



PLANNING COMMISSION

AGENDA REPORT

VI.2

MEETING DATE: AUGUST 22, 2011

ITEM NUMBER:

SUBJECT: GENERAL PLAN AMENDMENT GP-11-01 / REZONE R-11-01 / PLANNING APPLICATION PA-11-06 / TENTATIVE TRACT MAP NO. 17423 FOR A 33-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2626 HARBOR BLVD

DATE: AUGUST 16, 2011

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA SENIOR PLANNER
(714) 754-5610 mashabi@ci.costa-mesa.ca.us

DESCRIPTION

The proposed project involves the development of a 33-unit single family detached development on a 3.71-acre site located at the northeast corner of the Harbor Boulevard and Merrimac Way intersection in the City of Costa Mesa. The project includes the following:

- **Initial Study/Mitigated Negative Declaration (IS/MND)**
- **General Plan Amendment GP-11-01** to change the land use from General Commercial to Medium Density Residential
- **Rezone R-11-01** from C1 (Local Business District) and P (Parking) to R2-MD
- **Design Review PA-11-06** for development of a 33-unit Residential Common Interest Development, including minor modifications to reduce rear yard setbacks for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)
- **Tentative Parcel Map No. 17423** for residential subdivision

APPLICANT

The applicant is Waterpointe Homes LLC.

RECOMMENDATION

Recommend the following actions to City Council:

- Adopt resolution to adopt IS/MND and approve General Plan Amendment.
- Adopt rezone ordinance.
- Adopt resolution to approve Planning Application PA-11-06 and TTM 17423, subject to conditions.

BACKGROUND

Pursuant to CEQA and the State CEQA Guidelines, an IS/MND was prepared for the project. Since the public comment period for IS/MND was from July 15, 2011 to August 15, 2011; on August 8, 2011, the Planning Commission conducted a public hearing on the project and on a 4-0 vote continued the project to August 22, 2011 to a date after the public review period was finalized. The Planning Commission received a comprehensive report of the project for the August 8th hearing that can be accessed at the following link:

http://www.ci.costa-mesa.ca.us/council/planning/pa_110808.pdf

Pursuant to the applicant's request for expedited processing to the fullest extent possible, this item is scheduled for City Council consideration at their September 6, 2011 meeting.

ANALYSIS

Supplemental Information

At the August 8th meeting, the Planning Commission requested that staff include additional analysis related to the following issues:

- Sidewalk and landscape improvements on Harbor Boulevard;
- A detailed analysis of the traffic issues related to residential development of the site versus current conditions and any potential impacts to the traffic on Harbor Boulevard.

Public Sidewalk/Landscaping

The project includes a 20-22 foot landscape setback and public right-of-way along Harbor Boulevard and 15-17 foot landscape setback and public right-of-way along the Merrimac Way frontage. Consistent with the Joann Street bike trail, an 8-foot meandering sidewalk will be provided on Harbor Boulevard that will include similar pathway lighting and staggered 24-inch box trees. The same number of trees will be planted with this new configuration on Harbor Boulevard, and the sidewalk on Merrimac Way will be a standard 5-foot sidewalk with parkway adjacent to the street (Attachment 5).

Traffic Analysis

A traffic study was prepared to address the following:

- Evaluate development of the proposed project from a traffic and circulation standpoint; specifically at the Harbor Boulevard and Merrimac Way intersection with respect to existing conditions as well as existing plus project conditions.
- Evaluate the queuing condition at the vehicular gate on Merrimac Way.

The proposed project would result in an ²80 percent reduction in average daily trips compared to the General Plan land use designation and use of the site as a an auto dealership (Lincoln/Mercury) when it was fully operational.

General Plan Land Use Designation	Potential Buildout	AM Peak Hr Trips	PM Peak Hr Trips	Total Avg Daily Trips	% decrease in Traffic Compared to General Plan
General Commercial 48,482 SF	General Plan Allowance: General Plan allows Max. 0.30 FAR for high-traffic commercial use	48	181	2082	
Medium Density Residential Land Use 44 units	GP Amendment Request at density of 12 du/acre	33	44	421	- 80%
Proposed Project 33 units	33 Single Family detached homes	24	33	316	- 85%

The proposed 33 single-family dwelling unit project is forecast to generate approximately 316 daily trips, which include approximately 24 a.m. peak hour trips and approximately 33 p.m. peak hour trips. The City of Costa Mesa considers a significant traffic impact when project-generated trips causes the peak hour level of service of the study intersection to change from acceptable operation (Level of Service A, B, C, or D) to deficient operation (LOS E or F). Currently the Harbor Boulevard/Merrimac Way intersection is operating at LOS A during both the a.m. peak hour and p.m. peak hour, and is forecast to continue to operate at LOS A during both peak hours with the addition of project trips (LOS A is the best operating LOS an intersection can have).

An ingress queuing analysis was also conducted to determine the required queue storage capacity for the gated access to the project site from Merrimac Way. At a gated ingress location, the critical vehicular queue length requirement is based on the queue generated by visitors who have to wait at a call box to be let into the community. Residents have immediate access and therefore do not queue outside the gate. In addition, sufficient width for side by side parking of vehicles needs to be provided in case a guest is waiting at the call box. The project ingress location is forecast to have a maximum queue of one visitor vehicle during the a.m. peak hour and one visitor vehicle during the p.m. peak hour; therefore, requiring a minimum storage length of 25 feet between the visitor call box and Merrimac Way to accommodate the visitor vehicular queue during both the a.m. peak hour and p.m. peak hour. Based on the ingress queue analysis, the proposed project site plan is forecast to provide adequate queue storage to accommodate the forecast 25 foot queue. No impact to the traffic on Merrimac Way is anticipated as a result of the proposed gated community.

Responses to Comments

The public comment period for the Initial Study/Mitigated Negative Declaration was from July 15, 2011 to August 15, 2011.

Public comments received during this period and the responses are included as Attachment 4. Staff believes that the comment letters do not raise any new significant environmental concerns that would change the conclusion of the IS/MND. The following summarizes the comments: 3

- General comments regarding change of land use from commercial to residential and traffic impacts. This issue is discussed in detail in the IS/MND. The change of land use is a policy decision. The traffic issues were discussed in detail in the IS/MND and a summary was noted above.
- Height of structures and Federal Aviation Regulations (FAR). The proposed structures are two-stories consistent with the requirements of the R2-MD zoning and are well below the 200 feet height restriction by FAR.
- Soil remediation and hazardous material regulations. Mitigation measures included in Exhibit C addresses issues noted by the Department of Toxic and Substance Control (DTSC).

JUSTIFICATIONS FOR APPROVAL

The following justifications were provided in the August 6, 2011 staff report and included herein for reference purposes.

Staff recommends approval of the requested entitlements for the following reasons:

- The Initial Study/Mitigated Negative Declaration complies with State law.

The environmental analysis indicates that there are no significant, unmitigated environmental impacts associated with the proposed project. Mitigation measures are primarily required for short-term, construction-related impacts for air quality, hazards/hazardous materials, and hydrology/water quality. A sound barrier up to 8-feet high is required to mitigate noise.

- Proposed General Plan amendment is consistent with many important housing and land use objectives of the City's General Plan

The proposed development of medium-density residential uses and owner-occupied housing will improve the balance between rental and ownership housing opportunities. The project is proposed for ownership housing and provides a great opportunity for first time home buyers. The proposed small single family detached product is typically very popular with young families.

The project provides housing within proximity to bus transit service, replaces a marginal commercial use with ownership housing, and provides better housing opportunities for first time home buyers. In addition, a residential project at this location would improve the overall housing/job balance in the community, provide housing opportunity in close proximity to a major transit route and incrementally decreases trip generation on Harbor Boulevard.

- Proposed Rezone is consistent with the Zoning Code and General Plan, if amended.

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The proposed rezone request involves both environmental and policy issues. These policy issues do not relate to the proposed residential design or land use

intensity which are considered compatible with the existing land uses and in conformance with General Plan policies. Instead, the most significant policy issue is the suitability of the project site for residential development.

The environmental analysis finds that there are no significant environmental impacts that cannot be mitigated to below a level of significance. The larger policy decision relates to whether or not the City of Costa Mesa finds that the proposed rezone strengthens and reinforces the City's land use vision for the overall area.

If the General Plan Amendment and rezone are approved, the proposed 33-unit development at a maximum 12 du/acre is consistent with the medium density residential development standards and the density limits of the medium density residential land use and R2-MD zoning designation (44 units allowed, 33 units proposed).

- *Project complies with Zoning Code and intent of Residential Design Guidelines.*

The overall architectural design promotes excellence and compatibility. The two-story structures are simple in design and accented with entry porch, low-pitch hipped roof. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines; however the staggered wall design at the rear and front diminishes the boxy design appearance from the front and side views.

- *Project will reduce traffic by 80 percent compared to full General plan build out of commercial uses on the property.*

The master plan eliminates commercial access from Harbor Boulevard and reduces number of vehicular trips because of residential development of the site. The project will reduce the trip generation by 80 percent in comparison with the existing commercial use of the site. The project master plan including traffic improvements will provide for adequate on-site circulation and with the main access from Merrimac Way traffic on Harbor Boulevard is decreased.

- *Minor modification for maximum 8-foot high block wall is justified for sound attenuation purposes (6-foot height allowed, 8-foot height proposed).*

With installation of the 8-foot high block wall on Harbor Boulevard, exterior noise level for parcels adjacent to Harbor Boulevard will be reduced to acceptable levels for residential development. The proposed 8-foot block wall reduces the exterior noise level for the lots adjacent to Harbor Boulevard to and acceptable level per city's noise ordinance. Furthermore, it will provide a buffer from the immediately adjacent commercial property (Nash Auto) to the north.

- Minor modification for 16-foot rear yard setback for the second story is compatible with the neighboring apartments with regard to privacy (20-foot setback required; 16-foot setback proposed).

There are four proposed two-story structures along the rear property line (Lots 4, 5, 6, and 7). The second story of these homes is proposed at 16 feet to the rear yard property line. However, the portion of the building that encroaches into the required setback is a master bathroom with small high windows and will not compromise the privacy of the homeowners and the residents of the apartment complex to the east. In fact, the structures on Lot 6 and 7 overlook the parking area of the apartment complex. Structures on Lots 4 and 5 do not have direct views into neighboring windows.

- The project, despite the requested deviation from average second story side setbacks and ratio of 1st floor to 2nd floor,, meets the purpose and intent of the Residential Design Guidelines and exhibits excellence in architectural design.

The design guidelines are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. The building elevations incorporate variation in surface materials to create interest and visual relief from off-site. Architectural elements include exposed rafters, varying roof planes, and ornamental porches.

- The proposed Tentative Tract Map is consistent with subdivision requirements.

The property is physically suitable to accommodate the subdivision for condominium purposes. Engineering staff has confirmed that there are no interferences with the City's or other utility right-of-way areas and/or easements within the tract.

GENERAL PLAN CONFORMITY

The project requires approval of a general plan amendment for residential development. If approved, the proposal will be in accordance with the General Plan Medium Density land use designation with maximum density of 12 du/acre (44 units allowed, 33 units proposed).

ENVIRONMENTAL DETERMINATION

Approval of the projects requires adoption of the IS/MND that has been prepared in accordance with the CEQA and the State CEQA Guidelines.

Pursuant to CEQA and the State CEQA Guidelines, an IS/MND has been prepared. The analysis contained in this IS/MND has found that the project may have a significant effect on the environment unless mitigation is included to lessen or avoid the environmental effects of the project related to noise and geology. Mitigation measures have been identified in the IS/MND (Exhibit C of Planning Commission Resolution). With incorporation of these measures, potential environmental effects would be reduced to less than significant levels. Therefore, the City has determined that an MND is the appropriate environmental documentation for the proposed project.

LEGAL REVIEW

The City Attorney's office has approved the attached resolutions and rezone ordinance as to form.

ALTERNATIVES

The Planning Commission may make the following recommendations to City Council:

1. Approve the proposed project by approving the following:
 - Resolution to adopt IS/MND and approve General Plan Amendment
 - Rezone Ordinance R-11-01 to rezone the property to R2-MD.
 - Resolution to approve Planning Application PA-11-06 and TTM 17423.

2. Denial of the proposed project. The existing land use designations will remain in place for use/development of this property for commercial purposes. Residential development is strictly prohibited under the current zoning.

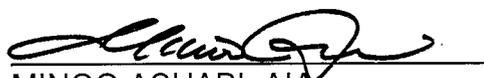
CONCLUSION

The proposed general plan amendment and rezone will provide an opportunity for residential development on this commercial site in close proximity to transit opportunities and major arterials. Staff supports the project in that the proposed building design and the residential use are compatible with the adjacent commercial and residential uses.

The environmental analysis finds that there are no significant environmental impacts that cannot be mitigated to below a level of significance. The larger policy decision relates to whether or not the City of Costa Mesa finds that the proposed General Plan amendment and rezone strengthen and reinforce the City's land use vision for the overall area.

If the General Plan Amendment and rezone are approved, the proposed 33-unit development at a maximum 12 du/acre is consistent with the medium density residential development standards and the density limits of the medium density residential land use and R2-MD zoning designation (44 units allowed, 33 units proposed).

- Attachments:
1. Planning Commission Resolution (IS/MND, GP11-01)
 2. Rezone Ordinance
 3. Planning Commission Resolution (PA-11-06, TTM 17423)
 4. Response to Comments
 5. Submitted Plans


MINOO ASHABI, AIA
Senior Planner


CLAIRE FLYNN
Acting Asst. Development Svs. Director

cc: Interim Development Svs. Director
Deputy City Attorney
Assistant City Engineer
Transportation Svs. Manager
Fire Protection Analyst
Staff (4)
File (2)

Waterpointe Homes LLC
Attn: Garrett Calacci
190 Newport Blvd., Suite 220
Newport Beach, CA 92660

File: 082211GP1101	Date: 081711	Time: 11:00 a.m.
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RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT GP-11-01 FOR THE 33-UNIT RESIDENTIAL PROJECT LOCATED AT 2626 HARBOR BLVD.

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

WHEREAS, an application was filed by Waterpointe Homes LLC on behalf of, owner of real properties located at 2626 Harbor Boulevard, requesting approval of the following:

- Initial Study/Mitigated Negative Declaration (IS/MND).
- General Plan Amendment GPA-11-01 to change the land used designation from General Commercial to Medium Density Residential.
- Rezone R-10-01 to rezone the property located at 2626 Harbor Boulevard from C-1 and P zone to R2-MD zone;
- Planning Application PA-11-06 for development of a 33-unit detached residential common interest development, including minor modifications to reduce rear yard setbacks for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)
- Tentative Tract Map 17423 for residential subdivision of the property for fee ownership.

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

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

WHEREAS, by its very nature, the General Plan needs to be updated and refined to account for current and future community needs;

WHEREAS, an amendment to the General Plan Land Use Element is proposed to allow for development of the proposed residential common-interest development (44 units as allowed in the Medium Density Residential Land Use designation; 33 units proposed);

WHEREAS, duly noticed public hearings were held by the Planning Commission on August 8 and August 22, 2011 with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, the Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and identified potentially significant impacts related to air quality, hazards and hazardous materials, hydrology and water quality, and noise;

WHEREAS, the IS/MND identified appropriate measures that will mitigate the identified impacts to a level that is less than significant;

WHEREAS, the Planning Commission finds that the environmental review for the project was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, the Council on Environmental Quality Regulations implementing the National Environmental Policy Act, and the City of Costa Mesa Environmental Guidelines, and the IS/MND was available for public review from July 15, 2011 to August 15, 2011;

WHEREAS the Costa Mesa Planning Commission hereby recommends that the City Council find that proposed residential project will not have a significant negative impact on the environment with the incorporation of the mitigation measures identified in the IS/MND;

WHEREAS, the General Plan Amendment involves an amendment to the Land Use Map of the City of Costa Mesa (Exhibit "A") and a text amendment to TABLE LU-1 of the Land Use Element of the City's General Plan (Exhibit "B");

WHEREAS, approval of the project is pending adoption of Ordinance No. 10-__ for Rezone 11-01;

WHEREAS, the Planning Commission recommends approval of the Planning Application and Tentative Tract Map by separate resolution;

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **RECOMMENDS CITY COUNCIL APPROVAL of the Initial Study/Mitigated Negative Declaration and ADOPTION** of General Plan Amendment GPA-11-01 which amends the General Plan Land Use Map as set forth in Exhibit "A" and Land Use Element as set forth in Exhibit "B", attached to this resolution with respect to the property described above.

PASSED AND ADOPTED this 22nd day of August 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

Map Amendment to the Land Use Map

General Plan Amendment GPA-11-01

Exhibit "A"

2626 Harbor Blvd.



EXHIBIT "B"

Text Amendment to Land Use Element

TABLE LU-1: LAND USE DESIGNATIONS (2005/2011)

Land Use Designation	Residential Density DU/Acre*	Floor Area Ratio	Acres Developed	Acres Undeveloped (1999)	Total Acres	% of City
Low-Density Residential	≤8	Same as Neighborhood Commercial	2,143.4	1.8	2,145.2	26.6%
Medium-Density Residential ^{1,6}	≤12	Same as Neighborhood Commercial	777.3	30.7 34.4	808.0 811.7	10.0%
High-Density Residential ^{1,6}	≤20 ²	Same as Neighborhood Commercial	824.1	42.0	866.1	10.7%
Commercial-Residential	≤17.4	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic	42.6	0.9	43.5	0.5%
Neighborhood Commercial ⁶	-	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	42.4	2.5	44.9	0.6%
General Commercial ⁶	≤20	0.20/High Traffic 0.30/Moderate Traffic 0.40 Low Traffic 0.75/Very Low Traffic	605.4 601.4	20.8	625.9 622.2	7.7%
Commercial Center ⁶	≤20 ≤40 site-specific density for 1901 Newport Blvd ³	0.25/High Traffic 0.35/Moderate Traffic 0.45 Low Traffic 0.75/Very Low Traffic 0.70 Site-Specific FAR for 1901 Newport Blvd ³	29.4	63.3	92.7	1.1%
Regional Commercial	≤20	0.652/0.89 ⁴	114.7	0.0	114.7	1.4%
Urban Center Commercial	≤20 ⁵ ≤100 Site-Specific Density for South Coast Metro Center ⁵	0.50 Retail 0.60 Office 0.79 Site-Specific FAR for South Coast Metro Center ⁵	134.2	26.2	160.4	2.0%
Cultural Arts Center	Varies ⁷	1.77 ⁷	49.0	5.0	54.0	0.7%
Industrial Park	≤20	0.20/High Traffic 0.30/Moderate Traffic 0.40/Low Traffic 0.75/Very Low Traffic	696.5	17.7	714.2	8.8%
Light Industry ⁶	≤20	0.15/High Traffic 0.25/Moderate Traffic 0.35/Low Traffic 0.75/Very Low Traffic	375.5	6.6	382.1	4.7%
Public/Institutional	-	0.25	1,281.3	0.5	1,281.8	15.9%
Golf Course	-	<0.01	560.1	0.0	560.1	6.9%
Fairgrounds	-	<0.10	146.4	0.0	146.4	1.8%
Total			7,822.0	218.0	8,040.0	100.0%

1. Within the Medium- and High-Density Residential designation, existing residential units legally built in excess of the dwelling units per acre standard may be rebuilt at the same higher density subject to other zoning code standards. The allowable density or number of units to be redeveloped would be limited to the 1990 General Plan density with a 25% incentive bonus for Medium-Density or a 50% incentive bonus for High-Density; or the existing number of units, whichever is less. 2. See High-Density Residential text regarding areas in North Costa Mesa where the density allowance exceeds 20 units per acre. 3. See Commercial Center text. 4. See Regional Commercial text. 5. See Urban Center Commercial text. 6. See text for Mixed-Use Development provisions. 7. See Cultural Arts Center text for additional discussion.

ORDINANCE NO. 11-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 3.7-ACRE PARCEL FROM C1 (LOCAL BUSINESS DISTRICT) AND P (PARKING) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT 2626 HARBOR BLVD.

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

WHEREAS, City Council approved the Initial Study/Mitigated Negative Declaration and adopted General Plan Amendment GP-11-01 by separate resolution to change the land use designation of the 3.7-acre property at 2626 Harbor Boulevard from General Commercial to Medium Density Residential;

WHEREAS, Rezone R-11-01 involves a change in the zoning district of real property located at 2626 Harbor Boulevard from C-1 (Local Business District) and P (Parking) to R2-MD (Multiple Family Residential);

WHEREAS, Rezone R-11-01 is consistent with the 2000 General Plan adopted in January, 2002 as amended by GP-11-01;

WHEREAS, Rezone R-11-01 will allow residential development at a maximum density of 12 du/ac, as allowed by the General Plan;

WHEREAS, the R2-MD zone is a consistent zone in the Medium Density Residential land use designation;

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

a. There is hereby placed and included in the R2-MD (Multiple Family Residential) zoning district a 3.7-acre parcel, identified as Assessor Parcel Numbers 141-361-29, 141-361-30, 141-731-02 and 401-731-03 and as shown in attached Exhibit "1," situated in the City of Costa Mesa, County of Orange, State of California.

b. 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 a hereof and in the respective Exhibit "1". A copy of the Official Zoning Map is on file in the office of the Planning Division.

SECTION 2. ENVIRONMENTAL DETERMINATION. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated from July 15, 2011 to August 15, 2011. The City Council found that proposed residential project will not have a significant negative impact on the environment with the incorporation of the mitigation measures identified in the IS/MND.

SECTION 3. 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 no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. 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 5. 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 of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2011.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

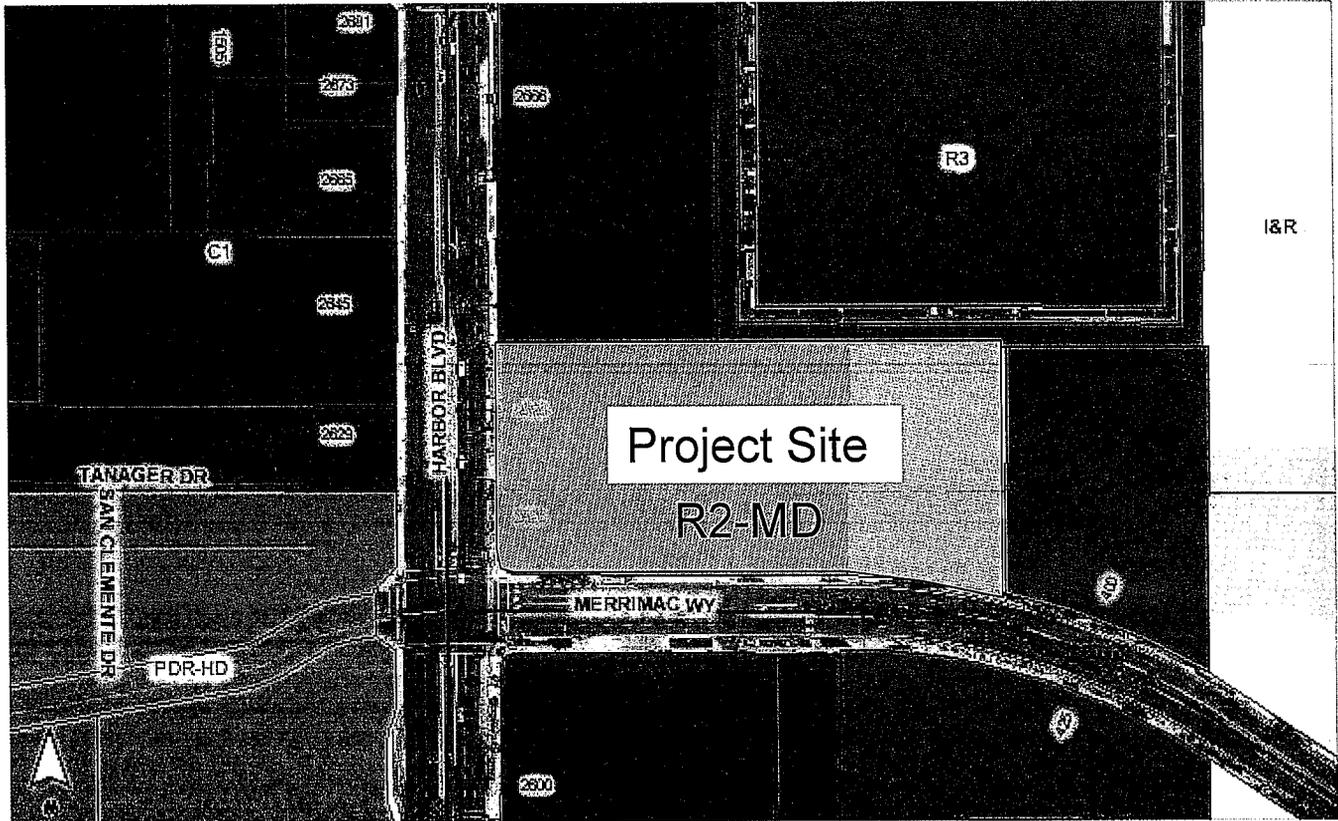
City Attorney

Exhibit A

Rezone R-11-01

Exhibit "A"

2626 Harbor Blvd.



RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL APPROVE PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP 17423 FOR THE 33-UNIT RESIDENTIAL PROJECT LOCATED AT 2626 HARBOR BLVD.

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

WHEREAS, an application was filed by Waterpointe Homes LLC on behalf of, owner of real properties located at 2626 Harbor Boulevard, requesting approval of the following:

- Initial Study/Mitigated Negative Declaration (IS/MND).
- General Plan Amendment GPA-11-01 to change the land used designation from General Commercial to Medium Density Residential.
- Rezone R-10-01 to rezone the property located at 2626 Harbor Boulevard from C-1 and P zone to R2-MD zone;
- Planning Application PA-11-06 for development of a 33-unit detached residential common interest development, including minor modifications to reduce rear yard setbacks for the second story (20 feet required; 16 feet proposed) and perimeter wall height (6 feet required; 8 feet proposed)
- Tentative Tract Map T-17423 for residential subdivision of the property for fee ownership.

WHEREAS, duly noticed public hearings were held by the Planning Commission on August 8 and August 22, 2011, with all persons provided an opportunity to speak for and against the proposed project;

WHEREAS, the Planning Commission recommended adoption of the Initial Study/Mitigated Negative Declaration (IS/MND) and General Plan Amendment GPA-11-01 to change the land use designation from General Commercial to Medium Density Residential by separate resolution;

NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the record, the findings contained in Exhibit" A", and subject to conditions of approvals/mitigation measures indicated in the Mitigation Monitoring Program

contained in Exhibits "B" and "C", the Planning Commission does hereby recommend **CITY COUNCIL APPROVAL** of Planning Application PA-11-06 and Tentative Tract Map T-17423 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 GPA-11-01, R-11-01, PA-11-06, and T-17423 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", Mitigation Monitoring Program contained in Exhibit "C", as well as with 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.

PASSED AND ADOPTED this 22nd day of August 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, CLAIRE FLYNN, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on August 22, 2011, by the following votes:

- AYES: COMMISSIONERS
- NOES: COMMISSIONERS
- ABSENT: COMMISSIONERS
- ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed use is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The project, as conditioned, is consistent with the General Plan as amended by General Plan Amendment GP-11-01.
 - The property has been rezoned to R2-MD pursuant to an adopted Rezone Ordinance.
 - The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that:
- a. 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.
- b. The visual prominence associated with the construction of a two-story house or addition in a predominately single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls.
- C. The proposed development plan and subdivision meets the broader goals of the General Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The project also meets the maximum Floor Area Ratios allowed pursuant to General Plan and provisions of the Zoning Code.
- C. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map 17423 in terms of type, design and intensity 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. The applicant has requested deviations from development standards and conditions of approval have been applied to the project to compensate for specified deviations. 25

- D. 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.
- E. 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.
- F. 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).
- G. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. An Initial Study/Mitigated Negative Declaration was prepared for the proposed project, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, mitigation measures have been included as conditions of approval that reduce impacts to the fullest extent reasonable and practicable.
- H. Mitigation Measures from the IS/MND have been included as conditions of approval. 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 condition(s) are within the responsibility and jurisdiction of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
- I. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(6) in that:
- a. The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- With a minor modification for the 8-foot high block wall on Harbor Boulevard, exterior noise level for parcels adjacent to Harbor Boulevard will be reduced to acceptable levels for residential development (6-foot height allowed; 8-foot height proposed).
- With a minor modification for 16-foot rear yard setback for the second story, the proposed development is considered compatible with the neighboring apartments with regard to privacy (20-foot setback required; 16-foot setback proposed).
- b. The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity.
- J. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The expiration of Master Plan PA-11-06 shall coincide with the expiration of the approval of the Tentative Tract Map 17423 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial 2-year period.
 2. The conditions of approval for PA-11-06 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 3. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 4. Applicant shall defend, indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval. City shall have the right to select the attorney defending it, if it elects to do so.
 5. Prior to issuance of building permits, applicant shall provide a Buyer's Notice for review/approval to the Development Services Director. It will serve as written notice of the then-existing noise environment and commercial operations of neighboring properties. Prospective tenants must sign a disclosure to acknowledge that they have read and understand the existing land use conditions. The disclosure notice shall be kept on file by the facility operator and shall be approved in form and substance by the City Attorney's office prior to use. For example, the disclosure can be an exhibit within the lease agreement.
 6. An 8-foot high perimeter wall surrounding the entire development is required. Design of the perimeter wall shall incorporate landscape elements to soften the appearance of the block wall and incorporate materials, color, and texture that will be compatible with the surrounding community. A wall treatment plan shall be prepared that includes wall locations, heights, landscape treatments, and materials and submitted for review and approval by the Development Services Director. The block wall shall be Orco Block, La Paz color, with a brick cap, or other similar design as approved by the Development Services Director.
 7. The private, interior fences or walls between the homes shall be a minimum of six feet in height.
 8. Second floor windows on Lots 4, 5, and 6 shall be smaller view-obscuring windows and be offset to avoid direct lines of sight into abutting second story windows abutting the project, subject to approval by Planning staff.
 9. Prior to issuance of grading permits, developer shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
 10. 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 and also businesses 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.

11. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
12. 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.
13. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
14. 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 private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
15. 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 upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.

16. 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.
17. 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.
18. Along Harbor Boulevard and Merrimac Way, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. Specifically, the 10-foot wide landscape area in front of the proposed block wall along Harbor Boulevard shall be landscaped with dense trees and vegetation to the fullest extent possible. The landscape plan shall be approved prior to issuance of building permits.
19. Prior to issuance of building permits, the building plans shall demonstrate that all residences are equipped with a mechanical ventilation system that will properly filter the indoor air. The ventilation system can be a component of the air conditioning system, with the distinction being that clean, ventilated air flow does not necessarily need coolant. The ventilation system shall be effective with all doors and windows closed. It shall be required to have a filtration efficiency of at least 90 percent and the ability to remove particulate matter with diameters equal to or greater than 0.5 micron.
20. Provide proof of recordation of TTM 17423 and CC&RS prior to issuance of building permits.
21. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities.
22. 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 ft 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; and,

- Glare shields may be required for select light standards.
23. In the event that archeological resources are unearthed during project subsurface activities, all earth-disturbing work within a 100-ft radius shall be temporarily suspended or redirected until an archeologist has evaluated the nature and significance of the find.
 24. In the event that paleontological resources are unearthed during subsurface construction activities, all earth-disturbing work within a 100-ft radius of the find shall be temporarily suspended or redirected until a paleontologist has evaluated the nature and significance of the find.
 25. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains.
 26. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
 27. 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 requirements: (1) require that the homeowner's association (HOA) effectively manage parking. If onsite parking is not appropriately managed by the HOA, the Development Services Director shall require implementation of corrective measure(s) to address onsite parking problems in the future; (2) require that the HOA contract with a towing service to enforce the parking regulations; (3) 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.
 28. 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.
 29. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
 30. 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.

- Bldg. 31. Submit grading plans including a hydrology report and soils report.
32. Provide an erosion control plan.
- Eng. 33. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa.
34. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
35. Applicant shall work with Engineering staff towards the provision of an 8-foot wide sidewalk along Harbor Boulevard and Merrimac Way. The sidewalk shall meander within the 22' area between the curb and proposed blockwall. Applicant shall provide a sidewalk easement, as needed.
36. The Subdividers' engineers shall furnish to 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 Map.
37. Construction Access Permit and deposit of \$1500 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements
38. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
39. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
40. Submit subdivision application and comply with conditions of approval and code requirements.
41. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. commercial sidewalk on Harbor Blvd and residential sidewalk on Merrimac Way per City of Costa Mesa Standards as shown on the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
42. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches.
43. 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 tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays

44. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches
45. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk at applicant's expense.
46. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct Wheelchair Ramp on the corner of Harbor Blvd and Merrimac Way.
47. Per requirements of Real Property, City of Costa Mesa, Engineering Division, dedicate a diagonal corner cut-off at the corner of Harbor Blvd and Merrimac Way.
48. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Map.
49. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa, they shall be maintained by the owner of the property.
- Fire 50. Homes shall be provided with Residential Fire Sprinkler Systems per NFPA 13 w/CA amendments.
51. Provide Click to enter and Knox fire keyswitch for Fire Department access at drive gate.
52. Provide (4) fire hydrants to be located per Fire Department direction. See Fire Prevention.
53. Provide smoke detectors.
54. Fire lane marking and signage shall be provided per direction of Fire Prevention.
- Trans. 55. A meandering sidewalk shall be provided within the 10-foot right-of-way and 10-12 foot landscape setback along the Harbor Boulevard frontage subject to approval of the Transportation and Planning Divisions.
- Utilities 56. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

PUBLIC SERVICES DEPARTMENT

July 5, 2011

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

SUBJECT: Tract No. 17423
LOCATION: 2626 Harbor Boulevard

Dear Commissioners:

Tentative Tract Map No. 17423 as furnished by the Planning Division for review by the Public Services Department consists of a one lot subdivision to construct thirty three residential units common interest development. Tentative Tract Map No. 17423 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. 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.
3. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
4. 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.
5. Vehicular and pedestrian access rights to Harbor Boulevard and Merrimac Way shall be released and relinquished to the City of Costa Mesa except at approved access locations.
6. A Construction Access permit and cash deposit will be required by the Engineering Division prior to start of any on-site work for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
7. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Map.
8. Fulfill Drainage Ordinance Fee requirements prior to approval of Final Map.

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77 FAIR DRIVE

PHONE: (714) 754-5343 • FAX: (714) 754-5028 • TDD: (714) 754-5244 • www.ci.costa-mesa.ca.us

9. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 645-8400 for information.
10. Water system improvements shall meet the approval of Mesa Consolidated Water District; call (949) 631-1200 for information.
11. Dedicate easements as needed for public right-of-way.
12. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Payment of offsite plan check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
13. The Subdivider's engineers shall furnish to 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 to the satisfaction of the City Engineer. This study is to be furnished with the first submittal of the Final Map. Cross lot drainage shall not occur. 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.
14. A Construction Access Permit and deposit of \$1500 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
15. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
16. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
17. 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 and Section 66491 of the Subdivision Map Act.
18. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
19. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.

20. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
21. The elevations shown on all plans shall correspond with Orange County benchmark datum.
22. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.
23. Prior to Tract occupancy, 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 seven copies of the recorded Tract Map.
24. Comply with previous conditions listed under General Plan Screening GPS-11-01.

Sincerely,



Ernesto Muñoz, P. E.
City Engineer

(Engr. 2011/Planning Commission Tract 17423)

EXHIBIT "C"

MITIGATION MONITORING PROGRAM (PA-11-06, TTM 17423)

AIR QUALITY

AQ-1 Prior to issuance of any Grading Permit, the Director of Public Works and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered at least twice daily to prevent excessive amounts of dust;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All on-site roads shall be paved where feasible, watered as needed (to maintain a moisture content of 12 percent), or chemically stabilized;
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- Track-out devices shall be used at all construction site access points;
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site;
- Replace ground cover on disturbed areas quickly; and
- Implement street sweeping program with Rule 1186-compliant PM₁₀ efficient vacuum units.

AQ-2 All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall coordinate with the appropriate City of Costa Mesa Engineer on hauling activities compliance.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 Prior to demolition activities, removal and/or abatement of asbestos containing building materials and hazardous materials associated with the existing building materials shall be conducted by a qualified environmental

professional in consultation with the City of 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.

- HAZ-2 Prior to issuance of a building permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified environmental professional with Phase II/site characterization experience. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary.
- HAZ-3 Prior to issuance of a grading permit, a Construction Contingency Plan shall be developed by a qualified environmental professional in consultation with the City of Costa Mesa Fire Department. At a minimum, the Construction Contingency Plan shall include guidance for handling, segregating, and characterizing subsurface structures and potentially impacted soil generated during the demolition and redevelopment activities, if found, in order to minimize impacts to worker safety and the environment.

HYDROLOGY AND WATER QUALITY

- HYD-1 Prior to the issuance of any Grading Permit, the Applicant shall:
- Prepare a detailed hydrology study, approved by the City Engineer.
 - Analyze, design, and construct the new storm drain between the project site and the existing 4.5-foot-high by eight-foot-wide RCB box.
 - Design all storm drain facilities, approved by the City Engineer, for 25-year storm event protection
 - All storm drain in public right-of-way shall be a minimum of 24 inches by City of Costa Mesa requirements and will be designed in accordance with the Orange County Local Drainage Manual including a minimum spacing between manholes of 300 feet.

NOISE

- NOI-1 Prior to Grading Permit issuance, the Contractor shall demonstrate, to the satisfaction of the City of Costa Mesa Public Works Department that the project complies with the following:
- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
 - Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.).

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

NOI-2 Prior to the issuance of grading permits, the applicant shall provide final project plans for approval by the Development Services Director, indicating that a sound barrier has been incorporated into and noted on the project plans. The barrier shall be a minimum of 7 feet high from finished grade for Lots 15 and 30 and located along the project's westerly border with a return of approximately 50 feet. The location and orientation of the barrier is depicted on Exhibit 4.12-1, Required Noise Mitigation.

RESPONSE TO COMMENTS
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**33-Unit Residential
Common Interest Development**

LEAD AGENCY:

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Contact: Ms. Minoo Ashabi, AIA
714.754.5610

PREPARED BY:

RBF Consulting
14725 Alton Parkway
Irvine, California 92618
Contact: Mr. Richard Beck, CEP
949.855.3687

August 17, 2011

JN 10-108158

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1.0 INTRODUCTION

The Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) (see Public Resources Code Sections 21000-21177), as well as the State CEQA Guidelines (see Title 14 of the California Code of Regulations, Sections 15063).

The IS/MND was made available for public review and comment pursuant to State CEQA Guidelines Section 15070. The public review period commenced on July 15, 2011, and expired on August 15, 2011. The IS/MND and supporting attachments were available for review by the general public at the following locations:

- City of Costa Mesa, Public Counter, 77 Fair Drive, Costa Mesa, CA 92626
- Mesa Verde Library, 2969 Mesa Verde Drive East, Costa Mesa, CA 92626
- Orange County Public Library-Park Avenue Branch, 1855 Park Avenue, Costa Mesa, CA 92626
- City of Costa Mesa Website at <http://www.ci.costa-mesa.ca.us/departments/CMPlanning.htm>

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2.0 RESPONSE TO COMMENTS

During the public review period, comments were received on the IS/MND from certain interested public agencies and private parties. The following is a list of the persons, firms, or agencies that submitted comments on the IS/MND during the public review period:

1. Diane Swarts, via E-mail, dated July 17, 2011 (attached as Letter 1);
2. Koreen Lieber, via E-mail, dated August 2, 2011 (attached as Letter 2);
3. Andrew Perea, Planning and Building Director, City of Fountain Valley, dated July 19, 2011 (attached as Letter 3);
4. Chris Herre, Branch Chief, Department of Transportation, District 12, dated August 15, 2011 (attached as Letter 4);
5. Kari A. Rigoni, Executive Officer, Airport Land Use Commission for Orange County, dated August 10, 2011 (attached as Letter 5);
6. Al Shami, Project Manager, Department of Toxic Substances Control, dated August 10, 2011 (attached as Letter 6);

Although the State CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND, as contrasted with a Draft Environmental Impact Report (see State CEQA Guidelines Section 15088), the City has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project.

The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

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From: Diane Swarts [mailto:dswarts@earthlink.net]
Sent: Sunday, July 17, 2011 10:29 AM
To: PLANNING COMMISSION
Subject: 2626 Harbor Blvd.

I am **NOT** in favor of building any type of housing on this property. I think it should remain General Commercial. Thank you for your consideration.
Diane Swarts



1. RESPONSE TO COMMENTS FROM DIANE SWARTS, DATED JULY 17, 2011.

- 1-1 This comment indicates that the author is not in favor of any type of housing on the project site and that it should remain a General Commercial designation. As such, the comment does not provide specific comments regarding information presented in the IS/MND and no further response is necessary.

From: Koreen Lieber [mailto:koreenlieber@yahoo.com]
Sent: Tuesday, August 02, 2011 6:11 PM
To: HATCH, THOMAS
Subject: 2002 Environmental Impact Report/Re-evaluate Master Plan For The Betterment Of The People

Mr. Thatch,

I sent the letter below to the Chamber and they told me to contact you. Since then I went in and looked at the Costa Mesa Master Plan and the date of the Environmental Impact Report. The report is dated 2002 and this is 2011 eight years later. It is my suggestion that you get a new report because this information needs to be greatly updated.

While checking that out I looked at the agenda for the next planning commission meeting and some developer is wanting to tear down the old Lincoln Mercury Dealership at 2626 Harbor Boulevard and make 33 units of condo's!

Harbor Blvd was our only reprieve for trying to get around town in the middle the day without a lot of traffic and now they are trying to add more people and more cars to our poor unkempt roads. Soon Harbor Blvd will be bumper to bumper too like Newport Blvd! During business hours it takes 20+/- minutes to get across town now.

Maybe the city has forgot about the quality of community life and the people who live in it!! It would be nice if you would quit tearing down the R-1 the single family homes (now working on commercial zoning) and building R2 & R3 high density housing units and maybe put in some parks and recreation. We have the same parks we have since 1960's & 70's.

They are building new homes on Bay St. and there are pot holes in the road so deep that my head hits the ceiling of my car as it bounces up and down the road but they are adding more.

Then they had the nerve to add to it condos on the corner of 19th St and Newport Blvd where

the freeway dumps into town. (Hasn't that been too congested for the last 10 Yrs!) They are cramming people in here like a can of sardines. Who's making these decisions? The developers or are the developers the planning commission?

I used to live on 2600 block Orange Ave. and they have built so many units there that when my family came over they don't have a place to park on the street. There were so many units built and too many people with cars & not enough garages so they have to park on the street. If anyone didn't get a parking place early in the day they were out of luck and on the weekends forget it! (as bad as Newport Beach in summer)

They already messed it up with the Newport Freeway dumping into town now they continue have to keep doing damage to the community on the side streets and as I mentioned will even tear down commercial!

Maybe it's time to quit taking advantage of this town and take consideration for the people who live here. These developers must live somewhere else because I can't believe they would live in the middle of this not see what is going on.

The question is where is all the tax money I keep paying this town and county? It sure isn't spent on the roads. Costa Mesa is now turning into a downtown West LA! Someone needs to put on the breaks!

You need to tell the gentlemen who are making these decisions it's time to wake up before they continue down Harbor Blvd. and where ever else they can pack more people in!

My suggestion:

How about another city guys? This city can't afford the cars and roads it has to support right now!

Thanks for listening and hopefully someone will create a new master plan taking the community into consideration and do an environmental impact report to see what a logical step would be to continue planning and making some intelligent decisions

about our community for the betterment of those who live here and have love it for all these years.

Sincerely,

Koreen Lieber
Resident Since 1958



2. RESPONSE TO COMMENTS FROM KOREEN LIEBER, DATED AUGUST 2, 2011.

- 2-1 This comment generally discusses concerns regarding traffic and development within the City of Costa Mesa. Existing and proposed changes with respect to Traffic are discussed in Sections 4.10, *Land Use and Planning* and 4.16, *Transportation/Traffic*. As discussed, the proposed project is forecast to generate approximately 316 daily trips, which include approximately 24 a.m. peak hour trips and approximately 33 p.m. peak hour trips. The Harbor Boulevard/Merrimac Way study intersection is currently operating at an acceptable LOS (LOS D or better) and is forecast to continue to operate at an acceptable LOS with the addition of project-generated trips according to City of Costa Mesa performance criteria for forecast existing plus project conditions. No significant traffic impacts for forecast to occur as a result of the proposed project based on City of Costa Mesa established thresholds of significance for existing plus project conditions. It should also be noted that the proposed residential development reduces trip generation by 80 percent in comparison with the most recent existing commercial use of the site.

No additional specific comments regarding information presented in the IS/MND were provided and no further response is necessary.

48



CITY OF FOUNTAIN VALLEY

JUL 22 2011

10200 SLATER AVENUE • FOUNTAIN VALLEY, CA 92708-4736 • (714) 593-4400, FAX: (714) 593-4498

July 19, 2011

Clair
Clair Flynn
Planning Division
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

SUBJECT: NOTICE OF PREPARATION – 2626 HARBOR BLVD.

Dear Ms. Flynn:

Thank you for the opportunity to reply to your Notice of Preparation of the 33-unit single family detached residential development at 2626 Harbor Blvd. The City of Fountain Valley has reviewed the NOP and does not have any comments on the document.

Please continue to keep us informed about the proposed project throughout the CEQA process.

Sincerely,

Andrew Perea
Planning and Building Director



- 3. RESPONSE TO COMMENTS FROM THE CITY OF FOUNTAIN VALLEY, DATED JULY 19, 2011.**
- 3-1 This comment indicates that the City of Fountain Valley does not have any comments on the IS/MND. No response is necessary.

DEPARTMENT OF TRANSPORTATION

District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



*Flex your power!
Be energy efficient!*

August 15, 2011

FAX & MAIL

Minoo Ashabi, AIA
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

File: IGR/CEQA
SCH#: 2011071050
Log #: 2775
I-405, SR-73 and 55

Subject: 33-Unit Residential Common Interest Development

Dear Ms. Ashabi

Thank you for the opportunity to review and comment on the **Mitigated Negative Declaration (MND) for the 33-Unit Residential Common Interest Development Project**. The project includes development of a 3.7 acre site with 33 detached residential units. The project involves: 1) a general plan amendment to change the land use designation; 2) a rezone to change the zoning; and 3) a tentative tract map for subdivision of the parcel for residential development. The nearest State routes to the project site are I-405, SR-73 and 55.

The California Department of Transportation (Department), District 12 is a commenting agency on this project and we have no comment at this time. However, in the event of any activity within the Department's right-of-way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Herre".

Chris Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research



**4. RESPONSE TO COMMENTS FROM THE DEPARTMENT OF TRANSPORTATION,
DISTRICT 12, DATED AUGUST 15, 2011.**

- 4-1 This comment discusses the project description and identifies nearby State Routes. This comment is acknowledged. No response is necessary.



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

Received

City of Costa Mesa

Development Services Department

August 10, 2011

AUG 15 2011

Minoo Ashabi
City of Costa Mesa
77 Fair Drive
P.O. Box 1200
Costa Mesa, CA 92628-1200

Subject: 2626 Harbor Boulevard 33-unit Residential Development

Dear Ms. Ashabi:

Thank you for the opportunity to review the Initial Study for the proposed residential development project located at 2626 Harbor Boulevard, Costa Mesa, in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)*. The proposed project involves the development of 33 single family detached homes on a 3.71 acre site. The proposed project would also require an amendment to the City's General Plan in order to change the existing land use designation from General Commercial to Medium-Density Residential. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with preparation of your Mitigated Negative Declaration (MND):

As discussed in the initial study, the proposed project is located within the Federal Aviation Regulation (FAR) Part 77 Notification Area for JWA. We suggest that the MND discuss the height at which the notification surface would be penetrated compared to the proposed building heights. The initial study states that notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet Above Ground Level (AGL) of its site. However, structures more than 200 feet AGL is one of several thresholds that would trigger FAA review. Please refer to FAA form 7460-1 Notice of Proposed Construction or Alteration for notice criteria. We also recommend that the MND include a discussion of the proposed project's location within the FAR Part 77 Obstruction Imaginary Surfaces for JWA.

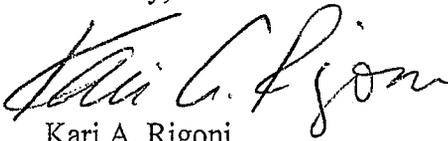
A referral by the City to the ALUC may be required for this project due to the location of the proposal within an JWA AELUP Planning Area and due to the nature of the required City approvals (i.e., General Plan Amendment and Zone Change) under PUC Section 21676(b). In this regard, please note that the Commission suggests such referrals be submitted to the ALUC for a determination, between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third

ALUC Comments -2626 Harbor Blvd.
33-Unit Residential Development
August 10, 2011
Page 2

Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing.

Thank you for the opportunity to comment on this initial study. Please contact Lea Choum at (949) 252-5123 or via email at lchoum@ocair.com if you need any additional details or information regarding the future referral of your project.

Sincerely,



Kari A. Rigoni
Executive Officer



5. RESPONSE TO COMMENTS FROM THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY, DATED AUGUST 10, 2011.

- 5-1 This comment restates portions of the proposed project description. The Airport Land Use Commission suggests that the MND discuss the height at which the notification surface would be penetrated compared to the proposed building heights. The project proposes residential structures with a maximum height of 27 feet, approximately 173 feet below the notification surface. The proposed project would not include the construction of buildings that would present a hazard to air navigation as determined by the FAA or independent studies by qualified private consultants that have been certified by the FAA. The review of FAA Form 7460-1 is a standard condition during the approval process to ensure compliance with notification requirements.
- 5-2 This comment indicates that a referral by the City to the ALUC may be required for the proposed project. This comment is acknowledged and will be forwarded to the decision-makers for their information.



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Received
City of Costa Mesa
Development Services Department



AUG 15 2011

August 10, 2011

Ms. Minoo Ashabi
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR 33-UNIT
RESIDENTIAL COMMON INTEREST DEVELOPMENT (SCH# 2011071050)

Dear Ms. Ashabi:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The project consists of the construction of thirty-three (33) residential lots, one (1) private street, and seven (7) open space lots on approximately 3.71-acres. The subject property is currently developed with several buildings including offices, showroom, and service buildings as well as off-street parking at the rear. The project involves; a general plan amendment, a rezoning, and a tentative tract map for subdivision of the parcel for residential development".

Based on the review of the submitted document DTSC has the following comments:

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.

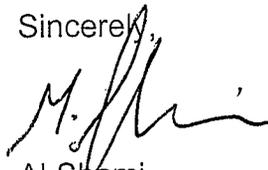
- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 6) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

Ms. Minoo Ashabi
August 10, 2011
Page 3

- 9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov

CEQA # 3275



6. RESPONSE TO COMMENTS FROM THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED AUGUST 10, 2011.

6-1 This comment restates the MND's statement regarding contaminated sites. No further response is required.

6-2 This comment requests that the MND identify the mechanism to initiate any required investigation and/or remediation for sites within the proposed Project area that may be contaminated. Several mechanisms exist to initiate the required actions. As concluded in Section 4.8, Hazards and Hazardous Materials, a *Phase I Environmental Site Assessment, Limited Phase II ESA, and Building Demolition Materials Assessment* was prepared for the project site. The assessments found that given the historic use of the project site (e.g., the use and storage of hazardous materials), it is possible that previously unidentified subsurface features and/or soil exhibiting visual or olfactory characteristics that are suggestive of impacts by petroleum hydrocarbons or other hazardous substances may be encountered during demolition and/or site grading activities.

With implementation of Mitigation Measures HAZ-1 and HAZ-2, impacts associated with the potential release hazardous materials into the environment through reasonably foreseeable upset and accident conditions during construction would be minimized. Implementation of Mitigation Measure HAZ-3 would require the development of a Construction Contingency Plan. At a minimum, the Construction Contingency Plan would include guidance for handling, segregating, and characterizing subsurface structures and potentially impacted soil generated during the demolition and redevelopment activities, if found.

6-3 This comment requests that appropriate sampling be conducted prior to disposal of soil. Refer to Response to Comment 6-2, above.

6-4 This comment states that human health and the environment of sensitive receptors be protected during the construction or demolition activities. Assessments were conducted and included within the IS/MND. Compliance with Mitigation Measures HAZ-1 and HAZ-3 would ensure that human health and the environment of sensitive receptors are protected during the construction or demolition activities. Refer also to Response 6-2, above.

6-5 This comment recommends that construction/demolition in an area cease, in the event soil or groundwater contamination is suspected. Refer to Response 6-2, above.

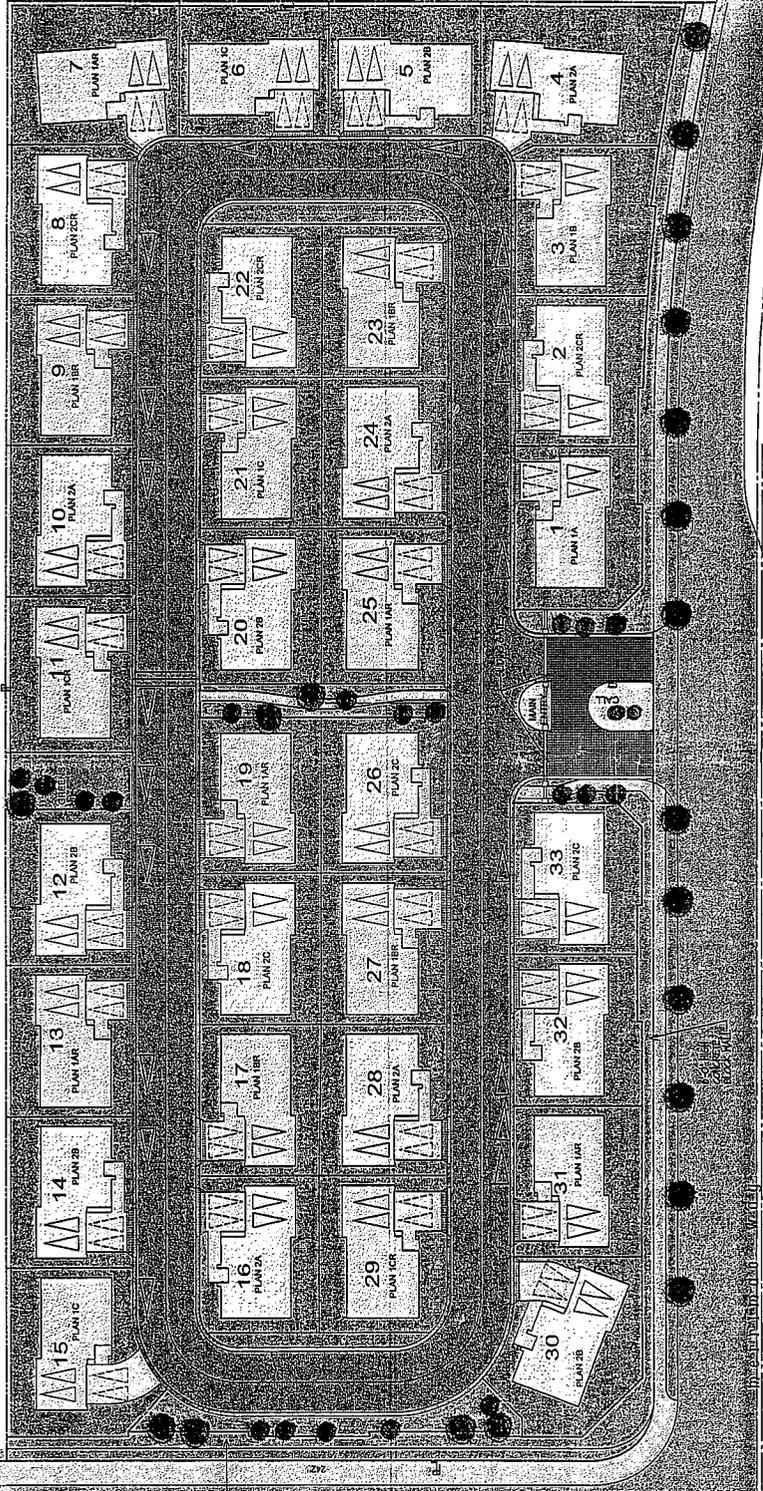
6-6 This comment recommends that investigation and remedial actions be conducted if weed abatement occurred on a site. The project site is comprised entirely of impervious surfaces primarily as a result of the car dealership parking lot. Any weed abatement procedures that have occurred onsite would be considered de minimis and not pose a potential threat.



**33-Unit Residential Common Interest Development
Initial Study/Mitigated Negative Declaration**

This comment states that hazardous wastes must be managed in accordance with State regulation, if they are, or will be generated by a proposed operation. As concluded in Section 4.8, hazardous materials are not typically associated with residential uses. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are the extent of materials used and applicable here. No significant amounts of hazardous materials would be utilized, disposed of, or transported in conjunction with future residential developments.

- 6-7 This comment notes that DTSC can provide guidance for cleanup oversight through the Environmental Oversight Agreement (EOA). This comment is acknowledged and will be forwarded to the decision-makers for their information.



LOT AREA SUMMARY

LOT	SIZE	LOT	SIZE
1	3,000 S.F.	16	3,000 S.F.
2	3,000 S.F.	17	3,000 S.F.
3	3,000 S.F.	18	3,000 S.F.
4	3,000 S.F.	19	3,000 S.F.
5	3,000 S.F.	20	3,000 S.F.
6	3,000 S.F.	21	3,000 S.F.
7	3,000 S.F.	22	3,000 S.F.
8	3,000 S.F.	23	3,000 S.F.
9	3,000 S.F.	24	3,000 S.F.
10	3,000 S.F.	25	3,000 S.F.
11	3,000 S.F.	26	3,000 S.F.
12	3,000 S.F.	27	3,000 S.F.
13	3,000 S.F.	28	3,000 S.F.
14	3,000 S.F.	29	3,000 S.F.
15	3,000 S.F.	30	3,000 S.F.
16	3,000 S.F.	31	3,000 S.F.
17	3,000 S.F.	32	3,000 S.F.
18	3,000 S.F.	33	3,000 S.F.
19	3,000 S.F.		
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27	3,000 S.F.		
28	3,000 S.F.		
29	3,000 S.F.		
30	3,000 S.F.		
31	3,000 S.F.		
32	3,000 S.F.		
33	3,000 S.F.		

AVERAGE LOT SIZE = 3,000 S.F.

SITE SUMMARY

3.18 ACRES / 33 SINGLE FAMILY DWELLINGS + 8 PA DWG

PLAN 1 (2061 SF - 3 BD + 1 LOT OR 4 BD, 2.5 BA) 8 UNITS

PLAN 1A (2066 SF - 3 BD + 1 LOT OR 4 BD, 2.5 BA) 8 UNITS

PLAN 2 (2061 SF - 3 BD + 1 LOT OR 4 BD, 2.5 BA) 17 UNITS

TOTAL UNITS PROVIDED 33 S.F.P. UNITS

PARKING SUMMARY

66 SPACES (GARAGES)

64 (ON PRIVATE DRIVES)

2 (ON STREET)

62 TOTAL SPACES PROVIDED

62 TOTAL SPACES PROVIDED

MINIMUM LOT

62'-0" x 41'-0" = 2542.00 S.F.

SIDE YARD SETBACKS 4' TYPICAL

REAR YARD AT GARAGE 9' TYPICAL

REAR YARD AT RESIDENCE 10' TYPICAL

FRONT YARD 0' FEL

waterpointe/trumark homes
lot fit study - costa mesa, ca.



PT. LBS. NO. 1001
APR. 12, 2011

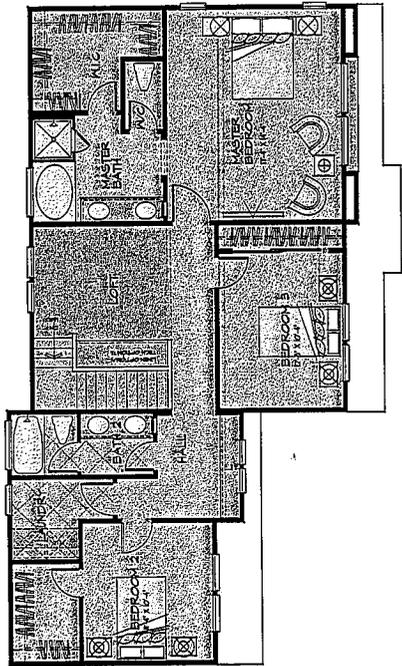
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KPI
KPI PARTNERS
INTERNATIONAL, INC.
architects & planners

140,000, 30, 301, 310
Phone: (949) 732-1177
Fax: (949) 732-1177

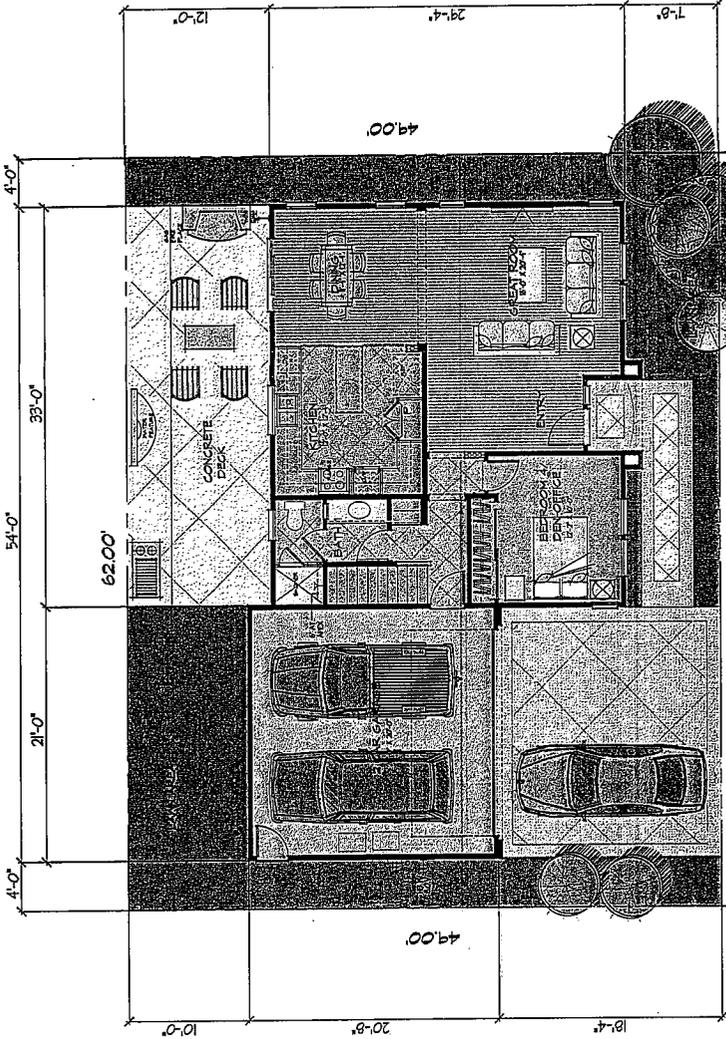
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harbor blvd.



SECOND FLOOR

1206 S.F.



FIRST FLOOR

958 S.F.

TRUMARK PLAN 2 2164 S.F.
87% FLOOR AREA DIFFERENTIAL

3 BEDROOMS, DEN OPT. BEDROOM 4, 2-1/2 BATH

62'-0" X 49'-0" / 3038 SF LOT

COSTA MESA

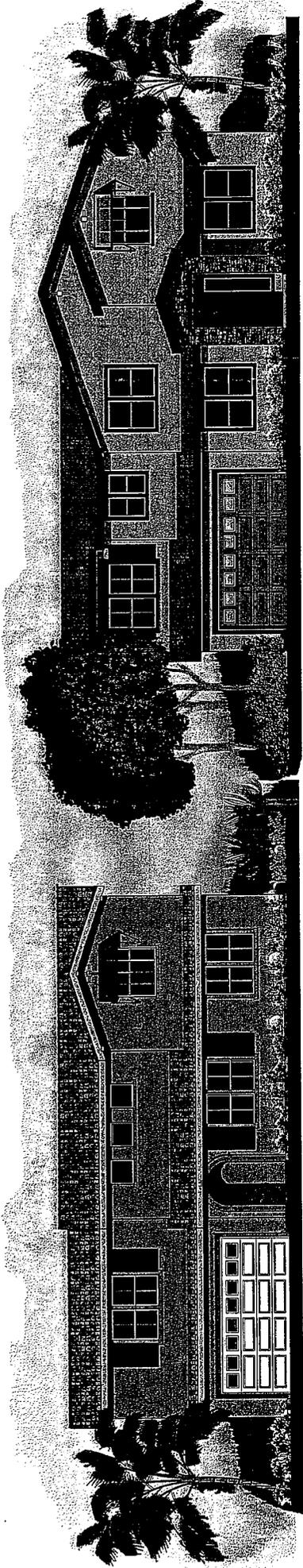
Trumark homes

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architecture & planning

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FAX: (503) 752-0151
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400 300 200 100 0



PLAN 1 2067 S.F.

TUSCAN

PLAN 2 2164 S.F.

TUSCAN



PLAN 1 2002 S.F.

EARLY CALIFORNIA

PLAN 2 2164 S.F.

EARLY CALIFORNIA

ELEVATIONS

COSTA MESA
Trumark homes

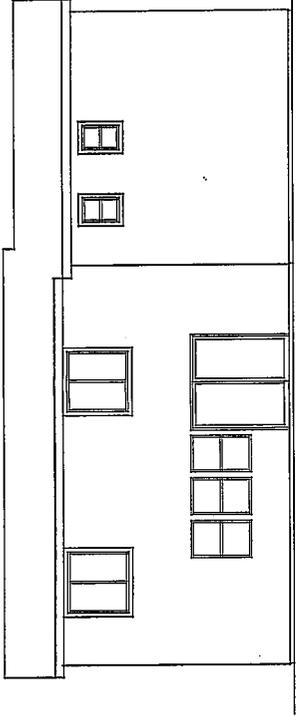
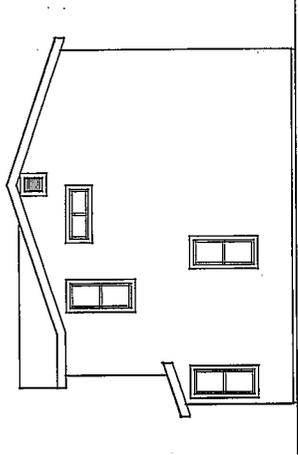
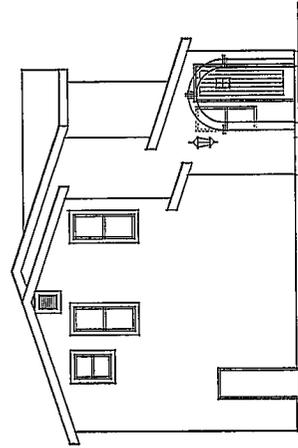
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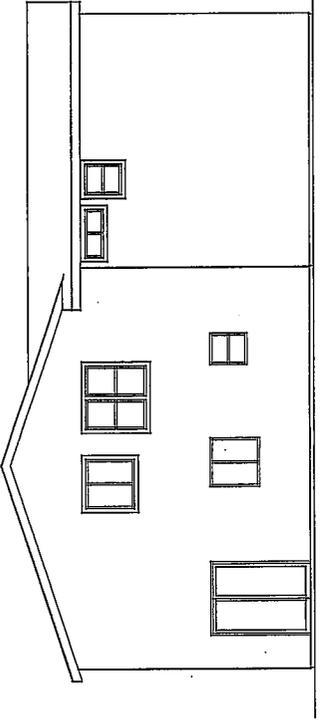
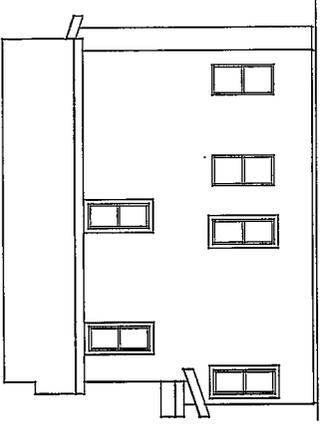
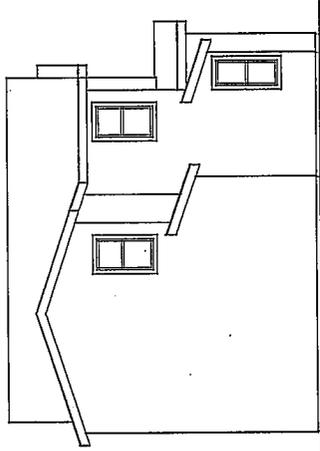


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 INTERNATIONAL, INC.**
 architecture & planning

1401 DOVE STREET, SUITE 240
 NEWPORT BEACH, CA 92660
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 FAX: (949) 752-0151
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PLAN 1
SIDES AND REAR



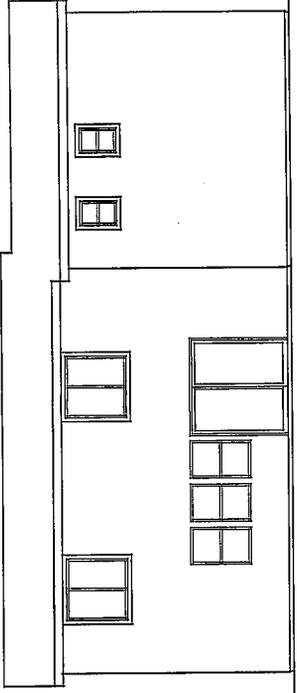
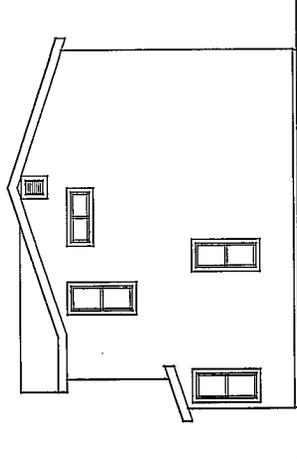
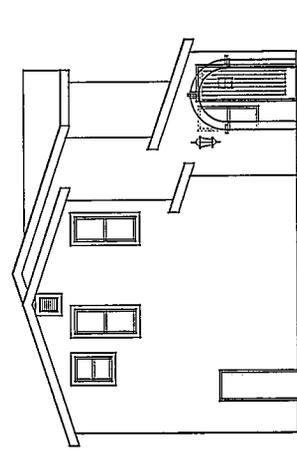
PLAN 2
SIDES AND REAR

ELEVATIONS
COSTA MESA
Trumark homes

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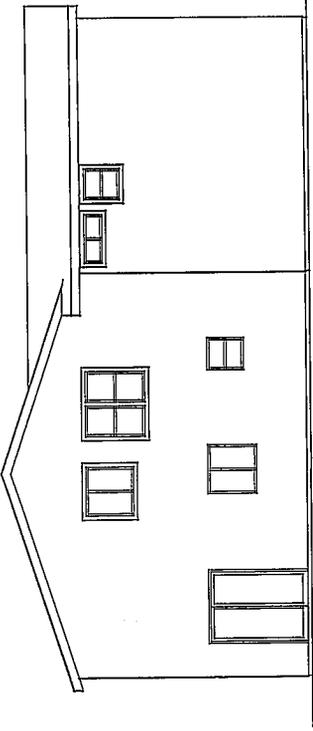
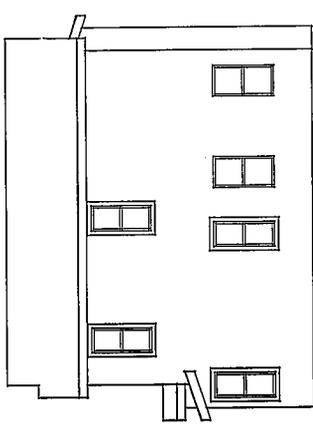
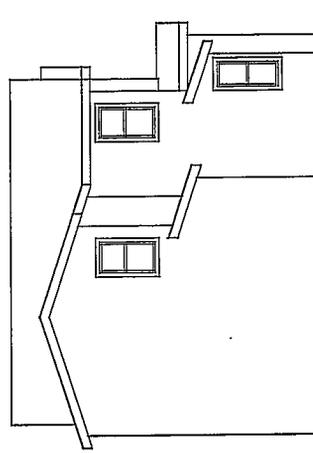
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65
FIRST REVIEW 1-20-11
1 2 3 4 5 10
SCALE: 1/4" = 1'-0"
1/4" = 1'-0"



PLAN 1

SIDES AND REAR



PLAN 2

SIDES AND REAR

ELEVATIONS
COSTA MESA
Trumark homes

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COSTA MESA, CALIFORNIA

FIRST REVIEW T-20-H
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SCALE:
1/4" = 1'-0"
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