



# PLANNING COMMISSION

## AGENDA REPORT

III.9

MEETING DATE: JANUARY 24, 2004

ITEM NUMBER

**SUBJECT:** PLANNING APPLICATION PA-04-37 /VESTING TENTATIVE TRACT MAP VT-16694  
330/340 W. BAY STREET

**DATE:** JANUARY 14, 2005

**FOR FURTHER INFORMATION CONTACT:** CLAIRE L. FLYNN, AICP, SENIOR PLANNER  
(714) 754-5278

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### DESCRIPTION

The proposed project involves demolition of the existing 51,556 square-foot, two-story office building (Daily Pilot building) and construction of a 32-unit, small-lot subdivision. The proposed project involves the following: (a) Planning Application PA-04-37 for design review of a 32-unit residential development for homeownership and (2) Vesting Tentative Tract Map VT-16694 for a small-lot subdivision containing 32 lots and 6 common lots, located at 330/340 W. Bay Street in an R2-MD zone. The proposed project also includes a tot lot, surface parking lots, 4-foot wide sidewalk, and a private street.

### APPLICANT

Hersel Zahab of Land Development Consultants, authorized agent for Richard Dick.

### RECOMMENDATION

Approve the proposed project by adoption of the attached Planning Commission resolution.

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CLAIRE L. FLYNN, AICP  
Senior Planner

Handwritten signature of Kimberly Brandt in cursive.

KIMBERLY BRANDT, AICP  
Principal Planner

Handwritten signature of R. Michael Robinson in cursive.

R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

**PLANNING APPLICATION SUMMARY**

Location: 330/340 W. Bay Street Application Number: PA-04-37/ VT-16694  
 Request: Design Review for 32-unit, single-family detached, small lot subdivision.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: R2-MD North: commercial  
 General Plan: Medium Density Res. South: commercial  
 Lot Dimensions: irregular East: commercial  
 Lot Area: 3.74 acres (162,813 sf) West: multi-family residential  
 Existing Development: commercial office building & surface parking lot (to be demolished)

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>City Requirement</u>	<u>Proposed Project</u>
General Plan – Med Density Res	12 du/ac	11 du/ac
Zone – R2-MD	1 du per 3,630 sf = 44 dwelling units	1 du per 3,840 sq.ft. = 32 dwelling units
Lot Size – Development Lot		
Lot Width	100 ft.	310 ft.
Lot Area	12,000 sf	162,813 sq.ft.
Lot Size – Individual Lots		
Lot Area	3,000 sq.ft. / 3,500 sq.ft. avg.	3,300 sq.ft. / 3,840 sq.ft. avg.
Building Coverage – Overall Project:		
Buildings & Paving	60% (97,688 sf)	54% (87,912 sf)
Open Space	40% (62,125 sf)	46% (74,901 sf)
TOTAL	100% (162,813 sf)	100% (162,813 sf)
Building Coverage – Individual Units:		
Buildings & Paving	max. 60%	from 40% to 54%
Open Space	min. 40%	from 46% to 60%
TOTAL	100%	100%
Min. private open space lot	15' min. dimension / 400 sf	15' min. dimension / 400 sf
Tot Lot	Not required.	1,538 sq.ft.
Setbacks for Development Lot		
Front (Thurin Avenue)	20'	18'***
Side (interior)	5' (left side)/ 5' (right side)	5' (left side) / 6' (right side)
Street Side (Bay Street)	10'	13'***
Rear	10' first story/ 20' second story	30' first story / 30' second story
Rear Yard Coverage	25% of rear yard area	less than 19% of rear yard area
2 <sup>nd</sup> -story side setback average*	10'	20' (excluding Lots 9, 21, 23, 29, 30 with a 5' side setback)
Ratio of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor*	80%	84%
Parking:		
Covered	2 per unit / 64 total	2 per unit / 64 total
Open	2 per unit / 64 total	2 per unit / 64 total
Guest	N.A.	10 additional spaces
TOTAL	128 spaces	138 spaces
Driveway Width:	16 ft.	16 ft.
Landscape parkways; private sts./drives	combined width of 10 feet, min. 3-feet on one side	combined width of 10 feet, min. 3-feet on one side

\* Residential Design Guideline – Not a Code Requirement. \*\*Site Plan needs to reflect an 18-foot setback on Thurin and 13-foot setback on W. Bay due to required dedication. The 18-foot setback on Thurin can be approved by minor modification by Planning staff.

CEQA Status Mitigated Negative Declaration  
 Final Action Planning Commission

## **BACKGROUND**

On May 17, 2004, City Council approved the following: (a) General Plan amendment to change the General Plan land use designation from General Commercial to Medium-Density Residential and (b) rezone from General Business District (C2) to Multi-Family Residential District, Medium Density (R2-MD). The Medium-Density Residential General Plan designation and corresponding R2-MD zoning would allow a maximum of 44 dwelling units on the combined properties.

## **ANALYSIS**

### ***Project Location***

The properties located at 330 and 340 W. Bay Street ("subject property") are approximately 3.74 acres (combined) in size with irregular dimensions (Vicinity Map & Site Photos, Attachment 1). The existing structure is a 51,556 square-foot, two-story office building. The Daily Pilot newspaper has been published in this location for many years. The Daily Pilot has relocated, and the property owner would like to develop residential land uses on the project site. The building's other tenants will also be relocating.

### ***Project Description***

The proposed project involves the following: (a) Planning Application PA-04-37 for design review of a 32-unit residential development for homeownership and (2) Vesting Tentative Tract Map VT-16694 for a small-lot subdivision containing 32 lots and 6 common lots, located at 330/340 W. Bay Street in an R2-MD zone. The proposed project is comprised of the following:

- 32 two-story, single-family detached homes with two-car garages and individual driveways
- Two different building plans/Two reverse plan models: 2,176 sq.ft. home (four bedroom/2.5 bath) and 2,378 sq.ft. home (four bedroom/3.5 bath)
- Minimum 20-foot wide private street
- 4-foot wide sidewalk on one side of the private street
- Tot Lot (1,538 sq.ft.)
- Two surface parking lots providing a total of 18 parking stalls
- Common open space lots
- Landscaping pursuant to the City's Landscape Standards
- Small lot subdivision for common-interest development (e.g. ownership units)

### ***Design Review***

Design reviews are required for projects containing three or more, two-story residences. This allows review of the structures' scale, location of windows, site planning, landscaping, and appearance, with the goal of promoting design excellence while giving consideration to the project's compatibility and consistency with the established residential community. The site plan, floor plans, elevation drawings, and landscape concept plan are attached (Attachments 3-5).

The following analysis summarizes the project's consistency with the City's residential development standards and design guidelines.

- Building massing is appropriate for a self-contained residential development. To minimize second-story mass, the City's residential design guidelines recommend that the second floor not exceed 80% of the first floor and the second story be set back an average of 10 feet from the development lot side property lines. The proposed project features an 84% ratio of second floor to first floor square footage. While this slightly exceeds the guideline by four percent, the overall project design is compatible in scale and character to the multi-family residential neighborhood to the west/northwest. Excluding Lots 9, 21, 23, 29, and 30 which have a 5-foot average side yard setback, the proposed homes have an average side yard setback of 20 feet.

Because this is a self-contained project, the impact of any building mass will be primarily limited to the residents of the project. The project features alternating floor plans and design schemes to create varied massing and form. Additionally, each lot greater than 46 percent open space (40 percent required), and rear setbacks of 15 feet or greater provide adequate light, air, and privacy to adjacent lots.

- Overall architectural design promotes design excellence and compatibility. Architectural articulation is shown at the front elevations by off-sets in the building façade and by the use of wood or vinyl siding or shingles for exterior wall materials, shutters, porches, and ledger stone and brick veneers. Rear and side elevations with unbroken facades are enhanced with contrasting-color window trim, shutters, and siding to provide architectural interest. A condition of approval will require enhanced architectural treatment (e.g. siding, stucco relief, etc.) for proposed residences on Lots 1 and 32 which side to Thurin Avenue.
- Site Plan considers compatibility with abutting commercial properties. The Zoning Code requires that commercial properties abutting residential properties be setback twice the height of the commercial building. The proposed project would result in legal nonconforming setbacks for the adjoining commercial properties (e.g. self-storage facility). The proposed structures have a 30-foot rear setback along the northern property line abutting the self-storage facility and a 20-foot side setback (with exception to Lot 23) along the eastern property line. A condition of approval requires that an 8-foot decorative block/sound wall be constructed along the northern and eastern perimeter of the property.
- Proposed parking exceeds City standards. Excluding four lots with short driveways (Lots 16, 17, 20, and 30), each individual dwelling lot will have a two-car garage and a 19-foot long, straight-in driveway. Required open parking spaces for the properties with short driveways is satisfied in surface parking areas located in proximity to these respective properties, and these four parking stalls in each parking lot will be marked reserved for resident parking only. Each property will have individual driveways leading to a two-car garage, with one exception: a shared access easement across the driveway at Lot 24 will provide access to interior Lot 23.
- Landscape Concept Plan features diverse plant palette. The Landscape Concept Plan is generally consistent with the City's landscape standards for multi-family residential development. The Concept Plan proposes about a dozen street trees located in the landscape setback at Bay Street/Thurin Avenue. These include Queen Palms, Chinese Flame trees, Peppermint trees, and a wide variety of plants/shrubs in the landscape parkway along the private street. Staff will work with the developer to select tree species that would provide adequate screening along the street setback at Bay Street and Thurin Avenue.

- Tot lot will serve as a centrally located, recreational amenity in the development. A 1,538 sq.ft. tot lot is located between Lot 21 and one of the surface parking lots. As set forth by a condition of approval, the developer shall provide a minimum 42-inch high, reinforced block wall with a self-latching gate to serve as a safety barrier around the perimeter of the tot lot. Any alternative barrier that meets the intent of this requirement may also be approved by the Development Services Director.
- Dedication & minor modification required to comply with MPAH. The width of West Bay Street and Thurin Avenue in the vicinity of the proposed project is 40' curb to curb. The City's Engineering Division will require a two-foot wide dedication of land (approximately 310' long x 2' wide) along W. Bay Street/Thurin Avenue to comply with the Master Plan of Highways' ultimate right-of-way requirements. This condition of approval is included in the City Engineer's letter (Exhibit "B" of resolution). This dedication will result in an 18-foot front setback at Thurin Avenue and 13-foot side setback at West Bay Street. As indicated in Exhibit "B," prior to submission of working plans for plan check, a minor modification for the 18-foot front setback will need to be approved by the Development Services Director.

### ***Other Topics***

- On-site trash collection services to be provided. Multiple-family residential projects containing five or more dwelling units are required to provide trash enclosures. However, Code allows the final review authority to grant an exception to this requirement if the applicant submits a written determination from the Sanitary District and/or any contract trash collection service that on-site trash collection service can be provided to each individual dwelling unit.

If the applicant signs and records a land use restriction related to trash collection (e.g. prohibiting trash collection in the public right-of-way, etc.). The developer believes individual trash collection is consistent with the proposed project and intends to comply with these requirements. A condition of approval will require proof of compliance prior to issuance of a building permit.

### ***Tentative Tract Map T-16694***

As shown in the proposed tentative tract map (Attachment 4), the proposed subdivision involves: (1) combining the lots at 330 and 340 W. Bay Street into one 3.74-acre parcel; (2) subdividing the resulting parcel into 32 lots and six common lots.

Lot Number	Lot Size	Description
Single-Family Residential Lots (approximate sizes)		
Lots 1-32	Range from 3,300 sq.ft. to 4,675 sq.ft.	Two-story residence (2,176 sq.ft. to 2,378 sq.ft., excluding garage)
Average Lot Size	3,840 sq.ft.	
Lettered Lots		
A	32,485 sq.ft.	20-foot wide private street, surface parking lots, sidewalks
B	892 sq.ft.	Community landscaped area/open space
C	2,059 sq.ft.	Community landscaped area/open space
D	737 sq.ft.	Community landscaped area/open space
E	1,240 sq.ft.	Small private park
F	1,538 sq.ft.	Perimeter open space/landscaping

For small-lot subdivisions in an R2-MD zone, Code requires a minimum lot size of 3,000 sq.ft., with an average lot size of 3,500 sq.ft. Lots range in size from 3,300 sq.ft. to 4,675 sq.ft., with an average lot size of 3,840 sq.ft.

Approval of the vesting map allows the project to continue to be subject to the development standards and City fees in place at the time the map was deemed complete, even if standards later become more restrictive or City fees are increased.

### **ENVIRONMENTAL DETERMINATION**

An initial study was prepared, pursuant to the California Environmental Quality Act (CEQA). According to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. The environmental impacts related to the project-specific impacts of the 32-unit development have been identified, as well as mitigation measures to minimize any significant impacts below a level of significance. Please refer to the IS/MND (provided under separate cover) for detailed discussion of each environmental topic.

#### *Noise and Land Use Impacts*

A Noise Report was prepared by Gordon Bricken Associates in August, 2004. The noise report recommended sound barriers (four to five feet high) to be located at the top of any slope between the roadway and building pads to reduce exterior noise levels to 65 dba CNEL, or the maximum noise exposure level allowed by the Costa Mesa 2000 General Plan.

The Zoning Code requires a minimum six-foot high wall along the perimeter. Due to the noise environment and land use impacts from the abutting commercial properties, mitigation measure NOISE/LAND USE 1 requires the following:

- (1) A 6-foot decorative block/sound wall with a 10-foot setback from West Bay Street and Thurin Avenue. The sound attenuation wall must account for a minimum four foot high section along the course of the entire 6-foot tall wall;

- (2) An 8-foot decorative block/sound wall along the eastern property line. The sound attenuation wall must account for a minimum five foot high section along the course of the entire 8-foot tall wall;
- (3) An 8-foot decorative block wall along the northern property line abutting the self-storage facility;
- (4) A 6-foot high decorative block wall along the western property line. This mitigation minimizes land use impacts by providing privacy/buffering from the adjacent commercial properties, and they also reduce noise impacts from transportation sources to below a level of significance.

### *Hazardous Wastes*

The property at 330 W. Bay Street is currently listed as a hazardous waste and substance site by the State of California Department of Toxic Substances Control. Three underground storage tanks including one 500-gallon waste oil tank (removed in 1987) and two 10,000-gallon gasoline tanks (still in place) were formerly used at the subject property.

On September 29, 2004, the County of Orange issued a letter of case closure indicating that the project site has been adequately remediated. The letter indicated that the Regional Board has waived any further action for the site and concurred with the closure of the leaking underground fuel tank case (OCHCA #86UT277) in August 1998. This satisfies a mitigation measure described in the Mitigated Negative Declaration (adopted May 17, 2004) for the General Plan amendment and rezone of the property.

### **ALTERNATIVES CONSIDERED**

Planning Commission has the following alternatives:

1. Approve the proposed project as recommended by Planning staff.
2. Request modifications to the proposed project and/or incorporate additional conditions of approval prior to project approval.

### **CONCLUSION**

The developer is interested in constructing a small-lot, common interest development. Under the R2-MD zoning classification, the 3.74-acre project site has a maximum development potential of 44 units. The developer is proposing a 32-unit development that would contribute 32 single-family residences to the City's ownership housing stock. Planning Commission approval of a design review and a vesting tentative tract map is required. Environmental impacts could be mitigated to below a level of significance. Staff recommends approval of the proposed project due to conformance with the General Plan, Zoning Code, and Residential Design Guidelines.

- |              |   |
|--------------|---|
| Attachments: | <ol style="list-style-type: none"> <li>1. Vicinity Map/Site Photos</li> <li>2. Draft Planning Commission Resolution</li> <li>3. Landscape Concept Plan</li> <li>4. Vesting Tentative Tract Map/Site Plan</li> </ol> |
|--------------|---|

5. Floor Plan and Elevation Drawings
6. Initial Study/Mitigated Negative Declaration  
(Separately bound document)

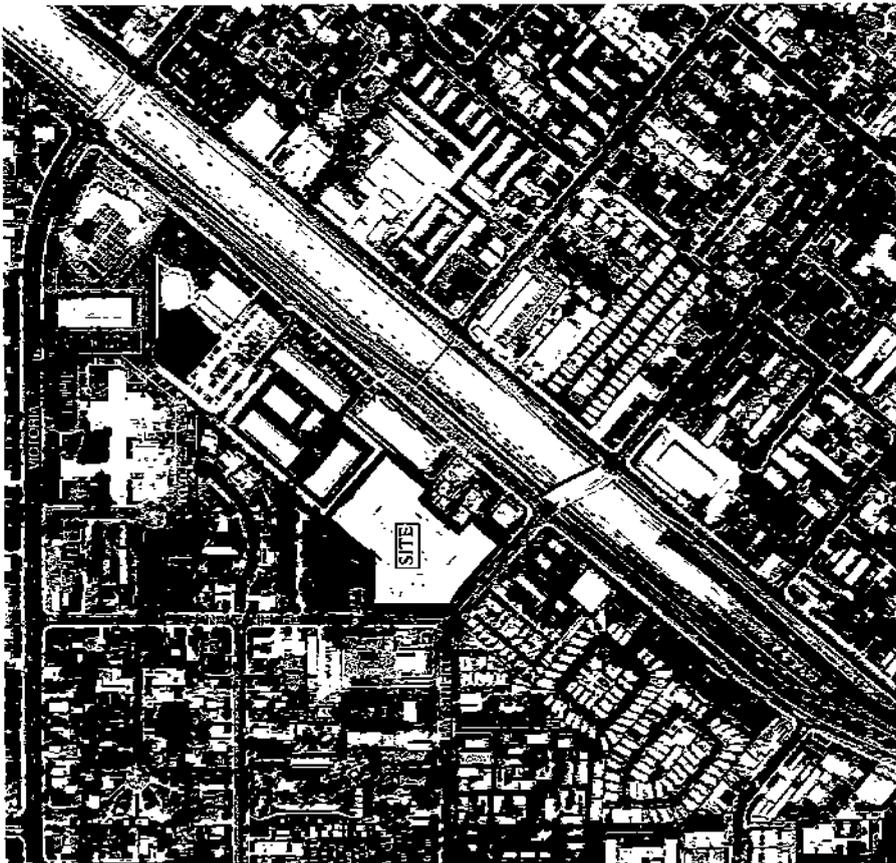
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Assistant City Attorney  
City Engineer  
Staff (4)  
File (2)

Richard Dick  
Richard Dick and Associates, Inc.  
1711 Westcliff Drive  
Newport Beach, CA 92660

Hersel Zahab  
LDC  
1050 N. Tustin Av.  
Anaheim, CA 92807

File: 011004PA0437VT16694	Date: 122004	Time: 1115a.m.
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AERIAL PHOTO

**SITE PHOTOS**  
**330 & 340 W. BAY ST.**  
 Costa Mesa, California



PHOTO 1.  
Thurin Avenue looking south.



PHOTO 2.  
View along northwesterly property line.



PHOTO 3.  
Main building.



PHOTO 4.  
Eastern parking lot.

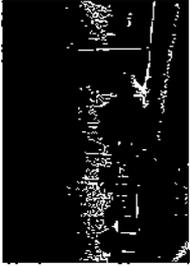


PHOTO 5.  
Thurin & Bay intersection, looking north.



PHOTO 6.  
Thurin & Bay intersection, looking southeast.



PHOTO 7.  
Bay Street, looking northwest.

RESOLUTION NO. PC-05-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF COSTA MESA ADOPTING THE  
INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION AND APPROVING PLANNING  
APPLICATION PA-04-37/VESTING TENTATIVE  
TRACT MAP VT-16694.**

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

WHEREAS, an application was filed Hersel Zahab, Land Development Consultants, authorized agent for Richard Dick, property owner, with respect to the real property located at 330 and 340 W. Bay Street, requesting approval of the following: (1) Planning Application PA-04-37 for design review of a 32-unit residential development for homeownership and (2) Vesting Tentative Tract Map VT-16694 for a small-lot subdivision containing 32 lots and 6 common lots.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 24, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", and Mitigation Monitoring Program provided in Exhibit "C", the Planning Commission hereby **ADOPTS** the Initial Study/Mitigated Negative Declaration and **APPROVES** Planning Application PA-03-47 and Vesting Tentative - Tract Map VT -16694 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-04-37/Vesting Tentative Tract Map VT-16694 and upon developer's compliance with each and all of

the conditions contained in Exhibit "B" and mitigation measures in Exhibit "C." Any approval granted by this resolution shall be subject to review, modification or revocation

**PASSED AND ADOPTED this 24th day of January, 2005.**

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Chair, Costa Mesa Planning Commission



**EXHIBIT "A"****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.

Specifically, the project is of a character and scale compatible with the multi-family development to the northwest and common-interest developments in the surrounding area, many of which are two stories. Architectural articulation is shown at the front elevation by off-sets in the building facade, the use of wood or vinyl siding or shingles for exterior wall materials, shutters, porches, and ledger stone and brick veneers. Rear and side elevations with unbroken facades are enhanced with contrasting color window trim, shutters, and siding to provide architectural interest. Because this is a self-contained project, the impact of any building mass will be primarily limited to the residents of the project. The project features alternating floor plans and design schemes to creating varied massing and form. Additionally, rear yard open space of greater than 45 percent and rear setbacks of 15 feet or greater provide adequate light, air, and privacy to adjacent lots. Finally, approval of the project will provide additional home ownership opportunities, consistent with the goals of the General Plan.

- B. The creation of the subdivision and related improvements is consistent with the General Plan and Zoning Code.
- C. The proposed residential use of the subdivision is compatible with the General Plan.
- D. The subject property is physically suitable to accommodate Vesting Tentative Tract Map VT-16694 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 City's Zoning Code and General Plan.
- E. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

- F. 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.
- G. 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).
- H. An initial study was prepared, pursuant to the California Environmental Quality Act. According to the Initial Study and Mitigated Negative Declaration, which reflect the independent judgment of the City of Costa Mesa, the proposed project could not have a significant effect on the environment. Mitigation measures for land use, water quality, and noise impacts are set forth in the mitigation monitoring program. Furthermore, less than significant impacts are also minimized by compliance with standard conditions of approval and code requirements.
- I. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- J. The proposed buildings are an excessive distance from the street necessitating fire apparatus access and provisions of on-site fire hydrants.
- K. The evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse affect on wildlife resources or habitat. There project site consists of ornamental, non-native vegetation and does not contain, nor is in proximity to, any sensitive habitat areas.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng.
1. The project shall comply with the project design features, conditions, and mitigation measures of the Initial Study/Mitigated Negative Declaration prepared for this project and as listed in the attached Mitigation Monitoring Program (Exhibit "C").
  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. The final map shall show easements or other provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
  4. Street addresses shall be displayed on the front of each unit and on a complex identification sign visible from the street. Street address numerals shall be a minimum 6 inches in height with not less than 1/2-inch stroke and shall contrast sharply with the background.
  5. The subject property's ultimate finished grade level may not be filled/raised in excess of 36" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official and City Engineer 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 the subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  6. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The entry/exit drives of the private street and the street areas along Lots E and F shall be made of stamped concrete or pavers. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.

7. The developer shall contact Comcast (cable television) at 200 Paularino, Costa Mesa, (888) 255-5789 prior to issuance of building permits to arrange for pre-wiring for future cable communication service..
8. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-04-37/Vesting Tentative Tract Map VT -16694 shall be blueprinted on the face of the site plan..
9. The developer shall contact the Planning Division to arrange for an inspection of the site prior to the final inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
10. As referenced in the mitigation monitoring program, prior to issuance of a building permit for the residential project, the developer shall apply and obtain approval of a building permit for the following: (1) A 6-foot block/sound wall with a min. 8-foot setback from West Bay Street and Thurin Avenue. The sound attenuation wall must account for a minimum four foot high section along the course of the entire 6-foot tall wall and shall comply with the City's design standards for arterial street walls; (2) An 8-foot decorative block/sound wall along the eastern property line. The sound wall must account for a min. 5-foot high section along the course of the entire 8-foot tall wall; (3) An 8-foot decorative block wall along the northern property line abutting the self-storage facility; and (4) A 6-foot high decorative block wall along the western property line. The walls shall be installed prior to issuance of first certificate of occupancy.
11. Prior to issuance of building permits, the developer 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. The CC&Rs shall contain provisions that effectively implement the following parking-related requirements: (1) require that the homeowner's association (HOA) require homeowners to maintain a 20' x 20' unobstructed area in their enclosed garages to allow parking of two vehicles instead of any other purpose (e.g. storage) and (2) require that the HOA contract with a towing service to enforce the parking regulations. Any subsequent revisions to the CC&Rs related to these parking provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.
12. Prior to issuance of a certificate of occupancy, four parking spaces in each of the two surface parking lots shall be designated "resident parking only." The Developer shall also post a sign in each parking lot indicating that violators shall have their vehicles towed at the vehicle owner's expense.
13. Prior to building permit issuance, the developer shall submit a final tot lot plan for review and approval, which includes detailed playground specifications of manufactured play equipment. The playground plan

- shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck heights. On a project-specific basis, the Development Services Director shall require that the playground plan adequately serve the anticipated number of users and their activities.
14. Stationary play equipment in the tot lot shall be located on turf, sand, or other treated surface to the satisfaction of the Development Services Director. Common outdoor play areas shall include a combination of both soft and hard surfaces. At least one of each type of ground level play equipment in the tot lot shall be handicapped accessible. A minimum of one shaded seating area shall be provided in the tot lot to encourage adult supervision of children.
  15. Prior to issuance of a certificate of occupancy, the developer shall submit a letter stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).
  16. There shall be no nighttime lighting, except for security purposes, of the tot lot. Any lighting under the control of the developer shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
  17. The developer shall provide a minimum 42-inch high, reinforced, decorative block wall with a self-latching gate to serve as a safety barrier around the perimeter of the tot lot. Any alternative barrier meeting the intent of this requirement may be approved by the Development Services Director. This barrier shall be installed prior to issuance of the first certificate of occupancy.
  18. The commonly held landscape parkway along West Bay Street and Thurin Avenue shall be densely planted with screening materials, under the direction of the Planning Division. A provision shall be included in the CC&Rs prohibiting removal of the screening materials unless the shrub and/or tree is replaced with a similar plant under the direction of the Planning Division. In addition, a provision in the CC&Rs shall indicate that no walls or fences will be constructed in the 3-foot wide landscape parkway at the rear of Lot 12. Walls/fences may only be located on the rear property line of Lot 12.
  19. Prior to submission of working plans for plan check, the Developer shall obtain approval of a minor modification for any decrease in the front setback at Thurin Avenue to accommodate the City's request for additional right-of-way to comply with the Master Plan of Highways.
  20. The developer shall incorporate additional architectural design elements (e.g. stucco relief, siding, ledger stone veneer, etc.) on the street side elevations of two proposed residences located in Lot 1 and Lot 32 at Thurin Avenue.

21. Houses shall use low reflective glass and building materials to minimize daytime glare to the fullest extent possible.
22. Developer shall submit complete plans for reverse plan models.
23. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
24. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis. This condition shall be completed under the direction of the Planning Division.
25. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff.
26. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on 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.
27. All garages shall be equipped with automatic garage door openers.
28. Final tract map shall be approved and recorded prior to issuance of building permits.
- Eng. 29. Developer shall 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.
30. Developer shall comply with any conditions of approval as indicated in the City Engineer's letter (attached).
- Police 31. A list of security recommendations has been provided by the Police Department for the applicant's consideration. Developer shall work with the Police Department in implementing security recommendations to the maximum extent feasible.



# **CITY OF COSTA MESA**

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**