ATTACHMENT 7
PLANNING COMMISSION RESOLUTIONS

RESOLUTION NO. PC-15-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

(1) ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION;

(2) ADOPT GENERAL PLAN AMENDMENT GP-14-03 CHANGING THE LAND USE DESIGNATION OF A 2.04 ACRE SITE FROM NEIGHBORHOOD COMMERCIAL (NC) TO HIGH DENSITY RESIDENTIAL (HDR) LOCATED AT 1239 VICTORIA STREET;

(3) GIVE FIRST READING TO REZONE R-14-03 TO CHANGE THE ZONING DISTRICT FROM ADMINISTRATIVE PROFESSIONAL TO MULTIPLE FAMILY RESIDENTIAL – HIGH DENSITY; AND

(4) APPROVE MASTER PLAN PA-14-19 AND VESTING TENTATIVE TRACT MAP VT-17779

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2000 General Plan on January 22, 2002;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it 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, an application was filed by Trumark Homes, representing the property owner, Westar Holdings, Inc., requesting approval of the following land use entitlements;

1. ***General Plan Amendment GP-14-03:*** General Plan amendment to change of Land Use Designation from Neighborhood Commercial (NC) to High Density Residential (HDR).

2. ***Rezone R-14-03:*** Rezone from Administrative and Professional (AP) District to R2-HD (Multiple-Family Residential District, High Density), up to 14.5 dwelling units per acre.

3. ***Planning Application PA-14-19:*** A Design Review for development of a 28-unit Residential Planned Development at the site of an existing commercial/light industrial use. The project consists of the development of 28 single-family, detached residences with a net density of 14 dwelling units per acre. The three bedroom residences are three-stories with roof decks and have attached two-car garages. A total of 56 garage parking spaces, 42 driveway spaces, and 14 guest parking spaces are proposed (112 total spaces, four spaces per unit).

   The following **Variances** are requested:

   a) **Open Space** - a minimum of 40 percent required, 34.9 percent proposed.

   b) **Rear Setback** (20 feet required for second story; 10 feet proposed for second and third stories).

   c) **Building Height** (maximum 2 stories/27 feet required; 3 stories/roof deck/37 feet proposed).

   An **Administrative Adjustment** is required for the front building setback (20 feet required; 14 feet proposed).

   A **Minor Modification** is required to deviate from the distance from main buildings (10 feet required, 8 feet proposed).

4. ***Vesting Tentative Tract Map VT-17779:*** Subdivision of a 2.04-acre property for homeownership.

WHEREAS, an amendment to the General Plan Land Use Element is proposed to change the land use designation of the site for the development of the project as described above;

WHEREAS, the General Plan Amendment involves an amendment to the Land Use Map of the City of Costa Mesa (Exhibit 1);

WHEREAS, the General Plan Amendment approval is pending the adoption of Ordinance No. 15-___ for Rezone R-14-03 (Exhibit 2);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 23, 2015, and continued to April 13, 2015 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, the Planning Commission recommended to the City Council approval of the abovementioned land use entitlements;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration was prepared and circulated through the State Clearinghouse, and the required 30-day public review period was specified from February 25, 2015, to March 27, 2015 for public review and comment;

WHEREAS, the Planning Commission considered the Initial Study/Mitigated Negative Declaration and Responses to Comments document, as well as public comments received to date, on or before the April 13, 2015 public hearing, prior to making a recommendation to approve the proposed project;

WHEREAS, the final adoption of the Initial Study/Mitigated Negative Declaration shall be considered by the City Council as the final approval authority, after evaluation of the environmental document and all comments on the IS/MND 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 Initial Study/Mitigated Negative Declaration and no changes to the proposed project have occurred which would

require recirculation of the Initial Study/Mitigated Negative Declaration under CEQA Guidelines Section 15073.5;

WHEREAS, the Planning Commission has reviewed the environmental documentation comprising the Initial Study/Mitigated Negative Declaration and has found that the Initial Study/Mitigated Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/Mitigated Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the Planning Commission has found that the Initial Study/Mitigated Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa;

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **RECOMMENDS THAT CITY COUNCIL** take the following actions:

(1) **ADOPT** the Initial Study/Mitigated Negative Declaration;

(2) **ADOPT** General Plan Amendment GP-14-03, as shown in Exhibit 1;

(3) **GIVE FIRST READING TO REZONE R-14-03**, as shown in Exhibit 2;

(4) **APPROVE** Design Review PA-14-19 and Vesting Tentative Tract Map VT-17779 subject to findings contained in Exhibit A, conditions of approval in Exhibit B, and mitigation measures contained in Exhibit C;

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 General Plan Amendment GP-14-03, Rezone R-14-03, Planning Application PA-14-19, and Vesting Tentative Tract Map VT-17779 and upon the applicant's compliance with each and all of the conditions in Exhibits B, and mitigation measures in Exhibit C, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents 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 13TH day of April 2015.

Robert L. Dickson, Jr. 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. 15-17 was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 13, 2015 by the following votes:

AYES: Commissioners Dickson, Mathews, McCarthy, Sesler

NOES: Commissioner Andranian

ABSENT: None

ABSTAIN: None

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT 1 – GENERAL PLAN AMENDMENT GP-14-03

Amendment to the Land Use Map and Related Land Use Table

Change the land use designation of the 2.04-acre development site at 1239 Victoria Street from Neighborhood Commercial (NC) to High Density Residential (HDR)

Note: Updated text changes to the Land Use Summary Table of the General Plan are also required, as applicable.

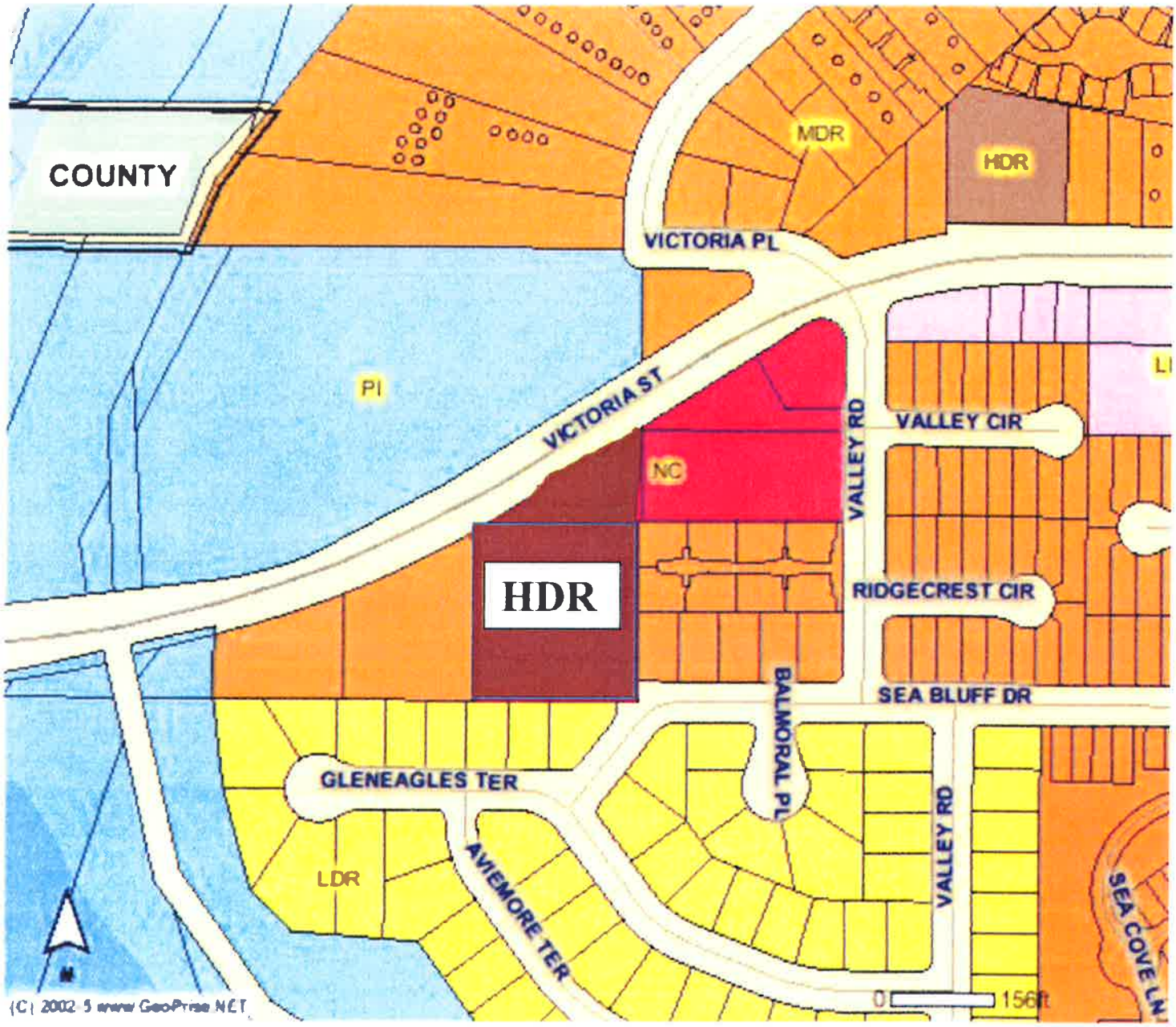
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EXHIBIT 2 –

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING REZONE R-14-03 TO REZONE (OR CHANGE) A 2.04 ACRE SITE FROM AP (ADMINISTRATIVE AND PROFESSIONAL DISTRICT) TO MULTIPLE FAMILY RESIDENTIAL-HIGH DENSITY (R2-HD) FOR THE PROPERTY LOCATED AT 1239 VICTORIA STREET.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, an application was filed by Trumark Homes, representing the property owner, Westar Holdings, Inc., requesting approval of the following land use entitlements:

Rezone R-14-03: Rezone (or change) of the zoning classification of the site from Administrative and Professional (AP) District to Multiple Family Residential – High Density (up to 14.5 dwelling units per acre) (R2-HD) District. This is being proposed in conjunction with the following land use entitlements:

- ***General Plan Amendment GP-14-03:*** General Plan amendment to change of Land Use Designation from Neighborhood Commercial to High Density Residential.
- ***Planning Application PA-14-19:*** A Design Review for development of a 28-unit Residential Planned Development at the site of an existing commercial/light industrial use. The project consists of the development of 28 single-family, detached residences with a net density of 14 dwelling units per acre. The three bedroom residences are three-stories with roof decks and have attached two-car garages. A total of 56 garage parking spaces, 42 driveway spaces, and 14 guest parking spaces are proposed (112 total spaces, four spaces per unit).
- The following **Variances** are requested:
  - **Open Space** - a minimum of 40 percent required, 34.9 percent proposed.
  - **Rear Setback** (20 feet required for second story; 10 feet proposed for second and third stories).
  - **Building Height** (maximum 2 stories/27 feet required; 3 stories/roof deck/37 feet proposed).
- An **Administrative Adjustment** is required for the front building setback (20 feet required; 14 feet proposed).

- A **Minor Modification** is required to deviate from the distance from main buildings (10 feet required, 8 feet proposed).
- ***Vesting Tentative Tract Map VT-17779:*** Subdivision of a 2.04-acre property for homeownership.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 23, 2015, and continued to April 13, 2015 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, at the April 13, 2015 meeting, the Planning Commission recommended that City Council take the following actions by separate Planning Commission resolution;

(1) **ADOPT** the Initial Study/Mitigated Negative Declaration;

(2) **ADOPT** General Plan Amendment GP-14-03, as shown in Exhibit 1;

(3) **GIVE FIRST READING TO REZONE R-14-03**, as shown in Exhibit 2;

(4) **APPROVE** Design Review PA-14-19 and Vesting Tentative Tract Map VT-17779 subject to findings contained in Exhibit A, conditions of approval in Exhibit B, and mitigation measures contained in Exhibit C;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration was prepared and circulated from February 25, 2015, to March 27, 2015 for public review and comment;

WHEREAS, the City of Costa Mesa received written comments from the general public, government entities, and other interested parties 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 Initial Study/Mitigated Negative Declaration and no changes to the proposed project have occurred which would

require recirculation of the Initial Study/Mitigated Negative Declaration under CEQA Guidelines Section 15073.5;

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Mitigated Negative Declaration and has found that the Initial Study/Mitigated Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/Mitigated Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the Initial Study/Mitigated Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa;

BE IT RESOLVED that, based on the evidence in the record, the City Council hereby **APPROVES** as follows:

SECTION 1: REZONE. The City of Costa Mesa Official Zoning Map is hereby amended as follows:

1. There is hereby placed and included in the R2-HD (Multiple Family Residential-High Density) zoning district a 2.04 -acre parcel, identified as County Assessor Parcel Number 422-322-18 and as shown in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.
2. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection #1 above and in the findings in respective Exhibit A. A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2: INCONSISTENCIES. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 3: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

_____

STEPHEN M. MENSINGER

Mayor, City of Costa Mesa

STATE OF CALIFORNIA)

)ss

COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number __ as considered at a regular meeting of said City Council held on the ___day of _____, 2015, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the ____ day of ____, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this ___ day of _____, 2015

EXHIBIT 2A

FINDINGS (APPROVAL)

A. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

Facts In Support of Findings: The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the R2-HD zone, including density and on-site parking. The General Plan land use designation for the project area is High Density Residential (14.5 dwelling units to the acre maximum), which is compatible with the proposed zone change to R2-HD (Multiple Family Residential–High Density). The project provides a maximum density of 14 dwelling units to the acre.

EXHIBIT 2B

Amendment to the Zoning Map

Change the zoning designation of the 2.04 -acre development site at 1239 Victoria Street from Administrative and Professional District (AP) to Multiple Family Residential- High Density (R2-HD)

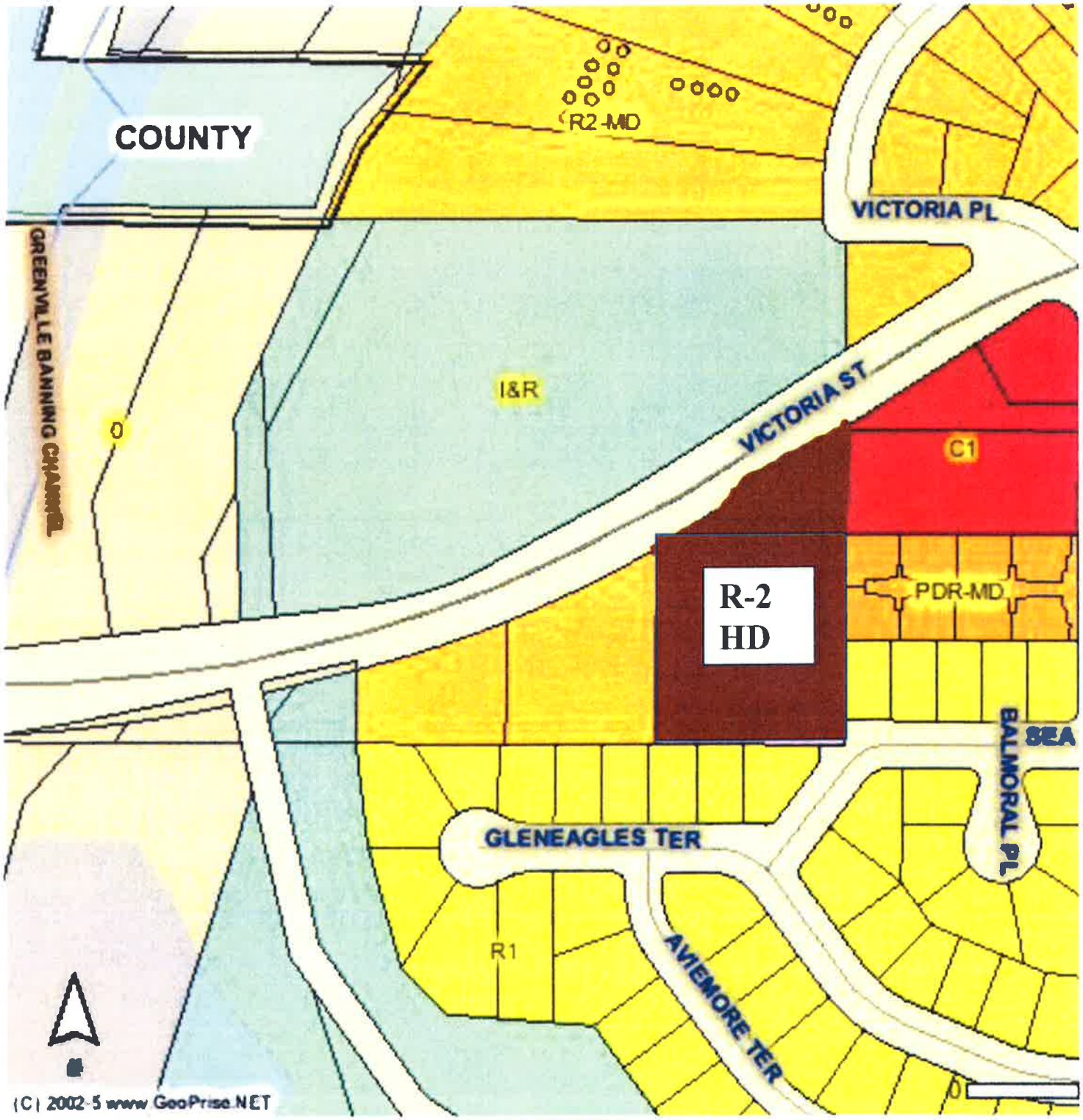
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EXHIBIT A

FINDINGS (APPROVAL)

A. **Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.

Facts In Support of Findings: The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the R2-HD zone, including density and on-site parking. The General Plan land use designation for the project area is High Density Residential (14.5 dwelling units to the acre maximum), which is compatible with the proposed zone change to R2-HD (Multiple Family Residential–High Density). The project provides a maximum density of 14 dwelling units to the acre.

B. The proposed project complies with Title 13, Section 13-29(g)(14), Design Review, of the Municipal Code due to the following:

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

Facts in Support of Findings: The project is consistent with the following goals and objectives of the General Plan, Land Use Element.

- **Goal LU-1:** *It is the goal of the City of Costa Mesa to provide its citizens with a balanced community of residential, commercial, industrial, recreational, and institutional uses to satisfy the needs of the social and economic segments of the population and to retain the residential character of the City; to meet the competing demands for alternative developments within each land use classification within reasonable land use intensity limits; and to ensure the long term viability and productivity of the community's natural and man-made environments.*

Consistency: The project will provide additional ownership housing opportunities because the project is for 28-home ownership units. The Initial Study/Mitigated Negative Declaration prepared for the project did not identify any adverse impacts to the natural environment and will not increase the need for significant infrastructure improvements. Therefore, the proposed project is consistent with this General Plan goal.

- **Objective LU-1A:** *Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.*

  Consistency: The proposed project is an infill redevelopment project replacing an underutilized commercial building with residential uses. The Initial Study/Mitigated Negative Declaration prepared for the project indicates that adequate infrastructure (i.e., roads, emergency, and utility services) is available to serve the proposed project. Therefore, the proposed project is consistent with this General Plan objective.

- **Objective LU-1A.4:** *Strongly encourage the development of...residential uses and owner-occupied housing where feasible to improve the balance between rental and ownership housing opportunities.*

  Consistency: The project is consistent with the proposed High Density Residential General Plan Designation of the property, which allows a maximum of 40 units for the site (28 units are proposed). The project has been specifically designed for owner-occupied housing units. Therefore, the proposed project is consistent with this General Plan objective.

- **Objective LU-1F.5:** *Provide opportunities for the development of well planned and designed projects which, through vertical or horizontal integration, provide for the development of compatible residential uses within a single project or neighborhood.*

  Consistency: The project has been designed with appropriate building articulation, setbacks and offsets to ensure that it is compatible with surrounding properties and uses. Therefore, the project is consistent with this General Plan objective.

- **Goal LU-2:** *It is the goal of the City of Costa Mesa to establish development policies that will create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical and social resources.*

  Consistency: The project would allow for the redevelopment of property containing an underused commercial building. The proposed project would enhance the visual appearance of the site through implementation of the proposed landscape plan. In addition, the project would provide a high-quality architectural design to the project area. As required by a standard condition of approval on the project, landscaping treatment along the street frontage will be reviewed to ensure that adequate landscaping is provided to soften the edges of the development and provide compatibility with the

surrounding area. As a result, the proposed project is supportive of this General Plan goal.

- **Objective LU-2A:** *Encourage new development and redevelopment to improve and maintain the quality of the environment.*

  Consistency: An Initial Study/Mitigated Negative Declaration was prepared for this project per the provisions of the California Environmental Quality Act (CEQA). The purpose of the IS/MND is to identify any environmental impacts and, if an impact is determined, if it can be mitigated below a level of significance. Because the IS/MND determined that the project would not result in the loss of any habitat, or require extensive infrastructure improvements to provide service to the site, the proposed project is consistent with this objective.

The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the R2-HD zone, including lot sizes, building setbacks, open space, and on-site parking; specifically, as noted below.

- *The project exhibits excellence in design, site planning, integration of uses and structures, and protect the integrity of neighboring development*. The project will provide an ownership in-fill residential development that will be complementary to an urban setting. The proposed architecture and site design will enhance the street view and will be compatible with existing development in the area. The overall architectural design promotes excellence and compatibility. The variety of building elevations, materials and staggered massing diminishes the boxy design appearance consistent with the City's Residential Design Guidelines.

- *The project will provide on-site parking spaces that meets current parking standards (112 spaces required; 112 spaces proposed)*. As noted earlier, the project would The project provides a total of 56 garage parking spaces, 42 driveway spaces, and 14 guest spaces are proposed, for a total of 112 on-site parking spaces or four spaces per unit, which complies with Code.

- *The project will not significantly impact key intersections which would continue to operate at an acceptable Level of Service (LOS)*. As part of the IS/MND a traffic study was prepared which concluded that, due to the commercial use this project is replacing, the proposed project will result in 139 fewer daily trips, 40 fewer AM peak hour trips, and 26 fewer PM peak hour trips. The proposed project would have a lesser impact on the surrounding street system than the existing land use during the critical weekday AM hour and PM peak hour. Given the reduction in traffic generation resulting from the proposed project, no traffic impacts are forecast and no traffic mitigation is required.

C. The proposed tentative tract map complies with Costa Mesa Municipal Code Section 13-29(g)(13) because:

Finding: The creation of the subdivision and related improvements is consistent with the General Plan and the Zoning Code.

Facts in Support of Findings: The creation of the subdivision is consistent with General Plan Land Use Element in that the project complies with Objectives 1A.4, 2A.7, and 2A.8 by developing owner-occupied housing to improve the balance between rental and ownership housing opportunities, the project provides sufficient easements as a common interest development, and encourages increased private market investment in declining or deteriorating neighborhoods. The subdivision complies with the State Subdivision Map Act.

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

Facts in Support of Findings: The HDR (High Density Residential) General Plan Land Use designation allows residential development of up to 14.5 dwelling units/acre on this site; the proposed project is 14 dwelling units/acre and complies with all other applicable provisions of the Zoning Code for residential developments in the R2-HD zone.

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 Findings: The overall design reflects a quality project that is consistent with the intent of the Zoning Code and General Plan. The will not create an adverse impact on the environment.

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 Findings: The proposed buildings include openings in an east-west direction to take advantage of passive solar heating as well as passive ventilation from ocean breezes. The inclusion of trees will also help provide shade to the residential units within the development.

Finding: The subdivision and development of the property 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 Findings: As conditioned, the proposed project does not interfere with the public right-of-way. The recommended improvements along the public streets abutting the project site will improve the public right-of-ways for vehicular and pedestrian traffic.

Finding: 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).

Facts in Support of Findings: The applicant will be required to comply with all regulations set forth by the Costa Mesa Sanitation District as well as the Mesa Water District.

D. The requested variance and administrative adjustment substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

Findings:

- Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
- The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

Facts in Support of Findings:

- *Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity*. The purpose of the 20-foot setback requirement is to provide a visual buffer between the public sidewalk and any perimeter walls or buildings. The proposed project is located on site that has several special circumstances due to lot shape and topography. Specifically, the northerly boundary of the site, along the Victoria Street frontage, has a 30% slope, preventing a typical orientation of a building at 90° angle to the street. Additionally, although the site does not provide the minimum required setback as measured from its narrowest point (at Lot 28) the proposed development provides the average required perimeter landscaping since several areas exceed 20 feet in depth (33 feet in depth in front of Lot 17, for example).

  With regard to overall open space and building height, the same conditions for unusual lot shape and topography as discussed above apply. Additionally, the project proposes roof top decks for each unit ranging in size from 418 square feet to 522 square feet in addition to the ground-level private yard area for each

lot. Roof decks are not typically calculated as part of the required open space; however, if the variance were to be approved to allow the roof decks to count as open space, it would add 13,524 square feet of open space to the project, thereby meeting the intent of the Zoning Code open space requirement.

- *The deviation authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.* Although the abutting Westreef project provided code-compliant open space (40% required; 45% provided) the approval also included a variance from the 20-foot front landscape requirement (20 feet required; 10 feet proposed). Therefore, the strict application of the 20-foot setback requirement for this project deprives the subject property of privileges enjoyed by others in the vicinity.

  The existing residential properties along Gleneagles Terrace, Sea Bluff Drive, and Valley Road consist of one- and two-story structures. The proposed units will be 3-stories / 37 feet in height with a roof deck on the top story. For the building height variance is required, the following table provides context for multi-family residential developments in the area that have been approved with a three-story building height.

Address	Case No.	Description
2209 – 2219 Pacific Avenue	**PA-87-172 Approved 10/1987**	**Variance from building height for a 21-unit apartment project (two stories allowed; three stories approved).**
1259 Victoria Street (Westreef)	**PA-12-24 Approved 4/2013**	**Variance from building height for Building Complex 1 and 3 (two stories/27 feet allowed; three stories/35-37 feet approved)**

  While the subject property is not located along the bluff crest, other multi-family projects have been approved with encroachment into setback requirements.

- *The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity.* As noted earlier, the HDR (High Density Residential) General Plan Land Use designation allows residential development of up to 14.5 dwelling units/acre on this site; the proposed project is 14 dwelling units/acre and complies with all other applicable provisions of the Zoning Code for residential developments in the R2-HD zone. Therefore, the granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

E. Code Section 13-29(g)(6) requires any of the following findings for minor modifications:

Findings:

- The improvement will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage landscaping, appearance, scale of structures, open space, and any other applicable features relative to a compatible and attractive development.

Facts in Support of Findings:

The minor modification is for a relatively minor 2-foot reduction in the building separation for the units. The project would still be subject to Code requirements as they pertain to Building and Fire safety. In addition, the reduction will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood. As noted earlier, the project consists of quality architecture and building materials and is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity.

F. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). Mitigation measures from the IS/MND have been included as Exhibit C. If any of these conditions are removed, the decision-making body must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility and jurisdiction of another public agency, or that specific economic, social or other considerations make the mitigation measures infeasible.

G. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

H. The subject property is physically suitable to accommodate the proposed 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 purpose and intent of the City's Zoning Code and General Plan, as amended.

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 Government Code Section 66473.1.

The subdivision 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 subdivision.

I. 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).

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. Planning Application PA-14-19 and Vesting Tentative Tract VT-17779 shall comply with the conditions of approval, code requirements, special district requirements, and mitigation measures of the IS/MND for this project and as listed in the attached Mitigation Monitoring Program (Exhibit C).

2. Mitigation measures from the IS/MND for this project have been included as Exhibit C. If any of these conditions are removed, the Planning Commission must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.

3. The conditions of approval including Mitigation Measures incorporated by reference in these Conditions of Approval as Exhibit C, code requirements, and special district requirements of PA-14-19 and VT-17779 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

4. The expiration of Planning Application PA-14-19 shall coincide with the expiration of the approval of the Vesting Tentative Tract Map VT-17779 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial two-year period. The Vesting Tentative Tract Map shall be processed as a common interest residential development map consistent with Section 13-41 of the Zoning Code.

5. Prior to issuance of building permits, applicant shall implement the pre-negotiated modifications, including but not limited to, window locations, exterior staircases, roofdecks, landscape plans, and any other applicable deal points made with the specified adjacent neighbors at Sea Bluff Drive and Valley Road to the satisfaction of the Development Services Director.

6. A decorative 7-foot high perimeter block wall shall be constructed along the rear boundary of the site where the current 5-foot high block wall is located. Where walls or fences on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them. The interior fences or walls between the units shall be a minimum of six feet in height, except as noted in the noise mitigation measures for this project.

7. The maximum height of the building, including any mechanical equipment and rooftop appurtenances in the top story roofdeck, shall be 37 feet. No outdoor amplified music or storage of materials visible from adjacent residential properties shall occur on the rooftop level. The railing of the roofdeck area shall be a minimum of 42" inches and shall be obscure. Other than the minimal lighting required for safety and security purposes, no additional outdoor or decorative lighting shall be installed within the roofdeck area. The roofdecks, and all associated structures (i.e. privacy wall, staircase, etc.) shall

be removed from the proposed plans for Lots 3, 4, 5, and 6 to address privacy impacts and shall be no higher than prior to submission of construction drawings for plan check, and the overall building height shall be no higher than 28 feet.

8. The open, unassigned parking spaces within the private street shall be clearly marked as guest parking spaces. Signage will be posted to indicate that these spaces are available to all visitors. The number of on-site parking spaces required for this project shall be shown on the final construction drawings. Open parking spaces 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. Vehicle parking on individual driveway less than 19-feet in length is expressly prohibited.

9. Prior to issuance of building permits, a final landscape plan indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division. The developer shall provide decorative hardscape and landscape treatments as shown on the conceptual plans to provide visual relief for the project from the street. Final materials shall be subject to approval by the Planning Division.

10. The landscape setback area along Victoria Street shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.

11. 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.

12. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, 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.

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13. 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. The community liaison shall provide a 24-hour hotline to the surrounding residents within 500 feet of the subject property to report any concerns during the construction of the project. The concerns shall be addressed within a reasonable time period (generally 72 hours) to the satisfaction of the Development Services Director. The community liaison shall provide a weekly report indicating the complaints received and resolution implemented.

14. The upper level windows shall be designed to minimize direct views into second-floor windows for residences on abutting properties. Windows on southern elevation (staircase) shall be 6 feet above finished floor for Lots 3, 4, 5, and 6.

15. 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. 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. There shall not be in permanent light standards (other than light bollards) installed in the roof deck area.
    b. The intensity and location of lights on buildings shall be subject to the Development Services Director's approval.
    c. 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.
    d. 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.
    e. Glare shields may be required for select light standards.
    f. If proposed, light standards on roof decks shall be located and oriented in such a way as to minimize light spillage onto surrounding properties.

16. 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 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.

17. The subject property's ultimate finished grade level may not be filled/raised in excess of 36 inches above the finished grade of any abutting property. 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.

18. If the project is constructed in phases, the perimeter wall, landscaping along the street frontage and irrigation shall be installed prior to the release of utilities for the first phase.

19. 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.

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

21. To avoid an alley-like appearance, the private street shall not be developed with a center concrete swale. The private street shall be complemented by stamped concrete or pervious pavers.

22. 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 roof decks. These provisions shall prohibit amplified noise, loud parties/gatherings, night-time lighting after 9:00 PM other than for security purposes, or any other activities that may be disruptive to the quiet enjoyment of neighboring properties after 9:00 PM.
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 as an exhibit.
d. The CC&Rs shall contain a notice that all open parking spaces which are not located on an individual driveway shall be unassigned and available for visitors.
e. The CC&R's shall contain restrictions requiring residents to park vehicles in garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage at the number for which the garage was originally designed and to allow for inspections by the association to verify compliance with this condition.
f. The CC&Rs shall contain restrictions prohibiting parking in the 5-foot deep driveways in front of the garage doors for the Plan 2 Units.
g. The CC&Rs shall contain provisions requiring that the Homeowner's Association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:
    - The two-car garages in the residential community are being used for vehicle parking by the resident(s).
    - The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
    - The resident(s) have consented to voluntary inspections of the garage to verify the parking availability, as needed.
    - The form and content of the affidavit shall be provided by the City Attorney's office. Failure to file the annual affidavit is considered a violation of this condition.
h. 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.

23. The CC&Rs shall be recorded prior to issuance of certificates of occupancy. 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.

24. Prior to issuance of building permits, the applicant shall provide proof of recordation of Vesting Tract Map 17779.

25. 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.

26. Applicant shall plant mature trees (24-inch box trees) with a minimum height of 15 feet in the rear yards of Lots 3 through 9 and Lot 23 to provide visual screening for privacy purposes. The CC&Rs shall reflect that these trees be maintained (or replaced if necessary) in the rear yard to provide a permanent landscape buffer between the properties at the homeowner's expense in the future.

27. 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.

28. 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.

29. 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.

30. An opportunity shall be provided for a certified Native American Monitor (NAM) to be present during the first week of ground disturbance activities. In the event that additional cultural deposits are uncovered during ground disturbance operations, the NAM shall be empowered to halt or divert work in the vicinity of the find until the nature and the significance of the discovery is determined.

31. 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.

Eng. 32. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit B1).

33. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

Trans. 34. The westerly project driveway shall be restricted to right-in/right-out access while the easterly driveway remains a full access driveway. The right-in/right-out restriction at the westerly driveway shall be implemented by constructing a raised median on Victoria Street, subject to final review and approval by the Transportation Services Manager and the Development Services Director.

Bldg. 35. The applicant shall submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and grading plans. Soils report shall contain recommendations on how to protect the subject and neighboring properties. 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.

Plng. Comm. 36. To the extent feasible and practicable, the applicant shall work with the Public Services Department to develop a plan to install an approximately 200- to 300-foot long wrought iron fence along the Victoria Street frontage of Vista Park. The extent, design and construction of the wrought iron fencing shall be at the applicant's expense and shall be subject to final approval by the Public Services Director and the Development Services Director. The Development Services Director may waive or modify this requirement due to infeasibility of implementation for economic or logistical reasons.

37. To the extent feasible and practicable, the applicant shall work with the property owner of the Victoria Square retail center at Valley Road/Victoria Street to provide off-site guest parking in the evenings and weekends. The off-site parking agreement shall allow ingress, egress, and parking for guests/visitors of the proposed residential development. The Development

Services Director may waive or modify this requirement due to infeasibility of implementation for economic or logistical reasons.

38. The applicant shall abide to the design stipulations, terms and conditions that have been pre-negotiated with immediately abutting neighbors on Gleneagles Terrance and Sea Bluff Road. The signed agreements with the affected neighbors are provided as Exhibit D.

CODE REQUIREMENTS

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

Plng.

1. 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. 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. Prior to issuance of building permits, applicant shall contact the US 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.
4. Pay Park fee prior to building permit issuance or certificate of occupancy. Applicable fee shall be that fee in effect at the time the subdivision application is filed with the City.
5. A minimum 20-foot by 20-foot clear interior dimension shall be provided for all garages.
6. Minimum garage door width shall be 16 feet.
7. All garages shall be provided with automatic garage door openers.
8. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
9. 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.
10. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
11. All on-site utility services shall be installed underground.
12. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
13. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
14. 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 offsite, 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. Water excavated soil piles hourly or covered with temporary coverings.

c. 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 hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.

d. Minimize dirt track-out from the project site by employing either vehicle wash stations, rumble plates or graveling as per specifications in Rule 403.

e. 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.

f. Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.

g. Cease grading during period when winds exceed 25 miles per hour.

15. SCAQMD Rule 445 prohibits 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.

16. The Project shall comply with Title 24 of the California Code of Regulations established by the energy conservation standards.

17. Each of the conclusions and recommendations specified in the Geotechnical Evaluation for the Proposed Development at 1239 Victoria Street, City of Costa Mesa, California (LGC Geotechnical, Inc., April 28, 2014) shall be incorporated into the Project's design considerations, plans, and job specifications.

18. 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.

19. The Project shall comply with the NPDES requirements, as follows:

    a. 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.

    b. 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:

        - Discuss in detail the BMPs planned for the project related to control of sediment and erosion, non-sediment pollutants, and potential pollutants in non-storm water discharges; and
        - Describe post-construction BMPs for the Project.

    c. Explain the maintenance program for the Project's BMPs.

    d. List the parties responsible for the SWPPP implementation and the BMP maintenance during and after grading. The Project Applicant shall implement the SWPPP and modify the SWPPP as directed by the Construction General Permit.

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.

22. 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.

a. The SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of development.

b. 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.

c. 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.

d. Location of the BMPs shall not be within the public right-of-way.

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

24. 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.

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

26. 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.

27. 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.

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

29. The Project shall provide a fire alarm system.

30. The Project shall provide individual numeric signage for proposed residences with minimum 6 inches height.

31. Prior to issuance of building permits, the Developer shall pay a school impact fee currently calculated at $1.84 per square foot for residential development and $0.30 per square foot for commercial development.

32. 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:

a. Lighting shall be provided in open areas and parking lots.

b. 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.

c. Landscaping requirements.

d. Emergency vehicle parking areas shall be designated within proximity to buildings.

e. The applicant shall fund all costs associated with police and fire radio reception enhancement, including a Bi-Directional Amplifying 800 MHz antenna (BDA).

f. 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.

33. 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.

34. Prior to investigations, demolition, or renovation, all activities shall be coordinated with Dig Alert (811).

35. 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:

a. Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;

b. Notify the City Engineer and Costa Mesa Fire Department;

c. Secure the area(s) in question; and

d. Implement required corrective actions, including remediation if applicable.

36. Prior to the issuance of any Grading Permit, the Applicant shall:

    a. Prepared a detailed Hydrology Study, approved by the City Engineer.

    b. Design all storm drain facilities, approved by the City Engineer, for 25-year storm event protection.

    c. 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.

Bldg. 37. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 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 or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with Chapter 11B of the 2013 California Building Code.

38. Submit a precise grading plan, an erosion control plan and a hydrology study.

39. Submit a soils report for this project. Soils report recommendations shall be blueprinted on both the architectural and grading plans.

40. 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. 2013 California Building Code CRC 403.1.7.3.

41. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of six inches within the first 10 feet. CRC R401.3.

42. Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or of noncombustible material if they project into the 5-foot (setback area from the property line. They may project a maximum of 12 inches beyond the 3-foot setback. CRC Tables R302.1(1) and R302.1(2).

Trans. 43. Construct all proposed driveway approaches to comply with city standards.

44. Close unused drive approaches, or portion of, with full height curb and gutter that comply with City Standards.

45. Prior to the start of construction, a Construction Access and Circulation Plan shall be prepared and approved by the City Traffic Engineer to ensure that construction traffic will not impact Victoria Street and other public roadways in the site vicinity.

Fire	46.	Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the project design features to assess compliance with the California Building Code and California Fire Code.
	47.	Provide Class A fire hydrants to be located as directed by the Fire Department.
	48.	Provide "blue dot" reflective markers for all on-site fire hydrants.
	49.	The project shall provide an automatic fire sprinkler system according to NFPA 13 R.
Street Trees	50.	Plant three (3) 24" Box Pistacia chinensis. Tress to be incorporated into site landscape plan.
WQMP	51.	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.
	52.	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.
	53.	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.
	54.	Location of the BMPs shall not be within the public right-of-way.

SPECIAL DISTRICT REQUIREMENTS

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.
	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.	Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
Water	8.	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.
School	9.	Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
State	10.	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.

EXHIBIT B1

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

March 12, 2015

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

SUBJECT: **Tract No. 17779**
LOCATION: **1239 Victoria Street**

Dear Commissioners:

Tentative Tract Map No. 17779 as furnished by the Planning Division for review by the Public Services Department consists of subdividing one lot into twenty-eight numbered lots and four lettered lots. Tentative Tract Map No. 17779 meets with the approval of the Public Services Department, subject to the following conditions:

1. The Tract shall be developed in full compliance with the State 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. Two copies of the Final Tract 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 Tract 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 a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.

6. Vehicular and pedestrian access rights to Victoria Street shall be released and relinquished to the City of Costa Mesa except at approved access locations.

7. 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.

PHONE: (714) 754-5335 FAX: (714) 754-5028 TDD: (714) 754-5244
www.costamesaca.gov

8. 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.

9. Relocate existing street light and radar speed feedback sign to accommodate the location of the new drive approaches.

10. Submit for approval to the City of Costa Mesa, Engineering Division, Street Improvement Plans that show Sewer and Water Improvements, prepared by a Civil Engineer. Applicant is informed Victoria Street is under a "NO OPEN CUT" moratorium until March, 2020. Open cutting the street pavement during the moratorium period shall require special resurfacing requirements.

11. The Subdivider shall submit a cash deposit of $980 for street sweeping at time of issuance of a Construction Access permit. Full amount of deposit shall be maintained on a monthly basis prior to and during construction until completion of project.

12. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Tract Map

13. The Subdivider's engineers shall furnish the Engineering Division a storm runoff study 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 Tract Map. Cross lot drainage shall not occur.

14. Ownership and maintenance of the private on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowners Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City 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 the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.

15. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.

16. Water system improvements shall meet the approval of Mesa Consolidated Water District; call (949) 631-1200 for information.

17. Dedicate easements as needed for public utilities.

18. Prior to recordation of a Final Tract 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.

19. Prior to recordation of a Final Tract 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.

20. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.

21. The elevations shown on all plans shall be on Orange County benchmark datum.

22. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.

23. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.

Sincerely,

Fariba Fazeli, P. E.
City Engineer

(Engr. 2015/Planning Commission Tract 17779)

EXHIBIT C

MITIGATION MONITORING PROGRAM
TRUMARK PROJECT

Mitigation Measure	Responsible Implementation Agency	Monitoring Phase	Date of Compliance
The perimeter walls around Lots 1, 7, 13, and 20 shall be required to be 8 feet in height. Prior to issuance of building permits, a qualifies 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 Victoria Street. Said report must be able to determine compliance or effective mitigation, such as noise control barriers, that will reduce noise impacts to within compliance of 45 dBA CNEL residential interior, and 65 dBA CNEL residential exterior.	Development Services/Building Safety Division	Plan Check/Construction	

EXHIBIT D

I Kacey Gill own the home located at 1164 Gleneagles Terr C.M. CA 92627 and am immediately adjacent to 1239 Victoria, the location of a proposed 28 home project. Trumark homes agreed to make the following changes to the project to reduce or eliminate the impacts of the prosed project on my property. In addition, Trumark has agreed to include these changes as shown on Exhibit A as Conditions of Approval to insure they are required by the city.

Because of these changes, I am not opposing this project. I reserve the right to request further changes and to oppose this project if any of the following agreed changes are modified or if the project is modified.

Proposed Changes:

1. Locate staircase as shown on Exhibit A site plan along southern boundary of lot 23, immediately adjacent to the rear yard.
2. Windows on southern elevation (staircase) shall be 6' above finished floor.
3. A 6' tall wall shall be included on the southern portion of the roof deck to prevent viewing into rear yard or home
4. Removal of the existing wooden fence within the yard of the above-mentioned property and replacement with a new solid decorative block retaining wall, to allow for lowering the project site shall be at Trumarks cost. In addition Trumark will be provided access to my property to allow for this construction. Any damage will be Trumarks responsibility.
5. Trumark will provide planting along my property that includes bamboo or other acceptable screening at their cost to further screen the adjacent new homes.

Eric A. Nelson
Trumark Homes

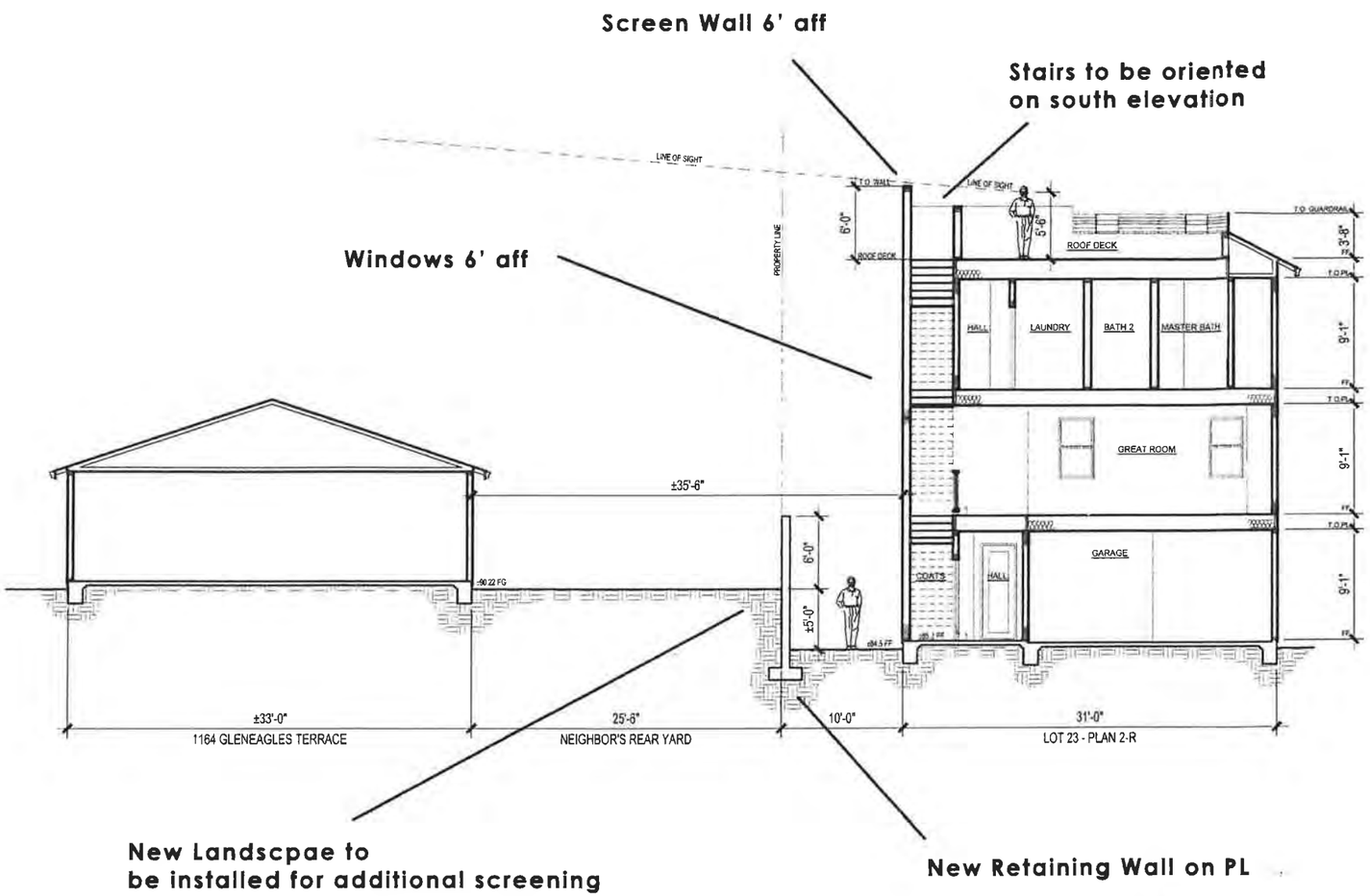
4/8/2015
Dated

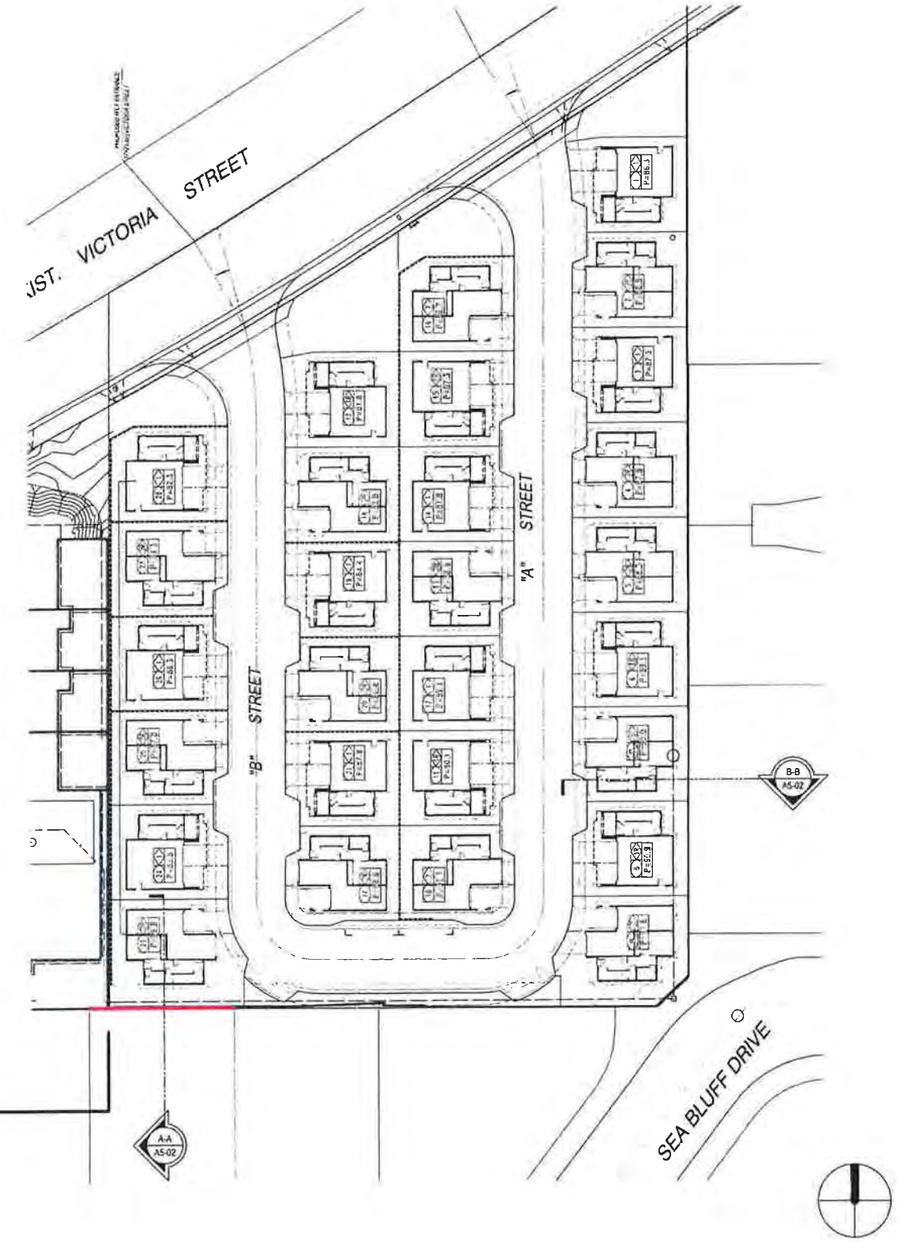
Kacey Gill
Homeowner

4/13/15
Dated

Received
City of Costa Mesa
Development Services Department

APR 13 2015





Eric A. Nelson - Trumark Homes

TRUMARK

TRUMARK
450 Newport Center Drive, Suite 300
Newport Beach, CA 92660
949.999.9800

EXHIBIT A

1164 Gleneagles Terr
Costa Mesa, CA

I HERB ADAMS own the home located at 1156 GLENEAGLES TERRACE and am immediately adjacent to 1239 Victoria, the location of a proposed 28 home project. Trumark Homes has agreed to make the following changes to reduce or eliminate the impacts of the prosed project on my property. In addition, Trumark has agreed to include these changes as shown on Exhibit A as Conditions of Approval to insure they are required by the city as part of the development.

Because of these changes, I am not opposing this project. I reserve the right to request further changes and oppose this project if any of the following agreed conditions change.

Proposed Changes:

1. No access, pedestrian or vehicular access will be permitted from the project site to Seabluff.
2. Windows on southern elevation of Lot 9 shall be installed to prohibit/ obstruct views to pool area and direct views into yard.
3. A 6' tall wall shall be included on the southern portion of the roof decks to prevent viewing into yard and home.
4. Trumark will provide addition planting along my property of bamboo or other acceptable screening at Trumark's expense.
5. The project will include lowering the site 4'-5' from existing grades. This will include a new retaining wall, located 6' from existing rear wall.
6. During construction of the new retaining wall, Trumark will be permitted to drain my pool. Upon completion they will be responsible for the cost of refilling the pool (including penalties) and will acid wash it and pay for an initial startup and cleaning. In addition Trumark will provide an insurance policy for any defects caused by the retaining wall construction.
7. In the event the pool is not drained, Trumark homes will provide, at their expense, weekly pool cleaning to reduce impact of dust during grading.

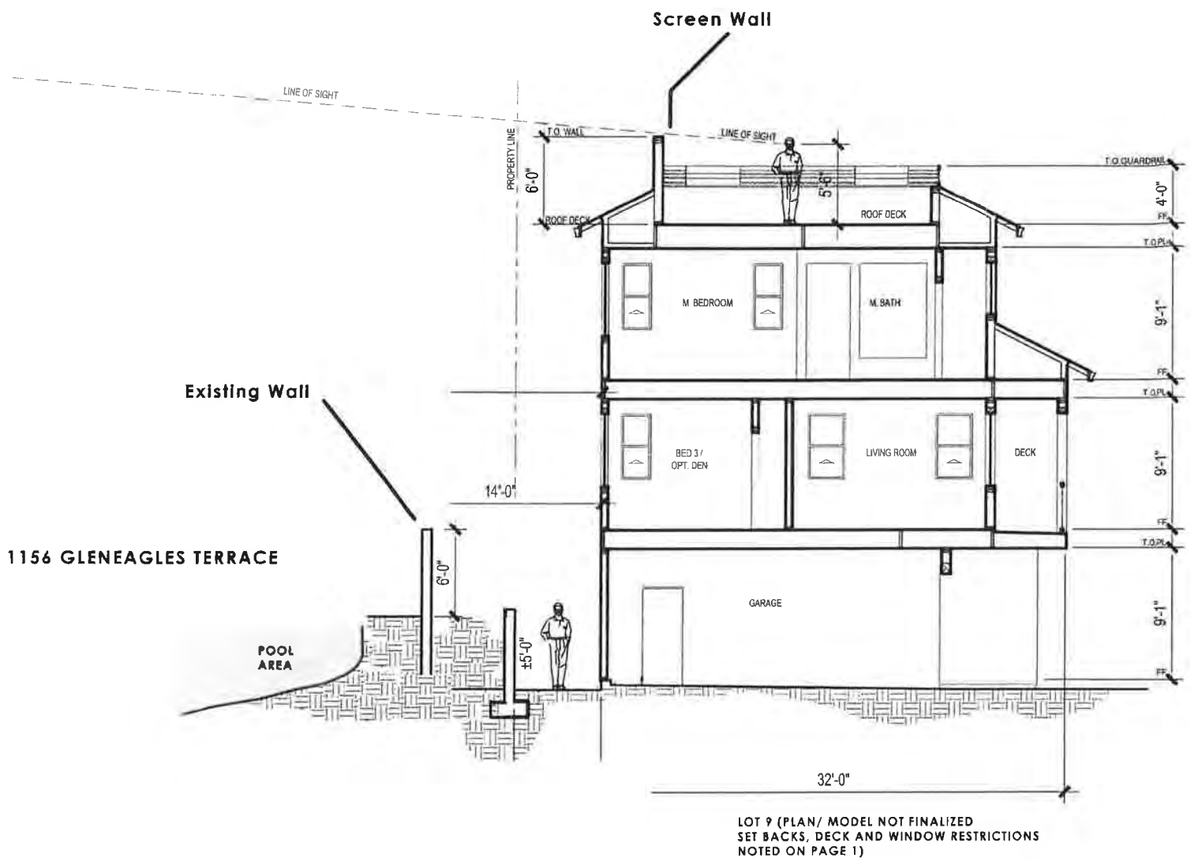
Eric A. Nelson
Trumark Homes

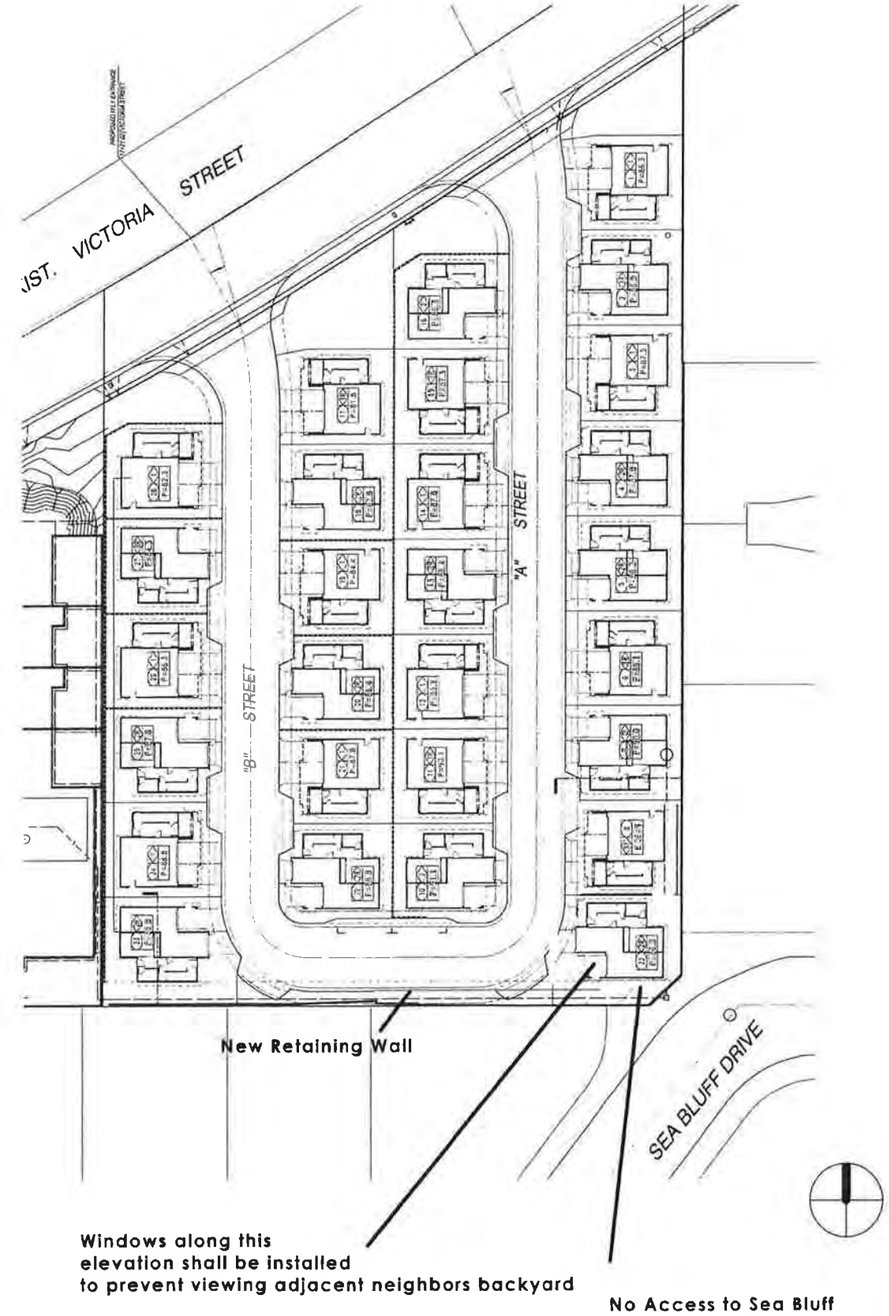
4-13-15
Dated

Received
City of Costa Mesa
Development Services Department
APR 13 2015

Herb Adams
Homeowner

4-12-15
Dated





Eric A. Nelson - Trumark Homes

TRUMARK

TRUMARK
450 Newport Center Drive, Suite 300
Newport Beach, CA 92660
949.999.9800

EXHIBIT A

1156 GLENEAGLES TERRACE
COSTA MESA, CA 92627

CONST. HOURS ?

WEEKENDS

I MARGARET ADAMS own the home located at 1156 GLENDALE and am immediately adjacent to 1239 Victoria, the location of a proposed 28 home project. Trumark Homes has agreed to make the following changes to reduce or eliminate the impacts of the prosed project on my property. In addition, Trumark has agreed to include these changes as shown on Exhibit A as Conditions of Approval to insure they are required by the city as part of the development.

Because of these changes, I am not opposing this project. I reserve the right to request further changes and oppose this project if any of the following agreed conditions change.

Proposed Changes:

1. No access, pedestrian or vehicular access will be permitted from the project site to Seabluff.
2. Windows on southern elevation of Lot 9 shall be installed to prohibit/ obstruct views to pool area and direct views into yard.
3. A 6' tall wall shall be included on the southern portion of the roof decks to prevent viewing into yard and home.
4. Trumark will provide addition planting along my property of bamboo or other acceptable screening at Trumark's expense.
5. The project will include lowering the site 4'-5' from existing grades. This will include a new retaining wall, located 6' from existing rear wall.
6. During construction of the new retaining wall, Trumark will be permitted to drain my pool. Upon completion they will be responsible for the cost of refilling the pool (including penalties) and will acid wash it and pay for an initial startup and cleaning. In addition Trumark will provide an insurance policy for any defects caused by the retaining wall construction.
7. In the event the pool is not drained, Trumark homes will provide, at their expense, weekly pool cleaning to reduce impact of dust during grading.

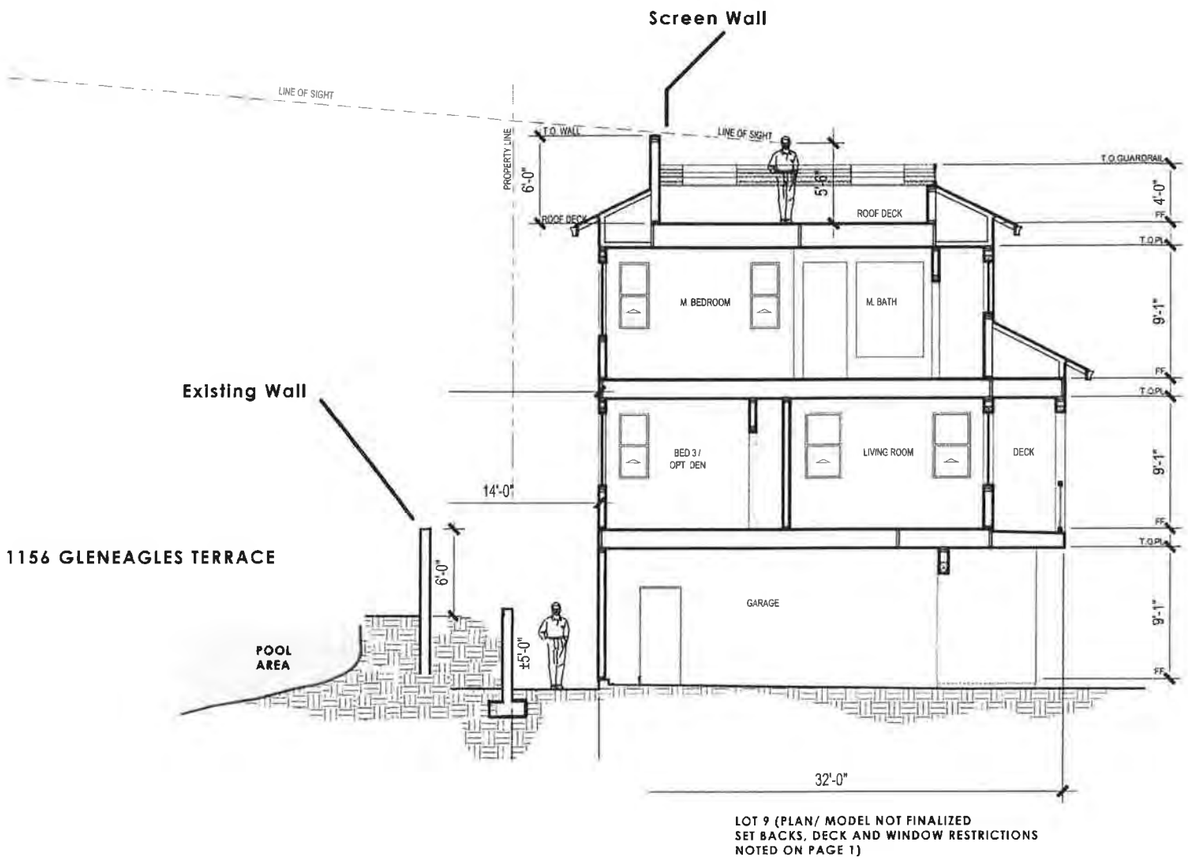
Eric A. Nelson
Trumark Homes

Dated

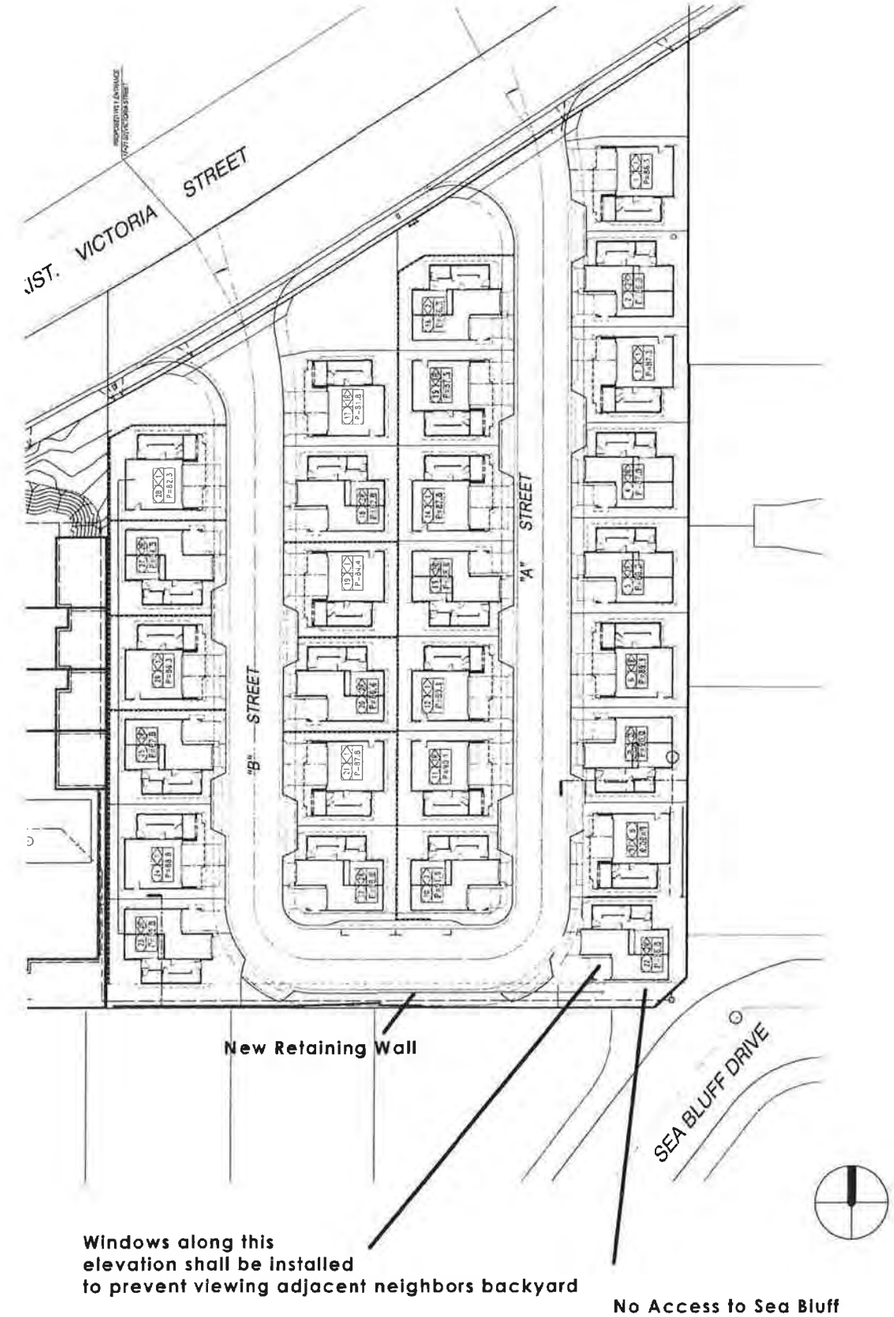
Received
City of Costa Mesa
Development Services Department
APR 13 2015

Margaret Adams
Homeowner

4/13/15
Dated



Eric A. Nelson - Trumark Homes



TRUMARK

TRUMARK
450 Newport Center Drive, Suite 300
Newport Beach, CA 92660
949.999.9800

EXHIBIT A

1156 GLENEAGLES TERRACE
COSTA MESA, CA 92627