

RESOLUTION NO. PC-2026-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING DEVELOPMENT REVIEW PDVR-25-0013, TENTATIVE TRACT MAP, AND DENSITY BONUS FOR A 15 UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2075 HARBOR BOULEVARD

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

WHEREAS, on November 6, 2025, Development Review PDVR-25-0013 and SB 330 application was filed by Brian Cunningham on behalf of, The Olson Company, authorized agent for the property owner, for the real property located at 2075 Harbor Boulevard;

WHEREAS, on November 21, 2025, a General Plan Amendment, Rezone, Density Bonus, and Tentative Tract Map, was filed by Brian Cunningham on behalf of The Olson Company, requesting approval of a 15-unit residential common interest development project located at 2075 Harbor Boulevard;

WHEREAS, the General Plan Amendment and Rezone were voided;

WHEREAS, the proposed project, is a residential common interest development on a 0.63-acre lot with 15 ownership dwelling units. The applicant is requesting approval of the following:

1. Development Review: Approve the Development Review for the development of the project;
2. Tentative Tract Map No.19458: Approve the Tentative Tract Map to allow for individual ownership of the units;
3. Density Bonus: Approve the density bonus which will provide two moderate-income units with the execution of an Affordable Housing Agreement; and

WHEREAS, the Development Review proposes a 15-unit residential development within the Mixed-Use Overlay District (MUOD);

WHEREAS, Tentative Tract Map No. 19458 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 an associated concession and waivers and reductions from development standards with the inclusion of affordable housing;

WHEREAS, the Project qualifies for the infill housing exemption set forth in Public Resources Code Section 21080.66, as enacted by Assembly Bill 130, and is therefore exempt from further environmental review under the California Environmental Quality Act (CEQA);

WHEREAS, the CEQA statutory exemption for this project reflects the independent judgement of the City of Costa Mesa;

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on July 27, 2026, with all persons having the opportunity to speak for and against the proposal.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibits B and C, the Planning Commission hereby **APPROVES** Development Review PDVR-25-0013, Density Bonus, and Tentative Tract Map No. 19458 with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Development Review, Density Bonus, and Tentative Tract Map, and upon the applicant's compliance with each and all of the conditions in Exhibit B and Exhibit C, 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 27th day of July, 2026.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

EXHIBITS:

- A: Project Findings
- B: Conditions of Approval
- C: Engineering Conditions of Approval (Under Separate Cover)

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2026- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on July 27, 2026, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2026-

EXHIBIT A

FINDINGS

A. *Development Review (PDVR-25-0013)*

According to Costa Mesa Municipal Code Section 13-29(g), there are no specific findings required for a Development Review. The proposed Development Review and the other associated planning applications were evaluated against the review criteria set forth in CMMC13-29(e) and determined to be consistent.

Review criteria for all planning applications consist of the following:

Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

The proposed development is consistent and compatible with the surrounding neighborhood in terms of land use, scale, and overall site design. The project has been designed to provide an appropriate transition to adjacent development through the incorporation of building articulation, landscaping, architectural elements, and site design features that complement the character of existing development in the area. The proposed residential use is compatible with the surrounding area, which includes a mix of residential and commercial uses.

Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

The project has been designed to provide safe and functional circulation for vehicles and pedestrians through the incorporation of designated drive aisles, parking areas, pedestrian pathways, landscaping, and lighting improvements. The project is a condominium development with a central driveway providing primary ingress and egress from Charle Street and a secondary exit-only access point onto Harbor Boulevard. Pedestrian access is provided by sidewalks accessing the public right-of-way and an additional pedestrian gate accessing Charle Street. The proposed site improvements have been reviewed by applicable City departments to ensure compliance with applicable safety requirements and standards.

Compliance with any performance standards as prescribed elsewhere in this Zoning Code.

The project has been evaluated for consistency with the applicable objective development standards of the Costa Mesa Municipal Code. The applicant has requested waivers of certain development standards, including front setback, building separation, driveway width, open space, parkway width, and storage

requirements, pursuant to the State Density Bonus Law (Government Code Section 65915). The requested waivers are permitted under the State Density Bonus Law and are necessary to accommodate the proposed development while providing affordable housing units. Therefore, with approval of the requested waivers and applicable conditions of approval, the project remains consistent with the applicable performance standards of the Zoning Code.

Consistency with the general plan and any applicable specific plan.

The proposed project is consistent with the broader goals of the General Plan by providing a development of residential uses and owner-occupied housing, as specified in General Plan Land Use Policy LU-1.3.

The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

The application has been reviewed based on the specific characteristics of the proposed development, including the site constraints, applicable regulations, and project design. Approval of this application does not establish a precedent or authorize future projects to deviate from applicable standards, as each future application will be evaluated independently based on its own merits and applicable regulations.

When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

The proposed development has been evaluated based on the cumulative effects of all requested planning approvals associated with the project.

For residential developments, consistency with any applicable design guidelines adopted by city council resolution.

The project is a housing development project subject to the Housing Accountability Act. Pursuant to Government Code Section 65589.5, the City may not apply subjective design standards to the project as a basis for approval or denial. The project has therefore been evaluated based on applicable objective development standards.

For affordable multi-family housing developments which include a minimum of 16 affordable dwelling units at no less than 20 dwelling units per acre, the maximum density standards of the general plan shall be applied, and the maximum density shall be permitted by right and not subject to discretionary review during the design review or master plan application process.

The project does not qualify as an affordable multi-family housing development meeting the criteria identified above because it does not include a minimum of 16 affordable dwelling units at a density of no less than 20 dwelling units per acre. Therefore, this criteria is not applicable to the proposed development.

- B. 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, and State laws by conforming to established development regulations. The proposed map will allow for each individual unit to be sold separately.

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

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

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

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

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

Facts in Support of Finding: The design of the proposed development thoughtfully considers the orientation of the lot, aligning in a manner that maximizes solar exposure, ensuring natural passive heating during colder months. Each townhome unit has operable windows and doors on each side of the building which will allow for airflow through the units allowing for natural heating and cooling opportunities. All buildings are spaced a minimum five 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.

- C. 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 proposed development is not requesting a density bonus as the 15-unit project can be accommodated within

the maximum residential density permitted (50 du/acre) by the General Plan. Pursuant to Government Code Section 65915, the project qualifies for one incentive or concession and may request waivers or reductions of development standards because it provides two moderate-income units, representing approximately 15 percent of the base units and 13.3 percent of the total units. The request is consistent with State Density Bonus Law and Chapter IX, Special Regulations, Article 4, Density Bonuses and Other Incentives, which encourage the production of housing. The project is also consistent with General Plan Land Use Policies LU-1.3 and Housing Element Policies HOU-2.1 which support the development of diverse housing opportunities and the provision of affordable housing.

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 project proposes 15 dwelling units, including two moderate-income units, representing approximately 15% of the base units and 13.3% of the total units. Although the project is not requesting a density increase, it qualifies for one concession pursuant to Government Code Section 65915 based on the provision of moderate-income housing. The requested concession consists of relief from the requirement to underground existing overhead utility lines along Charle Street. The concession constitutes the minimum deviation necessary to reduce development costs and support the provision of the two moderate-income units at affordable sale prices.

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 required to reduce development costs associated with undergrounding the existing overhead utility lines along Charle Street. By avoiding these additional costs, the project can direct more resources toward the provision of the two moderate-income units proposed as part of the development. The project includes two moderate-income units, representing approximately 15% of the base units and 13.3% of the total units, which qualify the project for a concession under State Density Bonus Law. The concession supports the project's ability to provide the moderate-income units at affordable housing costs, as defined in Health and Safety Code Section 50052.5.

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 above-ground utilities, front setback, common lot landscaped setback, usable common open space, driveways, storage, building to building setback, and landscaped parkways. The requested concession is related to development standards related to the existing overhead utility lines along Charle Street. The requested waivers are minimal in that they will not impact the circulation or safety of the proposed development. The waivers are necessary to accommodate the number of units on the site. 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.

D. No Net Loss

Pursuant to Senate Bill 166 [Government Code Section 65863], the “No Net Loss Law” was amended to ensure that housing development opportunities remain available throughout the housing element planning period to accommodate a jurisdiction’s regional housing needs assessment (RHNA). One aspect of this amended legislation requires that “If the city approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level [emphasis added] or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category”.

- The subject property is identified in the City’s Housing Element Sites Inventory as having the capacity to accommodate 30 dwelling units, including five very low-income units, three low-income units, six moderate-income units, and 16 above moderate-income units. The proposed project consists of 15 for-sale dwelling units, including two moderate-income units and 13 above moderate-income units. The City has evaluated the project pursuant to Government Code Section 65863 and determined that approval of the project would reduce the residential capacity assumed for the site, leading to a deficiency of five very-low-income units, three low-income units, four moderate income units and three above moderate units. The City is currently revising its Housing Element and identifying additional sites for inclusion in the Housing Element

to restore capacity and maintain compliance with its Regional Housing Needs Allocation (RHNA) obligations following City Council action on March 17, 2026 to remove 17 sites from and add two sites to the Housing Element Sites Inventory. An amendment to the Housing Element is anticipated to be considered by the City Council in September, 2026, to identify and restore capacity shortfall, including maintain a buffer in each income category, and maintain compliance with Government Code Section 65863.

- E. **Environmental Determination.** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental review procedures. The City determined that the project qualifies for the infill housing exemption set forth in Public Resources Code Section 21080.66, as enacted by Assembly Bill 130, because it satisfies the applicable statutory eligibility criteria. As a result, the project is exempt from further environmental review under CEQA, and no Initial Study, Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report is required. Accordingly, the project may be approved without the preparation of additional environmental documentation.
- F. The project is not 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. The expiration of the Planning Application shall coincide with the expiration of the approval of the Tentative Tract Map No. 19458 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.
 2. The conditions of approval, incorporated as Exhibit B and Exhibit C to Attachment 1, code requirements, and special district requirements of Development Review PDVR-25-0013, Tentative Tract Map No. 19458, and Density Bonus shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.

8. 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/Community Development Director to ensure compatibility in terms of size, height, and location with the proposed/existing development and existing freestanding signs in the project vicinity.
9. The proposed project is required to comply with California Public Resources Code Sections 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).
10. The proposed project is required to comply with California Public Resources Code Sections 5097.9–5097.991 (which protects Native American historical and cultural resources, and sacred sites); Public Resources Code Section 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).
11. 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.
12. 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.

13. 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.
14. 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.
15. 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 Community Development Director.
16. 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.

17. 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.

18. The project shall provide a minimum of two (2) affordable units located at Unit 1 and Unit 15 of the Tract Map.

19. 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.

20. All garages shall be provided with automatic garage door openers.

Bldg.

21. 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.

22. If soil contamination exists that under state regulations may only be removed for off-site disposal with the review and issuance of a permit by an outside Agency such as the Orange County Health Care Agency, DTSC, etc., then remediation plans shall be submitted to both the City of Costa Mesa's Building Division and County of Orange Health Care Agency 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 Soils Engineer.

23. For construction or improvements that encroach within Public Utility Easements, the applicant shall provide written approvals from the utility companies associated with that easement.

24. 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. 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. 25. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit C).
26. Proposed storm drain facilities shall be constructed pursuant to the City of Costa Mesa Master Drainage Plan.
27. The project shall fulfill drainage ordinance fee requirements prior to approval of final maps and plans.
28. 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 29. All parking stalls shall follow the City's Parking Design Standards unless otherwise approved.

PRIOR TO ISSUANCE OF A DEMOLITION OR GRADING PERMIT

- Plng. 30. 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.
31. 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.
32. 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.
33. Prior to issuance of grading permits, developer shall identify to the Community Development 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.
34. 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 Community Development Director or Transportation Services Manager.

35. 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 (CRMP) to the City of Costa Mesa's Community Development Director for review and approval. The monitoring plan shall include Monitor contact information (including the qualified Archaeologist and the Native American Monitor), 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 conditions, if any, that the City of Costa Mesa's Community Development 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 TCR Condition of Approval No. 36. 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 TCR Condition of Approval No. 36.

36. Prior to issuance of any grading permits, the applicant shall formally retain a Native American Monitor from the Native American Tribe(s) that is(are) culturally and ancestrally affiliated with the project location as determined by the Native American Heritage Commission (NAHC). The applicant shall enter into a contract for monitoring services with the Gabrieleño Band of Mission Indians–Kizh Nation, Juaneño Band of Mission Indian Acjachemen Nation– 84A, and Gabrielino Tongva Indians of California Tribal Council. The Tribal Monitors (the "Monitors") shall monitor all "ground-disturbing" project activities, which includes but is not limited to: structural 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 Community Development 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.

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| Bldg | <p>37. 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.</p> <p>38. 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.</p> <p>39. The ground adjacent immediately to the foundation shall be sloped 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. Where lot lines or physical obstructions prevent the required 5% ground slope from extending 10 feet away from the building foundation, the adjacent ground shall be sloped at a minimum of 5% to a point where surface water is intercepted and safely diverted away from the foundation by either: 1) An engineered drainage inlet system located within the 10-foot perimeter, or 2) a drainage swale with a minimum longitudinal slope of 2% located within 10 feet of the building. 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</p> |
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PRIOR TO ISSUANCE OF A BUILDING PERMIT

- Plng.
40. 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.
 41. In compliance with the Map Act, prior to issuance of building permits, the applicant shall provide proof of recordation of Final Map No. 19458. Additionally, pursuant to CMMC Section 13-236, no lot may be sold, leased or financed nor shall permits be issued or construction commenced prior to the filing of the final map with the county recorder.
 42. 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.
 43. Address assignment shall be requested from the Planning Division prior to approval 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.
 44. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 45. 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 drive and driveway entrances shall also be enhanced with pervious pavers, pavers, colored stamped concrete, or other treatment to the satisfaction of the Community Development 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.

46. Prior to the issuance of any building permits, the applicant shall enter into an Affordable Housing 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.
47. 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.
48. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Community Development 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.
49. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas either within the garages or within the rear yard areas of the dwelling units (behind fences).
50. All on-site utility services located within the development area and outside of the street setback shall be installed underground, or where applicable, screened from view. Roof-mounted utility equipment (e.g., satellite dishes), shall be screened from public rights-of-way and adjacent properties.
51. Transformers, backflow preventers, and any other approved above-ground utility improvements located within the street setback area shall be screened from public rights-of-way and adjacent properties to the maximum extent feasible through landscaping or other approved screening methods , under direction of Planning staff. 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. Utility improvements requiring access from the public right-of-way may be exempt from full screening where necessary to accommodate operational and

maintenance requirements, subject to review and approval by the Community Development Director.

52. 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 be screened from public rights-of-way and adjacent properties to the maximum extent feasible through landscaping or other approved screening methods, under the direction of Planning Staff.
53. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
54. Prior to building permit issuance, the applicant shall submit a comprehensive utilities plan that shows utility design, required undergrounding and dedications/easements. The plan will be reviewed by both the City's Building Division and Public Works Department.
- Bldg. 55. 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.
56. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
57. Prior to issuance of a rough grading permit, the applicant shall submit, for review and approval by the Building Official, a site plan identifying the locations of the three soil vapor borings and associated monitoring points utilized in the methane assessment described in Section 2.3, Methane Assessment (2026), of the Soils Management Plan dated June 3, 2026. The site plan shall demonstrate that the methane assessment was conducted within the parameters of the proposed development area and shall reference the assessment's conclusion that no methane or hydrogen sulfide was detected during either sampling event at any of the monitoring locations.

58. 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.
59. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Community Development 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 Community Development 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 in front of each unit shall be assigned to that unit.
 - E. The CC&Rs shall include 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 will one time submit a signed affidavit to the City of Costa Mesa to certify the following:
 - The one and 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 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.
 - 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 gates along Charle Street and pedestrian access through the property.

60. Provide a written operations plan for the opening and closing of the vehicle and pedestrian gates that connect to Charle Street and Harbor Boulevard.

PRIOR TO FINAL INSPECTION/OCCUPANCY

- Plng. 61. 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.
62. 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.
63. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance. Only canopy trees shall be planted within the development and public right- of way; palm trees shall not be used.
64. Prior to final building inspection, a bicycle rack shall be installed in a location such that it is functional, accessible and visible to the user. The placement must ensure that parked bicycles do not interfere with vehicle circulation or pedestrian access.
65. Prior to issuance of Certificate of Occupancy, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development.

CODE REQUIREMENTS

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

- Bldg. 1. Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with chapter 11A and 11B of the California Building Code. A change of

occupancy shall require compliance with the Disabled access requirements of chapter 11A and 11B of the California Building Code. If a sales office is proposed and provided on-site, the sales office shall comply with the applicable disabled access requirements of Chapter 11B of the California Building Code.

2. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
4. Prior to issuance of a building permit, the City's Building and Fire Departments shall review the proposed development plans to determine compliance with all building and safety and fire codes, and to ensure safety, suitable occupancy and the necessary occupant ingress and egress.
5. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code.
6. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code.
7. Comply with the City's fence and wall standards including the inclusion of visibility triangles.
- Fire 8. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted, and amended by Costa Mesa Fire & Rescue.
- Bus. 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 C
Engineering Conditions of Approval
Provided Under Separate Cover