CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

NOTICE OF DECISION
PLANNING COMMISSION ACTION

DATE: June 23, 2015

PROJECT NO: PA-15-10 and TT-17870

SITE ADDRESS: 2366 Orange Avenue

FINAL ACTION: At a noticed public hearing on June 22, 2015 the Planning Commission approved this application, subject to conditions, by adoption of Planning Commission Resolution PC-15-42. The final resolution is attached.

APPEAL PERIOD: This decision will become final unless appealed by 5 p.m., June 29, 2015 by the filing of the necessary form and fees with the City Clerk's office, located at 77 Fair Drive, Costa Mesa.

PLANNING CONTACT: Ryan Loomis, Associate Planner, (714) 754-5608
ryan.loomis@costamesaca.gov

If you have any questions or comments regarding this notice of decision, please contact the project planner (above) or me at 714-754-5278.

Sincerely,

Claire L. Flynn, AICP
Assistant Development Services Director

DISTRIBUTION:

Kings Road Partners LLC
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RESOLUTION NO. PC-15-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-10 AND TENTATIVE TRACT MAP TT-17870 FOR PROPERTY LOCATED AT 2366 ORANGE AVENUE

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

WHEREAS, an application was filed by Eric Trabert of E.T.A. Residential Design, representing Kings Road Partners LLC, the property owner, requesting approval of the following:

1. ***Planning Application PA-15-10:*** Design Review to construct a 6-unit, two-story, detached residential development on a 23,159 square foot lot (.53 acres) with the following:
    a. Administrative adjustment from front yard setback for Lot 6/ Plan C (20 feet required; 12 feet proposed off of Norse Avenue).
    b. Minor modification for front yard setback for a front porch on Lot 1/ Plan A (20 feet required; 16 feet proposed).
2. ***Tentative Tract Map TT-17870:*** A Residential Small Lot Subdivision consisting of six fee simple lots.

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15332 for In-Fill Development Projects.

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

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 22, 2015 with all persons having the opportunity to speak for and against the proposal.

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-15-10 and Tentative Tract Map TT-17870.

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-15-10 and Tentative Tract Map TT-17870 and upon the 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 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 22nd day of June, 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. 15-42 was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 22nd, 2015 by the following votes:

AYES: Dickson, Mathews, McCarthy, Sesler

NOES: None

ABSENT: Andranian

ABSTAIN: None

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (APPROVAL)

A The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that:

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

Facts in Support of Findings: The architectural design of the development meets the intent of the City's Residential Development Standards and Design Guidelines and promotes design excellence with consideration given to site planning and building orientation, overall open space, landscaping and architectural design. Second floor windows will be required to be offset to minimize direct views onto adjacent second floor residential windows, and the elevations will have exterior elevation treatments as recommended in the City's Residential Design Guidelines.

The Planning Commission also considered the General Plan, Zoning Code, and Residential Design Guidelines and the effect of the proposed development on the light, air, and privacy of adjacent properties with specific regard to the abutting single-family residential properties along E. Wilson Street in the R1 zone (southerly property line) and the adjacent multi-family and single-family structures in the R2-MD zone at Orange and Norse Avenue (northerly property line). The Planning Commission determined that the minimum 5-foot setback (and up to 13-foot setback) along the southerly property line of the development lot complied with the General Plan, Zoning Code, and Residential Design Guidelines and found that this sideyard setback would provide adequate light, air, and privacy to the abutting single-family residential properties along E. Wilson Street. The Planning Commission also found that the proposed project was exempt from the Residential Design Guideline as it relates to the average side yard setback requirement of 10 feet on the second story. This requirement would not apply to two-story new construction with less than 2,700 square feet of living area (not including garage). In this case, the proposed single-family residential unit sizes range between 2,265 square feet and 2,678 square feet, and are therefore exempt from the requirement.

Finding: The visual prominence associated with the construction of two-story homes in a predominately one-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid long unarticulated two-story walls.

Facts in Support of Findings: The proposed two-story structures are in keeping with the rest of the neighborhood which has a variety of two-story buildings. The elevations of the proposed residences include a variety of materials, articulating roof lines, and use of window treatments to highlight the vertical offsets and horizontal floor to floor transitions.

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

Facts in Support of Findings: The proposed project provides ownership opportunities for detached units in place of the existing residential structures, which are currently rental units. The project exhibits site planning excellence by providing private open spaces for all units and adequate separation between the homes and the abutting structures. In addition, in order to provide adequate light, air, and privacy to the abutting single-family residential properties along E. Wilson Street, the Planning Commission has required, through a condition of approval, the applicant to modify the southerly elevations of Units 1 through 6 with transom windows on the second story elevations along the 5-foot side setback, provided that building code and fire code requirements are met. The Planning Commission has also required, through a condition of approval, that the final landscape plan include a minimum of one 24-inch box tree along the southerly property line of each individual dwelling unit for screening purposes to the satisfaction of the Development Services Director. The applicant may also propose other landscaping or screening alternatives for the review/approval of the Development Services Director to satisfy this requirement

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

Finding: The creation of the subdivision and related improvements is consistent with the General Plan 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 amenities as a small lot subdivision development, and encourages increased private market investment in declining or deteriorating neighborhoods.

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

Facts in Support of Findings: The density for the residential component is 11.3 units per acre (6 units maximum), which complies with allowable density of 12 units per acre (6 units maximum) per the General Plan.

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 project site is already developed with multi-family residences, and does not have any sensitive environmental resources. The proposed project will provide for high-quality housing and not impede upon the health, safety, and welfare of the surrounding community.
>
> The Planning Commission also considered the General Plan, Zoning Code, and Residential Design Guidelines and the effect of the proposed development on the light, air, and privacy of adjacent properties with specific regard to the abutting single-family residential properties along E. Wilson Street in the R1 zone (southerly property line) and the adjacent multi-family and single-family structures in the R2-MD zone at Orange and Norse Avenue (northerly property line). The Planning Commission determined that the minimum 5-foot setback (and up to 13-foot setback) along the southerly property line of the development lot complied with the General Plan, Zoning Code, and Residential Design Guidelines and found that this sideyard setback would provide adequate light, air, and privacy to the abutting single-family residential properties along E. Wilson Street.

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 a north-south direction to take advantage of passive solar heating as well as passive ventilation from ocean breezes. The southern facing rooflines also have the potential to provide for active solar heating and energy generation through the use of solar panels.

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 Orange and Norse Avenues will significantly improve the public right-of-ways for vehicular and pedestrian traffic. In addition, a 5-foot side setback provides for adequate access space for the existing utility easement along the southern property line. A letter of approval [pending at the date of this report] from Southern California Edison will allow the project to encroach into the 6-foot utility easement.

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.

C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

Findings:

a. 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.
b. The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
c. 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: The proposed project, specifically Lot 6/Plan C, proposes to encroach into the required 20-foot front setback along Norse Avenue, as a portion of the residential unit is proposed at a 12-foot front setback. The development lot has an unusual circumstance, in that there are two front setbacks as a result of abutting two public right-of-ways, including Orange Avenue on the western portion of the property, and Norse Avenue on the east. Under normal circumstances, a property normally has a front, side and rear setback, and the small lot subdivision standards would allow for a 10-foot rear setback. The primary access for the development lot is Orange Avenue, and therefore is considered the dominant front portion of the development lot. Without Norse Avenue, Lot 6/Plan C would be considered the rear portion of the development lot, and therefore be allowed to utilize a 10-foot rear setback. The structure is setback 12 feet from the closest point from the front property line, thus being setback further than what would be allowed if considered the rear setback. Therefore, approval of an administrative adjustment from front yard setback along Norse Ave would help remediate the project from the strict application of development standards, and allow the property the same privileges enjoyed by others in the vicinity under identical zoning classifications. The proposed project does not constitute a grant of special privileges inconsistent with other properties in the vicinity.

The proposed project is located within the Medium Density Residential General Plan land use designation, which allows a density up to 12 units per acre. The project site is 0.53 acres, and therefore would allow for a maximum of 6 units. The project, as proposed, is consistent with the General Plan land use designation. As such, granting the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

D. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(6) in that:

Findings:

a. 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.
b. 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 project is requesting a Minor Modification to allow for an encroachment into the required front yard setback. The project, specifically Lot 1/Plan A, is requesting a reduction from 20 feet to 16 feet for the front setback along the front (westerly) property line to allow for the supporting posts of a projecting patio cover to project 4 feet into required 20-foot front setback. The garage for Plan A is proposed to maintain a 20-foot setback from the front property line. The setbacks of existing neighboring structures were considered with regard to the project's proposed modification to the front setback. The 20% reduction in front yard depth is located away from properties adjacent to the project site, and does not affect pedestrian travel along Orange Avenue. In addition, the proposed 16-foot setback for the covered porch will not impact the visual line of site safety issues related to vehicular travel. The driveways for neighboring properties are located away from the proposed project site. The driveway for the neighboring property to north is located on the opposite side of the proposed project site. The neighboring property to the south is a corner lot, and the corresponding driveway is not located along Orange Avenue. The proposed project will not be 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. In addition, the project will be required to comply with all applicable provision of the Uniform Building Code with regard to safety.

In regards to design, Plan A is designed to be consistent with the materials, massing, scale and articulation of the multi-family residential area for maximum compatibility. The design of Plan A is well articulated with overhangs, porches, roof dormers, and stepped floor plans. The projecting covered porch provides an attractive entrance into the project site. In addition, the proposed project provides for adequate landscaping with drought tolerant trees, shrubs, and groundcover to enhance the project site. Therefore, Plan A and the entire development project is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity.

E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is categorically exempt from the provisions of the

California Environmental Quality Act (CEQA) under Section 15332 for In-Fill Development Projects. This exemption allows for the construction of up to six multi-family residential structures in urbanized areas, which have been determined not to have a significant effect on the environment.

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

EXHIBIT B

CONDITIONS OF APPROVAL

Plng.

1. The expiration of Planning Application PA-15-10 shall coincide with the expiration of the approval of the Tentative Parcel Map T-17870 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial two-year period.
2. The conditions of approval of PA-15-10 and T-17870 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. The Tentative Tract Map shall be processed as a tentative map consistent with Chapter XI. Subdivisions, Article 1. Tentative Maps, of the Zoning Code.
4. Prior to issuance of building permits, the applicant shall provide proof of recordation of Tentative Tract Map TT-17870.
5. A decorative 6-foot high perimeter block wall, or stained/treated fence, as approved by the Development Services Director, shall be constructed along the side boundaries of the site prior to issuance of certificates of occupancy unless otherwise approved by the Development Services Director. Where walls 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 and/or provide adequate privacy screening by trees and landscaping.
6. The interior fences or walls between the units shall be a minimum of six feet in height.
7. All future walls and fences within front yard setback along Orange Avenue and Norse Avenue Place shall conform to the standards per the Walls, Fences, and Landscaping Standards and Specifications.
8. The automatic gate at Orange Avenue placed along the private driveway shall be subject final review/approval by the Transportation Manager, and shall also meet requirements per Costa Mesa Sanitary District regarding entry. Gates shall be of high quality design and feature a low noise type of gate to the extent feasible. In addition, private property signs shall be displayed on gates.
9. To avoid an alley-like appearance, the driveway shall not be developed with a center concrete swale. The driveway shall be complemented by stamped concrete in order to reduce damage caused by sanitary trucks entering site for trash pickup.
10. The open, unassigned parking space located between Lot 1 and Lot 2 shall be clearly marked as guest parking space only. Signage shall be posted to indicate that this space is available only to guests and visitors and not used for resident parking.
11. 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.

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

13. The final landscape plan shall be approved by the Planning Division and contain additional 24-inch box size trees above the minimum code requirements. Compliance with this requirement may include upgrading smaller size trees to 24-inch box size trees or providing additional 24-inch box trees.

14. 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. This includes any modification not consistent with the proposed asphalt composition and standing metal seam roofs, horizontal lap and vertical wood siding, smooth stucco, 24-inch and 12-inch board and batten siding, decorative metal roll-up garage doors, and columns along front entry porches. Any modification should be consistent to originally proposed colors, including light and charcoal grays and earthen tones. 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.

15. 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 <u>without</u> 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.

16. The front porch overhang for Plan C shall not contain supporting posts that encroach beyond the proposed 12-foot front setback. Awnings and eaves that are not supported by supporting posts can project 5-feet into front setback.

17. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional 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.

18. 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.

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. 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:

    a. Double paned glass or window treatment for energy conservation shall be used in all exterior windows.
    b. Building shall be oriented north/south where feasible.

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

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&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.

    b. 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. Prior to issuance of a certificate of occupancy, the applicant shall file and record a declaration of covenants, conditions, and restrictions (CC&Rs) on the property. The establishment of a homeowner's association shall be optional. Prior to issuance of a building permit, a draft of the CC&Rs shall be remitted to the Development Services Director and City Attorney's office for review and approval. Because there are no common areas for circulation, parking, or landscape purposes, the CC&Rs shall be limited to the ground rules related to: architectural control over future building modifications or additions, architectural design and guidelines for the property, and engagement in alternative dispute resolution before filing a lawsuit to resolve conflicts. The Development Services Director has the discretion to request any other provisions in the CC&Rs to promote self-governance between the two property owners.

24. The CC&Rs shall contain a notice that the open parking space (not leading to a garage) shall be unassigned and available for visitors. The CC&Rs shall also contain provisions related to use, preservation and maintenance of the common drive aisle and open space areas in perpetuity by the maintenance or homeowner's association

25. The CC&Rs shall contain provisions requiring that the maintenance or homeowner's association effectively manage parking and contract with a towing service to enforce the parking regulations.

26. Prior to final recordation of the map, applicant shall provide written documentation from Southern California Edison to specifically allow the encroachment into the utility easement by the proposed structures. This document may indicate that the easement will be quitclaimed or modified to allow the proposed structures. This documentation shall be approved by the Development Services Director and the City Engineer prior to final map recordation unless an extension is granted by the Development Services Director. The City Attorney's office shall require legal documentation (i.e. hold harmless agreement, etc.) be submitted by the applicant if construction is allowed to proceed while the quitclaim process (other other procedure as specified by SCE) is pending.

27. The Homeowner's Association or Maintenance Association shall submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:
    a. The two-car garages in the residential community are being used for vehicle parking by the resident(s).
    b. The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
    c. 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.

28. 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.

29. 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 (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. 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.

30. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2' in depth to allow curbing to serve as a wheel stop.

PC 31. To address privacy concerns, the applicant shall modify the southerly elevations of Units 1 through 6 with transom windows on the second story elevations along the 5-foot side setback, provided that building code and fire code requirements are met.

PC 32. The final landscape plan shall include a minimum of one 24-inch box tree along the southerly property line of each individual dwelling unit for screening purposes to the satisfaction of the Development Services Director. Applicant may propose other landscaping or screening alternatives for the review/approval of the Development Services Director to satisfy this requirement.

PC 33. The CC&Rs shall include a restriction that expressly prohibits the following: (1) the construction of a full height wall for the Bonus Room on the second floor of Unit 1 (Plan A) and/or (2) conversion of the Bonus Room into a bedroom.

Eng 34. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit B1).

Eng. 35. Provide a three-foot public sidewalk easement behind existing right of way line on Norse Avenue for ADA compliance.

Eng. 36. 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.

Pkwys 37. Plant one (1) 24" Box Pyrus calleryana 'Chanticleer' along the Orange Avenue parkway.

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. Applicant shall provide the City with proof of general liability insurance including endorsements concerning "additional named insured", "advance notice", and "primary coverage" as approved by the City attorney's office.
3. 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.
4. 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.
5. 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.
6. A minimum 20-foot by 20-foot clear interior dimension shall be provided for all garages.
7. Minimum garage door width shall be 16 feet.
8. All garages shall be provided with automatic garage door openers.
9. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
10. 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.
11. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
12. All on-site utility services shall be installed underground.
13. 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.

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

15. Prior to approval of plans, the project shall fulfill the City of Costa Mesa Drainage Ordinance No. 06-19 requirements.

16. If present and/or projected exterior noise exceeds 60 CNEL, California Noise Insulation Standards, Title 25, California Code of Regulations require a maximum interior noise level of 45 CNEL for residential structures. If required interior noise levels are achieved by requiring that windows be inoperable or closed, the design for the structure must also specify the means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.

17. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

18. Planning Commission action on PA-15-10 shall not become final until seven (7) days following final action.

Bldg. 19. 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. Areas of alteration and additions shall comply with 2013 California Green Building Standards Code section 5.303.2 and 5.303.2.

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

21. Submit a soils report for this project. Soil's report recommendations shall be blueprinted on both the architectural and grading plans. For existing slopes or when new slopes are proposed, the soils report shall address how existing or new slopes will be maintained to avoid erosion or future failure.

22. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. 2013 California Building Code CRC 403.1.7.3.

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

R401.3.

24. Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or 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).

25. 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.

26. 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.

27. 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.

28. 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.

Trans. 29. Construct all proposed driveway approaches to comply with city standards.

30. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

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

Fire 32. 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.

33. The project shall provide an automatic fire sprinkler system according to NFPA 13D.

34. 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.

Eng 35. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-

231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.

36. 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.
37. Obtain an encroachment permit from the Engineering Division for any work in the City public right-of-way. Pay required permit fee & cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per section 15-31 & 15-32, C.C.M.M.C. as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
38. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for new driveway approaches.
39. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. Residential sidewalk per City of Costa Mesa Standards as shown on the Off-site Plan, including four (4) feet clear around obstructions in the sidewalk.
40. 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.
41. Fulfill Drainage Fee requirements per City of Costa Mesa Ordinance No. 06-19 prior to approval of Final Map/Approval of Plans.
42. In order to comply with the 2003 Drainage Area Management Plan (DAMP), the proposed Project shall prepare a Water Quality Management Plan conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, using latest version of template dated August 2011, shall be prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.

    a) A WQMP (Priority or Non-Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.

    b) Location of 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 (949) 645-8400 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 (949) 645-8400 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.

Cable 11. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.