

**RESOLUTION NO. PC-2025-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA, CALIFORNIA APPROVING MASTER  
PLAN (PMAP-24-0004) AND TENTATIVE TRACT MAP 19345  
FOR THE DEVELOPMENT OF 38 LIVE/WORK RESIDENTIAL  
UNITS FOR PROPERTY AT 960 WEST 16TH STREET**

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

WHEREAS, Planning Application PMAP-24-0004 was filed by Rick Puffer, authorized agent for the property owner, M.A.S. Investments L.P requesting approval of to construct a new 38 unit live/work development with associated site features and a tentative tract map to allow for separate sale of the units;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 2025 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 (Class 32), for Infill Development;

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PMAP-24-0004 and Tentative Tract Map 19345 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PMAP-24-0004 and Tract Map 19345 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 10th day of February, 2025.**

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Jeffrey Harlan, Chair  
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2025- \_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 10, 2025 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2025-\_\_

## EXHIBIT A

### **FINDINGS**

- A. The proposed project complies with Master Plan Findings for Mixed-Use Overlay Districts Findings, Costa Mesa Municipal Code Section 13-83.53(c) because:

**Finding: The project is consistent with the general plan, meets the purpose and intent of the mixed-use overlay district, and the stated policies of the urban plan as applicable.**

**Facts in Support of Findings:** The project is consistent with the General Plan in that the proposed development will encourage ownership housing, promote land use patterns and development that contribute to the community, facilitate the development of housing that meets the housing needs of different segments of the population, and to encourage well planned and designed mixed use projects.

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

**Facts in Support of Finding:** The project includes adequate open space areas and each unit is proposed to include private open space including a minimum 85-square-foot second story covered deck attached to the main living area. In addition, each unit is proposed to include an approximately 700-square-foot roof deck. With the exception of two units, each unit will also be provided with a ground level outdoor space between the units and/or a courtyard patio at the front of the units. The project includes four pedestrian nodes including two parklets in the new private street and two additional nodes between units at the end of two paseos. The project also includes decorative paver pavement. Each node will include a gathering place and seating for residents and visitors. The parklets on the private street will also include bike racks. Lastly, the site will be developed with significantly more landscaping than the existing development and exceeds compliance with the Landscaping requirement of the Urban Plan.

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

**Facts in Support of Finding:** The project is compatible with standards for residential development in that the development, as designed and conditioned, will protect residents from excessive noise, odors, vibration, light and glare, and toxic emanations. The applicant has supplied technical studies including demonstrating that the proposed construction will meet the City's Noise Ordinance requirements. The project will include a liquid boot under the

proposed units to insure that there no toxic emanations occur. All evaluation found that the project is compatible with health standards required for residential development.

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

**Facts in Support of Finding:** The project has adequate separation and screening from adjacent industrial and commercial uses. The surrounding uses include offices, light manufacturing, physical fitness, and other low impact uses. The closest industrial uses consist of primarily office and warehousing uses and are located to the right (east) behind proposed block walls. Landscaping is provided in all setbacks which will further aesthetically buffer surrounding uses.

- B. The proposed project complies with Deviations from Development Standard Findings, Costa Mesa Municipal Code Section 13-83.53(d) because:

**Finding: The strict interpretation and application of the mixed-use overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent of the general plan and urban plan, while the deviation to the regulation allows for a development that better achieves the purposes and intent of the general plan and urban plan.**

**Facts in Support of Findings:** The Mesa West Bluffs Urban Plan allows for the project to deviate from the required development standards. As proposed, the project complies with all required standards with the exception of the guest parking requirement and building separation requirements. The applicants have provided a parking study which demonstrates that the proposed parking ratio will accommodate the demand as identified in other live/work developments in the City. The reduced guest parking complies with the intent of the requirements in that parking has been provided as needed for the site instead of a blanket parking ratio applied by code. In addition, reduced parking allows for more of the site to be used for landscaping and allows for additional space to allow for resident and visitor amenities including the two parklets and enhanced landscaping throughout the project. The reduced side yard setbacks are also acceptable because the strict interpretation of the Code may result in less units or less parking. There is adequate open space provided on upper levels of the units. The reduced separation is consistent with other live work developments including the adjacent Lighthouse Community. The proposed project separation is also consistent with other development standards in the City including Small Lot Ordinance developments and ADUs.

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

**Facts in Support of Finding:** The deviation for the development allows the project to exhibit excellence in design and site planning. The project includes well designed live/work units which complement the neighborhood and the City as a whole, and prioritize pedestrian connection. The reduced parking has been studied and would be consistent with the demand at other live/work developments in the City. The reduced area dedicated to parking allows for the project to include additional resident amenities and enhanced landscaping. The proposed six-foot separation between buildings will still allow for adequate airflow between buildings and each unit is provided with additional open space on the second floor and the roof top deck.

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

**Facts in Support of Finding:** As required for all live/work projects, various studies have been provided which demonstrate that the project is compatible with all required health standards. In addition, the project will not negatively impact public health, safety, and welfare in that the project will comply with all building and fire code requirements. The project will be developed in compliance with the building and fire code.

- C. The proposed project complies with Master Plan Findings, Costa Mesa Municipal Code Section 13-29(g)(5) because:

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

**Facts in Support of Finding:** The proposed development is consistent with the broader goals of the General Plan by promoting housing opportunities, as specified in General Plan Land Use Objective LU-1A, Land Use Policy LU-1.3, Land Use Objective LU-2A, and Housing Element Policy HOU-2.1. Additionally, the project design reflects high-quality architectural standards and thoughtful site planning that maintains the character and integrity of the surrounding residential and industrial areas. By prioritizing pedestrian connectivity and experience, the development fosters a sense of place while contributing to the overall livability of a highly urbanized environment.

**Finding: Master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district.**

**Facts in Support of the Finding:** The proposed development complies with the master plan findings outlined in Chapter V, Article 11 of the Mixed-Use Overlay District, which are further detailed in the specific findings above.

**Finding: As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with State law.**

**Facts in Support of the Finding:** The proposed development includes 38 live/work ownership units that are proposed to be sold at market rate. The project complies with the maximum density standards allowed pursuant to the General Plan. No affordability covenants are proposed because the project is not required nor proposing affordable housing.

- D. The proposed project complies with Tentative Tract Map Findings, Costa Mesa Municipal Code Section 13-29(g)(13) because:

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

**Facts in Support of Findings:** The proposed parcel map is consistent with General Plan Land Use Objectives LU-1A, LU-2A, and Policies LU-1.3 HOU-2.1 and HOU-3.2, in that adequate infrastructure exists to serve the proposed project; the map allows for a project that would promote homeownership opportunities and improve the balance between rental and ownership housing in the City; the map would allow for the development of a live/work project; and improve and maintain quality of environment and neighborhood by increase architectural aesthetics and landscaping. The parcel map would allow for a new live/work project that would not exceed the maximum allowable density of 20 units per acre and, therefore, would be consistent with the General Plan and Mesa West Bluffs Urban Plan. The project design would comply with all other development standards for a Mesa West Bluffs Urban Plan with the exception of the deviation requested for parking and separation of buildings. The project would provide additional market rate housing units consistent with satisfying the City's required Regional Housing Needs Assessment (RHNA).

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

**Facts in Support of Finding:** The subject property has a General Plan land use designation of Light Industrial and is located within the Mesa West Bluffs Urban Plan overlay zone, which allows live/work residential uses at a maximum of 20 dwelling units per acre. The Floor Area Ratio (FAR) for the live/work project is 0.85 which is within the allowable FAR of 1.0 of the General Plan. The tract map proposes a live/work use that does not exceed the maximum density allowed per the General Plan and therefore, the proposed use is compatible with the General Plan.

**Finding: The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and General Plan, and consideration of appropriate environmental information.**

**Facts in Support of Finding:** The existing property is relatively flat and suitable to accommodate 38 new live/work units. The overall design reflects a quality project that is consistent with the intent of the Urban Plan, Zoning Code, and General Plan. The project environmental and health related studies have demonstrated that the project will not result in environmental damage nor public health problems.

**Finding: The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.**

**Facts in Support of Findings:** The Subdivision would meet the applicable live/work development standards including minimum open space for the development. The project includes windows which will allow for passive heating and cooling. The three-unit building includes residences with windows generally facing east and west which will result in minimal southern exposure.

**Finding: The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.**

**Facts in Support of Finding:** The project has been reviewed by the City Public Works Department and the City of Newport Beach and there are no anticipated conflicts with the public rights-of-way or other public easements.

**Finding: The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).**



**Facts in Support of Finding:** The applicant will be required to comply with all regulations set forth by the Costa Mesa Sanitation District as well as the Mesa Water District.

- E. California Environmental Quality Act (CEQA) - Class 32 exemption applies to in-fill development projects (CEQA Guidelines §15332). A project can qualify for a Class 32 exemption if the proposed project: (1) is consistent with applicable General Plan designation and all general plan policies, as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare, or threatened species; (4) the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) the site can be adequately served by all required utilities and public services (CEQA Guidelines §15332).

The project is consistent with General Plan policies and regulations. The subject site is situated in a “built-out” urbanized environment and is limited to an approximate 2.3 acre site. The project site is almost entirely covered by parking lot and buildings and does not have any known habitat for endangered, threatened, or rare species of wildlife. Traffic, noise, air quality, and water quality assessments have been conducted to evaluate the potential impacts of the proposed development, and no significant impacts have been identified. In support of this conclusion, several assessments were conducted relative to traffic, air quality, water quality and noise. A summary of those assessments is provided below:

Traffic

Pursuant to Senate Bill 743 (SB 743) the number of vehicle miles travelled (VMT) is now used as the metric under CEQA to determine traffic impacts of a proposed project. Linscott, Law & Greenspan, Engineers (LLG) prepared the attached memo, *Vehicle Miles Traveled (VMT) Screening Assessment for the Proposed 960 W. 16th Street Residential Project, Costa Mesa, CA* dated November 15, 2024. As documented in the VMT memo, the proposed project has been determined to have no VMT impact because the project qualifies for the following two screening criteria: 1) located within a Transit Priority Area; and 2) located within a low VMT area of the City. Therefore, the proposed Project would not cause a significant VMT impact. In addition, LLG prepared a Trip Generation Study which concluded that the project would not exceed 50 peak hour trips and therefore, would not require any additional studies from the City.

Exhibit 12 Trip Generation				
Land Use	Units	AM Peak Hour Trips	PM Peak Hour Trips	Daily Trips

Proposed (Live/Work)	38 Dwelling Units	40	47	427
Existing (Light Industrial)	56,000 SF	41	36	273

#### Air Quality

The live/work use is expected to have nominal air quality impacts due to its limited scale. The development will consist primarily of residential units, which typically generate lower emissions compared to larger commercial projects. RK Engineering Group prepared the attached Air Quality and Greenhouse Gas Analysis and determined that the projects impact on air quality and greenhouse gas emissions is considered less than significant with specific project design features related to construction activity and operations. The Project is conditioned to include all Project Design Features identified in the analysis.

#### Water Quality

The existing project site is nearly all impervious surface except for a small strip of landscaping along the frontage of West 16th Street. Therefore, storm runoff leaves the project site and is collected by a storm drain system within West 16th Street. The proposed project will increase the amount of pervious surface, reducing the amount of storm runoff. Therefore, no storm detention is required. To provide water quality treatment of storm runoff, the proposed project will treat the initial storm runoff through a modular wetland system or similar water quality BMP, ensuring compliance with the water quality requirements, prior to discharge into the existing storm drainage system in West 16<sup>th</sup> Street. Therefore, the project would not cause any water quality or hydrology impacts.

#### Noise

From a noise perspective, construction and operations create two potential noise sources. Construction operation includes the demolition of existing structures, grading and site preparation of the project site, and vertical construction of the live/work units. Construction is a temporary impact and governed by the City's municipal code for permitted construction hours. Construction of the site would follow typical construction methods. No blasting or pile driving would occur. All demolished materials would be hauled off the project site to a suitable landfill. Vertical construction would be typical wood-frame construction and not generate excessive noise or vibration. Therefore, the proposed project would not cause excessive noise generation and would comply with the City's noise ordinance, which limits construction hours.

Operational noise would occur from new traffic generated by the project. As documented in Trip Generation Table supplied in the attached VMT, the proposed project would generate less than 50 peak hour trips, which is less than the City's threshold for conducting a traffic study. During the AM and PM peak hours, the

project would generate 40 and 47 trips respectively. The minimal amount of traffic added to the transportation network would not result in an audible increase in operational traffic noise. Therefore, the proposed project would not create a significant noise impact.

#### Utilities

Lastly, the Public Works Department and utility companies have reviewed the proposed development and found that it can be adequately served by all required utilities and public services. Consequently, it can be determined that the project can be exempted from further CEQA action under the Class 32 exemption.

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

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

- Plng.
1. Approval of Planning Application PMAP-24-0004 and Tentative Tract Map No. 19345 is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
  2. The conditions of approval for PMAP-24-0004 and Tentative Tract Map No. 19345 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. Developer shall market and offer these units as live/work units to potential buyers. Model homes, if established, shall furnish workspaces in a manner that demonstrates the work component of the project. Marketing materials including but not limited to print and electronic media shall feature prominently and clearly identify the work component of the project and disclose that the ground floor workspaces for the live/work units are designed to be utilized as workspaces to potential buyers. Buyers shall be informed in writing that the workspaces shall be maintained as a workspace and not converted to a living, bedroom or recreational space.
  4. The live/work units shall comply with all applicable requirements of the Mesa West Bluffs Urban Plan as they pertain to allowable uses identified in the Urban Plan Land Use Matrix.
  5. The applicant and future homeowners shall contract with a waste disposal company that will provide full on-site trash, recyclable, and organics collection. Access for disposal collection shall be provided along the private street or as otherwise authorized. There shall be no storage of trash bins or cans on public streets with the exception of temporary use of the right-of-way for rolling containers or loading to large trash trucks.
  6. A "Notice to Buyers" shall disclose that the project is located within an area designated as light Industrial area in the City of Costa Mesa General Plan and is subject to existing and potential annoyances or inconveniences associated with industrial land uses. The Notice shall disclose the existing surrounding industrial land uses, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, and noise and odor generation. In addition, the Notice shall state

that the existing land use characteristics are subject to change in the event that new businesses move or existing businesses change ownership.

The Buyer's Notice shall also reinforce the definition of live/work units as follows:

“Live-work Units: A mixed-use development composed of commercially- or industrially-oriented joint work and living quarters in the same building, where typically the **primary use is a place of work** and where there are separately-designated residential and work areas. A live/work unit will have adequate work space reserved for, and regularly used by, the resident for work purposes.”

7. The Buyer's Notice shall be reviewed/approved by the City Attorney's office and Development Services Director prior to recordation. The Buyer's Notice shall serve as written notice of the then existing noise environment and any odor generating uses within the mixed-use development and within a 500-foot radius of the mixed-use development, as measured from the legal property lines of the development lot. The Buyer's Notice shall also indicate that business operations in the live/work units shall be consistent with the land use matrix of the Urban Plan subject to zoning authorization and obtaining a business license. The Buyer's Notice shall be remitted to any prospective purchaser or tenant at least 15 days prior to close of escrow, or within three days of the execution of a real estate sales contract or rental/lease agreement, whichever is longer.
8. Prior to issuance of building permits, the applicant shall provide proof of recordation of Tentative Tract Map 19345.
9. A comprehensive sign program shall be submitted for all on-site signs (i.e., monument, directory, wall mounted) for review and approval of the Development Services Director prior to issuance of building permits.
10. The open, unassigned parking spaces shall be clearly marked as guest parking spaces. Signage will be posted to indicate that these spaces are available to all visitors.
11. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
12. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
13. Second and third floor windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring structures. Every effort shall be made to maintain the privacy of abutting property owners. Prior to issuance of a building permit, applicant shall provide a window placement study demonstrating compliance with this condition.

14. The final subdivision map shall be recorded with the County prior to the issuance of grading permits or building permits for the proposed development.
15. The applicant shall install a minimum six-foot high decorative block wall around the perimeter of the proposed development lot. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screen by trees and landscaping.
16. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Elevations shall not be modified unless otherwise approved by Development Services Director as consistent with the architectural design and features of the proposed development. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
17. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
18. Prior to issuance of building permits, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development.
19. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.

20. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to neighboring properties during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
21. Backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
22. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approval granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
23. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). A landscape plan shall be submitted with the plan check submittal.
24. To avoid an alley-like appearance, the private street shall not be developed with a center concrete swale. All driveways and parking areas shall be finished with decorative stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
25. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development

Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.

A. The CC&Rs shall contain provisions requiring that the HOA homeowner's association (HOA) effectively manage parking and contract with a towing service to enforce the parking regulations and shall contain restrictions prohibiting parking in the driveway and in front of garage doors.

B. The CC&Rs shall also contain provisions related to night-time lighting and active use of the common areas. These provisions shall prohibit amplified noise, loud parties/gatherings, night-time lighting after 9:00 PM other than for security purposes, or any other activities that may be disruptive to the quiet enjoyment of neighboring properties after 9:00 PM.

C. The CC&Rs shall also contain provisions related to preservation and maintenance of the common lot and common open space areas in perpetuity by the homeowner's association. The CC&Rs shall also contain the buyer's notice (described in Condition below) as an exhibit.

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

E. The CC&R's shall contain restrictions requiring residents to park vehicles in garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage at the number for which the garage was originally designed and to allow for inspections by the association to verify compliance with this condition.

F. The CC&Rs shall include a provision requiring that the ground floor workspace be maintained as a workspace and not converted to a living, bedroom or recreational space.

G. The Homeowner's Association shall submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:

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

b. The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.

c. The resident(s) have consented to voluntary inspections of the garage to verify the parking availability, as needed.

The form and content of the affidavit shall be provided by the City Attorney's Office. Failure to file the annual affidavit is considered a violation of this condition. Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.



26. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities prior to selling any of the units as condominiums.
27. Prior to issuance of a final certificate of occupancy for the first unit, the City Attorney's office shall review and approve the CC&R provisions related to transient occupancy. These include any and all types of vacation rentals, short-term or long-term rentals, bed and breakfast lodging, boardinghouse, residency hotel, etc. If the violation is not rectified within 30 days by either eviction of the tenant(s), the owner shall be subject to a first citation of \$150, including fines as adopted by the City Council. (At this time fines range from \$150 for the first infraction to \$500 for three plus infractions.) The Development Services Director may apply fines not to exceed \$500 per day for violations that are not resolved.
28. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
29. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
30. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on thumb drive or electronically, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
31. All utilities servicing irrigation, project lighting and other commonly serving improvements, shall be provided by (a) common meter(s) that is the shared responsibility for all property owners in the development project. The CC&Rs or other organizational documents shall include verbiage requiring the common meters for the life of the development project.
32. The precise grading plan shall clearly show the lowest and highest point of the development. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
33. On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties to minimize light and glare impacts, and shall be of a type approved by the Development Services Director.
34. 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.

- 35. Prior to building permit issuance, the applicant shall submit a comprehensive utilities plan that shows utility design, undergrounding and required dedications/easements. The plan will be reviewed by both the City's Building Division and Public Works Department.
- 36. All project design features identified in the Air Quality and Greenhouse Gas Analysis, Phase II ESA, and Health Risk Assessment shall be included in the development of the project.
- 37. The project shall comply with the Costa Mesa Noise Ordinance. Prior to submittal of building permits, the applicant shall provide a study from a licensed acoustical engineer identifying compliance with the Noise Ordinance. If design features are required to meet the standards including but not limited to the inclusion of complete window assemblies or additional sound proofing, the design features shall be incorporated into the building permit plan set.
- BLDG 38. If soil contamination exists, then remediation plans shall be submitted to both the Building Division and the County of Orange for review, approval and issuing a permit. Building permit(s) shall not be issued until the soil is certified as clean and usable by a Soil's Engineer.
- 39. Submit a precise grading plans, an erosion control plan and a hydrology study. A precise grading plan shall not be required if any of the following are met: 1) An excavation which does not exceed 50 cubic yards on any one site and which is less than 2 feet in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area). 2) A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course. 3) A fill less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
- 40. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
- 41. All single family residential structures shall be future ready for electric water heater, electric range, electric clothes washer, electric heat pump, energy storage system (ESS), solar ready, and EV charger ready.

- TRAN 42. Fulfill mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Transportation Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the net daily trips generated by the proposed project. At the current rate the Traffic Impact Fee is estimated at \$3,795.25. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- ENG 43. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit B1)
- NB 44. Comply with the conditions of approval from the City of Newport Beach (Exhibit B2) for public right of way improvements.

### **CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng
1. Development shall comply with all the requirements of the Mesa West Bluffs Urban Plan applicable to live/work units and applicable condominium standards.
  2. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
  3. The location and height of walls, fences, and landscaping shall comply with Code requirements, as well as any visibility standards for traffic safety related to ingress and egress.
  4. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. 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.
  5. Prior to the issuance of building permits, the applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  6. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suits, building, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  7. All on-site utility services shall be installed underground.

- Bldg
8. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
  9. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
  10. Two sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
  11. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
  12. Comply with the requirements of the adopted California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with Chapter 11B of the California Building Code.
  13. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer
  14. Maximum allowable area of new constructions shall be determined in accordance with the applicable provisions of California Building Code Sec. 506.2.
  15. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code 705.8
  16. Construction/ improvements that encroach within Public Utility Easements shall require written approvals from the utility companies associated with that easement.
  17. Prior to the Building Division issuing a demolition permit contact South Coast Air Quality Management (AQMD) District located at: 21865 Copley Dr. Diamond Bar, CA 91765-4178 Tel: 909- 396-2000 Or Visit their web site  
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381> The Building Division will not issue a demolition permit until an Identification number is provided By AQMD
  18. For the purposes of determining the required wall and opening protection, projections and roof-covering requirements, buildings on the same lot

shall be assumed to have an imaginary line between them. - The location of the assumed imaginary line with relation to the building shall be such that the exterior wall and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8. - Cornices, eave overhangs, exterior balconies and similar projections extending beyond the exterior wall shall conform to the requirements of this section and Section 1405. - Exterior egress balconies and exterior exit stairways and ramps shall comply with Sections 1021 and 1027, respectively. Projections shall not extend any closer to the line used to determine the fire separation distance than shown in Table 705.2. - - The following shall apply to live/work areas: [CBC 508.5.1] 1. The live/work unit shall be no greater than 3,000 square feet in area. 2. The nonresidential area is permitted to be not more than 50 percent of the area of each live/work unit. 3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit. 4. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time. - The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.8. [CBC 508.5.7]

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| 19.       | The ground adjacent immediately to the foundation shall be slopes away from the building at a slope of not less than 5% for a minimum distance of 10 feet measured perpendicular to the face of the wall CBC section 1804.3. See also exception. ii- On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent California Building Code sec. 1808.7.4. |
| Trans 20. | All parking stalls shall comply with the Parking Design Guidelines for commercial parking.   |
| 21.       | Provide 25' min distance from far side of drive aisle for all 90-degree parking spaces, covered or uncovered to provide adequate space for turning movements.  |
| 22.       | Provide parking stall dimensions on plan, indicate areas where a 2' overhang is required for compliance with parking stall length requirements.  |
| 23.       | Submit an off-site improvement plan showing: The construction of a commercial drive approaches per City Standards. Relocation of any utility boxes or utilities conflicting with the new drive approach. Close the southernmost drive approach with full height curb and gutter per City Standards   |
| Fire 24.  | Comply with the California Fire Code as adopted and amended by the City of Costa Mesa.   |

## **SPECIAL DISTRICT REQUIREMENTS**

The requirements of the following special districts are hereby forwarded to the applicant.

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| Sani.  | 1. | The applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements  |
| AQMD   | 2. | Applicant shall contact the Air Quality Management District (AQMD) at (800) 28-7664 for potential additional conditions of development or for additional permits required by AQMD.   |
| Water  | 3. | Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.             |
| School | 4. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.   |
| State  | 5. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |