

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk-Recorder
County of Orange
P.O. Box 238, Santa Ana, CA 92702-0238

From: City of Costa Mesa
Development Services Dept.
77 Fair Drive, P.O. Box 1200
Costa Mesa, CA 92628

\$50 Filing Fee Attached
 No Fee – City projects exempt from filing fee

Project Title: 1540 Superior Avenue Live/Work

Project Location: 1540 Superior Avenue, Costa Mesa, CA 92627

Project Location – City: Costa Mesa

Project Location – County: Orange

Description of Nature, Purpose, and Beneficiaries of Project:

The in-fill project includes demolishing the existing industrial building, Tentative Tract Map 19246, and Master Plan (PA-22-31) to facilitate the construction of nine live/work dwellings with a maximum height of 42 feet and FAR of 0.98. The project site is approximately 0.44 acres.

Name of Public Agency Approving Project: City of Costa Mesa

Name and Address of Person or Agency Carrying Out Project: Berk Properties, LLC represented by David Davutoglu. 428 Old Newport Blvd. Newport Beach, CA. 92663

Exempt Status: (Check One)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: CEQA Guidelines Section 15332 (Class 32 – In-Fill Development)
- Statutory Exemptions. State code number:

Reasons why project is exempt:

The Class 32 exemption, In-Fill Development, applies since the project is less than 5 acres, includes no significant environmental effects, is consistent with the Mixed-Use Overlay, General Plan and Zoning Code, has adequate utilities, and is not a valuable habitat to endangered species.

Lead Agency Contact Person: Jeffrey Rimando Phone: 714-754-5012

Signature:  Date: 10/10/23 Title: Assistant Planner

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

FISH & GAME FEES: Pursuant to Section 711.4(c)(2)(A) of the California Fish and Game Code, the project is exempt from fees since it is exempt from CEQA.

30-10|11|2023-0875

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



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Filed with the County Clerk: Yes No

Date Filed: _____

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RESOLUTION NO. PC-2023-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-31 AND TENTATIVE TRACT MAP NO. 19246 (PTTM-23-0001) FOR A MASTER PLAN FOR A NINE-UNIT LIVE/WORK DEVELOPMENT AT 1540 SUPERIOR AVENUE

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 22-31 was filed by David Davutoglu, authorized agent for the property owner, Berk Properties, LLC, requesting approval of the following: Master Plan and Tentative Tract Map for a proposed nine unit live/work residential development. The project proposes to demolish the industrial development, and to construct nine new live/work units with attached garages and open parking spaces. Each unit will be three floors (plus a roof deck) and will be 42 feet in height. In addition, the project proposes a variety of site improvements including new hardscape and landscaping. The subject property is proposed to be subdivided under Tentative Tract Map 19246.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 9, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 (Class 32), for In-Fill Development.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 22-31 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-31 and upon

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.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document 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 9th day of October, 2023.



Adam Ereth, Chair
Costa Mesa Planning Commission

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STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023-25 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on October 9, 2023 by the following votes:

AYES: Ereth, Toler, Andrade, Klepack, Rojas, Vivar

NOES: Zich

ABSENT: None

ABSTAIN: None



Scott Drapkin, Secretary
Costa Mesa Planning Commission

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Resolution No. PC-2023-25

OCT 11 2023

EXHIBIT A

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FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-83.53(c), Master Plan Finding for Mixed-Use Overlay Districts because:

Finding: The project is consistent with the general plan, meets the purpose and intent of the mixed-use overlay district, and the stated policies of the urban plan as applicable.

Facts in Support of Findings: The project is consistent with the General Plan in that the proposed development will encourage ownership housing, promote land use patterns and development that contribute to the community, facilitate the development of housing that meets the housing needs of different segments of the population, and to encourage well planned and designed mixed-use projects.

Finding: The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas in areas including, but not limited to, patios, balconies, roof terraces, walkways, and landscaped areas.

Facts in Support of Finding: The project includes adequate open space areas and each unit is proposed to include private open space including a second story deck attached to the main living area ranging between 90 to 145 square feet. In addition, each unit is proposed to include a roof deck ranging between 145 to 189 square feet. Lastly, the site as a whole will be developed with significantly more landscaping than the existing development, and is in compliance with the Landscaping requirement of the Urban Plan.

Finding: The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations.

Facts in Support of Finding: The project is compatible with standards for residential development in that the development will protect residents from excessive noise, odors, vibration, light and glare, and toxic emanations. The applicant has supplied technical studies including a Noise Study, Phase I Environmental Assessment, and a Health Risk Assessment. The noise study was certified by a qualified acoustical engineer and indicated that the proposed construction will meet the City's Noise Ordinance requirements with standard construction techniques, specifically that interior noise levels will be 45 CNEL or less. The Phase I Environmental Assessment's reported that the site did not include toxic substances and that the project does not require any remediation. Finally, the Health Risk Assessment evaluates the potential health risk impacts of locating new residential units near surface streets and State highways. The evaluation was conducted and found that all potential contaminates are below the residential threshold and therefore, that no

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mitigating measures would be required. Therefore, the project is compatible with health standards required for residential development.

Finding: The proposed residences have adequate separation and screening from adjacent commercial/industrial uses through site planning considerations, structural features, landscaping, and perimeter walls.

Facts in Support of Findings: The project has adequate separation and screening from adjacent commercial and industrial uses. The closest industrial uses are to the left (north) and rear (east) of the proposed development behind existing block walls. The proposed northern building is located approximately five feet from the northern property line, and the adjacent use is a self-storage facility which will have minimal impact on the live/work units. The rear (east) property line is adjacent to an automotive use and is separated from the live/work units by approximately 30 feet.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-85.53 (d), Findings for a Deviation from Development Standards because:

Finding: The strict interpretation and application of the mixed-use overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent of the general plan and urban plan, while the deviation to the regulation allows for a development that better achieves the purposes and intent of the general plan and urban plan.

Facts In Support of Findings: The 19 West Urban Plan allows for the project to seek a deviation from the required lot size if all other standards are met. The minimum lot size is one-acre while the proposed lot size is 0.44 acres. As proposed, the project complies with all required standards with the exception of the minimum lot size requirement. The project succeeds in providing nine live/work units on a site less than one acre and meets the intent of the General Plan and Urban Plan in that quality live/work housing is provided and in exchange for the deviation, high quality landscaping is provided which exceeds the required number of plants and the project focuses on pedestrian connectivity by facing nearly half of the unit's storefronts toward Industrial Way.

Finding: The granting of a deviation results in a mixed-use development which exhibits excellence in design, site planning, integration of uses and structures and compatibility standards for residential development.

Facts in Support of Finding: The deviation for the development on a lot less than one-acre results in a development which exhibits excellence in design and site planning. The project includes well-crafted live/work units which complement the neighborhood and the City as a whole. The provision of extra landscaping, and the units facing Industrial Way with large open storefronts contributes to the project design excellence. The project complies with all

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other applicable Urban Plan standards and policies and therefore is compatible.

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Finding: The granting of a deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Facts in Support of Finding: The deviation will allow for a live/work development on 0.44 acre parcel which is less than the required one acre minimum. As required for all live/work projects, various studies have been provided which demonstrate that the project is compatible with all required health standards. In addition, the project will not negatively impact public health, safety, and welfare in that the project will comply with all building and fire code requirements.

- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(13), Findings for a Tentative Tract Map because:

Finding: The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.

Facts in Support of Findings: The proposed parcel map is consistent with General Plan Land Use Objectives LU-1A, LU-2A, and Policies LU-1.3 HOU-2.1 and HOU-3.2, in that adequate infrastructure exists to serve the proposed project; the subdivision allows for a project that would promote homeownership opportunities and improve the balance between rental and ownership housing in the City. The subdivision would allow for a redevelopment live/work project that improves the neighborhood with updated architectural aesthetics and landscaping. The parcel map would allow for a new live/work project that would not exceed the maximum allowable density of 20 units per acre and, therefore, would be consistent with the General Plan and 19 West Urban Plan. The project design would comply with all other development standards for a 19 West Urban Plan with the exception of the deviation requested for the minimum lot size. The project would provide additional market rate housing units consistent with satisfying the City's required Regional Housing Needs Assessment (RHNA).

Finding: The proposed use of the subdivision is compatible with the General Plan.

Facts in Support of Finding: The subject property has a General Plan land use designation of Light Industrial and is located within the 19 West Urban Plan overlay zone, which allows live/work residential uses at a maximum of 20 dwelling units per acre. The Floor Area Ratio (FAR) for the live/work project is 0.98 which is within the allowable FAR of 1.0 of the General Plan. The tract map proposes a live/work use that does not exceed the maximum density allowed per the General Plan and therefore, the proposed use is compatible with the General Plan.

Finding: The subject property is physically suitable to accommodate the subdivision in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the

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Zoning Code and General Plan, and consideration of appropriate environmental information.

Facts in Support of Finding: The existing property is relatively flat and suitable to accommodate nine new live/work units. The overall design reflects a quality project that is consistent with the intent of the Urban Plan, Zoning Code, and General Plan. The project studies have demonstrated that the project will not result in environmental damage nor public health problems.

Finding: The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by State Government Code section 66473.1.

Facts in Support of Findings: The Subdivision would meet the applicable live/work development standards including minimum open space for the development. The project includes windows which will allow for passive heating and cooling. The buildings generally feature windows in the north and south orientation which will allow for the prevailing sea breezes to flow through the structure. The inclusion of new trees will also provide additional shade throughout the property.

Finding: The division and development will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.

Facts in Support of Finding: The project has been reviewed by the Public Works Department and there are no anticipated conflicts with the public rights-of-way or other public easements.

Finding: The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).

Facts in Support of Finding: The applicant will be required to comply with all regulations set forth by the Costa Mesa Sanitation District as well as the Mesa Water District.

- D. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32), In-Fill Development. Under Class 32, a project site must be less than five acres in area, have no significant environmental effects, be consistent with the General Plan and Zoning Code, have adequate utilities to serve the site, have no valuable habitat for endangered species, will not result in significant effects relating to traffic, noise, air quality, or water quality, and the site must be adequately served by all required utilities and public services is exempt from the provisions of CEQA.

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The proposed project meets the aforementioned CEQA exemption conditions as described below:

- The project is consistent with the mixed-use overlay zoning designation and the General Plan because it proposes less units than allowed by the Urban Plan maximum density (20 units per acre). In addition, the project complies with all zoning requirements including, open space, height, lot coverage, setbacks, and parking requirements.
- The proposed development occurs entirely within the City of Costa Mesa on a lot size of 19,147 square feet (0.44 of an acre).
- The existing disturbed project site has no value as a habitat for endangered, rare, or threatened species and includes two industrial developments, associated parking lots, and additional paving.
- Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Studies have been provided which indicate that there are no hazardous materials that require mediation, that the air quality of the proposed developments is within required thresholds, and that the noise associated with the project complies with the City's noise ordinance. The anticipated project daily trips is 128, which can be accommodated by the existing traffic infrastructure. In regards to short term noise related to construction, construction activities generally are temporary and have a short duration, resulting in periodic increases in the ambient noise environment. Ground-borne noise and other types of construction-related noise impacts would typically occur during the site grading phase. Generally, this phase has the shortest duration of all construction phases. High ground borne noise levels and other miscellaneous noise levels can be created during this phase due to the operation of graders, tractors, and backhoes. Although sensitive receptors may be exposed to increased noise levels during project construction, Municipal Code Section 13-279 permits construction activities between 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities are not allowed on Sundays or Federal holidays.
- The current uses on-site are adequately served by all required utilities and public services and these existing services can also accommodate the proposed live/work development.

Based on this analysis, the proposed live/work development project meets all criteria for a Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332.

- E. The project is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

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EXHIBIT B

CONDITIONS OF APPROVAL

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- Plng. 1. Approval of Planning Application 22-31 and Tentative Tract Map No. 19246 is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
2. The conditions of approval for PA-22-31 and Tentative Tract Map No. 19246 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Developer shall market and offer these units as live/work units to potential buyers. Model homes, if established, shall furnish work spaces in a manner that demonstrates the work component of the project. Marketing materials including but not limited to print and electronic media shall feature prominently and clearly identify the work component of the project and disclose that the ground floor workspaces for the live/work units are designed to be utilized as workspaces to potential buyers. Buyers shall be informed in writing that the work spaces shall be maintained as a workspace and not converted to a living, bedroom or recreational space.
4. The live/work units shall comply with all applicable requirements of the Mesa West Bluffs Urban Plan as they pertain to allowable uses identified in the Urban Plan Land Use Matrix.
5. The applicant and future homeowners shall contract with a waste disposal company that will provide full on-site trash, recyclable, and organics collection. Access for disposal collection shall be provided from the rear parking area. There shall be no storage of trash bins or cans on public streets with the exception of temporary use of the right-of-way for rolling containers or loading to large trash trucks.
6. A "Notice to Buyers" shall disclose that the project is located within an area designated as Light Industry in the City of Costa Mesa General Plan and is subject to existing and potential annoyances or inconveniences associated with industrial land uses. The Notice shall disclose the existing surrounding industrial land uses, including but not limited to, operational characteristics such as hours of operation, delivery schedules, outdoor activities, and noise and odor generation. In addition, the Notice shall state

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OCT 11 2023

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that the existing land use characteristics are subject to change in the event that new businesses move or existing businesses change ownership.

The Buyer's Notice shall also reinforce the definition of live/work units as follows:

"Live-work Units: A mixed-use development composed of commercially- or industrially-oriented joint work and living quarters in the same building, where typically the **primary use is a place of work** and where there are separately-designated residential and work areas. A live/work unit will have adequate work space reserved for, and regularly used by, the resident for work purposes."

7. The Buyer's Notice shall be reviewed/approved by the City Attorney's office and Development Services Director prior to recordation. The Buyer's Notice shall serve as written notice of the then existing noise environment and any odor generating uses within the mixed-use development and within a 500-foot radius of the mixed use development, as measured from the legal property lines of the development lot. The Buyer's Notice shall also indicate that business operations in the live/work units shall be consistent with the land use matrix of the Urban Plan subject to zoning authorization and obtaining a business license. The Buyer's Notice shall be remitted to any prospective purchaser or tenant at least 15 days prior to close of escrow, or within three days of the execution of a real estate sales contract or rental/lease agreement, whichever is longer.
8. Prior to issuance of building permits, the applicant shall provide proof of recordation of Tentative Tract Map 19246.
9. The upper level roof decks shall be provided with solid barriers with finishes matching exterior materials/ colors instead of metal railings.
10. Roof top decks shall not include permanent outdoor fireplaces, temporary or permanent cabana shade structures, roof trellises, strings of lights, structural elements, or furniture that exceeds the parapet wall height.
11. A comprehensive sign program shall be submitted for all on-site signs (i.e., monument, directory, wall mounted) for review and approval of the Development Services Director prior to issuance of building permits.
12. The open, unassigned parking spaces shall be clearly marked as guest parking spaces. Signage will be posted to indicate that these spaces are available to all visitors.
13. 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.
14. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.

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15. Second and third floor windows shall be designed and placed to minimize direct lines-of-sight into windows on adjacent neighboring structures. Every effort shall be made to maintain the privacy of abutting property owners. Prior to issuance of a building permit, applicant shall provide a window placement study demonstrating compliance with this condition.
16. The final subdivision map shall be recorded with the County prior to the issuance of grading permits or building permits for the proposed development.
17. The applicant shall install a minimum 6-foot high decorative block wall around the perimeter of the proposed development lot. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screen by trees and landscaping.
18. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Elevations shall not be modified unless otherwise approved by Development Services Director as consistent with the architectural design and features of the proposed development. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
19. 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 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.
20. Prior to issuance of building permits, the Developer shall pay a park impact fee or dedicate parkland to meet the demands of the proposed development.
21. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.

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OCT 11 2023

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22. 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 neighboring properties 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.
23. Backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
24. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
25. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). A landscape plan shall be submitted with the plan check submittal.
26. To avoid an alley-like appearance, the private driveway shall not be developed with a center concrete swale. All driveways and parking areas shall be finished with decorative 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.
27. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.

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OCT 11 2023

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A. The CC&Rs shall contain provisions requiring that the HOA homeowner's association (HOA) effectively manage parking and contract with a towing service to enforce the parking regulations and shall contain restrictions prohibiting parking in the driveway and in front of garage doors.

B. The CC&Rs shall also contain provisions related to night-time lighting and active use of the common areas. These provisions shall prohibit amplified noise, loud parties/gatherings, night-time lighting after 9:00 PM other than for security purposes, or any other activities that may be disruptive to the quiet enjoyment of neighboring properties after 9:00 PM.

C. The CC&Rs shall also contain provisions related to preservation and maintenance of the common lot and common open space areas in perpetuity by the homeowner's association. The CC&Rs shall also contain the buyer's notice (described in Condition below) as an exhibit.

D. The CC&Rs shall contain a notice that all open parking spaces shall be unassigned and available for visitors

E. The CC&R's shall contain restrictions requiring residents to park vehicles in garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage at the number for which the garage was originally designed and to allow for inspections by the association to verify compliance with this condition.

F. The CC&Rs shall include a provision requiring that the ground floor work space be maintained as a workspace and not converted to a living, bedroom or recreational space.

G. The Homeowner's Association shall submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:

a. The two-car garages in the residential community are being used for vehicle parking by the resident(s).

b. The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.

c. The resident(s) have consented to voluntary inspections of the garage to verify the parking availability, as needed.

The form and content of the affidavit shall be provided by the City Attorney's Office. Failure to file the annual affidavit is considered a violation of this condition. 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. Applicant shall provide proof of establishment of a homeowners association prior to release of any utilities prior to selling any of the units as condominiums.

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29. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
30. 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.
31. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
32. All utilities servicing irrigation, project lighting and other commonly serving improvements, shall be provided by (a) common meter(s) that is the shared responsibility for all property owners in the development project. The CC&Rs or other organizational documents shall include verbiage requiring the common meters for the life of the development project.
33. The precise grading plan shall clearly show the lowest and highest point of the development. The lowest point of the finished surface elevation of either the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
34. On-site lighting shall be provided in all parking areas, vehicular access ways, and along major walkways. The lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties to minimize light and glare impacts, and shall be of a type approved by the Development Services Director.
35. Prior to the issuance of Building Permits, the Applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following: (a) 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. (b) Glare shields may be required for select light standards.
36. Prior to building permit issuance, the applicant shall submit a comprehensive utilities plan that shows utility design, undergrounding and required dedications/easements. The plan will be reviewed by both the City's Building Division and Public Works Department.
37. MERV-13 filters shall be installed with mechanical ventilation/HVAC systems.
- TRANS 38. Fulfill mitigation of off-site traffic impacts at the time of issuance of a building permit by submitting to the Transportation Division the required

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Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based on the average daily trip generation rate of 14.18 trip ends per dwelling unit for the proposed project and includes a credit for any previously existing use. At the current rate, the Traffic Impact Fee is estimated at \$23,664.50. NOTE: The Traffic Impact Fee will be recalculated at the time of building permit issuance based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

- ENG 39. Comply with the requirements contained in the letter prepared by the City Engineer (Exhibit B1).

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Ping 1. Development shall comply with all the requirements of the Mesa West Bluffs Urban Plan applicable to live/work units and applicable condominium standards.
- 2. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- 3. The location and height of walls, fences, and landscaping shall comply with Code requirements, as well as any visibility standards for traffic safety related to ingress and egress.
- 4. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- 5. Prior to the issuance of building permits, the applicant shall contact the US 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.
- 6. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suits, building, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
- 7. All on-site utility services shall be installed underground.
- 8. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.

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9. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
10. Two sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
11. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
12. Comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11A and 11B of the 2022 California Building Code.
13. Submit a precise grading plans, an erosion control plan and a hydrology study. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Division.
14. Prior to the Building Div. (AQMD) issuing a demolition permit contact South Coast Air Quality Management District located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
Or
Visit their web site
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>
The Building Div. will not issue a demolition permit until an Identification no.is provided By AQMD
15. Provide a plan to the County of Orange Health Dept. for review and approval.
16. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
17. The ground adjacent immediately to the foundation shall be slopes away from the building at a slope of not less than 5% for a minimum

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distance of 10 feet measured perpendicular to the face of the wall CBC sec. 1804.3. See also exception.

ii-On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent 2013 California Building Code sec. 1808.7.4

- Fire 18. Comply with the requirements of the California Fire Code and referenced standards as amended by the City of Costa Mesa.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant.

- Sani. 1. The applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements
- AQMD 2. Applicant shall contact the Air Quality Management District (AQMD) at (800) 28-7664 for potential additional conditions of development or for additional permits required by AQMD.
- Water 3. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.
- School 4. Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.
- State 5. 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.

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State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print **StartOver** **Save**

RECEIPT NUMBER:
 30 — 10/11/2023 — 0875
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF COSTA MESA	LEAD AGENCY EMAIL	DATE 10/11/2023
COUNTY/STATE AGENCY OF FILING Orange <input type="checkbox"/>	DOCUMENT NUMBER 202385000888	

PROJECT TITLE
1540 SUPERIOR AVENUE LIVE/WORK

PROJECT APPLICANT NAME BERK PROPERTIES, LLC	PROJECT APPLICANT EMAIL	PHONE NUMBER (714) 754-5012
PROJECT APPLICANT ADDRESS 428 OLD NEWPORT BLVD.	CITY NEWPORT BEACH	STATE CA
		ZIP CODE 92663

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Exempt from fee			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee		\$	<u>50.00</u>
<input type="checkbox"/> Other		\$	<u> </u>

PAYMENT METHOD:

Cash Credit Check Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE DEPUTY CLERK, CARINA CORTES
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