




An Applicant's Guide to Entitlement Processing in the City of Costa Mesa, September 2014

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Development Plans

1. Meet early in the process with the Development Services Staff – Please come into City Hall and staff can provide you with the general plan land use and zoning information, submittal requirements, application processing fees, development impact fees, and an estimated timeline for the entitlement process. Although this information is available on the City's website, staff is available to help interpret and answer questions.
2. Prepare your due diligence and feasibility homework – this will confirm what to expect in terms of utility services, access, easements, title / boundaries, impact fees, etc. Phase 1 and sometimes Phase 2 environmental studies are required depending on the historical use of the site. Be sure to request all exception documents when ordering a Preliminary Title Report and provide a copy to Development Services. Title companies are a great resource for this information.
3. Visit the site at different times – this will allow observing the site and surrounding neighborhoods at various hours (day and night) for use of parking and lighting and any potential noise, vibrations, etc. due to operation of adjacent uses.
4. Address any impacts to the community. New development should not generate costs to existing residents and businesses, whether in terms of direct infrastructure costs, reduced services, or social costs, as in displacing low-income residents.
5. Develop a preliminary site plan in collaboration with City staff- meeting with various departments such as Development Services, Public Services, Fire Prevention, Waste Management and others will allow early testing of the site plan for compliance with code and design requirements. Development Services can coordinate these meetings to have the necessary departments come together for a preliminary design review of the proposed project. Prepare a fully dimensioned site plan with adequate detail to confirm that setbacks, parking requirements, open space, pedestrian access, recreational opportunities, amenities, vehicular access, and landscaping are all incorporated into the project design. Avoid any requirement for variances, but if requested detail the special circumstances affecting the project that warrant special consideration.
6. Develop photo simulations of the streetscape. Provide adequate site design, conceptual landscaping, elevations, parking counts, and detail to paint a clear picture of the proposed project for the screening and public engagement/outreach meetings. Before and after photo simulations are especially helpful to study view impacts.

Amenities / Excellent Design

7. The City has high expectations for amenities and architectural excellence. Projects should provide a full range of amenities, architectural distinctive elevations, and the use of quality materials and finishes that result in superior project design. Provide park/recreation space beyond what is minimally required. Provide green and sustainable design features where possible. Incorporate and renovate existing bus stops into the project if located in your project frontage. Provide community or project entry monument signage where possible. Clearly outline the community benefits of the project.



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8. City staff and the decision-makers are looking for the best possible design for new projects. Architecture, amenities, landscape, and public benefit are just some of the considerations in project approval. Project approvals are discretionary decisions by the appointed and elected officials of the City. It is our goal to uphold the goals, policies and objectives of the General Plan including:
 - a. Collection of Quimby Fees and Park Impact Fees (anticipated, but not in place to date); assist the City in achieving the goal of maintaining our desired parkland acreage per 1,000 resident ratio.
 - b. The goal of providing affordable housing is also a priority. Although the City does not currently have an inclusionary housing requirement, density bonus considerations may be available.
9. The City is in the process of extensive median and streetscape renovation with drought tolerant species and cohesive design themes. We are updating the entry signage of the City and its various neighborhoods. Streets are being retrofitted to be pedestrian and bicycle friendly where possible. Developers that desire to build projects in our City are anticipated to contribute and support these efforts. Residents' pride and property values will benefit from these programs.
10. Our citizens have major concerns over parking and traffic and the mitigation of project impacts in these areas are paramount to a successful entitlement process. Each of our separate communities within the City have special nuances and characteristics. Mixed use in the Westside is testing this new land use design concept of placing residents in close proximity to commercial and industrial uses. Attached are Frequently Asked Questions (FAQ's) for people contemplating living in this area.

Public Outreach

11. Meet with appointed and elected officials to understand their concerns and let them know when you will present your conceptual site plan to the community. This should be done after meeting with staff and understanding the design regulations affecting the project.
12. It is critically important that you set up meetings with adjacent neighbors or community associations to engage them and listen to their concerns and suggestions. Please invite City staff as appropriate to these meetings to answer technical and entitlement procedural questions. Incorporate their suggestions into the plan where feasible.
13. If a screening process is required before the City Council, perform all of the above suggestions prior to the screening. Screenings are required for all projects proposed in the Urban Overlay Zones on the Westside and for all General Plan Amendments.

California Environmental Quality Act (CEQA)

14. The CEQA environmental process cannot and should not be determined prior to a formal and complete filing of the entitlement applications. City staff, and specifically the Development Services Director, with the City as the Lead Agency, will make the determination of the appropriate CEQA pathway. The developer should not assume a Negative Declaration or Mitigated Negative Declaration is all that is needed.



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15. The City also determines and chooses the CEQA Environmental consultant and determines the number and extent of special studies required. The developer should not prepare environmental related studies on their own expecting the City to use them in the environmental analysis. Although the developer may need some of these studies to determine project feasibility as described in earlier stages, these studies may not be suitable for the CEQA analysis.
16. Typically the City will prepare a Request for Proposal (RFP) for the environmental document which includes all the necessary studies. Examples might include: traffic, noise, shade and shadow, aesthetics, air quality, etc. If the City does accept any developer prepared studies, based on pre-approved consent by Development Services, those studies will be peer reviewed by the City's consultant. The project applicant shall remit a full deposit of the environmental consulting fee, plus a 10% City administration fee for the environmental contract. Additionally, in the event that outside special legal counsel is needed for environmental review, the applicant will need to remit a deposit for attorney's fees.
17. The CEQA process involves a public review and comment process and a response to those comments is included in the final CEQA document. Large or controversial projects will likely require additional public meetings to attempt to resolve or mitigate the impacts of the project.


Mobile Home Parks

18. If the project involves a mobile home park, special steps should be taken to meet with the residents. It is highly expected that you will have extensive communications with the residents. A preliminary relocation assistance strategy should be presented to the residents at the earliest possible time along with a reasonable schedule for project approvals. Mobile home parks provide a valuable affordable housing resource to our City and the project proponent should consider replacement of affordable units in the proposed project. Additional detail is available from Development Services staff.

Indemnity

19. 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, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. 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.

The 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. The City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify the City for all such costs incurred by the City.



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City's Future Plans

20. The City is currently updating its General Plan looking toward 2035. Over the coming year we will also be updating our Parks and Recreation Master Plan. New projects do not need to wait for these processes, but need to reflect the evolving goals of the City. We encourage developers to become actively involved in these processes and become part of the community.
21. A Development Agreement may provide an avenue for the City to achieve some of the previously mentioned goals, which may be beyond the strict nexus of the project's Conditions of Approval. In return, the developer may obtain certain assurances for project implementation. A Development Agreement may be processed concurrently with the other project entitlements.

Summary

22. You may expect an efficient and consistent process whether you are bringing a new business to our City or a development proposal. These suggestions and guidelines are only a brief overview to help you through the process, but are in no way comprehensive. We believe developing trusting relationships with our citizens and staff will go a long way in assisting your efforts.
23. Costa Mesa enjoys a well-educated, active, and engaged citizenry that participates extensively in City government and the entitlement process. Developers should make it a priority to become immersed in the fabric of Costa Mesa. We also enjoy being one of the top cities in sales tax per capita. This helps us to maintain our infrastructure for the long term and provide better services for our residents. We are a business friendly City and pride ourselves on a customer friendly attitude.
24. City staff can also provide a list of consultants to assist you in the entitlement process. These consultants are familiar with our citizenry, our requirements and the process. Local knowledge and familiarity with Costa Mesa's entitlement process can increase your chances of success.
25. As you balance economic realities, physical implementation feasibility and the discretionary approval process, we encourage you to work with our staff to bring the best possible project to Costa Mesa.
26. Feedback on the entitlement process is always appreciated. You may obtain a survey form through the City's website, Development Services Department webpage, at www.costamesaca.gov.
27. For more information, please contact our Development Services Department:

Costa Mesa City Hall
77 Fair Drive – 2nd Floor
Costa Mesa, CA 92628
(714) 754-5245

City website: www.costamesaca.gov
Email: gary.armstrong@costamesaca.gov



Frequently
Asked
Questions
About the
Westside

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Frequently Asked Questions About the Westside

Contact Planning Division for more information at (714) 754-5245

1. What are the overlay zones on the Westside?

There are three overlay zones affecting the Westside: Mesa West Residential Ownership Urban Plan, 19 West Urban Plan, and Mesa West Bluffs Urban Plan. Each provides opportunities for residential or mixed use development in otherwise commercial or industrial zones.

2. What is a “mixed use” area?

Historically since World War II, residential, industrial, and commercial uses were separated. This in turn required significant dependence on the automobile and a hierarchy of roadway systems to travel from one use to another. Mixed use combines all these uses to provide less dependence on the automobile, be more pedestrian friendly, and allow the potential to live and work in the same area, or even the same building.

3. Why overlay zones?

Overlays allow existing and thriving industrial uses to continue while promoting the revitalization of underutilized or decaying properties. It encourages new investment in the area to stimulate economic development and create new neighborhoods and area-wide improvement.

4. Are these combined uses compatible?

Not everyone will choose to live in a mixed use area. Residents will need to realize that there may be noise, odor, or vibration from nearby industrial or commercial uses. Prior to buying a home, potential residents should thoroughly investigate the area. They should visit the site at various times of day and night to experience traffic, noise, activity levels, and all other compatibility issues.

5. I would like to build residential units on the Westside, where can I do this?

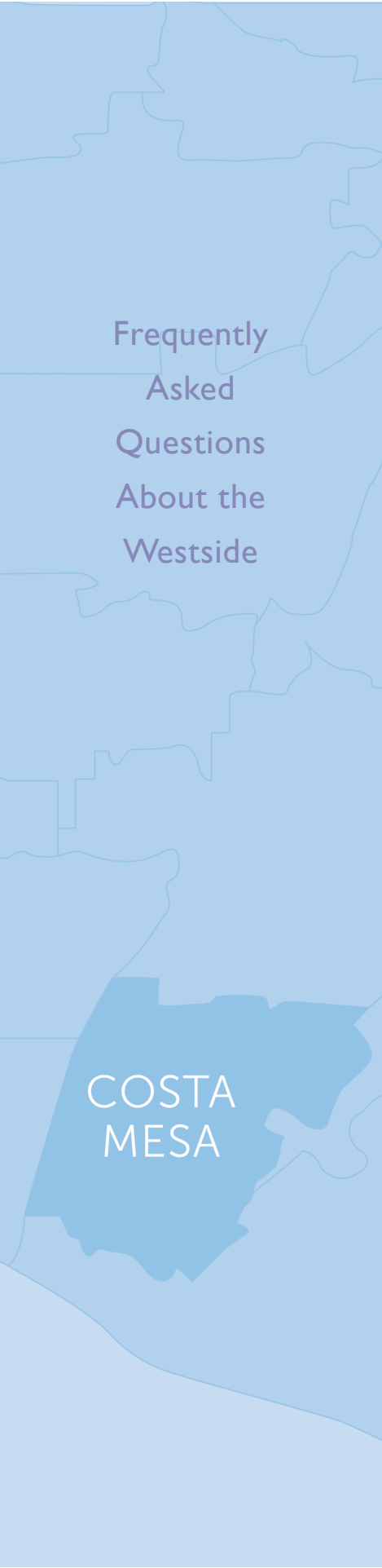
Purely residential uses may be developed in the Mesa West Residential Ownership Urban Plan or Mesa West Bluffs Urban Plan areas. Both of these urban plans provide flexible development standards for residential development and allow up to 13 du/acre (Mesa West Bluffs Urban Plan) or up to 20 du/acre (Residential Ownership Urban Plan).

6. I would like to build mixed use or live/work units on the Westside, where can I do this?

The Mesa West Bluffs Urban Plan and 19 West Urban Plan both provide opportunities for mixed use and live/work development. Mesa West Bluffs emphasizes live/work units, while the 19 West Urban Plan emphasizes other mixed use development. The maximum development is determined by a floor area ratio (FAR) of 1.0. FAR is defined by the floor area of the building divided by the total area of the lot.

7. My property has an industrial zone, but is also located in an overlay zone. Can I still put industrial uses on my property?

Yes. You may still use your property for industrial uses or construct industrial development as permitted in the Zoning Code. The overlay zones provide additional opportunities for development, but do not take the place of existing zoning.



Frequently
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- 8. Are there any restrictions on 24-hour business operations for industrial uses?**
No; however, businesses need to comply with the City's Noise Ordinance and General Plan Noise thresholds during all hours of operation. A normally acceptable noise level for industrial uses is in the range of 50-70 dBA.
- 9. I have a large, industrial use on the Westside. How will I be affected by a nearby residential use?**
Existing uses may continue to operate as previously approved. Through the development review process, residential or live/work developments may be required to maintain a buffer zone from large or intensive industrial uses, and are required to provide disclosure to potential buyers of nearby industrial uses as well as potential noise, odor, and vibration associated with industrial uses.
- 10. If I build live/work units on the Westside, will I be subject to the same residential noise standards as in other parts of the City?**
No. Live/work units located where the base zoning district is nonresidential are exempt from residential exterior noise standards. The units will need to meet residential interior noise standards.
- 11. How high can I build in the Westside Urban Plan areas?**
In the Mesa West Bluffs Urban Plan and 19 West Urban Plan, the maximum building height permitted is 4 stories/60 feet in height. An exception to this, is in the 19 West Urban Plan, the non-residential component of a mixed use development may be 2 stories/40 feet in height.

The Mesa West Residential Ownership Urban Plan allows for a maximum building height of 3 stories/45 feet.
- 12. If I develop a residential use in an industrial area, what information do I have to disclose to potential home buyers?**
You must disclose potential impacts from surrounding uses to any perspective purchaser or tenant including the existing noise environment and any odor generating uses. A sample homebuyer notification is attached for reference.
- 13. Would all development sites be reviewed with respect to hazardous materials or potential contamination?**
Yes. All proposals within the Westside that are proposed on existing commercial and industrial sites are required to submit a Phase 1 and 2 environmental assessment.
- 14. What opportunities are there to express my concerns or ask questions about proposed development?**
Each new project that is proposed typically has a preliminary "screening" with the City Council. The project will require review under CEQA, unless determined to be exempt, and will have a public hearing before the Planning Commission. You may submit letters or emails to Development Services staff or attend the hearing(s) and comment during the public comment period of the hearing.
- 15. If I would like more information on any of these topics, who should I contact?**
Please call or come in to Development Services at 77 Fair Drive, Second Floor, or (714) 754-5245; and ask to speak to a planner.



SAMPLE BUYER'S NOTICE

THIS BUYER'S NOTICE IS GIVEN IN COMPLIANCE WITH THE EXPRESS REQUIREMENTS OF THE CITY TO PROVIDE THE FOLLOWING SPECIFIC DISCLOSURES TO BUYERS OF RESIDENCES WITHIN THE PROPERTIES. THE INFORMATION CONTAINED IN THIS BUYER'S NOTICE WAS COLLECTED FROM SOURCES DEEMED TO BE RELIABLE AT THE TIME OF WRITING; HOWEVER, THERE IS NO GUARANTEE THAT CHANGES HAVE NOT ALREADY OCCURRED OR THAT CHANGES WILL NOT TAKE PLACE IN THE FUTURE. THE DISCLOSURES BELOW SUPPLEMENT OTHER DISCLOSURES BUYER SHALL RECEIVE, WHICH MAY INCLUDE, BUT SHALL NOT BE LIMITED TO A TITLE REPORT, RECORDED INSTRUMENTS AFFECTING THE LOT, THE ASSOCIATION GOVERNING DOCUMENTS, A PROPERTY DISCLOSURE REPORT DISCLOSING VARIOUS NATURAL AND OTHER HAZARDS AFFECTING THE LOT, AND OTHER DOCUMENTS DELIVERED OR TO BE DELIVERED TO BUYER RELATING TO THE LOT, AND ARE NOT INTENDED TO BE ALL-INCLUSIVE AND DO NOT RELIEVE OR OTHERWISE MODIFY BUYER'S OBLIGATION TO PERFORM BUYER'S OWN PHYSICAL INSPECTION OF THE LOT BEING PURCHASED, THE NEIGHBORHOOD, OR THE SURROUNDING COMMUNITY AND TO SATISFY ANY CONCERNS BUYER MAY HAVE AS TO THE CONDITIONS RELATING THERETO AND THEIR FITNESS FOR BUYER'S INTENDED USE. IT IS STRONGLY RECOMMENDED THAT BUYER VISIT THE PROPERTY AND DRIVE AROUND THE GENERAL VICINITY SURROUNDING THE PROPERTY ON AT LEAST SEVERAL OCCASIONS ON DIFFERENT DAYS AND AT DIFFERENT TIMES TO BECOME FAMILIAR WITH THE PHYSICAL AND OTHER CONDITIONS TO DETERMINE IF THERE ARE ANY MATERIAL FACTORS THAT MIGHT AFFECT BUYER'S DECISION TO PURCHASE A HOME WITHIN THE NEIGHBORHOOD. SINCE A SELLER CANNOT PREDICT EVERY CIRCUMSTANCE THAT MAY BE MATERIAL TO A BUYER, SELLER EXPECTS BUYER TO SATISFY HIS/HERSELF AS TO BUYER'S DECISION TO PURCHASE THE PROPERTY BY INVESTIGATING ALL MATTERS OF CONCERN TO BUYER.

1. LIVE/WORK OPERATIONS.

Business operations in the Workspace component of the Live/Work Residences shall be consistent with the land use matrix of the Mesa West Bluffs Urban Plan on file with the City, subject to zoning authorization and obtaining a business license pursuant to Public Agency requirements.

2. ROOF TOP USES.

(a) No object shall be placed on the roof-top which has a load ratio greater than as allowed per the Uniform Building Code unless, under the supervision of a structural engineer, provisions have been made to support said object and the Owner has provided the Homeowner Association's Design Review Committee with adequate proof that such provisions have been made and obtained Homeowner Association's Design Review Committee approvals as well as any necessary City approvals. Said objects may include, but shall not be limited to, pool tables, pianos, aquariums, spas, fire-pits, fireplaces, fountains, large potted plants and waterbeds.

(b) Furthermore, unless approved by the Design Review Committee, the following items are prohibited on the roof (except as installed by Declarant): (a) outside installations, including air conditioning equipment, water softeners, outdoor lighting, outdoor speakers, (b) alterations or additions to the roof surface, and (c) other exterior additions or alterations to any roof. Under no circum-



stances shall any water features (i.e. spa, aquarium, waterbed, large fountains, etc.) be placed on any portion of the roof. Rooftop terraces shall be used only as outdoor living areas containing patio furniture and other similar outdoor furnishings which comply with the standards governing the appearance of such items as set forth in the Association Rules and Design Review Standards. No hanging screens, banners, or wind chimes and no other accouterment (other than plants) which may be visible from any other Residences or the Common Area are permitted on any rooftop terrace. Any plants placed on rooftop terrace must, to the extent required under the Association Rules and Design Review Standards, be approved by the Design Review Committee, must have sufficiently large receptacles to contain all drainage from such plants. Furthermore, no exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted. Each Owner acknowledges that substantial damage to the Residence may occur as a result of a violation of this restriction and shall indemnify and hold Declarant and its respective officers, employees, contractors and agents, free and harmless from and against any and all claims, damages, losses, or other liability (including attorney's fees) arising from any breach of this Section.

3. COMMERCIAL/INDUSTRIAL USES.

Areas in the vicinity of the Properties are zoned for commercial uses and light industrial business uses. Potential impacts on Owners and other residents living near the commercial/industrial property include noise, odors, pollution, vibration and traffic from delivery trucks and the public's use of these businesses, and light spillage from parking lot lights, lighted signs and other business associated light sources.

4. VIEW OBSTRUCTION.

Declarant makes no representations or warranty with respect to the presence or absence of any view from any portion of any Lot or Common Area within the Properties. Any existing view may change or be blocked or impaired depending upon construction, landscaping or other activities undertaken on remaining land located within the Properties or on land located outside the boundaries of the Properties. Each Owner, by accepting title to a Lot in the Properties, hereby acknowledges that (a) there are no protected views within the Properties, and no Lot in the Properties is assured the existence or unobstructed continuation of any particular view, (b) any construction, landscaping or other installation of Improvements by Declarant, other Owners, or adjacent landowners may impair the view from any Lot or Common Area within the Properties, and the Owners hereby consent to such view impairment.

5. NO GUARANTEE OF VIEWS.

Any view from the Property at present or in the future may change to include adjacent or nearby single-family homes, multiple residential structures, commercial structures, utility facilities, landscaping, and other items. Future construction of improvements and landscaping by homeowners in the Properties could affect the views of other homeowners. Moreover, depending on the location of the Property, adjacent or nearby residential or other structures, whether within the Properties or outside the Properties, could potentially be constructed or modified in a manner that could block or impair all or part of the view from the Property and/or diminish the perceived location advantages of the Property. A particular view is not guaranteed. Views are not protected. No homesite is assured of the existence or unobstructed continuation of any particular view. Future development, construction, changes to development plans, landscaping, growth of trees, or other



improvements constructed by other owners (including the developer) may impair the view from the Property, and may result in homes or other improvements being placed in such a fashion that a line of sight is created into Buyer's Residence or exterior portions of the Residence. Development or construction within the surrounding properties within Costa Mesa city limits will be accordance with City ordinances and may be built in a manner that may partially or totally obstruct views from the Property, and the City of Costa Mesa makes no claim, warranty, or guarantee that views from any portion of the neighborhood, including its Residences, will be preserved. Buyer acknowledges that Seller has not made any representations, warranties, covenants, or agreements to or with Buyer concerning the preservation or permanence of any view or location advantage for the Property, and Buyer hereby agrees that Seller shall not be responsible for any impairment of such view or location advantage, or for any perceived loss of value of the Property resulting from any such impairment. Buyer is and shall be solely responsible for analyzing and determining the current and future value and permanence of any such view from or location advantage of the Property.

6. UTILITY & PUBLIC IMPROVEMENTS.

There may be above-ground and subterranean utility Improvements such as transformers, lift stations, water or sewer facilities, telecommunications vaults and other visible Improvements necessary for the delivery of utilities or other services either on or adjacent to each Lot in the Properties. These are generally depicted on the exhibit attached hereto and incorporated herein by this reference. Each Owner understands that the placement of such Improvements is dictated by the needs of the applicable utility or service provider, and the presence of such Improvements in the Properties is in accordance with easements created prior to or during the development of the Properties. Each Owner, by accepting a deed to a Lot in the Properties, understands that each Lot and portions of the Common Area are subject to one or more such easements for placement of utility Improvements. No Owner may modify, remove or otherwise interfere with utility Improvements on any Lot or other portion of the Properties.