



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: SEPTEMBER 26, 2016

ITEM NUMBER: PH-1

**SUBJECT:** GENERAL PLAN AMENDMENT GP-16-05 AND REZONE R-16-05 FOR PROPERTY LOCATED AT 2850 MESA VERDE DRIVE EAST

**DATE:** SEPTEMBER 15, 2016

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** MEL LEE, SENIOR PLANNER

**FOR FURTHER INFORMATION CONTACT:** MEL LEE, AICP (714) 754-5611  
mel.lee@costamesaca.gov

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### **DESCRIPTION**

The proposed project description is as follows:

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

### **APPLICANT/AUTHORIZED AGENT**

The applicant/authorized agent is Pinnacle Residential, representing the property owners, Donald S. Ellis Trust and Leonard Family Trust.

### **ENVIRONMENTAL DETERMINATION**

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

### **RECOMMENDATIONS**

Adopt resolution recommending that the City Council:

- (1) Adopt the Initial Study/Negative Declaration;
- (2) Adopt Resolution for General Plan Amendment GP-16-05; and
- (3) Give first reading to Rezone Ordinance for R-16-05.

## **BACKGROUND**

### ***Project Site/Environs***

The site is located on the east side of Mesa Verde Drive East, north of Adams Avenue, at 2850 Mesa Verde Drive East. The site approximately 2.07 acres in size. Abutting properties consist of a single-family residential development (under construction) to the north and east (across Andros Street); a church and office development to the west; and office and commercial buildings to the south. The site is zoned C1 (Local Business District) and has a General Plan Land Use Designation of General Commercial.

The site is currently occupied by commercial office buildings totaling 24,267 square feet. The current structures were constructed at the site in 1963 and 1985. The existing commercial office buildings consist of single-story buildings and associated surface parking with approximately 90 spaces. Tenants on the subject property have included various commercial tenants including medical and dental offices, real estate offices, insurance agencies, consulting firms, and a printing facility since 1963.

## **ANALYSIS**

### ***Project Description***

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

### ***City Council Direction***

Typically, requests to amend the City's General Plan requires the submittal of a General Plan screening application, reviewed by City Council. However, in this case, on June 14, 2016, the City Council held a special meeting regarding the Final Environmental Impact Report (EIR) for the 2015-2035 General Plan Update. During the meeting, City Council provided direction on a 4-0 vote (Council Member Monahan absent) that the City accept for processing an application to amend the General Plan Designation and zoning for the subject property as described earlier. The applications were filed on August 22, 2016.

The staff report can be found on the City's website here:

<http://www.costamesaca.gov/Modules/ShowDocument.aspx?documentid=22115>

## **PROPOSED GENERAL PLAN AND ZONING CODE CONFORMANCE**

### ***Conformance with the City of Costa Mesa General Plan***

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa for the next two decades. This vision recognizes that Costa Mesa's focus remains on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and continuing to provide cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives, and policies contained in this Plan.

The request is consistent with General Plan and Housing Element goals, objectives, and policies as follows:

- **General Plan Objective LU-1A:** Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.
- **General Plan Policy LU-1.1:** Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segment of the community.
- **General Plan Policy LU-1.2:** Balance economic gains from new development while preserving the character and densities of residential neighborhoods.
- **Housing Element Objective HOU-3.1:** Encourage the conversion of existing marginal land to residential, where feasible and consistent with environmental conditions that are suitable for new residential development.
- **Housing Element Objective HOU-3.2:** Provide opportunities for the development of well-planned and designed projects which, through vertical or horizontal integration, provide for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood.

### ***Conformance with the Zoning Code***

The City's Zoning Ordinance is the primary implementation tool for the City's General Plan Land Use Element and the goals and policies contained therein. For this reason, the Zoning Map must be consistent with the General Plan Land Use Map. The General Plan Land Use Map indicates the general location and extent of future land use in the City. The Zoning Ordinance, which includes the Zoning Map, contains more detailed information about permitted land uses, building intensities, and required development standards.

The existing Zoning Code designation for the project site is C1 (Local Business District). The existing C1 zoning designation allows a floor area ratio between 0.20 and 0.75 for high to very low traffic uses, respectively. The proposed request involves a rezone of the property to R1 (Single Family Residential District).

The proposed project would replace an established commercial office building with an 11-unit single-family residential development. The character of the surrounding area is defined by a mix of residential and commercial land uses. The project would not be incompatible with the mix of uses and character of its surroundings, and would maintain the quality of the environment. The proposed development project, when submitted, will be fully evaluated by the Planning Commission.

### ***Justifications for Approval***

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the request, based on an assessment of facts and findings below which are also described in more detail in the draft approval resolution.

### **General Plan Amendment**

Although Code Section 13-29(g) does not specify findings for General Plan Amendments, the project conforms to the specific goals and objectives of the General Plan Land Use Element as discussed in the previous section of this report.

### **Rezone**

- *The proposed rezone is consistent with the Zoning Code and the General Plan.* The proposed project will be required to meet or exceed the intent of the City's Zoning Code with regard to the development standards for the R1 zone, including density, setbacks, lot size, and on-site parking. The proposed General Plan land use designation for the project area is Low Density Residential (8 dwelling units to the acre maximum), which is compatible with the proposed zone change to R1. The proposed 11-unit project provides a maximum density of 5 dwelling units to the acre. The maximum density is based on the gross acreage of the site.

### **ENVIRONMENTAL DETERMINATION**

An Initial Study/Negative Declaration (IS/ND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15073, the IS/ND was made available for a 20-day public review and comment period beginning on September 6, 2016, until September 26, 2016. A copy of the IS/ND is included with this report under separate cover. The consultant will prepare a Responses to Comments received during the comment period at the September 26, 2016 Planning Commission hearing.

## **LEGAL REVIEW**

The City Attorney has reviewed the draft ordinance and resolutions and they have been approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. Mailed notice. A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map). Notice was also mailed to all tenants within the existing retail/office center on the property.
2. On-site posting. A public notice was posted on each street frontage of the project site.
3. Newspaper publication. A public notice was published once in the Daily Pilot newspaper.

## **ALTERNATIVES**

1. Recommend that the City Council approve the request. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution and ordinance incorporating new findings and/or conditions.
2. Recommend that the City Council deny the request. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months. The existing General Plan and Zoning designations would remain in place.

## **CONCLUSION**

Approval of the request will allow future development of a 11-unit detached residential ownership development consistent with proposed General Plan and Zoning designations. Therefore, staff recommends approval of the project.



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MEL LEE, AICP  
Senior Planner



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GARY ARMSTRONG, AICP  
Economic Development & Development  
Services Director/Deputy CEO

- Attachments:
1. Location and Radius Maps
  2. Site Photos
  3. Applicant's Project Description and Conceptual Site Plan
  4. Draft Resolution and Ordinance
  5. Initial Study/Negative Declaration (Under Separate Cover)

Distribution:

Director of Economic & Development Services/Deputy CEO  
Interim Assistant Development Services Director  
Senior Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst

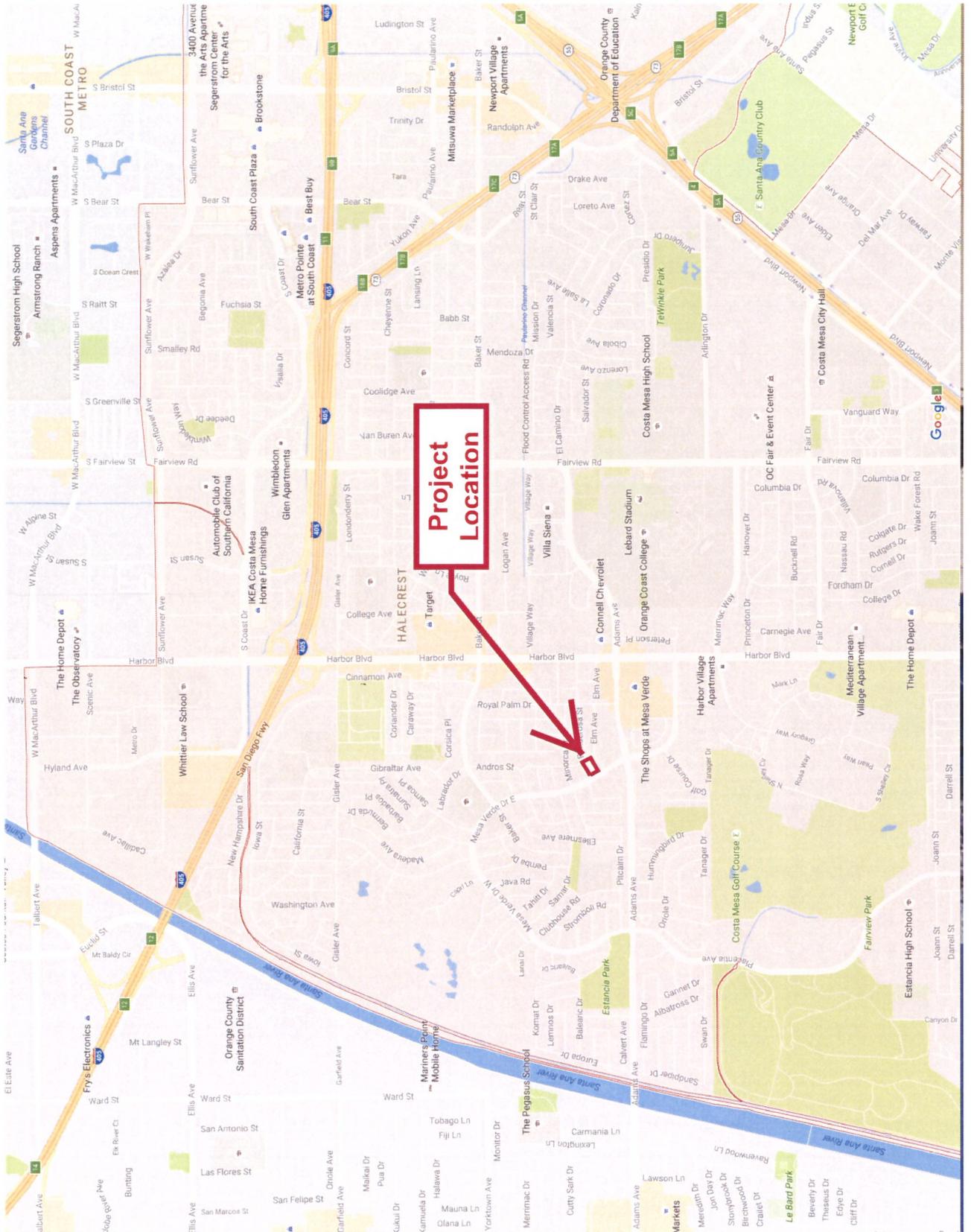
Pinnacle Residential  
Attn: David Graves  
2 Venture, Suite 200  
Irvine, CA 92618

Donald S. Ellis  
Trustee Donald S. Ellis Trust  
P.O. Box 538  
Del Mar, CA 92014

Paul Leonard and Dorit Ann Leonard  
Trustees Leonard Family Trust  
2934-1/2 Beverly Glen Circle, No. 300  
Los Angeles, CA 90077

First Carbon Solutions  
Attn: Frank Coyle, Director  
250 Commerce, Suite 250  
Irvine, CA 92602

EXHIBIT 1



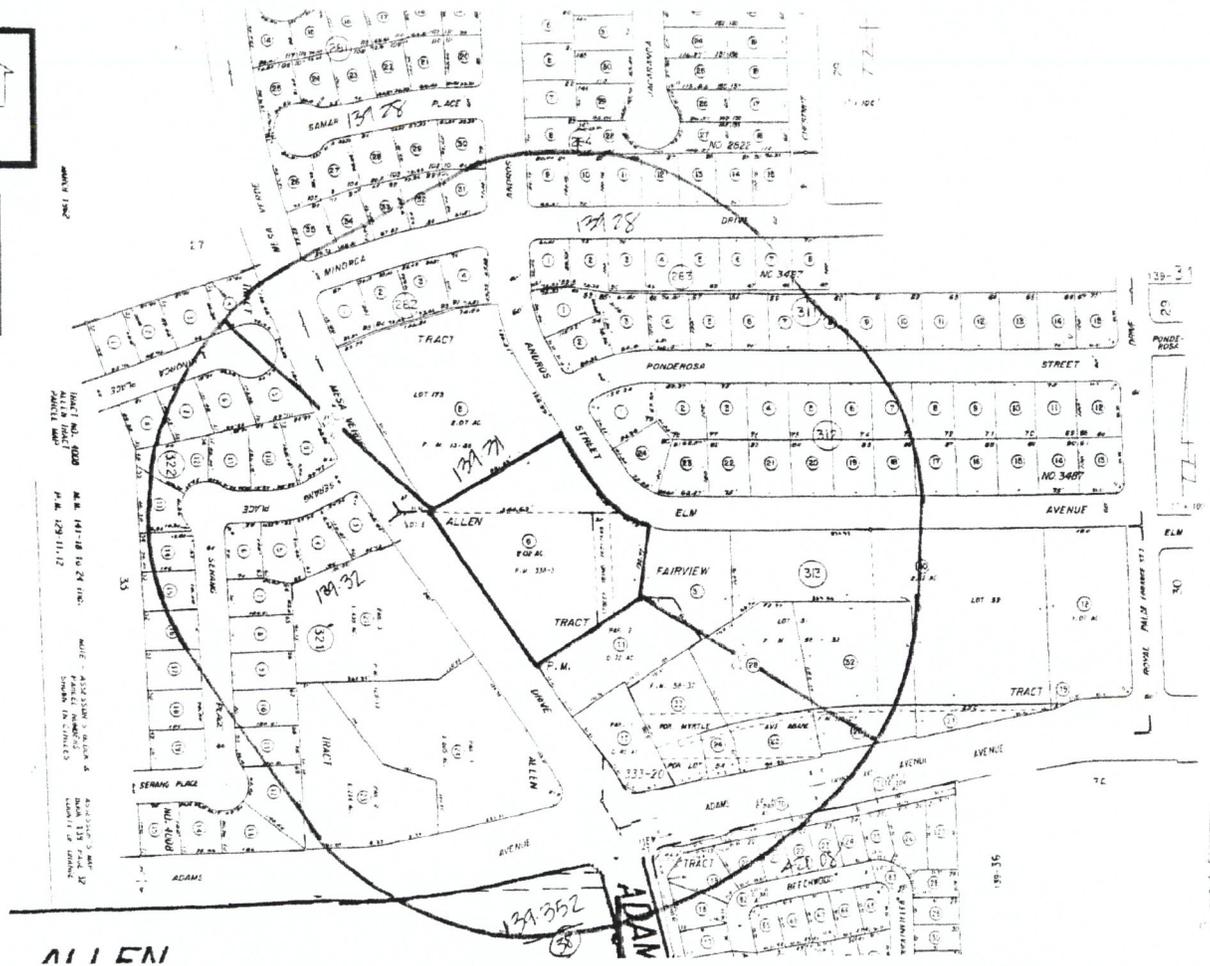


File # 163431 - Prepared 08/31/2016

2850 Mesa Verde Drive East  
 Costa Mesa CA  
 APN(s): 139 313 09  
 500' Owner



Map Preparer:  
 SUSAN W. CASE, INC.  
 917 GLENNEYRE ST #7  
 LAGUNA BEACH CA 92651  
 949 494 6105  
 orders@susancaseinc.com



ALLEN









## **Project Description**

### **Project Location**

The project site is located at 2850 Mesa Verde Drive East in the northwestern portion of the City of Costa Mesa, in the County of Orange; refer to Exhibit 1. Specifically, the site is located east of Mesa Verde Drive East and north of Adams Avenue; refer to Exhibit 2. The site is located approximately 2.0 miles northwest of the Pacific Ocean. Regional access to the site is provided via Interstate 405 (1-405), which is located approximately one mile to the north. Harbor Boulevard, which is located approximately half a mile east of the site, also provides regional access. Local access to the site is provided via Adams Avenue and Mesa Verde East Drive.

### **Environmental Setting**

The project site (Assessor Parcel Numbers 139-313-08) consists of one parcel totaling approximately 2.07 acres. The site is relatively flat with onsite elevation of approximately 105 feet above mean sea level. The project site contains commercial offices in two buildings totaling approximately 24,644 square feet, and approximately 98 surface parking spaces.

Primary site access is provided via Mesa Verde Drive East. The site is currently separated from the residential properties to the north by a block wall and from the commercial buildings to the south by a landscaped planter. Onsite water and sewer are provided by Mesa Water District and Costa Mesa Sanitary District.

### **General Plan and Zoning**

#### **General Plan**

The existing General Plan land use designation for the project area is General Commercial. The proposed General Plan land use designation is Low-Density Residential. Low-Density Residential areas generally are intended to accommodate single-family residences on their own parcels. Other housing types include attached housing that provide a greater portion of recreation or open space than typically found in multi-family developments, and clustered housing which affords the retention of significant open space. Low-density Residential areas are intended to accommodate family groups and outdoor living activities in open space adjacent to dwellings. In order to avoid land use conflicts, these areas should be located away from or protected from the more intense non-residential areas and major travel corridors. Pursuant to the Costa Mesa General Plan, the density for this land use designation shall be up to eight units to the acre.

## Zoning

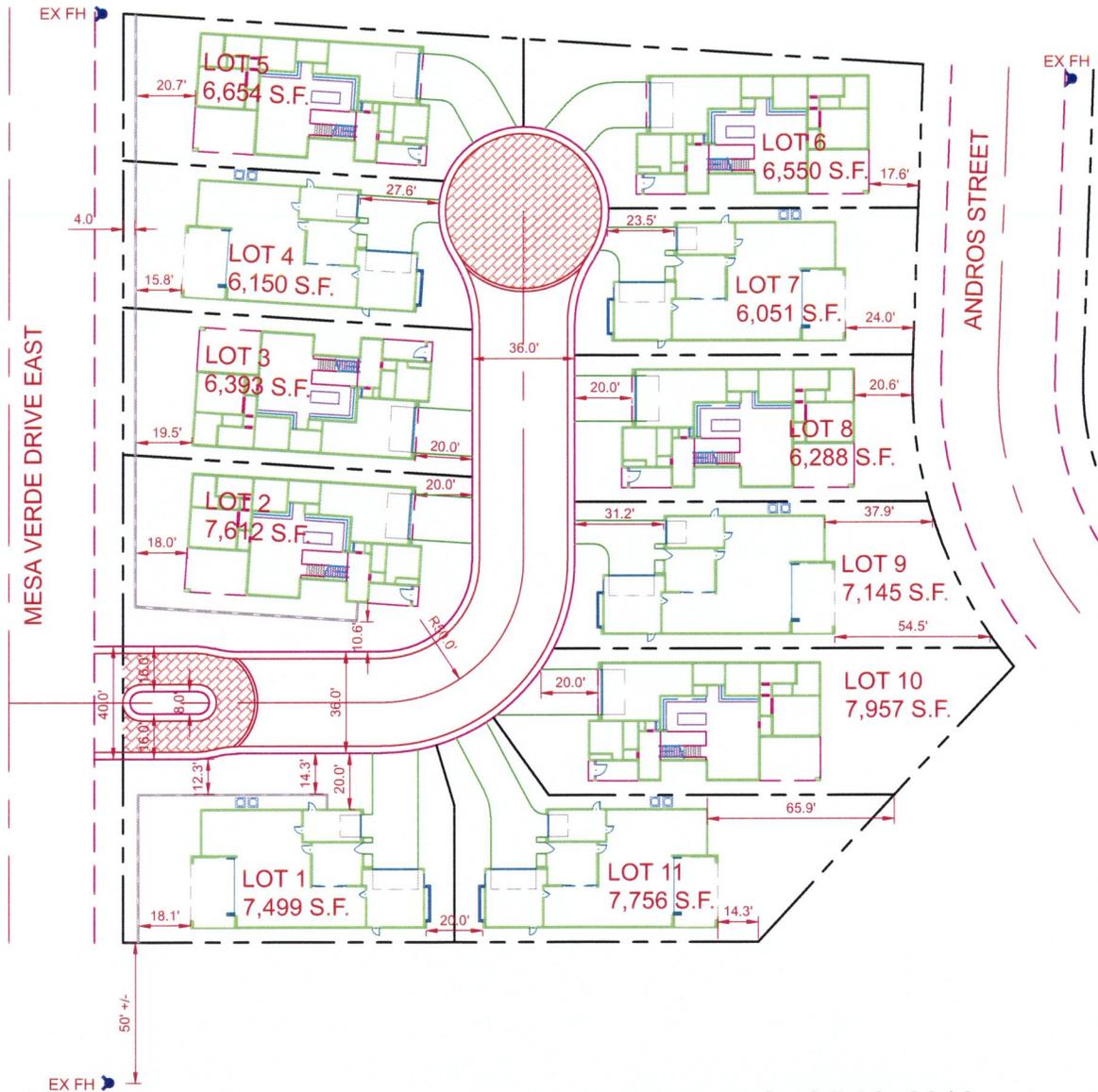
According to the Official Zoning Map, the project site is zoned C1 (Local Business). A rezone (or change) of the zoning classification of the 2.05-acre development site from C1 (Local Business) to R1 (Single Family District) is proposed. The proposed rezone to R1 (Single Family District) would be compatible with the existing Low Density Residential General Plan designation for the project site.

## Surrounding Zoning

Surrounding land uses generally consist of commercial and residential uses. Land uses immediately adjacent to the project site consist of the following:

- **North:** Single Family residential uses are located to the north. These residential uses are zoned R1 (Single - Family Residential).
- **East:** Single Family residential uses are located to the east. These residential uses are zoned R1 (Single - Family Residential).
- **South:** Commercial uses are located to the south. These properties are zoned C1 (Local Business).
- **West:** Commercial uses are located to the south. These properties are zoned C1 (Local Business).

# 2850 MESA VERDE DRIVE EAST CONCEPTUAL SITE PLAN EXHIBIT



Date: AUGUST 22, 2016

Scale: 1" = 40'

RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT CITY COUNCIL TAKE THE FOLLOWING ACTIONS: (1) ADOPT THE INITIAL STUDY/NEGATIVE DECLARATION; (2) ADOPT GENERAL PLAN AMENDMENT GP-16-05 CHANGING THE LAND USE DESIGNATION OF A 2.07 ACRE SITE FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (LDR) LOCATED AT 2850 MESA VERDE DRIVE EAST; (3) GIVE FIRST READING TO REZONE R-16-05 TO CHANGE THE ZONING DISTRICT FROM C1 (LOCAL BUSINESS DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT) LOCATED AT 2850 MESA VERDE DRIVE EAST

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

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

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

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

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

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

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

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

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

WHEREAS, the General Plan Amendment approval is pending the adoption of Ordinance No. 16-\_\_\_ for Rezone R-16-05 (Exhibit 2);

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

WHEREAS, the Planning Commission recommended to the City Council approval of the abovementioned land use entitlements;

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

WHEREAS, the Planning Commission considered the Initial Study/Negative Declaration and Responses to Comments document, as well as public comments received to date, on or before the September 26, 2016 public hearing, prior to making a recommendation to approve the proposed project;

WHEREAS, the final adoption of the Initial Study/Negative Declaration shall be considered by the City Council as the final approval authority, after evaluation of the environmental document and all comments on the IS/ND received during the public review period;

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

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

WHEREAS, the Planning Commission has reviewed the environmental documentation comprising the Initial Study/Negative Declaration and has found that the Initial Study/Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the Planning Commission has found that the Initial Study/Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa;

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **RECOMMENDS THAT CITY COUNCIL** take the following actions:

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

BE IT FURTHER RESOLVED that the 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 General Plan Amendment GP-16-05 and Rezone R-16-05, and upon the applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 26<sup>th</sup> day September, 2016

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



**EXHIBIT 2 –  
ORDINANCE NO. 16-**

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

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

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

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

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

WHEREAS, at the September 26, 2016 meeting, the Planning Commission recommended that City Council take the following actions by separate Planning Commission resolution;

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

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

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

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

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

WHEREAS, the City Council has reviewed all environmental documents comprising the Initial Study/Negative Declaration and has found that the Initial Study/Negative Declaration considers all environmental impacts of the proposed project and a reasonable range of alternatives, and the Initial Study/Negative Declaration is complete, adequate, and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines;

WHEREAS, the Initial Study/Negative Declaration for this project reflects the independent judgment of the City of Costa Mesa;

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

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

1. There is hereby placed and included in the R1 (Single Family Residential District) zoning district a 2.07 -acre parcel, identified as County Assessor Parcel Number 139-313-09 and as shown in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.
2. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the

change of zone described in subsection #1 above and in the findings in respective Exhibit A. A copy of the Official Zoning Map is on file in the office of the Planning Division.

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

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

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

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STEPHEN M. MENSINGER

Mayor, City of Costa Mesa



## EXHIBIT A

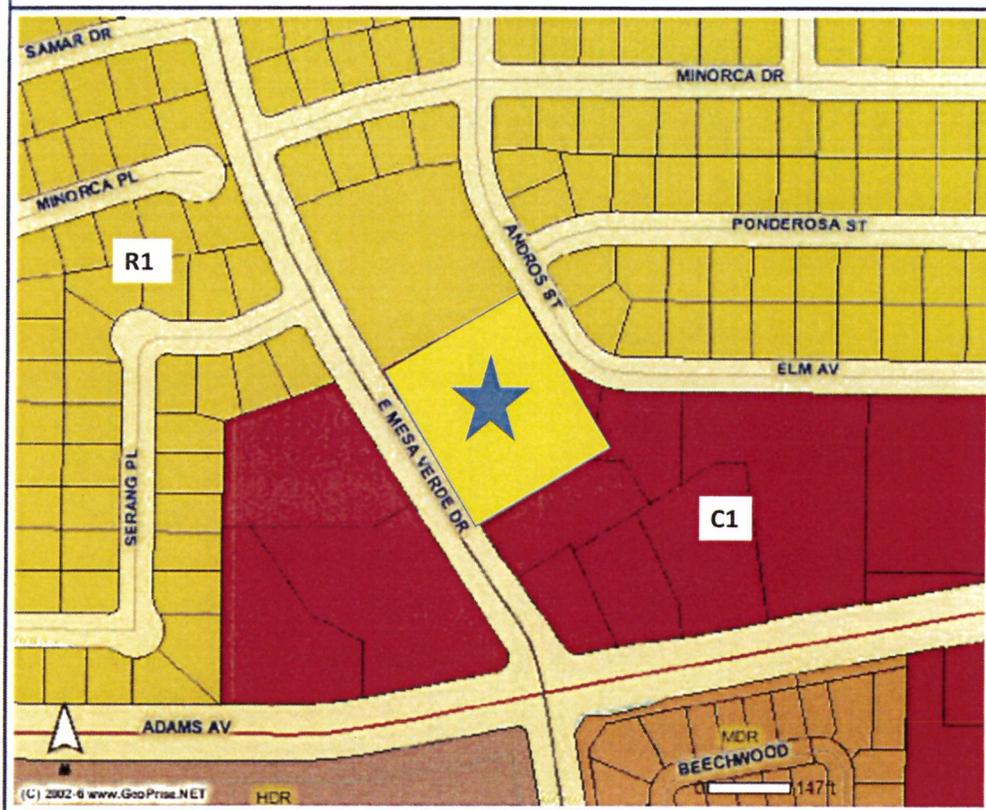
### FINDINGS (APPROVAL)

- A. **Required Finding:** The proposed rezone is consistent with the Zoning Code and the General Plan.
- **Facts In Support of Findings:** The proposed rezone is consistent with the Zoning Code and the General Plan. The proposed project will be required to meet or exceed the intent of the City's Zoning Code with regard to the development standards for the R1 zone, including density, setbacks, lot size, and on-site parking. The proposed General Plan land use designation for the project area is Low Density Residential (8 dwelling units to the acre maximum), which is compatible with the proposed zone change to R1. The proposed 11-unit project provides a maximum density of 5 dwelling units to the acre. The maximum density is based on the gross acreage of the site.

**EXHIBIT B**

**Amendment to the Zoning Map**

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



**EXHIBIT B**

**CONDITIONS OF APPROVAL**

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

## SECTION 5: INVENTORY OF STANDARD CONDITIONS

## EXHIBIT C

### 5.1 - Standard Conditions

#### 5.1.1 - Aesthetics

SC 4.1.1-1 Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:

- The mounting height of lights on light standards shall not exceed 18 feet in any location on the project site unless approved by the Development Services Director.
- The intensity and location of lights on buildings shall be subject to the Development Services Director's approval.
- All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
- Lighting design and layout shall limit spill light to no more than 0.5-foot candle at the property line of the surrounding neighbors, consistent with the level of lighting that is deemed necessary for safety and security purposes on site.
- Glare shields may be required for select light standards.

#### 5.1.2 - Air Quality

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

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

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

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

**SC-4.3-2** SCAQMD Rule 445 prohibits permanently installed wood burning devices into any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or a similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

**SC-4.3-3** The project shall comply with Title 24 of the California Code of Regulations established by the energy conservation standards. The project Applicant shall incorporate the following in building plans:

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

**SC 4.3-4** The Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by the AQMD.

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

### **5.1.3 - Biological Resources**

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

### **5.1.4 - Cultural Resources**

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

**SC 4.5-2** In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be temporarily halted or redirected to permit a qualified paleontologist to assess the find for significance and, if necessary, develop a paleontological resources impact mitigation plan (PRIMP) for the review and approval by the City prior to resuming excavation activities.

**SC 4.5-3** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

### 5.1.5 - Geology and Soils

**SC 4.6-1** The Applicant shall comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code 2013 California Green Building Standards Code, and the 2013 California Energy Code (or the applicable adopted California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code at the time of plan submittal or permit issuance), and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Areas of alteration and additions shall comply with 2013 California Green Building Standards Code section 5.303.2 and 5.303.2.

**SC 4.6-2** Prior to the issuance of Grading Permits, the project Applicant shall provide the City of Costa Mesa Department of Building Safety with a geotechnical investigation of the project site detailing recommendations for remedial grading in order to reduce the potential of onsite soils to cause unstable conditions. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Department of Building Safety.

**SC 4.6-3** The Applicant shall submit a Soils Report for this project. Soils Report recommendations shall be blueprinted on both the architectural and grading plans. For existing slopes or when new slopes are proposed, the Soils Report shall address

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

**SC 4.6-4**

The project shall comply with the NPDES requirements, as follows:

- Construction General Permit Notice of Intent (NOI) Design: Prior to the issuance of preliminary or precise grading permits, the project applicant shall provide the City Engineer with evidence that an NOI has been filed with the Storm Water Resources Control Board (SWRCB). Such evidence shall consist of a copy of the NOI stamped by the SWRCB or Regional Water Quality Control Board (RWQCB), or a letter from either agency stating that the NOI has been filed.
- Construction Phase Storm Water Pollution Prevention Plan (SWPPP): Prior to the issuance of grading permits, the applicant shall prepare a SWPPP that complies with the Construction General Permit and will include at a minimum the following:
  - Discuss in detail the BMPs planned for the project related to control of sediment and erosion, non-sediment pollutants, and potential pollutants in non-storm water discharges;
  - Describe post-construction BMPs for the project;
- Explain the maintenance program for the project's BMPs
- List the parties responsible for the SWPPP implementation and the BMP maintenance during and after grading. The project Applicant shall implement the SWPPP and modify the SWPPP as directed by the Construction General Permit.

### 5.1.6 - Hazards and Hazardous Materials

**SC 4.8-1**

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

**SC 4.8-2**

During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1529, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos. Asbestos-contaminated debris and other wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.

**SC 4.8-3**

During demolition, grading, and excavation, workers shall comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1, which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead. Lead-contaminated debris and other

wastes shall be managed and disposed of in accordance with the applicable provision of the California Health and Safety Code.

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

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

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

Implement required corrective actions, including remediation if applicable.

### 5.1.7 - Hydrology and Water Quality

Refer to Standard Condition 4.6-4 above.

SC 4.9-1 In order to comply with the 2003 DAMP, the proposed project shall prepare a Storm Drain Plan, Stormwater Pollution Prevention Plan (SWPPP), and Water Quality Management Plan (WQMP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Services for review and approval.

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

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

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

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

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

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

### 5.1.8 - Noise

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

### 5.1.9 - Public Services

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

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

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

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

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

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

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

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

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- SC 4.14-9** As final building plans are submitted to the City of Costa Mesa for review and approval, the Costa Mesa Police Department shall review all plans for the purpose of ensuring that design requirements are incorporated into the building design to increase safety and avoid unsafe conditions. These measures focus on security measures that are recommended by the Police Department, including but not limited to the following:
- Lighting shall be provided in open areas and parking lots.
  - Required building address numbers shall be readily apparent from the street and rooftop building identification shall be readily apparent from police helicopters for emergency response agencies.
  - Landscaping requirements.
  - Emergency vehicle parking areas shall be designated within proximity to buildings.
  - Prior to the issuance of a Building Permit, the City of Costa Mesa Police Department shall review and approve the developer's project design features to satisfy local requirements. The applicant shall then pay the appropriate fee in effect to mitigate the project's proportionate impact to additional demands on police protection services, if any.
- SC 4.14-10** Prior to issuance of building permits, the Developer shall pay applicable school impact fees for residential development.

#### 5.1.10 - Transportation/Traffic

- SC 4.16-1** The project Applicant shall be responsible for the payment of fees in accordance with Costa Mesa's traffic impact fee program to mitigate project-generated traffic impacts (including regional traffic).
- SC 4.16-2** Prior to the start of construction, a Construction Access and Circulation Plan shall be prepared and approved by the City Traffic Engineer to ensure that construction traffic will not impact Harbor Boulevard and other public roadways in the site vicinity.

#### 5.1.11 - Utilities and Service Systems

- SC 4.17-1** Applicant will be required to construct sewers to serve the project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.
- SC 4.17-2** County Sanitation District fees, fixtures fees, inspection fees, and sewer permit are required prior to installation of sewer.
- SC 4.17-3** The Applicant shall submit a plan showing sewer improvements that meets the District Engineer's approval to the Building Division as part of the plans submitted for plan check.
- SC 4.17-4** The Applicant is required to contact the Costa Mesa Sanitary District to arrange final sign-off prior to Certificate of Occupancy being released.

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**SC 4.17-5**

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

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RESOLUTION NO. PC-16-

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

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

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

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

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

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **RECOMMENDS DENIAL** of General Plan Amendment GP-16-05, and Rezone R-16-05.

PASSED AND ADOPTED this 26th day of September, 2016

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



## EXHIBIT A

### FINDINGS (DENIAL)

- A. The proposed rezone and general plan amendment is not consistent with the Zoning Code and the General Plan.
- B. The Costa Mesa Planning Commission has denied General Plan Amendment GP-16-05 and Rezone R-16-05. Pursuant to Public Resources Code Section 21080(b) (5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**NOTE: ATTACHMENT 5 TO THIS REPORT IS UNDER SEPARATE COVER**  
**[Please click here for the link to the IS/ND document](#)**

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**COLGAN, JULIE**

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**Subject:** RE 2850 Mesa Verde Dr E

**From:** Tiffany V [<mailto:vanel4@gmail.com>]  
**Sent:** Thursday, September 22, 2016 3:06 PM  
**To:** LEE, MEL <[MEL.LEE@costamesaca.gov](mailto:MEL.LEE@costamesaca.gov)>  
**Subject:** RE 2850 Mesa Verde Dr E

Hello,

I live and work in Costa Mesa and I would like to voice my concern for this space being re-zoned & torn down and turned in to residences. It is absolutely ridiculous to take a well-established, clean, non-druggie/non-hooker area that houses specialty medical, religious, and professional services and turn it into more residences. In order to get something equivalent for the businesses, they would all need to locate to different cities. This means their patrons will have to go to different cities. We should not have to go from a nice local feel, where our services are within walking distance or a very short drive to being nothing but houses and having to drive far to go to the established small businesses we aim to support. We are trying to support our small local businesses and you are trying to force them out. Let's face it, finding a nice, quiet, clean, friendly type of building like this is rare in this part of the city, and thus greatly needed. It has either strip malls or the corner shops that really should be torn down. Aside from the business loss, we do not need more of these new residences. Look at the current vacancies and the infrastructure. Again, I wish to voice my concerns for any type of re-zoning or sale of the property at 2850 Mesa Verde Dr E.

Regards,

Tiffany Van Drimlen

In Memory of Jenny & Sam,

Please donate to the Cystic Fibrosis Foundation or sponsor our walk for Team Jenny at:

[www.TeamJenny.info](http://www.TeamJenny.info)

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[www.LikewiseKidsEshop.com](http://www.LikewiseKidsEshop.com)

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[Simply Locals](http://SimplyLocals)

PH-1

**COLGAN, JULIE**

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**Subject:** GP Admendment GP-16-05 / Rezone R-16-05

**From:** Elaine Dethlefsen [<mailto:eddeth@aol.com>]  
**Sent:** Monday, September 26, 2016 12:09 PM  
**To:** LEE, MEL <[MEL.LEE@costamesaca.gov](mailto:MEL.LEE@costamesaca.gov)>  
**Subject:** GP Admendment GP-16-05 / Rezone R-16-05

Dear Sir:

**I am strongly opposing the approval of GP-16-05 / Rezone R-16-05.**

There is still construction going on at the project right next door, the Miravel project. This project is not finished, and all of the homes have not been sold. So, why do we need another project going on at the same time?

Right now in the Mesa Verde area, there are numerous homes available. One realtor has over twelve homes available at any given time. There are also multiple realtors listing homes all the time. There are always homes for rent throughout the neighborhood. So why do we need more houses?

Once again, this proposed project does not meet the needs of senior citizens, and will not meet the needs of middle-income families. Why isn't there a greater effort to attract builders that will build homes that will BLEND in with the existing homes? The projects that are being approved in Costa Mesa right now are destroying the neighborhoods of this city. There is such a conglomeration of architecture being build in the city at this time, that it looks like the planning committee is using a dart board to make decisions. Does anyone think of the long term affect on the surrounding neighborhood? The types of apartments/ homes being built right now are ugly, sorry, there is not any other way to describe these apartment buildings and homes. Their design looks like a five year old' drawing of a square. Why aren't any single story homes being built?

There is also the environmental component to consider. I cannot believe that the planning committee can say that there will not be a negative impact. I live at the end of Ponderosa next to both projects. It has been almost a year since the Miravel project started. I have had to put up with dirt, unbelievable noise, increased parking from the construction crew. and the utilities' crew. The addition of extra utilities meant tearing up streets, and more traffic. I walk out my door and I see a blank wall, houses that still have roofing material on the top of the roof. I thought the city was going to put in taller trees. The trees on Andros were put in twenty-five years ago and they are still the same size as they were when they were put in. They do not block any anything. So, is this what I have to look forward to, blank walls two stories high? Where is the water coming from? Again, with the addition of new housing/apartment projects, this puts more demand on all utility and protection services. That means the demand goes up and therefore taxes goes up. This will adversely affect the community with increased taxes and costs. This affects every citizen! This may seem trivial to you, but I have respiratory issues and the Miavel project and the proposed project has and will definitely affected my health. Now, if you approve the rezoning and building of another housing project, there will be another year or more, of problems.

Thank you for your time and effort regarding this letter. I am truly upset by the direction the way the city is proceeding regarding building projects.  
Elaine Dethlefsen  
1628 Ponderosa St.  
Costa Mesa, CA