

RESOLUTION NO. 2025-xx

A RESOLUTION OF CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT (PGPA-24-0002), TENTATIVE TRACT MAP, DESIGN REVIEW, AND DENSITY BONUS FOR A 142 DWELLING UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 3150 BEAR STREET

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2015-2035 General Plan on June 21, 2016;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, the application was filed by Vanesa Scheidel of Meritage Homes, authorized agent for the property owners, for the real property located at 3150 Bear Street;

WHEREAS, the proposed project, is a residential common interest development on a 6.12 acre lot with 142 ownership dwelling units with a base density of 20 dwelling units per acre and a 20 percent density bonus. The applicant is requesting approval of the following:

1. General Plan Amendment (PGPA-24-0002): to amend the General Plan Land Use Element including changing the Land Use Designation of the project site from General Commercial to High Density Residential;
2. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Administrative and Professional (AP) to Multiple Family Residential (R3);
3. Design Review: Approve the Design Review for the development of the project;
4. Tentative Tract Map No.19334: Approve the Tentative Tract Map to allow for individual ownership of the units;

5. Density Bonus: Approve the density bonus which will provide seven very-low-income units in exchange for a 20 percent density bonus; and

WHEREAS, pursuant to Costa Mesa Municipal Code (CMMC) Section 13-83.63(a) and City Council Policy 500-2, a project screening is required for all privately-initiated General Plan Amendments;

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

WHEREAS, a screening for General Plan Amendment (GPS-23-03) was conducted by the City Council September 3, 2024, pursuant to the requirements of City Council Policy 500-2;

WHEREAS, a General Plan Amendment is required to modify the Land Use Element's maps, figures, text and tables to apply a High Density Residential land use designation to the subject property, as the site currently has a land use designation of General Commercial, which is not consistent with the residential development;

WHEREAS, General Plan Amendment (PGPA-24-0002), includes the following revisions to the Land Use Element, and as depicted in further details in Exhibit A attached hereto:

1. Figure LU-3 – Amend the Land Use Policy Map to account for the modified land use designations;
2. Table LU-3 – Amend the Land Use Designation Table to account for the modified land use designations;
3. Table LU-20 – Amend the General Plan Land Use 2035 table to account for the modified land use designations.

WHEREAS, based on the proposed General Plan Amendment, adoption of Ordinance No. 2025-__ for the Rezone (Attachment 3) is necessary to establish consistency between the General Plan and Zoning Code;

WHEREAS, consistent with the General Plan Amendment, the Rezone will apply the Multiple Family Residential (R3) zoning designation to the site, currently zoned Administrative

and Professional (AP), with a maximum base density of 20 dwelling units per acre and a maximum of 142 units;

WHEREAS, the Design Review is a request to provide site plan and architectural details for the proposed buildings, on-site improvements as well as common open space;

WHEREAS, Tentative Tract Map No. 19334 is a request to subdivide the property to allow for individual ownership of the dwelling units;

WHEREAS, Density Bonus is an agreement between the City of Costa Mesa and the applicant pursuant to California Government Code Sections 65915 et. Seq to allow for additional density and incentives with the inclusion of affordable housing;

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

WHEREAS, the City has found that this project will generate an annual net fiscal surplus of \$78,058 to the City's General Fund per the Fiscal Impact Analysis report;

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on July 14, 2025 with all persons having the opportunity to speak for and against the proposal.

WHEREAS, on July 14, 2025, the Planning Commission recommended approval of the proposed project with a 5-0 vote;

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A2, and subject to the conditions of approval contained within Exhibit A3 and B, and all the mitigation measures included in the Mitigation Monitoring and Reporting Program contained within Exhibit B of Attachment 1, **THE CITY COUNCIL** take the following actions:

1. **ADOPT** General Plan Amendment PGPA-24-0002 to modify the Land Use Element's maps, figures, text and tables to apply the High Density Residential land use designation to the site with a base density of 20 dwelling units per acre, a maximum of 142 dwelling units; and
2. **GIVE FIRST READING** to Ordinance 2025-___ to rezone the project site to Multiple Family Residential (R3) to facilitate the residential development in substantially the form as shown in Exhibit E; and

3. **APPROVE** the Design Review for 142-unit residential common interest development; and
4. **APPROVE** Tentative Tract Map No. 19334 to subdivide the property to allow for individual ownership; and
5. **APPROVE** the Density Bonus to authorize a 20 percent density bonus in exchange for a minimum of 5% of the base units (122) to be provided as very low income units for a period of no less than 55 years and to authorize requested incentive to deviate from the residential design guidelines and waivers related to maximum height, front setback, landscape parkways, open space, individual dwelling unit minimum lot area, and side by side unit development.

BE IT FURTHER RESOLVED that the City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for MND, General Plan Amendment, Rezone, Design Review, Tentative Tract Map, and Density Bonus, and upon the applicant's compliance with each and all of the conditions in Exhibits A3 and B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 5th day of August, 2025.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, 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. 2025-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5 day of August 2025, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 5th day of August 2025.

Brenda Green, City Clerk

EXHIBIT A

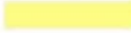
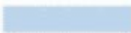
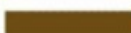
GENERAL PLAN AMENDMENT PGPA-24-0002

Amendment to Land Use Map (Figure LU-3)

Update Land Use Map by applying the High Density Residential land use designation to the site:



General Plan Land Uses

	Low Density Residential (8 du/ac)		Multi-Use Center (6 to 40 du/ac)
	Medium Density Residential (12 du/ac)		Urban Center Commercial
	High Density Residential (20 du/ac)		Cultural Arts Center
	Commercial-Residential (17.4 du/ac)		Light Industrial
	Neighborhood Commercial		Industrial park
	General Commercial		Golf Course
	Commercial Center		Fairgrounds
	Regional Commercial		Public/Institutional

Amendment to Land Use Designation Table (Table LU-3)

Update Table LU-3: Amend the Land Use Designation Table to account for the modified land use designations:

Table LU-3: Land Use Designations (2015)

Land Use Designations	Residential Density	Floor-Area Ratio	Acres Developed	Acres Undeveloped	Net Acres	% of Acres
Residential						
Low-Density Residential	≤8 du/ac	N/A	2,087.4	0.8	2,088.2	25.9%
Medium-Density Residential	≤12 du/ac		858.1	1.1	859.1	10.7%
High-Density Residential ^{1,2}	≤20 du/ac		859.99 866.12	2.91 22-918.13	869.03 862.89	10.87 %
Non-Residential						
Commercial-Residential	≤17.4 du/ac	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic	47.9	0.0	47.9	0.6%
Neighborhood Commercial	≤20 du/ac	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	40.3	0.2	40.5	0.5%
General Commercial	≤20 du/ac	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	605.94 599.82	8.5	608.32 614.44	7.56 %
Commercial Center ³	≤20 du/ac	0.25/High Traffic 0.35/Moderate Traffic 0.45/Low Traffic 0.75/Very Low Traffic	117.18	0.3	117.48	1.5%
Urban Center Commercial ³	20 to 80 du/ac	N/A ⁵	59.74	66.6	126.34	1.6%
Cultural Arts Center ⁴	Varies ⁴	1.77 ⁴	57.3	0.0	57.3	0.7%
Regional Commercial	≤20 du/ac	0.652/0.89 ⁴	147.9	0.0	147.9	1.8%
Industrial Park	≤20 du/ac	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	630.13	2.4	632.53	7.9%
Light Industrial ⁶	≤20 du/ac	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	374.2	4.0	378.1	4.7%
Public and Institutional	--	0.25	1,263.2	0.3	1,263.4	15.7
Golf Course	--	≤0.01	553.7	0.0	553.7	6.9%
Fairgrounds	--	≤0.10	150.0	0.0	150.0	1.9%
Multi-Use Center	15 to 25 du/ac	0.25	102.6	0.0	102.6	1.3%
Totals			7,955.6	87.1	8,042.4	100%

Notes: 1. Within the Medium and High Density Residential designation, existing residential units legally built in excess of the dwelling units per acre standard may be rebuilt at the same higher density subject to other zoning code standards. The allowable density or number of units to be redeveloped would be limited to the 1990 General Plan density with a 25% incentive bonus for Medium-Density or a 50% incentive bonus for High Density or the existing number of units, whichever is less.

2. See High Density Residential text regarding areas in North Costa Mesa where the density allowance exceeds 20 units per acre. Site Specific Density of 20.4 du/acre approved for 1.86-acre 38 unit project at 1957 Newport Blvd. and 390 Ford Road.

3. See Commercial Center, Regional Commercial, and Urban Center Commercial text for site specific density and FAR.

4. See text for Mixed-Use Development and Cultural Arts Center provisions for additional discussion.

Amendment to General Plan Land Use 2034 Table (Table LU-20)

Amend the General Plan Land Use 2035 table to account for the modified land use designations:

Table LU-20: General Plan Land Use 2035

Land Use Designations	Net Acres	Residential Dwelling Units		Non-Residential Square Feet	
		2015 Existing	2035 Future	2015 Existing	2035 Future
Residential					
Single-Family	2,088.2	14,210	<u>14,811</u> ^{14,791}	--	--
Multi-Family	1,720.2	28,413	<u>37,225</u> ^{36,958}	--	--
Non-Residential					
Commercial-Residential	47.9	--	--	543,000	455,200
Neighborhood Commercial	40.5	--	--	338,000	472,100
General Commercial	616.3	--	--	7,065,300	8,556,100
Commercial Center	117.5	--	--	733,000	1,075,800
Urban Center Commercial	126.3	--	--	4,550,700	5,581,200
Cultural Arts Center	57.3	--	--	2,673,300	4,869,800
Regional Commercial	147.9	--	--	2,723,700	3,260,800
Industrial Park	632.6	--	--	8,684,500	9,895,000
Light Industrial	378.1	--	--	4,402,500	2,838,000
Public and Institutional	1,263.4	--	--	1,989,000	3,970,700
Golf Course	553.7	--	--	84,200	84,200
Fairgrounds	150.0	--	--	454,450	1,020,400
Multi-Use Center	102.6	--	--	--	279,000
Totals	8,044.5	42,623	<u>50,692</u> ^{50,834}	33,916,000	42,553,000

Notes:

1. Includes Low-Density Residential General Plan land use designation.
2. Includes Medium-Density, High-Density, and Commercial-Residential, Overlays General Plan land use designations.

EXHIBIT A2

FINDINGS

A. ***General Plan Amendment (PGPA-24-0002)***

According to Costa Mesa Municipal Code Section 13-29(g), there are no specific findings required for a General Plan Amendment. Such amendments are considered legislative actions and are subject to the discretion of the City Council. In this case, the proposed General Plan Amendment seeks to modify the Land Use Element's maps, figures, text, and tables to apply the High Density Residential designation to the site.

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

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

Facts in Support: The City of Costa Mesa's 6th Cycle (2021–2029) Housing Element identifies specific sites to meet the State-mandated Regional Housing Needs Allocation (RHNA) of 11,760 units. The proposed project site is not designated as a housing opportunity site but would still contribute to the City's required RHNA allocation. Specifically, the project will provide seven very low-income units and 135 above moderate-income units.

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

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

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

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

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

To facilitate this rezoning, a General Plan Amendment is also proposed to formally apply the zoning districts to the site. The General Plan Amendment would modify the Land Use Element maps, figures, text, and tables to reflect the new High-Density Residential land use designation. Per Table LU-19: General Plan and Zoning Consistency of the General Plan Land Use Element, the zoning districts are considered consistent with the High-Density Residential land use designation. Therefore, the proposed rezone and General Plan Amendment align with the City's land use framework and are necessary to support the proposed residential development.

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

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

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

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

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

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

Facts in Support of Finding: Consistent. The proposed project is an in-fill development and is located in an urbanized area. The site meets the minimum lot size requirement that can accommodate the density and necessary utilities. There are no wildlife habitats or bodies of water on the site or nearby, further ensuring that the development will not result in substantial environmental damage. This strategic location allows for the efficient use of already developed land, minimizing the need for additional site disturbance, and preserving green spaces elsewhere in the community.

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

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

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

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

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

Facts in Support of Finding: Consistent. The discharge of sewage from this infill project into the existing public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 of the

State Water Code (commencing with Section 13000), as the project site is currently served by existing utilities with adequate capacity, and the proposed development will not exceed the design limitations of the existing sewer infrastructure or treatment facilities.

- D. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(14) – “**Design Review Findings**” because:

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

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

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

Facts in Support of Finding: Consistent. Although the project exceeds 2-stories (waiver requested), the project provides appropriate transitions to reduce visual prominence. The project includes construction of a multiple-family neighborhood with attached townhomes and detached single-family units. The neighborhood will be constructed with two-story homes and four-story townhomes. The proposed two-story detached dwellings have been designed with traditional architectural elements including stucco and wood siding, a variety of roof forms, and articulation in the form of entries. Plan 1 includes a second floor which is stepped back from the first floor at the front elevation. Plan 2 includes a front porch on the first floor, which provides relief on the front elevation. The plan also includes other architectural elements which provide transitions between the first and second floor, including a trellis above the garage and a band wrapping the home. While the rear elevations of the units do not offer second story offsets, landscaping is used to soften the appearance of the structures and to screen the

development from the established neighborhoods to the east and south of the project site. In addition, the units are modestly sized with the rear and side walls not exceeding 30 feet in width. The units feature gable roofs which range from 27 feet in height to 20 feet in height, which also reduces the build of the structures. A concession is requested and discussed further below in the Density Bonus section to deviate from the design guidelines. The detached units buffer the existing neighborhoods from the attached units.

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

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

- E. The proposed project complies with Title 13, Section 13-29(g)(3), of the Costa Mesa Municipal Code “**Density Bonus Findings**” because:

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

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

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

Facts in Support of Finding: Consistent. The requested density bonus would allow the project to develop up to 147 dwelling units with the 20 percent density

bonus. The project proposed 142 units while still including the 5 percent units dedicated to very low-income units. The requested concession is a request to deviate from the design guidelines. The concession request constitutes the minimum deviation necessary to allow for the project to provide seven affordable units at the very low-income level.

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

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

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

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

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

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

- F. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project, pursuant to CEQA. All environmental topics analyzed in the IS/MND would not result in significant environmental impacts with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program as well as implementation of City standard conditions of approval/code requirements.
- G. Mitigation measures from the Final MND including Mitigation Monitoring and Reporting Program have been included as Exhibit B of Attachment 1. If any of these mitigation measures are removed or substantially modified, the Planning Commission must make a recommendation to City Council for their consideration of the removed or modified mitigation measures. The City Council must then make a finding that the removed or modified mitigation measures will not result in significant environmental impacts.
- H. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts would be mitigated at all affected intersections by the payment of traffic impact fees and as may be further required by terms and conditions of the Development Agreement.

EXHIBIT A3

CONDITIONS OF APPROVAL

- Plng.
1. General Plan Amendment PGPA-24-0002, Rezone, Design Review, Tentative Tract Map 19334, and Density Bonus shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the MND for this project. Mitigation Measures from the MND for this project have been included as Exhibit B to Attachment 1 and have been incorporated into these conditions. If any of these conditions are removed or substantially modified, the City Council must make a finding that the project will not result in significant environmental impacts
 2. The expiration of the Planning Application shall coincide with the expiration of the approval of the Tentative Tract Map No. 19334 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial two-year period.
 3. The conditions of approval, including Mitigation Measures incorporated as Exhibit B to Attachment 1, code requirements, and special district requirements of General Plan Amendment PGPA-24-0002, Rezone, Design Review, Tentative Tract Map No. 19334, and Density Bonus Agreement shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 4. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
 5. The project shall be limited to the type of buildings as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the application.
 6. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
 7. The owner shall contract with a waste disposal company that will provide full on-site trash, recyclable, and organics collection. Access for disposal collection shall be provided in designated waste areas as identified in the project plans. There shall be no storage of trash bins or cans on public

streets with the exception of temporary use of the right-of-way for rolling containers or loading to large trash trucks.

8. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), would be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in requirement of the applicant to (re)process the modification through a discretionary review process, or modify the construction drawings to reflect the approved plans.
9. Permits are required for all signs according to the provisions of the Costa Mesa Sign Ordinance. Freestanding signs are subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development and existing freestanding signs in the project vicinity.
10. The proposed project is required to comply with California Public Resources Code 5097.9-5097.991 (which protects Native American historical and cultural resources, and sacred sites) and Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains). [PPP CUL-1]
11. The proposed project is required to comply with California Public Resources Code 5097.9–5097.991 (which protects Native American historical and cultural resources, and sacred sites); Public Resources Code 21084.3 (avoid damaging effects to any Tribal cultural resource); Health and Safety Code Section 7050.5 (pertaining to the discovery or recognition of any human remains). [PPP TCR-1]
12. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.

13. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as “proceeding”) brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant’s project, or any approval granted by City related to the applicant’s project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney’s fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant’s obligation to indemnify the City for all the City’s costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City’s interests, and applicant shall indemnify City for all such costs incurred by City.
14. To avoid an alley-like appearance, the private streets and driveways shall not be developed with a center concrete swale. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
15. All utilities servicing irrigation, project lighting and other commonly serving improvements, shall either be provided by a common meter on each phase or by (a) common meter(s) that is the shared responsibility for all property owners in the development project. The CC&Rs or other organizational documents shall include verbiage requiring the common meters for the life of the development project.
16. On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties to minimize light and glare impacts, and shall be of a type approved by the Development Services Director.
17. SCAQMD Rule 403 requires the implementation of best available dust control measures during activities capable of generating fugitive dust. The proposed project must follow the standard SCAQMD rules and requirements with regard to fugitive dust control, which include, but are not limited to the following:
 - 1) All active construction areas shall be watered two times daily.
 - 2) Speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
 - 3) Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.

- 4) Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered twice daily.
 - 5) All operations on any unpaved surface shall be suspended if winds exceed 15 mph.
 - 6) Access points shall be washed or swept daily.
 - 7) Construction sites shall be sandbagged for erosion control.
 - 8) Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
 - 9) Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least 2 feet of freeboard space in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
 - 10) Pave or gravel construction access roads at least 100 feet onto the site from the main road and use gravel aprons at truck exits.
 - 11) Replace the ground cover of disturbed areas as quickly possible.
- [SC AIR-1]

- 18. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations would be watered such that a crust is formed on the ground surface and then watered again at the end of the day.
- 19. The project shall provide a minimum seven (7) affordable units. The affordable units shall be evenly distributed throughout all unit types and unit sizes, and throughout the buildings.
- 20. Prior to issuance of any temporary certificate of occupancy, or certificate of occupancy, the traffic signal shall be installed, and resident amenities including BBQ area and playground shall be constructed and installed as provided in the application.
- 21. With the exception of personal deliveries being provided to residents, operational and construction truck deliveries shall not occur anytime between the hours of 8:00 pm and 7:00 am.
- 22. All garages shall be provided with automatic garage door openers.
- 23. Second, third, and fourth floor windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring properties and units, and to minimize visibility into abutting residential side and rear yards. Every effort shall be made to maintain the privacy of abutting property owners. Prior to issuance of a building permit, applicant shall provide a window placement study demonstrating compliance with this condition. Prior to final planning inspection, additional screening vegetation may be required to meet the intent of the condition.

24. The following project design feature shall be incorporated into the project. All off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 3 standards with Level 3 Verified Diesel Emission Control Strategy (VDEC) filters. The project applicant shall submit a construction management plan to the City of Costa Mesa's Planning Division for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with these specified off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. [PDF-1]
25. If ground-disturbing or vegetation-removing construction activities or tree removal is proposed during the breeding/nesting season for migratory birds (typically February 1 through September 15), a qualified Biologist shall conduct pre-construction surveys for special-status birds and other migratory birds within the construction area, including a 500-foot survey buffer, no more than 3 days prior to the start of ground-disturbing activities in the construction area. [MM BIO-1a]
26. If an active bird nest is located during pre-construction surveys or at any point during the construction phase of the proposed project, a qualified Biologist shall establish a buffer around the nest using flagging tape or other barrier. The buffer shall be established at a minimum radius of 500 feet around an active raptor nest and 300 feet around an active migratory bird nest. Avoidance buffers may be altered at the discretion of the qualified Biologist depending on the location of the nest and species tolerance to human presence and construction activity. Furthermore, construction activities and personnel shall be restricted from entering the buffer area to avoid disturbance of the nest until it is abandoned or a qualified Biologist deems disturbance potential to be minimal. Additional restrictions may include alteration of the construction schedule to avoid the active nesting season. [MM BIO-1b]
27. The following project design feature shall be incorporated into the project. The proposed project shall be designed as an all-electric development, which requires that all appliances installed into the proposed townhomes be electric powered and no natural gas lines shall be run to the proposed townhome buildings. [PDF-3]

28. The proposed increased residential density shall not be reduced. This measure accounts for the Vehicle Miles Traveled (VMT) reduction achieved by a project that is designed with a higher density of dwelling units compared to the average residential density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT. [PDF-3 T-1]
29. An access easement shall be recorded to allow for pedestrians to cross through the property from the Olympic Avenue pedestrian gate to the public right of way at Bear Street.
30. If the project includes phased construction, then the open space, recreational facilities, and parking shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction under the direction of the Planning Division.
31. All new residential units constructed as part of the proposed project shall be equipped with positive static pressure forced heating, ventilation, and air conditioning (HVAC) systems. These systems shall include high-efficiency air filtration using Minimum Efficiency Reporting Value (MERV) 14 filters or higher in the air intake. The project applicant shall submit HVAC system specifications and a mechanical plan to the City of Costa Mesa's Planning Division for review and approval prior to the issuance of any building permits. The submitted documentation shall demonstrate that the HVAC systems are designed to maintain positive indoor air pressure and are equipped with MERV 14 or higher filters. Documentation may include, but is not limited to, HVAC system design drawings, filter specifications, manufacturer certifications, and calculations verifying positive pressure performance.
- Bldg. 32. 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.
33. 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.
34. For construction or improvements that encroach within Public Utility Easements, the applicant shall provide written approvals from the utility companies associated with that easement.

35. Submit precise grading plans, an erosion control plan and a hydrology study. A precise grading plan shall not be required if any of the following are met: 1) An excavation which does not exceed 50 CY on any one site and which is less than 2 ft in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area). 2) A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course. 3) A fill less than 3 ft in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
- Eng. 36. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit B)
37. Proposed storm drain facilities shall be constructed pursuant to the City of Costa Mesa Master Drainage Plan.
38. The project shall fulfill drainage ordinance fee requirements prior to approval of final maps and plans.
39. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City and shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains shall require a hold harmless agreement prior to issuance of grading or building permits.
- Trans 40. All parking stalls shall follow the City's Parking Design Standards unless otherwise approved.
- Fire 41. All fire apparatus roads shall be constructed of a solid surface (no pavers) approved by CMFR and the Planning Division.
42. Fire lanes and fire apparatus turnarounds shall be in place and operational before combustible construction takes place.
43. If a phased building construction method is implemented, all fire hydrants, fire lanes, and fire apparatus turnarounds that serve the phase(s) of construction shall be operational before combustible construction takes place.
44. Fire apparatus or hose pull access to existing buildings shall be maintained where previously required or an alternate fire access plan shall be submitted to the Fire & Rescue Department for formal review and approval before the site is modified.

PRIOR TO ISSUANCE OF A DEMOLITION OR GRADING PERMIT

- PIng
45. A comprehensive asbestos and lead-based paint (LBP) survey shall be conducted at the project site. Any project-related demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing material (ACM) or LBP shall be conducted in accordance with applicable regulations, including, but not limited to:
- South Coast Air Quality Management District's (SCAQMD's) Rule 1403
 - California Health and Safety Code (Section 39650 et seq.)
 - The California Occupational Safety and Health Administration (Cal/OSHA) Administration Regulations (California Code of Regulations [CCR] Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead])
 - Code of Federal Regulations (CFR) (Title 40, Part 61 [asbestos]; Title 40, Part 763 [asbestos]; Title 40, Part 745 [lead]; and Title 29, Part 1926 [asbestos and lead])
 - U.S. Environmental Protection Agency's (EPA's) Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program
- Sections 402, 404, and 403, as well as Title IV of the Toxic Substances Control Act (TSCA).
46. Prior to the issuance of a grading permit, the Owner/Developer shall implement the recommendations provided in Section 3, Conclusion and Preliminary Recommendations, in the Geotechnical Exploration prepared by SA Geotechnical, Inc. (SA GEO). The Exploration, included in Appendix F, is incorporated herein by reference as fully set forth in this mitigation measure. [MM GEO-1]
47. 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.
48. Prior to or concurrent with submittal of plans for grading, building plan check, and/or submittal of the final subdivision map for engineering plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. WQ 2022-0057-DWQ, CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) Order No. R8-2009-0030, as amended by Order No. R8-2010-0062 (NPDES Permit No. CAS618030); and the City's Ordinance No. 97-20 for compliance with the NPDES permit. Such documentation shall include a Storm Water Pollution Prevention Plan (SWPPP) if over one acre and a

Water Quality Management Plan (WQMP) identifying and detailing the implementation of applicable best management practices (BMPs).

49. All interior and exterior architectural coatings used on-site during project construction must meet or exceed the VOC content limits established by SCAQMD Rule 1113. The project sponsor shall include in any construction contracts and/or subcontracts a requirement that all interior and exterior architectural coatings used in project construction meet the VOC content limits established by SCAQMD Rule 1113. [SC AIR-2]
50. Applicant shall contact the South Coast Air Quality Management District (SCAQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.
51. The construction contractor is required to recycle/reuse at least 65 percent of the construction material including, but not limited to, soil, mulch, vegetation, concrete, lumber, metal, and cardboard, and to use “green building materials” such as those materials that are rapidly renewable or resource-efficient, and recycled and manufactured in an environmentally friendly way, as specified in the California Department of Resources Recycling and Recovery (CalRecycle) Sustainable (Green) Building Program.
52. Prior to issuance of grading permits, developer shall identify to the Development Services Director or designee a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
53. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
54. Paleontological monitoring of excavations in previously undisturbed surface deposits by a qualified monitor shall be required. Sediment samples from deeper excavations, borings, trenching, or grading shall be wet screened if they cannot be dry screened. The concentrate from the screening activities shall be sorted with the aid of a 10x microscope. These mitigation efforts

shall be consistent with the mitigation guidelines published by the Society of Vertebrate Paleontology (2010). In the event that earth-disturbing construction-related activities uncover any paleontological resources (i.e., bones or teeth) when a monitor is not present, those activities shall be diverted at least 15 feet away from the discovery until a qualified Paleontologist is brought on-site to assess the find for possible salvage. Construction workers shall not attempt to remove such finds. The Paleontologist shall document the discovery as needed and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the qualified Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Costa Mesa Economic and Development Services Department, Planning Division for review and approval prior to implementation. The applicant shall adhere to the recommendations in the approved plan. Any significant fossils, as determined by the qualified Paleontologist, recovered shall be documented in a final report and offered to an appropriate facility for curation. [MM GEO-2]

55. Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified Archaeologist who meets the Secretary of the Interior's Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified Archaeologist shall ensure the following measures are followed for the project.
 - 1) Prior to any ground disturbance, the qualified Archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.
 - 2) Prior to any ground disturbance, the applicant shall submit a written Cultural Resources Monitoring Plan (RMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include Monitor contact information (including the qualified Archaeologist and the Native American Monitor per MM TCR-1),

specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.

3) In the event cultural resources are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered resource shall cease and the qualified Archaeologist, in collaboration with the Monitor, shall assess the discovery. Construction activities outside the buffer zone may continue during the Monitor's assessment.

4) Non-Native American (Non-TCR) Discoveries: If warranted based on the qualified Archaeologist's evaluation of the archaeological (but non-TCR) discovery, the Archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa's Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates.

5) Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Monitors, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the applicable Native American Tribe.

6) The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the applicable Native American Tribe, and (2) completed the appropriate treatment of the resource consistent with MM TCR-1. [MM CUL-1]

56. Prior to issuance of any grading permits, the applicant shall formally retain a Native American Monitor from the Native American Tribe that is culturally and ancestrally affiliated with the project location. The applicant shall enter into a contract for monitoring services with the Gabrieleño Band of Mission Indians—Kizh Nation and Juaneño Band of Mission Indians, Acjachemen Nation-Belarde. The Tribal Monitor (the "Monitor") shall monitor all "ground-disturbing" project activities, which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively "ground-disturbing activities"). A copy

of the executed contracts shall be submitted to the Costa Mesa Development Services Department prior to the issuance of any permit necessary to commence ground-disturbing activities.

The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground-disturbing activities, locations of such activities, observed soil types, and the presence or absence of Tribal cultural-related materials. Should Tribal cultural resources be discovered, monitoring logs shall identify and describe such resources, including but not limited to, Native American cultural resources as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitoring logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event cultural resources are discovered during any phase of ground-disturbing activities, and it is determined by the Monitor and the qualified Archaeological Monitor, in consultation with the City, to be Native American in origin, then all construction activity within 50 feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the Tribe's cultural practices, including reinternment on-site in an appropriate area determined by the tribe in consultation with the City and the applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Tribal nations, and (2) completed the appropriate treatment of the resource.

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

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57. Prior to the Building Division (AQMD) issuing a demolition permit the applicant shall contact South Coast Air Quality Management District located at: 21865 Copley Dr. Diamond Bar, CA 91765-4178 Tel: 909- 396-2000 Or Visit their web site <http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381> The Building Div. will not issue a demolition permit until an Identification no. is provided by AQMD.
 58. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.

59. Prior to the issuance of grading permits, submit a precise grading plan, an erosion control plan and a hydrology study. A precise grading plan shall not be required if any of the following are met: (1) An excavation which does not exceed 50 CY on any one site and which is less than 2 ft in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area); (2) A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course; and (3) A fill less than 3 ft in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.
60. Prior to the issuance of grading permits, submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
61. The ground adjacent immediately to the foundation shall be slopes away from the building at a slope of not less than 5% for a minimum distance of 10 feet measured perpendicular to the face of the wall CBC sec. 1804.3. See also exception. ii- On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent California Building Code sec. 1808.7.4 i- On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. California Residential Code CRC 403.1.7.3 ii- Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

- Plng.
62. Prior to issuance of building permits, the applicant shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 63. In compliance with the Map Act, prior to issuance of building permits, the applicant shall provide proof of recordation of Tentative Tract Map No. 19334.
 64. Provide a noise study to be reviewed and approved by the Planning Division prior to issuance of building permits. If present and/or projected exterior noise exceeds 60 CNEL, California Noise Insulation Standards, Title 25, California Code of Regulations require a maximum interior noise level of 45 CNEL for residential structures. If required interior noise levels are achieved by requiring that windows be inoperable or closed, the design for the structure must also specify the means that will be employed to

provide ventilation, and cooling if necessary, to provide a habitable interior environment.

65. 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.
66. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
67. Prior to issuance of building permits, a final landscape plan shall be incorporated into the building permit plan set indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division. The private streets shall also be enhanced with pervious pavers, colored stamped concrete, or other treatment to the satisfaction of the Development Services Director. The plan shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
68. Prior to the issuance of any building permits, the applicant shall enter into a Density Bonus Agreement with the City, consistent with the requirements of State Density Bonus Law and the City's applicable regulations. The Agreement shall detail the number, type, location, and affordability level of all required affordable units, as well as any development incentives, concessions, waivers, or parking reductions granted under the density bonus provisions. The Agreement shall be subject to review and approval by the City Attorney's Office prior to execution and recordation against the property and shall be for a minimum of 55 years.
69. Subject to exceptions to allow for ADA paths of travel or other specific purposes identified by the applicant's landscape architect, all landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
70. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, groundcover and turf requirements per the City's Zoning Code.
71. Prior to the issuance of a building permit, the applicant shall install permanent physical barriers such as bollards, guardrails, fences, or raised curbs and concrete wheel stops at the front edge of all parking spaces

adjacent to sidewalks and common use open space. Concrete wheel stops shall be installed 2'-0" from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2'-0" to allow curbing to serve as a wheel stop. These barriers shall be designed and placed to prevent vehicle overhang from encroaching into the project walkways, public sidewalk areas, and common use open areas, and shall comply with all accessibility standards. The design, materials, and placement shall be subject to review of the City Engineer and Planning Division to ensure compatibility with the residential development and surrounding streetscape.

72. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
73. 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.
74. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.
75. All on-site utility services shall be installed underground or screened on the roof (e.g., satellite dishes), in which case such utility services shall be obscured from view.
76. The parking area and pedestrian paths shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the site.
77. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view

from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.

78. Plans shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of back-flow prevention devices, ground-mounted equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.
79. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
80. 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.
81. In addition to required Parkland Impact Fee's, the owner shall submit a one-time community benefit payment of \$250,000.00 to be used for the sole purpose of improving Shiffer Park.

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82. Comply with the requirements of the latest edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code , California Plumbing Code , California Green Building Standards Code and California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
83. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
84. A freeway health risk assessment (HRA) shall be submitted to the City prior to issuance of permits. The project shall incorporate project design recommendations including but not limited to the installation of MERV 13 or MERV 14 air filters as outlined in the HRA.
85. Prior to issuance of permits, the plans shall include 200 cubic feet of storage for each unit outside of the living space (ie. within the garages)

86. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities prior to selling any of the units as condominiums.
87. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.
- A. The CC&Rs shall contain provisions requiring that the maintenance or homeowner's association effectively manage parking and contract with a towing service to enforce the parking regulations.
 - B. The CC&Rs shall also contain provisions related to use, preservation and maintenance of the common streets and open space areas in perpetuity by the maintenance or homeowner's association.
 - C. The CC&Rs shall contain restrictions requiring residents to park vehicles in the garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage spaces.
 - D. The CC&Rs shall contain a notice that the open parking space shall be unassigned and available for visitors.
 - E. The CC&Rs shall be limited to the ground rules related to: architectural control over future building modifications or additions, architectural design and guidelines for the property, and engagement in alternative dispute resolution before filing a lawsuit to resolve conflicts.
 - F. The CC&Rs shall contain provisions requiring that the Homeowner's Association or Maintenance Association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:
 - The two-car garages in the residential community are being used for vehicle parking by the resident(s).
 - The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
 - The resident(s) have consented to voluntary inspections of the garage to verify the parking availability, as needed.The form and content of the affidavit shall be provided by the City Attorney's office. Failure to file the annual affidavit is considered a violation of this condition.
 - G. The CC&Rs shall contain provisions prohibiting the storage of Recreational vehicles or Boats on the site

H. The CC&Rs shall contain provisions prohibiting residents from parking their vehicles on Olympic Avenue or surrounding streets within the existing neighborhood to the east.

I. The CC&Rs shall contain provisions requiring compliance with the City's short term rental ordinance.

J. The CC&Rs shall contain provisions relating to the operation of the pedestrian gate at Olympic Avenue and pedestrian access through the property.

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| Fire | 88. All new family dwellings are required to be equipped with an automatic fire protection system made in accordance with either NFPA 13, NFPA 13D or NFPA 13R (Ladder pads may be needed for some of the design depending on your approach). For the alarm, each system will be required to add an exterior audible notification device (Fire Bell. Adopted and amended from the 2022 fire code) and shall be interconnected with the smoke detectors in each unit. |
| Trans | <p>89. Fulfill mitigation of off-site traffic impacts at the time of issuance of building permits by submitting the required Traffic Impact Fee to the City Transportation Division according to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based on the average daily trip net generation of trip ends for the proposed project, including a credit for existing uses. At the current rate, the Traffic Impact Fee is estimated at approximately \$136,000. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permits based upon applicable project changes or applicable prevailing schedule of charges as adopted by the City Council.</p> <p>90. Fulfill the San Joaquin Hills Transportation Corridor Fee Ordinance requirement at the time of issuance of the building permit by submitting the required fee to the City Transportation Division. At the current rates for the proposed uses, the corridor fees are estimated at approximately \$182,000, and will be recalculated at the time of issuance of building permits based upon applicable project changes.</p> <p>91. Submit plans to design and construct a new traffic signal at the Bear Street/Project Driveway including the required underground conduit and fiber optic signal interconnect improvements to provide traffic signal communications to the City's main network at the Traffic Management Center (TMC). Meet with the City Transportation Services Division to discuss necessary traffic signal and fiber optic signal interconnect improvements and for design review and approval.</p> <p>92. Provide a written operations plan for the opening and closing of the pedestrian gate on the easterly project site frontage where connection to</p> |

Olympic Avenue is proposed. Ensure the pedestrian gate is open daily during daytime hours or other hours as identified by City staff.

93. Submit plans to design and construct the closure of the northerly Shiffer Park Driveway and provide landscaping improvements and provide a new pedestrian sidewalk connection between the proposed new traffic signal and the internal park walking paths. Meet with the City's Engineering Division and Parks Maintenance Division for design review and approval.

PRIOR TO FINAL INSPECTION/OCCUPANCY

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| Plng. | 94. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied. |
| | 95. Prior to final inspection, street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background. |
| Play
Area | 96. Prior to occupancy, the applicant shall submit a letter stating that any play equipment that is installed has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22). |

CODE REQUIREMENTS

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

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| Bldg. | 1. Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code. A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the California Building Code. |
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2. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. Prior to issuance of a building permit, the City's Building and Fire Departments shall review the proposed development plans to determine compliance with all building and safety and fire codes, and to ensure safety, suitable occupancy and the necessary occupant ingress and egress.
5. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code.
6. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code.
7. Comply with the City's fence and wall standards including the inclusion of visibility triangles.
- Fire 8. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
- Bus. 9. All contractors and subcontractors must have valid business licenses to do
Lic. business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

SPECIAL DISTRICT REQUIREMENTS

- AQMD 10. Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:
21865 Copley Dr
Diamond Bar, CA 91765-4178
Tel: 909-396-2000
OR
Visit their web site:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>
The Building Division will not issue a demolition permit until an identification number is provided by AQMD.

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| Sani. | 11. | It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements. |
| Water | 12. | <p>Applicant is reminded that additional conditions of development may be imposed by Mesa Consolidated Water District (949) 631-1200 and/or other serving utilities. Subject to approval by the board of directors, Mesa Consolidated Water District may require payment of a developer impact fee prior to installation of water service or construction of required master plan facilities.</p> <p>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.</p> |
| School | 13. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits. |
| CDFA | 14. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 1-888-4FIREANT for information. |

EXHIBIT B
ENGINEERING CONDITIONS OF APPROVAL

Provided Under Separate Cover

EXHIBIT C
PROJECT PLANS

Provided Under Separate Cover

EXHIBIT D
TENTATIVE TRACT MAP NO. 19334

Provided Under Separate Cover