RESOLUTION NO. PC-14-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING, MASTER PLAN PA-13-21, AND TENTATIVE TRACT MAP 17658 FOR DEVELOPMENT OF 36-UNIT LIVE/WORK AND RESIDENTIAL PROJECT AT 2023, 2025 AND 2027 PLACENTIA AVENUE.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by City Ventures on behalf of the property owner, 126 Properties, LLC requesting approval of the following:

1) Adoption of an **Initial Study/Mitigated Negative Declaration**.
2) **Planning Application PA-13-21** – Urban Master Plan for development of a 36-unit live/work and residential project to replace two commercial uses on the site within the Mesa West Bluffs Urban Plan area. The project includes the following deviations:
   - Deviation from Live/work standards to allow six residential units with no workspace;
   - Deviation from the minimum work space requirement for 24 units (250 SF required, 118 SF proposed for 24 units); and,
   - Deviation from rear setback requirement abutting a residential zone (20 feet required, 10 feet proposed for first floor).
3) **Tentative Tract Map 17658** – Subdivision of a 1.88-acre property for condominium purposes to allow private sale and ownership of the live/work units.

WHEREAS, a duly noticed public hearing were held by the Planning Commission on February 10, 2014, with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, the environmental review for the project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, and the City of Costa Mesa Environmental Guidelines, and the IS/MND was available for public review from December 24, 2013 to January 23, 2014;

WHEREAS, the Costa Mesa Planning Commission finds that the proposed live/work and residential project will not have a significant impact on the environment with the incorporation of the mitigation measures identified in the Initial Study/Environmental Assessment;

WHEREAS, the Costa Mesa Planning Commission has considered responses to comments received during the public review period on the IS/MND;

THEREFORE, BE IT RESOLVED that based on the evidence in the record, the findings contained in Exhibit" A", and subject to conditions of approval/mitigation measures indicated in the Mitigation Monitoring Program contained in Exhibits "B" and "C", the Planning Commission does hereby approved **Initial/Study Mitigated Negative Declaration for Master Plan PA-13-21** with respect to the property described above.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-13-21 and Tentative Tract Map 17658.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-13-21 and Tentative Tract Map 17658 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of February, 2014.

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, CLAIRE FLYNN, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. 14-04 was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on February 10, 2014, by the following votes:

AYES: Fitzpatrick, McCarthy, Mathews, Sesler

NOES: None

ABSENT: Dickson

ABSTAIN: None

Lory Armstrong for:

Claire Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

- The proposed use is compatible and harmonious with uses on surrounding properties.
- Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- The project is consistent with the City's General Plan and the Urban Plans that allow a Floor Area Ratio of 1.0 for live/work and mixed use projects.
- The planning application is for a project-specific case and does not establish a precedent for future development.

B. Planning Application PA-13-21/ TTM 17658 is consistent with the goals, policies, objectives, and/or regulations of the General Plan, Zoning Code, Mesa West Bluffs Urban Plan. The proposed two-story and three-story, 36-unit, live/work condominium development is a new type of urban housing in the area that complies with the important objectives of the Urban Plan which are:

a) To encourage construction of live/work that combines residential and nonresidential uses in the same unit without exceeding the development capacity of the General Plan transportation system;
b) Attract more residents and merchants by offering first floor offices;
c) Stimulate improvements in the urban plan area through well designed and integrated urban residential development;
d) Meet demand for a new housing type to satisfy a diverse residential population; and
e) Promote new housing for people seeking alternative housing choices.

The project meets the purpose and intent of the mixed-use overlay district, and the stated policies of the Mesa West Bluffs Urban Plan. The proposed mixed use 36-unit live/work and residential development project will meet the central objectives of Urban Plan to revitalize the Westside and create new live/work opportunities.

C. The proposed project complies with Title 13, Section 13-83.52(c), Mixed-Use Overlay District, of the Municipal Code because the Master Plan is found to exhibit excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The proposed project complies with the Urban Plan to provide additional amenities or innovation in exchange for flexible development standards. The project includes adequate resident-serving amenities with open space common areas and the private balconies.

D. The proposed project complies with Title 13, Section 13-83.52(d), Mixed-Use Overlay District, of the Municipal Code because:

a) The strict interpretation and application of the Zoning Code's development standards would result in practical difficulty inconsistent with the purpose and intent of the General Plan and Mesa West Bluffs Urban Plan. The proposed master plan does not strictly conform to the live/work development standards, and therefore, deviations are requested for live/work standards, work space minimum square footage standards, and rear setback standards. However, the Urban Plans allow deviations from these requirements since the deviations from development standards would still result in a well-designed project that is considered compatible with the neighborhood. Adequate parking and open spaces will be provided on-site that will be maintained by homeowners association and enforced by provisions of the CC&Rs.

b) The granting of these deviations results in a live/work development which exhibits excellence in design, site planning, integration of uses and structures, and compatibility standards for mixed use development. The proposed development generally meets the setback requirements, and development standards; however, three deviations are requested (minimum work space, rear setback and live/work standards) that are justified with the proposed site plan in that the site is designed to address the adjacent industrial and residential uses; in addition, adequate parking spaces, private and common open spaces are provided and the development meets the height requirements per urban plans.

c) The granting of these deviations will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity. No adverse impacts from implementation of the proposed project are identified.

d) The long-term vision of the Mesa West Bluffs Urban Plan is to encourage live/work developments and non-traditional housing opportunities. The requests for specified deviations are considered reasonable and would result in implementation of a residential ownership project supportive of the Urban Plan vision.

e) The proposed project will generate approximately 70 net new daily trips, which include 21 net new a.m. peak hour trips, and 26 net new p.m. peak hour trips. Additionally, as the proposed Project is consistent with the site's zoning (underlying is General Industrial and overlay is Mesa West Bluffs Overlay District). Given the Project's consistency with zoning, and since negligible traffic generation is created due to the proposed change in land uses, no traffic mitigation other than submitting the off-site Traffic Impact Fee is required.

B. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map 17658 in terms of type, design and intensity of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.

C. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

D. In accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, and the City of Costa Mesa Environmental Guidelines, and the IS/MND was available for public review from December 24, 2013 to January 23, 2014.

E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Plng. 1. The conditions of approval for Master Plan PA-13-21 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

2. 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.

3. A decorative 6-foot high block wall shall be provided separating the site from the residential and commercial uses to the north and west. The design of the walls throughout the project shall incorporate materials, color, and texture that will be compatible with the structures.

4. 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.

5. Development shall comply with all requirements of the Westside Urban Plans applicable to 24 live/work units and applicable condominium standards. [Land Use Matrix of approved uses; Exhibit D]

6. Prior to issuance of grading permits, developer shall identify to the Development Services Director 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.

7. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses 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.

8. If additional fill 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. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.

9. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

10. No modification(s) of the approved floor plans, 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), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.

11. 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.

12. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.

13. Prior to issuance of building permits, the building plans shall demonstrate that all units are equipped with a mechanical ventilation system that will properly filter the indoor air. The ventilation system can be a component of the air conditioning system with the distinction being that clean, ventilated air flow does not necessarily need coolant.

14. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities prior to selling any of the units as condominiums.

15. Provide proof of recordation of TTM 17658 prior to issuance of building permits.

16. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.

    A. The CC&Rs shall contain provisions requiring that the HOA homeowner's association (HOA) effectively manage parking and contract with a towing

service to enforce the parking regulations.

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

C. The CC&Rs shall also contain provisions related to preservation and maintenance of the common lot and common open space areas in perpetuity by the homeowner's association. The CC&Rs shall also contain the buyer's notice (described in Condition No. 24) as an exhibit.

D. The CC&Rs shall contain restrictions prohibiting parking in the driveway and in front of garage doors.

E. The CC&Rs shall contain restrictions requiring residents to park vehicles in garage spaces provide for each unit, be that a one of two car garage. Storage of other items may occur only to the extent that vehicles may still be parked within the require garage spaces.

F. The CC&Rs shall include a provision requiring that the ground floor work space be maintained per plan and not converted to a bedroom. Permitted commercial/business activity in the live/work units shall be limited to those uses that generate no to minimal customer traffic, do not involve more than one customer/client at a time, do not involve more than 8 customers per day, and do not involve employees which do not reside in the live/work unit.

Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.

17. Landscaping along the southerly edge of the site shall include pockets between garage doors and buildings with adequate planting and ground cover subject to final approval of the Development Services Director. The landscaped area at the southwest corner of the site shall be coordinated with the adjacent property owners and not impede the access easement to the rear of the adjacent building.

18. Developer shall incorporate additional landscape and hardscape features (tree wells, street furniture, planter boxes, patterned pavers, and other enhancing features) to provide a live/work representation from the public view and seamless transition to the project from Placentia Avenue. The street view shall be enhanced with compatible lighting, signage and street furniture to promote live/work lifestyle and pedestrian activities. Additional landscaping in form of trees and shrubs shall be planted by the developer within the private yards of the duplexes on the west to be maintained by future homeowners.

19. Prior to issuance of the building permit, the first floor plan, of the Townhome live/work units, shall be revised to remove the wall separating the work space from hallway and entrance to increase the size of the workspace.

20. A comprehensive sign program shall be submitted for all on-site signs (i.e., monument, directory, wall mounted) for review and approval of the Development Services Director prior to issuance of building permits.

21. Open parking spaces shall be designated as unreserved, available, open guest parking for all visitors to the site. Signage will be posted to indicate that these spaces are available to all visitors. The CC&Rs shall contain restrictions prohibiting parking in the driveway and in front of garage doors.

22. 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.

23. Prior to issuance of building permits, developer 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.

24. If the project is constructed in phases, the perimeter wall, landscaping along the frontages, and irrigation shall be installed prior to completion of the first phase.

25. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits. The applicant shall work with the adjacent property owner to the south to incorporated enhanced pavement consistently across the shared drive aisle.

26. 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:
    - The mounting height of lights on light standards shall not exceed 18 feet in any location on the Project site unless approved by the Development Services Director.
    - The intensity and location of lights on buildings shall be subject to the Development Services Director's approval.
    - All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
    - Lighting design and layout shall limit spill light to no more than 0.5 footcandle 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.
    - Glare shields may be required for select light standards.

27. A "Notice to Buyers" shall disclose that the project is located within an area designated as Light Industry in the City of Costa Mesa General Plan and is subject to existing and potential annoyances or inconveniences associated with industrial land uses. The Notice shall disclose the existing surrounding

industrial land uses, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, and noise and odor generation. In addition, the Notice shall state that the existing land use characteristics are subject to change in the event that new businesses move or existing businesses change ownership. The Buyer's Notice shall be reviewed/approved by the City Attorney's office and Development Services Director prior to recordation. The Buyer's Notice shall serve as written notice of the then existing noise environment and any odor generating uses within the mixed-use development and within a 500-foot radius of the mixed use development, as measured from the legal property lines of the development lot. The Buyer's Notice shall be remitted to any prospective purchaser or tenant at least 15 days prior to close of escrow, or within three days of the execution of a real estate sales contract or rental/lease agreement, whichever is longer. The Buyer's Notice shall also indicate that business operations in the live/work units shall be consistent with the land use matrix of the Mesa West Bluffs Urban Plan subject to zoning authorization and obtaining a business license.

28. Developer shall market and offer the 30 units with ground floor work space as live/work units to potential buyers.

29. The Project shall comply with Title 24 of the California Code of Regulations established by the energy conservation standards. The Project Applicant shall incorporate the following in building plans:
    - Solar or low emission water heaters shall be used with combined space/water heater units;
    - Double paned glass or window treatment for energy conservation shall be used in all exterior windows;
    - Building shall be oriented north/south where feasible.

30. The end parking stalls adjacent to a building shall be provided with a two-foot clearance from the building.

31. The proposed project would be subject to all applicable regulations of the City's General Plan, zoning ordinance, and all requirements and enactments of Federal, County, City authorities, and any other governmental entities, and all such requirements and enactments would, by reference, become conditions of project implementation.

32. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to residential areas.

33. In the event that archaeological resources are encountered during grading and construction, all construction activities shall be temporarily halted or redirected to permit the sampling, identification, and evaluation of archaeological materials as determined by the City, who shall establish, in cooperation with the project applicant and a certified archaeologist, the appropriate procedures for exploration and/or salvage of the artifacts.

34. In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or redirected to permit a qualified paleontologist to assess the find for significance and, if necessary, develop a paleontological resources impact mitigation plan (PRIMP) for the review and approval by the City prior to resuming excavation activities.

35. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, 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 approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.

36. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Bldg. 37. Submit grading plans including a hydrology report and soils report.

38. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and grading plans. Soils report shall address how the new slop shall be maintained to avoid any future failure.

39. 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. 2010 California Building Code CBC 1808.7.4.

40. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than 5% for a minimum of 10 ft. measured perpendicular to the face of the wall. CBC 1803.3.

41. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet -2010 California Residential Code sec. R401.3.

42. Show compliance with the requirements of 2010 California Building Code Chapter 11A, 11 B and Section 1101B.6.

43. Compliance with California Building Code provisions and standard subdivision engineering requirements, as specified in the City's conditions of approval will satisfactorily address geotechnical issues related to seismic hazards.

44. The proposed development shall be designed to comply with all applicable geological and seismic safety requirements of the California Building Code and mitigation as defined in the Public Resources Code Section 2693(c). Verification of such compliance will be confirmed during the City's plan review and building permit issuance processes.

45. Grading and foundation plans, including foundation loads, shall be reviewed by a registered soils engineer, and approved by the City of Costa Mesa Building Safety Division.

46. All grading shall be accomplished under the observation and testing of the project geotechnical engineer, the engineering geologist and their representatives.

Trans. 47. Full mitigation of off-site traffic impacts at the time of issuance of Certificate of Occupancy by submitting to the Transportation Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic Impact Fee was calculated based upon the net trip generation rate of 237 trip ends for the proposed project and includes credit for any previously existing use. At the current rate the Traffic Impact Fee is estimated at $25,116.
Note: The Traffic Impact Fee will be recalculated at the time of issuance of Certificate of Occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

Eng. 48. Submit for approval by the Engineering Division plans that show the repair/repavement of the alley adjacent to the property per City standards.

49. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit 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.

50. Construction Access Permit and deposit of $1500 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.

51. 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.

52. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.

53. Submit subdivision application and comply with conditions of approval and code requirements.

54. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

55. The project requires installation of 24-inch box Tristania Conferta in the right-of-way on Placentia Avenue. The number and location shall be coordinated with the Public Services Division.

56. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.

57. 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 at applicant's expense.

58. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa; they shall be maintained by the owner or developer of the property. Private lateral connections to City storm drains will require a hold harmless agreement prior to issuance of permit.

59. 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:
    a. 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.
    b. 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.
    c. Water excavated soil piles hourly or covered with temporary coverings.
    d. 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.
    e. Wash mud-covered tired and under-carriages of trucks leaving construction sites.
    f. 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.
    g. Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.
    h. Cease grading during period when winds exceed 25 miles per hour.

    Turn equipment off when not in use for more than five minutes.

60. Construction of structural BMPs as required by the NPDES Stormwater Permit issued to the project site by the County of Orange/City of Costa Mesa to capture urban runoff contaminants from developed areas prior to discharge to on-site storm drain facilities.

61. Prior to issuance of a grading permit, the applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) that contains structural and non-structural BMPs that comply with NPDES Program requirements. BMPs shall be implemented as required by the NPDES Permit issued to the site.

62. Prior to issuance of a grading permit, the applicant shall obtain an NPDES Permit from the County of Orange. Applicable BMP provisions shall be incorporated into the NPDES Permit.

63. The Project shall comply with the NPDES requirements, as follows:
    - Construction General Permit Notice of Intent (NOI) Design: Prior to the issuance of preliminary or precise grading permits, the project applicant shall provide the City Engineer with evidence that an NOI has been filed with the Storm Water Resources Control Board (SWRCB). Such evidence shall consist of a copy of the NOI stamped by the SWRCB or Regional Water Quality Control Board (RWQCB), or a letter from either agency stating that the NOI has been filed.
    - Construction Phase Storm Water Pollution Prevention Plan (SWPPP): Prior to the issuance of grading permits, the applicant shall prepare a SWPPP that complies with the Construction General Permit and will include at a minimum the following: a) Discuss in detail the BMPs planned for the project related to control of sediment and erosion, nonsediment pollutants, and potential pollutants in non-storm water discharges; and b)- Describe post-construction BMPs for the project;
    - Explain the maintenance program for the project's BMPs;
    - List the parties responsible for SWPPP implementation and BMP maintenance during and after grading. The Project Applicant shall implement the SWPPP and modify the SWPPP as directed by the Construction General Permit.

64. In order to comply with the 2003 DAMP, the proposed Project shall prepare a Storm Drain Plan, Stormwater Pollution Prevention Plan (SWPPP), and Water Quality Management Plan (WQMP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.
    - The SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of development.
    - The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows and for nuisance flows during construction.
    - A WQMP shall be maintained 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 the BMPs shall not be within the public right-of-way.

65. Should dewatering be required for the discharge of perched groundwater during excavation for site improvements, the applicant shall acquire either a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of

wastes to surface waters or a Waste Discharge Requirements (WDR) permit for the discharge of wastes to land, as required, from the Santa Ana Regional Water Quality Control Board and provide evidence of permit issuance to the Costa Mesa Building Safety Division prior to initiating any such discharge.

Fire

66. Provide (2) Fire Hydrants within the development. Fire Hydrants shall be capable of providing a minimum of 1500 gpm at 20 psi. Hydrants shall be located per Fire Prevention.

67. A Fire Alarm system with public address capabilities shall be required.

Utilities

68. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

69. Prior to issuance of building permits, a letter shall be obtained from the Costa Mesa Sanitary District and the Orange County Sanitation District verifying that there is sufficient capacity in the receiving trunk lines to serve the project.

70. The applicant shall comply with guidelines provided by Southern California Edison Company with respect to easement restrictions, construction guidelines, and potential amendments to right-of-way in the areas of any existing Southern California Edison Company easements.

71. Prior to the issuance of building permits, the project applicant shall pay the applicable connection fees charged to new development by the Mesa Consolidated Water District.

72. Unless an offsite trash hauler is being used, the Applicant shall contact the Costa Mesa Sanitary District to pay trash collection program fees and arrange for service for all new residences. Residences using bin or dumpster services are exempt from the requirement.

CODE REQUIREMENTS (Master Plan PA-13-21)

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

Plng.

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

2. Approval of the planning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.

3. Trash enclosure or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform to City standards. Standard drawings are available from the Planning Division.

4. All on-site utility services shall be installed underground.

5. 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.

6. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.

7. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.

9. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.

10. 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.

11. During construction, the contractor shall ensure that construction activity complies with the City's Noise Ordinance. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet indoor work.

12. Prior to issuance of occupancy permits, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development. The current park impact fee is calculated at $13,829 per new multi-family dwelling unit.

Bldg. 13. Comply with the requirements of the 2010 California Residential Code, California Electrical code, California Mechanical code , California Plumbing code , and 2010 California Energy Code (or the applicable adopted California Residential code, California Electrical code, California Mechanical code California Plumbing Code, 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.

14. The Project shall comply with the requirements of the California Code of Regulations, Title 24, also known as the 2007 California Building Standards Code, as amended by the City of Costa Mesa.

15. Prior to the issuance of Grading Permits, the Project Applicant shall provide the City of Costa Mesa Department of Building Safety with a geotechnical investigation of the project site detailing recommendations for remedial grading in order to reduce the potential of onsite soils to cause unstable conditions. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Department of Building Safety.

16. The project applicant shall contact the Southern California Air Quality Management District (SCAQMD) at 800-288-7664 for potential additional conditions of development or required permits by SCAQMD.

17. Submit a soils report for the projects, Recommendation of the Soils Report shall be printed on the architectural and grading plans.

18. Submit a grading plan and hydrology report.

19. Submit an erosion controls plan with the grading submittal.

20. During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1529, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos. Asbestos-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.

21. During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead. Lead-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.

Eng. 22. Refer to attached letter dated January 30, 2014.

23. Prior to approval of Plans, the Project shall fulfill the City of Costa Mesa Drainage Ordinance No. 06-19 requirements.

24. In order to comply with the 2003 DAMP, the proposed Project shall prepare a Storm Drain Plan, Stormwater Pollution Prevention Plan (SWPPP), and Water Quality Management Plan (WQMP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.

- The SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of development.
- The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows and for nuisance flows during construction.
- A WQMP 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 the BMPs shall not be within the public right-of-way.

Fire 25. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.

26. The final master plan for development of the Project site shall provide sufficient capacity for fire flows required by the City of Costa Mesa Fire Department.

27. Vehicular access shall be provided and maintained serviceable throughout construction to all required fire hydrants.

28. Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the developer's Project design features to assess compliance with the California Building Code and California Fire Code. Fire staff shall examine the projected demands of the proposed Project and make recommendations to ensure that adequate personnel/resources will be available to meet projected demand. Recommendations of the study shall be implemented to the satisfaction of the Fire Department to ensure that emergency response impacts are minimized to below a level of significance.

29. The Project shall provide approved smoke detectors to be installed in accordance with the 2007 Edition of the Uniform Fire Code.

30. The Project shall provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A, 10BC as these extinguishers are suitable for all types of fires and are less expensive.

31. The Project shall provide an automatic fire sprinkler system according to NFPA 13 R.

32. The Project shall provide a fire alarm system.

Police 33. As final building plans are submitted to the City of Costa Mesa for review and approval, the Costa Mesa Police Department shall review all plans for the purpose of ensuring that design requirements are incorporated into the building design to increase safety and avoid unsafe conditions. These measures focus on security measures are recommended by the Police Department, including but not limited to, the following:

- Lighting shall be provided in open areas and parking lots.
- Required building address numbers shall be readily apparent from the street and rooftop building identification shall be readily apparent from police helicopters for emergency response agencies.
- Landscaping requirements.
- Emergency vehicle parking areas shall be designated within proximity to buildings.
- The applicant shall fund all costs associated with police and fire radio reception enhancement, including a Bi-Directional Amplifying 800 MHz antenna (BDA).

Prior to the issuance of a grading permit, the City of Costa Mesa Police Department shall review and approve the developer's project design features to ensure adequate security measures are incorporated into the project design and that sufficient personnel/resources are available to meet the demands of the proposed project. Any requirements with regard to additional resources shall be completed by the Developer and shall be implemented to the satisfaction of the Police Chief to ensure that emergency response impacts are minimized to below a level of significance.

SPECIAL DISTRICT REQUIREMENTS (Master Plan PA-13-21)

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

Sani 1. Applicant will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.

2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer. To receive credit for buildings to be demolished, call (714) 754-5307.

3. Applicant shall submit a plan showing sewer improvements that meets the District Engineer's approval to the Building Division as part of the plans submitted for plan check.

4. The applicant is required to contact the Costa Mesa Sanitary District at (714) 754-5307 to arrange final sign-off prior to certificate of occupancy being released.

5. Unless an off-site trash hauler is being used, applicant shall contact the Costa Mesa Sanitary District at (714) 754-5043 to pay trash collection program fees and arrange for service for all new residences. Residences using bin or dumpster services are exempt from this requirement.

6. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements.

AQMD 7. The SCAQMD standards prohibit permanently installed wood burning devices into any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

8. Sanitary District at (949) 654-8400 for any additional district requirements.

School 9. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.

10. Prior to issuance of a building permit, the project applicant shall pay developer fees to the Newport-Mesa Unified School District pursuant to the requirements established in SB 50. The amount of fees to be paid will be determined based on the established State formula for determining construction costs.

State 11. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

Park 12. Prior to issuance of occupancy permits, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development. The current park impact fee is calculated at $13,829 per new multi-family dwelling unit.

"EXHIBIT D"
Permitted Uses

LAND USE MATRIX 36-unit Live/Work Development P= Permitted Uses	
LIVE/WORK UNITS	
• Artists, craftspersons, sculpture studios (woodworking, furniture restoration, painting, ceramics, etc.)	P
• Barber and beauty shops	P
• Catering	P
• Commercial art, graphic design, website designers	P
• Computer and data processing	P
• Legal, Engineering; Architectural; and Surveying services	P
• Offices: Professional, central admin., general, bookkeeping and data processing	P
• Offices: medical office with sole practitioner	P
• Photography Studio	P
• One-on-one Studio Use: Sole Practitioner for Dance; Martial arts; Music, Yoga, etc.	P
• Specialty Retail; Customers by appointment.	P
NOTES: All businesses subject to zoning approval to ensure adequacy in parking and compatibility with a residential environment. All other uses not specified in this table are either prohibited or may require a Conditional Use Permit, as deemed by the Development Services Director.	

Exhibit C
Mitigation Monitoring Program

AIR QUALITY

MM AQ-1 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 tired 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.

GEOLOGY AND SOILS

MM GEO-1 Each of the recommendations specified in the Engineering and Geologic Due Diligence Investigation at 2025 and 2027 Placentia Avenue Costa Mesa, California (SoilWorks Earth Sciences Group, April 10, 2013) shall be incorporated into the Project's design considerations, plans, and job specifications.

HAZARDS AND HAZARDOUS MATERIALS

MM HAZ-1 Prior to demolition activities, removal and/or abatement of asbestos containing building materials, lead based paints, and hazardous materials

associated with the existing building materials shall be conducted by a qualified environmental professional in consultation with the Costa Mesa Fire Department. An asbestos and hazardous materials abatement specification shall be developed by the qualified environmental professional, in order to clearly define the scope and objective of the abatement activities.

MM HAZ-2 Prior to investigations, demolition, or renovation, all activities shall be coordinated with Dig Alert (811).

MM-HAZ-3 Visual inspections for areas of impact to soil shall be conducted during site grading. If unknown or suspect materials are discovered during construction by the contractor that are believed to involve hazardous wastes or materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the City Engineer and Costa Mesa Fire Department;
- Secure the area(s) in question; and
- Implement required corrective actions, including remediation if applicable.

MM HAZ-4 Limited excavation at Stantec boring location B-1 shall be performed prior to site grading activities to further assess soil vapor impacts. An initial health risk assessment shall be performed based on the results of the excavations to determine the need, type and timing of any soil vapor remedial actions necessary prior to and during site occupation to reduce risk to safe levels. The risk assessment and remedial actions shall be submitted to the City for approval prior to the issuance of grading permits.

MM HAZ-5 On the basis of MM HAZ-4 if it is determined that soil vapor barriers are required, measures to assure the proper installation, monitoring and continued proper functioning of such barriers shall be identified and submitted to the City prior to issuance of grading permits.

HYDROLOGY AND WATER QUALITY

MM HYD-1 Prior to the issuance of any Grading Permit, the Applicant shall:

- Prepared a detailed Hydrology Study, approved by the City Engineer.
- Design all storm drain facilities, approved by the City Engineer, for 25-year storm event protection.
- Design all storm drains in the public right-of-way to be a minimum of 24 inches by City of Costa Mesa requirements and in accordance with the Orange County Local Drainage Manual including a minimum spacing between manholes of 300 feet

NOISE

MM NOI-1 Prior to issuance of building permits, a qualified Acoustical Scientist shall be retained to prepare a Final Acoustical Impact Report, utilizing precise grading plans, and detailed floor and elevation plans, for units with direct exposure to Placentia Avenue. Said report must be able to demonstrate compliance or effective mitigation (such as noise control barriers) that will reduce noise impacts to within compliance (45 dBA CNEL residential interior, 65 dBA CNEL exterior; 50 dBA CNEL commercial interior). In the event required noise levels are exceeded, upgraded design specifications and/or materials shall be incorporated in order to meet the standards