

RESOLUTION NO. PC-2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-11 AND TENTATIVE PARCEL MAP 23-03 FOR A COMMON INTEREST DEVELOPMENT CONSISTING OF TWO, TWO-STORY SINGLE FAMILY DWELLING UNIT CONDOMINIUMS AT 161 CECIL PLACE.

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

WHEREAS, Planning Application 23-11 and Tentative Parcel Map 23-03 was filed by Josh Martinez, authorized agent for the property owner, 161 Cecil Place, LLC. requesting approval of two-unit common interest development. A parcel map is proposed to facilitate the subdivision and is required to be recorded prior to the sale of the units.

WHEREAS, a duly noticed public hearing held by the Planning Commission on October 23, 2023, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15315 (Class 15), for Minor Land Divisions.

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 23-11 and Tentative Parcel Map 23-03 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 23-11 and Tentative Parcel Map 23-03 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is

a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 23rd day of October, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on October 23, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__

EXHIBIT A

FINDINGS

- A. Pursuant to CMMC Section, 13-40 (1) all new residential common interest development projects shall be processed according to the design review procedures contained in Chapter III Planning Applications. The information presented for the residential common interest development PA-23-11 complies with CMMC Section 13-29(g)(14), findings for Design Review in that:

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 Findings: This project complies with the City of Costa Mesa Zoning Code Common Interest Development standards and the Residential Design Guidelines. The intent of these regulations is to promote excellent design and construction with consideration to the neighboring properties. The design includes covered and uncovered parking requirements, adequate open space, private storage areas, and common areas. The homes are designed to meet massing and offset standards, and include materials that improve the immediate neighborhood aesthetics.

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: The project consists of constructing two (2) two-story homes that are designed with appropriate massing and offsetting. Windows are strategically placed on the second floor to provide additional privacy from neighboring properties. There is a 2nd story home north of the project site and a one-story home south of the project site. The homes are designed so that there are no unrelieved two-story walls.

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: This project does not consist of an affordable multi-family housing development and does not incorporate any density

bonuses for housing. The project is consistent with all development standards for common interest developments, and the underlying zoning designation, and is complies with the maximum density standards allowed under the general plan.

- B. The proposed Parcel Map complies with Costa Mesa Municipal Code Section 13-29(g)(13) because:

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

Facts in Support of Findings: The proposed development conforms to Policies LU-1.3, LU-2.9, and LU-4A of the City's 2015-2035 General Plan. The proposed common interest development conforms to the Costa Mesa Zoning Code requirements in that the proposed project includes one lot with two residential units that are designed consistent with the City's Residential Design Guidelines.

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

Facts in Support of Finding: The proposed project is compatible with the applicable Medium Density Residential (MDR) General Plan land use provisions and density.

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

Facts in Support of Finding: The City's Zoning Code and General Plan allows for common interest developments in the R2-MD zone, and as proposed the project does not exceed the permitted density. The design of the units are compatible with the neighborhood and no environmental impacts are anticipated.

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 overall design and physical condition of the proposed project achieves a high standard of appearance, quality, and safety. The open space and yard areas provide natural cooling and the landscape and open space areas consist of a mixture of permeable and non-permeable materials reducing the amounts of water runoff. The project is in

compliance with current building codes and will be more energy efficient than the previously existing residential development.

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

Facts in Support of Finding: The proposed parcel map does not propose to modify any existing easements and will not interfere with the free and complete exercise of any public entity or utility rights-of-way or easements.

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

Facts in Support of Finding: As required, the property is connected to the public sewer system and is required to comply with all applicable water quality related laws and regulations.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng. 1. 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 and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals 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 the City.
2. The conditions of approval, code requirements, and special district requirements for PA-23-11 and PM-23-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
4. 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.
5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second-story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
6. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
7. Prior to issuance of final building inspections, the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line

- locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
- Pkwys 8. All City trees shall be protected during the construction phase of this projects. All trees damaged will be replaced with a 24-inch box tree or bigger. Tree species shall be determined by the City's Arborist.
9. Prior to Parcel Map recordation, 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 property owner'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 areas in perpetuity by the maintenance association.
- C. The CC&Rs and articles of incorporation and bylaws of the Property Owners Association shall reflect the conditions of approval included herein. The CC&Rs shall be submitted for review by the Planning Division to confirm common use and maintenance of all parking spaces, driveway and landscaping will continue.
10. The Parcel Map shall be recorded prior to the sale of any unit.

CODE REQUIREMENTS

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

- Plng. 1. Approval of PA-23-11 and PM-23-03 is valid for two years from the effective date of this approval and will expire at the end of that period unless a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official. A time extension can be requested no less than 30 days or more than 60 days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180-days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.

2. Development shall comply with all requirements of Article 1, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
3. Prior to the 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, floor plan, and/or landscape plan.
4. Street addresses shall be displayed in a manner visible to the street. Street address numerals shall be a minimum of 6 inches in height with not less than 1/2 -inch stroke and shall contrast sharply with the background.
5. Installation of all 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 vault, wall cabinet, or wall box under the direction of the Planning Division.
6. Fencing shall comply with the requirements set forth in the Costa Mesa Municipal Code Section 13-75, as well as the City's Walls, Fences and Landscaping Standards.
7. 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, ground cover and turf requirements per the City's Zoning Code requirements.
8. Two sets of detailed landscape and irrigation plans, which meet the requirements set forth in the Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to the issuance of building permits.
9. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
10. All unpaved areas visible from public right-of-ways shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.
11. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to neighbors.
12. 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.
13. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.

14. Transformers, backflow preventers, and any other approved above-ground utility improvements 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.
- Bldg. 15. Comply with the requirements of the adopted, 2019 California Residential Code, the 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Two separate plans for each address shall be submitted to the Building Division for review. For other Departments or Divisions one set can be submitted.
16. All noise-generating construction activities shall be limited to 7 AM to 7 PM, Monday through Friday and 9 AM to 6 PM, 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.
17. Submit a precise grading plans, an erosion control plan and a hydrology study. If it is determined that a grading plan is not required a drainage plan shall be provided. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
18. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
19. 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. 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 2019 California Building Code sec. 1808.7.4
20. Maximum allowable area of new construction and additions shall be determined in accordance with the applicable provisions of 2019 California Building Code Section 506.2
21. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of 2019 California Building Code Section 705.8 and Table
22. 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 two percent.
2019 California Residential Code CRC 403.1.7.3
23. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of six inches within the first 10 feet. CRC R401.3
 - Eng. 24. At the time of development, submit for approval of an Offsite Plan to the Engineering Division, and Grading Plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
 25. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
 26. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
 27. Obtain an encroachment permit from the Engineering Division for any work in the City public right-of-way. Pay required permit fee & cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per section 15-31 & 15-32, C.C.M.M.C. as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
 28. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for new driveway approaches.
 29. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then reconstruct the existing residential sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
 30. Fulfill Drainage Fee requirements per City of Costa Mesa Ordinance No. 06-19 prior to approval of Final Map/Approval of Plans.
 31. Dedicate a 3-foot public sidewalk easement behind existing right of way line on Cecil Place.
 - Trans. 32. Construct drive approaches per City standard 513, w=16' and x=4'. Plan shows the x at 3', this change can be made prior to building permit.
 - Fire 33. Comply with the California Fire Code as adopted and amended by the City of Costa Mesa.
 34. Residential fire sprinklers shall be added to the new residential units.

- Bus. 35. All contractors and subcontractors must have valid business licenses to
Lic. do business in the City of Costa Mesa. Final inspections, final occupancy
and utility releases will not be granted until all such licenses have been
obtained.

SPECIAL DISTRICT REQUIREMENTS

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

- AQMD 1. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
2. 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.

- Cable 3. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Sani. 4. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
- School 5. Pay applicable Newport Mesa Unified School District Fees to the Building Division prior to issuance of building permits.
- State 6. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
- Water 7. 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.
8. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.