

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR THE FOLLOWING ACTIONS: (1) APPROVE THE INITIAL STUDY/NEGATIVE DECLARATION; AND (2) APPROVE GENERAL PLAN AMENDMENT GP-16-05 CHANGING THE LAND USE DESIGNATION OF A 2.07 ACRE SITE FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (LDR) LOCATED AT 2850 MESA VERDE DRIVE EAST

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

WHEREAS, the City Council of the City of Costa Mesa adopted the 2015-2035 General Plan on June 21, 2016;

WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Costa Mesa;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, an application was filed by Pinnacle Residential, representing the property owners, Donald S. Ellis Trust and Leonard Family Trust, requesting approval of the following land use entitlements:

1. Adoption of an **Initial Study/Negative Declaration**;
2. **General Plan Amendment GP-16-05**. General Plan Amendment to change the land use designation of a 2.07-acre site from GC (General Commercial) to LDR (Low Density Residential); and
3. **Rezone R-16-05**. Rezone of a 2.07-acre site from C1 (Local Business District) to R-1 (Single Family Residential District - eight (8) dwelling units per acre maximum density allowed). The General Plan Amendment and Rezone is to accommodate an 11-unit, two-story, single-family residential development which will be submitted to the City for a separate public hearing at a future date.

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

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

WHEREAS, the General Plan Amendment approval is pending the adoption of Ordinance No. 16-xx for Rezone R-16-05;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 26, 2016, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, the Planning Commission recommended, on a 5-0 vote, approval of the abovementioned land use entitlements;

WHEREAS, on October 17, 2016, a duly noticed public hearing was held by the City Council;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration was prepared and circulated, and the required 20-day public review period was specified from September 6, 2016, to September 26, 2016, for public review and comment;

WHEREAS, the City Council considered the Initial Study/Negative Declaration and Responses to Comments document, as well as public comments received to date, prior to making a recommendation to approve the proposed project;

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

WHEREAS, no significant new information has been added to the Initial Study/Negative Declaration and no changes to the proposed project have occurred which would require recirculation of the Initial Study/Negative Declaration under CEQA Guidelines Section 15073.5;

WHEREAS, the City Council has reviewed the environmental documentation comprising the Initial Study/Negative Declaration and has found 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 City Council has found that the Initial Study/Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa.

BE IT RESOLVED that, based on the evidence in the record, the City Council takes the following actions:

- (1) **APPROVE** the Initial Study/Negative Declaration;
- (2) **APPROVE** General Plan Amendment GP-16-05, as shown in Exhibit 1;
- (3) **GIVE FIRST READING** to Rezone R-16-05.

BE IT FURTHER RESOLVED that the 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 General Plan Amendment GP-16-05 and Rezone R-16-05, 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 17th day of October, 2016

STEPHEN M. MENSINGER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

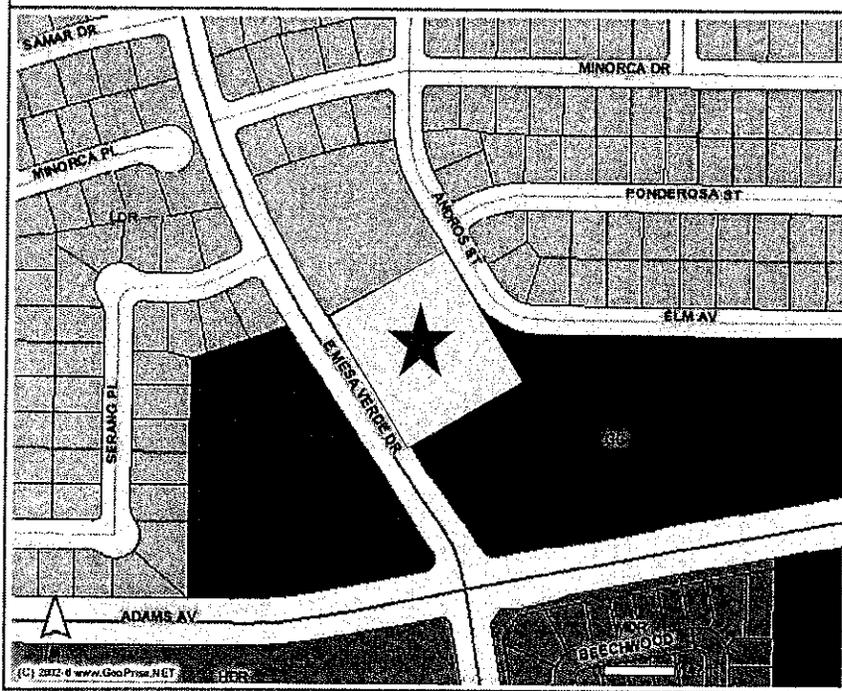
CITY ATTORNEY

EXHIBIT 1 – GENERAL PLAN AMENDMENT GP-16-05

Amendment to the Land Use Map and Related Land Use Table

**Change the land use designation of the 2.07-acre development site from GC
(General Commercial) to LDR (Low Density Residential)**

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



ORDINANCE NO. 16-

FIRST READING OF ORDINANCE 16-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR REZONE R-16-05 TO REZONE (OR CHANGE) A 2.07 ACRE SITE FROM C1 (LOCAL BUSINESS DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 2850 MESA VERDE DRIVE EAST

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

WHEREAS, an application was filed by Pinnacle Residential, representing the property owners, Donald S. Ellis Trust and Leonard Family Trust, requesting approval of the following land use entitlements:

1. Adoption of an **Initial Study/Negative Declaration**;
2. **General Plan Amendment GP-16-05**. General Plan Amendment to change the land use designation of a 2.07-acre site from GC (General Commercial) to LDR (Low Density Residential); and
3. **Rezone R-16-05**. Rezone of a 2.07-acre site from C1 (Local Business District) to R-1 (Single Family Residential District - eight (8) dwelling units per acre maximum density allowed). The General Plan Amendment and Rezone is to accommodate an 11-unit, two-story, single-family residential development which will be submitted to the City for a separate public hearing at a future date.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 26, 2016 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, at the September 26, 2016 meeting, the Planning Commission recommended, on a 5-0 vote, that City Council take the following actions by separate Planning Commission resolution;

- (1) **APPROVE** the Initial Study/Negative Declaration;
- (2) **APPROVE** General Plan Amendment GP-16-05; and
- (3) **GIVE FIRST READING** to Rezone R-16-05.

WHEREAS, on October 17, 2016, a duly noticed public hearing was held by the City Council.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration was prepared and circulated from September 6, 2016, to September 26, 2016 for public review and comment;

WHEREAS, the City of Costa Mesa received written comments from the general public, government entities, and other interested parties during the public review period;

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

WHEREAS, no significant new information has been added to the Initial Study/Negative Declaration and no changes to the proposed project have occurred which would require recirculation of the Initial Study/Negative Declaration under CEQA Guidelines Section 15073.5;

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Negative Declaration and has found 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;

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

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

1. There is hereby placed and included in the R1 (Single Family Residential District) zoning district a 2.07 -acre parcel, identified as County Assessor Parcel Number 139-313-09 and as shown in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.

2. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection #1 above and in the findings in respective Exhibit A. A copy of the Official Zoning Map is on file in the office of the Planning Division.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption expressly predicated upon the activity as described in the staff report and upon applicant's compliance with each and all of the conditions contained in Exhibits B, B1, and C, as well as with compliance of all applicable federal, state, and local laws.

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

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

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

STEPHEN M. MENSINGER

Mayor, City of Costa Mesa

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, BRENDA GREEN, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Ordinance Number ___ as considered at a regular meeting of said City Council held on the ___ day of _____, 2016, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the _____ day of _____, 2016, 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 _____, 2016

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 rezone is consistent with the Zoning Code and the General Plan. The proposed project will be required to meet or exceed the intent of the City's Zoning Code with regard to the development standards for the R1 zone, including density, setbacks, lot size, and on-site parking. The proposed 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. The proposed 11-unit project provides a maximum density of 5 dwelling units to the acre. The maximum density is based on the gross acreage of the site.

EXHIBIT B

Amendment to the Zoning Map

Change the zoning designation of the 2.07-acre development site at 2850 Mesa Verde Drive East from Local Business District (R1) to Single Family Residential District (R1)

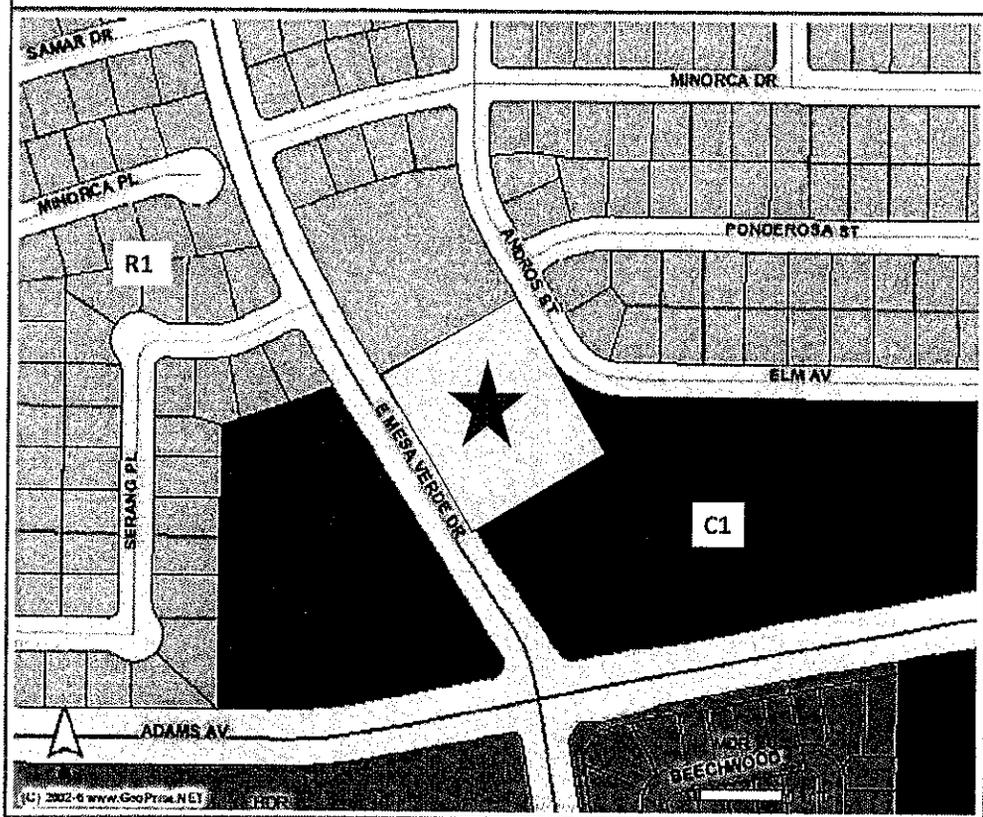


EXHIBIT B1

CONDITIONS OF APPROVAL

- Plng. 1. Conditions of approval from the IS/ND for this project have been included as Exhibit C. If any of these conditions are removed, the Planning Commission must make a finding that the project will not result in significant environmental impacts, that the conditions are within the responsibility of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.

SECTION 5: INVENTORY OF STANDARD CONDITIONS

EXHIBIT C

5.1 - Standard Conditions

5.1.1 - Aesthetics

SC 4.1.-1 Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:

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

5.1.2 - Air Quality

SC-4.3-1 All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:

- Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
- Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
- Water excavated soil piles hourly or covered with temporary coverings.
- Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- Wash mud-covered tires and under-carriages of trucks leaving construction sites.

- Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
- Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.

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

SC-4.3-2 SCAQMD Rule 445 prohibits permanently installed wood burning devices into any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or a 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.

SC-4.3-3 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.

SC 4.3-4 The 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 the AQMD.

SC 4.3-5 Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.

5.1.3 - Biological Resources

SC 4.4-1 The Applicant shall comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

5.1.4 - Cultural Resources

SC 4.5-1 In the event that archaeological resources are encountered during grading and construction, all construction activities shall be temporarily halted or redirected to permit the sampling, identification, and evaluation of archaeological materials as determined by the City, who shall establish, in cooperation with the project applicant and a certified archaeologist, the appropriate procedures for exploration and/or salvage of the artifacts.

- SC 4.5-2 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.
- SC 4.5-3 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.

5.1.5 - Geology and Soils

- SC 4.6-1 The Applicant shall 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 the 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, 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.
- SC 4.6-2 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.
- SC 4.6-3 The Applicant shall 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

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how existing slopes or the new slopes will be maintained to avoid erosion or future failure.

SC 4.6-4 The project shall comply with the NPDES requirements, as follows:

- Construction General Permit Notice of Intent (NOI) Design: Prior to the issuance of preliminary or precise grading permits, the project applicant shall provide the City Engineer with evidence that an NOI has been filed with the Storm Water Resources Control Board (SWRCB). Such evidence shall consist of a copy of the NOI stamped by the SWRCB or Regional Water Quality Control Board (RWQCB), or a letter from either agency stating that the NOI has been filed.
- Construction Phase Storm Water Pollution Prevention Plan (SWPPP): Prior to the issuance of grading permits, the applicant shall prepare a SWPPP that complies with the Construction General Permit and will include at a minimum the following:
 - 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
- 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.

5.1.6 - Hazards and Hazardous Materials

SC 4.8-1 Prior to demolition activities, removal and/or abatement of asbestos containing building materials, lead based paints, and hazardous materials associated with the existing building materials shall be conducted by a qualified environmental professional in consultation with the Costa Mesa Fire Department. An asbestos and hazardous materials abatement specification shall be developed by the qualified environmental professional, in order to clearly define the scope and objective of the abatement activities

SC 4.8-2 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.

SC 4.8-3 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.

SC 4.8-4 Prior to investigations, demolition, or renovation, all activities shall be coordinated with Dig Alert (811).

SC 4.8-5 Visual inspections for areas of impact to soil shall be conducted during site grading. If unknown or suspect materials are discovered during construction by the contractor that are believed to involve hazardous wastes or materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the City Engineer and Costa Mesa Fire Department;
- Secure the area(s) in question;

Implement required corrective actions, including remediation if applicable.

5.1.7 - Hydrology and Water Quality

Refer to Standard Condition 4.6-4 above.

SC 4.9-1 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 Services for review and approval.

- The SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of development.
- The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows and for nuisance flows during construction.
- A WQMP shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
- Location of the BMPs shall not be within the public right-of-way.

SC 4.9-2 Prior to the issuance of any Grading Permit, the Applicant shall:

- Prepared a detailed Hydrology Study, approved by the City Engineer.
- Design all storm drain facilities, approved by the City Engineer, for 25-year storm event protection.

- Design all storm drains in the public right-of-way to be a minimum of 24 inches by City of Costa Mesa requirements and in accordance with the Orange County Local Drainage Manual including a minimum spacing between manholes of 300 feet.

SC 4.9-3 Prior to approval of Plans, the project shall fulfill the City of Costa Mesa Drainage Ordinance No. 06-19 requirements.

SC 4.9-4 The project Applicant shall submit grading plans, an erosion control plan, and a hydrology study.

5.1.8 - Noise

SC 4.12-1 Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm on Mondays through Fridays; to between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays; and shall not be permitted at any time on Sundays or federal holidays.

5.1.9 - Public Services

SC 4.14-1 Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the developer's project design features to assess compliance with the California Building Code and California Fire Code.

SC 4.14-2 Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or of noncombustible material if they project into the 5 ft setback area from the property line. They may project a maximum of 12 inches beyond the 3 ft setback. CRC Tables R302.1(1) and R302.1(2).

SC 4.14-3 The final master plan for development of the project shall provide sufficient capacity for fire flows required by the City of Costa Mesa Fire Department.

SC 4.14-4 Vehicular access shall be provided and maintained serviceable throughout construction to all required fire hydrants.

SC 4.14-5 The project shall provide approved smoke detectors to be installed in accordance with the 2013 Edition of the Uniform Fire Code.

SC 4.14-6 The project shall provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A, 10BC as these extinguishers are suitable for all types of fires and are less expensive.

SC 4.14-7 The project shall provide a fire alarm system.

SC 4.14-8 The project shall provide individual numeric signage for proposed residences with minimum 6 inches height.

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SC 4.14-9 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 that are recommended by the Police Department, including but not limited to the following:

- Lighting shall be provided in open areas and parking lots.
- Required building address numbers shall be readily apparent from the street and rooftop building identification shall be readily apparent from police helicopters for emergency response agencies.
- Landscaping requirements.
- Emergency vehicle parking areas shall be designated within proximity to buildings.
- 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.

SC 4.14-10 Prior to issuance of building permits, the Developer shall pay applicable school impact fees for residential development.

5.1.10 - Transportation/Traffic

SC 4.16-1 The project Applicant shall be responsible for the payment of fees in accordance with Costa Mesa's traffic impact fee program to mitigate project-generated traffic impacts (including regional traffic).

SC 4.16-2 Prior to the start of construction, a Construction Access and Circulation Plan shall be prepared and approved by the City Traffic Engineer to ensure that construction traffic will not impact Harbor Boulevard and other public roadways in the site vicinity.

5.1.11 - Utilities and Service Systems

SC 4.17-1 Applicant will be required to construct sewers to serve the project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.

SC 4.17-2 County Sanitation District fees, fixtures fees, inspection fees, and sewer permit are required prior to installation of sewer.

SC 4.17-3 The 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.

SC 4.17-4 The Applicant is required to contact the Costa Mesa Sanitary District to arrange final sign-off prior to Certificate of Occupancy being released.

SC 4.17-5 Applicant will be required to coordinate with the Costa Mesa Sanitary District to comply with all recommended studies and improvements, prior to issuance of a building permit.

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RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT CITY COUNCIL TAKE THE FOLLOWING ACTIONS: (1) DENY GENERAL PLAN AMENDMENT GP-16-05 CHANGING THE LAND USE DESIGNATION OF A 2.07 ACRE SITE FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (LDR) LOCATED AT 2850 MESA VERDE DRIVE EAST; (2) DENY REZONE R-16-05 TO CHANGE THE ZONING DISTRICT FROM C1 (LOCAL BUSINESS DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT)

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

WHEREAS, an application was filed by Pinnacle Residential, representing the property owners, Donald S. Ellis Trust and Leonard Family Trust, requesting approval of the following land use entitlements;

1. **General Plan Amendment GP-16-05.** General Plan Amendment to change the land use designation of a 2.07-acre site from GC (General Commercial) to LDR (Low Density Residential); and
2. **Rezone R-16-05.** Rezone of a 2.07-acre site from C1 (Local Business District) to R-1 (Single Family Residential District - eight (8) dwelling units per acre maximum density allowed). The General Plan Amendment and Rezone is to accommodate an 11-unit, two-story, single-family residential development which will be submitted to the City for a separate public hearing at a future date.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 26, 2016, 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, the Planning Commission hereby **RECOMMENDS DENIAL** of General Plan Amendment GP-16-05, and Rezone R-16-05.

PASSED AND ADOPTED this 26th day of September, 2016

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Gary Armstrong, Acting Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 26, 2016 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Gary Armstrong, Acting Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

- A. The proposed rezone and general plan amendment is not consistent with the Zoning Code and the General Plan.
- B. The Costa Mesa Planning Commission has denied General Plan Amendment GP-16-05 and Rezone R-16-05. 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.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

NOTE: ATTACHMENT 5 TO THIS REPORT IS UNDER SEPARATE COVER

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING GENERAL PLAN AMENDMENT GP-16-05 CHANGING THE LAND USE DESIGNATION OF A 2.07 ACRE SITE FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (LDR) LOCATED AT 2850 MESA VERDE DRIVE EAST; AND DENYING REZONE R-16-05 TO CHANGE THE ZONING DISTRICT FROM C1 (LOCAL BUSINESS DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT)

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

WHEREAS, an application was filed by Pinnacle Residential, representing the property owners, Donald S. Ellis Trust and Leonard Family Trust, requesting approval of the following land use entitlements;

1. **General Plan Amendment GP-16-05.** General Plan Amendment to change the land use designation of a 2.07-acre site from GC (General Commercial) to LDR (Low Density Residential); and
2. **Rezone R-16-05.** Rezone of a 2.07-acre site from C1 (Local Business District) to R-1 (Single Family Residential District - eight (8) dwelling units per acre maximum density allowed). The General Plan Amendment and Rezone is to accommodate an 11-unit, two-story, single-family residential development which will be submitted to the City for a separate public hearing at a future date.

WHEREAS, a duly noticed public hearing was held by the City Council on October 17, 2016, 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, the City Council hereby **DENIES** General Plan Amendment GP-16-05, and Rezone R-16-05.

PASSED AND ADOPTED this 17th day of October, 2016

STEPHEN M. MENSINGER

Mayor, City of Costa Mesa

EXHIBIT A

FINDINGS (DENIAL)

- A. The proposed rezone and general plan amendment is not consistent with the Zoning Code and the General Plan.
- B. The Costa Mesa City Council has denied General Plan Amendment GP-16-05 and Rezone R-16-05. 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.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.