 13-200.62.

13-312 Compliance.

- (a) Existing group homes must apply for a special use permit within 90 days of the effective date of this ordinance.
- (b) Group homes that are in existence upon the effective date of this ordinance shall have one (1) year from the effective date of this ordinance to comply with its provisions, provided that any existing group home, which is serving more than six residents, must first comply with the six resident maximum.

(c) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional years grace period pursuant to planning division approval.

13-313 Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Ordinance shall be prospective in application from its effective date.

13-314 – 13-350 [Reserved.]

Section 3: Article 15 (Reasonable Accommodations) of Chapter IX (Special Land Use Regulations) of Title 13 (Planning, Zoning and Development) is hereby repealed and replaced with the following:

13-200.60 Purpose.

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq. and Government Code § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed.

13-200.61 Applicability.

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing.

13-200.62 Reasonable accommodations – procedure.

- (a) Application required. An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the

following information and be subject to the determinant factors required by this section.

(b) Submittal requirements. The application shall be made in writing, and shall include the following information:

1. The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
2. The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;
3. Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;
4. Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;
5. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant;
6. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;
7. Any other information that the Hearing Officer reasonably concludes is necessary to determine whether the findings required by Section (e) can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected;

(c) Fees. No application fee is required.

(d) Director action. Within 60 days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit provided that, notwithstanding any other provision to the contrary, the standard of review on appeal shall not be *de novo* and the planning commission shall determine whether the findings made by the director are supported by substantial evidence presented during the evidentiary hearing. The planning

commission, acting as the appellate body, may sustain, reverse or modify the decision of the director or remand the matter for further consideration, which remand shall include specific issues to be considered or a direction for a *de novo* hearing.

- (e) Grounds for reasonable accommodation. The following factors shall be considered in determining whether to grant a reasonable accommodation:

1. Special needs created by the disability;
2. Potential benefit that can be accomplished by the requested modification;
3. Potential impact on properties within the vicinity;
4. Physical attributes of the property and structures;
5. Alternative accommodations that may provide an equivalent level of benefit;
6. In the case of a determination involving a single family dwelling, whether the residents would constitute a single housekeeping unit;
7. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
8. Whether the requested accommodation would require a fundamental alteration in the nature of a City program;
9. Whether granting the request would be consistent with the City's General Plan; and,
10. The property will be used by an individual with disability protected under fair housing laws.

- (f) Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.
2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
 4. The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.
 5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
 6. Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
 7. Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
 8. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.
- (g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program.
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
 2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
 3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's General Plan or an applicable Specific Plan.
 4. Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
 5. Any other factors that would cause a fundamental alteration in the City's zoning program, as may be defined in the Fair Housing Law.

13-200.63 Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Ordinance shall be prospective in application from its effective date.

13-200.64 – 13.200.69 [Reserved.]

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.

Section 6. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED and ~~ADOPTED~~ this 21st day of October, 2014.




James M. Righeimer
Mayor, City of Costa Mesa

ATTEST:



Brenda Green,
City Clerk

APPROVED AS TO FORM:



Thomas Duarte,
City Attorney

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

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number 14-13 was introduced at a regular meeting of said City Council held on the 7th day of October, 2014, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 21st day of October, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS: Genis, Mensinger, Monahan, Righeimer

NOES: COUNCIL MEMBERS: Leece

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 22nd day of October, 2014.



Brenda Green, City Clerk



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: OCTOBER 14, 2013

ITEM NUMBER: PH 3

SUBJECT: CODE AMENDMENT CO-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATED TO RESIDENTIAL FACILITIES

DATE: OCTOBER 3, 2013

FROM: PLANNING DEPARTMENT/DEVELOPMENT SERVICES DIVISION

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

DESCRIPTION

Code Amendment CO-12-02 is related to the Zoning Code regulations for residential facilities. More specifically, the amendment is proposed to the following Code Section in Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit".

RECOMMENDATION

Recommend that City Council approve and give first reading to the ordinance.

ANALYSIS

The proposed Code amendment involves changing the current zoning code definition of “single housekeeping unit” which is currently defined as follows:

Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.

Per State law, the City is required to treat residential facilities serving six or fewer persons (defined in the Zoning Code above as residential care and residential service facilities), as a single-family residential use in the R1 zone. In 2011, in response to a complaint received by the City’s Code Enforcement Division, the City attempted to enforce the six or fewer requirement against a single-family residence on Van Buren Avenue. During the inspection, the Code Officer observed 11 beds and 13 residents in the home. The case was referred to the City Attorney’s Office for action, and the operator took the City to civil court for the action. The Court ruled in favor of the operator, and held the City liable for financial damages incurred by the operator. It was determined that the current code definition for “single housekeeping unit” was legally indefensible. The proposed code amendment would revise the current code definition of single housekeeping unit as follows:

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

The revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facility in an R1 zone and withstand legal scrutiny.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

LEGAL REVIEW

The draft ordinance has been reviewed by the City Attorney’s office.

ALTERNATIVES

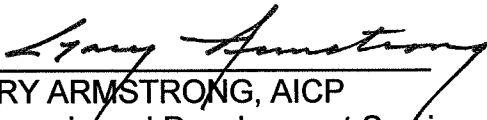
The City could continue to apply “single house keeping unit” as currently defined in Code; however, this has not stood up to legal challenge when residential care or residential service facilities are found to have occupants of R1 zoned dwellings that exceed six persons.

CONCLUSION

As noted earlier, the revised definition will allow the City to more effectively enforce the maximum limit of six persons per residential care or residential service facilities in an R1 zone and withstand legal scrutiny. If the Commission recommends that City Council approve and give first reading to the ordinance, it will be tentatively scheduled for the November 5, 2013, City Council meeting.



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Economic and Development Services
Director

Distribution: Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

Attachment: 1. Draft Ordinance

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: CODE AMENDMENT. Title 13 of the Costa Mesa Municipal Code is hereby amended to include the following definition - Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit":

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, lease agreement or ownership of the property, expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit.

SECTION 2: ENVIRONMENTAL DETERMINATION. The code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (General Rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

SECTION 3: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 4: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a

certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2013.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

From: David Alexander <rawrecoveryllc@gmail.com>
Sent: Wednesday, September 15, 2021 5:53 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; Pete Nielsen; sharon.rapport@csh.org
Subject: Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Table 1 - CM discriminatory zoning regulations.pdf; Table 2.pdf; Table 1-1 CM CityCode 1-72.pdf

Dear Gentleperson:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmative Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 650583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by City.)

1. The City's Draft Housing Element utilizes standards that have been expressly rejected by the State of California.

At page 3-46, the Public Review Draft indicates that it is guided by "the HUD Fair Housing Planning Guide" and limits the scope of its analysis to the 2019-2024 Regional Analysis of Impediments to Fair Housing (AI) that covered 16 cities in Orange County, including Costa Mesa. The City's entire reliance on the Regional 2019-2014 AI not only applies the incorrect legal standards, but also fails to focus on the activities of Costa Mesa (as opposed to the region or 15 other cities). First, the AI is insufficient for purposes of state law. Under Government Code 8899.50, the applicable standard in California is:

the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section. Government Code 8899.50(c).

While the City's Regional AI, published on May 5, 2020, may have comported with the standards mandated by the Trump Administration, those standards were a deliberate rollback of the standards expressly adopted by reference in Government Code 8899.50(c).

Moreover, the City's reliance on an undefined "HUD Planning Guide" throughout Chapter 3E is bewildering since the applicable guide, entirely ignored by the City, is HCD's *Affirmatively*

2. The City's Draft Housing Element fails to consider its own zoning regulations and practices, which are the principal source of housing discrimination in Costa Mesa.

Instead of conducting the mandated assessment, the City relies exclusively on the wholly inapplicable and inadequate 2020 AI in addressing its Section 3E4: Assessment of Contributing factors to Fair Housing in Costa Mesa. As a result, this portion of the City Housing Element is wholly inadequate, disregarding that:

- The City has enacted explicitly discriminatory zoning regulations that target Supportive Housing for Disabled Persons for exclusion and expulsion from Costa Mesa's residential zoning districts. (See attached Table 1; see CityCode for text of City's zoning code cited in Table 1.)
- The City has engaged in discriminatory code enforcement; specifically, it has targeted its code enforcement activities at Group Homes. (See attached Table 2.)
- The City has gone so far as to sue Supportive Housing Providers (defined as Group Homes) in state court, seeking to have them declared as a public nuisance solely because they operate with a SUP or CUP pursuant to Zoning Code Chapters XV and XVI, and not because of any nuisance behaviors. As a result of the City's state court actions against Supportive Housing/Group Homes, the City has forced Group Homes to shutter and required that operators evict disabled residents during the height of Covid-19 in the Winter of 2020.
- Of the 26 Supportive Housing/Group Homes that applied for CUP under the City Zoning Chapter XVI (CMMC 13-323), each applicant was an existing Group Home that predated the adoption of Chapter XVI. Of the 26 CUP applications submitted, the City granted only two. It ordered that the other 24 to shutter and to force their disabled residents from their homes. See Table 3 attached.
- While the City professes to support fair housing in the Public Review of its Housing Element, it is presently actively engaged in trying to cover up the discriminatory provisions in its own Zoning Code. Since 2014, the City has tried to justify its discrimination against Group Homes/Supportive Housing by arguing that it treats Boardinghouse worse.
- But that is obviously inaccurate on the face of the City's own zoning code: As reflected in Table 1, the City gives preferential treatment to Boardinghouses – and all residential uses except for Group Homes (Supportive Housing for disabled persons).
- To cover up the most glaring disparities between the City's regulation of Group Homes and Boardinghouses, the City is presently in the process of amending the definition of Boardinghouse as part of Code Amendment CO-2020-02, which will modify the definition of Boardinghouse.

The City's zoning code and its enforcement of that code are the most significant sources of housing discrimination and fair housing violations in Costa Mesa. But the City's draft Housing Element fails to review any of its own zoning procedure and practices, preferring to hide behind its wholly inadequate 2020 Regional AI.

Without this fulsome evaluation, the City cannot meet the requirements of the State's Housing Element laws.

Thank you for your time and consideration of this matter,





--

Dave Alexander

Founder

RAW Recovery



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 dave@rawrecovery.com
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Zoning regulations for unlicensed¹ residential uses in Costa Mesa’s multi-family zoning districts

<i>CMMC Regulations Governing Residential Uses in City’s Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
<i>Use Definitions</i>					
Use defined based on disability status of residents, CMMC 13-06	Yes, CC 9 ⁶	Yes, CC 5	No, CC 3	No, CC 3	No CC 4

¹ Licensed uses are subject to state-mandated zoning entitlements and restrictions. The Costa Mesa Municipal Code (CMMC) defines these uses as “**Residential care facilities**. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled (Health & Safety Code §§ 1267.8, 1267.9); community care facilities (Health & Safety Code § 1500 et seq.); residential care facilities for the elderly (Health & Safety Code § 1569 et seq.); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); Health & Safety Code § 1568.02); alcoholism and drug abuse facilities (Health & Safety Code §§ 11834.02—11834.30); pediatric day health and respite care facilities (Health & Safety Code § 1760 et seq.); residential health care facilities, including congregate living health facilities (Health & Safety Code §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120).” CMMC 13-06.

² “**Sober living home** means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.” CMMC 13-06.

³ “**Group home**. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.” CMMC 13-06.

⁴ “**Boardinghouse**. A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited.” CMMC 13-06.

⁵ “**Dwelling, multi-family** “Dwelling, multi-family” or “multi-family dwelling” is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families.” CMMC 13-06.

⁶ “**CC #**” refers to page numbers in the excerpt of the current Costa Mesa Municipal Code [as of 05/09/2021], attached to this Table for reference.

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Use defined based on nature of the disability of dwelling's residents, CMMC 13-06	Yes, CC 9	No, CC 5	No, CC 3	No, CC 3	No CC 4
<i>Permitted Zoning District</i>					
Permitted in Residential Zoning District, CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Multifamily Zoning Districts (R2-MD, R2-HD, R3), CMMC 13-30	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Planned Development Residential Districts (PDR-LD, PDR-MD, PDR-HD, PRD-NCM, PDC, PDI), CMMC 13-30, 13-204	No, CC 31	No, CC 31	Yes, CC 31	Yes, if pre-existing, CC 54; No, if new, CC 31	Yes, CC 31
Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	Yes, CC 31	Yes, CC 31	No, CC 31	No, CC 31	No, CC 31
Specially or Conditionally Permitted in Institutional & Recreational (I&R) Zoning District [intended for "recreation, open space, health, public services," 13-20(i), CC 17]	NA, CC 31	NA, CC 31	No, CC 31	No, CC 31	No, CC 31
<i>Nonconforming Use Status</i>					
Existing uses required to apply for Special or Conditional Use Permit to continue existing use, 13-324, 13-207.1 versus 13-204, 13-30	Yes, CC 67, 59	Yes, CC 67, 59	No, CC 54	No, CC 54	NA, CC 31

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Separation Requirement					
Separation requirement imposed on existing uses, 13-322, 13-323, 13-324 versus 13-30, 13-204, 13-207.1	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home or state-licensed drug and alcohol treatment facility. CC 66-67	No, CC 54	No, CC 54	NA, 13-30
Separation requirement imposed on new uses, 13-322, 13-323, 13-324 versus 13-30 fn 7	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: At least 650 feet between dwelling and any group home, sober living home, or state-licensed drug and alcohol treatment facility. CC 66-67	Yes: Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. CC 49	Yes: Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse. CC 49	NA, 13-30
Dwelling Operator's Permit Required					
Owner or operator of dwelling must obtain an "Operator's Permit," CMMC 13-323, 9-372, or meet same conditions for Operator's Permit under SUP requirements, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Owner or operator of dwelling must obtain an "operator's permit" as a condition to qualify for a conditional use permit, CMMC 13-323, 9-372, or meet same conditions for Operator's Permit to qualify for SUP, 13-322, 13-311	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 67, 69 [CUP]; Yes, CC 66, 61-63 [SUP]	No	No	No
<i>Permit Application Requirements</i>					
Permit Application: Required to list applicant/operator's every general partner and every owner with controlling interest in corporation. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide permit history or operation of similar use at any time anywhere in the United States. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide copy of rules governing conduct of residents occupying dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to identify the name, address, telephone, CDL of onsite dwelling manager. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Permit Application: Required to provide document reflecting criteria for acceptance of resident in dwelling. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
Permit Application: Required to provide blank copies of all forms that residents of dwelling are required to complete. CMMC 13-311(a) + 9-374(a) versus CMMC 13-29(a) + City Form 09/2019	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	Yes, CC 61, 69; [CUP]; Yes, CC 66, 61-63 [SUP]	No, CC 22	No, CC 22	No, CC 22
<i>Permit Notice Requirements, July 2017 (17-05) - October 2018 (18-06) time period</i>					
Public notice of hearing on application for special use permit, CMMC 13-311(b) versus CMMC 13-29(c) [07/2017-09/2018]	Notice to be mailed to the <i>owner of record and occupants</i> of all properties within five hundred (500) feet of the location of the group home.	Notice to be mailed to the <i>owner of record and occupants</i> of all properties within five hundred (500) feet of the location of the group home.	Notices of the hearing shall be mailed to all <i>property owners</i> within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all <i>property owners</i> within a five hundred-foot radius of the project site	Notices of the hearing shall be mailed to all <i>property owners</i> within a five hundred-foot radius of the project site
<i>Occupancy limit on number of residents per dwelling</i>					
Occupancy limitation	City Housing Element	City Housing Element	State Housing Law/UHC	State Housing Law/UHC	State Housing Law/UHC
<i>On-Site Manager Requirements</i>					

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Dwelling must have a 24/7 onsite manager. CMMC 13-311(a)(4) + CMMC 9-274(b)(1) versus State Housing Law	Yes, CC 62, 70	Yes, CC 62, 70	No, State Housing Law	No, State Housing Law	No, State Housing Law
<i>Vehicle Restrictions</i>					
Each dwelling resident limited to one vehicle that must be used as resident's primary form of transportation, 13-311(a)(5) + CMMC 9-274(b)(2)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
<i>Resident Parking Restrictions</i>					
Each dwelling resident must park her vehicle on dwelling premises or within 500 feet of dwelling, 13-311(a)(5) + CMMC 9-274(b)(2) versus CMMC Title 10, Ch X (Stopping, Standing and Parking)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
<i>Eviction requirements</i>					
Landlord/operator must notify resident's emergency contact, OCHA OC Links Referral Line, and Costa Mesa's Network for Homeless Solutions before an evicting resident, CMMC 13-311(a)(10) + 9-374(b)(6)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must provide transportation to alternative housing to any resident evicted from dwelling, CMMC 13-311(a)(11) + 9-374(b)(7)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No
Landlord/operator must maintain eviction records for one year resident's eviction from dwelling, CMMC 13-311(a)(12) + 9-374(b)(8)	Yes, CC 62, 70	Yes, CC 62, 70	No	No	No

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Regulation of Residents within Dwelling					
Each resident of dwelling must actively participate in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must maintain records showing that resident is actively participating in a legitimate self-improvement program (e.g., 12-step program), CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate a rule warning that if a resident refuse to actively participating in a legitimate self-improvement program (e.g., 12-step program), then the resident may be evicted. CMMC 13-311(a)(14)(i) + 9-374(b)(10)(i)	Yes, CC 63, 71	No	No	No	No
Landlord/Operator must prohibit residents from use of any non-prescription drugs. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must evict any resident caught using any non-prescription drug. CMMC 13-311(a)(14)(ii) + 9-374(b)(10)(ii)	Yes, CC 63, 71	No	No	No	No

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Landlord/operator must promulgate a good neighbor policy directing residents "to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit." CMMC 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
Landlord/operator must promulgate written protocol for onsite manager to follow in response to a neighbor's complaint. CMMC protocol for 13-311(a)(14)(vi) + 9-374(b)(10)(v)	Yes, CC 63, 71	No	No	No	No
<i>Owner, Landlord, Operator, and Employee Qualification Requirements</i>					
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was terminated from a job for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was terminated from a job alcohol for sexual harassment, embezzlement, or illegally furnishing alcohol within two years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63, 71	Yes, CC 63, 71	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling is barred from obtaining a Special or Condition Use Permit for that dwelling if she was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25

<i>CMMC Regulations Governing Residential Uses in City's Multifamily Districts</i>	<i>Sober Living Home²</i>	<i>Group Home³</i>	<i>Boardinghouse, Small < 3 rental rooms⁴</i>	<i>Boardinghouse, Large < 7 rental rooms</i>	<i>Multi-family Dwelling⁵</i>
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if he was convicted or pleaded nolo contendere to any PC 290 sex offense or PC 667.5 felony within 10 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she employs any person who was convicted or pleaded nolo contendere to any PC 451 arson offense or furnishing any controlled substance within 7 years of applying to the City for that zoning permit. CMMC 13-311(b)(2), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 63-64, 71-72	Yes, CC 63-64, 71-72	No, CC 25	No, CC 25	No, CC 25
Owner, landlord, or operator of a dwelling barred from obtaining a Special or Condition Use Permit for that dwelling if she is in recovery from abuse of drugs or alcohol and has been abstained for less than one year before applying to the City for that zoning permit. CMMC 13-311(b)(6), 9-374(e)(2) versus 13-29(g)(2)	Yes, CC 64, 72	No	No, CC 25	No, CC 25	No, CC 25

Costa Mesa Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)[TITLE 13 PLANNING, ZONING AND DEVELOPMENT](#)**CHAPTER I. IN GENERAL****ARTICLE 1. TITLE AND AUTHORITY****13-1. Title.**

This title shall be known as the “City of Costa Mesa Planning, Zoning and Development Code,” hereafter referred to as the “Zoning Code.” (Ord. No. 97-11, § 2, 5-5-97)

13-2. Purpose.

The purpose of this Zoning Code is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the city by providing regulations to ensure that an appropriate mix of land uses occur in an orderly manner. In furtherance of this purpose the city desires to achieve a pattern and distribution of land uses which generally:

- (a) Establish and maintain a balance of land uses throughout the community to preserve the residential character of the city at a level no greater than can be supported by the infrastructure.
- (b) Ensure the long-term productivity and viability of the community’s economic base.
- (c) Promote land use patterns and development which contribute to community and neighborhood identity.
- (d) Ensure correlation between buildout of the general plan land use map and master plan of highways. (Ord. No. 97-11, § 2, 5-5-97)

13-3. Authority and general plan consistency.

- (a) This Zoning Code is a tool for implementing the goals, objectives and policies of the Costa Mesa General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (State [Government Code](#) section 65000 et seq.). All development within the incorporated area of the city shall be consistent with the general plan.
- (b) The subdivision provisions of this Zoning Code are intended to supplement and implement the Subdivision Map Act, and serve as the subdivision ordinance of the city. If the provisions of this Zoning Code conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail. (Ord. No. 97-11, § 2, 5-5-97)

13-4. References to other laws.

In some portions of this Zoning Code it is necessary to reference other applicable laws, for example the State [Government Code](#), and in some instances specific code sections are given. These references are accurate as of the adoption of this Zoning Code, and these references may be amended from time to time. (Ord. No. 97-11, § 2, 5-5-97)

ARTICLE 2. DEFINITIONS**13-5. Purpose.**

The intent of this article is to define certain words and phrases which are used in this Zoning Code. Additional definitions may also be given in conjunction with the special regulations contained in Chapter IX, Special Land Use Regulations, and Chapter XII, Special Fee Assessments. (Ord. No. 97-11, § 2, 5-5-97)

13-6. Definitions.

Abutting. Sharing a common boundary, of at least one (1) point.

Accessory building. A building or part of a building which is subordinate to, and the use of which is incidental to that of the main building or use on the same lot.

Accessory dwelling unit (ADU). See section 13-35.

Accessory use. A use incidental and subordinate to, and devoted exclusively to the main use of the land or building thereon.

Adjacent. Same as abutting, but also includes properties which are separated by a public right-of-way, not exceeding one hundred twenty (120) feet in width.

Administrative adjustment. A discretionary entitlement, usually granted by the zoning administrator, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Adult business. See Chapter IX, Special Land Use Regulations, Article 1, Adult Businesses, for specific definitions and terms.

Alcoholism or drug abuse recovery or treatment facility means adult alcoholism or drug abuse recovery or treatment facilities that are licensed pursuant to section 11834.01 of the California [Health & Safety Code](#). Alcoholism or drug abuse recovery or treatment facilities are a subset of residential care facilities.

Alteration (structure). Any construction, addition or physical change in the internal arrangement of rooms or the supporting members of a structure, or change in the appearance of any structure, except paint.

Ambient noise level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

Antenna. Any structure, including, but not limited to, a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purpose of receiving or transmitting communication to or from another antenna, device or orbiting satellite, as well as supporting equipment necessary to install or mount the antenna.

Antenna, amateur radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, communication. All types of receiving and transmitting antennas, except satellite dish antennas and amateur radio antennas. Communication antenna includes, but is not limited to, cable television antennas, cellular radiotelephone cell antennas, FM digital communication antennas, microwave telephone communication antennas, and shortwave communication and other similar antennas.

Antenna height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

Antenna, satellite dish. An antenna intended for the purpose of receiving or transmitting communication to or from an orbiting satellite.

Antenna, whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Apartment. A rental or lease dwelling having kitchen facilities in a structure designed or used to house at least one (1) family, as the term "family" is defined in this Zoning Code.

Assembly use. A use conducted in a structure or portion of a structure for the purpose of a civic, education, political, religious, or social function or for the consumption or receipt of food and/or beverages. Assembly use includes, but is not limited to, churches and other places of religious assembly, mortuaries, primary and secondary schools, trade and vocational schools, colleges, amusement centers, billiards parlors, bowling centers, establishments where food or beverages are served, motion picture theaters, physical fitness facilities, skating rinks, and dance, martial arts, and music studios. Assembly use does not include sexually oriented businesses.

Association (homeowners'). The organization of persons who own a lot, parcel, area, airspace, or right of exclusive occupancy in a common interest development and who have interests in the control of common areas of such project.

Attached (structure). Any structure that has a wall or roof in common with another structure.

Attic. Any non-habitable area immediately below the roof and wholly or partly within the roof framing.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding the sun or providing an architectural accent.

Basement. A space wholly or partially underground and having more than one-half ($\frac{1}{2}$) of its height, measuring from floor to ceiling, below the average grade. If the finished floor level directly above the basement is more than four (4) feet above grade at any point, the basement shall be considered a story.

Boardinghouse. A residence or dwelling, other than a hotel, wherein rooms are rented under two (2) or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. Boardinghouse, small means two (2) or fewer rooms being rented. Boardinghouse, large means three (3) to six (6) rooms being rented. Boardinghouses renting more than six (6) rooms are prohibited.

Building. Any structure having roof and walls and requiring permanent location on the ground, built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building height. The distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening.

Building, main. The building or buildings within which the principal use permitted on the lot is conducted.

Carport. A permanent, roofed structure, not completely enclosed which is used for vehicle parking.

Central administrative office. An establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company.

Churches and other places of religious assembly. A type of assembly use which has the principal purpose of religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times. The use may also include accessory facilities in the same or separate building that includes classrooms, assembly rooms, restrooms, kitchen, and a library. Other uses such as, but not limited to, day care facilities, nursery schools, schools, retail sales, and services to businesses, are not considered a primary function of churches and other places of religious assembly.

Cigar bar. See Smoking lounge.

City. City of Costa Mesa.

Common area. Those portions of a project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in planned development projects or common interest developments.

Common interest development. A development as defined in State [Civil Code](#) section 1350, containing two (2) or more common interest units, as defined in [Civil Code](#) section 783; a community apartment project, as defined in State Business and Professional Code section 11004, containing two (2) or more rights of exclusive occupancy; and a stock cooperative, as defined in Business and Professional Code section 11003.2, containing two (2) or more rights of exclusive occupancy.

Conditional use permit. A discretionary approval usually granted by the planning commission which allows a use or activity not allowed as a matter of right, based on specified findings.

Convenience stores, mini-markets. A retail store, generally less than ten thousand (10,000) square feet in area, that sells a variety of convenience foods, beverages and non-food items. Fresh dairy products, produce and/or meat may be offered on a limited basis.

County. County of Orange.

Covered parking space. A garage, carport or parking space which is completely covered by a roof.

Density bonus. A minimum increase of twenty-five (25) percent over the allowable residential dwelling unit density as specified by the zoning classification.

Development. The division of land into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development review. The processing of a development plan when authority for approval is vested in the planning division.

Development services department means the Development Services Department of the City of Costa Mesa.

Development services director. The director of development services of the City of Costa Mesa, or his/her designee.

Disabled shall have the same meaning as handicapped.

Dormer. A vertical window in a projection built out from a sloping roof.

Driveway, common. A paved area for vehicle circulation and parking purposes which features joint use between two or more parties.

Driveway, individual. The paved area strictly leading to the garage/carport of a residence. This paved area serves vehicle parking purposes and does not extend beyond the garage/carport unless a curvilinear design is necessary for the turning radius.

Dwelling, single-family. “Dwelling, single-family” or “single-family dwelling” is a building of permanent character placed in a permanent location which is designed or used for residential occupancy by one (1) family. A single mobilehome on a foundation system on a single lot is a single-family dwelling. (See Manufactured housing).

Dwelling, multi-family. “Dwelling, multi-family” or “multi-family dwelling” is a building or buildings of permanent character placed on one (1) lot which is designed or used for residential occupancy by two (2) or more families.

Dwelling unit. One (1) or more rooms in any building designed for occupancy by one (1) family, and containing one (1) kitchen unit, including manufactured housing. (See Manufactured housing).

Easement. A grant of one (1) or more property rights by the owner for use by the public, a corporation or another person or entity.

Electronic cigarette. An electronic and/or battery-operated device used to provide an inhalable dose of nicotine by delivering a vaporized solution. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor.

Electronic game machine. Any electronic or mechanical device which upon insertion of a coin, slug, or token in any slot or receptacle attached to the device or connected therewith, operates, or which may be operated for use as a game, contest, or amusement through the exercise of skill or chance.

Emergency shelters. A facility that provides immediate and short-term housing for homeless persons that is limited to occupancy of six months or less. Supplemental services may include counseling and access to social programs. No individual or household may be denied to emergency shelter because of an inability to pay.

Entertainment (live). Any act, play, revue, pantomime scene, dance act, musical performance, or any combination thereof, performed by one (1) or more persons whether or not they are compensated for the performance.

Establishment where food or beverages are served. Any commercial use that sells prepared food and/or beverages for consumption on-site or off-site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the development services director, where the sale of food or beverages is clearly incidental to the primary use. All establishments selling alcoholic beverages for consumption on-site are included within this definition.

Fair housing laws means the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act, as each statute may be amended from time to time, and each statute’s implementing regulations.

Family. One (1) or more persons occupying one (1) dwelling unit and living together as a single housekeeping unit.

Family day care home, large. A home which provides family day care to seven (7) to fourteen (14) children as defined in section 1596.78 of the State [Health and Safety Code](#).

Family day care home, small. A home which provides family day care to eight (8) or fewer children as defined in section 1596.78 of the State [Health and Safety Code](#).

Floor area ratio. The gross floor area of a building or project divided by the project lot area upon which it is located.

Garage. An accessory or attached enclosed building with doors, designed and/or used for vehicle parking.

Garage sale. An event for the purpose of selling or trading personal property. Garage sale includes yard sale.

General plan. The City of Costa Mesa General Plan as adopted or amended from time to time by the city council.

Grade. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Gross acreage. The total area within the lot lines of a lot of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot, and not including adjacent lands already dedicated for such purposes.

Gross floor area. The area of all floors within the walls of a structure except elevator and other vertical shafts (including stairwells) and elevator equipment areas.

Gross leasable area. The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas.

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Guestroom. A room occupied or intended, arranged, or designed for occupancy by one (1) or more guests.

Handicapped. As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one (1) or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Hazardous materials. Any material of quantity, concentration, physical or chemical characteristics, that poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or environment; or any material requiring a Material Safety Data Sheet according to Title 8, section 339 of the State Code of Regulation.

Height. See Building height and Antenna height.

Home occupation. Any business or commercial use conducted within a dwelling unit.

Hookah lounge. See Smoking lounge.

Hotel. Any building or combination of buildings generally three (3) or more stories in height containing six (6) or more guest rooms offering transient lodging accommodations to the general public and providing incidental guest services such as food and beverage service, recreation facilities, retail services and banquet, reception and meeting rooms. Typically, room access is provided through a main or central lobby.

Household includes all the people occupying a dwelling unit, and includes people who live in different units governed by the same operator.

Integral facilities. Any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation shall be referred to as integral facilities and shall be considered one (1) facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one (1) facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one (1) licensed or unlicensed facility.

Integral uses. Any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one (1) use for purposes of applying federal, state and local laws to its operation.

Intersection. The general area where two (2) or more roadways join or cross.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and preparation of food.

Landscaping. Plant materials such as lawn, groundcover, trees and shrubs.

Loft. An intermediate floor placed within a room, where the clear height above and below the loft is not less than seven (7) feet, and where the aggregate area of the loft does not exceed one third (1/3) of the area of the room in which it is located.

Lot.

(a) A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the Subdivision Map Act and applicable local ordinances.

(b) A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.

Lot area. The total land area of a project after all required dedications or reservations for public improvements including but not limited to streets, parks, schools, and flood control channels. This phrase does not apply in the planned development zones where the phrase “site area,” as defined in Chapter V, Development Standards, is used.

Lot, corner. A lot abutting on and at the intersection of two (2) or more streets which intersect at an angle that is equal to or less than one hundred thirty-five (135) degrees.

Lot, depth. The average of the horizontal distance between the front and the rear lot lines.

Lot, development. The master lot or project site upon which a development will be constructed.

Lot, individual dwelling unit. An individual building site or lot within a development intended for construction of a single attached or detached dwelling unit.

Lot, interior. A lot abutting only one (1) street, or a lot abutting two (2) streets which intersect at an angle greater than one hundred thirty-five (135) degrees.

Lot, width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the front building setback line.

Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, including structures known as manufactured homes and mobile homes. For the purpose of this Zoning Code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one (1) or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.

Marijuana. Has the same definition as that set forth in California [Health & Safety Code](#) section 11018.

Marijuana cultivation and/or medical marijuana cultivation. The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.

Master plan. The overall development plan for a parcel or parcels which is depicted in both a written and graphic format.

Master plan of highways. The graphic representation of the city’s ultimate circulation system contained in the general plan. It illustrates the alignment of the major, primary, secondary and collector highways.

Median. A paved or planted area separating a parking area, street, or highway, into two (2) or more lanes or directions of travel.

Medical marijuana. Marijuana used for medical purposes in accordance with California [Health and Safety Code](#) section 11362.5.

Medical marijuana dispensary. A facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to three (3) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card in strict accordance with State [Health and Safety Code](#) Sections 11362.5 et seq., and 11362.7 et seq., which shall include, but not be limited to, any facility or location engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes that does not have an active role in the cultivation of the marijuana product that it sells, dispenses, or distributes, or when its cultivation of the marijuana product is off-site from the facility or location for retail sale, dispensation, or distribution.

Minor conditional use permit. A discretionary approval granted by the zoning administrator which allows a use or activity not allowed as a matter of right, based on specified findings.

Minor modification. A discretionary entitlement granted by the planning division, which permits limited deviation from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Mixed use development. The development of lot(s) or structure(s) with two (2) or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile home. See Manufactured housing.

Mobile home park. Any area or tract of land where two (2) or more mobile home lots are rented or leased, held out for lease or rent, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes. A mobile home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with section 18200) of Division 13 of the State [Health and Safety Code](#), and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Motel. Any building or combination of buildings of one (1) to three (3) stories in height having six (6) or more guest rooms with parking located convenient to the guest rooms and providing temporary lodging for automobile tourists and transient visitors. Typically, guest rooms have direct access to available parking without passing through a common lobby area. Motels also include auto courts, tourist courts, motor lodges, motor inns and motor hotels.

Municipal Code. City of Costa Mesa Municipal Code.

Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. *Open space* may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than five (5) feet in depth by projections which are at least eight (8) feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than eight (8) feet above grade.

Open space, common. An area of land reserved primarily for the leisure and recreational use of all residents of a planned development or common interest development and owned in common by them, generally through a homeowners' association.

Open space, private. An area of land located adjacent to an individual dwelling unit, owned or leased and maintained by its residents, and reserved exclusively for their use.

Operator means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property and that does not otherwise meet the definition of operator.

Organizational documents. The declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a project.

Parcel. Same as Lot.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

Paved area. Ground surface covered with cobblestone, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, or asphaltic or rubber mixture which may include sand, stone, or gravel as an ingredient to create a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered paved area.

Peak hour. The hour during the AM peak period (typically 7:00 a.m.—9:00 a.m.) or the PM peak period (typically 3:00 p.m.—6:00 p.m.) in which the greatest number of vehicle trips are generated by a given land use or are traveling on a given roadway.

Permitted use. Any use allowed in a land use zoning district without requiring a discretionary approval, and subject to the provisions applicable to that district.

Planned development. A land area which is developed as an integrated unit under single ownership or control and having planned development zoning designation.

Planning application. A broad term for any development project or land use which requires the discretionary review and approval of either the planning division, zoning administrator, planning commission, redevelopment agency or city council. Planning applications include administrative adjustments, conditional use permits, development reviews, variances, redevelopment actions, etc.

Planning division. The planning division of the development services department of the City of Costa Mesa.

Project. See Development.

Property line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Property line, front. The narrowest property line of a lot abutting a public or private street. If two (2) or more equal property lines are narrowest, the front shall be that property line across which the development takes its primary access (if the primary access is determined to be equal, there shall be two (2) front property lines). However, for non-residentially zoned property, any property line abutting a public street designated as a secondary, primary or major street on the master plan of highways shall be deemed a front property line. A non-residentially zoned property shall have more than one (1) front property line when it abuts more than one street designated as secondary, primary, or major on the master plan of highways.

For R-1 zoned property located on corner lots, the front property line may be the property line towards which the front of the dwelling unit is oriented.

Property line, rear. The property line opposite the front property line. A corner lot with more than one (1) front property line shall have more than one (1) rear property line. Irregularly shaped lots may also have more than one (1) rear property line.

Property line, side. Any property line which is not a front or rear property line.

Property line, ultimate. The boundary of a lot after the dedication of land for use as public right(s)-of-way.

Public area. Establishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

Public hearing. A public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed action, and which affords to any affected person or persons the opportunity to present their views, opinions, and information on such proposed applications. "Mandatory hearings" are those required to be held by law, and "discretionary hearings" are those which may be held within the sole discretion of the hearing body.

Public right-of-way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Recyclable materials. Reusable materials including but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstruction. Recyclable materials do not include refuse, hazardous materials or hazardous waste.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products.

Recycling and collection facility. A building or enclosed space used for the collection and processing of recyclable materials for preparation for shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

Redevelopment action. A discretionary review conducted by the redevelopment agency for applications for development in the redevelopment project area, based on the adopted redevelopment plan and specified findings.

Referral facility. A residential care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

Residential care facility. A residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but may not be limited to, the following: intermediate care facilities for the developmentally disabled ([Health & Safety Code §§ 1267.8, 1267.9](#)); community care facilities ([Health & Safety Code § 1500 et seq.](#)); residential care facilities for the elderly ([Health & Safety Code § 1569 et seq.](#)); residential care facilities for the chronically ill (22 C.C.R. § 87801(a)(5); [Health & Safety Code § 1569 et seq.](#)).

Code § 1568.02); alcoholism and drug abuse facilities (**Health & Safety Code** §§ 11834.02—11834.30); pediatric day health and respite care facilities (**Health & Safety Code** § 1760 et seq.); residential health care facilities, including congregate living health facilities (**Health & Safety Code** §§ 1265—1271.1, 1250(i), 1250(e), (h)); family care home, foster home, group home for the mentally disordered or otherwise handicapped persons or dependent and neglected children (Wel. & Inst. Code §§ 5115—5120).

Residential, multi-family. Apartments, common interest developments, townhouses and similar multiple-family residential developments, including detached single-family homes where there is more than one (1) primary dwelling unit on a lot.

Residential, single-family. Detached single-family home where there is no more than one (1) primary dwelling unit on a lot.

Room, bedroom. A fully-enclosed room designed or intended to be used for sleeping purposes within a residence. Within a single-family detached residence, a room meeting the definition of a home office shall not be included in the bedroom count.

Room, home office. A room designed and intended to be used for a household office or small business related activity within a residence. Within a single-family detached residence, this room is strictly not intended for sleeping purposes, and lacks direct access to a bathroom. The home office may also be referred to as a studio, den, study or library.

Senior congregate care facility. A structure(s) providing residence for thirteen (13) or more senior citizens with kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a property line or lot line.

Single housekeeping unit means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

Single room occupancy residential hotel. A residential hotel, allowed in certain commercial zones, that contains units designed for long-term occupancy by a single person, although double occupancy may be permitted.

Slope. The degree of deviation of a surface from the horizontal plane, usually expressed in percent or degrees.

Small lot subdivision. A residential development containing a maximum of 15 detached or townhome style units with no common walls where each unit is independently constructed on an individual parcel and the land is subdivided into fee simple parcels containing each unit. Each individual lot is provided with either a direct access to public street/alley or an easement access through a recorded subdivision map.

Smoking lounge. Any facility or location whose business operation, whether as a primary use or an ancillary use, is characterized by the sale, offering, and/or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vaping lounges, or cigar bars.

Smoking/vaping retailer. A smoke shop, electronic cigarette retailer, vapor cigarette retailer, or any other retail business that sells tobacco, electronic cigarettes, and related products primarily for off-site consumption. Smoking/vaping retailers shall not include food or beverage service, outdoor seating, or an indoor seating area greater than one hundred (100) square feet in area.

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. *Sober living homes* shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Specific plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and the provisions of State **Government Code** section 65450 et seq.

State. State of California.

Story. For purposes related to zoning regulations, a story is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall constitute a story. An attic shall not be considered a story. A basement or cellar shall not be considered a story, if the finished floor level directly above the basement or cellar is less than four (4) feet above finish grade at all locations. Any uncovered deck or activity area above the first story shall be considered a story.

Street. A public or private thoroughfare that provides primary access to adjacent land and local traffic movements. *Streets* do not include driveways which only provide access to parking areas.

Structure. Anything, including a building, located on the ground in a permanent location or attached to something having a permanent location on the ground.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Tandem parking. An arrangement of parking spaces one behind the other, such that a parking space must be driven across in order to access another space. Tandem garage parking signified the placement of standard parking spaces one behind the other within the enclosed area of a garage.

Townhouse. A single-family attached dwelling unit located on an individual dwelling unit lot, and is part of a row of units that contains three (3) or more dwelling units.

Transitional housing. A development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this Code.

Trip (vehicle). A one-way vehicular journey either to or from a site, or totally within the site i.e. internal trip. Each trip has two (2) trip ends, one at the beginning and the other at the destination.

Trip rate (vehicular). The anticipated number of vehicle trips to be generated by a specific land use type or land use classification. The trip rate is expressed as a given number of vehicle trips for a given unit of development intensity (i.e., trip per unit, trip per one thousand (1,000) square feet, etc.).

Uncontrolled environment. A location where there is the exposure (to radiofrequency radiation) of individuals who have no knowledge or control of their exposure. The exposures may occur in living quarters or work places where there are no expectations that the exposure levels may exceed the exposure and induced current levels permitted for the general public.

Underroof. All of the area within the walls of the building that a roof covers. Areas under porches, roof overhangs, garage protrusions, breezeways and other similar architectural design features are not considered as underroof.

Unit. A particular building or structure, or portion thereof, that is designed, intended or used for exclusive occupancy, possession or control of individual owners or occupiers, whether or not they have interests in common areas of the project.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Warehouse, mini. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where at least one of the stalls or lockers has less than five hundred (500) square feet of floor area.

Warehouse, public. A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for storage and where all the stalls or lockers have more than five hundred (500) square feet of floor area.

Vacancy rate (common lot development conversion). The ratio of vacant apartments being offered for rent or lease in the City of Costa Mesa, shown as a percentage of the total number of apartments in the city.

Vape lounge. See Smoking lounge.

Vape shop. See Smoking/vaping retailer.

Variance. A discretionary entitlement, usually granted by the planning commission, which permits departure from the strict application of the development standards contained in this Zoning Code, based on specified findings.

Yard. Any open space on a lot unoccupied and unobstructed from the ground upward, except an inside court.

Yard, front. The yard between the front line of a building and the front line of the lot upon which the building is located.

Yard, rear. The yard extending from the extreme rear line of the main building to the rear lot line on which the building is situated.

Yard, side. The yard extending from the front yard, or from the front lot line where no front yard is required, to the rear yard or rear lot line, between the side lot line and the nearest wall of the main building or any accessory structure attached thereto.

Zero lot line. The location of a structure on a lot in such a manner that one (1) or more of the structure's sides rest directly on a lot line. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 4, 3-2-98; Ord. No. 00-5, § 1(a), 3-20-00; Ord. No. 01-16, § 1a., 6-18-01; Ord. No. 05-11, § 2a., 7-19-05; Ord. No. 06-18, § 1, 9-5-06; Ord. No. 09-3, §§ 1a., b., 5-19-09; Ord. No. 09-4, § 1a., 5-5-09; Ord. No. 10-13, § 1, 10-19-10; Ord. No. 10-14, § 1, 11-16-10; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2A., 3-19-13; Ord. No. 13-05, § 1, 12-3-13; Ord. No. 14-04, § 2A., 4-1-14; Ord. No. 14-13, § 1, 10-21-14; Ord. No. 15-10, § 2A, 9-15-15; Ord. No. 15-11, § 1, 11-17-15; Ord. No. 16-01, § 1, 1-19-16; Ord. No. 18-03, § 2, 1-16-18; Ord. No. 21-03, § 3, 3-2-21)

ARTICLE 3. REVIEW AUTHORITIES

13-7. Purpose.

The purpose of this article is to establish the project review authority of the city council, the redevelopment agency, the planning commission, the zoning administrator and the planning division. (Ord. No. 97-11, § 2, 5-5-97)

13-8. City council.

The city council shall have final decision authority for appeals, final maps, specific plans, master plans in the town center and planned development districts, rezones, general plan amendments, density bonuses with financial incentives, Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four (4) or fewer lots with no development agreements. The city council may impose conditions of approval. (Ord. No. 97-11, § 2, 5-5-97)

13-9. Redevelopment agency.

- (a) *Declaration of need of agency.* It is hereby found and declared, pursuant to State [Health and Safety Code](#) section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.
- (b) *Council declared agency.* The five (5) members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.
- (c) *Term of agency members.* Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember. (Ord. No. 97-11, § 2, 5-5-97)

13-10. Planning commission.

- (a) *Commission.* Pursuant to the provisions of section 65101 of the Planning and Zoning Law of the California [Government Code](#), there is hereby created a planning commission, which shall consist of seven (7) members. There shall be one (1) member from each electoral district of the city and one (1) at-large member.
- (b) *Appointment and removal of commissioners.* Each council member elected by district shall nominate the planning commission member for his or her district, subject to approval by a majority vote of the entire city council. The mayor shall nominate the at-large planning commission member, subject to approval by a majority vote of the entire city council. Planning commission members serve at the pleasure of the city council. A member may be removed prior to the expiration of his or her term by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.
- (c) *Residency in districts.* Except for the at-large member, each member of the planning commission must be a resident of the electoral district from which the member is nominated at the time the member is nominated and appointed. If any member of the planning commission ceases to be a resident of the district from which the member was appointed, for any reason other than a change in district boundary lines required following the decennial census, that member's appointment will automatically terminate. The at-large member must be a resident of the city. If the at-large member ceases to be a resident of the city, that member's appointment will automatically terminate. The secretary of the planning commission shall immediately inform the city council of any such termination.
- (d) *Term.* The term of each planning commission member shall expire on the date on which the second regular meeting in January is held immediately following expiration of the term of the council member or mayor who appointed that member, or until he or she is reappointed or replaced.
- (e) *Ex-officio member of commission.* The director of development services and city attorney or designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.
- (f) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.
- (g) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.
- (h) *Councilmember ineligibility.* No member of the city council shall be eligible for membership on the planning commission.
- (i) *Authority of the planning commission.*
- (1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:
 - a. Public and private buildings and works, streets, parks, grounds and vacant lots.
 - b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
 - c. The location of any proposed buildings, structures, or works.
 - (2) The planning commission is authorized to act upon the following discretionary actions:
 - a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
 - b. Recommend to the successor agency to the former redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.
 - c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.

- d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 13 of the Municipal Code, the provisions of this Zoning Code and the provisions of the Planning, Zoning and Development Law of the State [Government Code](#).
- (j) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:
- (1) The time and place of meeting.
 - (2) The time and method of electing officers.
 - (3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.
- (k) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05; Ord. No. 19-05, § 1, 4-2-19)

13-11. Zoning administrator.

- (a) The development services director or designee is authorized to act as the zoning administrator according to procedures set forth in the State [Government Code](#).
- (b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.
- (1) Administrative adjustment;
 - (2) Minor conditional use permit;
 - (3) Lot line adjustment;
 - (4) Wireless telecommunications use permit (see section 19-15); and
 - (5) Any action specified in this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

13-12. Planning division.

The development services director or designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, Wireless Telecommunications Use Permit (see section 19-15), and other duties as designated by the development services director, planning commission, city council and this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 20-03, § 2, 3-3-20)

ARTICLE 4. ENFORCEMENT

13-13. Purpose.

The purpose of this article is to establish the parameters for the enforcement of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-14. Enforcement officer designated.

The development services director or duly authorized representative is hereby empowered and it shall be his/her duty to enforce all provisions of this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-15. Duties.

All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in

conflict with the provisions of this Code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this Zoning Code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. No. 97-11, § 2, 5-5-97)

13-16. Enforcement.

- (a) *Criminal prosecution.* Any person, whether as principal, agent, or employee, violating the terms of this zoning code may be prosecuted as provided in section 1-33 of this Municipal Code.
- (b) *Criminal citation.* For the purposes of this zoning code, a violation of the terms of this zoning code may be cited as either an infraction or misdemeanor pursuant to State [Government Code](#) sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code.
- (c) *Civil action.* As an alternative to prosecution or citation, or as an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of this zoning code.
- (d) *No criminal prosecution, citation or penalty.* Notwithstanding the provisions of subsections (a) and (b) of this section, no person shall be criminally prosecuted or cited, or suffer any criminal penalty, for any violation of the provisions of section 13-30, table 13-30, rows 31a and/or 31b relating to the prohibition of medical marijuana dispensaries or medical marijuana cultivation within the city, or for a violation of the provisions of Chapter IX, Article 20 related to the prohibition against medical marijuana cultivation.
- (e) *Nuisance.* Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this title or any condition of approval, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 10-13, § 2, 10-19-10; Ord. No. 10-14, § 2, 11-16-10; Ord. No. 16-01, § 2, 1-19-16)

13-17. Public nuisance defined; procedure.

Any building or structure set up, constructed, erected, enlarged, converted, moved or maintained contrary to the provisions of this Zoning Code, and any use of land, building or premises established, conducted or maintained contrary to the provisions of this Municipal Code or other applicable laws, may, by the city council, after public hearing, be declared to be unlawful and a public nuisance as established in this section. No conditions described in this section may be declared a public nuisance until the following steps have been taken:

- (a) There shall be an inspection and investigation of the premises by whatever department heads or their authorized designees within the city as are affected by the condition of the premises, including but not limited to, the development services director, planning division, police department, and county health officer.
- (b) The responsible owner, lienholder or occupier of the premises shall be given notice setting forth the violations, corrections which must be made, and a specific reasonable time within which to make such corrections. The notice shall be given either in person or by registered or certified mail to the responsible property owner, lienholder or occupier and by a posting on the property.
- (c) In the event the responsible owner, lienholder or occupier does not comply with the demand for correction as set forth in subsection (b) within the specific time stated therein, the city council shall set the matter for formal hearing and shall post the property at least ten (10) days prior to the time of the hearing and shall serve the responsible owner, lienholder or occupier of the property a copy of the notice of the formal hearing, either in person or by registered or certified mail.
- (d) At the hearing as set forth in subsection (c) the city council shall take oral or written testimony as evidence to substantiate their findings with respect to the violation. Evidence may be presented by investigative officers on behalf of the city, while the owner, lienholder or occupier may present evidence in his or her own behalf. At the close of the hearing, the city council shall find and determine, based upon the evidence presented, that a public nuisance does or does not exist.

- (e) Upon finding that a public nuisance exists as provided for in subsection (d), the city council shall give the responsible property owner, lienholder or occupier notice in writing that the condition must be corrected, prevented, restrained or abated within a thirty-day period.
- (f) If at the end of the thirty (30) day period granted for compliance the responsible owner, lienholder or occupier has not complied with the mandate of the city council, the city attorney shall commence appropriate legal proceedings either civil, criminal or both, as the circumstances warrant.
- (g) In the event the city council determines by a four-fifths (4/5) vote that any conditions described above cause an emergency situation threatening serious bodily harm or imminent, substantial property damage, the foregoing procedures and time limits may be waived and upon reasonable notice under the circumstances to the responsible property owner, lienholder or occupier, the city council may at a public hearing find and determine such conditions a nuisance and order immediate abatement.
- (h) The city's cost of abatement proceedings shall constitute a special assessment upon the lot involved and payable and collectible as set forth in State [Government Code](#) sections 38773.1 and 38773.5 and other applicable laws. (Ord. No. 97-11, § 2, 5-5-97)

13-18. Remedies cumulative.

The remedies provided in this article shall be cumulative and not exclusive. (Ord. No. 97-11, § 2, 5-5-97)

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TITLE 13 PLANNING, ZONING AND DEVELOPMENT

CHAPTER II. ZONING DISTRICTS ESTABLISHED

13-19. Purpose.

The intent of this chapter is to establish and state the purpose of the various zoning districts, as well as to describe their boundaries on the official zoning map. (Ord. No. 97-11, § 2, 5-5-97)

13-20. Zoning districts.

In order to classify, regulate, restrict and separate the uses of land and buildings, regulate the height and bulk of buildings and the area of yards and other open spaces about buildings, and regulate population density, the following classes of zones are established:

- (a) *R1 Single-Family Residential District*. This district is intended to promote the development of single-family detached units located on lots with a minimum lot size of six thousand (6,000) square feet, and a maximum density of 7.26 dwelling units per gross acre.
- (b) *R2-MD Multiple-Family Residential District, Medium Density*. This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand six hundred thirty (3,630) square feet per dwelling unit, which equals twelve (12) dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of six thousand (6,000) square feet up to seven thousand two hundred sixty (7,260) square feet are allowed two (2) dwelling units.
- (c) *R2-HD Multiple-Family Residential District, High Density*. This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of twelve thousand (12,000) square feet. The maximum density allowed is three thousand (3,000) square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.
- (d) *R3 Multiple-Family Residential District*. Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is twelve thousand (12,000) square feet. The maximum density allowed is two thousand one hundred seventy-eight (2,178) square feet per dwelling unit, which equals twenty (20) dwelling units per gross acre.
- (e) *AP Administrative and Professional District*. This district is intended to establish areas within which public administrative, professional and business offices may be located. It is the further purpose of this district to limit the intensity of use within the district to be compatible with the types of activities generally associated with office developments.
- (f) *CL Commercial Limited District*. This district is intended for unique areas of land which, due to the proximity of residential development or the potential for traffic circulation hazards, require special precautions to be taken to assure appropriate development. The district is also intended for industrial areas where commercial uses must be considered according to their compatibility with existing or permitted industrial uses.
- (g) *C1 Local Business District*. This district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the city. The permitted and conditional uses as well as development standards are aimed toward reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.
- (h) *C2 General Business District*. This district is intended to provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature.
- (i) *C1-S Shopping Center District*. This district is intended for large commercial lots constructed as a unified and integrated development. It is the further purpose to provide a wide range of goods and services on a community and regional scale.

(j) *TC Town Center District*. This district is intended to allow intensely developed mixed commercial and residential uses within a very limited geographical area bounded by Sunflower Avenue to the north, 1-405 to the south, Bristol Street to the west, and Avenue of the Arts to the east. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings.

(k) *P Off-Street Parking District*. This district is intended to allow parking lots, and buildings incidental to the operation of the parking lot.

(l) *I & R Institutional and Recreational District*. This district is intended to allow land uses which provide recreation, open space, health and public service uses. Development in this designation may occur on either public or private property.

(m) *I & R-S Institutional and Recreational School District*. This district is intended to allow public and private educational facilities on either public or private property.

(n) *MG General Industrial*. This district is intended for a variety of industrial areas which contain a wide range of light and general industrial activities. Development standards and the approval of conditional uses shall be aimed toward eliminating possible hazards to adjoining properties, especially in those areas where residential uses are in the vicinity.

(o) *MP Industrial Park*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.

(p) *PDR-LD Planned Development Residential—Low Density (up to 8 dwelling units per acre); PDR-MD Planned Development Residential—Medium Density (up to twelve (12) dwelling units per acre); PDR-HD Planned Development Residential—High Density (up to twenty (20) dwelling units per acre or higher pursuant to an adopted specific plan); PDR-NCM Planned Development Residential—North Costa Mesa (twenty-five (25) to thirty-five (35) dwelling units per acre)*. These districts are intended to provide for excellence in the design of residential projects. Within the low-density zone typical designs include small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development.

Within the medium density, high density, and north Costa Mesa zones, site design could include single-and multiple-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to clustered development, townhouses, patio houses, detached houses, duplexes, garden apartments, high rise apartments or common interest developments. Complementary non-residential uses could also be included in the planned development.

(q) *PDC Planned Development Commercial*. This district is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential areas, as well as the entire community and region. Complementary residential uses could also be included in the planned development.

(r) *PDI Planned Development Industrial*. This district is intended for large, concentrated industrial areas where the aim of development is to create a spacious environment in a park-like setting.

(s) *MU Mixed-Use Overlay*. This district may overlay the R2-MD, R2-HD, R3, CL, C1, C2, MG, PDR-HD, PDR-MD, or I&R districts, and it is intended to allow development of residential and nonresidential uses as mixed, integrated projects. This overlay district shall only be applied to the zoning map in conjunction with the adoption of an urban plan for the designated area. The urban plan is a regulating plan that shall define the unique characteristics of the overlay area, include a matrix of permitted, conditionally permitted, and prohibited uses and provide development standards. The provisions of the mixed-use overlay shall be activated by adoption of a master plan.

(t) *Institutional and Recreational Multi-Use District*. This district is intended to allow the integration of a variety of land uses and intensities. This zoning district category includes uses which are low to moderate in density and intensity and urban in character. The multi-use center designation is applicable only to the Fairview Development Center property at 2501 Harbor Boulevard. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 05-3, § 1a., 2-7-05; Ord. No. 06-9, § 1a., 4-18-06; Ord. No. 07-2, § 1a.—c. 2-6-07; Ord. No. 16-09, § 2, 10-4-16)

13-21. Overlay districts.

Overlay zoning districts may also be created in conjunction with special regulations. (Ord. No. 97-11, § 2, 5-5-97)

13-22. Zoning district boundaries.

The zoning districts listed in section 13-20, zoning districts, and the boundaries of each, are shown on the official zoning map, filed in the planning division. (Ord. No. 97-11, § 2, 5-5-97)

13-23. Division of official zoning map.

The official zoning map may be subdivided into district maps, and such district maps may be separately used for amending the zoning map or for any official reference to the zoning map. (Ord. No. 97-11, § 2, 5-5-97)

13-24. Changes in boundaries.

All changes shall be made by ordinance adopting an amended zoning map, or part of the zoning map or district map. (Ord. No. 97-11, § 2, 5-5-97)

13-25. Uncertainty of boundaries.

Where uncertainty exists as to the boundaries of any zone shown on the zoning map, or any district map, the following rules shall apply:

- (a) When boundaries of zones are approximately following street, alley or lot lines, such lines shall be construed as the boundaries.
- (b) In the case of undivided properties, or property not yet subdivided, and a zone boundary divides the lot, the location of the zone boundary, unless indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map. (Ord. No. 97-11, § 2, 5-5-97)

13-26. Limitation of land use.

No new building shall be erected, nor shall any building or land be used for any purpose except as provided and allowed for in this Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

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TITLE 13 PLANNING, ZONING AND DEVELOPMENT

CHAPTER III. PLANNING APPLICATIONS

13-27. Purpose.

The purpose of this chapter is to establish the parameters for the numerous types of discretionary planning applications and to identify processing procedures. (Ord. No. 97-11, § 2, 5-5-97)

13-28. Types.

- (a) *Administrative adjustment.* Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(a).

TABLE 13-28(a)
ADMINISTRATIVE ADJUSTMENTS

<i>Standard</i>	<i>Deviation Range</i>
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of 19 feet from the front property line.	More than 20% but no more than 40%
Decrease in required rear yard depth.	More than 20% but no more than 40%
Decrease in required side yard width.	More than 20% but no more than 40%
Increase in maximum fence/wall height.	More than 33 1/3 % but no more than 50%
Increase in depth of permitted projections into required yards.	More than 20% but no more than 40%
Deviation in sign area, height, setbacks, separation and other sign specifications	More than 10% but no more than 20%
Decrease in required distance between main structures	More than 20% but no more than 40%
Decrease in required distance between accessory and main structures	More than 20% but no more than 40%

- (b) *Conditional use permit.* Any use specified in this Zoning Code as requiring a conditional use permit.
- (1) *Common interest development conversion.* For residential projects, a proposal to convert an occupied or previously occupied apartment complex to a residential common interest development project. To request a conversion for a newly constructed project, the apartment complex shall have received final building approval for occupancy. For non-residential projects, a proposal to convert an occupied or previously occupied non-residential complex to a non-residential common interest development. Non-residential includes industrial, commercial, office, and/or mixed-use project.
- (c) *Density bonus or incentive.* Any request for incentives to produce lower income and senior housing per State [Government Code](#) section 65915.
- (d) *Design review.* Any construction that results in three (3) or more dwelling units on a development lot in any residential zone, except planned development, shall be subject to design review.
- (e) *Development review.* The following shall be subject to development review:

(1) **Single-story residential construction:** In the R2-MD, R2-HD, and R3 zones, any single-story construction of two (2) or fewer new single-story dwelling units. Exception: New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the planning division.

(2) **Two-story residential construction:** In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units that complies with any residential design guidelines adopted by city council.

(3) **Construction of new buildings or additions to existing buildings in the AP, CL, C1, C2, C1-S, MG, or MP zones.** However, building additions that do not exceed two thousand (2,000) square feet or fifty (50) percent of the existing building area, whichever is less, and comply with all applicable development standards shall not be subject to development review.

(4) Lot line adjustment; and

(5) Any other use specified in this Zoning Code as requiring development review.

(f) **Lot line adjustment.** Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.

(g) **Master plan.** Prior to development in the planned development (PD), town center (TC), shopping center (C1-S), mixed-use overlay (MU), and all types of institutional and recreational (I&R, I&R-S, and I&R-MLT) zoning districts, a master plan is required. Preliminary master plans are required in the TC and I&R-MLT zone, are optional in PD and MU zones, and are not required in C1-S, I&R-S, and I&R zones.

(1) **Minor changes:** Minor changes in the location, siting or character of buildings and structures may be authorized by the planning division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

- a. A change in the use or character of the development;
- b. An increase in the overall density or floor area ratio of the development;
- c. An increase in overall coverage of structures;
- d. A reduction or change in character of approved open space;
- e. A reduction of required off-street parking;
- f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or
- g. A reduction in required street pavement widths.
- h. An increase of more than six (6) inches in building height.
- i. A decrease in building setback greater than can be approved by a minor modification by the development services director.

(2) **Major amendments.** Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1)a. through (1)i., or any proposed change determined by the development services director as a major amendment, shall be subject to review and approval by the zoning administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the zoning administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the general plan, as applicable.

(3) **Minor amendments.**

- a. Minor amendments to existing master plans in planned development zones are subject to section 13-56, master plan required.
- b. Minor amendments to existing master plans in the TC, C1-S, MU, I&R, I&R-S, and I&R-MLT zones may be approved by development review if the planning division finds that the proposed construction does not materially affect required open space, floor area ratio, and parking requirements

specified in the approved master plan. Furthermore, if the minor amendment results in an overall building square footage that exceeds the maximum building square footage allowed by the approved master plan, the planning division must find that the minor amendment is consistent with the floor area ratio and trip budget standards established by the general plan, as applicable.

- (4) *Mixed-use development plan screening application.* Applicants for residential or mixed-use development projects in a mixed-use overlay district shall submit a screening application for consideration by city council at a public meeting. No other concurrent application for development may be submitted for processing until city council comments have been received. The purpose of the screening application is to receive city council comments on the merits and appropriateness of the proposed development. No other action on the screening application will be taken by city council. The submittal requirements for the screening review are specified on the city's planning application form, and the city council's review comments on the proposed project for processing shall not set precedent for approval of the master plan.
- (h) *Minor conditional use permit.* Any use or deviation from development standards specified in this Zoning Code as requiring a minor conditional use permit.
- (i) *Minor design review.* The following shall be subject to minor design review:
- (1) Two-story residential construction that does not comply with any residential design guidelines adopted by the city council in the following zones:
 - a. R1 zone: Any two-story construction or second-floor addition; and
 - b. R2-MD, R2-HD, and R3 zones: Any two-story construction on a lot that results in two (2) or fewer dwelling units or any second-story addition on a lot with more than two (2) dwelling units.
 - (2) Reserved for future use.
 - (3) Any deviation from development standards specified in this Zoning Code as requiring a minor design review.
- (j) *Minor modification.* Any deviation from an adopted development standard in this Zoning Code that meets the criteria listed in Table 13-28(j)(1).

TABLE 13-28(j)(1)
MINOR MODIFICATION

<i>Standard</i>	<i>Deviation Range</i>
Decrease in required front yard depth; provided that in residential zones, the garage is set back a minimum of nineteen (19) feet from the front property line	20% or less
Decrease in required rear yard depth	20% or less
Decrease in required side yard width	20% or less
Increase in maximum fence/wall height	33 1/3 % or less
Decrease in five-foot setback on street side for fences/walls in excess of thirty-six (36) inches on corner lots in multi-family residential zones	100% or less
Increase in depth of permitted projections into required yards	20% or less
Decrease in minimum driveway width for two (2) or more dwelling units	to not less than 10 feet
Deviation in sign area, height, setbacks, separation and other sign specifications	10% or less
Decrease in required distance between main structures	20% or less
Decrease in required distance between accessory and main structures	20% or less

(2) *Minor building additions that encroach into required setbacks no further than the existing main structure, excluding architectural features.* However, no nonconforming setback width or depth may be decreased further, and the building addition shall comply with all other applicable sections of this Zoning Code and other codes.

(3) Fabric awnings that project no more than five (5) feet from the building face.

- (4) Any deviation from development standards specified in this Zoning Code as requiring a minor modification.
- (k) *Mobile home park conversion.* Any conversion of an existing mobile home park to any other use permitted or conditionally permitted in the applicable zoning district.
- (l) *Planned signing program.* A voluntary, optional alternative to the general sign regulations, except in the C1-S zone where it is required.
- (m) *Redevelopment action.* Any development or use proposed within the redevelopment project area as specified by the redevelopment plan or by policy of the redevelopment agency as requiring redevelopment agency approval.
- (n) Reserved.
- (o) *Rezone.* Any proposed change to the official zoning map.
- (p) *Specific plan conformity review.* Any proposed action or land use which is required by the applicable specific plan to be reviewed for conformity with the purpose and intent of the plan.
- (q) *Tentative tract or parcel map (including vesting).* Any proposed subdivision of land which is required by a provision of the Subdivision Map Act or this Zoning Code to file a tentative tract or parcel map.
- (r) *Variance.* Any deviation from a development standard in this Zoning Code that is not specified as a minor modification or administrative adjustment, or a deviation that is not allowed by approval of conditional use permit, minor conditional use permit, or specific plan conformity procedure.
- (s) *Landmarks and historic districts located within the city.* A person may request placement of a significant historic structure on the local Register of Historic Places subject to the criteria and procedures established in Chapter IX, Article 14, Historic Preservation.
- (t) *Certificate of appropriateness.* A certificate issued by the planning commission (or other commission/committee designated by the city council), approving plans, specifications, or statements of work for any proposed alteration, restoration, or rehabilitation, construction, relocation, or demolition, in whole or in part, of a “designated cultural resource” listed on the city’s local Register of Historic Places. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 99-17, § 3, 11-15-99; Ord. No. 01-10, §§ 1a., 1b., 3-5-01; Ord. No. 01-16, § 1b., 6-18-01; Ord. No. 02-4, § 1m, 3-18-02; Ord. No. 03-4, § 1(a), 6-2-03; Ord. No. 03-8, §§ 1, 2, 9-2-03; Ord. No. 05-3, § 1b., 2-7-05; Ord. No. 05-2, § 1a.—c., 2-22-05; Ord. No. 06-9, § 1b., 4-18-06; Ord. No. 07-17, § 1a., b., 10-2-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 16-09, § 3, 10-4-16)

13-29. Planning application review process.

- (a) *Application.*
 - (1) Application for any planning application shall be made to the planning division on the forms provided. Plans and information reasonably needed to analyze the application may be required. A list of required plans and information shall be available from the planning division.
 - (2) All applications shall be signed by the record owner of the real property to be affected. This requirement may be waived upon presentation of evidence substantiating the right of another person to file the application.
- (b) *Fees.* The application shall be accompanied by all applicable processing fees as established by resolution of the city council.
- (c) *Public hearing.* Upon receipt of a complete application for a planning application, the planning division shall fix a time and place of the public hearing if one is required pursuant to Table 13-29(c). For planning applications which require review by both the planning commission and city council or redevelopment agency, pursuant to Table 13-29(c), the final review authority shall hold a public hearing no more than forty-five (45) days from the receipt of the planning commission’s recommendation.

TABLE 13-29(c)
PLANNING APPLICATION REVIEW PROCESS

<i>Planning Applications</i>	<i>Public Notice Required</i>	<i>Public Hearing Required</i>	<i>Recommending Authority</i>	<i>Final Review Authority</i>	<i>Notice of Decision</i>
Development Review Minor Modification	No	No	None	Planning Division	No
Lot Line Adjustment	No	No	None	Planning Division	No
Administrative Adjustment Minor Conditional Use Permit Minor Design Review Planned Signing Program	Yes	No	None	Zoning Administrator	Yes
Design Review Mobile Home Park Conversion Common Interest Development Conversion (Residential or Nonresidential) Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes
Conditional Use Permit Density Bonus Master Plan Master Plan—Preliminary	Yes	Yes	Planning Division	Planning Commission (excepted where noted otherwise in this zoning code)	Yes
Redevelopment Action	Yes	Yes	Planning Commission	Redevelopment Agency	Yes
Rezone	Yes	Yes	Planning Commission; and, if located in a redevelopment project area, the Redevelopment Agency	City Council	No
Local Register of Historic Places	No	No	Planning Commission or other commission/ committee as designated by the City Council	City Council	Yes
Certificate of Appropriateness	No	No	Planning Commission or other commission/ committee as designated by the City Council	Planning Commission or other commission/ committee as designated by the City Council	No

(d) *Public notice.* When required pursuant to Table 13-29(c), public notice shall be given as described in the following subsections. Public notices shall contain a general explanation of the proposed planning application and

any other information reasonably needed to give adequate notice of the matter to be considered.

(1) *Mailed notice required.* Notices of the hearing shall be mailed to all property owners and occupants within a five hundred (500) foot radius of the project site, except for applications for the construction of a building(s) one hundred fifty (150) feet or more in height; these applications shall require a greater notice radius:

<i>Building Height in Feet</i>	<i>Notice Requirement</i>
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius

The required notice radius shall be measured from the external boundaries of the property described in the application. The notice shall be mailed no less than ten (10) days prior to the hearing or determination on the application. The planning division shall require mailing labels from the project applicant for this purpose. The mailing labels shall reflect the last known name and address of owner(s) as shown on the last equalized county assessment roll or by a more current listing.

(2) *On-site posting required.* Additional notice shall be provided by posting a notice on each street frontage of the project site, no less than ten (10) days prior to the date set for the hearing or determination on the application.

(3) *Newspaper publication.* When a public hearing is required, notice shall also be published once in the city in a newspaper of general circulation, no less than ten (10) days prior to the date set for the public hearing.

(e) *Review criteria.* Review criteria for all planning applications shall consist of the following:

(1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

(2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

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

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

(5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

(6) When more than one (1) planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

(7) For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

(8) For affordable multi-family housing developments which include a minimum of sixteen (16) affordable dwelling units at no less than twenty (20) dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

(f) *Conditions.* The final review authority pursuant to Table 13-29(c), may impose reasonable conditions to assure compliance with the applicable provisions of this Zoning Code, and to assure compatibility with surrounding properties and uses and to protect the public health, safety and general welfare. The final review authority may also

require such written guarantees, cash deposits, recorded land use restrictions, etc., as may be necessary to assure compliance with the conditions.

(g) *Findings.* When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below. Other findings may also be required pursuant to other provisions of this Zoning Code.

(1) Administrative adjustment and variance findings:

- a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.
- b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
- c. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

(2) Conditional use permit and minor conditional use permit findings:

- a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
- b. Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- c. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

(3) Density bonus and concession or incentive findings:

- a. The request is consistent with State [Government Code](#) section 65915 et. seq. regarding density bonuses and other incentives, the general plan, any applicable specific plan, and Chapter IX special regulations, Article 4 density bonuses and other incentives.
- b. The requested density bonus and incentive or concession constitute the minimum amount necessary to provide housing at the target rents or sale prices and/or a child care facility.
- c. The granting of the incentive or concession is required in order to provide for affordable housing costs, as defined in [Health and Safety Code](#) section 50052.5 or for rents for the targeted units.
- d. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [Government Code](#) section 65589.5 upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- e. The granting of the incentive or concession and/or the waiver or reduction of development standards does not have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(4) Lot line adjustment findings: The lot line adjustment and improvements are consistent with the general plan, any applicable specific plan and this Zoning Code.

(5) Master plan findings:

- a. The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.
- b. Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.

- c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.
- (6) Minor modification findings:
- a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.
- (7) Mobile home park conversion findings:
- a. The impacts of the conversion on the residents of the mobile home park have been duly considered as required by the State [Government Code](#).
- b. The proposed conversion project is consistent with the general plan, any applicable specific plan and this Zoning Code.
- (8) Planned signing program findings:
- a. The proposed signing is consistent with the intent of Chapter VIII, Signs, and the General Plan.
- b. The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors and illumination.
- c. The proposed signs are compatible with the buildings and developments they identify taking into account materials, colors and design motif.
- d. Approval does not constitute a grant of special privilege or allow substantially greater overall visibility than the standard sign provisions would allow.
- (9) Redevelopment action findings: The proposed use and/or development is consistent with the guidelines of the redevelopment plan.
- (10) Common interest development conversion findings:
- a. The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and
- b. The proposed common interest development conversion project conforms to adopted general plan policies and any applicable specific plan or urban plan, and if applicable, increases the supply of lower cost housing in the city and/or that the proposed conversion project fulfills other stated public goals.
- c. The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.
- d. The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.
- e. The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.
- f. For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.

g. For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

(11) Rezone findings: The proposed rezone is consistent with the Zoning Code and the general plan and any applicable specific plan.

(12) Specific plan conformity review findings: Refer to the applicable specific plan text.

(13) Tentative parcel or tract map findings:

- a. The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.
- b. The proposed use of the subdivision is compatible with the general plan.
- c. The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and general plan, and consideration of appropriate environmental information.
- d. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State [Government Code](#) section 66473.1.
- e. The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- f. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State [Water Code](#) section 13000).

(14) Design review and minor design review findings:

- a. The project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the residential design guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
- b. The visual prominence associated with the construction of a two-story house or addition in a predominantly single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.
- c. As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.

(h) *Decision.*

(1) After the public hearing, if required, the final review authority may approve, conditionally approve or deny any application for the planning application based upon the standards and intent set forth in the applicable provisions of this Zoning Code. In the case of a denial, the applicant shall be notified of the circumstances of the denial.

(2) For planning applications which require the planning commission to make a recommendation to the final review authority, the authority shall not approve any major change or additions in any proposed planning application until the proposed change or addition has been referred to the planning commission for a report, unless the change or addition was previously considered by the planning commission. It shall not be necessary for the planning commission to hold a public hearing to review the referral. Failure of the planning commission to report to the final review authority within forty (40) days after the referral shall be deemed approval of the proposed change or addition.

(i) *Notice of decision.*

(1) Notice of the zoning administrator's decision shall be given within five (5) days of the decision to the city council, planning commission and to any affected party requesting the notice. Any member of the planning commission or city council may request review of a zoning administrator's decision within seven (7) days of the notice of the decision. No fee shall be charged for such review.

(2) Notice of the planning commission's and/or redevelopment agency's decision shall be given within five (5) days to the city council and to any affected party requesting the notice. Any member of the city council may request review of the decision within seven (7) days of the notice of the decision. No fee shall be charged for such review.

(j) *Appeals.* Appeals of the final review authority shall be filed within seven (7) days of the public hearing or the date of the notice of decision according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(k) *Time limits and extensions.*

(1) Planning applications shall run with the land until revoked, except as provided in this section or in a condition imposed at the time of granting the planning application.

(2) a. Unless otherwise specified by condition of approval, any permit or approval not exercised within twenty-four (24) months from the actual date of review authority approval shall expire and become void, unless an extension of time is approved in compliance with paragraph (4) of this subsection;

b. The permit shall not be deemed "exercised" until at least one of the following has first occurred:

1. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the building official.

2. A certificate of occupancy has been issued.

3. The use is established and a business license has been issued.

4. A time extension has been granted in compliance with paragraph (3) of this subsection.

(3) The time limits specified in paragraph (2) of this subsection shall not apply to preliminary master plans, except that the first phase of the final master plan must be approved within twenty-four (24) months of the approved preliminary master plan. Time limits regarding the construction of improvements authorized by the approved final master plan for each phase of the project shall comply with the time limits established in paragraph (2).

(4) *Extension of time.*

a. *Filing and review of request.* No less than thirty (30) days or more than sixty (60) days before the expiration date of the permit, the applicant shall file a written request for an extension of time with the department, together with the filing fee established by resolution of the city council.

b. For extension requests not to exceed one hundred eighty (180) days: The director of development services may extend the time for an approved permit or approval to be exercised. Only one request for an extension of one hundred eighty (180) days may be approved by the director. Any subsequent extension requests shall be considered by the original approval authority.

c. For extensions requests of more than one hundred eighty (180) days: The review authority for the original project shall consider the request to extend the time for an approved permit or approval to be exercised. A public hearing shall only be held if it was required on the original application. If notice was required for the original application, notice of the public hearing shall be given according to the procedures set forth in this chapter.

(5) Fees for extensions of time for planning applications may be established by resolution of the city council.

(6) *Action on extension request.* A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for

denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.

(7) *Effect of expiration.* After the expiration of the permit or approval, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval, or other city permits or approvals are first obtained. Fees for extensions of time for planning applications may be established by resolution of the city council.

(l) *Building permits/authority to proceed.* No building permit or authority to proceed shall be granted until all required review and approval has been obtained and all applicable appeal periods have expired.

(m) *Compliance.* Final occupancy shall not be granted unless the site development conforms to the approved set of building plans, applicable conditions of approval and code requirements.

(n) *Reapplication.* Upon final denial of any planning application, a new application for substantially the same planning application may not be filed within six (6) months of the date of the denial. The development services director shall determine whether the new application is for a planning application which is substantially the same as a previously denied application. No decision of the development services director shall be effective until a period of seven (7) days has elapsed following the written notice of a decision; an appeal of the decision shall be filed according to the procedures set forth in Title 2, Chapter IX, Appeal, Rehearing and Review Procedure.

(o) *Enforcement authority.*

(1) The planning commission may require the modification or revocation of any planning application and/or pursue other legal remedies as may be deemed appropriate by the city attorney, if the planning commission finds that the use as operated or maintained:

- a. Constitutes a public nuisance as defined in State [Civil Code](#) Sections 3479 and 3480; or
- b. Does not comply with the conditions of approval.

(2) The modification or revocation of any permit by the planning commission under this subsection shall comply with the notice and public hearing requirements set forth in subsections (c) and (d). The development services director may require notice for a development review or minor modification, if deemed appropriate.

(p) *Amendment to a planning application.* Any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval, with the exception of the following two (2) instances:

- (1) Minor amendments to conditional use permits shall be processed as minor conditional use permits; and
- (2) Amendments to master plans which comply with section 13-28(f)(1) may be authorized by the planning division.

(q) *Concurrent processing.* Unless otherwise stated in this Zoning Code, applications for proposed projects which require two or more planning application approvals may be processed concurrently. Final project approval shall not be granted until all necessary approvals have been obtained. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 5—7, 3-2-98; Ord. No. 99-17, § 4, 11-15-99; Ord. No. 01-11, § 1a., 3-5-01; Ord. No. 01-16, §§ 1c.—e., 6-18-01; Ord. No. 03-8, § 3, 9-2-03; Ord. No. 05-2, § 1d., e., 2-22-05; Ord. No. 06-7, § 1a., 4-18-06; Ord. No. 06-9, § 1c., 4-18-06; Ord. No. 07-17, § 1c., d., 10-2-07; Ord. No. 09-13, § 1, 11-17-09; Ord. No. 17-12, § 1, 9-19-17; Ord. No. 18-06, § 1, 9-4-18)

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TITLE 13 PLANNING, ZONING AND DEVELOPMENT

CHAPTER IV. CITYWIDE LAND USE MATRIX

13-30. Purpose.

The purpose of this chapter is to provide a comprehensive list of uses which are permitted, conditionally permitted, or prohibited in the various zoning districts, as represented by Table 13-30, Land Use Matrix. In evaluating a proposed use, the following criteria shall also be considered:

- (a) Uses determined as permitted may be subject to a discretionary review when construction is proposed, pursuant to Chapter III, Planning Applications.
- (b) Uses proposed in the planned development zones are subject to verification of consistency with the master plan adopted for planned development zones. A proposed use not expressly allowed by the adopted master plan may require additional discretionary review pursuant to Table 13-30, Land Use Matrix.
- (c) All listed uses in the matrix are subject to verification of compliance with density and floor area ratio limits, parking requirements and performance standards which may, in certain cases, prevent the establishment of the use.
- (d) Any proposed use not listed in the Land Use Matrix shall be reviewed by the development services director to determine its similarity to another listed use. If no substantial similarity exists, the proposed use shall require approval of a conditional use permit prior to establishment of the use.

- (e) For the purpose of Table 13-30, Land Use Matrix, the various zoning districts are labeled as follows:

Residential zones: R1, R2-MD, R2-HD, and R3

Commercial zones: AP, CL, C1, C2, C1-S, and TC

Industrial zones: MG and MP

Planned Development Residential zones: PDR-LD, PDR-MD, PDR-HD, and PDR-NCM

Planned Development Commercial zone: PDC

Planned Development Industrial zone: PDI

The Parking zone: P

Institutional and Recreational zones: I & R, I & R-S, and I & R-MLT

- (f) For zoning districts located in a specific plan area, please refer to the appropriate specific plan text to determine if any additional regulations related to land uses are applicable.

- (g) For the mixed-use overlay district located in an urban plan area, please refer to the appropriate urban plan text for additional regulations related to development standards and allowable land uses as applicable.

TABLE 13-30
CITY OF COSTA MESA LAND USE MATRIX

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S ¹	I&R-LT ¹	P
RESIDENTIAL USES																						
1. Single-family dwellings (single housekeeping units)	P ⁴	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	P	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM LT ¹	P
2. Multi-family dwellings	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	•
2.1 Common interest developments, residential	•	P	P	P	•	•	•	•	•	P	•	•	P	P	P	P	P	P	•	•	P	
2.2 Small lot subdivisions, residential	•	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3. Mobile home parks	•	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•
4. Boarding-house, small ⁷	•	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
5. Boarding-house, large ⁷	•	C	C	C	•	•	•	•	•	•	•	•	•	C	C	C	C	C	•	•	•	•
6. Residential care facility, six (6) or fewer persons (State licensed)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	P	•	P	•
7. Group homes, six (6) or fewer	S	S ⁶	S ⁶	S ⁶	•	•	•	•	•	•	•	•	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	P	•	P	•
7.1 Sober living homes, six (6) or fewer	S ⁵	S ⁶	S ⁶	S ⁶	•	•	•	•	•	•	•	•	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	S ⁶	P	•	•	•
8. Residential care facility, seven (7) or more	•	C ⁶	C ⁶	C ⁶	•	•	•	•	•	•	•	•	•	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	P	•	•	•
9. Group homes, seven (7) or more	•	C ⁶	C ⁶	C ⁶	•	•	•	•	•	•	•	•	•	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	P	•	•	•
9.1 Sober living homes, seven (7) or more	•	C ⁶	C ⁶	C ⁶	•	•	•	•	•	•	•	•	•	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	P	•	•	•
10. Referral facility (Subject to the requirements of section 13-32.2, referral facility).	•	C ²	C ²	C ²	•	•	•	C ²	•	•	•	•	•	C ²	C ²	•	•	•	•	•	•	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM LT ¹	P
11. Single room occupancy residential hotel (subject to City Council Policy 500-5)	•	•	•	•	•	•	C ²	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•
ACCESSORY USES																						
12. Reserved for future use.																						
13. Animals, keeping of	SEE TITLE 3, ANIMALS AND FOWL																					
14. Antennas: Amateur radio, Satellite dish, Communication	SEE CHAPTER IX, ARTICLE 2, ANTENNAS																					
15. Reserved for future use																						
15.1 Incidental residential use that includes a toilet in combination with a bathtub or shower. This applies to an accessory use contained in a detached structure, or contained within the main structure with no interior connection between the main and incidental use. Land use restriction required.	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
16. Day care facilities (15 children or more) (see also Nursery schools)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	•

LAND USES	ZONES																			
	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-M ¹
17. Family day care—Large (7 to 14 children) (subject to the requirements of section 13-37, large family day care homes)	p ²	p ²	p ²	p ²	•	•	•	•	•	•	•	•	p ²	p ²	p ²	p ²	p ^{2,3}	p ^{2,3}	P	•
18. Family day care—Small (up to 8 children)	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	p ³	p ³	P	•
19. Garage/yard sales—No more than 2 events permitted a year, not to exceed 3 consecutive days	P	P	P	P	•	•	•	•	•	•	•	•	P	P	P	P	p ³	p ³	•	•
20. Reserved for future use.																				
21. Home occupations (subject to the requirements of chapter IX, article 6, home occupations)	p ²	p ²	p ²	p ²	p ^{2,3}	p ^{2,3}	p ^{2,3}	p ^{2,3}	p ^{2,3}	p ^{2,3}	p ^{2,3}	p ^{2,3}	p ²	p ²	p ²	p ²	p ^{2,3}	p ^{2,3}	p ²	•
22. Home occupations that generate traffic and do not involve more than 1 customer/client at a time or more than 8 customers/clients per day (subject to the requirements of ch. IX, article 6, home occupations)	MC ²	MC ²	MC ²	MC ²	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	MC ²	MC ²	MC ²	MC ²	MC ^{2,3}	MC ^{2,3}	MC ^{2,3}	•

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S ¹	I&R-M LT ¹	P
22.1 Non-residential accessory uses in a residential development not otherwise specified in this table	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
22.2 Accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	p ²	p ²	p ²	p ²	.	.	.	.	.	p ²	.	.	p ²	p ²	p ²	p ²	p ²	p ²	.	.	p ²	.
22.3 Junior accessory dwelling unit (subject to the requirements of ch. V, section 13-35, accessory dwelling units)	p ²	p ²	p ²	p ²	.	.	.	.	.	.	.	.	p ²	p ²	p ²	p ²	p ²	p ²	.	.	p ²	.
22.4 Temporary real estate and construction offices (subject to the requirements of ch. IX, art. 10, temporary trailers)	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S ¹	I&R-M LT ¹	P
INSTITUTIONAL AND RECREATIONAL USES																						
23. Cemeteries	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	C	.	.	.

	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM LT ¹	P
24. Churches and other places of religious assembly (Subject to the requirements of article 4.5, development standards for churches and other places of religious assembly)	C ²	C ²	C ²	C ²	C ²	C ²	P ²	P ²	C ²	C ²	P ²	P ²	C ²	C ²	C ²	C ²	C ²	C ²	P ²	C ²	C ²	•
25. Civic and community clubs	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	C	•	P	•
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM LT ¹	P
26. Convalescent hospitals; nursing homes	•	C	C	C	C	C	C	C	•	•	•	•	•	•	•	•	•	•	P	•	•	•
27. Country clubs; golf courses	C	C	C	C	•	•	•	•	•	•	•	•	C	C	C	C	•	•	P	C	•	•
28. Crematories (See also Mortuary services)	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
29. Fairgrounds; outdoor festival (permanent)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•
30. Hospitals, general	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•
31. Libraries, privately-operated	C	C	C	C	•	•	C	C	C	C	C	C	C	C	C	C	C	C	P	C	•	•
31a. Medical marijuana dispensary	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31b. Marijuana and/or medical marijuana cultivation	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31c. Cannabis and/or marijuana distributor	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•	•	

LAND USES	ZONES																			
	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-M
31d. Cannabis and/or marijuana manufacturer or processor	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•
31e. Cannabis and/or marijuana retail sales	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
31f. Cannabis and/or marijuana research and development and/or testing laboratories	•	•	•	•	•	•	•	•	•	•	•	C ⁹	•	•	•	•	•	C ⁹	•	•
32. Mortuary services without crematories	•	•	•	•	C	C	C	C	C	•	C	C	•	•	•	•	•	•	C	•
32a. Needle exchange program	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
LAND USES	ZONES																			
	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-M
33. Nursery schools—See also Day care facilities for 15 or more children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•
34. Parks and playgrounds	C	C	C	C	•	•	•	•	•	C	•	•	C	C	C	C	C	C	P	•
35. Public offices and facilities, such as city halls, court-houses, police/ fire stations, etc.	C	C	C	C	C	C	P	P	P	P	C	C	C	C	C	C	C	C	P	•
36. Schools: primary, secondary and colleges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•
37. Schools: trade and vocational	•	•	•	•	•	MC	P	P	P	P	MC	MC	•	•	•	•	P	MC	P	•
38. Senior congregate care facility	•	C	C	C	C	C	C	C	C	C	•	•	•	C	C	C	C	•	C	•
39. Swap meets	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	C	•

ZONES																						
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM-LT ¹	P
39a. Emergency shelters	C ¹⁰	.	.	.	.	.	P ¹⁰	.	.	.	.
SPECIAL SEASONAL EVENTS																						
40. Reserved.																						
41. Christmas tree lots; pump-kin patches; fireworks stands; produce stands (subject to the requirements of title 9, chapter II, regulation of certain businesses)	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²	.	.	.	.	P ²	P ²	P ²	P ²	.	.
COMMERCIAL AND INDUSTRIAL USES																						
42. Acupressure; massage (subject to the requirements of title 9, chapter II, article 22, Massage establishments and practitioners)	P ²	P ²	P ²	P ²	P ²	P ²	.	.	.	.	.	.	P ²	.	.	.	.	.
43. Adult businesses (See Sexually-oriented businesses)																						
ZONES																						
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM-LT ¹	P
44. Aggregate batch plants; Rock or asphalt crushing; Sand blasting
45. Ambulance services	MC	MC	MC	MC	MC	MC	MC	MC	.	.	.	.	MC	MC	.	.	.	.
46. Amusement centers (subject to the requirements of chapter IX, article 5, electronic game machines)	C ²	C ²	C ²	C ²	.	.	.	C ²	C ²	C ²	C ²	.	.	.	.	.
47. Animal hospitals; veterinary services	C	C	P	P	C	C	C	.	.	.	.	P	.	.	.	.	.

(kenneling only when incidental to principal hospital use)																						
48. Animal shelters, pounds, kennels, training schools	•	•	•	•	•	•	•	C	•	•	C	C	•	•	•	•	•	•	C	•	•	•
48a. Antique malls	•	•	•	•	•	•	P	P	P	•	MC	MC	•	•	•	•	P	MC	•	•	•	•
49. Artists, sculptors studios	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
50. Auction houses	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
51. Automobile (See Motor vehicle)																						
52. Banks; savings and loans; and other financial institutions	•	•	•	•	P	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
53. Bars; nightclubs (See Establishments where food or beverages are served)																						
54. Barber and beauty shops	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
55. Billiards parlors	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
56. Botanical gardens; Zoos	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	C	•	•	•
57. Bowling centers	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	C	C	•	•	•	•	•
58. Breweries; Distilleries	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	•	•	•	•
59. Reserved																						
60. Building supplies; Hardware stores (retail)	•	•	•	•	•	•	P	P	P	•	•	•	•	P	P	P	P	•	•	•	•	•
61. Business services—See Offices																						
62. Car washes	•	•	•	•	•	•	C	C	C	C	C	C	•	C	C	C	C	C	•	•	•	•
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S ¹	I&R-LT ¹	P
63. Carts—Outdoor retail sales in conjunction with an	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•

established business																								
64. Catering	•	•	•	•	•	MC	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•	•	•
65. Coffee roasting	•	•	•	•	•	•	•	•	•	•	MC	MC	•	•	•	•	•	•	•	•	•	•	•	•
66. Coffee roasting (in conjunction with establishments where food or beverages are served)	•	•	•	•	•	•	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	•	•	•	•	•	•
67. Commercial art; Graphic design	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	•
68. Commercial testing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•	•	•
69. Computer and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	•
70. Contracting: general contractors; operative builders	•	•	•	•	•	C	C	P	C	•	P	P	•	•	•	•	•	P	•	•	•	•	•	•
71. Convenience stores; mini-markets (subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)	•	•	•	•	•	•	C ²	C ²	C ²	C ²	•	•	•	•	C ²	C ²	C ²	•	•	•	•	•	•	•
72. Department stores (retail)	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•	•	•
73. Electronic game machines (four (4) or more), incidental to the primary use, (subject to the requirements of chapter IX, article 5, electronic game machines)— Excluding amusement centers listed separately	•	•	•	•	•	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	•	MC ²	MC ²	MC ²	MC ²	MC ²	•	•	•	•	•	•
74. Engineering; architectural; and surveying services —See Offices																								
	ZONES																							
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM	LT ¹	P	

75. Entertain-ment, live or public	•	•	•	•	•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	SEE TITLE 9, ARTICLE 11, REGULATORY PERMITS FOR PUBLIC ENTERTAINMENT							•	•
76. Establish-ments where food or beverages are served	•	•	•	•	•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED							•	SEE CHAPTER V, ARTICLE 4, ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED					•	•	•	•
77. Exhibition of products produced on premises or available for wholesale distribution	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
78. Flower stands —See also Carts	•	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	•	MC	MC	MC	MC	MC	MC	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
80. Grocery stores —See also Supermarkets; excluding convenience stores; and liquor stores listed separately	•	•	•	•	•	•	P	P	P	P	•	•	•	MC	MC	MC	MC	•	•	•	•	•
81. Hazardous waste facilities, off-site (subject to chapter IX article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	C ²	C ²	C ²	C ²	C ²	C ²	•	•	•	•	C ²	C ²	C ²	•	•	•
82. Heliports; Helistops	•	•	•	•	•	•	•	•	C	C	C	C	•	•	•	•	C	C	C	C	•	•
83. Hotels— Excluding motels listed separately	•	•	•	•	•	•	C	C	C	P	•	•	•	C	C	C	P	•	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	MC	MC	P	P	•	P	P	•	•	•	•	•	P	•	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
86. Leather tanning and finishing	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	C	•	•	•	•
87. Limousine services	•	•	•	•	•	C	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
88. Liquor stores	•	•	•	•	•	•	C ²	C ²	C ²	C ²	•	•	•	•	•	•	C ²	•	•	•	•	•

(subject to the requirements of chapter IX, article 16, liquor stores, convenience stores, and mini-markets)																								
89. Lumber and building materials dealers, (wholesale)	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•	•	
90. Manufac-turing: Light EXCEPT the following which are prohibited: • Manufacture of fertilizer • Manufacture of products involving the use of explosives • Manufacture of rubber (including tires), steel	•	•	•	•	•	•	•	•	•	•	p ²	p ²	•	•	•	•	•	p ²	•	•	•	•	•	
	ZONES																							
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&R-LT ¹	I&RM	P	
91. Manufac-turing of chemical products, paints, pharmaceuticals, and plastics	•	•	•	•	•	•	•	•	•	•	C ²	C ²	•	•	•	•	•	C ²	•	•	•	•	•	
92. Manufac-turing of stone, clay, glass and concrete products EXCEPT the following which are prohibited: • Manufacture of flat glass • Manufacture of cement and structural clay products • Manufacture of concrete, gypsum and plaster products • Manufacture of abrasive and asbestos products • Manufacture of nonclay refractories	•	•	•	•	•	•	•	•	•	•	p ²	p ²	•	•	•	•	•	p ²	•	•	•	•	•	

and crucibles • Processing and preparation of clay, ceramic and refractory minerals																						
93. Manufac-turing or processing of foods and beverages EXCEPT the following which are prohibited: • Meat and poultry packing plants • Grain mills • Sugar refining • Fats and oils processing mills • Seafood canneries and packaging (See also Breweries; Distilleries; Coffee roasting)	•	•	•	•	•	•	•	•	•	•	p ²	p ²	•	•	•	•	•	p ²	•	•	•	•
94. Massage—See also Acupressure (subject to the requirements of title 9, chapter II, article 22, massage establishments and practitioners)	•	•	•	•	p ²	p ²	p ²	p ²	p ²	p ²	•	•	•	•	•	•	p ²	•	•	•	•	•
95. Medical laboratories	•	•	•	•	MC	MC	P	P	P	P	MC	MC	•	•	•	•	MC	MC	•	•	•	•
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM LT ¹	P
96. Metal fabrication, welding, foundry, die casting (subject to subsection 13-54(a), performance standards)	•	•	•	•	•	•	•	•	•	•	p ²	p ²	•	•	•	•	•	•	•	•	•	•
97. Motels— (Subject to requirements of chapter IX, article 8, motels)	•	•	•	•	•	•	C ²	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•	•

Excluding Hotels listed separately																								
98. Motion picture and television studios	•	•	•	•	C	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•	•	•	•
99. Motion picture theaters and other theaters not within two hundred (200) feet of residential zones	•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•	•	•	•	•
100. Motion picture theaters and other theaters within two hundred (200) feet of residential zones	•	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	C	•	•	•	•	•	•	•
101. Motor oil, used—Collection facility (subject to the requirements of chapter IX, article 9, off-site hazardous waste facilities)	•	•	•	•	•	•	p ²	p ²	p ²	•	p ²	p ²	•	•	•	•	p ²	p ²	p ²	p ²	•	•	•	•
102. Motor vehicle, boat, and motorcycle retail sales, leasing, rentals and service with two (2) or more outdoor display parking spaces	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•	•	•
103. Motor vehicle, boat, and motorcycle retail sales, leasing, and rentals with one (1) or less outdoor display parking space and no service (subject to verification of parking availability)	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•	•	•
	ZONES																							
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S ¹	I&R-LT ¹	P		
104. Motor vehicle service stations	•	•	•	•	•	•	C	C	C	•	•	•	•	•	•	•	C	•	•	•	•	•	•	

105. Motor vehicle service stations with concurrent sale of alcoholic beverages (subject to requirements of chapter IX, article 3, concurrent sale of alcoholic beverages and motor vehicle fuel)	•	•	•	•	•	•	C ²	C ²	C ²	•	•	•	•	•	•	•	C ²	•	•	•	•	•
106. Motor vehicle; boat; and motorcycle repair services (including body and paint work), not within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•	•
107. Motor vehicle; boat; and motorcycle repair services (including body and paint work), within two hundred (200) feet of residential zone (subject to subsection 13-54(b))	•	•	•	•	•	•	C	C	C	•	C	C	•	•	•	•	C	C	•	•	•	•
108. Nurseries (retail with no bulk fertilizer)	•	•	•	•	•	C	C	P	P	•	C	C	•	•	•	•	•	•	•	•	•	•
109. Offices: central administrative	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
110. Offices: engineering; architectural; and surveying services; management; consulting and public relations	•	•	•	•	P	P	P	P	P	P	P	P	•	MC	MC	MC	P	P	•	•	•	•
111. Offices: general	•	•	•	•	P	P	P	P	P	P	MC	MC	•	MC	MC	MC	P	P	•	•	•	•
112. Reserved																						
113. Offices:	•	•	•	•	P	P	P	P	P	P	•	•	•	MC	MC	MC	P	MC	MC	•	•	•

medical and dental																						
114. Offices: services to businesses such as bookkeeping and data processing	•	•	•	•	P	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
ZONES																						
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	I&R-S ¹	I&R-LT ¹	P
115. Off-street parking lots and structures including related maintenance buildings	•	•	•	•	C	C	C	C	C	P	C	C	•	•	•	C	C	C	C	C	•	P
116. Off-street parking lots and structures, incidental uses within	•	•	•	•	MC	MC	MC	MC	MC	MC	MC	MC	•	•	•	MC	MC	MC	MC	MC	•	MC
117. Oil fields; oil wells (see chapter XIV, oil drilling)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
118. Pawn shops	•	•	•	•	•	C	C	C	C	•	•	•	•	•	•	•	•	•	•	•	•	•
119. Photocopying; blueprinting and related services	•	•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	P	P	•	•	•	•
120. Photofinishing laboratories	•	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•	P	•	•	•	•
121. Photofinishing stores	•	•	•	•	•	P	P	P	P	P	•	•	•	•	•	•	P	P	•	•	•	•
122. Photography: Commercial	•	•	•	•	P	P	P	P	P	P	MC	MC	•	•	•	•	P	MC	•	•	•	•
123. Photography: portrait studio	•	•	•	•	P	P	P	P	P	P	•	•	•	•	•	•	P	MC	•	•	•	•
124. Physical fitness facilities	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	•	C	C	•	•	•	•
125. Printing and publishing	•	•	•	•	•	•	MC	P	MC	MC	P	P	•	•	•	•	P	P	•	•	•	•
126. Recording studios	•	•	•	•	•	•	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	•	•	•	•
127. Recycling and collection facilities for nonhazardous materials	•	•	•	•	•	MC	MC	MC	MC	•	MC	MC	•	•	•	•	MC	MC	MC	MC	•	•
128 Research and development	•	•	•	•	C	C	C	P	C	C	P	P	•	•	•	•	•	P	•	•	•	•

laboratories—Other than cannabis and/or marijuana testing laboratories																						
129. Restaurants—See Establishments where food or beverages are served																						
130. Retail: general —Excluding antique malls, pawn shops, supermarkets, grocery stores, convenience stores; and liquor stores listed separately	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•	•
131. Retail, incidental sales to the main use (subject to the requirements of section 13-54(a), incidental retail sales	•	•	•	•	P	P	P	P	P	P	p ²	p ²	•	P	P	P	P	p ²	•	•	•	•
	ZONES																					
LAND USES	R1	R2-MD	R2-HD	R3	AP	CL	C1	C2	C1-S ¹	TC ¹	MG	MP	PDR-LD ¹	PDR-MD ¹	PDR-HD ¹	PDR-NCM ¹	PDC ¹	PDI ¹	I&R ¹	S ¹	I&RM LT ¹	P
132. Retail: nonstore	•	•	•	•	P	P	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•	•
133. Rifle, pistol, and firing ranges	•	•	•	•	•	•	•	•	•	•	C	C	•	•	•	•	•	•	C	•	•	•
134. Sexually-oriented businesses (subject to the requirements of title 9, chapter IV and title 13, chapter IX, sexually-oriented businesses)	•	•	•	•	•	p ²	p ²	p ²	p ²	•	•	•	•	•	•	•	p ²	•	•	•	•	•
135. Skating rinks	•	•	•	•	•	•	C	C	C	C	C	C	•	•	•	C	C	C	C	C	•	•
135a. Smoking lounge (subject to chapter IX, article 19, smoking and vaping uses)	•	•	•	•	•	•	•	•	C ²	•	•	p ²	•	•	•	•	C ²	•	•	•	•	•
135b. Smoking/	•	•	•	•	•	p ²	p ²	p ²	p ²	p ²	•	•	•	p ²	p ²	p ²	p ²	p ²	•	•	•	•

¹ Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan. Residential uses shall not be permitted on any site or parcel of land on which residential uses are expressly prohibited by the general plan.

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- ³ If residential uses exist, accessory uses shall be permitted.
- ⁴ For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C—Conditional Use Permit; MC—Minor Conditional Use Permit; P—Permitted; •—Prohibited; and S—Special Use Permit.
- ⁵ Six-hundred--fifty-foot separation required between sober living homes, or from state licensed alcohol or drug abuse recovery or treatment facilities. CMMC 13-311(a)(10)(i).
- ⁶ Subject to the separation requirement set forth in sections 13-322(a)(3) and 13-323(b).
- ⁷ Small boardinghouses shall locate at least six hundred fifty (650) feet from any other small boardinghouse. Large boardinghouses shall be located at least one thousand (1,000) feet away from any other boardinghouse.
- ⁸ Uses prohibited in the base zoning district of a mixed-use overlay zone shall also be prohibited in the overlay zone.
- ⁹ Prohibited at the SoCo property, 3303 through 3323 Hyland Ave.
- ¹⁰ Emergency shelters located on sites owned, controlled, and/or operated by the city in the MP and/or the PDI zone are a permitted use and the standards in section 13-200.79(1), (2), (4), (8), (10) and (13) do not apply to such uses.
- (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-4, § 2, 2-2-98; Ord. No. 98-5, § 8, 3-2-98; Ord. No. 00-5, § 1(b), 3-20-00; Ord. No. 01-1, § 1, 1-15-01; Ord. No. 01-30, § 1a(Att. A), 1-7-02; Ord. No. 02-4, § 1b(Att. A), 3-18-02; Ord. No. 02-12, § 1c, 6-17-02; Ord. No. 05-2, § 1f.(Att. A), 2-22-05; Ord. No. 05-11, § 2b., 7-19-05; Ord. No. 06-2, § 1a., 2-7-06; Ord. No. 06-9, § 1d., 4-18-06; Ord. No. 06-18, § 1b., 9-5-06; Ord. No. 07-2, § 1d., 2-6-07; Ord. No. 11-10, § 1, 9-20-11; Ord. No. 13-1, § 2B., 3-19-13; Ord. No. 14-04, § 2B., 4-1-14; Ord. No. 14-13, 10-21-14; Ord. No. 15-06, §§ 1—3, 7-7-15; Ord. No. 15-10, § 2B, 9-15-15; Ord. No. 15-11, §§ 3—5, 11-17-15; Ord. No. 16-01, § 4, 1-19-16; Ord. No. 16-09, §§ 4, 5(Exh. A), 10-4-16; Ord. No. 16-13, § 2, 11-15-16; Ord. No. 16-15, § 5, 11-8-16; Ord. No. 18-03, § 3, 1-16-18; Ord. No. 18-04, § 3, 4-3-18; Ord. No. 19-13, § 3, 9-3-19; Ord. No. 19-15, § 1, 9-17-19; Ord. No. 21-03, § 4, 3-2-21)

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[CHAPTER IX. SPECIAL LAND USE REGULATIONS](#)

ARTICLE 15. REASONABLE ACCOMMODATIONS**13-200.60. Purpose.**

It is the city's policy to provide reasonable accommodation in accordance with federal and state fair housing laws (42 USC § 3600 et seq., and [Government Code](#) § 12900 et seq.) for persons with disabilities seeking fair access to housing in the application of the city's zoning laws. The term "disability" as used in this article shall have the same meaning as the terms "disability" and "handicapped" as defined in the federal and state fair housing laws. The purpose of this article is to establish the procedure by which a person may request reasonable accommodation, and how the request is to be processed. (Ord. No. 14-13, § 3, [10-21-2014](#))

13-200.61. Applicability.

Any person seeking approval to construct and/or modify residential housing for person(s) with disabilities, and/or operate a residential care facility, group home, or referral facility, which will substantially serve persons with disabilities may apply for a reasonable accommodation to obtain relief from a Zoning Code provision, regulation, policy, or condition which causes a barrier to equal opportunity for housing. (Ord. No. 14-13, § 3, [10-21-2014](#))

13-200.62. Reasonable accommodations—Procedure.

- (a) *Application required.* An application for a reasonable accommodation shall be filed and processed with the Planning Division. The application shall include the following information and be subject to the determinant factors required by this section.
- (b) *Submittal requirements.* The application shall be made in writing, and shall include the following information:
 - (1) The zoning code provision, regulation, policy, or condition from which accommodation is being requested;
 - (2) The basis for the claim that the individuals are considered disabled under state or federal law, and why the accommodation is necessary to provide equal opportunity for housing and to make the specific housing available to the individuals;
 - (3) Any other information that the director reasonably determines is necessary for evaluating the request for reasonable accommodation;
 - (4) Documentation that the applicant is: (a) an individual with a disability; (b) applying on behalf of one or more individuals with a disability; or (c) a developer or provider of housing for one or more individuals with a disability;
 - (5) The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;
 - (6) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;
 - (7) Any other information that the hearing officer reasonably concludes is necessary to determine whether the findings required by subsection (e) of this section can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.
- (c) *Fees.* No application fee is required.
- (d) *Director action.* Within sixty (60) days of receipt of a completed application, the director shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with this chapter. Any appeal to reasonable accommodation

request denial or conditional approval shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for any other discretionary permit.

(e) *Grounds for reasonable accommodation.* The following factors shall be considered in determining whether to grant a requested accommodation:

(1) Is the requested accommodation necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling? To determine whether the accommodation is necessary, the director may consider, among other things: The nature of the disability including the special needs created by the disability, the physical attributes and setting of the property and structures, the potential benefit that can be accomplished by the requested accommodation, and alternative accommodations that may provide a comparable level of benefit.

(2) Is the requested accommodation reasonable? A requested accommodation is not reasonable if it would impose an undue financial or administrative burden on the City. It is also not reasonable if it would fundamentally alter a City program, such as the City's zoning scheme.

a. In considering the financial or administrative burden on the City, the director may consider, among other things, the extent to which the City would have to dedicate resources, such as staff time and funds, to grant the request and other requests like it.

b. In considering the potential alteration to a City program, such as the City's zoning scheme, the director may consider, among other things, whether granting the request would be consistent with the City's General Plan, with the purpose and nature of the particular zoning district, and with nearby uses. The director may also consider whether the requested accommodation would potentially have adverse external impacts on properties in the vicinity.

(f) *Findings.* The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval. In making these findings, the director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

(4) The requested accommodation is consistent with surrounding uses in scale and intensity of use.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(6) If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.

(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.

(g) The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:

(1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(3) Whether granting the requested accommodation would substantially undermine any express purpose of either the City's general plan or an applicable specific plan.

(4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(5) Any other factors that would cause a fundamental alteration in the city's zoning program, as may be defined in the Fair Housing Law. (Ord. No. 14-13, § 3, 10-21-2014; Ord. No. 17-05, § 1, 5-2-17)

13-200.63. Severability.

Should any section, subsection, clause, or provision of this article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this article; it being hereby expressly declared that this article, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This article shall be prospective in application from its effective date. (Ord. No. 14-13, § 3, 10-21-2014)

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CHAPTER X. NONCONFORMING USES, DEVELOPMENTS AND LOTS

13-201. Purpose.

The purpose of this chapter is to identify the development parameters regarding nonconforming uses, developments and lots. (Ord. No. 97-11, § 2, 5-5-97)

13-202. Definitions.

The following terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

Conforming use. An existing and legally established use which is permitted in a particular zone by this Zoning Code.

Conforming development. An existing and legally established development which conforms to the development standards required by this Zoning Code.

Nonconforming development. An existing and legally established development which no longer conforms to the development standards required by this Zoning Code.

Nonconforming dwelling unit. An existing and legally established dwelling unit which no longer conforms to the development standards required by this Zoning Code or which is located in a district where it is no longer permitted.

Nonconforming lot. An existing and legally established lot not complying with the minimum area and dimension standards required by this Zoning Code.

Nonconforming mobile home park. An existing and legally established mobile home park which no longer conforms to the development standards or location provisions required by this Zoning Code.

Nonconforming use. An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code.

Nonconforming use of land or of land with minor structures only. An existing and legally established use which is located in a district where it is no longer permitted by this Zoning Code and where such use involves no individual structure with a replacement cost exceeding five thousand dollars (\$5,000.00). (Ord. No. 97-11, § 2, 5-5-97)

13-203. Maintenance and repair.

- (a) Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe, except as noted in subsection (b), by order of any official charged with protecting the public safety, nor shall it prevent alterations necessary for compliance with requirements of other governmental agencies.
- (b) If a nonconforming development or portion of a development containing a nonconforming use becomes physically unsafe or unlawful because of lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be re stored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. (Ord. No. 97-11, § 2, 5-5-97)

13-204. Nonconforming provisions.

The following table identifies the provisions governing nonconforming uses and/or developments:

TABLE 13-204
NONCONFORMING PROVISIONS—USES

<i>TYPE OF USE</i>	<i>CONTINUANCE OF A USE PERMITTED</i>	<i>CHANGE OF USE PERMITTED</i>
Conforming Use in a Nonconforming Development	YES—No restrictions on use.	YES—Exception: If the development has less parking than required for the existing conforming use, the existing use may not be replaced with a use requiring more parking unless the additional parking required for the new use is provided. Other uses on the same site may continue with the existing nonconforming parking.
Nonconforming Use in a Conforming or Nonconforming Structure: Nonresidential Structures	YES—However, when a nonconforming use is discontinued or abandoned for 6 consecutive months or for 18 nonconsecutive months during any three-year period (except when government action impedes access to the premises) or when it is replaced for any time period by a conforming use, the development shall not thereafter be used except in conformity with the regulations of the district in which it is located. For purposes of this chapter, a discontinued use shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.	YES—Any nonconforming use may be changed to another nonconforming use provided that the development services director finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the premises to bring them into greater conformance with the requirements for the district. Structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use.
Residential Structures	YES—However, when a nonconforming use is discontinued or abandoned for any period of time, it may not be reestablished. All subsequent uses in the residential structure shall conform to this Zoning Code.	YES—However, only to a use conforming to the provisions of this Zoning Code.
Nonconforming Mobile Home Parks	YES—A nonconforming mobile home park may continue unless and until no one resides onsite for a continuous period of 6 months.	YES—However, the conversion is subject to the procedures for Mobile Home Park Conversions in Chapter III Planning Applications.

<i>TYPE OF USE</i>	<i>CONTINUANCE OF A USE PERMITTED</i>	<i>CHANGE OF USE PERMITTED</i>
Nonconforming Use of Land or Land with Minor Structures only	<p>1. Legally established agricultural uses may continue until the land is developed.</p> <p>2. If the use is discontinued or abandoned for any period of time, all subsequent uses shall conform to this Zoning Code.</p> <p>3. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time it became nonconforming.</p> <p>4. No nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the time the use became nonconforming.</p>	YES—However, only to a use conforming to the provisions of this Zoning Code.

TABLE 13-204
NONCONFORMING PROVISIONS—DEVELOPMENTS

<i>TYPE OF DEVELOPMENT</i>	<i>ALTERATION OF DEVELOPMENT</i>	<i>REBUILDING AFTER DESTRUCTION</i>
All Nonresidential Developments containing Nonconforming Uses	No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted.	<p>The following provisions shall apply to the reconstruction of legal nonconforming commercial, industrial and institutional developments. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director.</p> <p>1. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be destroyed to an extent of more than 50 percent of the market value, it shall not be reconstructed unless such destruction is unintentional.</p>

TYPE OF DEVELOPMENT	ALTERATION OF DEVELOPMENT	REBUILDING AFTER DESTRUCTION
		<p>In the case of unintentional destruction, the development may be restored to its original building intensity (floor area ratio) and use provided that:</p> <ol style="list-style-type: none"> The rebuilding complies with all other applicable sections of this Zoning Code and other codes including but not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. The rebuilding would not increase the development's nonconformity. <p>2. Should a nonconforming commercial, institutional or industrial development or nonconforming portion of a commercial, institutional or industrial development be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.</p>
Nonconforming Nonresidential Developments containing Conforming Uses	<p>Alterations may be made provided that all of the following criteria are met:</p> <ol style="list-style-type: none"> The alteration itself complies with all applicable sections of this Zoning Code and other codes; In permitting such an alteration, the development services director may require appropriate conditions and safeguards in accordance with the provisions of this Zoning Code and/or may require reasonable alterations to the development to bring it into greater conformance with the standards for the district; and The development will not be made more nonconforming. 	
Nonconforming Use of Land or Land with Minor Structures only	No nonconforming structure shall be erected or altered in connection with the nonconforming use of land.	

<i>TYPE OF DEVELOPMENT</i>	<i>ALTERATION OF DEVELOPMENT</i>	<i>REBUILDING AFTER DESTRUCTION</i>
Nonconforming Dwelling Units containing Conforming Uses	<p>Alterations may be made to nonconforming dwelling units provided the following criteria are met:</p> <ol style="list-style-type: none"> 1. The zone is residential; 2. The alteration or addition itself complies with all applicable sections of this Zoning Code and other codes; 3. The addition does not occupy the only portion of an area which can be used for required garages, parking spaces or access thereto; and 4. The residential development will not be made more nonconforming. 5. When the existing main building, excluding architectural features, projects into required setback areas, minor building additions may encroach into required setback areas with approval of a minor modification. 	<p>The following provisions shall apply to the reconstruction of legal nonconforming dwelling units. Any reconstruction allowed must be started within a period of one year and carried out diligently to completion. An extension of time to start the restoration may be granted for good cause by the development services director.</p> <ol style="list-style-type: none"> 1. If the unit(s) in any residential zone is/are destroyed unintentionally by any means, to any extent, the damage may be restored and the occupancy continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity. 2. See section 13-205 regarding provisions for rebuilding after voluntary destruction in multi-family zones. 3. Should a legally constructed dwelling unit in a commercial or industrial zone be destroyed by any means to an extent of more than 50 percent of the market value, it shall not be reconstructed. 4. Should a legally constructed dwelling unit in a commercial or industrial zone be unintentionally destroyed by any means to an extent of 50 percent or less of the market value, the structure may be restored and the occupancy or use of such structure or part thereof may be continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.

TYPE OF DEVELOPMENT	ALTERATION OF DEVELOPMENT	REBUILDING AFTER DESTRUCTION
Nonconforming or Conforming Dwelling Units containing Nonconforming Uses	<p>1. No existing development devoted to a nonconforming use shall be structurally altered except in changing the use of the development to a conforming use. Except that structural alterations, conforming to the provisions of this Zoning Code, may be approved by the development services director provided that it is determined that the proposed alterations do not extend the life of the nonconforming use. Ordinary maintenance shall be permitted.</p> <p>2. In nonconforming mobile home parks, existing mobile homes may be replaced by other mobile homes provided that the total number of units within the mobile home park is not increased and the mobile home park will not be made more nonconforming in respect to this Zoning Code.</p>	
Nonconforming Mobile Home Parks		

(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 28, 3-2-98)

13-205. Provisions for multi-family zones for rebuilding after voluntary destruction.

(a) If units in the R2-MD, R2-HD, R3 or PDR zones are voluntarily demolished, an equal or lesser number of units may be rebuilt so long as the development complies with all other applicable sections of this Zoning Code and other codes. This includes but is not limited to the following development standards: building setback, lot coverage, building height, parking, open space and landscaping. Furthermore, the allowable density or number of units to be redeveloped shall be limited to the general plan rebuilding incentive for the current land use designation. The resulting number of units shall not exceed the existing number of legal nonconforming units nor be more than the number of units that would have been allowed on March 15, 1992. The rebuilding shall not increase the development's nonconformity.

(b) Consideration may be given through the master plan process, to allow rebuilding of existing multiple-family residential projects that do not fully meet all the other applicable sections of this Zoning Code and other code standards. Consideration shall be given to the provision of tandem parking for units requiring more than one dedicated parking space and for cantilevered second story living areas over drive or yard areas. Through the master plan process, the rebuilding project must demonstrate why strict compliance with each of the current standards is either infeasible or unnecessary. In exchange for any deviation from current standards, the project must provide additional amenities such as those listed below:

- (1) Provision of garages instead of carports for greater security.
- (2) Useable open space with amenities.
- (3) Flower beds and adequate lawns of sufficient area to create a useable recreation area.
- (4) Individual vegetable garden areas screened by hedges.
- (5) Masonry planters, potted flowers and shrubs on decks and balcony flower boxes.
- (6) Trellises with vines.
- (7) Minimum size trees based on box size rather than gallons such that thirty (30) percent or more of the trees are a minimum twenty-four-inch box size.
- (8) CC&Rs to ensure landscape maintenance.

- (9) On-site manager for projects of fifteen (15) units or less.
 - (10) Awnings, especially along the front for color and product definition, and a better facade.
 - (11) Stamped concrete or decorative at entrances and critical driveway intersections.
 - (12) Meandering rather than straight sidewalks.
 - (13) Terraced elevations at all sides to reduce scale and massing.
 - (14) Upgraded windows and doors for noise reduction.
 - (15) Covered/screened dumpsters for projects of four (4) units or less.
 - (16) Concrete slab where the trash truck would stop to compact trash to prevent damage, or contract for roll-off service so that the trash truck does not come on-site.
 - (17) Orientation of units away from the street toward interior courtyards.
 - (18) Adequate lighting for security (beyond parking and driveway lighting required by code).
 - (19) Gates and intercom system for security.
 - (20) Other amenities that enhance the project and the overall neighborhood.
- (c) In reviewing the master plan, the planning commission shall decide if the degree of deviation is warranted, if the proposed amenities are sufficient to offset the deviation, and if the maximum allowable density shall be reduced due to the deviation.
- (d) The master plan shall be processed as shown in Chapter III, Planning Applications.
- (e) *Findings.* The findings necessary to grant the master plan are:
- (1) Full compliance with current development standards would make rebuilding infeasible;
 - (2) The proposed rebuilding is substantially compatible with surrounding developments and would not be materially detrimental to other properties in the area;
 - (3) The proposed rebuilding is less nonconforming than the existing development; and
 - (4) The proposed rebuilding provides additional amenities that ensure a high quality development. (Ord. No. 97-11, § 2, 5-5-97; Ord. No. 98-5, § 29, 3-2-98; Ord. No. 05-3, § 1h., 2-7-05)

13-206. Nonconforming fences and walls.

Nonconforming fences or walls may remain unless destroyed, damaged or altered (by any means or cause) to the extent of more than fifty (50) percent of its value. When the destruction, damage or alteration exceeds fifty (50) percent of its value then the reconstruction shall conform to the Zoning Code. (Ord. No. 97-11, § 2, 5-5-97)

13-207. Nonconforming lots.

- (a) Uses permitted in the zone shall be permitted on nonconforming lots, subject to all other property development standards of the zone.
- (b) When two (2) or more contiguous nonconforming lots or portions of lots are held under common ownership, they shall be deemed merged when and as provided for in the Subdivision Map Act (State [Government Code](#) Sections 66410 to 66499.58). (Ord. No. 97-11, § 2, 5-5-97)

13-207.1. Group homes.

If any lawfully existing group home is in violation of section 13-30 and (i) it would be an economic hardship to bring the use into compliance immediately, or (ii) a vested right exists to continue the use, the development services director may, upon request of the owner or at the director's own initiative, establish a reasonable amortization period by the end of which the use must be in compliance. (Ord. No. 00-5, § 1(f), 3-20-00)

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13-310. Purpose.

This chapter is intended to preserve the residential character of single-family residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things: (1) ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs. (Ord. No. 14-13, § 2, [10-21-2014](#))

13-311. Special use permit required.

(a) A group home that may otherwise be considered an unpermitted use may locate in an R1 zone with a special use permit provided:

(1) An application for a group home is submitted to the director by the owner/operator of the group home. The application shall provide the following:

- i. The name, address, phone number and driver's license number of the owner/operator;
- ii. If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
 - a. Every general partner of the partnership,
 - b. Every owner with a controlling interest in the corporation,
 - c. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder;
- iii. The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
- iv. The name, address, phone number and driver's license number of the house manager;
- v. A copy of the group home rules and regulations;
- vi. Written intake procedures;
- vii. The relapse policy;
- viii. An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
- ix. Blank copies of all forms that all residents and potential residents are required to complete; and
- x. A fee for the cost of processing of the application as set by resolution of the city council.

No person shall open a group home or begin employment with a group home until this information has been provided and such persons shall be responsible for updating any of this information to keep it current.

(2) The group home has six (6) or fewer occupants, not counting a house manager, but in no event shall have more than seven (7) occupants. If the dwelling unit has a secondary accessory unit, occupants of both units will be combined to determine whether or not the limit of six (6) occupants has been exceeded.

- (3) The group home shall not be located in an accessory secondary unit unless the primary dwelling unit is used for the same purpose.
- (4) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.
- (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
- (6) Occupants must not require and operators must not provide “care and supervision” as those terms are defined by [Health and Safety Code](#) section 1503.5 and section 80001(c)(3) of Title 22, California [Code of Regulations](#).
- (7) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (8) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
- (9) The property must be fully in compliance with all building codes, municipal code and zoning.
- (10) At least forty-eight (48) hours prior to an occupant’s eviction from or involuntary termination of residency in a group home, the operator thereof shall:
 - i. Notify the person designated as the occupant’s emergency contact or contact of record that the occupant will no longer be a resident at the home;
 - ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
 - iii. Notify the city’s Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
 - iv. Provide the information obtained from paragraphs ii and iii of this subsection (a)(10) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant’s signed acknowledgement thereon;
 - v. Provided, however, that if the occupant’s behavior results in immediate termination of residency pursuant to rules approved by the City as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (a)(10) as soon as possible.
- (11) Prior to an occupant’s eviction from or involuntary termination of residency in a group home, the operator thereof shall also:
 - i. Make available to the occupant transportation to the address listed on the occupant’s driver license, state-issued identification card, or the permanent address identified in the occupant’s application or referral to the group home;
 - ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.
- (12) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(10) and (a)(11) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the occupant for the cost of transportation.
- (13) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the [Vehicle Code](#), including, but not limited to, those provisions regulating licensure and parking, standing and stopping.

- (14) In addition to the regulations outlined above, the following shall also apply to sober living homes:
- i. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed alcoholism or drug abuse recovery or treatment facility.
 - ii. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
 - iii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
 - iv. The number of occupants subject to the sex offender registration requirements of [Penal Code](#) section 290 does not exceed the limit set forth in [Penal Code](#) section 3003.5 and does not violate the distance provisions set forth in [Penal Code](#) section 3003.
 - v. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
 - vi. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
 - vii. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California [Code of Regulations](#): detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.
- (15) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62.
- (b) The special use permit shall be issued by the director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(14) of this section. At least ten (10) days prior to issuing a special use permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within five hundred (500) feet of the location of the group home. Prior to issuance of the special use permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of subsections (a) and (b) of this section. The issuance of the special use permit shall be denied upon a determination, and if already issued shall be denied or revoked upon a hearing, by the director that any of the following circumstances exist:
- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information;
 - (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
 - (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:

- i. Any sex offense for which the person is required to register as a sex offender under California [Penal Code](#) section 290 (last ten (10) years);
 - ii. Arson offenses—Violations of [Penal Code](#) Sections 451—455 (last seven (7) years); or
 - iii. Violent felonies, as defined in [Penal Code](#) section 667.5, which involve doing bodily harm to another person (last ten (10) years).
 - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
- (6) A special use permit for a sober living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the director that any of the following additional circumstances exist:
- i. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.
 - ii. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
 - iii. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed alcoholism or drug abuse recovery or treatment facility. If a state-licensed alcoholism or drug abuse recovery or treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit or be grounds for denying a transfer of such permit.
- (7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (a)(10) through (13).
- (8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 13-200.62. (Ord. No. 14-13, § 2, 10-21-14; Ord. No. 17-05, § 2, 5-2-17)

13-312. Compliance.

- (a) Existing group homes must apply for a special use permit within ninety (90) days of the effective date of this chapter.
- (b) Group homes that are in existence upon the effective date of this chapter shall have one (1) year from the effective date of this chapter to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, must first comply with the six-resident maximum.
- (c) Existing group homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 14-13, § 2, 10-21-2014)

13-313. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 14-13, § 2, 10-21-2014)

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TITLE 13 PLANNING, ZONING AND DEVELOPMENT**CHAPTER XVI. GROUP HOMES IN THE R2-MD, R2-HD AND R3 RESIDENTIAL ZONES AND THE PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, AND PDI (PLANNED DEVELOPMENT ZONES)****13-320. Purpose.**

This chapter is intended to preserve the residential character the City of Costa Mesa's residential neighborhoods and to further the purposes of the FEHA, the FHAA and the Lanterman Act by, among other things:

- (a) Ensuring that group homes are actually entitled to the special accommodation and/or additional accommodation provided under the Costa Mesa Municipal Code and not simply skirting the city's boarding house regulations;
- (b) Limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate off-street parking;
- (c) Providing an accommodation for the handicapped that is reasonable and actually bears some resemblance to the opportunities afforded non-handicapped individuals to use and enjoy a dwelling unit in a residential neighborhood; and
- (d) To provide comfortable living environments that will enhance the opportunity for the handicapped, including recovering addicts to be successful in their programs. (Ord. No. 15-11, § 2, 11-17-15)

13-321. Definitions.

Property. For purposes of this chapter, "property" is defined as any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map. (Ord. No. 15-11, § 2, 11-17-15)

13-322. Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants.

- (a) A special use permit shall be required for and may be granted to permit the operation of a group home including a sober living home with six (6) or fewer occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following requirements:
 - (1) The application for and operation of the group home complies with subsections (a)(1), (a)(2) and (a)(4) through (a)(14) of section 13-311.
 - (2) The application includes a live scan of the house manager and/or operator of the group home.
 - (3) The group home or sober living home is at least six hundred fifty (650) feet from any other property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line.
- (b) The development services director may issue, revoke or deny a special use permit for a group home including a sober living home subject to this chapter pursuant to the procedures and requirements of section 13-311.
- (c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to section 13-200.62. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

13-323. Conditional use permit required for group homes, residential care facilities and drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) w

A conditional use permit shall be required for and may be granted to allow the operation of a group home, state-licensed residential care facility or state-licensed drug and alcohol treatment facility with seven (7) or more occupants in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones subject to the following conditions:

- (a) The requirements of Chapter III, Planning Applications, of this title have been met.
- (b) The group home, residential care facility or state-licensed drug and alcohol treatment facility is at least six-hundred fifty (650) feet from any property, as defined in section 13-321, that contains a group home, sober living home or state-licensed drug and alcohol treatment facility, as measured from the property line, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.
- (c) The applicant obtains an operator's permit as required by Article 23, Chapter 2 of Title 9, except that this requirement shall not apply to any state-licensed residential care facility or state licensed drug and alcohol treatment facility.
- (d) The findings for granting a conditional use permit in accordance with subsection 13-29(g) are met. (Ord. No. 15-11, § 2, 11-17-15; Ord. No. 17-05, § 3, 5-2-17)

13-324. Compliance.

- (a) Group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) zones with six (6) or fewer occupants that are in existence upon the effective date of this section may continue to operate subject to the following:
 - (1) A complete application for a special use permit is filed within 90 days of the effective date of this chapter; and
 - (2) The group home is in full compliance with all of the conditions of this chapter within one (1) year of its effective date. Notwithstanding the foregoing, existing group homes obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval.
- (b) Group homes, state licensed residential care facilities and state licensed drug and alcohol treatment facilities in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (planned development zones) with seven (7) or more occupants that are in existence upon the effective date of this chapter may continue to operate subject to the following:
 - (1) The operator of a group home obtains an operator's permit pursuant to section 9-372 et seq., within one hundred twenty (120) days from the effective date of this chapter; and
 - (2) The group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility is in full compliance with all conditions of this chapter, including obtaining a conditional use permit, within one (1) year from the effective date of this chapter. Notwithstanding the foregoing, an existing group home, state licensed residential care facility and/or state licensed drug and alcohol treatment facility obligated by a written lease exceeding one (1) year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional years grace period pursuant to planning division approval. (Ord. No. 15-11, § 2, 11-17-15)

13-325. Severability.

Should any section, subsection, clause, or provision of this chapter for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This chapter shall be prospective in application from its effective date. (Ord. No. 15-11, § 2, 11-17-15)

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[CHAPTER II. REGULATION OF CERTAIN BUSINESSES](#)**ARTICLE 23. GROUP HOMES****9-370. Definitions.**

The definitions set forth in Title 13 of this Code shall apply to the provisions of this article unless otherwise provided for herein. (Ord. No. 15-13, § 1, 11-17-15)

9-371. Zoning requirements.

In addition to the requirements of this article, all group homes subject to this article shall comply with the requirements set forth in Chapter XVI of Title 13 of this Code. (Ord. No. 15-13, § 1, 11-17-15)

9-372. Operator's permit required.

It is unlawful for any person to operate, or to permit any person to operate, a group home on any property located within the R2-MD, R2-HD, R3, PDR-LD, PDR-MD and/or PDR-HD zone, without a valid permit issued for that group home pursuant to the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

9-373. Exceptions.

The requirements of this article shall not apply to:

- (a) A group home that has six (6) or fewer occupants, not counting a house manager, and that is in compliance with the applicable provisions of Chapters XV and XVI of Title 13 of this Code;
- (b) A state licensed alcoholism or drug abuse recovery or treatment facility; or
- (c) A state licensed residential care facility. (Ord. No. 15-13, § 1, 11-17-15)

9-374. Requirements for issuance of operator's permit.

- (a) The owner/operator shall submit an application to the director that provides the following information:
 - (1) The name, address, phone number and driver's license number of the owner/operator;
 - (2) If the applicant and/or operator is a partnership, corporation, firm or association, then the applicant/operator shall provide the additional names and addresses as follows and such persons shall also sign the application:
 - i. Every general partner of the partnership;
 - ii. Every owner with a controlling interest in the corporation; and
 - iii. The person designated by the officers of a corporation as set forth in a resolution of the corporation that is to be designated as the permit holder.
 - (3) The license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefor;
 - (4) The name, address, phone number and driver's license number of the house manager;
 - (5) A copy of the group home rules and regulations;
 - (6) Written intake procedures;
 - (7) The relapse policy;

- (8) An affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home;
- (9) Blank copies of all forms that all residents and potential residents are required to complete; and
- (10) A fee for the cost of processing of the application as set by resolution of the city council.

(b) *Requirements for operation of group homes.*

- (1) The group home has a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a twenty-four (24) hour basis and who are responsible for the day-to-day operation of the group home.
- (2) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within five hundred (500) feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
- (3) Occupants must not require and operators must not provide “care and supervision” as those terms are defined by [Health and Safety Code](#) section 1503.5 and section 80001(c)(3) of Title 22, California [Code of Regulations](#).
- (4) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (5) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property.
- (6) At least forty-eight (48) hours prior to eviction from or involuntary termination of residency in a group home, the operator thereof shall:
 - i. Notify the person designated as the occupant’s emergency contact or contact of record that the occupant will no longer be a resident at the home;
 - ii. Contact the Orange County Health Care Agency OC Links Referral Line or other entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
 - iii. Notify the city’s Network for Homeless Solutions that an occupant is no longer a resident at the home, determine the services available therefrom; and
 - iv. Provide the information obtained from paragraphs ii and iii of this subsection (b)(6) and any other treatment provider or service to the occupant prior to his or her release on a form provided by the city and obtain the occupant’s signed acknowledgement thereon;
 - v. Provided, however, that if the occupant’s behavior results in immediate termination of residency pursuant to rules approved by the city as part of the special use permit for that facility, the operator shall comply with paragraphs i through iv of this subsection (b)(6) as soon as possible.
- (7) Prior to an occupant’s eviction from or involuntary termination of residency in a group home, the operator thereof shall also:
 - i. Make available to the occupant transportation to the address listed on the occupant’s driver license, state issued identification card, or the permanent address identified in the occupant’s application or referral to the group home;
 - ii. Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant.
- (8) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (a)(6) and (a)(7) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(7) by providing remuneration to the occupant for the cost of transportation.

- (9) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the [Vehicle Code](#), including, but not limited to, those provisions regulating licensure and parking, standing and stopping.
- (10) The property must be fully in compliance with all building codes, municipal code and zoning.
- (11) In addition to the regulations outlined above, the following shall also apply to sober living homes:
- i. All occupants, other than the house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous and the sober living home must maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
 - ii. The sober living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
 - iii. The number of occupants subject to the sex offender registration requirements of [Penal Code](#) section 290 does not exceed the limit set forth in [Penal Code](#) section 3003.5 and does not violate the distance provisions set forth in [Penal Code](#) section 3003.
 - iv. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
 - v. The sober living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
 - vi. The sober living home shall not provide any of the following services as they are defined by section 10501(a)(6) of Title 9, California [Code of Regulations](#): detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.
- (c) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Article 15 of Chapter IX of Title 13 of this Code.
- (d) The operator's permit shall be issued by the director if the applicant is in compliance, or, where applicable, has agreed to comply, with the requirements of subsections (a) and (b) above.
- (e) In addition to denying an application for failing to comply, or failing to agree to comply, with subsections (a) and/or (b) of this section, an operator's permit shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following circumstances:
- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
 - (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
 - (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven (7) to ten (10) years, to any of the following offenses:
 - i. Any sex offense for which the person is required to register as a sex offender under California [Penal Code](#) section 290 (last ten (10) years);

- ii. Arson offenses—Violations of [Penal Code](#) Sections 451—455 (last seven (7) years); or
 - iii. Violent felonies, as defined in [Penal Code](#) section 667.5, which involve doing bodily harm to another person (last ten (10) years).
 - iv. The unlawful sale or furnishing of any controlled substances (last seven (7) years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- (5) The owner/operator accepts residents, other than a house manager, who are not disabled or handicapped as defined by the FHAA and FEHA.
- (6) An operator's permit for a sober living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:
- i. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
 - ii. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations. (Ord. No. 15-13, § 1, 11-17-15; Ord. 17-06, § 1, 5-2-17)

9-375. Transfer of operator's permit.

- (a) An operator's permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the director pursuant to the requirements of section 9-374.
- (b) An operator's permit may not be transferred to any other person or entity. No operator's permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein. (Ord. No. 15-13, § 1, 11-17-15)

9-376. Revocation of operator's permit.

An operator's permit may be revoked upon a hearing by the director pursuant to section 9-120 for failing to comply with the terms of the permit and/or for failing to comply with the applicable provisions of section 9-374. (Ord. No. 15-13, § 1, 11-17-15)

9-377. Reapplication after denial or revocation.

- (a) An applicant for an operator's permit whose application for such an operator's permit has been denied may not reapply for such an operator's permit for a period of six (6) months from the date such notice of denial was issued.
- (b) A holder of an operator's permit that has been cancelled, revoked or otherwise invalidated may not reapply for an operator's or a user's permit for a period of six (6) months from the date that such revocation, cancellation or invalidation became final. (Ord. No. 15-13, § 1, 11-17-15)

9-378. Compliance.

A group home that is subject to the provisions of this article that is in existence as of the effective date of this ordinance shall have one hundred twenty (120) days to comply with the provisions of this article. (Ord. No. 15-13, § 1, 11-17-15)

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TABLE 2

***City's SmartSheets: Summary of code enforcement citations issued between 2016 and June 2019
that list violation as CMMC §§ 13-311 (R1 regulations) or 13-323 (MFD regulations)***

Year	Doc No.	Total Code Enforcement Citations Issued for all Code Violations	Code Enforcement Citations for Violation of Zoning Chapter XVI (13-323)	Code Enforcement Citations for Violation of Zoning Chapter XV (13-311)	Code Enforcement Citation for Violation of Zoning Chapter XVI (13-323) + XV (13-311)	Zoning Chapter XVI (13-323) Citations as Percent of Total Citations	Zoning Chapter XVI (13-323) + XV (13-311) Citations as Percent of Total Citations
2016	1107	454	16	29	16+29= 45	29/454= 6%	45/454= 10%
2017	1108	204	12	3	12+3= 15	12/204= 6%	15/204= 7%
2018	1109	455	131	41	131+41= 172	131/455= 29%	172/455= 38%
2019 (to 06/13/19)	1110	171	30	5	30+5= 35	30/171= 18%	35/171= 20%

From: Melissa Goodman <melissa.goodmon@casacaprirecovery.com>
Sent: Wednesday, September 15, 2021 4:59 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Table 1 - Evolution of City's RA regulations[93].pdf

To whom it may concern:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-28 and 3-29, the Public Review Draft (August 2021) discusses the City's Reasonable Accommodation (RA) procedures as part of its discussion about removing constraints on housing for disabled persons. The City's discussion regarding its reasonable accommodation procedure is misleading. In fact, the City's RA procedures, standards and processes violate state fair housing rights. By failing to address the inadequacy of the City's RA procedures, the City's housing element fails to address the removal of constraints to housing for disabled persons.

The City has amended its RA procedures twice since 2014 for the purpose of making it impossible for any Supportive Housing for disabled persons (classified as Group Homes by the City) to obtain the protection afforded to them by federal and state fair housing laws.

In 2014, the City enacted Ordinance 14-13, which outlawed any existing or future Supportive Housing for disabled persons in the City's R-1 zoning districts unless permitted by the City. (The City extended that prohibition against Supportive Housing to its Multifamily Zoning districts the next year with the adoption of Ordinance 15-11. These regulations are codified in the City's Zoning Code Chapters XV and XVI.)

In the *very same ordinance* that first imposed these discriminatory zoning regulations, Ordinance 14-13, the City *simultaneously* amended its RA regulations, making it impossible for any Supportive Housing provider providing shelter to disabled persons to obtain relief from Ordinance 14-13's discriminatory provisions. (The City amended its RA provisions a second time in 2017.) The changes in the City's RA regulations are reflected in the attached Table 1. The City amended its RA regulations to preclude Supportive Housing for disabled persons (aka Group Homes) from obtaining any relief from the City's discriminatory zoning regulations.

The amended RA regulations had their intended effect: RA applications are determined by the City's Development Services Director. Since 2014, the Director has received nearly 50 RA applications from Supportive Housing providers seeking exception to Zoning Code Chapters XV (Ordinance 14-13) and XVI (Ordinance 15-11). From that stack, the Director has granted only two. The first was an application that he originally denied, reversing that denial only after the applicant sued the City for violation of fair housing laws. The second was styled as an RA decision, but was mislabeled since it made no actual request for an exception of any zoning regulation.

Most RA applications submitted by Supportive Housing providers (Group Homes) seek relief from the separation requirement between the applicant's location and any other facility serving or housing disabled persons. If the applicant falls short of the mandatory separation distance, then its application for an SUP or CUP is denied without exception.

The Director's determinations of 22 RA applications submitted by Supportive Housing providers subject to Zoning Code Chapter XVI (CMMC 12-323) demonstrate the violations of state fair housing laws committed by the City, an obvious constraint to housing for disabled persons not addressed in the Draft Housing Element. A copy of each Director's RA decision is attached.

In each of these RA decisions (save two), the Director uniformly imposes an unlawful standard on determining whether an RA is necessary:

The application established that the waiver of the separation requirement would allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of these dwellings. However, approval of the request is not necessary to allow one or more individuals who are recovering from drug and alcohol abuse to enjoy the use of a dwelling within the City.

The two exceptions are PA-16-03, which did not seek an RA and PA16-06 which failed to identify the RA requested.

Of the 20 RA applications denied by the Director, each denial was the result of City practices that violate fair housing laws. First, the City's RA regulation requires each of eight findings must be made for an RA to be granted. This requirement violates state law since it put the burden of showing no fundamental alternation on the applicant, not the City. That error, couple with the City's misapplication of the standard to show "necessity" under FEHA, are among the greatest constraints to housing for the disabled in Costa Mesa.

The City's Draft Housing Element fails to address this significant constraint on the provision of housing for persons with disabilities and reflect a failure to identify impediments to affirmatively furthering fair housing.

Sincerely,
Melissa H. Goodman

Additional attachments can be found in this Dropbox link due to its size it can't be part of the attachment;

[https://www.dropbox.com/s/iuwkwrthabgi9tb/RA decision re CMMC 13-323.pdf?dl=0](https://www.dropbox.com/s/iuwkwrthabgi9tb/RA%20decision%20re%20CMMC%2013-323.pdf?dl=0)

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"We help women overcome addiction by providing community connection & purpose"

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City's Required Findings for Granting Reasonable Accommodation, 2009-Current

2009-2014: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 09-02, CMMC 13-200.62, enacted 03/03/2009	2014-2017: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 14-13, enacted 10/21/2014, adding CMMC 13-200.62(f): <i>"Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval."</i>	2017-Current: Zoning Code Required Findings for Reasonable Accommodation, Ordinance 17-05, enacted 05/02/2017, amending CMMC 13-200.62(f): <i>"Decision . . . for reasonable accommodation shall be based on the following findings, all of which are required for approval."</i>
None.	(1) The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.	(1) The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under the fair housing laws.
	(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.	(2) The requested accommodation is necessary to provide one (1) or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.	(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.
	(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit.	(4) The requested accommodation is consistent with the whether or not the residents would constitute a single housekeeping unit. (4) <u>The requested accommodation is consistent with surrounding uses in scale and intensity of use.</u>
	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.	(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
	(6) Whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.	(6) <u>If economic viability is raised by the applicant as part of the applicant's showing that the requested accommodation is necessary, then a finding that the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants generally, not just for that particular applicant.</u>
	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.	(7) Whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
	(8) The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program.	(8) The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.

From: Paul Alexander <paulalexander7@yahoo.com>
Sent: Wednesday, September 15, 2021 2:38 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Group Home Activity Summary .pdf; second attachment.pdf; Third attachment.pdf

Dear Sir or Madam:

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

At pages 3-19, the Public Review Draft (August 2021) discusses the City's definitions of Supportive Housing and Transitional Housing, definitions that the State required the City to enact. The City's discussion regarding these definitions is misleading and incomplete.

Although the City enacted these definitions, it has failed or refused to apply them to any residential use in the City in order to circumvent the state-law protective afforded Supportive Housing. Instead, the City uniformly classifies any Supportive Housing for disabled persons as a Group Home: Group Home: A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

Once Supportive Housing is classified by the City as a Group Home, the City then subjects the Supportive Housing to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI. These chapters prohibit existing and future Supportive Housing in any residential district in Costa Mesa unless the Supportive Housing obtains a Special Use Permit or a Conditional Use Permit and an Operator's Permit.

While many of Costa Mesa's Supportive Housing providers have applied for SUPs or CUPs pursuant to the City's Zoning Code Chapters XV and XVI, the City has denied the vast majority of those applications. As a result, since 2014 the City has forced the closure of more than 80% of the existing Supportive Housing in Costa Mesa, a fact that the City publicizes on its public website.

I have attached pages from the City's website reflecting the effect of its discriminatory regulation of Supportive Housing. (Note: The attached webpage entitled Group Home Activity Summary indicates that the City has approved six CUPs for Supportive Housing. That statement is misleading, since five of those CUPs were issued in the 1980s and 1990s before the City enacted its discriminatory zoning requirements.)

Thank you for your consideration.

Paul

Group Home Activity Summary

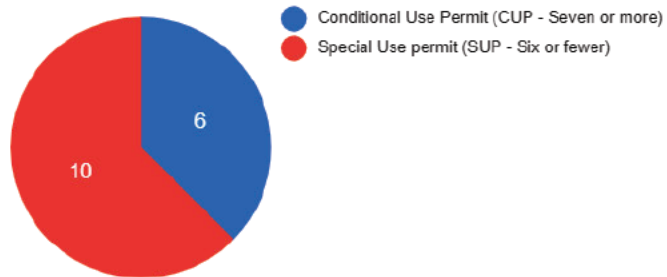
City Approved Applications

16

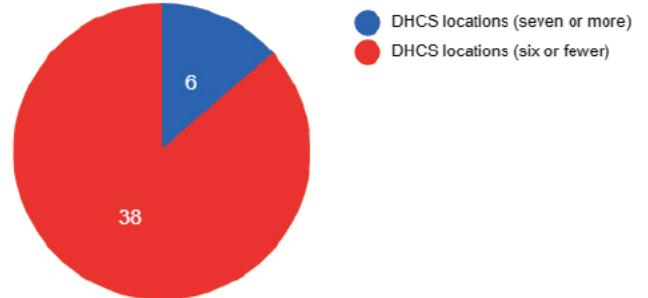
State DHCS Approved locations within City limits

44

Breakdown of Type of City Approved Application

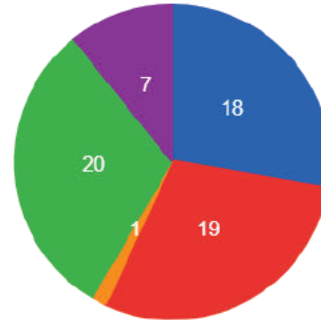


Breakdown of Type of State Approved Application



Additional City Application Information

- Denied Conditional Use Permit (CUP - Seven or more)
- Denied Special Use permit (SUP - Six or fewer)
- Applications on appeal
- Withdrawn applications
- Pending applications



Code Enforcement Activity

Locations Under Review for Compliance

30

Citations Issued

227

Closed Facilities

82

Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations

smartsheet

	Street Name	Street No.	Program Name	Beds
1	16th Place	413	Clean Path Recovery	6
2	16th Place		Reflections Recovery Center	6
3	16th Place	491	South Coast Behavioral Health	6
4	18th Street W	777	777 House	12
5	18th Street W	679	Discovery House	6
6	18th Street W	685	Discovery House	78
7	19th Street E	177	Agape House	6
8	Alder Lane	2527	New Family Solutions	6
9	Anaheim	2216	Playa House	Unknown
10	Anaheim Avenue	1769	Morning Side Recovery	6
11	Anaheim Avenue	2216	Playa House	Unknown
12	Arbor Street	973	Solid Landings	6
13	Augusta	1180	Hampton	Unknown
14	Babb Street	2959	Unknown	10
15	Bay St	431		Unknown
16	Boston Way	3145	Solid Landings	15
17	Bowling Green	273	Solid landings	6
18	Briar Rose	1631	Monarch Recovery	6
19	Cabrillo Street	218	Sober Sanctuaries, Inc.	12
20	Canadian Drive	3159	Clean Path Recovery	6
21	Cassia Avenue	3107	Rock Solid	22
22	Charleston St	1143	Solid Landings	8
23	Charleston St	1174	Solid Landings	6
24	Cheyenne Street	1055	Solid Landings	6
25	Conway	1252	Solid Landings	6
26	Coolidge Avenue	3004	Clean Path Recovery	6
27	Coolidge Avenue	3004	Solid Landings	18
28	Dahlia Avenue	924	Solid Landings	6
29	Darrel	871	Solid Landings	6
30	Doctors Circle	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	<i>E. 18th St</i>	166	Casa Capri	Unknown
32	<i>Flower</i>	268		Unknown
33	<i>Gisler Avenue</i>	1811	Solid Landings	6
34	<i>Grant Avenue</i>	3044	Solid Landings	6
35	<i>Hamilton Street</i>	394	Solid Landings	6
36	<i>Hamilton Street</i>	396		Unknown
37	<i>Hamilton Street</i>	382	Solid Landings	Unknown
38	<i>Harbor Boulevard, Unit</i>	2374	Strong Woman	Unknown
39	<i>Iowa Street</i>	1804	Lotus Place Recovery	6
40	<i>Joann Street</i>	574		Unknown
41	<i>Joann Street</i>	578		Unknown
42	<i>La Salle</i>	2829		Unknown
43	<i>La Salle Avenue</i>	2869	OC Recovery	Unknown
44	<i>La Salle Avenue</i>	2829	Solid Landings	6
45	<i>Marseilles Way</i>	2450	Lotus Recovery	Unknown
46	<i>Marseilles Way</i>	2450		Unknown
47	<i>Mendoza Avenue</i>	2869	Clean Path Recovery	Unknown
48	<i>Meyer Pl</i>	2012	Unknown	Unknown
49	<i>Monte Vista Avenue</i>	291	Unknown	6
50	<i>Monterey Avenue</i>	2822	Solid Landings	6
51	<i>Nebraska Place</i>	3238	Healing Path	4
52	<i>Olympic Ave</i>	13741	Unknown	Unknown
53	<i>Olympic Avenue</i>	13741	Solid Landings	6
54	<i>Orange Avenue</i>	1513	Hotel California by the Sea	6
55	<i>Orange Avenue</i>	1775	Morning Side Recovery	12
56	<i>Orange Avenue</i>	1965	Solid Landings	6
57	<i>Orange Avenue Unit A</i>	2379	Balboa Horizons	Unknown
58	<i>Orange Avenue Unit B &</i>	2379	Balboa Horizons	Unknown
59	<i>Pamela Ln</i>	2264	The Book House	16
60	<i>Paularino Ave</i>	959	Playa House	6
61	<i>Paularino Avenue</i>	778	Agape House	6
62	<i>Placentia Ave., Unit B</i>	2190		Unknown
63	<i>Placentia Avenue</i>	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	<i>Plumer Street</i>	697	Pillars Recovery	15
65	<i>Plumer Street</i>	697	Solid landings	15
66	<i>Plumeria Place</i>	3465	Mainstay Recovery	6
67	<i>Pomona Avenue</i>	1827	Clean Path Recovery	13
68	<i>Pomona Avenue</i>	2220	Safe Harbor Treatment Center For Women	6
69	<i>Raleigh Avenue</i>	2186	Agape House	6
70	<i>Republic Avenue</i>	2131	Sam's House	6
71	<i>San Bernardino</i>	1589	Ohio House	7
72	<i>San Bernardino</i>	1578	Ohio House	8
73	<i>Sturgeon Dr</i>	506	Time 2 Care llc	6
74	<i>Trinity Drive</i>	3066	Camilla's Recovery	6
75	<i>Valencia Street</i>	1009	Morning Side	24
76	<i>Velasco Lane</i>	2866	Easy Way Out LLC	Unknown
77	<i>Victoria St.</i>	357	Windward Way	Unknown
78	<i>Victoria St.</i>	351	Windward Way	Unknown
79	<i>Victoria Street</i>	310	Sober Partners	24
80	<i>Victoria Street</i>	310	Sober Partners Project	Unknown
81	<i>Virginia Place</i>	132	Sober Living House	6
82	<i>W. Bay Street</i>	431	California Prime Recovery	Unknown
83	<i>Walnut</i>	271	Solid Landings	6

Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION	ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1		10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2		10/04/16	16th Pl.	4134	40884	Flower	Cypress
3		06/01/16	18th E.	116	41475	Grant	Sherry
4		04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5		04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6		04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7		04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8		03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9		03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10		03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11		03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12		03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13		03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14		02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15		02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16		02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17		02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18		02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19		02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20		10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21		10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22		11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23		11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24		11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25		11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26		12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27		12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28		02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29		11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30		10/13/16	21st E	175	41560	Norwood	Kenneth
31		07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32		07/20/16	23rd	160	41654	LLC	DZ
33		07/21/16	23rd	165	41655	Garden LLC	Aunties
34		07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	\$2,100.00
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
20-12 (ii), 13-323, 13-26, 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 (e), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 (e)	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(II)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(II)	900
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(II)	1500
9-372, 13-26, 20-12(II)	900
9-372, 13-26, 2012(II)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjornad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (II)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(II)	750
9-372, 13-26, 20-12(II)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 21-12(II)	1500
13-26, 13-311, 2012(II)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(II)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(II)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia PI	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia PI	175	40734	Equities LLC	Norah
289	03/13/19	Virginia PI	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia PI	175	40726	Equities LLC	Norah
291	02/05/19	Virginia PI	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia PI	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(II)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(II)	900
13-26, 9-372, 20-12 (II)	900
13-26, 9-372, 20-12(II)	1500
9-372, 13-26, 20-12(II)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(II)	2000

From: Jason Brewer <jabrewer376@gmail.com>
Sent: Thursday, September 16, 2021 1:33 PM
To: Housing Element; Compliancereview@hcd.ca.gov
Cc: dmsheridan@verizon.net; housinghouse@gmail.com; CA.AFFH.Now@gmail.com; sverdeja@fhfca.org; pete@ccapp.us; sharon.rapport@csh.org
Subject: Comment re Chapter 3 of City of Costa Mesa's Draft Housing Element, 2021-2029
Attachments: Table 1.pdf; Table 2.pdf; Table 3.pdf

Greetings,

I submit the following comment in response to Chapter 3 of the City of Costa Mesa's Public Review Draft (August 2021):

Starting at page 3-45, the Public Review Draft (August 2021) addresses Affirmatively Furthering Fair Housing (AFFH). This section of the City's Housing Element fails to address the requirements set forth in Government Code § 65583 and disregards the City's own discriminatory housing practice reflected in its Zoning Code and its treatment of Supportive Housing for disabled persons (defined as Group Homes by the City).

The City's Draft Housing Element is grossly inadequate because it fails to address the greatest source of housing discrimination in Costa Mesa: The City of Costa Mesa itself.

Nowhere does the Draft Housing Element address the effect of the City's discriminatory zoning regulations against Group Homes (i.e., Supportive Housing for persons with disabilities.)

If Supportive Housing provides housing to persons with disabilities, then the City defines and classifies that residential use as a "Group Home":

Group home. A facility that is being used as a supportive living environment for persons who are considered handicapped under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) residential care facilities; (2) any group home that operates as a single housekeeping unit.

The definition of Group Home includes Sober Living Homes, which are defined as:

Sober living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes shall not include the following: (1) residential care facilities; (2) any sober living home that operates as a single housekeeping unit.

Since the City's last Housing Element in 2013, the City has engaged in a pattern or practice of discrimination against Supportive Housing, specifically, Group Homes and Sober Living Homes.

Attached to this email is a chart that illustrate the effect of the City's discrimination against Group Homes. It shows that even though Group Homes make up an infinitesimal percentage of the total number of dwellings in Costa Mesa, the City's discriminatory zoning practices have further reduced the number of housing opportunities for persons with disabilities.

No new Group Homes have opened in the City since 2015 following the City adoption of Ordinance 14-13 (enacting Zoning Code Chapter XV) and Ordinance 15-11 (enacting Zoning Code Chapter XVI).

The City acknowledges in public records that as of in 2017, there were only existing 99 Group Homes in Costa Mesa, comprising 0.002% of the total number of dwellings in Costa Mesa (42,867). (See Table 1 attached to this email.)

Each of those 99 Group Homes was subject to the City's discriminatory zoning regulations under Zoning Code Chapters XV and XVI, which prohibited each of the 99 Group Homes to continue providing housing to disabled persons unless they obtained a permit.

Of the 99 Group Homes, 76 homes applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI. The others quit the process as futile in light of the City's unwavering policy of discrimination.

Of the 76 Group Homes that applied for permits pursuant to either Zoning Code Chapter XV or Chapter XVI, the City granted by 2019 only 14 permits, the remainder were denied by the City or abandoned the application process as futile. The last permit granted was in 2019; no new applications for permits have been submit because the City's policy of discrimination deters person seeking to provide Supportive Housing to persons with disabilities.

Group Homes without permits are subject to citation, criminal prosecution and civil abatement by the City. The City has aggressively cited Group Homes that provide housing to disabled persons but lack a City-issued permit. (See Tables 2 and 3 attached to his email.)

To date, the City has also sued 11 Supportive Housing providers as a “public nuisance” solely on the basis that each provides Supportive Housing to persons with disabilities but lacks a City-issued permit pursuant to Zoning Code Chapter XV or Chapter XVI.

Under the City’s Zoning Code the only zoning district in which Group Homes are permit of right is the Institutional and Recreational district, which is expressly reserved for non-residential uses. (CMMC 13-30 Table: Land Use Matrix.)

The complete failure of the City’s Housing Element, 2021-2029 (Public Review Draft) to discuss – let alone address -- the City’s pattern or practice of zoning discrimination not only offends Government Code § 65008, but utterly fails to meeting the statutory requirements pursuant to Government Code § 65583(c)(10) regarding the City’s compliance with Government Code § 8899.50(a)(1)

(“affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity . . . fostering and maintaining compliance with civil rights and fair housing laws.”)

Thank you for your consideration.

Jason Brewer

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Application of City's Regulation of Group Homes, Zoning Code Chapters XV and XVI

2010: 42,867 Dwellings in Costa Mesa	2017: 99 Sober Living Homes in Costa Mesa	2018: 76 Applications submitted by unlicensed and licensed Sober Living homes subject Zoning Code Chapters XV (14-13) or XVI (15- 11)	2018: 13 Permits Granted under Zoning Code Chapters XV (14-13) or XVI (15-11)	2019: 14 Permits Granted under Code Chapters XV (14-13) or XVI (15-11)
Total for 2010: 42,867 dwellings	“Based on the most recent data compiled by City staff, there are approximately 99 sober living homes within Costa Mesa. Of these, 38 are located in single-family neighborhoods and 61 are within multi-family residential zones.”	“The City has received applications for 65 sober living homes and 11 licensed treatment facilities that are subject to compliance with Ordinance Nos. 14-13 and 15-11.”	“Twelve (12) sober living homes serving six or fewer residents have been approved by the City, and one sober living home serving 13 men has been approved.”	“Twelve sober living homes serving six or fewer residents have been approved by the City, and two sober living homes serving seven or more residents have been approved by the City.”
(City Housing Element, 2013- 2021, CityGP 248)	(City PCAR, 08/28/2017, City 12946; City PCAR, 08/28/2017, City 12748)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCARs, 01/08/2018, City 8132, 7494, 6928, 9975, 10670; City PCARs, 07/08/2018, City 11972, 11448)	(City PCAR, 02/11/2019, City 13504)
42,867	99/42,867 = 0.002%	76/99 = 77%	<ul style="list-style-type: none"> • 13/76 = 17% • 13/99 = 13% • 13/42,867 = 0.0003% 	<ul style="list-style-type: none"> • 14/76 = 18% • 14/99 = 14% • 14/42,867 = 0.0003%

Group Homes Cited WEB

Supportive Housing cited by the City for providing housing to persons with disabilities

smartsheet

	CITATION	ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
1		10/04/16	16th Pl.	413	40883	Course LLC	Stay the
2		10/04/16	16th Pl.	4134	40884	Flower	Cypress
3		06/01/16	18th E.	116	41475	Grant	Sherry
4		04/08/19	18th St. E	235	40735	Alexander LLC	Walton
5		04/08/19	18th St. E	235	40736	Recovery LLC	Raw
6		04/08/19	18th St. E	241	40737	Alexander LLC	Walton
7		04/08/19	18th St. E	241	40738	Recovery LLC	Raw
8		03/15/19	18th St. E	235	40727	Treatment Svces.	Northbound
9		03/15/19	18th St. E	235	40728	Recovery LLC	Raw
10		03/15/19	18th St. E	235	40729	Alexander LLC	Walton
11		03/15/19	18th St. E	241	40730	Treatment Svces.	Northbound
12		03/15/19	18th St. E	241	40731	Recovery LLC	Raw
13		03/15/19	18th St. E	241	40732	Alexander LLC	Walton
14		02/05/19	18th St. E	235	40707	Alexander LLC	Walton
15		02/05/19	18th St. E	235	40708	Treatment Svces.	Northbound
16		02/05/19	18th St. E	235	40709	Recovery LLC	Raw
17		02/05/19	18th St. E	241	40710	Alexander LLC	Walton
18		02/05/19	18th St. E	241	40711	Treatment Svces.	Northbound
19		02/05/19	18th St. E	241	40712	Recovery LLC	Raw
20		10/04/16	18th St. W	679	40881	Saywitz Prop. One	Barry
21		10/04/16	18th St. W	679	40882	The Discovery Houses	Morningside Recovery
22		11/07/16	18th W.	679	41570	Morningside Recovery LLC	Discovery Houses
23		11/07/16	18th W.	685	41571	Discovery Houses	Morningside Recovery
24		11/29/16	18th W.	679	40351	Saywitz Properties One	Barry
25		11/29/16	18th W.	679	40353	LLC/Discovery Houses	Morningstar Recovery
26		12/01/16	18th W.	685	40356	LLC/Discovery Houses	Morningstar Recovery
27		12/01/16	18th W.	685	40358	Properties Two	Barry Saywitz
28		02/12/19	19th St. W	864	20399	Photoglou Living Trust	Mark
29		11/07/16	19th W	679	41572	Properties One	Barry Saywitz
30		10/13/16	21st E	175	41560	Norwood	Kenneth
31		07/20/16	23rd	160	41652	Recovery LLC	Windward Way
32		07/20/16	23rd	160	41654	LLC	DZ
33		07/21/16	23rd	165	41655	Garden LLC	Aunties
34		07/21/16	23rd	165	41656	Recovery LLC	Windward Way

CCMC SECT. CITED	AMOUNT
9-372, 13-26, 13-323, 20-12	450
13-26, 13-311	450
13-26, 9-372	300
13-26, 20-12(ii), 13-323	1,500.00
13-26,20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
13-26, 20-12(ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	900.00
13-26, 20-12(ii), 13-323	900.00
13-26, 13-323, 20-12(ii)	900.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26	600
9-372, 13-26	600
9-372, 13-26, 13-323, 20-12	1200
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12 (II)	2000
9-372, 13-26, 13-323, 20-12	2000
9-372, 13-26, 13-323, 20-12	2000
105.1, 20-12(ii), 13-105(a), 20-6(o), 13-	\$2,100.00
9-372, 13-26, 13-323, 20-12(II)	1200
9-372, 13-26, 13-323, 20-12	1200
13-26, 9-372	450
13-26, 9-372, 20-12	450
13-26, 9-372, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	600

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
35	03/05/18	Adams Avenue	1650	40664	n/a	Clean Path Recovery LLC
36	02/05/19	Albert Pl	114	40705	Recovery LLC	Windward Way
37	02/05/19	Albert Pl	114	40706	Place Properties LLC	Albert Pl
38	04/05/18	Albert Place	114	40117	n/a	Albert Place Poroperties, LLC
39	04/05/18	Albert Place	114	40116	n/a	Windward Way Recovery LLC
40	02/20/18	Albert Place	114	40945	n/a	Winward Way Recovery, LLC
41	02/20/18	Albert Place	114	40947	n/a	Albert Place Properties, LLC
42	07/21/16	Alder	2527	41660	Horluchi	Ellen
43	07/26/16	Anaheim	1769	41661	Yates	Raymond
44	07/26/16	Anaheim	1769	41663	Recovery LLC	Morningside
45	07/27/16	Anaheim	1865	41665	Harold	Jusine
46	09/09/16	Anaheim	1769	40875	Yates	Raymond
47	04/16/18	Anaheim Avenue	2216	40960	n/a	Playa House Inc
48	03/08/18	Anaheim Avenue	2216	40104	Pourmalek	Reza
49	06/22/16	Babb	2959	41949	Moheimani	Assad
50	04/12/19	Bernard Street	544	40739	Assets LLC	Enclave
51	04/12/19	Bernard Street	544	40740	Recovery LLC	Dream
52	09/05/18	Cabrillo Street	200, 202, 204, 206	40691	Connor	Alice
53	09/05/18	Cabrillo Street	200, 202, 204, 206	40690	n/a	Pacific Sho9res Recovery LLC
54	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
55	08/28/18	Cabrillo Street	200, 202, 204 206	40423	Connor	Alice
56	08/17/18	Cabrillo Street	200 202 204 206	41709	n/a	Pacific Shores Recovery LLC
57	08/17/18	Cabrillo Street	200 202 204 206	41710	Connor	Alice
58	01/25/18	Canadian Drive	3159	40927	I, LLC	CDM Housing
59	06/12/18	Cecil Place	208	40462	n/a	SoCal Recovery
60	06/12/18	Cecil Place	208	40460	n/a	VDP Properties LP
61	03/19/18	Center Street	725	40110	n/a	Asana Recovery
62	03/19/18	Center Street	725	40109	Malili	Daniel
63	05/25/16	Cheyenne	1055	41948	Care Service	Guardian Health
64	05/09/18	E. 16th Place	271	40678	n/a	Carr Timothy WTW Revoc Tr
65	05/09/18	E. 16th Place	271	40677	n/a	Casa Capri LLC
66	05/09/18	E. 16th Place	269	40676	Irani	Zackary
67	05/09/18	E. 16th Place	269	40675	n/a	Casa Capri LLC
68	04/27/18	E. 16th Place	271	40024	n/a	Carr Timothy WTW Revoc Tr
69	04/27/18	E. 16th Place	271	40023	n/a	Casa Capri LLC
70	04/27/18	E. 16th Place	269	40022	Irani	Zackary
71	04/27/18	E. 16th Place	269	40021	n/a	Casa Capri LLC

CCMC SECT. CITED	AMOUNT
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323	1,500.00
20-12(ii), 13-26, 13-323	500.00
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-35, 13-26, 20-12 (ii), 13-323, CBC	1200
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 9-372	450
13-26, 13-311	300
20-12, 13-26, 13-311	450
20-12, 13-311	450
20-12, 13-30(7.1), 13-311, 13-26	1050
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13.200.88,13-311, 2012	750
13-323, 13-26, 20-12(ii), 13-30, 105.1	750.00
13-323, 13-26, 20-12(ii)	450.00
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-323, 13-26	900
20-12 (ii), 13-323, 13-26	900
13-26, 13-323, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-26, 20-12 (ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-200.88, 13-311, 13-26, 20-12	600
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
72	04/19/18	E. 16th Place	271	40016	n/a	Carr Timothy W T W Revoc
73	04/19/18	E. 16th Place	269	40015	Irani	Zackary
74	04/19/18	E. 16th Place	271	40013	n/a	Casa Capri LLC
75	04/19/18	E. 16th Place	269	40012	n/a	Casa Capri LLC
76	06/22/18	E. 21st Street	175	40972	Norwood	Kenneth
77	06/22/18	E. 21st Street	175	40971	n/a	SoCal Recovery
78	06/12/18	E. 21st Street	175	40464	Norwood	Kenneth
79	06/12/18	E. 21st Street	175	40463	n/a	SoCal Recovery
80	06/04/18	E. 21st Street	175	40459	Norwood	Kenneth
81	11/26/18	E. Wilson Street	131	42317	Walton	Keith L.
82	10/26/18	E. Wilson Street	125	42315	n/a	Northbound Treatment Services
83	10/26/18	E. Wilson Street	125	42316	Walton	Keith L.
84	10/26/18	E. Wilson Street	131	42318	Walton	Keith L.
85	10/08/18	E. Wilson Street	125	42300	Walton	Keith L.
86	10/08/18	E. Wilson Street	125	42301	n/a	Northbound Treatment Services
87	10/08/18	E. Wilson Street	131	42302	Walton	Keith L.
88	10/08/18	E. Wilson Street	131	42303	n/a	Northbound Treatment Services
89	08/06/18	E. Wilson Street	131	40469	n/a	Northbound Treatment Services
90	08/06/18	E. Wilson Street	125	40470	n/a	Northbound Treatment Services
91	08/06/18	E. Wilson Street	125	40466	Walton	Keith L.
92	08/06/18	E. Wilson Street	131	40471	Walton	Keith L.
93	11/30/16	Elden	2214	41345	Ohio House LLC	Branden Stump
94	11/30/16	Elden	2214	41346	Cefalia	James
95	10/12/17	Flower St.	268	40950	Johnson	Gary Richard
96	10/12/17	Flower St.	268	40951	& Wellness	RAW Recovery
97	02/08/18	Flower Street	268	40037	n/a	Raw Recovery LLC
98	02/08/18	Flower Street	268	40038	Johnson	Gary Richard
99	01/30/18	Flower Street	268	40029	Johnson	Gary Richard
100	01/30/18	Flower Street	268	40031	n/a	Raw Recovery LLC
101	10/15/18	Fordham Drive	2372	42307	Pedriana	Mical D.
102	02/05/18	Fordham Drive	2372	40937	Pedriana	Mical
103	05/19/16	Grant	3044	41338	Rosenbaum	Melvin
104	05/19/16	Grant	3044	41340	Care Services	Guardian Health
105	03/19/18	Grant Avenue	3044	40111	n/a	D'Amore Healthcare
106	03/19/18	Grant Avenue	3044	40113	Rosenbaun	Carolyn
107	03/16/18	Harbor Boulevard	2374 #104	42416	n/a	ZMV Partnership
108	06/22/18	Hudson Avenue	783	40549	Norwood	Kenneth

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
20-12 (ii), 13-323, 13-26, 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-323, 13-26, 20-12 (ii), 13-93 (e)	600
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	900
13-26, 20-12(ii), 13-323	400
13-26, 20-12 (ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 20-12 (ii), 13-323	450
13-26, 13-200.88, 13-311, 20-12	600
9-372, 13-26, 13-323, 20-12	600
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12 (e), 20-12 (ii)	1650
13-26, 13-311, 20-12 (ii), 20-12 (e)	1650
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-311, 20-12(ii), 13-26	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-200.88,13-311,20-12	600
13-26,13-200.88, 13-311, 20-12	600
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
13-26, 13-311, 20-12 (ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
109	06/22/18	Hudson Avenue	783	40548	Shinder	Darryl
110	06/15/18	Hudson Avenue	783	40543	Shinder	Darryl
111	06/15/18	Hudson Avenue	783	40542	Norwood	Kenneth
112	06/07/18	Hudson Avenue	783	40540	Shinder	Darryl
113	06/07/18	Hudson Avenue	783	40541	Norwood	Kenneth
114	11/29/18	Jeffrey Drive	3018	40507	Investments LLC	SSMS
115	11/29/18	Jeffrey Drive	3016	40504	Services Inc	National Theraputic
116	11/29/18	Jeffrey Drive	3016	40505	Services Inc	National Theraputic
117	11/29/18	Jeffrey Drive	3018	40506	Services Inc	National Theraputic
118	11/21/18	Jeffrey Drive	3016	40497	n/a	National Therapeutic Services
119	11/21/18	Jeffrey Drive	3016	40498	n/a	National Therapeutic Services
120	11/21/18	Jeffrey Drive	3018	40500	n/a	National Therapeutic Services
121	11/21/18	Jeffrey Drive	3018	40501	n/a	S5MS Investments LLC
122	11/13/18	Jeffrey Drive	3016	40488	n/a	National Therapeutic Services
123	11/13/18	Jeffrey Drive	3016	40489	n/a	National Therapeutic Services
124	11/13/18	Jeffrey Drive	3018	40490	n/a	National Therapeutic Services
125	11/13/18	Jeffrey Drive	3018	40491	n/a	S5MS Investments LLC
126	01/18/18	Joann	647	42405	Perlin	Richard
127	01/18/18	Joann	653	42408	Perlin	Richard
128	01/18/18	Joann	647	42404	Stump	Brandon
129	01/18/18	Joann	653	42407	Stump	Brandon
130	09/23/16	Joann	594	42081	Benton	Earl
131	02/08/18	Joann Street	647	40938	Stump	Brandon
132	02/08/18	Joann Street	647	40939	Perlin	Richard
133	02/08/18	Joann Street	653	40940	Stump	Brandon
134	02/08/18	Joann Street	653	40941	Perlin	Richard
135	01/29/18	Joann Street	647	40929	Stump	Brandon
136	01/29/18	Joann Street	647	40930	Perlin	Richard
137	01/29/18	Joann Street	653	40931	Stump	Brandon
138	01/29/18	Joann Street	653	40933	Perlin	Richard
139	09/06/16	Johnson	3063	41555	Peacock	Nancy
140	11/29/18	Knox Street	268	40502	Recovery LLC	Raw
141	11/29/18	Knox Street	268	40503	Douglas L Trust	Allenthrop
142	11/21/18	Knox Street	268	40495	n/a	Raw Recivery LLC
143	11/21/18	Knox Street	268	40496	n/a	Allenthrop Douglas L Trust
144	11/13/18	Knox Street	268	40492	n/a	Raw Recovery LLC
145	11/13/18	Knox Street	268	40493	n/a	Allenthrop Douglas L Trust

CCMC SECT. CITED	AMOUNT
13-26, 13-311, 20-12 (ii)	1500
20-12(ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	900
20-12 (ii), 13-26, 13-311	450
13-26, 13-311, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii) 13-323-13-26	1,500.00
13-323, 13-26, 20-12(ii)	1,500.00
20-12(ii), 13-323, 13-26	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	450
13-323, 13-26, 20-12(ii)	450
13-323, 13-26, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-311, 13-36, 20-12(ii)	450
13-26, 13-311, 20-12	150
13-311, 13-36, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	1500
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-311, 13-26, 20-12 (ii)	900
13-26, 9-372	150
13-323, 13-26, 20-12(ii)	1,500.00
13-323, 13-26-20-12 (ii)	1,500.00
13-323, 13-26, 20-12(ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12(ii)	450
20-12(ii), 13-26, 13-323	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
146	01/25/18	La Salle	2829	40928	Oded	Ben-Ezer
147	05/19/16	La Salle	2829	41336	Riley	Sheldon
148	05/19/16	La Salle	2829	41337	Family Trust	Ben Ezer
149	07/21/16	La Salle	2876	42035	Arellana	Margarita
150	02/16/18	Marseilles Way	2450	40040	n/a	Lotus Place Recovery LLC
151	02/16/18	Marseilles Way	2450	40041	Ulanovsky	Mark D.
152	05/10/18	Mckinley Way	3124	40527	n/a	Playa House, Inc.
153	05/10/18	Mckinley Way	2124	40526	n/a	Martin Stefani/Martin Tom
154	04/16/18	Mendoza Drive	2869	40961	n/a	Clean Path Recovery LLC
155	04/15/18	Mendoza Drive	2869	40962	n/a	Lucy Lee Holdings LLC
156	03/12/18	Mendoza Drive	2869	40107	n/a	Lucy Lee Holdings, LLC
157	03/12/18	Mendoza Drive	2869	40106	n/a	Clean Path Recovery, LLC
158	02/05/18	Mendoza Drive	2869	40935	Heiligman	Lee
159	02/05/18	Mendoza Drive	2869	40936		Lucy Lee Holdings LLC
160	07/27/16	Monte Vista	298	41667	Scholten	Hendrik
161	02/01/19	Olympic Ave.	13741	40701	Nicolau	Kevin & Tiffany
162	02/01/19	Olympic Avenue	13741	40700	N/A	REMY OC LLC
163	09/05/18	Oranage Avenue	1509	40692	n/a	Nexgen Management LLC
164	08/14/18	Oranage Avenue	1509	41706	n/a	Hotel California by the Sea LLC
165	06/29/16	Orange	2412	41961	Maurer	Wendy
166	07/11/16	Orange	2558	41967	Saywitz	Barry
167	07/12/16	Orange	2558	41971	Lodges Inc.	The
168	07/13/16	Orange	1513	42080	by the Sea LLC	Hotel California
169	07/15/16	Orange	1775	42032	Recovery LLC	Morningside
170	07/18/16	Orange	1897	42033	Zumwalt	Richard & Nanette
171	07/18/16	Orange	1897	42034	Center	Lead Recovery
172	08/09/16	Orange	2412	40575	Giddings	Mark & Christy
173	08/09/16	Orange	2412	40576	Maurer	Wendy
174	08/19/16	Orange	2558	40583	Saywitz	Barry
175	08/19/16	Orange	2558	40584	LLC	Morningside Recovery
176	09/07/16	Orange	2558	40591	Saywitz	Barry
177	10/13/16	Orange	2558	40596	LLC	Morningside Recovery
178	10/14/16	Orange	2558	40597	LLC	Morningside Recovery
179	11/01/16	Orange	2558	40602	LLC	Morningside Recovery
180	10/11/17	Orange Ave.	1509	40054	Mangement LLC	NexGen
181	10/11/17	Orange Ave.	1509	40056	By the Sea	Hotel California
182	11/01/18	Orange Avenue	2417	41693	n/a	Northbound Treatment Services

CCMC SECT. CITED	AMOUNT
13-311, 13-26, 20-12 (ii)	450
13-26,13-200.88, 13-323, 9-372, 20-12	600
12-26, 13-200.88, 13-311, 20-12	600
13-26, 20-12(ii), 9-372, 20-12(hh)	150
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 13-311, 20-12 (ii)	450
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, CBC 105.1	2000
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	1500
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 20-12 (ii), 13-323, 20-12 (n), CBC	750
13-26, 9-372	150
13-26, 20-12(ii), 13-311	450.00
13-26, 20-12(ii), 13-311	450.00
13-26, 13-323, 20-12(ii)	1500
20-12 (ii), 13-26, 13-323	900
13-26, 13-200.88, 13-311, 20-12	1200
13-26, 13-311, 20-(ii)	150
13-26,9-372,20-12(ii), 20-12(hh)	450
13-26, 13-311, 20-12	450
13-26,9-372,20-12(II), 20-12 (hh)	600
13-26, 9-372, 2042(ii), 20-12(hh)	600
13-26, 20-12(ii), 9-372, 20-12(hh)	600
13-26, 13-311, 20-12(II)	1500
13-26,20-12(ii), 13-311	1500
13-26, 9-372, 20-12(II)	900
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(II)	1500
9-372, 13-26, 20-12(II)	900
9-372, 13-26, 2012(II)	900
9-372, 13-26, 20-12	1500
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-323	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
183	11/01/18	Orange Avenue	2417	41694	n/a	Orange Acres LLC
184	10/26/18	Orange Avenue	2417	40480	n/a	Northbound Treatment Services
185	10/26/18	Orange Avenue	2417	40481	n/a	Orange Acres LLC
186	10/16/18	Orange Avenue	2417	41685	n/a	Orange Acres LLC
187	10/16/18	Orange Avenue	2417	41686	n/a	Northbound Treatment Services
188	09/05/18	Orange Avenue	1509	40694	n/a	Hotel California by the Sea LLC
189	08/14/18	Ornage Avenue	1509	41705	n/a	Nexgen Management LLC
190	05/30/19	Pamela Lane	2258	40747	Family Trust	Boctor
191	01/08/19	Paularino Ave.	959	40513	House Inc.	Playa
192	01/08/19	Paularino Ave.	959	40514	Dalal	Abedrabo
193	12/10/18	Paularino Avenue	949	40509	House Inc	Playa
194	12/10/18	Paularino Avenue	959	40510	Dalal	Abedrabo
195	10/08/18	Paularino Avenue	959	41681	Dalal	Abe drabo
196	10/08/18	Paularino Avenue	959	41683	n/a	Playa House, Inc.
197	06/13/16	Pierpoint	598	41956	Moheinani	Gina
198	12/07/17	Plumer	697	40018	Recovery	Pillars
199	12/07/17	Plumer	697	40019	LLC	Heathers-Plumer
200	10/24/17	Plumer	697	40003	Recovery	Pillars
201	10/24/17	Plumer	697	40004	Plumer LLC	Heathers
202	10/09/18	Plumeria Place	3465	40477	n/a	Nguyen Loc Van/ Nguyen Hong
203	10/09/18	Plumeria Place	3465	40478	n/a	Mainstay Recovery LLC
204	10/13/16	Pomona	2162	41558	Martin	Jose Roma & Maria G
205	10/17/16	Pomona	1798	40598	Properties One LLC	Barry Saywitz
206	10/17/16	Pomona	1798	40599	LLC	Morningside Recovery
207	03/20/18	Pomona Ave	2265 B 2267 B	42417	n/a	Clean Path Recovery LLC
208	03/20/18	Pomona Avenue	2275 2277	42420	n/a	Lucy Lee Holdings LLC
209	03/20/18	Pomona Avenue	2275 2277	42419	n/a	Clean Path Recovery LLC
210	03/20/18	Pomona Avenue	2265 B 2267 B	42418	n/a	Pomona Assoc CM LLC
211	03/05/18	Pomona Avenue	2275 2277	40668	n/a	Lucy Lee Holdings LLC
212	03/05/18	Pomona Avenue	2275 2277	40667	n/a	Clean Path Recovery LLC
213	03/05/18	Pomona Avenue	2265 B 2267 B	40666	n/a	Pomona Assoc CM LLC
214	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40032	n/a	Clean Path Recovery LLC
215	01/30/18	Pomona Avenue	2265 (Unit B) 2267	40033	CM LLC	Pomona Association
216	01/29/18	Pomona Avenue	2275 2277	40026	n/a	Lucy Lee Holdings LLC
217	01/29/18	Pomona Avenue	2275 2277	40028	n/a	Clean Path Recovery LLC
218	03/24/17	Royce	3044	40885	Brown	Gillian
219	11/07/18	San Bernardino Place	1589	40482	n/a	The Ohio House, LLC

CCMC SECT. CITED	AMOUNT
13-26, 20-12(ii), 13-323	1500
13-26, 20-12(ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12, 13-323	450
13-26, 20-12, 13-323	450
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 20-12(ii), 13-323	450.00
20-12(ii), 13-26-13-311	1,500.00
20-12(ii), 13-20, 13-311	1,500.00
20-12(ii), 13-26, 13-311	900.00
20-12(ii), 13-26, 13-311	900.00
13-311, 20-12 (ii), 13-26	450
13-311, 20-12(ii), 13-26	450
13-226,13-200.88,13-323,9-372,20-12II	1650
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 20-12 (ii), 13-311	450
13-26, 20-12 (ii), 13-311	450
9-372, 13-26	600
9-372, 13-26, 20-12(II)	450
9-372, 13-26, 20-12(ii),	450
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
20-12, 13-26, 13-323, 20-12 (n), CBC	2500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	2500
13-26, 13-323, 20-12 Iii), 20-12 (n), CBC	1500
20-12 (ii), 13-26, 13-323, 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	1500
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii), 20-12 (n), CBC	750
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-311	150
13-26, 13-323, 20-12(ii)	1500

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
220	11/07/18	San Bernardino Place	1589	40483	n/a	Barry Saywitz Properties One
221	11/07/18	San Bernardino Place	1578	40485	Fabrizio	Pauri
222	10/25/18	San Bernardino Place	1578	42311	n/a	The Ohio House, LLC
223	10/25/18	San Bernardino Place	158	42312	Fabrizio	Panri
224	10/25/18	San Bernardino Place	1589	42313	n/a	The Ohio House, LLC
225	10/25/18	San Bernardino Place	1589	42314	n/a	Barry Saywitz Properties One
226	09/10/18	San Bernardino Place	1578	41718	Fabrizio	Pauri
227	09/10/18	San Bernardino Place	1589	41715	n/a	The Ohio House, LLC
228	09/10/18	San Bernardino Place	1578	41717	n/a	The Ohio House, LLC
229	09/10/18	San Bernardino Place	1589	41716	n/a	Barry Saywitz Properties One
230	08/18/16	Santa Ana	2641	40581	LLC	Bjornmad LA
231	08/18/16	Santa Ana	2641	40582	& Addiction	Night Psychology
232	10/13/16	Santa Ana	2641	40595	& Addiction Inc.	Inshght Psychology
233	05/31/18	Tours Lane	334	40454	n/a	334 Tourt Trust
234	05/17/18	Tours Lane	336	40683	Anderson	Joanne
235	05/17/18	Tours Lane	336	40682	n/a	Chadwick House LLC
236	05/17/18	Tours Lane	334	40681	n/a	334 Tours Trust
237	05/17/18	Tours Lane	334	40680	n/a	Chadwick House LLC
238	03/21/18	Tours Lane	336	40953	n/a	Chadwick House LLC
239	03/21/18	Tours Lane	336	40954	Anderson	Joanne
240	03/20/18	Tours Lane	334	42422	n/a	Chadwick House LLC
241	03/20/18	Tours Lane	334	42421	n/a	334 Tours Trust
242	02/16/18	Tours Lane	334	40042	n/a	Chadwick House LLC
243	02/16/18	Tours Lane	334	40043	Kimmes	Nancy
244	02/16/18	Tours Lane	336	40044	n/a	Chadwick House LLC
245	02/16/18	Tours Lane	336	40045	Anderson	Joanne
246	07/11/16	Tulip	175	41965	Roya	Rohanaki
247	07/11/16	Tulip	175	41966	Recovery Inc.	Compass Rose
248	08/12/16	Tulip	175	40579	Roya	Sohanaki
249	08/12/16	Tulip	175	40580	Recovery Inc.	Compass Rose
250	08/31/16	Tulip	175	40587	Roya	Sohanaki
251	08/31/16	Tulip	175	40588	Recovery Inc.	Congress Rose
252	08/08/16	Tustin	2421	41973	Capital, LLC	Evergreen Investment
253	08/08/16	Tustin	2421	41974	Sabahi	Sonni
254	08/29/16	Tustin	2421	40585	Capital LLC	Evergreen Investment
255	08/29/16	Tustin	2421	40586	Sabahi	Sonni
256	09/13/16	Tustin	2421	40593	Capital LLC	Evergreen Invest.

CCMC SECT. CITED	AMOUNT
13-323, 13-26, 20-12 (ii)	1500
13-323, 13-26, 20-12 (ii)	1500
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12 (ii), 13-323	900
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
13-26, 20-12(ii), 13-323	450
9-372, 13-26, 13-23, 20-12 (II)	600
9-372, 13-26, 13-323, 20-12(n), 20-12(II)	750
9-372, 13-26, 20-12(II)	1200
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-322	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	1500
13-26, 13-322, 20-12 (ii)	900
13-26, 13-322, 20-12 (ii)	900
20-12 (ii), 13-26, 13-322	900
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 13-322, 20-12 (ii)	450
13-26, 9-372, 20-12(ii)	450
13-26, 13-311, 20-12(ii)	450
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 20-12(II)	900
13-26, 13-311, 21-12(II)	1500
13-26, 13-311, 2012(II)	1500
13-26, 9-372, 20-12(ii)	750
13-30, 13-26,13-200.88, 13-311, 20-12	750
13-26, 13-30(9.1), 13-311, 20-12(II)	1200
13-26, 13-30(9.1), 13-311, 20-12	1200
13-26, 13-30, 13-311-20-12(II)	2000

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
257	09/13/16	Tustin	2421	40594	Sabahi	Sonni
258	05/11/18	Tustin Avenue	2175	40531	n/a	The Ohio House, LLC
259	05/11/18	Tustin Avenue	2175	40530	n/a	AQABA LLC
260	04/05/18	Tustin Avenue	2175	40956	n/a	96 Discovery
261	04/05/18	Tustin Avenue	2175	40957	n/a	The Ohio House LLC
262	02/27/18	Tustin Avenue	2175	42412	n/a	AQABA LLC
263	02/17/18	Tustin Avenue	2175	42413	n/a	The Ohio House LLC
264	06/02/16	Valencia	1009	41955	Recovery LLC	Morningside
265	07/07/16	Valencia	1009	41963	Saywitz	Barry
266	07/07/16	Valencia	1009	41964	Recovery LLC	Morningstar
267	08/10/16	Valencia	1009	40577	Saywitz	Barry
268	08/10/16	Valencia	1009	40578	LLC	Morningside Recovery
269	09/06/16	Valencia	1009	40589	Saywitz	Barry
270	09/06/16	Valencia	1009	40590	Recovery Inc.	Monringside
271	12/06/17	Victoria	310	40016	Cefalia	James John
272	10/31/17	Victoria	310	40009	Project Corp	Sober Partners
273	10/31/17	Victoria	310	40010	Cefalia	James John
274	06/20/18	Victoria Street	357	40547	Bartolone	Damon
275	06/20/18	Victoria Street	357	40546	n/a	Windward Way Recovery LLC
276	06/20/18	Victoria Street	351	40545	Bartolone	Damon
277	06/20/18	Victoria Street	351	40544	n/a	Windward Way Recovery LLC
278	06/12/18	Victoria Street	357	40197	n/a	Windward Way Recovery, LLC
279	06/12/18	Victoria Street	357	40196	Bartolone	Damon
280	06/12/18	Victoria Street	351	40194	n/a	Windward Way Recovery, LLC
281	06/12/18	Victoria Street	351	40193	Bartolone	Damon
282	06/04/18	Victoria Street	357	40538	n/a	Windward Way Recovery LLC
283	06/04/18	Victoria Street	357	40537	Bartolone	Damon
284	06/04/18	Victoria Street	351	40536	n/a	Windward Way Recovery
285	06/04/18	Victoria Street	351	40535	Bartolone	Damon
286	03/01/16	Virginia	120	41975	Burns	Cindy
287	04/08/19	Virginia PI	175	40733	Treatment Svces.	Northbound
288	04/08/19	Virginia PI	175	40734	Equities LLC	Norah
289	03/13/19	Virginia PI	175	40725	Treatment Svces.	Northbound
290	03/13/19	Virginia PI	175	40726	Equities LLC	Norah
291	02/05/19	Virginia PI	175	40702	Treatment Svces.	Northbound
292	02/05/19	Virginia PI	175	40704	Equities LLC	Norah
293	12/06/17	W. Bay Street, Unit S	431	40013	Recovery Services	California Prime

CCMC SECT. CITED	AMOUNT
13-26, 13-30(a.1), 13-311, 20-12(II)	2000
13-26, 13-323, 20-12 (ii)	1500
13-26, 13-323, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-226,13-200.88,13-323,9-372,20-	750
13-326, 13-200.88, 13-311, 20-12	600
13-26, 9-372, 20-12(ii), 20-12 (hh)	450
13-26, 9-372, 20-12(II)	900
13-26, 9-372, 20-12 (II)	900
13-26, 9-372, 20-12(II)	1500
9-372, 13-26, 20-12(II)	1500
13-26, 13-323, 20-12(ii)	900
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12(ii)	450
13-26, 13-323, 20-12 (ii)	1500
13-323, 13-26, 20-12(ii)	1500
13-26, 13-323, 20-12 (ii)	1500
20-12 (ii), 13-26, 13-323	1500
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-26, 13-323, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	900
13-323, 13-26, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
13-26, 13-323, 20-12 (ii)	450
20-12 (ii), 13-26, 13-323	450
13-30(9.1), 13-26, 13-200-.88, 13-311,	150
13-26, 20-12(ii), 13-322	1,500.00
20-12(ii), 13-26, 13-322	1,500.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12(ii), 13-322	900.00
13-26, 20-12 (ii), 13-322	450.00
20-12(ii), 13-26, 13-322	450.00
12-26, 20-12, 13-322	450

	CITATION ISSUE DATE	VIOLATION ADDRESS	STREET NO.	CITE NO.	(LAST)	FIRST NAME
294	12/06/17	W. Bay Street, Unit S	431	40014	C/O Robert Crossley	431 Bay Street, LLC
295	12/06/17	W. Coast Hwy., Suite 300	3101	40015	Project Corp	Sober Partners
296	05/02/19	Wallace Avenue	2068	40714	OC LLC	Focus
297	05/02/19	Wallace Avenue	2068	40715	Shores Recovery	Sunset
298	10/25/16	Wilson W	580	41564	Hilario	Angel
299	11/28/16	Wilson W	580	41573	Hilario	Angel

CCMC SECT. CITED	AMOUNT
13-26, 20-12, 13-322	450
13-26, 13-323, 20-12(ii)	900
20-12(ii), 13-26, 13-323	450.00
20-12(ii), 13-26, 13-323	450.00
9-372, 13-26, 13-323, 20-12	1200
9-732, 13-26, 13-323, 20-12(II)	2000

Closed Operations WEB

Supportive Housing the City publicizes that it has forced to close as a result of its discriminatory zoning regulations



	Street Name	Street No.	Program Name	Beds
1	16th Place	413	Clean Path Recovery	6
2	16th Place		Reflections Recovery Center	6
3	16th Place	491	South Coast Behavioral Health	6
4	18th Street W	777	777 House	12
5	18th Street W	679	Discovery House	6
6	18th Street W	685	Discovery House	78
7	19th Street E	177	Agape House	6
8	Alder Lane	2527	New Family Solutions	6
9	Anaheim	2216	Playa House	Unknown
10	Anaheim Avenue	1769	Morning Side Recovery	6
11	Anaheim Avenue	2216	Playa House	Unknown
12	Arbor Street	973	Solid Landings	6
13	Augusta	1180	Hampton	Unknown
14	Babb Street	2959	Unknown	10
15	Bay St	431		Unknown
16	Boston Way	3145	Solid Landings	15
17	Bowling Green	273	Solid landings	6
18	Briar Rose	1631	Monarch Recovery	6
19	Cabrillo Street	218	Sober Sanctuaries, Inc.	12
20	Canadian Drive	3159	Clean Path Recovery	6
21	Cassia Avenue	3107	Rock Solid	22
22	Charleston St	1143	Solid Landings	8
23	Charleston St	1174	Solid Landings	6
24	Cheyenne Street	1055	Solid Landings	6
25	Conway	1252	Solid Landings	6
26	Coolidge Avenue	3004	Clean Path Recovery	6
27	Coolidge Avenue	3004	Solid Landings	18
28	Dahlia Avenue	924	Solid Landings	6
29	Darrel	871	Solid Landings	6
30	Doctors Circle	2111		Unknown

	Street Name	Street No.	Program Name	Beds
31	<i>E. 18th St</i>	166	Casa Capri	Unknown
32	<i>Flower</i>	268		Unknown
33	<i>Gisler Avenue</i>	1811	Solid Landings	6
34	<i>Grant Avenue</i>	3044	Solid Landings	6
35	<i>Hamilton Street</i>	394	Solid Landings	6
36	<i>Hamilton Street</i>	396		Unknown
37	<i>Hamilton Street</i>	382	Solid Landings	Unknown
38	<i>Harbor Boulevard, Unit</i>	2374	Strong Woman	Unknown
39	<i>Iowa Street</i>	1804	Lotus Place Recovery	6
40	<i>Joann Street</i>	574		Unknown
41	<i>Joann Street</i>	578		Unknown
42	<i>La Salle</i>	2829		Unknown
43	<i>La Salle Avenue</i>	2869	OC Recovery	Unknown
44	<i>La Salle Avenue</i>	2829	Solid Landings	6
45	<i>Marseilles Way</i>	2450	Lotus Recovery	Unknown
46	<i>Marseilles Way</i>	2450		Unknown
47	<i>Mendoza Avenue</i>	2869	Clean Path Recovery	Unknown
48	<i>Meyer Pl</i>	2012	Unknown	Unknown
49	<i>Monte Vista Avenue</i>	291	Unknown	6
50	<i>Monterey Avenue</i>	2822	Solid Landings	6
51	<i>Nebraska Place</i>	3238	Healing Path	4
52	<i>Olympic Ave</i>	13741	Unknown	Unknown
53	<i>Olympic Avenue</i>	13741	Solid Landings	6
54	<i>Orange Avenue</i>	1513	Hotel California by the Sea	6
55	<i>Orange Avenue</i>	1775	Morning Side Recovery	12
56	<i>Orange Avenue</i>	1965	Solid Landings	6
57	<i>Orange Avenue Unit A</i>	2379	Balboa Horizons	Unknown
58	<i>Orange Avenue Unit B &</i>	2379	Balboa Horizons	Unknown
59	<i>Pamela Ln</i>	2264	The Book House	16
60	<i>Paularino Ave</i>	959	Playa House	6
61	<i>Paularino Avenue</i>	778	Agape House	6
62	<i>Placentia Ave., Unit B</i>	2190		Unknown
63	<i>Placentia Avenue</i>	2212 A-D 2218 A-D	Heritage House	Unknown

	Street Name	Street No.	Program Name	Beds
64	<i>Plumer Street</i>	697	Pillars Recovery	15
65	<i>Plumer Street</i>	697	Solid landings	15
66	<i>Plumeria Place</i>	3465	Mainstay Recovery	6
67	<i>Pomona Avenue</i>	1827	Clean Path Recovery	13
68	<i>Pomona Avenue</i>	2220	Safe Harbor Treatment Center For Women	6
69	<i>Raleigh Avenue</i>	2186	Agape House	6
70	<i>Republic Avenue</i>	2131	Sam's House	6
71	<i>San Bernardino</i>	1589	Ohio House	7
72	<i>San Bernardino</i>	1578	Ohio House	8
73	<i>Sturgeon Dr</i>	506	Time 2 Care llc	6
74	<i>Trinity Drive</i>	3066	Camilla's Recovery	6
75	<i>Valencia Street</i>	1009	Morning Side	24
76	<i>Velasco Lane</i>	2866	Easy Way Out LLC	Unknown
77	<i>Victoria St.</i>	357	Windward Way	Unknown
78	<i>Victoria St.</i>	351	Windward Way	Unknown
79	<i>Victoria Street</i>	310	Sober Partners	24
80	<i>Victoria Street</i>	310	Sober Partners Project	Unknown
81	<i>Virginia Place</i>	132	Sober Living House	6
82	<i>W. Bay Street</i>	431	California Prime Recovery	Unknown
83	<i>Walnut</i>	271	Solid Landings	6

From: Keith Randle <kbrandle@yahoo.com>
Sent: Monday, September 20, 2021 1:53 PM
To: shannan.west@hcd.ca.gov; marisa.prasse@hcd.ca.gov; robin.huntley@hcd.ca.gov; compliancereview@hcd.ca.gov; Garrett M. Prybylo; Isaac R. Zfaty; Housing Element; MHAssistance@hcd.ca.gov; MRLComplaint@hcd.ca.gov; Keith Randle
Subject: Formal Complaint of Discrimination by the City of Costa Mesa California Code 65000 et.al.
Attachments: HCD Discrimination Complaint City of Costa Mesa _000163.pdf; HCD letter to City of Anaheim_000165.pdf; HCD City of Costa Mesa Resolution NO 18-16_000157.pdf; HCD City of Costa Mesa Conditionals of approval_000158.pdf; HCD City of Costa Mesa Letter dasted July 20 2018 from Sheri Vander Dussen_000159.pdf; HCD City of Costa Mesa Letter dasted August 7th From Fidel Gamboa with operatort permit application_000160.pdf; HCD City of Costa Mesa Letter datted September 9, 2021 from Sheri Vander Dussen re operators permitt_000162.pdf

0Shannan
I am sending this formal compliant (attached) against the City of Costa Mesa. The City is violating California Code 65000 [et.al](#), including 65008, 65580 and 65585
Time is of the essence. I ask you to review the attachments and that you send a cease and desist letter, similar to the one you sent to the cities of Anaheim (attached) and Encinitas earlier this year. I also request that you put a halt to the issuing of Costa Mesa's Housing Element.
I will also send you a hard copy to you at:
2020 W El Camino Ave, Suite 500 Sacramento Ca. 95833. If you have a different mailing address let me know.
Please acknowledge receipt of this email to kbrandle@yahoo.com
I appreciate you looking into this matter.
Keith Randle
<http://www.summitcoastalliving.com>
949 689-8880
2100 Highland Drive
Newport Beach Ca 92660

There are 7 attachments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.



Summit Coastal Living

a sober community of living

September 20, 2021

Shannan West,

Land Use and Planning Unit Chief

Department of Housing and Community Development

• 2020 W El Camino Ave, Suite 500

Sacramento, CA 95833

Dear Shanna West,

I am writing you to report a violation of California's Planning and Zoning Law (Gov.Code 65000 et al) by the City of Costa Mesa. I own and operate sober living homes, located in Costa Mesa, CA. Both of the locations have approved conditional use permits. Both are similar in lot and livable square footage. Both have been approved by the city, with conditions that violate California's Planning and Zoning Law, specifically Gov. Code 65000 et.al. The property at 2041 Tustin Avenue, Costa Mesa, has conditions that are more discriminatory than the property at 165 East Wilson Street, also in Costa Mesa. I feel my property rights have been violated.

I went through a long process to be compliant with the City of Costa Mesa (**Ordinance PA-16-04**), including multiple planning commission hearings, and appeals to the city council on the property I own at 2041 Tustin Ave, Costa Mesa. It is a legal triplex comprising of a 3 bedroom and 2, 2-bedroom
• apartments. A total of 7 bedrooms.

I have attached a copy of the conditions of approval for 2041 Tustin Ave, Costa Mesa, CA.

Although all of the 30 conditions treat me differently than my neighbors, I am most concerned about the following 6 conditions outlined in the **Condition of Approval Exhibit B Resolution No 18-16 pages 8-12**, which are highly discriminatory; they also violate the City's Housing element in effect at the time of approval, and I believe Fair Housing Laws.

Condition 2: ***The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.*** My neighbors, who have the same triplex units as I do, have no such restrictions placed on them and have the same number of residents as I do in some of the units. I have had 13 residents in the three unit since October, 2013. Additionally the number of residents residing in each of the three units at the property are less than the number allowed pursuant to the city of Costa Mesa's housing element.

Condition 7. **All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and /or on the street withing 500 feet of the property.** No residential property owner in Costa Mesa has such restrictions.

Condition 15: **The applicant shall provide neighbors with the telephone number of the on-site manager or property owner, for the purpose of allowing the neighbors to lodge complaints or describe concerns about the operation of the property.** My neighbors are not required to give me their names and numbers. This is a leading statement encouraging neighbors to file complaints. By the way I have never had a complaint filed with the city or its services since operation began in 2013.

Condition 17. **The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property.** Again, none of my neighbors and/or property owners in Costa Mesa have this condition on their property.

Condition 27. **All parking spaces, including those within garages shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.** Again, my neighbors do not have this condition placed on their properties. My neighbors' garages are all used for personal storage. The majority do not park in their garages.

And the most discriminatory condition of all:

Condition 29. **No more than two residents living in the facility at any one time shall have a domicile outside the state of California.** This condition is violation of Federal and State housing Laws. I am a real estate Broker in the State of California. If I were to enforce such a condition I would be in violation of discrimination and my broker's license could be revoked and subject to litigation, not to mention my loss of livelihood for me and my family.

I am appealing to you to submit a similar letter to the City of Costa Mesa as you have this year to the Cities of Anaheim (attached) and Encinitas.

• The City, like others in the area, are going through the "Housing Element" approval process. I do not see how Costa Mesa's housing element can be approved by the State when they have not been adhering to their current housing element and State laws, not to mention being in the process of renewing their Housing element. **The City of Costa Mesa is discriminating against me and my residents and treating me differently than my neighbors a violation of California's Planning and Zoning Law (Gov.Code Section 65000 et.al) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code Section 65008**

I need help ASAP. There is a housing shortage and a high degree of homelessness in the state. I offer a safe and sober environment for people in recovery to better their lives.

Please direct any communication to me via email, kbrandle@yahoo.com and / or my mailing address 2100 Highland Drive, Newport Beach CA, 92660.

Please call me to discuss as time is of the essence. 949 689-8880

With kind regards,



Keith Randle

Summit Coastal Living

www.summitcoastalliving.com

Cc Marisa Prasse, Robin Huntley, Garrett Prybylo, Isaac Zafaty, Keith Randle

compliancereview@hcd.ca.gov

housing-element@costamesaca.gov

Attachments:

State of California Department of Housing letter from Shannan West to Niki Wetzel, Deputy Director City of Anaheim dated May 3 2021.

City of Costa Mesa Resolution No.18-16 pages 1-7.

City of Costa Mesa Exhibit B : Conditions of Approval pages 8-12.

• City of Costa Mesa letter to Keith Randle Subject Conditional Use Permit dated July 20,2018.

Email From Fidel Gamboa, City of Costa Mesa Community improvement manager.

City of Costa Mesa Letter from Sheri Vanderdussen to Keith randle Date September 9th 2021.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



May 3, 2021

Niki Wetzel, Deputy Director
Planning and Services Division
Planning and Building Department
City of Anaheim
200 S. Anaheim Boulevard, Suite 162
Anaheim, CA 92805

RE: City of Anaheim Approach to Community Care Facilities and Sober Living Homes – Letter of Technical Assistance

Dear Niki Wetzel:

The California Department of Housing and Community Development (HCD) has reviewed the City of Anaheim's (City's) land-use regulations set out in Municipal Code sections 18.16.058 (Community Care Facilities-Unlicensed (Small) and Sober Living Homes (Small)) and 18.38.123 (Community Care Facilities-Unlicensed and Sober Living Homes) (Municipal Code) as well as the City's proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) (Zoning Code Amendment) pursuant to Government Code sections 65585 and 65008, the latter of which prohibits discrimination in land use.

In support of its review, HCD held a call with City staff on March 23, 2021, to discuss HCD's concerns that the City's Municipal Code and its proposed Zoning Code Amendment potentially conflict with statutory prohibitions on discrimination in land use (Gov. Code, § 65580) by imposing separate, more onerous requirements on housing for a protected class, limiting the use and enjoyment of their homes, and jeopardizing the financial feasibility of group homes, which the City refers to as "community care facilities-unlicensed" and "sober living homes." During the call, City staff requested a letter of technical assistance to assist and inform its City Council regarding the potential impacts their decisions have surrounding these issues. HCD provides the following technical assistance pursuant to that request.

Background Information: California's Planning and Zoning Law Prohibits Discrimination.

California's Planning and Zoning Law (Gov. Code, § 65000 et al.) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code section 65008, subdivision (a), deems any action taken by a city or

county to be null and void if such action denies to an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to illegal discrimination. Under the law, it is illegal to discriminate based on protected class such as race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability (including individuals in recovery for drug or alcohol abuse, whether or not they are actively seeking recovery assistance), veteran or military status, or genetic information.

The law further recites multiple categories of actions that are determined to be discriminatory, including:

- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against a protected class (Gov. Code, § 65008, subd. (b)(1)(B));
- Enactment or administration of ordinances pursuant to any law that prohibits or discriminates against residential developments because they are “intended for occupancy by persons and families of very low, low, or moderate income, ... or persons and families of middle income” (Gov. Code, § 65008, subds. (a)(3) and (b)(1)(C)); and
- Imposition of different requirements on a residential use by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residential uses. (Gov. Code, § 65008, subd. (d)(2)(A).)

Proposed Zoning Code Amendment 2021-00176 (DEV2021-00027) Potentially Discriminates

Recitals in the draft Ordinance for Zoning Code Amendment 2021-00176 include statements that are potentially concerning. The recital notes “continuous resident complaints regarding quasi-residential facilities expressing concerns such as overcrowding, parking, noise, and loitering”; the need to “preserve the character of single-family residential neighborhoods”; and the desire to “provide an accommodation for disabled persons that is reasonable and actually bears some resemblance to the opportunities afforded non-disabled individuals”. The proposed solution to these recited concerns is to regulate Community Care Facilities-Unlicensed and Sober Living Homes, and to require additional distancing requirements between Community Care Facilities-Unlicensed and Sober Living Homes as well as impose additional distancing requirements from residential uses that are deemed “quasi-residential”. The City considers the following residential uses to be quasi-residential:

- Community Care Facilities, regardless of size, both licensed and unlicensed
- Sober Living Homes, regardless of size
- Senior Living Facilities, regardless of size
- Transitional Housing (Large)

- Supportive Housing (Large)
- Short-Term Rental Units (although these are not the subject of these regulations, their impacts are cited as part of the justification for these regulations).

The proposed Zoning Code Amendment is problematic for the following reasons:

- 1) These restrictions lump together various living arrangements for regulation, such as large, licensed community care facilities, with residential homes occupied by individuals or groups of individuals, based only on protected characteristic without explanation, analysis, or data to justify doing so. In fact, the only characteristic that they appear to have in common is that they are occupied by persons with disabilities, a fact that is concerning.
- 2) There are no similar restrictions on non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)
- 3) Regulation of cars, traffic, noise, loitering, and overcrowding can be administered directly through the City's existing laws. This approach applies universally and does not discriminate against persons with disabilities or persons or families with very low, low, moderate, or middle household incomes.
 - a. Population density can be regulated by reference to floor space and facilities.
 - b. Noise and morality can be regulated by enforcement of police power ordinances and criminal statutes.
 - c. Traffic and parking can be regulated by limitations on the number of cars (and applied evenly to all households) and by off-street parking requirements.¹
- 4) Citywide implementation of distancing requirements threatens the capacity to facilitate a sufficient number of facilities to meet the special needs of the City's residents who require residing in Community Care Facilities and Sober Living Homes.

Existing requirements for Sober Living and Community Care Facilities severely restrict the sites in which they can be located. However, Community Care Facilities may not be located within 300 feet of another Community Care Facility or 800 feet of a Sober Living Home. Sober Living Homes may not be located within 800 feet of another Sober Living Home. (Municipal Code § 18.38.123.020.0205.) Proposed amendments would further, substantially restrict the locations for such residences. In particular, it would extend these kinds of restrictions to preclude Sober Living and Community Care Facilities near senior living facilities, transitional housing, supportive housing, and short-term rentals.

¹ As the Supreme Court explained in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133: "In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users."

The draft Zoning Code Amendment cites records from the California Department of Social Services dated May 28, 2020, that “show more than 100 state-licensed community care facilities for adults and the elderly are located in the City and that the City is home to 15 licensed and/or certified alcoholism and drug abuse recovery or treatment facilities providing 205 beds.” Since Anaheim’s population is roughly 350,000 persons, and the City’s housing element cites 26,240 persons with disabilities currently residing in the City (2011 ACS, S1810), existing facilities appear to fall short of meeting the need. The Zoning Code Amendment creates additional barriers for persons with disabilities to obtain housing.

The City should treat Group Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The proposed Zoning Code Amendment is an excessive regulation that fails to achieve the expressed intent of “restrict[ing] residential zones to specified types of uses deemed compatible” or “preserv[ing] the character of single-family residential neighborhoods”.

- 5) Transitional and supportive housing regardless of size are by law “residential uses,” not quasi-residential, and may only be subject to the restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) Under state law, for instance, if the transitional or supportive housing is located in a single-family home, the city cannot require a use permit for the transitional or supportive housing unless it also generally requires a use permit for all other single-family homes. Likewise, unless all single-family homes are subject to an operator’s permit, such a permit cannot be required for transitional and supportive housing.²
- 6) Community Care Facilities and Sober Living Homes with current distancing less than the proposed requirement are “grandfathered in” only under limited circumstances.
- 7) Under certain circumstances, the grandfathered distancing exemption can be revoked, thus reducing the City’s ability to provide much needed housing and undermining the purpose of grandfathering.
- 8) Persons residing in Community Care Facilities and Sober Living Homes are disabled and generally lower income. Implementing constraints to providing these types of housing opportunities could have the effect of increasing the City’s homeless population and thwarting efforts to house the homeless.

² Note that some Community Care Facilities, Sober Living Homes, and Senior Living Facilities may also qualify as Transitional or Supportive Housing. The City’s ordinance should recognize this and acknowledge that when they do so, the rules for transitional and supportive housing would control under Government Code section 65583.

- 9) The City's obligation is to provide equal opportunities in housing to persons with disabilities as are provided to those without disabilities, not to merely provide opportunities that "bear some resemblance" to the opportunities offered to non-disabled persons. (Gov. Code, § 65008, subd. (d)(2)(A).)

Existing Municipal Code Sections 18.16.058 and 18.38.123 Potentially Discriminate

HCD is concerned about Municipal Code sections 18.16.058 and 18.38.123. Although the requirements seek to address the "adverse impacts" of various group homes arrangements, these kinds of ordinances—calling out protected classes for specific regulatory action based on concerns of this nature—can result in significant barriers to housing for persons with disabilities in a way that a more generalized regulatory response, targeting actions or impacts rather than persons, would not.³

Existing Municipal Code is problematic for the following reasons:

- 1) *Municipal Code requires a discriminatory permitting process for Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058)*

The Municipal Code requires an onerous permit and registration process for Community Care Homes and Sober Living Homes—including registration with the Orange County Sheriff's Department and compliance with "certification" guidelines crafted for those who are being monitored through the criminal justice system. This onerous and intrusive permit process is not applied in a non-discriminatory manner to all residential uses, and, as such, is a violation of Government Code section 65008, subdivision (d)(2). The City should treat Community Care Facilities and Sober Living Homes as comparable to any other residence to satisfy the goal to accommodate and integrate persons with disabilities in all communities. The Fair Housing Act (FHA) also prohibits the enforcement of zoning ordinances and local housing policies in a manner that denies people with disabilities access to housing on par with that of those who are not disabled.⁴ Government Code section 65008, subdivision (d)(2)(A), prohibits imposition of different requirements on a residence intended for occupancy by a protected class or by persons of very low, low, moderate, or middle income, other than those generally imposed upon other residences.

³ See, e.g., Brian J. Connolly and Dwight H. Merrian, Planning and Zoning for Group Homes: Local Government Obligations.

⁴ See, e.g., United States Department of Justice and United States Department of Housing and Urban Development, Joint Statement: Local Land Use Laws and Practices and the Application of the Fair Housing Act (November 10, 2016) ("Joint Statement"), p. 4 ("A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Fair Housing Act because it treats persons with disabilities differently based on their disability"); see also *Oconomowoc Residential Programs, Inc. v. City of Milwaukee* (7th Cir. 2002) 300 F.3d 775, 783.

- 2) *The Municipal Code applies to both existing and future Community Care Facilities and Sober Living Homes. (Municipal Code section 18.16.058.040.090)*

The Municipal Code requires facilities existing prior to the effective date of regulations to apply for the Operator's Registration or Operator's Permit within 180 days of the effective date of the regulations. It is questionable whether the retroactive application of the ordinance in this manner is constitutional. The courts have instructed, "If the law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid"⁵ and "The rights of users of property as those rights existed at the time of adoption of a zoning ordinance are well recognized and have always been protected."⁶ For this reason, zoning ordinances typically exempt existing uses from new zoning regulations.

- 3) *The Municipal Code requires a 24-hour house manager. (Municipal Code section 18.38.123.020.0203)*

The Municipal Code requires Community Care Facilities and Sober Living Homes to have a house manager reside on site or any number of persons acting as a house manager who are present at the facility on a 24-hour basis or who will be available 24-hours per day, seven days per week to physically respond within 45 minutes. Residents are frequently persons of very low- or low-income and are disabled. The house manager requirement creates a financial hardship on the residents as the additional costs create an additional expense for the residents.

The requirement to have a house manager effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled in conflict with the FHA.⁷ It is hugely intrusive in that it interferes with the residents' freedom to live with persons of their choice, and adds significant additional expense, both problematic under notions of fair housing. (Gov. Code, § 65008.)

- 4) *The Municipal Code limits occupancy to residents who are handicapped. (Municipal Code section 18.16.058.040.0401.02)*

Under the Municipal Code, an Operator's Registration and an Operator's Permit application shall be denied or revoked for multiple reasons, including accepting residents, other than a housing manager or staff, who are not handicapped as defined in the FHA and FEHA.

⁵ *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 551-552.

⁶ *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651.

⁷ *Oconomowoc Residential Programs, supra*, 300 F.3d at p. 783.

In limiting residence in this way, the Municipal Code impermissibly discriminates on the bases of familial status. (See Gov. Code, § 12955, subd. (l).) The Municipal Code prohibits any residents that are not “handicapped,” which means that Community Care Facilities and Sober Living Homes designed for families are effectively prohibited in the City because these requirements would prevent families, including non-disabled spouses and small children, from residing in the residence. In the context of a Sober Living Home, this prohibition would also effectively preclude sober living arrangements for nursing mothers, mothers of infants or small children, and parents endeavoring to reunify with children after recovery. This restriction effectively mandates an “institutional” arrangement that is not “on par with” housing policies for those who are not disabled in conflict with the FHA.⁸

- 5) *Sober Living Homes require residents to be actively participating in legitimate recovery program. (Municipal Code sections 18.16.058.040.0401.04 and 18.38.123.020.0210.01)*

The Municipal Code contains a requirement for active participation of all residents in a legitimate recovery program located off-site and cites an Operator’s Registration and an Operator’s Permit application shall be denied or revoked for failing to take measures to remove any resident of a Sober Living Home who is not actively participating in a legitimate recovery program from contact with all other sober residents.

Disability rights laws apply not only to individuals with histories of drug addiction or alcoholism who are currently participating in recovery programs, but also those who have completed those programs or who are “erroneously regarded as using drugs when in fact they are not.”⁹ Additionally, state or local zoning and land use ordinances may not, consistent with the FHA, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate.¹⁰

By precluding persons who are not currently participating in established recovery programs, the Municipal Code discriminates based upon disability. Further, the enforcement of such a provision may unconstitutionally intrude into the privacy interests of disabled persons if it forces residents to provide records to the City as part of its land-use enforcement efforts.¹¹

⁸ *Oconomowoc Residential Programs*, *supra*, 300 F.3d at p. 783.

⁹ *Hernandez v. Hughes Missile System Co.* (9th Cir. 2004) 362 F.3d 564, 568.

¹⁰ Joint Statement, *supra* note 4, p. 13.

¹¹ See, e.g., Cal. Const. art. 1, § 1.

6) *Other regulations imposing different requirements on Community Care Facilities and Sober Living Homes than are imposed on other residential uses.*

- All facilities shall have a good neighbor policy, which directs residents to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. (Municipal Code § 18.38.123.020.0209.03)
- All garages, driveways, and/or assigned parking spaces associated with the facility shall be available for the parking of vehicles at all times. (Municipal Code § 18.38.123.020.0204.01)
- The facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose. Residents of all units on a parcel will be combined to determine the total number of residents. (Municipal Code § 18.38.123.0201 and 0202)
- Existing, as well as proposed separation requirements. Existing requirements state Sober Living Homes shall not be located within 800 feet of other Sober Living Homes or Alcoholism or Drug Abuse Recovery or Treatment Facilities. Proposed amendments are address earlier in this correspondence. (Municipal Code § 18.38.123.020.0205)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population—persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

7) *Other regulations imposing different requirements on Sober Living Homes than are imposed on other residential uses.*

- A Sober Living Home shall have a visitation policy that precludes any visitors who are under the influence of any drug or alcohol. (Municipal Code § 18.38.123.020.0210.02)
- A Sober Living Home shall have a controlled substance policy, which, at a minimum, states the prohibition of the use of any alcohol or any non-prescription drugs at the facility or by any resident either on- or off-site. (Municipal Code § 18.38.123.020.0210.03)

None of the requirements outlined above apply universally to all residential uses in the City. The requirements were crafted explicitly to target a specific population – persons with disabilities and most likely persons with low-incomes. These populations are legally protected from such actions.

Community Care Facilities and Sober Living Home requirements may conflict with housing element policies and programs

HCD reminds the City that its decisions and actions must align with, and not contradict, the policies, principles, and strategies included in its current 5th cycle housing element. Community Care Facilities and Sober Living Home requirements may conflict with or fail to implement multiple provisions of the City's general plan housing element, including:

- Policy Consideration 5.0: Affordable Housing Opportunities for Anaheim Residents
- Policy Consideration 7.0: Housing Availability and Affordability
- Guiding Principle B: The availability of a range of housing choices for a variety of incomes in Anaheim contributes to a balanced community and community investment.
- Guiding Principle C: Persons with special housing needs should have access to a variety of housing choices that are integrated within the community.
- Housing Production Strategy 1D: Encourage the Development of Housing for Extremely-Low-Income Households
- Housing Production Strategy 1E: Encourage the Development of Housing for Special Needs Households
- Housing Quality and Design Strategy 3B: Monitoring of Adopted Reasonable Accommodation Procedures
- Affordable Housing Opportunity Strategy 5A: Local Support of Regional Fair Housing Efforts

Additionally, HCD reminds the City that its housing element update for the 6th cycle planning period is due October 15, 2021. While multiple laws require the element to analyze and include programs to mitigate potential governmental constraints, including constraints for persons with disabilities (Gov. Code § 65583, subds. (c)(3), (c)(5), (a)(5), and (a)(7)), new requirements surrounding the City's obligation to affirmatively further fair housing (Gov. Code § 65583, subd. (c)(10)) also apply. Implementation of discriminatory regulations not only violates Housing Element Law, it fails to allow the City to meet its obligation to affirmatively further fair housing pursuant to Government Code section 8899.50.

Conclusion

HCD reminds the City that California is experiencing a severe housing crisis and the availability of housing affordable to all income levels is of vital statewide importance. (Gov. Code § 65580.)

HCD has reviewed the City's municipal code and proposed amendments under Government Code section 65585. HCD's authority pursuant to Government Code

section 65585 extends to statutory prohibitions on discrimination in land use (Gov. Code, § 65008). HCD has found that the City's municipal code potentially discriminates against persons in protected classes and that adoption of Zoning Code Amendment No. 2021-00176 (DEV2021-0027) would amplify HCD's concerns. HCD recommends the City reject the Zoning Code Amendment and amend its current municipal code to ensure it adheres to the nondiscrimination requirements in Government Code section 65008.

Thank you for reaching out to HCD for this guidance. For technical assistance regarding the City's 6th cycle housing element update, please contact Marisa Prasse at Marisa.Prasse@hcd.ca.gov. If you have any questions or would like to discuss the content of this letter, please contact Robin Huntley at Robin.Huntley@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" and the last name "West" clearly distinguishable.

Shannan West
Land Use & Planning Unit Chief

RESOLUTION NO. 18-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND APPROVING CONDITIONAL USE PERMIT PA-16-04 FOR A SOBER LIVING FACILITY OPERATED BY SUMMIT COASTAL LIVING HOUSING NINE OCCUPANTS (INCLUDING ONE LIVE-IN HOUSE MANAGER) WITHIN THREE EXISTING UNITS AT 2041 TUSTIN STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Summit Coastal Living with respect to the real property located at 2041 Tustin Avenue; and

WHEREAS, the application submitted to the City consists of a Conditional Use Permit to allow the subject sober living facility to serve up to 12 residents and one house manager within three existing units; and

WHEREAS, the City of Costa Mesa recognizes that while not in character with residential neighborhoods, when operated responsibly, group homes, including sober living homes, provide a societal benefit by providing disabled persons, as defined by state and federal law, the opportunity to live in residential neighborhoods, as well as providing recovery programs for individuals attempting to overcome their drug and alcohol addictions; therefore, providing greater access to residential zones to group homes, including sober living homes, than to boardinghouses or any other type of group living provides a benefit to the City and its residents; and

WHEREAS, the City of Costa Mesa has adopted standards for the operation of group homes, residential care facilities and state licensed drug and alcohol facilities that are intended to provide opportunities for disabled persons, as defined by state and federal law, to enjoy comfortable accommodations in a residential setting; and

WHEREAS, the City of Costa Mesa has found that congregating sober living homes in close proximity to each other does not provide disabled persons, as defined in state and federal law, with an opportunity to "live in normal residential surroundings," but rather places them into living environments bearing more in common with the types of institutional/campus/dormitory living that the FEHA and FHAA were designed to provide

relief from for the disabled, and which no reasonable person could contend provides a life in a normal residential surrounding; and

WHEREAS, the City of Costa Mesa has determined that a separation requirement for such facilities will still allow for a reasonable market for the purchase and operation of sober living homes within the City and still result in preferential treatment for sober living homes in that non-disabled individuals in a similar living situation (i.e., in boardinghouse-style residences) have fewer housing opportunities than disabled persons; and

WHEREAS, the City of Costa Mesa has determined that a group home, sober living home or state licensed drug and alcohol treatment facility shall be operated on a single parcel of land; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15301 (Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa; and

WHEREAS, the conditional use permit application was processed in the time and manner prescribed by federal, state and local laws; and

WHEREAS, on August 28, 2017 the Planning Commission conducted a duly noticed public hearing, at which time interested persons had an opportunity to testify either in support of or in opposition to the application, and determined by a 4-1 vote to deny the Application; and

WHEREAS, the Planning Commission voted 5-0 at its meeting of September 11, 2017, to adopt Resolution PC-17-32 denying this application; and

WHEREAS, the Applicant appealed the decision of the Planning Commission in a timely manner; and

WHEREAS, a duly noticed public hearing was held by the City Council on March 20, 2018, with all persons having the opportunity to speak for and against the proposal, at which time the Council voted 3-2 to approve the Application; and

WHEREAS, at the public hearing held by the City Council on March 20, 2018, the applicant expressly agreed to be bound by all of the conditions of approval set forth herein, including, but not limited to numbers 17, 28, 29 and 30 as set forth in Exhibit B hereto; and

WHEREAS, the resolution memorializing the City Council's decision on March 20, 2018 to approve the application was placed on the agenda for City Council meeting of April 3, 2018; and


WHEREAS, at its meeting of April 3, 2018, based on issues raised during public testimony, the City Council directed that a new public hearing should be held by the City Council to determine if the application should be approved or denied; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 5, 2018, with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED, therefore, that based on the evidence in the record, the applicant's agreement to be bound by the conditions of approval and the findings contained in this resolution, the City Council hereby **REVERSES THE PLANNING'S COMMISSION'S DENIAL** and **APPROVES** Conditional Use Permit PA-16-04.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 5th day of June, 2018.


Sandra L. Genis, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green
Brenda Green, City Clerk

Thomas Duarte
Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 18-16 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5th day of June, 2018, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Righeimer, Stephens, Mansoor, and Genis.

NOES: COUNCIL MEMBERS: Foley

ABSENT: COUNCIL MEMBERS: None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 6th day of June, 2018.

Brenda Green
Brenda Green, City Clerk

EXHIBIT A

FINDINGS (APPROVAL)

- A. The Information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings: A sober living home is a supportive living environment for persons who are recovering from drug and/or alcohol addiction. The subject property is not within 650 feet of any other sober living home or state licensed drug and alcohol facility that is currently permitted pursuant to City of Costa Mesa land use requirements. This separation distance helps to preserve the residential character of neighborhoods and facilitates General Plan Land Use Element Goal LU-1F.1 and Housing Element Goal HOU-1.2 in that it protects existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. The configuration of the buildings and the site's proximity to an alley on the easterly property line help minimize potential impacts.

The sober living home has operated at this location for more than five years. During that time, the City has received no complaints regarding the operation of the facility from surrounding residents. The facility has generated few requests for emergency services, and no requests for Code Enforcement action. The property is well maintained. The applicant has operated this facility in a manner that does not conflict with the residential character of the neighborhood. There is adequate space to accommodate vehicles belonging to the occupants on the driveway and on the street.

Finding: Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: As part of the application process, the sober living operator was required to Live Scan all owners/operators who have contact with residents and house managers. Additionally, the sober living operator submitted a copy of the House Rules, Relapse Policy and all forms distributed to residents. These documents demonstrate that the facility will be operated in a manner consistent with the provisions of the Costa Mesa Municipal Code. There have not been any code enforcement complaints since Summit Coast Living began operating at the property more than five years ago. Further, the facility has not generated an extraordinary number of calls for emergency services which would place an unreasonable burden on City services.

The Costa Mesa Municipal Code and the conditions of approval require the owner to operate the facility in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Existing mature landscaping, fences and an adjacent alley provide a buffer from adjacent properties and the adjoining street and sidewalk, helping to minimize impacts to the surrounding neighborhood. The owner will provide his name and phone number to neighbors so they may contact him if there are any concerns regarding operation of the facility. The sober living home is subject to a City inspection of the interior and/or exterior of the facility to verify that the approved use has not been altered and that the property complies with all applicable code(s) upon 24-hour written notice.

The operator is an active member of The Sober Living Network, a non-profit organization that sets the most comprehensive standards for sober living homes in the nation. This organization conducts annual inspections to insure member facilities are in compliance. The standards promulgated by this organization can be found at www.soberhousing.net. These standards reinforce the City's regulations.

The facility will house up to eight residents and one house manager (as conditioned) in three existing units. Combined, these units feature seven bedrooms and four bathrooms. There are also three kitchens, three indoor living areas, and distinct outdoor living areas. The project provides seven parking spaces, and there are additional parking spaces available in the driveway should they be needed by residents. The proposed occupancy of the facility is reasonable. The owner has demonstrated an ability to operate the facility in a manner that is compatible with the neighborhood.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Findings: The use is consistent with Housing Element Goal HOU-1.8 of the General Plan, which encourages the development of housing that fulfills specialized needs by providing living opportunities for disabled individuals. The facility provides an accommodation for the disabled that is reasonable and actually resembles the opportunities afforded non-disabled individuals to use and enjoy a dwelling unit in a residential neighborhood. The facility offers a comfortable living environment that will enhance opportunities for the disabled, including recovering addicts, to be successful in their programs.

The subject property contains three existing units on a legal non-conforming site. The proposed use is consistent with the general plan designation.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.
- C. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. Once Issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.
 2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.
 3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, and these conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.
 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).
 6. The project is subject to compliance with all applicable federal, state, and local laws.
 7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.
 8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.
10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.
11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.
12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.
13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.
15. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.
16. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.
- CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).
18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.
20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.
21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.
22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.
23. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.
24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:
 - a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
 - b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
 - c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
 - d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.
26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.
27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.
28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.
29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.
30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

CODE REQUIREMENTS

- Ping. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.
- Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle
Summit Coastal Living
2100 Highland Dr.
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.

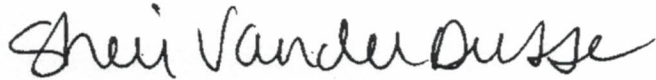
To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at jennifer.le@costamesaca.gov. Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Building Division 714.754.5273 • Code Enforcement & Community Improvement Division 714.754.5623

Housing & Community Development 714.754.4870 • Planning Division 714.754.5245

Fax 714.754.4856 • www.costamesaca.gov

Sincerely,

A handwritten signature in cursive script that reads "Sheri Vander Dussen".

Sheri Vander Dussen, AICP
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services
Fidel Gamboa, Community Improvement Manager
File: PA-16-04

VANDER DUSSEN, SHERI

From: GAMBOA, FIDEL
Sent: Tuesday, August 7, 2018 2:07 PM
To: 'krandle@villarealestate.com'; 'Keith Randle'
Subject: Conditional Use Permit PA-16-04
Attachments: PA-16-04 2041 Tustin.pdf

Keith,

please see the attached notice from Sheri Vander Dussen. We have not heard back from you regarding the remaining to-do items on your Conditional Use permit. Please contact Jennifer Le at (714) 754-5617 regarding your intent to implement conditional use permit #PA-16-04. To setup a fire inspection, please contact Jon Neal at (714) 754- 5049 and to obtain a business license please visit City hall at 77 Fair drive on the 1st floor. If the City does not hear back from you within seven (7) business days, I will have to hand the matter over to code staff for enforcement of City regulations.

Thank you,

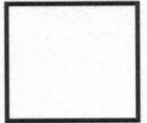


FIDEL GAMBOA JR | COMMUNITY IMPROVEMENT MANAGER
City of Costa Mesa | Development Services Department
Phone 714.754.5625 | Fax 714.754.4856



City of Costa Mesa, Development Services Department
77 Fair Drive, P.O. 1200, Costa Mesa, CA 92628-1200
Phone: (714) 754-5245 Fax: (714) 754-4856 www.costamesaca.gov

Zoning
Office to Assign



OPERATOR'S PERMIT APPLICATION (Group Homes with 7 or more occupants)

PART 1 – PROPOSED FACILITY LOCATION

Property Address _____ City _____ State _____ Zip _____

PART 2 – PROJECT DESCRIPTION [Please check type of permit you are requesting]

- ☐ Group Home
☐ Sober Living Home

[Describe your proposed facility and attach detailed description and required submittal information]

PART 3 – FACILITY OWNER/OPERATOR INFORMATION (CMMC Sec.9-374(a)(1))

Name of Facility Operator/Owner: *[Individual or corporation]* _____

Phone _____ Fax _____

Address _____ Email _____

City _____ State _____ Zip Code _____

Driver's License Number _____ Type _____ State _____ Exp. Date _____

☐ Supplemental Operator/Owner Information Attached

** Provide a complete list of Owners/Corporate Officers including titles and indicate those involved in Group Home Operational Tasks.*

PART 4 – PROPERTY OWNER INFORMATION

PROPERTY ADDRESS: _____ APN: _____

Property Owner _____ Phone _____ Fax _____

Address _____ Email _____

City _____ State _____ Zip Code _____

PART 5 – HOUSE MANAGER INFORMATION (CMMC Sec. 9-374 (a)(2))

Name of Live-in House Manager _____

Phone _____ Fax _____

Address _____ Email _____

City _____ State _____ Zip Code _____

Driver's License Number _____ Type _____ State _____ Exp. Date _____

☐ Supplemental House Manager Information Attached

****** Provide a complete list of all House Managers who will be responsible for the Group Home 24-hours/7-days per week.

PART 6 – REQUIRED DOCUMENTS

Application must provide the following attachments:

1. Copy of the Group Home Rules & Regulations (CMMC Sec. 9-374 (a)(3))
 2. Copy of the Written Intake Procedures (CMMC Sec. 9-374 (a)(4))
 3. Copy of the Relapse Policy (CMMC Sec. 9-374 (a)(5))
 4. Blank forms that all residents and potential residents are required to complete. (CMMC Sec. 9-374 (a)(7))
 5. Copy of Conditional Use Permit (CMMC Sec 13-323)
-

PART 7 – REASONABLE ACCOMMODATION REQUEST (CMMC Sec. 9-374 (c))

Are you requesting Reasonable Accommodation?*

☐ Yes

☐ No

**If you are requesting reasonable accommodation, you must complete Part 10 starting on Page 4.*

Revision Date: 11-16-15

2 | Page

PART 8 - Affirmation

Please read carefully:

I understand that as defined by Title 1 section 1-35(l) that I am deemed the responsible party for any violation(s) of the Costa Mesa Municipal Code that may arise at the proposed facility location.

I also affirm that only residents (other than the house manager) who are handicapped as defined by state and federal law shall reside at the group home.

I also understand that the operation of this Group Home or Sober Living facility will adhere, unless exempt through a reasonable accommodations approval, to all the requirements listed under section 9-374 (a) and (b) of the CMMC.

I certify that this Group Home or Sober Living facility is not, and will not be, operated as an "integral facility" or an "integral use" as defined in CMMC 13-6.

I declare under PENALTY OF PERJURY under the laws of the State of California that the foregoing statements are true and correct and that any permit issued based on false or misleading statements will be deemed invalid.

Signatures – Property owner and Facility Owner/Operator must both sign.

Facility Owner/Operator

Print Name: _____

Signature: _____ Date: _____

Property Owner

Print Name: _____

Signature: _____ Date: _____

WHEN COMPLETED, PLEASE RETURN ALL COPIES TO PLANNING DIVISION

PART 9 BELOW – "OFFICE USE ONLY"

Date Application Received: _____ By: _____

Date Application Determined Complete: _____ By: _____

Assigned Case No.: _____

Reasonable Accommodation Included?

☐ Yes

☐ No



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

September 9, 2021

Keith Randle
2100 Highland Dr.
Newport Beach, CA 92660

Subject: PA-16-04; Approval of a Purported Sober Living Home at 2041 Tustin Avenue

Dear Keith,

In response to a recent inquiry of yours regarding the Operator's Permit for your facility at 2041 Tustin Avenue, our staff searched City records. As a result, we have determined that the City never did issue an Operator's Permit for this facility.

You may recall that on June 5, 2018, the City Council adopted Resolution No. 18-16 approving your Conditional Use Permit (CUP) application. A copy of this resolution was transmitted to you by the City Clerk on June 15, 2018. The Council reversed a prior decision of the Planning Commission to deny your CUP. Resolution No. 18-16 includes 30 conditions of approval.

During the search for your Operator's Permit, I discovered that I sent you a letter on July 20, 2018 asking you to contact Jennifer Le, then Assistant Director of Development Services, regarding your intent to comply with two conditions of approval that were supposed to be satisfied within 30 days. On August 7, 2018, Fidel Gamboa, Community Improvement Manager, sent an email to you, reminding you of the need to contact Ms. Le regarding compliance with your conditions. The City does not have a record of your response to either of these communications.

After reviewing the City's records, I have determined that the City has no evidence of your compliance with the following conditions of approval:

Condition 1: Once issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.

An Operator's Permit was never issued.

Condition 2: The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.

Your application requested approval to serve 13 men, plus one house manager. There is no documentation in the City's records that you reduced the occupancy of this facility.

Condition 13: The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the permit.

The Fire Department has no record of you requesting this required inspection.

Condition 14: The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

The Finance Department indicates that no business license was ever issued.

Condition 27: All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automotive parking.

The City's records do not include the required documentation that parking spaces remain free and clear for parking of vehicles associated with the group home.

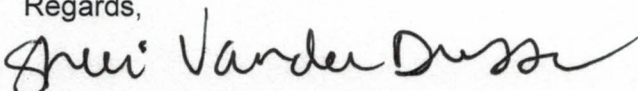
In order to comply with the terms of the CUP, please take the following steps immediately.

1. Submit a new application for the Operator's Permit. I have attached a copy of the application. A new application will ensure that all information is current since the original application was filed in 2016. (There will be no fee to process this application.) If you believe your current house manager already passed the City's live scan background check, we would be happy to confirm that once the Operator's Permit application has been submitted. Please submit this application directly to me.
2. Contact the Fire Department to schedule the required fire inspection. You may reach our Fire Marshal, Jon Neal, at 714-754-5409.
3. Contact Fidel Gamboa, Community Improvement Manager, at 714-754-5625 to arrange an inspection of the property to confirm that the number of residents and beds has been reduced to eight, as required by the City Council. This inspection will also confirm that all required parking spaces remain accessible for parking.
4. Apply for and obtain a Business License. Please note you will be required to remit back taxes and penalties since you have been operating without a business license for three years.

Condition 23 states, "This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services." Failure to comply with the steps outlined above within 30 days will result in enforcement action by the City, which may ultimately lead to a public hearing to consider revoking the CUP that allows operation of the group home at this location.

If you have any questions regarding the actions necessary to demonstrate compliance with Resolution No. 18-16, please feel free to contact me at 714-754-5278 or via email at sheri.vanderdussen@costamesaca.gov.

Regards,



Sheri Vander Dussen
Interim Assistant Director

Attachments: Letter dated July 20, 2018 regarding compliance with Resolution No. 18-16
Email dated August 7, 2018, from Fidel Gamboa
Operator's Permit Application

C: Jon Neal, Fire Marshal
Fidel Gamboa, Community Improvement Manager
Tarquin Preziosi, Assistant City Attorney
File: PA-16-04

From: Keith Randle <kbrandle@yahoo.com>
Sent: Thursday, September 23, 2021 3:44 PM
To: john.buettner@hcd.ca.gov; compliancereview@hcd.ca.gov; Housing Element
Subject: Fw: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element
Attachments: HVD follow up letter to John Bruenner STATE of Ca._000168.pdf

Keith Randle Broker Associate Villa Real Estate 949.689.8880 Cell 949.698.1288 Office krandle@villarealestate.com BRE # 00993898

----- Forwarded Message -----

From: Keith Randle <kbrandle@yahoo.com>
To: john.buettner@hcd.ca.go <john.buettner@hcd.ca.go>; compliancereview@hcd.ca.gov <compliancereview@hcd.ca.gov>; housing-element@costamesaca.gov <housing-element@costamesaca.gov>
Sent: Thursday, September 23, 2021, 03:37:52 PM PDT
Subject: City of Costa Mesa Discrimination against Sober Hosuing and violation of Housing Element

John,
As requested by you I am following you with the synopsis we discussed in detail yesterday.
I have also copied the City of Costa Mesa.
Thanking you in advance for your help on this urgent matter

Keith Randle
Summit Coastal Living
949 689-8880

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.



Summit Coastal Living

a sober community of living

2041 Tustin Ave A, B and C. Costa Mesa Ca. 92627

Synopsis

The above referenced property was built in 1969 as a legal Triplex. It is located in the City of Costa Mesa. It sits on a 9629 sq ft lot and is 3312 sq ft of livable sq footage. The configuration is as follows.

One 3 Bedroom, 2 bathrooms detached home plus two 2-bedroom, 1 bathroom apartment style units in the rear of the property. Each unit has a functioning kitchen. There are a total of 4 enclosed garages. There is additional off street / driveway parking for approx. 10 additional cars. There are a total of 3 laundry areas. Units A & B have large enclosed yards, while unit C has a large 2nd story open deck which is approx. 440 sq ft. Each unit has its own mail box, electric and gas meter, there is a common water meter.

Unit A houses 5 residents, Unit B houses 4 residents, unit C houses 4 residents, a total of 13 residents since 2013. Per the city of Costa Mesa's housing element at the time of application and approval, I would be able to house 4.5 residents in each of the 2-bedroom homes and 6 residents in the 3-bedroom home. A total of 15 residents

The surrounding properties are multi family dwelling, condominiums and single-family homes. My Triplex is of the same configuration as approx. 20 of my immediate neighbors.

The Triplex directly behind me is identical in configuration and for the past 4-5 years has also houses a total of 13 residents.

I have owned the property since February 2006. In October on 2013, seeing a need for quality sober housing in the area, I starting renting homes out to sober male residents. Being a real estate Broker and property manager for this property (plus others that I own in Costa Mesa) the transition was seamless. **I offer no services other than housing.** My homes are fully furnished and I operate on a 30-day month to month lease agreement.

The City nor any of my neighbors knew the residents of this property were sober until I made application for a conditional use permit (CUP) in 2016, based on the City of Costa Mesa's Ordinance PA -16-04. This ordinance was enacted by Costa Mesa to limit the number of sober living homes to one home within a 650-foot radius and the number of occupants per home to 6 residents. I was the first to make application for two properties that I own and rent as sober housing. The other property is located one mile away at 165 East Wilson Street, Costa Mesa. The city put added pressure on the existing sober living homes by stating that the order one's application was received, was the order the application was reviewed.

I had the first, 165 E Wilson and second, 2041 Tustin Ave applications submitted per the City's Ordinance. I believe there were approx. 20 plus applications submitted pursuant to Ordinance PA-16-04. To the best of my knowledge my two properties were the only applications approved in the past 5 years. All the other applications were denied at the planning commission level and again on appeal to the City Council. Reasonably accommodation was applied for but denied in all cases

It is interesting to note that the approval of 165 E. Wilson Street eliminated 6 other sober living homes within the 650-foot radius. About 2 years later when 2041 Tustin Ave was approved it had different conditions attached to the approval (see attached conditions of approval). I argued at the appeals that the two properties were very similar in their configuration. I believe to this day the city had no intentions of approving 2041 Tustin Ave. I believe it was the city's intent to use the ordinance to totally eliminate sober housing within the city. They were hoping that I would just go away. As time went on and I became more educated on federal law and state code (65000 et.al) and more importantly the Housing Elements, I became more and more determined to fight for my property legal rights.

The process became very contentious and political. The city kept making changes to the original application and it took about 8-12 months to actually have a hearing at the Planning Commission. During this time, the city saw they were over their head with the ordinance, so they hired an outside consulting firm, Kimley-Horn, to manage the process and to write the staff reports. The Lead Consultant was Sheri Vander Dussen. The consultant's report either denied or recommended that an application move forward to the planning commission hearing. There was a total of 6 staff reports written for 2041 Tustin Ave. In all cases the consultant recommended approval of the application as presented. It was denied by the planning commission twice, then I had appeals presented to two city councils. Finally, the city council approved my application with conditions (attached).

During this process I learned, along with others, that the City's Ordinance violated federal fair housing laws. Additionally, at my second city council appeal, I challenged the city council that the city of Costa Mesa was in violation of its own **Housing Element** with the conditions of approval they were placing on my application with regard to the number of occupants

Since 2013 to present, I have rented the homes as sober living residences. During this time, I have never had a complaint from a neighbor directed to me or to the city of Costa Mesa. Additionally, there has been calls for service only two times within this eight-year time frame. As stated earlier, it was unknown to the city or my immediate neighbors it was a sober residence. My ex-wife owns the property next to me and she did not know until I asked her to write a recommendation for me that I included in my application. My 19- and 20-year-old children at the time of the application did not know. I have always been very mindful of my neighbors and the privacy of my residents. I have always been very hands on. I live ½ mile from the property and visit it multiple times, daily.

To sum up the 30 ways the City of Costa Mesa treats me differently to my neighbors is outlined in the attached Exhibit B, Conditions of Approval.

The most egregious being condition number 29. "No more than two residents living in the facility at any one time shall have a domicile outside the state of California".

As I stated in my complaint, I am a real estate broker in California. By agreeing to the above I would knowingly be putting my broker's license and livelihood in jeopardy.

I have attached a Comparative Analysis between the two properties that I applied for the CUP. 165 East Wilson and 2041 Tustin Ave. As you will see, I truly believe the property at 165 E Wilson was approved by the planning commission at the first hearing as it eliminated 6 other sober living homes within the 650-foot radius. I also believe the property at 2041 Tustin Ave was denied by the planning commission two times as its approval would not eliminate any sober living homes within the 650-foot radius.

The city of Costa Mesa discriminates against residents of sober living homes and it violates State and Federal housing Laws. They are in breach of their current housing element and should be sanctioned with cease-and-desist notice, as the city of Anaheim and Encinitas have been by your state agency. They should not be awarded a renewal of their housing element as a reward for their violations. Time is of the essence. I ask that you act on this matter against the City of Costa Mesa to send a message to all other California cities who want to act in the same discriminatory way.

Thanking you in advance.

Sincerely,

A handwritten signature in black ink that reads "Keith Randle". The signature is written in a cursive, flowing style.

Keith Randle

www.Summitcoastalliving.com

949 689-8880



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2018

Keith Randle
Summit Coastal Living
2100 Highland Dr.
Newport Beach, CA 92660

Subject: Conditional Use Permit PA-16-04 for 2041 Tustin Avenue, Costa Mesa

Dear Mr. Randle:

At its meeting of June 5, 2018, the Costa Mesa City Council adopted Resolution No. 18-16 approving Conditional Use Permit PA-16-04. A copy of this resolution is enclosed for reference. This resolution contains numerous conditions of approval. Condition No. 1 requires you to obtain an Operator's Permit and maintain that permit in good standing. Two conditions were to be satisfied within 30 days of approval (by July 5, 2018):

13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.

On July 2, 2018, you submitted a request via e-mail to extend the timeframe to comply with these conditions by 30 days. On July 3, 2018, after consulting with City staff, I sent an e-mail granting an extension of ten days to satisfy these conditions. Compliance with these conditions of approval was required by July 16, 2018.


To date, the City has not received any evidence that you have satisfied these conditions of approval. Please contact Jennifer Le, Assistant Director of Development Services, by Monday, July 30, 2018 regarding your intent to implement this conditional use permit. You may reach Ms. Le at 949-754-5617 or via e-mail at jennifer.le@costamesaca.gov. Please be advised that failure to comply with these conditions of approval within the specified timeframe may result in revocation of this Conditional Use Permit. The City may also initiate actions to close this sober living facility if it continues to operate without required city approvals.

Building Division 714.754.5273 • Code Enforcement & Community Improvement Division 714.754.5623

Housing & Community Development 714.754.4870 • Planning Division 714.754.5245

Fax 714.754.4856 • www.costamesaca.gov

Sincerely,

A handwritten signature in cursive script that reads "Sheri Vander Dussen".

Sheri Vander Dussen, AICP
Consultant to the City of Costa Mesa

Enclosure: Resolution No. 18-16

C: Jennifer Le, Assistant Director of Development Services
Fidel Gamboa, Community Improvement Manager
File: PA-16-04

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. Once Issued by the City, the owner shall maintain in good standing, an operator's permit as required by Article 23, Chapter 2 of Title 9 of the Costa Mesa Municipal Code.
 2. The total number of occupants in the sober living home shall be no more than eight, plus one live-in house manager.
 3. The use shall be limited to the type of operation described in the staff report and applicant's project description submitted with the application on January 4, 2016, and these conditions. Any change in the operational characteristics including, but not limited to, home rules and regulations, intake procedures or relapse policy, shall be subject to Community Improvement Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 4. Applicant shall defend, with the attorney of City choosing, and shall indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval.
 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Saturday).
 6. The project is subject to compliance with all applicable federal, state, and local laws.
 7. All vehicles associated with the residence, including those belonging to residents and staff, shall be limited to parking on the property and/or on the street within 500 feet of the property.
 8. It shall be the applicant's responsibility to maintain current information on file with the City regarding the name, address and telephone number of the property manager and/or owner.

9. The property shall be maintained in accordance with landscape maintenance requirements contained in Costa Mesa Municipal Code Section 13-108.
10. Each dwelling unit shall be limited to one mailbox and one meter for each utility.
11. The facility shall operate at all times in a manner that will allow the quiet enjoyment of the surrounding neighborhood consistent with Title 20 of the Costa Mesa Municipal Code. The applicant and/or manager shall institute whatever measures are necessary to comply with this requirement.
12. If any building alterations are proposed, the applicant shall comply with requirements of the California Building Code as to design and construction.
13. The applicant shall obtain a fire clearance from the Costa Mesa Fire Department pursuant to the requirements of the current version of the California Fire Code within 30 days of the date of approval of the Permit.
14. The applicant shall obtain a business license from the Costa Mesa Finance Department within 30 days of the date of approval of this Permit, and shall renew the license as required by the Costa Mesa Municipal Code.
15. The applicant shall provide neighbors with the telephone number of the on-site manager and/or property owner, for the purposes of allowing neighbors to lodge complaints or describe concerns about the operation of the facility.
16. The sober living home shall not provide any of the following services as they are defined by Section 10501 (a)(6) of Title 9, California Code of Regulations: detoxification; education counseling; individual or group counseling sessions; and treatment recovery or planning.
- CID 17. The applicant shall not allow any person or persons who is or are on any form of probation or parole to reside in or otherwise occupy the facility or property, including, but not limited to those subject to Health & Safety Code section 11590 et seq. (Registration of Controlled Substance Offenders) and/or Penal Code section 290 et seq. (Sex Offender Registration Act).
18. The applicant shall comply with any and all water conservations measures adopted by the Mesa Water District that apply to multi-family residences and/or properties.

19. The applicant shall post a copy of the Good Neighbor Policy in at least one highly visible location inside each unit and in at least one highly visible location in all side and rear yards.
20. The applicant shall ensure that no trash and debris generated by tenants is deposited onto the City's rights of way pursuant to Section 8-32 of the Costa Mesa Municipal Code.
21. All drivers of vehicles at the group home shall comply with all applicable provisions of the Vehicle Code, including but not limited to those provisions regulating licensure, parking, standing and stopping.
22. The applicant shall comply with reservation procedures implemented by the City's Parks and Community Services Department to reserve park shelters or picnic areas for special events.
23. This CUP is subject to review if the applicant fails to comply with any of the conditions of approval listed in this resolution and/or the facility creates an excessive amount of calls for City services.
24. At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in this group home, the operator thereof shall:
 - a. Notify the person designated as the occupant's emergency contact or contact of record that the occupant is no longer a resident at the home;
 - b. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including but not limited to, alcohol and drug inpatient and outpatient treatment;
 - c. Notify the city's Network for Homeless Solutions that an occupant is no longer a resident at the home, and determine the services available therefrom;
 - d. Provide the information obtained from b. and c. and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;If the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Operator's Permit for this facility, the operator shall comply with this condition prior to evicting the resident.

25. Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application or referral to the group home. Should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or residential care facility that has agreed to accept the occupant. The group home operator may not satisfy this obligation by providing remuneration to the occupant for the cost of transportation.
26. The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with Conditions 24 and 25; provided, however, that nothing herein shall require an operator of a group home to violate any provision of state or federal law regarding confidentiality of health care information.
27. All parking spaces, including those within garages, shall remain free and accessible for parking of vehicles. By December 1 of every year, the applicant shall submit written confirmation that all parking spaces on the property remain accessible for parking. This confirmation shall be accompanied by photographs that document the accessibility of each space for automobile parking.
28. An authorized representative(s) of the City shall be allowed to inspect the interior and exterior of the property during normal business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) provided the operator has received notice of said inspection at least 24 hours in advance.
29. No more than two residents living in the facility at any one time shall have a domicile outside the State of California.
30. This Conditional Use Permit shall expire and become null and void if the property is sold, transferred or the ownership, control and/or operation of the property otherwise changes in any manner whatsoever from that set forth in application number PA-16-04.

CODE REQUIREMENTS

- Plng. 1. The use shall comply with all requirements of Chapter XVI of the Costa Mesa Municipal Code relating to development standards for sober living homes in multi-family residential zones.
- Bldg. 2. Prior to making alterations to the property and throughout construction, the applicant shall comply with the requirements of the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and California Energy Code and the California Code of Regulations, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

From: Anne Paulson <anne.paulson@gmail.com>
Sent: Friday, October 22, 2021 11:42 AM
To: Housing Element; housingelements@yimbylaw.org
Subject: Comments on Costa Mesa's Draft Housing Element

Dear Costa Mesa,

Thanks for the opportunity to comment on Costa Mesa's Draft Housing Element. It has virtues, but also flaws.

ADUs

Costa Mesa permitted 10 ADUs a year the last three years. It is predicting 107 a year for the next cycle. Costa Mesa permitted 4 ADUs in 2018, 6 in 2019, and 19 in 2020, an average of 10 a year. They're predicting 858 a year for the 6th Cycle. Page B-11 of the Housing Element says, "The City of Costa Mesa has determined based on past performance and the SCAG/HCD approved methodology that it is appropriate to anticipate the development of 858 accessory dwelling units from 2021 to 2029." HCD has not approved a methodology that allows cities to project ten times as many ADUs as they have been permitting.

Residential Development Constraints

Costa Mesa analyzes its residential development standards and concludes that none are constraints on development. Costa Mesa requires two parking spaces, ~640 square feet, for a studio apartment; a typical studio apartment is around 500-600 square feet. And Costa Mesa claims, without any evidence, that this requirement doesn't make modest studio apartments financially infeasible.

In other words, **Costa Mesa requires more space for parking for a studio apartment than for people living in the apartment, and says that's not a constraint on building studio apartments.** Costa Mesa's justification is that they're no worse than other nearby jurisdictions. But those other jurisdictions also are failing to build enough housing. The neighboring jurisdictions' residential development standards are burdensome and excessive, and so are Costa Mesa's.

Site Inventory

Costa Mesa plans most of its new housing on five big nonvacant sites: Fairview Development Center, Sakioka Lot 2, Home Ranch, South Coast Plaza, and Pacific Arts Plaza. The city says the owners have indicated there is the potential for future housing development on each of these sites. However, "potential for future housing development" does not forestall the possibility that these sites might not be redeveloped, or might be redeveloped as something other than housing. The city is required to discount the number of units expected from a non-vacant site, if the site might not be redeveloped for housing. **The number of units expected from the big housing sites is inflated, because the city did not discount as it is required to do.**

The Draft Housing Element must be revised to deal with these issues.

--

-- Anne Paulson

It isn't a contest. Enjoy the ride.



Fighting for a future of abundant housing in Orange County
peopleforhousing.org

Ms. Minoo Ashabi, Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: Initial Comments to Draft Housing Element dated August 2021 City of Yorba Linda

October 13th, 2021

RE: Initial Comments to Draft Housing Element dated August 2021

Dear Ms. Ashabi:

Congratulations on the completion of the 6th Cycle housing element draft. We commend the city for completing its draft early and providing ample time for public comment. In conjunction with the Campaign for Fair Housing Elements, we have reviewed your draft housing element and would like to share the following feedback:

- 1) We are concerned about ADU projections that appear overly optimistic: Your housing element anticipates 858 ADUs, which is an estimated 107 per year during the 6th cycle planning period. This seems unrealistic. HCD has described two “safe harbors” for estimating ADU production (p. 31, Housing Element Site Inventory Guidebook). In the first safe harbor, the city may use the trend in ADU construction since January 2018; as Costa Mesa permitted 4 ADUs in 2018, 6 in 2019 and 19 in 2020, that trend is about 10 ADUs per year or 80 for the next eight year planning period. For the second safe harbor, the city would use five times the construction trend prior to 2018. From 2013-2017, Costa Mesa permitted 8 eight ADUs, or about 2 a year. Five times two is 10, so the second safe harbor yields the same result, about 10 ADUs a year. We do not feel that the city adequately justified a projection of well over ten times the safe harbors.

- 2) The majority of small sites identified for affordable housing (that are not part of a larger parcel or development proposal) are in Latino, low income neighborhoods or existing commercial areas. Have you considered opening up other areas for development, particularly near high performing schools? Legislation like SB 9 and SB 10 provides opportunities for infill development in high opportunity communities. Implementing some of these guidelines would go a long way to desegregating housing in Costa Mesa.
- 3) The Fairview Developmental Center (FDC) is owned by the state and was included on the last Housing Element, but no housing has been developed. We are not aware of a commitment from the state to developing it as affordable housing. Assuming that 920 homes of the 2300 proposed (40%) will be low-income affordable is overly optimistic without an agreement in place. According to the Kennedy Commission, 20% low income is a more realistic figure based on SB 82. We suggest revising it to reflect that input.
- 4) We commend the city for seeking out discussions with property owners interested in developing their properties for very-low and low-income housing through the planning period. However, for the remaining sites (for which no interview was conducted), the city says it does not have access to private party lease agreements or other contractual agreements among private parties. Under these circumstances, the safe assumption would be to assume zero likelihood of redevelopment for those sites; however the city does not do that. The assumption is that the sites will turn over even without any evidence to support it.
- 5) This lack of analysis, coupled with the uncertainty of the FDC and the development agreements encumbering low-income housing on the other major sites (Sakoika



Lot 2, Home Ranch, and Pacific Arts Plaza) leads us to the conclusion that there are insufficient sites for affordable housing. We would advise the city to increase the number sites for low and very low income housing to enable a buffer for low income housing. There is currently a sufficient buffer for moderate and above moderate (market rate). We advise the city to create a buffer for low income housing; 15-30% is the HCD-recommended buffer.

- 6) We take issue with the assumption that the city's development standards, particularly parking requirements, are not a constraint. Costa Mesa's parking requirements are onerous. The city requires 2 parking spaces for a studio apartment and 3 parking spaces for a two-bedroom apartment. These are burdensome parking requirements, and are a barrier to reducing the cost of housing, both market-rate and affordable.
- 7) Lastly, Measure Y, the requirement that development proposals over 40 units must be approved by voters is the single largest barrier to new housing development in the city. The city is indeed caught in a bind, having to defend a bad policy that inhibits the ability to comply with state law. Therefore we recommend that you take action to explicitly exempt any development project that includes low, very low or extremely low income housing.

Thank you for all of your efforts to create a fair and legally compliant housing element. As frequent attendees in community meetings, we understand the city council has many difficult choices to make with regard to its 6th Cycle Housing Element. We encourage the city council to do what is right, even if it is unpopular,



and to develop an exemplary housing element that will comply with both the spirit and letter of state housing element law.

Sincerely,

Elizabeth Hansburg
Co-Founder & Director

People for Housing Orange County is a network of housing advocates fighting for more inclusive housing policies in Orange County's high opportunity communities. By legalizing the construction of multifamily housing, streamlining the permitting of all housing, increasing funding for subsidized affordable housing, we believe a future of abundant housing is possible. We envision an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.



From: Jennifer Hope DesRochers Webster <jenhweb@gmail.com>
Sent: Friday, October 8, 2021 9:41 PM
To: Housing Element
Subject: Feedback: Housing Element Update - Westside overcrowding

Feedback: Housing Element Update

Response-Westside Costa Mesa is overwhelmed with too much population. Too many cars. Not enough parking. People walk a block or more away from home to find parking.

Please implement this information.. dense housing with apartments & Multi family housing are over crowding the Westside. Please reconsider increased housing “outside” district #4 Ie the west side.

Sincerely,
Jennifer Webster
Westside Resident 30 yrs since September 1988

--

Jennifer Hope Webster "To know God and Make Him known. Be filled with love, joy, peace, patience, kindness, goodness, faithfulness and self-control in the power and might of the Fruit of the Holy Spirit" Bible -My purpose statement

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From: Gonzalez Romero, Arysa (TRBL) <aromero@aguacaliente.net>
Sent: Monday, November 15, 2021 8:31 AM
To: Housing Element
Subject: City of Costa Mesa 2021-2029 6th Cycle Housing Element Update

Greetings,

A records check of the Tribal Historic preservation office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Thank you,

Arysa Gonzalez Romero, M.S., RPA.
Historic Preservation Technician
Agua Caliente Band of Cahuilla Indians
Tribal Historic Preservation Office
Main (760)-883-1327 | Cell (760)-831-2484



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Costa Mesa Affordable Housing Coalition

November 30, 2021

Mr. Paul McDougall
Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Ave., Suite 500
Sacramento, CA 95833

RE: Summary of Concerns Regarding Costa Mesa's Housing Element Update

Dear Mr. McDougall:

We so appreciate the opportunity to speak with you and Marissa Prasse yesterday regarding Costa Mesa's draft Housing Element Update (2021-2029). As you may know, the Costa Mesa Affordable Housing Coalition is a local advocacy group which for years has urged Costa Mesa to facilitate the construction of affordable homes for the city's lower income residents. This letter summarizes the key concerns we articulated in yesterday's meeting.

First, we applaud the city's remarkably robust, open, and serious efforts at public engagement in its Housing Element process. We also congratulate the city for its mostly excellent draft Housing Element. We are particularly pleased the draft clearly states Costa Mesa's commitment to adopting (finally!) an inclusionary zoning ordinance.

Now, the concerns. We have two:

- (1) The draft fails to adequately analyze the constraints on affordable housing development specific to each of the four largest sites in the sites inventory, and**
- (2) The draft fails to adequately analyze the paralyzing effect the city's "Measure Y" will have on affordable housing development.**

L.) Inadequate Analysis of the Four Largest Sites

A. The city should provide additional analysis on the Fairview Developmental Center (FDC) site and the implications of SB 82.

The Housing Element identifies FDC as a 109-acre state-owned opportunity site and assumes it can accommodate 2,300 housing units, and that 40% of those future units will be affordable to lower income households (575 very low and 345 low).¹ Problematically, however, SB 82 states:

¹ Costa Mesa Housing Element, Appendix B Candidate Sites Analysis Overview, October 6, 2021, p. B-15.

“Notwithstanding any other law, the Director of General Services, with the consent of the Director of Developmental Services, may, in the best interests of the state, let to any person or entity real property *not exceeding 20 acres* located within the grounds of the Fairview Developmental Center for a period not to exceed 55 years, at a price that will permit the development of affordable housing for people with developmental disabilities... A *minimum of 20 percent* of the housing units developed shall be available and affordable to individuals with developmental disabilities served by a regional center...²”

Given the dictates of SB 82, the city needs to justify its assumption about the number of units possible on the site, as well as its affordability assumption that 40% of the units at FDC will be for lower income. A more realistic affordability assumption for FDC is 20% for lower income. While SB 82 indicates that a minimum of 20% of units will be affordable to individuals with developmental disabilities, there has been no written or public statement from the state expressing interest in making more than 20% of homes affordable to lower income households.

The FDC site holds tremendous potential for meeting the city’s considerable lower income RHNA (4713 units). The fact the site is state-owned, however, could be a significant constraint in developing **any** housing there within the next eight years, much less the **920 units** of lower income housing specified in the sites inventory. The city should create a stand-alone program and commit to actively working with the state to accomplish the specified housing development at FDC anticipated in the sites inventory.

B. The city should provide further analysis on the constraints for the three large sites (Sakioka Lot 2, Home Ranch, and Pacific Arts Plaza) which are currently under development agreements with no affordable housing requirements.

Though these three large sites are in the 2021-2029 sites inventory, they will not be subject to any future inclusionary housing ordinance the city adopts because each site is already under a development agreement with no inclusionary requirement. The only way the owner of one of these sites will be bound by a future inclusionary ordinance is if that owner opts into future General Plan and zoning regulations.³

Absent such a choice to opt into a different governing land use regime, there is **no reason** to expect any of these property owners will **voluntarily** include in their respective projects any lower income affordable housing, much less the 15% lower income housing reflected in the sites inventory. Significantly, one of these large property owners has explicitly signaled his **unwillingness** to be bound by an affordable housing requirement.

² California Legislative Information, Bill Text SB-82 Developmental Services, June 24, 2015.
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB82

³ This fact was confirmed during the city’s consideration of the proposal to extend Sakioka Lot 2’s Development Agreement; the city confirmed that “if the Agreement were extended, and if an inclusionary housing ordinance was adopted along with future General Plan and zoning regulations, the developer would need to comply with the inclusionary housing ordinance IF they opted to develop per the future General Plan and zoning regulations.” (Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, March 18, 2021, p. 11.)

On April 6, 2021, the Costa Mesa City Council extended the expiring Development Agreement for Sakioka Lot 2 for an additional 10 years. Prior to that extension, the city's Planning Commission recommended the City Council require the extended Development Agreement include affordable housing requirements to help achieve the city's lower income RHNA goals.⁴ The property owner, however, was only interested in having Sakioka Lot 2 identified as a housing opportunity site; **he was not "amenable" to any affordable housing requirements.**⁵ Given the property owner's very recent strong opposition to including any affordable housing provisions in the extended Development Agreement, it is unrealistic to assume that same property owner will prioritize the development of housing affordable to lower income households in developing the property.

The city offers **no rationale** for its expectation the owners of Sakioka Lot 2 and the other two large sites will voluntarily include affordable housing in their future developments. Importantly, these three large sites are in prime locations near South Coast Plaza, where land values are among the highest in the city. Moreover, each of these three property owners is a longtime owner who has practiced the art of holding onto the land for decades while land values continually climbed upward. Given these facts, the city should analyze the affordability assumptions of "15% lower income" for these three sites in light of each site's respective development agreement which insulates the site from any affordable housing requirements.

Additionally, it is highly significant Sakioka Lot 2 and Home Ranch have been **vacant for decades. How realistic is it that these two sites will be developed in the 2021-2029 cycle? The city must provide that analysis.**

Finally, the city should **clarify if the affordability assumptions on these three large sites include units that result from a density bonus.** For example, the draft indicates that for Sakioka Lot 2, the city "determined that it is realistic to assume that 15% of future units on this site may be available to residents at the lower income levels."⁶ Is this 15% actually a density bonus where a developer would be granted a higher density on the proposed development and in exchange, the developer would have to set aside 15% of the units to be affordable? The significance of such a calculation is that **the developer may elect to not develop Sakioka Lot 2 to full capacity under the density bonus, and thereby opt out of including any affordable housing.**

II.) Inadequate Analysis of Measure Y's Constraints on Affordable Housing Development

Measure Y is Costa Mesa's largest unique constraint to development because it incentivizes less dense, and thus unaffordable, development, and perpetuates exclusionary zoning. The city

⁴ Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 9-10.

⁵ Costa Mesa City Council Agenda Report, An Ordinance for an Extension To And Amendment of the Sakioka Farms Development Agreement, April 6, 2021, p. 2.

⁶ Costa Mesa Housing Element, Appendix B Candidate Sites Analysis Overview, October 6, 2021, p. B-12.

council should adopt a policy to exempt from Measure Y any projects approved under the inclusionary zoning ordinance which contribute units toward meeting the city's extremely low-, very low-, and low-income RHNA requirements.

Thank you for considering our concerns about the draft 2021-2029 Housing Element Update. For your reference, we are attaching our September letter to the city with more extensive comments on the draft. This letter focuses only on our top concerns.

Sincerely,

Kathy Esfahani

Kathy Esfahani
For The Costa Mesa Affordable Housing Coalition

cc: Minoo Ashabi, Principal Planner of the City of Costa Mesa
Richard Walker, Public Law Center
Cesar Covarrubias, The Kennedy Commission



Appendix D

Glossary of Housing Terms





Glossary of Housing Terms

Above-Moderate-Income Household. A household with an annual income usually greater than 120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available legibility limits established by the U.S. Department of housing and Urban Development (HUD) for the Section 8 housing program.

Affirmatively Furthering Fair Housing (AFFH): Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Apartment. An apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one (1) family for sleeping or living purposes and containing one (1) kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Sections 221 (d) (3) (below-market interest rate program), Federal Sections 101 (rent supplement assistance), CDBG, FmHA Sections 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

Below-Market-Rate (BMR). Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as "low income" or "moderate income." (2) The financing of housing at less than prevailing interest rates.

Build-Out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed to include all floor area or housing units possible under zoning regulations.



Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitled communities and administered by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Condominium. A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See “Townhouse.”)

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document which affects the transfer of ownership of real estate from the seller to the buyer.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, Residential. The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Down Payment. Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit (DU). A building or portion of a building containing one or more rooms, designed for, or used by one family for living or sleeping purposes, and having a separate bathroom and only one kitchen or kitchenette. See Housing Unit.

Elderly Housing. Typically, one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

Emergency Shelter. A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See “Homeless” and “Transitional Housing.”)



Extremely Low-Income Household. A household with an annual income equal to or less than 30% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposed of administering the Section 8 Program.

Family. (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An Individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [Governor’s Office of Planning and Research, General Plan Guidelines].

General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (US Environmental Protection Agency)

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic Property. A historic property is a structure or site that has significant historic, architectural, or cultural value.

Household. All those persons—related or unrelated—who occupy a single housing unit. (See “Family.”)

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low-and moderate-income households.

Housing Element. One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and



implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must be updated every five years.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance, and utilities. For rental housing this is defined as rent and utilities.

Housing Ratio. The ratio of the monthly housing payment to total gross monthly income; also called Payment-to-Income Ratio or Front-End Ratio.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City's statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Jobs-Housing Balance. A ratio used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area. The General Plan uses SCAG's definition which is a job total equal to 1.2 times the number of housing units within the area under consideration.

Land Use Classification. A system for classifying and designating the appropriate use of properties.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low-Income Household. A household with an annual income usually no greater than 51%-80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Low-income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in housing for low-income households.

Manufactured Housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards



Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See “Mobile home” and “Modular Unit.”)

Mixed-Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.

Moderate-Income Household. A household with an annual income usually no greater than 81%-120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Monthly Housing Expense. Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis. Used with gross income to determine affordability.

Multiple Family Building. A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowded Housing Unit. A housing unit in which the members of the household, or group are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

Parcel. A lot or tract of land.

Planning Area. The area directly addressed by the general plan. A city’s planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

Policy. A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See “Program.”)

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the “who,” “how” and “when” for carrying out the “what” and “where” of goals and objectives.



Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction and affecting a broad geographic area.

Regional Housing Needs Assessment. A quantification by the local council of governments of existing and projected housing need, by household income group, for all localities within a region.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential. Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See “Dwelling Unit.”)

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Residential, Multiple Family. Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

Residential, Single-Family. A single dwelling unit on a building site.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. An amendment to the map to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Second Unit. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. “Granny Flat” is one type of second unit.

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing “housing assistance payments” to owners, developers, and public housing agencies to make up the difference between the “Fair Market Rent” of a unit (set by HUD) and the household’s contribution toward the rent, which is calculated at 30% of the household’s adjusted gross monthly income (GMI). “Section 8” includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Shared Living Facility. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.



Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See “Townhouse.”)

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See “Family.”)

Single Room Occupancy (SRO). A single room, typically 80-250 square feet, with a sink and closet, but which requires the occupant to share a communal bathroom, shower, and kitchen.

Subsidize. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale, or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Health and Safety Code Section 53260(d), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. “Target population” means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. [California Health and Safety Code Sections 50675.14(b) and 53260(d)]

Target Areas. Specifically, designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by Very-Low and Low-income households.

Tax Increment. Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community’s supply of very low- and low-income housing.

Tenure. A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is owner-occupied only if the owner or co-owner lives in it. All other occupied units are classified as renter-occupied including units rented for cash rent and those occupied without payment of cash rent.



Townhouse. A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.

Transitional Housing. Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See “Homeless” and “Emergency Shelter.”)

Undevelopable. Specific areas where topographic, geologic, and/or superficial soil conditions indicate a significant danger to future occupants and a liability to the City.

Acronyms Used

ACS: American Community Survey
BMPs: Best Management Practices
CALTRANS: California Department of Transportation
CEQA: California Environmental Quality Act
CHAS: Comprehensive Housing Affordability Strategy
CIP: Capital Improvement Program
DDS: Department of Developmental Services
DIF: Development Impact Fee
DU/AC: Dwelling Units Per Acre
EDD: California Employment Development Department
FAR: Floor Area Ratio
FEMA: Federal Emergency Management Agency
HCD: Department of Housing and Community Development
HOA: Homeowners Association
HUD: Department of Housing and Urban Development
LAFCO: Local Agency Formation Commission
MFI: Median Family Income
NPDES: National Pollutant Discharge Elimination System
RTFH: Regional Task Force on the Homeless
RTP: Regional Transportation Plan
SCAG: Southern California Association of Governments
SPA: Sectional Planning Area
STF: Summary Tape File (U.S. Census)
TOD: Transit-Oriented Development
TDM: Transportation Demand Management
TSM: Transportation Systems Management
WCP: Water Conservation Plan



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-419

Meeting Date: 2/1/2022

TITLE:

COMMUNITY WORKFORCE AGREEMENT

DEPARTMENT: PUBLIC SERVICES DEPARTMENT

PRESENTED BY: RAJA SETHURAMAN, PUBLIC SERVICES DIRECTOR

CONTACT INFORMATION: SEUNG YANG, P.E., CITY ENGINEER (714) 754-5633

RECOMMENDATION:

Staff requests the City Council:

1. Provide direction on the attached Community Workforce Agreement (CWA) (Attachment 1) for a five-year term between the City of Costa Mesa (City) and the Los Angeles/Orange Counties Building and Construction Trades Council (Trades Council).
2. If approved, authorize the City Manager or designee to execute the agreement and accept any minor modifications to the agreement during the CWA term.

BACKGROUND:

The goal of the Community Workforce Agreement (CWA), also referred to as the Project Labor Agreement (PLA), is to develop opportunities for qualified locally hired individuals and veterans for construction of the City's various Capital Improvement Projects (CIPs).

The aim is to promote efforts and to increase employment opportunities for residents of Costa Mesa and to facilitate training and employment for the City's students and veterans in the construction trades through apprenticeships and to encourage efficiency of construction operations performed by the City of Costa Mesa. In addition, it is the intent of the CWA to reconcile labor disputes in a peaceful manner and to resolve grievances without the need for labor stoppages (i.e., strikes), which serves the public interest and leads to the orderly completion of construction projects.

The goal of the CWA is that Costa Mesa residents and/or veterans, regardless of where they live, perform up to thirty-five percent (35%) of total work hours for qualifying projects. If the unions cannot provide the required labor force within the City, the next preference is to reach out to workers residing anywhere in Orange County. All CIP projects are required to comply with all other state regulations per Public Contracts Code (PCC) and subject to prevailing wage requirements. The prevailing wages are determined by the Department of Industrial Relations (DIR) according to the type of work and project location.

The CWA item was previously presented to City Council during its regularly scheduled meeting on July 21, 2020. There were several comments made, both for and against the CWA. The supporters generally appreciated the priority provided to local and veteran hires, as well as the benefits provided to union workers. The comments against the CWA were from non-union contractors and workers generally opposed to hiring requirements that would be imposed as well as potentially higher project costs. City Council members also raised specific issues with certain provisions such as definition of local hire, potential administration costs, number of core employees, and employee verification.

ANALYSIS:

The attached CWA was modified taking into consideration comments received at the July 21, 2020 meeting. Key provisions of the CWA for the City of Costa Mesa include:

- Effective date of agreement is when it is fully executed by all parties, including all signatory unions, and the duration of the term is five (5) years.
- The CWA will be applicable for projects listed in Attachment F of the CWA.
- The hiring target is thirty-five percent (35%) with priority to Costa Mesa residents and/or veterans regardless of where they live. The next priority is for graduates of Costa Mesa high schools, followed by graduates of the Building Trades multi-craft core curriculum, and then all Orange County residents. An apprenticeship is also included to help facilitate local workforce development.
- Contracts are still subject to competitive bidding and the requirement to pay prevailing wages.
- Contractors recognize the Trades Council and the Unions as the sole and exclusive bargaining representative for the craft employees engaged in project work, and contractors further recognize that the Unions shall be the primary source of craft labor employed on the project work.
- Contractors which are not independently signatories to a Master Labor Agreement with the Union(s) representing the craft employees which the contractor employs, may first hire a member of his/her core workforce, then an employee through referral from the appropriate union hiring hall, then a second core employee, then a second employee through the referral system, and so on until a maximum of five (5) core employees are employed; thereafter, all additional employees in the affected trade or craft shall be requisitioned from the craft hiring hall, established and authorized by the Los Angeles/Orange Counties Building and Trades Council who are signatories to this agreement.
- Contractors retain the right to reject any applicant referred to them through the job referral system. If any Union's registration and referral system does not fulfill the requirements for specific classifications requested by any contractor within 48 hours, the contractor may employ applicants meeting such qualifications from any other available source.
- Projects excluded from the CWA include:

- Professional, office and other non-manual employee work
- Equipment and machinery purchases
- Work performed by City employees or other government agencies
- Work performed by inspectors employed by the City to inspect Contract work
- Work with funding or grant restrictions
- Laboratory testing, environmental/compliance requirement

Several agencies have adopted similar CWAs over the past few years. Orange County agencies that have executed CWAs include the Cities of Santa Ana, Anaheim, and Garden Grove, Anaheim Union High School District, and the Santa Ana Unified School District.

Staff reviewed the experiences of other jurisdictions with executed Community Workforce Agreements. In general, it was documented that contractors are abiding by the requirements and meeting the local-hire goals set in agreements. The administration costs are approximately 2.5 percent of contract cost for projects.

City staff and/or consultants will administer the CWA. The cost for consultant services will be assigned to respective project budgets.

ALTERNATIVES:

The City Council could make changes to the proposed CWA. Staff will incorporate approved changes accordingly.

A second alternative is for the City Council to receive and file the report. If this alternative is selected, there will be no changes to current CIP project implementation practices.

FISCAL REVIEW:

Funding for the administration of the CWA will be included within each project's budget.

LEGAL REVIEW:

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

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

Staff requests the City Council:

1. Provide direction on the attached Community Workforce Agreement (CWA) (Attachment 1) for a five-year term between the City of Costa Mesa (City) and the Los Angeles/Orange Counties Building and Construction Trades Council (Trades Council); and
2. If approved, authorize the City Manager or designee to execute the agreement and accept any

minor modifications to the agreement during the CWA term.

COMMUNITY WORKFORCE AGREEMENT
BY AND BETWEEN THE
CITY OF COSTA MESA
AND
LOS ANGELES/ORANGE COUNTIES
BUILDING AND CONSTRUCTION TRADES COUNCIL
AND THE SIGNATORY CRAFT COUNCILS AND LOCAL UNIONS
SIGNING THIS AGREEMENT

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COMMUNITY WORKFORCE AGREEMENT

This Community Workforce Agreement (“Agreement”) is entered into effective as of January 1, 2021, by and between the City of Costa Mesa, a municipal corporation (“City”), the Los Angeles/Orange Counties Building and Construction Trades Council (“Trades Council”), and the signatory Craft Councils and Local Unions signing this Agreement (collectively, the “Union” or “Unions”). This Agreement establishes the procedures for the City, Contractors, and craft employees represented by the Unions and engaged in Project Work. The City, Trades Council, and Unions are hereinafter referred to herein, as the context may require, as “Party” or “Parties.”

It is understood by the Parties to this Agreement that for the duration of this Agreement, the City agrees that all Project Work (as defined in Section 2.2.) will be contracted exclusively to Contractors who agree to execute and be bound by the terms of this Agreement by signing a Letter of Assent (a form of which is attached as “**Attachment A**”), and to require each of its subcontractors, of whatever tier, to become so bound. The City shall include, directly or by incorporation by reference, the requirements of this Agreement in the advertisement of and/or specifications for those Project Work contracts to be awarded by the City.

It is further understood that the City shall actively administer and facilitate the enforcement of the obligations of this Agreement to ensure that the benefits envisioned from it flow to all Parties. The City shall therefore designate a “CWA Administrator,” either from its own staff or an independent contractor, to serve as the City’s liaison for Contractors and Unions; to monitor compliance with this Agreement; to assist, as the authorized representative of the City, in developing and implementing the programs referenced herein, all of which are critical to fulfilling the intent and purposes of the Parties and this Agreement; and to otherwise implement and administer this Agreement.

RECITALS

WHEREAS, the City desires to obtain construction, maintenance, repair, abandonment, relocation, and related services in connection with public contracting of its Capital Improvement Program (CIP); and

WHEREAS, the public interest, local economy, and general welfare are best served if the CIP activities are implemented without disruption due to labor disputes; and

WHEREAS, Construction Contracts entered into by the City and Contractors will be awarded in accordance with applicable provisions of the Municipal Code of the City of Costa Mesa to the lowest responsive and responsible bidder subject to a competitive bidding process, the California Public Contract Code and Labor Code, including but not limited to payment of prevailing wages; and

WHEREAS, staff has been requested to evaluate a Community Workforce Agreement with the Trades Council that includes the benefits of hiring local residents and other priority groups to perform such capital improvements.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES, COVENANTS AND CONDITIONS HEREIN CONTAINED, THE PARTIES AGREE AS FOLLOWS:

ARTICLE 1
DEFINITIONS

Section 1.1 “Agreement” or “CWA” means this Community Workforce Agreement.

Section 1.2 “Apprentice” means those craft employees indentured and participating in a Joint Labor/Management Apprenticeship Program approved by the State of California, Department of Industrial Relations, Division of Apprenticeship Standards.

Section 1.3 “Construction Contract” or “Construction Contracts” means those contracts entered into by the City, for the construction of Project Work as specified in Section 2.2.

Section 1.4 “Contractor” means any individual firm, partnership, or corporation, or combination thereof, including joint ventures, which is an independent business enterprise and which has entered into a Construction Contract with the City including any Subcontractors of any tier, with respect to Project Work under this Agreement.

Section 1.4.1 “General Construction Contractor” or “GCC” means a prime Contractor retained directly by the City to perform Project Work and has entered into a Construction Contract.

Section 1.4.2 “Subcontractor” means a Contractor who is retained by a GCC, or another lower tier Contractor, to perform Project Work.

Section 1.5 “City” means the City of Costa Mesa, a municipal corporation.

Section 1.6 “Joint Labor/Management Apprenticeship Program” means a joint Union and Contractor administered apprenticeship program certified by the State of California, Department of Industrial Relations, Division of Apprenticeship Standards.

Section 1.7 “Letter of Assent” means the document that each Contractor (of any tier) must sign and submit to the City before beginning any Project Work, which formally bind such Contractor(s) to adherence to all the forms, requirements, and conditions of this Agreement in the form of which is attached hereto as “**Attachment A.**”

Section 1.8 “CWA Administrator” means the City’s authorized representative who will be the primary liaison between the City, Contractors, and the Unions; responds to inquiries about the CWA; monitors compliance with the CWA, and develops and implements programs set forth in the CWA.

Section 1.9 “Project”, “Project Work” or “City Project” means the work administered through the City of Costa Mesa Public Services Department, subject to the State of California public contracting laws, authorized by the City Council pursuant to a Construction Contract entered into by the City, and as further described in Section 2.2.

Section 1.10 “Master Labor Agreements” means the local collective bargaining agreements of the signatory Unions having geographic and trade jurisdiction over the Project Work and which have signed this Agreement.

Section 1.11 “Subscription Agreement” means the contract between a Contractor and a Union’s Labor/Management Trust Fund(s) that allows the Contractor to make the appropriate fringe benefit contributions in accordance with the terms of the Master Labor Agreements.

Section 1.12 “Local Hires” means individuals identified in Section 3.5, prioritized as set forth therein, who are employed by Contractors as craft employees to perform Project Work and have priority in being dispatched by the respective Unions.

Section 1.13 The use of masculine, feminine or neutral gender or titles in this Agreement should be construed as including all genders and gender neutral, and not as gender limitations, unless the Agreement clearly requires a different construction. Further, the use of Article titles and/or Section headings are for information only and carry no legal significance.

ARTICLE 2 SCOPE OF THE AGREEMENT

Section 2.1 General This Agreement shall apply to Project Work, as defined in Section 2.2, performed by those Contractor(s) of whatever tier that are performing work pursuant to Construction Contracts awarded for such work by the City.

Section 2.2 Specific Project Work covered by this Agreement is defined and limited to:

2.2.1 All construction and major rehabilitation work awarded to a GCC, inclusive of the GCC’s Subcontractors, listed on the Projects List (**Attachment F**) are covered by the terms and conditions of this Agreement, including Building/Construction Inspector and Field Soils and Materials Testers (Inspectors) hired by a Contractor, pursuant to a Construction Contract for one of the Projects identified in **Attachment F**, who are a covered craft under this Agreement. This inclusion applies to the scope of work defined in the State of California Wage Determination for said craft. This shall also specifically include such work where it is referred to by utilization of such terms as “quality control” or “quality assurance.”

2.2.2 The City may, at any time and at its sole discretion, add additional projects to be performed under this Agreement. The City may remove projects from Attachment F that do not move forward due to funding limitations, legal constraints, City priorities, or other factors that impact the feasibility of the Project. In the instance of the City, the Public Services Director or designee has the authority to approve such additions, modification, and deletions to **Attachment F**. If the City removes a Project from the Project List, and subsequently determines, in its sole discretion, to move forward with that same Project, that Project shall be added to the Project List.

Section 2.3 Bundling of Contracts

2.3.1 The City, in its sole discretion, may seek to group (or “bundle”) for bidding, projects not identified on the Project List. Projects not identified on the Project List may include

like types of work, scheduled to be undertaken at the same facility or on the same project site, and within the same timeframe, which may be considered for such bundling, consistent with City needs, economies of scale, and the purposes of this Agreement.

232 Project Work will not be intentionally split, divided, or otherwise separated for contract award purposes to avoid application of this Agreement.

Section 2.4 Applicability This Agreement shall not apply to any work of any Contractor other than that on Project Work specifically covered by this Agreement.

Section 2.5 Exclusions Items specifically excluded from the scope of this Agreement include the following:

25.1 Work of non-manual employees, including but not limited to: superintendents; supervisors (except those covered by Master Labor Agreements above the level of general foreman); staff engineers; time keepers; clerks; office workers; messengers; guards; safety personnel; emergency medical and first aid technicians; and other professional, engineering, executive, administrative, supervisory and management employees;

25.2 Equipment and machinery owned, controlled, and operated by the City;

25.3 All off-site manufacture and handling of materials, equipment or machinery; provided, however, the movement of materials or goods between a Project site and lay down or storage areas for equipment and materials dedicated solely to the Project are within the scope of this Agreement;

25.4 All work performed by City employees, the CWA Administrator, design teams (including, but not limited to, architects engineers and master planners), or any other consultants for the City (including, but not limited to, project managers and construction managers and their employees where not engaged in Project Work) and their sub-consultants, and other employees of professional service organizations, not performing manual labor within the scope of this Agreement.

25.5 Any work performed on or near or leading to or into a site of work covered by this Agreement and undertaken by Federal, state, county, city or other governmental bodies, or their Contractors; or by public utilities, or their Contractors; and/or by the City or its Contractors (for work for which is not within the scope of this Agreement);

25.6 Off-site maintenance of leased equipment and on-site supervision of such work;

25.7 Work by employees of a manufacturer or vendor supervising the work of craft employees under this Agreement, necessary to maintain such manufacturer's or vendor's warranties or guaranty;

25.8 Non-construction support services contracted by the City or City consultants in connection with a Project;

25.9 Laboratory work for testing or other environmental, permitting, or regulatory

compliance requirements.

2.5.10 All hauling from and delivery to the Project and deliveries of all materials required to complete the Project, except that the hauling/delivery of ready-mixed concrete, and the off-hauling of refuse from a public works site to an outside disposal location shall be covered by this Agreement.

2.5.11 Coverage Exception This Agreement shall not apply if the City receives or is reasonably anticipated to receive funding or assistance from any Federal, State, local or other public entity for the Project if a requirement, condition or other term of receiving that funding or assistance is that the City not require bidders, contractors, or other persons or entities to enter into an agreement with one or more labor organizations. This provision shall not apply to Projects awarded prior to the City's application and/or receipt of such funding or assistance, so long as this Agreement does not jeopardize such funding or assistance.

Section 2.6 Awarding of Contracts for Project Work

2.6.1 The City and/or the Contractors, as appropriate, have the absolute right to award contracts or subcontracts on Project Work to any Contractor notwithstanding the existence or non-existence of any agreements between such Contractor and any Union parties, provided only that such Contractor is ready, willing, and able to execute and comply with this Agreement should such Contractor be awarded Project Work covered by this Agreement.

2.6.2 It is agreed that all GCCs that have been awarded Construction Contracts, shall be required to accept and be bound to the terms and conditions of this Agreement, and shall evidence their acceptance by the execution of the Letter of Assent set forth in "**Attachment A**" hereto, prior to the commencement of any Project Work. At the time that any GCC enters into a subcontract with any Subcontractor of any tier providing for the performance of Project Work, the GCC shall provide a copy of this Agreement to said Subcontractor and shall require the Subcontractor, as a part of accepting the award from the GCC, to agree in writing in the form of a Letter of Assent to be bound by each and every provision of this Agreement prior to the commencement of Project Work. No GCC or Subcontractor shall commence Project Work without having first provided a copy of the Letter of Assent as executed by it to the CWA Administrator and to the Trades Council before the commencement of Project Work.

Section 2.7 Master Labor Agreements

2.7.1 The provisions of this Agreement, including the Master Labor Agreements as such may be changed from time-to-time and which also are incorporated herein by reference, shall apply to all Contractors performing Project Work. This Agreement is not intended to supersede such Master Labor Agreements between any of the Contractors performing construction work on the Project and a Union signatory thereto except to the extent the provisions of this Agreement are inconsistent with such Master Labor Agreements, in which event the provisions of this Agreement

shall apply. However, such does not apply to work performed under the National Cooling Tower Agreement, the National Stack Agreement, the National Transit Division Agreement (NTD), work within the jurisdiction of the International Union of Elevator Constructors, and all instrument calibration and loop checking work performed under the terms of the UA/IBEW Joint National Agreement for Instrument and Control Systems Technicians except that Article 7 - Work Stoppages and Lock-Outs, Article 8 - Work Assignments and Jurisdictional Disputes, and Article 10 - Settlement of Grievances and Disputes shall apply to such work. Where a subject is covered by the provisions of a Master Labor Agreement and not in conflict with the provisions of this Agreement, the provisions of the Master Labor Agreement shall apply. It is specifically agreed that no later third party agreement shall be deemed to have precedence over this Agreement unless signed by all party's signatory hereto who are then currently employed or represented at the Project. Any dispute as to the applicable source between this Agreement and any Master Labor Agreements for determining the wages, hours of working conditions of employees on a Project shall be resolved under the procedures established in Article 10.

272 It is understood that this Agreement, together with the referenced Master Labor Agreements, constitutes a self-contained, stand-alone agreement and by virtue of having become bound to this Agreement, the Contractor will not be obligated to sign any other local, area or national collective bargaining agreement as a condition of performing work within the scope of this Agreement (provided, however, that the Contractor may be required to sign a uniformly applied, non-discriminatory Subscription Agreement at the request of the trustees or administrator of a trust fund established pursuant to Section 302 of the Labor Management Relations Act, and to which such Contractor is bound to make contributions under this Agreement, provided that such Subscription Agreement does not purport to bind the Contractor beyond the terms and conditions of this Agreement and/or expand its obligation to make contributions pursuant thereto). It shall be the responsibility of each prime Contractor/GCC to have each of its subcontractors sign the appropriate Subscription Agreement, with the appropriate craft Union prior to the Subcontractor beginning work on Project Work.

Section 2.8 Binding Signatories Only This Agreement shall only be binding on the signatory Parties hereto, and shall not apply to the parents, affiliates, subsidiaries, or other ventures of any such Party not performing Project Work.

Section 2.9 Other City Work Nothing contained herein shall be interpreted to prohibit, restrict, or interfere with the performance of any other operation, work, or function not covered by this Agreement, which may be performed by City employees or contracted for by the City for its own account, on its property or in and around a Project site.

Section 2.10 Separate Liability It is understood that the liability of the Contractor(s) and the liability of the separate Unions under this Agreement shall be several and not joint. The Unions agree that this Agreement does not have the effect of creating any joint employment status between or among the City or CWA Administrator and/or any Contractor.

Section 2.11 Completed Project Work As areas of Project Work are accepted by the City, this Agreement shall have no further force or effect on such items or areas except where the Contractor

is directed by the City or its representatives to engage in repairs, modification, check-out and/or warranties functions required by its contract(s) with the City under the original contract.

ARTICLE 3 UNION RECOGNITION AND CRAFT EMPLOYMENT

Section 3.1 Recognition The Contractors recognize the Trades Council and the Unions as the sole and exclusive bargaining representative for the craft employees engaged in Project Work. Contractors further recognize that the Unions shall be the primary source of craft labor employed on the Project Work except as may otherwise be provided for in this Agreement. In the event that a Contractor has its own core workforce, said Contractor shall follow the procedures outlined in Section 3.8 below.

Section 3.2 Contractor Selection of Craft Employees The Contractor shall have the right to determine the competency of craft employees, the number of craft employees required, the duties of such craft employees within their craft jurisdiction, and shall have the sole responsibility for selecting craft employees to be laid off, consistent with Section 3.3 and Section 4.3 of this Agreement. The Contractor shall also have the right to reject any applicant referred by a Union for any reason, subject to any reporting pay required by Article 6; provided, however, that such right is exercised in good faith and not for the purpose of avoiding the Contractor's commitment to employ qualified craft workers through the procedures identified in this Agreement.

Section 3.3 Referral Procedures

331 For signatory Unions now having a job referral system contained in a Master Labor Agreement, the Contractor agrees to comply with such system, and it shall be used exclusively by such Contractor, except as modified by this Agreement. Such job referral system will be operated in a nondiscriminatory manner and in full compliance with Federal, State, and local laws and regulations which require equal employment opportunities and non-discrimination. All of the foregoing hiring procedures, including related practices affecting apprenticeship, shall be operated so as to consider the goals of the City to encourage employment of Local Hires on Project Work, and to facilitate the ability of all Contractors to meet their employment needs.

332 The local Unions will exert their best efforts to recruit and refer sufficient numbers of skilled craft workers to fulfill the labor requirements of the Contractor, including specific employment obligations to which the Contractor may be legally and/or contractually obligated; and to refer Apprentices as requested to develop a larger skilled workforce. The Unions will work with their affiliated regional and national unions, and jointly with the CWA Administrator and others designated by the City, to identify and refer competent craft workers as needed for Project Work, and to identify and hire individuals, particularly Local Hires, for entrance into joint labor/management apprenticeship programs, or to participate in other identified programs and procedures to assist individuals in qualifying and becoming eligible for such apprenticeship programs, all maintained to increase the available supply of skilled craft workers for Project Work to be undertaken by the City.

333 The Union shall not knowingly refer a craft employee currently employed by a Contractor on a covered Project to any other Contractor.

Section 3.4 Non-Discrimination in Referral, Craft Employment, and Construction Contracting The Unions and Contractors agree that they will not discriminate against any craft employee or applicant for employment in hiring and dispatching on the basis of race, color, religion, sex, gender, gender identity, gender expression, pregnancy, national origin, age, membership in a labor organization, sexual orientation, political affiliation, genetic information, medical condition, marital status or disability.

Section 3.5 Employment of Local Hires

3.5.1 The Unions and Contractors agree that, to the extent allowed by law, and as long as they possess the requisite skills and qualifications, the Unions will exert their best efforts to refer and/or recruit sufficient numbers of skilled craft Local Hires to fulfill the requirements of the Contractors. In recognition of the fact that the City and the communities surrounding Project Work will be impacted by the construction of the Project Work, the Parties agree to support the hiring of Local Hires for Project Work as further described in this Section 3.5.

3.5.1.2 Towards that end, the Parties hereby establish a goal that 35% of all construction labor hours worked on the Project shall be from the City and the communities surrounding Project Work, Veterans, graduates from the Building Trades multi-craft core curriculum and graduates of high schools whose district boundaries include any portion of Costa Mesa, regardless of their residency, in the following order: first, area residents residing within those first tier zip codes which overlap the City boundaries, as reflected on the list of U.S. Postal Service zip codes attached hereto as “Attachment B”, second, Veterans, regardless of their residency, primarily through, but not limited to, the Helmets to Hardhats program further described in Section 3.7, third, graduates of high schools whose district boundaries include any portion of Costa Mesa, regardless of their residency, fourth, graduates from the Building Trades multi-craft core curriculum, and fifth, area residents residing within the remainder of the U.S. Postal Service zip codes for Orange County, as attached hereto in “Attachment B.” For dispatch purposes, employees described in this Section 3.5.1.2 shall be referred to as “Local Hires.”

3.5.1.3 Separate and apart from the required 35% threshold for Local Hires, the Unions shall establish referral mechanisms to ensure the recruitment, training and placement of Transitional Workers into pre-apprenticeship and apprentice programs, with a goal of 10% of such Transitional Workers being placed from such programs. “Transitional Workers” means an individual who, prior to commencing work on the project, faces one of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having experience with the criminal justice system; (6) suffering from chronic unemployment; and (7) emancipated from the foster care system.

3.5.2 The Unions agree to support pre-apprentice referral programs in the City or County of Orange. Further, the Unions agree to place on their referral rolls or in their apprentice training programs, as appropriate and needed, qualified persons sent to them by designated City organizations or other organizations working with the City to increase construction industry work

opportunities for Local Hires. Additionally, Unions agree to collaborate with local non-profit organizations and high schools whose attendance boundaries include any portion of Costa Mesa, Orange Coast Community College, and any trade schools located in or around the City of Costa Mesa to inform individuals about career opportunities through apprenticeships and to conduct joint outreach to recent graduates through participation in job fairs or other career events.

Section 3.6 Requirements on Contractors To facilitate the dispatch of Local Hires, all Contractors will be required to utilize the Craft Employee Request Form whenever they are requesting the referral of any employee from a Union referral list for Project Work, a sample of which is attached as “**Attachment C.**” When Local Hires are requested by Contractors, the Unions will refer such craft workers regardless of their place in the Unions’ hiring halls’ list and normal referral procedures.

Section 3.7 Helmets to Hardhats The City, Contractor, and the Unions recognize a desire to facilitate the entry into the building and construction trades of Veterans who are interested in careers in the building and construction industry. The City, Contractor, and Unions agree to utilize the services of non-profit Veterans support organizations, including but not limited to, the Center for Military Recruitment, Assessment and Veterans Employment (hereinafter “Center”) and the Center’s “Helmets to Hardhats” program to serve as a resource for preliminary orientation, assessment of construction aptitude, referral to apprenticeship programs or hiring halls, counseling and mentoring, support network, employment opportunities and other needs as identified by the Parties. For purposes of this Agreement, the term “Eligible Veteran” shall have the same meaning as the term “veteran” as defined under Title 5, Section 2108(1) of the United States Code as the same may be amended or re-codified from time to time. It shall be the responsibility of each qualified applicant to provide the Unions with proof of his/her status as an Eligible Veteran.

3.7.1 The Unions and Contractors agree to coordinate with non-profit Veteran organizations, including, the Center to create and maintain an integrated database of veterans interested in working on Project Work and the associated apprenticeship and employment opportunities for working on Project Work. To the extent permitted by law, the Unions will give credit to such Veterans for bona fide, provable past experience.

Section 3.8 Core Employees

3.8.1 Contractors that are not independently signatories to a Master Labor Agreement with the Union(s) that represent the craft employees which the Contractor employs, may hire, as needed, first, a member of his/her core workforce, then an employee through a referral from the appropriate Union hiring hall, then a second core employee, then a second employee through the referral system, and so on until a maximum of five (5) core employees are employed by the Contractor, thereafter, all additional employees in the affected trade or craft shall be requisitioned from the craft hiring hall in accordance with Section 3.3. In the laying off of employees, the number of core employees shall not exceed one-half plus one of the workforce for an employer with ten (10) or fewer employees, assuming the remaining employees are qualified to undertake the work available. As part of this process, and in order to facilitate the contract administration procedures, as well as appropriate fringe benefit fund coverage, all Contractors shall require their core employees and any other persons employed other than through the referral process, to register with the appropriate Union hiring hall, if any, prior to their first day of employment at a Project site.

382 The core work force is comprised of those craft employees whose names appeared on the Contractor's active payroll for sixty (60) of the one hundred (100) working days immediately before award of Project Work to the Contractor; who have worked at least two-thousand (2,000) hours in the construction craft in which they are employed, during the prior four (4) years; who possess any license required by State or Federal law for the portion of the Project Work to be performed by them; and, who have the ability to safely perform the basic functions of the applicable trade.

383 Prior to each Contractor performing any work on the Project, each Contractor shall provide a list of his core employees to the CWA Administrator and the Trades Council. Failure to do so will prohibit the Contractor from using any core employees. Upon request by any Party to this Agreement, the Contractor hiring any core employee shall provide satisfactory proof (e.g., payroll records, quarterly tax records, and such governmental documentation) evidencing the core employee's qualification as a core employee to the CWA Administrator and the Trades Council.

Section 3.9 Time for Referral If any Union's registration and referral system does not fulfill the requirements for specific classifications requested by any Contractor within forty-eight (48) hours (excluding Saturdays, Sundays and holidays), that Contractor may use employment sources other than the Union registration and referral services and may employ applicants meeting such classification from any other available source. The Contractors shall inform the Union of any applicants hired from other sources and such applicants shall register with the appropriate hiring hall, if any, before commencing work.

Section 3.10 Lack of Referral Procedure If a signatory Union does not have a job referral system as set forth in Section 3.3 above, the Contractors shall give the Union equal opportunity to refer applicants. Contractors shall notify the Union of craft employees so hired, as set forth in Section 3.5.

Section 3.11 Union Membership Employees are not required to become or remain union members or pay dues or fees, as a condition of performing Covered Work under this Agreement. Employers shall make and transmit all deductions for union dues, fees, and assessments that have been authorized by employees in writing in accordance with the applicable Master Agreement. Nothing in this Section 3.11 is intended to supersede the requirements of applicable Master Agreements as to those Employers otherwise signatory to such Master Agreements and as to the employees of those Employers who are performing Covered Work.

Section 3.12 Individual Seniority Except as provided in Section 4.3, individual seniority shall not be recognized or applied to craft employees performing Project Work; provided, however, that group and/or classification seniority in a Union's Master Labor Agreement as of the effective date of this Agreement shall be recognized for purposes of layoffs.

Section 3.13 Foremen The selection and number of craft foremen and/or general foremen shall be the responsibility of the Contractor. All foremen shall take orders exclusively from the designated Contractor representatives. Craft foreman shall be designated as working foreman at the request of the Contractors.

Section 3.14 Out of State Workers In determining compliance with the targeted hiring goals of Section 3.5 above, hours of Project Work performed by residents of states other than California

will be excluded from the calculation.

ARTICLE 4 UNION ACCESS AND STEWARDS

Section 4.1 Access to Project Sites Authorized representatives of the Union shall have access to Project Work, provided that they do not interfere with the work of craft employees and further provided that such representatives shall notify the person charged with on-site projectsupervision and fully comply with posted visitor, security and safety rules.

Section 4.2 Stewards

4.2.1 Each signatory Union shall have the right to dispatch a working journeyperson as a steward for each shift and shall notify the Contractor in writing of the identity of the designated steward or stewards prior to the assumption of such person's duties as steward. Such designated steward or stewards shall not exercise any supervisory functions. There will be no non-working stewards. Stewards will receive the regular rate of pay for their respective crafts.

4.2.2 In addition to his/her work as a craft employee, the steward should have the right to receive, but not to solicit, complaints or grievances and to discuss and assist in the adjustment of the same with the craft employee's appropriate supervisor. Each steward should be concerned only with the craft employees of the steward's Contractor and, if applicable, subcontractor(s), and not with the craft employees of any other Contractor. A Contractor will not discriminate against the steward in the proper performance of his/her/their Union duties.

4.2.3 When a Contractor has multiple, non-contiguous work locations at one site, the Contractor may request, and the Union shall appoint, such additional working stewards as the Contractor requests to provide independent coverage of one or more such locations. In such cases, a steward may not service more than one work location without the approval of the Contractor.

4.2.4 The stewards shall not have the right to determine when overtime shall be worked or who shall work overtime.

Section 4.3 Steward Layoff/Discharge Contractor agrees to notify the appropriate Union twenty-four (24) hours before the layoff of a steward, except in the case of disciplinary discharge for just cause. If the steward is protected against such layoff by the provisions of the applicable Master Labor Agreement, such provisions shall be recognized when the steward possesses the necessary qualifications to perform the remaining work. In any case in which the steward is discharged or disciplined for just cause, the appropriate Union will be notified immediately by the Contractor, and such discharge or discipline shall not become final (subject to any later filed grievance) until twenty-four (24) hours after such notice has been given.

ARTICLE 5 WAGES AND BENEFITS

Section 5.1 Wages All craft employees covered by this Agreement shall be classified in accordance with work performed and paid by the Contractors the hourly wage rates for those classifications in compliance with the applicable prevailing wage rate determination established pursuant to applicable law. If a prevailing rate increases under law, the Contractor shall pay that rate as of its effective date under the law. This Agreement does not relieve Contractors that are direct signatories to a Master Labor Agreement with one of the Unions signing this Agreement from paying all of the wages set forth in such Agreements.

Section 5.2 Benefits

5.2.1 Contractors shall pay contributions to the established craft employee benefit funds in the amounts designated in the appropriate Master Labor Agreement and make all craft employee-authorized deductions in the amounts designated in the appropriate Master Labor Agreement, however, such contributions shall not exceed the contribution amounts set forth in the applicable prevailing wage determination. This Agreement does not relieve Contractors that are direct signatories to one or more of the Master Labor Agreements from making all contributions set forth in those Master Labor Agreements without reference to the foregoing.

5.2.2 The Contractor adopts and agrees to be bound by the written terms of the applicable, legally established, trust agreement(s) specifying the detailed basis on which payments are to be made into, and benefits paid out of, such trust funds for its employees. The Contractor authorizes the parties to such trust funds to appoint trustees and successor trustees to administer the trust funds and hereby ratifies and accepts the trustees so appointed as if made by the Contractor.

5.2.3 Each Contractor is required to certify under penalty of perjury and provide that certification to the CWA Administrator, who may conclusively rely on such certification, that it has paid all benefit contributions due and owing to the appropriate trust(s). Further, upon timely notification by a Union to the CWA Administrator, the CWA Administrator shall work with any GCC or Subcontractor who is delinquent in such payments to assure that proper benefit contributions are made.

Section 5.3 Wage Premiums Wage premiums, including but not limited to pay based on height of work, hazard pay, scaffold pay, and special skills shall not be applicable to Project Work under this Agreement, except to the extent provided for in any applicable prevailing wage determination.

ARTICLE 6 HOURS OF WORK, OVERTIME, SHIFTS AND HOLIDAYS

Section 6.1 Hours of Work Eight (8) hours per day between the hours of 6:00 a.m. and 5:30 p.m., plus one-half (½) hour unpaid lunch approximately mid-way through the shift, shall constitute the standard work day. Forty (40) hours per week shall constitute a regular week's work. The work week will start on Sunday and conclude on Saturday. The foregoing provisions of this Section are applicable unless otherwise provided in the applicable prevailing wage determination, construction contract neighborhood-friendly policies, as described in the Project specifications, or

are agreed upon by the Parties. Nothing herein shall be construed as guaranteeing any employee eight (8) hours per day or forty (40) hours per week, or a Monday through Friday standard work schedule.

Section 6.2 Place of Work Craft employees shall be at their place of work (as designated by the Contractor), at the starting time and shall remain at their place of work, performing their assigned functions, until quitting time. The place of work is defined as the gang or tool-box or equipment at the employee's assigned work location or the place where the foreman gives instructions. Except as provided in Section 6.6, there shall be no pay for time not worked unless the employee is otherwise engaged at the direction of the Contractor.

Section 6.3 Overtime Overtime shall be paid in accordance with the requirements of the applicable prevailing wage determination. There shall be no restriction on the Contractor's scheduling of overtime or the nondiscriminatory designation of employees who will work overtime. There shall be no pyramiding of overtime (payment of more than one form of overtime compensation for the same hour) under any circumstances.

Section 6.4 Shifts and Alternate Work Schedules

64.1 The Parties recognize the economic impact for Project Work being undertaken by the City and agree that Parties to this Agreement desire and intend Project Work to be undertaken in an effective manner to the highest standard of quality and craftsmanship. The Parties agree that, except to the extent permitted by law, craft employees performing Project Work shall not be entitled to any differentials or additional pay based upon the shift or work schedule of the employees. Instead, all employees working on Project Work shall be paid at the same base rate regardless of shift or work schedule worked, unless required under the applicable prevailing wage determination.

64.2 It is recognized that the City's operations and/or mitigation obligations may require restructuring of normal work schedules. Except in an emergency or when specified in the Construction Contract, the Contractor shall give affected Union(s) at least three (3) days' notice of such schedule changes.

Section 6.5 Holidays Recognized holidays for Project Work shall be those set forth and governed by the prevailing wage determination(s) applicable to such Project Work.

Section 6.6 Show-up Pay

6.6.1 Except as otherwise required by State law, craft employees reporting for work and for whom no work is provided, except when given prior notification not to report to work, shall receive pay in accordance with the applicable Master Labor Agreement.

6.6.2 A craft employee called out to work outside of his/her shift shall receive a minimum of two (2) hours pay at the appropriate rate. This does not apply to time worked as an extension of (before or after) the craft employee's normal shift.

6.6.3 When a craft employee leaves the job or work location of his/her own volition or is

discharged for cause or is not working, the craft employee shall only be paid for actual time worked.

Section 6.7 Meal Periods The Contractor will schedule a meal period in accordance with the applicable Master Labor Agreement.

Section 6.8 Make-up Days To the extent permitted by the applicable general wage determination, when a craft employee has been prevented from working for reasons beyond the control of the Contractor, including, but not limited to inclement weather or other natural causes, during the regularly scheduled work week, a make-up day may be worked on a non-regularly scheduled work day subject to prevailing wage law.

ARTICLE 7 WORK STOPPAGES AND LOCK-OUTS

Section 7.1 No Work Stoppages or Disruptive Activity The Trades Council and the Unions signatory hereto agree that neither they, and each of them, nor their respective officers or agents or representatives, shall incite or encourage, condone or participate in any strike, walk-out, slow-down, picketing, observing picket lines or other activity of any nature or kind whatsoever, for any cause or dispute whatsoever with respect to or in any way related to Project Work, or which interferes with or otherwise disrupts, Project Work, or with respect to or related to the City or Contractors, including, but not limited to, economic strikes, unfair labor practice strikes, safety strikes, sympathy strikes, secondary strikes, sick-out strikes, and jurisdictional strikes whether or not the underlying dispute is arbitrable. Any such actions by the Trades Council, or Unions, or their members, agents, representatives or the employees they represent shall constitute a violation of this Agreement. The Trades Council and the Union shall take all steps necessary to obtain and maintain compliance with this Article.

Section 7.2 Employee Violations The Contractor shall discharge any employee violating Section 7.1 above and any such employee will not be eligible for rehire under this Agreement.

Section 7.3 Standing to Enforce The City or any Contractor affected by an alleged violation of Section 7.1 shall have standing and the right to enforce the obligations established therein.

Section 7.4 Expiration of Master Labor Agreement If the Master Labor Agreement (MLA), or any local, regional, and other applicable collective bargaining agreements expire during the term of this Agreement, the Union(s) agree that there shall be no work disruption of any kind as described in Section 7.1 above as a result of the expiration of any such agreement(s) having application under this Agreement and/or failure of the involved parties to the Master Labor Agreement to enter into a new agreement. Terms and conditions of employment established during the term of the Construction Contract shall remain established and set. Otherwise to the extent that the Master Labor Agreement does expire and the parties to that Master Labor Agreement have failed to enter into a new agreement, work will continue under the terms of the Construction Contract on one of the following two (2) options, both of which will be offered by the Unions involved to the Contractors that are independently signatory to the affected Master Labor Agreement (hereinafter "Signatory Contractors"):

7.4.1 Each of the Unions with a Master Labor Agreement expiring must offer to its
Community Workforce Agreement

Signatory Contractors the right to continue working on the Project under interim agreements that retain all the terms of the expiring Master Labor Agreement, except that the Unions involved in such expiring Master Labor Agreement may each propose wage rates and Contractor contribution rates to employee benefit funds under the prior Master Labor Agreement different from what those wage rates and Contractor contributions rates were under the expiring Master Labor Agreements. The terms of the Union's interim agreement offered to its Signatory Contractors will be no less favorable than the terms offered by the Union to any other Contractors or group of Contractors covering the same type of construction work in Orange County.

742 Each of the Unions with a Master Labor Agreement expiring must offer to its Signatory Contractors the right to continue working on the Project under all the terms of the expiring Master Labor Agreement, including the wage rates and employer contribution rates to the employee benefit funds, if the Signatory Contractor affected by that expiring Master Labor Agreement agrees to the following retroactive provisions: if a new MLA, local, regional or other applicable labor agreement for the industry having application at the Project is ratified and signed during the term of this Agreement and if such new labor agreement provides for retroactive wage increases, then all affected Signatory Contractors shall pay to its craft employees who performed work covered by this Agreement at the Project during the hiatus between the effective dates of such expired and new labor agreements, an amount equal to any such retroactive wage increase established by such new labor agreement, retroactive to whatever date is provided by the new labor agreement for such increase to go into effect, for each craft employee's hours worked on the Project during the retroactive period. All Parties agree that such affected Signatory Contractors shall be solely responsible for any retroactive payment to its craft employees.

743 Some Signatory Contractors may elect to continue to work on the Project under the terms of the interim agreement option offered under paragraph 7.4.1 and other Signatory Contractors may elect to continue to work on the Project under the retroactivity option offered under paragraph 7.4.2. To decide between the two options, Signatory Contractors will be given one week after the particular Master Labor Agreement has expired or one week after the Union has personally delivered to the Signatory Contractors in writing its specific offer of terms of the interim agreement pursuant to paragraph 7.4.1, whichever is the later date. If the Signatory Contractor fails to timely select one of the two options, the Signatory Contractor shall be deemed to have selected the provisions of 7.4.2.

Section 7.5 No Lockouts Contractors shall not cause, incite, encourage, condone or participate in any lock-out of craft employees with respect to Project Work during the term of this Agreement. The term "lock-out" refers only to a Contractor's exclusion of craft employees in order to secure collective bargaining advantage, and does not refer to the discharge, termination or layoff of craft employees by the Contractor for any reason in the exercise of rights pursuant to any provision of this Agreement, or any other agreement, nor does "lock-out" include the City's decision to stop, suspend or discontinue any Project Work or any portion thereof for any reason.

Section 7.6 Best Efforts to End Violations

7.61 If a Contractor contends that there is any violation of this Article, it shall notify, in writing, the Executive Secretary of the Trades Council, the Senior Executive of the involved Union(s) and the CWA Administrator. The Executive Secretary and the leadership of the involved Union(s) will promptly notify and use their best efforts to cause the cessation of any violation of

this Article.

7.62 If the Union contends that any Contractor has violated this Article, it will notify the Contractor and the CWA Administrator, setting forth the facts which the Union contends violate the Agreement, at least twenty-four (24) hours prior to invoking the procedures of Section 7.8.

Section 7.7 Withholding of Services for Failure to Pay Wages and Fringe Benefits

7.7.1 Notwithstanding any provision of this Agreement to the contrary, it shall not be a violation of this Agreement for any Union to withhold the services of its members (but not the right to picket) from a particular Contractor who:

(a) fails to timely pay its weekly payroll; or

(b) fails to make timely payments to the Union's Joint Labor/Management Trust Fund(s) in accordance with the provisions of the applicable Master Labor Agreements. Prior to withholding its members' services for the Contractor's failure to make timely payments to the Union's Joint Labor/Management Trust Fund(s), the Union shall give at least ten (10) days (unless a lesser period of time is provided in the Union's Master Labor Agreement, but in no event less than forty-eight (48) hours) written notice of such failure to pay to the involved Contractor and to the CWA Administrator. Union will meet with the Contractor within the ten (10) day period to attempt to resolve the dispute.

7.7.2 Upon the payment by the delinquent Contractor of all monies due and then owing for wages and/or fringe benefit contributions, the Union shall direct its members to return to work and the Contractor shall return all such craft employees back to work. Notwithstanding anything to the contrary, the provisions for liquidated damages or any other delay related damages under the Construction Contract remain in full force and effect.

Section 7.8 Expedited Enforcement Procedure Any Party, including the City, which the Parties agree is a Party to the Agreement for purposes of this Article and an intended beneficiary of this Article, or the CWA Administrator, may institute the following procedures, in lieu of or in addition to any other action at law or equity, when a breach of Section 7.1 or 7.5, above, or Section 8.3 is alleged.

7.8.1 The Party invoking this procedure shall notify the first arbitrator identified in the List of Arbitrators attached hereto as **Attachment D**. If this arbitrator identified in Attachment D is unavailable, the Party invoking this procedure shall notify the next arbitrator listed. Should none of the named arbitrators be available, an alternate arbitrator mutually agreed upon by the Parties will be selected to hear the matter. Expenses incurred in arbitration shall be borne equally by the Contractor and Unions involved in the arbitration and the decision of the arbitrator shall be final and binding on the Contractor and Unions, provided, however, that the arbitrator shall not have the authority to alter or amend or add to or delete from the provisions of this Agreement in any way. Notice to the arbitrator shall be by the most expeditious means available, with notices to the Parties alleged to be in violation, and to the Trades Council if it is a Union alleged to be in violation. For purposes of this Article, written notice may be given by certified mail and will be deemed effective upon receipt.

7.8.2 Upon receipt of said notice, the arbitrator selected shall sit and hold a hearing within twenty-four (24) hours if it is contended that the violation still exists, but not sooner than twenty-four (24) hours after notice has been dispatched to the Executive Secretary and the Senior Official(s) as required by Section 7.6, as above.

7.8.3 The arbitrator shall notify the Parties of the place and time chosen for this hearing. Said hearing shall be completed in one session, which, with appropriate recesses at the arbitrator's discretion, shall not exceed 24 hours unless otherwise agreed upon by the Contractor and Unions. A failure of any Contractor or Union to attend said hearings shall not delay the hearing of evidence or the issuance of any decision by the arbitrator.

7.8.4 The sole issue at the hearing shall be whether or not a violation of Sections 7.1 or 7.5, or 8.3 has in fact occurred. The arbitrator shall have no authority to consider any matter in justification, explanation or mitigation of such violation. The decision shall be issued in writing within three (3) hours after the close of the hearing and may be issued without an opinion. If the Contractor or Unions desires a written opinion, one shall be issued within fifteen (15) days, but its issuance shall not delay compliance with, or enforcement of, the decision. The arbitrator may order cessation of the violation of the Article and other appropriate relief, and such decision shall be served on all Parties by hand or certified mail upon issuance.

7.8.5 Such decision shall be final and binding on Contractor and Unions and may be enforced by any court of competent jurisdiction upon the filing of this Agreement and all other relevant documents referred to herein above in the following manner. Written notice of the filing of such enforcement proceedings shall be given to the affected Contractor and Union. In any judicial proceeding to obtain a temporary order enforcing the arbitrator's decision as issued under this Article, the Contractor and Unions waive the right to a hearing and agree that such proceedings may be ex parte. Such agreement does not waive the Contractor or Unions' right to participate in a hearing for a final order of enforcement. The court's order or orders enforcing the arbitrator's decision shall be served on the Contractor and Unions by hand or by certified mail.

7.8.6 Any rights created by statute or law governing arbitration proceedings inconsistent with the above procedure or which interfere with compliance hereto are hereby waived by the Contractor or Unions to whom they accrue.

7.8.7 The fees and expenses of the arbitrator shall be equally divided between the Contractor and Union involved in the matter.

ARTICLE 8 WORK ASSIGNMENTS AND JURISDICTIONAL DISPUTES

Section 8.1 Assignment of Work The assignment of Project Work will be solely the responsibility of the Contractor performing the work involved; and such work assignments will be in accordance with the Plan for the Settlement of Jurisdictional Disputes in the Construction Industry (the "Plan") or any successor Plan.

Section 8.2 The Plan All jurisdictional disputes on Project Work between or among the building and construction trades Unions and the craft employers parties to this Agreement, shall be settled

and adjusted according to the present Plan established by the Building and Construction Trades Department or any other plan or method of procedure that may be adopted in the future by the Building and Construction Trades Department. Decisions rendered shall be final, binding and conclusive on the Contractor and Unions involved in the dispute.

8.2.1 If a dispute arising under this Article involves the Southwest Regional Council of Carpenters or any of its subordinate bodies, an Arbitrator shall be chosen by the procedures specified in Article V, Section 5, of the Plan from a list composed of John Kagel, Thomas Angelo, Robert Hirsch, and Thomas Pagan, and the Arbitrator's hearing on the dispute shall be held at the offices of the Trades Council within 14 days of the selection of the Arbitrator. All other procedures shall be as specified in the Plan.

Section 8.3 No Work Disruption Over Jurisdiction All jurisdictional disputes shall be resolved without the occurrence of any strike, work stoppage, or slow-down of any nature, and the Contractor's assignment shall be adhered to until the dispute is resolved. Individuals violating this section shall be subject to immediate discharge.

Section 8.4 Pre-Job Conferences As provided in Article 16, each Contractor will conduct a pre-job conference with the appropriate affected Union(s) prior to commencing work; provided however, at no time shall the City be responsible for additional costs related to, associated with, or resulting from Union(s) jurisdictional disputes. The Trades Council and the CWA Administrator shall be advised in advance of all such conferences and may participate if they wish.

Section 8.5 Resolution of Jurisdictional Disputes If any actual or threatened strike, sympathy strike, work stoppage, slow down, picketing, hand-billing or otherwise advising the public that a labor dispute exists, or interference with the progress of Project Work by reason of a jurisdictional dispute or disputes occurs, the Parties shall exhaust the expedited procedures set forth in the Plan, if such procedures are in the Plan then currently in effect, or otherwise as in Article 7 above.

ARTICLE 9 MANAGEMENT RIGHTS

Section 9.1 Contractor and City Rights The Contractors and the City have the sole and exclusive right and authority to oversee and manage Project Work activities without any limitations unless expressly limited or required by a specific provision of this Agreement or a Master Labor Agreement. In addition to the following and other rights of the Contractors enumerated in this Agreement, the Contractors expressly reserve their management rights and all the rights conferred upon them by law. The Contractor's rights include, but are not limited to, the right to:

- (a) Plan, direct and control all work activities;
- (b) Hire, promote, transfer and layoff craft employees, respectively, as deemed appropriate to satisfy work and/or skill requirements;
- (c) Promulgate and require all craft employees to observe reasonable job rules and security and safety regulations;
- (d) Discharge, suspend or discipline craft employees for just cause;

(e) Utilize, in accordance with City approval, any work methods, procedures or techniques, and select, use and install any types or kinds of materials, apparatus or equipment, regardless of source of manufacture or construction; assign and schedule work at their discretion; and

(f) Assign overtime, determine when it will be worked and the number and identity of employees engaged in such work, subject to such provisions in the applicable Master Labor Agreement(s) requiring such assignments be equalized or otherwise made in a nondiscriminatory manner.

Section 9.2 Specific City Rights In addition to the following and other rights of the City enumerated in this Agreement, the City expressly reserves its management rights and all the rights conferred on it by law. The City's rights (and those of the CWA Administrator on its behalf) include, but are not limited to the right to:

(a) Inspect any construction site or facility to ensure that the Contractor follows the applicable safety and other work requirements;

(b) Require Contractors to establish a different work week or shift schedule for particular craft employees as required to meet the operational needs of the Project Work at a particular location;

(c) At its sole option, terminate, delay and/or suspend any and all portions of the Project Work at any time; prohibit some or all work on certain days or during certain hours of the day to accommodate the ongoing City services and/or to mitigate the effect of ongoing Project Work on businesses and residents in the neighborhood of the Project site; and/or require such other operational or schedule changes it deems necessary, in its sole judgment, to effectively maintain City service levels and remain a good neighbor to those in the area of the Project Work. In order to permit the Contractors and Unions to make appropriate scheduling plans, the City will provide the CWA Administrator and the affected Contractor(s) and Union(s) with reasonable notice of any changes it requires pursuant to this section; provided, however, that if notice is not provided in time to advise craft employees not to report for work, show-up pay shall be due pursuant to the provision of Article 6.

Section 9.3 Use of Materials There will be no limitations or restrictions by Unions upon a Contractor's choice of materials, design, or utilization of equipment, machinery, packaging, precast, prefabricated, prefinished, or preassembled materials, tools or other labor saving devices, subject to the application of the State Public Contracts and Labor Codes as required by law. The onsite installation or application of such items shall be performed by the craft having jurisdiction over such work.

Section 9.4 Special Equipment, Warranties, and Guaranties

9.4.1 It is recognized that certain equipment of a highly technical and specialized nature as specified by the City or manufacturer may be installed at Project Work sites. The nature of the equipment, together with the requirements for manufacturer's warranties, may dictate that it be prefabricated, pre-piped and/or pre-wired and that it be installed under the supervision and direction of the City's and/or manufacturer's personnel. Unless otherwise required to prevent the

loss of or negate manufacturer warranties, the Unions agree to install such equipment without incident and as required by the manufacturer(s).

942 The Parties recognize that the Contractor will initiate from time to time the use of new technology, equipment, machinery, tools, and other labor-savings devices and methods of performing Project Work. The Union agrees that they will not restrict the implementation of such devices or work methods. The Unions will accept and will not refuse to handle, install or work with any standardized and/or catalogue: parts, assemblies, accessories, prefabricated items, preassembled items, partially assembled items, or materials whatever their source of manufacture or construction.

943 If any disagreement between the Contractor and the Unions concerning the methods of implementation or installation of any equipment, or device or item, or method of work, arises, or whether a particular part or pre-assembled item is a standardized or catalog part or item, the Project Work will precede as directed by the Contractor and the Parties shall promptly consult over the matter. If the disagreement is not resolved, the affected Union(s) shall have the right to proceed through the procedures set forth in Article 10.

ARTICLE 10 SETTLEMENT OF GRIEVANCES AND DISPUTES

Section 10.1 Cooperation and Harmony on Site

10.1.1 This Agreement is intended to establish and foster continued close cooperation between the City, Contractors, and Unions. The Trades Council shall assign a representative to this Agreement for the purpose of assisting the local Unions, and working with the CWA Administrator, together with the Contractors, to complete the Project Work efficiently, continuously and without any interruption, delays or work stoppages.

10.1.2 The Contractors and Unions, will attempt to resolve disputes in accordance with the grievance provisions set forth in this Article or, as appropriate, those of Article 7 or 8.

10.1.3 The CWA Administrator shall facilitate the processing of grievances under Articles 7, 8, and 10, including the scheduling and arrangements of facilities for meetings, and any other administrative matters necessary to facilitate the timely resolution of any dispute; provided, however, it is the responsibility of the Contractors and Unions to any pending grievance to insure the time limits and deadlines are met.

Section 10.2 Processing Grievances Any questions arising out of and during the term of this Agreement involving its interpretation and application, which includes applicable provisions of the Master Labor Agreement, but not jurisdictional disputes or alleged violations of Section 7.1 and 7.4 and similar provisions, shall be considered a grievance and subject to resolution under the following procedures.

Step 1. Employee Grievances When any craft employee subject to the provisions of this Agreement feels aggrieved by an alleged violation of this Agreement, the craft employee shall, through his/her local Union business representative or, job steward, within ten (10) working days after the occurrence of the violation, give notice to the work site representative of the involved

Contractor stating the provision(s) alleged to have been violated. A business representative of the local Union or the job steward and the work site representative of the involved Contractor shall meet and endeavor to resolve the matter within ten (10) working days after timely notice has been given. If they fail to resolve the matter within the prescribed period, the grieving party may, within ten (10) working days thereafter, pursue Step 2 of this grievance procedure provided the grievance is reduced to writing, setting forth the relevant information, including a short description thereof, the date on which the alleged violation occurred, and the provision(s) of the Agreement alleged to have been violated. Grievances and disputes settled at Step 1 shall be non-precedential except as to the parties directly involved.

Union or Contractor Grievances Should the Union(s) or any Contractor(s) have a dispute and, if after conferring within ten (10) working days after the disputing Union(s) or Contractor(s) knew or should have known of the facts or occurrence giving rise to the dispute, a settlement is not reached within five (5) working days, the dispute shall be reduced to writing and processed to Step 2 in the same manner as outlined in Step 1 above for the adjustment of a craft employee complaint.

Step 2. The business manager of the involved Union or his/her designee, together with the site representative of the involved Contractor, shall notify the CWA Administrator, and conduct a meeting between the Union and the Contractor within seven (7) working days of the referral of the dispute to this second step to arrive at a satisfactory settlement thereof. If the Union(s) and Contractor(s) fail to reach an agreement, the dispute may be appealed in writing in accordance with the provisions of Step 3 within seven (7) calendar days after the initial meeting at Step 2.

Step 3. (a) If the grievance shall have been submitted but not resolved under Step 2, either the Union(s) or Contractor(s) may proceed with the selection of an arbitrator from **Attachment D**, on a rotational basis in the order listed within seven (7) calendar days after the initial Step 2 meeting. The Union(s) and Contractor(s) shall notify the CWA Administrator of the date, time and request a meeting location for the hearing. The failure of any party to attend said hearing shall not delay the hearing of evidence or the issuance of any decision by the arbitrator. The decision of the arbitrator shall be final and binding on all parties.

(b) Failure of the grieving Party to adhere to the time limits established herein shall render the grievance null and void. The time limits established herein may be extended only by consent of the Union(s) and Contractor(s) involved at the particular step where the extension is agreed upon. The arbitrator shall have the authority to make decisions only on issues presented and shall not have the authority to change, amend, add to or detract from any of the provisions of this Agreement.

(c) The fees and expenses incurred by the arbitrator, as well as those jointly utilized by the Union(s) and Contractor(s) in arbitration, shall be divided equally by the Union(s) and Contractor(s) involved. The City is responsible for providing meeting locations where the arbitration takes place.

Section 10.3 Limit on Use of Procedures The procedures contained in Article 10 shall not be applicable to any alleged violation of Articles 7 or 8, with a single exception that any craft employee discharged for violation of Section 7.2, or Section 8.3, may resort to the procedures of

Article 10 to determine only if he/she was, in fact, engaged in that violation.

Section 10.4 Notice The CWA Administrator (and the City, in the case of any grievance regarding the Scope of this Agreement), shall be notified by the involved Contractor of all actions at Steps 2 and 3, and further, the CWA Administrator shall, upon his/her/their/its own request, be permitted to participate fully as a party in all proceedings at such steps.

ARTICLE 11 REGULATORY COMPLIANCE

Section 11.1 Compliance with All Laws The Trades Council and all Unions, Contractors, and their craft employees shall comply with all applicable Federal, State, and local laws, ordinances and regulations including, but not limited to, those relating to safety and health, employment and applications for employment. All craft employees shall comply with the safety regulations established by the Division of Occupational Safety and Health (Cal/OSHA), the City, or the Contractor. Craft employees must promptly report any injuries or accidents to a supervisor.

Section 11.2 Prevailing Wage Compliance All Contractors shall comply with the State laws and regulations, as well as the Costa Mesa City Municipal Code, or resolutions on prevailing wages. Compliance with this obligation may be enforced by the appropriate parties through Article 10 above, or by pursuing the remedies available under State law through the Labor Commissioner or the Department of Industrial Relations (DIR).

Section 11.3 Violations of Law Should there be a finding by a Court or administrative tribunal of competent jurisdiction that a Contractor has violated Federal and/or State law or regulation, the City, upon notice to the GCC that it or its Subcontractors is in such violation (including any finding of non-compliance with the California prevailing wage obligations as enforced pursuant to DIR regulations), may take such action as it is permitted by law or Construction Contract to compel the Contractor to remedy the violation, subject to the applicable Construction Contract.

ARTICLE 12 SAFETY AND PROTECTION OF PERSON AND PROPERTY

Section 12.1 Safety

12.1.1 It shall be the responsibility of each Contractor to ensure safe working conditions and craft employee compliance with applicable safety regulations established by the Division of Occupational Safety and Health (Cal/OSHA), or City safety rules, or Contractor safety rules. It is understood that craft employees have an individual obligation to use diligent care to perform their work in a safe manner and to protect themselves and the property of the Contractor and the City.

12.1.2 Craft employees shall be bound by the safety, security and visitor rules established by the Contractor and/or the City. These rules will be published and posted. A craft employee's failure to satisfy his/her obligations under this section will subject him/her to discipline, up to and including discharge.

12.1.3 The Contractor shall comply with the Substance Abuse Policy attached hereto as **Attachment E** and the City's Substance Abuse Policy attached hereto as **Attachment H**.

Section 12.2 Water and Sanitary Facilities The Contractor shall provide adequate supplies of drinking water and sanitary facilities for all craft employees as required by state law or regulation.

ARTICLE 13 TRAVEL AND SUBSISTENCE

Travel expenses, travel time, subsistence allowances, zone rates, and parking reimbursements shall be paid in accordance with the applicable Master Labor Agreement unless superseded by the applicable prevailing wage determination.

ARTICLE 14 APPRENTICES

Section 14.1 Importance of Training The Parties recognize the need to maintain continuing support of the programs designed to develop adequate numbers of competent workers in the construction industry, the obligation to capitalize on the availability of the Local Hires, and the opportunities to provide continuing work under the construction program. To these ends, the Parties will facilitate, encourage, and assist Local Hires to commence and progress in Labor/Management Apprenticeship and/or training programs in the construction industry leading to participation in such apprenticeship programs. The City and the Trades Council will work cooperatively to identify, or establish and maintain, effective programs and procedures for persons interested in entering the construction industry and which will help prepare them for the formal joint labor/management apprenticeship programs maintained by the signatory Unions.

Section 14.2 Use of Apprentices

14.2.1 Apprentices used on Projects under this Agreement shall be registered in Joint Labor Management Apprenticeship Programs approved by the State of California. Apprentices may comprise up to thirty percent (30%) of each craft's work force (calculated by hours worked) at any time, unless the standards of the applicable joint apprenticeship committee confirmed by the Division of Apprenticeship Standards ("DAS"), establish a lower or higher maximum percentage. Where the standards permit a higher percentage, such percentage shall apply on Project Work. Where the applicable standards establish a lower percentage, the applicable Union will use its best efforts with the Joint Labor Management apprenticeship committee and, if necessary, the DAS to permit up to thirty percent (30%) apprentices on the Project.

14.2.2 The Unions agree to cooperate with the Contractor in furnishing Apprentices as requested up to the maximum percentage. The apprentice ratio for each craft shall be in compliance, at a minimum, with the applicable provisions of the Labor Code relating to utilization of apprentices. The City shall encourage such utilization both as to Apprentices and the overall supply of journey-level craft workers. The Unions and Trades Council will work to provide appropriate and maximum utilization of Apprentices and the continuing availability of both apprentices and journey-level craft workers.

14.2.3 The Parties agree that apprentices will not be dispatched to Contractors working under this Agreement unless there is a journey-level worker working on the Project where the

Apprentice is to be employed who is qualified to assist and oversee the Apprentice's progress through the program in which he/she is participating.

14.2.4 All apprentices shall work under the direct supervision of a journeyman from the trade in which the apprentice is indentured. A journeyman shall be defined as set forth in the California Code of Regulations, Title 8 [apprenticeship] section 205, which defines a journeyman as a person who has either completed an accredited apprenticeship in his or her craft, or has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the craft which has workers classified as journeyman in the apprenticeable occupation. Should a question arise as to a journeyman's qualification under this subsection, the Contractor shall provide adequate proof evidencing the worker's qualification as a journeyman to the Trades Council.

ARTICLE 15 WORKING CONDITIONS

Section 15.1 Working conditions shall be established by the Contractor to meet all Federal, state, and local requirements, as well as those set forth in the Master Labor Agreements.

ARTICLE 16 PRE-JOB CONFERENCES

Section 16.1 Each Primary Contractor which is awarded a Construction Contract by the City for Project Work shall conduct a Pre-Job conference with the appropriate affected Union(s) prior to commencing Project Work. All Subcontractors that have been awarded contracts by the GCC shall attend the Pre-Job conference. The Trades Council and the CWA Administrator shall be advised in advance of all such Pre-Job conferences and may participate if they wish. All work assignments shall be disclosed by the GCC and all Subcontractors at the Pre-Job conference in accordance with industry practice. Should there be any formal jurisdictional dispute raised under Article 8, the CWA Administrator shall be promptly notified. The GCC shall have available at the Pre-Job conference the plans and drawing for the work to be performed on the Project. Should additional Project Work not previously included within the scope of the Project Work be added, the Contractors performing such work will conduct a separate Pre-Job conference for such newly included work. At no time shall the City be responsible for additional costs related to, associated with, or resulting from jurisdictional disputes or newly included work not previously identified in the Construction Contract.

ARTICLE 17 LABOR/MANAGEMENT COOPERATION

Section 17.1 Joint Committee The Parties to this Agreement may establish a six (6) person Joint Administrative Committee (JAC). This JAC shall be comprised of three (3) representatives selected by the City and three (3) representatives selected by the Trades Council to monitor compliance with the terms and conditions of this Agreement and to recommend amendments to this Agreement, with the exception of the Projects List specified in Section 2.2.1 and the term of this Agreement under Section 22.1, when doing so would be to the mutual benefit of the Parties. Any amendment to this Agreement will require City Council approval. Each representative shall designate an alternate who shall serve in his or her absence for any purpose contemplated by this

Agreement. A JAC meeting shall only commence when at least two (2) representatives selected by the City and at least two (2) representatives selected by the Trades Council are present. For voting purposes, an equal number of City and Union representatives must be present.

Section 17.2 Functions of Joint Committee The JAC shall meet on a schedule to be determined by the JAC or at the call of the joint chairs, to discuss the administration of the Agreement, the progress of a Project, general labor management problems that may arise, and any other matters consistent with this Agreement. Substantive grievances or disputes arising under Articles 7, 8 or 10 shall not be reviewed or discussed by this JAC but shall be processed pursuant to the provisions of the appropriate Article. The CWA Administrator shall be responsible for the scheduling of the meetings, the preparation of the agenda topics for the meetings, with input from the Unions, the Contractors, and the City. Notice of the date, time, and place of meetings, shall be given to the JAC members at least three (3) days prior to the meeting.

ARTICLE 18 SAVINGS AND SEPARABILITY

Section 18.1 Savings Clause It is not the intention of the City, Contractor, or the Union parties to violate any laws governing the subject matter of this Agreement. The Parties hereto agree that in the event any provision of this Agreement is finally held or determined to be illegal or void as being in contravention of any applicable law or regulation, the remainder of the Agreement shall remain in full force and effect unless the part or parts so found to be void are wholly inseparable from the remaining portions of this Agreement. Further, the Parties agree that if and when any provision(s) of this Agreement is finally held or determined to be illegal or void by a court of competent jurisdiction, the Parties will promptly enter into negotiations concerning the substantive effect of such decision for the purposes of achieving conformity with the requirements of any applicable laws and the intent of the Parties hereto. If the legality of this Agreement is challenged and any form of injunctive relief is granted by any court, suspending temporarily or permanently the implementation of this Agreement, then the Parties agree that all Project Work that would otherwise be covered by this Agreement should be continued to be bid and constructed without application of this Agreement so that there is no delay or interference with the ongoing planning, bidding and construction of any Project Work.

Section 18.2 Effect of Injunctions or Other Court Orders The Parties recognize the right of the City to withdraw, at its absolute discretion, the utilization of the Agreement as part of any bid specification should a Court of competent jurisdiction issue any order, or any applicable statute which could result, temporarily or permanently, in delay of the bidding, awarding and/or construction of the Project. Notwithstanding such an action by the City, or such court order or statutory provision, the Parties agree that the Agreement shall remain in full force and effect on other covered Project Work; provided however, that the continuance of the Project is not determined to be financially or legally detrimental to the City, at its sole and absolute discretion.

ARTICLE 19 WAIVER

A waiver of or a failure to assert any provisions of this Agreement by any or all of the Parties hereto shall not constitute a waiver of such provision for the future. Any such waiver shall not constitute a modification of the Agreement or change in the terms and conditions of the Agreement

and shall not relieve, excuse or release any of the Parties from any of their rights, duties or obligations hereunder.

ARTICLE 20
AMENDMENTS

The provisions of this Agreement can be renegotiated, supplemented, rescinded or otherwise altered only by mutual agreement in writing, hereafter signed by the negotiating Parties hereto. In the event of any conflict or ambiguity between this Agreement and any Attachment or exhibit, the provisions of this Agreement shall govern.

ARTICLE 21
DURATION OF THE AGREEMENT

Section 21.1 Duration

21.1.1 This Agreement shall be effective from the date of approval by City Council, and shall remain in effect for a period of five (5) years. This Agreement may be terminated by written agreement signed by the Parties; provided however, that any covered Construction Contract approved during this Agreement shall continue to be covered hereunder, until completion of the Project Work, notwithstanding the termination or expiration date of this Agreement.

21.1.2 This Agreement may be extended by amendment, as approved by the City Council.

IN WITNESS whereof the Parties have caused this Community Workforce Agreement to be

executed as of the date and year above stated.

CITY OF COSTA MESA
a municipal corporation

LOS ANGELES/ORANGE COUNTIES
BUILDING & CONSTRUCTION
TRADES COUNCIL

By: _____
Lori Ann Farrell Harrison
City Manager

By: _____
Chris Hannan
Executive Secretary

DATE: _____

DATE: _____

ATTEST:

By: _____
Brenda Green, City Clerk

DATE: _____

APPROVED AS TO FORM:

By: _____
Kimberly Hall Barlow, City Attorney

LOS ANGELES/ORANGE COUNTIES BUILDING AND CONSTRUCTION
TRADES COUNCIL CRAFT UNIONS AND DISTRICT COUNCILS

Asbestos Heat & Frost Insulators (Local 5)	_____
Boilermakers (Local 92)	_____
Bricklayers & Allied Craftworkers (Local 4)	_____
Cement Masons (Local 500)	_____
District Council of Laborers	_____
Electricians (Local 441)	_____
Elevator Constructors (Local 18)	_____
Gunitite Workers (Local 345)	_____
Iron Workers (Reinforced – Local 416)	_____
Iron Workers (Structural – Local 433)	_____
Laborers (Local 300) (remediation)	_____
Laborers (Local 652)	_____
Laborers (Local 1184)	_____
Operating Engineers (Local 12)	_____
Operating Engineers (Local 12)	_____
Operating Engineers (Local 12)	_____
Painters & Allied Trades DC 36	_____
Pipe Trades (Steamfitters Local 250)	_____
Pipe Trades (Local 345)	_____
Pipe Trades (Plumbers/Fitters Local 582)	_____
Pipe Trades (Sprinkler Fitters Local 709)	_____
Plasterers (Local 200)	_____
Plaster Tenders Local (1414)	_____
Roofers & Waterproofers (Local 220)	_____
Sheet Metal Workers (Local 105)	_____
Teamsters (Local 952)	_____
Teamsters (Local 986)	_____
Southwest Regional Council of Carpenters	_____

ATTACHMENT A

LETTER OF ASSENT

To be signed by all Contractors awarded Project Work covered by the Community Workforce Agreement with the City of Costa Mesa prior to commencing work.

[Contractor's Letterhead]

City of Costa Mesa Public Services Department
77 Fair Drive
Costa Mesa, CA 92626
Attn: CWA Administrator, Public Services Department

Re: Community Workforce Agreement - Letter of Assent

Dear CWA Administrator:

This is to confirm that [name of company] agrees to be party to and bound by the Community Workforce Agreement with the City of Costa Mesa effective _____, 202_ as such Agreement may, from time to time, be amended by the negotiating parties or interpreted pursuant to its terms. Such obligation to be a party and bound by this Agreement shall extend to all Project Work covered by the Community Workforce Agreement undertaken by [name of company] on the Project and [name of company] shall require all of its contractors and subcontractors of whatever tier to be similarly bound for all Project Work within the scope of the Community Workforce Agreement by signing and furnishing to you an identical letter of assent prior to their commencement of work.

Sincerely.

[Name of Construction Company]

By: [_____] Name and Title of Authorized Executive

Contractor State License No.: _____

Project Name: _____

[Copies of this letter must be submitted to the CWA Administrator and to the Trades Council Consistent with Section 2.6.2.]

ATTACHMENT B
LOCAL HIRE ZIP CODES

TIER 1
COSTA MESA CITY ZIP CODES

92626 and 92627

TIER 2
ORANGE COUNTY ZIP CODES

<u>90620</u>	<u>92630</u>	<u>92698</u>
<u>90621</u>	<u>92637</u>	<u>92701</u>
<u>90622</u>	<u>92646</u>	<u>92702</u>
<u>90623</u>	<u>92647</u>	<u>92703</u>
<u>90624</u>	<u>92648</u>	<u>92704</u>
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<u>92602</u>	<u>92659</u>	<u>92782</u>
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ATTACHMENT C CITY OF COSTA MESA CWA CRAFT REQUEST FORM

TO THE CONTRACTOR: Please complete and submit this form to the applicable Union to request craft workers that fulfill the hiring requirements for this Project. After submitting your request, please call the Union Local to verify receipt and substantiate their capacity to furnish workers as specified below. Please keep copies for your records.

The Community Workforce Agreement with the City of Costa Mesa establishes a goal that 35% of the total work hours shall be from Local Hires in the following order: first, area residents residing within those first tier zip codes which overlap the City boundaries, as reflected on the list of U.S. Postal Service zip codes attached hereto as "Attachment B", second, Veterans, regardless of their residency, primarily through, but not limited to, the Helmets to Hardhats program further described in Section 3.7, third, graduates of high schools whose district boundaries include any portion of Costa Mesa, regardless of their residency, fourth, graduates from the Building Trades multi-craft core curriculum, and fifth, area residents residing within the remainder of the U.S. Postal Service zip codes for Orange County, as attached hereto in "Attachment B." For dispatch purposes, employees described herein shall be referred to as "Local Hires."

TO THE UNION: Please complete the "Union Use Only" section on the next page and fax this form back to the requesting Contractor. Be sure to retain a copy of this form for your records.

CONTRACTOR USE ONLY

To: Union Local # _____ **Fax#** () _____ **Date:** _____
Cc: CWA Administrator
From: Company: _____ Issued By: _____
 Contact Phone :() _____ Contact Fax: () _____

PLEASE PROVIDE ME WITH THE FOLLOWING UNION CRAFT WORKERS.

Craft Classification (i.e., plumber, painter, etc.)	Journeyman or Apprentice	Local Hire or General Dispatch	Number of workers needed	Report Date	Report Time
TOTAL WORKERS REQUESTED = _____					

Please have worker(s) report to the following work address indicated below:

Project Name: _____ Site: _____ Address: _____

Report to: _____ On-site Tel: _____ On-site Fax: _____

Comment or Special Instructions: _____

UNION USE ONLY

Date dispatch request received:
Dispatch received by:
Classification of worker requested:
Classification of worker dispatched:

WORKER REFERRED

Name:
Date worker was dispatched:
Is the worker referred a: (check all that apply)

JOURNEYMAN	Yes ____	No ____
APPRENTICE	Yes ____	No ____
LOCAL HIRE	Yes ____	No ____
GENERAL DISPATCH FROM OUT OF WORK LIST	Yes ____	No ____

ATTACHMENT D
LIST OF ARBITRATORS

Louis Zigman
Mark Burstein
Walter Daugherty
Fred Horowitz
Sara Adler

ATTACHMENT E

SUBSTANCE ABUSE POLICY

The Parties recognize the problems which drug and alcohol abuse have created in the construction industry and the need to develop drug and alcohol abuse prevention programs. Accordingly, the Parties agree that in order to enhance the safety of the work place and to maintain a drug and alcohol-free work environment, Contractors may require applicants or employees to undergo drug and alcohol testing.

1. It is understood that the use, possession, transfer or sale of illegal drugs, narcotics, or other unlawful substances, as well as being under the influence of alcohol and the possession or consuming alcohol is absolutely prohibited while employees are on the Contractor's job premises or while working on any jobsite in connection with work performed under the Community Workforce Agreement ("CWA").

2. No Contractor may implement a drug testing program which does not conform in all respects to the provisions of this Policy.

3. No Contractor may implement drug testing at any jobsite unless written notice is given to the Union setting forth the location of the jobsite, a description of the project under construction, and the name and telephone number of the Project Work Supervisor. Said notice shall be addressed to the office of each Union signing the CWA. Said notice shall be delivered in person or by registered mail before the implementation of drug testing. Failure to give such notice shall make any drug testing engaged in by the Contractor a violation of the CWA, and the Contractor may not implement any form of drug testing at such jobsite for the following six months.

4. A Contractor that elects to implement drug testing pursuant to this Agreement shall require all craft employees on the Project Work to be tested. With respect to individuals who become employed on the Project Work subsequent to the proper implementation of this drug testing program, such test shall be administered upon the commencement of employment on the project, whether by referral from a Union Dispatch Office, transfer from another project, or another method. Individuals who were employed on the project prior to the proper implementation of this drug testing program may only be subjected to testing for the reasons set forth in Paragraph 5(f) (1) through 5(f) (3) of this Policy. Refusal to undergo such testing shall be considered sufficient grounds to deny employment on the project.

5. The following procedure shall apply to all drug testing:

a. The Contractor may request urine samples only. The applicant or craft employee shall not be observed when the urine specimen is given. An applicant or craft employee, at his or her sole option, shall, upon request, receive a blood test in lieu of a urine test. No craft employee of the Contractor shall draw blood from a bargaining unit craft employee, touch or handle urine specimen, or in any way become involved in the chain of custody of urine or blood specimens. A Union Business Representative, subject to the approval of the individual applicant

or Contractor employee, shall be permitted to accompany the applicant or employee to the collection facility to observe the collection, bottling, and sealing of the specimen.

b. The testing shall be done by a laboratory approved by the Substance Abuse & Mental Health Services Administration (SAMHSA), which is chosen by the Contractor and the Union.

c. An initial test shall be performed using the Enzyme Multiplied Immunoassay Technique (EMZT). In the event a question or positive result arises from the initial test, a confirmation test must be utilized before action can be taken against the applicant or employee. The confirmation test will be by Gas Chromatography Mass Spectrometry (GC/MS). Cutoff levels for both the initial test and confirmation test will be those established by the SAMHSA. Should these SAMHSA levels be changed during the course of this agreement or new testing procedures are approved, then these new regulations will be deemed as part of this existing agreement. Confirmed positive samples will be retained by the testing laboratory in secured long-term frozen storage for a minimum of one year. Handling and transportation of each sample must be documented through strict chain of custody procedures.

d. In the event of a confirmed positive test result the applicant or craft employee may request, within forty-eight (48) hours, a sample of his/her specimen from the testing laboratory for purposes of a second test to be performed at a second laboratory, designated by the Union and approved by SAMHSA. The retest must be performed within ten (10) days of the request. Chain of custody for this sample shall be maintained by the Contractor between the original testing laboratory and the Union's designated laboratory. Retesting shall be performed at the applicant's or craft employee's expense. In the event of conflicting test results the Contractor may require a third test.

e. If, as a result of the above testing procedure, it is determined that an applicant or craft employee has tested positive, this shall be considered sufficient grounds to deny the applicant or craft employee his/her employment on the Project Work.

f. No individual who tests negative for drugs or alcohol pursuant to the above procedure and becomes employed on the Project Work shall again be subjected to drug testing with the following exceptions:

1. Craft employees who are involved in industrial accidents resulting in damage to plant, property or equipment or injury to him/herself or others may be tested pursuant to the procedures stated hereinabove.

2. The Contractor may test employees following thirty (30) days advance written notice to the craft employee(s) to be tested and to the applicable Union. Notice to the applicable Union shall be as set forth in Paragraph 3 above and such testing shall be pursuant to the procedures stated hereinabove.

3. The Contractor may test a craft employee where the Contractor has reasonable cause to believe that the craft employee is impaired from performing his/her job.

Reasonable cause shall be defined as exhibiting aberrant or unusual behavior, the type of which is a recognized and accepted symptom of impairment (i.e., slurred speech, unusual lack of muscular coordination, etc.). Such behavior must be actually observed by at least two persons, one of whom shall be a Supervisor who has been trained to recognize the symptoms of drug abuse or impairment and the other of whom shall be the job steward. If the job steward is unavailable or there is no job steward on the project the other person shall be a member of the applicable Union's bargaining unit. Testing shall be pursuant to the procedures stated hereinabove. Craft employees who are tested pursuant to the exceptions set forth in this paragraph and who test positive will be removed from the Contractor's payroll.

g Applicants or craft employees who do not test positive shall be paid for all time lost while undergoing drug testing. Payment shall be at the applicable wage and benefit rates set forth in the applicable Union's Master Labor Agreement. Applicants who have been dispatched from the Union and who are not put to work pending the results of a test will be paid waiting time until such time as they are put to work. It is understood that an applicant must pass the test as a condition of employment. Applicants who are put to work pending the results of a test will be considered probationary employees.

6. The Contractor will be allowed to conduct periodic job site drug testing on the Project under the following conditions:

a The entire jobsite must be tested, including any craft employee or subcontractor's craft employee who worked on that project three (3) working days before or after the date of the test;

b Jobsite testing cannot commence sooner than thirty (30) days after start of the work on the Project;

c Prior to start of periodic testing, a business representative will be allowed to conduct an educational period on company time to explain periodic jobsite testing program to affected craft employees;

d Testing shall be conducted by a SAMHSA certified laboratory, pursuant to the provisions set forth in Paragraph 5 hereinabove.

e Only two periodic tests may be performed in a twelve-month period.

7. It is understood that the unsafe use of prescribed medication, or where the use of prescribed medication impairs the employee's ability to perform work, is a basis for the Contractor to remove the craft employee from the jobsite.

8. Any grievance or dispute which may arise out of the application of this Agreement shall be subject to the grievance and arbitration procedures set forth in the CWA.

9. The establishment or operation of this Policy shall not curtail any right of any craft employee found in any law, rule or regulation. Should any part of this Agreement be found

unlawful by a court of competent jurisdiction or a public agency having jurisdiction over the parties, the remaining portions of the Agreement shall be unaffected, and the parties shall enter negotiations to replace the affected provision.

10. Present craft employees, if tested positive, shall have the prerogative for rehabilitation program at the craft employee's expense. When such program has been successfully completed the Contractor shall not discriminate in any way against the craft employee. If work for which the craft employee is qualified exists, he/she shall be reinstated.

11. The Contractor agrees that results of urine and blood tests performed hereunder will be considered medical records held confidential to the extent permitted or required by law. Such records shall not be released to any persons or entities other than designated Contractor representatives and the applicable Union. Such release to the applicable Union shall only be allowed upon the signing of a written release and the information contained therein shall not be used to discourage the employment of the individual applicant or craft employee on any subsequent occasion.

12. The Contractor shall indemnify and hold the City of Costa Mesa and Union harmless against any and all claims, demands, suits, or liabilities that may arise out of the application of this Attachment E and/or any program permitted hereunder.

13. Craft employees who seek voluntary assistance for substance abuse may not be disciplined for seeking such assistance. Requests from craft employees for such assistance shall remain confidential and shall not be revealed to other employees or management personnel without the employee's consent. Craft employees enrolled in substance abuse programs shall be subject to all Contractor rules, regulations and job performance standards with the understanding that an employee enrolled in such a program is receiving treatment for an illness.

14. This policy shall constitute the only Agreement in effect between the parties concerning drug and alcohol abuse, prevention and testing. Any modifications thereto must be accomplished pursuant to collective bargaining negotiations between the parties.

DRUG ABUSE PREVENTION AND DETECTION

APPENDIX A

CUTOFF LEVELS

DRUG	SCREENING METHOD	SCREENING LEVEL **	CONFIRMATION METHOD	CONFIRMATION LEVEL
Alcohol	EMIT	0.02%	CG/MS	0.02%
Amphetamines	EMIT	1000 ng/ml*	CG/MS	500 ng/ml*
Barbiturates	EMIT	300 ng/ml	CG/MS	200 ng/ml
Benzodiazepines	EMIT	300 ng/ml	CG/MS	300 ng/ml
Cocaine	EMIT	300 ng/ml*	CG/MS	150 ng/ml*
Methadone	EMIT	300 ng/ml	CG/MS	100 ng/ml
Methaqualone	EMIT	300 ng/ml	CG/MS	300 ng/ml
Opiates	EMIT	2000 ng/ml*	CG/MS	2000 ng/ml*
PCP (Phencyclidine)	EMIT	25 ng/ml*	CG/MS	25 ng/ml*
THC (Marijuana)	EMIT	50 ng/ml*	CG/MS	15 ng/ml*
Propoxyphene	EMIT	300 ng/ml	CG/MS	100 ng/ml

* SAMHSA specified threshold

** A sample reported positive contains the Indicated drug at or above the cutoff level for that drug. A negative sample either contains no drug or contains a drug below the cutoff level.

EMIT - Enzyme Immunoassay

CC/MS - Gas Chromatography/Mass Spectrometry

SIDE LETTER OF AGREEMENT
TESTING POLICY FOR DRUG ABUSE

It is hereby agreed between the Unions and Contractors hereto that a Contractor who has otherwise properly implemented drug testing, as set forth in the Testing Policy for Drug Abuse, shall have the right to offer an applicant or craft employee a “quick” drug screening test. This “quick” screen test shall consist either of the “ICUP” urine screen or similar test or an oral screen test. The applicant or craft employee shall have the absolute right to select either of the two “quick” screen tests, or to reject both and request a full drug test.

An applicant or craft employee who selects one of the quick screen tests, and who passes the test, shall be put to work immediately. An applicant or craft employee who fails the “quick” screen test, or who rejects the quick screen tests, shall be tested pursuant to the procedures set forth in the Testing Policy for Drug Abuse. The sample used for the “quick” screen test shall be discarded immediately upon conclusion of the test. An applicant or craft employee shall not be deprived of any rights granted to them by the Testing Policy for Drug Abuse as a result of any occurrence related to the “quick” screen test.

ATTACHMENT F

PROJECT LIST

Fire Station 2 - Reconstruction
Fire Station 4 - Living Quarters Remodel
Fire Station 4 - Training Ground Improvements
Police Department - Emergency Operations Center & Property Evidence Facility
Police Substation - Upgrades
Brentwood Park – Improvements
Davis School Field & Lighting - Design & Construction
Fairview Developmental Center Sports Complex
Fairview Park - CA-ORA-58 Fill Removal, Cap & Restore Native Habitat
Fairview Park - Master Plan Implementation
Fairview Park - West Bluff Restoration
Kaiser Lighting and Turf
Lindbergh Park - Expand Park
Parsons - Lighting and Turf
Shalimar Park Expansion
Smallwood Park Reconstruction Project
TeWinkle Park - Lakes Repairs
Newport Boulevard Landscape Improvements - 19th St. to Bristol St.
Adams Ave.- Harbor Blvd. To Santa Ana River
Cherry Lake Storm Drain System - Phase I, II & III
Cherry Lake Storm Drain System - Phase IV & V
Citywide Storm Drain Improvements
Citywide Street Improvements
Westside Storm Drain Improvements
Adams Avenue Bicycle Facility- Fairview Rd. to Harbor Blvd.
Bristol St. / Sunflower Ave. - Intersection Improvement (Add 3rd NBL)
Eastside Traffic Calming (Cabrillo St., 18th St., 22nd St.)
Fairview Rd./ Wilson St. - Improvements (Add EBT, WBT)
Greenville-Banning Channel Pt. 2 (Santa Ana River Trail to South Coast Dr.)
Harbor Blvd. / Gisler Ave. - Intersection Improvements (Add SBR)
Harbor Blvd. / South Coast Dr. - Intersection Improvement (Add EBR)
Harbor Blvd./ Adams Ave. - Intersection Improvements (Add NBL, NBR)
Mission- Valencia Multi-Modal Access and Circulation Improvements
Newport Boulevard Widening - From 19th St. to 17th St.
Paularino Channel - Multipurpose Trail
SR-55 Frwy. N/B / Baker St. - Intersection Improvement (Add NBL, EBL)
West 17th St. Widening - (Newport Boulevard to Placentia Avenue)
Wilson Street Widening - from College Ave. to Fairview Rd.

ATTACHMENT G

UNION CONTACT INFORMATION

**Asbestos Heat & Frost Insulators
(Local 5)**

3833 Ebony St. Ontario, CA
Tel: (909) 390-3401
Fax: (909) 390-3405

Boilermakers (Local 92)

2260 S. Riverside Avenue
Bloomington, CA 92316
Tel: (909) 877-9382
Fax: (909) 877-8318

**Bricklayers & Allied Craftworkers
(Local. 4)**

2679 Sierra Way
LA Verne, CA 91750
Tel: (626) 739-5600
Fax: (626) 739-5610

Drywall Finishers Local 1136

Corporate Center Drive
Monterey Park, CA 91754
Tel: (626) 296-8003
Fax: (626) 296-8076

Electricians (Local 441)

309 N Rampart St.
Orange, CA 92868
Tel: (714) 939-3131
Fax: (714) 939-3132

Elevator Constructors (Local 18)

2011 E Financial Way
Glendora, CA 91741
Tel: (626) 449-1869
Fax: (626) 577-1055

Operating Engineers (Local 12)

150 E. Corson
Pasadena, CA 91103
Tel: (626) 792-8900
Fax: (626) 792-9039

Glaziers (Local 636)

1155 Corporate Center Dr.
Monterey Park, CA 91754
Tel: (626) 448-1565
Fax: (626) 797-8395

Gunit Workers (Local 345)

P.O. Box 3339
Burbank, CA 91508
Tel: (818) 846-1303
Fax: (818) 846-1226

Iron Workers (Reinforced – Local 416)

13830 San Antonio Dr.
Norwalk, CA 90650
Tel: (562) 868-1251
Fax: (562) 868-1429

Iron Workers (Structural – Local 433)

17495 Hurley St. East
City of Industry, CA 91744
Tel: (626) 964-2500
Fax: (626) 964-1754

**Laborers (Local 300
Remediation)**

2005 W. Pico Blvd.
Los Angeles, CA 90006
Tel: (213) 385-3550
Fax: (213) 385-6985

Laborers (Local 652)

1532 Chestnut Ave.
Santa Ana, CA 92701
Tel: (714) 542-7203
Fax: (714) 542-3724

Laborers (Local 1184)

1128 La Cadena Dr.
Riverside, CA 92507
Tel: (951) 684-1484
Fax: (951) 779-1445

Painters & Allied Trades (Local 1036)

1155 Corporate Center Drive
Monterey Park, CA 91754
Tel: (626) 584-9925
Fax: (626) 584-1949

Plaster Tenders (Local 1414)

1055 W. Second Street
Pomona, CA
Tel.: (909) 622-8500
Fax: (909) 623-5244

Plumbers & Fitters (Local 582)

1916 W. Chapman Ave
Orange, CA 92868
Tel : (714) 978-0582
Fax: (714) 978-1582

Pipe Trades (Local 250)

*Steamfitters/Air Conditioning/
Refrigeration / Industrial Pipefitters*
18355 S. Figueroa St.
Gardena, CA 90248
Steamfitters: Tel: (310) 660-0035
Fax: (310) 329-2465
AC/Refrig. Tel: (310) 660-0045
FAX: (310) 329-2465

Pipe Trades (Local 345)

*Landscape, Irrigation, Underground &
Specialty Piping*
1430 Huntington Dr.
Duarte, CA 91010
Tel: (626) 357-9345
Fax: (626) 359-0359

**Pipe Trades (Sprinkler Fitters –
Local 709)**

12140 Rivera Road
Whittier, CA 90606
Tel: (562) 698-9909
Fax: (562) 698-7255

Plasterers (Local 200)

1610 W. Holt Ave.
Pomona, CA 91768
Tel: (909) 865-2240
Fax: (909) 865-9392

Cement Masons (Local 500)

331 Corporate Terrace Circle
Corona, CA 92879
Tel.: (714) 554-0730
Fax: (714) 265-0780

**Resilient Floor & Dec. Covering
(Local 1247)**

1155 Corporate Center Dr.
Monterey Park, CA 91754
Tel: (626) 296-8058
Fax: (626) 296-8048

Roofers & Waterproofers (Local 220)

283 N Rampart St Suite F
Orange, CA 92868-1852
Tel: (714) 939-0220
Fax: (714) 939-0246

Sheet Metal Workers (Local 105)

2120 Auto Centre Dr., Suite 105
Glendora, CA 91740
Tel: (909) 305-2800
Fax: (909) 305-2822

**Southwest Regional Council of
Carpenters**

533 S. Freemont Avenue, 10th Floor
Los Angeles, CA 90071
Tel: (213) 385-1457
Fax: (213) 385-3759

Teamsters (Local 952) Redi mix

140 S Marks Way
Orange, CA 92868
Tel: (714) 740-9860
Fax: (714) 978-0576

Teamsters (Local 986) Const

1430 E. Holt Ave.
Covina, CA 91724
Tel: (626) 350-9860
Fax: (626) 448-0986

Tradeshow and Sign Crafts (Local 831)

1155 Corporate Center Drive
Monterey Park, CA 91754
Tel: (626) 296-8086
Fax: (626) 584-1949

ATTACHMENT H
CITY SUBSTANCE ABUSE POLICY

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

BACKGROUND

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

PURPOSE

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.
2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

POLICY

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;
 - B. Establishing a Drug-Free Awareness Program to inform employees about:

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	2 of 3

1. The dangers of drug abuse in the workplace;
 2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;
- D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:
1. Abide by the terms of the statement; and
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;
- F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	3 of 3

G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.

2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:
 - a. Contractor and/or sub-grantee has made a false certification under paragraph 1 above;
 - b. Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;
 - c. Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.
3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-531

Meeting Date: 2/1/2022

TITLE:

PROFESSIONAL SERVICES AGREEMENT FOR BIOLOGICAL MANAGEMENT AND HABITAT REHABILITATION SERVICES AT FAIRVIEW PARK

DEPARTMENT: PARKS AND COMMUNITY SERVICES

PRESENTED BY: KELLY DALTON, FAIRVIEW PARK ADMINISTRATOR

CONTACT INFORMATION: 714-754-5135

RECOMMENDATION:

1. Award a Professional Services Agreement to Endemic Environmental Services, Inc., in an annual amount not-to-exceed \$322,595 for professional biological management and habitat rehabilitation services at Fairview Park for a term of two years, with three one-year extension options, with the option to provide Consumer Price Index (CPI) increases during each one-year extension period, plus a five-percent (5%) annual contingency for unforeseen costs, if needed.
2. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the agreement, including any amendments to extend the term and increase Endemic's compensation based on CPI or to utilize the contingency authorized herein.

BACKGROUND:

Fairview Park is the City's largest park, hosting 195 acres of natural open space and 13 acres of passive parkland for a total of 208 acres. Within the 195 acres of open space there are two Native American Nationally Registered Historic Sites, and five different habitat ecosystems which are home to many rare and endangered plant and animal species. These sensitive habitats require local, state, and federal regulatory compliance related to protection and preservation. The park also offers multiple passive recreational opportunities such as picnicking, wildlife viewing, and more than seven miles of trails for walking, jogging, and bicycling. The City's land management of Fairview Park requires balancing the protected habitats, unique resources and public uses of the park.

In 2005, the City of Costa Mesa began efforts to advance the restoration and ecological value of the park by accepting mitigation projects from other entities. One of these projects, involving the 40-acre Wetlands and Riparian Habitat area of the park, contains a natural water treatment system comprised of five wetland ponds, four distinct habitat ecosystems, and several rare and endangered species. The City is under several agreements (two "Conservation Mitigation Agreements") with the U.S. Army Corps of Engineers, the Orange County Flood Control District, and the Orange County Transportation Authority (OCTA), which include specific provisions for the City to manage and

preserve the habitat areas in perpetuity.

Due to the presence of rare and listed species and the sensitivity of habitats included in this area, biological management activities are subject to state and federal oversight for compliance with the State and Federal Endangered Species Acts, the Migratory Bird Treaty Act, and other environmental regulations.

The City has completed eight years of native habitat maintenance and monitoring for the Fairview Park Wetlands and Riparian Habitat Project in the lower northern portion of the park. Project elements include approximately 17 acres of native habitat plantings, irrigation, wetland ponds, and multipurpose trails. The habitat includes coastal sage scrub, native grasslands, mulefat, and wetland vegetation.

In 2018, the City initiated a proactive management plan in the wetlands that includes several approaches to mosquito abatement, encampment clearings, and completion of a recent wetlands evaluation that identifies and makes recommendations for environmental and water system improvements in the 40 acres. Continuation and advancement of these efforts is within the scope of this project.

ANALYSIS:

In coordination with staff from various departments in the City, a scope of work was developed for biological management, environmental services, and restoration planning services for Fairview Park, and a Request for Proposals (RFP) was issued to qualified consultants. The scope of work for the contract consists of the following categories:

A. The most active management area of the park is the Fairview Park Wetlands and Riparian Habitat, a constructed wetlands mitigation site built between 2005 and 2011 experiencing periods of rapid emergent vegetation growth requiring consistent management of algae, cattail, and bull rush (seasonal/daily/weekly). The interior wetland-mitigation landscape is not open to the public, but has maintenance trails for crews and for regular OC Vector Control mosquito abatement applications. There are public trails that surround the ponds, and provide limited access for public use. Example tasks will include but are not limited to:

- Monitoring and managing water depth in channels and flow between ponds via connecting weirs;
- Monitor water changes and conditions; adjust water flows to prevent formation of mosquito habitat and other undesirable environmental conditions;
- Keep ponds and channels clear of algae and standing water;
- Continual cattail trimming / thinning / mowing;
- Improving vector and restoration access around the ponds and channels;

- Seasonal removal of emergent vegetation; and,
- Trimming of overhang on tree canopies and removal of downed trees.

B. Other park habitat restoration and management needs include:

- Invasive species identification, mapping and removal;
- Native species identification, mapping, and recommendations/implementation of protective management practices;
- Small/invasive tree and shrub removals; and,
- Small park amenity repairs, removal of trash, and assistance with occasional installation projects (fencing, trail repair).

C. Wildlife Management and Monitoring includes tasks for protected species:

- Wildlife monitoring (for endangered and listed species, seasonal listings, migratory, nesting, etc.);
- Conduct bird nesting surveys and observations; and,
- Rare and invasive species plant monitoring.

D. Assisting City staff with environmental compliance and stewardship, including:

- On-site strategic evaluation of existing habitats and potential for future habitat improvements within the Park and/or adjacent natural areas;
- Migratory Bird Treaty, Federal Endangered Species Act, CA Endangered Species Act, CEQA, and Waters of the U.S. classifications;
- Developing strategies for future open space management, habitat conservation, funding opportunities, and appropriate compatible public uses; and,
- Conducting bird nesting surveys throughout the City Park system and other landscapes.

In response to the City's RFP, two proposals were received on August 20, 2021. A panel of subject matter experts reviewed and evaluated the proposals and found them well qualified to perform the required professional services. Proposals were reviewed for compliance and responsiveness to the City's Request for Proposals; qualifications of the firm; approach and methodology; experience of project team; and cost. During the evaluation, Endemic presented their firm as having a thorough understanding of the project; and demonstrated extensive experience and technical ability to perform the scope of work outlined in the RFP.

Endemic has been the biologist for the Fairview Park Wetlands and Riparian Habitat Project since 2009, and coordinated with the City during the restoration design and implementation. Since completion of the restoration project in 2012, several noteworthy and endangered species have been documented in the habitat areas including raptors and California gnatcatchers, as well as southern tarplant, which all serve as biological indicators to the success of the restoration. As the contract biologist for the wetlands and riparian habitat, Endemic has successfully completed the required deliverables for the wetlands and riparian habitat project, including the preparation and submittal of quarterly and annual reports documenting site conditions and habitat success. Endemic has also successfully performed nesting bird surveys, vernal pool restoration, monitoring of pump station and channel flows, and supported various community outreach programs for the City at Fairview Park.

Recently, Endemic has applied aerial surveillance systems to aid the City in tracking changes in native vegetation establishment, algae growth, water circulation, and identifying illegal encampments in the sensitive habitat areas.

These innovative applications in aerial monitoring have provided multiple benefits to the City's rehabilitation of Fairview Park by strengthening the City's required habitat quality protection efforts, increasing operational efficiency and safety of park users and personnel, and enhancing the coordination with vector control staff by providing rapid detection of mosquito habitat conditions. Endemic's expertise in wildlife biology and avian monitoring is also integral to the City's ongoing collaboration with non-profit organizations such as Sea and Sage Audubon Society, which supports environmental education and conservation initiatives for birds and their habitats including Fairview Park.

Due to their high quality proposal, expertise in biological management and environmental compliance, and extensive experience with performing similar services that fulfill the needs of the park, Endemic Environmental Services, Inc. was selected as the most qualified consultant during the evaluation process.

In addition to performing the required biological management and habitat rehabilitation services for the habitat areas, Endemic's expertise will be instrumental in developing strategies to advance the long-term restoration objectives at Fairview Park. If awarded the contract, Endemic will perform the biological management and habitat rehabilitation services over a two-year period, which is tentatively scheduled to occur from February 2022 through February 2024.

ALTERNATIVES:

The City may elect not to move forward with awarding the contract to Endemic Environmental Services, Inc. However, staff does not recommend this option due to the ongoing habitat

management and biological monitoring commitments associated with the wetlands and riparian habitat area, and the need to fulfill regulatory requirements associated with the listed endangered species that occupy the park. Delaying the biological management activities poses concern of a violation of contractual obligations and Endangered Species Act requirements, potential penalties, higher future restoration and maintenance costs, and the potential development of nuisance conditions in the wetlands.

FISCAL REVIEW:

Funding for this two-year agreement with Endemic Environmental Services, in the amount of \$322,595 annually for professional biological management and habitat rehabilitation services at Fairview Park, is available in the FY 2021-22 Park Development Fees Fund and Adopted Budget.

LEGAL REVIEW:

The City Attorney has reviewed and approved the Professional Services Agreement (Attachment 1) as to form.

CITY COUNCIL GOALS AND PRIORITIES:**Advance Environmental Sustainability and Climate Resiliency**

Fairview Park contains a rich array of unique biological resources and ecosystems that provide critical habitat for endangered species, and support high biodiversity. Approving the proposed contract will support the City in meeting environmental, regulatory and contractual obligations associated with the wetland and riparian habitat areas of the park.

CONCLUSION:

It is recommended that the City Council award the Professional Services Agreement to Endemic Environmental Services, Inc. in an amount not-to-exceed \$645,190 for a term of two years (\$322,595 per year), with up to three one-year renewals, with the option for future CPI increases each year during the extension periods, plus a 5% contingency, if needed, and authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments within City Council-authorized limits.

**CITY OF COSTA MESA
PROFESSIONAL SERVICES AGREEMENT
WITH
ENDEMIC ENVIRONMENTAL SERVICES INC.**

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this 1st day of February, 2022 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and ENDEMIC ENVIRONMENTAL SERVICES INC., a California corporation ("Consultant").

W I T N E S S E T H :

A. WHEREAS, City proposes to utilize the services of Consultant as an independent contractor to provide biological maintenance and management services, as more fully described herein; and

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

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

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

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

1.0. SERVICES PROVIDED BY CONSULTANT

1.1. Scope of Services. Consultant shall provide the professional services described in the Scope of Work, attached hereto as Exhibit "A," and Consultant's Proposal, attached hereto as Exhibit "B," both incorporated herein.

1.2. Prevailing Wage Requirements. Consultant is aware of the requirements of Chapter 1 (beginning at Section 1720 et seq.) of Part 7 of Division 2 of the California Labor Code, as well as Title 8, Section 16000 et seq. of the California Code of Regulations ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. Consultant shall comply with all applicable Prevailing Wage Laws in connection with the services provided pursuant to this Agreement. Consultant shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

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

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

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

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;
- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

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

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

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

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

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

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

2.0. COMPENSATION AND BILLING

2.1. Compensation. Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "C," attached hereto and incorporated herein (the "Fee Schedule"). Consultant's annual compensation during the initial two-year term of this Agreement shall not exceed Three Hundred Twenty-Two Thousand Five Hundred Ninety-Five Dollars (\$322,595.00). Thereafter, Consultant may request in writing at least thirty (30) days prior to the expiration of the initial two-year term, or any extension period, an extension and an increase in compensation based on the Consumer Price Index for All Urban Consumers for the Los Angeles–Long Beach–Anaheim area (CPI). The adjustment will be determined using the November index for the current year and the November index for the preceding year. Consultant's written request shall include reference to the CPI index, the percentage CPI increase, and Consultant's revised fees and compensation based on such CPI increase. The increased fees shall be effective on the first day of any extension period and shall not be increased during any extension period.

2.2. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal unless the City Manager or designee, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

2.3. Method of Billing. Consultant may submit invoices to the City for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Consultant's services which have been completed to City's sole satisfaction. City shall pay Consultant's invoice within forty-five (45) days from the date City receives said invoice. Each invoice shall describe in detail, the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.4. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and shall be made available to City or its Project Manager for inspection and/or audit at mutually convenient times from the Effective Date until three (3) years after termination of this Agreement.

3.0. TIME OF PERFORMANCE

3.1. Commencement and Completion of Work. Unless otherwise agreed to in writing by the parties, the professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Said services shall be performed in strict compliance with the Project Schedule approved by City as set forth in Exhibit B. The Project Schedule may be amended by mutual agreement of the parties. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts

shall include, but not be limited to, acts of God, fire, strikes, pandemics, material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party (each, a "Force Majeure Event"). If a party experiences a Force Majeure Event, the party shall, within five (5) days of the occurrence of the Force Majeure Event, give written notice to the other party stating the nature of the Force Majeure Event, its anticipated duration and any action being taken to avoid or minimize its effect. Any suspension of performance shall be of no greater scope and of no longer duration than is reasonably required and the party experiencing the Force Majeure Event shall use best efforts without being obligated to incur any material expenditure to remedy its inability to perform; provided, however, if the suspension of performance continues for sixty (60) days after the date of the occurrence and such failure to perform would constitute a material breach of this Agreement in the absence of such Force Majeure Event, the parties shall meet and discuss in good faith any amendments to this Agreement to permit the other party to exercise its rights under this Agreement. If the parties are not able to agree on such amendments within thirty (30) days and if suspension of performance continues, such other party may terminate this Agreement immediately by written notice to the party experiencing the Force Majeure Event, in which case neither party shall have any liability to the other except for those rights and liabilities that accrued prior to the date of termination.

4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of two (2) years, ending on January 31, 2024, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties. This Agreement may be extended by three (3) additional one (1) year periods upon mutual written agreement of both parties.

4.2. Notice of Termination. The City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing written notice to Consultant. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City.

4.3. Compensation. In the event of termination, City shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the date of City's written notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein. In ascertaining the professional services actually rendered hereunder up to the effective date of termination of this Agreement, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents pertaining to the services contemplated herein whether delivered to the City or in the possession of the Consultant.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the City within ten (10) days of delivery of termination notice to Consultant, at no cost to City. Any use of uncompleted documents without specific written authorization from Consultant shall be at City's sole risk and without liability or legal expense to Consultant.

5.0. INSURANCE

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

- (a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.
- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence for bodily injury and property damage.
- (c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.
- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

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

- (a) Additional insureds: "The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."
- (b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days

after written notice is given to City.”

- (c) Other insurance: “The Consultant’s insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy.”
- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant’s insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability.

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

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

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

6.0. GENERAL PROVISIONS

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

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

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

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

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

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

IF TO CONSULTANT:

Endemic Environmental Services Inc.
1100 W. Arroyo Ave.
Fullerton, CA 92833
Tel: (714) 393-6249
Attn: Barry Nerhus

IF TO CITY:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Tel: (714) 754-5135
Attn: Kelly Dalton

Courtesy copy to:

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

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

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

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

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

of Consultant's obligation to perform all other obligations to be performed by Consultant hereunder for the term of this Agreement.

6.9. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

6.10. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

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

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

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

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

6.14. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code section 6254.7, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

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

6.16. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation

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

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

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

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

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

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

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

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

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

6.25. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in

respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

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

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

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

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

CONSULTANT

Barry Nerhus
President

Date: _____

CITY OF COSTA MESA

Lori Ann Farrell Harrison
City Manager

Date: _____

ATTEST:

Brenda Green
City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney

Date: _____

APPROVED AS TO INSURANCE:

Ruth Wang
Risk Management

Date: _____

APPROVED AS TO CONTENT:

Kelly Dalton
Project Manager

Date: _____

DEPARTMENTAL APPROVAL:

Jason Minter
Parks and Community Services Director

Date: _____

APPROVED AS TO PURCHASING:

Carol Molina
Finance Director

Date: _____

EXHIBIT A
SCOPE OF WORK

SCOPE OF WORK

The City of Costa Mesa is interested in receiving proposals for the services of a qualified consultant(s) to perform maintenance, management and biological services for the 208-acre Fairview Park in the City of Costa Mesa located at 2525 Placentia Avenue, Costa Mesa, CA

I. INTRODUCTION

Fairview Park is the City's largest park, hosting 195 acres of natural open space area and 13 acres of passive parkland for a total of 208 acres. Within the 195 acres of open space, there are two Native American Nationally Registered Historic Sites, and four distinct habitat ecosystems that are home to many rare and endangered plant and animal species. These sensitive habitats require local, state, and federal regulatory compliance for protection and preservation. Recent bird surveys have indicated over 130 different species of birds using the park. The City's land management of Fairview Park requires balancing the protected habitats and public uses of the park (7 miles of trails and other passive uses).

Around 2005 the City of Costa Mesa began efforts to restore and enhance the unique habitats of the park by accepting mitigation projects from other entities. Past projects include a portion of the largest vernal pool, Canyon slopes, CA Coastal Sage Scrub, and installation of the 40-acre wetlands. Currently the Parks Department is managing restoration projects with consultants for a smaller vernal pool area, finishing the wetlands biological monitoring period and closing Conservation Easement responsibilities, and training volunteers for non-native removal exercises. The management of these current projects is not to be included in the current scope; however, the scope does include planning/scheduling the outstanding opportunities for future restoration sites, and identifying funding strategies / sources for future efforts.

In 2018 the City initiated a proactive management plan in the wetlands that includes several approaches to mosquito abatement efforts, encampment clearings, and completion of a recent (2020) "Wetlands Comprehensive Evaluation" by Dudek, that identifies and makes recommendations for environmental and water system issues in the 40 acres. Continuation and advancement these efforts is within the scope of this project.

A. General Goals:

The City of Costa Mesa is seeking a consultant(s) with a strong background in open space and native habitat park management and maintenance. The management requires strong knowledge of the various habitat types and experience / qualifications with biological regulations for species of special concern (including San Diego and Riverside fairy shrimp, CA gnatcatcher, Least Bells' Vireo, and numerous protected plant species).

The different maintenance and management areas of the Park intended to be addressed by this scope are (A=acres):

- Approximately 50 A of Grasslands which support native grass scrub including Southern Tar Plant, Purple Needle Grass, and Burrowing Owls
- 40 A of riparian habitat and 6 A of constructed pond and channel wetland system (cleans urban run-off) under Conservation Easements
- Vernal pool complexes totaling 35 A of watershed area and 4 A of pools under restoration permits from US Fish and Wildlife Services
- Approximately 80 A of Bluff, Canyon & Coastal Sage Scrub areas

The City of Costa Mesa considers the regulatory responsibilities and future management of the environment at Fairview Park a priority. This RFP represents an opportunity for the right consultant(s) to collaborate with the City for the maintenance and upkeep of this valuable open space. The successful consultant(s) will work closely with City staff on a daily/weekly schedule as required, for maintenance and oversight, for providing quarterly and annual area reports, and for developing strategies for the future.

The contract period will cover October 1, 2021 -October 1, 2023 (An initial 2-year term with options for three - one-year annual renewals). (Managing the Archaeological sites, public use, and manicured park (13 A) are not a part of this bid).

B. Minimum Consultant Qualifications:

The key project staff, furnished by the consultant and sub-consultants, must have at least five years' prior experience on similar types of projects. All consultants responding to this Request for Proposals (RFP) will be evaluated on the basis of their expertise, prior experience on similar projects, demonstrated competence, knowledge of biological regulations for flora and fauna of Southern CA, adequate staffing, and understanding of the project, and responsiveness to the needs and concerns of the City of Costa Mesa.

II. CONTENT OF PROPOSAL

In order to maintain uniformity with all proposals furnished by consultants, the proposals shall include the following:

- A statement of project understanding containing any suggestions to improve the project or special concerns of which the City should be made aware. The project approach shall contain clarifications or additional scope of work that you feel are necessary for the successful completion of the project.
- A list of similar projects that your firm has completed within the last five years. Information should include: project description, agency or client name, along with the person to contact and telephone number(s), year completed, and project cost.
- A list of key staff and their qualifications, experience, and any additional certifications or authorizations staff may have from regulatory agencies dealing with flora and fauna of Southern CA.

A. Fee proposal will be submitted on a separate file .

III. SCOPE OF CONSULTANT SERVICES

The City of Costa Mesa ("City") anticipates a need for biological management, environmental services, maintenance, and future restoration planning for the following categories within Fairview Park over the course of the agreement term.

A. The most active management area of the park is the Fairview Park Wetlands and Riparian Habitat, a constructed wetlands mitigation site built between 2005 and 2011 experiencing periods of rapid emergent vegetation growth requiring consistent management of algae, cattail, and bull rush (seasonal/daily/weekly). The interior wetland-mitigation landscape is not open to the public, but has maintenance trails for crews and for regular OC Vector Control mosquito abatement applications. There are public trails that surround the ponds, and provide limited access for public use. Example tasks will include but are not limited to:

- Monitoring and managing water depth in channels and flow between ponds via connecting weirs
- Monitor water changes and conditions; adjust water flows to prevent formation of mosquito habitat and other undesirable environmental conditions
- Keep ponds and channels clear of algae and standing water
- Continual maintenance of cattail trimming / thinning / mowing
- Improving vector and maintenance access around the ponds and channels
- Seasonal removal of emergent vegetation
- Trimming of overhang on tree canopies and removal of downed trees

B. Other park habitat maintenance and management needs include:

- Invasive species identification, mapping, and removal.
- Native species identification, mapping, and recommendations/implementation of protective management practices.
- Small tree and shrub removals.
- Small park amenity repair needs, removal of trash, and assistance with occasional installation projects (fencing, trail repair).

C. Wildlife Management and Monitoring includes tasks for protected species:

- Wildlife monitoring (for endangered and listed species, seasonal listings, migratory, nesting, etc),
- Conduct bird nesting surveys and observations
- Rare and invasive species plant monitoring

D. Assisting City staff with environmental compliance and stewardship issues such as:

- On-site strategic evaluation of existing habitats and potential for future habitat improvements within the Park and/or with adjacent natural areas.
- Migratory Bird Treaty, Federal Endangered Species Act, CA Endangered Species Act, CEQA, and Waters of the U.S. classifications.
- Developing strategies for future open space management, habitat conservation, funding potential, and appropriate compatible public uses.
- Conducting bird nesting surveys throughout the City Park system and other landscapes.

IV. CITY RESPONSIBILITIES

The City of Costa Mesa will be responsible for providing all available maps, plans, reports, and recordson file.

V. ASSESSMENT OF WORK EFFORT PRIOR TO SUBMITTING REQUEST FOR PROPOSALS

Each consultant must inform themselves fully to the conditions relating to the project and the employment of labor thereon. Failure to do so will not relieve a successful consultant engineer of the obligations to carry out the provisions of the contract.

VI. SUMMARY

Your participation is greatly appreciated by the City. It is the intent of this RFP to establish the minimum consultant services required by the City. To assist in your preparation, this RFP was categorized into sections stating the specific requirements of the City. It is the intent of the City to select a consultant and award a contract. All insurance must be submitted and approved prior to the award of the contract.

EXHIBIT B
CONSULTANT'S PROPOSAL



Endemic
Environmental Services

BIOLOGICAL MAINTENANCE AND MANAGEMENT SERVICES (TECHNICAL PROPOSAL)

RFP 22-01

Submitted to:

**The City of
Costa Mesa**

Submitted by:

**Endemic
Environmental
Services Inc.**

August 20, 2021

August 20, 2021

Mike Fuentes
Finance Department
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA

**Subject: Request for Proposal (22-01) for Biological Maintenance and Management Services
(Technical)**

Endemic Environmental Services (Endemic) is a certified Disadvantaged Business Enterprise (DBE) and is pleased to submit this proposal to be your biological maintenance and management services consultant. We bring a level of in-depth understanding and experience to offer the City of Costa Mesa (City) the following advantages and benefits:

Understanding the Scope of Work. Endemic has served for the past 12 years as on-call consultant for Fairview Park (FVP) for the maintenance of the wetlands and restoration. We have developed a keen understanding of the tasks, deliverables, and expectations that are associated with this RFP, and we have built an integrated team of professionals dedicated to specifically addressing the unique needs and services of Fairview Park. We stay current on environmental issues and address any community concerns through outreach, documentation, and compliance. We support the City's environmental compliance with state and federal regulations regarding the protection of endangered species, threatened species, species of special concern, and other habitats.

On-Call Biologists with Local Experience. We will work seamlessly with the City Parks staff to produce the required biological monitoring/ oversight of general environmental conditions at FVP, coordinating with City staff, and taking care of FVP sensitive and native habitat areas.

We have performed services identified in the Scope of Work that includes:

- Sensitive/Protected Habitat and Species Assessment
- Monitoring of water flows within FVP system, including the wetland ponds, vernal pools, and channels, water quality testing, removal of non-native species including algae, cattail and bulrush
- Wildlife and Habitat Educational Training, including development of FVP wetlands database
- Habitat Restoration and Plantings through hydroseeding
- Landscape Maintenance and Tree Protection Services
- Mitigation measures compliance, including surveillance for vandalism and trespassing
- Data Collection/evaluation and preparation of special reports to be submitted to regulatory agencies and council members

Highly Qualified Project Team. We have evaluated your project needs and have assembled a team of in-house biologists, trained restoration specialists and permitting staff to address the needs of FVP. We have partnered with Brightview Landscaping who has served as your on-call landscaping staff on several

projects. We also utilize new technologies, including drones (UAV), to support the surveillance of vandalism and trespassing at FVP. We feel that our team can address the complex issues through the analysis of your project and by developing practical solutions to address the current issues of concern.

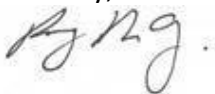
Cost Effective and Efficient staff. We have extensive local and regional experience in similar projects to the scope of your project, addressing water quality issues, water conveyance for lakes and ponds, ornamental water features and wetland habitats, as well as knowledge of water aeration, vector control measures, wetland delineation, and habitat health and functionality assessments. Our project portfolio includes Irvine Ranch Water District's Natural Treatment System and Orange County Water District's Prado Basin.

The Expertise to Develop Innovative Solutions. We feel that we have the in-house knowledge and expertise to complete your study, provide clear deliverables and restoration results, develop recommendations, create innovative solutions and prescribe appropriate remedial measures to address the current site conditions. We understand that the functionality of the water quality system and the conveyance of water through the project is critical to the health and survival of the wetland mitigation and revegetation areas.

I am the Founder and President of Endemic. I have a MS degree in Biology and teach at the University of California, Irvine. I also hold several certificates and licenses from California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Services (USFWS). I am also certified as a Qualified Stormwater Protection Designer/Practitioner (QSD/P). I have managed numerous biological monitoring and habitat restoration projects. I also conducted biological surveys and produced reports for more than 15 years of my career.

I am authorized to negotiate with the City on behalf of Endemic and I am authorized to submit this proposal on behalf of Endemic. If you have any questions, please contact me at 714-393-6294 or bnerhus@Endemicenvironmental.net.

Sincerely,



Barry Nerhus, President, Endemic Environmental Services, Inc.
1100 W Arroyo Ave., Fullerton, CA

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BACKGROUND AND PROJECT SUMMARY

Fairview Park is the City's largest park, hosting 195 acres of natural open space area and 13 acres of passive parkland for a total of 208 acres. Within the 195 acres of open space, there are two Native American Nationally Registered Historic Sites and five different habitat ecosystems which are home to many rare and endangered plant and animal species. These sensitive habitats require local, state, and federal regulatory compliance for protection and preservation. FVP also offers users multiple passive recreational opportunities such as picnicking, wildlife viewing, and more than seven miles of trails for walking or bicycling. The City's management of Fairview Park requires finding balance between the protected habitats and public uses.

On April 4, 2017, the City Council approved a Professional Services Agreement with Endemic to provide contract services at Fairview Park from April 4, 2017 - April 3, 2020, which was extended for four more months up to September 2021. This contract was approved to provide biological, management and maintenance services at Fairview Park. Our scope included a special wetlands project to remove excessive vegetation and algae from the wetland ponds and to assist with water flow and minimization of breeding area for mosquitos. In addition, it has become necessary for Endemic to perform daily wetland services rather than quarterly, and to assist with monitoring and restoration of the site.

Endemic understands that the Parks & Community Services Department of the City needs a comprehensive performance evaluation of the Fairview Park wetlands and riparian habitat areas, including the ponds and water delivery and conveyance systems. We understand that this evaluation is primarily a wetland engineering analysis intended to evaluate the hydrological, structural, and operational efficiencies of the ponds, water conveyance systems, and water treatment facilities which provide water quality benefits through the treatment of dry weather urban runoff, as well as supplying a water source for the wetland mitigation/riparian habitat areas.

Other important components of the project include an understanding of the biological resources, an evaluation of vector control issues, the health of the overall system, and an understanding of the habitat mitigation/revegetation components of the project, which might pose constraints on the development of remedial solutions. This analysis would look at the current functionality of the water distribution and conveyance systems, including delivery systems, ponds, channels, and structural components, in comparison to the original design and to determine how the current challenges can be remedied without adversely affecting the wetland/riparian mitigation areas. These issues need to be evaluated and analyzed in detail so that practical solutions can be developed that are the least environmentally damaging from a CEQA/NEPA perspective while supporting the long-term goals of the overall project.

Endemic has a strong background in open space and native habitat park management and maintenance. The management requires strong knowledge of the various habitat types and experience/qualifications with biological regulations for species of special concern (including San Diego and Riverside fairy shrimp, CA gnatcatcher, Least Bells' Vireo, and numerous protected plant species).

The different maintenance and management areas of Fairview Park that will be addressed by this scope are:

- Approximately 50 acres of Grasslands which support native grass scrub including Southern Tar Plant, Purple Needle Grass, and Burrowing Owls
- 40 acres of riparian habitat and 6 acres of constructed pond and channel wetland system (cleans urban run-off) under Conservation Easements
- Vernal pool complexes totaling 35 acres of watershed area and four acres of pools under restoration permits from US Fish and Wildlife Services
- Approximately 80 acres of Bluff, Canyon & Coastal Sage Scrub areas.

We understand that successful achievement of project goals and objectives is very important to demonstrate success and sustainability to the stakeholders and agencies that participated and helped fund this project. Our analysis and design solutions will consider all site and environmental conditions so that the solutions that are reached are the least environmentally impactful and can comply with the jurisdictional and resource agency permit requirements and expectations.

METHOD OF APPROACH

1. *Implementation Plan*

Over the last 12 years, the Endemic Project Team has developed a successful implementation plan for managing the natural resources at Fairview Park. These methods include a streamlined chain of command with our internal team that quickly and frequently communicates with the City staff through the appropriate channels so that pertinent information is distributed effectively to ensure that the Park is managed in a responsible and effective manner. Endemic uses staff that have 4-12 years of experience working at Fairview Park with City staff and the community. Our approach integrates Project Management Plans (PMPs), detailed schedules, budget controls, and a frequently updated Priority Task List that delegates the specific work tasks outlined to complete the Scope of Work. The Gantt Chart provided in Section 3 breaks down our work methodology into tasks, task owner, duration, and timeline to ensure that each objective is met. Our Project Management Team conducts bi-weekly Site Inspections, coordinates with the Endemic Field Crew, and documents progress of these restoration areas and the biological services that are described in this RFP.

Endemic submits a monthly report of all of our tasks and duties to ensure that the City has a transparent record of the management of Fairview Park. This report includes biological surveys, wetland management and maintenance, trespassing surveillance, and overall habitat health and assessment. Photo documentation and two-way communications ensure that services such as the cattail and algae removal, weir clearing, and wetland inspections are documented on a daily basis. Endemic appreciates the multiplicity of stakeholders that utilize Fairview Park, from casual hikers and bike riders to active organizations like the Sea & Sage Audubon Society. We manage stakeholder priorities to maintain balance between stakeholder interest and ensure that all parties' needs are met.

The Endemic Field Crew understands that they act as representatives of the City and greater Costa Mesa community and accordingly, while in the field, we maintain friendly communal interactions with all stakeholders. Endemic treats all public concern as a top priority, and we work hard to ensure that park stakeholders feel listened to and supported. Endemic also attends the Fairview Park Steering Committee Meetings and delivers presentations to committees, staff, and the community on the overall health and general information about Fairview Park. Endemic also works in conjunction with the Institute for Conservation Research and Education (ICRE) to host environmental outreach events and provide accessible environmental education for volunteers, community members, and participants of all ages.

Endemic will provide clear and timely deliverables, attend necessary committee meetings (upon request), and ensure that all pertinent City staff are updated and aware of any challenges that may be foreseen for Fairview Park. The Project Management Team monitors the progress of all biological services and tasks and understands the complex seasonal shifts in priorities throughout the park for any given year. Endemic intends to use our highly experienced and knowledgeable team to manage the Park with the intimate detail that has been developed over the many years of work at the park.

By training our team in a variety of fields from trimming and cutting to native plant identification and nesting bird surveying, we internally build the skills of our field crews to support all services that are required for the biological responsibilities at Fairview Park. Our team integrates cutting edge technologies to facilitate real-time communications and high-quality documentation. For example, the Endemic Environmental Drone Team can now use its drone technology for wildlife surveillance (i.e. bird nests, coyotes) and trespassing (i.e. illegal fishing, trespassing encampments) to gather and report information that allows the Park and City to manage wildlife and maintain public safety for the Public use of the park and compliance with environmental laws and regulations.

2. Scope of Work

Endemic has performed Biological Maintenance and Management Services at Fairview Park for the last 12 years. In alignment with the Scope of Work, Endemic monitors and manages the water depth and flow throughout the wetlands. This task includes keeping the channels and weirs clear of algae and trimming emergent vegetation to reduce mosquito habitat and maintain flow throughout the ponds and channels. Endemic monitors and adjusts flow entering the wetland pond area. Endemic has been inspecting and removing blockages 1-2 times per week and manipulating channel pressure to ensure continued flow. The longer summer photoperiod leads to increased algae growth throughout many of the ponds, and increased algal control is initiated during this period. The algae can slow the water movement throughout the ponds if left unattended. Endemic staff continues to monitor algae, push out blockages, and clear the weirs from algae build up and from storm debris.

Endemic staff monitor water quality to maintain healthy biological parameters and to prevent major problems that may affect the surrounding habitat. As part of our Water Quality Monitoring program we take measurements for dissolved oxygen, temperature, salinity, pressure, and total dissolved solids in order to inform water management actions for each pond. The water levels in the ponds have remained consistent and Endemic staff continues to make adjustments when needed for water level stability.

Bulrush, cattails and algae are natural features of a wetland, but in order to keep the ponds flowing as designed and in order to keep the mosquito population as low as possible, management of these native vegetal species are often required. The Endemic Field Team is responsible for thinning, trimming, and clearing cattail and bulrush in the channels and around the connecting areas of each pond. Endemic staff will also clear paths for Vector Control access and trail maintenance. During the nesting season, each vegetated area is inspected for nests and nesting activity prior to cutting in order to avoid and mitigate potential impacts to native wildlife. Endemic advises when environmental compliance is required in regard to habitat management. Before any trail maintenance or mowing services start at Fairview Park, a survey is conducted to prevent sensitive plant and animal species from being harmed.

Endemic has a breadth and depth of experience in native and non-native plant community management. Currently, Endemic Staff applies hand pull weeding techniques, native identification and mapping, and non-native species management to prevent any further spread of the non-native species. The Field Crew has meticulous shrub and small tree removal techniques that minimize impact

to sensitive biological resources. These non-native removal efforts have demonstrated continued success throughout the site. The native plant species have gradually started to out-compete the non-native plants and current sections of the coastal sage scrub habitat and southwestern tar plant areas now have less than 1-3% coverage of non-native species. The ENDEMIC Field Team has worked closely with southern tar plant expansion and oak tree restoration and both habitats continue to show growth and enhancement each year.

The Endemic Biological Resource Team conducts nesting bird surveys, least Bell's vireo surveys, coastal California gnatcatcher surveys, burrowing owl research, vernal pool mapping and protection, rare plant surveys, and biological monitoring throughout the project. The primary goal of this project is to restore and provide native habitat for birds and other wildlife by increasing plant diversity. Endemic biologists continue to monitor the increasing wildlife usage throughout the wetlands and coastal sage scrub areas to determine restoration success. The Phase II area now provides continuous habitat for an impressive diversity of nesting birds, waterfowl, shorebirds, passerines, and raptor species. There are several sensitive species that utilize the wetlands. These species range from summer residents such as the least Bell's vireo, yellow-breasted chat, California least tern, and yellow warbler to winter/year-round residents such as the California gnatcatcher, northern harrier, and Cooper's hawk. This past year, a native southwestern pond turtle (*Actinemys pallida*) was also found in pond D of the wetlands, indicating that these ponds can support native herpetofauna. Endemic provides survey reports, sensitive species flagging and mapping, and cooperative biological monitoring in order to ensure the Park's compliance with the protection of these rare and sensitive species.

Endemic will assist the City in completing OCTA deliverables and maintaining environmental compliance for with the Migratory Bird Treaty Act (MBTA), Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), CEQA, and Waters of the U.S. Jurisdictions and Certifications. Endemic will monitor the Phase II wetland and oak tree restoration site and submit reports for the City of Costa Mesa's records. This is included in both Quarterly and Annual Reports. Endemic monitors the habitat conditions at the park, alerts the city on any concerns, and provides recommendations, especially in sensitive areas. Site Inspections and Habitat Assessments of Fairview Park are frequently conducted by the Project Manager to monitor and observe landscape maintenance needs, invasive species in restoration areas, vandalism, and trespassing issues. Habitat assessment maps are then created to illustrate non-native species coverage, seasonal changes, and vegetation management that has been conducted throughout the Phase II Site. Additionally, Endemic documents vandalism and trespassing, trash and other non-compliance issues, which is communicated to the City in order to inform management actions. Endemic Project Managers are readily available for meetings with the City to discuss open space management strategies, habitat conservation, and public usage and participation.

The Project Manager will record and report any act involving property damage, such as graffiti and/or property defacement. The Endemic Staff will often work with the City staff to support amenity repair and installation projects for trail fencing, signage, and protection measures in environmentally sensitive areas like the vernal pools. In addition, Endemic will report illegal trespassing in the wetland

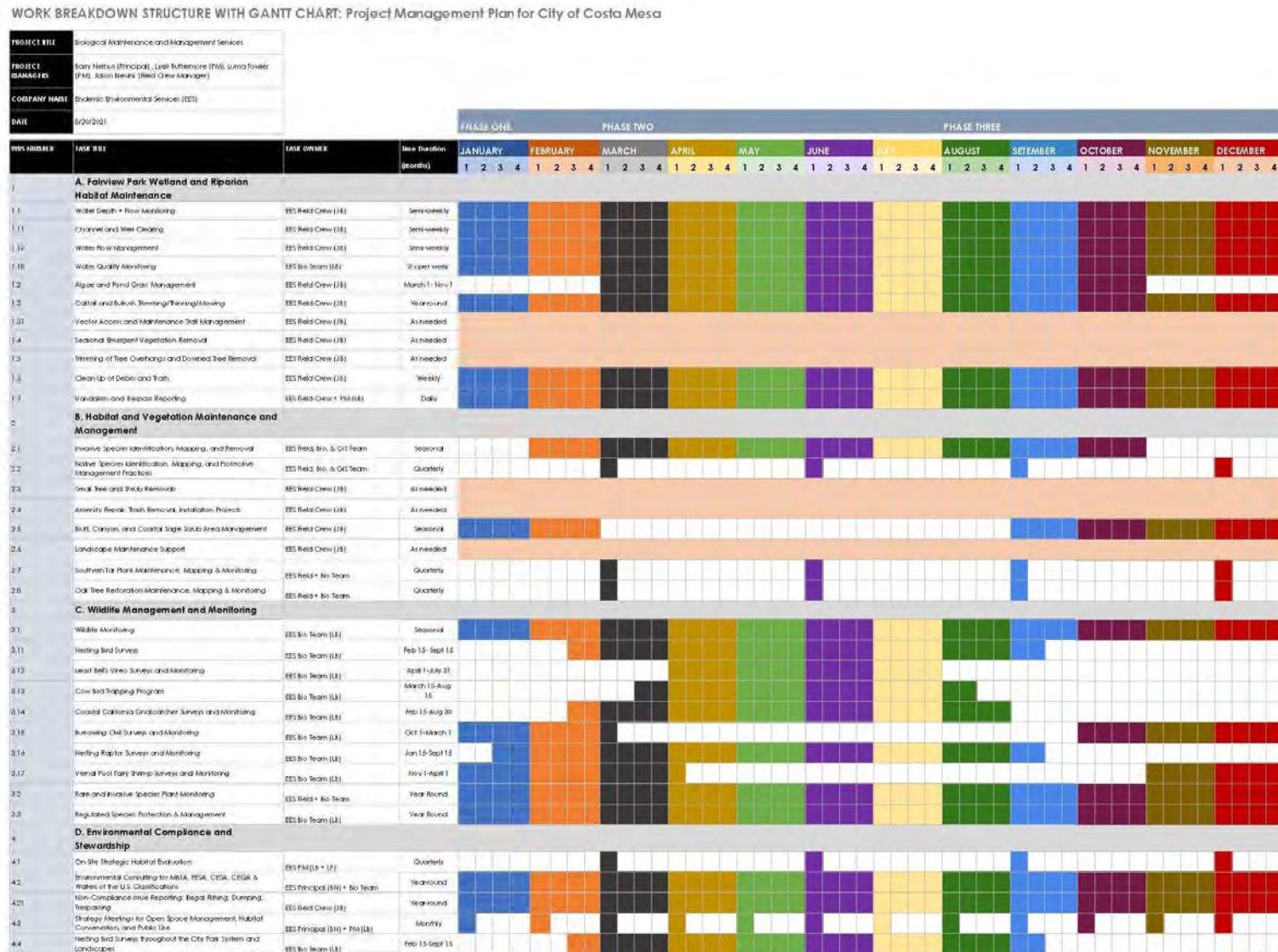
and surrounding areas. Endemic documents and coordinates with the City for any act involving non-compliance in the restoration areas and sensitive habitat areas. Trash has been markedly reduced within the wetland channels thanks to cooperation with the City's consistent clean-up efforts. Endemic provides maps, photographs, and general data management of biological efforts when requested by the City.

3. Schedule

Figure 1 shows the Gantt Chart for the project schedule, deliverables, task durations, and an annual timetable of completion.

RFP for Biological Maintenance and Management Services (22-01)

Figure 1



RFP for Biological Maintenance and Management Services (22-01)



4. Specific Tasks with City Staff

Endemic will consult with City staff in order to ensure environmental compliance and establish maintenance priorities, park event preparation, and clean-up efforts throughout Fairview Park. We will work with the City for specific task orders, budgets, and approvals as needed to properly complete all tasks listed in the Scope of Work. Endemic staff will communicate with the City regarding any biological management issues that arise and will coordinate with Priority for vegetation maintenance and nesting bird survey scheduling. Endemic will coordinate with the City to schedule these meetings and to schedule any upcoming mowing or trimming activities during the nesting bird season.

The City clean-up efforts have proven to be highly effective in coordination with Endemic for preventing trespassing, reducing illegal fishing and littering, and protecting the wetland areas. The Endemic Drone Team will continue to provide wetland monitoring and update the City and neighboring local municipalities. We will also work with Orange County's Vector Control through the drone services and cattail, bulrush, and algae management services to ensure that the mosquito populations are kept in control. We will work closely with the City Parks and City Yard for proper vegetation disposal and any additional landscape management support work that is needed at Fairview Park.

5. Additional Innovative Services

As an experienced land management company, Endemic understands that special issues and problems can arise when managing large open spaces. There are many known land management challenges such as trespassing, litter, encampments, fires, and flooding. In order to effectively monitor and manage this, Endemic has an established Drone Aerial Surveillance Program that provides maximum efficiency, safety, and performance capabilities while increasing operation cost efficiency.

The Endemic Drone Team can provide continuous aerial imagery monitoring through pond surveys, channel inspections, trespasser reporting, and nesting bird updates. The drone surveillance documents seasonal changes in native vegetation establishment, algae growth, and nesting activity for migratory birds such as the white-faced ibis. Aerial wetland surveys and thermal surveys report any encampment activity, trespassers, graffiti, littering, fish die-offs, habitat destruction and potential fires throughout the wetland. The drone services can also provide aerial overwatch with thermal technology to allow first responders and maintenance crews to approach these areas safely and securely.

Flight logs, encampment mapping, and photo documentation synthesize this data will be sent to the City and local municipalities to coordinate clean-up efforts, vegetation maintenance, and wildlife protections throughout the wetlands. The drone surveys also provide coyote monitoring and

management in order to keep the public safe while allowing this species to provide important top-down regulation for the surrounding ecosystem.

Endemic is also able to provide a variety of additional restoration services thanks to our extensive background with native habitat restoration techniques. These additional services include hydroseeding as a form of initial planting and erosion control, aquatic and wetland restoration services, and plant tissue culture growing techniques. Through our partnership with Tree of Life Nursery, we are able to provide high quality plantings from seed and as plantings on a massive scale. Our diversity of techniques and specific restoration focus allow us to provide new solutions to environmental restoration projects. We also partner with UC Irvine to research restoration science techniques that maximize resource efficiency and survival rate efficacy. Restoration work often comes with challenges and low planting success rates, but our adaptive management and helpful partners have tremendously increased our survival and sustainability rates for successful restoration. We can provide these new solutions that are on the cutting edge of restoration science.

6. City of Costa Mesa Hiring & Recruitment

Endemic is dedicated to supporting former City employees. Endemic and providing work for continued City services amidst these uncertain times. Endemic Staff come from a variety of diverse backgrounds and future recruitment or hiring will prioritize former City employees. We will happily consider any former City employees who have experience in the environmental field and interest in wetland management and maintenance.

Endemic values the internal experience and knowledge that City workers provide as part of our team. We are always receptive to new partnerships with the hiring process. We have hired City of Costa Mesa employees in the past and provided them with training and environmental education to strengthen the foundation of skills for our team. There are many ways to build these skills for those who express interest but do not have experience in the trade.

Endemic hosts City and Community Outreach Events with ICRE such as Community Habitat Restoration Events, Wildlife Education Programs, and Park Tours for all aspiring biologists and restoration ecologists and for participants of all ages.

QUALIFICATIONS AND EXPERIENCE OF FIRM/TEAM

Endemic Environmental Services, Inc. (Endemic) -- Prime

Endemic is a renowned multidisciplinary environmental consulting firm that serves public and private sector clients. ENDEMIC is a California S-Corporation established in 2011. Our main office is located at 1100 W. Arroyo Ave., Fullerton, CA 95933.

We have the following licenses and certifications: Costa Mesa Business License: 55948 • Federal ID: 45-2486277 • California # C3382992 • Certified DBE/Caltrans CUCP #46698, DGS SBE-Micro #1756634, DIR #1000035237, C-27 License #1048090

Endemic team members consistently apply their extensive scientific expertise, experience, initiative, and innovation to find practical solutions to natural resource management issues. We are specialized in Habitat Restoration, Mitigation and Maintenance tasks; and have worked within different ecosystems, including wetlands, creeks, waterways and coastal sage scrub.

Barry Nerhus is the president of ENDEMIC and founded the environmental consulting business in 2009. Endemic has been steadily building a reputation as a strong and versatile firm with team members who are highly qualified, plus responsive for effective studies and reports in the environmental sector. For more than 12 years, ENDEMIC has provided environmental consulting services for land development, and habitat conservation projects. Our goal is to maintain a streamlined approach that focuses on compliance with all environmental laws and regulations by both public agencies and private sector clients.

Endemic's Biological Resource Team conducts avian nesting surveys throughout each year to ensure that clients are compliant with regulations issued by CA DFWS, US FWS, USACE to comply with CEQA and NEPA requirements.

BrightView Landscaping, LLC (BrightView) - Subconsultant

BrightView is a California C-Corporation established in 1949. The Corporate Office is located at 27001 Agoura Road, Suite 350, Calabasas, CA 91301. The Orange County main operations office is located at 1960 S Yale St, Santa Ana, CA 92704.

The following are their licenses and certifications: Costa Mesa Business License: 08434 • Federal ID: 95-2651541 • DIR #1000005364, •C-27 License #266211

BrightView Companies, LLC. is the largest landscape company operating throughout the United States, with 144 years of combined industry knowledge and experience. BrightView has a long-established trajectory as one of the biggest landscape maintenance services companies in California; this division was formed through the merger of Brickman Group and Valley Crest Landscape Companies in 2014 to form BrightView Landscape Service, Inc. On June 28, 2018, BrightView kicked off as a publicly traded company with stocks open for trade under NYSE: BV.

BrightView operates with minimal corporate overhead; this means more cost savings to our clients and faster reaction to concerns and requests. We are competitively priced in all market segments and our financial stability can be supported by bank references and letters of good standing. Their bonding capability is \$10 Million, over \$100 Million nationwide

BrightView holds the current contractor's license with C27, C31, C61, and D49 categories. They have experience and in-house site development expertise in multiple areas and licensed technicians to manage sports turf, irrigation system management, water management, erosion control, chemical application, fertigation, arbor care, weed abatement and pest management.

Experience:

The Endemic team is committed to performing services that the City of Costa Mesa will procure through the task orders. See **Table 1** for projects experience and their components/categories. We assist several public clients on a broad range of projects that improve their communities, infrastructure, and natural environment. From planning, design, and permitting through construction, we help move projects forward through the complexities of regulatory compliance, budgetary and schedule constraints, and conflicting stakeholder interests.

Endemic has significant experience restoring and consulting in a wide variety of habitats, including the following: coastal sage scrub, grassland, chaparral, riparian, wetland, coastal dune, salt marsh and channel island scrub. See **Table 2** of species that we have encountered with our projects. Additionally, our team includes avian and marine biologists that are permitted to conduct focused surveys for both federally and state listed species. All endangered species surveys are conducted in compliance with agency survey protocols.

Our professionals find practical, cost-effective approaches to help you achieve your specific project goals. We work to build your trust, which allows us to offer constructive solutions with your project's long-term success in mind.

The Endemic team focuses on:

- **Natural Resource Management:** We provide science-based analysis for preserve design and species survey methodologies, coupled with habitat planning, permitting, design, and installation expertise.
- **Infrastructure Development:** We have in-depth experience managing projects where science, regulatory requirements, and community and stakeholder interests converge. We guide clients through analysis, permitting, and implementing private development and public infrastructure projects.
- **Regulatory Compliance:** We have established strong working relationships with the local staff of California and federal regulatory agencies. Our knowledge of agency expectations, inter-agency agreements, and local regulations involving your project are vital for keeping projects moving forward and obtaining final approvals.

RFP for Biological Maintenance and Management Services (22-01)

TABLE 1

PAST PERFORMANCE ON PROJECTS WITH ENVIRONMENTAL AND REGULATORY COMPLIANCE	Task Orders; completed on Schedule	Completed Under Budget	CEQA & NEPA Documents	Biological, Habitat Assessments	Focused Species Surveys	Pre-construction training	Restoration, Landscaping	Jurisdictional Delineation, Permits	Drone, aerial studies
City of Costa Mesa, Fairview Park Wetlands and Habitat Restoration	X		X	X	X		X	X	X
OC Water District, Prado Basin Habitat Restoration & Mitigation		X					X		
Irvine Ranch Water District, Natural Treatment Systems Restoration	X				X		X		X
City of Irvine, Great Park On-Call Biological Resources Mgmt	X			X			X		
OC Flood Control, San Juan Creek Channel/Levee Improvements		X			X	X			
County of Santa Barbara, Floradale Bridge Replacement						X			
City of Victorville, Green Tree Blvd over BNSF Pavement Rehab						X	X		
City of Rancho Santa Margarita, Hinge Bridge Repair		X			X	X			
Nature Conservancy, Santa Rosa Plateau Environ Restoration	X			X			X		
Caltrans D-8, Maintenance of bridges on the I-15 (Victorville)	X				X	X			
City of Pasadena On-Call CEQA - Task Order of ISMND for Pickleball Court Expansion	X		X						
BRIGHTVIEW PROJECTS									
City of Costa Mesa, City-wide Landscape Maintenance	X						X		
City of Irvine, Landscape Maintenance for Business Complex/District	X						X		

TABLE 2

SPECIES Present in our Projects	Monitor		Survey		Handle		Relocate	
	As Prime	As Sub	As Prime	As Sub	As Prime	As Sub	As Prime	As Sub
AMPHIBIANS								
Arroyo toad	x		x		x		x	
California red-legged frog		x		x		x		x
Mountain yellow-legged frog		x		x		x		x
REPTILES								
Desert tortoise	x		x			x	x	
Flat-tailed horned lizard	x		x			x		x
Western pond turtle	x		x		x			x
Western spadefoot	x		x		x		x	
BIRDS								
Burrowing owl	x		x		x		x	
Coastal California gnatcatcher	x		x		x			x
Least Bell's vireo	x			x		x		x
Southwestern willow flycatcher	x			x		x		x
Western yellow-billed cuckoo	x			x		x		x
Raptors	x			x		x		x
MAMMALS								
Big free-tailed bat	x		x		x		x	
California leaf-nosed bat	x		x		x		x	
California mastiff bat	x		x		x		x	
Mexican free-tailed bat		x	x					x
Canyon bat	x		x					
Silver-haired bat	x		x					
Hoary bat	x		x					
Pallid bat	x		x					
Big brown bat	x		x					
Los Angeles pocket mouse	x		x		x		x	
Palm Springs pocket mouse	x			x		x		x
Palm Springs round-tailed ground squirrel	x			x		x		x
PLANTS								
Wetlands	x		x		x		x	
Purple needle grass	x		x		x		x	
Coastal goldfields	x		x		x			x
Western ragweed	x		x		x			x
Mule Fat	x		x		x			x
California mugwort	x		x			x		x
Coast California sagebrush	x		x			x		x
California poppy	x		x			x		x
Southern tarplant	x		x			x		x
Fremont's cottonwood	x		x			x		x
Black willow	x		x			x		x
Oak woodland	x		x			x		x
Willow scrub	x		x			x		x
Short-joint beavertail cactus	x		x			x	x	
INVERTEBRATES/CRUSTACEANS								
Vernal pool fairy shrimp	x		x		x		x	
INVERTEBRATES/INSECTS								
Casey's June beetle		x		x		x		x
Delhi Sands flower-loving fly		x		x		x		x
FISH								
Arroyo chub	x		x					
Santa Ana sucker		x		x				
Speckled dace		x		x				

Fairview Park Wetlands and Habitat Restoration

CLIENT/OWNER

City of Costa Mesa

REFERENCE

Cynthia D'Agosta

Phone: 714-754-5291

Email:

Cynthia.dagosta@costamesaca.gov

PROJECT DATES

April/2017 to September/2021

COST/FEE

\$1.1 million

PROJECT AWARDS

Awarded CA "Environmental Stewardship Program"



Fairview Park (FVP) is the City of Costa Mesa's largest park, hosting 195 acres of natural open space area and 13 acres of passive parkland for a total of 208 acres. Within the 195 acres of open space there are two Native American Nationally Registered Historic Sites, five different habitat ecosystems which are home to many rare and endangered plant and animal species. These sensitive habitats require local, state, and federal regulatory compliance for protection and preservation. FVP also offers users multiple passive recreational opportunities such as picnicking, wildlife viewing, and more than seven miles of trails for walking, jogging and bicycling. The City's land management plan requires balancing the protected habitats and public uses of the park.

The 50 acres of Fairview Park Wetlands and Riparian Habitat area includes a pond system, sensitive habitats, and endangered species that the City is contractually committed to maintain in perpetuity. This site included the restoration of many different habitats including wetlands, riparian, grassland, oak woodland, and coastal sage scrub communities. This combination of high biodiversity, fervent attention to detail, and the ability to maintain productive and open communication, has led to a successful habitat where raptors, southern tarplant, California gnatcatchers, and other noteworthy species have begun to flourish.

Endemic has provided year- round biological oversight and maintenance for the Fairview Park Wetlands and Riparian Habitat. We wrote and submitted quarterly and annual reports on their work and the habitat conditions as part of the mitigation agreements for the City. We were responsible for the restoration design and implementation for this park, plus maintenance and repairs through hydroseeding of three acres of grasslands and oak and two acres of tarplant. We have undertaken nesting birds surveys, vernal pool restoration, monitoring of pump station and channel flows for vector control.

Prado Basin Sediment Demonstration Project – Habitat Restoration

CLIENT/OWNER

Orange County Water District

REFERENCE

Bonnie Johnson

Habitat Restoration Manager

Phone: 951-757-0782

Email: bjohnson@ocwd

PROJECT DATES

April/2021 to July/2021

COST/FEE

\$ 48,000



OCWD owns 2,150 acres behind the Prado Dam within unincorporated Riverside County, referred to as the Prado Basin. The agency operates and manages the 465-acre Prado Wetlands within the basin. In compliance with the Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW), it implemented a Sediment Demonstration Project on a 14-acre site on the Santa Ana River, located approximately 1.3 miles upstream of the Prado Dam. Part of the project is a 20-acre dewatering and storage site with four acres of planted native riparian habitat for the potential impacts associated with annual operations of the Prado Wetlands. The project consists of two separate parcels, Site 1 and Site 2. Site 1 is a 4-acre plot located in the northeastern corner of the Pheasant Field. Site 2 is a 4-acre plot located east of Site 1 and just outside the Pheasant Field boundary. Site 1 was cleared of vegetation prior to planting with container plants and an irrigation system installation.

Endemic implemented a native plant restoration project in the Prado Basin. We installed deep pole cuttings of Fremont's cottonwood (*Populus fremontii*), black willow (*Salix gooddingii*), and mulfat (*Baccharis salicifolia*) scattered throughout the site. We designed and installed an above ground filtered drip irrigation system at Site 1. The system will supply each of the 4000 plants with 1-gallon of water within a 2-hour period. The mainline is connected to a 5000-gallon water storage supplied by and placed by OCWD staff along the southern edge of the site prior to planting. Cam locks are installed at the tank to accommodate a small trash pump which is used to run the system. Brass ball valves are installed and used to control the flow to each station. Two in-line filters (Rainbird) are installed above ground to help reduce clogging of the emitters. Endemic was responsible for purchase of all irrigation system materials. Endemic will also provide a 90-day Site Maintenance Period for Site 1. This included keeping the site free of weeds, repairing irrigation, and watering for the first 30 days.

Natural Treatment System Habitat Restoration Monitoring Project

CLIENT/OWNER

Irvine Ranch Water District

REFERENCE

Mo (Maureen) Wise

Phone: 949-525-7234

Email: wise@irwd.com

PROJECT DATES

2019—Ongoing

COST/FEE

\$ 300,000



The Natural Treatment System (NTS) Habitat Monitoring Project includes over 32 sites throughout the Irvine Ranch Water District's (IRWD) management area. These sites are designed to treat dry weather runoff from the urban components of the watershed.

The treatment of urban runoff is one of IRWD's core responsibilities. The California Water Code grants IRWD the authority to construct, maintain and operate urban runoff treatment facilities within our service area. The NTS also provides riparian habitat and water-quality benefits to wildlife throughout the watershed. The San Joaquin Marsh consists of 320 acres and is IRWD's flagship NTS site. The wetlands are a critical component as they naturally clean urban runoff from San Diego Creek and help to protect the Upper Newport Bay.

The San Joaquin Marsh has become an important biological asset in the region. It is a stopover for many bird species migrating along the Pacific Flyway. The overall size of the marsh provides on-site nesting habitat for approximately 70 species of birds. Over 280 species have been documented as occurring since 2000. The adjacent San Diego Creek and its associated riparian habitat also act as a corridor for birds and other mobile wildlife to access the marsh. Floral diversity is impressive for a site of this size; over 120 species of plants have been documented from the site.

Three other NTS sites (Los Olivos, Lower East Foot, Forge) contain wetlands that have dry slope vegetation on the banks. Endemic routinely performed the qualitative assessment of the vegetation coverage, non-native plan coverage, woody material surveillance, waterflow and wildlife usage. Routine irrigation and landscape maintenance services at the site are done by Land Care. Additional work such as mulch replacement, irrigation repairs, aquatic herbicide application, aquatic vegetation removal, and sediment removal are being performed throughout the year.



Contact: George Cortez -
Maintenance Supervisor
77 Fair Drive, Costa Mesa, CA
92626

Phone: (714) 327-7494

Email:
george.cortez@costamesaca.gov

Date: July 2017 - Present

Size: \$2.3M Annual

City Wide Landscape Services

Client: City of Costa Mesa

We maintain all Parks, Sports Fields, Medians, Parkways, and City Buildings throughout the City of Costa Mesa, we maintain the Jack Hammett Sports Complex, training center for the Los Angeles Chargers. We also perform their annual weed abatement at Fairview Park which is over 10 acres of vegetation removal.



BrightView
Landscape Services

Irvine Business Complex

Client: City of Irvine

The City of Irvine is a fast growing and sought after area to live, play and do business in. BrightView has been performing routine landscape maintenance of a high profile area known as the IBC, currently the total number of units existing, under construction, approved, and under review exceeds the cap established by the City Council in 2010.



Contact: Bruce Heiland -
Landscape Maintenance
Specialist
One Civic Center Plaza, Irvine,
CA 92606

Phone: (949) 683-3365

Email:
bheiland@cityofirvine.org

Date: January 1 2019 - Present

Size: \$299,759 Annual



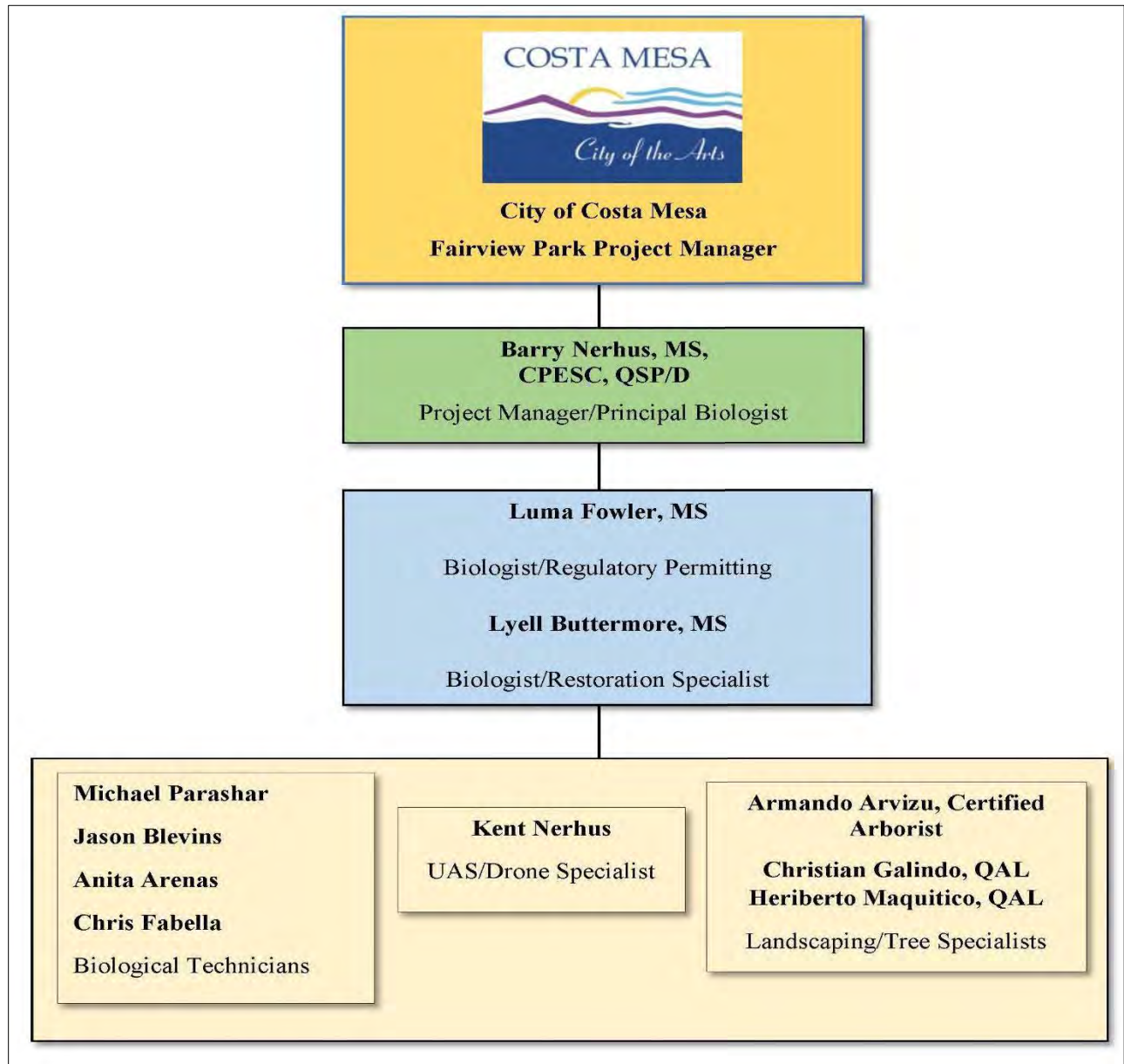
FINANCIAL CAPACITY

Endemic has the financial capability to perform the task orders to be released by the City under this contract. We are also fully insured as shown by Certificate of Insurance below with the City of Costa Mesa listed as the owner.

ACORD		ENDEENV-01		MALCARAZ	
CERTIFICATE OF LIABILITY INSURANCE THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).		DATE (MM/DD/YYYY)		5/13/2021	
		PRODUCER License # 0211234		CONTACT Maggie Alcaraz	
PHD Insurance Brokers 11022 Winners Circle Suite 100 Los Alamitos, CA 90720		PHONE (A/C, No, Ext): (714) 534-6310 FAX (A/C, No): E-MAIL malcaraz@phdinsurancebrokers.com ADDRESS:		INSURER(S) AFFORDING COVERAGE INSURER A : The Ohio Casualty Insurance Company 24074 INSURER B : Oregon Mutual Insurance Company 14907 INSURER C : American Fire & Casualty Company 24066 INSURER D : State Compensation Insurance Fund of California 35076 INSURER E : Homeland Insurance Company of Delaware 14231 INSURER F :	
INSURED Endemic Environmental Services, Inc. P.O. Box 3747 Fullerton, CA 92834					
COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:	
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PER <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X X	BKO57133073	1/29/2021	1/29/2022
					EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG \$ 2,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY		CMO5000922069	12/14/2020	12/14/2021
					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		USA57133073	1/29/2021	1/29/2022
					EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
D	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y N/A	9205751-2021	3/1/2021	3/1/2022
					<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Errors & Omissions		793-00-55-74-0004	12/16/2020	12/16/2021
					Aggregate Limit 2,000,000
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) The City of Costa Mesa and its elected and appointed board, officers, agents and employees are named as additional insured as respects General Liability as required by written contract per form# CG8810 0413 and includes Primary Wording per form # CG8810 0413 and Waiver of Subrogation applies per form# CG8810 0413. Waiver of Subrogation applies, per form #2570. All forms attach.					
CERTIFICATE HOLDER			CANCELLATION		
City of Costa Mesa P.O. Box 1200 Costa Mesa, CA 92628			SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 		
ACORD 25 (2016/03)			© 1988-2015 ACORD CORPORATION. All rights reserved.		
The ACORD name and logo are registered marks of ACORD					

KEY PERSONNEL

The Endemic team consist of specialized experts in their respective fields. The full resumes of our team members are included in **Appendix - Resumes**.



Barry Nerhus, Principal Biologist/Project Manager

Barry is a Principal Wildlife Biologist and Ecologist over 15 years of experience in biological research, environmental assessment, wildlife studies, contract management, and inter-agency coordination. Barry is trained in a broad range of natural resource disciplines including biological surveys and monitoring, habitat restoration ecology, wetland science, botany, herpetology, and ornithology.

RFP for Biological Maintenance and Management Services (22-01)

He holds CDFW Scientific Collecting Permits as well as USFWS Recovery Permit/Authorizations to conduct surveys for California red-legged frog and other regulated species.

He has extensive experience managing restoration and monitoring projects involving sensitive habitats and species. Barry has managed and conducted numerous herpetological surveys on a variety of projects. He is extensively experienced with pitfall trap inventories and population assessments for multiple species, including years of focused research on western pond turtle ecology for conservation management practices. He is also experienced in botanical surveys, invasive species eradication, and wetland restoration.

Lyell Buttermore - Biologist

Lyell has three years of experience writing biological monitoring reports, conducting environmental surveys and research, and working on ecological restoration and mitigation management projects. He has a broad range of experience with nesting bird surveys, species-specific surveys, rare plant surveys, habitat restoration projects, trapping and banding, land management, and conducting environmental research. He also has experience with RStudio, GIS and GPS, and the Survey123 and Collector apps as part of ArcGIS.

For the Fairview Park project, Lyell served as Biologist with the task orders dealing with habitat restoration mitigation and monitoring for the restoration area within the Park. He led activities such as surveying nest areas, invasive species removal, wetland protection and management, and the monitoring of following: fairy shrimp on vernal pools, red-tailed hawk, white-tailed kite, great horned owl, burrowing owl, California gnatcatcher, and Bell's vireo nests. He monitored and restored areas with native tar plant and other rare plant species throughout the park.

Luma Fowler - Biologist

Luma has combined over 10 years of multidisciplinary industry expertise with an emphasis in environmental solutions, writing environmental documents, ecological restoration and wildlife assessments given her technical and problem-solving experiences in various ecosystems.

For the Fairview Park project, Luma served as Biologist undertaking restoration and mitigation tasks. Her duties included the design, preparation and assisting restoration projects within different ecosystems, including wetlands, coastal sage scrub and natural water treatment systems. She conducted plant surveys, wildlife surveys, and provided training to landscaping crews. She prepared reports, developed plans, employee schedules and implemented steps to move projects toward closure in the most effective manner.

Kent Nerhus – UAS/Drone Specialist

Kent is the licensed FAA Pilot and head of UAS Operations for Endemic. He has seven years of experience in the UAS industry involved in many different segments of the industry. His expertise includes aerial photo/video, transmission and distribution tower inspections, infrared via thermal, search and rescue, water way inspection, vegetation identification, raptor survey, topography mapping, 3D mapping, 2d mapping. For the Fairview Park project, Kent was the drone operator that conducted all waterway, vegetation, GIS mapping, and thermal data collection. Among his tasks are as follows:

RFP for Biological Maintenance and Management Services (22-01)

- Aerial thermal water way inspection for Fairview Park restoration projects that include hydroseeding for parts of the park that needed habitat restoration and vegetation.
- Transient environmental impact survey in conjunction with Costa Mesa Police Department.

Michael Parashar has ten years field experience with biological monitoring, conducting environmental surveys and research, and working on ecological restoration and mitigation management projects. He attended a Desert Tortoise Certification Program, which provided specific training on identifying and minimizing disturbance to Desert Tortoise through a multiple day training. He also has monitored an over wintering burrowing owl population in Fairview Park since 2013.

Anita Arenas is an ecologist with a broad range of experience and knowledge with restoring native plant species, maintaining wetlands, and biological monitoring. She has three years of experience working specifically in biological and ecological research. Anita has gained experience conducting environmental surveys, monitoring sensitive species, and participating in ecological restoration and mitigation management projects. She has taken the Desert Tortoise Training in 2019 presented by the Desert Tortoise Counsel.

Chris Fabella is an ecologist with a broad range of experience and knowledge. He comes from a graphic design background and has transitioned to the field of ecology and restoration. He has three years of experience working in the field of biological resource management. He has been an integral part of the Endemic team managing the many habitats of Fairview Park. He conducts bird surveys, monitors water quality, manages invasive plant species, and monitors regulated species within the park, including an overwintering burrowing owl population.

Jason Blevins has transitioned from being a firefighter to habitat restoration at Fairview Park. His tasks include planting and maintaining sensitive habitat. Tools used, gas powered auger and various hand tools. Daily tasks at Fairview Park include -maintaining a five Pond wetland habitat, removing any debris from ponds. Removing invasive plant species in riparian, coastal sage scrub, and grassland areas of park.

Armando Arvizu is a certified Arborist and Branch Manager with BrightView, overseeing all Tree Care operations for Greater Orange County. An eight-year veteran of the company, his teams have managed and maintained tens of thousands of trees throughout Southern California for many years.

Christian Galindo, QAL, is a 15-year veteran of BrightView and Senior Branch Manager overseeing multiple branches and over 200 staff. He has extensive experience successfully managing landscapes for some of Southern California's most discriminating customers and properties.

Heriberto Maquitico, QAL, is a 30+ year veteran of the landscape industry and Account Manager with BrightView. He has managed many of our client service teams throughout Orange County at a number of marquee clients.

COST PROPOSAL (UNDER SEPARATE COVER)

DISCLOSURE (INCLUDED IN APPENDIX C FORMS)

Endemic does not have any conflict of interest with any City officials and staff. We agree with the provisions of the standard contract agreement that will be issued for task orders. We also hold the insurance coverages that are required by the City.

Our subconsultant, Brightview Landscaping, also does not have any conflict of interest with any City officials and staff.

APPENDIX C FORMS



**VENDOR APPLICATION FORM
FOR
RFP No. 22-01 for Biological Maintenance and Management Services**

TYPE OF APPLICANT: ☒ NEW ☐ CURRENT VENDOR

Legal Contractual Name of Corporation: Endemic Environmental Services, Inc.

Contact Person for Agreement: Barry S. Nerhus

Title: President E-Mail Address: bnerhus@endemicenvironmental.net

Business Telephone: 714- 393-6249 Business Fax: _____

Corporate Mailing Address: 1100 W Arroyo Ave.

City, State and Zip Code: Fullerton, CA 92833

Contact Person for Proposals: Barry S. Nerhus

Title: President E-Mail Address: bnerhus@endemicenvironmental.net

Business Telephone: 714-393-6249 Business Fax: _____

Is your business: (check one)

☐ NON PROFIT CORPORATION ☒ FOR PROFIT CORPORATION

Is your business: (check one)

<input checked="" type="checkbox"/> CORPORATION	<input type="checkbox"/> LIMITED LIABILITY PARTNERSHIP
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SOLE PROPRIETORSHIP
<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> UNINCORPORATED ASSOCIATION

Names & Titles of Corporate Board Members

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

Names	Title	Phone
Barry S. Nerhus	President & Secretary	714-393-6249

Federal Tax Identification Number: 45-2486277

City of Costa Mesa Business License Number: 55948

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

City of Costa Mesa Business License Expiration Date: 2/28/2022

CONTRACTOR C-27 LICENSE



Consumers Licensees Applicants

Business Information

ENDEMIC ENVIRONMENTAL SERVICES INC
PO BOX 2363
HUNTINGTON BEACH, CA 92627
Business Phone Number: (714) 393-6249

Entity Corporation
Issue Date 12/19/2018
Expire Date 12/31/2020

License Status

ENDEMIC ENVIRONMENTAL SERVICES, INC.

[View Details](#) [+ Add to My List](#)

Detail:

Registration Number: 1000035237
Status: Active
CSLB Number: 1048090
Legal Entity Type: Corporation
Mailing Address: PO BOX 2363
HUNTINGTON BEACH
CA 92647
Orange
County: Inspector/Field Soils, Material Tester;Landscape
Craft: endemicgmt@gmail.com
Email:

Registration History

Effective Date	Expiration Date
7/10/2019	6/30/2020
7/9/2018	6/30/2019
2/18/2016	6/30/2016

DBA

License renewed on 6/10/21; new expiration is 6/30/2022

COSTA MESA BUSINESS LICENSE

Guest

Find Account → Registration → Calculation → Payment → Receipt

Business License Online Renewal [Secure](#)

[PRINT THIS PAGE FOR YOUR RECORDS](#)

Your business license renewal has been successfully submitted. You will receive your new business license in the mail within 15 days.

If you requested membership with the Costa Mesa Chamber of Commerce, your membership will commence upon your acknowledgement from the Chamber within 5-7 business days.

Submission Date: 2/5/2021
Confirmation #: 035056 (42490044878)

Account Information
Account #: 55948
Expire Date: 2/28/2022
Name: ENDEMIC ENVIRONMENTAL SERVICES INC
Address: 1100 WARROYO DR

[http://costamessacounty.com/businesslicense/](#)

Phone: (714) 393-6249

Summary

	Input	Amount
STD		
This is your business license tax fee	1	\$50.00
State Mandated fee	1	\$4.00
Optional: In order to join the Chamber of Commerce, please re-enter your gross receipts for the previous 12 months to take advantage of the special registration rate. Otherwise leave blank.		\$0.00
Optional: Bridge Shelter Donation		\$0.00
Total Due		\$54.00

Payment Information
Credit Card #: x7793
Payment Amount: \$54.00

After printing or saving this page for your records, you may close this browser window/tab.

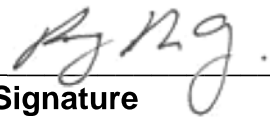
Powered by HSC

[http://costamessacounty.com/businesslicense/](#)

EX PARTE COMMUNICATIONS CERTIFICATION

Please indicate by signing below one of the following two statements. **Only sign one statement.**

I certify that Proposer and Proposer's representatives have not had any communication with a City Councilmember concerning informal **RFP No. 22-01 FOR Biological Maintenance and Management Services** at any time after **August 4, 2021**.



Signature

Date: 8/19/2021

Barry S. Nerhus

Print

OR

I certify that Proposer or Proposer's representatives have communicated after **August 4, 2021** with a City Councilmember concerning informal **RFP No. 22-01 FOR Biological Maintenance and Management Services**. A copy of all such communications is attached to this form for public distribution.

Signature

Date: _____

Print

DISQUALIFICATION QUESTIONNAIRE

The Contractor shall complete the following questionnaire:

Has the Contractor, any officer of the Contractor, or any employee of the Contractor who has proprietary interest in the Contractor, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

Yes _____ No X

If the answer is yes, explain the circumstances in the following space.

DISCLOSURE OF GOVERNMENT POSITIONS

Each Proposer shall disclose below whether any owner or employee of Contractor currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

None

COMPANY PROFILE & REFERENCES

Company Legal Name:

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

Active licenses issued by the California State Contractor's License Board: C-27; 1048090

Business Address: 1100 W Arroyo Ave., Fullerton, CA 92833

Website Address: www.endemicenvironmental.net

Telephone Number: 714-393-6249

Facsimile Number:

Email Address: bnerhus@endemicenvironmental.net

Length of time the firm has been in business: 12

Length of time at current location: 12

Is your firm a sole proprietorship doing business under a different name: ___Yes ☒ No

If yes, please indicate sole proprietor's name and the name you are doing business under:

Federal Taxpayer ID Number: 45-2486277

Regular Business Hours: 8:00 AM - 6 PM (Monday to Friday)

Regular holidays and hours when business is closed: All Federal holidays; Saturdays - Sundays

Contact person in reference to this solicitation:

Telephone Number: 714-393-6249

Facsimile Number:

Email Address: bnerhus@endemicenvironmental.net

Contact person for accounts payable:

Telephone Number: 714-393-6249

Facsimile Number:

Email Address: bnerhus@endemicenvironmental.net

Name of Project Manager: Barry S. Nerhus

Telephone Number: 714-393-6249

Facsimile Number:

Email Address: bnerhus@endemicenvironmental.net

COMPANY PROFILE & REFERENCES (Continued)

Submit the company names, addresses, telephone numbers, email, contact names, and brief contract descriptions of at least three clients, preferably other municipalities for whom comparable projects have been completed or submit letters from your references which include the requested information.

Company Name: Irvine Ranch Water District (IRWD)

Telephone Number: 949-525-7234

Contact Name: Mo (Maureen) Wise, Wetlands Manager

Contract Amount: \$ 300,000

Email: wise@irwd.com

Address: 15600 Sand Canyon Ave., Irvine, CA 92618

Brief Contract Description: Habitat restoration consultant for Natural Treatment Systems (NTS) 42 wetland locations. Tasks included native plants restoration, handling of non-native and invasive plants through natural pest control methods. Subconsultant for IRWD's landscaping contractor (Landcare).

Company Name: City of Irvine

Telephone Number: 949-633-0325

Contact Name: Casey Gnadt, Open Space Administrator, Great Park Landscape Division

Contract Amount: \$ 50,000

Email: cgnadt@cityofirvine.org

Address: 8000 Great Park Blvd., CA 92618

Brief Contract Description: Great Park has 50,000 acres of sensitive open spaces conserved through conservation easements and endowments. Services included avian nest surveys, non-native plant species mapping, invasive species management and agency coordination. EES also prepared a Biological Constraints Matrix for all their open space properties.

Company Name: Orange County Water District

Telephone Number: 951-757-0782

Contact Name: Bonnie Johnson, Habitat Restoration Manager

Contract Amount: \$48,000

Email: bjohnson@ocwd.com

Address: 18700 Ward St., Fountain Valley, CA 92708

OCWD's Sediment Demonstration Project is on a 14-acre site on the Santa Ana River, located 1.3 miles upstream of the Prado Dam. Part of the project is a 20-acre dewatering and storage site with four acres of native riparian habitat with impacts associated with annual operations of the Prado Wetlands. Endemic implemented a native plant restoration project for two sites, designed and installed an above ground filtered drip irrigation system at Site 1 and 90-day site maintenance.

Brief Contract Description:

Company Name: US Army Corps of Engineers, Los Angeles District

Telephone Number: 213- 452-3852

Contact Name: Naeem Siddiqui, Biologist, Ecosystem Planning

Contract Amount: NA

Email: Naeem.a.siddiqui@usace.army.mil

Address: 915 Wilshire Blvd., Los Angeles, CA 90017

Brief Contract Description: USACE partnered with OC Flood Control District and OCTA for their Measure M 2 Restoration sites that included Costa Mesa's Fairview Park that restored 23 acres of native grassland, coastal sage scrub, wet meadow/marsh, and riparian habitats within the northwest portion of this public park. The purpose was to create native habitat for riparian birds and animals by increasing native plant diversity within 10 feet of the constructed wetlands and stream channels. The project includes the creation of wetland ponds and a water delivery irrigation system to establish and support the native habitat. This restoration site is within the Santa Ana River watershed.

Company Name: Orange County Public Works, Flood Control District

Telephone Number: 714-599-0681

Contact Name: Mario Garcia

Contract Amount: \$ 100,000

Email: mgarcia@ocpw.ocgov.com

Address: 601 N Ross St, Santa Ana, CA 92701

Brief Contract Description: The Orange County Public Works (OCPW) was the lead agency for the San Juan Creek and Capistrano Beach levee Improvements project along the flood control channel for the flood protection safety for communities in San Juan Capistrano and Dana Point. OCPW awarded the Construction Manager at Risk (CMAR) contract to Ames Construction. Construction period began in September 2017 and completed in June 2019.

EES served as the subcontractor as Biological Monitor and Mitigation during construction. During periods of creek water flowing through the project site, EES monitored and surveyed for the presence or migration of the southern steelhead trout (*Oncorhynchus mykiss*). The creek was either walked from at least 300 meters beyond the project limits daily. Pools were inspected for fish presence, the creek mouth was also inspected for connectivity with the ocean at Doheny State Beach, and incoming flows from Trabuco Creek and San Juan Creek.



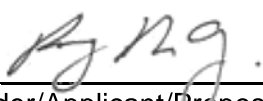
**BIDDER/APPLICANT/CONTRACTOR CAMPAIGN CONTRIBUTION
DISCLOSURE FORM**

Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than \$249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

Date	Name of Donor	Company/Business Affiliation	Name of Recipient	Amount
		Not Applicable		

Except as described above, I/we have not made any campaign contribution in the amount of \$250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Bidder/Applicant/Proposer

8/19/2021

Date



**VENDOR APPLICATION FORM
FOR
RFP No. 22-01 for Biological Maintenance and Management Services**

TYPE OF APPLICANT: ☐ NEW ☒ CURRENT VENDOR

Legal Contractual Name of Corporation: BrightView Landscape Services, Inc.

Contact Person for Agreement: Po Chen

Title: Vice President General Manager E-Mail Address: po.chen@brightview.com

Business Telephone: main o. 714.546.7843
direct. 949.338.5501 Business Fax: none

Corporate Mailing Address: 1960 S. Yale Street

City, State and Zip Code: Santa Ana, CA 92704

Contact Person for Proposals: Po Chen

Title: Vice President General Manager E-Mail Address: po.chen@brightview.com

Business Telephone: main o. 714.546.7843
direct. 949.338.5501 Business Fax: none

Is your business: (check one)

☐ NON PROFIT CORPORATION ☒ FOR PROFIT CORPORATION

Is your business: (check one)

☒ CORPORATION ☐ LIMITED LIABILITY PARTNERSHIP
☐ INDIVIDUAL ☐ SOLE PROPRIETORSHIP
☐ PARTNERSHIP ☐ UNINCORPORATED ASSOCIATION

Names & Titles of Corporate Board Members

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

Names	Title	Phone
Jeff Herold-CEO and President		484.567.7202
Robert Tyler-Treasurer		484.567.7249
Jonathan Gottsegen-Secretary		484.567.7249
Tomas Kuehn-Assistant Secretary		818.737.2635
Susan DeSantis-Assistant Secretary		240.707.8959
Joshua Dake-Senior Vice President		619.954.0063
Po Chen-Vice President General Manager		949.338.5501
Darin Sherlock-Branch Manager		949.614.9148
Trevor Frey-Director, Risk Management		484 567 7131

Federal Tax Identification Number: 95-2651541

City of Costa Mesa Business License Number: 08434

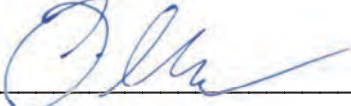
(If none, you must obtain a Costa Mesa Business License upon award of contract.)

City of Costa Mesa Business License Expiration Date: EXPT 1/31/22

EX PARTE COMMUNICATIONS CERTIFICATION

Please indicate by signing below one of the following two statements. **Only sign one statement.**

I certify that Proposer and Proposer's representatives have not had any communication with a City Councilmember concerning informal **RFP No. 22-01 FOR Biological Maintenance and Management Services** at any time after **August 4, 2021**.



Signature

Date: 8/13/2021

Po Chen

Print

OR

I certify that Proposer or Proposer's representatives have communicated after **August 4, 2021** with a City Councilmember concerning informal **RFP No. 22-01 FOR Biological Maintenance and Management Services**. A copy of all such communications is attached to this form for public distribution.

Signature

Date: _____

Print

DISQUALIFICATION QUESTIONNAIRE

The Contractor shall complete the following questionnaire:

Has the Contractor, any officer of the Contractor, or any employee of the Contractor who has proprietary interest in the Contractor, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

Yes _____ No X

If the answer is yes, explain the circumstances in the following space.

COMPANY PROFILE & REFERENCES

Company Legal Name:

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

Active licenses issued by the California State Contractor's License Board: 266211

Business Address: 1960 S. Yale Street, Santa Ana, CA 92704

Website Address: <https://www.brightview.com/company/about-brightview>

Telephone Number: main o. 714.546.7843 Facsimile Number: none
direct. 949.338.5501

Email Address: po.chen@brigtview.com

Length of time the firm has been in business: 51 years

Length of time at current location: 60yrs (since 1961)

Is your firm a sole proprietorship doing business under a different name: ___ Yes ☒ No

If yes, please indicate sole proprietor's name and the name you are doing business under:

Federal Taxpayer ID Number: 95-2651541

Regular Business Hours: Mon - Friday 8a-5p

Regular holidays and hours when business is closed: NewYears Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Thanksgiving Holiday, Dec 24, 25, 21

Contact person in reference to this solicitation: Po Chen- Vice President General Manager

Telephone Number: T Main o. 714.546.7843
T Direct. 949.338.5501

Email Address: po.chen@brightview.com Facsimile Number: none

Contact person for accounts payable: Ambar Calderon / Dana Chang

Telephone Number: 310.714.7379 / 714.46-7843

Email Address: ambar.calderon@brightview.com Facsimile Number: none
dana.chang@brightview.com

Name of Project Manager: Darin Sherlock

Telephone Number: 949.614.9148

Email Address: darin.sherlock@brightview.com Facsimile Number: none

COMPANY PROFILE & REFERENCES (Continued)

Submit the company names, addresses, telephone numbers, email, contact names, and brief contract descriptions of at least three clients, preferably other municipalities for whom comparable projects have been completed or submit letters from your references which include the requested information.

Company Name: City of Costa Mesa

Telephone Number tel 714.327.7494 fax 714.754.5149

Contact Name: George Cortez Maintenance Supervisor

Contract Amount: \$2.3M Annual

Email: george.cortez@costamesaca.gov

Address: 77 Fair Drive, Costa Mesa, CA 92626

Brief Contract Description: City Wide Landscape Maintenance

Company Name: City of Irvine

Telephone Number: 949.683.3365

Contact Name: Bruce Heiland - Landscape maintenance specialist

Contract Amount: \$299,759 Annual

Email: bheiland@cityofirvine.org

Address: One Civic Center Plaza, Irvine, CA 92606

Brief Contract Description: Complete Landscape Maintenance of zone within the city known as the City Business Complex

Company Name:

Telephone Number:

Contact Name:

Contract Amount:

Email:

Address:



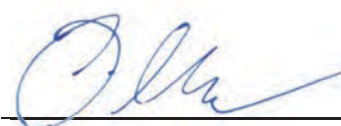
**BIDDER/APPLICANT/CONTRACTOR CAMPAIGN CONTRIBUTION
DISCLOSURE FORM**

Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than \$249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

Date	Name of Donor	Company/Business Affiliation	Name of Recipient	Amount
NONE	----	-----	-----	-----

Except as described above, I/we have not made any campaign contribution in the amount of \$250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 Joe Chen - Vice President General Manager

Bidder/Applicant/Proposer

8/13/2021

Date

APPENDIX –RESUMES



Barry S. Nerhus

Principal Biologist/Ecologist

Mr. Nerhus is a wildlife biologist and restoration ecologist with 12 years of management experience in biological monitoring, biological research, environmental assessment, wildlife studies, contract management, and inter-agency coordination. He has extensive experience managing construction projects in and adjacent to sensitive habitats. This experience allows him to lead and develop rapid response solutions to challenges that are faced in the field.

As the Founder and current President of Endemic Environmental Services (EES), he has built up a company that focuses on biological monitoring, habitat restoration/management and wildlife studies/ management.

Barry is trained in a broad range of natural resource disciplines including biological surveys/monitoring, habitat restoration ecology, wetland science, botany, herpetology, and ornithology. He holds CDFW Scientific Collecting Permit for amphibians, reptiles, fishes, small mammals, population studies/capture, mark, release for western pond turtles, cowbird trapping. In addition, he holds USFWS Recovery Permits to conduct surveys for California Gnatcatcher, Burrowing Owl, Red-legged frog, Ridgeway's Rail, Branchipods, Arroyo Toad, Least Bell's Vireo, southwestern pond turtle. He also surveys for the least Bell's vireo, southwestern willow flycatcher, yellow-billed cuckoo, three-spined stickleback, arroyo chub, and Mojave River vole.

Experience

City of Costa Mesa, On-call Environmental Consulting Services, Task Order for Fairview Park Restoration Project, City of Costa Mesa (2017-21)

Principal Manager of EES biologists for on-call environmental services for Fairview Park Project. EES staff has conducted environmental permitting for CEQA compliance, wildlife surveys including small mammals, fairy shrimp, California gnatcatcher, least Bell's vireo, avian nest surveys, vernal pool restoration, habitat restoration and design, public meeting coordination, plant surveys, and plant guides. EES has also managed the landscaping and hydroseeding on parts of Fairview Park to complete habitat restoration tasks.

Biological Services for Margarita Parkway Hinge Bridge Repair, City of Rancho Santa Margarita (2020-21)

Project Manager of EES biologists who are onsite biologists for contractor/builder (Beador) providing the biological monitoring and protection of natural resources during construction of this \$ 2 M bridge that crosses Arroyo Trabuco, a tributary of the San Juan Creek, and nearby O'Neill Regional Park. Species of concern are: Arroyo toad, Coastal CA Gnatcatcher, Least Bell's Vireo, Southwestern Willow Flycatcher, Raptors. Bats and Nongame Migratory Birds.



Years with Endemic: 12

Degrees

B.S., 2007, Biology, University of California at Irvine

M.S., 2016, Biology, University of California at Long Beach

Licenses/Certifications

Certified Stormwater Protection Practitioner and Designer (QSP/D)

USFWS 10(a)(1)(A) Recovery Permit, TE74785A-2 for various species

CDFW Scientific Collecting Permit, SC-010434, issued 3/2020 for various species

Training

Caltrans Mandatory Water Pollution Control Manager (WPCM) – 12/2020

HAZWOPER Certification Training 2011

CRAM (Riverine) Certification Training 2010

Wetlands Delineation Certification Training 2010

San Juan Creek Flood Control Channel Improvements, Orange County Public Works/Ames Construction (Prime)
 (2016-19)

Biologist who monitored and surveyed for the presence or migration of the southern steelhead trout (*Oncorhynchus mykiss*). The creek was monitored at least 300 meters beyond the project limits daily. Pools were inspected for fish presence, the creek mouth was inspected for connectivity with the Pacific Ocean at Doheny State Beach, and incoming flows from San Juan Creek. Prepared monthly reports on biological monitoring and regulatory compliance.

Santa Ana River Marsh Dredging Project, USACE & City of Newport Beach (2018)

This project examined environmental impacts of routine dredging conducted in the Santa Ana River Marsh in Newport Beach, CA. Managed the natural resource compliance for the 87-acre Santa Ana River Marsh (SARM) during the dredging of the tidal channels. Biologist responsible for surveying native vegetation on site mapping pre- and post- construction impacts. Conducted *Caulerpa taxifolia* surveys within eelgrass meadows on site and water quality assessments in both the bay and in near-shore adjacent sites. Did the endangered species surveys that included Light-footed Ridgeway's Rail, Belding's Savannah Sparrow, and California Least Tern. These data were worked into a final report detailing survey and water quality results.

On-call Biological Support Services for Bridge Maintenance Projects. Caltrans District 8 (covered Riverside and San Bernardino counties).

Biologist/Project Manager who worked with contractors/builders on the environmental protection and mitigation measures for birds and invasive plant species. He supervised the surveys done for the protection species such as Arroyo toad; California gnatcatcher, Least Bell's Vireo, Giant Garter Snake, Swainson's Hawk, Western Pond Turtle, Foothill Yellow-legged Frog, California Red-legged Frog, Chinook Salmon, Steelhead Trout, Bats, and Valley Elderberry Longhorn Beetle. In addition, wildlife management plans were prepared that required river/creek diversions, and wildlife education plans for the workers.

The two projects that EES was involved were:

- I-15 Interchange Widening and Bridge Realignment over the Mojave River located in Victorville, CA (2016-2018)
- Highway 138 Horse Thief Creek Bridge Replacement over Horse Thief Creek located in Hesperia, CA (2015-2016)

On-Call Biological Monitoring during Construction, Caltrans District 3 (2019-Present)

Principal Biologist leading the EES team working with contractors/builders for four projects. Our tasks included pre-construction nesting bird surveys, roosting bat surveys, California gnatcatcher surveys and Least Bell's Vireo surveys. Conducted weekly general monitoring, wildlife surveys, wildlife management plans, and wildlife education plans.

- Hwy 99 Bridge over Lagoon Creek and Hwy 160 Bridge over American River Project located in Sacramento
- Hwy 20 Brown's Valley Roadway Improvement located in Marysville
- Hwy 70 Simmerly Slough Bridge new construction located in Yuba County
- 174 Improvement Project located in Nevada County
- Hwy 49 from Yuba-Sierra county line to Yuba Pass Road in Sierra County

Select Species Experience:

Barry conducted rare plant surveys that included southern mountain skullcap, Joshua Tree relocation, Santa Ana River Woolly Star, Southern Tarplant, Marsh's Sandwort, Booth's Primrose, and Smooth Tarplant, little-mouse tail, Spreading Navarettia, Coulter's Goldfields, small-flowered microseris, and Gambel's watercress. For the Rare Plant Mapping Project at Fairview Park for City of Costa Mesa, Barry was involved in the survey and mapped all rare plants at the 208-acre park. The following plants were surveyed and mapped: San Diego Button Celery, Federally-listed

Orcutt's Grass, small-flowered microseris, southern walnut, chaparral sand verbena, little mousetail, southern tarplant, prostrate navarettia, and California boxthorn.

Barry has worked with the California gnatcatcher for over 12 years. He managed several populations in Orange County, including Fairview Park and UC Irvine's onsite populations. He has conducted several Biological Assessments in Orange County, San Diego, San Bernardino, and Los Angeles Counties that included conducting presence/absence surveys for this species. He also has restored habitat to support at least six pairs of California gnatcatcher in Orange County.

Barry has surveyed the Least Bell's Vireo for multiple projects throughout southern California. These projects have included bridge work in the Mojave River in San Bernardino County. Over three years, he conducted positive result surveys and managed the Least Bell's vireo population as the Mojave River bridge was being constructed for Caltrans District 8. He also has restored over 40 acres of least... Bell's vireo habitat that he continues to monitor three pairs of least Bell's vireo.

Arroyo Toad – Mr. Nerhus has over 10 years' experience researching, consulting, surveying and monitoring for Arroyo toads. He has surveyed and managed arroyo toad populations for the Santa Margarita River, San Mateo Creek, Christianitos Creek, San Onofre Creek, and Horsethief Canyon Creek. The projects associated with these populations included a Horsethief Creek Bridge Replacement for Caltrans District 8, Lake O'Neill Dredging Project for the U.S. Army Corps of Engineers, and Water Treatment Facility Upgrade for NAVFAC Southwest on Camp Pendleton. Mr. Nerhus is a U.S. Fish and Wildlife Service approved arroyo toad handler. He also collaborates with the U.S.G.S as an Arroyo Toad researcher to monitoring the overall population.

California Gnatcatcher – Mr. Nerhus has worked with the California Gnatcatcher for over 10 years. He has a USFWS 10 (a)1(A) recover permit to survey for the California Gnatcatcher. He manages several populations in Orange County, including Fairview Park and UC Irvine's onsite populations. Mr. Nerhus has conducted several Biological Assessments in Orange County, San Diego, San Bernardino, and Los Angeles Counties that included conducting presence/absence surveys for this species. He also has restored habitat to support at least 6 pairs of California gnatcatcher in Orange County.

Least Bell's Vireo – Mr. Nerhus has surveyed the Least Bell's Vireo for multiple projects throughout southern California. These projects have included bridge work in the Mojave River in San Bernardino County. Over 3 years', Mr. Nerhus conducted positive result surveys and managed the least Bell's vireo population as the Mojave River Bridge was being constructed for Caltrans District 8. Mr. Nerhus also has restored over 40 acres of least Bell's vireo habitat that he continues to monitor 3 pairs of least Bell's vireo. He has surveyed and monitored for least Bell's vireo in San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties.

Bats – Mr. Nerhus has surveyed for bats at several bridges and trees throughout California. Over 3 years at the Mojave River Bridge widening Project, he monitored and reported on a maternity colony that resided on the bridge for Caltrans District 8. He has also led bat emergence demonstrations as an adjunct Faculty for UC Irvine's Wildlife Ecology Master's Class at the Jamboree Bridge in Orange County. He has worked it top researchers to manage bats in bridges in both Northern and Southern California.

Southwestern Willow flycatcher – Mr. Nerhus has conducted southwestern willow flycatcher surveys as part of a research team researching Yellow-billed Cuckoos at the Kern River in the Southern Sierras. He also surveyed southwestern willow flycatchers in the Mojave River for 3 seasons. Mr. Nerhus also attended the Southern Sierra Research Station's Southwestern Willow Flycatcher Training for Protocol surveys. He also documented transient willow flycatchers in Costa Mesa, Orange County at the Fairview Park Riparian and Wetlands Restoration Project.

Specific Use SCP
 S-163570001-16357-001

March 24, 2020

California Department of Fish and Wildlife (Department) - Wildlife Branch
 Authorizations and Conditions for Scientific Collecting Permit (SCP)
 Barry Nerhus
 Endemic Environmental Services
 See Attachment #2 for the List of Authorized Individuals

Legacy ID:
 SC-010434

Designated by:

 Chad Hanna
 07/00567/247430

This permit was previously issued on September 16, 2014. The terms and conditions (5 pages dated August 21, 2014) set forth in that permit are hereby superseded by this renewal.

Authorizations and conditions based on your online SCP application received by the Department on January 06, 2019, on file with the Nongame Wildlife Program (NWP).

Capture and release of amphibians, reptiles, and small mammals (excluding *Threatened*, *Endangered*, *CESA-Candidate*, *Species of Special Concern* and other *Prohibited Wildlife* in *Condition #2*) - including San Diego desert woodrat (*Neotoma bryanti* intermediate), northern red-legged frog (*Rana aurora*) and California newt (*Taricha torosa*) (southern populations), California *Species of Special Concern* - is authorized in accordance with the additional conditions below.

You are authorized to take (capture, mark, release and salvage) the southwestern pond turtle (*Acemys pallasi*) and Northwestern pond turtle (*Acemys marmorata*) in accordance with the conditions below.

Sacrifice of American bullfrog (*Lithobates catesbeianus*), African clawed frog (*Xenopus laevis*) and Pond slider (*Trachemys scripta*) is authorized in accordance with the conditions below.

Take of Arroyo toad (*Anaxyrus* (=Bufo) *californicus*) is only authorized in accordance with a federal Section 7 Biological Opinion on which you are named or otherwise authorized, and in accordance with the additional conditions below. See Condition #2, below.

Take of California red-legged frog (*Rana boylei*) and Coastal California gnatcatcher (*Polioptila caerulea californica*) is authorized in accordance with the most current amendment of federal permit TE-74785A on which you are named, and in accordance with the additional conditions below.

You are authorized to trap for and *sacrifice* the Brown-headed cowbird (*Molothrus ater*), European starling (*Sturnus vulgaris*), and House sparrow (*Passer domesticus*) in accordance with the Brown-headed Cowbird SCP attachment (Principal Investigator: Barry Nerhus, Endemic Environmental Services, dated March 19, 2020).

Permitted activities are restricted to the following geographic areas in California:

- a. Orange, Riverside, San Bernardino, Los Angeles, Ventura, San Diego, Santa Barbara, San Luis Obispo, Tulare, Kern, Monterey, San Francisco, Sacramento and Yuba counties.

Other Permits:

You shall obtain and maintain during the term of this SCP any federal permit(s) and/or other state permit(s) required to conduct the activities authorized herein. Although the provisions of the federal permit(s), other state permit(s) and this SCP may vary, the more restrictive conditions prevail. Copies of your federal permit(s) or other research-related permits (e.g., State Parks landowner access agreements), and any amendments, shall be provided to the Department contacts (see below), and the names of all authorized sub-permittees shall be provided for this permit(s).

You shall carry all required documents: permits and MOUs, along with your SCP, with you while conducting all authorized activities.



Page 1 of 1
 NATIVE ENDANGERED & THREATENED SP. RECOVERY - E & T WILDLIFE
 MIGRATORY BIRDS

Permit Number: TE74785A-2
 Effective: 08/22/2018 Expires: 08/21/2023

Issuing Office:

Department of the Interior
 U.S. FISH & WILDLIFE SERVICE
 Endangered Species Permit Office
 2800 Cottage Way, Suite W-2606
 Sacramento, CA 95825-1846
 permitsR8ES@fws.gov

ACTING ENDANGERED SPECIES DIVISION CHIEF

Permittee:

BARRY SCOTT NERHUS JR
 dba ENDEMIC ENVIRONMENTAL SERVICES
 PO BOX 2383
 HUNTINGTON BEACH, CA 92647
 U.S.A.

Authority: Statutes and Regulations: 16 USC 1539(a), 16 USC 1533(d), 16 USC 703-712; 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.23 & 21.27, 50 CFR 13.

Location where authorized activity may be conducted:
 ON LANDS SPECIFIED WITHIN THE ATTACHED SPECIAL TERMS AND CONDITIONS

Reporting requirements:

ANNUAL REPORT DUE: 01/31
 See permit conditions for reporting requirements

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.
- C. Valid for use by permittee named above.



Lyell Buttermore

Biologist/Ecologist

Mr. Buttermore has years of experience writing biological monitoring reports, conducting environmental surveys and research, and working on ecological restoration and mitigation management projects. He recently finished his MS degree at UC Irvine, where he studied the status and survivability of the southwestern pond turtle in Southern California and organized regional conservation efforts for the species.

Mr. Buttermore has a broad range of experience with nesting bird surveys, species-specific surveys, rare plant surveys, habitat restoration projects, trapping and banding, land management, and conducting environmental research. He also has experience with RStudio, GIS and GPS, and the Survey123 and Collector apps as part of ArcGIS.

Experience

City of Costa Mesa, On-call Environmental Consulting Services, Task Orders for Fairview Park Restoration Project, City of Costa Mesa (2017-21)

Biologist with the task orders dealing with habitat restoration mitigation and monitoring for the restoration area within Fairview park in Costa Mesa, California. Land management and project management activities included scheduling staff, organizing meetings, surveying nest areas, invasive species removal, wetland protection and management, and the monitoring of following: fairy shrimp on vernal pools, red-tailed hawk, white-tailed kite, great horned owl, burrowing owl, California gnatcatcher, and Bell's vireo nests. Biologist also monitored and restored areas with native tar plant and other rare plant species throughout the park. Most surveys and biological monitoring occurred for pre-cutting and land management practices that posed risk to the environmentally sensitive species.

Caltrans No. 08-1E5704 – Construction on Interstate 10 in Riverside County near Palm Springs at Whitewater River Bridge (2020)

Biologist who provided environmental support services and project management to the contractor (Rockforce) for the construction at the Whitewater River Bridge, approximately 10 miles west of the City of Palm Springs in Riverside County. The project is in the Coachella Valley Multispecies Habitat Conservation Plan (CVMSHCP) and is located within the northern boundary of the Whitewater Floodplain Conservation Area of the CVMSHCP.

This construction involved with the remediation at the Whitewater River Bridge by converting spread footings to pile foundations and by installing Cast-in-Drilled Hole (CIDH) piling to provide rock slope protection. Conducted weekly nesting bird surveys and monitor sensitive resources during construction efforts. Reports were submitted to the client on a weekly basis. Sensitive wildlife and species on the project include desert tortoise, Coachella Valley fringe-toed lizard, arroyo toad, Palm Springs pocket mouse, least Bell's vireo, southwestern willow flycatcher, bats, triple-

Years with Endemic: 2

Degrees

B.S., 2018, Honors in Environmental Biology, McGill University, Montreal, Quebec

M.S., 2020, Ecology and Evolutionary Biology, University of California at Irvine

Licenses/Certifications

In progress - Certified Stormwater Protection Practitioner (QSP)

Training

Burrowing Owl Workshop Training (2019)

Desert Tortoise Workshop Training (2019)

PG&E Corporate Contractor Safety Orientation (2020)

PG&E Gold Shovel Standard Training (2020)

OSHA/HAZWOPER Certification Training (2017)

ribbed milk-vetch, and Coachella Valley milk-vetch. Specific species protection memos and plans were drafted based on the assessment: Bat Avoidance and Monitoring Memo (BAMM), Plant Avoidance and Monitoring Memo (PAMM), and a Palm Springs Pocket Mouse Avoidance and Monitoring Memo (PSPMAMM).

On-call Environmental Clearance Program for Riverside, San Bernardino, Orange and LA Counties (2019-20)

Biologist with subcontractor (SWCA) conducted monitoring and surveying for multiple task orders under the SCE On-Call Environmental Clearance Program and provided Worker Environmental Awareness Program (WEAP) trainings for construction crews and conducted pre-construction, nesting bird, focused species, and cultural resource surveys. Focused surveys included California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, and arroyo toad. Prepared daily reports and communicated effectively with crews, prime contractor, and SCE to determine short and long-term goals of each project. Monitors utilized ArcGIS Online (AGOL) Survey123 and Collector apps as a field data tools to record biological and cultural resources for stakeholders in real-time.

Biological Services for Margarita Parkway Hinge Bridge Repair from San Sebastian to SR 241, City of Rancho Santa Margarita (2020-present)

Preconstruction and nesting surveys were conducted in order to find nesting birds or sensitive habitat that needed protection during the construction phase of the project. Biologist conducted arroyo toad surveys and biological monitoring for the vegetation clearing, creek bed alteration, and falsework installation and removal. Biologist assisted with weekly nesting report documentation and scheduling for biological monitors. Species of concern included: arroyo toad, coastal California gnatcatcher, least Bell's vireo, Southwestern willow flycatcher, raptors and nongame migratory birds, and bats.

San Joaquin Marsh Clapper Rail Surveys- Endemic Environmental- Irvine, CA (2020)

Biologist surveyed for clapper rail under supervision of permitted biologist Barry Nerhus, who played calls and detected three rails. Biologist monitored family of rails through visual and auditory identification at San Joaquin Marsh.

Southwestern Pond Turtle Surveys – UC Irvine Arboretum and Aliso Creek (2019-present)

Biologist built and deployed baited Hoop/Funnel Net Traps in various locations with confirmed presence and apparent healthy population of western pond turtles, primarily at the UCI Arboretum and in Aliso Creek. Morphological traits and survival data were measured, and turtles were tagged for future studies. Captured individuals were processed in order to develop reports to determine pond turtle presence, survival, relative abundance, and population demographics.

Bird Nesting Surveys- UC Irvine (2019-present)

Biologist performed focused white-tailed kite surveys in order to determine nesting activity and habitat fidelity. Project scope extended throughout the greater Orange County region and required updated surveying and monitoring of active nests.

Chino Hills State Park- Bargas Environmental Consulting - Chino Hills, CA (2020)

Biologist provided documentation and coordination for Project Management Plan, General Biological Resource Assessment, scheduling, and survey deliverables for the construction of a new State Park office in Chino Hills State Park.

Select Species Experience:**Small Rodents**

Mr. Buttermore has experience surveying and monitoring for sensitive small rodents species such as San Bernardino kangaroo rat, Stephen's kangaroo rat, and Palm Springs pocket mouse. Biologist has also worked with more common small rodents such as the California vole, ornate shrew, wood rat, and lab mice and lab rats. Project examples include the Whitewater River Bridge Project, Corsair Pole Removal Project, and Rancho Cucamonga Vegetation Removal Project.

Arroyo Toad

Mr. Buttermore has surveyed for arroyo toad on multiple projects throughout southern California. These projects included the Rancho Santa Margarita Bridge Hinge Repair Project, SWCA Environmental On Call Vegetation Clearance Project, and ERM Water Assessment and Monitoring Projects.

Bats

Mr. Buttermore has surveyed bats at several bridges and trees throughout California. He has also worked with Bat Avoidance and Mitigation Memos and Monitoring Plans. Examples of these projects include the Rancho Santa Margarita Bridge Hinge Repair Project, the Whitewater River Bridge Project, the Santa Ana River Bridge Project, and the Tuolumne River Bridge Project.

Burrowing Owl

Mr. Buttermore has performed multiple surveys for burrowing owl while working at Fairview Park and to support projects such as Caltrans 08-1F1414 Temecula-San Diego and Riverside County and Caltrans 08-0P3904 263 Road to US395. He has also taken a Burrowing Owl Training Workshop which included a day of lecture and fieldwork for the best-use methods for surveying burrowing owl.

Coastal California Gnatcatcher

Mr. Buttermore has surveyed and monitored for coastal California gnatcatcher on a large variety of projects and has over 40 hours of explicit training under the supervision of a certified California gnatcatcher permit holder. Projects with California gnatcatcher include: SWCA Environmental On Call Vegetation Clearance Project, ERM Environmental On Call Field Project, Fairview Park Restoration Project, Oso Parkway Bridge Project, City of Irvine Matrix and Vegetation Clearance Project, Rancho Santa Margarita Bridge Hinge Repair Project, and Caltrans 08-1F1414 Temecula-San Diego and Riverside County Project.

California Clapper Rail

Biologist surveyed for clapper rail under supervision of permitted biologist Barry Nerhus, who played calls and detected three rails. Biologist monitored family of rails through visual and auditory identification at San Joaquin Marsh. A total of four surveys were conducted totaling roughly 8 hours. Clapper rail surveys were also conducted at Fairview Park.

Desert Tortoise

Mr. Buttermore has taken the Desert Tortoise Certification Training and is certified to survey for desert tortoise. He has experience with these surveys with projects such as the Whitewater River Bridge Project and the Caltrans 08-0P3904 Project for 263 Road to US395. He is also an active member of the Desert Tortoise Council and he worked for the council at the 2020 Desert Tortoise Council Symposium in Las Vegas.

Nesting Birds

Mr. Buttermore has surveyed, trapped, tagged, and monitored nests on countless projects and research studies. Biologist has worked nesting bird surveys for multiple seasons and hundreds of hours of field time with a wide

range of species throughout southern California. These surveys and monitoring efforts range from species-specific surveys, raptor surveys, mist net trapping, and tagging.

Least Bell's Vireo

Mr. Buttermore has surveyed and monitored for coastal California gnatcatcher on a large variety of projects and has over 40 hours of explicit training under the supervision of a certified least Bell's vireo permit holder. Projects with least Bell's vireo include: SWCA Environmental On Call Vegetation Clearance Project, ERM Environmental On Call Field Project, Fairview Park Restoration, City of Irvine Matrix and Vegetation Clearance Project, Rancho Santa Margarita Bridge Hinge Repair Project, Caltrans 08-1F1414 Temecula-San Diego and Riverside County, Caltrans 08-0Q9104 Santa Ana River Bridges, and Caltrans 08-1E5704 Whitewater River Bridge Project.

Raptors/Birds of Prey

Mr. Buttermore has surveyed, trapped, tagged, and monitored raptor nests on countless projects and research studies. Biologist has trapped and surveyed with noted raptor biologist Peter Bloom for the past two years. Trapping and capture methods include Bal-Chatr traps and mist net deployment. Species in surveys included: burrowing owl, turkey vulture, red-tailed hawk, red-shouldered hawk, screech owl, barn owl, and spotted owl. Mr. Buttermore also supported research efforts with focused surveys for white-tailed kits for nesting activity and habitat fidelity research in the greater Orange County region.

Rare Plants

Biologist has surveyed and monitored for a variety of rare plants such as triple-ribbed milk-vetch, Coachella Valley milk-vetch, Santa Barbara milk-vetch, short-joint beavertail, slender mariposa lily, and yellow flowering deerweed. These surveys were done through projects such as the ERM Environmental On-call Field Project, SWCA Environmental On-call Field Project, Fairview Park Restoration and Mitigation Project, and Whitewater River Bridge Project. Other species include: California satintail, Chaparral sand-verbena, cliff spurge, desert beard tongue, Latimer's woodland-gilia, little San Bernardino Mountains linanthus, narrow-leaf sandpaper plant, Parry's spineflower, slender cottonheads, slender-horned spineflower, spiny-hair blazing star, canyon live-forever, Laguna Beach live-forever, pine goldenbush, blue dicks, Great Valley gumweed, white-bracted spineflower, and native tar plant.

Southern California Steelhead Trout

Biologist monitored for steelhead trout during the emergency construction of a levee reinforcement project in San Juan Creek to support work through Ames construction while working at Endemic Environmental Services.

Southwestern Pond Turtle

Mr. Buttermore has studied southwestern pond turtle for multiple seasons with hundreds of hours of surveying, trapping, and monitoring. Mr. Buttermore recently finished his capstone thesis on the status and survival of the southwestern pond turtle throughout the greater Orange County area. He has worked directly under permitted biologist Barry Nerhus to trap, mark, monitor and research the status and survivability of this species throughout southern California. Mr. Buttermore organized and led the 2020 SoCal Southwestern Pond Turtle Workshop, which brought together stakeholders from across the state to prioritize and strategize conservation efforts for the species. Biologist has written a variety of monitoring reports, research studies, literature reviews, and conservation management plans for the species. Biologist has cooperated with UC Irvine, CDFW, USGS, Laguna Canyon Foundation, City of Costa Mesa, Irvine Ranch Conservancy, UC Nature, and the Nature Conservancy on projects related to the research and conservation of this species.

Southwestern Willow Flycatcher

Mr. Buttermore has conducted southwestern willow flycatcher surveys and monitoring for vegetation clearing projects and bridge repair projects. These projects included ERM Vegetation Removal Projects, Rancho Santa

Margarita Bridge Hinge Repair Project, Whitewater River Bridge Project, Oso Parkway Bridge Project, SWCA On-call Environmental Clearance Program, Fairview Wetlands Mitigation Monitoring and San Joaquin Marsh surveys.



Luma Fowler–Biologist

Luma has combines over 10 years of multidisciplinary industry expertise with an emphasis in environmental solutions, writing environmental documents, ecological restoration and wildlife assessments given her technical and problem-solving experiences in various ecosystems.

Experience

EDUCATION

2016/MS, Environmental Science/ Curtin University (Sydney, Australia)

2010/BS, Biological Science/Nove de Julho University, Brazil

CERTIFICATIONS

CRAM Certification

PROFESSIONAL AFFILIATIONS

Association of Environmental Professionals

TRAINING

CEQA training

SKILLS

Habitat Restoration

Fairview Park Habitat Restoration Project- City of Costa Mesa, (2019-present)

Habitat restoration mitigation and monitoring was conducted for the restoration area within Fairview park in Costa Mesa, California. Land management and project management activities included scheduling staff, organizing meetings, surveying nest areas, invasive species removal, wetland protection and management, and the monitoring of red-tailed hawk, white-tailed kite, great horned owl, burrowing owl, California gnatcatcher, and Bell's vireo nests.

Biologist with EES team undertaking restoration and mitigation project at Fairview Park. Includes the design, prepare and assist restoration projects within different ecosystems, including wetlands, coastal sage scrub and natural water treatment systems. Conducted plant surveys, wildlife surveys, and provide training to landscaping crew. Prepared reports, develop plans, employee schedules and implement steps to move projects toward closure in the most effective manner. Utilized communications skills to interact with both internal and external clients.

City of Irvine, On-Call Environmental Services Open Space Management Project (2019-20)

Biologist with EES team conducting pre-construction surveys and monitoring of vegetation during construction of the Great Park Open Space projects. Wrote reports, communicated with clients and trained the crew.

Irvine Ranch Water District, On-Call for Landscape/Habitat Restoration for San Joaquin Marsh and other sites (2019-20)

Biologist supporting the habitat restoration efforts and maintenance with ecological consulting services to Land Care (prime) for wetlands and provide training for landscaping crew.

San Juan Creek Flood Control Channel Improvements/Levee Protection (Phases 4,5, & 6), San Juan Capistrano and Dana Point, Orange County Public Works/Ames Construction (Prime), (2016-19)

Biologist who monitored and surveyed for the presence or migration of the southern steelhead trout (*Oncorhynchus mykiss*). Prepared monthly reports on biological monitoring and regulatory compliance.

Education Supervisor 2016 – 2019

OCDE – Inside the Outdoors – Orange County, CA

Lead Inside the Outdoors School, Field and Community Programs; Maintenance of animal cages; Encourage students and communities awareness and appreciation of the environment, broaden knowledge of science concepts and foster commitment to the protection of the natural environment. Supervise and provide training to employees.

Environmental Educator and Habitat Restoration Field technician 2016 – 2018

Laguna Canyon Foundation – Laguna Beach, CA

Teaching outdoor environmental, science and social science education programs. Coordinated and supervised land management contractor crews, conducted and maintained pos-project for rare coastal plants. Habitat restoration planning and monitoring, irrigation system installation and maintenance. Nursery maintenance, volunteer events leader and trail maintenance work.



KENT NERHUS

SUMMARY:

Director and Chief Pilot of sUAS Operations for Endemic Environmental Services. Six years of experience in the sUAS industry involved in many different segments of the industry. Including, aerial photo/video, transmission and distribution tower inspections, Infrared via thermal, search and rescue, water way inspection, vegetation identification, UAV manufacturing, speaking engagements, panel discussions, raptor survey, topography mapping, 3D mapping, 2d mapping.

EDUCATION:

Bachelor of Arts, US History, California State University-Long Beach 2015-2017

EXPERIENCE:

Endemic Environmental Services, — Director & Chief Pilot of sUAS Operations
July 2019 – PRESENT

- Developing business while conducting oversight of all drone operations of water way, vegetation, GIS mapping, and thermal data collection.
- Aerial Mapping 3D/Orthomosaic (Pix4D)
- Aerial thermal water way inspection. (FLIR)
- Transient environmental impact survey in conjunction with Costa Mesa Police Department.

Pacific Gas and Electric (PG&E), — Drone Pilot (Subcontractor) - January 2019 - June 2019
Job included capturing aerial data via drone of assigned transmission towers.

K2 Unmanned Systems, — Director of Business Development - January 2017 - December 2018

Duties included development of SOP's, Sales, marketing strategy, flight operations, trade shows. Managed two-person crew, logistics, capturing data, packaging data, submitting data on time.

Conferences attended:

Pilots and Drones, — CEO, Senior Partner - May 2015 - Present

Duties included development of SOP's, Sales, marketing strategy, flight operations, trade shows.

Section 333 obtained

Agencies consulted: DHS, LACFD, Redlands PD, Torrance PD, Costa Mesa PD

MICHAEL PARASHAR**Biological Monitoring Technician*****Education:***

Saddleback Community College Habitat Restoration Certificate Program

Certifications:

Desert Tortoise Workshop Training (2019)

Summary:

Michael has 8 years field experience with biological monitoring, conducting environmental surveys and research, and working on ecological restoration and mitigation management projects. Mr. Parashar attended a Desert Tortoise Certification Program which provided specific training on identifying and minimizing disturbance to Desert Tortoise through a multiple day training. Mr. Parashar also has monitored an overwintering burrowing owl population in Costa Mesa since 2013.

Experience:**City of Costa Mesa, Fairview Park Land Management (2013-present)**

Provide invasive vegetation species management, wetland water quality testing, habitat restoration, and project bio-monitoring for projects throughout the park. Manage the brown-headed cowbird trapping program to reduce populations for increased nesting success of least Bell's vireo and coastal California gnatcatcher. Conduct nesting bird surveys and other wildlife surveys prior to park maintenance activities. Conducted post-project hydroseeding with native vegetation. Land management activities included surveying nest areas, invasive species removal, wetland protection and management, and the monitoring of red-tailed hawk, white-tailed kite, great horned owl, burrowing owl, California gnatcatcher, and Bell's vireo nests. Fairview Park is being studied as a potential site for overwintering burrowing owls and surveys are regularly conducted in the winter season.

City of Costa Mesa, Fairview Wetlands Restoration and Mitigation (2013-present)

Wetland management focused specifically in Fairview Park's environmentally sensitive habitat in the five main ponds and three main channels of the restoration area, which harbored a variety of sensitive species including: least Bell's vireo, California gnatcatcher, nesting birds and raptors, southwestern willow flycatcher, yellow breasted chat, and yellow warbler. Over 50+ hours spent monitoring and surveying for least Bell's vireo and California gnatcatcher.

City of Irvine, Tomato Springs Channel Biomonitoring Project (2019-2020)

Conducted pre-construction surveys for the City's Tomato Springs Channel Maintenance Program. Provided daily construction monitoring, daily reporting, and safety training. Special-status species include least Bell's vireo and coastal California gnatcatcher.

City of Irvine, Biological Constraints Analysis (2019-2020)

Assisted in Biological Constraints Analysis Surveys that involved habitat analysis, avian surveys, and reporting for their open spaces. The sensitive species included least Bell's vireo, California gnatcatcher, and coastal cactus wren. All active nests and large invasive trees were documented and mapped.

Rancho Santa Margarita Hinge Repair from San Sebastian to SR-241- City of Rancho Santa Margarita- Rancho Santa Margarita, CA (2020)

Preconstruction and nesting surveys were conducted to find nesting birds or sensitive habitat that needed protection during the construction phase of the project. Biologist conducted arroyo toad surveys and biological monitoring for the vegetation clearing, creek bed alteration, and falsework installation and removal. Biologist assisted with weekly nesting report documentation and scheduling for biological monitors. Species of concern included: arroyo toad, coastal California gnatcatcher, least Bell's vireo, Southwestern willow flycatcher, raptors and nongame migratory birds, and bats.

French Gulch Boat Ramp Improvement, Lake Isabella, CA (2017-2018)

Biomonitoring construction for the USACE (Army Corps of Engineers) and Caltrans on boat launch and road expansion in French gulch area of the lake. Conducted nesting bird surveys and monitored wildlife disturbed during construction.

I-15 Interchange Widening and Realignment Victorville, Caltrans District 8 (2017-2018)

Biomonitoring for arroyo chub and armored stickleback in the Mojave River and relocating them upstream as needed. Conducting Construction monitoring and desert tortoise fence checks when onsite. Desert tortoise monitoring and surveying were regularly conducted. Assisted with bird surveys which included southwestern willow flycatcher. Trained to monitor for Mohave ground squirrel for this site which was also a regulated species on this project.

ANITA ARENAS

Biological Monitoring Technician

Education:

MS, Biological Science, California State University, Long Beach (2023)

BS, Organismal Biology, California State University, Long Beach (2017)

Summary:

Anita Arenas is an ecologist with a broad range of experience and knowledge with restoring native plant species, maintaining wetlands, and biological monitoring. She has three years of experience working specifically in biological and ecological research and is currently pursuing her Masters degree in Biological Science from Cal State Long Beach. Her thesis focuses specifically on the impacts of the non-native yellow flag iris on native ecosystems and restoration success. At Endemic Environmental, Miss Arenas has gained experience conducting environmental surveys, monitoring sensitive species, and participating in ecological restoration and mitigation management projects. Miss Arenas has taken the Desert Tortoise Training in 2019 presented by the Desert Tortoise Counsel.

Experience:

Fairview Park - City of Costa Mesa, CA (2018-Present)

While working at Endemic Environmental Services, Miss Arenas helped remove cattails from a freshwater wetland and hauled the cattails to the recycling center in order to help reduce mosquito populations. Field technician also assisted with maintaining Fairview park by pulling out invasive species plants, clearing out channels, plant and water native plants. Biological monitoring was also conducted for bird surveys and bird nesting. Field technician trained personnel and worked on hydroseeded restoration sites in Fairview Park. Land management activities included surveying nest areas, invasive species removal, wetland protection and management, and the monitoring of red-tailed hawk, white-tailed kite, great horned owl, burrowing owl, California gnatcatcher, and Bell's vireo nests. Fairview Park is being studied as a potential site for overwintering burrowing owls and surveys are regularly conducted in the winter season.

Rancho Santa Margarita Hinge Repair from San Sebastian to SR-241- City of Rancho Santa Margarita- Rancho Santa Margarita, CA (2020)

Preconstruction and nesting surveys were conducted in order to find nesting birds or sensitive habitat that needed protection during the construction phase of the project. Biologist conducted arroyo toad surveys and biological monitoring for the vegetation clearing, creek bed alteration, and falsework installation and removal. Biologist assisted with weekly nesting report documentation and scheduling for biological monitors. Species of concern included: arroyo toad, coastal California gnatcatcher, least Bell's vireo, Southwestern willow flycatcher, raptors and nongame migratory birds, and bats.

Environmental Constraints Matrix and Vegetation Management- City of Irvine- Irvine CA (2019-2020)

Preconstruction and nesting surveys were conducted in order to find nesting birds or sensitive habitat that needed protection during the vegetation removal phase of the projects. A matrix was created to define environmentally sensitive areas around Irvine, California. Buffers were marked and created for nesting birds and species of concern. Biological monitoring and preconstruction surveys were conducted during fire break vegetation removal and non-native vegetation removal. Biologist documented all nesting birds and species of concern and helped in creating a matrix report. Biologist managed the schedule and coordinated with the city for biological assessment. Species of concern included: red-tailed hawk, yellow breasted chat, California gnatcatcher, and least Bell's vireo.

UC Agriculture & Natural Resources – City of Irvine - Irvine CA (2020)

Performed preconstruction surveys for nesting birds prior to tree removal. All nests were marked, documented, and buffered. Biologist assisted in writing monitoring reports for the vegetation removal activities.

Bee Canyon Drainage Channel from Portola Parkway to SR 241 Toll Toad – City of Irvine - Irvine, CA (2019-2020)

Biologist performed preconstruction surveys and biological monitoring for nesting birds including sensitive species such as Sora rail, least Bell's vireo and California gnatcatcher. Miss Arenas monitoring during soil dredging and cattail removal and documented any species of concern that was observed.

Tomato Springs Channel Biomonitoring Project- City of Irvine, Irvine, CA (2019-2020)

Conducted pre-construction surveys for the City's Tomato Springs Channel Maintenance Program. Provided daily construction monitoring, daily reporting, and safety training for both cattail removal projects and soil dredging. Special-status species include least Bell's vireo and coastal California gnatcatcher.

CHRIS FABELLA

Biological Monitoring Technician

Education:

Ecological Restoration Certificate, Saddleback College
BFA, Graphic Design, California State University, Long Beach

Summary:

Chris Fabela is an ecologist with a broad range of experience and knowledge. He comes from a graphic design background and is quickly transitioning to the field of ecology and restoration. He now has two years of experience working in the field of biological resource management. He has been an integral part of the Endemic team managing the many habitats of Fairview Park. He conducts bird surveys, monitors water quality, manages invasive plant species, and monitors regulated species within the park, including an overwintering burrowing owl population.

Experience:

Fairview Park Restoration Project- City of Costa Mesa (2019-2020)

Biologist Monitor responsible for providing invasive vegetation species management, wetland water quality testing, habitat restoration, and project bio-monitoring for projects throughout the park. Manage the brown-headed cowbird trapping program to reduce populations for increased nesting success of least Bell's vireo and coastal California gnatcatcher. Conduct nesting bird surveys and other wildlife surveys prior to park maintenance activities. Conducted post-project hydroseeding with native vegetation. Land management activities included surveying nest areas, invasive species removal, wetland protection and management, and the monitoring of red-tailed hawk, white-tailed kite, great horned owl, burrowing owl, California gnatcatcher, and Bell's vireo nests. Fairview Park is being studied as a potential site for overwintering burrowing owls and surveys are regularly conducted in the winter season.

Irvine Ranch Water District (2020)

Provided advice and guidance for a natural water drainage purification system on IRWD's property. Assessed the current status of native vegetation and advised other vegetation recruitment opportunities.

Project Grow, Newport Beach, CA (2018-2019)

As an Environmental Leader, Chris was responsible for coordinating with fellow environmental leaders to plan and prepare experiential restoration activities for volunteers, school groups, and the public. This role required communicating with volunteers and stakeholders to engage and educate the public on complex environment disturbances in coastal Orange County. Chris also instructed volunteers to safely and effectively perform restoration techniques in the field.

JASON BLEVINS**Biological Monitoring Technician****Fairview Park Restoration Project, City of Costa Mesa, 2018 - Present**

- Maintaining a 52 acre wetland at Fairview Park in Costa Mesa, supervising and working various tasks including, cutting and removing 60,000 pounds of invasive plants from wetlands, including bulrush and cattails.
- Habitat restoration, tasks include planting and maintaining sensitive habitat. Tools used, gas powered auger and various hand tools. Daily tasks at Fairview Park include - maintaining a five Pond wetland habitat, removing any debris from ponds. Removing invasive plant species in riparian, coastal sage scrub, and grassland areas of park.
- Installed fencing to protect sensitive habitat restoration areas, fence type, T post three strand barbless wire. Tools used, fence post pounder, wire cutters.
- Worked gathering fish that have died due to botulism. Tools used motorized boat. Project lasted 25 days gathered over 300 fish.
- Biomonitoring a cow bird trap at Fairview Park, tasks include capturing parasitic birds, maintaining a healthy environment.
- Releasing the native birds back into the habitat. Bio monitoring, tasks include monitoring wildlife at Fairview Park for mosquito abatement.
- Proficient in all phases of hydroseeding including erosion control, Landfill cover, dust control, golf courses, fire suppression, watering, and fertilizing
- Basic knowledge, chainsaw, Hedge trimmer, weedeater, operation, maintenance, and repair irrigation installation and repair. Operating 500-gallon water buffalo.

California Fire Authority, Northern Operations Red Bluff, 2010 – 2015



Christian Galindo

Q.A.L., Sr. Branch Manager

Mr. Galindo is a 20+ year veteran of the landscape industry and Senior Branch Manager with BrightView Landscapes, overseeing over 200 staff across multiple branches. His highly engaged teams have a strong track record of successfully maintaining many of Greater Orange County's premier properties.

He has a Qualified Applicator License and is an Adjunct Professor teaching Horticultural and Landscape industry courses locally at Saddleback College.

Education

B.S., 2001, Environmental Horticulture,
University of Florida

M.S., 2005, Public Horticulture,
University of Delaware

Licenses/Certifications

Q.A.L. 126268



Armando Arvizu

Branch Manager
ISA Certified Arborist

Armando is a veteran of Foreign Wars and served in the United States Marine Corp. He was a United States Forest Service Interagency Hotshot. With over 13 years of experience in the industry, he has spent the last 8 years with BrightView. He is an ISA Certified Arborist and is Tree Risk Assessment Qualified.

ISA Certified Arborist: WE-10693A



Heriberto Maquitico

Q.A.L., Account Manager



EXPERIENCE

Mr. Maquitico is a veteran Account Manager with BrightView Landscapes with over 20 years of field and team management experience on some of Greater Orange County's premier properties. He has held his Qualified Applicators License for nearly a decade and has worked most recently and extensively in the cities of Anaheim, Orange and Mission Viejo.

LICENSES/CERTIFICATIONS

Qualified Applicators License (QAL)

130826 - exp. 12/31/21

Training

Horticulture, Saddleback College

- I-15 Interchange Widening and Bridge Realignment over the Mojave River located in Victorville, CA (2016-2018)
- Highway 138 Horse Thief Creek Bridge Replacement over Horse Thief Creek located in Hesperia, CA (2015-2016)

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Endemic
Environmental Services

EXHIBIT C
FEE SCHEDULE



Endemic
Environmental Services

BIOLOGICAL MAINTENANCE AND MANAGEMENT SERVICES (COST PROPOSAL)

RFP 22-01

Submitted to:

**The City of
Costa Mesa**

Submitted by:

**Endemic
Environmental
Services Inc.**

August 20, 2021



August 20, 2021

Mike Fuentes
Finance Department
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA

Subject: Request for Proposal (22-01) for Biological Maintenance and Management Services -- COST

Endemic Environmental Services (Endemic) is submitting this cost proposal to be your biological maintenance and management services consultant for Fairview Park that cover the period from October 2021 to October 2023.

Based on the Scope of Work shown on page pages 15-16 of the RFP, Endemic will provide a team of qualified biologists, UAV/drone specialist, arborist/landscaping crew to undertake tasks needed for biological management, environmental services, maintenance, and future restoration planning.

I am authorized to negotiate with the City on behalf of Endemic and I am authorized to submit this cost proposal on behalf of Endemic. If you have any questions, please contact me at 714-393-6294 or bnerhus@endemicenvironmental.net.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Nerhus'.

Barry Nerhus, President, Endemic Environmental Services, Inc.
1100 W Arroyo Ave., Fullerton, CA

Cost Proposal

Task	Description	Total Estimate
A.	*Fee Description*	\$ 645,190.00
TOTAL		\$ 645,190.00

All originals of plans, field notes, data and calculations, reports, electronic files, etc., will be turned over to the City upon completion of work. Ten percent (10%) of the total contract fee will be withheld under final project documents are submitted to the City.

Tasks	Personnel	Hours	Rate	Weeks	Total
A. Wetland Maintenance <ul style="list-style-type: none"> Monitoring and managing water depth in channels and flow at weirs Monitor water temperature changes; adjust water flows to prevent formation of mosquito habitat and fish die offs Keep ponds and channels clear of algae and minimize duckweed populations Perform cattail trimming / thinning by hand in pond planter cells and edges Improve vector and maintenance access to ponds and channels Seasonal removal of emergent vegetation Trimming of overhand on tree canopies and removal of downed trees 	2.5 hours Biologists per week 3 hours of Bio Tech for 3x per week = 9 hours 8 hours per day for 2 Bio Tech, 5 days per week	100/week	\$40.00	104	October 1 2021 – Sept 30 2022 \$208,000.00 October 1 2022 – Sept 30 2023 \$208,000.00
B. Other Park Maintenance and Management Needs <ul style="list-style-type: none"> Invasive species ID, mapping, and removal Native Species ID, mapping, and recommendations Implementation of protective management practices Small tree and shrub removals Amenity repair needs, removal of trash, assistance with occasional installation projects (fencing, trail repairs) 	1 Bio Tech per day 1 Arborist and/or QAL (on call if necessary)	8 hours/ day	\$85.00	104	October 1 2021 – Sept 30 2022 \$35,360.00 October 1 2022 – Sept 30 2023 \$35,360.00

C. Wildlife Management and Monitoring <ul style="list-style-type: none"> Wildlife monitoring Conduct bird nesting surveys and observations Rare and invasive species plant monitoring 	1 Bio Tech per day 1 UAS pilot (on-call if necessary)	8 hours/day	\$85.00	104	October 1 2021 – Sept 30 2022 \$35,360.00 October 1 2022 – Sept 30 2023 \$35,360.00
D. Assisting City staff with environmental compliance <ul style="list-style-type: none"> On-site strategic evaluation of habitats Assistance in MBTA, CEQA, California Endangered Species, Waters of US Classifications Developing strategies for future open space, habitat conservation 	2 Biologists @ 37 hours per quarter 60 hours for the final review by Principal Biologist/ PM = 97 hours	582 hours	\$125.00	N/A	October 1 2021 – Sept 30 2022 \$36,375.00 October 1 2022 – Sept 30 2023 \$36,375.00
Support City on-call for regulatory agencies claims, or any other City needs	2 Biologists, Principal Biologist/ PM for presentations	120 hours	\$125.00	N/A	October 1 2021 – Sept 30 2022 \$7,500.00 October 1 2022 – Sept 30 2023 \$7,500.00

October 1, 2021 – September 30, 2022					\$322,595.00
October 1, 2022 – September 30, 2023					\$322,595.00
Total (Task A - D)					\$645,190.00

endemicenvironmental.net



Endemic
Environmental Services

EXHIBIT D
CITY COUNCIL POLICY 100-5

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

BACKGROUND

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

PURPOSE

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.
2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

POLICY

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;
 - B. Establishing a Drug-Free Awareness Program to inform employees about:

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1. The dangers of drug abuse in the workplace;
 2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;
- D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:
1. Abide by the terms of the statement; and
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;
- F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

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- G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.
2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:
 - a. Contractor and/or sub-grantee has made a false certification under paragraph 1 above;
 - b. Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;
 - c. Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.
 3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.