ATTACHMENT 4

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING REZONE R-14-05 FOR THE PROPERTY LOCATED AT 2880 MESA VERDE DRIVE EAST FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO SINGLE FAMILY RESIDENTIAL DISTRICT (R1).

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

WHEREAS, an application was filed by Pinnacle Residential, representing First Church of Christ Scientist, requesting approval of the following:

- ***Initial Study/Negative Declaration.***
- ***Rezone R-14-05:*** An ordinance to rezone a 2-acre site from I&R (Institutional and Recreational) to R1 (Single Family Residential District). The maximum allowable General Plan density is 7.26 dwelling units per acre, or a maximum of 14 dwelling units.
- ***Planning Application PA-14-48:*** A Design Review for the development of a 10-unit, two-story, single-family residential development (5 dwelling units per acre proposed). The units would take access from a 40-foot wide private street from Mesa Verde Drive East. The lot sizes range from 8,712 square feet to 6,902 square feet (excluding the private street); the minimum lot size allowed is 6,000 square feet.
- ***Tentative Tract Map T-17824:*** Subdivision of the property into 10 fee simple lots for homeownership.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 22, 2015 with all persons having the opportunity to speak and be heard for and against the proposal, and recommended approval of the project and its related entitlements to the City Council.

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 with all persons having the opportunity to speak and be heard for and against the proposal.

BE IT RESOLVED that based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby **APPROVES REZONE R-14-05** and gives first reading to the ordinance adopting rezone from I&R (Institutional & Recreational) to R1 (Single Family Residential) zoning district for the property identified as County Assessor Parcel Number 139-313-08 and as shown in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.

BE IT FURTHER RESOLVED that 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 herein and Exhibit B attached hereto. A copy of the Official Zoning Map is on file in the office of the Planning Division.

BE IT FURTHER RESOLVED THAT 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.

BE IT FURTHER RESOLVED that 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.

BE IT FURTHER RESOLVED THAT 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

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

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 A

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 R1 zone, including lot sizes, building setbacks, open space, and onsite parking. The General Plan land use designation for the project area is Low Density Residential (8 dwelling units to the acre maximum), which is compatible with the proposed zone change to R1 (Single Family Residential District). The project provides a maximum density of 5 dwelling units to the acre.

EXHIBIT B

Amendment to the Zoning Map

Change the zoning designation of the 2-acre development site at 2880 Mesa Verde Drive East from Institutional and Recreational (I&R) to Single Family Residential District (R1)

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-48, TENTATIVE TRACT T-17824, & NEGATIVE DECLARATION FOR THE PROPOSED DEVELOPMENT OF A 2-STORY, 10-UNIT DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT FOR PROPERTY LOCATED AT 2880 MESA VERDE DRIVE EAST.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Pinnacle Residential, representing First Church of Christ Scientist, requesting approval of the following:

1. ***Initial Study/Negative Declaration.***
2. ***Rezone R-14-05:*** An ordinance to rezone a 2-acre site from I&R (Institutional and Recreational) to R1 (Single Family Residential District). The maximum allowable General Plan density is 7.26 dwelling units per acre, or a maximum of 14 dwelling units.
3. ***Planning Application PA-14-48:*** A Design Review for the development of a 10-unit, two-story, single-family residential development (5 dwelling units per acre proposed). The units would take access from a 40-foot wide private street from Mesa Verde Drive East. The lot sizes range from 8,712 square feet to 6,902 square feet (excluding the private street); the minimum lot size allowed is 6,000 square feet.
4. ***Tentative Tract Map T-17824:*** Subdivision of the property into 10 fee simple lots for homeownership.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 22, 2015 with all persons having the opportunity to speak and be heard for and against the proposal, and recommended approval of the project and its related entitlements to the City Council.

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 with all persons having the opportunity to speak and be heard for and against the proposal.

WHEREAS, the City Council finds that the Initial Study/Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/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/Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa.

WHEREAS, the ordinance for Rezone R-14-05 was adopted separately by the City Council and given first reading.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of contained within Exhibits B and B1, respectively, the City Council hereby **APPROVES:** Planning Application PA-14-48 and Tentative Tract Map 17824 and adopts the Initial Study/Negative Declaration for the project.

BE IT FURTHER RESOLVED that the Costa Mesa City Council 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 R-14-05, PA-14-48, and Tentative Tract Map 17842 and upon the applicant's compliance with each and all of the conditions in Exhibits B and B1, 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 21st day of July, 2015.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

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 A

FINDINGS (APPROVAL)

A. The proposed project complies with Title 13, Section 13-29(g)(5), Master Plan, of the Municipal Code due to the following:

Finding: The project 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 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. The infill nature of the proposed project protects the viability of the natural environment and decreases the need for significant infrastructure improvements. The 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 project is an infill redevelopment project with residential uses. Adequate infrastructure (i.e., roads, emergency, and utility services) is available to serve the proposed project. Therefore, the project is consistent with this General Plan objective.

- **Objective LU-1A.4:** *Strongly encourage the development of low-density 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 Low Density Residential General Plan Designation of the property and is designed for owner-occupied housing units. Therefore, the 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 church buildings. On-site vegetation is minimal. 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, perimeter wall treatments will be reviewed to ensure that landscaping is provided to soften the edges of the development and 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: As discussed later in this report, the project is categorically exempt per the provisions of the California Environmental Quality Act (CEQA), which means that the proposed project will not create an adverse impact on the environment. Because the project is an infill development, it would not result in the loss of any habitat, or require extensive infrastructure improvements to provide service to the site. Therefore, the 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 R1 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 a single-family infill 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 exceeds current parking standards (40 spaces required; 50 spaces proposed)*. In addition to the 2-car (with an optional third) garage spaces, parking is provided in the individual driveways leading to each garage and within the private street to provide convenient parking for future guests within the development.

- *The project exceeds the minimum requirements for open space in the form of a large private yards for each unit. Additionally, park fees in the amount of $135,720.00 is required to be paid to the City.* The minimum required open space for this project is 40%; the project provides 47% total open space. Additionally, park fees in the amount of $135,720.00 is required to be paid for the project.

B. 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 LDR (Low Density Residential) General Plan Land Use designation allows residential development of up to 8 dwelling units/acre on this site; the proposed project is 5 dwelling units/acre and complies with all other applicable provisions of the Zoning Code for residential developments in the R1 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 project is categorically exempt per the provisions of the California Environmental Quality Act (CEQA), which means that the proposed project 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.

C. 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/Negative Declaration (IS/ND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). 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.

D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated at all affected intersections and by the payment of traffic impact fees.

E. The proposed buildings are an excessive distance from the street necessitating fire apparatus access and provisions of on-site fire hydrants.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng.

1. The expiration of Planning Application PA-14-48 shall coincide with the expiration of the approval of the Tentative Tract Map 17824 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, code requirements, and special district requirements of PA-14-48 and T-17824 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. A decorative perimeter block wall a minimum of 6 feet in height shall be constructed along the 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.
4. The interior fences or walls between the units shall be a minimum of six feet in height. All private property fencing shall consist of stained and pre-treated lumber materials (i.e. redwood for example) and not unstained pine planks.
5. The perimeter walls along Mesa Verde Drive East shall incorporate landscape planters between the wall and back of public sidewalk, with landscape materials subject to the approval by the Development Services Director.
6. 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 private cul de sac shall also be enhanced with pervious pavers, colored concrete, or other treatment to the satisfaction of the Development Services Director.
7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
8. 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.
9. If the project is constructed in phases, the perimeter wall, landscaping along the frontages, and irrigation shall be installed prior to the release of utilities for the first phase.
10. 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. Specifically, enhancements to the rear and side elevations shall include enhanced detailing including articulation, projections and use of varied building materials as required in the City's Residential Design Guidelines, and shall not be modified unless otherwise approved by

the Development Services Director as consistent with the architectural design and features of the proposed development. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.

11. 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.

12. 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.

13. 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.

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

15. 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. Any future vehicle gate along Mesa Verde Drive shall be subject to the review and approval by the Transportation Services Manager.

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

a. The CC&Rs shall contain provisions requiring that the maintenance association effectively manage parking and contract with a towing service to enforce the parking regulations.
b. The CC&Rs shall also contain provisions related to night-time lighting and active use of the common areas. 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 private street and perimeter landscaping in perpetuity by the maintenance association. The CC&Rs shall also contain the buyer's notice as an exhibit.
d. 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.
e. The CC&Rs shall contain provisions requiring that the maintenance 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.
f. Open parking spaces on the private street shall be open, unassigned, and available for all guest of the development. Proper signage indicating a tow-away zone shall be required.
g. Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.

17. The CC&Rs shall be recorded and a Maintenance Association be established prior to issuance of certificates of occupancy.

18. Prior to issuance of building permits, the applicant shall provide proof of recordation of Tract Map 17824.

19. 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.

20. Prior to release of any utilities, the applicant shall provide proof of establishment of a maintenance association.

21. 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.

    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.

22. 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.

23. Permanently installed wood burning devices are not permitted. 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.

24. All rubber tired dozers and graders used during the grading phase of construction shall be powered by Tier 3 engines.

25. 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:

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

26. 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.

27. 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.

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

30. 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.

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. Pay Park fee prior to certificate of occupancy. Applicable fee shall be that fee in effect at the time the subdivision application is filed with the City.

4. A minimum 20-foot by 20-foot clear interior dimension shall be provided for all 2-car garages, and a minimum 10-foot by 20-foot clear interior dimension shall be provided for 1-car garages, if proposed.

5. Minimum garage door width shall be 16 feet (2-car garages).

6. All garages shall be provided with automatic garage door openers.

7. Grading materials delivery, equipment operation, and other construction-related activity shall be limited to be-tween the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.

8. 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.

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

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

11. 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.

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

Bldg. 13. 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.

14. 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.

15. Submit a precise grading plan, an erosion control plan and a hydrology study. If it is determined that a grading plan is not required, a drainage plan shall be provided. A precise grading plan shall not be required if any of the following are met:

    - An excavation which does not exceed 50 CY on any one site and which is less than 2 feet in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area).

- A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.
- A fill less than 3 feet in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.

16. Submit a soils report for this project. Soils 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 slopes or the new slopes will be maintained to avoid erosion or future failure.
17. 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.
18. 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.
19. Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or of noncombustible material if they project into the 5 feet (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.

20. Construct all proposed driveway approaches to comply with city standards.
21. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Transportation Services Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. 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.
22. Close unused drive approaches, or portion of, with full height curb and gutter that comply with City Standards.

Fire

23. 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.
24. Provide "blue dot" reflective markers for all on-site fire hydrants.
25. The project shall provide an automatic fire sprinkler system according to NFPA 13 R.

Street Trees

26. Plant eight (8) 24" Box Arbutus 'Marina' (single trunk/standard form) in expanded planter to be 5' (not 3') in width along Mesa Verde Drive East frontage. Proposed Pyrus calleryana 'Aristocrat' on Andros Street change to 24" Box Pyrus calleryana 'Redspire'. Items to be incorporated into site

landscape plan. Responsibility for the maintenance of proposed landscape planters along Mesa Verde Drive East should be determined and documented as binding.

WQMP

27. 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.

28. 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;
        - Describe post-construction BMPs for the project;
        - Explain the maintenance program for the project's BMPs.

    c. 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.

29. 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.

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

31. 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.

32. 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.

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, an investigation shall be conducted by a qualified environmental professional in consultation with the Costa Mesa Fire Department. An asbestos and hazardous materials abatement plan shall be developed by the qualified environmental professional, in order to clearly define the scope and objective of the abatement activities. The Applicant shall conduct demolition consistent with the abatement plan, applicable state requirements and City standard conditions.

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

    - Lighting shall be provided in open areas and parking lots.
    - Required building address numbers shall be readily apparent from the street and rooftop building identification shall be readily apparent from police helicopters for emergency response agencies.
    - Landscaping requirements (e.g. minimize use of hedges, use of low height shrubs for greater visibility).
    - Emergency vehicle parking areas shall be designated within proximity to buildings.
    - Prior to the issuance of a Building Permit, the City of Costa Mesa Police Department shall review and approve the developer's project design features to satisfy local requirements. The applicant shall then pay the appropriate fee in effect to mitigate the project's proportionate impact to additional demands on police protection services, if any.

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

June 18, 2015

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

SUBJECT: Tentative Tract No. 17824
LOCATION: 2880 Mesa Verde Drive East

Dear Commissioners:

Tentative Tract Map No. 17824 as furnished by the Planning Division for review by the Public Services Department consists of subdividing one parcel into ten numbered lots and one lettered lot. Tentative Tract Map No. 17824 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 Mesa Verde Drive East and Andros 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.

8. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way. Conditions of

the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all trees affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

9. 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.

10. The Subdivider shall submit a cash deposit of $730 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.

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

12. 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.

13. 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 Homeowner 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.

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

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

16. Dedicate easements as needed for public utilities.

17. 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.

18. 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.

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

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

21. 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.

22. 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 17824)

RESOLUTION NO. PC-15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING REZONE R-14-05 FOR A REZONE (OR CHANGE) OF THE ZONING CLASSIFICATION OF A 2-ACRE DEVELOPMENT SITE FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO SINGLE FAMILY RESIDENTIAL DISTRICT (R1), PLANNING APPLICATION PA-14-48, AND TENTATIVE TRACT T-17824, FOR THE PROPOSED DEVELOPMENT OF A 2-STORY, 10-UNIT DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT FOR PROPERTY LOCATED AT 2880 MESA VERDE DRIVE EAST.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Pinnacle Residential, representing First Church of Christ Scientist, requesting approval of the following:

1. ***Initial Study/Negative Declaration.***
2. ***Rezone R-14-05:*** An ordinance to rezone a 2-acre site from I&R (Institutional and Recreational) to R1 (Single Family Residential District). The maximum allowable General Plan density is 7.26 dwelling units per acre, or a maximum of 14 dwelling units.
3. ***Planning Application PA-14-48:*** A Design Review for the development of a 10-unit, two-story, single-family residential development (5 dwelling units per acre proposed). The units would take access from a 40-foot wide private street from Mesa Verde Drive East. The lot sizes range from 8,712 square feet to 6,902 square feet (excluding the private street); the minimum lot size allowed is 6,000 square feet.
4. ***Tentative Tract Map T-17824:*** Subdivision of the property into 10 fee simple lots for homeownership.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 22, 2015 with all persons having the opportunity to speak and be heard for and against the proposal, and recommended approval of the project and its related entitlements to the City Council.

WHEREAS, a duly noticed public hearing was held by the City Council on July 21, 2015 with all persons having the opportunity to speak and be heard for and against the proposal.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby **DENIES** Rezone R-14-05, Planning Application PA-14-018 and Tentative Tract Map TT-17824.

PASSED AND ADOPTED this 21st day of July, 2015.

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

CITY CLERK OF THE
CITY OF COSTA MESA

APPROVED AS TO FORM:

CITY ATTORNEY

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 A

FINDINGS (DENIAL)

A. The proposed rezone is not consistent with the Zoning Code and the General Plan.

B. The proposed project does not comply with Title 13, Section 13-29(g)(5), Master Plan, of the Municipal Code due to the following:

The project does not meet 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.

C. The subdivision of the property for a single family residential development is not consistent with the City's General Plan and Zoning Code.

D. The Costa Mesa City Council has denied Rezone R-14-05, Planning Application PA-14-48, and Tentative Tract Map TT-17824. Pursuant to Public Resources Code Section 21080(b) (5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

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