

**RESOLUTION NO. PC-2025-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF ENVIRONMENTAL IMPACT REPORT (SCH NO. 2024060115), GENERAL PLAN AMENDMENT (PGPA-23-0002), MASTER PLAN, VESTING TENTATIVE PARCEL MAP, AND DENSITY BONUS AGREEMENT FOR A THREE-PHASED, 1,050 DWELLING UNIT, APARTMENT DEVELOPMENT WITH 3,692-SQUARE-FOOT RETAIL COMPONENT AT 3333 SUSAN STREET (“HIVE LIVE”)**

THE PLANNING COMMISSION 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 Tim O’Brien of Legacy Partners, authorized agent for the property owners, for the real property located at 3333 Susan Street;

WHEREAS, the proposed project, Hive Live, is a residential development with a 3,692 square foot retail component on a 14.25 acre lot with 1,050 multi-family dwelling units at a site specific density of 62 dwelling units per acre. The applicant is requesting approval of the following:

1. General Plan Amendment (PGPA-23-0002): to amend the General Plan Land Use Element including changing the Land Use Designation of the project site from Industrial Park to Urban Center Commercial and High Density Residential;
2. Rezone: Give first reading to an Ordinance approving the rezone of the project site from Planned Development Industrial (PDI) to Planned

Development Commercial and Planned Development Residential – North Costa Mesa;

3. North Costa Mesa Specific Plan Amendment: Give first reading to an Ordinance approving the Specific Plan to establish site-specific zoning regulations including development standards and design guidelines;
4. Master Plan: Approve the Master Plan for the development of the project;
5. Vesting Tentative Parcel Map No. 2024-114: Approve the Vesting Tentative Parcel Map to subdivide the property into three parcels for phasing purposes;
6. Density Bonus: Approve the density bonus agreement which will provide 105 low income units in exchange for a 20 percent density bonus; and
7. Development Agreement: Give first reading of an Ordinance approving the Development Agreement between the City and the applicant.

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 August 1, 2023, 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 Planned Development Commercial and Planned Development Residential – North Costa Mesa zoning designation to the subject property, as the site currently has a land use designation of Planned Development Industrial, which is not consistent with the residential development;

WHEREAS, General Plan Amendment (PGPA-23-0002), 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-6 – Amend the Land Use Density and Intensity Summary to include a footnote regarding the site-specific density;
4. Text Addition on page LU-30 – A description outlining the project’s site-specific density within the High-Density Residential description section;
5. Text Addition on page LU-42 – Include the project in Urban Center Commercial text;
6. Table LU-11 – Amend the Urban Center Major Developments table to include the Hive Live project and associated site-specific density;
7. Text Addition on page LU-46 – A description of the project within the Urban Center Commercial description section; and
8. 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. 25-\_\_ for the Rezone (Exhibit D) and Ordinance No. 2025-\_\_ for the North Costa Mesa Specific Plan Amendment (Exhibit E) is necessary to establish consistency between the General Plan and Zoning Code;

WHEREAS, consistent with the General Plan Amendment, the Rezone will apply the Planned Development Commercial (PDC) zoning designation on the southern parcel and Planned Development Residential – North Costa Mesa (PDR-NCM) zoning designation to the two northern parcels, all currently zoned PDI – Planned Development Industrial with a maximum site-specific base density of 62 dwelling units per acre, a maximum of 1,050 units;

WHEREAS, a North Costa Mesa Specific Plan Amendment is required to modify the Specific Plan’s maps, figures, text and tables to apply development and intensity standards that would dictate future development on the site;

WHEREAS, the master plan is a request to implement the project’s Specific Plan and provide site plan and architectural details for the proposed buildings, on-site improvements as well as common open space;

WHEREAS, Vesting Tentative Parcel Map No. 2024-114 is a request to subdivide the property for phasing purposes;

WHEREAS, Development Agreement (Exhibit F) is an agreement between the City of Costa Mesa and the applicant pursuant to California Government Code Sections 65864 et. seq. The Development Agreement includes affordable housing terms, public benefits to the City, and payment of development impact fees including:

1. 105 affordable housing units for 55 years;
2. Dedication of an easement for public access use of the paseos during business hours; and
3. Payment of impact fees for Measure Z, traffic, and public services including to the Police Department and Costa Mesa Fire and Rescue Department.

WHEREAS, Density Bonus Agreement 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 Environmental Impact Report (EIR) including the Mitigation Monitoring and Reporting Program was prepared in compliance with CEQA and the local environmental review guidelines;

WHEREAS, the Draft EIR was circulated for the required 45-day public review period beginning on February 14, 2025, and ending on March 31, 2025;

WHEREAS, the final adoption of the Final EIR shall be considered by the City Council as the final approval authority, after evaluation of the environmental document and all comments on the Draft EIR received during the public review period;

WHEREAS, written comments received from the general public, government entities, and other interested parties were responded to, where appropriate, in the manner prescribed in California Code of Regulations Section 15073;

WHEREAS, no significant new information has been added to the IS/MND since its circulation for public comment and no changes to the proposed project have occurred which would require recirculation of the IS/MND under CEQA Guidelines Section 15073.5;

WHEREAS, the Planning Commission has reviewed and considered the EIR and has found that the EIR adequately evaluates the environmental impacts of the proposed

project, and the EIR is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the EIR reflects the independent judgment and analysis of the City of Costa Mesa;

WHEREAS, the City has found that this project will generate an annual net fiscal surplus of \$347,000 to the City's General Fund per the Fiscal Impact Analysis report;

WHEREAS, a study session was held by the Planning Commission on May 27, 2025 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, following a study session, the Planning Commission conducted a duly-noticed public hearing on June 9, 2025 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 A2, and subject to the conditions of approval contained within Exhibit A3, and all the mitigation measures included in the Mitigation Monitoring and Reporting Program contained within Exhibit A5, the Planning Commission hereby **RECOMMENDS THAT THE CITY COUNCIL** take the following actions:

1. **CERTIFY** the Final EIR (SCH No. 2024060115) including the Mitigation Monitoring and Reporting Program; and
2. **ADOPT** General Plan Amendment PGPA-23-0002 to modify the Land Use Element's maps, figures, text and tables to apply the Urban Center Commercial land use designation to the southern parcel and High Density Residential to the northern parcels with a site density of 62 dwelling units per acre, a maximum of 1,050 dwelling units; and
3. **GIVE FIRST READING** to Ordinance 2025-\_\_ to rezone the southern portion of the project site to Planned Development Commercial (PDC) and the northern parcels to Planned Development Residential – North Costa Mesa (PDR-NCM), to facilitate the residential development and to amend the zoning code to include the site density of 62 dwelling units per acre and maximum of 1,050 units for the project site, in substantially the form as shown in Exhibit D; and
4. **GIVE FIRST READING** to Ordinance 2025-\_\_ to amend the North Costa

- Mesa Specific Plan to modify specific development standards related to the proposed project in substantially the form as shown in Exhibit E; and
5. **APPROVE** the Master Plan for a three-phased 1,050-unit residential common interest development; and
  6. **APPROVE** Vesting Tentative Parcel Map No. 2024-114 to subdivide the properties for phasing purposes; and
  7. **APPROVE** the Density Bonus Agreement to authorize a 20 percent density bonus in exchange for a minimum of 10% of the base units (105) to be provided as low income units for a period of no less than 55 years and to authorize requested waivers related to parking lot design; and
  8. **GIVE FIRST READING** to Ordinance 2025-\_\_ to approve the Development Agreement between the City and the applicant, in substantially the form as shown in Exhibit F.

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 Final EIR, General Plan Amendment, Rezone, North Costa Mesa Specific Plan Amendment, Master Plan, Tentative Parcel Map, Development Agreement, and Density Bonus and upon applicant's compliance with each and all of the conditions in Exhibit A3, 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 9th day of June, 2025.**

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Jeffrey Harlan, Chair  
Costa Mesa Planning Commission

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-2025- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 9, 2025, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Carrie Tai, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2025-

# EXHIBIT A

## GENERAL PLAN AMENDMENT PGPA-23-0002

### Amendment to Land Use Map (Figure LU-3)

Update Land Use Map by applying the Urban Center Commercial to the southern parcel and the High Density residential designation to the two northern parcels with a site specific density of 62 dwelling units per acre and a maximum of 1,050 units:



## 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
<b>Residential</b>						
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 <sup>1,2</sup>	≤20 du/ac		<del>859.99</del> 869.56	2,918.13	<del>862.898</del> 72.5	10.87%
<b>Non-Residential</b>						
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	8.5	614.44	7.6%
Commercial Center <sup>3</sup>	≤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 <sup>3</sup>	20 to 80 du/ac	N/A <sup>5</sup>	<del>59.74</del> 64.42	66.6	<del>126.341</del> 31.02	1.6%
Cultural Arts Center <sup>4</sup>	Varies <sup>4</sup>	1.77 <sup>4</sup>	57.3	0.0	57.3	0.7%
Regional Commercial	≤20 du/ac	0.652/0.89 <sup>4</sup>	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	<del>630.13</del> 615.88	2.4	<del>632.536</del> 18.28	7.97%
Light Industrial <sup>6</sup>	≤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%
<b>Totals</b>			<b>7,955.6</b>	<b>87.1</b>	<b>8,042.4</b>	<b>100%</b>

## Amendment to Land Use Density and Intensity Summary (Table LU-6)

Update Table LU-6: Amend the Land Use Density and Intensity Summary to include a footnote regarding the site-specific density

Land Use Designations	Maximum Density			Maximum Intensity	
	Maximum Units	Dwelling Units per Acre (du/ac)	Persons per Acre (p/ac)	Floor-Area Ratio (FAR)	Employees per Acre (e/ac)
<i>Residential</i>					
Low-Density Residential	--	8 du/ac	26 p/ac	--	--
Medium-Density Residential	--	12 du/ac	38 p/ac	--	--
High-Density Residential <sup>8,9,10</sup>	--	20 du/ac	50 p/ac	--	--

9-10. *The 3333 Susan Street property has a site specific residential base density maximum of 62 units/acre (or maximum base density of 884 dwelling units).*

### **Addition to High Density Residential Text (Page LU-30)**

Inclusions of a description outlining the project's site-specific density within the High-Density Residential description section.

An approximately 9.57-acre portion of the HIVE LIVE site is designated High Density Residential. The HIVE LIVE site, which is within the North Costa Mesa Specific Plan, permits a site-specific base density of up to 62 units/acre (or a maximum base density of 884 dwelling units across the *entire* HIVE LIVE site).

### **Addition to Urban Center Commercial Text (Page LU-42)**

Inclusions of the Hive Live project the list of Urban Center Commercial major developments.

The Urban Center Commercial designation includes the following major developments:

- Automobile Club of Southern California
- Metro Pointe
- South Coast Metro Center/Experian
- Sakioka Lot 2 (as of 2015, unbuilt)
- HIVE LIVE (Parcel A)

## Amendment to Urban Center Major Developments Table (Table LU-11)

Amend the Urban Center Major Developments table to include the Hive Live project and associated site-specific density:

**Table LU-11: Urban Center Major Developments**

Area	Acres	Maximum		Peak Hour Vehicle Trip Budget		North Costa Mesa Specific Plan Applies
		Development Agreement Non-Residential Building Sq.Ft./FAR	Allowable Residential Units	A.M.	P.M.	
Automobile Club of Southern California <sup>1</sup>	43	967,000 sf 0.56 FAR	0	1,190 <sup>2</sup>	1,576 <sup>2</sup>	No
South Coast Metro Center/Experian <sup>1</sup>	45	Residential Option: 1,335,386 sf 0.69 FAR Non-Residential Option: 1,546,180 sf 0.79 FAR	Residential Option: 484 units	Residential Option: 1,931 <sup>2</sup> Non-Residential Option: 1,886 <sup>2</sup>	Residential Option: 1,976 <sup>2</sup> Non-Residential Option: 1,994 <sup>2</sup>	Yes
Sakioka Lot 2 <sup>1</sup>	33	Non-Residential: 863,000 sf 1.0 retail FAR 1.0 office FAR	Residential Option: 660 units	1,062 <sup>2</sup>	1,407 <sup>2</sup>	Yes
<u>HIVE LIVE</u>	<u>4.68</u>	<u>Non-Residential:</u> <u>70,128 sf</u>	<u>Residential</u> <u>Option: 884</u> <u>units<sup>3</sup></u>	<u>376</u>	<u>362</u>	<u>Yes</u>

Notes:

1. A development agreement specifies the maximum building square footage and floor area ratio, which is consistent with the North Costa Mesa Specific Plan and General Plan.
2. Vehicle trips per hour
- 2.3. HIVE LIVE residential development is reflective of a maximum base density of 62 units/acre across the entire 14.25-acre HIVE LIVE site. Please refer to the North Costa Mesa Specific Plan

## **Addition to Urban Center Commercial Text (Page LU-46)**

Inclusion of a project description within the Urban Center Commercial description section.

### *HIVE LIVE*

An approximately 4.68-acre portion HIVE LIVE property is designated Urban Center Commercial. The HIVE LIVE property is located in the Segerstrom Home Ranch Sub-Area of the North Costa Mesa Specific Plan. It is located west of Susan Street and north of Coast Drive. The site is currently developed with an existing office development and a grass field that was previously used for the LA Chargers training facility. Pursuant to a development agreement, site specific intensity and density were established: (1) up to 884 base dwelling units across the entire HIVE LIVE property, with minor accessory retail, and (2) 70,128 square feet of non-residential use on Parcel 1 (if residential uses are not established).

Future development on HIVE LIVE property is subject to an applicable trip budget limitation, applicable development standards of the PDC and PDR-HD zones, and consistency with the both the North Costa Mesa Specific Plan and the General Plan.

## 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
<i>Residential</i>					
Single-Family	2,088.2	14,210	14,791	--	--
Multi-Family	<del>1,720.2</del> <u>1,729.5</u> 7	28,413	36,958	--	--
<i>Non-Residential</i>					
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	<del>126.313</del> <u>0.98</u>	--	--	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	<del>632.661</del> <u>8.4</u>	--	--	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
<b>Totals</b>	<b>8,044.5</b>	<b>42,623</b>	<b>50,692</b>	<b>33,916,000</b>	<b>42,553,000</b>

## EXHIBIT A2

# FINDINGS

### A. ***General Plan Amendment (PGPA-23-0002)***

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 Urban Center Commercial designation to the southern parcel and the High Density Residential designation to the two northern parcels.

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 6<sup>th</sup> 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 designated as a housing opportunity site. The project proposes 1,050 housing units including 105 low-income units, which would contribute to the City meeting its RHNA obligations.

***The proposed density at 62 du/acre is appropriate given the property's location, site size, and design of the project.***

**Facts in Support:** Higher-density residential developments offer several community benefits, including reduced traffic congestion and enhanced walkability. By concentrating housing units within a compact area, such developments can decrease reliance on automobiles, leading to fewer vehicle trips compared to traditional low-density neighborhoods. This design fosters a pedestrian-friendly environment, allowing residents to access nearby amenities and promoting healthier lifestyles. North Costa Mesa has been identified as an area for development since it was included in Measure K.

The proposed project's density aligns with the existing residential character in North Costa Mesa, where similar densities are present. Moreover, the development exemplifies thoughtful site planning and design, offering meaningful community amenities. These features contribute to the City's objective of enhancing community well-being.

***Senate Bill 166 (Government Code Section 65863), the "No Net Loss Law".***

**Facts in Support:** The proposed Development project includes a total of 1,050 units, exceeding the City’s Housing Element RHNA Sites Inventory capacity of 618 units for the subject site. However, according to the City’s adopted Housing Element “Sites Analysis” (Appendix B), the property is identified with providing 68 very-low-income units, 38 low-income units, 72 moderate income units and 252 above moderate units. The proposed development includes no very-low-income units, 105 low-income units, no moderate-income units and 945 above-moderate units, therefore the project is deficient 68 very low-income units and 72 moderate-income units. Although the development, as proposed, would be deficient for very-low-income units, and moderate-income units (as specified in the City Housing Element “Sites Analysis”), the City’s Housing Element includes a 145 unit surplus of very-low income units and a 1,144 surplus of moderate income units; therefore, a finding can be made that the City’s adopted Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level.

**B. *North Costa Mesa Specific Plan Amendment***

Per Zoning Code Section 13-29(g), there are no specific findings criteria for a specific plan application. Such action is considered a legislative action subject to the discretionary approval of the final decision body, the City Council. The North Costa Mesa Specific Plan establishes the development’s land use plan, development standards, regulations, design guidelines, infrastructure systems, and implementation strategies on which subsequent, project-related development activities would be founded. Upon adoption of the amended Specific Plan, subsequent project-specific architectural plans, detailed site plans, grading and building permits, and any other actions requiring either ministerial or discretionary approvals would be required to demonstrate consistency with the Specific Plan.

**C. 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:** The proposed rezone is consistent with the Zoning Code, the amended General Plan, and applicable planning documents. Specifically, the applicant is requesting to rezone the project site by applying the Planned Development Residential – North Costa Mesa zoning district and the Planned Development Commercial zoning district with a site specific density of 62 dwelling units per acre. This rezone would allow for the development of the 1,050 dwelling unit project pursuant to the provisions of Article 6 (Planned Development) 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 Urban Center Commercial and High Density Residential land use elements. Per Table LU-19: General Plan and Zoning Consistency of the General Plan Land Use Element, the zoning districts are considered consistent with the General Commercial 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.

- D. 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:** The creation of the subdivision aligns with the General Plan by promoting residential development that meets the community's housing needs. Additionally, the subdivision complies with the local Zoning Code and State laws by conforming to established development regulations. The proposed map will allow for the phasing of the project. Each individual phase complies with the respective zoning regulations, specific plan, and general plan designations.

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

**Facts in Support of Finding:** The proposed development aligns with the General Plan by addressing the critical need for housing options within the community. Located near transportation routes and commercial and residential 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:** The proposed development will be situated in an urbanized area. The site meets the minimum lot size requirement and is a typical shaped lot that can accommodate the buildings 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. By repurposing this existing office complex and training field, the project will provide much-needed housing opportunities.

***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. 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 principals 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:** 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:** The applicant has submitted a Preliminary Water Quality Management Plan (PQWMB), which demonstrates that the project will implement best management practices to effectively manage wastewater and prevent any violations of water quality standards.

- E. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(5) – “**Master Plan Findings**” because:

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

**Facts in Support of Finding:** The proposed development is consistent with the broader goals of the General Plan by promoting housing opportunities, as

specified in General Plan Land Use Land Use Policies LU-5.10, 6.1, 7.1, and Housing Element Policies HOU-2.1, 3.2, 3.4, 3.5. Additionally, the project design reflects high-quality architectural standards and thoughtful site planning that maintains the character and integrity of the surrounding residential and commercial areas. By prioritizing amenity connectivity and experience, the development fosters a sense of place while contributing to the overall livability of a highly urbanized environment.

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

**Facts in Support of Finding:** The proposed project is not located within a mixed-use overlay district.

***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:** The proposed development includes 1,050 residential ownership units including 45 units that will be rented at very low income rates for no less than 55 years. The project complies with the maximum density standards allowed pursuant to the proposed General Plan amendment. The project is not required to comply with the City's inclusionary ordinance because they submitted an SB 330 application prior to the adoption of the Inclusionary Ordinance.

- F. 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:** The requested density bonus agreement is consistent in that the applicants are requesting a 20 percent density bonus with the inclusion of 11.8 percent low income units (105 units). Pursuant to the Government code, the request allows the developer to request two incentives 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-5.10, 6.1, 7.1, and Housing Element Policies HOU-2.1, 3.2, 3.4, 3.5. The project would comply with the amended North Costa Mesa Specific Plan and other zoning regulations.

***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:** The requested density bonus would allow the project to develop up to 1,106 dwelling units with the 20 percent density bonus. The project proposed 1,050 units while still including the 10% units dedicated to low income units. The project is not requesting an incentive.

***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:** The project is not proposing any incentives or concessions.

***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:** The requested waiver is related to parking lot development standards. The requested waiver is minimal in that it will not impact the circulation or safety of the proposed development. The waiver is necessary to reduce the scale of the parking garage and to ensure that the columns are structurally sound. Therefore, granting the waiver will increase the safety of the parking structure while not impacting circulation.

***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:** The proposed project is located approximately 1,800 feet from the Segerstrom House located at 3315 Fairview Road, the nearest property eligible for the National Register of Historic Resources. The waiver is related to the interior of the proposed parking structures and will have no impact on the potential historic resource.

The proposed project complies with City Council Resolution No. 88-53 and Government Code section 65865(c), staff recommends approval of the **Development Agreement** request, based on the following assessment of facts and findings because:

- G. ***The Development Agreement between the City of Costa Mesa and Developer is: Consistent with the objectives, policies, general land uses and programs***

***specified in the General Plan and with the General Plan as a whole; Compatible with the uses authorized in, and the existing land use regulations prescribed for, the zoning district in which the real property is and will be located; and is in conformity with and will promote public convenience, general welfare, and good land use practice.***

**Facts in Support:** The proposed Development Agreement is consistent with the General Plan as the agreement would provide several public benefits to the City including a total of 105 deed-restricted affordable units at low-income levels. In addition, the Development Agreement would contribute additional funding (beyond the required development impact fees) for public services such as police and fire and for City drainage and transportation improvements. The affordable units would contribute toward the City's compliance with its RHNA allocation.

Upon approval of the general plan amendment (PGPA-23-0002), rezone, and specific plan amendment, the proposed project would be consistent with the General Plan and Zoning Code.

***The Development Agreement between the City of Costa Mesa and Developer will not: be detrimental to the health, safety and general welfare; and adversely affect the orderly development of property or the preservation of property values.***

**Facts in Support:** The Development Agreement will not be detrimental to the health, safety and general welfare of the public or adversely affect the orderly development of property. The Development Agreement reflects the development plan for the site and documents the additional public benefits of the project (such as affordable housing and funding to improve City infrastructure) agreed to by the applicant in exchange for vesting the project approvals for the term of the DA.

- H. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Environmental Impact Report (EIR) was prepared for the proposed project, pursuant to CEQA. All environmental topics analyzed in the EIR 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.
- I. Mitigation measures from the Final EIR including Mitigation Monitoring and Reporting Program have been included as Exhibit A5. 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.

- J. 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

### RECOMMENDED CONDITIONS OF APPROVAL

- Plng .
1. General Plan Amendment PGPA-23-0002, North Costa Mesa Specific Plan, Rezone, Master Plan, and Tentative Parcel Map 2024-114, Development Agreement, and Density Bonus Agreement shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the Final EIR for this project. Mitigation Measures from the Final EIR for this project have been included as Exhibit A5. 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 conditions of approval, including Mitigation Measures incorporated as Exhibit A5, code requirements, and special district requirements of General Plan Amendment PGPA-23-0002, North Costa Mesa Specific Plan Amendment, Rezone, Master Plan, Tentative Parcel Map No. 2024-114, Density Bonus Agreement, and Development Agreement 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 Master Plan.
  5. Relating to the retail use – live entertainment, amplified music and/or dancing may only be permitted subject to City issuance of a “public entertainment permit.” Public entertainment permits are reviewed and issued by the Community Improvement Division (CID). Contact CID for application information at (714) 754-5638.
  6. The final design of any public art display shall be subject to City review and final approval prior to installation. The Cultural Arts Committee shall review the proposed art installations prior to installation.
  7. 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.
  8. The project shall comply with all terms and conditions as agreed upon in the final adopted Development Agreement between the project applicant, Legacy Partners, and the City of Costa Mesa.
  9. A copy of the conditions of approval for the project must be kept on premises and presented to any authorized City official upon request. New

business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

10. 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.
11. 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. [SCA AE-2]
12. 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. [SCA AE-4]
13. Construction activities are required to be conducted in compliance with 13 California Code of Regulations (CCR) Section 2499, which requires nonessential idling of construction equipment is restricted to five minutes or less. [PPP AIR-1]
14. 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]
15. 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.
16. 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.

17. To avoid an alley-like appearance, the private streets and driveways shall not be developed with a center concrete swale. All driveways and parking areas shall be finished with decorative stamped concrete or pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
18. All utilities servicing irrigation, project lighting and other commonly serving improvements, shall be 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.
19. The project shall comply with the Costa Mesa Noise Ordinance.
20. The removal of other hazardous materials, such as polychlorinated biphenyls (PCBs) containing less than 50 parts per million (ppm) of PCB concentrations, shall be completed by the local purveyor (i.e., Southern California Edison) in accordance with applicable regulations pursuant to 40 Code of Federal Regulations (CFR) 761 (PCBs) by workers with HAZWOPER training, as outlined in 29 CFR 1910.120 and 8 California Code of Regulations (CCR) 5192. [PPP HAZ-2]
21. 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. [SCA AES-6]
22. South Coast Air Quality Management District (SCAQMD) Rule 403 shall be adhered to, ensuring the cleanup of construction-related dirt on approach routes to the project site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission sources. Particulate matter deposits on public roadways are also prohibited. [SCA HYD-1]

23. 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. [SCA HYD-2]
24. Grading operations would be suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour. [SCA HYD-3]
25. Phase 1 shall include a minimum 32 affordable units, phase 2 shall include a minimum 35 affordable units, and phase 3 shall include the remainder of the units. The affordable units shall be evenly distributed throughout all unit types and unit sizes, throughout the building (on all sides), and on all floors.
26. For each phase, prior to issuance of any temporary certificate of occupancy, or certificate of occupancy, public and private amenities shall be constructed and installed as provided in the master plan.
27. 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.
28. For the retail component, no outdoor public communication systems shall be installed without prior review and approval by the Planning Division. If an outdoor public communication systems is installed, the system shall not be audible in adjacent residential areas.
- Bldg. 29. 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
30. 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.
31. For construction or improvements that encroach within Public Utility Easements, the applicant shall provide written approvals from the utility companies associated with that easement.
32. 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. 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
- Eng. 33. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit A4)
34. Proposed storm drain facilities shall be constructed pursuant to the City of Costa Mesa Master Drainage Plan. [SCA ENG-18]
35. The project shall fulfill drainage ordinance fee requirements prior to approval of final maps and plans.[ SCA ENG-19]
36. 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. [SCA ENG-21]

- Tran  
s.
37. Off-site parking will not be supported by the Public Works Department. All parking must be contained on-site
38. All parking stalls shall follow the City's Parking Design Standards unless otherwise approved.
- Fire
- 39.
40. All fire apparatus roads shall be constructed of a solid surface (no pavers) approved by CMFR and the Planning Division.
41. Fire lanes and fire apparatus turnarounds shall be in place and operational before combustible construction takes place.
42. 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.
43. 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**

- Plng
- 44.
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). [PPP HAZ-1]
46. 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.

47. 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). [SCA WQMP-66]
48. All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:
- Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
  - Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
  - Water excavated soil piles hourly or covered with temporary coverings.
  - Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
  - Wash mud-covered tires and under-carriages of trucks leaving construction sites.
  - Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
  - Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.

- Cease grading during period when winds exceed 25 miles per hour.
49. Construction activities are required to comply with applicable South Coast Air Quality Management District (SCAQMD) rules and regulations, including, but not limited, to the following: Rule 402, *Nuisance*, which states a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property;” and Rule 1113, *Architectural Coatings*, which limits the volatile organic compound content of architectural coatings [PPP 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. [SCA AQMD-3]
  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. [PPP EN-4]
  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. Prior to issuance of a grading permit and any ground-disturbing activities, the project applicant shall consult with a geologist or paleontologist to confirm whether anticipated grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have high sensitivity, construction

activity shall be monitored by a qualified paleontologist retained by the project applicant and a written Project Monitoring Plan (PMP) shall be submitted to the City of Costa Mesa's Development Services Department for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds. The paleontologist shall have the authority to halt construction during construction activity. Because the project area is immediately underlain by Holocene sediments (low sensitivity) and the depth of these sediments is unknown, spot-check monitoring shall be conducted to identify potential fossils and the lithological transition to Pleistocene sediments. If Pleistocene aged sediments are discovered at depth, monitoring shall transition to full-time as ground-disturbing activities occur at or below this identified depth because these Pleistocene units have been identified as having high sensitivity for paleontological resources. *(MM GEO-1)*

55. In the event of any fossil discovery, regardless of depth or geologic formation, construction work shall halt within a 50-foot radius of the find until a qualified paleontologist retained by the project applicant can determine its significance. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology (2010). The most likely repository is the Natural History Museum of Los Angeles County (NHMLAC). The repository shall be identified, and a curatorial arrangement shall be signed prior to the collection of the fossils. *(MM GEO-2)*
56. 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:
  - 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.

- Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Development Services Department for review and approval. The monitoring plan shall include monitor contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.
  - In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource ("TCR") shall cease and the Kizh Monitor shall assess the discovery. Construction activities outside the buffer zone may continue during the Kizh Monitor's assessment.
    - 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 Director of Economic and Development Services shall verify are incorporated into future construction plans, and providing cost estimates.
    - Conjoined Archaeological and Native American (TCR) Discoveries: If, following consultation with the Kizh Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Kizh Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Kizh 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 Kizh Nation.
    - 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 Kizh Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1. (MM CUL-1)
57. 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 Gabrieleño Band of Mission Indians – Kizh Nation. The Applicant shall allow 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the Applicant can demonstrate they were unable to secure an agreement with the first preference tribe, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the Applicant may retain an alternative qualified tribal monitor approved by the City. The City approved Monitor (the “Monitor”), shall monitor all “ground-disturbing” Project activities, (i.e., both on-site and any off -site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work), 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 contract shall be submitted to the Costa Mesa Economic and 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-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (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 Kizh Nation, and (2) completed the appropriate treatment of the resource.

Monitoring for tribal cultural resources (“TCR”) 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)*

- Bldg .
58. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building Official prior to issuance of grading permits.
  59. 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.
  60. 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.
  61. 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.
  62. 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.
  63. Submit a precise grading plans, an erosion control plan and a hydrology study. Prior to issuing the Building permit , the rough grading certificate shall be submitted to the Building Div

**PRIOR TO ISSUANCE OF A BUILDING PERMIT**

- Plng.
64. 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.
  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. The conditions of approval and ordinance or code provisions of the Master Plan shall be blueprinted on the face of the site plan as part of the plan check submittal package.
68. 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 street 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.
69. A parking management plan shall be submitted to the Development Services Director and the Public Services Director prior to issuance of building permits and/or prior to establishing the use. The parking management plan shall denote the following:
- Method of allocation of assigned parking, as applicable.
  - Location of customer, resident, and guest parking, including appropriate signage.
  - Location of security gates, if any, and how gates will be operated.
- Provide proof of a contract with a towing service to enforce the parking regulations if parking problems arise.
70. Prior to issuance of building permits the owner shall provide proof of a recorded agreement between the parcels for reciprocal access. The agreement shall also require the Development Services Department of the City of Costa Mesa to be notified within 30 days if there are any modifications to the agreements or if the agreements are terminated. The applicant shall prepare and submit the agreement for approval to the Development Services Director and the City Attorney's Office. Following such approval, the agreement shall be recorded against all properties named in the agreement. Copies of the recorded agreement shall be provided to the Development Services Director prior to issuance of a building permit. The Development Services Director is authorized to approve modifications to the shared parking agreement, including but not limited to authorizing the use of other shared parking sites, if he/she finds that the modification is in substantial conformance with the intent of this condition.
71. 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.

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72. The applicant shall submit a Traffic Impact Fee to the Transportation Division prior to issuance of building permits to fulfill mitigation of off-site traffic impacts. The fee is required in an amount determined by the Transportation Division pursuant to the prevailing schedule of charges adopted by the City Council. The fee is calculated based on the average daily trip generation of 3,082 trips for the proposed project and includes a credit for any previously existing use. At the current rate, the Traffic Impact Fee is estimated at \$667,584.00. NOTE: The fee will be recalculated at the time of issuance of building permits and based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
73. Fulfill the San Joaquin Hills Transportation Corridor Fee Ordinance requirement at the time of issuance of the building permits by submitting the required fee to the Transportation Division. At the current rate of \$6.48 per non-residential square foot and \$2,960.00 for each multi-family residential dwelling, the corridor fees are estimated at \$ 2,016,223.68 and include a credit for any previously existing use. The above fee is subject to annual review and adjustment every July 1.
- Bldg.
74. 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.
75. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
- Plng.
76. 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.
77. 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.
78. 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.
79. The applicant shall provide for a bicycle rack on the property in proximity to the retail component, based on locational approval from Planning and Transportation Services. A greater amount of bicycle racks and bicycle lockers can be provided upon approval of the Planning Division.
  80. 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. [SCA AE-3]
  81. 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. [SCA AE-5]
  82. Applicant shall secure the premises with appropriate security lighting and employee inspection of adjacent areas under which applicant has control, to prevent trash, graffiti and littering. Any lighting under the control of applicant shall be directed in such a manner so as not to unreasonable interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premise.
  83. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.
  84. All on-site utility services shall be installed underground or on the roof (e.g., satellite dishes), in which case such utility services shall be obscured from view.
  85. 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.

- 86. Outside security lighting shall be provided under the direction and upon the recommendation of the City of Costa Mesa Development Services Department and/or the Police Department. [SCA PD-1]
- 87. 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.
- 88. 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.
- 89. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- 90. The applicant shall maintain free of litter all areas of the premises under which applicant has control, including any use of off-site valet and shuttle parking lots.
- 91. Truck Deliveries shall not occur anytime between the hours of 8:00 p. m. and 7:00 a.m; provided that special deliveries or staging (e.g., import/export) will occur prior to 7:00 a.m. to avoid disruptions in traffic.
- 92. Prior to issuance of building permits, the Developer shall pay a measure Z fee and park impact fee or dedicate parkland to meet the demands of the proposed development.
- 93. 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.
- Fire 94. Prior to issuance of a building permit, the applicant shall submit and have approved by the Fire Department an Emergency Access Plan, which identifies and locates all Knox Boxes, Knox key switches, and Click2Enter radio access control receivers. Said plan shall be incorporated into the plan set for building permits.
- 95. Prior to issuance of building permits, the project shall implement DAS-800 MHz radio coverage into the plans to allow first responders to communicate.

**PRIOR TO FINAL INSPECTION/OCCUPANCY**

- Plng. 96. 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.

97. 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.
98. Prior to final inspection or Certificate of Occupancy (C of O) 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.
99. Prior to issuance of a certificate of occupancy for the first constructed phases, applicant shall provide proof of establishment of a maintenance association or HOA to ensure adequate maintenance of all shared facilities across the three parcels prior to release of any utilities. The maintenance association or HOA shall be reviewed by the City Attorney's office prior to recordation.
100. 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.
101. 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).
102. Prior to the first final inspection or Certificate of Occupancy the applicant shall submit a detailed plan to the Transportation Division for review and approval to design and construct a buffered class II bike lane with green bicycle markings on both directions of Susan Street between Sunflower Avenue and South Coast Drive. Meet with the Transportation Services Division for design review and approval of the improvements.
103. All parking spaces shall conform with the City of Costa Mesa Parking Design Standards unless otherwise approved.
104. Prior to the first final inspection or Certificate of Occupancy, install high-visibility crosswalk striping at all legs at the intersection of Sunflower Avenue and Susan Street and South Coast Drive and Susan Street. Meet with the Transportation Services Division for design review and approval of the improvements.
105. Design and implement signal interconnect improvements to interconnect the traffic signal at Susan Street and South Coast Drive to the traffic signal at Susan Street and Sunflower Avenue via new conduit and fiber optic cable under the new proposed sidewalk along the development as well as all

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necessary appurtenances including but not limited to splice enclosures, D-panels, FDU's, fiber switches, drop cables, etc. to provide communication back to the City's Traffic Management Center (TMC). An easement will be required for City maintenance purposes. Meet with the Transportation Services Division for design review and approval of the improvements.

- 106. Meet with the Transportation Services Division to discuss required traffic signal modifications at the intersection of Sunflower Avenue and Susan Street which includes but is not limited to installation of new Accessible Pedestrian Signals (APS push buttons). Meet with the Transportation Services Division for design review and approval of the improvements.
- 107. Design and implement traffic signal modifications at the intersection of South Coast Drive and Susan Street. Meet with the Transportation Services Division to discuss required modifications which includes but is not limited to the addition of a new crosswalk on the west leg of the intersection and necessary ADA ramps, upgrading all push buttons to APS push buttons, new countdown pedestrian signal heads, and video detection that can detect bicyclists. Meet with the Transportation Services Division and Engineering Division for design review and approval of the improvements.

### **TENTATIVE PARCEL MAP**

- PIng. 108. Prior to issuance of building permits, the applicant shall provide proof of recordation of Tentative Parcel Map No. 2024-114. This condition shall be completed under the direction of the Planning Staff.
- Eng. 109. Comply with the conditions of approval in the letter prepared by the City Engineer (Exhibit A4).

### **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.

- PIng 1. New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and the California Green Building Standards Code (CALGreen; Title 24, Part 11). The 2022 Building Energy and Efficiency Standards and 2022 CALGreen are most current standards and are updated tri-annually with a goal to achieve zero net energy for residential buildings and non-residential buildings. [PPP EN-1]
- 2. To reduce water demands and energy use associated with landscape water use, the proposed project is required to implement a landscaping palette emphasizing drought-tolerant plants and water-efficient irrigation techniques consistent with provisions of the City's Model Water Efficient Landscape Ordinance (MWELO; Ordinance No. 16-03) requirements. [PPP EN-2]

3. To reduce water demands and associated energy use associated with indoor water use, the proposed project is required to provide plumbing fixtures that meet the United States Environmental Protection Agency (EPA) Certified WaterSense, most current and applicable version California Green Building Standards Code (CALGreen) standards or equivalent, faucets, toilets, and other plumbing fixtures. The water conservation strategy is required to demonstrate a minimum 20 percent reduction in indoor water usage compared to baseline water demand (total expected water demand without implementation of the water conservation strategy). [PPP EN-3]
4. Construction contractors are required to minimize non-essential idling of construction equipment during construction in accordance with California Code of Regulations (CCR) Section 2449, Title 13, Article 4.8, Chapter 9. [PPP EN-6]
5. Per the most current and applicable version California Green Building Standards Code (CALGreen) standards, construction of the proposed project is required to include installation of electric vehicle (EV) charging stations and designated EV parking at non-residential and residential buildings. Preferential parking for low-emitting, fuel-efficient, and carpool/car share/van vehicles is required in all parking areas. [PPP EN-5]
6. As required by Municipal Code Section 5-1, *Construction Codes Adopted*, the project is required to comply with the most recent edition of the California Building Code (CBC). Adherence to the most recent edition of the CBC would preclude significant adverse effects associated with seismic hazards. [PPP GEO-1]
7. As required by Municipal Code Section 5-1, *Construction Codes Adopted*, the project is required to comply with the recommendations outlined in a project-specific geotechnical report, such as the *Geotechnical Investigation, The Hive – Proposed Multi-Family Residential Development, Susan Street and West Sunflower Street, Costa Mesa, California* (Geotechnical Investigation), prepared by NOVA Services (NOVA), dated February 29, 2024. [PPP GEO-2]
8. National Pollutant Discharge Elimination System (NPDES): General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires filing a Notice of Intent (NOI), a Risk Assessment, a Site Map, a Storm Water Pollution Prevention Plan (SWPPP) with associated best management practices (BMPs), an annual fee, and a signed certification statement. [PPP HYD-1]
9. Orange County MS4 Permit (R8-2009-0030, as amended by Order No. R8-2010-0062, or most recent): The MS4 Permit requires new development and redevelopment projects to:
  - Control contaminants into storm drain systems;
  - Educate the public about stormwater impacts;
  - Detect and eliminate illicit discharges;
  - Control runoff from construction sites; and

- Implement best management practices (BMPs) and site-specific runoff controls and treatments for new development and redevelopment.  
[PPP HYD-2]
10. As required by Municipal Code Section 8-32, the project is required to comply with the recommendations outlined in the *Preliminary Water Quality Management Plan* (Preliminary WQMP), prepared by Urban Resource Corporation on April 30, 2019. A final WQMP must be submitted and approved by the City prior to the issuance of a grading permit. The WQMP includes site design measures, source control measures, and treatment measures that minimize the potential for erosion and siltation. In addition, the WQMP must include an operations and maintenance (O&M) plan and maintenance agreement for review and approval by the City to ensure the treatment measures installed at the site are maintained for perpetuity.[ PPP HYD-5]
  11. As required by Municipal Code Section 8-32, *Control of Urban Runoff*, the proposed project would be undertaken in accordance with the County's *Drainage Area Management Plan* (DAMP) and any conditions and requirements established by the Development Services Department and the Public Services Department, which are reasonably related to the reduction or elimination of pollutants in stormwater runoff from the project site. Prior to the issuance of a grading permit, building permit, or non-residential plumbing permit for any new development, or significant redevelopment, the Development Services Department and Public Services Department would review the project plans and impose terms, conditions, and requirements on the project in accordance with Municipal Code Section 8-32. [PPP HYD-3]
  12. Residential stationary noise sources are required to comply with Municipal Code Section 13-280, Exterior Noise Standard:
    - 50 dBA from 11:00 pm to 7:00 am; and
    - 55 dBA from 7:00 am to 11:00 pm.
  13. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
  14. 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.
  15. Parking lot shall be refinished and parking spaces stripped per City standards.
  - Bldg 16. 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.

17. 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.
18. All buildings shall be solar ready and electric ready (heat pump, cooktop, and electric cloth dryer) per T-24 Energy Section 110.10, 160.9. - EVC shall be install per CGC 4.106.4.
19. An egress plan and accessible path of travel plan shall be provided during plan check.
20. 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. [SCA CONST HRS-2]
21. 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.
22. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
23. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code.
24. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code.
- Fire 25. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
26. Water mains and hydrants shall be installed to the standards of Mesa Water District's (MWD) and dedicated along with repair easements to MWD. [SCA FIRE-24]
- Bus. 27. 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**

- AQ 28. Prior to the Building Division (AQMD) issuing a demolition permit, contact  
MD 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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It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.

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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.

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.

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Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.

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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 A4**  
**Engineering Conditions of Approval**

1. The parcels shall be developed in full compliance with the State of California Subdivision Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Section 13-208 through 13-261 inclusive, of the Municipal Code.
2. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11.
3. Copy of the Final Parcel Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.
4. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Parcel Map.
5. Dedicate an ingress/egress easement to the City for emergency and public security vehicles purposes only. Maintenance of easement shall be the sole responsibility of the property owner formed to conform to Section 13-41 (e) of the C.C.M.M.C.
6. Dedicate a 5' minimum width sidewalk easement as shown on the Tentative Parcel Map behind existing right of way line on Susan Street, Sunflower Avenue and South Coast Drive.
7. Vehicular access rights to Susan Street and Sunflower Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.
8. Dedicate easements as needed for public utilities.
9. Prior to recordation of a Final Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
10. Prior to recordation of a Final Parcel Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
11. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
12. The elevations shown on all plans shall be based on the County of Orange Benchmark Datum.
13. Prior to recordation of a Final Parcel Map, submit required cash deposit or surety bond to guarantee monumentation. The deposit amount shall be determined by the City Engineer.
14. Prior to occupancy, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, a reproducible mylar of the recorded Parcel Map and nine copies of the recorded Parcel Map.

15. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Parcel Map
16. The Subdivider's engineers shall furnish the Engineering Division a final hydrology/hydraulics study to the City of Costa Mesa showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Parcel Map.
17. In order to comply with the latest Drainage Area Management Plan (DAMP), the proposed Project shall prepare a Water Quality Management Plan (WQMP) conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer, which shall be submitted to the City of Costa Mesa for review and approval.
  - A WQMP (Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
  - Location of BMPs shall not be within the public right-of-way.
18. Ownership and maintenance of the private on-site drainage facilities, BMPs, parkway culverts and other common areas shall be the sole responsibility of the property owner(s) and said owner (s) shall indemnify and hold harmless the City of Costa Mesa for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City of Costa Mesa the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.
19. All sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
20. All water system improvements shall meet the approval of Mesa Water District; call (949) 631-1200 for information.
21. Submit for approval to the City of Costa Mesa, Engineering Division, Street Improvement and Storm Drain Plans, that show Sewer and Water Improvements, prepared by a Civil Engineer, and fully improve Susan Street, Sunflower Avenue and South Coast Drive to their ultimate widths per City of Costa Mesa Standards.
22. 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 during construction.
23. Haul routes must be approved by the City of Costa Mesa, Transportation Division.
24. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit issuance per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
25. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. sidewalk per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.

26. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches 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 all new driveway approaches.
27. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk.
28. Obtain a permit from the City of Costa Mesa, Engineering Division to relocate existing catch basin along Sunflower Avenue as shown on the offsite improvement plans.
29. Obtain a permit from the City of Costa Mesa, Engineering Division to reconstruct curb ramps associated with the new crosswalk on South Coast Drive.
30. Submit a Landscape Plan to the Public Works Department and City Arborist for final review and approval, showing all landscaping to be installed in the public right-of-way. Comply with streetscape & median development standards and landscape the parkway per City of Costa Mesa's Streetscape and Median Development Standards, Section 3.0 "Public Rights-of-Way and Parkways-General Criteria". Maintenance of the new landscape in the public right-of-way shall be the responsibility of the property owner subject to a maintenance agreement.
31. Submit to the City of Costa Mesa, Engineering Division, at the time of development a Street Improvement Plan that shows street resurfacing (mill and overlay 2 inches minimum) of Susan Street between Sunflower Avenue and South Coast Drive (full street width).

**EXHIBIT A5**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

**Provided Under Separate Cover**

**EXHIBIT B**  
**MASTER PLAN**

**Provided Under Separate Cover**

**EXHIBIT C**  
**TENTATIVE PARCEL MAP NO. 2024-114**

**Provided Under Separate Cover**